**ORDINANCE #­­­­24-09**

**AN ORDINANCE UPDATING THE HEIGHT DEFINITION**

**WHEREAS**, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

**WHEREAS**, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

**WHEREAS**, the Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY PLANNING COMMISSION AND TOWN COUNCIL THAT ORDINANCE #11A-200, DEFINITION, HEIGHT, BE UPDATED AS FOLLOWS:**

Height The vertical distance of a building measured from the elevation of the lowest floor to the highest point of the building, including any structures, equipment, or appurtenance located above the roof level. Exceptions for copula’s not to exceed 20 square feet, chimneys and church spires shall be determined by a Garden City Building Official. ~~In the event that a structure may surpass the height limitations as set forth in the Municipal Code due to topography then a contractor may determine height as set forth in 11A-200-62-a.~~

* 1. Before any soil is excavated or disturbed. The structure location is to be staked out and elevations determined. This is the responsibility of the Contractor and homeowner with the Building Inspector present. With the building inspector present, the average of those elevations shall then be transferred to a ~~corner lot~~ **grade** stake for final height reference. If this means of determining height is used, the ~~contractor~~ **Garden City Building Official** may determine height off the average elevation to the highest point of the structure excluding chimneys. If ~~the~~ **said** ~~corner lot~~ grade stake is disturbed any time throughout the building process, then the height of the structure shall be determined **by the Garden City Building Official.** ~~as set forth in~~ ~~11A-200-62~~.
  2. **The maximum height of a building or structure within a PUD/PRUD cannot exceed 35’, unless circumstances support the approval by the Planning Commission and Town Council at time of preliminary and final plat approval.**

**APPROVED AND ADOPTED** this 14th day of March 2024.

APPROVED: ATTEST:

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Mike Leonhardt, Mayor Cathie Rasmussen, Town Clerk

Voting: Aye Nye

Argyle \_\_\_\_ \_\_\_\_

Hansen \_\_\_\_ \_\_\_\_

Parry \_\_\_\_ \_\_\_\_

Menlove \_\_\_\_ \_\_\_\_

Leonhardt, Mayor \_\_\_\_ \_\_\_\_