

ORDINANCE #26-22

AN ORDINANCE AMENDING EXCEPTIONS TO HEIGHT LIMITATIONS

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

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

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

WHEREAS, Garden City has adopted zoning regulations establishing maximum building height standards to protect community character, promote compatible development, and preserve the health, safety, and welfare of residents and property owners; and

WHEREAS, the City recognizes that certain building features and mechanical appurtenances are necessary for the safe operation, maintenance, and functionality of buildings and may require limited extensions above established height restrictions; and

WHEREAS, the Town Council finds that clarifying the types of structures that may extend above established height limitations will provide greater certainty for property owners, developers, and Town staff in the administration of the Town's zoning regulations; and

WHEREAS, the Town Council recognizes that certain freestanding structures may be necessary or desirable for public, private, utility, communication, recreational, or other purposes but may have greater visual, structural, and community impacts than typical building appurtenances; and

WHEREAS, the Town Council finds that freestanding structures exceeding established height limitations should be subject to appropriate review through the Town's variance process and Site Plan Review procedures to ensure compatibility with surrounding development and consistency with the goals and policies of the Town's General Plan; and

WHEREAS, the Town Council desires to ensure that the Garden City Planning Commission has the opportunity to review the architectural design, site compatibility, visual impacts, and related design considerations of freestanding structures exceeding height limitations through the applicable Site Plan Review process; and

WHEREAS, the Town Council finds that exempting qualifying Town-owned structures from height limitations, while maintaining appropriate design review and compatibility considerations when applicable, promotes efficient delivery of public services while protecting community character; and

WHEREAS, the Town Council finds that the amendments contained herein provide clearer standards, improve the administration of the Town's zoning regulations, and better balance the

need for necessary structures with the protection of surrounding properties and neighborhood character.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GARDEN CITY, UTAH, THAT ORDINANCE 11C-910 BE AMENDED AS FOLLOWS:

11C-910 Exceptions to Height Limitations. ~~Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be~~

A. The maximum **building height limitations established by this Title shall not apply to the following structures or appurtenances when they are necessary for the operation, maintenance, or architectural design of a building:**

1. Elevator penthouses;
2. Stairway enclosures;
3. Water tanks and similar utility tanks;
4. Ventilating fans and mechanical equipment enclosures;
5. Parapet walls;
6. Skylights;
7. Towers;
8. Steeples;
9. Flagpoles;
10. Chimneys and smokestacks;
11. Wireless communication antennas and television masts, subject to all other applicable regulations; **and**
12. ~~Theater lofts;~~
13. ~~Silos; and~~
14. Other similar structures incidental to the operation or maintenance of the building.

These structures may extend above the maximum building height otherwise permitted; however, no portion of the area above the maximum permitted height shall be designed, constructed, or used to create additional habitable or occupiable floor area or otherwise increase the building's permitted floor space.

B. Freestanding Structures Exceeding **Building Height Limits. Any freestanding structure that exceeds the maximum height permitted within the applicable zoning district, including but not limited to towers, masts, monuments, utility structures, light poles, **silos**, public art installations, or similar improvements not attached to a**

principal building, shall obtain a height variance from the Town's designated land use authority in accordance with this Title.

~~In addition to any required variance,~~

1. Freestanding structures in a **commercial zone** exceeding the maximum permitted **building** height shall be subject to Architectural Standards Review by the Garden City Planning Commission in accordance with Section 11C-~~1509~~ of this Title.
 - a. As part of the **Architectural Standards** Review, the Planning Commission shall evaluate the proposal for compatibility with surrounding development, ~~scale and massing~~, architectural character, visual impacts, public safety, and consistency with the General Plan and the purposes of this Title.
 - b. The Planning Commission may impose reasonable conditions related to the design and appearance of the structure, including architectural treatment, building materials, colors, lighting, screening, landscaping, setbacks, and other site design elements necessary to ensure compatibility with adjacent properties, preserve community character, and protect the public health, safety, and welfare.
 - c. **Upon recommendation from the Planning Commission, the Town Council shall may give final approval on commercial zone height exemptions.**
2. ~~Freestanding necessary~~ structures in a residential zone exceeding the maximum permitted **building** height shall ~~apply for a variance with the Garden City Variance Board~~ be subject to review by the Garden City Planning Commission.
 - a. As part of the **Architectural Standards** review, the Planning Commission shall evaluate the proposal for compatibility with surrounding development, ~~scale and massing~~, architectural character, visual impacts, public safety, and consistency with the General Plan and the purposes of this Title.
 - b. The Planning Commission may impose reasonable conditions related to the design and appearance of the structure, including architectural treatment, building materials, colors, lighting, screening, landscaping, setbacks, and other site design elements necessary to ensure compatibility with adjacent properties, preserve community character, and protect the public health, safety, and welfare.
 - c. **Upon recommendation from the Planning Commission, the Town Council shall may give final approval on ~~commercial~~ residential zone height exemptions.**

- C. Town-Owned Property.** Height limitations established by this Title shall not apply to structures, buildings, or improvements owned, operated, or maintained by Garden City when such structures are necessary to provide governmental, public safety, public utility, transportation, recreational, or other public services. Examples include, but are not limited to, water storage tanks, pump stations, communication facilities, maintenance buildings, public docks, observation structures, public pavilions, utility infrastructure, and similar municipal facilities.

Town-owned structures shall, whenever practicable, be designed and located to minimize visual impacts on adjacent properties and to be compatible with the surrounding area. Where **Architectural Standards** Review is required by this Title, the Garden City Planning Commission shall review the proposed development for compliance with applicable design, landscaping, and

architectural standards; however, such review shall not be construed to impose the height limitations otherwise applicable under this Title.

D. Hotel/Motel Zone Height Regulations (See Ordinance 11C-1654)

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

The Town Clerk is authorized and directed to codify this Ordinance of the Garden City Municipal Code and to make such nonsubstantive numbering, formatting, grammatical, and editorial changes as necessary for codification.

APPROVED AND ADOPTED this 8th day of October 2026

APPROVED:


Pat Argyle, Mayor



Attest:


Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Davis	<u>✓</u>	—
Hansen	<u>✓</u>	—
House	<u>✓</u>	—
Larsen	<u>✓</u>	—
Argyle	—	— (only in a tie)

STATE OF UTAH)
)§
County of Rich)

I, Cathie Rasmussen, the duly appointed Clerk/Recorder of the Town of Garden City, Utah, do hereby certify that the attached and foregoing is a true and correct copy of Ordinance #26-22 passed by the Town Council of Garden City, on the 8th day of October 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 8th day of October 2026.

Cathie Rasmussen
Town Clerk

