

River Heights City

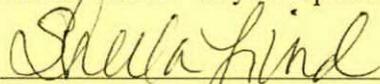
PLANNING COMMISSION AGENDA

Tuesday, April 16, 2019

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

- 7:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 7:05 p.m. Review Code Changes: Weeds, Airbnb, Zone Regulations, Etc.
- 8:15 p.m. Adjourn

Posted this 11th day of April 2019



Sheila Lind, Recorder

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

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

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
April 16, 2019

Present: Commission members: Cindy Schaub, Chairman
Noel Cooley
Chris Milbank
Lance Pitcher
Councilmember Blake Wright
Recorder Sheila Lind
Excused: Commissioner Heather Lehnig
Councilmember Blake Wright

Motions Made During the Meeting

Motion #1

Commissioner Pitcher moved to "approve the minutes of the April 2, 2019 Commission Meeting." Commissioner Milbank seconded the motion, which carried with Cooley, Milbank, Pitcher and Schaub in favor. No one opposed. Lehnig was absent.

Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on April 16, 2019.

Pledge of Allegiance: Commissioner Schaub led in the Pledge of Allegiance.

Adoption of Prior Minutes and Agenda: Minutes for the April 2, 2019 Planning Commission Meeting were reviewed.

Commissioner Pitcher moved to "approve the minutes of the April 2, 2019 Commission Meeting." Commissioner Milbank seconded the motion, which carried with Cooley, Milbank, Pitcher and Schaub in favor. No one opposed. Lehnig was absent.

Review Code Changes: Weeds, Airbnb, Zone Regulations, Etc.: A review of the remaining proposed revisions were discussed with changes added, which are noted in the attached.

In discussion of weeds, Commissioner Schaub stated Mayor Rasmussen wanted the commission to address that weeds need to be controlled on all sides of a person's property.

The meeting adjourned at 8:40 p.m.


Cindy Schaub, Commission Chair


Sheila Lind, Recorder

Proposed Code Changes
April 2019

Underline shows additions

Strike-out shows deletions

3-1-4: HOME OCCUPATION LICENSES

A. Permitted Uses Requiring a Conditional Use Permit

1. . . . Impacts to the neighborhood will be evaluated in the following areas:
 - a. Employees: One or more who do not reside in the home but, report to the home for work purposes.

5-2-3: LICENSING

A. Dog License Required:

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

5-2-3.C. Licensing Exemptions:

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

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

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

10-2-1: DEFINITIONS

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

STVRs shall comply

10-8-4: SITE DEVELOPMENT STANDARDS

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

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

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

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

H. Uses Not Permitted

- ~~1. Aerobic Studio, Dance Studio (allow?)~~
- ~~2. Health, Exercise~~

6. Allowed Uses
20. Yoga, aerobic and dance studio

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

Commercial and Retail Uses

82. Short Term Vacation Rental (STVR), Owner Occupied – "H" in A, R1, PUD, MU, C1

83. Short Term Vacation Rental (STVR), Not Owner Occupied – Not allowed in A, R1, PR or PUD zones, "P" in C1

10-12-1B.

10-12-1: ZONE REGULATION REQUIREMENTS (bump sections ^B 1 and ^C 2 down to become ^C 2 and ^D 3)

A. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, [covering for a deck, patio or porch] ground mounted solar panels, swimming pool and commercial building. ← (see 10-3-4)

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

10-12-34: FENCE REGULATIONS

10-14-4: PARKING LOT REQUIREMENTS

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

10-15-12: MAINTENANCE AND UPKEEP OF LANDSCAPING

- D. Park Strips (define maintenance requirements): The regular maintenance replacement of any landscaping plants or materials (see 10-15-6 for planting requirements) is required by this chapter.

10-15 LANDSCAPING

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

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

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

11-6-2: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS

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

city

WEED ORDINANCE
Blake's recommendations

Replace WEEDS in 5-4-2 Definitions with:

- WEEDS:**
- A. All invasive grasses, annual plants, and vegetation, other than trees or shrubs as defined in Cache County Code, Title 8.28 and the Utah Noxious Weed Act. This term shall not include cultivated flowers and gardens or cultivated decorative grasses that are intended to exceed eight (8) inches and are properly maintained within a defined planting area.
 - B. Plants which injure or endanger the comfort, repose, health or safety of persons.
 - C. Plants which unlawfully interfere with, obstructs or tends to obstruct a canal, public park, square, street or highway, sidewalk or park strip.

Replace 5-4-3 B. under Maintenance of Property with the following. (Leave 5-4-3 A. in place.)

B. Abatement of Weeds, Vegetation, and Deleterious Objects

1. The purpose of this weed ordinance and the enforcement thereof is to ensure that properties within the city are kept clean and maintained. Doing so helps to prevent fire hazards, insect and rodent harborages, prevents the induction of hazardous pollens in the air, prevents vegetation from obstructing pathways, sidewalks, traffic view, and structures, and the buildup of plant waste that may affect public health, safety, and welfare.

Standards of Weed Control:

2. [^]Real property and park strips to be kept clean and weed free.

10-15-11 E. maintenance of Trees Near Sidewalks and Streets:

3. [^]Pruning trees is required so that any overhang is at least seven (7) feet above the elevation of the adjoining sidewalk or street when no sidewalk is present in the clear view area.

4. A clear view area shall be maintained at the intersection of two streets as described in 10-13-15. A clear view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the back side of the sidewalk (or property line if no sidewalk exists) and the line of the edge of the private drive at points ten (10) feet from the projected intersection of such lines. Obstructions of

Bump Edge to P&G ←

Already stated in

~~vision shall not be permitted from two feet (2') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.~~

C. Determination of Weed Nuisance

The mayor or a designated city employee may inspect any yard, lot, park strip or other place to determine the existence of weeds as a nuisance as defined in this chapter.

D. Enforcement of Weed Control

The observation of the mayor or other designated city employee as described in 5-4-3 C. above shall constitute the facts upon which the city may base its corrective action.

The city will:

1. Document the inspection with pictures and written description.
2. Send a copy of the pictures and written description along with the city code to inform the property owner of the violation of this section. The property owner will have fifteen (15) business days to have the nuisance corrected or have contacted the city with an explanation.
3. If the property owner has not corrected the nuisance or contacted the city, the city will follow up with a letter from the city attorney addressing the code violation.
4. The city shall prepare an itemized statement of all expenses incurred in the abating of the nuisance and a copy thereof will be sent by registered mail to the owner, purchaser or occupier of the property with a payment due date of twenty (20) business days from the date of mailing.

Cindy's Draft

5-4-3: Abatement of Weeds, Vegetation, and Deleterious Objects

Purpose:

The purpose of the weed ordinance and enforcement is to ensure that real property within the city is cleaned and maintained. Doing so helps to prevent fire hazards as well as insect and rodent harborages and prevents the induction of hazardous pollens in the air. Managing weeds also helps prevent vegetation from obstructing pathways, sidewalks, traffic view, and structures, and the buildup of plant waste that may affect public health, safety, and welfare. Lastly, managing weeds in our urban environment helps to prevent those weeds from escaping into adjacent and nearby open lands.

Definitions:

Weeds:

Weeds are all invasive grasses, annual plants, and vegetation, other than trees or shrubs as defined in Cache County Title 8.28 and the Utah Noxious Weed Act. This term shall not include cultivated flowers and gardens or cultivated decorative grasses that are intended to exceed 8 inches and are properly maintained within a defined planting area.

Nuisance:

Weeds constitute a nuisance when they create a fire hazard, obstruct vehicular traffic, are a source of contamination or pollution of the water, air, or property, a danger to health, a breeding place or habitation for insects or rodents or other forms deleterious to humans, and are unsightly or deleterious to their surroundings.

Removal:

No owner shall permit weed to exceed heights of _____ inches at all times. The cut weeds shall be removed from the premises within ____ hours after cutting.

Real property and park strip to be kept clean and weed free by the property owner/ lessee/ renter.

Determination of Nuisance:

The Mayor or designated city employee may inspect any yard, lot, park strip or other place to determine the existence of a nuisance as defined in this chapter. Facts observed by the city employee after such inspection shall allow the determination and corrective action to be taken.

Corrective Action:

1. Document the inspection with picture and written description.
2. Send letter to owner and occupant with a written definition of the code and the picture of the nuisance. Owners to have 15 days to remedy situation and have the nuisance corrected.
3. If the property owner has not corrected the nuisance, the city will follow with a letter from the city attorney with a code violation.

4. The City has the right to intervene and hire _____ to abate the weeds/nuisance and bill the owner of record for such costs.
5. The inspector shall prepare an itemized statement of all expenses incurred in the abating the nuisance and shall mail a copy thereof to the owner, purchaser or occupier of the property demand payment within twenty (20) days from the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the property owner's purchaser's or occupier's last known address.

_____ add County remedy?
Verbage

Penalty:

It shall be an infraction and subject to penalty for any person owning or occupying real property to allow weeds to grow creating a fire hazard as determined by the Fire Marshall or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the Fire Marshall as herein provided.

C. Determination and Enforcement of Weed Control