



**NOTICE OF
PLANNING COMMISSION MEETING
Thursday, March 28, 2013 7:00 p.m.**

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a regular **Planning Commission Meeting on Thursday, March 28, 2013, beginning at 7:00 p.m.** at the City Office Building, 10246 N Canyon Road, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

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 (comments limited to 3 minutes per person with a total of 30 minutes for this item)

PUBLIC HEARING

3. Concept/Preliminary Plan for Bridgestone, Plat F & G
4. Amendments to the City Code, Title 10, Regarding Assisted Living Facilities

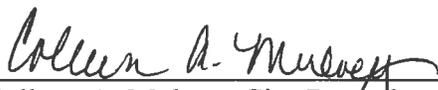
SCHEDULED ITEMS:

5. Approval of Minutes from the February 28, 2013 Planning Commission meeting
6. Review/Recommendation on Concept/Preliminary Plan for Bridgestone, Plat F & G
7. Review/Recommendation Amendments to the City Code, Title 10, Regarding Assisted Living Facilities
8. Discussion/Review/Recommendation on Amendments to Title 4, Chapter 2, Section 3, Nuisances, Regarding Weeds and Refuse; Landscaping Overhanging the Street
9. Discussion on Rental Properties
10. Committee Assignments and Reports

ADJOURNMENT

11. Adjourn

Posted this 22nd day of March, 2013



Colleen A. Mulvey, 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 801-785-9668 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, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the commission members to participate.

PLANNING COMMISSION MEETING
Thursday, February 28, 2013 7:00 p.m.
City Office Building
10246 N Canyon Road, Cedar Hills, Utah

Present: Donald Steele, Vice Chair, Presiding
Commission Members: David Driggs, Tonya Edvalson, Bradley Weber, Craig
Clement (7:06 p.m.)
Absent/Excused Commission Members: Glenn Dodge, Emily Cox, Michael
Geddes
Chandler Goodwin, Assistant City Manager
Scott McMahon, Zoning Official
Courtney Hammond, Transcriptionist
Trent Augustus, City Council Liaison

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:03.

Bradley Weber recognized as a voting member.

2. Public Comment
None.

SCHEDULED ITEMS

3. Approval of Minutes from the January 24, 2013 Planning Commission meeting

MOTION: C. Weber—To approve the minutes. Seconded by C. Driggs.

Yes	-	C. Driggs
		C. Steele
		C. Weber
Abstain	-	C. Edvalson

4. Discussion/Review on Amendments to the City Code, Title 10, Regarding Assisted Living Facilities

Staff Presentation:

Chandler Goodwin stated that, if challenged, the current code would likely not stand. Section 10-5-34M is the portion in question which stipulates that there cannot be more than one such facility within ½ mile radius. This bit may be in violation of the Fair Housing Act. Courts have generally struck down requirements for dispersal of group homes. One court case has upheld a city's decision to deny an assisted living facility based entirely on parking. In that particular case there were 21 group homes in 1½ mile radius. Current code allows for 4 unrelated people to live in a home as a family. The real problem is that the city is limiting housing options by limiting the number of facilities for elderly people. Many other cities have similar dispersal requirements. He proposes

removing section M from the code. Any similar facility would come before the Planning Commission for a conditional use permit. Bangerter v. Orem is one such case in Utah that dealt with discriminatory requirements for the elderly.

Scott McMahon stated that the biggest concern he is getting is parking. An accessory apartment requires adequate off street parking. When a home is turned into a rental for 4 unrelated people, no additional parking is required. He would like to look into this parking issue across the board from assisted living facilities, accessory apartments and rentals.

Commission Discussion:

C. Steele stated that when the Commission reviewed the Osmond facility, it determined that there was adequate parking for staff and visitors. For whatever reason, there is more street parking than what was envisioned.

MOTION: C. Driggs—To recommend striking 10-5-34M. Seconded by C. Clement.

Further Discussion:

C. Clement stated that there are some additional stipulations in the code that may need to be looked at, particularly anything that addresses rehab facilities and half way houses.

Trent Augustus requested that the Planning Commission look at rehab facilities as well as businesses that the city may want to limit or restrict.

C. Steele stated that if the Osmond business works well, there is adequate space on the opposite corner which is part of Pleasant Grove.

C. Driggs suggested that no parking signs be placed on the opposite side of the street from the Osmond facility. It is also a popular school pick up location.

Yes - C. Clement
C. Driggs
C. Edvalson
C. Steele
C. Weber

Motion passes.

5. Review/Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances, Regarding Weeds and Refuse; Landscaping Overhanging the Street
Staff Presentation:

Scott McMahon stated that he added a maximum weed height of 6 inches, definitions of weeds and County noxious weed and noxious weed, and a standard nuisance fine schedule for violations of the code. The city already has an appeals process for citations. He did not consider exemptions based on disabilities. It is difficult to make a law that exempts certain portions of the community. It also becomes an issue for neighbors of those who may be exempt. First notices are not citations, but courtesy notice giving 14

days to get into compliance. The first formal citation comes after 14 days. Currently there is no cap on fines.

Commission Discussion:

C. Driggs suggested including some measure of quantity. As written with any weed over 6 inches, everyone will be in violation. There should be some idea of what quantity of weeds puts someone into non compliance.

C. Weber stated that the scope of the document and the changes is good. He likes the idea of not having a cap on nuisance fees. There could be a scenario where the nuisance is bad enough that the fines make enforcement and abatement possible.

Trent Augustus stated that staff has some latitude to make determinations. Having some areas of vagueness in the code, such as quantity of weeds, may be a good thing.

C. Clement suggested having one definition for weed, which includes noxious weed and County noxious weed.

MOTION: C. Clement—To recommend the City Council approve the amendment to Nuisance Code 4-2-3 as presented by Scott McMahon with the provision that the proper formatting be applied to amendments and that the definition of weed include the definition given for weed, the County noxious weed definition and the noxious weed definition.
Seconded by C. Weber.

Yes - C. Clement
C. Edvalson
C. Steele
C. Weber
No - C. Driggs

Motion passes.

C. Driggs stated that he doesn't like putting something in the code that puts the entire city in non compliance. Nor does he like a code that relies on a reasonable employee to apply judgment.

Staff Presentation:

Scott McMahon stated that some of the older areas of the city are getting some mature trees with overhanging branches that can cause problems for buses, waste management, and other large vehicles. He recommended adding a portion to the landscaping ordinance to require that trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of 13 ½ feet above the street pavement. That allows adequate space for Waste Management trucks and school buses. He currently uses section P, but feels that it is not specific enough. He would like a specific height.

Commission Discussion:

C. Clement suggested incorporating the height requirements to section P.

MOTION: C. Edvalson—To recommend approval of amendments to Nuisance 4-2-3: Landscaping overhanging the street with the adjustment that it fall under 4-2-3-C5 P.
Seconded by C. Clement.

Yes - C. Clement
C. Driggs
C. Edvalson
C. Steele
C. Weber Motion passes.

6. Discussion on Approval Process of Conditional Use Permits

Staff Presentation:

Chandler Goodwin stated that the city does not follow its conditional use permit as written. According to current code every home occupation business should come before the Planning Commission to get its conditional use permit. Cedar Hills has a lot of entrepreneurs and a lot of home occupation businesses. In practice the city does not have every home occupation business appear before Planning Commission. The city would like to craft a policy that it is willing to follow. Other cities break down their home occupation businesses into different classes; some require a more stringent approval process, and other less obtrusive businesses having a less strict approval process. He is most inclined to following the method used by the city of Taylorsville with classes of businesses.

Commission Discussion:

C. Clement stated that his primary concern is the impact to neighbors. He likes the model based on which home occupation businesses impact neighbors.

C. Steele suggested looking at cities that are similar in size and feel for comparison. He suggested the city of Ivins.

C. Weber stated that he would like to create a system that incentivizes people to get a business license. He would like to see as few classes as possible.

C. Driggs feels that the city should consider whether they want anyone to come before the Planning Commission at all.

7. Committee Assignments and Reports

C. Clement would like the Parks and Trails Master Plan and map tied into the existing trails in the forested land on the bench. He wants to ensure that as development occurs, access to those trails are preserved.

Trent Augustus is working on visions and goals for the city. He would like Planning Commission members to email him any feedback on their vision for commercial development, St. Andrews, etc.

ADJOURNMENT

8. This meeting was adjourned at 8:59 p.m. on a motion by C. Edvalson, seconded by C. clement and unanimously approved.

Approved by Commission:

/s/ Colleen A. Mulvey
Colleen A. Mulvey, CMC
City Recorder

DRAFT



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	3/28/2013

Planning Commission Agenda Item

SUBJECT:	Bridgestone Plat F & G Development Concept Plan
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager
BACKGROUND AND FINDINGS:	
<p>Garbett Homes / Bridgestone Cedar Hills, LC has submitted a concept plan for Bridgestone Amended Plats F & G and Lots 49 through 52 in Plat D. The plan includes 44 homes as 4-plex townhomes on approximately the same footprint as they were originally plated, but with new building floor plans. The new design will have an attached 2-car garage for each unit on the ground level. There are two unit types, both are two-story units, one of approx. 1,634 square feet plus an unfinished basement, and the other is approx. 1,741 square feet plus an unfinished basement. The one exception to this new building design are Lots 65 through 68 in Bridgestone Plat F (the existing foundation), on these new lots they will complete the 4-unit building as originally designed.</p>	
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT:	
n/a	
SUPPORTING DOCUMENTS:	
Submitted plans and renderings.	
RECOMMENDATION:	
Staff recommends the Commission approve the conceptual/preliminary designs for approval	
MOTION:	
To approve the conceptual/preliminary designs to go before the City Council	



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	3/28/2013

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amendments to Title 10, Chapter 5, Section 34, Assisted Living Facility For Elderly Persons.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager
BACKGROUND AND FINDINGS: Concerns about requiring Assisted Living Centers to be built a minimum distance from similar facilities.	
PREVIOUS LEGISLATIVE ACTION: Ord. 1-3-2012B	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Proposed Ordinance / Compliance document.	
RECOMMENDATION: To amend the current code eliminating minimum distance requirement from similar facilities.	
MOTION:	

10-5-34: ASSISTED LIVING FACILITY FOR ELDERLY PERSONS:

Upon application to the building and zoning department, the chief building official shall grant a permit for the establishment of an assisted living facility for elderly persons in a residential zone if the applicant meets the following requirements:

- A. The facility conforms to all applicable standards and requirements of the Utah state department of human services and the owner/operator has obtained all licenses required by the state to operate such a facility.

- B. The facility conforms to all state and local building, safety, health, and zoning requirements applicable to similar structures.

- C. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.

- D. The facility is occupied only by individuals sixty (60) years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight (8) elderly persons;

- E. Applicant may exceed eight (8) but no more than sixteen (16) residents if approved by the zoning official and applicable state agencies. To exceed eight (8) residents will require one hundred fifty (150) square feet of personal room space per individual or two hundred (200) square feet for double occupancy, with adequate finished common space to accommodate residents.

- F. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah state department of corrections or any court.

- G. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.

- H. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.
- I. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- J. At least three (3) off street parking stalls are provided to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.
- K. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that are in harmony with other residential uses in the vicinity.
- L. The exterior appearance and landscaping of the facility should enhance the overall feel of the surrounding neighborhood and should in no way detract from a residential environment.
- ~~M. The facility is not located closer than two thousand six hundred forty feet (2,640') ($\frac{1}{2}$ mile) to any other residential facility for elderly persons or residential facility for disabled persons, as measured in a straight line between the closest property lines of the lots on which they are located.~~
- N. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
- O. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the city to establish compliance with all of the above criteria.

Any permit issued pursuant to this section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all building, safety, health, and zoning requirements of this code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use

of the premises as an assisted living facility for elderly persons. (Ord. 1-3-2012B, 1-3-2012, eff. 2-21-2012)



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	3/28/2013

Planning Commission Agenda Item

SUBJECT:	Review / Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Scott McMahon, City Code Enforcement Officer
BACKGROUND AND FINDINGS: 1. City Council requested added language to cover weeds in pastures and large undeveloped lots. 4-2-3 (E)10	
PREVIOUS LEGISLATIVE ACTION: Ord. 6-17-2003A	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Proposed Ordinance	
RECOMMENDATION: Click here to enter text.	
MOTION: To recommend/not recommend approval of amendments to Nuisance Code 4-2-3: Abatement of weeds, garbage, refuse, public nuisances, illegal objects and structures.	

E. **Specific Nuisances Enumerated.** The examples enumerated below are not exhaustive. A situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to U.C.A. Sec. 78-38-9:

- (1) **Drug Houses.** Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 58, Chapter 37 of the Utah Code (Utah Controlled Substance Act) occurs.
- (2) **Gambling.** Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling) that creates the conditions of a nuisance as defined in Part III (1) (A) of this Ordinance.
- (3) **Gangs.** Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in Section 76-3-203.1 of the Utah Code.
- (4) **Party Houses.** Every building or premises where parties occur frequently that create the conditions of a nuisance as defined in Part III (1) (A) of this Ordinance.
- (5) **Prostitution.** Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13 (Prostitution) of the Utah Code.
- (6) **Weapons.** Every building or premises where a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code occurs on the premises.
- (7) **Unsafe Condition.** A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
- (8) **Fire Hazard.** A fire hazard.
- (9) **Noxious Emanations.** Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
- (10) **Weeds.** Weeds on developed commercial and residential lots shall be maintained at a height of not more than six inches (6") at any time, and shall be cleared from real property in the city. Weeds on undeveloped lots shall be maintained at a height of not more than six inches (6") at any time, within thirty feet (30') of any property line, road or structure. Lots being used for livestock pasture or agricultural crops are exempt from the maximum height limit.

Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	3/28/2013

Planning Commission Agenda Item

SUBJECT:	Discussion / Review on residential rental properties and licensing.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager
BACKGROUND AND FINDINGS: Staff requesting input on non-owner occupied residential rentals, accessory apartments and licensing them as a business.	
PREVIOUS LEGISLATIVE ACTION: Ord. 11-9-2010B	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Copy of current accessory apartment code, and the definitions for accessory apartments and a family.	
RECOMMENDATION: n/a	
MOTION: This item is a discussion item only. No motion is necessary at this time.	

PROPOSED RENTAL CODE

DEFINITIONS:

For the purpose of this title, the following terms shall have the meanings herein prescribed:

BUSINESS: Means and includes all activities engaged in within the incorporated limits of the city, carried on for the purpose of gain or economic profit, and for the purposes of these provisions shall include nonprofit corporations or owning or operating a rental dwelling unit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed.

ENGAGED IN BUSINESS OR ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, or owning or operating a rental dwelling unit, and the rendering of personal services for others for a consideration by persons engaging in any profession, trade, craft, business, occupation or other calling except the rendering of personal services by an employee to his employer under any contract of personal employment.

PER LOCATION: For the purposes of this title, "per location" means a site occupied by a business, rental dwelling unit, or multiple rental dwelling units.

RENTAL DWELLING UNIT: Means a building or portion of a building that is used or designated for use as a home or residence by one or more persons and available to be rented, loaned, leased, or hired out, with or without consideration, for a period of one month or longer or arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer, whether or not an owner, agent, or rental manager is in residence.

LICENSE REQUIREMENTS:

- A. It is unlawful for any person, as an owner, lessee, or agent thereof, to own, operate, or maintain any rental dwelling unit within the city without a valid license issued pursuant to this chapter.
- B. If there is more than one owner, including purchasers under contract, each owner shall be jointly and severally liable to obtain the business license for a rental dwelling unit.
- C. A business license for a rental dwelling unit is not transferable between persons or structures.
- D. A business license for a rental dwelling unit shall not be required for a rental dwelling unit which is ordinarily owner occupied but is temporarily rented because:

1. The owner is placed in a hospital, nursing home, assisted living facility, or other similar facility; or
2. The owner has a bona fide, temporary absence of three (3) years or less for activity as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exemption.
3. As used in this subsection, "owner occupancy" means:
 - a. A retired person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or
 - b. A family trust created for the primary purpose of estate planning by a trustor who created the trust, placing the dwelling in such trust, and whose primary residence is such dwelling.

APPLICATION FOR LICENSE:

Applications for a rental dwelling license shall be made in writing on forms provided by the city, which shall contain, at a minimum, the following information:

- A. The street address of all buildings containing rental dwellings,
- B. The number of buildings and the number of rental dwelling units in each building,
- C. The maximum number of occupants per unit, and
- D. A signed statement certifying that all such rental dwelling units comply with applicable safety and building code.

LICENSE FEE:

The annual license fee for rental dwelling units shall be specified in section _____ of this title. A disproportionate service fee shall be paid for each rental dwelling unit as specified in section _____ of this title. Participants in the good landlord program shall be eligible for a discount on such disproportionate fee. Any owner or authorized agent of a rental dwelling unit may apply for admission into the good landlord program.

LICENSE FEE FOR FAMILY RENTALS:

The annual license fee for rental dwelling units rented to family members shall be specified in section _____ of this title, provided the owner of the rental dwelling unit satisfies the requirements of section _____ of this chapter, certifies that the rental is to a family member, and executes and delivers a good landlord program agreement. For purposes of this section, "family members" shall mean people related by blood, marriage, or adoption.

MULTIPLE LICENSES:

Owners of multiple rental dwelling units or multiple buildings containing rental dwelling units shall be required to obtain only one regulatory business license for the operation and maintenance of those rental dwelling units.

10-2-1: TERMS DEFINED:

ACCESSORY APARTMENT: A subordinate dwelling within an owner occupied main building, which has its own eating, sleeping, and sanitation facilities, within a main residential building and having no separate address or utilities, and having a separate entrance.

FAMILY: One of the following groups of individuals, but not more than one at the same time: a) an individual living alone; or b) two (2) or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two (2) other unrelated persons who do not pay rent or give other consideration for the privilege of staying with the family; or c) up to four (4) unrelated individuals who live together as a single housekeeping unit; or d) two (2) unrelated individuals and any children of either of them living as a single housekeeping unit. A "guest" under this section is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose. For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships such as cousins.

Fee for accessory apartments conditional use permit / or charge business license fee?

10-5-32: ACCESSORY APARTMENT:

Occupancy shall be limited to two (2) persons per bedroom with a maximum of four (4) people. The residence must provide off street parking for all occupants of the main building. (Ord. 11-9-2010B, 11-9-2010)