

River Heights City

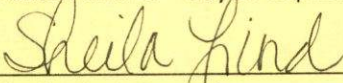
River Heights City PLANNING COMMISSION AGENDA

Tuesday, September 24, 2024

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Review Upcoming Code Changes, Including Home-Based Microschools and Micro-Education Entities
- 7:30 p.m. Adjourn

Posted this 19th day of September 2024



Sheila Lind, Recorder

To join by Zoom: <https://us02web.zoom.us/j/85623906590>

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

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
September 24, 2024

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig
Keenan Ryan
Cindy Schaub
Troy Wakefield

Councilmember Blake Wright, electronic
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Others Present: None

Motions Made During the Meeting

Motion #1

Commissioner Lehnig moved to “approve the minutes of the September 10, 2024, Commission Meeting, as well as the evening’s agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on September 24, 2024.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the September 10, 2024, Planning Commission Meeting were reviewed.

Commissioner Lehnig moved to “approve the minutes of the September 10, 2024, Commission Meeting, as well as the evening’s agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

Public Comment on Land Use: There was none.

Review Upcoming Code Changes, Including Home-Based Microschools and Micro-Education Entities: Commissioner Cooley opened a discussion on the proposed changes. Recorder Lind explained the reason for deleting 9-4-4:K. was because it was no longer true since other changes to the code had been made.

Commissioner Cooley explained that Councilmember Wright and Attorney Jenkins had a discussion on requiring home-based micro-education applicants to come to the Planning Commission

44 for a review of their request, after which it could be recommended to the Zoning Administrator for
45 approval. Mr. Wright had incorporated this into the proposed changes.

46 Discussion was had about the allowed hours of operation. They decided 10:00 p.m. was later
47 than a school needed to be open, and changed it to 8:00 p.m.

48 Councilmember Schaub was curious why adult-oriented businesses and businesses which sell
49 alcohol were addressed in 10-12-1:C.F.2. Councilmember Wright said that it was included because
50 state code addressed it. He explained that years ago there was a push for cities to address adult-
51 oriented businesses in their code as a way to regulate them. This type of business was listed as
52 needing a conditional use permit and only in a commercial zone. The code spelled out the
53 restrictions which must be followed. They were unsure how the verbiage in the state's code on
54 home-based microschoools and micro-education entities related to adult-oriented businesses.

55 Councilmember Wright reviewed his conversation with Attorney Jenkins about the best way
56 for the city to entertain an application for home-based microschoools and micro-education entities.
57 They came up with a Planning Commission review, which would include the Commissioners going
58 through the state code and the city's code to make sure the applicant was following both. After the
59 applicant had proved they were compliant, the Commission would recommend approval of their
60 request to the Zoning Administrator.

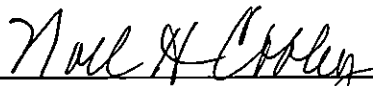
61 Discussion was had on 10-12-3:D., which would require not only fire hydrants, but also water
62 meters to have a 4' radius access; free of walls or fences. Recorder Lind explained that water meters
63 were added due to the number of meters that had been landscaped over or enclosed by walls/fences,
64 which was causing an access problem for all the meters needing to be replaced. The discussion led to
65 their desire to address "landscaping" as well as walls and fences. They decided not to make a change
66 to 10-12-3:D but to add similar wording in the landscaping section of the code. Commissioner Schaub
67 volunteered to come up with a new paragraph to add to 10-15-12 which would address landscaping
68 around hydrants and meters.

69 Commissioner Cooley suggested a quick review of Commissioner Schaub's landscape code
70 addition at their next meeting, along with a review of the subdivision code changes. Next, they would
71 hold a public hearing to adopt all the code changes two weeks from that time.

72 Commissioner Cooley addressed a question from Commissioner Schaub on how the Planning
73 Commission could be involved in subdivision approvals. The gentlemen from Landmark Design, who
74 he and Councilmember Wright had been working with, had a suggestion on how this could be
75 addressed. He and Commissioner Cooley plan to discuss it at their next meeting with them.
76 Whatever they work out, will be presented to the commission at their next meeting.

77 Commissioner Wakefield asked the status of the old school. Councilmember Milbank said
78 they were waiting for the boiler to be fixed. He and Councilmember Wright were asked to look for
79 possible property managers for the building. Mr. Wright said he was going to check with the city
80 attorney to find out if the city needed to put out an RFQ before deciding on who to hire. He was
81 hoping to contact the attorney in the next few days.

82 The meeting adjourned at 7:20 p.m.

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86 _____
87 Noel Cooley, Commission Chair

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87 Sheila Lind, Recorder

Suggested Code Changes
September 24, 2024

9-4-4: SOLAR ENERGY SYSTEM REQUIREMENTS:

~~K. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued. (Delete because 9-4-4:B&G.6 address ground-mounted.)~~

10-2-1 DEFINITIONS:

Add

HOME-BASED MICROSCHOOL: An individual or association of individuals that A) register as a business entity in accordance with state and local laws; and B) for compensation, provide kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, apartment, or residential property. Home-based microschool does not include daycare.

MICRO-EDUCATION ENTITY: A person or association of persons that A) register as a business entity in accordance with state and local laws; and B) for compensation, provide kindergarten through grade 12 education services to 100 students or fewer. Micro-education entity does not include: a daycare; a home-based microschool; a private school; or a school within the public education system.

10-12-1: USE REGULATIONS

Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>PR</u>	<u>RPUD</u>	<u>CP</u>
Institutional and Special Service Uses						
40. School, public or private	C	C	C	C	C	
41. <u>Home-based Microschool</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
42. <u>Micro-Education Entity</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
44.43. Cemetery				P		
(Lines 42 <u>44</u> -49, intentionally left blank)						

C. Classification of New and Unlisted Uses

1. Should the commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the zoning administrator ~~and/or building inspector~~ to proceed accordingly; or

~~10-12-3: FENCE AND WALL REGULATIONS WITHIN SETBACKS~~

D. Fire hydrants and water meters shall not have access blocked by fences or walls for a ~~radius~~ radius of four (4) feet. Front access shall be totally open and unrestricted.

Add similar verbiage to the landscaping section (10-15-12)

Add

10-13-27: HOME-BASED MICROSCHOOLS AND MICRO-EDUCATION ENTITIES

Home-based microschoools and micro-education entities as defined in Utah Code Annotated 53G-6-201, are permitted uses in all zones, subject to the requirements of Utah Code Annotated 10-9a-305 and 53G-6-211 and the following regulations.

determines
A home-based microschool or micro-education entity Application_s will be reviewed by the planning commission for compliance with state and city codes. When the planning commission ~~feels~~ state and city regulations have been met, they will recommend and approved by the city zoning administrator approve the application. ~~Planning Commission review application for compliance of site and city code??~~

A. Business License: A business license must be obtained from the city as described in Title 3 of this code. A fire safety inspection is required with the initial business license approval and annually, prior to the business license renewal.

B. Applicable Zoning and Land Use Regulations:

1. A home-based microschool shall comply with the area, setback, and height regulations for each zoning district as listed in Section 10-12-2 Area Regulations.
2. A micro-education entity, as per Utah Code Annotated 10-9a-305(7), may operate in a facility that meets Group E Occupancy or a Class B Occupancy as defined by the International Building Code, and shall comply with the area, setback, and height regulations for each zoning district as listed in Section 10-12-2 Area Regulations.
3. These lists are not all-inclusive. Additional rules and regulations may apply. See Utah Code Annotated 10-9a-305.

C. Parking:

1. Off-street parking requirements for all zoning districts are described in Chapter 10-14.
2. In addition to the dwelling unit parking requirements listed in Section 10-14-1, a home-based microschool shall provide sufficient parking and needed facilities for

employees and customers completely and entirely on the homeowner's land containing the primary dwelling or an adjacent parcel owned by the homeowner.

3. The applicant(s) for a home-based microschool or a micro-education entity shall provide a parking plan.
- D. Traffic Plan: The applicant(s) for a home-based microschool or a micro-education entity shall provide a traffic plan depicting the desired routes for all modes of transportation.
- E. Hours⁸ of Operation: The hours of operation shall be between the hours of 7:00 AM and 10:00 PM. The applicant(s) for a home-based microschool or a micro-education entity shall include the normal hours of operation on the application for a business license.
- F. Regulations on the Location of a Project that are Necessary to Avoid Risks to Health or Safety:
1. Chapter 10-11 Sensitive Areas defines nondevelopable sensitive areas and potentially developable sensitive areas; and lists the regulations and requirements for development in sensitive areas.
 2. A designated zone within the city allows for an adult-oriented business or a business which sells alcohol. A micro-education entity is prohibited from a location which would otherwise defeat the purpose for the zone unless the micro-education entity provides a waiver.