

# River Heights City

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## PLANNING COMMISSION AGENDA

**Tuesday, May 12, 2020**

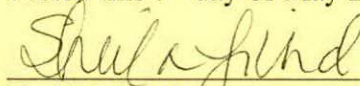
Notice is hereby given that the River Heights City Planning Commission will hold its regular commission meeting beginning at **6:30 p.m.** in the River Heights City Office Building at 520 S 500 E.

- 6:30 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Hearing to Discuss Code Revisions
- 7:30 p.m. Adjourn

Meeting will be held by live video conference with three (3) options to watch or participate:

1. <https://us02web.zoom.us/j/88140922600?pwd=WnU3YmlNa1BZSIY3MUoydUpDTVRHdz09> Meeting ID: 881 4092 2600, Password: 605524
2. Zoom dial in: 1-669-900-6833, Meeting ID and Password the same as above
3. Attend at City Building – Limited attendance of 20 people

Posted this 7<sup>th</sup> day of May 2020

  
\_\_\_\_\_  
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))

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

May 12, 2020

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4  
5  
6 Present: Commission members: Levi Roberts, Chairman  
7 Noel Cooley, electronic  
8 Heather Lehnig, electronic  
9 Lance Pitcher, electronic  
10 Cindy Schaub, electronic  
11  
12 Councilmember Blake Wright, electronic  
13 Recorder Sheila Lind  
14 Mayor Todd Rasmussen  
15 Councilmember Sharlie Gallup  
16

17 Others Present Andrea Bullen  
18

### Motions Made During the Meeting

#### Motion #1

19  
20  
21 Commissioner Schaub moved to “approve the minutes of the April 14, 2020 Commission  
22 Meeting, with corrections as noted.” Commissioner Cooley seconded the motion, which carried with  
23 Cooley, Lehnig, Pitcher, Roberts and Schaub in favor. No one opposed.  
24  
25

#### Motion #2

26  
27 Commissioner Schaub moved to “approve the code changes of May 2020 as revised, for  
28 approval by the city council.” Commissioner Lehnig seconded the motion, which carried with Cooley,  
29 Lehnig, Pitcher, Roberts and Schaub in favor.  
30  
31

### Proceedings of the Meeting

32  
33  
34 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council  
35 Chambers on May 12, 2020. The meeting was run electronically through Zoom.

36 Adoption of Prior Minutes and Agenda: Minutes for the April 14, 2020 Planning Commission  
37 Meeting were reviewed.

38 **Commissioner Schaub moved to “approve the minutes of the April 14, 2020 Commission  
39 Meeting, with corrections as noted.” Commissioner Cooley seconded the motion, which carried  
40 with Cooley, Lehnig, Pitcher, Roberts and Schaub in favor. No one opposed.**

41 Public Hearing to Discuss Code Revisions: Commissioner Roberts opened the public hearing  
42 and asked if anyone from the public had comments. There were none at the meeting, however,  
Tyson Glover emailed a comment earlier in the day, read by Mr. Roberts, which addressed “Clear  
View of Intersecting Streets.” Commissioner Cooley liked Mr. Glover suggestions. Mayor Rasmussen

45 wasn't sure how he would administer this, because of the vagueness. Commissioner Schaub pointed  
46 out a contradiction in the first paragraph. Mayor Rasmussen brought up the need to be able to  
47 enforce the code. Clarifications were made.

48 A lengthy discussion was held on 10-12-1:7, Secondary Residential Unit. It was decided that  
49 #7 will be removed, as well as the definition in 10-2-1.

50 **Commissioner Schaub moved to "approve the code changes of May 2020 as revised, for**  
51 **approval by the city council." Commissioner Lehnig seconded the motion, which carried with**  
52 **Cooley, Lehnig, Pitcher, Roberts and Schaub in favor.**

53 Councilmember Wright invited the Planning Commission to attend the council meeting when  
54 the council discusses the code revisions.

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

56  
57  
58 \_\_\_\_\_  
Sheila Lind, Recorder

59 \_\_\_\_\_  
60 Levi Roberts, Commission Chair

Code Changes – May 2020

**(USE THIS ONE.....I amended this as of 3:30 pm on Tues, May 12. )**

3-1-4:A.

3. A Conditional Use Permit becomes void if a business license isn't applied for by January 31 of each year **along with required fees.**

5-4-6 GRAFFITI AS NUISANCE

- A. ~~Any graffiti including, but not limited to, graffiti consisting of~~ **Graffiti is defined as, but not limited to,** vulgar or indecent words or pictures, which remains on the exterior ~~graffiti~~ of any building, fence, sign or within a public place which is visible to the general public.

1. For purposes of this section "graffiti materials" means any paint, spray paint, broad tipped marking pen (a pen with a tip that exceeds  $\frac{3}{4}$  inch in width), glass cutting tool, glass etching tool, or any other articles adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing, or destroying public or private property.

2. Any person that has in his or her possession any graffiti material while in any public park, playground, bridge abutment, storm drain, or other similar type of infrastructure, owned by or within the city of River Heights **is subject to a Class B Misdemeanor Citation.** *Violation of ordinance as described in Title 1, Chapter 4.*

3. ~~A violation of this section is a class B misdemeanor.~~

- B. 4.* ~~Finding of Nuisance.~~ If the Mayor or code enforcement officer finds that a nuisance exists, they shall attempt to have the responsible person abate the nuisance by:

1. ~~Contacting the responsible person, where possible;~~  
2. ~~Explaining the nuisance;~~  
3. ~~Requesting the responsible person to abate the nuisance; and~~  
4. ~~Agreeing to terms with the responsible person to abate the nuisance. (delete)~~

- C. 5.* If any owner or occupant shall fail or neglect to **remove the offending graffiti within 14 days, then the City shall remove the graffiti and bill the owner for expenses incurred.** *the remaining sentence.....conform to the requirements delineated, eradication, or removal of offending graffiti shall be at the expense of the property owner.*

Bump 5-4-6: Failure to Comply to 5-4-7

5-5 Bees

- A. Bee colonies and hive type shall be kept in accordance with **State** regulations. Equipment is to be kept in good operating condition.

- required to be*
- fifteen*
- B. All apiaries are to be located 15 feet or more from the property line, or beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof.
  - C. Flyway Barriers are in place to have a general flight pattern for bees in a direction that will deter bee contact with humans and domesticated animals.
  - D. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner.
  - E. Each beekeeper shall ensure that a convenient source of water is available at all times, continuously between March 1 and October 31, so that the bees will not congregate at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.
  - F. Private bee keeping activities are permitted in the city for up to two bee colonies. A Conditional Use Permit is required for three or more bee colonies.
  - G. An apiary may be maintained in a side yard or the rear yard of any residential lot. In no case shall a hive be located in a front yard of a residential lot.
  - H. In the event of a conflict between any regulation set forth in this section and honeybee management regulations adopted by the State of Utah, the most restrictive regulations shall apply.

10-3-10: Amendments (to the city code)

- C. Public Hearing Required Before Amending: ~~Notice~~ Amendments to this title may be adopted by the city council only after a public hearing is held before the in relation thereto before the city council planning commission, giving at which parties in interest and citizens and interested parties shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published as required by state law. (6-2006, 5-9-06, 4-2010, 7-13-10)

10-12-1

Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R1</u>	<u>C1</u>	<u>PR</u>	<u>PUD</u>	<u>MU</u>	<u>CP</u>
<b>Residential</b>							
7. <del>Secondary Residential Unit</del> * (may only be occupied by a related person)	<del>R</del>	<del>P</del>			<del>R</del>	<del>C</del>	
7. 8. Apartment * (within owner occupied structure)	P	P	P				C

*Remove in A and R1 zones 10-2-1: Secondary Residential Unit definition*

8, 9. Flag Lot.

**10 - 14 , intentionally left blank (I've seen other city's do this. When the numbering "hangs", it appears as though we forgot something! Put in appropriate section where needed)**

**27 - 29, intentionally left blank**

**42-49, intentionally left blank**

**83-89, intentionally left blank**

<b>Accessory and Incidental Uses</b>	<b>A</b>	<b>R1</b>	<b>C1</b>	<b>PR</b>	<b>PUD</b>	<b>MU</b>	<b>CP</b>
<del>20.</del> <u>15.</u> Accessory Building	P	P	P		P	P	P
<del>21.</del> <u>16.</u> Accessory Agricultural Building	P						
<del>22.</del> <u>17.</u> Private Swimming Pool	C	C	C		C	C	
<del>23.</del> <u>18.</u> Solar Panels	P	P	P	P	P	P	
<del>24.</del> <u>19.</u> Livestock, Livestock Corral	P						
<del>25.</del> <u>20.</u> Off street Parking incidental to main use	P	P	P	P	P	P	P
<del>26.</del> <u>21.</u> Household Pets	P	P	C		P	P	
<del>27.</del> <u>22.</u> The keeping of three or more dogs or cats	C	C	C				
<del>28.</del> <u>23.</u> Exceptions to Height Requirements Allowed (see 10-13-10)	C	C	C	C	C	C	
<del>29.</del> <u>24.</u> Sports Court Fencing		C		P	C	C	
<u>25.</u> Beekeeping, 2 colonies	<u>P</u>	<u>P</u>			<u>P</u>		
<u>26.</u> Beekeeping, 3 or more colonies	<u>C</u>	<u>C</u>			<u>C</u>		
<del>90.</del> Beekeeping	P						

\* See definition in 10-2

**(Currently item # 71 has an \*. Perhaps use 2 \*\*'s for item # 71 which is already has a notation and use only one \* for items 7 & and 8)**

~~10-13-15: Clear View of Intersecting Streets~~

*see attachment*

~~Obstruction of vision on corner lots within forty feet (40) of edge of pavement of intersection shall not be permitted from ~~two feet (2')~~ three feet (3') 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.~~ **(?? I'm confused by this.)**~~

~~If existing trees are more than twelve inches (12") in diameter and are not located on the corner of the lot, they must be spaced more than eight feet (8') apart. Ornamental grasses, flowers, shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street level. All plantings shall maintain a clear visibility of 70% (Above ground power transformers are allowed if are less than forty inches (40") in height.~~

11-4A-3:B.2.

~~e. List of the names and mailing addresses of the property owners of all property within three hundred feet (300') of the proposed subdivision. (Ord.16-3-96, 10-22-1996)~~

11-4A-3

~~C. The city will notice property owners within 300 feet (300') of the proposed subdivision, prior to the public hearing.~~

~~Bump D & E to E & F~~

### Changes Regarding Public Hearings

#### 10-3-9 PUBLIC HEARINGS

- A. Public Hearing: An opportunity for members of the public to comment, verbally or written, on a subject pending approval of the city. Public hearings are held prior to authorization of items including, but not limited to, code amendments, rezones, conditional use permits, and subdivisions (including minor subdivisions).
- B. Noticing Required: Not less than ten (10) days prior to the hearing date, the city shall mail a written notice to owners of real property as shown on the latest official county assessor's rolls within three hundred feet (300') of the perimeter boundaries of the subject property. Not less than ten (10) days prior to the hearing, the city shall publish a notice in the following places: a newspaper of general circulation, the state's public meeting notice website, the city website, and post in three (3) public places. Said notices shall be in addition to any other requirements as specified by Utah law. The notice shall include the date, time and place of the meeting, the project's title, the address of the subject property, the name of the applicant, a general description of the proposed use, a statement explaining when and where interested persons can obtain information as well as participate in the comment and hearing process.

Renumber 10-3

11. Violations
12. Penalty
13. Severability

#### 10-20-1: PERMITTED CONDITIONAL USES

The following uses shall be permitted only after approval pursuant to the conditional use procedure outlined in section ~~10-20-2 of this chapter~~ 10-3-9 of this title.

#### 10-20-2:B.

- ~~2. **Public Notice:** Not less than ten (10) days prior to the hearing date, the zoning administrator shall send, by first class mail, a written notice to owners of real property as shown on the latest official county assessor's rolls within three hundred feet (300') of the perimeter boundaries of the subject property. Not less than ten (10) days prior to the hearing, the zoning administrator shall cause to be published, in a newspaper of general circulation, a notice or copy of the agenda. Said notices shall be in addition to any other requirements as specified by Utah law. The notice shall include the date, time and place of the meeting, the project's title, the address of the subject property, the name of the applicant, a general description of the proposed use, a statement explaining when and where interested persons can obtain information as well as participate in the comment and hearing process. (7-2009, 12-8-2009)~~

Replace with:

2. **Public Hearing Required:** The planning commission shall hold a duly noticed public hearing in conformance with section 10-3-9 of this title.

#### 10-21-5: PUBLIC HEARING REQUIRED

The planning commission shall hold a duly noticed public hearing in conformance with ~~Utah Code Annotated, as amended, and section 10-20-2~~ 10-3-9 of this title.

#### 10-22-5: PROJECT REVIEW AND APPROVAL PROCESS (commercial parking zone section)

- D. A public hearing is held to obtain community input, in accordance with section 10-3-9 of this title.

#### 11-4-1:F2. Process (for development)



- a. The sketch plan shall be professionally prepared in accordance with all the requirements of the city. A public hearing will be held ~~to obtain community input at the sketch plan part of the process~~ in accordance with section 10-3-9 of Title 10.

11-4a-3:

- C. Public Hearing: A public hearing will be held ~~to obtain community input~~ in accordance with section 10-3-9 of Title 10.

# Attachment

## 10-13-15: Clear View of Intersecting Streets

\* Obstruction of vision on corner lots within forty feet (40') of edge of pavement of intersection shall not be permitted from ~~two feet (2')~~ three feet (3') 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.

If existing trees are more than twelve inches (12") in diameter and are not located on the corner of the lot, they must be spaced more than eight feet (8') apart. Ornamental grasses, flowers, shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street level. All plantings shall maintain a clear visibility of 70% (Above ground power transformers are allowed if are less than forty inches (40"))

They ↑ Tall.

What is the intent here? If the intent is to protect in place existing trees that aren't meeting the current ordinance, than this should apply to trees that are located in the 40' triangle. Corner of the lot language is vague and needs a definition. If "corner of the lot" is the 40' triangle than use that description so everyone understands where you are referencing.

Here is an alternate for consideration:

*become*

\* "If ~~existing trees~~ are more than twelve inches (12") in diameter and are located within the forty feet (40') triangle, they must be spaced more than eight feet (8') apart. Ornamental grasses, flowers, and shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street or sidewalk grade. Above ground transformers are allowed if they are less than forty inches (40") above street or sidewalk grade. All plantings and obstructions shall maintain an overall clear visibility of 70%."

*or more greater.*