

# River Heights City

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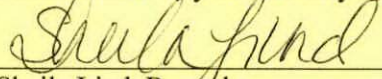
## RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

**Thursday, February 15, 2018**

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:05 p.m. Update on the State of Utah Affordable Housing Assessment Report
- 7:10 p.m. Discuss Possible Code Changes
- 7:45 p.m. Adjourn

Posted this 8<sup>th</sup> day of February 8, 2018

  
\_\_\_\_\_  
Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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## River Heights City Planning Commission

### Minutes of the Meeting

February 15, 2018

Present: Commission members: Mark Malmstrom, Chairman  
Danny Petersen  
Lance Pitcher  
Cindy Schaub

Councilmember Blake Wright  
Recorder Sheila Lind  
Public Works Director Clayton Nelson

### Motions made during the Meeting

#### Motion #1

Commissioner Petersen moved to “approve the minutes of the February 1, 2018 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with Malmstrom, Petersen, Pitcher and Schaub in favor. No one opposed.

### Proceedings of the Meeting:

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on February 15, 2018. Since the last meeting, Commissioner Jake Zollinger resigned.

Adoption of Prior Minutes: Minutes for the February 1, 2018 Planning Commission Meeting were reviewed.

**Commissioner Petersen moved to “approve the minutes of the February 1, 2018 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with Malmstrom, Petersen, Pitcher and Schaub in favor. No one opposed.**

Update on the State of Utah Affordable Housing Assessment Report: Commissioner Schaub said the report has changed quite a bit from two years ago. There are more requirements and restrictions on the information that can be transferred to the report. Filling it out is going to take a lot of time and effort. She asked if the report is required by law. Commissioner Malmstrom wondered if the report will benefit River Heights. PWD Nelson and Recorder Lind said they will check with other cities to see what they know. Commissioner Schaub will hold off for now.

Discuss Possible Code Changes: Commissioner Malmstrom reviewed the proposed changes. Regarding Streets and Street Improvements, Public Works Director Nelson presented verbiage from North Logan. He suggested removing number one as an option and force number two. The developer would pay the city the going rate for asphalt repair and a little above. North Logan charges 50 cents/square foot. This year the actual cost is 21 cents/square foot. He suggested charging about 30 cents and changing the seven year time frame to four or five. The best case is for the seal coat to

45 be applied directly after the asphalt is laid. Developers would pay the city ahead of time so the  
46 money would be available when they do the project. PWD Nelson and Engineer Rasmussen will work  
47 up a fair cost based on actual, administrative and inflation. The cost will be expected to be raised  
48 every few years as costs go up.

49 Discussion was held on shipping containers. Commissioner Schaub read from another  
50 ordinance which stated: "Shipping containers, semi-trailers, boxcars, or similar structures shall not be  
51 installed or maintained on residential properties." This verbiage was incorporated with that which  
52 had been discussed prior.

53 Commissioner Schaub has checked other city ordinances and can't find verbiage which applies  
54 to an allowed six foot sideyard fence along a street, as long as it's transparent. PWD Nelson feels a  
55 six foot transparent fence is safer than a four foot solid fence. Councilmember Wright discussed  
56 some ideas on how to regulate fence styles. Commissioner Malmstrom suggested allowing  
57 encroachment on the easement, but the city will dictate the type of fence material. Mr. Wright asked  
58 about considering a percentage of opacity. The Commission suggested 80-90%.

59 Commissioner Malmstrom asked if they want to disallow vegetation over 4 feet. If a hedge is  
60 higher than four feet, it would defeat the purpose of a four foot fence. The Commission agreed.  
61 They decided to have the transparency apply to corner lots only.

62 PWD Nelson would like something in the ordinance that says 'safety first.' If a fence creates a  
63 safety issue, then it needs be removed. Commissioner Schaub was willing to look through other city  
64 codes to see if this subject was addressed. Councilmember Wright wasn't sure how this would play  
65 out in a real situation. There could be liability on the city. He offered to address this with the city  
66 attorney, to find out if there is a way to legally include it in the code and keep the city out of trouble.

67 Commissioner Schaub was also willing to write up something to address the corner lot fence.  
68 Councilmember Wright suggested checking fence companies that have other ideas of fence material  
69 which would be acceptable.

70 A public hearing will be held at the next meeting to address the code changes. If the fence  
71 information isn't ready by then, it will be tabled.

72 Councilmember Wright discussed the fact that Commissioner Zollinger submitted his  
73 resignation. There are currently three people who are willing to serve on the Commission. There  
74 have been times when an opening comes up and there haven't been any candidates, which leaves  
75 the city scrambling. He asked the Commissioners to present names to him or the mayor anytime, so  
76 they can get a list going for unforeseen resignations.

77 The meeting adjourned at 8:35 p.m.

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83 Mark Malmstrom, Commission Chair

  
Sheila Lind, Recorder

Proposed Changes to the River Heights City Code  
February 15, 2018

**6-1: OFF HIGHTWAY VEHICLES**

Replace 6-1 with . . .

“River Heights follows the Utah Off-Highway Vehicle Laws and Rules (These laws and rules are available on the State’s website.)”

The sheriff said when tickets are issued on 1000 East, they are treated as if in River Heights. They don't worry that it's a county road.

**10-2-1: DEFINITIONS**

Structure: A combination of materials ~~that form a construction~~ constructed for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

Donnie Davis reviewed the definition and agreed a tent is already included in the definition.

**11-6-3:W. STREETS AND STREET IMPROVEMENTS**

Replace with: (Clayten has suggested using this verbiage from North Logan’s code.)

W. Seal Coats: Providing for such application shall be determined through the process of approving the development plan for the subdivision. Application of seal coat ~~can be done~~ <sup>shall</sup> through either of the following methods:

1. The developer shall, by way of an ancillary agreement and guarantee of improvements, accomplish the initial seal coat at a time in the future agreed to by the City Engineer (usually within two years of the completion of the subdivision), or
2. The developer shall pay a fee to North Logan City to provide for the application of the seal coat on the City of the seal coat to all paved roads in the subdivision. The seal coat ~~fee~~ <sup>cost</sup> shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by ~~resolution of the City Council in the Master Fee Schedule and modified as needed from time to time.~~ <sup>held on the</sup> ~~held in the City Office.~~ <sup>unit cost</sup>

The type of seal coat to be used ~~(chip seal, slurry seal, etc.)~~ <sup>high-density mineral bond</sup> shall be determined by “best practice” for the type of street as determined by the Streets Superintendent. If a seal coat fee is to be paid in lieu of the developers’ doing the seal coat, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the City as determined by the City’s municipal budget. The seal coat ~~fee~~ <sup>cost</sup> shall be used by the city to accomplish the initial seal coating for the subdivision within ~~seven~~ <sup>five</sup> years of

Public Works Director and City Engineer



the completion of the subdivision. If not <sup>completed</sup> ~~accomplished~~ within <sup>five</sup> ~~those seven~~ years, and at the developer's request, any un-used seal coat <sup>funds</sup> ~~fee~~ shall be <sup>returned</sup> ~~refunded~~ to the developer.

**10-13-8: SHIPPING CONTAINERS AND STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED**

No shipping containers are allowed in residential yards for storage unit purposes on a permanent basis. No yard or other open space surrounding an existing building in any agricultural or residential zone, or which is hereafter provided around any building in any agricultural or residential zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically provided for by this title.

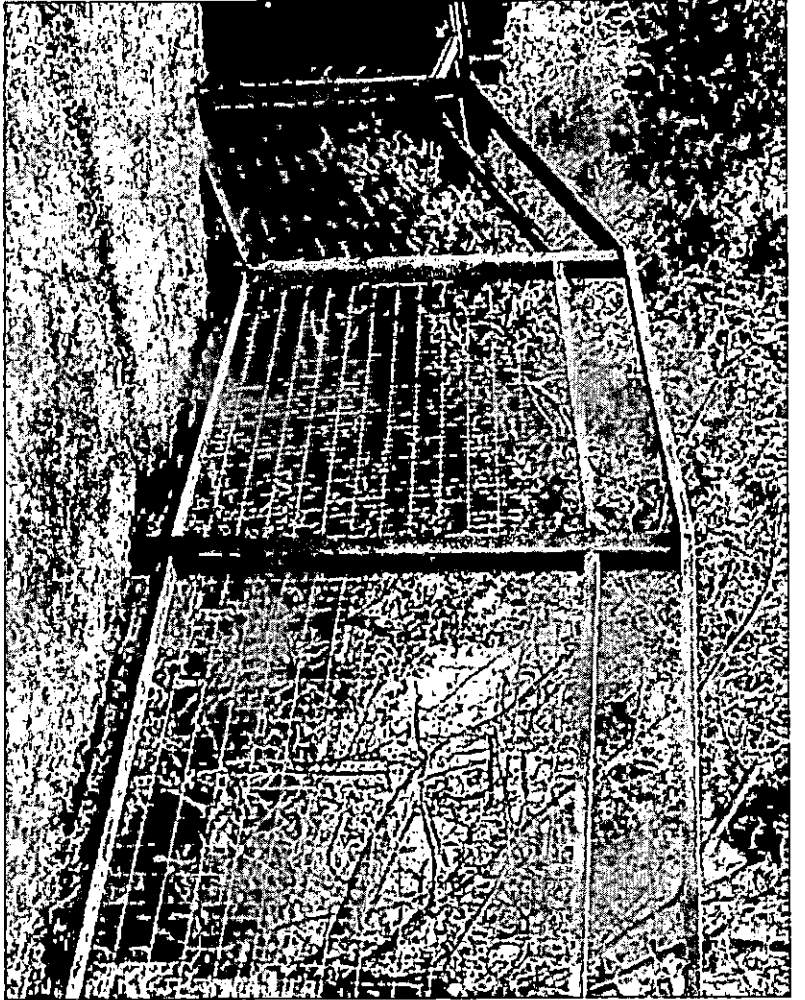
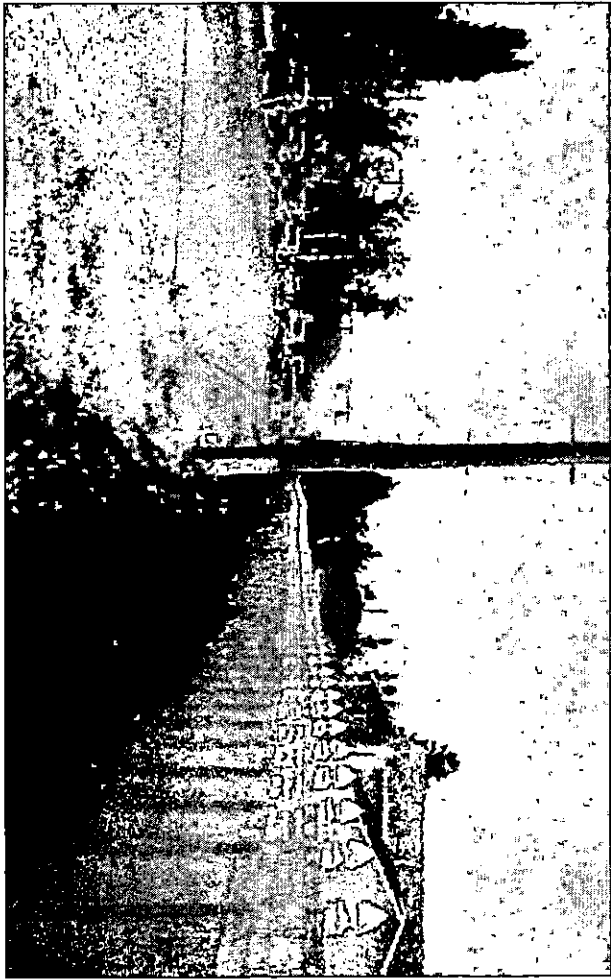
Rather than above, shipping containers could be its own section . . .

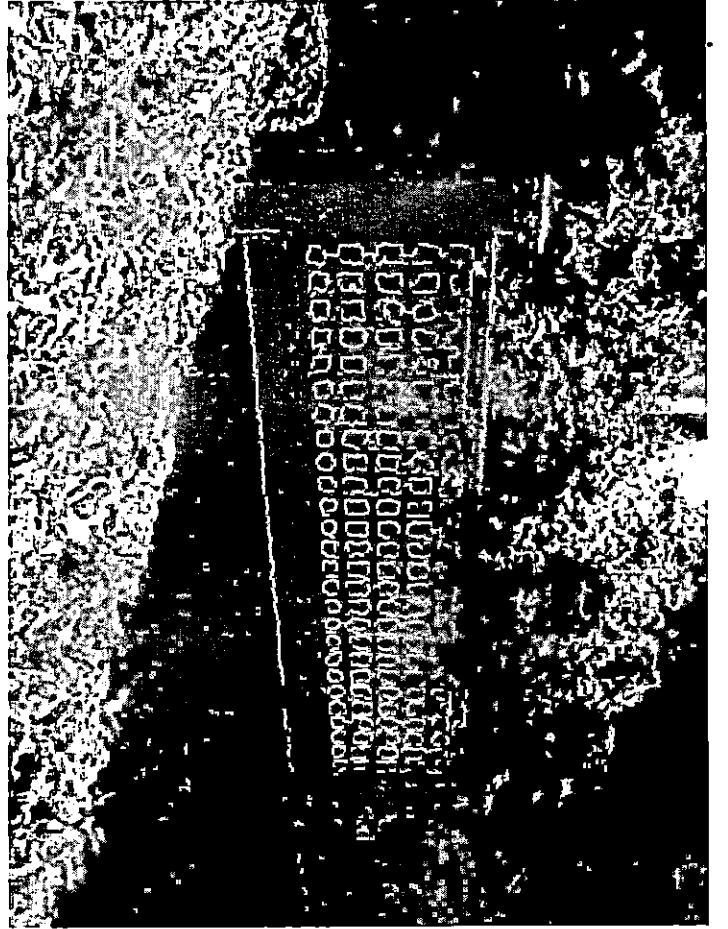
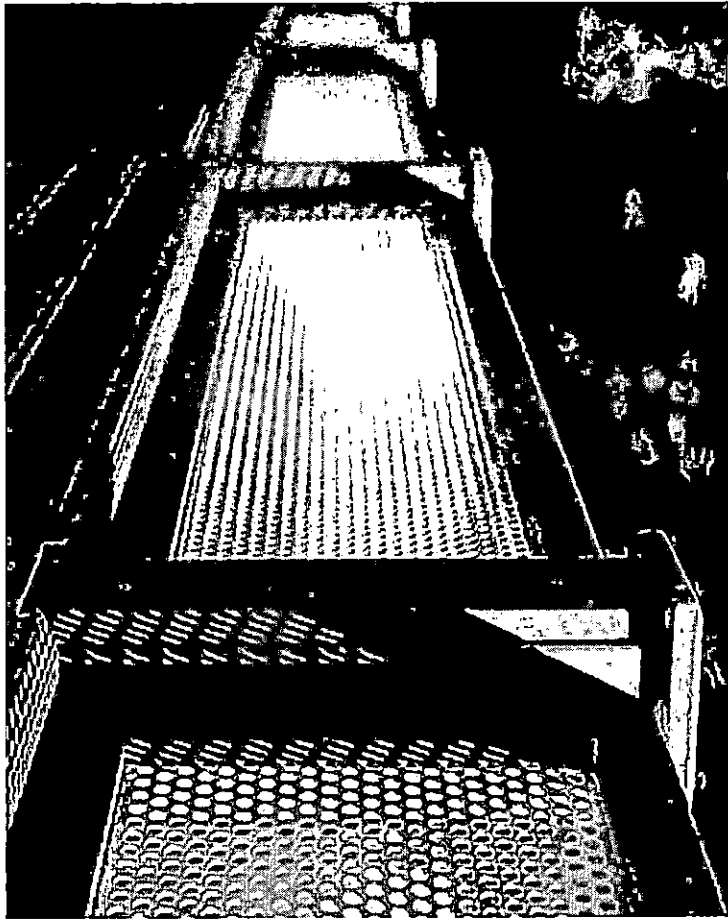
**10-13-9: ~~SHIPPING CONTAINERS~~ PROHIBITED ACCESSORY STRUCTURES; EXCEPTION**

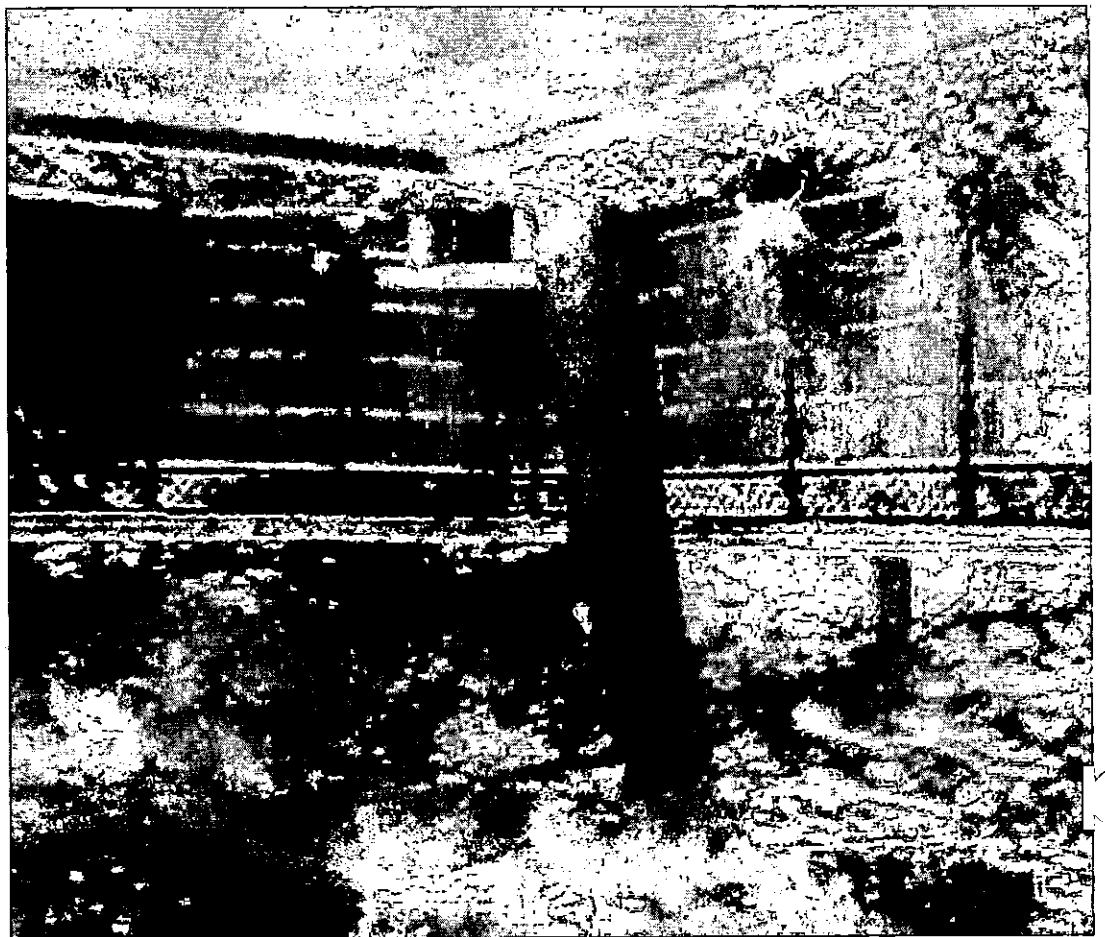
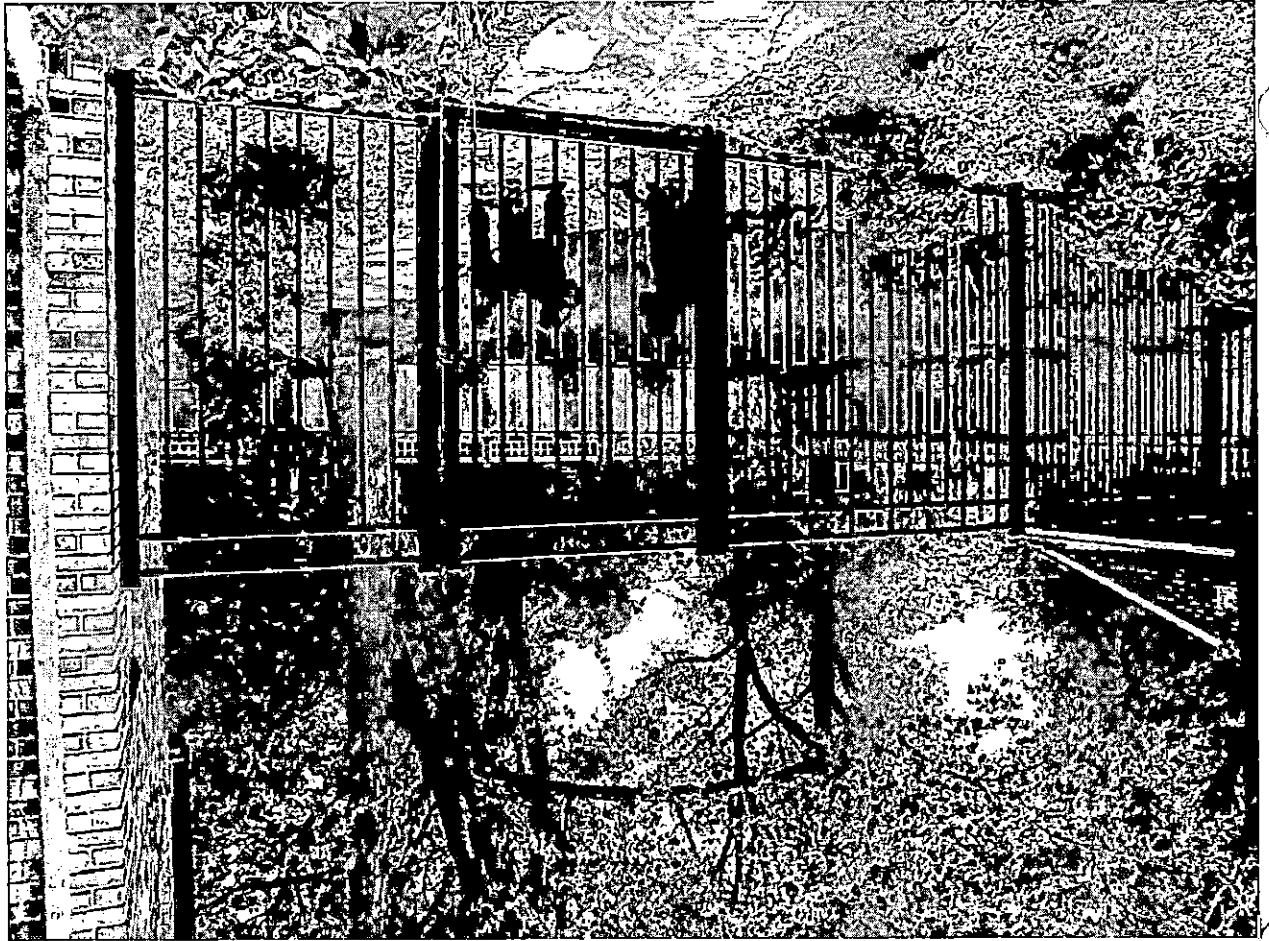
<sup>These accessory structures</sup>  
Shipping containers and waste bins are allowed for construction purposes only, placed on building lot (not in roadway) for no longer than ~~90 days~~ 6 months.

switch places

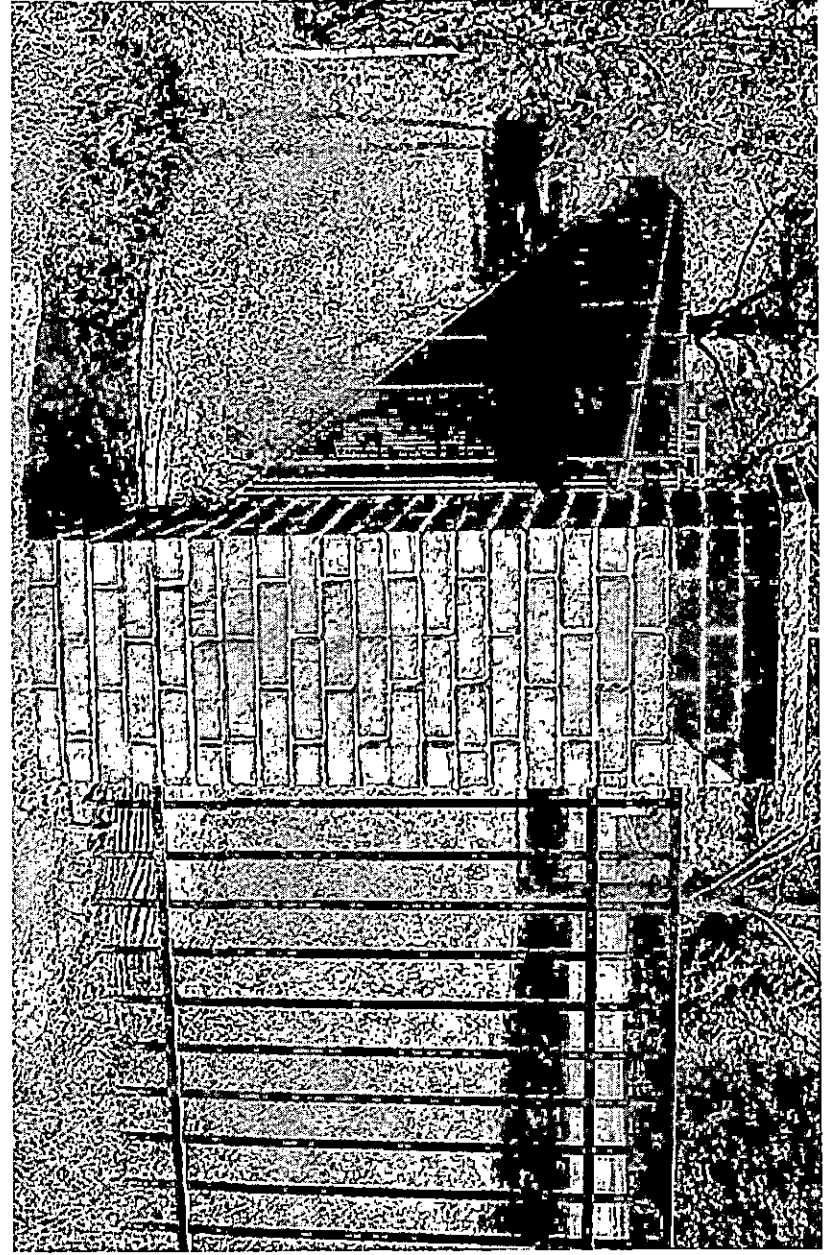
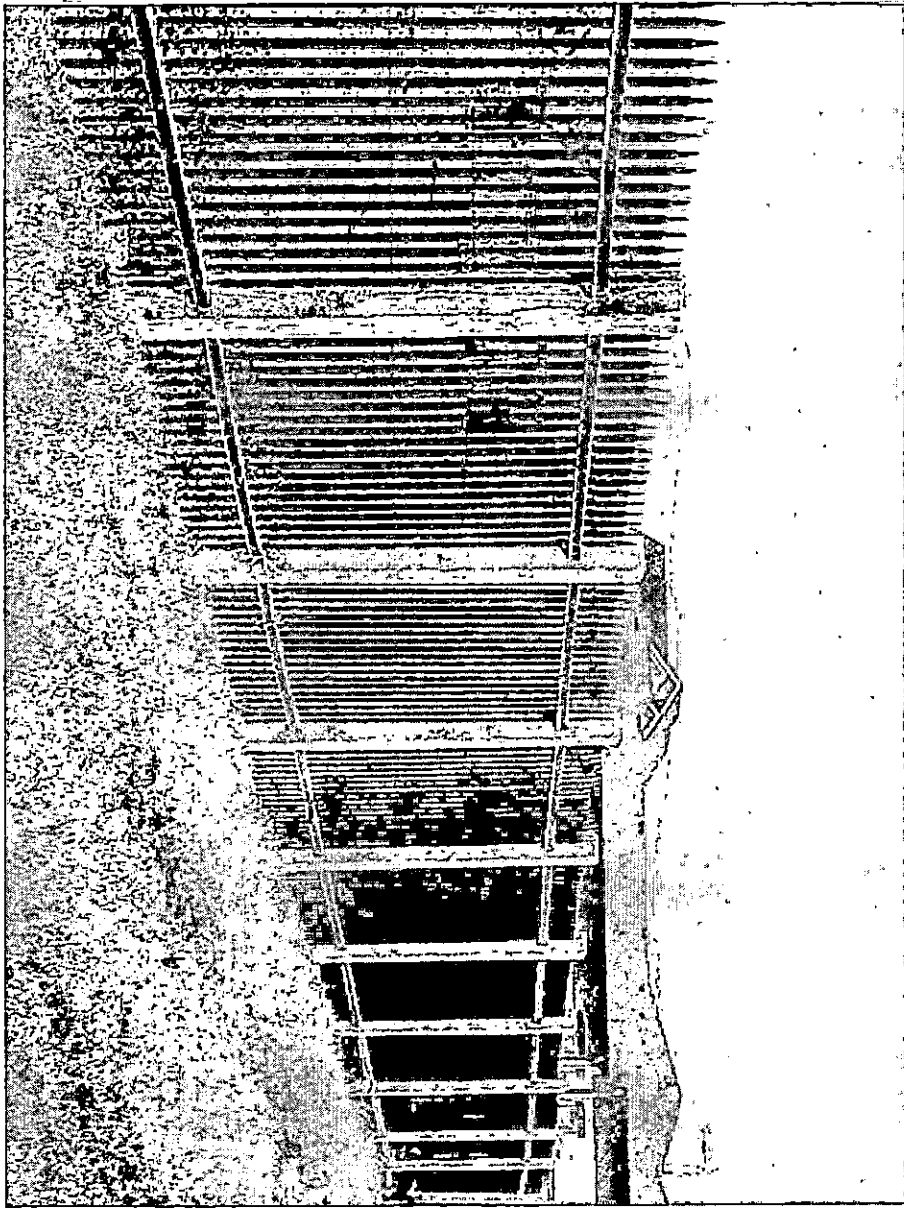
Roll-off or shipping containers, semi-trailers, boxcars, or similar structures shall not be installed or maintained on residential properties.

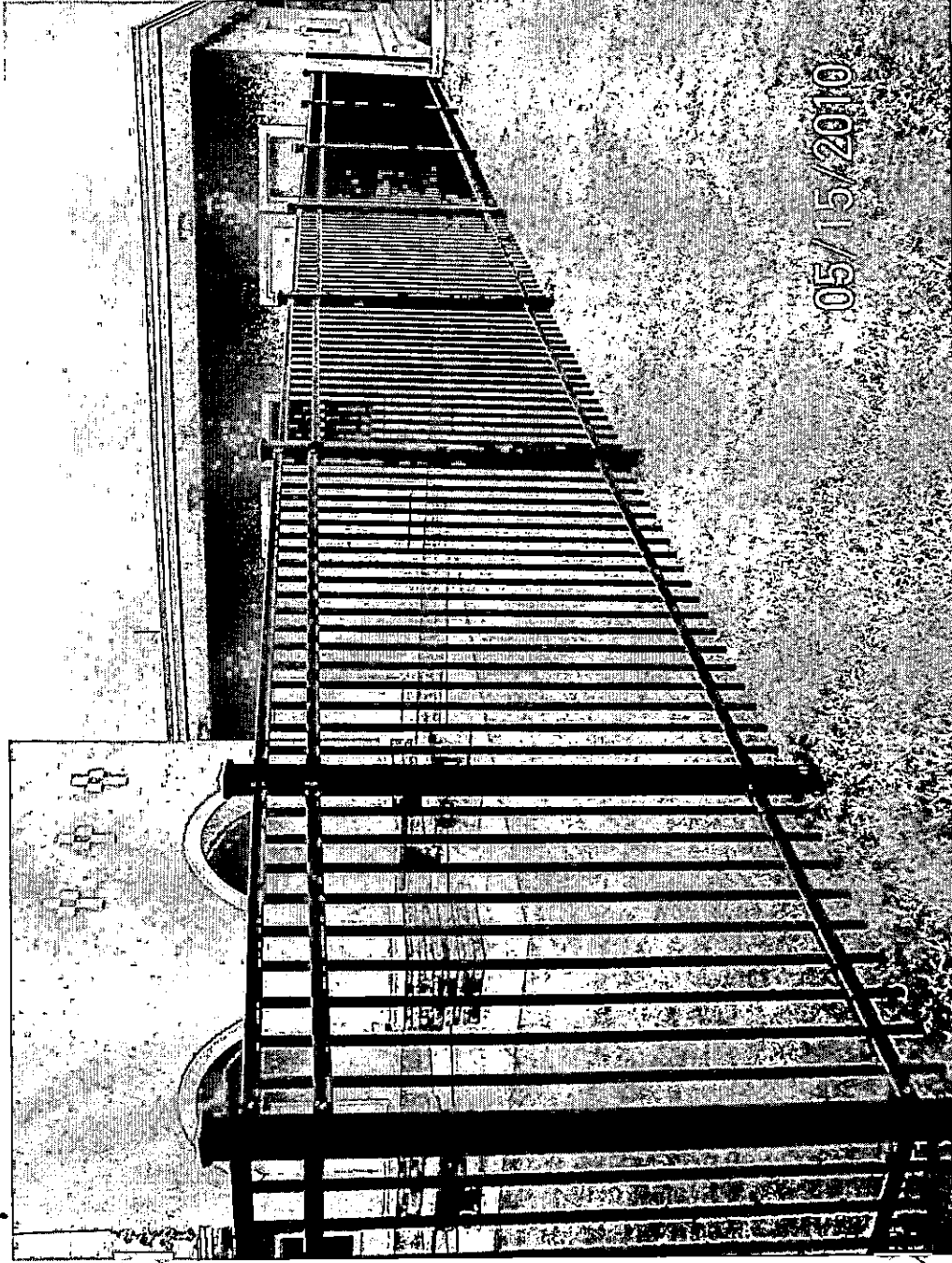












05/15/2010

Nibley

**10-12-9 Fence Regulations**

## Definitions:

Public Trail: A public trail shall be defined, for the purpose of this ordinance, as a multi-use path, whether improved or unimproved, used primarily for muscle powered activities such as, but not limited to, bicycling, walking, jogging or cross-country skiing, and which is used by the public, or to which the public has legal right of access, or as designated on the City's Trails Master Plans or a subdivision plat. Sidewalks that do not meet the definition above are not considered a Public Trail.

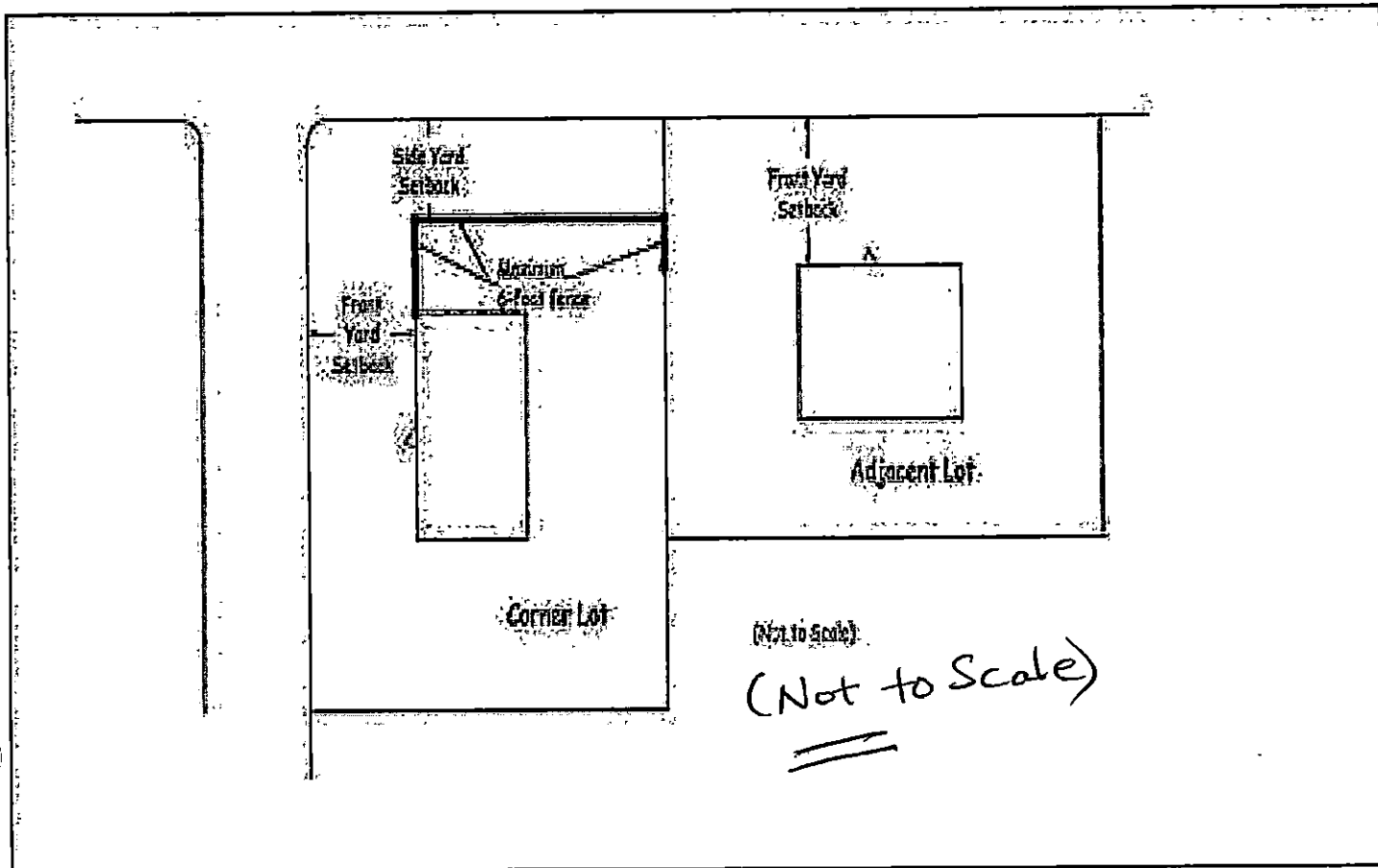
A. Fence: No fence, wall or other similar structure shall be erected in any front yard setback area to a height in excess of four feet (4'); nor shall any fence, wall or other similar structure or landscaping element be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence (eighty percent (80%) or more opaque), e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent (20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein for fences bordering Public Trails, Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks are excluded from the fence regulations, conditions and provisions of Section C of this Ordinance. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and Chapter 10-11-1 shall be governed by the more restrictive or limiting provision.

## B. Corner Lots:

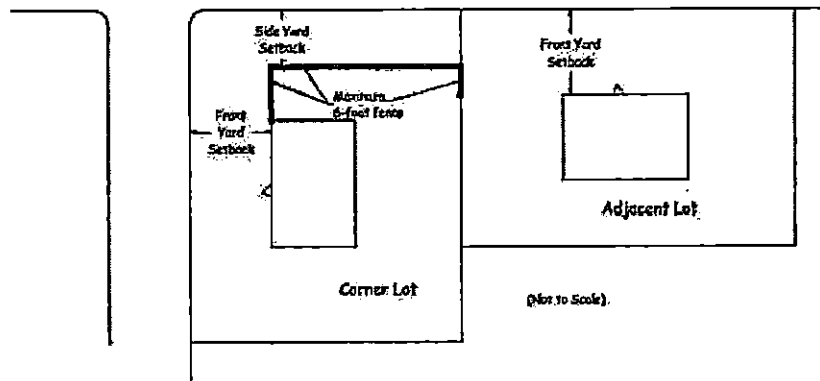
1. Corner lot fences shall comply with one of the following:

- a. No opaque fence, wall or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.
- b. Six-foot (6') tall opaque fences adjacent to a street are allowed at the side yard setback line, starting at the corner lot's front-yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the front of each house placed at the front-yard setback line, houses may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses. Setback lines defining the placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.

(1)







c. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.

\* 2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in 10-12-11 of this chapter.

C. Fencing or landscaping elements along Public Trails: All fences or landscaping elements adjacent to Public Trails, shall be limited to the following:

1. Fencing or hedges that may exceed four feet (4') but not be more than eight feet (8') in height:
  - a. Post and rail fencing;
  - b. Field fencing;
  - c. High-tension wire fencing; and
  - d. Any other fencing or landscaping elements not exceeding twenty percent (20%) opaque.
2. Fencing or hedges that may not exceed four feet (4') in height:
  - a. Chain-link fencing; and
  - b. Any other fencing or hedges exceeding twenty percent (20%) opaque.
3. Fencing or hedges may be combined so long as non-permitted elements do not exceed four feet (4') in height.
4. All heights under this subsection shall be determined based upon the centerline of the Public Trail.
5. Nothing in this subsection shall be interpreted to limit the height of fences or hedges that are adjacent to a street as identified in subpart (E) below.

D. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.

E. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6") in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (10') public easement between the placement of these six-foot fences and the rear property line.

(3)



- F. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward (toward the property owner's yard).
- G. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.
- H. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.
- I. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant applications for fences. Citizens disagreeing with City staff decisions may appeal those decisions to the Nibley City Planning and Zoning Commission within (10) calendar days after approval or denial of a permit.

*Repealed & Reenacted by Ord. 06-04 on 6/15/2006  
Amended by Ord. 17-01 on 1/5/2017*

(4)

CHAPTER 9

**SUPPLEMENTARY REGULATIONS WITHIN ALL DISTRICTS**

SECTION:

- 10-9-1: Applicability
- 10-9-2: Corner Lot Obstruction
- 10-9-3: Irrigation Waters
- 10-9-4: Frontages; Curb, Gutter and Sidewalk
- 10-9-5: Lot Area; Other Buildings
- 10-9-6: Accessory Buildings
- 10-9-7: Mining and Similar Activities
- 10-9-8: Repealed

10-9-1: **APPLICABILITY:** The regulations in this Chapter shall supplement all regulations of all districts in this Title, unless otherwise specifically detailed herein. (Zon. Ord., 5-8-1991)

10-9-2: **CORNER LOT OBSTRUCTION:**

- A. Obstruction of vision on corner lots within thirty feet (30') of said corner right of way shall not be permitted from two feet (2') to eight feet (8') above finished grade of road. Trunks of trees, open-work fences at least seventy percent (70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area.
  - 1. Obstruction of vision within ten feet (10') of intersection of a private drive with a City right of way will not be permitted. Trunks of trees, open-work fences at least fifty percent (50%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area. However, vertical protrusions of up to twenty four inches (24") in width may be allowed in driveway clear-view area.
  - 2. Obstruction of vision within twenty feet (20') of intersection in a MX District will not be permitted. Trunks of trees, open-work fences at least seventy percent (70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted within the clear-view area. Non permanent street signs greater than two feet (2') in height are not permitted within the clear-view area.
  - 3. Fence height is measured from the finished grade on its uphill side, where there is a grade difference. (Ord. 98-OM006, 3-24-1998)

**PROVIDENCE CITY:**

**MATERIALS:** All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials.

A. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as, fencing materials such as: **wrought iron or other decorative metals suitable for the construction of fences, masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite** manufactured specifically as fencing materials that are approved by the City.

B. Fence materials shall be approved for exterior use and shall be weather and decay resistant.

C. The City is authorized to evaluate proposed fence material and to determine if the proposed material is satisfactory and complies with the intent of the provisions of this code, and that the material is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, durability and safety.

(2022)