



**NOTICE OF
PLANNING COMMISSION MEETING
Tuesday, April 25, 2017 7:00 p.m.
Community Recreation Center, 10640 N Clubhouse Drive**

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, April 25, 2017 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)

PUBLIC HEARING

- Amendments to the City Code Title 10, Chapter 5 Relating to Land Use Zoning Regulations

SCHEDULED ITEMS

3. Review/Action on Amendments to the City Code Title 10, Chapter 5 Relating to Land Use Zoning Regulations, Bed and Breakfast Facilities
4. Discussion on City Code Title 10, Chapter 5 Relating to Conditional Use Permits

ADJOURNMENT

5. Adjourn

Posted this 21st day of April, 2017

/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:	4/25/2017

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amending Title 10, Chapter 5, Section 25 Related to Bed and Breakfast Facilities
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: Cedar Hills City Code 10-5-25 (B)(2) states that any structure being considered as a bed and breakfast facility must be a registered historic structure according to state and/or national historic registers. Additionally, the City Council may designate a structure as a historic structure of local significance. Staff is recommending that this provision be struck from City Code as Cedar Hills has no historic structures according to the state or national registry.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed Code 10-5-25	
RECOMMENDATION: Staff recommends that the Planning Commission make the recommendation to the City Council to remove 10-5-25 (B)(2) from City Code	
MOTION: To recommend/not recommend the proposed changes to City Code 10-5-25 related to bed and breakfast facilities.	

10-5-25: BED AND BREAKFAST FACILITY:

A. Intent: The following regulations have been established to provide standards for the establishment and operation of bed and breakfast facilities.

B. Application And Approval Required: A bed and breakfast facility may be approved by the planning commission, subject to a finding of compliance with the following terms and conditions:

1. Use Within District: A bed and breakfast facility is specifically listed as a permitted or conditional use within the zone district.
2. ~~Historic Structure: The structure proposed for use as a bed and breakfast facility is listed as a historic structure on the state or national register of historic sites, or the city council shall have passed a resolution designating the structure as a historic structure of local significance.~~
3. Lot Area; Frontage: The lot area upon which the bed and breakfast facility is to be located shall be thirty thousand (30,000) square feet or greater, and contain a frontage of at least two hundred feet (200').
4. Number Of Bedrooms: The maximum number of bedrooms to be available for rental to patrons of the bed and breakfast facility shall be two (2), not including the portion of the structure occupied by the residing family. A bed and breakfast facility may include one additional bedroom for each additional five thousand (5,000) square feet of lot area in excess of thirty thousand (30,000) square feet of lot area, up to a maximum of six (6) bedrooms, not including the portion of the structure occupied by the residing family.
5. Location Of Bedrooms: All bedrooms shall be located within the primary dwelling, except where a bed and breakfast facility contains five (5) or more bedrooms for patrons, up to two (2) of the bedrooms may be located in separate buildings located on the site of the primary structure.
6. Entrance: The primary entrance for bedrooms located within the primary structure shall be the same as for the residing family.
7. Use Of Bedrooms; Food Preparation And Consumption: Each bedroom used for rental shall be for sleeping purposes only. No bedroom shall include any facilities for the preparation of food. All meals provided shall be prepared within the kitchen utilized by the residing family and consumed within the dining area used by the residing family.
8. Off Street Parking: Off street parking space shall be provided for both the residing family and occupants of each bedroom intended for rental, as follows: not less than two (2) spaces for the residing family, plus one space for each bedroom proposed for rental.
9. Inspection: The structure shall have been inspected by the city chief building official or building inspector and approved for fire safety and structural adequacy.
10. Residential Environment Retained: In the opinion of the planning commission, the placement of parking and other elements of the project will be consistent with the surrounding residential

environment. No portion of the front setback area shall be used for off street parking, except for the portion occupied by the driveway. (Ord. 12-7-2004D, 12-7-2004)

11. Signage: Signs shall comply with the requirements of the city's sign regulations section [10-5-26](#), "Signs", of this chapter. (Ord. 8-16-2011A, 8-16-2011)

12. Business License Required: The bed and breakfast facility shall have been issued a business license to operate within the city. (Ord. 12-7-2004D, 12-7-2004)



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	4/25/2017

Planning Commission Agenda Item

SUBJECT:	Discussion on City Code 10-5-37 Related to Conditional Use Permits
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: Staff is recommending that City Code 10-5-37 (E)(2) be amended to allow decisions on a CUP for an existing structure in the SC-1 zone be made administratively. Staff is seeking the input from the planning commission on the issue.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: 10-5-37	
RECOMMENDATION: Discussion item only	
MOTION: Discussion item only	

10-5-37: CONDITIONAL USES AND ZONES:  

A. Purpose Of Conditional Use Provisions: An application for a conditional use permit may be granted by the land use authority, subject to the provisions of this code. The purpose of a conditional use permit is to allow the proper integration into the city of certain uses which may have a detrimental effect within the city. Certain uses which may be harmonious under special conditions and in specific locations within a zone, but may be improper under general conditions and in other locations, are classed as conditional uses within the various zones and require conditional use permits for approval as authorized by the land use authority.

B. Permit Required: A conditional use permit shall be required for all uses listed as conditional uses in the zoning regulations or elsewhere in this title. A conditional use permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit.

C. Application:

1. A conditional use permit application shall be made to the planning department as provided in this title. The completed application shall be submitted to the land use authority as designated in the conditional use table below:

Conditional Use	Land Use Authority	Public Hearing
Accessory apartment	Admin	No
Assisted living facility in a residential zone	Planning commission	Yes
Bed and breakfast facility	Planning commission	Yes
Change in primary use of residential dwelling	Planning commission	Yes
Conventional subdivision projects	PC/city council	Yes
Fences, walls, and hedges	Admin	No
Flexible design subdivision projects	PC/city council	Yes
Home occupations	Admin	No
Large animal units	Admin	No
Minor utility transmission lines	Admin	No
Motor vehicle roads and rights of way	City council	No

Planned residential developments	PC/city council	Yes
Premises occupations	Admin	No
Shopping center zone (SC-1) commercial uses	City council	Yes
Single-family dwellings (H-1)	Admin	No
Small animal units	Admin	No
Town site residential projects	PC/city council	Yes
Water, sewer and utility transmission lines	Admin	No

Where the planning commission and city council are both listed in the table above, the city council is the land use authority and shall make a decision based on a planning commission recommendation.

The specified land use authority, according to the table, shall review the application with the requirements of this title and take final action.

2. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, reports, studies or other documents, as required by the land use authority and planning staff.

D. Fee: The application for any conditional use permit shall be accompanied by an applicable fee, and applicants shall pay the cost to post and mail public hearing notices.

E. Approval Process: The approval process for a conditional use permit shall be as follows:

1. Conditional use permit for a use in a new or expanded structure or site, or change in primary use of the structure:
 - a. Upon receipt of a completed application and subsequent review for application completeness by the planning department, the planning department shall place the conditional use application and related site plan application on the next available land use authority agenda, if applicable, for a public hearing as required.
 - b. The land use authority shall review each application, approve with conditions, or deny the application, or the land use authority may defer action if an applicant fails to appear at the public hearing or meeting or there is insufficient application information provided.
 - c. When acting as the land use authority, the planning commission and/or city council shall review each application at a public meeting and approve with conditions, or deny the application, or may defer action if an applicant fails to appear at the public meeting or there is insufficient application information provided to determine whether city ordinances and regulations are met.

2. Conditional use permit for a use in an existing structure or site:

- a. Upon receipt of a completed application and subsequent review for application completeness by the planning department, the planning director shall review the application for compliance with the standards in this title.
- b. If the application does not include external changes to the site, the designated land use authority shall approve with conditions, or deny the application, or may defer action if there is insufficient application information provided.
- c. If the application includes external changes to the site, a site plan amendment shall be required, the conditional use permit shall follow the same process as the related site plan, and the land use authority for the site plan shall become the land use authority for the conditional use permit.

F. Public Hearing: A public hearing shall be held for conditional uses identified in the conditional use table as requiring a public hearing. However, a public hearing may be held for any conditional use application when the land use authority shall deem such a hearing to be necessary in the public interest to gather information on a specific application. The land use authority shall schedule and hold a hearing at the nearest available meeting date upon submission of a properly completed and filed application form. At all times, including at a public hearing, the applicant has the burden of proof, by a preponderance of the evidence, to convince the land use authority that the requirements of this chapter have been satisfied with respect to the applicant's proposed conditional use.

G. Standards For Granting A Conditional Use:

1. Authorization: The land use authority may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the land use authority shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The land use authority shall not authorize a conditional use permit unless the evidence establishes:
 - a. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - b. That the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family zones and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, to minimize the impact on schools, utilities and streets.
 - c. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, and any other information which may be needed in order to render a proper decision.

d. That the proposed use will promote health and sanitation by controlling outdoor storage, disposing of waste properly, controlling dust, gases, dirt, odors, noxious matter, heat, glare, electromagnetic disturbances, radiation, or other types of air pollution.

e. That the use will be compatible with the general plan of the City of Cedar Hills and permitted zoning. The use will protect the quality of the underlying zone and all lighting, aesthetics, noise, signs, landscaping, general use, and design will comply with the standards of the zone.

f. That the applicant has demonstrated that there is sufficient utility capacity and emergency vehicle access.

2. Detrimental Or Injurious Conditional Use: A proposed conditional use shall be considered as detrimental or injurious to the health, safety, or general welfare of persons or properties within the vicinity of the proposed conditional use if:

a. The proposed conditional use will cause unreasonable risks to the safety of persons or properties because of vehicular traffic, parking, or large gatherings of people;

b. The proposed conditional use will unreasonably interfere with the lawful use of properties within the vicinity of the proposed conditional use;

c. The proposed conditional use will create an additional need for essential city or public services (e.g., utilities, law enforcement, fire prevention, etc.) which cannot be met without unreasonable efforts or expenditures of city or public resources;

d. The proposed conditional use will otherwise present an unreasonable detriment or injury to the health, safety, or general welfare of persons or properties in the vicinity of the proposed conditional use; or

e. The proposed conditional use will not be in harmony with the general plan of the City of Cedar Hills.

3. Conditions: In granting a conditional use permit, the land use authority may impose such requirements and conditions which the land use authority, based on the standards set forth, deems necessary for the protection of persons and properties in the vicinity of the proposed conditional use, as well as the preservation of the integrity of the general plan. Said requirements and conditions may include (but are not limited to) location, construction, size, maintenance, operation, site planning, traffic control and parking, relocations, dedications, installation and upgrading of public services and roads, hours of operation and time limits for the proposed conditional use.

The land use authority may require guarantees, bonds, or other assurances that such requirements and conditions are being met.

H. Appeals Of Decisions: Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the land use authority to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of the final decision of the land use authority.

I. Inspection: Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the land use authority. Representatives of the code enforcement/planning department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division.

J. Revocation:

1. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the planning department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the planning department may place the complaint on the agenda of the regular meeting of the appeal authority, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.
2. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the appeal authority. The hearing shall be held in accordance with customary administrative hearings procedures.
3. Action; Complaint Dismissal: The appeal authority, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.
4. Notices: All notices required herein shall be provided by personal service or by certified mail.
5. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy.
6. Revocation: A conditional use permit may be revoked if the land use authority finds, by a preponderance of the evidence that one or more of the following exist:
 - a. The conditional use permit was obtained in a fraudulent manner.
 - b. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
 - c. One or more of the conditions of the conditional use permit have not been substantially met.

K. Time Limit:

1. A temporary conditional use permit may be issued by the land use authority for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the land use authority may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly

related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the land use authority. The land use authority may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received land use authority approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

2. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.
3. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The land use authority may grant a yearly extension, when deemed in the public interest.

L. Reapplication After Denial: Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the land use authority finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period.

M. Continuing Effect: A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of section 10-1-8 of this title relating to nonconforming buildings and uses shall apply.

N. Reporting Requirements: Prior to the annual renewal date each year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the planning department that the property use complies with this title:

Accessory apartment.

Assisted living facility.

Bed and breakfast facility.

Home occupations.

Premises occupations.

Shopping center zone, commercial uses. (Ord. 05-17-2016A, 5-17-2016)