

Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

| Type of Application (check all that apply): | Ordinance Reference: |
|---|---|
| <input type="checkbox"/> Annexation | 11A-301 |
| <input type="checkbox"/> Appeal | 11B-400 |
| <input type="checkbox"/> Conditional Use Permit | 11C-500 |
| <input type="checkbox"/> Condominium/Townhouse | 11E-524 or 11E-525 |
| <input type="checkbox"/> Encumbrance | |
| <input type="checkbox"/> Extension of Time | Subdivision 11E-503/PUD or PRUD 11F-107-A-2 |
| <input type="checkbox"/> Lot Split/Lot Line Adjustment | 11E-506 |
| <input type="checkbox"/> Plat Amendment (Subdivision) | |
| <input type="checkbox"/> PUD Development Plan | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PUD Phase Approval/Preliminary or Final | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PRUD Conceptual | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> PRUD Phase Approval/Preliminary or Final | 11C-1950, 11E-100, and 11F-100 |
| <input type="checkbox"/> Subdivision | 11E-100 |
| <input type="checkbox"/> Vacation of Subdivision | 11E-523 |
| <input type="checkbox"/> Variance | 11B-308 |
| <input type="checkbox"/> Water Transfer | 13A-1300 |
| <input checked="" type="checkbox"/> Zone Change | |
| <input type="checkbox"/> AEG Meeting, (Affected Entity Group) | |
| <input type="checkbox"/> Other Land Use Permit _____ | |

Project Name: Waters Edge PUD Current Zone: PUD Proposed Zone: C1 + Beach Develop.

Property Address: 50 S Bear Lake Blvd and east then south from 50 S to 150 S

Parcel # 41-21-100-0071, 0102, 0167, 0211, and 0308 parcel with underlying 0346, 0345
41 21 400 0071 + 0302 + 0067 + 0211 + 0306 (parent parcel
 Contact Person: Teri Eynon Phone #: 208-847-5263 of 0345 + 0346

E-mail address: teribearlake@gmail.com

Mailing Address: PO Box 87 Garden City, UT 84028

Applicant (if different): Norm Mecham Phone #: 435-757-6278

Mailing Address: nmecham@bearlake.com

Property Owner of Record (if different): The Lodge at Bear Lake, LLC Phone #: 435-946-3500

Mailing Address: PO Box 361 Garden City, UT 84028

Project Start date: 3/1/2024 Completion date: 4/1/2024

Describe the proposed project as it should be presented to the hearing body and in the public notices.

Revert the zoning from Waters Edge PUD back to the underlying zone of C1.

Lot Size in acres or square feet: 7.952 Number of dwellings or lots: NA

Non-residential building size: NA

I certify that the information contained in this application and supporting materials is correct and accurate. I have read and understand the requirements and deadlines associated with this application.

Meri Eynon
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

[Signature]
Signature of Owner of Record

Signature of Owner of Record

Signature of Owner of Record

| |
|----------------------|
| Office Use Only |
| Date Received: _____ |
| Fee: _____ |
| By: _____ |

DRAFT

RESOLUTION #R24-01

DRAFT

A RESOLUTION UPDATING THE MILEAGE REIMBURSEMENT AMOUNT FOR THE TOWN OF GARDEN CITY

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

WHEREAS, the Garden City Town Council has determined that at times there is a need for town business to be conducted using personal vehicles and the ordinances allow for reimbursement for the use of personal vehicles while doing town business; and

WHEREAS, The Garden City Town Council has determined that an appropriate mileage reimbursement must be established.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Garden City, County of Rich, State of Utah that an appropriate mileage reimbursement be updated as follows;

Mileage reimbursement for a private vehicle will be ~~at the Rate of 58 cents per mile.~~ **reimbursed at the current rate of the Utah Administrative Code reimbursement for travel.**

APPROVED: This resolution will become effective immediately upon approval of the Garden City Town Council.

Dated this 14th day of March, 2024.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Council Members Voting:

| | Aye | Nay |
|------------------|-----|-----|
| Argyle | ___ | ___ |
| Hansen | ___ | ___ |
| Menlove | ___ | ___ |
| Parry | ___ | ___ |
| Leonhardt, Mayor | ___ | ___ |

24-07

ORDINANCE NO. 23-27

AN ORDINANCE UPDATING THE BUILDING PERMIT ORDINANCE

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 regulate building and construction in the Town of Garden City; and

WHEREAS, the Garden City Town Council shall manage and the process of permitting building and oversee the construction and related work performed within the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GARDEN CITY TOWN COUNCIL THAT ORDINANCE #11H-101 SHALL BE UPDATED AS FOLLOWS:

CHAPTER 11H-101 Building Permit Required. The construction alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with except after the issuance of a written permit for the same by the building inspector. Nonstructural repair and maintenance of a structure will not require a permit.

- A. Before any work is initiated, a building permit must be obtained through the Garden City Building Department.** Building permits issued by the Town of Garden City are **valid** for (18) months from application date.
- 1. Building permit placards must be posted near the construction area, on the owner's property, and visible from the nearest road.**
 - 2. Fines for not posting a building permit placard will be set by resolution.**
- B. Building Permits may be extended prior to their expiration date with approval of the building official and payment of a renewal fee.** ~~Expired building permits may be reinstated by applying with the Town of Garden City and paying a fee. Fee will be set by resolution~~ Building permits that have not expired may be extended for six (6) months by applying for an extension (refer to **International Building Code 105.5**) with the Town of Garden City and paying a fee. Fee will be set by resolution.
- 1. A permit that has expired for 30 days or less may still be renewed along with a citation set forth by the Garden City Infraction Schedule.**

2. A building permit deposit that is refunded during the 30-day grace period will be reduced by 25%.
3. If a permit expires beyond the 30-day grace period, the permit will be null and void, and the permit deposit will be forfeited. A new permit must be applied for that will require payment of deposit, building permit fees, inspection and review fees, and other related charges to issuing a new permit.
4. Citations may be issued based on the Garden City Infraction Schedule for building with an expired permit, or without an active building permit.
5. Building Permit deposits will only be refunded on valid building permits, or those that fall within the 30-day grace period. (See B.1)
6. Building Permit deposits will not be refunded if a permit has, at any time, expired 30 days or more, prior to receiving a Certificate of Occupancy.
7. Refunds will not be issued if there are Garden City Code violations relating to the permitted address before a Certificate of Occupancy is issued.

C. The building inspection schedule must be followed and approved by the Garden City Building Inspector. Working beyond the inspected/approved scope of work will lead to fines set forth by the Garden City Infraction Schedule including the possible loss of the building permit deposit.

~~D-E.~~ Exterior construction requiring a Building Permit will also require construction fencing, minimum of 3 feet high, around the property to contain construction and other materials on the construction site. (Reference Garden City Code 9-400)

E. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed in violation and shall **may be reported to the State Inspector. ~~D. Building without an active permit will be subject to Town of Garden City Administrative Code and Town of Garden City Administrative Code Infraction Fine Schedule. See Garden City Code 8-400 Building Regulations.~~**

F. The Town Council of Garden City shall adopt the current Building Codes adopted by the State of Utah.

G. Any amendments to the above codes adopted by the Utah State Division of Occupational and Professional Licensing in accordance with Utah Code 58-56-4 are also adopted for the Town of Garden City.

APPROVED AND ADOPTED this 14th day of December 2023.

APPROVAL:

Attest:

Michael Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting | Aye | Nay |
|------------------|-----|-----|
| Argyle | ___ | ___ |
| Hansen | ___ | ___ |
| Menlove | ___ | ___ |
| Parry | ___ | ___ |
| Leonhardt, Mayor | ___ | ___ |

ORDINANCE #24-08

AN ORDINANCE UPDATING REQUIREMENTS FOR A PUD/PRUD

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 #11C-1953 AND #11C-1954, BE UPDATED AS FOLLOWS:

CHAPTER 11C-1950 Planned Unit Development/Planned Residential Unit Development

11C-1951 Purpose. To encourage and enable mixed use and residential developments as described in section 11F-101 A and B.

11C-1952 5-Acre Minimum Size

11C-1953 Requirements for a Planned Unit Development or Planned Residential Unit Development. The following list of requirements for a Planned Unit Development or Planned Residential Unit Development (PUD/PRUD) are negotiable during the PUD/PRUD approval process **and must be approved on the final plat by the Planning Commission and Town Council at the time of preliminary and final plat approval:**

- A. Building Setbacks and yard requirements;
 - 1. Minimum setbacks are determined by the Fire Code requirements.
- B. Parking requirements;
 - 1. Parking dimensions are stipulated by ordinance.
- C. Internal traffic circulation;
- D. Screening or fencing;
- E. Landscaped areas;
- F. Signs and lighting;
- G. Commercial area;
- H. Open spaces;
 - 1. Passive open spaces
 - 2. Active Open Spaces;
 - a. Parks with playgrounds

- b. Swimming pools
- c. Tennis courts
- d. Open fields (grass maintained)
- e. Trails
- f. Other areas as recommended by developer.

~~11C-1954 Height. The Height of a building or structure within a PUD/PRUD cannot exceed 35' and cannot be negotiated. See Ordinance #11A-200, definitions, height subsection b.~~

11C-1955 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

APPROVED AND ADOPTED this 14th day of March 2024.

APPROVED:

ATTEST:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting: | Aye | Nye |
|------------------|-------|-------|
| Argyle | _____ | _____ |
| Hansen | _____ | _____ |
| Parry | _____ | _____ |
| Menlove | _____ | _____ |
| Leonhardt, Mayor | _____ | _____ |

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.~~

- a. 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 measured from the lowest point of the structure.** ~~be determined by the Garden City Building Official.~~ as set forth in 11A-200-62.
- b. **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:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting: | Aye | Nye |
|------------------|-------|-------|
| Argyle | _____ | _____ |
| Hansen | _____ | _____ |
| Parry | _____ | _____ |
| Menlove | _____ | _____ |
| Leonhardt, Mayor | _____ | _____ |

DRAFT

ORDINANCE #24-10

AN ORDINANCE UPDATING CONDITIONAL USES IN COMMERCIAL ZONES

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 #11C-1500 - #11C-1504, BE UPDATED AS FOLLOWS:

CHAPTER 11C-1500 C Commercial Zone

| Area | | Minimum Setbacks (in feet) | | |
|----------|---------------------|---|---------------|---------------|
| District | Area in Square Feet | Front (Side facing road) | Side | Rear |
| C1 | Minimum of 6000 ft. | 20 Feet | Ten (10) Feet | Ten (10) Feet |
| C2 | Minimum of 6000 ft. | 20 Feet | Ten (10) Feet | Ten (10) Feet |
| C3 | Minimum of 6000 ft. | 20 Feet (unless being used for residential purpose; if being used for a residential purpose, it must meet appropriate setbacks for a single family residential zone-R1) | Ten (10) Feet | Ten (10) Feet |
| C4 | Minimum of 6000 ft. | 20 Feet | Ten (10) Feet | Ten (10) Feet |

Lots under 7500 sq. ft. cannot be split

11C-1501 Purpose. To provide areas for community retail and service activities in locations convenient to serve the residents and is compatible to the tourism industry and to protect surrounding residential property.

11C-1502 C1 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, pool halls and miniature golf course.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7. A single-family residence and/or employee housing as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park
5. Stand Alone Accessory Building (Can be no closer than 300' to Hwy 89, SR 30 or 300 West)
6. ~~Storage Structure (Can be no closer than 300' to Hwy 89, SR 30 or 300 West)~~
7. Bed & Breakfast/Inn
8. Boarding House
9. Lodging House
10. Construction/labor/service showrooms, provided all uses shall be within an enclosed building.

C. Non-Listed Uses see Ordinance #11C-1005.

11C-1503 C2 Zone.

A. Permitted Uses.

1. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
2. Commercial landscaping buildings
3. Storage sheds (Can be no closer than 300' to Hwy 89, SR 30 or 300 West)
4. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
5. Small scale manufacturing provided, all uses shall be within an enclosed building.
6. Lumber yard, provided all uses shall be within an enclosed building.
8. A single-family residence and/or employee housing as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile service stations for garages for repair of vehicles
2. Farmer's & Artisan's Market
3. RV Park
4. Stand Alone Accessory Building(Can be no closer than 300' to Hwy 89, SR 30 or 300 West)
- ~~5. Storage Structure (Can be no closer than 300' to Hwy 89, SR 30 or 300 West)~~
6. Commercial parking lots

C. Non-Listed Uses see Ordinance #11C-1005

11C-1504 C3 Zone.

A. Permitted Uses.

1. All uses for C1 Commercial Zone may be applied to C3 Commercial Zone.
2. None of the permitted uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
3. Owners of C3 Zone properties may choose to use them for either single-family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.
 - a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to install a privacy fence up to 8 feet between the two properties.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to install a privacy fence, up to eight feet (8'), between the two properties.

B. Conditional Uses.

1. Farmer's & Artisan's Market
2. RV Park

3. Church
4. Storage Sheds (Can be no closer than 300' to Hwy 89, SR30 or 300 West)
5. Stand Alone Accessory Building (Can be no closer than 300' to Hwy 89, SR30 or 300 West)
6. ~~Storage Structure (Can be no closer than 300' to Hwy 89, SR 30 or 300 West)~~
7. Commercial Parking Lots
8. Bed & Breakfast/Inn
9. Boarding House
10. Lodging House

C. Non-Listed Uses see Ordinance #11C-1005.

11C – 1505 C4 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing Services such as banks, business offices, and other financial Institutions, hair salons, barbers, medical and dental offices, art galleries And similar enterprises provided that all uses can be conducted within the buildings.
2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7. a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to install a privacy fence up to 8 feet between the two properties.

b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to install a privacy fence, up to eight feet (8'), between the two properties.

Owners of C4 Zone properties may choose to use them for either single family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park
5. Sexually Oriented Business
6. Kennels
7. Stand Alone Accessory Building (Can be no closer than 300' to Hwy 89, SR30 or 300 West)
8. ~~Storage Structure (Can be no closer than 300' to Hwy 89, SR30 or 300 West)~~

C. Non-Listed Uses see Ordinance #11C-1005.

11C-1506 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1507 Area, Width, and Setback Regulations. See above table.

11C-1508 Landscaping and Front Elevations. For the beautification of Garden City, it is required that a landscaping plan, for the entire 10-foot front setback in C2 and 20-foot setback in C1 and C3 zone, be submitted and approved by the Planning Commission along with the front elevations of all buildings.

11C-1509 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all commercial buildings and any structure along Paradise Parkway within the commercial zones will be required to meet certain architectural standards. All commercial buildings and any structure along

Paradise Parkway within the commercial zones, shall have an outer appearance that is consistent with surrounding structures. All commercial buildings and any structure along Paradise Parkway shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. To maintain a consistent aesthetically pleasing look in the town, the street facing exterior wall shall have a minimum of 25% stone or brick. Other materials for exterior walls or 25% decorative exterior may be approved by the Planning Commission. All materials are to have an earth tone color in nature and appearance, per palette as set by resolution. Architecture elevations must be reviewed and approved by the Planning Commission.

APPROVED AND ADOPTED this 14th day of March 2024.

APPROVED:

ATTEST:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting: | Aye | Nye |
|------------------|-------|-------|
| Argyle | _____ | _____ |
| Hansen | _____ | _____ |
| Parry | _____ | _____ |
| Menlove | _____ | _____ |
| Leonhardt, Mayor | _____ | _____ |

ORDINANCE #24-11

AN ORDINANCE ADDING STORAGE SHED TO DEFINITIONS

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, DEFINITIONS, BE UPDATED TO ADD STORAGE SHED TO DEFINITIONS:

Storage Shed any accessory structure, either freestanding or attached to another structure, that is not classified for human habitation or occupancy, and is intended as per its original design and construction to be primarily used to store personal property.

APPROVED AND ADOPTED this 14th day of March 2024.

APPROVED:

ATTEST:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting: | Aye | Nye |
|------------------|-------|-------|
| Argyle | _____ | _____ |
| Hansen | _____ | _____ |
| Parry | _____ | _____ |
| Menlove | _____ | _____ |
| Leonhardt, Mayor | _____ | _____ |

ORDINANCE #24-12

AN ORDINANCE UPDATING PUD/PRUD DEVELOPMENT PLAN REQUIREMENTS

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 #11F-102, BE UPDATED AS FOLLOWS:

11F- 102 PUD/PRUD Development Plan Requirements. Any developer wishing to develop a planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner and shall comply with all applicable zoning regulations

A. Requirements

1. Clearly define the area(s) which will be included in each phase.
2. The aggregate area of all buildings proposed shall not exceed thirty percent (30%) of the entire lot area of the development.
3. Any use listed as a permitted or conditional use in the Garden City land use ordinances may be approved in any Planned Unit Development Zone if such use by location, characteristic or design is deemed compatible with the character of the area in which the development is proposed and is consistent with the policies and goals set forth in the Town's General Plan.
4. The concessions and retail services shall be located and designed to be consistent with the character of the development, having the same outside appearance as the other structures in the development.
5. Around the boundaries of the development, building height, architecture and coverage shall be arranged to enhance the viability and attractiveness

of adjacent land uses. **For height requirements refer to ordinance 11A-200, definition, height subsection b.** ~~The height requirements shall not exceed 35' except in the Beach Development Zone where the height shall not exceed 25'.~~ The yard and height requirements of the adjacent zone shall be required on the immediate periphery, and throughout the entire development.

6. Commercial uses shall be restricted to those structures approved for commercial use in the development plan.
7. All setback, yard, and area requirements shall be determined by the Planning Commission.
8. Where a PUD or PRUD adjoins any lot in any zone, there may be required along such property lines a fence and/or planting strip as determined by the Planning Commission.
9. If developer is phasing within the development, (Look at definition 11A-200 Stand Along (Phasing), each phase shall stand alone.

APPROVED AND ADOPTED this 14th day of March 2024.

APPROVED:

ATTEST:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

| Voting: | Aye | Nye |
|------------------|-------|-------|
| Argyle | _____ | _____ |
| Hansen | _____ | _____ |
| Parry | _____ | _____ |
| Menlove | _____ | _____ |
| Leonhardt, Mayor | _____ | _____ |

DRAFT

RESOLUTION #R24-01

DRAFT

A RESOLUTION UPDATING THE MILEAGE REIMBURSEMENT AMOUNT FOR THE TOWN OF GARDEN CITY

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

WHEREAS, the Garden City Town Council has determined that at times there is a need for town business to be conducted using personal vehicles and the ordinances allow for reimbursement for the use of personal vehicles while doing town business; and

WHEREAS, The Garden City Town Council has determined that an appropriate mileage reimbursement must be established.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Garden City, County of Rich, State of Utah that an appropriate mileage reimbursement be updated as follows;

Mileage reimbursement for a private vehicle will be ~~at the Rate of 58 cents per mile.~~ **reimbursed at the current rate of the Utah Administrative Code reimbursement for travel.**

APPROVED: This resolution will become effective immediately upon approval of the Garden City Town Council.

Dated this 14th day of March, 2024.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Council Members Voting:

| | Aye | Nay |
|------------------|-----|-----|
| Argyle | ___ | ___ |
| Hansen | ___ | ___ |
| Menlove | ___ | ___ |
| Parry | ___ | ___ |
| Leonhardt, Mayor | ___ | ___ |

Adopted 12 January 2023

Town of Garden City, Utah

**POLICY STATEMENT:
ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS**

This policy statement addresses the criteria under which the Town of Garden City, Utah (the “Town”) will consider applications for proposed Public Infrastructure Districts (the “District”). Compliance with these criteria shall not obligate the Town to approve formation of the District. The Governing Document will be subject to approval by the Town in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The policy statement has three sections:

- 1. Process for applying including fees charged**
- 2. The Town’s decision-making criteria**
- 3. Governing Document requirements**

I. Process and Fees

Any proposed Public Infrastructure District will be considered in relation to the best interests of the Town. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the Town.

A. Petition and Letter of intent to form a Public Infrastructure District

The applicant shall submit to the mayor (1) a petition meeting the requirements outlined in Utah Code Title 17D, Chapter 4, Part 2 and (2) a letter of intent containing the following information in summary form. The petition and letter will be used by the mayor to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. The petition shall also be submitted concurrently with the recorder of the Town for certification pursuant to Title 17D.

Letter of Intent contents:

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;
3. Summary of needed infrastructure, services and facilities:

- a. Currently expected development scenario;
- b. Required local and regional infrastructure and facilities for such development;
- c. Regional and local infrastructure the proposed District is to provide;
- d. Estimated construction costs for the proposed District improvements;
- e. General description of phasing of construction based on development projections;
- f. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
- g. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area.

4. Proposed timeline for District creation.

5. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.

6. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Town.

7. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Town and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document.

B. Review Process

1. The Mayor, utilizing whatever resources or staff he/she determines appropriate, shall review the Letter of Intent and determine if the Letter of Intent should be brought to the Town Council for consideration.
2. At a regularly scheduled meeting, the Town Council will review the Letter and determine whether or not to allow the applicant to develop and submit a PID Governing Document.

C. Governing Document

1. If the concept for the District as contained in the letter of intent is approved, the Town staff will work jointly with applicant and legal and financial advisors to submit a draft Governing Document to the Town's Office.

2. The draft Governing Document will be reviewed by the Mayor for compliance with the criteria and requirements contained herein. The Mayor may discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
3. The final Governing Document will be forwarded to the Town Council for action through the standard City and statutory processes.

D. Fees

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to [City] and sent to the Town Clerk's Office.

1. Letter of Intent: A Letter of Intent is to be submitted to the Town Clerk's Office and a \$2,000 retainer shall be paid at the time of submittal of the Letter to cover the cost of staff review.
2. If the applicant proceeds to the submittal of a Governing Document the applicant shall be required to pay actual costs of the Town in connection with the review and negotiation of the Governing Document. The Town may request an additional retainer at such time.
3. Other Expenses: The applicant for a District shall pay all reasonable consultant, legal, financial advisor, and other fees and expenses incurred by the Town in the process of reviewing the draft Governing Document prior to adoption and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses. The Town may request an additional retainer to cover such costs.

II. Criteria for Evaluating Proposed Public Infrastructure Districts *and Governing Documents*

A. Public Benefit

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with the Creating Entities policy goals. Components of public benefit to be considered shall include the following:

1. Resulting development that is in conformance with the Town Comprehensive Master Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure, including possible infrastructure improvements outside the PID District;
3. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, and formation of and participation in transportation management programs;
4. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, and civic amenities;

5. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design;

6. Preservation or creation of open space, parks, trails, or other outdoor public amenities; and

7. Commercial and/or industrial development that will provide employment opportunities, retail, dining, entertainment, and consumer services.

B. Evaluation Criteria

These criteria provide thresholds for consideration. Compliance with all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing districts must be addressed in the Governing Document.
2. A District planning to levy more than .008 mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document. This public benefit may include City infrastructure improvement, transportation/roads improvements, additional public trails, etc.

C. Evaluation of Applicant

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Town);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the Town; and
4. The regional, economic development, or overall benefits to the Town from the proposed plan of finance.

D. Proposal Evaluation

1. Each item in A (7 items), B (3-items) and C (4 items) above must be addressed in writing for the application to be considered for approval.

III. Governing Document Requirements

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Town, as well as the considerations that compelled the Town to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.

A. District Description

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history within the proposed district boundaries, and proposed development scenario (land uses by type and intensity and general urban design character).
2. Description of the public benefit resulting from the creation of the District and its undertakings.
3. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area.
4. Explanation of the relationship, if any, between the District and any other public infrastructure districts with overlapping boundaries. If more than one district is proposed to be created within an inclusion area, describe how ultimate district boundaries will be determined.
5. Estimated construction costs of such infrastructure.
6. General description of phasing of construction based on development projections and phasing.
7. Provide the following financial plan information:
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of this Governing Document;
 - c. Comparison of the mill levies of similar taxing entities in the area;
 - d. Proposed operating budgets for the District's first three years of existence; and
 - e. Any other forms of public financing and assistance being sought, including assessment areas.
8. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
9. Description of any proposed divisions and an inclusion/exclusion process as appropriate.

10. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

B. Requirements and Expectations

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. All bonds shall have a maximum term and termination date.
4. Land, easements or improvements to be conveyed or dedicated to the Town and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Town.
5. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.
6. The District shall not pledge as security any land, assets, or funds to be transferred to the Town.
7. The District shall be subject to City zoning, subdivision, building codes, and all other applicable City ordinances and regulations. Approval of the Governing Document shall not bind the Town to approve other matters which the District or developer may request.
8. The District shall pay all fees and expenses as provided in the Governing Document.
9. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof, any end user for the costs of Improvements.
10. The District shall be subject to State of Utah's procurement statutes and regulations or alternatively require all construction project bids paid for or reimbursed by the PID to be reviewed by a third-party engineer prior to construction and at the time of pricing for the reasonableness of specifications and price. At a minimum, the acquisition of completed or partially completed improvements shall be for fair market value, as reasonably determined by a surveyor or engineer employed or selected by the Town, the reasonable costs of which shall be reimbursed by applicant. If there shall be any disputes regarding the reasonableness of such price or bids, such disputes shall be settled by the estimated price or bid as determined by an engineer selected by the Town and the applicant or third-party engineer referenced above.
11. Any requests to reimburse the Developer will be subject to a surveyor or engineer employed or selected by the Town review to ensure the request is within the scope of the PID's bonds, complies the governing document, and that the expense was incurred according to the State of Utah's competitive procurement rules or in accordance with U.C.A. 17D-4-203. Governing

documents shall specify remedies for material violations uncovered by an audit, including that the District shall not the release certain funds until violations are cured.

12. To ensure that development of a property tax base keeps pace with debt obligations, governing document shall provide for milestones in the construction of residential and commercial properties (in the form of number of dwelling units and amount of square footage, respectively, or some other metric as set forth in the governing document), completion of which shall be conditions on the District's issuance of any additional bonds.
13. The Governing document shall provide a sunset clause to address dissolution of the District upon completion of infrastructure buildout and paying off all bonds used to finance the infrastructure or in the event that the PID does not issue any bonds. Such clauses shall make reference to statutorily prescribed dissolution procedures set forth in the Utah Code Title for Limited Purpose Local Government Entities - Local Districts and any such dissolution procedures that would be carried out accordingly. The clause may address dissolution prior to any levy of taxes and issuance of bonds for occurrences and conditions outside of the control of the Developer, such as recessions, economic and market conditions, and acts of God; once taxes have been levied and bonds issued, there shall be no dissolution of the PID except as prescribed under U.C.A. 17B-1-1301 et seq.
14. Bonds may not be purchased by parties who have a material conflict of interest related to the ownership of the property within the District.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder and send a copy of the recorded notice to the Mayor:
 - a. Containing a description of the boundaries of the District;
 - b. Stating that a copy of the Governing Document is on file at the office of the Town;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy;
 - e. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, a primary residence valued at \$[insert average anticipated residential property value] would have an additional annual property tax of \$_____ for the duration of the District's Bonds. A secondary residence

valued at \$(insert average anticipated secondary residence property value) would have an additional annual property tax of \$_____ for the duration of the District's bonds. A business property valued at \$[insert average anticipated commercial property value] would have an additional annual property tax of \$_____ for the duration of the District's Bonds."; and

- f. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
 - a. All of the information required under C.1. above;
 - b. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
 3. At least annually following the formation of the District, the District shall notify (by mail or e-mail, and posting to the District's website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and contact information of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by the Town as described below.
 4. The District shall provide the following information to the Town Clerk's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
 - a. Annual District budget;
 - b. Annual financial report or audit of the District, as applicable under relevant statutory provisions;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;
 - d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - f. List of current interlocal agreements, if changed (to be delivered to the Town upon request);

- g. List of all current contracts for services or construction (to be delivered to the Town upon request);
- h. Official statements of current outstanding bonded indebtedness, if not previously received by the Town;
- i. Current approved Governing Document, if changed; and
- j. District Office contact information. (Another way to provide Notice to the Town's elected officials and residents of the community.)

k. Municipal Advisor and copies of certifications.

5. The following shall be considered significant changes to the Governing Document, thereby requiring approval by the Town:

- a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
- b. Change in the maximum mill levy;
- c. Consolidation with any other district; and
- d. Change in the dissolution date. (Additional reporting and notice to the Town.)

Submittal Instructions

All letters of intent, draft Governing Documents, annual financial information, and additional documents and requested information should be submitted to the Town Clerk's Office:

Garden City, Utah
Attn: Town Clerk
69 North Paradise Parkway, BLDG. B
PO BOX 207
Garden City, UT 84028
435-946-2901