

River Heights City

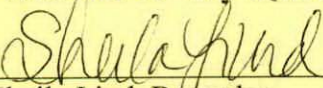
PLANNING COMMISSION AGENDA

Tuesday, April 2, 2019

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

- 7:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 7:05 p.m. Public Hearing to Discuss Changes to the Fence Ordinance
- 7:20 p.m. Public Hearing for a Kennel Conditional Use Permit – Rebecca Merritt
- 7:30 p.m. Review Code Changes: Weeds, Airbnb, Zone Regulations and Other
- 8:15 p.m. Adjourn

Posted this 28th day of March 2019



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

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

River Heights City Planning Commission
Minutes of the Meeting
April 2, 2019

Present: Commission members: Cindy Schaub, Chairman
Noel Cooley
Heather Lehnig
Chris Milbank
Lance Pitcher

Recorder Sheila Lind
Public Works Director Clayton Nelson

Excused Councilmember Blake Wright

Also Present Rebecca Merritt

Motions Made During the Meeting

Motion #1

Commissioner Milbank moved to "approve the minutes of the March 19, 2019 Commission Meeting, as corrected." Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

Motion #2

Commissioner Lehnig moved to "pass the suggested changes to the fence ordinance to the City Council." Councilmember Cooley seconded the motion, which carried with Cooley, Lehnig, Pitcher and Schaub in favor. Milbank opposed.

Motion #3

Commissioner Pitcher moved to "approve a Kennel Conditional Use Permit for Rebecca Merritt with the following conditions: 1) Finishing the fence within 30 days, 2) A maximum of 3 dogs, and 3) The permit goes away when she moves." Councilmember Lehnig seconded the motion, which carried with Cooley, Lehnig, Milbank, 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 April 2, 2019.

Pledge of Allegiance: Recorder Sheila Lind led in the Pledge of Allegiance.

44 Adoption of Prior Minutes and Agenda: Minutes for the March 19, 2019 Planning Commission
45 Meeting were reviewed. On line 67; “want the homeowner” replaced “want them.” On line 105;
46 “that” was inserted after “fences.” On line 125 the following was added at the end of the sentence:
47 “. . . provided the fence doesn’t pose a safety issue by obstructing view of traffic.”

48 **Commissioner Milbank moved to “approve the minutes of the March 19, 2019 Commission**
49 **Meeting, as corrected.” Commissioner Cooley seconded the motion, which carried with Cooley,**
50 **Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

51 Public Hearing to Discuss Changes to the Fence Ordinance: Commissioner Schaub led a
52 discussion on the proposed fence changes. Discussion was had on removing 10-12-2A verbiage of the
53 current code which states, “The City will evaluate the proposed fence . . .” This won’t be needed if the
54 city no longer requires fence permits. A definition of “transparent fence” was suggested for the
55 definition section (10-2): “Fence design and construction shall be 90% visually and physically open to
56 allow a minimally obstructed view of sidewalks and streets.”

57 **Commissioner Lehnig moved to “pass the suggested changes to the fence ordinance to the**
58 **City Council.” Councilmember Cooley seconded the motion, which carried with Cooley, Lehnig,**
59 **Pitcher and Schaub in favor. Milbank opposed. No one was absent.**

60 Public Hearing for a Kennel Conditional Use Permit – Rebecca Merritt: Commissioner Schaub
61 read Ms. Merritt’s request for three dogs. Ms. Merritt explained she recently moved to River Heights
62 from Logan, where they don’t require a kennel permit for three dogs. Her oldest dog is almost 13.
63 When he passes she will just have two dogs. When her dogs are outside, they will be in a dog run or
64 under her watch to stay in the yard. Her yard is nearly fenced. She plans to install the remainder,
65 which would confine her dogs to the backyard.

66 Ms. Schaub felt fine with the request as long as the yard was fully fenced and the permit went
67 away if Ms. Merritt no longer lived in the home.

68 Commissioner Cooley informed, the city’s code states the premises may be subject to
69 inspections if any part of the kennel section of the code is in question. Ms. Merritt agreed this would
70 be fine.

71 **Commissioner Pitcher moved to “approve a Kennel Conditional Use Permit for Rebecca**
72 **Merritt with the following conditions: 1) Finishing the fence within 30 days, 2) A maximum of 3**
73 **dogs, and 3) The permit goes away when she moves.” Councilmember Lehnig seconded the**
74 **motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

75 Review Code Changes: Weeds, Airbnb, Zone Regulations and Other: Commissioner Schaub
76 led a discussion on the proposed code changes. Amendments were discussed and made to the home
77 occupation license section, allowing those with a home business, who don’t have employees come to
78 their home, to be exempt from a Conditional Use Permit.

79 Discussion and explanation was had on the dog licensing changes, in an effort to bring the
80 city’s code in-line with the State’s rules on service dogs.

81 The discussion will continue at the next meeting.

82 The meeting adjourned at 8:15 p.m.

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Cindy Schaub, Commission Chair


Sheila Lind, Recorder

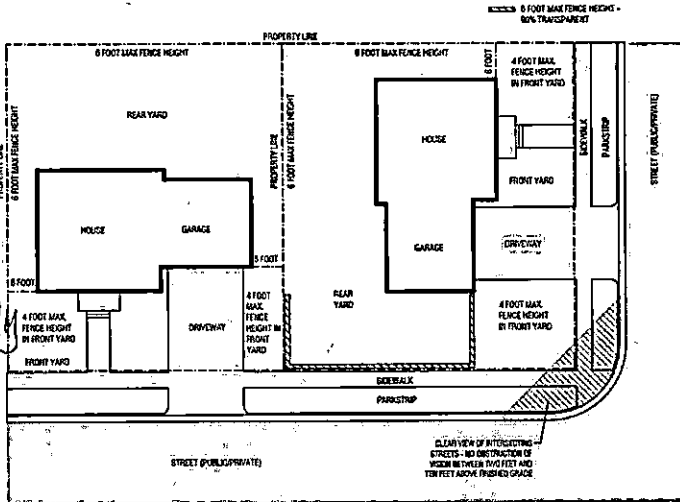
It is proposed by the River Heights City Planning Commission that the current fence regulations be combined into their own section. Underlined portions are to be considered for inclusion.

10-12-³4: FENCE REGULATIONS

- A. Fences and Walls Maximum Height (from sidewalk or road grade)
 1. Front Yard: 4 feet
 2. Side Yard, Interior Lot: 6 feet
 3. Side Yard on a Street (except corner lot): 4 feet or, 6 feet 90% transparent
 4. Side Yard on a Street (corner lot): 4 feet or, 6 feet 90% transparent ~~(See 10-23-5)~~
 5. Rear Yard: 6 feet
 6. Rear Yard on a street (except corner lot): 4 feet or 6 feet 90% transparent
 7. Rear Yard on a Street (corner lot): 4 feet or, 6 feet 90% transparent
- B. No Permit Required: The City does not issue permits for fences, HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense.
- C. Replacement of a Fence: When replacing an existing fence, the new fence must be brought into compliance with the current city code.
- D. No Chain Link: Chain link is not allowed in the front yard, side yards on a street, and rear yards on a street.

Corner Lots: When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a 6 foot (6') fence is allowed in the part of the corner lot's rear and side yard that is adjacent to the neighboring lot's front-yard setback area (4 feet or, 6 feet transparent is required within setback). All fences on corner lots shall comply with 10-13-15: Clear View of Intersecting Streets shown in the following figure.

Add to 10-2 Definitions:
TRANSPARENT FENCE:
 Fence design and construction shall be 90% visually and physically open to allow a minimally obstructed view of sidewalks and streets.



10-3-4:B Requirements; Zoning Clearance Permit: . . . required for the following:

- 2. ~~Fences in the required setbacks;~~

10-12-2:A Remove "Fences and Walls" section of Table 2, including note 3, and figure 10-12-2, and "The city will evaluate the proposed fence. . ."

Public hearing date: Apr 2, 2019
7:30

River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Rebecca Memitt Date: 3-21-2019

Phone #: _____ Email: _____

Address: 4116 E. 500 S. River Heights UT 84321 802-016-0053

Number of dogs requested: 3 Property for animal support (sq ft): 1,255

Description of shelter provided, care of animals, etc: dogs will be kept inside
for the majority of the day and not left outside unattended
for long periods of time. They don't bark much and are
fairly quiet.

Application fee is \$100 and is nonrefundable.

Date paid 100.00 Check number 9506 By Sf

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

Proposed Code Changes
April 2019

Underline shows additions

Strike-out shows deletions

3-1-4: HOME OCCUPATION LICENSES

A. Permitted Uses Requiring a Conditional Use Permit

1. . . . Impacts to the neighborhood will be evaluated in the following areas:

- a. Employees: One or more who do not reside in the home ~~(if employees don't come to the home this would have no impact to the neighborhood.)~~

but report to the home for work purposes

5-2-3: LICENSING

A. Dog License Required:

1. All dogs must be licensed each year, except as otherwise provided herein, to a person eighteen (18) years of age or older. Any person owning, possessing or harboring any dog within the city shall obtain a license for such animal within thirty (30) days after the dog reaches the age of four (4) months, or within thirty (30) days of the acquisition of such dog or presence of such dog within the city. Initial and annual licensing requires completing the completion of a standard form, which requests name, address and phone number of the applicant, and the breed and gender of the animal, and whether it has been proof of animal being spayed or neutered, and proof of rabies vaccination. The form also asks for pertinent information regarding rabies vaccinations. Annual renewals require the presentation of a valid rabies certificate of vaccination at the time of application for a license. For a dog under the age of six (6) months, the city may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering. A spayed or neutered dog may be licensed at the reduced fee (refer to current fee schedule held at the City Office). Licenses are good for one year or until March 1 of the following year, whichever comes first. Said initial license shall be effective for one year until March 1 of the following year and must be renewed annually thereafter. All annual applications are due March 1st. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation. (1-2015, 6-23-15)
2. ~~License renewals must be submitted annually to the city. Proof of rabies vaccination and fees will be due March 1st and be considered delinquent March 2nd of each year. Late All fees are due at the time of application. Applications submitted after March 1 (annual applications only) will be charged a late fee, per month for every month of delinquency. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation. plus a monthly late fee charged at the beginning of each month.~~

5-2-3:C. Licensing Exemptions:

2. The fee provisions of ~~subsection A2 of this section~~ 5-2-3:A.2. shall not apply to service dogs per 28 CFR Subpart B, Section 35.136. The City will verify whether the animal qualifies as a service animal by asking the following:
- a. Is the animal required because of a disability?
- b. What work or task has the animal been trained to perform?

- a. ~~Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.~~
- b. ~~Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.~~
- c. ~~Dogs especially trained to assist officials of government agencies in the performance of their duties and are owned by such agencies.~~

5-2-4: KENNELS, PET SHOPS AND SIMILAR ESTABLISHMENTS
 (See current 28 CFR Subpart B, Section 35.136 for exclusions.)

10-2-1: DEFINITIONS

SHORT TERM VACATION RENTAL (STVR): A single-family dwelling, or any portion thereof, utilized as a business for lodging, or sleeping purposes. Whereby, the Owner hosts visitors in the Owner's home, for compensation, for periods of twenty-eight (28) consecutive days or less. The Owner lives on-site, in the home, throughout the visitor's stay. A River Heights City Home Occupation License is required. A Home-share business must comply with all ordinances within the zone: Including, but not limited to, Parking, Landscaping and Nuisances.

10-8-4: SITE DEVELOPMENT STANDARDS

All parcels in the commercial zone shall comply with all applicable ordinances, the Public Works Construction Specifications and with the following standards: . . .

10-8-4: SITE DEVELOPMENT STANDARDS (commercial zone)

H. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 South 400 East

H. Uses Not Permitted

- 1. Aerobic Studio, Dance Studio (allow?)

10-12-1:A. Table 1, Land Use Chart

Commercial and Retail Uses

51. Motel/Short Term Vacation Rental (STVR) – Not allowed in A, R1, PR or PUD zones

10-12-1: ZONE REGULATION REQUIRMENTS (bump sections 1 and 2 down to become 2 and 3)

- A. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, covering for a deck, patio or porch, ground mounted solar panels, swimming pool and commercial building.
- B. One application is required per structure and per person.

- C. Public works director and zoning administrator will sign permit or respond within 10 working days.
- D. Failure to comply with restrictive covenants (including any limiting conditions contained within recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.
- E. Applicant should consult Cache County Building Department to determine if a building permit is required.

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10-12-3 Fence Regulations

10-14-4: PARKING LOT REQUIREMENTS

- F. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-15-12: MAINTENANCE AND UPKEEP OF LANDSCAPING

- D. Park Strips (define maintenance requirements)

10-15 LANDSCAPING

Add a section (10-15-14?) to address noxious weeds and the procedure for getting rid of them. (Bump Compliance to 10-15-15?)

10-22-8: DESIGN STANDARDS (commercial parking zone)

- E. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

11-6-2: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be provided by the city engineer; standards for water distribution and sewage disposal facilities by the board of health; and similar standards for fire protection by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, county and state; provided, that such standards shall be approved by the city council. These standards, ~~in addition to the~~ Public Works Construction Specifications, and the general standards listed below shall be used by all subdividers.