

PLANNING COMMISSION MEETING
Thursday, May 26, 2011 6:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

NOTICE is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold its Regular Planning Commission Meeting on Thursday, May 26, 2011, beginning at 6:00 p.m.

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 on agenda items. (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

SCHEDULED ITEMS

3. Approval of Minutes from the April 28, 2011, Public Hearing and Regular Planning Commission Meeting
4. Discussion Regarding Animal Units, Small, in all Zones
5. Discussion Regarding City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
6. Committee Assignments and Reports

ADJOURNMENT

7. Adjourn

Posted this 26th day of May, 2011.

Kim E. Holindrake, 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 and the staff.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	5/26/2011

Planning Commission Agenda Item

SUBJECT:	Discussion Regarding Animal Units, Small, in all Zones
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: The City Council requested that the Planning Commission review this ordinance and give a recommendation impact on neighboring residents and how personal choices affect or should not affect neighboring residents, with a comparison of various animals and the uses of said animals. Attached is the Cedar Hills current code with an example from Provo and Orem	
PREVIOUS LEGISLATIVE ACTION: April 28, 2011 Planning Commission recommended no change to the ordinance regarding the minimum 50' distance for the livestock management area to be from an existing dwelling. May 17, 2011 City Council asked Planning Commission to review	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Existing Cedar Hills, Provo, Orem City Code	
RECOMMENDATION: Discuss the aspect of lot size influencing number of animals.	
MOTION: To continue this item until the proper noticing can be accomplished.	

Cedar Hills

10-2-1: DEFINITIONS

ANIMAL UNITS:

Large: One large animal unit shall be any of the following: two (2) cows, horses, donkeys, llamas or similar large animals; or eight (8) adult sheep; or sixteen (16) feeder lambs, or eight (8) goats, or two (2) pigs, or an equivalent combination of the above, together with the suckling offspring thereof. The maximum number of animal units allowed to be placed on any lot or parcel shall be two (2) large animal units. Each large animal unit requires ten thousand (10,000) square feet of livestock management area. Half of a large animal unit requires five thousand (5,000) square feet of livestock management area.

Small: Small animals or fowl shall be one of any of the following: rabbit, turkey, duck, chicken, pigeon, dove, turtle, quail, or similar small animals or fowl. Each small animal unit requires a minimum of four (4) square feet of a livestock management area on a single level. The maximum number of small animal units allowed to be placed on any lot or parcel shall be forty (40). No roosters or geese permitted.

LIVESTOCK MANAGEMENT AREA: All portions of a lot devoted exclusively to animal units for the care and keeping of animals and fowl, including, but not limited to, barns, sheds, coops, pens, hutches, paddocks, stables, corrals and pastures. A livestock management area shall be first approved by the zoning administrator. Each livestock management area shall be constructed to accommodate the animals or fowl in an animal unit. All surface drainage from a livestock management area shall be disposed of on site.

Also in each residential zone under Conditional Uses is the wording: "Small animal units. All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot."

Provo

8.02.190. Keeping Chickens.

- 1) Subject to the requirements of this section and any other applicable provision of this code, hen chickens (and no roosters) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land in a residential (R) zone for the sole purpose of producing eggs.
 - a. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:
 - i. ten thousand (10,000) square feet: up to six (6)
 - ii. nine thousand (9,000) square feet: up to five (5)
 - iii. eight thousand (8,000) square feet: up to four (4)
 - iv. seven thousand (7,000) square feet: up to three (3)
 - v. six thousand (6,000) square feet: up to two (2)
 - b. The principal use on the lot or parcel shall be a one family dwelling.
- 2) Chickens shall be confined within a secure outdoor enclosed area.
 - a. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop.
 - i. The coop shall have a minimum floor area of at least two (2) square feet per chicken.
 - ii. If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

- b. The coop shall be located in a rear yard at least fifteen (15) feet from any property line and six (6) feet from any dwelling.
 - i. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.
 - ii. No chicken shall be permitted to roam outside the coop or enclosed area.
- c. Chicken feed shall be stored and dispensed in rodent and predator-proof containers.
- 3) Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.
 - a. The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.
 - b. The cost of filing a registration shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.
 - c. The registration shall be good for one (1) year and may be renewed annually.
- 4) Chickens kept as provided in this section shall not be deemed to be household pets as defined in Section 14.06.020 of this code.
- 5) It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this section. Any such violation shall be a class C misdemeanor.

Orem

C. Animals. Animals are allowed in residential zones only if the following conditions are met:

1. The area of the lot on which the animals are kept must be at least one (1) acre except for rabbits, pigeons, ducks, and household pets.
2. Permitted animals shall include:

	Maximum <u>No./Acre</u>	Minimum distance of barns, pens, or corrals <u>from any dwelling or public street</u>
Cattle:	5	100 ft.
Horses:	5	100 ft.
Sheep or Goats:	6	40 feet from any dwelling on the same lot and 85 feet from any neighboring dwelling.
Poultry, Fowl, and Turkeys:	20	40 feet from any dwelling on the same lot and 85 from any neighboring dwelling.
Rabbits:	4	20 ft.
Pigeons:	Unlimited	20 ft.
Ducks:	2	20 ft.

3. The maximum number of dogs or cats four months of age or older shall not exceed two (2) each per lot.
4. Animals may be kept on lots containing less than one (1) acre in a rural residential area when said animals are regulated by restrictive covenants when specifically approved by the Planning Commission as a part of the subdivision.
5. The number of animals in Subparagraph (2) above shall be reduced geometrically if the resident desires to keep and maintain more than one species of permitted animals. Example: If two

species are desired, then the number of each species shall be reduced to one-half (1/2). If three species are desired, then the number of each species shall be reduced to one-third (1/3), etc.

6. No animal shall be kept in a residential zone for the purpose of commercial production.
7. The keeping of hen chickens (no roosters) shall be permitted in a residential zone on a single family lot less than one (1) acre provided the following are met:

a.

<u>Lot Size:</u>	<u>Maximum number of chickens:</u>
5000 square feet	2
7000 square feet	3
8000 square feet	4
9000 square feet	5
10,000 square feet	6
20,000 square feet	10
30,000 square feet	12

- b. Chickens must be kept in a predator resistant coop or chicken tractor at night which shall be set back at least 10 feet from all property lines. The enclosure shall provide sufficient light, air, and space for the chickens. The enclosure shall not be located in a front yard.
- c. The enclosure shall be cleaned regularly to prevent offensive odors from becoming a nuisance.
- d. Chickens shall not be permitted to roam free unless in an enclosed rear yard.
- e. Chickens shall not be considered household pets.
- f. Slaughtering of chickens is prohibited.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	5/26/2011

Planning Commission Agenda Item

SUBJECT:	Discussion Regarding City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: City Council has asked that the Planning Commission review city code regarding temporary food vendors (i.e. shaved ice shacks) and to determine the need to change current code in order to allow these types of establishments. Currently they are allowed in the commercial zone closer to 4800 West, on developed commercial space with the current owners permission, on a temporary basis. Inquiries from business owners have prompted the council to look for a recommendation from the planning commission.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: Small amounts of tax revenue, inspection and administration costs	
SUPPORTING DOCUMENTS: Cedar Hills code and examples of other cities code regarding temporary food vendors	
RECOMMENDATION: To discuss the need of these types of establishments in Cedar Hills	
MOTION: To continue this item to the June planning commission meeting in order to allow for proper noticing.	

Cedar Hills

City Code 10-6A-2

Food Sales is listed as a Conditional Use in Neighborhood Retail and Office/Retail but not in Office. According to 10-6A-2b, the process for approving Conditional Uses is found in the design guidelines.

Design Guidelines

3.2 Permitted and Conditional Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, except as allowed in the districts as shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. If a proposed use is not listed in the use table below but it can be shown to be substantially the same as an existing item in the chart, then it can be treated as the item in the chart.

To receive approval for a conditional use listed in the chart below, the burden of proof shall be on the applicant to demonstrate that the use is appropriate for the property or parcel under consideration. All conditional uses are required to comply with the conditions of approval imposed by the Planning Commission and/or City Council. Such conditions shall be imposed to mitigate or alleviate any expected or foreseeable adverse impacts the proposed conditional use may have on adjacent uses or the surrounding area. Typically, conditions of approval address issues such as noise, lighting, traffic and aesthetics. Even so, the City shall impose any and all conditions they find to be necessary to protect the integrity and quality of the master planned area or the surrounding neighborhoods.

The following specific conditions may be applied to various permitted or conditional uses. Any of the below prescribed conditions, and additional conditions, may be applied to any permitted or conditional uses at the discretion of the Planning Commission and/or City Council.

- a. any bay doors shall be screened, to the greatest extent possible, from residential areas and public streets
- b. the outdoor storage of materials and debris is prohibited
- c. outdoor overnight storage of vehicles is prohibited
- d. any drive through window and sufficient vehicular stacking shall be screened, to the greatest extent possible, from residential areas and public streets
- e. volume control devices, at drive through windows, shall be utilized so as to limit any audio impact on the surrounding area
- f. refuse collection shall be performed so often as to prevent the development of offensive odors
- g. the outdoor storage of materials is prohibited with the exception of live plants that may be stored outside, at the discretion of the Planning Commission and/or City Council, but only in clearly defined locations
- h. the keeping of animals outdoors is prohibited

Use	N. Ret.	Office/Ret.	Office
Antique Shop	C	C	-
Art shop and/or artist’s supplies	C	C	-
Assisted living, convalescence home	-	C	C
Automobile lube center	C	-	-
Automobile wash	C	-	-

Baby supplies	C	C	-
Bakery	C	C	-
Banks	C	C	C
Barber shop	C	C	C
Beauty parlor	C	C	C
Bicycle shop	C	C	-
Bookstore	C	C	-
Catering establishment	C	-	-
Churches	-	C	C
Clothes cleaning, dying and pressing, retail	C	-	-
Community services	C	C	C
Convenience market with or without gas station	C	-	-
Dance studio	C	C	C
Drive-through windows	C	C	-
Drug store	C	C	-
Fast food establishments	C	C	-
Food sales	C	C	-
Floral shop	C	C	-
Garden supply	C	C	-
Hardware store, not including outside storage of lumber or building materials	C	-	-
Hobby and/or craft store	C	C	-
Home improvement center	C	C	-
Interior decorating store	C	C	-
Jewelry store	C	C	-
Laundry, automatic, self-help	C	C	-
Locksmith	C	C	-
Movie theater	C	C	-
Music store	C	C	-
Pet grooming w/o boarding	C	C	-
Pet shop	C	C	-
Photographer and/or sale of Photographic supplies	C	C	-
Preschool, day care	C	C	C
Professional Office	C	C	C
Restaurants	C	C	-
Residential, attached units	C ¹	C ²	C ⁵
Recreational facilities and uses	C	C	C
Signage	C	C	C
Sporting Goods	C	C	C

¹When ancillary to a retail use (ancillary = subordinate, subordinate is less than 50% of any given structure) Residential is permitted only on the second level of the structures.

²When ancillary to a retail or office use (ancillary = subordinate, subordinate is less than 50% of any given structure) Residential is permitted only on the second level of the structures.

⁵As an independent development

Provo City

14.35.020. Uses Allowed.

- 1) Uses allowed on a temporary basis in accordance with the provisions of this Chapter may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, shaved ice stands, farmers' markets, promotional displays, tents for religious services, revivals, retreats, political rallies, or campaign headquarters. Temporary uses shall be restricted to the following zones: PF, PIC, SC1, SC2, SC3, DT1, DT2, GW, FC, ITOD, CG, CM, M1, and M2.
- 2) A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.
- 3) A temporary use shall be allowed for a maximum thirty (30) day duration per calendar year, except for shaved ice stands and farmers' markets which may be permitted from May 1 to October 31.
- 4) A farmers' market permit applicant shall secure a temporary use permit according to the provisions of this Chapter. The person responsible for the operation of the farmers market shall pay the required fee for the temporary use and submit a site plan which:
 - (a) identifies the number and type of vendors;
 - (b) provides a signage plan for the proposed uses;
 - (c) shows the parking location; and
 - (d) designates vehicular access location.

(Am 1996-63, 1999-15, Am 2000-37, Am 2007-11, Am 2010-31)

14.35.030. Prior Approval Required.

Prior to the establishment of any qualifying temporary use, (except fireworks stands or fireworks displays, permits for which shall be administered by the Fire Department), a temporary use permit shall be obtained from the Planning Commission. Any application for such permit shall meet the requirements of Section 14.35.040, Provo City Code, and shall be made by the property owner, an authorized agent, or the applicant for the temporary use. The granting of said permit shall require the following findings:

- (1) that the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses;
- (2) that the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and
- (3) that the applicant shall have sufficient liability insurance for the requested use or event. (Am 2007-11)

14.35.040. Standards and Requirements.

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

- (1) Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
 - (a) no indoor seating of patrons;

(b) written evidence that a host structure will provide permanent sanitary facilities for any employees and/or customers and that such facilities are conveniently located not more than three hundred (300) feet from the structure and will be accessible during all periods of operation of the use; and

(c) written evidence from the City/County Health Department that all food will be prepared and delivered from an approved commissary, that all waste resulting from the operation of the use will be properly disposed, and that food prepared on the premises will meet all health code requirements.

(2) The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the standards for off-street parking as specified in Chapter 14.37, Provo City Code, except that required parking may be provided on a gravel rather than a concrete or asphaltic cement surface.

(3) The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.

(4) All structures shall be securely anchored to the ground at not less than four (4) points as directed by the Chief Building Official.

(5) The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

(6) Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days except for farmers markets and shaved ice stands. All temporary structures shall be removed within fifteen (15) days of the temporary use being closed or the permit expiring, whichever occurs first.

(7) The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures according to the following schedule:

(a) Circus, carnival, or related uses: \$1,000

(b) All other temporary uses: \$ 300

(Am 1996-63, Am 2007-11)

14.35.050. Action on Application.

A use meeting the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation. (Am 1995-08, Am 2007-11)

4.35.060. Revocation of Permit.

A permit may be revoked in the event of a violation of any of the provisions of this Chapter or the conditions set forth in the temporary use permit.

14.35.070. Business License Required.

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the City or any other public agency.

14.35.080. Fees

In order to offset a portion of the costs incurred by the City in processing temporary use permits, a fee shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(Am 2006-15)

Salt Lake City

21A.42.070: PERMITTED TEMPORARY USES:

Subject to the specific regulations and time limits and to the other applicable regulations of the zoning district in which the use is permitted, the following temporary uses shall be permitted in the zoning districts specified, upon a finding by the zoning administrator that the parcel upon which the temporary use will be located is adequate in size, that there are adequate parking provisions and traffic access, and that the applicant has agreed to comply with such other conditions as the zoning administrator deems necessary to ensure that the temporary use will not have any material detrimental impact upon other properties:

- K. Snow Cones And Shaved Ice Huts: Snow cone and shaved ice huts are permitted in the CB, CC, CN, CS, CG, CSHBD, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, and MU zoning districts between the dates of May 15 and September 15 of each calendar year. Such facilities shall not be located in any required yard area or any required parking area. Their placement shall not interfere with pedestrian access to other businesses on the site. The building should be located to minimize any light or noise impacts on adjacent residential properties. The temporary buildings shall be limited to: 1) Snowie models: eight (8) or twelve foot (12') kiosk, or 2) Sno Shack models: Sno Shack building, Sno Shack 2000, Sno Shack concession, or 3) equivalent, as determined by the zoning administrator. Inflated signs, banners or other signage exceeding the regulations of the applicable zoning districts are specifically prohibited. (Ord. 28-06 § 1, 2006: Ord. 18-05 § 1, 2005: Ord. 3-04 § 1, 2004: Ord. 61-03 §§ 1, 2, 2003: Ord. 14-00 § 10, 2000: Ord. 35-99 § 65, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(21-6), 1995)

21A.42.090: USE LIMITATIONS:

- A. General Limitations: Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by section [21A.42.070](#) of this chapter.
- B. Hours And Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator, in the temporary use permit required by section [21A.42.060](#) of this chapter, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.
- C. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.
- D. Sign Limitations: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this title.
- E. Parking: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized

that would, in the opinion of the zoning administrator, reduce the amount of required off street parking spaces available for a use in connection with permanent uses located on the same zoning lot. (Ord. 62-09 § 14, 2009)

21A.42.060: TEMPORARY USE PERMIT REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION:

A temporary use permit is required for temporary uses, in accordance with the following standards set forth below:

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date, time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by the fee shown on the Salt Lake City Consolidated Fee Schedule.
- C. Approval: A temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis For Permit Denial: A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.
- E. Conditional Permit: A temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.
- F. Revocation Of Permit: A temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section [21A.08.060](#) of this title, if any of the standards and conditions imposed pursuant to such permit, are violated.
- G. Appeal: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the board of adjustment pursuant to the provisions of chapter 21A.16 of this title.