

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, September 24, 2009 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular Planning Commission Meeting on Thursday, September 24, 2009, beginning at 7:00 p.m.

PLANNING COMMISSION MEETING

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments on agenda items. (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

PUBLIC HEARINGS

3. Vacation and Re-subdivision of Juniper Heights, Plat C, Lots 13 and 14 (Juniper Heights, Plat F)
4. Subdivision Plat for Juniper Heights, Plat F, located at 10361 N. and 10343 N. Sandalwood Drive, Cedar Hills, Utah
5. City Code Amendments Regarding Development in Required Setback Area (Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, and Similar Structure), Zoning Definitions, Parking and Storage of Vehicles, and Landscaping

SCHEDULED ITEMS

6. Approval of Minutes from the August 27, 2009, Public Hearing and Regular Planning Commission Meeting
7. Review/Recommendation on Vacation and Re-subdivision of Juniper Heights, Plat C, Lots 13 and 14 (Juniper Heights, Plat F)
8. Review/Recommendation on Subdivision Plat for Juniper Heights, Plat F, located at 10361 N. and 10343 N. Sandalwood Drive, Cedar Hills, Utah
9. Review/Recommendation on City Code Amendments Regarding Development in Required Setback Area (Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, and Similar Structure), Zoning Definitions, Parking and Storage of Vehicles, and Landscaping
10. Committee Assignments and Reports

ADJOURNMENT

11. Adjourn

Posted this 21st day of September, 2009.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission and the staff.



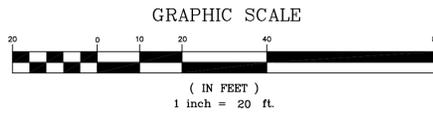
CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	8/27/2009

Planning Commission Agenda Item

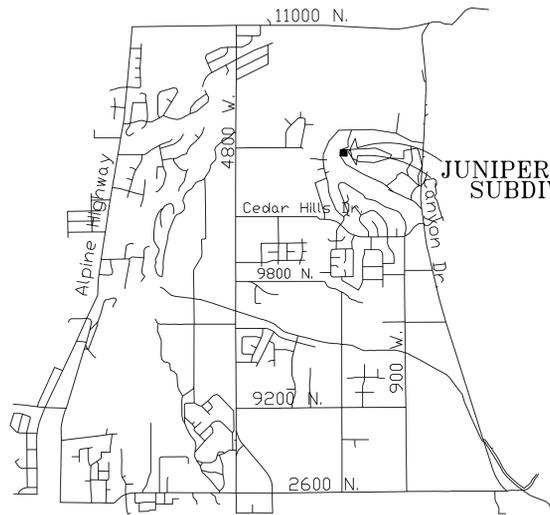
SUBJECT:	Juniper Heights Plat F
APPLICANT PRESENTATION:	Paul Clyde, homeowner
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: <p>This is a boundary line adjustment due to a surveying error on the part of the builder. Both property owners have agreed to the change and the city has a signed copy of the plat that has all property owners' signatures. The only change that needs to be made is that we already have a "Plat E" and this would need to be changed to "Plat F". This Item will need proper noticing of a plat vacation and replatting before the Planning Commission can approve the plat changes.</p> <p>There are two separate motions associated with this replatting, the vacation from the previous plat and the platting of the two lots with the new lot line.</p>	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed Juniper Heights Plat F	
RECOMMENDATION: Review the proposed plat changes	
MOTION: <p>To approve/not approve the vacation of Lot #'s 13 and 14 from Juniper Heights Plat C.</p> <p>To approve/not approve the Preliminary/Final subdivision of the Juniper Heights Plat F Subdivision, subject to...</p>	

N 89°55'30" E 413.12'
SECTION LINE
NORTH QUARTER CORNER OF SECTION 6
TOWNSHIP 5 SOUTH, RANGE 2 EAST
SALT LAKE BASE AND MERIDIAN



SCALE 1" = 20 FEET

VICINITY MAP
NO SCALE



CEDAR COVE SUBDIVISION
PLAT "C"

LOT #15
JUNIPER HEIGHTS, PLAT "C"
46,217 S.F.

LOT #14
JUNIPER HEIGHTS, PLAT "C"
35,260 S.F.

LOT #13
JUNIPER HEIGHTS, PLAT "C"
38,450 S.F.

LOT #12
JUNIPER HEIGHTS, PLAT "C"
38,934 S.F.

NORTHEAST CORNER OF SECTION 6
TOWNSHIP 5 SOUTH, RANGE 2 EAST
SALT LAKE BASE AND MERIDIAN



EXISTING HOUSE
EXISTING DRIVEWAY



EXISTING HOUSE

NOTE:

ALL STRUCTURES ON LOTS 1 AND 2 ARE TO BE KEPT 35.00 FEET FROM THE STRUCTURE LIMIT LINE AS OUTLINED IN THE GEOTECHNICAL REPORT

SURVEYOR'S CERTIFICATE

I, LANCE P. GREER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5986487 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 89°55'30" WEST 2222.34 FEET ALONG THE SECTION LINE AND SOUTH 0°21'30" WEST 191.74 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE

COURSE	DISTANCE	REMARKS
DUE EAST	249.33'	THENCE;
ON A CURVE TO THE LEFT	R=59.00' L=40.34' D=39°10'44" LC=S 31°24'27" E 39.56';	THENCE
ON A CURVE TO THE RIGHT	R=29.00' L=25.12' D=49°37'46" LC=S 26°10'56" E 24.34';	THENCE
S 01°22'02" E	160.34'	THENCE;
ON A CURVE TO THE LEFT	R=478.00' L=34.87' D=4°10'47" LC=S 3°27'26" E 34.86';	THENCE
S 84°27'11" W	286.22'	THENCE;
N 00°21'30" W	278.38'	TO THE POINT OF BEGINNING.
CONTAINING 1.69 ACRES		

BASIS OF BEARING: SECTION LINE = N 89°55'30" E

DATE _____ OWNER'S DEDICATION SURVEYOR (SEE SEAL BELOW)

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 20____.

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF UTAH } S.S.

ON THE _____ DAY OF _____, A.D. 20____ PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL BELOW)

ACCEPTANCE BY LEGISLATIVE BODY

THE _____ CITY COUNCIL OF CEDAR HILLS COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20____

MAYOR _____
APPROVED - CITY ENGINEER (SEE SEAL BELOW) ATTEST - CITY RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE _____ CEDAR HILLS _____ PLANNING COMMISSION CHAIRMAN

CHAIRMAN, PLANNING COMMISSION

PLAT "E"
JUNIPER HEIGHTS SUBDIVISION
AN AMENDMENT OF LOTS 13 & 14 OF
JUNIPER HEIGHTS PLAT "C"
SUBDIVISION

CEDAR HILLS CITY UTAH COUNTY, UTAH
SCALE 1" = 20 FEET

SURVEYOR'S SEAL 5986487 LANCE P. GREER STATE OF UTAH	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL
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CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Zoning Department
DATE:	September 24, 2009

Planning Commission Agenda Item

SUBJECT:	Amending Ordinances
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearl – Zoning Administrator
BACKGROUND AND FINDINGS:	
<p>Ordinance 5-19-2009, amending the requirements relating to the development in required setback areas. Suggestions were made by the PC concerning the verbiage and definitions. Staff made the changes. While analyzing this Ordinance, staff feels it would be appropriate to amend other related Ordinances concerning Parking Regulations, Portable Sheds and Animal Rights. Staff feels that the Conditional Uses, pertaining to animals, as found in 10-4D-3 and 10-4F-3 should extend to all Zones within the City limits when lot sizes are adequate.</p>	
PREVIOUS LEGISLATIVE ACTION:	
None	
FISCAL IMPACT:	
None	
SUPPORTING DOCUMENTS:	
See attached Definitions and Ordinances.	
RECOMMENDATION:	
To amend existing Ordinances as proposed and allow changes to proceed to City Council.	
MOTION:	
To approve amended Ordinances; 10-2-1 Definitions, 10-5-5 Development In Required Setback Area, 10-5-29 Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, And Similar Structures, 4-2-3: v) Improper Parking Or Storage, 5-2-5 Parking Regulations, 10-5-27 Landscaping, 10-4 Regulations Within Zones, 10-5-30 Portable Utility Shed and 10-4-3 Conditional Uses (applied to all zones).	

Chapter 2

DEFINITIONS

The section below has been affected by a recently passed ordinance, 5-19-2009A - SETBACK AREAS. [Go to new ordinance.](#)

10-2-1: DEFINITIONS:

For purpose of this title, certain words and phrases require specific definition of meaning. Words and phrases used in the present tense include the future, the singular word or number, includes the plural and the singular.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of products on the premises.

ANIMAL UNIT: One animal unit shall be any of the following: two (2) cows, horses, donkeys or similar large animals; or eight (8) adult sheep; or sixteen (16) feeder lambs, or eight (8) goats, or two (2) pigs, or an equivalent combination of the above, together with the suckling offspring thereof.

AWNING: A roof like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

BED AND BREAKFAST FACILITY: A one-family dwelling, occupied by a residing family and containing one or more sleeping rooms intended for the occupancy by persons unrelated to the residing family on a short term basis (overnight and up to 2 weeks).

BUILDABLE AREA: A lot or portion thereof possessing all of the following physical characteristics:

- A. The area contains no territory having a slope of thirty percent (30%) or greater.
- B. The area contains no territory that is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall.
- C. The engineering properties of the soil provide adequate structural support for the intended use.

D. The area does not possess any other recognized natural condition that renders it unsafe for building purposes.

BUILDING: ~~Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.~~ A roofed and completely walled structure built for permanent use.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of the main building, including, but not limited to, detached garages and storage sheds greater than 120 sq ft.

BUILDING, MAIN: One or more of the principal buildings upon a lot. Garages, carports and other buildings that are attached to a dwelling or other main building or that are situated within twelve feet (12') of a main building shall be considered as part of the main building.

CARPOR: A structure not completely enclosed by walls for the shelter of automobiles.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE: A structure constructed on the same zoning lot as a dwelling and that is intended for the incidental and exclusive use of the residents of said dwelling, including, but not limited to, detached garages, carports, swimming pools, tennis courts, greenhouses.

DECK: An exterior floor supported on at least two (2) opposing sides by an adjacent structure and/or post, piers or other independent supports.

DENSITY: The number of dwelling units per acre of land.

DWELLING, CONVENTIONAL CONSTRUCTION: A dwelling that is constructed and placed on a lot in compliance with the provisions of the building, construction and fire codes as mandated by the state and as approved by the city.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units.

DWELLING UNIT: One or more rooms in a building designed for living purposes (bathing, eating and sleeping), and occupied by one family.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, living together in a single-dwelling unit and maintaining a common household. A family may include two (2), but not more than two (2), nonrelated persons living with the residing family. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

GARAGE: A structure completely enclosed on all sides by walls and doors that is designed and intended for the shelter or storage of automobiles.

GRADING: Any excavating or filling, or combination thereof.

HARD SURFACE: Concrete, asphalt, road base, gravel, pavers and other materials approved by the Zoning Official.

LIVESTOCK MANAGEMENT AREA: All portions of a lot devoted exclusively to the care and keeping of livestock and fowl, including, but not limited to, barns, sheds, coops, corrals and pastures. ~~but not including any portion of a parcel devoted to a dwelling, yard area, garden, parking area or unutilized open space.~~

LIVING AREA: Those portions of a dwelling having a headroom height of not less than seven feet (7') and used for customary living activities. For purposes of this title, the term "living area" shall not include portions of the structure intended for parking of vehicles, unenclosed porches, storage rooms having only outside access, and rooms devoted exclusively to the housing of heating, ventilating or similar mechanical equipment.

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The front boundary line of a lot bordering on the street.

LOT LINE, REAR: A lot line that is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT OF RECORD: A parcel of land that is shown as a separate and independent parcel on the records of the county recorder.

MAIN FLOOR LIVING AREA: The area within a dwelling, measured from the outside wall line on a horizontal plane, that, when viewed from above, contains living area on one or more floors that are located at an elevation entirely above

the finished ground level surrounding the dwelling.

NATURAL STATE: That portion of any lot or parcel that cannot be subjected to grading, removal of vegetation or building development.

NONCONFORMING LOT OF RECORD: A parcel of land that does not conform to the area and/or width requirements of the zone classification in which said parcel is now situated, but that was legally created as a conforming lot of record prior to the effective date of the now controlling provision.

PLANNED UNIT DEVELOPMENT (PLANNED RESIDENTIAL DEVELOPMENT): A development project containing a combination of clustered residences and common areas that has been planned, approved and developed in conformance with the applicable provisions of this title.

PREMISES OCCUPATION: Any use or activity consisting of the providing of a service, or the fabrication of a product (including the storage of materials or equipment in connection therewith), which service or activity is conducted on a lot in a residential zone, but in a building other than the residential dwelling.

PORTABLE GARAGE: A portable shelter constructed with a soft canopy covering.

PORTABLE UTILITY SHED: A single-storied structure with one or more sides enclosed, for the purpose of storing tools and equipment. Limited to 120 sq. ft. floor area, maximum height of 10 feet and not having a footing or foundation.

RECREATIONAL VEHICLE: A vehicle designed for recreational use such as a boat, trailer, camper and other vehicles approved by the Zoning Official.

SETBACK: The shortest distance between the property line and outside surface of the foundation, wall ~~or main frame~~ of the main building. ~~Main building includes overhangs, porches and decks.~~

SETBACK AREA, REQUIRED (REQUIRED YARD AREA): That portion of a lot between the lot boundary and the required setback lines.

SETBACK, REQUIRED (REQUIRED YARD): The minimum required space between a lot boundary line and the foundation wall of the main building. The depth of the required setback shall be as set forth under the zone requirements as measured at right angle to the applicable lot boundary line. ~~Main building includes overhangs, porches and decks.~~

YARD AREA: That portion of a lot between the lot boundary and the outside surface of the foundation wall of the main building.

ZONING LOT: A parcel of land that:

- A. Complies with all existing area, frontage, width, setback and supplementary requirements of the zone in which it is located.
- B. Has frontage on a city street, which street has been accepted by the city council, has been improved in accordance with city standards and is in use by the public or has frontage on a private right of way within an approved large scale development.
- C. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinance or that is exempted from compliance with said ordinance.
- D. Contains an area sufficient in size to accommodate a conforming structure, which area meets or exceeds all setback, slope, access, soil capability or other applicable criteria of the zone and/or is not subject to any easement or other encumbrance prohibiting its use for building purposes. (Ord. 6-20-78A, 6-20-1978; amd. Ord. 4-23-80A, 4-23-1980; Ord. 5-11-83A, 5-11-1983; Ord. 5-13-92A, 5-13-1992; Ord. 1-13-93A, 1-13-1993; Ord. 7-7-98A, 7-7-1998; Ord. 1-20-2004B, 1-20-2004; Ord. 4-6-2004A, 4-6-2004; 2004 Code; Ord. 12-7-2004D, 12-7-2004)

10-5-5: DEVELOPMENT IN REQUIRED SETBACK AREA (REQUIRED YARD AREA):

All required setback area (required yard area) of a lot shall be open and unobstructed, except for the following uses and projections:

A. Side Setback Areas (Side Yard Areas):

4. Awnings projecting from side of dwelling. ~~over doorways and windows not more than three feet (3')~~.
8. Hot tubs, patios or similar uses at ground level shall be allowed in a side yard, provided they are located at least one foot (1) ~~five feet (5')~~ from the property line. (Ord. 1-20-2004B, 1-20-2004)
9. Accessory buildings and Portable Sheds located in conformance with the applicable setback requirements.
12. Parking of recreational vehicles, boats, trailers, etc. is permitted within the optional enclosure area, in a private driveway or directly adjacent to the garage/driveway on an approved surface.

B. Rear Setback Areas (Rear Yard Areas):

8. Hot tubs, patios or similar uses at ground level shall be allowed in a rear yard setback area, provided they are located at least one foot (1) ~~five feet (5')~~ from the property line. (Ord. 1-20-2004B, 1-20-2004)
9. Accessory buildings and Portable Sheds located in conformance with the applicable setback requirements.

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 5-19-2009A

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO DEVELOPMENT IN REQUIRED SETBACK AREAS.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with development in required setback areas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

PART I

AMENDMENTS

10-5-29: DECKS, PORCHES, PATIOS, PERGOLAS, AWNINGS, HOT TUBS, AND SIMILAR STRUCTURES:

- A. Decks, porches, patios, pergolas, awnings, recreational equipment (such as swing sets, slides, and trampolines), hot tubs and similar structures are permitted in the rear and side setback areas subject to the following conditions:
1. All sides of the portion of the structure located within a designated setback area shall remain open.
 2. No structure within a setback area shall be converted into livable space, nor shall it be constructed as to appear as though it could be easily converted into livable space.
 3. Prior to construction, a building permit shall be obtained for all structures.
 - a. Prior to issuing a building permit, the Chief Building Official shall make a finding whether the materials and finish of the proposed structure are in harmony with the primary structure and the surroundings as a whole and issue a permit with a positive finding.
 - b. The structure shall not be located closer than five (5) feet to the property line, except those structures that comply with items (1) or (2) below, notwithstanding that no structure shall be constructed within a Clear View Area nor on a corner lot beyond the Optional Enclosure Area. Additionally, structures

in the rear setback area shall not cover over 50% of the rear setback area.

- (1) Structures located entirely at ground level shall be permitted to be located no closer than one (1) foot of the property line.
- (2) Special exception for awnings located in the side setback area and immediately adjacent to a garage. A permanent awning located in the side setback area may be constructed immediately adjacent to the outside wall of an attached garage provided that:

- (a) The front, rear, and sides shall remain open, except that an approved fence may be constructed independent of the structure.

- (b) The awning shall be constructed over a hard surface area as defined in Chapter 2, Definitions. ~~(e.g. concrete, asphalt, roadbase, gravel, etc.)~~.
 - (c) The awning shall ~~not be more~~ be no closer than one foot from the property line and no higher than seven (7) feet tall, at the lowest point. ~~one (1) foot from the property line, nor a~~ The roof pitch cannot be greater than 4:12.
 - (d) Three (3) feet is the fire separation distance. Any portion of the awning structure projecting within three (3) feet of the property line shall be one-hour fire resistance rated construction per building code.

~~(d)~~(e) The awning shall include a system or method for retaining rain water on the property owner's own property.

4. The finished level of any deck shall be not more than six (6) feet above the finished grade at any location within ten (10) feet from the property line.

5. The height for the structure shall not be greater than the height allowed for an accessory building at the same location.

~~6. Any setback shall be proportioned equally between property owners.~~

B. Temporary Structures: The temporary version of any structure listed in Subsection A above shall be subject to the same provisions as that of a permanent structure. **Portable garages are not permitted.**

C. Additional Requirements: The determination that a structure~~d~~ is allowed by City Code shall not be interpreted as to meaning that the structure meets the requirements of any private CC&Rs applicable to the parcel.

PART II

PENALTY AND ADOPTION

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

D. PENALTY

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH, THIS 19TH DAY OF MAY, 2009.

(d)

Michael C. McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder

4-2-3: v) IMPROPER PARKING OR STORAGE:

- (1) Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, boats, trailers or vehicle parts, including recreational vehicles, on a premises **that can be seen from the street** or in the public right of way. Storage or parking that is specifically allowed by the city zoning ordinance shall not be considered a nuisance.
- (2) Parking or storage of registered vehicles, trailers and/or boats in violation of city ordinance.
- (3) The parking or storage of any recreational vehicle on any premises or property shall be considered a nuisance unless the recreational vehicle, **and/or boat or trailer** is parked or stored upon a hard **concrete pad** surface that extends to the edges of the recreational vehicle.

10-5-27: LANDSCAPING:

B. Required: The front yard area of any existing lot containing a dwelling shall be landscaped. It shall be unlawful for the owner of any residential lot within the city to refuse to install and maintain landscaping within the front yard area of any existing residential lot containing a dwelling. The front yard area shall consist of the entire lot area from the front lot line to the face of the dwelling, or the front setback area, whichever is greater. **(except for approved designated parking areas.)** Corner lots have two (2) front setback areas. Landscaping shall be properly maintained including removing weeds and mowing turf areas. Turf grass shall not exceed six inches (6") in height.

10-4 REGULATIONS WITHIN ZONES

D. Off Street Parking:

1. Not less than two (2) off street parking spaces shall be required for each dwelling unit. Each off street parking space shall be not less than ten feet by twenty feet (10' x 20') per space. **and shall not be located within any portion of a front or side setback area adjacent to a street.**
3. **Parking of recreational vehicles, boats, trailers, etc. is permitted within the optional enclosure area, in a private driveway or directly adjacent to the garage/driveway on an approved surface.**

SECTION 4. Title 10, Chapter 5 of the City Code, entitled Supplementary Development Standards, is hereby amended by adding a section to read as follows:

10-5-30: PORTABLE UTILITY SHED

- A. Portable Utility Sheds are permitted in the rear and side setback areas subject to the following conditions:
1. No portion of the sheds structure is permitted to cross the property line or to drain onto a neighboring property.
 2. Where the property is located on a corner lot, the portable utility shed may be located within the optional enclosure area.
 3. Portable sheds will be limited to 120 sq ft floor area, maximum height of 10 feet and will not have a traditional type footing or foundation. They shall be built upon a hard surface.

10-4D-3: CONDITIONAL USES:

The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this title and after approval has been given by the designated review body:

Fences, walls and hedges subject to the requirements of section [10-5-18](#) of this title.

Home occupations, subject to the provisions of [title 3, chapter 1, article B](#) of this code.

Livestock and fowl, the raising, care and keeping of, for family food or recreation, subject to the following conditions and standards:

- A. Each lot or parcel upon which livestock or fowl are to be kept shall contain a designated livestock management area, which shall be constructed and maintained for the purpose of accommodating livestock or fowl. All livestock and fowl shall be housed in the designated livestock management area.
- B. The number of animals ~~and fowl kept~~ on any lot shall not exceed one animal unit for each ten thousand (10,000) square feet, ~~or ½ of an animal unit for not less than five thousand (5,000) square feet~~ of the lot within the designated livestock management area. The maximum number of animals allowed to be placed on any lot or parcel shall be two (2) animal units.
- C. ~~All territory used as livestock management area shall be located on those portions of the lot that qualify as buildable area.~~ Designated livestock management area for small animals and/or fowl, requires four (4) square feet per animal/fowl. Maximum number of small animal and/or fowl is eight (8). No roosters permitted.
- D. No large animals shall be kept on any lot where the designated livestock management area is less than ~~ten thousand (10,000)~~ five thousand (5,000) square feet.

- E. All surface drainage from a livestock management area shall be disposed of on site.
- F. All corrals, pens and paddocks for the enclosure of livestock and all barns, stables, coops, pens, hutches, sheds or similar buildings used for the housing or confinement of livestock or fowl shall be located not less than ~~one hundred feet (100')~~ **fifty feet (50')** to an existing dwelling on an adjacent lot. ~~or fifty feet (50') to the dwelling located on the same lot~~
- G. The portion of the parcel proposed to be used for livestock raising purposes shall be first approved by the zoning administrator as a qualified livestock management area.

Minor utility transmission lines and facilities included as an integral part of an approved subdivision or planned residential development within the zone.

Motor vehicle roads and rights of way subject to compliance with city standards for design and construction for such uses and upon approval of a site plan by the planning commission.

Planned residential developments subject to compliance with the applicable requirements of [chapter 6, article B](#) of this title.

Premises occupations, subject to the provisions of section [3-1E-1](#) of this code.

Single-family dwellings, conventional construction, subject to compliance with the conditions of the zone and approval of a site plan by the planning commission.

Townsite residential projects, subject to the provisions of [chapter 6, article D](#) of this title. (Ord. 1-13-93A, 1-13-1993; amd. Ord. 2-17-98A, 2-17-1998; Ord. 8-17-2000A, 8-17-2000; 2004 Code; Ord. 9-18-2007A, 9-18-2007; Ord. 7-8-2008B, 7-8-2008)

5-2-5: PARKING REGULATIONS:

A. Definitions: For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

HARD SURFACE: Concrete, asphalt, road base, gravel, pavers and other materials approved by the Zoning Official.

LOCATION: The area of road that provides frontage for each individual property.

STREET: The entire width between property lines of every way or place of whatever nature when any part of it is open to the public as a matter of right, for purposes of pedestrian or vehicular traffic.

VEHICLE: Any of the following:

1. Camper Shell Or Camper: An accessory for use in conjunction with a pickup truck. It is a temporary dwelling used for travel, recreational and vacation use.
2. Commercial Vehicle: Any vehicle, trailer or construction equipment that is primarily used in a trade or business that bears any logo or other advertisement of a trade or business, or that is actually being used in a trade or business.
3. Impaired Motor Vehicle: A vehicle that was intended primarily as a motor vehicle, but is impaired in some manner and not operable.
4. Implement Of Husbandry: Every vehicle exclusively used by the owner in the conduct of agricultural operations.
5. Motor Vehicle: Any self-propelled vehicle.
6. Motorboat: A self-propelled vehicle intended for use and operation on the water.
7. Motorcycle: A motor vehicle having a saddle for the use of a rider.
8. Pickup Truck: A motor vehicle with a motive power manufactured, remanufactured or materially altered to provide an open cargo area. It also includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top or similar structure.
9. **RECREATIONAL VEHICLE:** A vehicle designed for recreational use such as a boat, trailer, camper and other vehicles approved by the Zoning Official.

10. Sailboat: A vehicle that is not self-propelled, but intended for use and operation on the water.
11. Trailer: A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.
12. Travel Trailer: A trailer designed as a temporary dwelling for travel, recreational and vacation use. (Ord. 12-4-2001A, 12-4-2001; amd. Ord. 8-5-2008A, 8-5-2008)

B. Parking Regulations:

1. It shall be unlawful to park any vehicle in the same location on a street or municipal property for a continuous period of time exceeding forty eight (48) hours². (Ord. 8-5-2008A, 8-5-2008)
2. It shall be unlawful to disobey signs erected by the city that prohibit parking or regulate the hours thereof. It shall also be unlawful to park in violation of curb markings designated by the city. Red curb markings shall mean no stopping or parking at any time.
3. Where lines are painted on the roadway to indicate the angle at which a vehicle shall be parked, it shall be unlawful to park a vehicle except as indicated.

C. Obstructing Traffic: No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than twelve feet (12') of the width of the roadway for free movement of vehicular traffic.

D. Oversized Vehicles: It shall be unlawful for any person to leave, park or station upon any street any vehicle that:

1. Is licensed for more than twelve thousand (12,000) pounds gross; or
2. Is defined as a commercial vehicle; or
3. Has more than six (6) wheels; or
4. Has an overall length, including any trailer, mobile home or any other object attached thereto, exceeding twenty five feet (25'); or

5. Is what is commonly referred to as a "semi", "tractor", "tractor trailer", or "truck trailer", with or without pup; or
6. Is what is commonly referred to as construction equipment, including backhoes, transport trailers, excavation equipment, etc.

E. Abandoned, Wrecked Or Junk Vehicles: It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of, any licensed or unlicensed vehicle of any kind, or parts thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, on a street or municipal property for a period of time in excess of twenty four (24) hours. (Ord. 12-4-2001A, 12-4-2001)

F. Parking During Snow/Ice Removal: So as to provide access to snowplows for snow removal, it is unlawful for any person to park or allow to remain parked any vehicle upon streets from November 1 to the following March 31 from one o'clock (1:00) A.M. to seven o'clock (7:00) A.M. or during snow/ice removal. (Ord. 8-5-2008A, 8-5-2008)

G. Exceptions: Exceptions to these requirements include the following:

1. The temporary parking of vehicles for a reasonably short period of time, not to exceed twelve (12) hours, to accommodate loading or unloading or the performance of service.
2. Construction, contracting or earthmoving equipment that is otherwise classified as commercial vehicles may be temporarily parked on streets, provided the vehicles are actively being used for construction activities on the specific property where the vehicles are being parked.
3. Emergency vehicles. (Ord. 12-4-2001A, 12-4-2001)

H. Penalty: Any person, firm or corporation violating any of the provisions of this section shall be guilty of a class C misdemeanor and, upon conviction thereof, subject to penalty as provided in section [1-4-1](#) of this code. In addition, any vehicle that is parked in violation of this section may be removed by the city at the owner's expense. (Ord. 12-4-2001A, 12-4-2001; amd. 2004 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See also subsection [4-2-3C5](#)bb(5) of this code.

[Footnote 2](#): See also subsection E of this section.