

# River Heights City

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## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, June 9, 2026**

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.

Pledge of Allegiance

Adoption of Previous Minutes and Agenda

Public Comment on Land Use

Public Hearing to Discuss a Conditional Use Permit Application from Kathryn Dang for a Swimming Pool

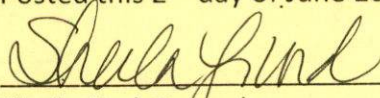
Public Hearing to Discuss the ADU Ordinance

Review SCPUD Uses in the Land Use Chart (10-12-1:A)

Discuss Minor Updates to the General Plan

Adjourn

Posted this 2<sup>nd</sup> day of June 2026

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

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

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River Heights City Planning Commission  
Minutes of the Meeting  
June 9, 2026

Present: Commission members: Keenan Ryan, Chairman  
Noel Cooley  
Anna Lisa Davidson  
Troy Wakefield

Councilmember Mark Malmstrom  
Recorder Sheila Lind

Excused Commissioner Steve Roberts

Others Present: Kathryn and Lee Dang

## Motions Made During the Meeting

### Motion #1

Commissioner Wakefield moved to “approve the minutes of the May 26, 2026, Commission Meeting with the changes discussed, as well as the evening’s agenda.” Commissioner Cooley seconded the motion, which carried with Cooley, Davidson, Ryan, and Wakefield in favor. No one opposed. Roberts was absent.

### Motion #2

Commissioner Davidson moved to “approve the Conditional Use Permit Application for Kathryn Dang’s residential swimming pool at 471 S 900 E with the following conditions: 1) Replace the pool contractor’s information on the application with her own and initial the specified areas on the application, 2) Maintain liability insurance, and 3) Keep the fence in good repair.” Commissioner Wakefield seconded the motion, which carried with Cooley, Davidson, Ryan, and Wakefield in favor. No one opposed. Roberts was absent.

### Motion #3

Commissioner Cooley moved to “delay approval of the ADU ordinance until after a future public hearing.” Commissioner Davidson seconded the motion, which carried with Cooley, Davidson, Ryan, and Wakefield in favor. No one opposed. Roberts was absent.

## Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on June 9, 2026.

### Pledge of Allegiance

46 Adoption of Prior Minutes and Agenda: Minutes for the May 26, 2026, Planning Commission  
47 Meeting were reviewed with changes made.

48 **Commissioner Wakefield moved to “approve the minutes of the May 26, 2026, Commission**  
49 **Meeting with the changes discussed, as well as the evening’s agenda.” Commissioner Cooley**  
50 **seconded the motion, which carried with Cooley, Davidson, Ryan, and Wakefield in favor. No one**  
51 **opposed. Roberts was absent.**

52 Public Comment on Land Use: There was none.

53 Public Hearing to Discuss a Conditional Use Permit Application from Kathryn Dang for a  
54 Swimming Pool: There were no public comments.

55 Kathryn Dang said she was looking to build a swimming pool in her back yard, which was fully  
56 fenced with a 6-foot fence. The pool would include an automatic cover.

57 Commissioner Ryan noted the five-foot setbacks on the plan, which was greater than the  
58 city’s three-foot minimum.

59 Ms. Dang explained the construction of the pool. The sidewalls would be cinder blocks with  
60 rebar. Over that would be concrete and then a vinyl liner. The depth would be 3.5 feet to 8 feet. She  
61 didn’t believe they would have any ground water issues. They planned to get liability insurance  
62 required for a pool.

63 Councilmember Malmstrom asked if they planned to teach swimming lessons. Ms. Dang  
64 responded that they were not.

65 Ms. Dang’s application was discussed. It was the feeling of the Commissioners that The Dangs  
66 should be the applicants, rather than Lakeview Pools and asked her to fill out a new one, which she  
67 agreed to.

68 **Commissioner Davidson moved to “approve the Conditional Use Permit Application for**  
69 **Kathryn Dang’s residential swimming pool at 471 S 900 E with the following conditions: 1) Replace**  
70 **the pool contractor’s information on the application with her own and initial the specified areas on**  
71 **the application, 2) Maintain liability insurance, and 3) Keep the fence in good repair.”**

72 **Commissioner Wakefield seconded the motion, which carried with Cooley, Davidson, Ryan, and**  
73 **Wakefield in favor. No one opposed. Roberts was absent.**

74 Commissioner Ryan informed the Dangs that final approval of the Conditional Use Permit  
75 would be at the Commission’s next meeting in two weeks, however they could get started at the  
76 county with their building permit before then.

77 The Dangs took leave of the meeting.

78 Public Hearing to Discuss the Accessory Dwelling Unit (ADU) Ordinance: Commissioner Ryan  
79 noted there was no public in attendance and no written comments had been submitted.

80 Commissioner Ryan reviewed Attorney Jenkins response regarding property owner’s leave of  
81 absence.

82 Councilmember Malmstrom was concerned about the requirement of property owners having  
83 to live on the property for two years before applying for an ADU. He felt two years was excessive.  
84 Commissioner Ryan agreed.

85 Commissioner Wakefield was concerned with A.5.: “Other extenuating circumstances as  
86 approved in writing by the zoning administrator only upon a showing of good cause.” He said it left  
87 the zoning administrator making an arbitrary decision and suggested the allowances should be based  
88 on code. It was pointed out that the city attorney could also make the decision.

89 Discussion was held on whether to include all the attorney’s suggested verbiage or not. It  
90 seemed like more than other cities had addressed in their codes. Commissioner Cooley pointed out  
91 that Providence City had stricter rules.

92 The Commissioners wanted to replace the required two years with six months. They wanted  
93 more time to review and think through the attorney’s suggestions before passing the ADU ordinance  
94 to the City Council. Commissioner Ryan hoped they could get some resident input to help with their  
95 decision.

96 **Commissioner Cooley moved to “delay approval of the ADU ordinance until after a future  
97 public hearing.” Commissioner Davidson seconded the motion, which carried with Cooley,  
98 Davidson, Ryan, and Wakefield in favor. No one opposed. Roberts was absent.**

99 Before the next meeting, Recorder Lind would incorporate the attorney’s suggestions into the  
100 ADU ordinance so it would be easier to review. His comments would replace E.3.

101 Commissioner Ryan suggested that at their next meeting they would decide what they want  
102 to keep. If they felt good about it then they’d schedule another hearing on July 14.

103 Review Senior Citizen PUD Uses in the Land Use Chart (10-12-1:A): Commissioner Ryan led a  
104 review of uses they wanted to permit, not allow, or be conditional in the SCPUD zone on the land use  
105 chart. They reviewed and made changes.

106 Commissioner Davidson brought up changes that needed to be made to 10-10-3.B.2, driven  
107 by the state code. The city could dictate two people per bedroom but couldn’t stipulate if they were  
108 relatives or married. She would work through the wording and get it to Recorder Lind to include with  
109 the next code changes.

110 Discuss Minor Updates to the General Plan: Commissioner Ryan noted the need to make some  
111 clarifications to the General Plan Zoning Map, showing the areas where they wanted to allow the  
112 SCPUD zone. They discussed the parcel north of 600 South between 700 and 750 East.

113 Commissioner Cooley suggested striking *Strategy d.* under *D. Land Use Goals and Strategies*  
114 since it had been accomplished. He also suggested inserting a goal to develop a zone to establish an  
115 area dedicated to an attractive area, limited to senior citizens (including his suggested strategies)  
116 between goals 2 and 3. Discussion was held on the definition of senior citizen. “Age 55 and above”  
117 was added to the end of Goal 3.

118 Commissioner Cooley discussed referencing the city’s recent transportation study under Goal  
119 3 of the Transportation Chapter in Strategy A. They decided to add (*see River Heights 2026*  
120 *Transportation Study*) after *River Heights is pursuing a Master Transportation Plan to document*  
121 *transportation needs.*

122 Commissioner Cooley pointed out that in some sections of the infrastructure chapter the Plan  
123 lists strategies but doesn’t state a goal. He suggested adding simple goals such as “To maintain and  
124 improve the water services.” He felt these additions would make the document more consistent. He  
125 noted that the current goal under water: “Use preventative steps to warn citizens of potential source  
126 contamination” be moved down as strategy I.

127 Mr. Cooley suggested adding “To maintain and improve the sewer system” as the goal before  
128 the sewer strategies. It was suggested that Mr. Cooley write up his suggestions for the Commission to  
129 review. He would include goals for sections A, B, & D.

130 The plan was to review all the suggested changes to the general plan at the next meeting and  
131 then schedule a hearing for two weeks later. Specific areas of the city would also be identified on the  
132 zoning map.

133 The meeting adjourned at 8:25 p.m.

134 \_\_\_\_\_  
135 Sheila Lind, Recorder

136 \_\_\_\_\_  
137 Keenan Ryan, Commission Chair

# River Heights City Conditional Use Application

For office use	
Date Received:	<u>05/09/26</u>
Hearing Date:	<u>06/09/26</u>
Amount Paid:	<u>\$150.00</u>
Approved _____	Denied _____

## APPLICANT

Name: Lakeview Pools & Spas LLC

Mailing Address: 701 S Main St 1st Fl Logan, UT 84321

Phone: 801-389-2393 email: admin@lakeviewpools.com

Please check one of the following:  owner  buyer  renter  agent  other Contractor

## PROJECT INFORMATION

Name: Kathryn Dang

Address/Location: 471 South 900 East River Heights, UT 84321

Property Tax ID: 02-285-0038 Existing Zone: \_\_\_\_\_

What is the current use of the property? Residence

How many employees will be working at this location including applicant, immediate family, and non-family members? 4-6

How many vehicles will be coming and going daily, weekly, or monthly? 2 Daily

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial I.F

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial I.F

Description of Request: New Construction of a Residential Swimming Pool

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## SUBMITTAL REQUIREMENTS

Completed and signed application form

\$150 application fee

8 1/2 x 11 copy of plans

N/A Provide a Fire Protection evaluation from the fire department.





Outlook

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**RE: ADU Clarification on Temporary Absence**

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From Jonathan Jenkins <jjenkins@dainesjenkins.com>

Date Mon 6/8/2026 10:35 AM

To Noel Cooley <nhcooley@comcast.net>; Keenan Ryan <keenanryan12@gmail.com>; Sheila Lind <office@riverheights.gov>

Hi Noel: I have some concerns with the provision.

1. It is not fully clear to me why we have included this provision as it makes enforcement a challenge for the city. I have had some experience with similar clauses and, as written, it would be hard argue what a bona fide temporary absence really is because the term is vague. I think (if we intend to include the clause) we should try and define what that qualifying (bona fide) absence is.
2. I am also concerned that people could purchase property and immediately claim an absence just to avoid the occupancy precondition. I would suggest we include a provision that requires that you reside in the property for at least 2 years before you could apply for the exemption.
3. We ought to provide a clearer remedy if they violate the conditions.
4. There is not a super clear process where the city could deny the request. A person simply has to say they intend to return and they could refile for another exemption indefinitely.

As you have correctly implied in your email, if you make the temporary absence too easy, you will fundamentally alter the single family zoning structure by way of a loophole. If you do want to use this exception, I would suggest you beef it up and you may even want to include an application fee to cover the cost of the city administration of this exemption. Here is a suggested additional rewrite:

**Temporary Absence**

Owner occupancy may be temporarily waived only upon adequate showing of a qualifying absence under the following:

**A. Qualifying Reasons** The absence must result from one of the following bona fide circumstances:

1. Military service or deployment;
2. Medical treatment or recuperation for the owner or an immediate family member;
3. Religious or Employment-related relocation, assignment, or sabbatical;
4. Full-time educational enrollment at an accredited institution; or
5. Other extenuating circumstances as approved in writing by the zoning administrator only upon a showing of good cause.

**B. Required Notice and Application.** Prior to the absence, or within thirty days of an unanticipated qualifying event, the owner shall submit a written application to the zoning administrator that includes:

1. Certification that the applicant has, prior to filing, been an owner occupant of the subject property for 24 continuous months.
2. A description of the qualifying reason with supporting documentation;
3. The anticipated start and end dates of the absence;
4. A forwarding address for the owner;
5. The name, address, and phone number of a local responsible agent residing within 30 miles of the property who is authorized to act on the owner's behalf; and
6. The owner's signed attestation of intent to return and resume owner occupancy.

**C. Duration and Renewal**

1. An initial waiver shall not exceed 12 months.
2. The owner may apply for up to two renewals of 12 months each, not to exceed 36 months of cumulative absence.
3. Each renewal application must be submitted at least 30 days before the current waiver period expires and must include updated documentation demonstrating the continued qualifying reason and intent to return.

**D. Notice of Return** Within 30 days of returning to the property, the owner shall provide written notice to the zoning administrator confirming resumption of owner occupancy.

**E. Revocation** The zoning administrator may revoke a waiver if:

1. The owner fails to maintain a current forwarding address or local responsible agent on file;
2. The property is used in a manner inconsistent with applicable zoning or occupancy requirements during the absence;
3. The owner fails to submit a timely renewal application; or
4. Evidence indicates the owner has failed to materially comply or does not intend to return to the property.

**F. Appeals** Any denial or revocation of a waiver may be appealed to the Appeal Authority in accordance with the City Code within 30 days of the decision.

**G. Violations** Failure to comply with any provision of this section shall constitute *inter-alia* a violation of the owner-occupancy requirement and shall be subject to the penalties and enforcement as set forth in the code.

Let me know if you have any questions or changes:

Thanks,  
Jon

Jonathan E. Jenkins, Esq.  
Daines & Jenkins, LLP  
108 N. Main Street  
Logan, UT 84321  
(435)753-4000  
(435)753-4002 - Fax

 daines jenkins

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**Accessory Dwelling Unit Code Draft  
June 9, 2026**

**10-13-28: ACCESSORY DWELLING UNITS**

- A. Purpose:
1. Provide a limited, neighborhood compatible option for additional housing on existing single-family parcels.
  2. Ensure accessory dwelling units remain accessory to and subordinate to the primary dwelling.
  3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
  4. Ensure basic life safety and code compliance through required inspection prior to occupancy.
- B. Intent:
1. This ordinance is intended to create a regulated framework for accessory dwelling units, consistent with River Heights City regulations.
- C. Applicability:
1. An accessory dwelling unit (hereafter "ADU") is allowed only on a residential zoned parcel containing a lawfully existing single-family dwelling.
  2. Only one ADU is allowed per zoning parcel. A single parcel may not contain both an internal accessory dwelling unit (hereafter "IADU") and a detached accessory dwelling unit (hereafter "DADU").
- D. Approval Required:
- A Zoning Clearance Permit is required for construction, conversion, or establishment of an ADU, in addition to any permits required by the Cache County Building Department.
- E. Owner Occupancy:
1. Shared Ownership Prohibited. The parcel whereby a primary dwelling and an ADU are located must be owned by the same legal owner.
  2. Owner Occupancy Required. As to any ADU, the owner of the parcel shall occupy either the primary dwelling unit located on the parcel; or the ADU located on the parcel.
    - a. For the purposes of this Section, "occupy" shall mean that the owner maintains, either the primary dwelling or ADU, as the owner's principal place of residence for a majority of the calendar year.
    - b. If the owner of the parcel is held by a legal entity, at least one individual associated with that entity, including but not limited to a member, manager, trustee, beneficiary, shareholder, partner, officer, director, or other person with an ownership or controlling interest in the entity, shall occupy either the primary dwelling unit or the ADU as such individual's principal place of residence.
    - c. Upon request by the City, documentation reasonably sufficient to establish compliance with this Section, including but not limited to voter registration records, driver license address, utility bills, trust documents, operating agreements, or

- otherwise shall be provided to the City to satisfy compliance with this Section.
3. Temporary Absence. Owner occupancy may be waived during a bona fide temporary absence if:
    - a. The owner provides written notice to the city recorder or zoning administrator prior to or during the absence, including the anticipated absence duration, a forwarding address, and a local responsible agent contact, and
    - b. The absence does not exceed 36 months, and
    - c. The owner intends to return to the residence.

F. Standards, Conditions, and Requirements:

1. As to All ADUs:
  - a. Subordinate Size: Any ADU must be subordinate in size to the primary dwelling in accordance with ADU standards herein.
  - b. City Standards: The design and size of an ADU shall conform with all applicable City Ordinances and Resolutions.
  - c. Occupancy Limits: Occupancy is limited to two (2) people per bedroom
  - d. Appearance and Neighborhood Compatibility
    - (1) The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
    - (2) Entrances. Any new streetside entrance added to the primary dwelling parcel for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling.
  - e. Parking
    - (1) Parking requirements. Two off-street parking spaces must be provided for any ADU, in addition to any parking requirements required by City Ordinance. Nothing in this Section shall be construed as altering, satisfying, or impacting parking requirements for the primary dwelling as set forth by City Ordinance. Parking must follow Chapter 10-14.
    - (2) Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.
  - f. Utilities
    - (1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.
    - (2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.
    - (3) Owner will be billed for each separate dwelling on the property on one bill.
      - (A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.
      - (B) Sewer: Billed the monthly rate times the number of units.
      - (C) Garbage: Billed for the number of cans on the property.
      - (D) 911 charge: Billed the monthly rate times the number of units.
  - g. Living Space: An ADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.
  - h. Rental Term and Leasing
    - (1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of less than ninety (90) days.

- (2) No occupant of an ADU shall be permitted to sublease any portion of the ADU to another individual.
  - i. Addresses:
    - (1) Each ADU shall have a separate and unique address from that of the primary dwelling, as directed by the Post Office.
  - j. Revocation and Enforcement
    - (1) Revocation: ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.
    - (2) Notice and cure: The City shall provide written notice stating the violation and allow fourteen days to cure before revocation, unless an emergency condition exists.
    - (3) Appeal: A decision to revoke may be appealed pursuant to the City's appeal procedures.
2. As to IADUs:
- a. Appearance and Neighborhood Compatibility:
    - (1) The street view of an IADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
  - b. Entrances:
    - (1) An IADU shall have at least one (1) independent entrance from the primary dwelling.
    - (2) To the extent permitted by the design of the IADU, all entrances for the IADU shall be located in such a manner as to not be visible from the street view.
  - c. Maximum Size:
    - (1) An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.
  - d. Interior Access:
    - (1) An IADU shall maintain an internal connection to the primary dwelling through a door, hallway, stairway, or other interior access point.
3. As to DADUs:
- a. Location:
    - (1) A DADU may only be located on a parcel of property exceeding eleven thousand (11,000) square feet.
  - b. Maximum Size. A DADU may not exceed the lesser of:
    - (1) Forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area; or
    - (2) In the event a DADU is an extension of or part of an accessory building, the DADU portion shall be no more than 1,200 sq ft.
  - c. Setbacks, Height, and Placement
    - (1) Setbacks.
      - (A) Side Yard: DADU building must be located at least 10 feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner parcel shall be a minimum of twenty (20) feet.
      - (B) Front Yard: If the DADU is in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.
      - (C) Rear Yards: Five (5) feet. Corner parcels rearing on the side yard of

another parcel, the minimum rear yard shall be ten (10) feet.

(D) DADUs are not allowed in any utility easement and shall be located at least five (5) feet from such.

(2) Height. The DADU shall not exceed the lesser of:

- 1. The height of the primary dwelling; or
- 2. If above an accessory building (shop or garage), a maximum of thirty-five (35) feet.

(B) Nothing in this Section shall be construed as altering, changing, permitting, or otherwise any applicable building code.

(3) Placement on parcel. The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:

- (A) Window placement and privacy
- (B) Landscape screening
- (C) Fencing
- (D) Door placement
- (E) Access and circulation
- (F) Outdoor lighting
- (G) Snow storage and winter parking needs

d. Sewer: Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.

G. Revocation:

- 1. The City may suspend or revoke any ADU approval or permit upon determination that an ADU is in violation of this Section, any applicable approval condition, or any applicable code requirement.
- 2. Upon revocation, an ADU shall be vacated and shall not be occupied until compliance is achieved and approval is reinstated.

Code Changes Affected by the Addition of ADU Code

**10-2 DEFINITIONS**

Add the following:

ACCESSORY DWELLING UNIT (ADU):	A habitable residential dwelling unit added to, created within, or detached from a primary single-family dwelling and contained on one parcel.
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DETACHED ACCESSORY DWELLING UNIT, (DADU):	A subordinate residential dwelling unit that is detached from the primary single-family dwelling, located on the same zoning parcel, and that meets all requirements of Title 10, including the requirements of 10-13-28.
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INTERNAL ACCESSORY DWELLING UNIT (IADU):	A second dwelling unit that is part of a primary dwelling on a parcel.
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PRIMARY DWELLING: The principal single family detached dwelling on a parcel.

OWNER OCCUPIED: The legal owner of record occupies either the primary dwelling or the ADU as the owner's primary residence.

**10-12-1: ZONE REGULATIONS, Table 1 Land Use Chart**

Land Use Description	A	R-1-8	R-1-10	R-1-12	SCPUD
<u>Accessory Dwelling Unit (ADU)</u>		<u>P</u>	<u>P</u>	<u>P</u>	

**10-12-A: AREA REGULATIONS, Table 2, Residential Space Requirement Chart**

Residential Uses	A	R-1-8	R-1-10	R-1-12	SCPUD
<u>Detached Accessory Dwelling Uses (in feet)</u>					
<u>Front Yard</u>		<u>20</u>	<u>20</u>	<u>25</u>	<u>*</u>
<u>Side Yard<sup>4</sup></u>		<u>5</u>	<u>5</u>	<u>5</u>	<u>*</u>
<u>Side Yard on a Street</u>		<u>20</u>	<u>20</u>	<u>20</u>	<u>*</u>
<u>Rear Yard<sup>5</sup></u>		<u>5</u>	<u>5</u>	<u>5</u>	<u>*</u>
<u>Height<sup>6</sup></u>					<u>-</u>

Superscript 4: DADU must be located at least Ten (10) feet from primary building.

Superscript 5: Corner parcel rearing side of another parcel, minimum rear yard shall be 10 feet.

Superscript 6: Reference 10-13-28:G.2.

~~**10-13-3: YARD SPACE FOR ONE BUILDING ONLY**~~

~~No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.~~

~~**10-13-4: EVERY DWELLING TO BE ON A ZONING LOT**~~

~~Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development.~~

**10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS**

Living and sleeping quarters in any building other than the main residential building are prohibited.

- A. Living and sleeping quarters in any building other than the main residential building are prohibited.
- B. Exception. A detached accessory dwelling unit (DADU) is permitted only when approved by the City and operated in compliance with Section 10-13-28 of this title.

TITLE 10  
CHAPTER 12  
**ZONE REGULATIONS**

SECTION:

- 10-12-1: Use Regulations
- 10-12-2: Area Regulations
- 10-12-3: Fence and Wall Regulations Within Setback

**10-12-1: USE REGULATIONS**

A. Land Use Chart: Land and buildings in each of the following zones may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the zone in which it is located, as set forth by the following use chart and indicated by:

- P Permitted use
- C Conditional permitted use
- “ “ Not permitted (absence of any symbol/letter or listing)
- H Home occupation use permit required

Column Heading (Zone) Key:

- A Agricultural
- R-1-8 Residential
- C Commercial
- PR Parks, Recreation and Open Space
- SCPUD Senior Citizen Planned Unit Development
- CP Commercial Parking

Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>PR</u>	<u>SCPUD</u>	<u>CP</u>
<b>Residential</b>						
1. Dwelling, single family detached	P	P			P	
2. Dwelling, single family attached					P	
3. Dwelling, two family					P	
4. Dwelling, Multi Family						
5. Residential Facility for Elderly Persons	C	C	P		<del>C</del>	
6. Residential Facility for Persons with a Disability	C	C	P		<del>C</del>	
7. Apartment (within owner occupied structures in A and R zones)	P	P	P			
8. Flag Lot		C				
(Lines 9-14, intentionally left blank)						

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>PR</u>	<u>SCPUD</u>	<u>CP</u>
<b>Accessory and Incidental Uses</b>						
15. Accessory Building	P	P	P		P	P
16. Accessory Agricultural Building	P					
17. Private Swimming Pool	C	C	C		C	
18. Solar Panels	P	P	P	P	P	
19. Livestock, Livestock Corral	P					
20. Off street Parking incidental to main use	P	P	P	P	P	P
21. Household Pets	P	P	C		P	
22. The keeping of three or more dogs or cats	C	C	C			
23. Exceptions to Height Requirements Allowed (see 10-13-10)	C	C	C	C	<del>C</del>	
24. Sports Court Fencing		C		P	<del>C</del>	
25. Beekeeping, 2 colonies	P	P			<del>P</del>	
26. Beekeeping, 3 or more colonies	C	C			<del>C</del>	
(Lines 27-29, intentionally left blank)						
<b>Institutional and Special Service Uses</b>						
30. Rest Home, Nursing Center	C	C	P		<del>C</del>	
31. Nursery, Day Care Center (4 or more persons)	C	C	C			
32. Home occupation	H	H			H	
33. Library, Archives, Cultural Center, Museum	C	C	P	C	<del>C</del>	
34. Public Building/Agency	C	C	P	C	<del>C</del>	
35. Utilities, public or private	C	C	C	C	<del>C</del>	
36. Utility Shops, Storage Yards	C		C	C		
37. Tennis, Swim Club, Private	P		P		<del>P</del>	
38. Water Well, Reservoir, Storage Tank	C	C	P	C	<del>C</del>	
39. Church	C	C	P	C	<del>C</del>	
40. School, public or private	C	C	C	C	<del>C</del>	
41. Home-based Microschool (7-2024, 11-19-24)	P	P	P	P	<del>P</del>	
42. Micro-Education Entity (7-2024, 11-19-24)	P	P	P	P	<del>P</del>	
43. Cemetery				P	<del>P</del>	
(Lines 44-49, intentionally left blank)						
<b>Commercial and Retail Uses</b>						
50. Hotel/Conference Center			P			
51. Motel			P			
52. Gasoline Sales, Car Wash			C			
53. Antique or Collectible Shop			P			
54. Book or Stationary Store			P			
55. Bank, Savings and Loan, Credit Union			P			
56. Barber or Beauty Shop	H	H	P			
57. Bakery or Confectionery Shop, Retail Sales			P			
58. Bed and Breakfast Inn	C	C	P			
59. Cafeteria, Restaurant, Fast Food			P			
60. Camera, Photography Studio		H	P			
61. Clinic, Medical, Dental			P			
62. Drug Store or Pharmacy			P			
63. Department or Retail Store			P			
64. Florist Shop	P		P			
65. Farmers Market				C		
66. Garden Shop, Plant Sales, Nursery	P		P			
67. Hobby Shop			P			
68. Kennel	C	C	C			
69. Laundry or Self-Service Laundry			P			
70. Movie Theater, Indoor Recreation			P			
71. Professional Office <sup>1</sup>		C	P			
72. Optical Shop			P			

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>PR</u>	<u>SCPUD</u>	<u>CP</u>
73. Pet Shop for small animals, birds			P			
74. Personal Custom Services, Tailor, Milliner, etc.		H	P			
75. Shoe and Shoe Repair		H	P			
76. Studio, Health, Exercise, Dance, Music, Drama		H	P			
77. New Car Sales			P			
78. Brew Pub			C			
79. Restaurant w/Liquor License			C			
80. Adult-Oriented Business			C			
81. Body Art		H	C			
82. Short Term Vacation Rental (STVR), Owner Occupied (2-2019, 5-28-19)	H	H	H		<del>H</del>	
83. Short Term Vacation Rental (STVR) <sup>2</sup>	C	C			<del>C</del>	
84. Auto Repair <sup>3</sup>	C	C	P			
(Lines 85-90, intentionally left blank)						
<b>Agricultural and Related Uses</b>						
91. Orchard for commercial use			P			
92. Crop production for sale			P			

<sup>1</sup>Only a structure that is residential in appearance and maintains the character of the existing neighborhood in style and heights can be used for a professional office in a residential zone. An office building that is commercial in appearance cannot be constructed in a residential zone. (4-2010, 7-13-10) (1-2015, 6-23-15) (1-2016, 3-22-16) (4-2018, 10-9-18) (3-2020, 5-19-20)

<sup>2</sup>Maximum occupancy for an STVR shall be no more than two (2) people per bedroom and up to two (2) residents in one (1) non-bedroom space. An updated contact list of the owners must be submitted to the city office. Sufficient paved off-street parking must be available for all quest vehicles. All parking will be reviewed before a CUP is granted. (All winter parking must comply with city ordinances). The STVR owner is responsible for regulating noise generated by visitor stays. No STVR can be within 300 feet of another STVR. Landscape must be maintained and comply with River Heights City landscaping ordinances. Property owners may contract with third parties, including tenant agreements, to provide management and maintenance services required under this section, however property owners shall remain liable for any deficiencies or violations of this section. STVR owners must have primary residency in River Heights City. (1-2024, 2-20-2024)

<sup>3</sup>A maximum of two (2) vehicles to be repaired may be on the premises at any given time and must be repaired within an enclosed building. A vehicle being transported to or from the premises may be outside of the building for no more than fourteen (14) consecutive calendar days. Proper containment and disposal of all hazardous materials must be in accordance with state regulations. (11-2021, 12-7-21)

**B. Zone Regulation Requirements**

1. 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, ground mounted solar panels, swimming pool, commercial building, covering for a deck, patio or porch (see 10-3-4).
2. One application is required per structure and per person.
3. The public works director and zoning administrator will sign permit or respond to applicant within 10 working days.

4. Failure to comply with restrictive covenants (including any limiting conditions contained on a recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.
5. Applicant should consult Cache County Building Department to determine if a building permit is required.

(2-2019, 5-28-19)

C. Classification of New and Unlisted Uses; Procedure: Should the zoning administrator and the building inspector determine that a type or form of land use which an applicant is seeking to locate in the city does not appear as a permitted or conditional use, he or she shall refer the request to the planning commission which shall determine the appropriate classification as follows:

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 to proceed accordingly; or (5-2025, 11-18-25)
2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the city council, who shall amend the land use chart. (Ord., 1-22-2002) (2-2021, 6-1-21)

D. Uses Prohibited in Zones Unless Expressly Permitted: This title prohibits uses of land other than those expressly permitted within this title, excepting uses permitted by action of the planning commission and pursuant to express authority under the terms of this title. The planning commission and appeal authority shall not permit a use within a zone, which is not expressly permitted by the terms of this title, unless it can be shown that the use is similar to other uses permitted in the zone. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002; Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

## 10-12-2: AREA REGULATIONS

A. Residential Space Requirement Chart: The minimum lot sizes and setback distances for residential uses are listed in the following table 2:

Table 2, Residential Space Requirement Chart

<u>Residential Uses</u>	<u>A</u>	<u>R-1-8</u>	<u>R-1-10</u>	<u>R-1-12</u>	<u>SCPUD</u>
<b>Lot Size</b>					
Minimum lot size	5 acres	8,000 sq.ft.	10,000 sq.ft	12,000 sq.ft.	*
Minimum lot width (measured at setback line)	200 feet	80 feet <sup>1</sup>	80 feet	95 feet	*
<b>Lot Setbacks</b>					
Principal and Fence Uses (in ft)					
Front Yard	50	20	20	25	*
Attached Garage, door facing street	50	25	25	25	

<u>Residential Uses (cont.)</u>	<u>A</u>	<u>R-1-8</u>	<u>R-1-10</u>	<u>R-1-12</u>	<u>SCPUD</u>
Side yard (interior lot)	20	10 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>	*
Side Yard (on street)	30	20	20	25	*
Rear Yard	30	15	15	20	*
<b>Accessory Uses (in feet)</b>					
Front Yard	50	30	30	35	*
Side Yard	20	3	3	3	*
Side Yard on a Street	30	25	25	30	*
Rear Yard	20	3	3	3	*
<b>Height (in feet)</b>					
Principal uses (max.)	35	35	35	35	35
Accessory uses (max.)	**	**	**	**	**
Principal uses (min.)	10	10	10	10	10

\*Senior Citizen Planned Unit Development (SCPUD) <sup>some</sup> requirements may be altered and are subject to discretionary approval by the Planning Commission on a per application basis. (see 10-10-3.D requirements.)

\*\*Accessory uses shall be no greater in height than the height of the principal use on the same lot, and in no case shall the height of the accessory use exceed 25 feet.

**Superscript 1:** The minimum lot width (as measured at the setback line) in the R-1-8 zone may be reduced subject to the following conditions:

- A. The lot being considered for an exception shall be created or subdivided from a legally existing lot that measures less than the minimum width required by this Zoning Ordinance but no less than seventy (70) feet, as measured at the setback line.
- B. The width of the lot created, as measured at the setback line shall not be less than seventy (70) feet.
- C. The front yard of the lot created shall front on a public or private street.

The City may deny any request to reduce the minimum lot-width in the R-1-8 zone upon finding:

- A. That the lot being considered is owned by the same entity as at least one adjacent lot, and in which the combination of the lots could allow for all lot widths to meet the requirements of this Zoning Ordinance, provided that no structure exists that would preclude such lot combination from taking place.
- B. That granting an exception in lot width would adversely impact the character of the existing neighborhood and urban design of the City.

**Superscript 2:** Properties with residential homes built prior to 1940, or legal at the time of Zoning Clearance Permit approval in a residential zone are exempt from the ten-foot (10') side yard (interior lot) setback with the following conditions: Additions or remodels made to said homes may extend the same non-conforming line of such an existing home, but in no case, shall any addition or remodel (including structural overhang and cantilevers) be closer to the adjacent property line than five (5) feet, i.e., a five (5) foot setback shall be maintained in all cases. The eaves shall not extend beyond 16" of the existing roof line or eave. (3-2023, 5-2-23)

**Superscript 3:** Residential properties that have a zero-lot line, such as single-family attached dwelling units where one unit is joined to another unit at one or more sides and the units are on separate lots of record, shall have a one (1) foot or greater side yard setback for accessory uses. The side yard must be unobstructed from the ground upward including all walls, posts, columns, overhangs and other projections. The setback is to help ensure that all storm water, including snow and water runoff, remains on the property of the accessory use and does not encroach on neighboring properties. (3-2023, 5-2-23)

B. **Nonresidential Space Requirement Chart:** The minimum lot sizes and setback distances for nonresidential uses are listed in the following table 3:

Noel's proposed change to general plan to insert the following:

Current land use is almost exclusively single family residential. There are a few apartments in the city, however, no apartment complexes are allowed under current zoning. The city is divided into three residential density zones allowing for 8,000 square foot lots, 10,000 square foot lots, and 12,000 square foot lots and a fourth zone dedicated to senior citizens. This zone allows for smaller lots of 6000 sq ft. Some residents of River Heights have requested 15,000 square foot lots, but at present no zone of that size exists. There are commercial zones available, but they have been used on a limited basis to date.

→ Strike Goal 1, Strategy d.

Insert this as: *D. Land Use Goals and Strategies*

~~1.6.3~~ <sup>3</sup> Goal: Develop a zone to establish an area that is dedicated to an attractive area that is limited to senior citizens, *age 55 and above*

Strategies:

1. Identify an area for a Senior Citizen Housing Planned Unit Development
2. The intent is to encourage efficient utilization of land that is suitable in size, location, and character, to develop a sense of community, and to ensure compatibility within the surrounding neighborhoods and environment.
3. The intent of this PUD is to provide adequate accommodation for senior citizens, where the lifestyles is less burdensome and more convenient for residents to perform daily activities.
4. These provisions are intended to create more attractive and desirable environments within River Heights City while ensuring compliance with the intent, objectives and purposes of this title and the city's general plan.

Renumber ~~1.6.3~~ through ~~1.6.10~~  
*Goal 3*      *Goal 10*

Question: Do we need to change the land use map or leave it the way it is and only change it someone requests to do a SC-PUD ? My opinion is that we need to.

*Transportation Chapter*

*Goal 3*

*Strategy a. River Heights is pursuing a master Transportation Plan to document transportation needs (see River Heights 2025 Transportation Study)*