



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

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

PLANNING COMMISSION MEETING

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

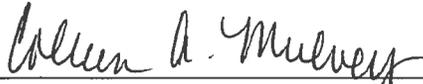
SCHEDULED ITEMS:

3. Approval of Minutes from the January 24, 2013 Planning Commission meeting
4. Discussion/Review on Amendments to the City Code, Title 10, Regarding Assisted Living Facilities
5. Review/Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances, Regarding Weeds and Refuse; Landscaping Overhanging the Street
6. Discussion on Approval Process of Conditional Use Permits
7. Committee Assignments and Reports

ADJOURNMENT

8. Adjourn

Posted this 25th day of February, 2013



Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the commission members to participate.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	2/28/2013

Planning Commission Agenda Item

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

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

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

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

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

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

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

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

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

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

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

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

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



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	2/28/2013

Planning Commission Agenda Item

SUBJECT:	Review / Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Scott McMahon, City Code Enforcement Officer
BACKGROUND AND FINDINGS: <ol style="list-style-type: none">1. Addition of maximum weed height of 6".2. Addition of a definition of a weed.3. Recommend standard nuisance fine schedule for violations of the code.	
PREVIOUS LEGISLATIVE ACTION: Ord. 6-17-2003A	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Proposed Ordinance	
RECOMMENDATION: Click here to enter text.	
MOTION: To recommend/not recommend approval of amendments to Nuisance Code 4-2-3: Abatement of weeds, garbage, refuse, public nuisances, illegal objects and structures.	

WEEDS AND REFUSE

PURPOSE:

DEFINITIONS:

RESPONSIBILITY TO KEEP PROPERTY CLEAN:

WEED CONTROL STANDARDS:

EXAMINATION OF PROPERTY FOR COMPLIANCE:

DUTY TO MAINTAIN PROPERTY:

PURPOSE:

The Cedar Hills City Council hereby declares that it is beneficial to the community to enact this code to regulate abatement of the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisances, and illegal objects and structures. The provisions of this code shall be liberally construed in order to carry out the abatement of the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisances, and illegal objects and structures.

DEFINITIONS:

Weed: A weed is a plant out of place, not intentionally sown, whose undesirable qualities outweigh its good points.

County noxious weed: Means any plant which is not on the state noxious weed list, is especially troublesome in a particular county, and is declared by the county legislative body to be a noxious weed within its county.

Noxious weed: Means any plant the Utah State Commissioner of Agriculture and Food determines to be especially injurious to public health, crops, livestock, land, or other property.

RESPONSIBILITY TO KEEP PROPERTY CLEAN:

It is unlawful for any owner or occupant of real property in the city to let the height of weeds on such property to grow beyond the maximum permitted, or to fail to remove from such property any injurious and noxious weeds, garbage or refuse, unsightly or deleterious objects or structures, after having been given notice pursuant to Utah Code Annotated section 10-11-2.

WEED CONTROL STANDARDS:

Weeds shall be maintained at a height of not more than six inches (6") at any time, and shall be cleared from all real property in the city.

EXAMINATION OF PROPERTY FOR COMPLIANCE:

The city may abate weeds, garbage, refuse and unsightly objects pursuant to Utah Code Annotated sections 10-11-1 through 10-11-4.

DUTY TO MAINTAIN PROPERTY:

The owner and the occupant of a property who is not the property owner of record shall have a joint and several obligation and the duty to maintain property located within the city, including, but not limited to, abatement of the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisance, or illegal objects or structures.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	2/28/2013

Planning Commission Agenda Item

SUBJECT:	Review / Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Scott McMahon, City Code Enforcement Officer
BACKGROUND AND FINDINGS:	<ol style="list-style-type: none">1. The City currently has no code covering landscaping overhanging the street. Staff is requesting input.2. Recommend standard nuisance fine schedule for violations of the code.
PREVIOUS LEGISLATIVE ACTION:	n/a
FISCAL IMPACT:	n/a
SUPPORTING DOCUMENTS:	Proposed Ordinance
RECOMMENDATION:	Click here to enter text.
MOTION:	To recommend/not recommend approval of amendments to Nuisance Code 4-2-3: Landscaping overhanging the street.

LANDSCAPING OVERHANGING STREET PAVEMENT:

Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet ($13\frac{1}{2}'$) above the street pavement.

Utah State Max height w/o permit 14', Waste Management 13'6, Buses 11'6



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, Assistant City Manager
DATE:	2/28/2013

Planning Commission Agenda Item

SUBJECT:	Discussion / Review on approval process of conditional use permits.
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager
BACKGROUND AND FINDINGS: Staff requesting input on conditional use permits, and the designated review body for specific permits.	
PREVIOUS LEGISLATIVE ACTION: Ord. 3-4-2008A	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: n/a	
RECOMMENDATION: n/a	
MOTION: This item is a discussion item only. No motion is necessary at this time.	

Planning Commissions

Conditional Use Permits

Home Occupation Businesses

Taylorsville, Utah

13.06.110: POWERS AND DUTIES:

The planning commission shall have the duty to:

- G. Hear and decide any matters that the city council designates, including the approval or denial of, or recommendation to approve or deny, conditional use permits.

13.57.030: DEFINITIONS:

The following words and phrases shall have the following meanings, unless a different meaning clearly appears from the context:

HOME OCCUPATION: A business or professional activity conducted within a residential dwelling by bona fide occupants of the residence that is clearly incidental, secondary, and subordinate to the residential use of the dwelling and property and is generally for the production of income.

HOME OCCUPATION CLASS A: An office home occupation for phone, mail, and other general office activities conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes.

HOME OCCUPATION CLASS B: A home occupation conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes, but produces or assembles a product on a small scale (other than food preparation) such as ceramic crafts, jewelry, computer assembly, etc.

HOME OCCUPATION CLASS C: A home occupation conducted entirely within a dwelling unit in which clients, customers or patrons of the home occupation visit the home occupation location for business purposes, such as a photo studio, beauty salon, etc.

HOME OCCUPATION CLASS D FAMILY CHILDCARE/HOME PRESCHOOL: A home occupation that provides for care, supervision and/or home preschool instruction of children under fourteen (14) years of age including the caregiver's own children under the age of six (6) and not yet in full day school within an occupied dwelling and a secure yard for direct or indirect compensation. Class D home occupations are further defined as follows:

Family Childcare Class D1: A class D home occupation that provides caregiver services for less than five (5) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.

Family Childcare Class D2: A class D home occupation that provides caregiver services for five (5) to eight (8) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.

Family Childcare Class D3: A class D home occupation that provides caregiver services for nine (9) to twelve (12) children with sufficient staffing required by the state of Utah health department. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.

Home Preschool Class D4: A class D home occupation that provides instruction and care for twelve (12) or less preschool children ages six (6) or under or children not in full day school. This number includes the applicant's own children ages six (6) or under who are not yet in full day school. (Ord. 04-26, 7-21-2004)

13.57.070: CONDITIONAL USE PERMIT PROCESS:

A person seeking a home occupation conditional use permit shall file a written application with the community development department of the city in a form prescribed by the city.

- A. Home occupation classes A, B and D1 conditional use permit may be approved and issued by the community development director or his designee. Any person shall have the right to appeal the decision of the community development director to the planning commission within ten (10) days of the community development director's decision, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest possible regular meeting of the commission.
- B. Home occupation classes C, D2, D3, and D4 conditional use applications shall be submitted for review and approval by the planning commission.
- C. All home occupation conditional use permits granted by the city are subject to review upon complaint. The city may revoke a permit issued for a home occupation upon notice and hearing for violation of any governing ordinance or law of the city, state or federal government, or for any other good and substantiated reason.
- D. A home occupation permit granted by the city shall not be assignable or transferable to another person or another location without first being reviewed and approved by the city. (Ord. 04-26, 7-21-2004)

13.57.090: HOME OCCUPATIONS NOT ALLOWED:

The following uses are not allowed as home occupations:

Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the international fire code in a residential situation.

Auto body or fender work.

Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.

Furniture or cabinet making.

Junkyards, storage or recycling yards.

Lawn mower, small engine or motor repair or services.

Major appliance repair (washers, dryers, refrigerators, etc.).

Manufacture or sale of firearms, ammunition, explosives or similar products.

Medical clinics and laboratories.

Mortuaries or crematoriums.

Sexually oriented businesses.

Short term rental.

Vehicle sales or rental exceeding two (2) sales per year.

Vehicle towing operations.

Welding or ironworks.

Any other use that would produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood. (Ord. 04-26, 7-21-2004)

North Salt Lake

10-10-5: HOME OCCUPATIONS:

A. Scope: Business activities may be conducted within a residence if such activities comply with the standards of this section. All home occupations shall be secondary and incidental to the residential use. A home occupation should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

B. Issuance Of Business License: The zoning administrator may, upon application, issue a home occupation business license if the administrator is satisfied that the applicant will meet all of the conditions listed below and that the applicant has agreed in writing to comply with all said conditions.

13. All home occupation business licenses shall be valid for one year and may be renewed annually, provided there have been no reported violations, complaints or detrimental characteristics which may, in the opinion of the zoning administrator, require termination of said home occupation.

D. Specific Businesses Prohibited As Home Occupations: In order to minimize traffic and off street parking and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental and other health professional offices are specifically excluded as home occupations. Other types of businesses prohibited as home occupations include:

1. Auto, truck or motorcycle repair at the residence;
2. Furniture or cabinet making;
3. Major appliance repair (washers, dryers, refrigerators, etc.);

4. Small engine and lawn mower repair;
5. Auto body or fender work;
6. Trailer or boat repair;
7. Photo developing and processing beyond a hobby darkroom;
8. Sexually oriented businesses.

E. Home Occupation Conditional Uses: Home occupations in the following areas of work must receive a conditional use permit from the planning commission following notice and a public hearing:

1. Lawn care and/or landscaping;
2. Snow removal;
3. Swimming lessons in a private, on site residential pool;
4. Group instruction facilities with more than seven (7) people.

Pleasant Grove

2-3-2: DUTIES:

Except when otherwise expressly provided, the **planning commission shall do the following:**

7. **Hear or decide any matters that the city council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;**

10-21-2: HOME OCCUPATION PERMIT REQUIRED:

To assure compliance with provisions of this title and to protect the character of residential neighborhoods in the city, **a home occupation permit shall be obtained from the community development department** before a dwelling unit in a residential zone may be used for business purposes. (Ord. 2000-23, 7-18-2000)

10-21-5: MINOR HOME OCCUPATIONS:

Home occupations which meet the above standards shall be defined as minor home occupations. In order to minimize traffic and off street parking, and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental and other health professional offices are specifically excluded as home occupations. Permitted minor home occupations include, but are not necessarily limited to, the following:

- A. Artists, authors, architectural services, advertising.

- B. Barber and beauty shops.
- C. Consulting services, craft sales.
- D. Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, provided the number of students is limited to two (2) at a time.
- E. Direct sales distribution, desktop publishing.
- F. Data processing, computer programming, and service.
- G. Family daycare (not more than 6 children).
- H. Home crafts.
- I. Garden produce.
- J. Janitorial services.
- K. Insurance sales or broker, interior design.
- L. Mail order.
- M. Real estate sales, broker or appraiser.
- N. Sales representative.
- O. Contractors, provided there is no outside storage of equipment, and no more than one company vehicle stored on site. (Ord. 2000-23, 7-18-2000)

10-21-6: MAJOR HOME OCCUPATIONS:

"Major home occupations" are defined as home occupations which meet the standards listed in section [10-21-4](#) of this chapter, as well as conditional use approval from the planning commission. The planning commission may allow increases in intensity of a home occupation, as follows:

- A. The number of patrons or customers coming to the home may range up to six (6) per hour, provided sufficient off street parking is provided and the use does not adversely affect the neighborhood. Daycare, preschools, and nurseries, as defined in sections [10-6-2](#) and [10-15-27](#) of this title, are to be exempt from this subsection. Children that are associated with any type of daycare, as defined in this code, are not to be considered as patrons or customers.
- B. Employees not residing on the premises may be allowed during daytime business hours (8:00 A.M. to 5:00 P.M.), subject to the following conditions:
 1. No more than one nonresident employee is permitted for homes with lots under twelve thousand (12,000) square feet, and two (2) nonresident employees are permitted for homes with lots twelve

thousand (12,000) square feet or greater. Additional nonresident employees may be approved for homes with lots twelve thousand (12,000) square feet or greater; however, the number of additional employees shall not exceed the number of residents living in the home, and may be subject to additional conditions as stated in subsection D of this section.

2. Promotional meetings for the purpose of selling merchandise, taking orders or training may be held one time per month.
3. On street parking shall not be allowed.
4. Multi-family residential home businesses shall not have a nonresident employee.

C. An increase in the size and number of company vehicles and equipment may be approved by the planning commission with appropriate mitigations, such as fencing and buildings.

D. Additional conditions may be applied for visual appearance of site, access improvements, noise limits, scope of services allowed, and other conditions deemed necessary by the planning commission. (Ord. 2008-28, 10-21-2008)

WEST JORDAN

Planning Commission

2-2-2: POWERS AND DUTIES:

The planning commission shall have the powers and duties set forth in the Utah municipal land use development and management act, or its successor provisions, and city law. These powers and duties include:

A. **Adopt General Plan:** After holding required public hearings, preparing and recommending a general plan and amendments to it to the city council.

B. **Zoning Ordinance:** Recommending to the city council zoning ordinances and maps and amendments thereto, as appropriate.

C. **Administer Land Use:** Administering the provisions of title 13 of this code, or its successor, as provided by law.

D. Advise City Council: Recommending to the city council subdivision ordinances, regulations and amendments thereto, as appropriate. Also, advise the city council on land use, real property transactions, street closure and other matters, as the city council may direct or request.

E. Review Plats And Development Proposals: Approving or denying subdivision plats, commercial development site plans and other developments, in accordance with the development standards established by the city or otherwise provided by law.

F. Conditional Use Permits: Hearing or deciding any matters that the city council by ordinance designates, including recommendations to approve or deny conditional use permits, in accordance with the provisions of city law¹.

ARTICLE D. HOME OCCUPATIONS

4-2D-1: LICENSE REQUIRED:

4-2D-2: PROCEDURE:

4-2D-3: FEES:

4-2D-4: LICENSE RENEWAL; INSPECTION:

4-2D-1: LICENSE REQUIRED:

It shall be unlawful for any person to engage in a home based business or occupation, without first securing a city home business license; however, such a license does not relieve the holder of a city home business license of any requirement of the state, county, city or any other public agency relating to the type of business being licensed, including the requirement to also obtain a general city business license. (Ord. 12-13, 6-13-2012)

4-2D-2: PROCEDURE:

All applications for a city home business license shall be referred to the city zoning administrator for clearance, before any business license is issued. Clearance shall not be given unless the zoning administrator is satisfied that the applicant meets all of the home occupation zoning standards imposed by this code. (Ord. 12-13, 6-13-2012)

4-2D-3: FEES:

The license fee for a city home business license shall be as provided by city council resolution from time to time. (Ord. 12-13, 6-13-2012)

4-2D-4: LICENSE RENEWAL; INSPECTION: 

- A. The city reserves the right to inspect any and all premises licensed for home occupation during reasonable hours to determine compliance with the provisions of this title.

- B. On the anniversary date of a city home business license, the premises will be inspected by or at the direction of the business license authority for any hazards that may have been installed after the initial inspection. (Ord. 12-13, 6-13-2012)