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Zoning definitions I'd like clarification around:

- Accessory Building
 - "customarily incidental to the main". What is included/excluded in real practice? I question obviously-commercial construction methods & materials not seen elsewhere in the community, and the pure size of the structure in question.
 - "building area must be significantly less than that of the main structure"
 - Area implies footprint but this is not defined, and has come under debate. *in this specific case, an exterior deck is even being included in this measure
 - What is significantly less? Does this also imply building height?
 - Why do the requirements vary for commercial use (which does define an accessory building can be no greater than 50% of the main building's floor area)?
 - Why has Cottonwood Heights deviated so far from other city's ordinances in this area? A building of this type could be no bigger than 800sq ft in Salt Lake County, 900sq ft in Holiday, and 720sq ft in Salt Lake City. This building is 2000 sq ft and bigger than the main home.

These other communities also have "graduated height" requirements that limit an overall building height in relation to the property line. Holiday states that this is "essential to land use planning" and "provides some view protection, light, shadow, air movement, and also contribute directly to physical and psychological wellbeing"

Why is this not recognized in Cottonwood Heights?

- "No accessory structure shall exceed 20 feet in height". Ground level/original elevation is being excluded from this measurement. A structure that is within this code now sits ~5ft higher than original grade. How is this not a 25ft rise?
- Grading – to my knowledge, no permit is required to change the contour of the land or raise the elevation of a property.
 - When we moved in our yard sat 1-foot below or neighbors, separated by a cinder block fence. We now sit 3-feet lower. The land has been raised and our fence is being used as a retaining wall. This will decrease the useful life of the fence and compounds our issue with perceived height of the structure in question
 - Water drainage is a major concern, and the risk of flooding is highly impactful to home values. Our neighbor's basement has flooded frequently following modifications to the terrain above us

Why is this not being guarded in Cottonwood Heights?

- Accessory Use
 - "automobile storage" is defined as an acceptable use. This is a 12-car garage which is in addition to another 2/3 car garage. Are there limits to this use case?
 - When the intended use is "major automobile restoration and repair", does this fall within city ordinance?
 - When does vehicle repair/restoration become commercial use? ... At resale, commissioned work, or will it take a full service sign out front?
 - The sound of impact wrenches day-in-day-out echoing through a large steel structure will be a nuisance. Are there noise-control ordinances mitigating potential impact to the surrounding neighborhood?
 - The definitions of "junk, wrecked, or inoperable vehicle" is already one we have contested with the city. I can see a vehicle, as such, from my kitchen window planted in the yard behind our house. The Cottonwood Heights planning department advised that the vehicle should be paint and wheels removed in order to neglect enforcing ordinances surrounding such vehicles. ... no language in the codes makes this claim. Does the city actually endorse this action?

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enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. To determine the compatibility of uses, the director may call a public hearing. Request for such permit shall be submitted in writing. Special event permits shall be limited to one per property at any one location for any one time.

2. In issuing a permit, the director may:

- (a) Stipulate the length of time the permit may remain valid;
- (b) Stipulate the hours of operation of the use; and
- (c) Stipulate other regulations which are necessary for the public welfare.

19.76.040 (D) Home day care preschool, small. "Home day care/preschool, small" means the keeping for care and/or preschool instruction of six or fewer children including the caregiver's own children under the age of six and under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

- 1. There may be a maximum of six children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.
- 2. There shall be no employees that do not reside in the dwelling.
- 3. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.
- 4. The use shall comply with all applicable noise regulations.

5. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

6. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

7. No signs shall be allowed on the dwelling or lot except a nameplate sign.

8. The use shall comply with all local, state and federal laws and regulations.

9. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

10. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

(E) Home day care/preschool. "Home day care/preschool" means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver's own children age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

- 1. There may be a maximum of 12 children on premises at any time,

including the caregiver's own children under the age of six and not yet in full day school.

2. There shall be no more than one employee present at any one time who does not reside in the dwelling.

3. The home day care/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.

4. The use shall comply with all applicable noise regulations.

5. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

6. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

7. No signs shall be allowed on the dwelling or lot except a nameplate sign.

8. The use shall comply with all local, state and federal laws and regulations.

9. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may

(a) set a hearing before the planning commission to revoke any conditional use permit, and/or

(b) institute a license revocation proceeding under title 5 of this code.

10. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date

of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

(F) Home occupations.

1. "Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes; but is not limited to printed reproduction, casting, and sound recordings.

3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

4. The director shall determine whether additional parking, in addition to

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

19.04.1230 Heliport.

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

19.04.1240 Helistop.

The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

**19.04.xxx Highway/Freeway/
Expressway**

Roadways that function very similar to Interstates. Travel lanes are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections. Like Interstates, these roadways are designed and constructed to maximize their mobility function, and abutting land uses are not directly served by them.

19.04.xxx Home Daycare/Preschool

A type of home occupation which generally means the keeping for care and/or preschool instruction of twelve (12) or fewer children including the caregiver's own children aged 6 and under and not yet in full day school within an occupied dwelling, for periods of less than 12 hours per day.

19.04.xxx Home Daycare Small

A type of home occupation which generally means the keeping for care and/or preschool instruction of six (6) or fewer children including the caregiver's own children aged 6 and under and not yet in full day school within an occupied dwelling, for periods of less than 12 hours per day.

19.04.1250 Home for the aged, residence.

A home where elderly people are provided with lodging and meals without nursing care being a primary function.

19.04.xxx Home Occupation

Any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

19.04.xxx Home Office

An accessory use of a residential dwelling unit, where business or office activities are conducted. Typically the office would be an ancillary use for a primary business or office use located elsewhere.

19.04.1260 Hospital (acute care).

An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

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Chapter 19.31
R-2-8 -- RESIDENTIAL MULTI-
FAMILY ZONE

Sections:

- 19.31.010 Purpose.
- 19.31.020 Permitted uses.
- 19.31.030 Conditional uses.
- 19.31.040 Minimum lot size.
- 19.31.050 Minimum lot width.
- 19.31.060 Setbacks/yard requirements.
- 19.31.070 Maximum height of structures.
- 19.31.080 Maximum lot coverage.
- 19.31.090 Open space requirement.

19.31.010 Purpose.

The purpose of the R-2-8 zone is to allow for the establishment of single-family and two-family residential developments organized in medium-density neighborhoods characteristic of traditional suburban residential developments.

19.31.020 Permitted uses.

Permitted uses in the R-2-8 zone are as follows:

- A. Single-family detached dwellings;
- B. Accessory buildings customary to single-family housing;
- C. Home occupations; and
- D. Two-family detached dwellings.

19.31.030 Conditional uses.

Conditional uses in the R-2-8 zone are as follows:

- A. Cemetery;
- B. Bed and breakfast;
- C. Churches;
- D. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- E. Planned unit development;

F. Private parks and recreational grounds;

G. Public and quasi-public use;

H. Radio and/or television tower;

I. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

J. Water pumping plant and reservoir;

K. Wireless telecommunication towers; and

L. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

19.31.040 Minimum lot size.

The minimum lot size in the R-2-8 zone is 8,000 square feet.

19.31.050 Minimum lot width.

The minimum lot width in the R-2-8 zone is 65 feet measured at the front setback.

19.31.060 Setbacks/yard requirements.

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 20 feet per side yard abutting a street.

Rear: 20 feet.

Chapter 19.26
R-1-8 -- RESIDENTIAL SINGLE-
FAMILY ZONE

Sections:

- 19.26.010 Purpose.
- 19.26.020 Permitted uses.
- 19.26.030 Conditional uses.
- 19.26.040 Minimum lot size.
- 19.26.050 Minimum lot width.
- 19.26.060 Setbacks/yard requirements.
- 19.26.070 Maximum height of structures.
- 19.26.080 Maximum lot coverage.
- 19.26.090 Open space requirement.

19.26.010 Purpose.

The purpose of the R-1-8 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.26.020 Permitted uses.

Permitted uses in the R-1-8 zone are as follows:

- A. Single-family detached dwellings; and
- B. Accessory buildings customary to single-family housing; and

19.26.030 Conditional uses.

Conditional uses in the R-1-8 zone are as follows:

- A. Churches and private non-profit recreational grounds associated with that use;
- B. Planned unit developments;
- C. Public and quasi-public use;
- D. Wireless telecommunication towers; and
- E. Home occupations.

19.26.040 Minimum lot size.

The minimum lot size in the R-1-8 zone is 8,000 square feet.

19.26.050 Minimum lot width.

The minimum lot width in the R-1-8 zone is 70 feet, measured 20 feet from the front lot line.

19.26.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

- 1. Front: 25 feet.
- 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.

3. Rear: 20 feet.
B. Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:

- 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
- 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
- 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

C. Attached garages shall conform to the rear yard requirements of main buildings.

19.26.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a