



PLANNING COMMISSION MEETING
Tuesday, June 30, 2020 7:00 p.m.

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, June 30, 2020 beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, 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)

SCHEDULED ITEMS & PUBLIC HEARINGS

3. Approval of the Minutes from the May 12, 2020 Special Planning Commission Meeting
4. Review/Action on Conceptual Plan Approval for the Cedar Hills Mixed Use Project located at the corner of Cedar Hills Drive and Redwood Drive (4600 West)
5. Review/Recommendation and Public Hearing on amendments to City Code, Title 10 related to the Board of Adjustment
6. Review/Recommendation and Public Hearing on amendments to City Code, Title 10 Chapter 5 related to Fences
7. Public Hearing on amendments to City Code, Title 10 Chapter 6 related to Landscape Requirements
8. Review/Recommendation on amendments to City Code Title 10 Chapter 5 related to Driveways

ADJOURNMENT

9. Adjourn

Posted this 26th day of June, 2020

/s/ Colleen A. Mulvey, City Recorder

Supporting documentation for this agenda is posted on the City's Website 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.



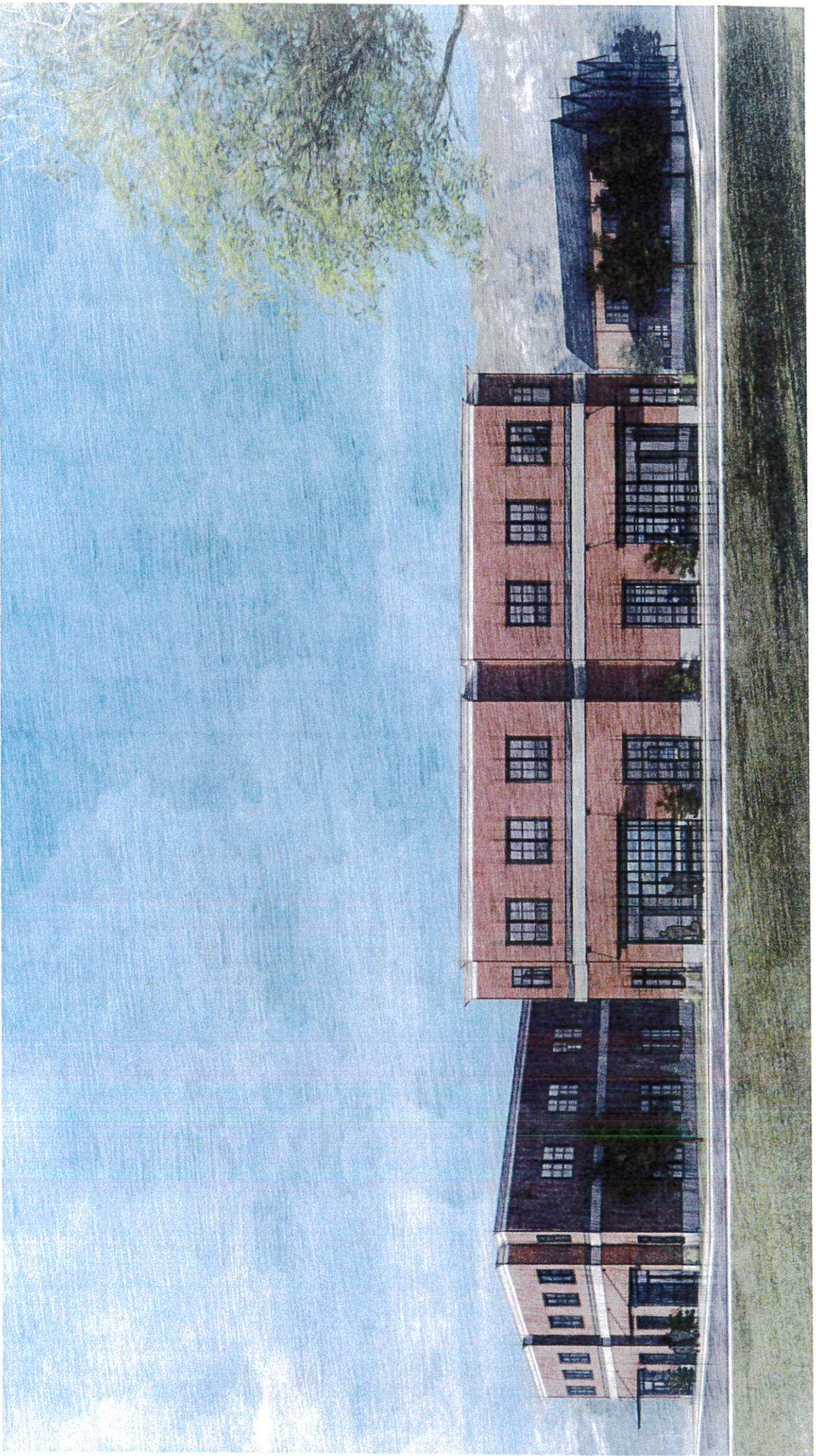
CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	June 30, 2020

Planning Commission Agenda Item

SUBJECT:	Review/Action on a Concept Plan for a Commercial Subdivision Located at Approximately 4600 W and Cedar Hills Dr.
APPLICANT PRESENTATION:	Dustin Kuttler
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS:	
<p>A concept plan has been submitted for the parcel behind Walmart, located at approximately 4600 W Cedar Hills Dr. The concept plan is part of the SC-1 Commercial Zone, Mixed-use Subdistrict. The parcel is about 1.52 acres in size. The proposal is to build a flex-space mixed use development. The project would include 12 residential units, as well as 9600 square feet of commercial space. The commercial space is designed to be a flexible space that can suit the needs of any type of business seeking a storefront. The Site Plan Committee met with the developer to go over issues related to the development of a preliminary plan set.</p>	
PREVIOUS LEGISLATIVE ACTION:	
N/A	
FISCAL IMPACT:	
N/A	
SUPPORTING DOCUMENTS:	
Proposed site plan, elevations	
RECOMMENDATION:	
Review proposed development, provide necessary feedback to move project to the preliminary phase.	
MOTION:	
To approve/not approve the conceptual site plan for the parcel located east of Walmart, at approximately 4600 W Cedar Hills Dr, subject to the following conditions {LIST ANY APPLICABLE CONDITIONS}.	











CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	June 30, 2020

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amendments to Cedar Hills Code §10, Renaming Code References to the Board of Adjustment to Appeal Authority.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS:	<p>In an effort to follow best industry practices, the City Staff is recommending that the Planning Commission recommend, and the City Council approve a change to the City Code related to the Board of Adjustment. Staff is recommending that the Board of Adjustment be changed from a resident committee to an attorney with an expertise in land use. This individual will hear all appeals and variances sought in the City. While the provisions outlining the role of the appeal authority are found in Title 9 of City Code, references in Title 10 need to be changed as well.</p>
PREVIOUS LEGISLATIVE ACTION:	N/A
FISCAL IMPACT:	N/A
SUPPORTING DOCUMENTS:	Proposed code changes to Title 9, 10, and 11
RECOMMENDATION:	Review proposed code, make necessary modifications for recommendations to the City Council
MOTION:	To recommend/not recommend the proposed amendments to Cedar Hills Municipal Code §10, related to the Board of Adjustment {LIST ANY APPLICABLE CHANGES}.

9-1C-1: ESTABLISHED; TERMS; MODE OF APPOINTMENT; REMOVAL:  

- A. Established: Pursuant to authority granted in Utah Code Annotated section 10-9a-701, as amended, the city council hereby creates a Land Use Hearing Officer (hereinafter the "Hearing Officer") board of adjustment within and for the city. The Hearing Officer shall replace in all respects the previous duties of the city's board of adjustment. Said board of adjustment shall consist of five (5) regular members and one ex officio member.

- B. Terms: The Hearing Officer shall serve at the will of the city council until he or she is terminated or the Hearing Officer resigns. A Hearing Officer may be terminated for any reason. The terms of the regular members appointed shall be five (5) years. The term of the ex officio member shall be as determined by action of the city council. (Ord. 4-1-2008A, 4-1-2008)

- C. Appointment; Qualifications; Vacancy; Mode Of Appointment:
 - 1. Reappointment Of A Regular Or Alternate Member: Within thirty (30) days prior to the term expiration of a regular or alternate member, the mayor shall make a recommendation to the city council on whether to reappoint the member to another term or not. The mayor will send written notification to the member thirty (30) days prior to the term expiration notifying him of the decision. The city council will then vote on whether to reappoint the member or not. If the member is not reappointed by a vote of the city council, then a vacancy shall be declared. Appointment. Each Hearing Officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one Hearing Officer, but only one Hearing Officer shall consider and decide any matter properly presented for Hearing Officer review. A Hearing Officer shall not be appointed to a matter to which he or she has a conflict of interest.

 - 2. Appointment Of New Regular Or Alternate Members: Within thirty (30) days of the declaration of a vacancy on the board, the mayor shall make a recommendation to the city council on appointments to the board. If the city council does not confirm the mayor's recommendation within forty five (45) days of the vacancy, then the city council may vote to appoint a new regular or alternate member. (Ord. 10-20-2015D, 10-20-2015) Qualifications. The Hearing Officer shall have legal training and experience, with qualifications to conduct administrative or quasi-judicial hearings regarding land use, land development, and land use regulatory codes.

 - 3. Vacancy. In the case of a vacancy in the Hearing Officer position, a replacement shall be promptly appointed. This appointment shall be made in the same manner and with the same qualifications as stated above.

- D. Removal: The mayor may remove any member of the board of adjustment for cause if written charges are filed against the member with the mayor. The mayor shall provide the member with a public hearing if he requests one. (Ord. 4-1-2008A, 4-1-2008) A Hearing Officer may be removed by the mayor, with the advice and consent of the city council.

9-1C-2: ORGANIZATION; MEETINGS; RECORDS; DECISIONS:  

- A. Chairperson; Rules Adopted: The board of adjustment Hearing Officer shall organize and implement the powers and duties of the position as follows:

1. The Hearing Officer shall adopt reasonable policies and procedures in accordance with City Ordinances and State Law to govern the functioning of the position and the conduct of meetings. Such policies and procedures shall be approved by the city council. ~~Organize and elect a chairperson; and~~

2. ~~Adopt rules that comply with any ordinance adopted by the city council.~~

B. Meetings: Hearing Officer meetings shall be scheduled on an as-needed basis, following certification of submission of a complete application for hearing officer review. ~~The board of adjustment shall meet at the call of the chairperson and at any other times that the board of adjustment determines.~~

C. Oaths Administered; Compelling Witnesses: The Hearing Officer ~~The chairperson, or in the absence of the chairperson, the acting chairperson,~~ may administer oaths and compel the attendance of witnesses.

D. Open And Public Meetings: All meetings of the ~~board of adjustment~~ Hearing Officer shall comply with the requirements of Utah Code Annotated title 52, chapter 4, open and public meetings. (Ord. 2-1-2000C, 2-1-2000)

E. Records:

1. The ~~board of adjustment~~ Hearing Officer shall file his or hers records in the office of the city recorder.

2. All records of the ~~board of adjustment~~ Hearing Officer are public records. (Ord. 4-1-2008A, 4-1-2008)

~~F. Voting: The concurring vote of three (3) members of the board of adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant. (Ord. 2-1-2000C, 2-1-2000)~~

F. Due Process. The Hearing Officer shall act in a quasi-judicial manner and respect due process from all parties.

G. When Decisions Effective:

1. A decision of the ~~board of adjustment~~ Hearing Officer takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by ordinance.

2. A written decision, or other event as provided by ordinance, constitutes a final decision. (Ord. 10-20-2015D, 10-20-2015)

H. Compensation: The Hearing Officer shall be compensated for their services on a reasonable, uniform basis applicable to all the city's hearing officers. The basis and rate of compensation shall be determined by the mayor in consultation with the city manager and city attorney. ~~The city~~

~~council may fix per diem compensation for the members of the board of adjustment based upon necessary and reasonable expenses and on meetings actually attended. (Ord. 2-1-2000C, 2-1-2000)~~

9-1C-3: POWERS AND DUTIES¹:

The ~~Hearing Officer board of adjustment~~ shall have the following powers and duties:

A. **Appeals**: To hear and decide **appeals** from zoning decisions applying the zoning ordinance, subject to the following: (Ord. 2-1-2000C, 2-1-2000)

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision or determination made by an official in the administration or interpretation of the zoning ordinance; provided, that any such appeal shall be received at the office of the city recorder within forty five (45) days from the date of action on the matter for which the appeal is requested.
2. Any officer, department, board or bureau of a city affected by the grant or refusal of a building permit or by any other decisions of the zoning administrator in the administration or interpretation of the zoning ordinance may appeal any decision to the ~~board of adjustment~~ Hearing Officer. (Ord. 2-1-2000C, 2-1-2000; amd. 2004 Code)
3. The ~~Hearing Officer board of adjustment~~ shall hear and decide **appeals** from planning commission decisions regarding conditional use permits, unless the zoning ordinance designates another body to hear conditional use permit **appeals**.
4. The person or entity making the appeal has the burden of proving that an error has been made.
5. Only zoning decisions applying the zoning ordinance may be appealed to the ~~Hearing Officer board of adjustment~~. A person may not appeal, and the ~~Hearing Officer board of adjustment~~ may not consider, any zoning ordinance amendments.
6. **Appeals** may not be used to waive or modify the terms or requirements of the zoning ordinance.

B. Special Exceptions: To hear and decide special exceptions to the terms of the zoning ordinance, but only if authorized to do so by the zoning ordinance and based only on the standards contained in the zoning ordinance.

C. Variances: To hear and decide variances to the requirements of the zoning ordinance, subject to the following:

1. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the ~~Hearing Officer board of adjustment~~ for a variance from the terms of the zoning ordinance.
2. The ~~Hearing Officer board of adjustment~~ may grant a variance only if:

- a. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is: 1) not necessary to carry out the general purpose of the zoning ordinance; and 2) consistent with the criteria set forth under subsections C3 and C4 of this section;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same district and which are consistent with the criteria set forth under subsection C5 of this section;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the zoning ordinance is observed and substantial justice done.
3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection C2a of this section, the board of adjustment Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
- a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
4. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection C2a of this section, the board of adjustment Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
5. In determining whether or not there are special circumstances attached to the property under subsection C2b of this section, the board of adjustment Hearing Officer may find that special circumstances exist only if the special circumstances:
- a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same district.
6. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
7. Variances run with the land.
8. The board of adjustment Hearing Officer and any other body may not grant use variances.
9. In granting a variance, the board of adjustment Hearing Officer may impose additional requirements on the applicant that will:
- a. Mitigate any harmful affects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.

D. Modifications To Nonconforming Uses: The board-of-adjustmentHearing Officer may make determinations regarding the existence, expansion or modification of nonconforming uses, but only if that authority is delegated to them by the city council. (Ord. 2-1-2000C, 2-1-2000)

9-1C-4: APPEALS FROM HEARING OFFICERBOARD DECISIONS:  

A. Authority: Any person adversely affected by any decision of a board-of-adjustmentHearing Officer may petition the district court for a review of the decision.

B. Allegations Permitted: In the petition, the plaintiff may only allege that the board-of adjustmentHearing Officer's decision was arbitrary, capricious or illegal.

C. Time Limit For Filing Petition: The petition is barred unless it is filed within thirty (30) days after the board-of-adjustmentHearing Officer's decision is final.

D. Transmittal Of Proceedings: The board-of-adjustmentHearing Officer shall transmit to the reviewing court the record of its proceedings, including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

1. If there is a record:

- a. The district court's review is limited to the record provided by the board-of-adjustmentHearing Officer.
- b. The court may not accept or consider any evidence outside the board-of-adjustmentHearing Officer's record unless that evidence was offered to the board-of-adjustmentHearing Officer and the court determines that it was improperly excluded by the board-of-adjustmentHearing Officer.

2. If there is no record, the court may call witnesses and take evidence.

E. Evidence Justifying Affirmation: The court shall affirm the decision of the board-of adjustmentHearing Officer if the decision is supported by substantial evidence in the record.

F. Stay Of Proceedings: The filing of a petition does not stay the decision of the board-of adjustmentHearing Officer.

1. Before filing the petition, the aggrieved party may petition the board-of-adjustmentHearing Officer to stay its decision.
2. Upon receipt of a petition to stay, the board-of-adjustmentHearing Officer may order its decision stayed pending district court review if the board-of-adjustmentHearing Officer finds it to be in the best interest of the city.
3. After the petition is filed, the petitioner may seek an injunction staying the board-of adjustmentHearing Officer's decision. (Ord. 2-1-2000C, 2-1-2000)

9-1C-5: PROVISIONS OF STATE CODE APPLICABLE:  

| Any provisions of Utah Code Annotated section 10-9-700 et seq., as amended, relating to decisions by the ~~board of adjustment~~Hearing Officer, not specifically addressed in this article, shall be considered as part of this article, and shall be considered and adhered to in making any determination upon any matter upon which the board is required to act. (Ord. 2-1-2000C, 2-1-2000)

10-1-1: TITLE:  

This title shall be known as and shall be entitled the *ZONING ORDINANCE OF THE CITY OF CEDAR HILLS, UTAH*, and may be so cited and pleaded. The zoning ordinance of the City of Cedar Hills, Utah (zoning ordinance), together with the official zoning map, (zone map) adopted as a part thereof, as may be amended from time to time, shall constitute a portion of the land use ordinances of the City of Cedar Hills, Utah, as referred to and authorized pursuant to the provisions of section 10-9a-501 Utah Code Annotated, 1953, as amended. (Ord. 2-21-2006A, 2-21-2006)

10-1-2: INTENT AND PURPOSE:  

It is the intent and purpose of the city council to avail itself of the powers granted under Utah Code Annotated section 10-9-101 et seq., and Utah Code Annotated section [57-8-35](#), as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city and to this end to:

- A. Encourage and facilitate orderly growth and development in the city.
- B. Secure economy in municipal expenditures and to facilitate adequate provision for transportation, water, sewerage, parks, schools and other public requirements.
- C. Lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.
- D. Secure safety from fires, floods, traffic hazards and other dangers.
- E. Stabilize and improve property values.
- F. Protect the tax base.
- G. Promote the development of a more attractive and wholesome and serviceable city.
- H. Create conditions favorable to prosperity, civic activities and recreational, educational and cultural opportunities. (Ord. 6-20-78A, 6-20-1978)

10-1-3: DECLARATION:  

In establishing the zones, the boundaries thereof, and other regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 6-20-78A, 6-20-1978)

10-1-4: APPLICATION:

The regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the objectives and purposes thereof. (Ord. 6-20-78A, 6-20-1978)

10-1-5: INTERPRETATION:

In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city. It is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way impair or interfere with any existing ordinance, codes, regulations, standards or other provisions of law, except those that are specifically repealed under the terms of the ordinance codified herein. Nor is it intended by the ordinance codified herein to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that where this title imposes a greater restriction than is required by any ordinance, code, regulation, standard or other provision of law or by any easement, covenant or private agreement, the provisions of this title shall govern. (Ord. 6-20-78A, 6-20-1978)

10-1-6: ILLEGAL USES PROHIBITED:

Any building or use of land, or any construction thereon, that was not authorized by or under the temporary zoning ordinance as passed by the city council, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this title. (Ord. 6-20-78A, 6-20-1978)

10-1-7: AMENDMENTS TO ORDINANCE AND MAP:

This title, including the zone map, may be amended, but all proposed amendments must first be submitted to the planning commission for its recommendation.

A. Intent With Respect To Amendments: All amendments to this title shall be made in accordance with the comprehensive plan of land use. It is hereby declared to be public policy that this title shall not be amended unless it can be shown that change or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this title.

B. Amendment Process: The procedure to be followed in amending the zoning ordinance and zone map shall be as set forth below:

1. Written Petition Required; City Initiated Amendments Permitted: Any person seeking an amendment to this title or zone map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a filing fee to the city in such amount as established by resolution of the city council. Amendments may also be initiated by action of the planning commission or upon request of the city council.
2. Planning Commission To Make Recommendations: Upon receipt of the petition, the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of subsection B3 of this section, shall submit its recommendations with respect thereto to the city council.

3. Planning Commission To Conduct Public Hearing Before Recommending Amendments; Notice Of Hearing To Be Provided: No ordinance approving an amendment to the zone map or text of the zoning ordinance, or approving a large scale development project may be enacted by the city council unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the zone map, text of the zoning ordinance or ordinance of approval of a large scale development project shall be given as follows:
 - a. Published in a newspaper of general circulation in the area at least ten (10) calendar days before the date of the hearing, and
 - b. Posted in at least three (3) public locations within the city, or on the city's official website, and
 - c. Mailed to each affected entity¹, at least ten (10) calendar days before the date of the hearing.
4. Amendments To Be Adopted By Council; Notice Required: The city council, at a public meeting called for the purpose and after a public hearing thereon before the council, shall consider each proposed amendment to the zone map, text of the zoning ordinance, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or after making any revision to adopt the amendment the city council considers appropriate. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty four (24) hours before the meeting, which notice shall, as a minimum, be posted in at least three (3) public places within the city; or on the city's official website.
5. Amendments To Be Adopted By Ordinance; Public Notice Of Adoption Required: All amendments to the zoning ordinance and zone map shall be adopted, published and recorded in accordance with the applicable provisions of Utah Code Annotated 10-3-701 et seq. (Ord. 2-21-2006A, 2-21-2006)

10-1-8: NONCONFORMING BUILDINGS AND USES²:

- A. Nonconforming Uses May be Continued: Nonconforming buildings or structures, or use of land, may be continued to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.
- B. Change To Conforming Use: Any nonconforming building or use that has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.
- C. Change To Another Nonconforming Use Prohibited: A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to conforming use. (Ord. 6-20-78A, 6-20-1978)
- D. Nonconforming Lots Of Record; Dwellings Permitted: The chief building official may issue a building permit for construction of a single-family dwelling on any nonconforming lot of record without the necessity of ~~board of adjustment~~Hearing Officer approval; provided, that:

1. Single-family dwellings are listed as a permitted use in the present zone; and

2. All setbacks, height, building size and special provision requirements of the existing zone and all applicable supplementary regulations can be met. (Ord. 4-23-80A, 4-23-1980)

10-1-9: RECLASSIFICATION OF TERRITORY:

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings that hereafter become nonconforming due to an amendment to the zoning ordinance. (Ord. 6-20-78A, 6-20-1978)

10-1-10: PERMITS GRANTED PRIOR TO PASSAGE:

Authorization granted by the city to construct a building or structure, or to change the use of land, shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand dollars (\$1,000.00) or more in replaceable value by the effective date hereof; provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the date of the ordinance amendment. "Replaceable value" shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices. (Ord. 6-20-78A, 6-20-1978)

10-1-11: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED:

Uses of land that are not expressly permitted within a zone are hereby declared to be expressly prohibited therein, except as may be permitted by action of the planning commission or city council, pursuant to express authority given under terms of this title. Any person who may obtain state or federal properties by purchase, lease or other arrangement must utilize such properties in accordance with the provisions of this title. Neither the planning commission, [board of adjustment](#) ~~the Hearing Officer~~ nor the zoning administrator shall permit a use within a zone that is not expressly permitted by the terms of this title. (Ord. 6-20-78A, 6-20-1978)

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

[Footnote 1](#): As defined by UCA section 10-9a-103 (1), 1953, as amended.

[Footnote 2](#): See also subsection [9-1C-3D](#) of this code, which provides determinations relative to nonconforming uses may be delegated to the [board of adjustment](#) ~~Hearing Officer~~.

10-3-1: ZONES ESTABLISHED:  

In order to carry out the purpose of this title, the City is hereby divided into zones as follows:

R-1-11,000	Residential Zone
R-1-15,000	Residential Zone
PD-1	Planned Development Zone
H-1	Hillside Development Zone
SC-1	Shopping Center Zone
RR-1-20,000	Rural Residential Zone
PR 2.2	Planned Residential Zone
PR 3.4	Planned Residential Zone
TR-1	Townsite Residential Zone
PF	Public Facilities Zone

(Ord. 3-2-99D, 3-2-1999; amd. Ord. 8-17-2000A, 8-17-2000; Ord. 6-1-2004A, 6-1-2004; Ord. 06-19-2018B, 6-19-2018)

10-3-2: OFFICIAL ZONE MAP:  

- A. Scope: The location and boundaries of each of the zones are shown on the official zone map of the City, and said map is hereby declared to be an official record and a part of this title, and said official zone map and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and other information set forth by said map were fully described herein. Said official zone map shall be adopted by ordinance with the signature of the Mayor, attested to by the City Recorder, and recorded in the Office of the City Recorder. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made by the City Recorder on the official zone map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the official zone map.

- B. Changes: No changes of any nature shall be made in the official zone map except in conformity with the procedure set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.

- C. Official Map On File: Regardless of the existence of purported copies of the official zone map, which may from time to time be made or published, the official zone map, which shall be located

in the Office of the City Recorder, shall be the final authority in determining current status. (Ord. 6-20-78A, 6-20-1978; amd. 2004 Code)

10-3-3: BOUNDARIES OF ZONES:

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the indicated boundaries on the official zone map are approximately street or alley lines, said street or alley lines shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- C. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the ~~Board of Adjustment~~Hearing Officer shall interpret the map. (Ord. 6-20-78A, 6-20-1978)

10-4G-1: LEGISLATIVE INTENT:

- A. The PR 2.2 planned residential zone covers the portion of the city that is primarily suited for residential development represented by a commingling of single-family dwellings and parks, playgrounds, schools, churches and other community facilities designed to serve the residents of the city. The zone is characterized by spacious lots of various sizes, uncrowded buildings and quiet residential conditions favorable to the rearing of children. Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof.

- B. The provisions of this zone are intended to implement the objectives of the medium density residential areas identified in the city general plan and are hereby declared to be consistent therewith.

- C. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth. (Ord. 2-17-98A, 2-17-1998)

10-4G-2: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this title:

Buildings and other structures for the storage and keeping of agricultural products and machinery.

Customary household pets, but not including kennels.

Customary residential accessory structures that are an integral part of and incidental to an approved dwelling.

Foster care homes containing not more than four (4) foster care occupants.

Production of crops and fruits in the field.

Public agency parks and playgrounds. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code; Ord. 04-15-2014A, 4-15-2014)

10-4G-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:

Accessory apartment.

Assisted living facility for elderly persons.

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

Flexible design subdivision projects, having a density not greater than two and five-tenths (2.5) dwelling units per net acre, subject to the provisions of [chapter 6, article C](#) of this title.

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

Planned residential developments having a density not greater than two and five-tenths (2.5) dwelling units per net acre, subject to compliance with the applicable requirements of [chapter 6, article B](#) of this title.

Residential facility for handicapped persons.

Single-family dwellings when located on an existing "lot of record", subject to compliance with the provisions of section [10-4G-8](#) of this article, relating to minimum standards for nonconforming lots, approval of a site plan in accordance with the provisions of section [10-4G-7](#) of this article, and conformance with the other applicable requirements of this zone.

Single-family dwellings when located upon a lot within an approved planned residential development or flexible design subdivision, subject to approval of a site plan in accordance with the provisions of section [10-4G-7](#) of this article and conformance with the applicable requirements of this zone.

Small animal units. See section [10-5-33](#), "Small Animals Or Fowl", of this title.

Water, sewer and utility transmission lines and facilities required as an incidental part of a flexible design subdivision, planned residential development or other approved development project in the zone and subject to the approval of a site plan by the city council. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code; Ord. 9-18-2007A, 9-18-2007; Ord. 1-19-2010A, 1-19-2010; Ord. 11-9-2010B, 11-9-2010; Ord. 9-20-2011B, 9-20-2011; Ord. 1-3-2012B, 1-3-2012, eff. 2-21-2012)

10-4G-4: LOCATION REQUIREMENTS:

All buildings shall be located within the designated building envelope as shown on the final plat of a planned residential development or flexible subdivision project, or as established in accordance with the provisions of section [10-4G-7](#) of this article; except, where no designated setback envelope has been established, all buildings shall be located in accordance with the following: (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line that abuts on any existing or proposed public street.
2. Side Setback:
 - a. Interior Lots: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than ten feet (10') from any side lot line and the combined total setback distance of the opposite side setbacks shall be not less than twenty four feet (24'). (Ord. 2-17-98A, 2-17-1998)
 - b. Corner Lots; Side Abutting A Street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line that abuts on an existing or proposed street, except that in the instance of corner lots in subdivisions approved prior to June 1, 1998, and having a lot width of

ninety five feet (95') or less, the side setback requirement adjacent to a street shall be reduced to twenty five feet (25'). (Ord. 7-7-98A, 7-7-1998)

3. Rear Setback:

- a. Interior Lots: All dwellings or other main buildings shall be set back not less than twenty five feet (25') from the rear lot line.
 - b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. (Ord. 2-17-98A, 2-17-1998)
4. Measurement Of Setbacks: Compliance with minimum setback requirements shall be determined in accordance with the provisions of section [10-5-5](#) of this title. (Ord. 7-7-98A, 7-7-1998)

B. Accessory Buildings: All accessory buildings shall be located in accordance with the following:

- 1. Setback From Main Building; Front Setback: Accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall of the main building, and not less than twelve feet (12') from the closest side wall of the main building. Accessory buildings that are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than seventy five feet (75') from the front lot line.
- 2. Side Setback; Corner Lot, Side Abutting A Street: Accessory buildings shall be set back not less than thirty feet (30') from the side lot line that abuts on a street.
- 3. Side And Rear Setback; Interior Lot Line: Accessory buildings shall be set back not less than five feet (5') from any interior side or rear lot line. (Ord. 2-17-98A, 2-17-1998)

10-4G-5: UTILITY REQUIREMENTS:  

All dwellings and other structures used for human occupancy shall be served with adequate utilities, as follows:

- A. The city culinary water system.
- B. The city sanitary sewer system.
- C. Electric, natural gas and telephone systems.
- D. The city pressurized irrigation system.
- E. The city stormwater system. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

10-4G-6: DWELLING REQUIREMENTS:

A. Area Of Dwellings: Each dwelling shall conform to one of the following:

1. The dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
2. The dwelling shall meet or exceed all of the following:
 - a. The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet as measured from the outside of the foundation wall; and
 - b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 2-17-98A, 2-17-1998)

C. Height Of Building:

1. The maximum height of any dwelling shall be thirty five feet (35') in height as measured to the ridgeline of the roof. The maximum height of any accessory building shall be twenty feet (20') to the ridgeline of the roof. Both the dwelling and the accessory building height shall be measured from the highest finished grade of the ground surface adjacent to the foundation of the structure from the front elevation to the ridgeline. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)
2. Chimneys, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of ten feet (10') above the building. (Ord. 3-20-2012B, 3-20-2012)
3. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

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.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

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. (Ord. 10-20-2009C, 10-20-2009)

E. Conformance With Special Dwelling Requirements: All dwellings shall conform to the special provisions relating to dwellings set forth under section [10-5-5](#) of this title. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

10-4G-7: SPECIAL PROVISIONS:

A. Designated Setback Envelope: All dwellings shall be located within the limits of a designated setback envelope as shown on the final plat of a planned residential development, flexible subdivision project or otherwise established pursuant to the provisions of this title.

B. Location Of Designated Setback Area: Where a site plan is required pursuant to the terms of this title, said plan shall delineate the location of the designated setback area.

C. Review Of Site Plan; Findings: The planning commission or city council, as applicable, shall review the site plan and the recommendations of the city engineer, and any technical reports submitted in connection with a request for adjustment of the standards or criteria of this title, and shall approve the application only upon a finding that:

1. All the plan submissions necessary for an adequate review and decision shall have been submitted and in a form suitable for evaluation by the city.
2. That the plan conforms, in all respects, to applicable city requirements, standards and criteria.
3. The location and arrangement of the buildings, roadways, open areas and other elements of the development duly recognize and accommodate the natural conditions present and construction of such elements will not result in the creation of an adverse or unsafe condition.
4. The development will accomplish and preserve the intent of the zone.

D. Changes May Be Required: The city may require changes in the plan in order to more fully accomplish the intent of the zone. Such changes may include, but are not limited to, adjustments in the boundaries of the designated setback area and changes in the location of roadways, structures and similar elements. (Ord. 2-17-98A, 2-17-1998)

10-4G-8: MINIMUM STANDARDS FOR DEVELOPMENT ON NONCONFORMING LOTS OF RECORD:

Pursuant to the provisions of section [10-4G-3](#) of this article (single-family dwellings when located on an existing "lot of record"), a dwelling may be constructed upon a nonconforming lot of record, situated outside the boundaries of a planned residential development or flexible subdivision project, subject to conformance with the following minimum standards and requirements. These standards

shall be in addition to the minimum requirements applicable within the zone (i.e., utility, dwelling, special provisions, etc.):

- A. The parcel shall qualify as a "nonconforming lot of record", as defined in section [10-2-1](#) of this title. (Ord. 2-17-98A, 2-17-1998)

- B. The nonconforming lot shall abut upon and have direct access to a city maintained street. The distance of the abutting side shall be not less than one hundred feet (100'), except as follows: 1) the length of the abutting side may be reduced to not less than sixty feet (60') in instances where the lot fronts upon a cul-de-sac or curve and the side lot lines radiate in such a manner that the width of the lot measured at a point not less than forty feet (40') from the front lot line will meet the minimum width requirements of this section; or 2) the lot qualifies and is approved as a "flag lot" in accordance with the provisions of section [10-5-12](#) of this title. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

- C. The proposed dwelling and all accessory buildings shall be located within a designated setback envelope. The boundaries of said designated setback envelope shall conform to the setback requirements of the zone or shall have been granted a variance therefrom by the [board of adjustmentHearing Officer](#).

- D. Not more than one dwelling and appurtenant accessory buildings shall be constructed on any nonconforming lot. Any development that proposes a division of territory within a nonconforming lot shall be considered as a proposed planned residential development or flexible subdivision project and shall conform to the provisions relating thereto. (Ord. 2-17-98A, 2-17-1998)

10-4H-1: LEGISLATIVE INTENT:

- A. The PR 3.4 planned residential zone is established to provide areas within the city providing an environment suitable for family life. Typical uses within the zone are a combination of single-family detached housing units and also attached housing units located in a coordinated design setting, together with a commingling of parks, playgrounds, schools, churches and other community facilities designed to serve the residents of the city. The zone is characterized by dwellings interspersed with significant amounts of park and open space areas, at densities approximately the same as for the R-1-11,000 zone, but with the opportunity for increased flexibility in the layout of land development projects. Owners and developers of property within the zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof.
- B. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth. (Ord. 3-2-99D, 3-2-1999)

10-4H-2: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this title:

Buildings and other structures for the storage and keeping of agricultural products and machinery.

Customary household pets, but not including kennels.

Customary residential accessory structures that are an integral part of and incidental to an approved dwelling.

Foster care homes containing not more than four (4) foster care occupants.

Production of crops and fruits in the field.

Public agency park and playgrounds. (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code; Ord. 04-15-2014A, 4-15-2014)

10-4H-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:

Accessory apartment.

Assisted living facility for elderly persons.

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](#) of this code.

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

Residential facility for handicapped persons.

Single-family dwellings when located on an existing "lot of record", subject to compliance with the provisions of section [10-4H-8](#) of this article relating to minimum standards for nonconforming lots, approval of a site plan in accordance with the provisions of section [10-4H-7](#) of this article, and conformance with the other applicable requirements of this zone.

Single-family dwellings when located upon a lot within an approved planned residential development, subject to approval of a site plan in accordance with the provisions of section [10-4H-7](#) of this article and conformance with the applicable requirements of this zone.

Small animal units. See section [10-5-33](#), "Small Animals Or Fowl", of this title.

Water, sewer and utility transmission lines and facilities required as an incidental part of a flexible design subdivision, planned residential development or other approved development project in the zone and subject to the approval of a site plan by the city council. (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code; Ord. 9-18-2007A, 9-18-2007; Ord. 1-19-2010A, 1-19-2010; Ord. 11-9-2010B, 11-9-2010; Ord. 9-20-2011B, 9-20-2011; Ord. 1-3-2012B, 1-3-2012, eff. 2-21-2012)

10-4H-4: LOCATION REQUIREMENTS:

All buildings shall be located within the designated building envelope as shown on the final plat of a planned residential development or flexible subdivision project, as established in accordance with the provisions of section [10-4H-7](#) of this article; except, where no designated setback envelope has been established, all buildings shall be located in accordance with the following: (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code)

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line that abuts on any existing or proposed public street.
2. Side Setback:
 - a. Interior Lots: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than ten feet (10') from any side lot line and the combined total setback distance of the opposite side setbacks shall be not less than twenty four feet (24').
 - b. Corner Lots; Side Abutting A Street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line that abuts on any existing or proposed public street.
3. Rear Setback:
 - a. Interior Lots: All dwellings or other main buildings shall be set back not less than twenty five feet (25') from the rear lot line.
 - b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the

required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building.

B. Accessory Buildings: All accessory buildings shall be located in accordance with the following:

1. Setback From Main Building; Front Setback: Accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall of the main building, and not less than twelve feet (12') from the closest side wall of the main building. Accessory buildings that are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than seventy five feet (75') from the front lot line.
2. Side Setback; Corner Lot, Side Abutting A Street: Accessory buildings shall be set back not less than thirty feet (30') from the side lot line that abuts on a street.
3. Side And Rear Setback; Interior Lot Line: Accessory buildings shall be set back not less than five feet (5') from any interior side or rear lot line. (Ord. 3-2-99D, 3-2-1999)

10-4H-5: UTILITY REQUIREMENTS:

All dwellings and other structures used for human occupancy shall be served with adequate utilities, as follows:

- A. The city culinary water system.
- B. The city sanitary sewer system.
- C. Electric, natural gas and telephone systems.
- D. The city pressurized irrigation system.
- E. The city stormwater system. (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code)

10-4H-6: DWELLING REQUIREMENTS:

A. Area Of Dwellings:

1. Single-Family Detached: Each dwelling shall conform to one of the following:
 - a. The dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
 - b. The dwelling shall meet or exceed all of the following:

- (1) The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet as measured from the outside of the foundation wall; and
 - (2) Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - (3) The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.
2. Twin Homes (Duplex) And Multi-Dwelling Structures: Each dwelling unit shall contain a total living area of not less than one thousand (1,000) square feet.

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 3-2-99D, 3-2-1999)

C. Height Of Building:

1. The maximum height of any dwelling shall be thirty five feet (35') in height as measured to the ridgeline of the roof. The maximum height of any accessory building shall be twenty feet (20') to the ridgeline of the roof. Both the dwelling and the accessory building height shall be measured from the highest finished grade of the ground surface adjacent to the foundation of the structure from the front elevation to the ridgeline. (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code)
2. Chimneys, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of ten feet (10') above the building. (Ord. 3-20-2012B, 3-20-2012)
3. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code)

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.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.
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. (Ord. 10-20-2009C, 10-20-2009)

E. Conformance With Special Dwelling Requirements: In addition to the requirements herein set forth, all dwellings shall conform to the special provisions relating to dwellings set forth under section [10-5-5](#) of this title. (Ord. 3-2-99D, 3-2-1999)

10-4H-7: SPECIAL PROVISIONS:

A. Designated Setback Envelope: All dwellings shall be located within the limits of a designated setback envelope as shown on the final plat of a planned residential development project or otherwise established pursuant to the provisions of this title.

B. Location Of Designated Setback Area: Where a site plan is required pursuant to the terms of this title, said plan shall delineate the location of the designated setback area.

C. Review Of Site Plan; Findings: The planning commission or city council, as applicable, shall review the site plan and the recommendations of the city engineer, and any technical reports submitted in connection with a request for adjustment of the standards or criteria of this title, and shall approve the application only upon a finding that:

1. All the plan submissions necessary for an adequate review and decision shall have been submitted and in a form suitable for evaluation by the city.
2. That the plan conforms, in all respects, to applicable city requirements, standards and criteria.
3. The location and arrangement of the buildings, roadways, open areas and other elements of the development duly recognize and accommodate the natural conditions present and construction of such elements will not result in the creation of an adverse or unsafe condition.
4. The development will accomplish and preserve the intent of the zone.

D. Changes May Be Required: The city may require changes in the plan in order to more fully accomplish the intent of the zone. Such changes may include, but are not limited to, adjustments in the boundaries of the designated setback area and changes in the location of roadways, structures and similar elements. (Ord. 3-2-99D, 3-2-1999)

10-4H-8: MINIMUM STANDARDS FOR DEVELOPMENT ON NONCONFORMING LOTS OF RECORD:

Pursuant to the provisions of section [10-4H-3](#) of this article (single-family dwellings when located on an existing "lot of record"), a dwelling may be constructed upon a nonconforming lot of record, situated outside the boundaries of a planned residential development, subject to conformance with the following minimum standards and requirements. These standards shall be in addition to the minimum requirements applicable within the zone (i.e., utility, dwelling, special provisions, etc.):

A. The parcel shall qualify as a "nonconforming lot of record", as defined in section [10-2-1](#) of this title. (Ord. 3-2-99D, 3-2-1999)

- B. The nonconforming lot shall abut upon and have direct access to a city maintained street. The distance of the abutting side shall be not less than one hundred feet (100'), except as follows: 1) the length of the abutting side may be reduced to not less than sixty feet (60') in instances where the lot fronts upon a cul-de-sac or curve and the side lot lines radiate in such a manner that the width of the lot measured at a point not less than forty feet (40') from the front lot line will meet the minimum width requirements of this section; or 2) the lot qualifies and is approved as a "flag lot" in accordance with the provisions of section [10-5-12](#) of this title. (Ord. 3-2-99D, 3-2-1999; amd. 2004 Code)
- C. The proposed dwelling and all accessory buildings shall be located within a designated setback envelope. The boundaries of said designated setback envelope shall conform to the setback requirements of the zone or shall have been granted a variance therefrom by the [board of adjustmentHearing Officer](#).
- D. Not more than one dwelling and appurtenant accessory buildings shall be constructed on any nonconforming lot. Any development that proposes a division of territory with a nonconforming lot shall be considered as a proposed planned residential development or flexible subdivision project and shall conform to the provisions relating thereto. (Ord. 3-2-99D, 3-2-1999)

10-5-18: FENCES:

A. Intent: It is the intent of this section to establish minimum standards for the placement and height of fences for the purpose of facilitating safety of pedestrians and motor vehicle users in connection with ingress and egress to private drives and parking areas, and to more adequately protect the health, safety and general welfare of the population.

B. Definitions And Terms: For the purpose of facilitating the implementation of this section, the following terms are hereby defined and further identified on the following figures [4-6-18A](#), [4-6-18B](#) and [4-6-18C](#) of this section:

CLEAR VISION AREA: That portion of a corner lot or parcel as defined within and subject to the provisions of section [10-5-17](#) of this chapter.

FENCE: Any constructed tangible barrier, lattice work, screen, wall, or any continuous growth of shrubs, vines, trees or other vegetative material.

OPEN FENCE: Means and includes any fence that is forty percent (40%) or more open and measured as an eight foot (8') width by the maximum fence height being proposed, including fence posts/pillars and rails.

OPTIONAL ENCLOSURE AREA: Means and includes the portion of the street side enclosure area beginning at the point fifteen feet (15') from the lip of curb and gutter to the required side setback excluding the clear vision area, all of the required front setback area and further identified in figure [4-6-18A](#) of this section.

REAR SIDE ENCLOSURE AREA: Means and includes all yard area of a lot other than the area within the street side enclosure area and further identified in figure [4-6-18A](#) of this section.

STREET SIDE ENCLOSURE AREA: Means and includes, as applicable:

1. Corner Lot: All of the required front setback area and also all of the required side setback area adjacent to a street and further identified in figure [4-6-18A](#) of this section.
2. Interior Lot: All of the required front setback area of a lot and further identified in figure [4-6-18A](#) of this section.

C. Fence Height And Placement:

1. Street Side Enclosure Area:

- a. No fence shall be constructed or maintained at a height greater than three feet (3'), within any portion of the street side enclosure area; provided however, an open fence may be constructed at a height no greater than four feet (4').
- b. Where there is uncertainty regarding the location of the lip of curb and gutter (i.e., lots adjacent to undedicated streets), the location of the street side enclosure area shall be determined by the city engineer.

2. Optional Enclosure Area: Within the portion of a lot designated as optional enclosure area, any fence may be constructed, subject to all of the following:

- a. The maximum height of the fence shall be not more than six feet (6').
 - b. Driveway safe vision area. Where the closest portion of any vehicular driveway on the same or an adjacent lot is located within twelve feet (12') of a fence, the height of the fence shall be modified to conform to subsection C1 of this section.
 - c. Where the adjacent lot is vacant, the location of the closest portion of a vehicular driveway shall be assumed to be six feet (6') from the common lot boundary.
 - d. The entire portion of the street side enclosure area situated between the lot boundary and any proposed fence within the optional enclosure area shall be landscaped. The landscape treatment shall include, but not be limited to:
 - (1) A combination of turf and other plant materials;
 - (2) An adequate sprinkler irrigation system; and
 - (3) The placement of street trees distributed at the rate defined on the "list of acceptable street trees" as defined in figure [4-6-18B](#) of this section. Trees installed in conformance with this requirement shall be limited to the species set forth and shall have a caliper of not less than one inch (1").
 - e. The request for approval of a fence within the optional enclosure area shall include a plan, drawn to scale, and show the proposed landscape treatment of the area between the property line and fence, together with a bond or other assurance acceptable to the city for the purpose of ensuring the installation of the landscape features.
 - f. Clear vision area. Notwithstanding any provision of this subsection, any fence, including any appurtenant pillar or post, or similar screening material, situated within the clear vision area of a corner lot or parcel shall comply with the requirements for such area as set forth under section [10-5-17](#) of this chapter. In the event of conflict, the provisions of the more strict shall apply.
3. Rear/Side Enclosure Area: Within the portion of a lot designated as rear/side enclosure area, the maximum height of any fence shall be six feet (6'), excluding the required front setback area.

D. Exceptions To Height Requirements:

1. Public Utility Facilities: Fences required by state law or policy to enclose public utility installations and schools shall be exempt from the height requirements, but shall meet other pertinent state and local requirements. (Ord. 4-16-2002A, 4-16-2002)
2. Tennis Courts, Sport Courts, Batting Cages, Swimming Pools, Etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than six feet (6') but not more than eighteen feet (18'), provided:
 - a. Such enclosure does not constitute a part of a fence enclosing a property.
 - b. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.

- c. The enclosure shall be set back from the property line of the lot to which it is appurtenant and also the main building upon said lot for a distance of not less than ten feet (10'). (Ord. 11-18-2008B, 11-18-2008)
3. Retaining Walls: Where a retaining wall protects a cut or fill slope along a property line separating two (2) parcels, the owner of the parcel at the top of the retaining wall shall be entitled to construct a fence at the top of the retaining wall in conformance with the requirements of this section. The owner of the property at the bottom of the retaining wall shall be entitled to construct a fence to the same elevation as the top of a fence constructed or proposed to be constructed along the top of the retaining wall.
4. Pillars: Where a fence proposes the use of pillars, said pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of the fence and a minimum spacing of six feet (6') between pillars.

E. General Requirements:

1. Construction Materials: All fences shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.
2. Barbed Wire Fences Prohibited: It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any public street within a residential zone.
3. Building Permit Required; Zoning Administrator To Approve; Appeal: Before commencing construction, plans for all fences shall first be submitted to and approved by the zoning administrator. Where, in the opinion of the zoning administrator, a proposed fence does not conform to the criteria applicable for the proposed fence, or other requirement of this section, or would have the effect of creating an unsafe condition, the zoning administrator shall deny such application. Any applicant aggrieved by a decision of the zoning administrator may appeal the decision to the **board of adjustment hearing officer** who shall have the authority to reverse, affirm or modify any decision of the zoning administrator.
4. Double Frontage Lots: The placement of fences within the rear lot portion of any double frontage lot shall conform to the standards for fences within the optional enclosure area (subsection C2 of this section) and the clear vision area (section [10-5-17](#) of this chapter), where applicable. (Ord. 4-16-2002A, 4-16-2002)

F. Special Provisions Relating To Fences Adjacent To Public Parks, Trails And Certain Major Streets:

1. Intent: It is the intent of this subsection to establish certain standards for the construction of fences adjacent to public parks, public trail corridors and certain major traffic arteries that are highly visible to the public for the purpose of achieving a coordinated appearance and consistent quality in design and construction of such facilities.
2. Applicability: The provisions of this subsection shall apply to those certain portions of dwelling lots and other parcels located within the boundaries of the street/parkway fence overlay zone, or parcels adjacent to current or planned parks or trail corridors. The territory included within the street/parkway fence overlay zone shall be as set forth on that certain map, figure [4-6-18C](#) of this section. All fences

located within the boundaries of the street/parkway fence overlay zone or any segment thereof shall be designed, constructed and maintained in accordance with the provisions of this subsection.

3. Special Fencing Standards: The following standards shall apply to all fences constructed on applicable parcels: (Ord. 11-18-2008B, 11-18-2008)
 - a. Material: The fence shall be white, tan, or gray vinyl, of any style or shape. Wrought iron fencing is permissible, provided it shall be black or brown in color.
 - b. Type: Where trail segments are greater than one hundred thirty feet (130') in length and less than thirty feet (30') in width, no fence bordering the trail segment shall be constructed or maintained at a height greater than four feet (4'); however, an open fence may be constructed at a height no greater than six feet (6'). When the trail segment is adjacent to a major street corridor, according to the parkway fence overlay map, fence standards as specified elsewhere in this section apply with planning commission approval. (Ord. 06-17-2014A, 6-3-2014)
 - c. Height: The maximum height is six feet (6'). The height shall be measured from natural grade.
 - d. Placement: The fence shall be constructed on the property line. Exceptions may be granted by the city manager or designee for topographical issues.

G. General Exceptions:

1. Planned Residential Or Commercial Developments: No fencing of any type or style is allowed surrounding or within a planned residential or commercial development without the prior recommendation of the planning commission and approval of the city council. The city council is authorized to grant approval on any type or style of fence within any planned residential or commercial development.
2. Altering Standards; Appeals: Standards may be altered upon request by a group of adjacent property owners upon a finding by the city manager or designee, after consulting with the zoning administrator, that the request is consistent to the objectives of this section.
 - a. Appeals to the city manager's decision on exceptions may be made to the city council within thirty (30) days of the city manager's decision. (Ord. 11-18-2008B, 11-18-2008)

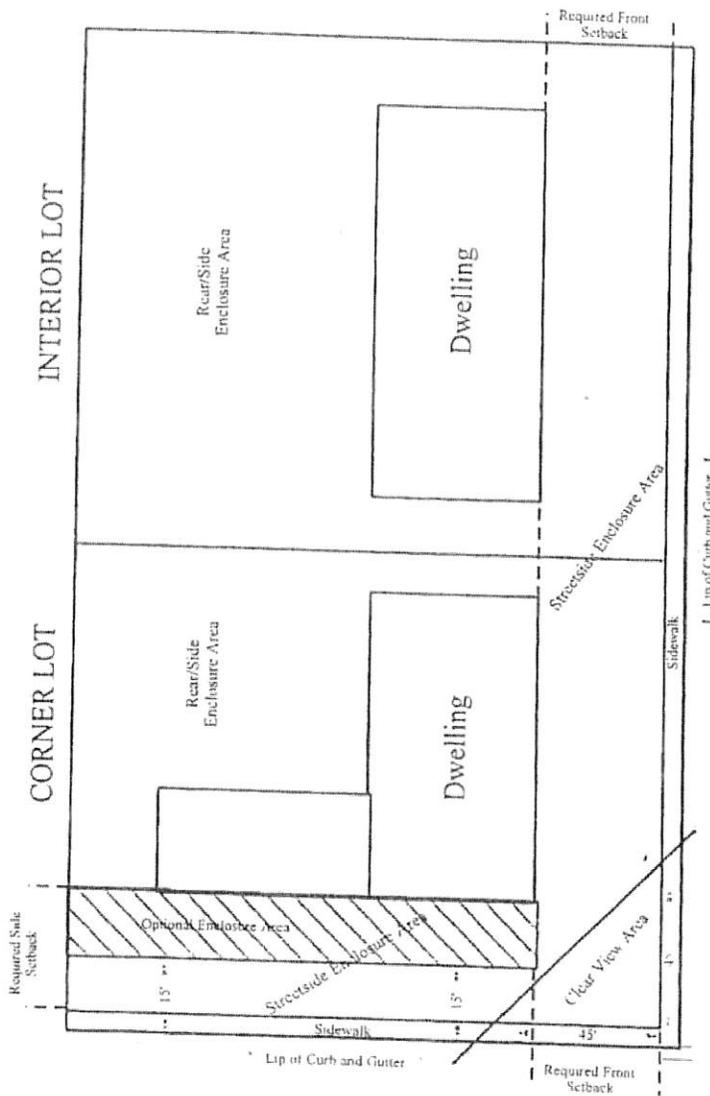


FIGURE 4-6-18A

FIGURE 4-6-18B

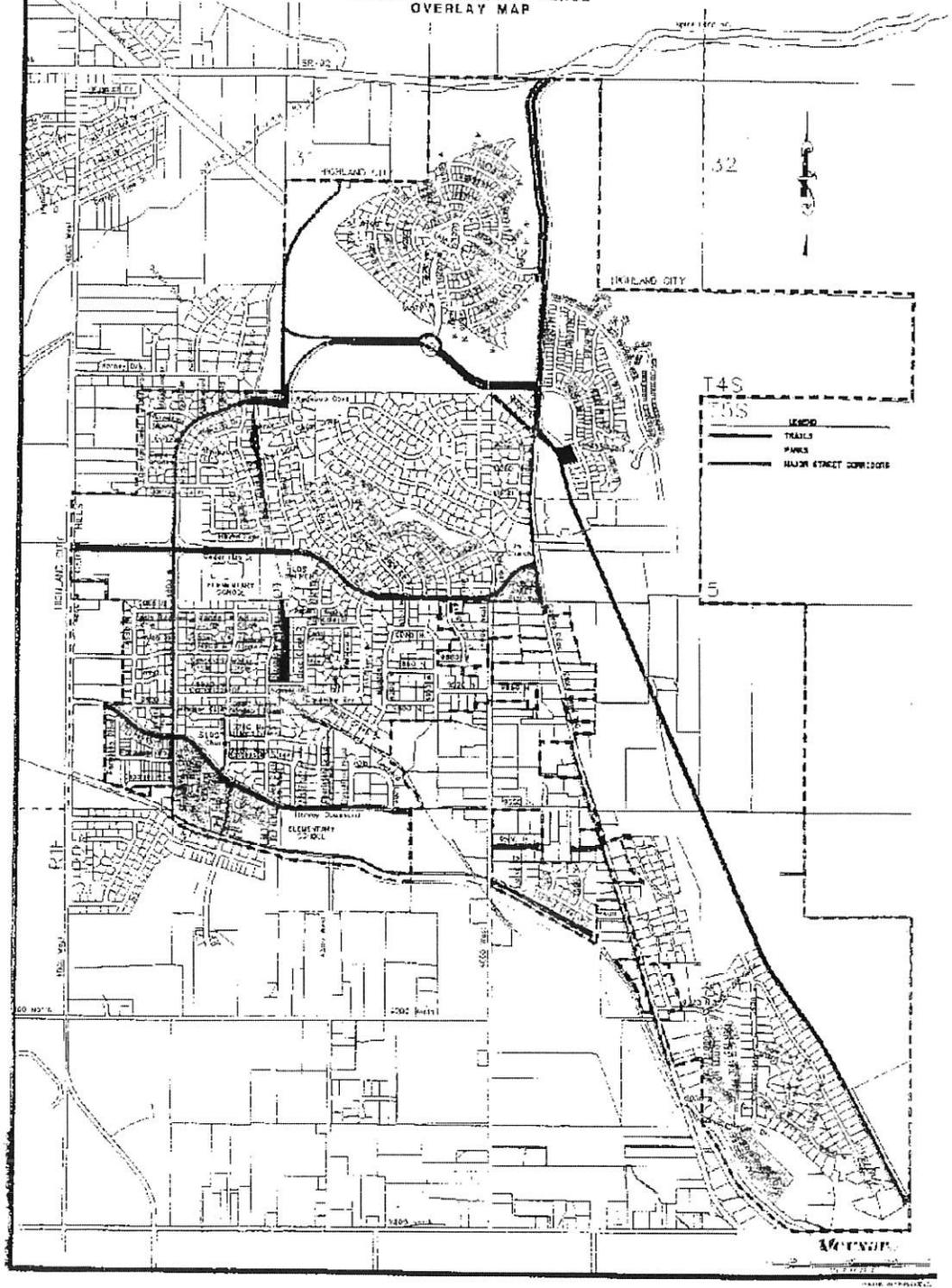
LIST OF ACCEPTABLE STREET TREES
 (For purpose of fencing ordinance)

<u>Tree Species</u>	Spacing
Maples	
Norway maple	35 feet
Queen emerald maple	35 feet
Red maple	30 feet
Sugar maple	30 feet
Hedge maple	20 feet
Sycamore maple	20 feet
Amur maple	15 feet
Columnar maple	15 feet
London plane tree	40 feet
Lindens (all species)	30 feet
Poplar (all species)	20 feet
Oak (all species)	35 feet
Ash	
White ash	35 feet
European ash	30 feet
Green ash	35 feet

CITY OF CEDAR HILLS



4-6-18C
STREET / PARKWAY FENCE
OVERLAY MAP



(Ord. 4-16-2002A, 4-16-2002)

11-1-1: TITLE:  

This title shall be entitled the *SUBDIVISION ORDINANCE OF THE CITY OF CEDAR HILLS, UTAH*, and may be so cited and pleaded. (Ord. 4-11-79A, 4-24-1979)

11-1-2: INTENT:  

The intent of this title is as follows:

- A. To facilitate the orderly development of the city in accordance with the city general plan.

- B. To facilitate circulation and transportation.

- C. To help avoid congestion within the city.

- D. To facilitate the transfer of the ownership of building sites.

- E. To facilitate the provision for water, sewer, drainage, utilities and other services.

- F. To establish the rights, duties and responsibilities of subdividers with respect to the development of land. (Ord. 4-11-79A, 4-24-1979)

11-1-3: SUBDIVISION PLATS REQUIRED; EXCEPTIONS:  

From the effective date hereof, no person shall subdivide any tract of land that is located wholly or in part within the limits of the city, nor shall any person sell, exchange or offer for sale or purchase, or offer to purchase any parcel of land that is any part of a subdivision of a larger tract of land within the city, nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless he shall first make or cause to have made a final plat thereof, which plat shall be in accordance with all of the requirements of this title and state statute, and shall have been approved by the planning commission and city council, and recorded in the office of the county recorder; provided, however, that land may be sold by metes and bounds without the necessity of recording a final plat if all the following conditions are met: (Ord. 4-11-79A, 4-24-1979; amd. 2004 Code)

- A. A buildable lot or parcel cannot be created by exclusively using metes and bounds. City services shall not be extended to parcels created exclusively by metes and bounds. If city services are already in place, the metes and bounds parcel will be billed at the nonresident rate; (Ord. 3-16-2010A, 3-16-2010)

- B. The subdivision layout, complying with the requirements for a preliminary plan as set forth in this title, shall have been first approved in writing by the planning commission;

- C. The subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the city;
- D. The subdivision does not require the dedication of any land for street or other public purposes;
- E. Each lot in the subdivision meets the frontage, width and area requirements set forth under the zoning provisions of this code, or has been granted a variance from requirements by the **board of adjustmentHearing Officer**; and
- F. All improvements required under [chapter 7](#) of this title shall have been installed or assurances given to the city that said required improvements will be installed without cost to the city as provided for in [chapter 3](#) of this title. (Ord. 4-11-79A, 4-24-1979)

11-1-4: PENALTY:  

- A. Any person, firm or corporation who shall transfer or sell any lot or land in a "subdivision", as defined in section [11-2-1](#) of this title, which subdivision has not been approved by the planning commission and except as provided for in section [11-1-3](#) of this chapter, also approved by the city council and recorded in the office of the county recorder, shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section [1-4-1](#) of this code, for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by action of injunction brought in any court or equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.
- B. Any person, firm or corporation violating any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section [1-4-1](#) of this code. (Ord. 4-11-79A, 4-24-1979; amd. 2004 Code)



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	June 30, 2020

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amendments to Cedar Hills Code §10-5-18, related to Special Provisions Relating to Fences Adjacent to Public Parks, Trails and Certain Major Streets.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Jenny Peay, Planning Associate
BACKGROUND AND FINDINGS:	
<p>Mayor Rees requested that staff go through the process of updating this portion of city code. Residents with homes bordering applicable parcels have expressed a desire to have the ability to fully enclose rear yards bordering trails. Residents have articulated that they feel a lack of privacy, safety, and excessive noise when patrons are using these trails. The recent opening of Harvey Park has also increased pedestrian traffic along this trail.</p> <p>On January 28, 2020 and February 25, 2020; Staff presented updating fencing language to the Planning Commission for discussion and feedback. Staff is also requesting the ability for CUP permits to be an administrative decision as staff reviews and identifies any safety hazards or adverse effects fences would create for surrounding property owners. Staff has reviewed recommendations from the Planning Commission and is requesting the Planning Commission consider amending city code §10-5-18 section (F); Special Provisions Relating to Fences Adjacent to Public Parks, Trails and Certain Major Streets.</p>	
PREVIOUS LEGISLATIVE ACTION:	
N/A	
FISCAL IMPACT:	
N/A	
SUPPORTING DOCUMENTS:	
Proposed amendments to code §10-5-18 sections (B) Definitions and Terms, (E) General Requirements, and (F) Special Provisions Relating to Fences Adjacent to Public Parks, Trails and Certain Major Streets.	
RECOMMENDATION:	
Review proposed code, make necessary modifications for recommendations to the City Council	
MOTION:	
To recommend/not recommend the proposed amendments to Cedar Hills Municipal Code §10-5-18, and section (F); Special Provisions Relating to Fences Adjacent to Public Parks, Trails and Certain Major Streets, subject to the following modifications {LIST ANY APPLICABLE CHANGES}.	

10-5-18: FENCES:

- A. Intent: It is the intent of this section to establish minimum standards for the placement and height of fences for the purpose of facilitating safety of pedestrians and motor vehicle users in connection with ingress and egress to private drives and parking areas, and to more adequately protect the health, safety and general welfare of the population.
- B. Definitions And Terms: For the purpose of facilitating the implementation of this section, the following terms are hereby defined and further identified on the following figures [4-6-18A](#), [4-6-18B](#) and [4-16-18C](#) of this section:

CLEAR VISION AREA: That portion of a corner lot or parcel as defined within and subject to the provisions of section [10-5-17](#) of this chapter.

FENCE: Any constructed tangible barrier, lattice work, screen, wall, or any continuous growth of shrubs, vines, trees or other vegetative material.

DOUBLE FENCING: Fences running parallel with each other, which are located with a separation distance less than six feet (6'). Fences running parallel with each other greater than six feet (6') in separation distance properly gated or accessible for maintenance purposes shall not be considered a double fence.

OPEN FENCE: Means and includes any fence that is forty percent (40%) or more open and measured as an eight foot (8') width by the maximum fence height being proposed, including fence posts/pillars and rails.

OPTIONAL ENCLOSURE AREA: Means and includes the portion of the street side enclosure area beginning at the point fifteen feet (15') from the lip of curb and gutter to the required side setback excluding the clear vision area, all of the required front setback area and further identified in figure [4-6-18A](#) of this section.

REAR SIDE ENCLOSURE AREA: Means and includes all yard area of a lot other than the area within the street side enclosure area and further identified in figure [4-6-18A](#) of this section.

STREET SIDE ENCLOSURE AREA: Means and includes, as applicable:

1. Corner Lot: All of the required front setback area and also all of the required side setback area adjacent to a street and further identified in figure [4-6-18A](#) of this section.
2. Interior Lot: All of the required front setback area of a lot and further identified in figure [4-6-18A](#) of this section.

E. General Requirements:

1. Construction Materials: All fences shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.
2. Barbed Wire Fences Prohibited: It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any public street within a residential zone.
3. Building Permit Required; Zoning Administrator To Approve; Appeal: Before commencing construction, plans for all fences shall first be submitted to and approved by the zoning administrator. Where, in the opinion of the zoning administrator, a proposed fence does not conform to the criteria applicable for the proposed fence, or other requirement of this section, or would have the effect of creating an unsafe condition, the zoning administrator shall deny such application. Any applicant aggrieved by a decision of the zoning administrator may appeal the decision to the ~~board of adjustment~~ **Appeal Authority** who shall have the authority to reverse, affirm or modify any decision of the zoning administrator.
4. Double Frontage Lots: The placement of fences within the rear lot portion of any double frontage lot shall conform to the standards for fences within the optional enclosure area (subsection C2 of this section) and the clear vision area (section [10-5-17](#) of this chapter), where applicable. (Ord. 4-16-2002A, 4-16-2002)

F. Special Provisions Relating To Fences Adjacent To Public Parks, Trails And Certain Major Streets:

1. Intent: It is the intent of this subsection to establish certain standards for the construction of fences adjacent to public parks, public trail corridors and certain major traffic arteries that are highly visible to the public for the purpose of achieving a coordinated appearance and consistent quality in design and construction of such facilities.
2. Applicability: The provisions of this subsection shall apply to those certain portions of dwelling lots and other parcels located within the boundaries of the street/parkway fence overlay zone, or parcels adjacent to current or planned parks or trail corridors. The territory included within the street/parkway fence overlay zone shall be as set forth on that certain map, figure [4-6-18C](#) of this section. All fences located within the boundaries of the street/parkway fence overlay zone or any segment thereof shall be designed, constructed and maintained in accordance with the provisions of this subsection.
3. Special Fencing Standards: The following standards shall apply to all fences constructed on applicable parcels: (Ord. 11-18-2008B, 11-18-2008)
 - a. Material: The fence shall be white, **dark brown**, tan, or gray vinyl, of any style or shape. Wrought iron **or metal** fencing is permissible, provided it shall be black or brown in color. **Decorative concrete, masonry wall, or similar type fencing is allowed provided it shall be earth tone in color.**

No fencing will be allowed that has any type of spike or spear effect on the top rail or fence posts, with the exception for black wrought iron or metal style fences.

- b. Type: Where trail segments are greater than one hundred thirty feet (130') in length and less than thirty feet (30') in width, no **closed** fence bordering the trail segment shall be constructed or maintained at a height greater than four feet (4'); however, an open fence may be constructed at a height no greater than six feet (6'). When the trail segment is adjacent to a major street corridor, according to the parkway fence overlay map, fence standards as specified elsewhere in this section apply with ~~planning commission~~ **Zoning Administrator** approval. (Ord. 06-17-2014A, 6-3-2014)
- c. Height: The maximum height is six feet (6'). The height shall be measured from natural grade. **Security fencing near or around public facilities may exceed height and material restrictions, based on compatibility and safety.**
- d. Placement: The fence shall be constructed on ~~the~~ **or within** property lines. **Determining location of a property line is the responsibility of the homeowner. Exceptions may be granted by the city manager or designee for topographical issues. No double fences running parallel will be permitted along any property lot line on the same parcel of property.**

G. General Exceptions:

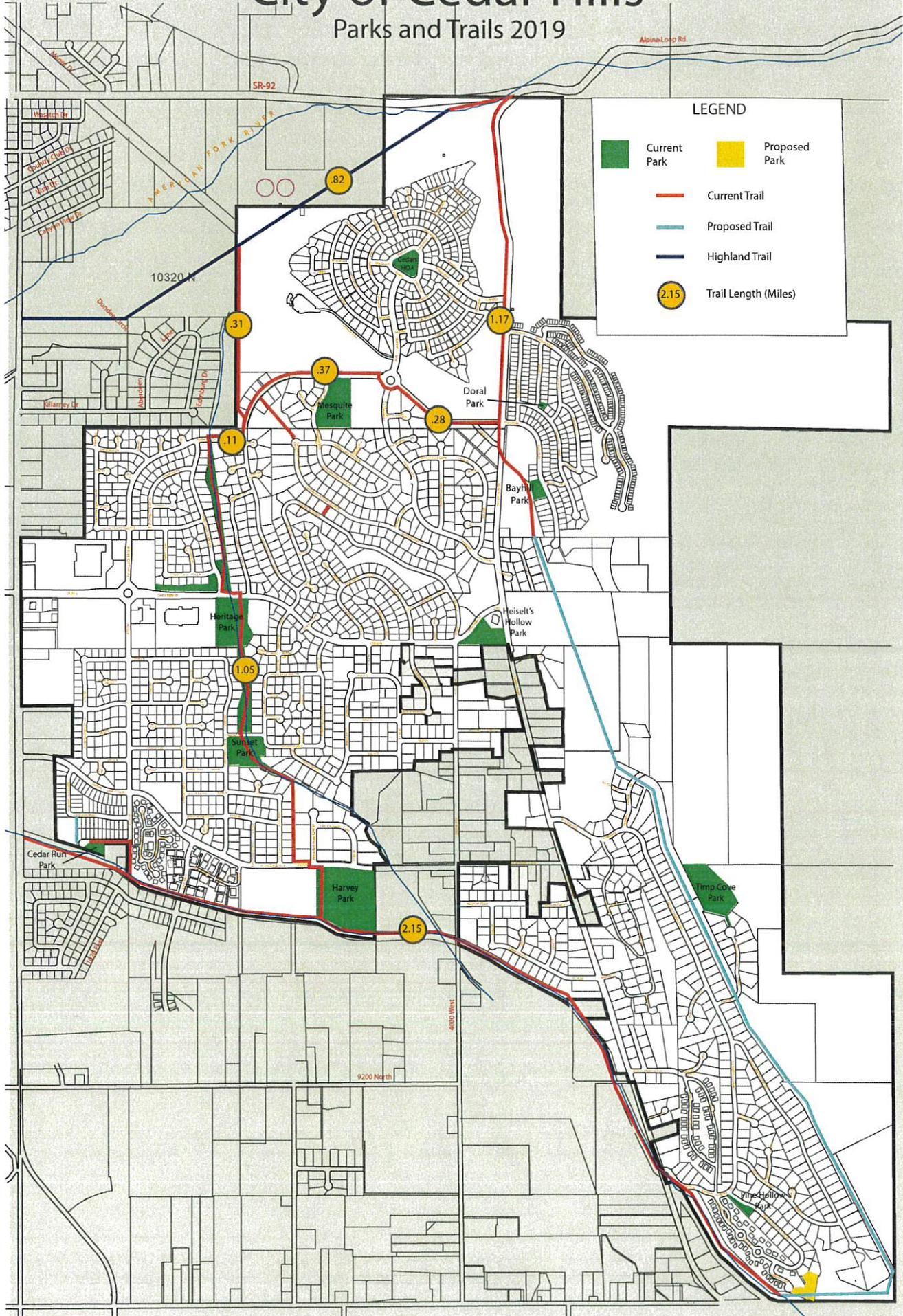
- 1. Planned Residential Or Commercial Developments: No fencing of any type or style is allowed surrounding or within a planned residential or commercial development without the prior recommendation of the planning commission and approval of the city council. The city council is authorized to grant approval on any type or style of fence within any planned residential or commercial development.
- 2. **Exception to Double fences: When located adjacent to an existing agricultural or animal use. This exception means that owners who wish to construct a fence may need to tie their fence into an existing fence located on an adjacent lot or parcel unless the fence is not deemed a double fence.**
- 3.-2. Altering Standards; Appeals: Standards may be altered upon request by a group of adjacent property owners upon a finding by the city manager or designee, after consulting with the zoning administrator, that the request is consistent to the objectives of this section.
- a. Appeals to the city manager's decision on exceptions may be made to the city council within thirty (30) days of the city manager's decision. (Ord. 11-18-2008B, 11-18-2008)

11-7-13: FENCES ADJACENT TO PARKS AND TRAILS:  

Where a subdivision borders upon an existing or proposed city park, trail, or major street corridor, a fence conforming with the standards of subsection [10-5-18F](#) of this code shall be constructed along the common boundary between the lots and park, trail, or major street corridor areas. (Ord. 8-15-2006D, 8-15-2006)

City of Cedar Hills

Parks and Trails 2019



To include in materials: decorative concrete, masonry wall, or similar type fence would give property owners along trails additional options and the appearance of open style fencing. This would also address an additional privacy element to the rear yard areas bordering the trail.



For 6' foot decorative concrete, masonry wall, or similar type fence; Tree Plan, with additional shrubs, trees, or vines/ivy to provide visual relief and interest along concrete style fences.

Decorative concrete, masonry wall, or similar type fencing to be reviewed and approved by the Zoning Administrator or Planning Commission.





CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	June 30, 2020

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amendments to Cedar Hills Code §10-6B-7, §10-6D-8 Design Criteria, and §10-4D-10 Special Provisions related to driveways.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Jenny Peay, Planning Associate
BACKGROUND AND FINDINGS: Both staff and the American Fork Fire Marshal have requested that staff go through the process of updating language in city code addressing design requirements for driveway slopes. Clarifying the language in the city code relating to design criteria for driveways will help assist homeowners and the building department when submitting building permits and plan approval. The AF Fire Marshal also indicated some concerns with homes having steep driveway grades. Steep driveways without the addition of stairs create a hazard for public safety crews should there need to respond in the home. Ultimately, the process will go through the Planning Commission and the City Council, including public hearings to solicit resident input.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed amendments to code §10-6B-7, §10-6D-8, and §10-4D-10.	
RECOMMENDATION: Review proposed code, make necessary modifications for recommendations to the City Council	
MOTION: To recommend/not recommend the proposed amendments to Cedar Hills Municipal Code §10-6B- 7, §10-6D-8, and §10-4D-10 relating to Driveway Slopes, subject to the following modifications {LIST ANY APPLICABLE CHANGES}.	

ARTICLE B. PLANNED RESIDENTIAL DEVELOPMENTS (PRD)

10-6B-7: DESIGN CRITERIA:

- I. Cut And Fill Slopes; Street And Drive Grades: The grade of all public or private streets, or common drives or private driveways within a PRD, shall conform to the requirements for subdivisions. No public or private street providing access to a development cluster or any common drive or private driveway within the PRD shall be constructed in a location or in such a manner that results in the creation of a slope face that exceeds the critical angle of repose or is greater than five feet (5'). (Ord. 3-4-2003C, 3-4-2003).
Residential driveway grades shall be a maximum of twelve percent (12%) unless otherwise approved by the City Engineer or designee. If driveway grade is constructed or comprised of a grade exceeding City Design Standards, approval is contingent upon a Building Code Compliant Stairway for Emergency Personnel access. Building permit shall not be issued until approved driveway grade or modifications are constructed.

ARTICLE D. PLANNED TOWNSITE PROJECTS

10-6D-8: DESIGN CRITERIA:

- E. Street Grade: The grade of all public or private streets, or common drives or private driveways, shall conform to the requirements for subdivisions. No public or private street providing access to a development cluster or any common drive or private driveway within the planned townsite project shall be constructed in a location or in such a manner that results in the creation of a slope face that exceeds the critical angle of repose or is greater than five feet (5'). (Ord. 3-4-2003C, 3-4-2003)
- G. Driveway Slope: Any driveway providing access to a buildable area shall have a slope of not greater than twelve percent (12%) with no cut or fill slope greater than five feet (5'). (Ord. 3-4-2003C, 3-4-2003).
Residential driveway grades shall be a maximum of twelve percent (12%) unless otherwise approved by the City Engineer or designee. If driveway grade is constructed or comprised of a grade exceeding City Design Standards, approval is contingent upon a Building Code Compliant Stairway for Emergency Personnel access. Building permit shall not be issued until approved driveway grade or modifications are constructed.

ARTICLE D. H-1 HILLSIDE DEVELOPMENT ZONE¹

10-4D-10: SPECIAL PROVISIONS:

- A. Grading: No grading, filling or excavation of any kind shall be commenced on land within the zone without first having obtained a grading permit from the city engineer, who shall not issue such permit until a grading plan, endorsed by a licensed civil engineer, shall have been approved in accordance with the provisions of section [10-4D-11](#) of this article. All land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed, except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required fire breaks or access easements, or when such disturbance is specifically provided for under an approved site plan.

Residential driveway grades shall be a maximum of twelve percent (12%) unless otherwise approved by the City Engineer or designee. If driveway grade is constructed or comprised of a grade exceeding City Design Standards, approval is contingent upon a Building Code Compliant Stairway for Emergency Personnel access. Building permit shall not be issued until approved driveway grade or modifications are constructed.