

River Heights City


RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, September 21, 2016

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. Public Hearing to Discuss a Historic Landmark Overlay Zone Pertaining to 594 South 400 East
- 7:30 p.m. Public Hearing to Discuss Changes to the City Code
- 8:00 p.m. Adjourn

Posted this 15th day of September 2016



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

River Heights City Planning Commission
Minutes of the Meeting
September 21, 2016

Present: Commission members: Mark Malmstrom, Chairman
Nina Knowles
Cindy Schaub
Jake Zollinger

Councilmember Blake Wright
Recorder Sheila Lind

Excused Commissioner Danny Petersen

Others Present: See attached roll

Motions made during the Meeting

Motion #1

Commissioner Schaub moved to “approve the minutes of the September 7, 2016 Commission Meeting.” Commissioner Zollinger seconded the motion, which carried with Knowles, Malmstrom, Schaub and Zollinger in favor. No one opposed. Petersen was absent.

Motion #2

Commissioner Schaub moved to “approve the Historic Landmark Overlay Zone Pertaining to 594 South 400 East, dated 9-6-2016, with a six car parking allowance.” Commissioner Knowles seconded the motion, which carried with Knowles, Malmstrom, Schaub, and Zollinger in favor. No one opposed. Petersen was absent.

Motion #3

Commissioner Schaub moved to “forward to the Council the included code changes; 3-4-4 as stands, 7-2-3 with the noted changes, 10-2-1 as stands, 10-13-14 as stands, 10-13-15 with correction, 10-14-2 with correction.” Commissioner Knowles seconded the motion, with Knowles, Malmstrom, Schaub and Zollinger in favor. No one opposed. Petersen was absent.

Proceedings of the Meeting

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The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on September 21, 2016.

Adoption of Prior Minutes: Minutes for the September 7, 2016 Planning Commission Meeting were reviewed.

Commissioner Schaub moved to “approve the minutes of the September 7, 2016 Commission Meeting.” Commissioner Zollinger seconded the motion, which carried with Knowles, Malmstrom, Schaub and Zollinger in favor. No one opposed. Petersen was absent.

Public Hearing to Discuss a Historic Landmark Overlay Zone pertaining to 594 S 400 E: Commissioner Malmstrom informed that Commissioner Schaub has spent a lot of time drafting this ordinance. Ms. Schaub explained that Tony Johnson came to the Commission with a request to renovate the old gas station and asked if the city would consider allowing a business inside the building. Currently, the interested business owners are the Cascios, who desire a photography studio. Ms. Schaub explained, the intent of the Commission is to protect the neighborhood and only allow the overlay zone on properties with historic buildings. She explained they are interested in only low impact businesses. She read from the list of allowed businesses listed in the draft, as well as those which would not be allowed. They tried to eliminate potentially disruptive businesses. If a business were approved, it would also need to follow all other ordinances already in place. Each business would be required to obtain a Conditional Use Permit which would address number of cars and hours of operation. Under the Historic Overlay Zone, the building would still have the option of having a residential dwelling. However, if there were two years of no business activity, it would revert back to a residential use.

Commissioner Malmstrom explained there are other unlisted business uses that would not be allowed; they can’t foresee every possible business request at this time. The ordinance states the Planning Commission has the right to reject businesses that are not listed.

Commissioner Malmstrom said it is Tony Johnson’s desire to restore the building and make it workable for the neighborhood. He informed they have received some written comments which are in favor.

Lucia Rhodes asked about the gas tanks in the ground and who will remove them. Tony Johnson understands it was mitigated. If there is a requirement to take care of it, he will do it.

Commissioner Malmstrom asked Tony Johnson how he felt about a four car limitation. Mr. Johnson was fine with this.

Dale Huffaker expressed concern about the off-street parking and hoped there would be enough parking space on the property.

Commissioner Schaub was open to allowing six cars.

76 Lucia Rhodes was unsure how there would be room for parking out front because of the
77 design. Tony Johnson explained how it would work. Ms. Rhodes said she doesn't believe in
78 trading one eyesore for another. She is not in favor of the idea, however, she would rather see
79 parking on the side.

80 Marilyn Blauer was concerned about the cars parked in front, blocking the traffic view.
81 Tony Johnson explained he has discussed this with Councilmember Wright. They determined
82 the gas pumps will be placed behind the site triangle, as required by city code. No parking
83 would be allowed in front of them. Parking would be to the north and west of the building.
84 Britney Cascio envisions the north side landscaped and parking on the west.

85 Lucia Rhodes asked if there would need to be handicap parking spaces. If so, that would
86 limit the other amount of spaces. It was determined that handicap spaces come into play in
87 larger parking lots.

88 Steve Thunnell informed that he grew up in a home that had a photography studio
89 inside and they didn't have any issues. He also stated he didn't see a problem with cars parking
90 between the pumps and the front of the building.

91 Carma Ricks, who lives directly north of the property, suggested the overflow cars might
92 end up on/in front of her property.

93 Britney Cascio said they are currently drawing up contracts for other photographers to
94 rent the building. Included will be an explanation of the nature of the neighborhood and their
95 obligation to protect it. They will also inform them, if they need additional parking space, to
96 park in front of their (Cascios) home, four doors down.

97 Commissioner Malmstrom asked the commissioners if they wanted to disallow off-
98 street parking. Councilmember Wright explained the code already doesn't allow parking a
99 certain distance to an intersection.

100 Roger Karren didn't believe the street was wide enough for parking so it shouldn't be an
101 issue.

102 Kit Stevens lives on the corner of 400 East and 600 South. She said there is already a
103 parking problem at this intersection. She isn't concerned about the Cascios photography
104 studio, but is worried about what might happen after they move out. Commissioner
105 Malmstrom reminded that they can't foresee the future but, will do the best they can.

106 Bill Hanover felt a limit of four cars may be over-restrictive. Lucia Rhodes reminded that
107 they don't know what the next business will do. Commissioner Malmstrom stated each
108 business will be required to apply for a Conditional Use Permit, at which time restrictions will
109 be placed.

110 MaryKay Peterson has lived on the corner for 45 years. She would love it to be prettier.
111 She discussed the nightmare they lived with for years and feared this issue was being taken
112 lightly. She would like every safeguard on earth to protect the neighbors. Commissioner
113 Malmstrom agreed this was a valid concern, which is the reason for all the restrictions.

114 The Cascios were asked how long they thought they would use the building. Ms. Cascio
115 said as long as it is lucrative for them. She feels there is a need for it in the valley right now.
116 They currently have a strong clientele and they are needing to go to the next level. She feels
117 the building would be a perfect location. Perhaps they would want to buy the building
118 someday. She explained the Commission has not taken this ordinance lightly. They have spent
119 a lot of time reviewing the whole scenario and considering the neighborhood.

120 Sherlaine Holtman doesn't see the building as a desirable residence. She felt the
121 Commission had a great vision of how they want it to be, which will keep it a lovely area. She
122 thinks it can be beautiful as a small business, as discussed, and would like to see them go
123 forward with this idea.

124 Elise Reeder asked Tony Johnson what he would do if the business idea fell through.
125 Mr. Johnson said he would move forward with restoring it to an old Sinclair gas station and use
126 it as a residence. If the Cascios vacate, he could see reverting it back to residential use. Ms.
127 Reeder thinks it will be kept up well.

128 Darcie Ward pointed out that the building currently does not fit in with the
129 neighborhood. She thinks the restoration would increase the feel and value of other properties
130 around it.

131 Dale Huffaker felt that Tony Johnson should be required to put up a fence between his
132 property and the Rick's. Commissioner Malmstrom informed that this is a requirement in the
133 ordinance.

134 Commissioner Malmstrom closed the hearing. He explained that if the Commission
135 approved it, it would be passed on to the Council.

136 **Commissioner Schaub moved to "approve the Historic Landmark Overlay Zone
137 Pertaining to 594 South 400 East, dated 9-6-2016, with a six car parking allowance."
138 Commissioner Knowles seconded the motion, which carried with Knowles, Malmstrom,
139 Schaub, and Zollinger in favor. No one opposed. Petersen was absent.**

140 Councilmember Wright expressed appreciation to all the public who came to the
141 meeting and spoke out. It was important to the Council to hear what the neighbors had to say.

142 Public Hearing to Discuss Changes to the City Code: Commissioner Malmstrom read
143 from the proposed ordinance changes. He was concerned about the home occupation
144 definition because it could preclude a long term renter from running a home business.
145 Councilmember Wright suggested stating the operator of the business needs to live in the
146 home, not the owner.

147 Bill Hanover suggested that if the business owner was gone for a while, there could be
148 less of an impact.

149 Brian Cascio didn't believe the current code has a clear definition of 'residence.'

150 Mike Nelson suggested the city be careful not to deter people from having a business in
151 their home. The city needs to be friendly for people to have a livelihood. Commissioner
152 Malmstrom agreed but said they also want to protect the neighborhood. It's a balancing act.

153 Councilmember Wright said the intent is for the business to stay owner occupied. He
154 suggested putting some more thought and discussion into it.

155 The sidewalk ordinance changes were discussed and revised.

156 Commissioner Malmstrom asked Councilmember Wright to explain the 'clear view of
157 intersecting streets,' which he diagramed on the board. He explained they are suggesting
158 changing the datum point, from the property corner to the edge of asphalt. Recorder Lind said
159 PWD Nelson had a concern about trees being allowed at 10 feet, since this would be in the line
160 of site in a snow plow truck. Mr. Malmstrom suggested between 12 and 14 feet. He is inclined
161 to leave it as is and deal with it case by case. Brian Cascio asked if this would affect current
162 situations. Mr. Malmstrom said if it becomes a visibility issue they would need to address it.
163 Councilmember Wright expressed his desire to hear PWD Nelson's opinion. The Commission
164 decided to leave the wording for the Council to decide, since Mr. Nelson will be at their
165 meeting.

166 Rear lot fences were discussed. The current ordinance allows four feet along a street.
167 The Commission suggested a revision of 6 feet.

168 Shirlane Holtman asked why the one foot gap between the fence and sidewalk.
169 Councilmember Wright explained that typically property lines are one foot off sidewalk and you
170 can't build a fence off your property. Commissioner Malmstrom said it also allows for elbow
171 room while walking.

172 Commissioner Schaub suggested allowing a solid four-foot solid fence with two feet
173 transparent on top. She is concerned about the possibility of 600 South looking like a tunnel in
174 the future.

175 Britney Cascio would rather see a fence than a messy back yard. She wouldn't want to
176 be restricted on the type of fence.

177 Brian Cascio said the developer shouldn't be allowed to have rear yard lots on a street.
178 Commissioner Malmstrom explained that the city doesn't allow driveways on collector streets.

179 Mike Nelson said they should consider people's privacy. He also stated that a child
180 could climb a four foot fence.

181 Britney Cascio would be worried about her children being kidnapped if they were inside
182 a four foot fence.

183 Commissioner Malmstrom discussed other suggested changes to the code, some of
184 which were revised.

185 **Commissioner Schaub moved to "forward to the Council the included code changes; 3-**
186 **4-4 as stands, 7-2-3 with the noted changes, 10-2-1 as stands, 10-13-14 as stands, 10-13-15**

187 with correction, 10-14-2 with correction.” Commissioner Knowles seconded the motion, with
188 Knowles, Malmstrom, Schaub and Zollinger in favor. No one opposed. Petersen was absent.

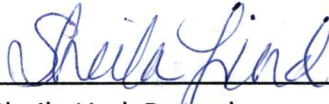
189 The meeting adjourned at 8:30 p.m.

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Sheila Lind, Recorder

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196 Mark Malmstrom, Chairman

A. DECLARATION OF LEGISLATIVE INTENT

It is the intent of the City of River Heights, the River Heights Planning Commission, and the River Heights City Council to establish a Historical Landmark Overlay Zone (HL) at 594 South 400 East, River Heights, Utah 84321. This site is not to conflict with the atmosphere of the surrounding residential neighborhood nor bring about noxious or nuisance activities.

This declaration is *not* to replace the current Residential zoning for the building located at 594 South 400 East, River Heights, Utah 84321 but to allow an additional layering of zoning for the enhancement of a historical landmark within City limits.

Residential zoning regulations supersede any additional Historical Landmark Zoning amendments created herein.

B. PURPOSE

The Historic Landmark (HL) Overlay Zone is intended to support the revitalization and productive reuse of structures and sites that hold historic, architectural, or cultural value, and which would otherwise be underutilized, dilapidated, or even demolished because the original use has become functionally obsolete. We recognize the importance of these significant landmarks and desire to provide a process to allow restoration and practical reuse while minimizing impacts to adjacent properties and avoiding the process of demolition and reconstruction.

The Historical Landmark Overlay Zone (HL) designation is further intended for light commercial development that will relate to the residential neighborhood and will be compatible with residential character or historic value in nature.

C. APPLICABILITY

This overlay zone may be applied in any zoning district if each of the following criteria is met:

1. The structure is at least fifty (50) years old.
2. The site or structure has been designated as a local or national historic landmark, or the structure is found by the River Heights City Council ("City Council") to have retained its integrity by the following characteristics:
 - a. Excellent example of type or style;
 - b. Unaltered or only minor alterations or additions;
 - c. Individually eligible for the National Register of Historic Places, or
 - d. Known for its historical significance.
3. The building site, or structure would no longer be permitted under its current zoning designation with its present configuration including lot area, dimensional requirements, or off-street parking requirements, and the building, site, or structure could not easily be retrofitted to comply with existing criteria without variances, vacating right-of-way, purchasing adjacent property, or removing portions of the existing building.

D. RESTRICTIONS OF ZONE OVERLAY

Because the retention of a historic building is a substantial benefit to the community, the approval of this overlay zone shall be bound to the existing historic site or structure being adaptively reused. If the site or structure is removed or destroyed, the zoning of the property shall immediately revert to the surrounding zoning district which is currently Residential.

This Historical Landmark Zone is to be maintained in harmony with amenities of adjacent residential development and to protect the surrounding residences from noise, lights, fumes, pests, overcrowding, heavy traffic, and other problems which may arise from an inharmonious mix of commercial and residential uses.

E. PERMITTED USES:

There are no permitted uses for the Historic Landmark (HL) Overlay Zone.

F. CONDITIONAL USES:

All uses will be conditional uses and must be compatible with the general characteristics of the Historical Land (HL) Overlay Zone. These Conditional Uses will run with the land and will be extinguished upon abandonment of the use of the Historical Landmark Overlay (HL) zoning, or, upon the property reverting to the surrounding zoning district.

Allowed Uses:

1. Antique store and sales
2. Art Gallery and sales
3. Bicycle Repair
4. Book, stationary, office supply store, copy store
5. Candy Making Shop
6. Computer goods, services, and repair
7. Electrical appliance repair (light)
8. Florist shop/ Garden Shop
9. Gift store, and/or Handi-craft store
10. Jewelry design, fabrication, and sales
11. Locksmith Shop
12. Museum
13. Music Store (Instructional/Sales)
14. Personal Custom Services, Tailor, Milliner, etc.
15. Photography studio/Film processing/ Camera Shop

16. Professional/business offices. (A building for administrative, executive, professional, or similar organizations having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.)

17. Seasonal sales (Christmas Trees) and services, when permitted by the property owner, not to exceed three (3) months in any calendar year and the obtaining of a River Heights City Business License. All stands, booths and structures associated with the seasonal sales and services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use.
18. Shoe Repair Shop
19. Wedding Consultant

Uses will be strictly prohibited next to a residential zone that involve open storage of merchandise or equipment, trade or industry that is offensive or a nuisance by reason of the emission of odor, smoke, gas, vibration or noise, obstructive lighting or uses.

G. USES NOT PERMITTED:

1. Aerobic Studio, Dance Studio
2. Agricultural Manufacturing
3. Animal Shelter, Kennel, Veterinary services, animal husbandry
4. Barber Shop, Beauty Shop, or Manicure/Pedicure Shop
5. Bed and Breakfast Inn
6. Body Art
7. Brew Pub/Liquor Sales
8. Car Wash
9. Clothing or Apparel Store
10. Correctional Facility
11. Department Store or Discount Store
12. Drama Studio, Theater
13. Drug Stores/ Pharmaceuticals
14. Dry Cleaner or Laundromat
15. Entertainment, Dancehall, or Night Club
16. Furniture or Appliance Store
17. Garage
18. Gas Station, functional
19. General Manufacturing (Assembly, production, sales)
20. General Vehicle/ OHV/ Trailer/ Watercraft Repair or services
21. Grocery Store, Convenience Store
22. Gun or Archery Sales, Service, or repair
23. Health, Exercise, Massage, Reducing Service
24. Hotel/Motel, Lodging, Shelter
25. Human Care Services (Foster Home, Elderly Care, Daycare for Children, Preschool)
26. Machine Shop or Welding Shop
27. Medical Services/Facilities/ Hospital
28. Mortuary
29. Parking Facilities
30. Pawn Shop
31. Plumbing Sales or Service
32. Produce Stand
33. Radio or TV Transmission Station or Amateur Radio Facility
34. Recreational Facility (Sports and Leisure time activities)

35. Religious Meeting Facility
36. Restaurant, Cafeteria, Fast Food, Mobile Food Truck
37. School
38. Self Service Storage Facility
39. Sexually Orientated Business
40. Storage and Warehousing
41. Tobacco Sales
42. Transportation Services
43. Vehicle Sales, Vehicle Parts Sales, Vehicle Repair Service, Tire Sales
44. Wholesale Sales or Service
45. Wrecking/Salvage Yard

The Planning Commission reserves the right to deny any Conditional Use permit, not listed herein, which is deemed detrimental to the safety and health of the citizens of River Heights, Utah. The Planning Commission may impose conditions that may mitigate concerns of adjacent residents.

H. CLASSIFICATION OF NEW AND UNLISTED USES; PROCEDURE: (Title 10, Chapter 12, B):

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 Planning 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
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 Mayor and City Council, who shall amend the land use chart. (Ord., 1-22-2002)

I. HOURS OF OPERATION

Use of the building *open to the public* shall be limited to:
Seven (7) o'clock A.M. until Ten (10) o'clock P.M, Monday through Sunday.

J. ADDITIONS AND SITE DEVELOPMENT REQUIREMENTS

Any site development, including proposed additions to the existing historic site, building or structure shall be reviewed by the City Council as part of their design review process and shall comply with the following requirements:

1. Any addition shall not exceed 25% of the existing structure's building footprint.
2. Owner/Applicant to follow Site Plan Review procedures as outlined in City Code 10-8-2, (Ord., 1-22-2002)

N. TRASH AND STORAGE

1. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored upon the property. Outside storage of commercial goods or materials is expressly prohibited.
2. Daily trash materials must be stored within an enclosed building or within an enclosure surrounded by a fence not less than four feet (4') in height within the required setbacks and not visible from any public right of way.

O. WALLS, FENCES AND SCREENING

1. All mechanical equipment (i.e. air conditioners, fans, pumps, etc.) shall be located within, or on the side of the building, or on the roof with parapet walls. Any mechanical equipment located on the outside of the building must have a visual/noise barrier (masonry wall or landscaping) that completely surrounds the equipment and extends at least one foot (1'foot) above the equipment.
2. All merchandise, equipment and other materials (except for seasonal items sold on a temporary basis such as nursery stock, Christmas trees) shall be stored within an enclosed building or shall be stored within an opaque or sight obscuring fence.

P. PARKING

1. No more than ^{Six(6)}~~four(4)~~ vehicles may be on the premises at one time.
2. All parking spaces shall be paved with asphaltic cement or concrete and shall have paved access from a public street.

Q. SITE PLAN REVIEW REQUIRED

1. Concurrent with any request to rezone property to the Historic Landmark (HL) Overlay Zone, a preliminary project plan shall be submitted for review and recommendation by the City Council. Said preliminary project plan shall be drawn to scale and shall contain the following information:
 - a. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
 - b. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
 - c. A conceptual signing plan showing the location and size of typical signs;
 - d. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
 - e. Preliminary elevations of the building showing the general appearance and types of exterior materials to be used.

3. The structure in the Historic Overlay Zone must adhere to:
 - a. Existing Residential **Setback, Height, and Fencing** regulations (City Code 10-12-2, A, Table 2)
 - b. Existing Outdoor **Lighting** regulations, (City Code 9-3)
 - c. Existing **Signs** ordinances, (City Code 10-16)

K. DESIGN REVIEW AND APPROVAL

Proposals for this overlay zone shall be submitted as both a zone change and design review to be heard by the Planning Commission and Municipal Council. It is the responsibility of the City Council to approve or disapprove such zone change and design review.

L. RESIDENTIAL USES

The business owner/tenant/manager is allowed to reside in the structure if the structure meets the definition of a single family residential dwelling unit and is located on a lot at least 8,000 square feet in size.

The building may be occupied as a single family dwelling in the event the Historical Landmark Overlay (HL) zone is terminated.

M. OTHER REQUIREMENTS

1. Uses Within Building: All uses established in the Historic Landmark (HL) Overlay Zone, including storage, shall be conducted entirely within a fully enclosed building.
2. Landscaping: The following landscaping provisions shall apply in the Historical Landmark (HL) Overlay Zone:
 - a. Yards: The front and side yard areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the City Council as to type, size and amount of landscaping.
 - b. Plantings: Plantings in front setbacks may not impede the vision of traffic.
 - c. Parking Areas: Parking areas shall be landscaped around the periphery and at the end of parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure.
3. The yards around the building shall be kept free of junk, debris, refuse, weeds, and other flammable material.

2. All final plans must be approved by the City Council after a formal recommendation from the River Heights Planning Commission ("Commission"). It is the intent that the structure in the Historical Landmark Zone have a residential/historical appearance in nature.
3. Upon approval of a final site plan by the City Council, no building or uses of land other than those depicted on such plan shall be permitted.
4. Any failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
5. All remodeling of the historical building must be completed within one (1) year from the date the final approval plan is signed by the City Council.

R. BUILDING AND ARCHITECTURAL STANDARDS

The building shall have an architectural style and exterior finish similar to that of the original Sinclair Gas Station built in the 1950's.

In keeping with the "Sinclair Gas Station" theme, exterior finishes shall be stucco, masonry, stone, or architectural grade metal siding. No building shall be finished with vinyl or metal siding only. Vinyl or metal siding may be used as an appropriate supplementary finish material in combination with masonry or stone. The base color shall be light/white tones. Accent colors shall be green and red. Murals or super graphics shall be specifically approved. The City Council shall be the approval agency in determining architectural style.

S. RESTRICTIONS OF ZONING:

Because of the retention and integrity of this building and being a substantial benefit to the community, the approval of this zone shall be bound to the existing site or structure being adaptively reused. If the site or structure is removed or totally destroyed by fire, flood, winds, or an act of God, the zoning of the property shall immediately revert to the surrounding zoning district.

T. REVERSIONARY CLAUSE

Should the property become vacant nor used in compliance with the Historic Landmark (HL) Overlay Zone for a period of two (2) years or more, then the property shall automatically revert to the existing surrounding zoning without further notice.

U. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in the provisions of the land use ordinance.

Memo

To: Planning Commission
From: Sheila Lind
cc:
Date: September 15, 2016
Re: Historic Landmark Overlay Zone

Evelyn Ellis, of 521 S 400 E, called the City Office to express support for the photo studio. It won't bother her and she wishes them good luck.

Anna Lisa Davidson
355 E Riverdale
River Heights, UT 84321
September 19, 2016

River Heights City Planning Commission
River Heights, UT 84312

Dear River Heights City Planning Commission:

This is my public comment on the proposed Historical overlay zone. I support the majority of the proposed ordinance. I believe it's a good idea and will help beautify the city when used properly.


I believe you should draft a Historical Overlay Zone ordinance that can be used for future areas in the city too, not just for the single one on the corner listed in the ordinance. This will reduce the need for future planning meetings to draft additional zone ordinances each time a historical building is bought or developed with the intent of being used for business purposes.

In the "Uses Not Permitted," I think that some of the uses COULD be allowed if there were limitations placed on size of clientele. A clothing store could be useful. I don't see anything wrong with a barber or beauty shop. Furniture retail is okay with me. Also a bed and breakfast would be awesome, if it was kept small.

The parking limitations should be reviewed for each property. Some larger properties may need and be able to accommodate more than 4 vehicles. I like the idea of keeping the cars on premises in the lower numbers, but an absolute quantity is not a good idea. It will need adjusting for different properties. 4 is good for the current property.

I support the current property being rebuilt with the look of a Sinclair Gas station and being used as whatever the owners or future business occupants desire.

Sincerely,

A handwritten signature in black ink that reads "Anna Lisa Davidson". The signature is written in a cursive, flowing style.

Anna Lisa Davidson
Resident

DRAFT ORDINANCE

CHANGES TO THE RIVER HEIGHTS CITY CODE
September 21, 2016

3-1-3: Definitions:

Home Occupation:

~~table~~
table
more
discussion

A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the home must live in the home as a primary residence for at least six (6) months of the year.

3-4-4: Definitions:

Adult Oriented Business: An adult motion picture theater, adult bookstore, adult video store, or any business providing sexually-oriented products or services which are illegal to minors and which constitute at least fifteen percent of the floor space, unless exempt under the provision of Section 3-4-8 of this Chapter.

(Also add this definition to the Adult-Oriented Business Chapter as 3-3-2. Bump other sections down.)

7-2-3: Sidewalks at Existing Locations:

Installation of sidewalks ~~at legally existing non-conforming lots at the time of the adoption of this ordinance~~ shall be governed as set forth below.

and repair

~~A. Where the City deems appropriate, installation of sidewalks at existing residential lots will be required where none exists. It is the intention of River Heights City to pay for fifty percent (50%) of the current installation costs, with the property owner being required to pay the balance of the current installation costs. Modifications to this policy will be at the sole discretion of the City Council. Sidewalks determined by the city to be damaged and unsafe will be replaced in a like manner. (4-2013, 10-24-13)~~

A. Damage: When any citizen, contractor or person damages the sidewalks, curbs or gutters of the City, that individual or person shall repair and/or replace the same within a reasonable time at their own cost pursuant to specification set

forth by the city. Any expenses incurred by the City in providing specifications or inspecting the same shall also be paid by said citizen, contractor or person. If the City damages any sidewalks, curbs or gutters, the same shall be repaired and/or replaced by the City within a reasonable amount of time at no cost to the property owners.

~~B. Where the city has installed sidewalks along the frontage of a proposed building lot within ten years prior to the issuance of a building permit, then one hundred percent (100%) of the current installation costs shall be paid to the City by the property owner or their agent. Where the city has installed sidewalks along the frontage of a proposed building lot more than ten years prior to the issuance of a building permit, then compensation not to exceed fifty percent (50%) of current installation costs shall be paid to the City by the property owner or their agent.~~

B. Age and General Wear: Each year the City may select certain sidewalks, curbs, or gutters for replacement and/or repair when the same have deteriorated due to age and general wear and tear and how and when such repairs or replacements will occur. If a property owner requests a sidewalk repair that is not selected by the City, the City may choose to participate in the repair. In such cases, the City may participate up to 50% of the cost.

C. Specifications: The City, through its engineering or building department, and/or its retention of outside engineering consultants, shall provide specifications for sidewalks, curbs and gutters, inspection for such construction and replacement or repair and approval thereof.

10-2-1: Definitions

Add

Cantilevers: Overhanging structure with or without external bracing.

Revise

Setback: The shortest distance between the property line and the foundation wall, vertical supports, cantilevers, porches or steps over thirty inches (30") in height or the main frame of the building.

10-13-14: Clear View of Intersecting Streets

Obstruction of vision on corner lots within ~~thirty~~ forty feet (~~30'~~ 40') of ~~said corner right of way edge of pavement of intersection~~ shall not be permitted from two feet (2') to ten feet (10') above finished grade. Trunks of trees, fence posts, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.

Add

10-13-15 Rear Lot Fences

Fences on rear yards must ~~also~~ conform to clear view ^{of intersecting streets.} ~~calculations indicated above.~~
Any fence constructed on said owner's lot cannot exceed (6') feet in height, ~~and may be constructed (1') from the side yard property line of said lot or one (1) foot from the sidewalk, if the sidewalk is placed within the property.~~ If the rear lot is adjacent to a public road the fence may not be built closer than one (1') from the sidewalk and the property owner is responsible to maintain the section between fence and sidewalk.
Refer: 10-12-2. (Bump other sections down.)

10-14-2: Off-Street Residential Parking

- D. ~~Distance to Another Driveway: Adjacent driveways shall not be closer than twelve feet (12') to each other;~~
- E. Width: In residential zones, driveways ^{as} approach shall be not more than twenty-eight feet (28') in width and shall be a minimum of six feet (6') from property line.