

MEMORANDUM

DATE: January 2, 2015
TO: Garden City Council
CC:
FROM: Zan Murray S.E.
SUBJECT: City Engineering Update

I have prepared this memo as an update for the City Council to summarize the engineering activities in the community that are currently underway.

Beach Access Parking Lots

We will be bidding out the 150 South Parking Lot in the next month so we can have construction completed by this summer. As I understand it, we have the easement with the Fosters in place, and I have the easement documents revised so we can have them signed by the Water's Edge Development. We have also met with the Water's Edge Development to adjust the parking design to incorporate future driveways and drainage improvements that they wish to make in the future.

The Bear Lake Special Service District is moving forward with the sewer construction and lift station relocation. The waterline for the Water's Edge Development has been extended under the highway and east to the location of their meter.

Water's Edge Preliminary Plat

I have met with the Water's Edge Development to provide input on their next preliminary plat submittal.

Shundahai Easement

I have reviewed the easement and requested some adjustments to allow for the property around the pump houses to be in the City's name and also provide adequate space for the City to maintain around the buildings and access them for maintenance. Those changes were recently made by Jeff Hansen on the plat.

I have also prepared a memo at your request for the council to review outlining the background and benefits for purchasing the water tank pipelines and pump houses.

J-U-B ENGINEERS, Inc. celebrates 60 YEARS

Swan Creek Irrigation Water Shares

We are waiting to hear back on the status of the water shares. I will follow up with their engineer next week.

Standards and Specifications

We will be meeting this coming Thursday to begin review and revisions on the Standards and Specifications.

300 West US 89 Waterline Crossing

With the intersection improvements at 300 West and US 89 the pavement will be completely reconstructed. As such, Riley would like to extend the waterline under the highway now rather than bore it later. We will be preparing those plans in the next few weeks.

In December we have completed the following:

- We worked with Tiffany Wahlberg to complete the 2014 Audit
- We will be re-vamping the business licenses on Pelorus to update the information so it is easier to access.
- Completed a very successful Sub for Santa, thanks for some very generous community member donations.
- We sent the annual short term rental, business license, and beer license renewal letters. We have been receiving many renewals, but still have a few outstanding in each category.

Items we are still working on:

- We will be starting on all the year-end reports, 941, w2's, State Tax report, Workforce Services, Transparency Utah, Money Management, etc.
- Pelorus has updated their software for payroll, so we will be training on the new software.
- We have received a new hard drive where we will start transferring our documents to protect them and create a backup system.
- We are creating a change to the short term rental ordinance.
- We will be working to create a process for rescinding a business license
- We will create a process to deal with developers who want city service outside the city limits.
- We have received a GRAMA request, wanting a lot of information regarding the water system.
- We will be working with Riley to create a backflow ordinance

This is in addition to our daily duties.

**MINUTES OF THE
STAFF REPORT MEETING OF
GARDEN CITY, UTAH**

The Garden City Town Council held staff report meeting on Thursday, December 11, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 4:00 p.m.

Town Council Members present:

John Spuhler, Mayor
Darin Pugmire

Others Present:

Kathy Hislop
Riley Argyle
Zan Murray
Anita Weston
Skip Duffin
George Peart

Town Engineer Report, Zan Murray

Mr. Murray said that he has a revised parking layout for 350 S to address the concerns of Ms. Sandra Carlson. It ended up eliminating 3 parking spots. He will email it to Ms. Carlson so she knows what the changes are.

Mr. Murray has the survey for the Shundahai water lines. He is waiting for the design drawings from Mr. Mecham to make sure the design will work. He feels the Shundahai water easements should be ready to send to the attorney next month.

Mr. Murray said that he has tried to contact Mr. Clark, related to the new marina, but he is out until Monday. Mayor Spuhler said that it will be tough to get in this year's legislation, but they want numbers for the total cost. Until we get the conceptual contract costs we don't have much to submit, but we can get the design work.

Mr. Murray said that he will work with Mr. Mike Madsen next week on his water contract with the city.

Mayor Spuhler is going to check with UDOT to make sure we are still on the STIP for 300 west.

Public Works Department Report, Riley Argyle

Mr. Argyle said that the sewer district is almost done on 150 South. The sewer district has agreed to knock down the Quonset hut so they can finish their work. Mr. Argyle has contacted the property owner and he is okay to let them knock it down. Mr. Argyle said that he will contact the property owner and tell him the exact day that it will be knocked down. Mayor Spuhler said that the Public Works Department can haul it off this year.

Mr. Argyle said that the water line along 150 S. is installed as far as the Water's Edge project. He needs to know where the water line goes further down the road. Mayor Spuhler said that we should wait until we are ready for the 150 S parking lot to finish the rest of the utilities. He said that we shouldn't spend any more money right now. Mr. Murray said that the water line they are working on will be under the new asphalt. Mr. Argyle said that he will get some costs and present it next month so we know what we are looking at.

Mr. Argyle said that they have a muskrat problem at the Heritage Park. They have trapped a few but still have a problem. They will continue to work to trap them.

Mr. Argyle said that they have 6 of the 7 lots on meters at the Birth Subdivision. They will work on the last one next week so it will be 100% completed.

Mr. Argyle said that he is still working with the property owners on the land acquisition along 100 west.

Building Inspector Report, George Peart

Mr. Peart said that we are getting a new building permit coming in. Mayor Spuhler asked if there was any way we could use Mr. Peart in another capacity to help the city. Mr. Peart said that we could discuss this and see if there is somewhere we can use him. Mr. Peart said that hopefully it will pick up also.

Mayor Spuhler suggested that Mr. Peart help with the Planning Commission to make sure their projects get completed.

The staff report meeting was closed at 4:40 p.m.

**MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH**

The Garden City Town Council held their regularly scheduled meeting on Thursday, December 11, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:05 p.m.

Town Council Members present:

John Spuhler, Mayor
Darin Pugmire
Chuck Stocking
Bess Huefner, via speaker phone
Bruce Warner, via speaker phone

Others Present:

Kathy Hislop
Riley Argyle
Zan Murray
Anita Weston
George Peart
Skip Duffin
Kat Porter
Tiffany Wahlberg
Becky Lowe
Chase Merrill
Danny White, via speaker phone

Roll Call

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Stocking, Council Member Pugmire, Council Member Huefner via speaker phone, and Council Member Warner via speaker phone.

Approval of Minutes

Minutes of the Town Council meeting held on November 13, 2014

Council Member Pugmire made the motion to accept the minutes of the Town Council meeting held on November 13, 2014 as written. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Executive Session, Statement in lieu of minutes held on November 13, 2014

Council Member Warner made the motion to accept the Executive Session, Statement in lieu of minutes for the meeting held on November 13, 2014. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Business License Discussion/Approval

Xtreme Movement Dance Company, request to have a dance studio and offer dance classes at 2332 Kimball Lane. April Wuthrich

Council Member Pugmire explained that they are just moving the business to a new location. Council Member Warner said that Ms. Wuthrich has been doing business at the original location for a few months. She also has not turned in any paperwork for the change of address, and she hasn't paid the additional fee for the change of address.

Council Member Pugmire moved to accept the business for Xtreme Movement Dance Company, whose owner is April Wuthrich, to make a change of address to 2332 Kimball Lane, contingent on her filling out her paperwork for the change of address as well as making her \$50 payment. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried

Discussion regarding the Beach Management Plan, Danny White

Mr. White explained the different options as outlined on his maps. The first option is 374 acres, Option #2 is for 422 acres and option 3 is 390 acres. The Council Members discussed the different options.

Mayor Spuhler asked the Council what option they would like to work on. Option #3 would cost about \$124,000 to do the mitigation.

Mayor Spuhler said that he would like to wait until the lake comes up and in the mean time we can work on the 374 acres and manage that area, which is option #1. We will just need to be ready to react when the water level is right.

Mayor Spuhler told Mr. White to proceed with option #1, which won't cost any money to the city for mitigation because we would be actively managing the area of the sand. Mayor Spuhler said that we should wait for the water to rise to do the mitigation. Mr. White said that if we lock in option #1 then we can keep the vegetation at bay. We can mow and take care of the areas that are covered in vegetation. We can also disc those areas that are not classified as special aquatic rights.

Mayor Spuhler told Mr. White to proceed with option #1, which won't cost any money to the city for mitigation because we would be actively managing the area of the sand. The Council

Members agreed. Mr. White agreed that he is already contracted with the City to do this work and complete the application with the Corp of Engineers.

Discussion/Approval of a Termination of Encumbrance Agreement and Covenant to Run with the Land. Request to terminate the encumbrance of Lot 11 & 12 of Buttercup Farms Subdivision, parcel numbers 41-21-39-011 and 41-21-39-012. Paul & Dorothy Nance

Mayor Spuhler explained that this is to terminate the encumbrance of lots 11 & 12 of Buttercup Farms Subdivision for Paul and Dorothy Nance. There were no comments or concerns with this request.

Council Member Pugmire made the motion to approve the request to terminate the Covenant to Run with the land for Paul & Dorothy Nance for lots 11 & 12 of Buttercup Farms, parcel numbers 41-21-39-011 and 41-21-39-012 as outlined. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Public Comments, 2 minute time limit

Mayor Spuhler opened the meeting for the public comments. There were no public comments.

Bear Lake Valley Blue Print Discussion

Mayor Spuhler explained the Bear Lake Valley Blue Print. He explained how to find it on line. He said that there were a lot of people that participated in putting it together, over 2,000 people, over a year's time.

He said that the idea behind the blueprint was to find out of what the people want. He said that the Council tries to take that information in to consideration when they are making their decisions.

Mayor Spuhler said that he went to a lot of the meetings and there were different personalities that helped with the document. He read through some of the statistics from the surveys that were taken during the meetings. He said that if you look through the document you can find what is really important to people.

Mayor Spuhler said that the blueprint is a tool, which can help find resources.

Miscellaneous Items

Board Member Re-appointments: Planning Commission, Susann House; Board of Adjustment, Marcia Solum; Board of Appeals, Howard Pope.

Mayor Spuhler said that he appreciates Mr. Schiess and what he has done on the Planning Commission. Mr. Schiess' term is up and he is not requesting to be re-appointed. He has taken his position very seriously and asked a lot of questions.

Mayor Spuhler said that he spoke with Ms. Susann House, Ms. Marcia Solum, and Mr. Howard Pope and they all want to continue to serve on their respective Boards.

Council Member Pugmire motion to re-appoint to the Planning Commission Susann House; re-appoint to the Board of Adjustment, Marcia Solum; and re-appoint to the Board of Appeals, Howard Pope. Council Member Stocking seconded. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Mayor Spuhler said that he talked to Ms. Dawn Brady to see if she would like to serve on the Planning Commission, but has not received an answer back from her yet. He feels that she will take it seriously. The Council agreed that she would do a great job. The Council Members agreed to have Mayor Spuhler to continue to work with her.

Public Hearing opened at 6:00 p.m. and was located at 69 N. Paradise Parkway, Garden City Utah. December 11, 2014

Mayor Spuhler opened the public hearing at 6:00 p.m. and asked for a roll call of Council Members present: Mayor Spuhler, Council Member Stocking, Council Member Pugmire, Council Member Huefner via speaker phone, and Council Member Warner via speaker phone. Others present were Kathy Hislop (City Clerk/Recorder), Skip Duffin, Kat Porter, Anita Weston, Tiffany Wahlberg, Becky Lowe, and Chase Merrill.

Mayor Spuhler read the outline of the meeting from the agenda.

Community Development Block Grant, The Garden City Town Council, Garden City, Rich County, Bear River Associates of Government will consider potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2015. Suggestions for potential projects will be solicited, both verbally and in writing, from all interested parties. The expected amount of CDBG funds for this program year will be discussed along with the range of projects eligible under this program and a review of previously funded projects.

Mayor Spuhler, opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2015 Community Development Block Grant Program. He explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The BRAG region, in which Garden City is a member, is expecting to receive funding for the new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor Spuhler read several of the eligible activities listed.

Ms. Becky Lowe gave their proposal for renovation to the Bear Lake Community Health Clinic to the Council. Their request includes an alteration/renovation to the Health Care facility in Garden City. They want to add handicap doors, add additional exam rooms and counseling rooms. They will also do new carpeting and painting. The extent of the renovations will depend on how much they receive, but they really need the handicap doors.

Mayor Spuhler explained the CDBG and the Board Members and how the grant applications are processed and scored. He said that it is a great program and the local government entities determine who gets the monies.

Mayor Spuhler said that also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners. Mayor Spuhler indicated that in the past Garden City has received CDBG grants to build the library and also for dentist chairs for the clinic. Garden City has an approved Capital Improvement Plan, which lists the projects the city has identified as being needed in the community.

Mayor Spuhler asked if there were comments from the audience. Mr. Skip Duffin asked if we would be subsidizing a private business. It was explained that the clinic is a non-profit business. Mr. Duffin asked if there were other projects that were being considered. Mayor Spuhler said that Garden City does not qualify for this grant, but we can sponsor a non-profit group so we would be sponsoring the clinic in this program.

Mayor Spuhler asked if there were any further questions or comments. There were no further comments or questions.

There being no further comments for the public hearing Council Member Stocking made the motion to adjourn the public hearing for the Community Development Block Grant at 6:13 p.m. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Discussion/Approval of the Bear Lake Community Health Care Center requesting Garden City sponsor them with the Community Development Block Grant

Council Member Stocking made the motion to approve the Bear Lake Community Health Care Center request for Garden City to sponsor them in the Community Development Block Grant. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Report and Approval of the Garden City Financial Report for fiscal year July 1, 2013 through June 30, 2014, Tiffany Wahlberg, CPA

Ms. Wahlberg went through the Financial Statement for 2013-2014 fiscal year. Ms. Wahlberg explained that during the year there were bonds paid off and re-financed so she had to get

confirmations from both bonding companies. She said that the re-financing was a great thing to do because it will lower the total payments that will have to be made over time.

Ms. Wahlberg reported that the net asset for the city is \$6,793,577, which is an increase over last year of approximately \$150,000. Even though the city is continuing to grow and have a lot of expenses we are continuing to increase the net position.

Ms. Wahlberg continued to review and explain the Financial Report to the Council Members.

Council Member Stocking made the motion to accept the Garden City Financial Report for fiscal year July 1, 2013 through June 30, 2014. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler, for. Motion carried.

Council Member Reports

Council Member Warner reported that he is working on the Shundahai Water Tank agreement with Mr. Mecham. He said that Mr. Lance Bourne told him that there is a concern with taking over the tank because there is about \$500,000 that needs to be put into the tank over time to bring it up to work the way we need in the future. The Council discussed this and stated that they were already aware of the improvements that need to be done. Council Member Pugmire said that information was in the report that it will cost that much for improvements on top of the cost of the tank. The Council all said that they are aware of the additional funds that will be required for the tank.

Council Member Warner said that he felt that the Council was aware of the additional costs and also the Engineer was aware of that and it was in the report. Mayor Spuhler said that the state is aware if this also. He said that it's not a mystery to anyone and Mr. Mecham is not in violation with the state.

Council Member Pugmire said that he understood that we have to change the pumps in the future, the loop system needs to be done now and the pump system has to be done at the same time, not in phases. Mayor Spuhler said that he wasn't aware of that. He said that we need to clarify this with Mr. Murray. Council Member Warner should contact Mr. Murray to explain and get clarification on this issue.

Council Member Warner said that there are a couple areas in the city where we are out of compliance with the water storage and we need to keep working on that, but we have never had a report from the Engineers that it is a crisis that we need to resolve immediately. He said that we need to get a report from Mr. Murray with a schedule for all the items so that we are fully aware of everything before we sign the agreement. He will work with Mr. Murray to get the clarification.

Council Member Warner explained that there have been a couple of private line breaks recently where people have asked for a credit. He feels that we should grant a credit for the highest month as compared to the prior year. The Council agreed that was a good policy.

Council Member Huefner said that she will continue the farmers market next summer, but the time will be shorter.

There will not be a Chocolate Festival in 2015.

Council Member Huefner said that they are working on the Trust/Endowment Program. This program would allow people to donate money to the city through their will. Mayor Spuhler explained that BRAG has a program that can enhance this project through resources. He said that we looked at doing this on our own but BRAG can help manage it for all 3 counties. The purpose for the Trust/Endowment would be to purchase a beach front property.

Council Member Stocking explained that the Library is doing well overall. They purchase a few new computers that are now up and running.

Council Member Stocking said that he has had quite a few complaints that there is too much chlorine in the pool. He has talked to Mr. Monk and also checking it regularly. He also called the distributor and the dispenser may need to be replaced. Council Member Stocking said that he will keep up on this to make sure it gets fixed.

Council Member Pugmire explained that there really isn't any issues with the roads now and there won't be any work done on the roads until spring. They will try to get the 2 culverts installed within the next 2 weeks.

Payment Vouchers

Council Member Huefner made the motion to pay the vouchers as presented. Council Member Warner seconded the motion. Council Member Pugmire had questions regarding the billings from Envirocentric. Motion died for lack of a vote.

The Council Members reviewed the billings and determined not to pay the bills until they talked with Mr. White for clarification.

Council Member Pugmire made the motion to pay the remaining vouchers minus the 3 bills from Envirocentric. Council Member Huefner asked if we are satisfied are we going to pay them at the next meeting. Mayor Spuhler said that we can pay them contingent upon our satisfaction and completion of the work. Council Member Pugmire asked if we need to get everyone to sign off if they approve, via e-mail. Council Member Pugmire amended the motion to include that if we get more detail back from Envirocentric we will pay his vouchers if we have the majority vote from the Council by email that we confirm that the bills are legitimate. Council Member Stocking seconded the motion. Council Member Warner asked to make sure that the motion included to pay the rest of the vouchers. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

Adjournment

There being no further business to discuss Council Member Pugmire made the motion to adjourn the meeting at 7:35 p.m. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for; Mayor Spuhler; for. Motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk

DRAFT

Garden City Business License Application

PO Box 207 • 69 N. Paradise Parkway • Garden City, Utah 84028
www.gardencityut.us • 435-946-2901 • 435-946-8852 Fax

Business Status: New Business
(check all that apply) Additional Location # _____
 Name Change
 Ownership Change
 Location Change
 Transient Vendor
 Concessionaire Vendor

License Fee: Business License Fee _____
Transient License Fee _____
Concessionaire Fee _____
Additional Location _____
Other _____
Beach Vendor License also requires a BCI background check

Official Use Only:
Planning Commission: Approved Not Approved Date: _____
Town Council: Approved Not Approved Date: _____
Inspections: Building Insp.: Initial Date: _____ Final Date: _____
Fire Inspection: Initial Date: _____ Final Date: _____

Comments: _____

Zone: Commercial 1 2 3 Residential Beach Devel. Other _____

Business Name: Glitzme / barbaj products / blingme / Boat Repair

If name change, previous name: _____

Location Address: 65 West Logan Road Unit #1

City, State & Zip: Garden City, Utah 84028

Business Phone: ~~435-946-8910~~

Cell Phone: 209-573-0822

Mailing Address: PO Box ~~240~~ 606

City, State & Zip: Garden City, Utah 84028

E-mail Address: kportercorner@aol.com

Owners Name: Donald & Kathleen Porter

Owners Location: ~~865 Harbor Village East 210~~ 643 Cedar Dr

City, State & Zip: Garden City, Utah 84028

Phone: 435-946-8910

Cell Phone: 209-573-0822

Kind of Business Retail Lodging Restaurant
 Professional Contractor Other

Briefly Describe Your Business: Jewelry, Horse curtain, blankets, iron embroidery, stall, drapes
Canvas, Bags, Dog Coats, Boat canvas repair, horse sheets, jackets, bling

Utah State Sales Tax Number: _____

Ut State Professional License No.: _____

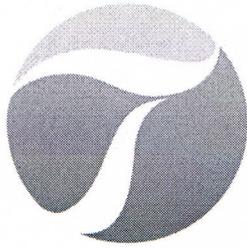
Will you be installing a sign?: yes

This is an application for a business license; the actual license will be issued only when All inspections/Approvals are complete. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations.

I, We, Donald H Porter
Kathleen S Porter hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I understand that I shall not begin nor cause to begin business at this location without first obtaining a business license and will not continue business without maintaining a valid license, in doing so, I will be subject to a penalty as stipulated by the Garden City Infraction Fee Schedule. Business License Fees are non-refundable.

Owners Signature: Kathleen S Porter Date: 12/8/14

Please print your name: Kathleen S Porter



Traveland

at Bear Lake

TO: City of Garden City - City Council

FROM: Traveland RV Park – Bear Lake
Traveland, LLC

DATE: January 2, 2015

RE: Request for variance of R14-02 – Resolution to Update Water Rates

Traveland, LLC, doing business as Traveland RV Park – Bear Lake (hereinafter “Traveland”), operates a seasonal RV Park and campground at 145 N 300 W, Garden City, UT. Traveland has been adversely affected by the Town of Garden City’s (hereinafter “City”) 2014 water rate increase that affects its business operations during periods of business closure per R14-02 (Resolution to Update Water Rates) as approved by the City Council on April 10, 2014.

Per the conditional use permit for its business, Traveland is restricted to seasonal operation only. City Resolution R14-02 enables the City to charge its water customers the minimum base monthly rate regardless of water usage or when seasonal circumstances necessitate water shut-off. This Resolution presents a hardship for Traveland business. As a result, Traveland seeks a variance from the City Council of the City’s Resolution R14-02 for the period of seasonal closure (September 16 – May 14). In addition, Traveland submits that such variance request be retroactive to include water fees incurred since its business operation ended for the 2014 season.

Representatives of Traveland hereby request appearance before the City Council at its January City Council Meeting scheduled for Thursday, January 8, 2014 to discuss this matter further.

cc: Steven Knap, 801-540-0059

Garden City

From: "Garden City" <gardencity@cut.net>
Date: Monday, January 05, 2015 9:14 AM
To: "Bruce Warner" <warner@bwmq.com>; "John Spuhler" <johns@gardencityut.us>
Subject: Traveland

Bruce,

I saw the business license for Kat Porter after I sent you the e-mail. I will get her on the agenda. Also, I saw the letter from Traveland and was talking to Shar about it. She said that they were told that they couldn't open during the winter and so they think that they shouldn't be required to pay the winter rates. I attached the CUP and it states that they can't have storage on the property during the winter, that was so that it didn't become a storage facility all year. That was the only winter restriction, not that they had to shut down during the winter. I felt that if you allow a reduction for this business you will open pandora's box with many other businesses in town that shut for the winter. Just my perspective.

Also, The Council can't do this as a variance, as requested in the letter. A variance request has to go to the Board of Adjustments.

I will get it on the agenda so you can discuss this.

Thank you,

Kathy Hislop

Town Clerk, Garden City

435-946-2901

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:

Draft
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.

District	Area in Square Feet	Minimum Setbacks (in 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, $\frac{3}{4}$ 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	___	___