

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



February 7, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, February 7, 2024** at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on Zoom. **For those who wish to attend virtually, please register in advance** for these meetings by visiting: www.ch.utah.gov/planningcommission, and clicking on “**Planning Commission Zoom Links.**” Alternatively, the public can also hear audio of the open portions of the meeting by connecting to the live broadcast at <https://www.youtube.com/@CottonwoodHeights/streams> or <http://mixlr.com/chmeetings>.

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The Commission will review and discuss agenda items.

2.0 Town Center Update

Staff will provide the Commission with a brief, high-level overview of the Cottonwood Heights Town Center project, including updates from recent Town Center Advisory Committee meetings, and a summary of next steps. More information can be found by visiting the project website at www.chtowncenter.com.

3.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the “Business Session” section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.

3.0 Business Items

- 3.1 Project ZTA-24-001

A public hearing and possible action on a city-initiated zoning text amendment to make administrative updates to portions of Title 12 and Title 19 of city code. The purpose of this text amendment is to clarify ambiguous definitions and procedures and rectify conflicting provisions as part of ongoing city code maintenance.

4.0 Adjourn

Next Planning Commission Meeting: March 6, 2024

Public Comment Policy

Verbal public comments are accepted during the “General Public Comment” component of the 6:00 p.m. Business Session (but not during the 5:00 p.m. Work Session). Please note that public comment periods are an opportunity for individuals to share public comments as they see fit but are not an opportunity for “question and answer” dialogue. Questions should be directed to city staff at planning@ch.utah.gov.

Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, written comments submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the Planning Commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, February 6, 2024, the day prior to the meeting. Comments received after this deadline will be distributed to the Planning Commission after the meeting.

Meeting Procedures

Items will generally be heard in the following order:

1. Commission Chair Introduces Item
2. Staff Presentation
3. Applicant Presentation (If applicable)
4. Commission Chair Opens Public Hearing (If item has been noticed for public hearing)
5. Commission Chair Closes Public Hearing
6. Planning Commission Deliberates
7. Planning Commission Motions and Votes on Item

Planning Commission applications may be tabled if:

1. Additional information is needed in order to act on the item; or
2. The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion.

No agenda item will begin after 9:00 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, February 2, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City’s website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 2ND DAY OF FEBRUARY, 2024

Attest: Paula Melgar, City Recorder



PLANNING COMMISSION MEMO

ZTA-24-001 – General City Code Maintenance

Meeting Date: February 7, 2024

Staff Contact: Samantha DeSeelhorst, Senior Planner

Request

This application represents a city-initiated request for a zoning text amendment to make minor updates to portions of Title 12 (Subdivisions) and Title 19 (Zoning) of city code.

The purpose of this text amendment is to clarify ambiguous definitions and procedures and rectify conflicting provisions as part of general city code maintenance.

Background & Overview

In an ongoing effort to provide a more accurate and user-friendly code, staff maintains an ongoing list of ambiguous, conflicting, or otherwise erroneous city code passages which require correction. Throughout the year, staff presents collections of these proposed edits to the Planning Commission and City Council for review and adoption.

Attached to this memo is a complete copy of the changes proposed in this current collection of edits, including staff narrative describing the background, purpose, and scope of each change.

Recommendation & Model Motions

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed changes.

Approval

I move that we forward a recommendation of approval to the City Council for project ZTA-24-001, based on the finding listed in the staff memo and attachments dated February 7, 2024.

- List any other findings or conditions for recommendation of approval...

Denial

I move that we forward a recommendation of denial to the City Council for project ZTA-24-001, based on the following findings...

- List findings for negative recommendation...

Attachments

1. Proposed Changes

Proposed Change #1 – Public Utility Easements

Public utility easements, or PUEs, are a standard component of subdivisions whereby an easement is provided along each lot's perimeter to serve as access area for public utilities. Although PUEs are commonplace in subdivision processes, city code does not currently list the required measurements for these easement areas. This proposed change codifies PUEs measurements within the Subdivision Ordinance to provide clarification for future projects. The measurements listed in this proposed change are typical of most subdivisions in Cottonwood Heights.

Title 12 – Subdivisions

12.20 Design Standards

12.20.060 – Public Utility Easements

All lots created through subdivision shall comply with the following standards for public utility easements. Unless expressly determined otherwise by the city or applicable utility agencies, all public utility easements shall comply with the following standards:

- A. Front Lot Lines: 10' Public Utility Easement
- B. Side Lot Lines (Interior): 7.5' Public Utility Easement
- C. Side Lot Lines (Street Adjacent): 10' Public Utility Easement
- D. Rear Lot Lines: 10' Public Utility Easement

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Proposed Change #2 – Monument Signs for Religious Institutions

Monument signage is typical to most non-residential uses, such as offices, retail establishments, academic institutions, and religious institutions. However, many religious institutions, including those in Cottonwood Heights, exist within residential zoning, which does not allow monument signage. This proposed edit clarifies that monument signage is allowed on site at churches, rectories, or temples, regardless of underlying zoning. In regard to allowed size, staff proposes that monument signage at religious institutions be limited to the smallest monument signage dimension that currently exists in city code – 4 ft. in height and 32 sq. ft. in size. Staff has also proposed several minor edits to the monument sign table (chart 19.82.03-01) to add missing zone information and clarify measurements.

Title 19

19.82 Signs

19.82.030 Monument Signs

1. Where permitted. A premises may display one monument sign on each street or highway on which it has frontage in the following zoning districts:
 1. NC zone
 2. CR zone
 3. O-R-D zone
 4. PF zone
 5. RO zone, subject to the provisions of Chapter 19.35
 6. MU zone, and
 - 6-7. At a church, rectory, or temple
2. Size, setback, and height regulations. Monument signs must comply with the size, setback, and height regulations contained in Chart 19.82.03-01.
3. Shopping centers. A shopping center may display one monument sign at each exit and entrance, subject to group monument sign requirements contained in Chart 19.82.030-01. Occupants within a shopping center may not display monument signs individually.
4. Public information signs. Notwithstanding anything in this chapter to the contrary, public information signs shall be constructed in accordance with monument sign standards.
5. Multi-use buildings. A multi-use building may have one monument sign facing each street or highway on which the building has frontage.

District or Use	Type of Sign	Signable Area Size	Max. Height of Sign (Includes Sign Pedestal)	Sign Setback
NC	Monument	36 sq. ft.	6 ft.	18 in.
CR	Monument	36 sq. ft.	6 ft.	18 in.
CR	Group Monument	96 sq. ft.	10 ft.	24 in.
RO	Monument	32 sq. ft.	4 ft.	36 in.
PF	Monument	36 sq. ft.	6 ft.	18 in.
PF	Group Monument	48 sq. ft.	6 ft.	18 in.
PF	PFEDS Monument	64 sq. ft.	8 ft.	36 in.
ORD	Monument	36 sq. ft.	6 ft.	18 in.
ORD	Group Monument	48 sq. ft.	6 ft.	18 in.
ORD – Office or Research Park	Monument	64 sq. ft.	8 ft.	24 in.
ORD – Office or Research Park	Group Monument	96 sq. ft.	10 ft.	24 in.
Church, Rectory, or Temple	Monument	32 sq. ft.	4 ft.	36 in.

Proposed Change #3 – Lighting for Recreation Facilities

When the Outdoor Lighting ordinance (§19.77) was passed in 2019 to combat nighttime light pollution, it contained an Exceptions section designed to address instances where specific uses and circumstances may need supplementary or different regulations than standard commercial and residential zone regulations. Because the section is titled “Exceptions,” some applicants have been under the impression that all items listed in the section are exempt from lighting regulations. Staff proposes renaming the section, clarifying the intent of the section, and clarifying that only public and commercial outdoor recreational facilities are included in this section.

Title 19

19.77 Outdoor Lighting

19.77.060 Supplementary Lighting Provisions~~Exceptions~~

~~Exceptions~~ Supplementary lighting provisions and standards to the lighting standards outlined in Section 19.77.030 are permitted for apply to land uses and light fixtures as identified in this section.

1. Signs. Signs are regulated by Chapter 19.82 – Signs.
2. Public and commercial outdoor athletic and recreational facilities. At the time of application, the applicant shall submit a plan prepared by a qualified lighting professional that certifies by signed, written statement that every reasonable effort has been undertaken to mitigate the effects of light on surrounding properties and the creation of skyglow. Public and commercial outdoor athletic and recreational facility lighting shall be shut-off by 11:00 pm with the exception of essential security lighting which shall be no more than 25% of the total light fixtures used.
3. Gasoline station and convenience store canopies. Gasoline station and convenience store canopies shall provide adequate lighting for customers, but lighting shall not be so intense as to be as an attention device for the business, as provided in this section.
 1. Light fixtures in the ceiling of a canopy shall be fully recessed in the canopy.
 2. Light fixtures shall not be mounted on the top or fascia of a canopy.
 3. The fascia of a canopy shall not be illuminated, except for approved signage.
 4. Areas around gasoline pump islands and under canopies shall have a minimum illumination at grade level between one and five and one-half foot-candles. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1).
4. Car-wash lighting. See Section 19.76.040(H).
5. Accent architectural lighting. Buildings light fixtures may illuminate a structure’s vertical surfaces and shall be directed downward. Up-lighting is prohibited, except for properties in the Public Facility (PF) zone, church buildings, publicly owned art, and flag poles for national, state and local government flags. Illumination of vertical surfaces shall not exceed an illumination of five foot-candles.
6. Flood lights. Full cutoff flood lights shall be angled provided that no light escapes above a 25 degree angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. All wall pack light fixtures shall be full cutoff light fixtures.

7. Swimming pool lighting. Underwater light fixtures are not regulated by this chapter.
8. Seasonal lighting. Temporary exterior lighting intended as holiday/seasonal decorations may be illuminated for up to 180 nonconsecutive days per year, provided that individual lamps do not cause unreasonable light trespass or glare as determined by the director.
9. Parking structure lighting. Interior lighting within parking structures shall be limited to ten foot-candles for parking areas, ramps and entrances. Stairways may be illuminated up to 20 foot-candles.
10. Public safety. Upon recommendation by the police or fire department, the illumination and kelvin thresholds may be exceeded in situations where the director finds that an increased level is crucial to public safety or law enforcement activities. In no case shall kelvin levels exceed 5,000.

Proposed Change #4 – Accessory Building Fixes

This change is designed to clean up miscellaneous conflicting information that pertains to accessory structures and detached garages.

City Code currently defines accessory buildings as being both possibly attached to or detached from primary structures. This has led to confusion, since all zones treat accessory buildings as totally detached from primary structure. Staff proposes clarifying that accessory buildings are always detached structures, along with other miscellaneous fixes that codify staff interpretations.

In accordance, staff also proposes changing the definition of a “private garage” to a detached garage, and removing a definition for an accessory dwelling above a detached garage that serves no use.

Title 19

19.04 Definitions

19.04.010 Accessory Building (Residential)

In a residential district, a subordinate building that is ~~attached or~~ detached and is used for a purpose that ~~does not exceed 70% of the floor area of the main structure,~~ is customarily incidental to the main structure, ~~but not involving and does not involve~~ the conduct of a business ~~(i.e., the building area must be significantly less than that of the main structure).~~ Examples include, without limitation, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children’s playhouse, storage building, garden shelter, etc.

19.04.020 Accessory Building (Business ~~Or~~ Industry)

In the nonresidential districts, a subordinate building to the main building that ~~is detached and~~ does not exceed the height of the main building, ~~and~~ does not exceed 50% of the floor area of the main building, and that is used for purposes accessory and incidental to the main use.

19.04.1080 Garage, ~~Detached~~Private

An enclosed (on at least three sides) accessory building, ~~or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called “enclosed parking space.” primarily meant to be used for storage of vehicles by the home occupant in residential zones.~~

19.04.1090 Garage/Accessory Dwelling

~~A residential dwelling unit attached to or over a garage but not attached to the main residential structure.~~

19.76 Supplementary and Qualifying Provisions

19.76.030 Structures, Bulk And Massing Requirements

1. Accessory buildings—Area of coverage and building area.
 1. No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.
 2. Accessory buildings shall not be constructed before the principal/main building is constructed.
 3. Minimum yard area requirements for accessory buildings are as follows:
 1. Unless otherwise expressly permitted in an underlying zone, No accessory building shall be located in a front, side, or corner side yard area of any lot, including a detached ADU.
 2. Except as otherwise provided in this title, no accessory building shall exceed 20 feet in height. Further, for every foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
 3. Except as otherwise provided in this title, the following setbacks from property lines shall apply, based on accessory structure height:
 1. Accessory building height up to 14 feet: Three foot setback;
 2. Accessory building height up to 15 feet: Four foot setback;
 3. Accessory building height up to 16 feet: Five foot setback;
 4. Accessory building height up to 17 feet: Six foot setback;
 5. Accessory building height up to 18 feet: Seven foot setback;
 6. Accessory building height up to 19 feet: Eight foot setback; and
 7. Accessory building height up to 20 feet: Nine foot setback;
 4. Any detached ADU shall maintain a setback of at least six feet from the main building in the rear yard of the property, and shall be subject to all primary structure setback standards for the zone in which it is located.
4. All buildings shall be separated by a minimum distance of six feet.

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Proposed Change #5 – Detached ADU Clarifications

Unlike other accessory buildings, Detached Accessory Dwelling Units (ADU) are subject to stricter setback standards. The code currently requires Detached ADUs to meet the same setback standards as primary structures (single-family residences) in residential zones, while also being located in the rear yard. Staff's proposed code updates clarify this further in the ADU chapter and in supplementary and qualifying provisions section for accessory building area regulations.

Title 19

19.75 Accessory Dwelling Units

19.75.050 Development Standards

1. The property's record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved ADU as such owner's permanent residence and at no time receive rent for the owner-occupied unit. An application for an ADU permit shall include evidence of owner occupancy in the form of the affidavit required by Section 19.75.060 and such other verification(s) as the city reasonably may require.
2. ADUs shall not be used as short-term rentals.
3. Only one ADU may be created per lot or property.
4. The design and size of the ADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new internal ADU is proposed in an existing home, the entire internal ADU shall be brought up to all minimum standards, as inspected and approved by city staff.
5. The installation of separate utility meters for an ADU is prohibited.
6. Each internal ADU shall require one off-street parking space in addition to required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for any property with an internal ADU. The additional required parking space shall not be located behind or in front one of the required parking spaces for the primary dwelling (i.e., tandem parking is prohibited).
7. Each detached ADU shall require two off-street parking spaces in addition to required parking for the primary dwelling unit. Creation of additional off-street parking spaces, excluding previously existing driveways, is prohibited in the front yard of the subject property. Additional required parking spaces for detached ADUs shall not be located behind or in front of one of the required parking spaces for the primary dwelling or the detached ADU (i.e., tandem parking is prohibited).
8. Any parking spaces contained within a garage or carport shall be replaced if an internal ADU is created within the garage or carport.
9. Each internal ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
10. An internal ADU may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended.
11. Detached ADUs shall be required to install fencing and/or a landscaping buffer to mitigate the impact of parking areas and ADU entrances from adjoining property owners. Fencing shall be a solid visual barrier and shall comply with applicable fencing requirements. Landscaping shall be

designed to obstruct visual impact from adjoining properties. In considering detached ADUs, the planning commission may require additional buffering requirements if it finds that such requirements will mitigate a perceived negative impact created by the ADU.

12. Detached ADUs shall be subject to the following additional development standards:
 1. Any detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures shall not be permitted as detached ADUs. The city's building official shall make the determination of whether or not a structure is permanent.
 2. Any detached ADU shall be located in the rear yard of a property and shall maintain a setback of at least six feet from the primary structure;
 - ~~2-3.~~ Any detached ADU shall be subject to primary structure side and rear setback standards for the zone in which it is located;
 - ~~3-4.~~ Any detached ADU shall meet all accessory building standards for height, lot coverage, rear-yard coverage, size, and any other applicable standards for the zone in which it is located;
 - ~~4-5.~~ Any detached ADU on a flag lot shall meet primary structure flag lot setback standards for the zone in which it is located; and
 - ~~5-6.~~ Conversion of existing accessory buildings to detached ADUs is only permitted if the structure meets or is modified to meet all current city standards and all applicable provisions of this chapter.

19.76 Supplementary and Qualifying Provisions

19.76.030 Structures, Bulk And Massing Requirements

1. Accessory buildings—Area of coverage and building area.
 1. No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.
 2. Accessory buildings shall not be constructed before the principal/main building is constructed.
 3. Minimum yard area requirements for accessory buildings are as follows:
 1. Unless otherwise expressly permitted in an underlying zone, No accessory building shall be located in a front, side, or corner side yard area of any lot, including a detached ADU.
 2. Except as otherwise provided in this title, no accessory building shall exceed 20 feet in height. Further, for every foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
 3. Except as otherwise provided in this title, the following setbacks from property lines shall apply, based on accessory structure height:
 1. Accessory building height up to 14 feet: Three foot setback;
 2. Accessory building height up to 15 feet: Four foot setback;
 3. Accessory building height up to 16 feet: Five foot setback;
 4. Accessory building height up to 17 feet: Six foot setback;
 5. Accessory building height up to 18 feet: Seven foot setback;
 6. Accessory building height up to 19 feet: Eight foot setback; and
 7. Accessory building height up to 20 feet: Nine foot setback;

4.4. Any detached ADU shall maintain a setback of at least six feet from the main building in the rear yard of the property, and shall be subject to all primary structure setback standards for the zone in which it is located.

4. All buildings shall be separated by a minimum distance of six feet.

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