

ORDINANCE #15-01

AN ORDINANCE STATING SHORT TERM RENTALS ARE ALLOWED IN ALL ZONES
UNLESS THE HOMEOWNERS ASSOCIATIONS PROHIBIT RENTALS

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

WHEREAS, the Town of Garden City must have ordinances that are fair and equitable to every property owner in the Garden City Town limits; and

WHEREAS, the Garden City Town Council and Planning Commission desire to establish fair and equitable regulations and procedures for all developers to protect the public health, safety and convenience, and welfare of the town; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that Ordinance #8-603 Requirements for Application be changed as follows:

TITLE 8-100 Provisions Relating to the Licensing, Control and Regulations of Businesses and Short Term Rentals.

CHAPTER 8-603 Requirements for Application: Short-term rentals shall be allowed in all zones except where Homeowner's Associations do not allow them. Homeowner's Associations must provide the city with a letter stating they do not allow Short-term rentals in their subdivisions along with a copy of their CCR's showing that they are clearly prohibited.

The following information and documentation shall accompany the application and be provided to the Clerk:

- A. Completed Application.
- B. Proof of Ownership for each unit.
- C. Site Plan drawn to scale for each unit, including the parking area with each parking space mapped out.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____, 2015.

APPROVED:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Recorder

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | — | — |
| Pugmire | — | — |
| Stocking | — | — |
| Warner | — | — |
| Spuhler, Mayor | — | — |

ORDINANCE #15-02

AN ORDINANCE STATING THAT ALL BUILDINGS CANNOT EXCEED THE HEIGHT OF THAT ZONE

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

WHEREAS, the Town of Garden City must have ordinances that are fair and equitable to every property owner in the Garden City Town limits; and

WHEREAS, the Garden City Town Council and Planning Commission desire to establish fair and equitable regulations and procedures for all developers to protect the public health, safety and convenience, and welfare of the town; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that Ordinance #11E-526 - F be changed as follows:

11E-526 Special Improvement Provisions.

F. Building Height – No building or structure shall exceed ~~thirty-five feet.~~ **The height the zone allows.**

~~Nonetheless the Commission may recommend waiver or deferral of the maximum Height and the Council may grant additional height (building height waivers shall consider impacts upon view corridors and ridgeline views) above the overall allowable height for projects which may include but are not limited to:~~

- ~~1. Guarantee the use, rental prices, or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Garden City Moderate Housing Authority and/or the Town Council. Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost, or resale cost thereof, or~~
- ~~2. Provide dedicated infrastructure for police protection, fire protection and/or medical services.~~
- ~~3. The creation of a sewer and/or water district, which includes the PUD.~~
- ~~4. The creation of a grant program to offset increased property taxes to the financially underserved populations.~~
- ~~5. Voluntary contribution of land or improved roads or monetary contributions upon approval of the Town council.~~

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____, 2015.

APPROVED:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Recorder

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | — | — |
| Pugmire | — | — |
| Stocking | — | — |
| Warner | — | — |
| Spuhler, Mayor | — | — |

ORDINANCE 15-03
AN ORDINANCE UPDATING HEIGHT & PHASING IN 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 Town of Garden City must have ordinances that are fair and equitable to every property owner and developer who wishes to develop in the Garden City Town limits; and

NOW THEREFORE, the Garden City Town Council and Planning Commission desire to establish fair and equitable regulations and procedures for all developers to protect the public health, safety and convenience, and welfare of the town.

TITLE 11 – LAND USE

CHAPTER 11F-100 Planned Unit Development PUD/Planned Residential Unit Development PRUD

11F-101 Intent In order to encourage and enable mixed use developments, applicants may apply for a site to be designated as a Planned Unit Development or a Planned Residential Unit Development.

- A. A Planned Unit development (PUD) is a development of a discrete tract of land for mixed uses which provides for residential living, commercial ventures, accentuating useable open space, recreational uses and public easements.
- B. A Planned Residential Unit development (PRUD) is a development of a discrete tract of land which provides for residential living, accentuating useable open space, recreational uses and public easements.

PUD's and PRUD's must be re-zoned to the PUD Zone and meet the requirement set forth therein.

All PUD's and PRUD's must be in conformance with and promote the purposes and goals of the General Plan and other applicable ordinances of the Town and not be in conflict with the public interest.

Before any changes are made i.e. Commercial development, lot split, or lot line adjustment, all property needs to conform to city ordinances.

11F-102-A-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. **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.

11F-102-A-9

9. If Developer is phasing within the development, (Look at definition 11A-200 Stand Alone (Phasing), each phase shall stand alone.

11F-103-B-10

10. The developer shall show the proposed height as stipulated in 11A-200 – Height.

APPROVED: by the Garden City Town Council, Garden City, Rich County, State of Utah, this
_____ 2015.

APPROVED:

John Spuhler, Mayor

ATTEST:

Kathy Hislop, Town Recorder

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | ___ | ___ |
| Pugmire | ___ | ___ |
| Spuhler, Mayor | ___ | ___ |
| Stocking | ___ | ___ |
| Warner | ___ | ___ |

ORDINANCE #15-04
AN ORDINANCE MAKING CHANGES TO THE ZONES

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

WHEREAS, the Town of Garden City must have ordinances that are fair and equitable to every property owner and developer who wishes to develop in the Garden City Town limits; and

NOW THEREFORE, the Garden City Town Council and Planning Commission desire to establish fair and equitable regulations and procedures for all developers to protect the public health, safety and convenience, and welfare of the town.

TITLE 11 – LAND USE

TITLE 11C – LAND USE –ZONING

CHAPTER 11C-1100 RE - Residential Estate Zone.

11C-1101 Purpose. To provide areas for large lot residential estate neighbors of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

11C-1102 Permitted Uses.

- A. Agriculture as defined herein.
- B. Household pets.
- C. Home Occupation.
- D. Single family dwelling
- E. Accessory buildings and uses.
- F. Park or Playground
- G. Landscaping and gardening

11C-1103 Conditional Uses.

- A. Church
- B. Public school
- C. Public buildings
- D. Riding Stable (Public or Private with 6 or more horses)
- E. Two-family dwelling
- F. Public utility
- G. Clubhouse
- H. Cemetery
- I. Stands for sale of produce grown on premises.
- J. Stable, private (provided not more than one horse per acre)
- K. Dude Ranch and Accessory Buildings

- L. Recreational Vehicle Storage Structure
- M. Home Occupation Daycare/Preschool
- N. Golf Course
- O. Park or Playground

11C-1104 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|-------------|-----------------------------------|-------------|-------------|
| District | Area | Front | Side | Rear |
| RE-1 | 1 acre | 30 | 100 & 12 | 30 |
| RE-2 | 2 acres | 30 | 100 & 12 | 30 |
| RE-5 | 5 acre | 30 | 100 & 12 | 30 |

11C-1105 Height Regulations. No building shall exceed 35 feet in height.

11C-1106 Modifying Regulations.

A. Side Set Backs. Main buildings other than dwellings shall have a minimum side set-back of 20 feet and the total of the two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of one foot, except the street side setback of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear set-back of ten (10) feet provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. Distance between Buildings. No building, structure, or enclosure housing animal or fowl shall be constructed closer to a dwelling on the same or adjacent lot less than 100 feet.

11C-1107 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1110 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.

CHAPTER 11C-1200 R-1 Single Family Residential Zone.

11C-1201 Purpose. To provide appropriate locations where low density residential neighborhood may be established, maintained and protected, the regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C-1202 Permitted Uses:

- A. Single family dwellings
- B. Household pets
- C. Accessory uses and buildings
- D. Home Occupations
- E. Landscaping and gardening

11C-1203 Conditional Uses.

- A. Art museum, public
- B. Church
- C. Library, public
- D. Parking lot for permitted use
- E. Public building
- F. Park or playground, public
- G. Public Utility
- H. Public School
- I. Family Food Production (on lots over 15,000 only)
- J. Hobby occupations 1/3 of income
- K. Two family dwelling, provided an additional 1,000 square feet to lot size

11C-1204 Height Regulations. No main building shall be erected to a height greater than 35 feet or detached garage greater than 25 feet.

11C-1205 Area, Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|-------------|-------------|
| District | Area in Square Feet | Front | Side | Rear |
| R-1-6 | 6,000 | 25 | 8 & 10 | 25 |
| R-1-8 | 8,000 | 30 | 8 & 10 | 30 |
| R-1-9 | 9,000 | 30 | 8 & 10 | 30 |
| R-1-10 | 10,000 | 30 | 10 & 14 | 30 |
| R-1-12 | 12,000 | 30 | 10 & 15 | 30 |

11C-1206 Modifying Regulations.

A. Side Setbacks. Main buildings other than dwellings shall have a minimum side setback of 20 feet and the total of the two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of ten (10) feet, except that the street side setback of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

11C-1207 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1210 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.

CHAPTER 11C-1300 Multiple Family Residence Zone.

11C-1301 Purpose. To provide appropriate locations for apartment house neighborhoods. The regulations permit a variety of multiple family dwellings and necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

11C-1302 Permitted Uses.

- A. Dwelling, single family
- B. Dwelling, two, three, and four family, on an individual lot
- C. Household pets
- D. Accessory uses and buildings
- E. Landscaping and gardening

11C-1303 Conditional Uses.

- A. Art museum, public
- B. Boarding house
- C. Church
- D. Dwelling, group
- E. Dwelling, multiple family (greater than 4)
- F. Fraternal beneficial societies
- G. Hospital (not including animal hospital)
- H. Institution providing residence and care for children
- I. Public library
- J. Lodging and/or boarding house (15 persons or less)
- K. Parking lot for permitted or conditional uses
- L. Public buildings
- M. Public park or playground
- N. Public utilities
- O. School
- P. Wedding chapel
- Q. Home Occupation Daycare/Preschool
- R. Home Occupation

11C-1304 Height Regulations. No building shall be erected to a height greater than 35 feet.

11C-1305 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|-------------|-------------|
| District | Area in Square Feet | Front | Side | Rear |
| RM-5 | 15,000 | 30 | 8 & 10 | 30 |

11C-1306 Modifying Regulations.

- A. Side Setbacks. Main buildings other than dwellings shall have a minimum side setback of 20 feet and the total of two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of ten (10) feet, except that the street side setback of a corner lot shall be 20 feet for main and accessory buildings.
- B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.
- C. Area. For each two-family dwelling or more, 750 square feet additional for each additional family unit in a dwelling structure. For group dwellings, 5,000 square feet for the first separate structure plus 2,000 square feet for each additional separate dwelling structure.
- D. Group Dwellings. These buildings shall be considered as one building for the purpose of front, side and rear setback requirements, the entire group as a unit requiring one front, one rear and two side setbacks as specified for single dwelling structures. Group dwellings shall be not more than two and one-half (2-1/2) stories or 35 feet in height. Each two and one-half (2-1/2) story group dwelling development shall have a minimum court of 30 feet in width and 40 feet in length in addition to its required setbacks. Each one story group dwelling development shall have a minimum court of 20 feet in width and 30 feet in length in addition to its required setbacks. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or ends of a court than 10 feet.

11C-1307 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1310 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.

CHAPTER 11C-1400 Recreational Residential Zone

11C- 1401 Purpose. To provide appropriate areas for recreational residential developments and related services and activities. Certain retail and service activities which are in harmony with the intent of this chapter are allowed subject to controls and approvals.

11C-1402 Permitted Uses.

- A. Dwelling, single family
- B. Dwelling, two family
- C. Household pets
- D. Accessory uses and buildings
- E. Golf Course
- F. Park or playground
- G. Home Occupation
- H. Landscaping and gardening

11C-1403 Conditional Uses.

- A. Cluster residential dwellings on minimum sites of two (2) acres
- B. Condominium residential dwellings on minimum sites of four (4) acres
- C. Dwelling, group
- D. Dwelling, multiple family
- E. Lodge, private or public
- F. Clubhouse
- G. Riding stable, private or public
- H. Utility structures and easements
- I. Parking lot for permitted or commercial uses
- J. Café or restaurant
- K. Recreational vehicle storage structure

11C-1404 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1405 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|-------------|-------------|
| District | Area in Square Feet | Front | Side | Rear |
| RR | 12,000 | 30 | 8 & 10 | 30 |

11C-1406 Modifying Regulations.

- A. Side Setbacks. Main buildings other than dwellings shall have a minimum side

setback of 20 feet and the total of two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of ten (10) feet, except that the street side setbacks of a corner lot shall be 20 feet for main and accessory buildings.

- B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.
- C. Area. For each two-family dwelling or more, 750 square feet additional for each additional family unit in a dwelling structure. For group dwellings, 5,000 square feet for the first separate structure plus 2,000 square feet for each additional separate dwelling structure.
- D. Group Dwellings. These buildings shall be considered as one building for the purpose of front, side and rear setback requirements, the entire group as a unit requiring one front, one rear and two side setbacks as specified for single dwelling structures. Group dwellings shall be not more than 35 feet in height. Each dwelling development shall have a minimum court of 30 feet in width and 40 feet in length in addition to its required setbacks. Each one story group dwelling development shall have a minimum court of 20 feet in width and 30 feet in length in addition to its required setbacks. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or ends of a court than 10 feet.

11C-1407 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1410 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.

CHAPTER 11C-1450 Hillside Estates

11C – 1451 Purpose: To provide appropriate locations above the Garden City canal, where low density residential neighborhoods may be established and maintained to protect the natural beauty and wildlife. Encourage parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C – 1452 Permitted Uses:

- A. Single family dwellings, ¾ acre lots minimum
- B. Household Pets
- C. Accessory uses and buildings

D. Landscaping and Gardening

11C – 1453 Conditional Uses:

- A. Clubhouse
- B. Golf Course
- C. Parking lot for permitted use
- D. Park or Playground, Public
- E. Home Occupation. Which does not have more than two customers coming and going from the residence at the same time. No parking of construction equipment or storage of material.
- F. Cluster Development

11C – 1454 Height Regulations. No main building shall be erected to a height greater than 35 feet and no accessory building shall be erected to a height greater than 35 feet.

11C – 1455 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|-------------|-------------|
| District | Area in Square Feet | Front | Side | Rear |
| HE | 32,670 (3/4 acres) | 30 | 15 & 15 | 30 |

11C – 1456 Modifying Regulations.

- A. Side Setbacks. Main buildings other than dwellings shall have a minimum side setback of 20 feet and the total of the two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side setback of ten (10) feet, except the street side setback of a corner lot shall be a minimum of twenty (20) feet for main and accessory buildings.
- B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all building shall be ten (10) feet.

Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with the sewer and water requirements.

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 November 10, 2011

CHAPTER 11C-1500 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 |

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, and pool halls.
 4. Hotels and Motels
 5. Restaurants and Fast Food Establishments
 6. Department Stores

- B. Conditional Uses.
 - 1. Automobile Dealers
 - 2. Gas Stations with Convenience Stores
 - 3. Farmer's and Artisan's Market

11C-1503 C2 Zone.

- A. Permitted Uses.
 - 1. Commercial parking lots
 - 2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
 - 3. Commercial landscaping buildings
 - 4. Storage sheds
 - 5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
 - 6. Lumber yard, provided all uses shall be within an enclosed building
 - 7. Small scale manufacturing, provided all uses shall be within an enclosed building

- B. Conditional Uses.
 - 1. Automobile service stations for garages for repair of vehicles
 - 2. Sexually Oriented Business
 - 3. Farmer's & Artisan's Market

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 uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
 - 3. Owners of C3 Zone properties may choose to use them as 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 provide a fence between the two properties for privacy.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.

B. Conditional Uses.

1. Farmer's & Artisan's Market

11C-1505 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet, ~~unless otherwise negotiated with the Planning Commission subject to approval of the Town Council.~~

11C-1506 Area, Width, and Setback Regulations. See above table.

11C-1507 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-1508 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all business buildings will be required to meet certain architectural standards. All business buildings shall have an outer appearance that is consistent with surrounding structures. All business buildings shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. Other materials may be approved through a Conditional Use, through a presentation with the Planning & Zoning Commission and approval by the Town Council. All materials are to have an earth tone color in nature and appearance. Architecture elevations must be reviewed and approved by the Planning Commission.

11C-1509 Parking. Refer to Ordinance 11C-300

11C-1510 Commercial Development Incentives. The Town Council of Garden City, at its sole discretion, may elect to reimburse all or part of any development fee or assessment and public infrastructure and service improvements associated with a business development. In addition, the Town may also elect, at its sole discretion, to provide public infrastructure and service improvements within the Garden City limits as an incentive to attract new business that will enhance the tax revenue base of the Town.

11C-1511 Administration. All fees and infrastructure improvements will be paid by the business requesting consideration.

11C-1512 Maintenance. All owners of property shall maintain all buildings, landscaping, fences, walls, drives, parking lots, signs or other structures located upon said property in good and sufficient repair and shall keep such premises painted, windows glazed, and otherwise maintain the property in a safe and aesthetically pleasing manner. Lawns shall be kept in a mowed condition. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles. Remedial action shall be taken by the property owner to repair and prevent soil erosion on the property. No unsightly condition will be allowed. Any undeveloped property in a development parcel shall be either maintained as cultivated agriculture, mowed regularly during the growing season, or landscaped or paved within one year from occupancy of the first phase.

Any structure, planting, driveway, parking lot, or service area that is damaged by the elements, by vandals, by vehicles, or from fire or any other cause shall be repaired as promptly as the extent of damage will permit.

Vacant buildings shall be kept locked and the windows glazed.

(Approved June 12, 2008)

11C-1515 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.

11C-1513 Commercial Building Splits. Refer to Ordinance 11E-506B 5a.

(Approved December 9, 2010.)

CHAPTER 11C-1600 Highway Commercial Zone.

11C-1601 Purpose. To provide commercial areas on major highways for the location of traveler services and highway oriented commercial uses.

11C-1602 Permitted Uses.

- A. All uses, subject to conditional use permit.
- B. Landscaping and gardening.

11C-1603 Conditional Uses.

- A. Restaurant or drive-in café
- B. Motels
- C. New and used automobile agency
- D. Farm machinery and equipment sales
- E. Nurseries and greenhouses
- F. Mobile home sales
- G. Drive-in theater
- H. Bowling alley, other commercial recreation facilities
- I. Automobile service station, auto accessories
- J. Daycare/Preschool Centers
- K. Accessory buildings and uses.

11C-1604 Height Regulations. No building or structure shall be erected to a height greater than 35 feet.

11C-1605 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|---------------|---------------|
| District | Area in Square Feet | Front | Side | Rear |
| CH | 20,000 Sq. Ft. | 20 | Ten (10) Feet | Ten (10) Feet |

11C-1610 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.

CHAPTER 11C-1700 Beach Development Zone.

11C-1701 Purpose. To provide areas along the shoreline of Bear Lake for public and private water-oriented recreational and residential activities.

11C-1702 Permitted Uses.

- A. Single family dwellings
- B. Accessory buildings conducive to single-family dwellings.
- C. Landscaping and gardening

11C-1703 Conditional Uses.

- A. Note: No structures except those related to marinas will be allowed within thirty (30) feet of the 5,923.65 feet – ~~UP&L~~ **Rocky Mountain Power** datum contour level surrounding Bear Lake which contour represents the high water level of the lake.
- B. Dwelling, two family
- C. Dwelling, group
- D. Dwelling, multiple family
- E. Cluster residential dwellings
- F. Lodge, private or public
- G. Clubhouse private or public
- H. Marinas
- I. Home Occupation Daycare/Preschool
- J. Accessory buildings and uses

11C-1704 Height Regulations. No building shall be erected to a height greater than 25 feet.

11C-1705 Area, Width and Setback Regulations.

| | | Minimum Setbacks (in feet) | | |
|-----------------|----------------------------|-----------------------------------|-------------|-------------|
| District | Area in Square Feet | Front | Side | Rear |
| BD | 7,500 | 30 | 8 X 10 | 30 |

11C-1706 Modifying Regulations.

- A. Side Setbacks. Main buildings other than dwellings shall have a minimum side setback of 20 feet and the total of two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of ten (10) feet, except that the street side setback of a corner lot shall be 20 feet for main and accessory buildings.
- B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setbacks of another lot, the minimum rear setback for all buildings shall be 10 feet.

11C-1707 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water restrictions.

11C-1710 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.

CHAPTER 11C-1800 Manufacturing Zone

11C-1801 Purpose. To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone and adjacent areas.

11C-1802 Permitted Uses.

- A.

11C-1803 Conditional Uses.

- A. Any manufacturing, processing, assembling, research, wholesale or storage use.
- B. Accessory buildings and uses customarily incidental to the above uses.

- C. Landscaping and gardening.
- D. Restaurants and service stations.
- E. Manufacture of any of the following products from raw materials; acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics portland cement, potash, synthetic resins and fibers.
- F. Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry or rabbits; tanning of raw, green or salted hides or skins.
- G. Storage of fireworks or explosives except where incidental to a permitted use; manufacture of fireworks or explosives not permitted.
- H. Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than 8 feet in height.

11C-1804 Height Regulations. No buildings shall exceed 35 feet.

11C-1805 Area, Width and Setback Regulations. Ten (10) Feet except that for any parcel in the M-1 zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear setbacks as prescribed for the most restrictive adjoining zone shall be maintained in the M-1 zone.

11C-1810 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.

CHAPTER 11C-1900 Agricultural Zone

11C-1901 Purpose. Agriculture includes activities in which the primary use involves raising, producing or keeping plants or animals.

11C-1902 5-Acre Minimum Size.

11C-1903 Permitted Uses.

- A. Dwellings for proprietors and employees of the use and animal training.
- B. Breeding or raising of fowl or other animals.
- C. Stables.

- D. Riding Stables.
- E. Breeding of domestic animals.
- F. Nurseries and Greenhouses.
- G. Landscaping and gardening.

11C-1904 Exceptions include

- A. Processing of animal or plant products
- B. Milk and feedlots
- C. Livestock Auctions

11C-1905 Area, Width and Setback Regulations. Ten (10) Feet except that for any parcel in the Agricultural zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear setbacks as prescribed for the most restrictive adjoining zone shall be maintained in the Agricultural zone.

11C-1910 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.

ADOPTED: This ordinance is approved and will go into effect this 7th day of July, 2011.

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:

- 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 1955 Height. The Height of a building or structure within a PUD/PRUD cannot exceed 35' or 25' if in the Beach Development and cannot be negotiated.

11C-1954 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 March 8, 2012)

TITLE 11C-2000 Flag Lots

11C-2001 Purpose To provide a residential area that accommodates the development of dwelling types for single family dwelling units which fits the character of the existing city and provides an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

11C-2002 Permitted Uses

- A. Single Family Dwellings

11C-2003 Conditions and Regulations Flag or L-shaped are subject to the following conditions:

- A. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof;
- B. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of a flag lot shall be thirty (30) feet, and the maximum length shall be one hundred fifty (150) feet;
- C. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width, for building lots, is the same or greater than the minimum width as allowed in the zoning district;
- D. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts;
- E. All lot size and setback requirements shall be the same as are required by the zone in which the lot is located and consistent with the proposed use of the lot. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown in the plat and approved by the planning commission and city council.
- F. No more than two flag lots can be contiguous to each other;
- G. Two flag lots may not share the same staff;
- H. The maximum number of flag lots in a development shall not exceed 10 % of the total number of lots in the development.

(Approved and added February 8, 2007)

CHAPTER 11C – 2100 Affordable Housing

11C – 2101 Short Title. This ordinance shall be known as the Affordable Housing Ordinance of Garden City, Utah and may be so cited and pleaded.

11C – 2102 Purpose: The general purpose of this ordinance is to protect and promote the public health, safety, convenience, and welfare of the Town of Garden City, by establishing regulations for Affordable Housing developments (AHD).

11C – 2103 Objective: The objective of the Town of Garden City is to encourage developments which provide a range of housing opportunities for all identifiable economic segments of the population, including households of low and moderate income. It is the desire of the Town to focus its affordable housing efforts on monitoring the need for low to moderate income families to obtain housing that meets their needs and not focus merely on building low income units.

11C – 2104 Definition: Affordable Housing is defined as housing occupied by households with a gross income equal to or less than 80 percent of the median gross income of the Garden City area for households of the same size and should cost no more than 30 percent of a household's income. OR: Affordable Housing as defined by the Federal Affordable Housing guidelines.

11C – 2105 Requirements: Prior to any application to the Planning Commission or Town Council, or prior to applying for a building permit, the developer must show that they are certified as an Affordable Housing Development. There can be no waiver of this requirement.

The developer will need to follow all federal rules.

11C – 2106 Fee Reduction: Developers building affordable home units for sale or rent to income-eligible households may seek a fee reduction of which would become due prior to each unit receiving their Certificate of Occupancy. The fees to be reduced may include the building permit fees, the road and park impact fees and the review fees. The reduction of fees shall be negotiated with the Town Council and will be no more than a 50% reduction. The reduction of fees may be up to 50% and should be negotiated with the Town Council. There will be no reduction for water impact or connection fees, which must be paid at the time the building permits are issued.

11C – 2107 Development Standards: Developers building affordable home units for sale or rent to income-eligible households may seek for a modification of development standards. i.e. density, accessory structures, reduced setbacks, or street design modifications.

If a certified AHD is seeking modification of development standards, the developer must provide a conceptual plan and an explanation to the Town Council of why the requested modifications are needed.

Within a rental community, affordable units may not be substantively different from market rate units in size, amenities, or condition.

Certain modifications of development standards are awarded through administrative action. Other modifications require action of the Board of Adjustments.

11C – 2108 Building Density. Density of up to 50 percent above the normal density permitted by ordinance, may be provided but shall be subject to compatibility with the surrounding natural and physical environment, site constraints, concurrency management requirements and shall be in keeping with the purpose and intent of this chapter.

The affordable housing units should be disbursed throughout the project and not concentrated in one area on the site.

11C – 2109 Setbacks. Setback requirements may be reduced up to 25 percent provided such reductions are not permitted for structures along the periphery of the AHD. Reductions along the periphery shall be considered by the Board of Adjustments.

11C – 2110 Street Design. Modifications in street layout and design may be permitted subject to site constraints, type and intensity of development, and compatibility with surrounding development. The Garden City Public Works director or his designee may recommend such modifications as deemed appropriate to achieve the intent of this section. However, such recommendation will be in keeping with standard, safe engineering practice and construction standards generally shall not be modified.

11C-2111 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 by the Garden City Town Council, Garden City, Rich County, State of Utah,
this _____, 2014

APPROVED:

John Spuhler, Mayor

ATTEST:

Kathy Hislop, Town Recorder

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | — | — |
| Pugmire | — | — |
| Spuhler, Mayor | — | — |
| Stocking | — | — |
| Warner | — | — |

ORDINANCE 15-05
AN ORDINANCE UPDATING THE HEIGHT AND PHASING IN SUBDIVISIONS

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

WHEREAS, the Town of Garden City must have ordinances that are fair and equitable to every property owner and developer who wishes to develop in the Garden City Town limits; and

NOW THEREFORE, the Garden City Town Council and Planning Commission desire to establish fair and equitable regulations and procedures for all developers to protect the public health, safety and convenience, and welfare of the town.

TITLE 11 – LAND USE
CHAPTER 11E-302-A-4

4. **If Developer is phasing within development, (Look at definition 11A-200- Stand Alone (Phasing) each phase shall stand alone.**

CHAPTER 11E -526-F

11E-526-F **Building Height shall not exceed the limit for the zone in which the subdivision resides.**

~~Building Height—No building or structure shall exceed thirty-five feet. Nonetheless the Commission may recommend waiver or deferral of the maximum height and the Council may grant additional height (building height waivers shall consider impacts upon view corridors and ridgeline views) above the overall allowable height for projects which may include but are not limited to:~~

- ~~1. Guarantee the use, rental prices, or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Garden City Moderate Housing Authority and/or the Town Council. Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost, or resale cost thereof, or~~
- ~~2. Provide dedicated infrastructure for police protection, fire protection and/or medical services.~~
- ~~3. The creation of a sewer and/or water district, which includes the PUD.~~
- ~~4. The creation of a grant program to offset increased property taxes to the financially underserved populations.~~
- ~~5. Voluntary contribution of land or improved roads or monetary contributions upon approval of the Town Council.~~

APPROVED: by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____, 2015.

APPROVED:

John Spuhler, Mayor
ATTEST:

Kathy Hislop, Town Recorder

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | — | — |
| Pugmire | — | — |
| Spuhler, Mayor | — | — |
| Stocking | — | — |
| Warner | — | — |

ORDINANCE #15-06

**AN ORDINANCE STATING THAT HOMES CAN BE BUILT IN
COMMERCIAL C2 AND C3 ZONES**

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

WHEREAS, the Town of Garden City must have ordinances that are fair and equitable to every property owner and developer who wishes to develop in the Garden City Town limits; and

WHEREAS, the Garden City Planning Commission and Town Council realize the importance of having homes in all commercial areas; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that Ordinance **#11C-1500 Commercial Zone** be amended as follows:

Draft

CHAPTER 11C-1500 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 |

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, and pool halls.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores
7. **Owners of commercial properties may choose to use them as 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 commercial property is used for the establishment of a business next to a residence, the business owner will be required to provide a fence between the two properties for privacy.**
 - b. **When commercial property is used for the establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.**

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Department Stores

11C-1503 C2 Zone.

A. Permitted Uses.

1. Commercial parking lots
2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
3. Commercial landscaping buildings
4. Storage sheds
5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
6. Lumber yard, provided all uses shall be within an enclosed building
7. Small scale manufacturing, provided all uses shall be within an enclosed building.
8. ~~**Owners of commercial properties may choose to use them as 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 commercial property is used for the establishment of a business next to a residence, the business owner will be required to provide a fence between the two properties for privacy.~~

~~b. —When commercial property is used for the establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.~~

B. Conditional Uses.

1. Automobile service stations for garages for repair of vehicles
2. Sexually Oriented Business
3. Farmer's & Artisan's Market

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 uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
3. Owners of C3 Zone properties may choose to use them as 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 provide a fence between the two properties for privacy.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.

B. Conditional Uses.

1. Farmer's & Artisan's Market

11C-1505 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet, unless otherwise negotiated with the Planning Commission subject to approval of the Town Council.

11C-1506 Area, Width, and Setback Regulations. See above table.

11C-1507 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-1508 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all business buildings will be required to meet certain architectural standards. All

business buildings shall have an outer appearance that is consistent with surrounding structures. All business buildings shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. Other materials may be approved through a Conditional Use, through a presentation with the Planning & Zoning Commission and approval by the Town Council. All materials are to have an earth tone color in nature and appearance. Architecture elevations must be reviewed and approved by the Planning Commission.

Approved: _____, 2014

APPROVED:

ATTEST:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

| | <u>Aye</u> | <u>Nay</u> |
|----------------|------------|------------|
| Huefner | ___ | ___ |
| Pugmire | ___ | ___ |
| Stocking | ___ | ___ |
| Warner | ___ | ___ |
| Spuhler, Mayor | ___ | ___ |

Chapter 11C-600 Sign Regulations

11C-601 General Provisions

- A. Purpose and intent: The purpose of the sign regulations set forth in this Title shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs, which, by their good design, are aesthetically pleasing and to preserve and improve the appearance of the Town of Garden City as a place in which to live, work and visit and to encourage businesses, through good signage to promote their businesses.

No signs shall be allowed unless exempt under this Title or unless said signs comply with the regulations established in Section 11C-602-A of this Title relating to legal nonconforming uses.

- B. Definitions: (see 11A-200)

11C-602 – General Sign Regulations

- A. Nonconforming signs: A nonconforming sign shall not be, raised, moved, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Title. Nonconforming signs which are destroyed by natural causes, i.e., earthquakes, floods, winds, etc., exceeding sixty percent (60%) of the signs true value must be brought into conformance. Nonconforming signs shall be allowed to have routine maintenance including the repair or replacement of the sign face by an existing or new business but shall not be allowed to increase the height, size, or the location thereof.
- B. Moving, relocating, or altering of signs: No existing sign may be moved or relocated to any other parcel, building, structure, or portion thereof, unless said sign complies with all other provisions of this Title, or is altered so as to comply therewith.
- C. Maintenance and repair: Each sign shall be maintained in safe, presentable, and good condition, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign. The City shall require compliance or removal of any sign determined to be in violation of this Title in accordance with the provisions of Section 11C-610.
- D. Building access free of obstruction: No sign or its supporting members shall be erected or relocated so as to restrict access to a window or other opening in a building in such a manner as to obstruct or interfere with the free use of a fire escape, exit, door, window, or similar opening.
- E. Traffic hazards, Clear View Area. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or be confused with any authorized traffic sign, signal, or device.
- F. Parking of advertising vehicles prohibited. Parked vehicles or trailers with a sign painted or placed on them and parked for the expressed intent of directing attention to a business are prohibited. This provision does not include vehicles used regularly in the course of conducting daily business activities.

- G. Public areas. No sign, handbill or poster, advertisement, or notice of any kind or sort may be placed within a public right-of-way except when the sign is owned and erected by a public agency or erected by permission of an authorized public agency or required by law.
- H. Intensely lighted signs. No sign shall be permitted which because of its intensity of light or blinking constitutes a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties. All lighting shall conform to the Dark Sky Ordinance (see 11A-600).
- I. Sign material. Exposed surfaces of signs shall be of materials which do not pose a hazard as determined by the City,
- J. Electronic variable message signs (EVMS). No EVMS shall change more than one (1) time per seven (7) seconds.
- K. Obscene signs. No sign shall be permitted which contains vulgarity or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- L. Enforcement. In the case of contradicting requirements or provisions, the more restrictive shall apply.

11C-603 – Sign Size, Height, Setbacks,

A. Size requirements:

- 1. Each developed parcel shall not exceed two (2) square feet of sign area for each lineal foot of street frontage. On a double sided sign with identical sign faces, only one side of the sign surface is used to calculate sign size. The total square footage on a lot with two tenants must be divided between the tenants with proportions decided by the tenants and/or landlord(s).
- 2. Shopping centers and office building complexes which lease to three or more business on one lot record will allow individual businesses to have an addition one (1) square foot of sign area for each front footage of building occupancy for an attached sign.
- 3. Parcel without street frontage. Where a parcel does not have frontage on a public street, the allowable square footage of the sign shall be determined by the width of the parcel at the front setback line of the building applying for the sign.

B. Setbacks. Signs and support members of all signs shall be setback two (2) feet and be entirely within the property. No sign shall project over a public right-of-way.

C. Height. The height for buildings in each zone shall apply to signs.

11C-604 - Types of Signs

A. Signs requiring a permit. Signs which meet any of the following criteria:

1. Larger than thirty two (32) square feet in size,
2. Not directly affixed to a building and the highest point of which is more than 6 feet from the grade,
3. Signs in a non-commercial zone (except exempt signs per 11C-609),
4. Off-premise signs. See section 11C-608.

B. Signs not requiring a Permit. All signs which do not meet the criteria of 11C-604 A.

11C-605 – Permits

- A. Application. Application for a sign permit shall be made with the Town of Garden City upon a form provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City.
- B. Issuance: The Town of Garden City shall issue a permit for the construction of a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City. Every permit issued by the City under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit. Completion of the work shall not exceed one (1) year or a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. The City may at any time, in writing, suspend or revoke a permit issued under the provisions of this Title whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Title.
- C. Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance or for damages resulting from a nuisance.
- D. Indemnification of City. Sign owners are liable for their signs. As a condition to the issuance of a sign permit, all persons engaged in the alteration, relocation, or maintenance of signs shall agree to hold harmless and indemnify the City, its officers, agents, and employees, from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance, or other sign work.
- E. Construction standards. The following Construction standards shall apply to signs requiring a permit.
 1. Building code compliance. Signs shall comply with the appropriate provisions of the International Building Code, electrical code, and all other codes of the City.
 2. Engineering requirements. Signs hereunder may require engineering provided by an engineer licensed in the State of Utah if deemed necessary by the City Building Inspector upon review of the sign application.

11C-608 – Off-Premise signs

- A. Approval Requirements. All off-premise signs require a sign permit and are subject to conditional use review, public hearing, and approval by the Planning Commission. The requested off-premise sign should not negatively affect the economy of Garden City and its impact should be considered during the conditional use review.

- B. Location and Size Requirements.
 - 1. Only one off-premise sign per business location being advertised. If multiple businesses are operating out of one location, only one off premise sign must be utilized to advertise for all the businesses within that location.
 - 2. Signs are limited to thirty-two (32) square feet and count towards total sign area allowed for the lot the sign is upon.
 - 3. Signs must be a minimum of five hundred (500) lineal feet from any other off-premise signs on the same side of the street and one hundred (100) lineal feet from any detached on-premise sign
 - 4. Only one off-premise sign shall be allowed to be placed on any one development parcel.

11C-609 – Exempt Signs

- A. Exempt signs. The area of such signs shall not be included in the area of signs permitted for any parcel use. No permits required.
 - 1. Directional or instructional signs.
 - 2. Temporary municipal or community event signs.
 - 3. Memorial signs or tablets.
 - 4. Public notices.
 - 5. Public necessity signs.
 - 6. Campaign signs. Signs shall not exceed eight (8) square feet.
 - 7. Real estate signs. One real estate sign shall be allowed on any lot or parcel provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed eight (8) square feet in area for residential properties and thirty two (32) square feet in area for commercial properties, and is removed within seven (7) days after the sale, rental, or lease has been accomplished or when real estate agency no longer represents the property owner in the sale of property in which the sign pertains.
 - 8. Flags, emblems, or insignias of any nation or political subdivision.
 - 9. Interior parcel signs. Not visible from the roadway.
 - 10. House numbers and name plates. Signs shall not exceed six (6) square feet in area for each residential and commercial building.
 - 11. Trespassing signs. Signs shall not exceed six (6) square feet.
 - 12. Neighborhood and subdivision identification signs. In any zone, a sign may be erected to identify a neighborhood or subdivision. These shall not exceed thirty-two (32) square feet.

13. Subdivision development sales signs. Signs shall not exceed sixty-four (64) square feet and shall be a minimum of five hundred (500) lineal yards apart. Subdivision development signs shall be located only on property for which the sign is advertising.
14. Construction signs. One (1) unlighted sign per development not to exceed sixty-four (64) square feet in area, may be placed on the lot or attached to the outside of a building during its construction period.
15. Temporary signs/displays in residential and agricultural zones: Signs for special events such as yard/garage sales, estate sale, etc. Signs shall not exceed twenty-four (24) square feet and can only be displayed five (5) days prior to the event and must be removed immediately after.
16. Home occupation signs: Within any zone home occupation signs are allowed. Home occupation signs are not to exceed four (4) square feet in area and must be attached to the home.

11C-610 - Violation and penalty; other remedies;

- A. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of the provisions of this Title shall be punishable as provided by Municipal Code/Resolution. Such person, firm, or corporation who violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted.
- B. In addition to the fines and penalties set forth in paragraph (A), the City is hereby authorized to exercise the following additional remedies, jointly or severally:
 1. Notice of correction. A City Enforcement Officer may prepare and serve notice of a violation of this Title, requiring compliance within thirty (30) days of the date of the notice. The notice shall describe the sign, specify the violation(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the enforcement officer regarding the violation, the recipient may appeal the enforcement officer's determination to the Appeal Authority. Said appeal must be in writing and received by the Town of Garden City within a fifteen (15) day period after the notice of violation. Notices of violations are deemed to have been given when notice is mailed or given to the property owner of record or occupant of the property upon which the sign is located. Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last county assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign.
 2. Removal. A sign in violation of this Title may be removed by the City:
 - a. Pursuant to an administrative order issued by Garden City Administrative Court in conjunction with a civil enforcement action.
 - b. At the conclusion of the thirty (30) day period set forth hereinabove, provided no appeal has been filed;

- c. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or
 - d. Immediately where the sign is located upon public property and is not permitted to be so located.
 3. Enforcement. The City may initiate an action in the Administrative Court seeking compliance and other available remedies.
- C. Costs. The City is hereby authorized to recover its expenditures for the enforcement of this Title, pursuant to any available method, including but not limited to, restitution pursuant to civil penalties, statutory nuisance abatement processes, etc. Any challenges to those costs shall be made pursuant to the applicable process.
- D. Disposal of signs. Within two (2) business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the City within five (5) business days of the date of the notice.
 1. If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion.
 2. If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign. If said person disagrees with the assessed costs, said person may, after paying the costs and retrieving the sign, file an appeal. Said appeal must be in writing and submitted to the Administrative court judge within five (5) business days of retrieving the sign and paying the costs. The judge will hear the matter or elect to have the Appeal Authority hear the matter. The sole issue on appeal is the reasonableness of the assessed costs.
- E. Removal of Temporary Signs: All temporary, nonconforming signs are to be removed immediately upon verbal or written notification from City Code Enforcement Officer. If said sign is not removed immediately, then the City can remove sign pursuant to Section 11C-610.B(2).

11C-611 - Relief from regulatory hardship

- A. Relief from regulatory hardship: Any owner or occupant of property experiencing a hardship, as defined herein, as a result of the regulations of this Title, may seek relief therefrom pursuant to this Section.
 1. "Hardship" as used in this Section means an existing physical condition, such as topography or lot configuration, that so restricts the placement of a sign on the property under this Title, that the property cannot host a sign in a similar manner to other properties within the same zoning district. A hardship is not a condition that is or was created by the owner or occupant, nor is a hardship an economic loss or lost economic opportunity.

2. Any person having a hardship as defined herein may request relief from the restricting regulation under title 11B-300

132. Sign means and includes every advertising message, announcement, declaration, merchandise display, illustration, insignia, or forced air, or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service, and shall include the sign structure, supports, lighting system, indirect illumination, and any attachments, ornaments, or other features used to draw the attention of observers. Sign does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

- a. Alter. Any change to a sign other than general maintenance or altering of changeable copy.
- b. Clear View Area. An area near a driveway or street corner.
- c. Community Use. The uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses.
- d. Flag, Banners. A flag or banner made of flexible materials.
- e. Front Footage of Building Occupancy. A single lineal dimension measured horizontally along the front major entrance of a building which defines the limits of a particular occupancy at the location.
- f. Frontage. The distance between the two (2) side lot lines of a parcel measured along the street or streets of a corner lot which the parcel is allowed access.
- g. Height of Sign. The vertical distance measured from the average grade to the highest point of said sign.
- h. Occupancy. A separate use of property carried on at all or a portion of a building or parcel.
- i. Product. Any item that is actually for sale by the business.
- j. Setback. The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof. For the purposes of this Title "setback" for signs shall be from the leading edge of the sign.
- k. Sign, area of. The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed: excluding the necessary supports or uprights on which such sign is placed. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the square or rectangles surrounding each individual sign component.
- l. Sign, Campaign. A sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.
- m. Sign, Construction. A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project.

- n. Sign, Directional. Means any sign which serves wholly to designate the location or direction of any place or area on the premises to which it pertains.
- o. Sign, electronic variable message. A sign that has an electronic message display that can be changed.
- p. Sign, home occupation. A sign associated with a legally approved home business.
- q. Sign, identification. A sign which serves to tell only the name, address, and lawful use of the premises upon which it is located. A bulletin board of a public charitable, or religious institution used to display announcements relative to meetings held on the premises shall be deemed an identification sign.
- r. Sign, intensely lighted. A sign which is obtrusive to the surrounding area because of its intensity or blinking.
- s. Sign, memorial. A sign or tablet that states the names of buildings or the date of the buildings erection and cut into the surface or façade of a building.
- t. Sign, neighborhood identification. A permanent sign that only designates the neighborhood or tract name.
- u. Sign, nonconforming. A sign legally existing at the time of its erection or prior to the effective date of this Title which does not conform with use regulations of the district in which it is located.
- v. Sign, off-premise. Any sign not located on the premises of the business or entity indicated or advertised by said sign. This definition shall include billboards, poster panels, painted bulletins, and other similar advertising displays. Products and brands sold at a business are not considered off-premise.
- w. Sign, permanent. A sign which is permanently affixed to the ground with a footing designed to meet the requirements of the sign ordinance as well as the International Building Code.
- x. Sign, projecting. Any sign which is located, in whole or in part, in or over the right-of-way of any street, sidewalk, alley, or other public thoroughfare.
- y. Sign, public necessity. A sign informing the public of any danger or hazard existing on or adjacent to the premises.
- z. Sign, real estate. A sign related to the property upon which it is located and offering such property for sale or lease.
- aa. Sign, subdivision development. A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of a project.
- bb. Sign, trespassing. Any sign which warns against the trespassing onto a parcel of property or structure.
- cc. True value. The cost of materials and labor to replace the sign structure