



**NOTICE OF
PLANNING COMMISSION MEETING
Tuesday, March 27, 2018 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, March 27, 2018 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

- Review/Recommendation on Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision, located at approximately 9826 North County Boulevard in the SC-1 Commercial Zone
- Review/Recommendation on Amendments to the City Code Title 10 related to Regulating the Establishment and Licensing of Smoke Shops, Vape Shops and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone

SCHEDULED ITEMS

3. Review/Recommendation on an Amendments to the City Code Title 10 related to Regulating the Establishment and Licensing of Smoke Shops, Vape Shops and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone
4. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5-32 related to Accessory Apartments
5. Discussion on Signs in the Public Facilities Zone

ADJOURNMENT

6. Adjourn

Posted this 23rd day of March, 2018

/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.



PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are recorded

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Council / Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to three minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing v. Public Meeting:

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	3/27/2018

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Smoke Shops, Vape Shops, and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: State Code 10-8-41.6 states that “the regulation of a retail tobacco specialty business is an exercise of the police powers of the state and through delegation, to the other governmental entities.” The State Code further states that, “nothing in this section requires a municipality to issue a business license to a retail tobacco specialty business, or prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.” Cedar Hills wishes to adopt more restrictive language that would prevent these types of businesses from opening in Cedar Hills as the Cedar Hills commercial area is across the street from Lone Peak High School and residential areas.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed Cedar Hills Code 10-5-39, KSL Article “Vaping in Utah”	
RECOMMENDATION: Review proposed code, make necessary modifications necessary for adoption	
MOTION: To recommend/not recommend the proposed amendment to Cedar Hills City Code, Title 10, by adopting Section 5-39 related to smoke shops, vape shops, and retail tobacco specialty businesses in the SC-1 Commercial Zone, subject to the following changes and conditions {LIST ANY CHANGES}.	

10-5-39: APPLICABILITY; SALE OF TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA RESTRICTED:

No individual, entity or organization shall:

- (1) Conduct or operate a retail tobacco specialty business; or
- (2) Sell, furnish, or otherwise distribute a "tobacco product" as defined in this Chapter and Section 10-8-41.6 of the Utah Code, unless it satisfies the requirements set forth in this Chapter.

10-5-39 A: DEFINITIONS:

RETAIL TOBACCO SPECIALTY BUSINESS: As used herein, this term/phrase shall have the same definition as set forth in Section 10-8-41.6(1)(b) of the Utah Code.

TOBACCO PARAPHERNALIA: As used herein, this term/phrase shall have the same definition as set forth in Section 76-10-104.1(l)(b) of the Utah Code.

TOBACCO PRODUCT: As used herein, this term/phrase shall have the same definition as set forth in Section 10-8-41.6(1)(c) of the Utah Code.

TOBACCO SALES BUSINESS LICENSE: A business license issued by Washington City, which permits the licensee to sell tobacco products and tobacco paraphernalia from its validly licensed business.

10-5-39B: TOBACCO SALES BUSINESS LICENSE REQUIRED:

(3) Tobacco Products and Tobacco Paraphernalia: No individual, entity, organization, or business shall sell tobacco products or tobacco paraphernalia unless it has obtained a tobacco sales business license. A tobacco sales business license shall only be issued as a secondary license to a business license for one of the following:

- (a) A business that is primarily engaged in the sale of food and beverage products and is located in a building which is ten thousand (10,000) square feet or larger;
- (b) A business that is primarily engaged in the sale of gasoline or diesel fuel and is located in a building which is two thousand (2,000) square feet or larger;
- (c) An on-premises alcoholic beverage sales license;
- (d) A business license for a pharmacy under Utah Code and is located in a building which is ten thousand (10,000) square feet or larger; or

(4) Application for License:

(a) An application for a license shall be made in writing on the form provided by the City's licensing officer. The form must be completed in its entirety. The application must be accompanied by:

- (i) The business license required in Title 3;
- (ii) Documentation showing the square footage of the building;
- (iii) Proof of the operation of a business specified in subsection (1)(a) or (1)(b) of this section, if the application is to qualify as such a business; and

10-5-39 C: RETAIL TOBACCO SPECIALTY BUSINESSES NOT PERMITTED:

(5) The City shall not issue Tobacco Sales Business Licenses for the operation of Retail Tobacco Specialty Businesses.

10-5-39 D: REVOCATION OF A TOBACCO SALES BUSINESS LICENSE:

Pursuant to and consistent with the City's business licensing process in Title 3 Section 1 of the City Code entitled "DENIAL, SUSPENSION OR REVOCATION OF A LICENSE OR REGISTRATION", the City may suspend, revoke, or terminate the business license of a business which is operating as a tobacco sales business (including those businesses operating under a Retail Tobacco Specialty Business License) if:

(6) The Tobacco Sales Business License is not renewed continuously without relapse or revocation;

(7) The Tobacco Sales Business is closed for business or otherwise suspends the sale of tobacco products or tobacco paraphernalia for more than sixty (60) consecutive days; or

(8) The Tobacco Sales Business substantially changes the business premises or its business operation without complying with and obtaining approval for/from applicable City zoning ordinances, building permit processes, conditional use permit processes (including the process for amendment of an existing conditional use permit), and business licensing processes (including the amendment of an existing business license).

10-5-39 E: PENALTY: Any violation of this Chapter is a class B misdemeanor and punishable by a fine of one thousand dollars (\$1,000.00), not including any mandatory fees and surcharges imposed by law or a court of competent jurisdiction.

I. If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications thereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

II. This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

III. This Ordinance shall take effect immediately upon publication or posting, as required by law.

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Vaping in Utah: Trendy, high-tech and unhealthy, but better than smoking?

February 14, 2018



SALT LAKE CITY — Via is 15. Her vaping flavors of choice: strawberry or mango.

“The flavor is good,” she said.

Kierra says she started using e-cigarettes at age 16.

“You can smoke them anywhere. It doesn’t smell. It’s vapor,” said Kierra, now 17.

E-cigarette use among Utah teens is growing, and the concern that using them will lead to more dangerous habits, such as smoking cigarettes, is increasing right along with it.

But officials in the vaping industry tout e-cigarettes as a way for adults to effectively quit smoking tobacco by offering what they say is a healthier alternative.

Some teens say they don’t believe vaping is as bad as lighting up and smoking traditional cigarettes, and they also say e-cigs look cool and taste good.



Utah's Morning News

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In 2015, use of e-cigarettes among Utah youths was 10.5 percent, according to state health officials. In 2017, that number climbed to 11.1 percent.

“Unfortunately, we are seeing some growth in that area,” said Brittany Karzen, who leads the anti-smoking and tobacco prevention program at the Utah Department of Health.

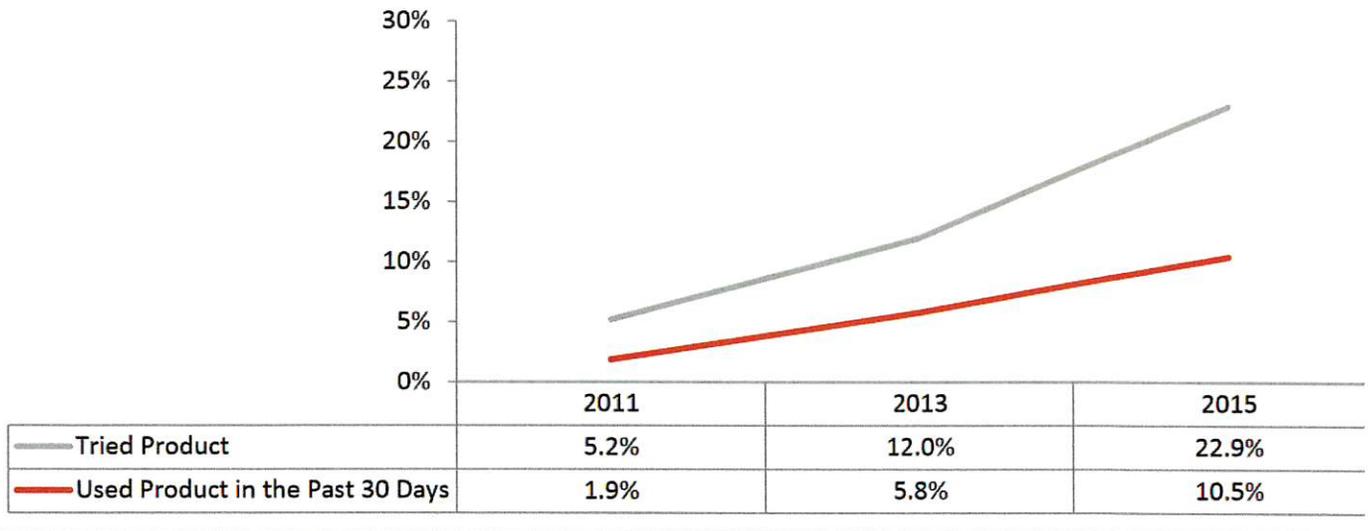
Since 2011, Utah youth use rates have tripled, despite the law prohibiting sales to minors, according to the health department.

State health officials also say teens are more likely to use e-cigarettes than any other tobacco product on the market.

“And that’s a concern, because they contain nicotine, and nicotine is bad for developing brain,” Karzen said. “We also know that teens who use e-cigs are more likely to try other risk behaviors.”

Karzen says prevention efforts aimed at parents and schools from the state health department are coming this spring.

Figure 1: Percentage of Students (Grades 8, 10, 12) Who Tried Electronic Cigarettes or Used Electronic Cigarettes in the Past 30 Days by Year, Utah, 2011, 2013, and 2015.¹



Source: Utah Department of Health

New trends

As e-cigarettes or vaping grows in popularity and accessibility, the latest device some children are using to conceal underage smoking is called a JUUL, a vaporizer that looks like a flash drive.



Source: KSL NewsRadio

"The internal battery is more easily concealable from parents," said Linnea Fletcher, who tracks these trends at the Utah County Health Department.

"Most of it is sold online, and that's how most of these are getting it," she said.

According to the [Truth Initiative](#), a nonprofit public health organization "dedicated to making tobacco use a thing of the past," 25 percent of 15- to 24-year-old JUUL users do not identify their behavior as vaping and instead refer to it as "JUULing."

Schools in Utah are starting to see the devices, Fletcher said.

Health officials say many underage smokers believe they're vaping flavored liquids, and 37 percent of teen and young adult JUUL users are uncertain whether the product contains nicotine, according to the Truth Initiative.



april 2018 10:45 AM

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"But with the JUUL, it always contains nicotine," said Fletcher, and nicotine is what causes teen brains to become addicted.

A gateway to smoking?

The e-cigarette industry insists its products are not a gateway to smoking traditional cigarettes, but scientists are finding otherwise.

"The jury is out about whether e-cigarettes directly cause cancer, but we do know that people who use them are three times more likely to transition to cancer-causing tobacco cigarettes than people who don't use e-cigarettes," said Dr. John Heymach with the American Society of Clinical Oncology.



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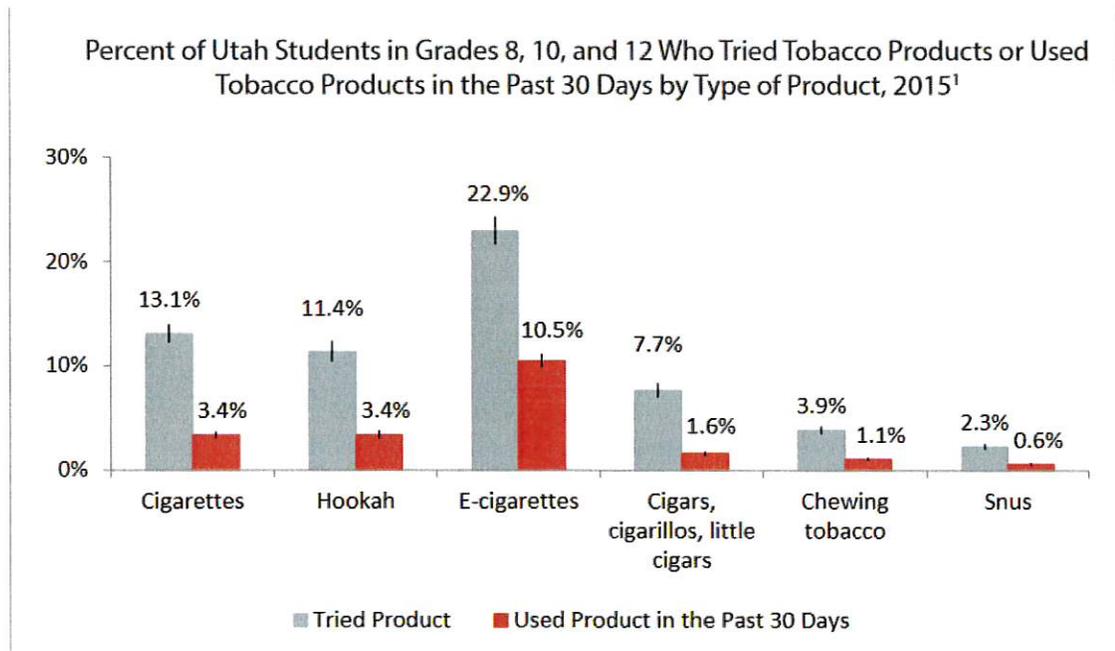
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The National Academy of Sciences [announced recently](#) that vaping can be addictive and may lure teenagers to smoking.

And the University of Michigan found teens were six to seven times more likely to pick up regular smoking after a year of vaping.

A main concern for Karzen is that nicotine changes the teen brain and makes it more prone to addiction — and other risky behaviors like drinking alcohol — in the future.

"If a youth is willing to try e-cigarettes, they may also be willing to drink or these other things we are concerned about youth engaging in," she said.



Source: Utah Department of Health

A growing industry

Utah lawmakers are working to regulate e-cigarettes in Utah, but the industry is growing rapidly — and it's fighting back.

Various bills have been introduced, debated and passed to address e-cigarette labeling, regulation, ingredients and access to minors.

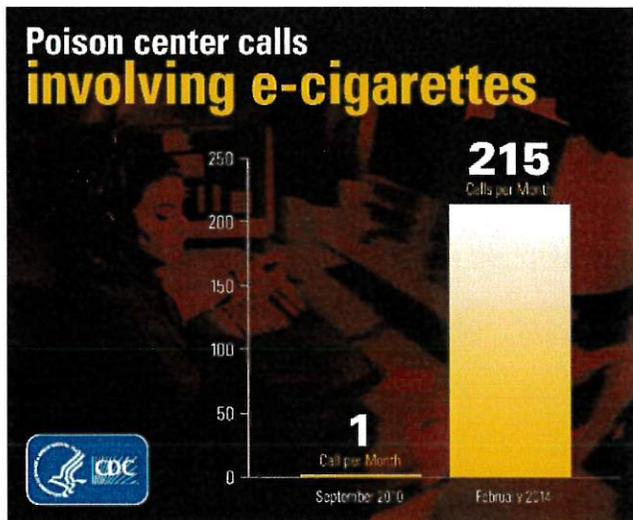


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"(There's) not a single state who has fought longer or harder or faced a bigger attack against the industry than here in Utah," [Aaron Frazier](#), with the Utah Smoke Free Association, said at the end of last year's legislative session.

But Utah Poison Control Executive Director Barbara Crouch said she worries about children's health.

"The problem is, for a small child, a mouthful or less is enough nicotine to cause serious problems," she said. "The other concern we have is what else may go into these products that may get sold."



Source: CDC

[A new study](#) from the National Academy of Sciences found that e-liquids and the aerosol in vaping both contain toxins and can be carcinogenic, although levels are lower than traditional cigarettes.

That same study also said e-cigarettes could lead adult smokers to quit smoking tobacco.

"For every brand of e-liquid that disappears from the shelves, there are hundreds of vapers who will likely return to smoking," Frazier said.

Quitting

Kierra says she switched from smoking to vaping because she believes it's healthier.

"And instead of buying a pack of cigarettes every day for \$7 or \$8, I buy a 10 milliliter bottle of e-cig liquid every two weeks for \$8 dollars."

Adult use of cigarettes in Utah use rate is down from recent years, now sitting at 8.7 percent, according to the Utah Department of Health.

At the same time, e-cigarette products are exploding in growth. Six years ago, there was one vape shop in Utah. Now there are about 100.

Frazier says those small-business owners are helping smokers quit.

"The landscape of this industry has completely changed," he said.



Vaping series part five: Quitting
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But Utah Tobacco Prevention and Control Program officials say only some smokers are moving all the way to from tobacco cigarettes to nicotine e-cigs.

“We know 36.7 percent of those who vape in Utah also smoke. That’s dual use,” Karzen said, citing Centers for Disease Control and Prevention data.

“If you do chose to use an e-cig, science says quit cigarettes completely and move completely over to reap any benefit from the process,” she said.

Karzen recommends Food and Drug Administration-approved products and [ways to quit](#), such as patches, gum, lozenges, and calling a quit line or getting coaching. Those methods, she said, will make a person two to three times more likely to quit successfully.

“It’s a hard habit to kick. We need to be more supportive of those wanting to quit,” Karzen said.

Fletcher agrees.

“Electronic cigarettes are not approved FDA cessation devices to help adults stop smoking. We recommend they taper down, and are not just switching from one addiction to the next,” she said.

Adults can choose what they do, Fletcher said, but health officials want to protect kids and youths.

“They are our main concern,” she said.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	3/27/2018

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on Amendments to Cedar Hill City Code 10-5-32, Related to Accessory Apartments
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager; Jenny Peay, Planning Associate
BACKGROUND AND FINDINGS:	
<p>Cedar Hills staff has reviewed the current accessory apartment code, City Code §10-5-32, and is recommending a number of changes as it relates to occupancy, sale, permitting, parking for accessory apartments. Cedar Hills wishes to ease the process for residents who currently have an accessory apartment as well as those who wish to have them. Additionally, as the City seeks to develop a moderate income housing plan, accessory apartments will be key in determining the housing stock available to those whose adjusted gross income meets the requirements of needing moderate income housing. The proposed code is taken from a number of cities in the state that regulate the zoning requirements of an accessory apartment.</p> <p>Changes were made to the proposed code to reflect input received from the previous presentation before the planning commission.</p>	
PREVIOUS LEGISLATIVE ACTION:	
N/A	
FISCAL IMPACT:	
N/A	
SUPPORTING DOCUMENTS:	
Proposed amendments to code 10-5-32	
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 §10-5-32, relating to accessory apartments, subject to the following modifications {LIST ANY APPLICABLE CHANGES}.	

Included Planning Commission proposed additions/changes to Accessory Apartments

Revised as of 03/09/2018

Chapter 2 DEFINITIONS

10-2-1: TERMS DEFINED:

10-2-1: TERMS DEFINED:

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

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

ACCESSORY APARTMENT: A subordinate dwelling within an owner occupied building, may have its own eating, sleeping, and sanitation facilities which is (1) within or attached to a single-family residential building, or (2) within a detached accessory structure associated with a single-family dwelling.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family, but not including hotels, motels, or bed and breakfast facilities. Single-family dwellings may include accessory apartments.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family, but not including hotels, motels, or bed and breakfast facilities. Single-family dwellings may include accessory apartments, which may be approved as provided elsewhere in this Code.

10-5-32: ACCESSORY APARTMENT:

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

10-5-32: ACCESSORY APARTMENT:

- ~~A. Intent. The intent of this section is to recognize the residential character of Cedar Hills, while providing for supplementary living accommodations in the community. These provisions are intended to provide additional opportunities for affordable housing, with limitations, to minimize the impact on neighboring properties and neighborhoods.~~
- A. Purpose and Intent. The purpose and intent of the accessory apartment ordinance is to recognize the residential character of Cedar Hills and to provide for supplementary opportunities of property owners. These provisions are intended to provide for affordable housing with reasonable limitations to

minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory apartments.

B. Accessory apartments are permitted within the city subject to compliance with the conditions and criteria hereinafter set forth.

1. Conditions and criteria;

- a. Conditional Use Permit. Accessory Apartments may be permitted as a conditional use, upon approval of the ~~City Planner~~ Zoning Administrator and Building Official. Conditional Use Permit is subject to fees paid.
- b. Time Limit. An accessory apartment CUP shall be valid for the year in which it is first issued. Thereafter, the CUP shall be automatically renewed for the next succeeding year upon receipt of: 1) annual registration fees; 2) evidence that the primary dwelling is occupied by the owner; and 3) a determination by the city that all conditions of approval remain in effect.
- c. Building Permit. A building permit shall be obtained by the homeowner from the city before the commencement of any new construction of an accessory apartment, and a certificate of occupancy shall be obtained prior to anyone occupying an accessory apartment dwelling unit. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling. ~~in accordance with Utah State Code Section 10-9z-511.5, Changes to dwelling Egress windows.~~
- d. Appearance. The outside appearance of a single family home with an accessory apartment shall not be changed from that of a single family home. A maximum of one (1) accessory apartment may be allowed in a single-family home within all single-family residential zones. Accessory apartments shall not be calculated as additional density. No accessory apartment may be allowed in any multi-family dwelling unit, or on any lot or parcel that cannot satisfy the parking requirements.
- e. Entrances: An accessory apartment may have a dedicated entrance located on any side or rear of the single family home or at the front of the home if it is below grade and maintains the characteristics of a single family home.
- f. Address. The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the principal dwelling as unit "A" and the accessory apartment as unit "B", unit then should have an external entrance to the ADU. Address must be located in a visible location on the street frontage side of the home.
- g. Interior access. An interior access between the main living area and an accessory apartment must be maintained.
- h. Size limitations The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes. Accessory dwelling units are subject to compliance with current building code at time of approval. An accessory dwelling unit that contains a studio or single bedroom with shared common area is exempt from minimum square foot size limitations of this section.

- i. **Owner Occupied.** No accessory apartment shall be created or occupied in a single-family home unless the owner of the property resides in either the primary dwelling unit or the accessory apartment. ~~Occupies the main dwelling.~~ For the purpose of this section, the term "Owner Occupied" shall be defines as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls.
1. Owner Occupancy shall not be required when owner **has an immediate relative living at residence in his/her absence** and has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - (a) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (b) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (c) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
- j. ~~Occupancy. Occupancy of the ADU (Accessory Dwelling Unit) shall be limited to two (2) persons per bedroom with a maximum of four (4) people.~~
- j. Occupancy. Accessory apartment may only be rented to one family unit.
- k. **No Separate Utilities.** A single family home with an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner. The property owner shall be responsible for payment of all utilities.
- l. **Parking.** A minimum of two off-street parking spaces, in addition to those already required for a single-family home. Additional spaces shall be provided, as needed, to ensure that all additional occupant vehicles will be accommodated on-site. No parking spaces may be located within a front or side yard; except within an approved driveway. Tandem parking within a driveway is allowed to meet parking requirements. Parking in the street is prohibited by tenants of an accessory apartment and shall comply with all other parking regulations of 5-2-5 of this title.
- m. ~~Sale of Single Family Dwelling. Any conditional use permit granted for an accessory apartment rental, as herein provided, shall become null and void upon the sale of the single-family dwelling in which it is located, unless a new conditional use permit is applied for and obtained by the purchaser(s) of the single family dwelling in which said accessory apartment rental is located.~~

m. Accessory Apartment Registration: Any person owning an existing accessory apartment that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an accessory apartment, or any person remodeling or causing the remodeling of a residence for an accessory apartment, shall register the accessory apartment with the Zoning Administrator. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:

1. Submit a registration fee with a completed registration form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed additions, location of parking for tenants, and the dwelling is owner occupied.
 2. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges, and
 3. Make all corrections identified as necessary to comply with building code requirements, as identified by the Building Official or his designee. Include safety items required by code such as; carbon monoxide detectors, working smoke detectors, ground fault circuit interrupter protected outlet on existing wiring, street addressing, functioning and safe electrical and plumbing, hand rails and occupancy separation doors as required by International Residential Code.
- n. **Failure to Complete Registration.** If the property owner does not complete the registration as outlined above, the accessory apartment shall not be considered legal or approved. Failure to complete the registration of an existing accessory apartment within two (2) years of the passing of this ordinance may result in a fine of \$500. After fine is assessed, the Building Official or his designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met.
- o. **Sale of Single Family Dwelling.** Accessory Apartment registration permit shall become null and void upon the sale of the single-family dwelling in which it is located, unless a new permit is applied for and obtained by the purchaser(s) of the single-family dwelling in which said accessory apartment rental is located.
- p. **Not intended for sale.** The accessory apartment shall not be ~~intended for sale~~ sold or detached by deed and shall only be rented.
- q. **Exceptions:** The provisions of subsections B1 c, e, l of this section shall not apply to a single-family dwelling unit that existed prior to _____ date _____, and converts the basement into an owner occupied accessory apartment.

4-2-3: NUISANCE DEFINED AND ENUMERATED:

5. Specific Nuisances Enumerated: The examples enumerated below are not exhaustive. A situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six (6) listed nuisances are also listed as nuisances pursuant to Utah Code Annotated section 78B-6-1107:

dd. Illegal Accessory Apartments: Any violation of the city's zoning ordinance.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	3/27/2018

Planning Commission
Agenda Item

SUBJECT:	Discussion on Signs in the Public Facilities Zone
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS:	
Cedar Ridge Elementary School has expressed a desire to have a digital marquee installed in front of the school. Currently, Cedar Hills sign code (10-5-26) prohibits certain types of (see section I) including an animated or flashing sign. As the sign code is written, there are no provisions specifically related to signage in the Public Facilities Zone. With two elementary schools, as well as multiple municipal facilities in the PF zone, it is likely that more requests for digital signs in the PF zone are coming.	
PREVIOUS LEGISLATIVE ACTION:	
Sign ordinance passed 8-16-2011	
FISCAL IMPACT:	
N/A	
SUPPORTING DOCUMENTS:	
N/A	
RECOMMENDATION:	
Make necessary recommendation to staff on the direction of drafting code related to discussion item	
MOTION:	
No motion necessary, discussion item only.	

10-5-26: SIGNS:

A. Purpose And Intent: The City Council finds that unregulated signage can be detrimental to public safety, that it can result in visual blight and negatively impact local property values, and that it can displace alternative land uses.

1. It is the purpose of this section to promote public safety and to foster an appealing cityscape, and in accordance with the State and Federal Constitutions, the General Plan, and for the general welfare⁷; and
2. To promote the health and well being of the public generally, pedestrians and motorists, by minimizing obstruction, visual or otherwise, distraction, and related safety and traffic hazards within the city; and
3. To preserve and enhance the beauty of the city by minimizing visual clutter and regulating physical characteristics of and placement of signage within the city.

B. General Provisions:

1. Signage shall be regulated within each zone of the city. Signage in residential zones shall have specific limitations as set forth herein. Signage in commercial/industrial zones shall have specific limitations as set forth herein.
2. Signs shall be deemed either permanent or temporary. Both temporary and permanent signs are allowed in all zones, except where specifically prohibited. A permit shall be required for all permanent signs, except as otherwise provided herein.
3. All signage shall be reasonably secured and maintained so as to withstand normal weather conditions including, but not limited to, wind, rain, snow and so forth. Signs, whether temporary or permanent, shall be constructed in such a way so as to preserve the public safety and shall be maintained in such a manner so as to prevent disrepair and visual blight.
4. All signage shall be generally prohibited from being posted or left behind on public property, in any public right of way, on utility poles, historical markers, on publicly owned property, including trees, and on street and traffic signs.
 - a. Exception: Where the city has traditionally allowed public property to be used as an open public forum, temporary noncommercial signage shall be allowed only if the signage is handheld or personally attended, and where said signage presentation does not block public rights of way, disrupt the peace, incite to violence, or cause any other public disturbance.
 - b. Exempt: Signage dedicated for government use including traffic signs, traffic lights, street signs, directional signs, public safety signs and related signage shall be exempt from the prohibition against signage in any public right of way. (Ord. 8-16-2011A, 8-16-2011)
 - c. Exempt Temporary Signage: Temporary signage used for government purposes that is informational in nature or related to events, elections, recreation, or other city programming may be placed on public property or in the public right of way. Such temporary signage shall be limited to three feet (3') in height, and five feet (5') in length. Signage may be posted no more than fourteen (14) days before the occurrence of an event and shall remain for no more than one business day after the occurrence of an event; no more than two (2) signs shall be

permitted in any location; and where said signage presentation does not block public right of way, disrupt the peace, incite to violence, or cause any other public disturbance. Such exception does not apply to the roundabout portion of 4600 W. Cedar Hills Drive, where signs shall be limited to one at any given time. (Ord. 10-20-2015C, 10-20-2015)

5. All signage shall be subject to a discontinued use limitation, whereupon the owner of said signage shall remove such no later than sixty (60) days after a discontinued use. A "discontinued use" shall include the expiration of a permit, abandonment of the sign, or the completion of an event or sale for which the sign was posted. "Discontinued use" shall not include the involuntary destruction of a sign in whole or in part due to fire or other calamity unless the sign has been abandoned.

C. Signs In Residential Zones:

1. In residential zones, signage may be placed in accordance with the lesser of the following setback limitations:
 - a. Signage may be placed on a lot in accordance with the front, side, and rear yard limitations of the applicable zone, if there be such, and may conform to setback limitations provided for accessory buildings, so long as such placement conforms to all setback and placement limitations for accessory buildings as set forth in the zoning code; or
 - b. Signage may be placed no closer than three (3) linear feet from the sidewalk, curb, or street (whichever is farthest) three (3) linear feet from the edge of the lot, and three (3) linear feet from a neighboring lot.
2. Except for window signs, all signage on any residential lot shall be limited to a maximum elevation or height of six feet (6'). Where a building on a residential lot has more than one level, window signs shall be allowed on each level of the building.
3. Any window sign shall not exceed twenty five percent (25%) of a window display area and shall not exceed a total window display area for all windows of thirty two (32) square feet. In multiple-unit residential buildings, the total window display area allowed shall apply to each individually rented or owned unit and not to the building as a whole.
4. Commercial signage on a residential lot shall be limited to a cumulative display area of thirty two (32) square feet for temporary commercial signs, plus an additional six (6) square feet for a permanent commercial sign if a variance has been granted for a business use on the residentially zoned lot.
5. Noncommercial signage on a residential lot shall be limited to a cumulative display area equal to that permitted for any commercial signage on the same lot.
6. The display area of a two (2) faced sign with identical copy on both sides shall be counted as the display area of only one of the faces.

D. Signs In Commercial And Industrial Zones:

1. In commercial or industrial zones, signage may be placed in accordance with the lesser of the following setback limitations:

- a. Signage may be placed on a lot in accordance with the front, side, and rear yard setback limitations of the applicable zone, if there be such; or
 - b. Signage may be placed no closer than three (3) linear feet from the sidewalk curb, or street (whichever is furthest), three (3) linear feet from the edge of the lot, and three (3) linear feet from a neighboring lot.
2. All signage on a commercial or industrial lot shall be limited to a maximum elevation or height of thirty feet (30').
 3. Any window sign on a commercial or industrial lot shall not exceed fifty percent (50%) of a window display area and shall not exceed a total window display area for all windows of one hundred (100) square feet. Where a building on a commercial lot has more than one level, window signs shall be allowed on each level of the building.
 4. Commercial signage on a commercial or industrial lot shall be limited to a cumulative display area of twenty five percent (25%) of the facade of the building or structure it represents or which is found on the commercial lot, or to ninety (90) square feet, whichever is greater.
 5. Noncommercial signage on a commercial or industrial lot shall be limited to a cumulative display area equal to that permitted for any commercial signage on the same lot.
 6. The display area of a two (2) faced sign with identical copy on both sides shall be counted as the display area of only one of the faces.

E. Permanent Signs:

1. Permit and fee required.
2. Any sign that is permanently constructed, attached, or intended to remain for more than one hundred twenty (120) days shall be deemed permanent and requires a permit. Permanent signs shall be subject to a fee.
3. A sign shall be deemed permanently constructed if, standing alone, it exceeds thirty two (32) square feet in display area, or exceeds six feet (6') in height, or weighs more than twenty (20) pounds.
4. A sign shall be deemed attached if it is connected to or protruding from any building or similar structure, interior window signs excluded.
5. A sign intended for use during a specified, limited time, which is posted more than sixty (60) days before the occurrence of an event or sale and which shall remain for more than sixty (60) days after the occurrence of an event or sale or commencement thereof shall be deemed permanent.

Exempt: Any signage related to issues on the ballot for an upcoming election, whether a primary or general election, are hereby deemed temporary despite the actual number of days displayed and are deemed to have satisfied any permit and fee requirements. Said signage is subject to the discontinued use provision set forth above.

6. The city finds that permanent signage requires review by the zoning administrator to ensure that the constructed sign will be structurally safe and durable so as to preserve and promote public safety.

7. Permanent signage shall be subject to the discontinued use provision set forth above.

F. Temporary Signs:

1. No permit or fee required.
2. Any sign that is not permanently constructed or attached as defined above, or that is intended for use during a specified, limited time of one hundred twenty (120) days or less shall be deemed temporary and shall not require a permit or be subject to a fee. All temporary signage shall be subject to the discontinued use provision set forth above.

G. Window Signs:

1. No permit or fee required. No time limitation.
2. A window sign is any copy posted on or sign posted inside of a window of a building, house, or similar structure. No permit or fee is required to post a window sign. Window signs shall not be limited to a specific number of days allowed for display; however said signage shall be removed upon discontinued use. Window signs shall be subject to the display area limitations and size limitations set forth above under signs in residential and commercial/industrial zones.

H. Sexually Oriented Business Signs: Commercial signage for a sexually oriented business shall be prohibited off site from the actual lot where the business is lawfully located. Said signage shall be limited to alphanumeric copy only and shall be limited to a display area of thirty two (32) square feet. (Ord. 8-16-2011A, 8-16-2011)

I. Prohibited Signs:

A-FRAME SIGN: Any sign or structure composed of two (2) sign faces mounted or attached back to back to form a triangular vertical cross section through the faces or structure over three feet (3') in height and three feet (3') in width from grade.

ABANDONED SIGN: Any sign or structure that no longer correctly directs or influences a person, identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ANIMATED OR FLASHING SIGN: A sign that includes movement or optical illusion of movement or rotation of any part by mechanical, artificial or atmospheric means or a sign that displays flashing or intermittent lights. Time and temperature devices and banners and flags shall be exempted from this definition.

BALLOON OR INFLATABLE SIGN: Any device supported by heated air, forced air, or other gases for the purpose of drawing attention.

BILLBOARD: A high profile freestanding ground sign on one or more poles, typically located along freeways or major highways, but not limited thereto, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee. A marquee is a permanent rooflike structure projecting beyond a building or wall of the building, generally designed and constructed to provide protection from the weather.

MOTION SIGN: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent flashing, scintillating, or varying the intensity of illumination whether or not said illumination is reflected from an artificial source or the sun.

PENNANT SIGN: A sign made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from rope, wire, or string, usually in series, designed to move in the wind.

PROJECTING SIGN: A sign attached perpendicular to a building structure and extending in whole or in part more than twelve inches (12") beyond the wall to which it is attached.

ROOF SIGN: A sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof or which does not lie flat on the roof.

ROTATING SIGN: Any sign or portion of a sign that moves in a revolving or similar manner.

SNIPE SIGNS: Any sign typically made of non- or semi-durable material, mounted to a tree, to a utility pole, or to the ground by nails, staples, a wire frame, or similar device within a right of way, including public and private parking strips and medians, or on public property. (Ord. 8-16-2011A, 8-16-2011; amd. Ord. 3-20-2012C, 3-20-2012)

J. Issuing A Permit: Permit issuance is subject to the following application process and review:

1. **Application Process:** The city shall prepare a "sign permit request" form, which shall request the applicant or agent's name, telephone number, address, where the proposed sign(s) will be placed, whether the sign is intended to remain for more than one hundred twenty (120) days, whether the sign is intended to serve commercial purposes, to identify zoning restrictions, and which may include, but is not limited to, a site plan, sign layout, a sign depiction, elevation of existing and future buildings, and any other reasonably related information necessary for the zoning administrator to be able to determine whether the sign complies with the design and placement requirements set forth in this chapter. Proposed signs that are larger and that are intended to remain for a longer period of time will require more information to assist the zoning administrator in determining whether the sign will be safe and durable.
2. **Application; Fee:** Applications will not be accepted without the accompanying fee for a permanent sign.
3. **Fees:** Permanent signage shall be subject to a permit application fee as determined by the city council (see city fee schedule).
4. **Form:** The sign permit request form shall include a checkbox with a statement indicating that, if checked, the applicant agrees to allow the city to enter and remove the sign for which the permit is requested if the sign's removal period expires, in lieu of prosecution by the city prosecutor and in lieu of a fine.
5. **Review:** If the zoning administrator determines that a sign permit request is incomplete, or that signage will conflict with the provisions of this chapter because of illegal content or

nonconforming proposed design and placement, the request shall be returned to the applicant as incomplete. The applicant may revise and resubmit the amended sign permit request with additional information as necessary.

6. Granting Or Denial Of Permit Request: The zoning administrator shall make a decision to grant or deny a sign permit request in accordance with this chapter and other applicable city, state, and federal laws and ordinances. No sign permit shall issue unless the sign permit request and sign comply with the provisions of this chapter.
7. Permanent Signs: The zoning administrator shall issue a decision to grant, deny, or return as incomplete the sign permit request within thirty (30) days of submission.
8. Appeal: An applicant wishing to appeal the zoning administrator's decision to reject a permit application to the planning commission has ten (10) days to do so⁸. The planning commission, on administrative appeal, shall review the applicant's sign permit request form for completeness in an open and public meeting at which the applicant shall be allowed to appear and present and then determine whether the applicant's proposed sign complies with the design and placement requirements set forth in this chapter, and subsequently return a decision either to uphold or reverse the zoning administrator's decision within twenty (20) days.

K. Permit Limitations:

1. Transferability: Permits, permit numbers, permit applications, and supporting information shall not be transferable to other sites or signs and shall be valid only for a specific sign at the designated location. If at any time a sign or sign structure is altered, removed, or relocated in a manner different from the terms of an issued sign permit, such existing sign permit will become void and a new application must be made for the sign as altered or relocated.

Exception: Signs associated with a business that has its ownership transferred with no proposed alteration to the business name, building, or signage shall, upon notification to the city, have its permits transferred to the new business owner without need of a new application.

2. Expiration: A permit shall expire and become null and void if work on the sign is not commenced within sixty (60) days from the date of the permit or if work is suspended or abandoned. In such case, a new permit shall be obtained, and where the permit is for a permanent sign, a new fee shall be paid.
3. Written Suspension Of Permit: The city may in writing suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of any ordinance.
4. Nuisance: No permit for a sign may be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

L. Removal Of Signs:

1. Zoning Administrator: The zoning administrator is hereby authorized to require removal of any sign. Before bringing action to require removal of any sign, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged and the reasons and grounds for removal,

specifying the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter. The notice shall also specify that the sign must be removed or made to conform with the provisions of this chapter within the notice period. Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.

2. Notice Period: The notice period for permanent signs shall be fifteen (15) days. The notice period for temporary signs shall be three (3) days.
3. Prosecution: If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the zoning administrator that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, the zoning administrator shall first submit an order for removal by the city, and if necessary, due to inability to access the sign for removal, submit the violations to the city prosecutor for prosecution. If the city removes the sign, any and all prosecution charges shall be dropped.
4. Continuous Violation: Reerection of any sign or substantially similar sign on the same premises after a notice of violation has been issued shall be deemed a continuation of the original violation.
5. Removal Of Temporary Signs: The zoning administrator may remove any illegal temporary sign which is maintained or reerected after the expiration of the notice period, if the owner or lessee of the premises has been issued a notice of violation at least once before for the same violation involving the same or similar sign. When temporary signs are removed by city staff, the responsible party shall be notified within two (2) business days of the reason for the removal and the location from which the sign was removed. Removed signs shall be made available for the responsible party to pick up for three (3) calendar days. After that time, removed signs will be destroyed.
6. Safety Hazard: Notwithstanding other provisions of this subsection, the zoning administrator may cause the immediate removal, following notice to the owner of the sign or the property on which it is located of any unsafe or defective sign that creates an immediate hazard to persons or property.
7. Costs Of Corrective Action: The costs of removal of a sign by the city shall be borne by the owner of the sign.

M. Requirement Of Conformity:

1. No sign for which a permit is issued after the effective date of this chapter, may be placed or maintained in the city except as provided in this chapter.
2. All signs maintained contrary to the provisions of this chapter are declared to be nonconforming and, as such, may be dealt with or removed as provided herein.
3. Any sign that poses a public safety hazard may be removed as specified herein.

N. Nonconforming Signs:

1. Nonconforming signs which preexist the effective date hereof shall be removed upon their discontinued use according to the general discontinued use provision set forth above.

2. Nonconforming signs which become unsafe due to natural wear and tear shall be deemed a discontinued use and subject to removal without an option to repair or replace with a similar nonconforming sign.
 3. Except as provided for in the Utah Code Annotated, billboards shall be generally prohibited. Signs which constitute billboards prior to the effective date hereof are protected only insofar as provided for in the Utah Code Annotated. Titles within the Utah Code Annotated which protect billboards include, but are not limited to, title 72, chapter 7, which is the protection of highways act and [title 10, chapter 9a](#), which is the municipal land use, development, and management act⁹.
- O. Enforcement: A violation of this section is punishable as a class C misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00) when a person fails to alter or repair or remove a noncompliant sign after notice of a violation.
- P. Noncommercial Copy: Notwithstanding any provision of this chapter to the contrary, to the extent that this chapter allows a sign containing commercial copy, it shall allow a sign containing noncommercial copy to the same extent. Any signage containing obscenity, defamation, fighting words, true threats or anything like unto it is prohibited as a matter of law.
- Q. Applicability Of The Zoning Code: The regulations of this section are in addition to those set forth in the planning and zoning provisions of this chapter and any other ordinances adopted by the city council, and do not contain any rights not otherwise granted under the provisions and procedures contained in this chapter or any other ordinances.
- R. Applicability Of The Utah Code: The provisions of this section are enforceable only in accordance with the governing and enabling provisions of the Utah Code Annotated. It is the intent of the drafters herein that this section comply with such governing provisions.
- S. Scope: The requirements of this chapter shall not be construed so as to prohibit or limit other applicable provisions of this chapter/title, this code, or the Utah Code Annotated (UCA). In the instance where provisions of this chapter conflict with other provisions of this code, the terms of this chapter shall govern. In the instance where provisions of this chapter conflict with provisions of the Utah code, the Utah code shall govern.
- T. Interpretation:
1. In interpreting and applying the provisions of this chapter, the sign regulations contained herein shall be interpreted by the zoning administrator. If the zoning administrator determines that an application needs further interpretation, he may request planning commission review of the proposal.

2. The zoning administrator and planning commission shall seek to administer this section in a content neutral manner.

U. Variances: For rules regarding variances, see Utah Code Annotated section 10-9a-702. (Ord. 8-16-2011A, 8-16-2011)