



PLANNING COMMISSION MEETING
Tuesday, February 23, 2021 6:00 p.m.

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, February 23, 2021 beginning at 6:00 p.m.** This is a public meeting, and anyone is invited to participate.

NOTICE OF ELECTRONIC PARTICIPATION

This meeting will be held electronically pursuant to Utah Code 52-4-207(4), and Mayor Andersen's February 19, 2021 written determination that conducting an electronic meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

To join the meeting via Zoom, use the following link:

<https://us02web.zoom.us/j/89933417320?pwd=eUZLa3E5UVdFWmFoaE1LK0dkZ3pKZz09>

Meeting ID: 899 3341 7320

Passcode: 623511

PLANNING COMMISSION MEETING

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

SCHEDULED ITEMS & PUBLIC HEARINGS

3. Review/Recommendation on amendments to City Code Title 10 Chapter 4 relating to Building Setbacks in Various Residential Zones
4. Discussion on amending language in City Code related to Easements and Accessory Structures

ADJOURNMENT

5. Adjourn

Posted this 19th day of February, 2021

/s/ Colleen A. Mulvey, City Recorder

Supporting documentation for this agenda is posted on the city website at www.cedarhills.org.

In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.

The order of agenda items may change to accommodate the needs of the Planning Commission, the staff, and the public. This meeting may be held electronically to permit one or more of the commission members or staff to participate.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	02/23/2021

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on amendments to City Code Title 10 Chapter 4 relating to building setbacks in various residential zones.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: Staff has received an application to develop a garage with a living space above, in a rear setback area, subject to the location requirements of the underlying zone. Currently, the code reads: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. The question turns on if there is the ability to construct a livable area above the garage, and on this matter the code is silent. Under the current code, a resident would be able to construct the garage in the rear setback area to a max height of 35', the same as the main dwelling, nothing in the code prohibits this. Staff is requesting that the planning commission make a recommendation to the council on the matter that will hopefully make the code clear as to the intent.	
PREVIOUS LEGISLATIVE ACTION: A Public Hearing for this item was held at the November 24, 2020 Planning Commission meeting.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed Code Amendments	
RECOMMENDATION: To review the proposed amendments to Title 10, Chapter 4, and make any necessary recommendations for adoption.	
MOTION: To recommend/not recommend the proposed amendments to Title 10, Chapter 4, relating to rear setback areas to the City Council for adoption, subject to the following modifications: {LIST ANY MODIFICATIONS FOR RECOMMENDATION}.	

Option 1 – No change

ARTICLE A. R-1-11,000 RESIDENTIAL ZONE

10-4A-6: LOCATION REQUIREMENTS:

3. Rear Setback:

b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. (Ord. 2-17-98A, 2-17-1998)

Option 2 – Prohibit living spaces above garage

10-4A-6: LOCATION REQUIREMENTS:

3. Rear Setback:

b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. **No living area can be included within the garage footprint in this reduced setback area.** (Ord. 2-17-98A, 2-17-1998)

Option 3 – Change Verbiage to allow structures in above garage

10-4A-6: LOCATION REQUIREMENTS:

3. Rear Setback:

b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. **A living area located within the garage footprint may be included within in this reduced setback area.** (Ord. 2-17-98A, 2-17-1998)

Option 4 – Hybrid

10-4A-6: LOCATION REQUIREMENTS:

3. Rear Setback:
 - b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. **A living area may be located above a garage in the rear setback area, provided that the living area constitutes no more than 50% of the total square footage of the garage area, and is at least 20' (twenty) feet from the nearest property line.** (Ord. 2-17-98A, 2-17-1998)

Option 5 – An exception that would require Planning Commission approval.

10-4A-6: LOCATION REQUIREMENTS:

3. Rear Setback:
 - b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. (Ord. 2-17-98A, 2-17-1998)
4. Measurement Of Setbacks: Compliance with minimum setback requirements shall be determined in accordance with the provisions of section [10-5-5](#) of this title. (Ord. 7-7-98A, 7-7-1998)
5. **General Exceptions to the Above rear setback.**
 - (a) **Additions and other external modifications to existing main dwelling structures within the R-1-11,000 Zone that currently violate the required rear setbacks may not be required to comply with normal setback requirements upon approval of a special exception by the Planning Commission. The Planning Commission may approve the special exception if the property owner can show that the addition or external modification will:**
 1. **Meet the Legislative Intent of the R 1- 11,000 zone and this title;**
 2. **Comply with the architectural design and characteristics for homes within the R-1-11,000 zone;**
 3. **Not be located within the sight visibility triangle on corner lots or create any other safety problems determined through the review and approval process. The City Transportation Engineer shall review the request to determine if the proposed addition or external modification will prohibit future right-of-way**

expansion. The City Transportation Engineer shall submit a recommendation to the Planning Commission; and

4. A corner lot rear setback garage exceptions shall comply with, 10-4A-6 (3) (b) of twelve (12') feet from a rear property line. Garage additions may not be located within public utility easement and maintain a thirty (30') feet street-side setback from an existing or proposed street. Corner lot rear garage additions may include a living area above garage addition footprint.

This shall not exempt any construction or addition to the main dwelling structure from compliance with applicable IRC, IBC, IFC, Life Safety Code or other applicable codes as adopted by the State of Utah and/or City of Cedar Hills.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	February 23, 2021

Planning Commission Agenda Item

SUBJECT:	Discussion to include easement language for accessory structures
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Jenny Peay, Planning Associate
BACKGROUND AND FINDINGS: Staff requests a discussion on dedicated/recorded public utility easements as it relates to permanent and accessory structures. Staff frequently addresses with property owners the location of an easement and why they have restrictions. On multiple occasions property owners push back if an easement is greater than what the city code indicates (a setback of 5' feet for accessory structures). Dedicated easements will restrict property owners from placing an accessory structure in a desired location of 5' feet from the property line. Public utility easements located on lots/areas will vary, depending on the intended use of an easement. A public utility easement is necessary as it provides a public utility with the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents. Staff also requests discussion and direction in drafting city code in the case where an easement has been abandoned or has no existing utilities located within the easement. Current city code does not address language relating to permanent/accessory structures and easements. Staff has researched other Utah cities for code language which would address both active and inactive easements. Amended city code pertaining to this would assist, give direction and a greater understanding for property owners when they look to place a permanent structure in an easement on their property.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Utah State Code 54-3-7 Public utility easement	
RECOMMENDATION: Review the proposal, make recommendations to staff for further amendments. Staff will bring this item back to the Planning Commission with a noticed public hearing.	
MOTION: No motion necessary, discussion item only.	

54-3-27 Public utility easement.

- (1) As used in this section:
 - (a) "Protected utility easement" means a recorded easement or right-of-way:
 - (i) for the use and installation of a utility facility; and
 - (ii) the ownership of which a gas corporation, electric corporation, or telephone corporation acquires and holds by any lawful means.
 - (b) "Public utility easement" means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.
- (2)
 - (a) A public utility easement provides a public utility with:
 - (i) the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and
 - (ii) the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents.
 - (b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or displaced from the exercise of the easement rights described in Subsection (2)(a).
- (3) Except as provided in Subsection (2)(b), if a property owner places improvements to land that interfere with the easement rights described in Subsection (2)(a), the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights described in Subsection (2)(a).
- (4)
 - (a) Except as provided in Subsection (4)(b), a public utility easement is nonexclusive and may be used by more than one public utility.
 - (b) Notwithstanding Subsection (4)(a), a public utility may not:
 - (i) interfere with any facility of another public utility within the public utility easement; or
 - (ii) infringe on the legally required distances of separation between public utility facilities required by federal, state, or local law.
- (5) A subdivision plat that includes a public utility easement may not be approved by a county or municipality unless the subdivider has provided the county or municipality proof that the subdivider has, as a courtesy, previously notified each public utility that is anticipated to provide service to the subdivision.
- (6) A person may not acquire, whether by adverse possession, prescription, acquiescence, or otherwise, any right, title, or interest in a public utility easement or protected utility easement that is adverse to or interferes with a public utility's full use of the easement for the purposes for which the easement was created.
- (7) A gas corporation's, electric corporation's, or telephone corporation's failure to possess, occupy, or use a protected utility easement does not diminish or extinguish any right that the gas corporation, electric corporation, or telephone corporation has under the easement.
- (8) Nothing in this section may be construed to affect the right of a condemnor to condemn a public utility easement as provided by law.

Amended by Chapter 245, 2009 General Session