

**ENOCH CITY PLANNING COMMISSION
NOTICE AND AGENDA**

September 26, 2023, at 5:30 pm

City Council Chambers

City Offices, 900 E. Midvalley Road

Join Zoom Meeting

<https://us02web.zoom.us/j/88977435850>

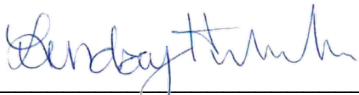
Meeting ID: 889 7743 5850

- 1. CALL TO ORDER OF REGULAR MEETING-By**
 - a. Pledge of Allegiance**
 - b. Invocation (2 min.) –Audience invited to participate.**
 - c. Inspirational thought –**
 - d. Approval of agenda for September 26, 2023 –**
 - e. Approval of minutes for September 12, 2023 –**
 - f. Conflict of Interest Declaration –**
- 2. PUBLIC COMMENTS –**
- 3. CONSIDER AMENDMENT TO ENOCH CITY CODE 12.1900.1909
LANDSCAPE AND MAKE A RECOMMENDATION TO CITY COUNCIL**
- 4. CONSIDER UTAH 2023 SB174, SUBDIVISION PROCESS AMENDMENTS AND
MAKE A RECOMMENDATION TO CITY COUNCIL**
- 5. DISCUSS AMENDING ENOCH CITY CODE 12.1600 MULTIPLE
RESIDENTIAL DISTRICT (M-R-2)**
- 6. COMMISSION/STAFF REPORTS**
- 7. ADJOURN –**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Planning Commission may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the Planning Commission, posted on the Enoch City website, on the City Office door, and published on the Utah Public Meeting Notice website on September 22, 2023.



Lindsay Hildebrand, City Recorder

9/22/2023

Date

MINUTES
ENOCH CITY PLANNING COMMISSION
September 12, 2023 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Chairman Leonard Correa
Commissioner Andy Losee - Excused
Commissioner Debra Ley
Commissioner Delaine Finlay
Commissioner Elliot Lake

STAFF PRESENT:

Rob Dotson, City Manager
Lindsay Hildebrand, City Recorder
Hayden White, Pub. Works Dir.
Council Member Katherine Ross

PUBLIC PRESENT: None

1. **CALL TO ORDER OF REGULAR MEETING-By**
 - a. **Pledge of Allegiance**
 - b. **Invocation (2 min.) –Audience invited to participate.**
 - c. **Inspirational thought** – Given by Commissioner Ley
 - d. **Approval of agenda for September 12, 2023 – Commissioner Finlay made a motion to approve the agenda. Commissioner Ley seconded and all voted in favor.**
 - e. **Approval of minutes for August 22, 2023 – Commissioner Ley made a motion to approve the minutes. Commissioner Correa seconded and all voted in favor.**
 - f. **Conflict of Interest Declaration** – None stated

2. **ADMINISTER OATH OF OFFICE TO TWO NEW PLANNING COMMISSION MEMBERS** – City Recorder
Lindsay Hildebrand gave the Oath of Office to Elliot Lake and Delaine Finlay.

3. **APPOINTMENT OF NEW CHAIRMAN** – By voice vote
City Manager Dotson explained the process.
Commissioner Ley made a motion to appoint Leonard Correa as Planning Commission Chair. Commissioner Lake seconded and all voted in favor.

4. **DISCUSS AMENDING ENOCH CITY CODE 12.1600 MULTIPLE RESIDENTIAL DISTRICT (M-R-2)** – Commissioner Ley

In the meeting minutes, Commissioner Ley initiated the discussion by inquiring about the first impressions of Commissioners regarding those involved in duplexes. Commissioner Finlay remarked that it could include anyone, mentioning both low-income individuals and others. Commissioner Ley raised the question of whether these individuals would be owners or renters, to which Commissioner Lake expressed his perception of renters. Commissioner Finlay added that often both owners and renters come to mind. Chairman Correa mentioned thinking about affordable housing. The second question posed by Commissioner Ley concerned townhomes, and their initial impressions. Commissioner Finlay mentioned thinking of a high number of people, while Commissioner Lake associated them with older residents. Chairman Correa's perspective was that townhomes are suitable for young homebuyers looking for starter homes. City Manager

Dotson shared that his first impression was related to first-time homebuyers and affordable housing, differentiating them from duplexes, which he associated with a rental atmosphere. Commissioner Ley then discussed the current ordinance, highlighting the lot size set at 22,000 square feet, and she emphasized the issue of density. She suggested considering smaller lot sizes, citing examples from nearby cities such as Cedar City, Parowan, and Manti, where smaller lot sizes are used. She expressed her desire to preserve the agricultural feel of the area and acknowledged that today's young people prioritize square footage over land. Commissioner Ley also raised concerns about the maintenance issues associated with M-R-2 zones, particularly overgrown weeds. City Manager Dotson presented a city map, and Commissioner Finlay pointed out issues with duplexes on Wagon Wheel and near Red Rover Retreat, which were rentals overrun with weeds. Commissioner Ley believed that the ordinance allowed too much land for M-R-2 zoning. Chairman Correa mentioned an example of townhomes behind Cedar Hospital, which started as owner-occupied but were later converted into rentals, and he discussed deed restrictions as a potential solution. Chairman Correa referred to an Ivins subdivision where only a small percentage of homes could be rented, emphasizing the need for regulation. Commissioner Ley suggested that reducing the square footage of M-R-2 zoned lots would benefit older citizens by reducing yard maintenance and making homes more affordable. She also mentioned upcoming duplexes on Midvalley Road and Highway 91.

The discussion briefly touched on permitted uses and guest houses not being on the list. Commissioner Lake mentioned that some townhomes with no yards look appealing. Chairman Correa used an example of townhomes in Cedar Knolls as a positive illustration. Commissioner Lake suggested looking at similar cities for examples, and City Manager Dotson advised watching a YouTube video about density and width. Commissioner Ley recommended shortening backyards or reducing the space between homes to lower costs. Commissioner Finlay questioned whether Enoch should prioritize more residents or less crowded homes. Commissioner Ley mentioned that state regulations influence the types of projects undertaken in the city, with an emphasis on affordable housing. There was also a brief discussion about sidewalk requirements. Chairman Correa assigned the Planning Commission to research other cities and return to the next meeting with suggestions. Commissioner Ley stressed the importance of preserving Enoch's rural feel, while Chairman Correa prioritized affordability over maintenance.

5. PUBLIC COMMENTS – There were no public comments.

6. COMMISSION/STAFF REPORTS

Hayden White

- They have been working on drainage projects. They have been short-staffed.
- Everyone is getting their July bill and there has been an increase in service orders regarding water meters.

Council Member Ross

- At City Council last week, they had started the annexation process for property at the north side of town.
- October 4th is a walk to school day. If you have kids that walk by your house, make sure you give them a wave.

City Manager Dotson

- By state code the Planning Commission is required to attend training. Most of the time we do the training in-house. There are online resources as well. There is nothing better than learning through practice.
- There will be some changes to our ordinances. SB 174 changed the process for subdivisions.

- Valley Gate estates are going in, Enoch Point duplexes and a bunch of minor subdivisions are ongoing projects.

Lindsay Hildebrand

- She has been working on updating the cemetery GIS map
- She has also been helping answer calls and service orders.

7. ADJOURN – Commissioner Ley made a motion to adjourn. Commissioner Finlay seconded and all voted in favor.

Lindsay Hildebrand, City Recorder

Date

12.1900.1909 LANDSCAPE

A. In all commercial zones, at least five percent (5%) of the lot area shall be maintained as landscaped area. At least half of that landscaped area shall be in the form of live trees, shrubs or ground cover. Where feasible, a landscaped area adjacent to the public street shall be provided and planted with trees. A landscape plan shall be submitted to the planning department for review and approval prior to issuance of building permits.

B. In addition to the five percent (5%) landscaping required on the private lot area, all road rights of way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.

C. In new commercial, industrial institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

D. In new commercial, industrial institutional, and multi-family development no lawn on parking strips or areas less than eight (8) feet in width.

Section 1. Applicability.

1. This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
2. This section does not apply to land use regulations adopted, approved, or agreed upon by the City Council exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
3. The review cycle restrictions and requirements of this section do not apply to the review of single-family dwellings, two-family dwellings, or townhomes subdivision applications affecting property within identified geological hazard areas under the City Code.

Section 2. Defined Terms.

1. "Administrative land use authority" means an individual, board, or commission, appointed or employed by municipality, including the staff or the planning commission.
2. "Administrative land use authority" does not include the municipal City Council or a member of the City Council.
3. "Review cycle" means the occurrence of:
 - a. the applicant's submittal of a complete subdivision land use application;
 - b. the City's review of that subdivision land use application;
 - c. the City's response to that subdivision land use application, in accordance with this section; and
 - d. the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.
4. "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.
5. "Subdivision ordinance review" means review by the city to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.
6. "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

Section 3. Designation of a Single Administrative Land Use Authority for Review and Approval of Preliminary and Final Subdivision Applications.

1. Preliminary Subdivision Applications:

Enoch City hereby designates (insert policy choice here) to review and approve preliminary subdivision applications.

2. Final Subdivision Applications:
Enoch City hereby designates (insert policy choice here) to review and approve final subdivision applications.

Section 4. Process for a Pre-Application meeting prior to Application Submission.

1. If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. At the pre-application meeting, the staff shall provide or have available on the city website the following:
 - a. copies of applicable land use regulations;
 - b. a complete list of standards required for the project;
 - c. preliminary and final application checklists; and
 - d. feedback on the concept plan.

Section 5. Establishment of Process and application for Preliminary Subdivision Application.

1. Preliminary Subdivision Application.
The application for preliminary subdivision applications and materials can be found on the City's website and at the City Office. These materials include provisions for:
 - a. the owner's affidavit;
 - b. an electronic copy of all plans in PDF format;
 - c. the preliminary subdivision plat drawings; and
 - d. a breakdown of fees due upon application.
2. Review Process and Timing
 - a. The administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.
 - b. The administrative land use authority may:
 - (i) receive public comment; and
 - (ii) hold no more than one public hearing.
3. No later than 15 business days after the day on which an applicant submits a complete application, the municipality shall complete a review of the applicant's preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including subdivision improvement plans.

4. In reviewing the preliminary subdivision land use application, the city may require:
 - a.
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
 - b. The City's request for additional information or modifications to plans under Subsection (4)(a)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Section 6. Establishment of Process and application for Final Subdivision Application.

1. Final Subdivision Application.

The application for final subdivision applications and materials can be found on the City's website and at the City Office.
2. Review Process and Timing
 - a. No later than 20 business days after the day on which an applicant submits a complete application, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes including all subdivision plan reviews.
 - b. In reviewing the final subdivision land use application, the city may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
2. The City's request for additional information or modifications to plans under Subsection (2)(b)(i) or (ii) shall be specific and include citations to all City ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

Section 7. Specific Review Cycle Process for Review of Preliminary and Final applications.

1. Enoch City requires the following review cycles with no more than four in total permitted:
 - a. 2 reviews at preliminary and 2 reviews at final plat
2. Waived changes and/or corrections.
 - a. Subject to Subsection (2)(b), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.
 - b. A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
3. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
4. If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.
5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
6. Applicant revisions.
 - a. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - b. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - c. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the City may not begin until all comments are addressed.
7. Disputes & Resolutions.

- a. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - (1) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code [Subsection 10-9a-508\(5\)\(d\)](#) et seq. to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
 - (a) one licensed engineer, designated by the city;
 - (b) one licensed engineer, designated by the land use applicant; and
 - (c) one licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (i) a and b.
 - (2) A member of the panel assembled by the City under Subsection (i) may not have an interest in the application that is the subject of the appeal.
 - (3) The land use applicant shall pay:
 - (a) 50% of the cost of the panel; and
 - (b) the City's published appeal fee.; or
- b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 8. Concurrent Processing of the Final Subdivision application with the Preliminary Subdivision application.

The City shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which provides for or permits concurrent processing of the final subdivision plat application with the preliminary subdivision plat application. Final subdivision review cycle restrictions will apply to concurrent processing applications.

1. Application (include items required in combined application)

2. Review Process:

- may not require planning commission or city council approval; and
- Must concur with Section 7 A-G



12.1600 MULTIPLE RESIDENTIAL DISTRICT (M-R-2)

12.1600.1601 PURPOSE



To provide and protect areas for medium density residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

12.1600.1602 PERMITTED USES

- A. Accessory uses and buildings customarily incidental to permitted uses, not to exceed 20% of the land.
- B. Single-family dwelling.
- C. Twin homes.
- D. Townhomes.
- E. Duplexes
- F. Use of a lot or lots contiguous to the lot on which a dwelling exists for any permitted use allowed within the district.

12.1600.1603 CONDITIONAL USES

- A. Child day care or nursery.
- B. Home occupation business.
- C. Public church
- D. Public park or playground
- E. Public school
- F. Congregate Living Facilities

12.1600.1604 HEIGHT REGULATIONS

No main building shall exceed a height greater than two and one-half (2 ½) stories or thirty-five (35) feet. No dwelling structure shall be less than one (1) story. No accessory building shall exceed a height greater than twenty (20) feet measured from the finished grade to the top plate.

12.1600.1605 DENSITY REGULATIONS

The density shall not exceed two town houses, one twin home or duplex per 22,000 square feet.

12.1600.1606 MINIMUM SETBACKS

<u>District</u>	<u>Area sq. ft.</u>	<u>Front PUE</u>	<u>Front Width</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
M-R-2	22,000	10'	99 ft.	25 ft.*	10 ft.	10 ft.
M-R-2	22,000	15'	99 ft.	35 ft.*	10 ft.	10 ft.

*The front yard set-back on a lot adjoining a cul-de-sac shall be no less than twenty (20) feet at any point of the arc.

*Exception - Already existing homes as of August 4, 1999, with a front yard setback closer than 35 feet, will keep the same front yard setback as established by the location of the home. The City Council may grant an exception to the 35 foot front yard set-back on an unusual shaped lot.

12.1600.1607 SIGNS

Signs permitted in the Multiple Residential District shall be limited to the following:

- A. One civic sign, not to exceed thirty-two (32) square feet in sign area.
- B. One development sign, not to exceed thirty-two (32) square feet in sign area.
- C. One real estate sign, not to exceed eight (8) square feet in sign area.
- D. One residential sign, not to exceed two (2) square feet in sign area.
- E. No more than two (2) signs on any one parcel.
- F. Signs meet required set back per zone.
- G. Signs may not exceed six (6) feet in height at the tallest point.
- H. No commercial signs within a residential district; exception is made for Home Occupation Conditional Use Permits within residential districts.

12.1600.1608 MODIFYING REGULATIONS

- A. Side yard - Side yard set-back, on a street side yard of a corner lot, shall be no less than two (2) feet. (Rev. 4-19-17)
- B. Private garages and accessory buildings, located at least ten (10) feet behind the main building, may have a side yard of two (2) feet with no ingress/egress from a side street. If ingress/egress is to be at side street, set back shall be 20 feet. (Rev. 4-19-17)
- C. Rear yard - Private garages and accessory building, located at least ten (10) feet behind the main building, may have a rear yard of two (2) feet provided that on corner lots rearing the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district.
- D. Any stable, corral, chicken coop, pen or run in which animals or fowl are maintained shall be at least fifty (50) feet from any adjoining residential structure.

12.1600.1609 OTHER PROVISIONS

Exceptions to these regulations are provided in Chapter 12-300 of this Ordinance.