

Ordinance 2-2019

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS CITY, UTAH

The River Heights City Planning Commission held a duly noticed public hearing on May 21, 2019, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

3-1-4: HOME OCCUPATION LICENSES

- A. Permitted Uses Requiring a Conditional Use Permit
1. . . . Impacts to the neighborhood will be evaluated in the following areas:
 - a. Employees: One or more who do not reside in the home but, report to the home for work purposes.

5-2-3: LICENSING

- A. Dog License Required:
1. All dogs must be licensed each year, except as otherwise provided herein, to a person eighteen (18) years of age or older. Any person owning, possessing or harboring any dog within the city shall obtain a license for such animal within thirty (30) days after the dog reaches the age of four (4) months, or within thirty (30) days of the acquisition of such dog or presence of such dog within the city. Initial and annual licensing requires completing the completion of a standard form, which requests name, address and phone number of the applicant, and the breed and gender of the animal, and whether it has been proof of animal being spayed or neutered, and proof of rabies vaccination. ~~The form also asks for pertinent information regarding rabies vaccinations. Annual renewals require the presentation of a valid rabies certificate of vaccination at the time of application for a license.~~ For a dog under the age of six (6) months, the city may accept certification from a licensed veterinarian that the owner has deposited funds for spaying or neutering. A spayed or neutered dog may be licensed at the reduced fee (refer to current fee schedule held at the City Office). Licenses are good for one year or until March 1 of the following year, whichever comes first ~~Said initial license shall be effective for one year until March 1 of the following year~~ and must be renewed annually thereafter. All annual applications are due March 1st. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation. (1-2015, 6-23-15)
 2. ~~License renewals must be submitted annually to the city. Proof of rabies vaccination and fees will be due March 1st and be considered delinquent March 2nd of each year. Late~~ All fees are due at the time of application. Applications submitted after March 1 (annual applications only) will be charged a late fee, per month for every month of delinquency. If dogs are not licensed, their owners will be in violation of the law and may be issued a citation plus a monthly late fee charged at the beginning of each month.

C. Licensing Exemptions:

2. The ~~fee~~ provisions of ~~subsection A2 of this section~~ 5-2-3:A.2. shall not apply to service dogs per 28 CFR Subpart B, Section 35.136. The City will verify whether the animal qualifies as a service animal by asking the following:
 - a. ~~Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.~~
 - b. ~~Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.~~
 - c. ~~Dogs especially trained to assist officials of government agencies in the performance of their duties and are owned by such agencies.~~
 - a. Is the animal required because of a disability?
 - b. What work or task has the animal been trained to perform?

5-2-4: KENNELS, PET SHOPS AND SIMILAR ESTABLISHMENTS

(See current 28 CFR Subpart B, Section 35.136 for exclusions.)

5-4-2: DEFINITIONS

- WEEDS: ~~Any vegetation commonly referred to as a weed, or vegetation designated as noxious by a Utah agent of the Department of Agriculture.~~
- A. All invasive grasses, annual plants, and vegetation, other than trees or shrubs as defined in Cache County Code, Title 8.28 and the Utah Noxious Weed Act. This term shall not include cultivated flowers and gardens or cultivated decorative grasses that are intended to exceed eight (8) inches and are properly maintained within a defined planting area.
 - B. Plants which injure or endanger the comfort, repose, health or safety of persons.
 - C. Plants which unlawfully interfere with, obstruct or tend to obstruct a canal, public park, square, street or highway, sidewalk or park strip.

5-4-3: MAINTENANCE OF PROPERTY

- B. Abatement of Weeds, Vegetation, and Deleterious Objects:
1. ~~Real Property to be Kept Clean. It shall be an infraction for any person owning or occupying real property to allow weeds to grow on such property or not to remove from property any cuttings of weeds or refuse, unsightly or deleterious objects after having been given notice from the Zoning Administrator.~~
 2. ~~Standards of Weed Control:~~
 - a. ~~The above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life, or are designated as noxious by the Utah Department of agriculture.~~
 - b. ~~Weeds shall be cut by the property owner within a period of 7-10 days after notification of violation.~~
1. The purpose of this weed ordinance and the enforcement thereof is to ensure that properties within the city are kept clean and maintained. Doing so helps to prevent fire hazards, insect and rodent harborages, prevents the induction of hazardous pollens in

the air, prevents vegetation from obstructing pathways, sidewalks, traffic view, and structures, and the buildup of plant waste that may affect public health, safety, and welfare.

2. Standards of Weed Control: Real property and park strips to be kept clean and weed free.

C. Determination of Weed Nuisance

The mayor or a designated city employee or designated agent may observe any yard, lot, park strip or other place to determine the existence of weeds as a nuisance as defined in this chapter.

D. Enforcement of Weed Control

The observation as described in 5-4-3:C. above shall constitute the facts upon which the city may base its corrective action. The city may:

1. Document the inspection with pictures and written description.
2. Send a copy of the pictures and written description along with the city code to inform the property owner of the violation of this section. The property owner will have fifteen (15) business days to have the nuisance corrected or have contacted the city with an explanation acceptable to the city indicating how and when the nuisance will be corrected.
3. Follow up with a letter from the city attorney addressing the code violation, if the property owner has not corrected the nuisance or contacted the city. The city also has the option of utilizing the county weed abatement department (Cache County Code, Chapter 8).
4. Prepare an itemized statement of all expenses incurred, should the city abate the nuisance. A copy thereof will be sent by registered mail to the owner, purchaser or occupier of the property with a payment due date of twenty (20) business days from the date of mailing.

10-2-1: DEFINITIONS

SHORT TERM VACATION RENTAL (STVR): A single-family dwelling, or any portion thereof, utilized as a business for lodging, or sleeping purposes, whereby, the owner hosts visitors in the owner's home, for compensation, for periods of twenty-eight (28) consecutive days or less. The owner must live on-site, in the home. A River Heights City Home Occupation License is required. STVRs shall comply with all ordinances within the zone.

10-4-1: ZONES ESTABLISHED

CP Commercial parking zone

10-5-3: SPECIAL PROVISIONS

F. The landscaping and maintenance of areas adjacent to the street surface shall be the responsibility of the adjacent property owner.

10-6-2: SPECIAL PROVISIONS (verbiage moved from 10-5-3)

Special provisions shall apply in this zone in order to protect its essential characteristics.

A. The space required around buildings and structures shall be kept free from junk, refuse and debris. (Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

- B. All buildings used for human occupancy shall be furnished with a public or private water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in this title.
- D. Front yards and side yards of all dwellings which front on public streets must be landscaped, except that up to twenty five percent (25%) of the front yard or side yard which faces on a public street may be devoted to driveways and off-street parking. (Ord., 1-22-2002)
- E. All park strips (the area between the property line and street that is not hardscape) adjacent to the front, side or rear yard of a lot shall be landscaped and maintained by the owner of the property immediately adjacent to the park strip. The landscaping and maintenance of the park strip shall be at the expense of the adjacent property owner. (Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)
- F. The landscaping and maintenance of areas adjacent to the street surface shall be the responsibility of the adjacent property owner.

10-8-4: SITE DEVELOPMENT STANDARDS

All parcels in the commercial zone shall comply with all applicable ordinances, the City Public Works Construction Specifications and with the following standards: . . .

10-8-4: SITE DEVELOPMENT STANDARDS (commercial zone)

- H. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-11-6: HISTORIC LANDMARK OVERLAY ZONE AT 594 South 400 East

G. Allowed Uses

20. Yoga, Aerobic and Dance Studio

H. Uses Not Permitted

~~1. Aerobic Studio, Dance Studio~~

22. Health, Exercise, Massage, Reducing Service

10-12-1: USE REGULATIONS

A. Land Use Chart, Table 1

Commercial and Retail Uses

82. Short Term Vacation Rental (STVR), Owner Occupied – “H” in A, R1, PUD, MU, C1

B. Zone Regulation Requirements (bump sections B and C down to become C and D)

- 1. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, ground mounted solar panels, swimming pool, commercial building, covering for a deck, patio or porch (see 10-3-4).
- 2. One application is required per structure and per person.
- 3. Public works director and zoning administrator will sign permit or respond to applicant within 10 working days.
- 4. Failure to comply with restrictive covenants (including any limiting conditions contained on a recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.

5. Applicant should consult Cache County Building Department to determine if a building permit is required.

10-12-34: FENCE REGULATIONS

10-14-4: PARKING LOT REQUIREMENTS

- F. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

10-15-6: LANDSCAPING RIGHTS-OF-WAY

- E. All park strips (the area between the property line and street that is not hardscape) adjacent to the front, side or rear yard of a lot shall be landscaped and maintained by the owner of the property immediately adjacent to the park strip. The landscaping and maintenance of the park strip shall be at the expense of the adjacent property owner. (Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)
- F. The landscaping and maintenance of areas adjacent to the street surface shall be the responsibility of the adjacent property owner.

10-15-7: STREET TREES (move current section E down to F)

- E. Maintenance of Trees Near Sidewalks and Streets: Pruning trees is required so that any overhang is at least seven (7) feet above the elevation of the adjoining sidewalk ~~or~~ and 10' above street to keep a clear view and not interfere with service vehicles.

10-22-8: DESIGN STANDARDS (commercial parking zone)

- E. Snow Storage: A snow storage plan is required and shall be noted on the final plat.

11-6-2: LOCAL MINIMUM STANDARDS AND SPECIFICATIONS

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be provided by the city engineer; standards for water distribution and sewage disposal facilities by the board of health; and similar standards for fire protection by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, county and state; provided, that such standards shall be approved by the city council. These standards, ~~in addition to the City Public Works Construction Specifications,~~ and the general standards listed below shall be used by all subdividers.

Adopted and effective this 28th day of May 2019.

Todd A. Rasmussen, Mayor

Attest:

Sheila Lind, Recorder