MINUTES OF THE TOWN COUNCIL MEETING OF GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, September 10, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:45 p.m.

Town Council Members present:

John Spuhler, Mayor
Pat Argyle
Darin Pugmire
Chuck Stocking
Bruce Warner

Others Present:

Kathy Hislop
Riley Argyle
Bob Peterson
Anita Weston
Nadine Sprouse
Craig Schaar
Joan Akre
Zan Murray
Norm Mecham

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ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Argyle, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

APPOINT NEW COUNCIL MEMBER TO REPLACE THE VACANT SEAT OF COUNCIL MEMBER HUEFNER

Mayor Spuhler explained that he has asked Ms. Pat Argyle to fill the vacant seat opened by Council Member Huefner.

OATH OF OFFICE FOR NEW COUNCIL MEMBER

The oath of office was administered to Council Member Argyle.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on August 13, 2015

Council Member Pugmire made the motion to approve the minutes of the regular Town Council meeting held on August 13, 2015 as written. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Threshold Homes, request to conduct a General Contractor business in Garden City, Tom Johnson

This business will be ran out of Mr. Johnson's home in Shundahai.

Council Member Pugmire made the motion to accept the business license of Threshold Homes, Inc. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Coffee & More, request to conduct a café at 65 W Logan Road #6. Barbara Turnbow

This was previously approved on a temporary bases as allowed by ordinance.

Council Member Warner made the motion to approve the business license for Coffee & More. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Mizz Bee Havin, request to conduct a café at 65 W Logan Road #6. Linda Patin

This was previously approved on a temporary bases as allowed by ordinance.

Council Member Warner made the motion to approve the for business license for Mizz Bee Havin. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

PETITION FOR ANNEXATION DISCUSSION/APPROVAL, Petition filed to annex parcel #41-16-00-022, Joan Young

This request is to approve the petition to annex property into the Garden City limits. This approval will start the annexation process.

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Council Member Warner made the motion to approve the petition for annexation. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Mayor Spuhler said that he would like to look into annexing property north of the city limits to include the marina. We have tried this in the past and we were short just a little bit to get it to pass. He said that he would like to have them as part of the city. We will put this on the agenda for the October Town Council Meeting.

TERMINATION OF COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL. Request to terminate the covenant to run with the land for parcel's 41-30-09-082, 41-30-09-085, and 41-30-09-091. Shirl Tomlinson

This termination of the covenant to run with the land is so Mr. Tomlinson can sell one of the parcels.

Council Member Stocking made the motion to approve the termination of the covenant to run with the land for parcel's 41-30-09-082, 41-30-09-085, and 41-30-09-091. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

PLANNED UNIT DEVELOPMENT DISCUSSION/APPROVAL
Final development plan of phases 9 & 10 of the Lodge at Bear Lake, DBA the Water's Edge, approximately 100 E. 150 S., Norm Mecham

Mr. Mecham said that phase 10 has 1 condo building with 5 condo units. The central hall is there so they can have access to both sides.

Mayor Spuhler said that the only thing that he has a concern about is the wetland delineation. He said that we are not the Army Corp and the delineation requirement is not in our ordinance. He said that the Planning Commission has gone through this development request and approved it. Mr. Murray said that he has reviewed the delineation. There is one area in the back that may be in question with the wetlands but all the buildings will be far enough away from it.

The Planning Commission reviewed the parking requirement and they are well within what is required by the new ordinance.

Mr. Mecham said that he is planning on doing phase 10 and the pool right now, but he is requesting approval for phase 9 and 10. Both buildings will have the same number of units/condominiums.

Mr. Mecham said that he will get the city a letter to hold the city harmless regarding the wetland issue and delineation.

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The structural engineer will be doing the elevations which will go to the Planning Commission before he can get a building permit.

Mr. Murray also needs the drainage calculations for the retention before Mr. Mecham can get a building permit.

These are just action items and procedural things that Mr. Mecham needs to have done before he gets the building permit, it won't hold up the approval tonight.

Council Member Pugmire reviewed the parking with Mr. Mecham. The turnaround will be paved and will be contiguous together.

Council Member Warner made the motion to approve the final development plan for phases 9 and 10 of the Lodge at Bear Lake, DBA for Water's Edge. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING

Mayor Spuhler opened the public hearing at 6:05 p.m.

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Argyle, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

ORDINANCE DISCUSSION

Ordinance #15-29, an ordinance updating the requirements for water meters

Mayor Spuhler said that this ordinance makes it much easier for businesses than it has been in the past. It helps with the water connection requirements for new buildings, residential and commercial. Everything behind the meter will be calculated as a flow or volume to determine what can be connected to a specific size of a meter. It is not determined by a building.

This ordinance doesn't change the water payment of impact fee. They will be calculated based on the new ordinance. This will be determined when they get a building permit.

ADJOURN THE PUBLIC HEARING

Council Member Stocking made the motion to close the public hearing at 6:20 p.m. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for;

Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #15-29, an ordinance updating the requirements for water meters

Council Member Argyle made the motion to pass ordinance #15-29. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Mr. Peterson will go to the Planning Commission to define a kitchen.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R15-07, a resolution updating the Administrative Code Infraction Fine Schedule.

Mr. Peterson explained that some of the ordinances don't have a penalty assigned to it. This is just to assign a penalty to the ordinance.

Mr. Argyle explained what type of violations this would associate with.

Council Member Warner made the motion to approve the Administrative Code Infraction fine Schedule with Exhibit A as outlined plus adding theft of services as a $5,000 infraction. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Resolution #R15-08, a resolution to update the water impact fee and monthly usage multiplier for each commercial connection (ERU)

Mr. Murray said that he researched this to come up with some good figures for the calculations.

Council Member Pugmire made the motion to accept resolution #R15-08 with the change in it under condominium unit to .74 per unit. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

Resolution #R15-09, a resolution to establish Table 2, which sets the fixture unit calculations.

Council Member Warner made the motion to approve resolution #R15-09. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

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Miscellaneous Items

Appoint new Planning Commission Member, Tom Stevens

Mayor Spuhler proposed Mr. Tom Stevens and Mr. Ken Hansen for the Planning Commission. The Council Members agreed that they both would be excellent. Mayor Spuhler said that Mr. Hansen may not take the position, but Mr. Stevens has already accepted.

Mayor Spuhler explained that he has already talked with Council Member Bourn about both men.

Possible hardship payment schedule (for payment of impact fees over time) for qualifying new residential construction. This proposal would not include deferred payment arrangements for city out of pocket costs. It would only be applicable if a residential taxpayer can show a hardship (to be defined), Council Member Warner

The Council Members discussed this and determined not to pursue this at this time.

Alternative funding mechanisms for parking required of commercial businesses and conditions appurtenant thereto, Council Member Warner

The Council Members discussed this and decided to send this to the Planning Commission for more discussion and to come up with a new ordinance for alternative funding for parking.

Discussion of adding a recreation center/arts center to be funded by a revenue bond and taxes if approved by local residents, Council Member Warner

Council Member Stocking will look into this option for a rec center to add services that the citizens want. We could put this out to the community members to vote to determine if they want this or not.

Discussion of an enterprise zone or similar mechanism, such as tax waivers, for qualifying businesses that agree to add basic services that will reduce the need for residents to shop outside Garden City, Council Member Warner

Council Member Warner said that he would like to look into providing basic services to the residents of Garden City.

Mayor Spuhler explained that he is working with the state on a project with the SITLA project.

Discussion of exemptions/waivers or changes to zoning to permit non-impactful business facilities/temporary housing in residential zones, Council Member Warner

The Council Members discussed this and decided to send this to the Planning Commission for their review so they can come up with an ordinance to describe a home based business. This will help determine what type of a business can be located in a residential zone.

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COUNCIL MEMBER REPORTS

Council Member Warner asked about the outcome of the gun range meeting and discussion. Council Member Pugmire explained that they had the meeting with the County Commissioners and 6 people came to the meeting. Some were opposed, and some were for the gun range. The County Commissioners said that they will wait until the end of September to get any information back. Then it will have to go through the State for the approval to use the property.

Council Member Pugmire asked the opinion of the Council regarding mag watering along the side of the highway. He said that it is not a city road and we shouldn't pay to do the work. Mayor Spuhler said that he will call Mr. Peterson from UDOT to see if they will mag along the highway to keep the dust down.

Council Member Stocking said that the Library is having some computer issues that they will address next week. Other than that they are doing well.

Council Member Stocking said that the pool is going well. They should start the painting project on the spa soon.

Council Member Argyle will take over the responsibilities that Ms. Huefner was in charge of and also marketing Garden City. Mayor Spuhler said that he would like her to look into creating a quaint community for people to visit. She will have to work with the Planning Commission and the business community.

It was explained that we received 1 bid on the dumpster pad project. Mr. Argyle suggested that we integrate the dumpster pad project into a bigger park project later in the spring. The Council agreed and did not award the bid, didn't accept the bid.

PAYMENT VOUCHERS

Council Member Stocking made the motion to approve the payment vouchers as presented. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, 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 8:00 p.m. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

APPROVED:

_____

John Spuhler, Mayor

Attest:

_____

Kathy Hislop, Town Clerk

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GARDEN CITY
SHORT TERM RENTAL APPLICATION

Owner or Property Management Company Name: Bear Lake Cabin Rentals	
Owner or Property Management Company Address: 10 S. Bear Lake Blvd	
Owner or Property Management Company Phone #: 435-946-9799	
Emergency Contact Name and Phone #: (must live within 15 minutes of property & be available 24/7)	Chuck Stocking 435-760-2327
Contact Persons E-mail address: info@blcr.us	
Utah State Tax Number: (must be registered to Garden City)	

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

A. Completed Application signed by the Owner.
✓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.
✓D. Proof of valid insurance for each unit being licensed for short term rentals.
E. Floor plan drawn to scale with dimensions.
✓F. Zone designation and street address for each unit.
✓G. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner or owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the new property owner. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.

H. Copies of currently valid Town and State Sales Tax collection and accounting numbers in the name of the Owner or the Property Management Company.

I. The name, address, and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living with 15 minutes of the property(s), who may be the Owner or Owner's Agent, and who can be contacted in the event of an emergency.

J. Inspection by the Garden City Building Inspector and Garden City Fire Chief.

K. A signed acknowledgement on the application, that the Owner, Property Management Company, and/or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a Short Term Rental.

L. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. Ifthere is a Property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

Fill out one section for each location you are renting: (you may need to fill out a second application for more locations).

Owner of Property: Jeff Kump	Owners Phone #: 469-230-4564
Address of Property: 730 South Balsamorhiza	Subdivision or resort where property is located: Shundahi
Owners mailing address: 1008 Evening Shade Ln McKinney, Texas 75070	

Owner of Property:	Owners Phone #:
Address of Property:	Subdivision or resort where property is located:
Owners mailing address:	

As the Owner/Property Management Company for the above listed properties I understand that I am responsible for:

1. The Owner or Property Management Company, or other agent of Owner shall:
   a. mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and

b. prominently display, on the Property, all of the rules and regulations pertaining to Short Term Rentals.
c. collect appropriate Sales, Resort, and Transient Rental Taxes.

2. Each Short Term Rental shall have a clearly visible and legible notice within the unit, on or adjacent to the front door, containing the following information:
   a. The name of the Property Management Company, agent, and/or Owner of the Property, living with 15 minutes of the property(s), contact persons telephone number at which that party may be reached on a 24-hour basis;
   b. The maximum number of occupants permitted by the license;
   c. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the Property;
   d. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;
3. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-proof containers must be used.

I further understand that the following are prohibited activities for short term rentals, as defined by ordinance:

1. Occupancy beyond the specified amount in the License.
2. Parking of vehicles in non-compliance with section 8-607, of the Garden City Municipal Code.
3. Outdoor sleeping of individual(s), which exceeds the permitted occupancy.
4. Any unauthorized commercial activities.
5. The preparation of any food on site for persons other than the allowed occupants and the allowed guests.

The short term rental property authorized by this ordinance must be managed properly. As a condition to holding a valid short term rental license, the licensee agrees to provide or arrange to provide for adequate maintenance. The minimum services required and management regulations include:

1. Structural maintenance to preserve substantial code compliance as described herein.
2. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
3. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of the accumulated garbage and refuse. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

By signing this document I represent that I have read and am familiar with the Short Term Rental Ordinance, Section 8-600 of the Garden City Municipal Code, and that I will conform to all the requirements therein. I also certify that this rental house/unit complies with all applicable health, safety, fire, and related public safety requirements. I further acknowledge that I understand that it is my responsibility to contact the Garden City Office at any point that I make a change to a rental unit which might affect the information on my application.

I understand that this license does not preclude me from following the appropriate Homeowner Association CC&R's and obtaining approval from the appropriate Homeowner Association for each unit, prior to commencing any rental. I further understand that not all subdivisions within the Garden City limits allow short term rentals and my unit may be located within one such subdivision.

Incomplete applications will not be accepted.

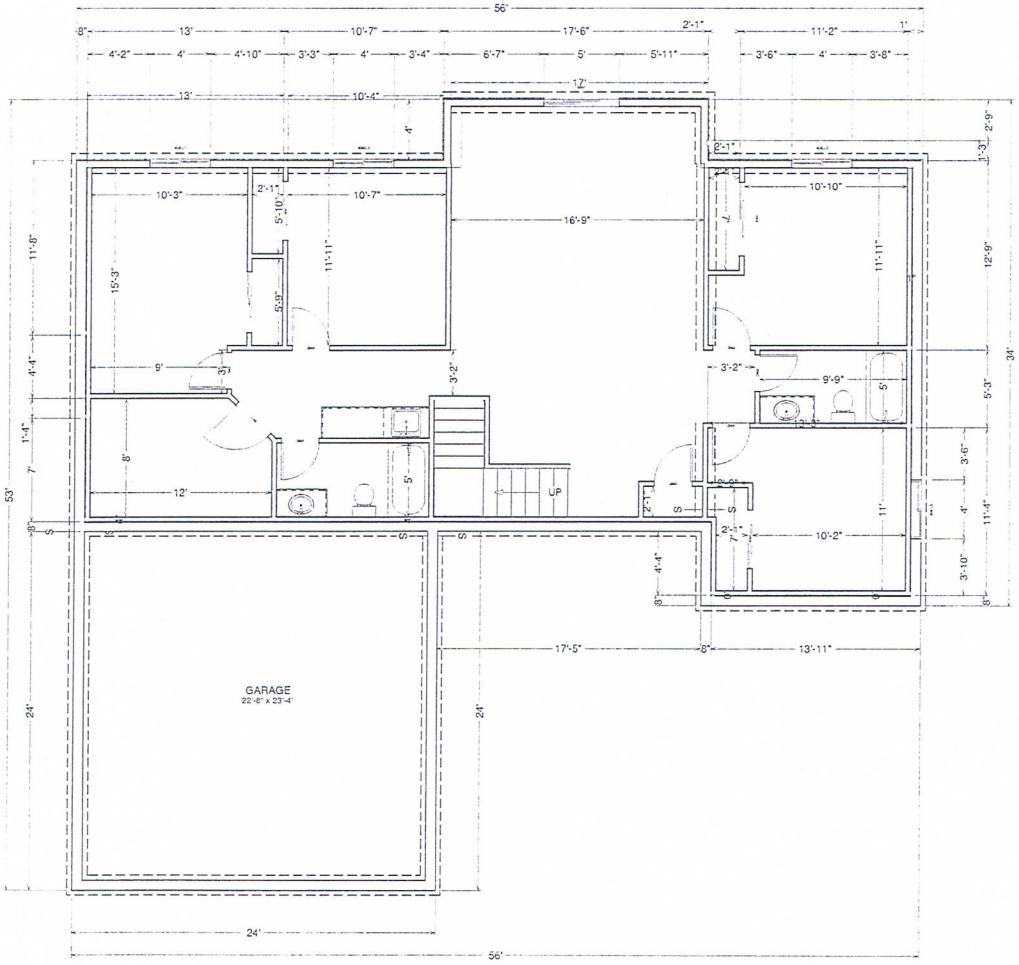
_____ _____
Signature of the Owner of property Date

_____ 10-1-15
Signature of Property Management Company Date

_____ 10-1-15
Signature of Contact Person Date

Application fee, **NON-REFUNDABLE**: $100 plus $130 per unit pd 130.00 SCM 10-1-15

The foregoing application was _____ approved _____ disapproved at a meeting of the Garden City Town Council held on _____ day of _____, 20 __.



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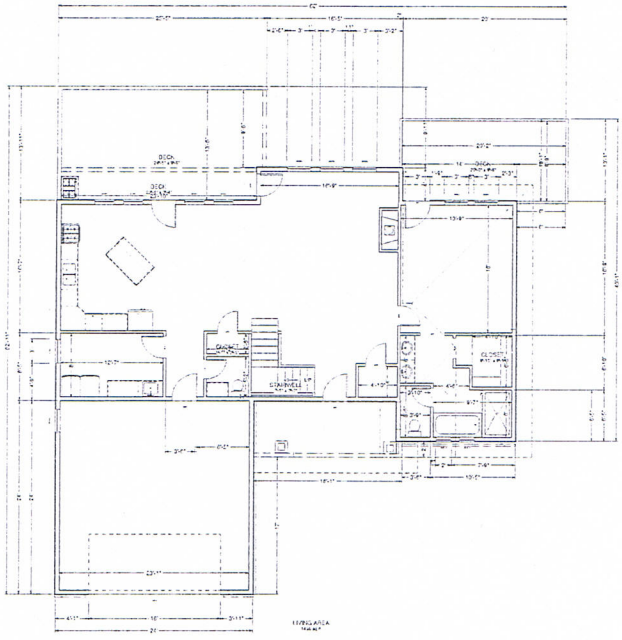

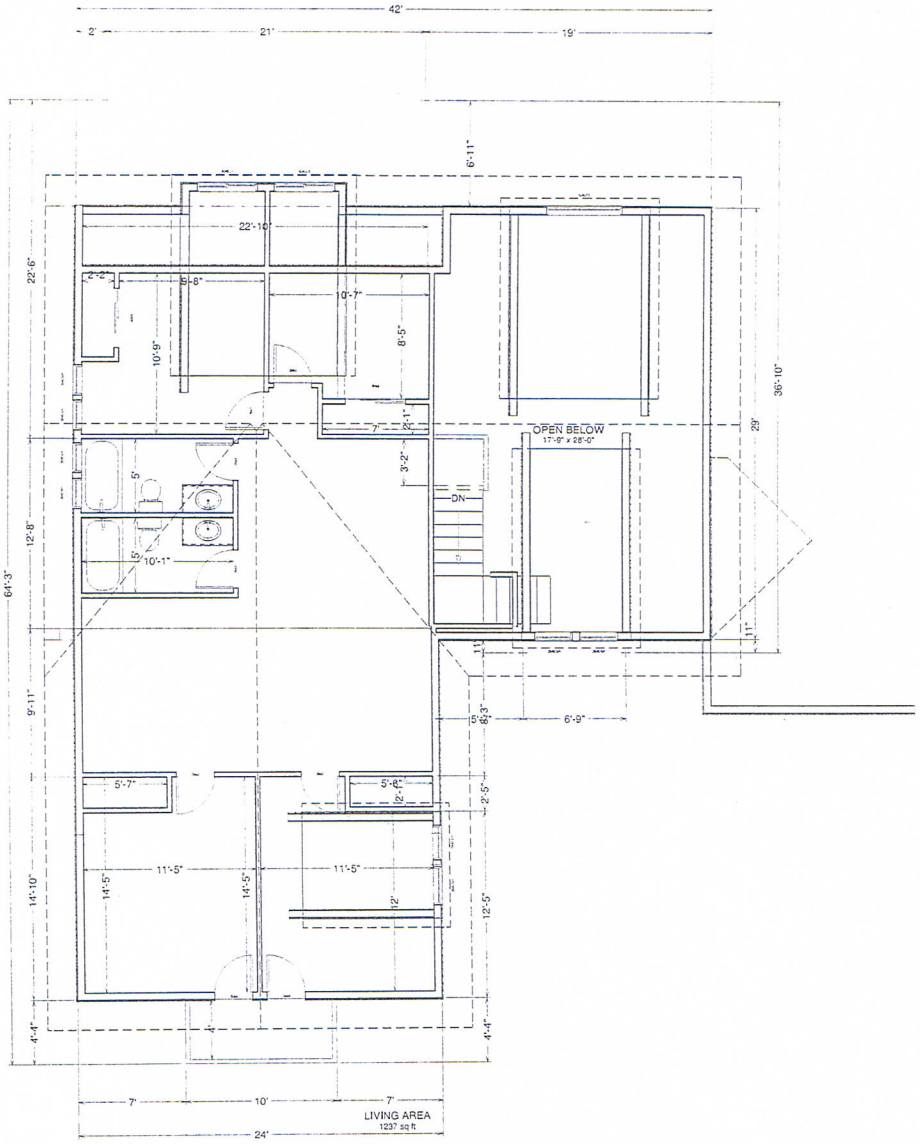
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12'-5"
14'-10"
4'-4"
4'-4"
7'
10'
7'
24'
LIVING AREA
1237 sq ft

After Recording mail to:
Town of Garden City
PO Box 207
Garden City, Utah 84028

TOWN OF GARDEN CITY

Covenant to run with the land

ON THIS 8th DAY OF OCTOBER, 2015 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and, Tally Johnson property owners in the Town of Garden City, Utah (hereinafter know as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as 41-21-40-123 and41-21-40-124, more particularly described as follows:

PARCEL #1: PART OF THE S/2 OF LOT 13, BLK 8, PLAT B GARDEN CITY SURVEY, DESCRIBED AS FOLLOWS: BEG 331.5 FT E OF THE SW COR OF SD BLK 8, (SD SW COR BEING DESCRIBED AS 10.18 CHS S ALG THE SHORE LINE OF BEAR LAKE AND 11.175 CHS W FROM THE NE COR OF LOT 1, SEC 21, T14N, R5E, SLB&M), AND RN TH N 148.5 FT; THE E 105.75 FT M/L TO THE W LINE OF A & R SUBDIVISION, TH S 148.50 FT; TH W 105.75 FT M/L TO BEG

PARCEL #2: PART OF THE S/2 OF LOT 13, BLK 8, PLAT B GARDEN CITY SURVEY, DESCRIBE AS FOLLOWS: BEG 225.75 FT E OF THE SW COR OF SD BLK 8, (SD SW COR BEING DESCRIBED AS 10.18 CHS S ALG THE SHORE LINE OF BEAR LAKE AND 11.175 CHS W FROM THE NE COR OF LOT 1, SEC 21, T14N, R5E, SLB&M) AND RN TH N 148.5 FT, TH E 105.75 FT; TH S 148.5 FT; TH W 105.75 FT TO BEG

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner not strictly in conformity with the ordinances or statutes; and

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WHEREAS the Town is willing to grant a encumbrance permit to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein.

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

For and in consideration the encumbrance permit granted by the town, owners, their successors in interest heirs or assigns, covenant and irrevocably agree that the above described 2 parcels of real property shall remain in common ownership of the owners or their successors in interest heirs or assigns and shall not, under any circumstances so long as the encumbrance permit shall be effective, be sold separately or for any reason shall one parcel be segregated from ownership interest of the other parcel. In the event that such segregation or separate ownership shall occur, the owner of parcel 1 and 2 as described above, covenants and agrees to forthwith demolish and remove from the property any and all structures not in conformance with the Garden City Ordinances or regulations at the time of the segregation or separation. The structures not in conformance with the Garden City Ordinances or requirements at the time of the segregation or separation will be removed or demolished within 30 days of any such segregation of ownership.

This would also require the owner to bring property into conformity with any and all Garden City requirements, ordinances and regulations at the time of segregation.

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.

2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.

3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.

4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or

heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.

5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to revoke the conditional use permit in addition to all other remedies, granted by the Town upon 10 days written notice to the property owners. Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

DATED this 8th day of October, 2015.

APPROVED: Attest:

_____ _____

John Spuhler, Mayor Kathy Hislop, Town Clerk

_____

Tally N. Johnson, Owner

State of Utah)
)§
County of _____)

On the _____ day of _____, 2015, personally appeared before me, _____ _____ who duly acknowledged to me that she executed the same.

_____ My Commission expires: _____

Notary Residing in: _____

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Application for Project Review
Garden City, Utah

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

Type of Application (check all that apply):	Ordinance Reference:
☐ Annexation	11A-301
☐ Appeal	11B-400
☐ Conditional Use Permit	11C-500
☐ Condominium/Townhouse	11E-524 or 11E-525
☐ Encumbrance	
☐ Extension of Time	Subdivision 11E-503/PUD or PRUD 11F-107-A-2
☐ Lot Split/Lot Line Adjustment	11E-506
☐ PUD Conceptual	11C-1950, 11E-100, and 11F-100
☐ PUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
☐ PRUD Conceptual	11C-1950, 11E-100, and 11F-100
☐ PRUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
☐ Subdivision	11E-100
☐ Vacation of Subdivision	11E-523
☐ Variance	11B-308
☐ Water Transfer	13A-1300
☐ Zone Change	
☐ Other Land Use Permit combine lots	

Project Name: Tally N. Johnson Current Zone: _____ Proposed Zone: _____

Property Address: 45 E. 75 N.

Parcel # 41 - 21 - 40 - 123 T 124

Contact Person: Tally Johnson or Andrew Phone #: Andy 435-764-3295 home 435-245-3811 or Tally 435-890-2179

E-mail address: tallyjo57@gmail.com

Mailing Address: PO Box 195 Paradise, Ut. 84328

Applicant (if different): _____ Phone #: _____

Mailing Address: _____

Property Owner of Record (if different): _____ Phone #: _____

Mailing Address: _____

Project Start date: _____ Completion date: _____

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

_____

_____

_____

_____

Lot Size in acres or square feet: 31,100 sqft combined Number of dwellings or lots: 1 , + 1 garage

Non-residential building size: _____

I certify that the information contained in this application and supporting materials is correct and accurate.

Sally N. Johnson
Signature of Applicant

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

Sally N. Johnson
Signature of Owner of Record

_____
Signature of Owner of Record

_____
Signature of Owner of Record

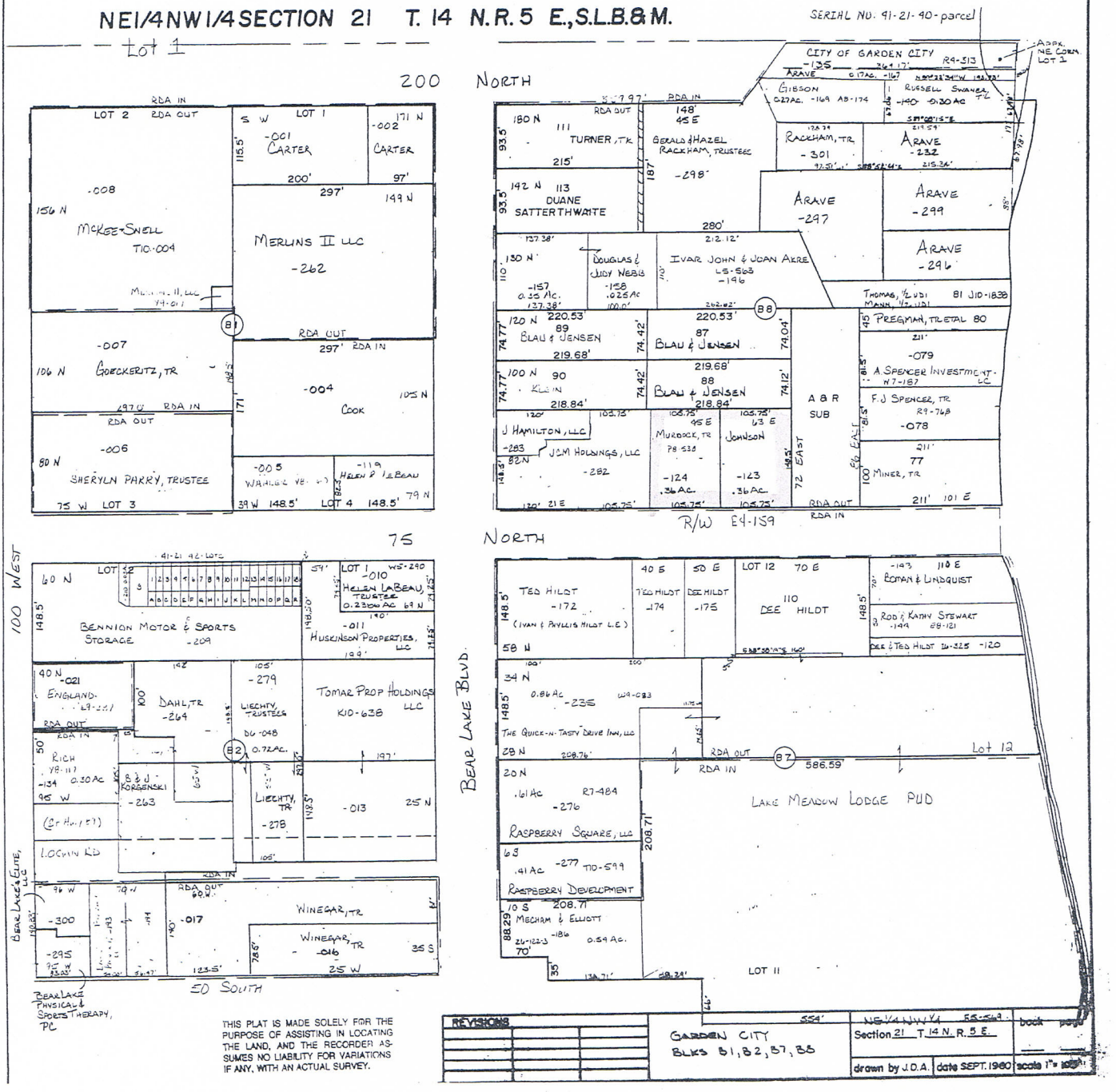
Office Use Only
Date Received: _____ Fee: _____ By: _____

PLAT NO._____
BOOK_____ PAGE_____

RICH COUNTY

NE1/4NW1/4 SECTION 21 T. 14 N. R. 5 E., S.L.B.&M.

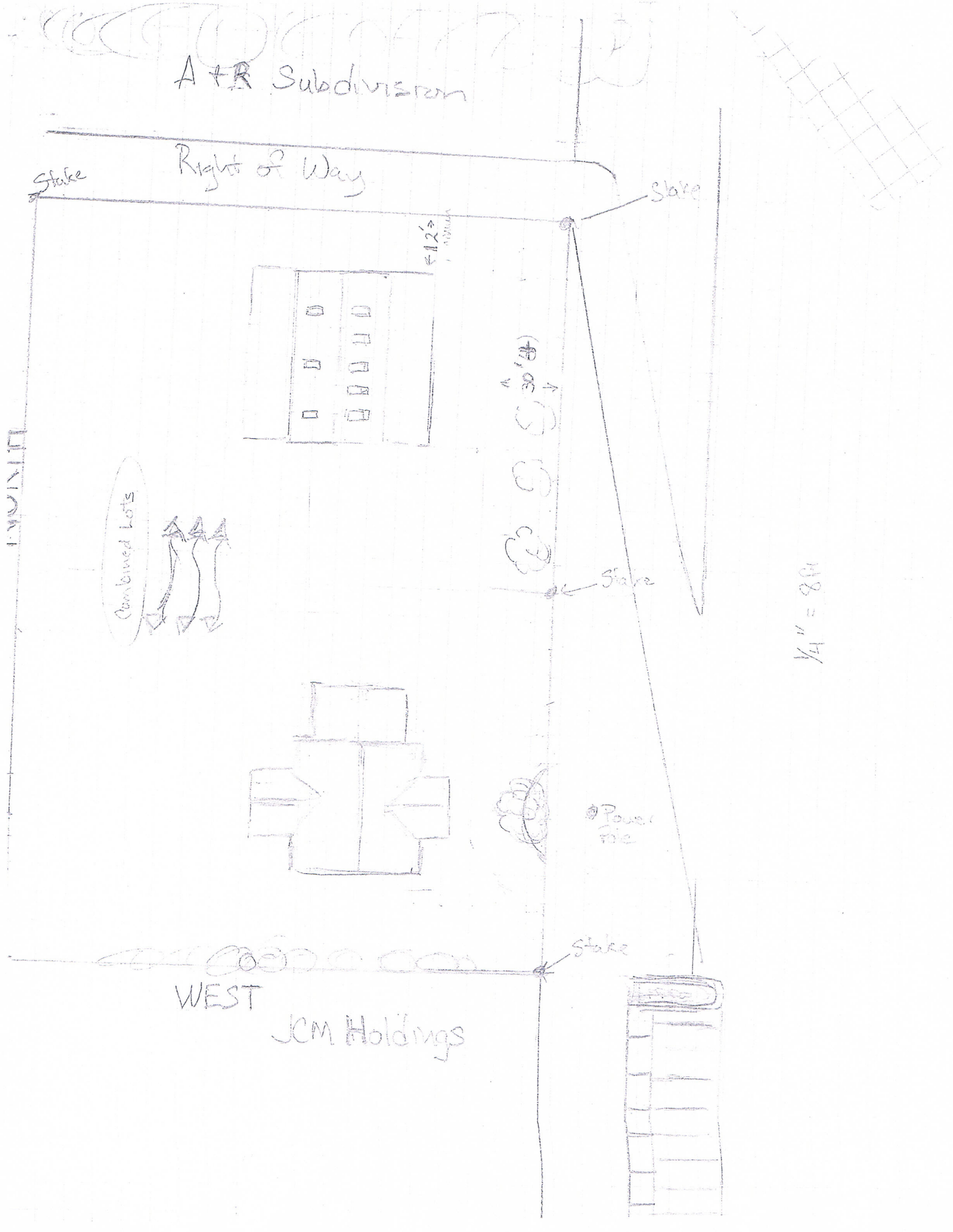
SERIAL NO. 91-21-40-parcel

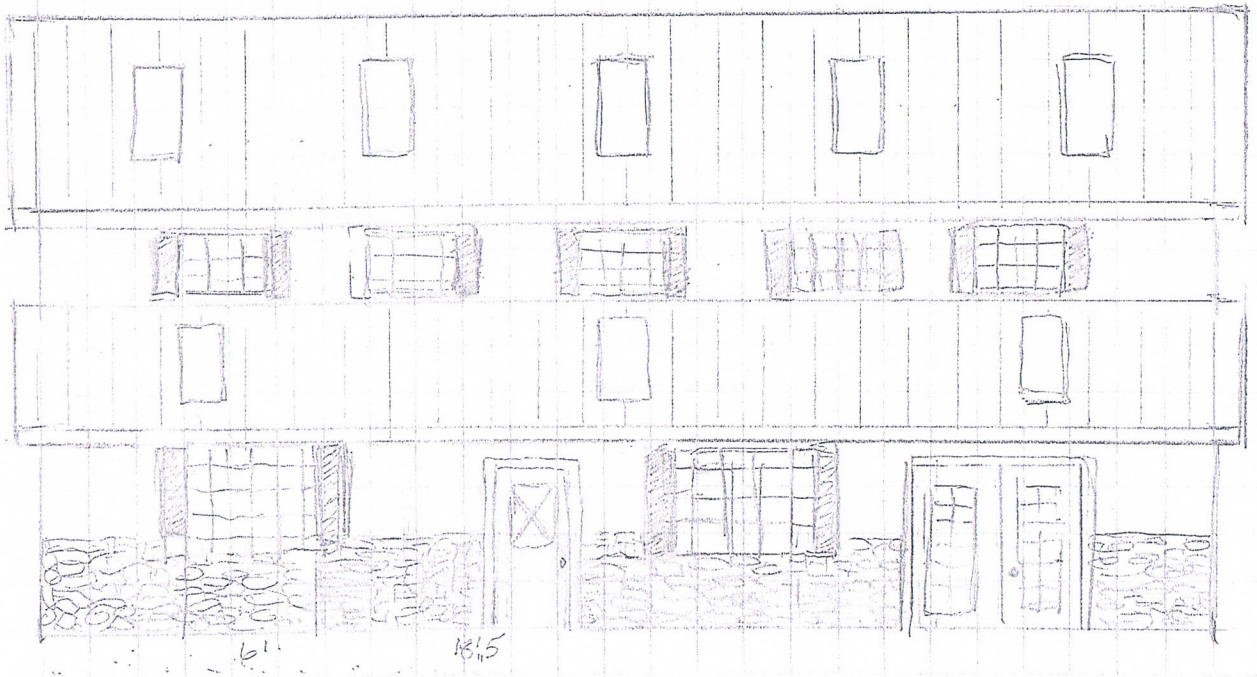


THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE RECORDER ASSUMES NO LIABILITY FOR VARIATIONS IF ANY, WITH AN ACTUAL SURVEY.

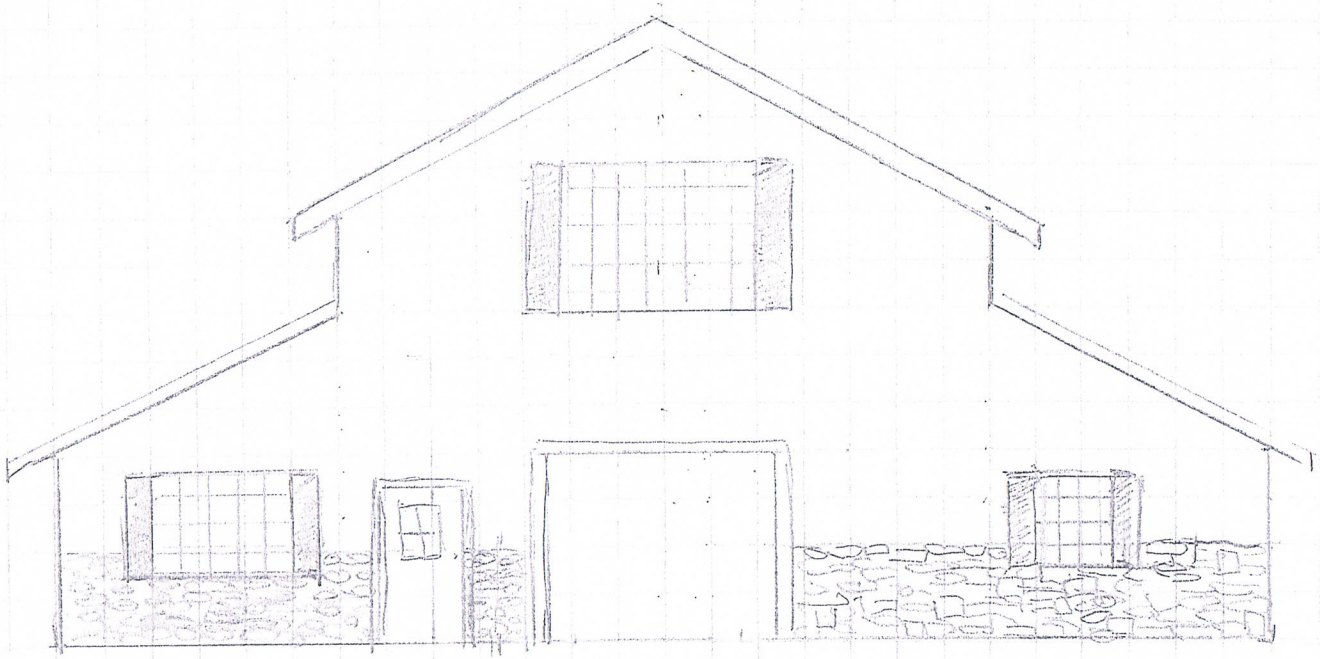
REVISIONS			GARDEN CITY BLKS B1, B2, B7, B8	NE1/4 NW1/4 Section 21 T. 14 N. R. 5 E.	book page
				drawn by J.D.A.	date SEPT. 1960	scale 1" = 100'

A + R Subdivision

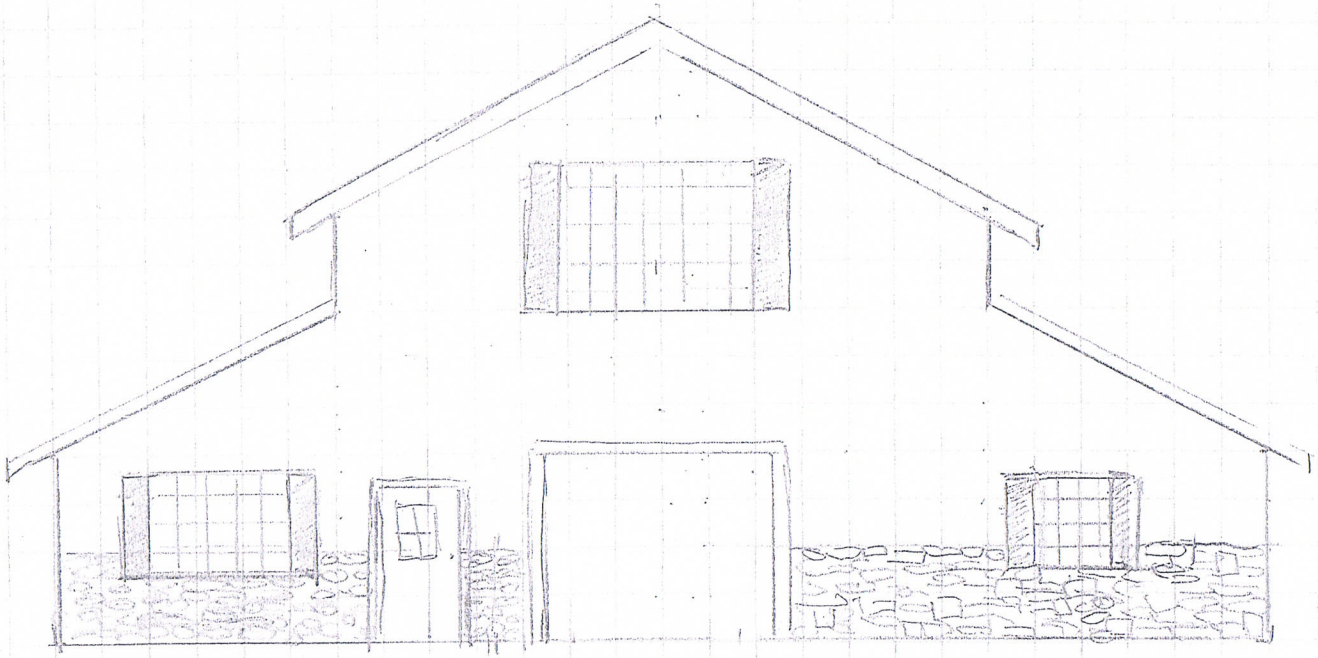




Side View



EAST VIEW



EAST VIEW

UTAH/IDAHO
Bear Lake Valley

Bear Lake Convention & Visitors Bureau

Bear Lake County, Idaho and Rich County, Utah

Memo

TO: Kathy Hislop, Clerk, Garden City
Melissa Johnson, Clerk, Laketown
Lana Peart, Clerk, Randolph
Anelisa Bell, Clerk, Woodruff
Bear Lake Rendezvous Chamber of Commerce
Lisa Duskin-Goede, Bear River Heritage Area
Richard Justice, Logan Canyon Scenic Byway
Bear Lake Convention & Visitors Bureau
Becky Peart, Rich County Clerk

FROM: Deanna Rothlisberger, Director
Bear Lake Valley Convention & Visitors Bureau
PO Box 471, 69 N. Paradise Parkway,
Garden City, UT 84028

DATE: September 8, 2015

RE: Rich County Tourism Grant Applications

The Rich County Tourism Tax Advisory Board will be meeting in October to review the applications and make recommendations to the County Commissioners concerning the restaurant and transient room tax for the 2016 calendar year. Please present this letter and application to your council and board members and discuss any interests in making a proposal for projects from these funds.

An application is enclosed. **Please include a budget and matching funds** and return it to:

Melinda Hislop, Director
Bear Lake Convention & Visitors Bureau
PO Box 471, 69 N. Paradise Parkway
Garden City, UT 84028

If you would prefer a digital version of the application, request via visitors@bearlake.org
The **deadline for applications will be October 20, 2015.**
Please keep in mind that this money must be used for tourism related events or projects. Funds that are awarded need to be spent in the 2016 calendar year.
If you have any questions, or would like further information on the tourism program, please feel free to give Deanna a call at 800-448-2327 or 435-946-2197.

Grant Guidelines

In making its recommendations to the Rich County Commission, the Tourism Tax Advisory Board will place particular emphasis on a project's ability to satisfy the basic objective of the program, which is to increase tourism - preferably overnight tourism. Below are the State guidelines on how the taxes may be spent.

Transient Room Tax Expenditures:

1. Up to 100% of TRT may be used to establish and promote recreation, tourism, film production and conventions
2. The first 3% TRT collected is controlled by a 2/3 and 1/3 split. 2/3 of the first 3% of TRT collected must be used to establish and promote tourism, film and conventions. A county may not use more than 1/3 of the revenues for any combination of:
   a. Acquiring, leasing, constructing, furnishing, maintaining or operating convention meeting rooms, exhibit halls, visitor information centers, museums, sports and recreation facilities and related facilities; and acquiring land, leasing land, or making payments for construction or infrastructure improvements
   b. To mitigate the impacts of recreation, tourism or conventions in counties of the fourth, fifth or sixth class (Uintah, Sanpete, Carbon, Sevier, Wasatch, Duchesne, San Juan, Millard, Emery, Juab, Grand, Morgan, Beaver, Kane, Garfield, Wayne, Rich, Piute and Daggett); to pay for solid waste disposal operations, emergency medical services, search and rescue activities, and law enforcement activities
   c. To make annual payments of principal, interest, premiums and reserves on bonds for the above list in 2a.
3. If adopted, any TRT above 3% does not need to conform to the 2/3 and 1/3 split
4. A reserve account may be created for funds collected but not spent; these funds cannot revert to the general fund, but must be used as outlined above.

Restaurant Tax Expenditures:

1. Up to 100% of TRCC may be used to finance tourism promotion
2. Development, operation and maintenance of tourist, recreation, cultural, and convention facilities
3. Pledges as security and reserves on bonds related to finance tourism, recreation, cultural, and convention facilities

Does the project meet the intent and requirements of the state statute?

- Will the project benefit tourism in the area, more especially encouraging overnight visitors?
- What is the likelihood of successful completion of the project and/or the experience of the project manager?
- Does the project provide a tangible asset for the community upon completion (vs. intangible promotion/advertising expenses)?
- What is the availability of other sources of funding and/or the ability to leverage said grant (i.e. using this grant as "matching funds" for other grants or fundraising efforts)?
- What potential does the completed project have for generating more dollars to the TRT/TRCC fund in the future?
- What is the amount of the request?

Rich County Tourism Grant Application

Contact Information
Organization Name:
Name of Applicant:
Mailing Address:
Phone Number:
Email Address:

Event/Project Information
Event/Project Title:
Location:
Describe your project, event, activity, or attraction:
How will your project, event, activity, or attraction increase tourism to Rich County?
☐One-time Event/Project ☐Annual Event
Project Starting Date:
Project Ending Date:
Other Participating Organizations:

Budget Please attach a budget for your project.
Total Funds Requested:
Matching Funds:
In-Kind Match:

Applicant's Signature:

County Use Only

☐ Approved	☐ Disapproved
Amount Awarded: $	
☐Transient Room Tax	☐Restaurant Tax
Conditions:	

Rich County Commission, Chairman Date

ORDINANCE #15-31

AN ORDINANCE UPDATING SIGNS

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

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

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

NOW THEREFORE, be it ordained by the Town Council of the Town of Garden City, Rich County, State of Utah, that Ordinance **#11C-600 Sign Regulations** be changed as follows:

Chapter 11C-600 Sign Regulations

Draft

11C-601 General Provisions

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

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

B. Definitions: (see 11A-200)

11C-602 – General Sign Regulations for Permanent and Temporary Signs

A. Nonconforming signs: A nonconforming sign shall not be, raised, moved, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Title. Nonconforming signs which are destroyed by natural causes, i.e., earthquakes, floods, winds, etc., exceeding sixty percent (60%) of the signs true value must be brought into conformance. Nonconforming signs shall be allowed to have routine maintenance including the repair or replacement of the sign face by an existing or new business but shall not be allowed to increase the height, size, or the location thereof.

B. Moving, relocating, or altering of signs: No existing sign may be moved or relocated to any other parcel, building, structure, or portion thereof, unless said sign complies with all other provisions of this Title, or is altered so as to comply therewith.

C. Maintenance and repair: Each sign shall be maintained in safe, presentable, and good condition, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign. The City shall require compliance or removal of any sign determined to be in violation of this Title in accordance with the provisions of Section 11C-610.

D. Building access free of obstruction: No sign or its supporting members shall be erected or relocated so as to restrict access to a window or other opening in a building in such a manner as to obstruct or interfere with the free use of a fire escape, exit, door, window, or similar opening.

E. Traffic hazards, Clear View Area. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or be confused with any authorized traffic sign, signal, or device.

F. Parking of advertising vehicles prohibited. Parked vehicles or trailers with a sign painted or placed on them and parked for the expressed intent of directing attention to a business are prohibited. This provision does not include vehicles used regularly in the course of conducting daily business activities.

G. Public areas. No sign, handbill or poster, advertisement, or notice of any kind or sort may be placed within a public right-of-way except when the sign is owned and erected by a public agency or erected by permission of an authorized public agency or required by law.

H. Intensely lighted signs. No sign shall be permitted which because of its intensity of light or blinking constitutes a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties. All lighting shall conform to the Dark Sky Ordinance (see 11A-600).

I. Sign material. Exposed surfaces of signs shall be of materials which do not pose a hazard as determined by the City.

J. Electronic variable message signs (EVMS). No EVMS shall change more than one (1) time per seven (7) seconds.

K. Obscene signs. No sign shall be permitted which contains vulgarity or is patently offensive because it affronts contemporary community standards relating to the

description or representation of sexual matters, and is utterly without redeeming social value.

L. Enforcement. In the case of contradicting requirements or provisions, the more restrictive shall apply.

M. No signs advertising Short Term Rentals are allowed on the rental property except in Commercial Zones. **Sort Term Rentals in Commercial Zones are allowed one 4 square foot sign.** Names of homes are allowed, (but can be no larger than ~~2' x 2'~~ 4 square feet).

11C-603 – Sign Size, Height, Setbacks **for Permanent and Temporary Signs**

A. Size requirements:

1. Each developed parcel shall not exceed two (2) square feet of sign area for each lineal foot of street frontage. On a double sided sign with identical sign faces, only one side of the sign surface is used to calculate sign size. The total square footage on a lot with two tenants must be divided between the tenants with proportions decided by the tenants and/or landlord(s).

2. Shopping centers and office building complexes which lease to three or more business on one lot record will allow individual businesses to have an addition one (1) square foot of sign area for each front footage of building occupancy for an attached sign.

3. Parcel without street frontage. Where a parcel does not have frontage on a public street, the allowable square footage of the sign shall be determined by the width of the parcel at the front setback line of the building applying for the sign.

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

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

11C-604 - Types of Signs

A. **Permanent and temporary signs** requiring a permit. Signs which meet any of the following criteria:

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

4. Off-premise signs. See section 11C-608.

B. **Permanent and temporary signs** not requiring a permit. All signs which do not meet the criteria of 11C-604 A.

11C-605 – Permits

A. Application. Application for a sign permit shall be made with the Town of Garden City upon a form provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City.

B. Approval. Approval of all signs shall be the responsibility of the Code Enforcement Officer. If there is no Code Enforcement Officer, signs will be approved by the Planning Commission.

C. Issuance: The Town of Garden City shall issue a permit for the construction of a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City. Every permit issued by the City under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit. Completion of the work shall not exceed one (1) year or a new permit shall first be obtained and the fee therefore shall be one–half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. The City may at any time, in writing, suspend or revoke a permit issued under the provisions of this Title whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Title.

D. Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance or for damages resulting from a nuisance.

E. Indemnification of City. Sign owners are liable for their signs. As a condition to the issuance of a sign permit, all persons engaged in the alteration, relocation, or maintenance of signs shall agree to hold harmless and indemnify the City, its officers, agents, and employees, from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance, or other sign work.

F. Construction standards. The following Construction standards shall apply to signs requiring a permit.

1. Building code compliance. Signs shall comply with the appropriate provisions of the International Building Code, electrical code, and all other codes of the City.

2. Engineering requirements. Signs hereunder may require engineering provided by an engineer licensed in the State of Utah if deemed necessary by the City Building Inspector upon review of the sign application.

11C-608 – **Permanent and Temporary** Off-Premise signs

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

B. Location and Size Requirements.

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

11C-609 – Exempt Signs

A. Exempt signs. The area of such signs shall not be included in the area of signs permitted for any parcel use. No permits required.

1. Directional or instructional signs.
2. Temporary municipal or community event signs.
3. Memorial signs or tablets.
4. Public notices.
5. Public necessity signs.
6. Campaign signs. Signs shall not exceed eight (8) square feet.
7. Real estate signs. One 4 square foot real estate sign shall be allowed on any lot or parcel, providing the sign is entirely within the property that is for sale. Residential or commercial properties of 2 acres or more shall be allowed to have one sign of 32 square feet. ~~Homes not visible from the road may have one 32 square foot sign on the home and one 4 square foot sign on the lot.~~

Signs must be removed from property within 7 days after the sale, rental or lease is accomplished. Real estate sign must be removed within 7 days when the real estate agency no longer represents the property owner in the sale of the property in which the sign pertains.

8. Flags, emblems, or insignias of any nation or political subdivision.
9. Interior parcel signs. Not visible from the roadway.
10. House numbers and name plates. Signs shall not exceed six (6) square feet in area for each residential and commercial building.
11. Trespassing signs. Signs shall not exceed six (6) square feet.
12. Neighborhood and subdivision identification signs. In any zone, a sign may be erected to identify a neighborhood or subdivision. These shall not exceed thirtytwo (32) square feet.
13. Subdivision development sales signs. Signs shall not exceed sixty-four (64) square feet and shall be a minimum of five hundred (500) lineal yards apart. Subdivision development signs shall be located only on property for which the sign is advertising.
14. Construction signs. One (1) unlighted sign per development not to exceed sixtyfour (64) square feet in area, may be placed on the lot or attached to the outside of a building during its construction period.
15. Temporary signs/displays in residential and agricultural zones: Signs for special events such as yard/garage sales, estate sale, etc. Signs shall not exceed twenty–four (24) square feet and can only be displayed five (5) days prior to the event and must be removed immediately after.
16. Home occupation signs: Within any zone home occupation signs are allowed. Home occupation signs are not to exceed four (4) square feet in area and must be attached to the home.

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

A. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of the provisions of this Title shall be punishable as provided by Municipal Code/Resolution. Such person, firm, or corporation who violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted.

B. **Removal of Temporary Signs**: All temporary, nonconforming signs are to be removed immediately upon verbal or written notification from City Code Enforcement Officer. ~~If said sign is not removed immediately, then the City can remove sign pursuant to Section 11C-610.C(2).~~ **A sign in violation of this Title may be removed by the City:**

1. **Pursuant to an administrative order issued by Garden City Administrative Court in conjunction with a civil enforcement action.**

2. **Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or**

3. **Immediately and without notification where the sign is located upon public property and is not permitted to be so located.**

C. **Removal of Permanent Signs**: In addition to the fines and penalties set forth in paragraph (A), the City is hereby authorized to exercise the following additional remedies, jointly or severally:

1. Notice of correction. A City Enforcement Officer may prepare and serve notice of a violation of this Title, requiring compliance within thirty (30) days of the date of the notice. The notice shall describe the sign, specify the violations(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the enforcement officer regarding the violation, the recipient may appeal the enforcement officer's determination to the Appeal Authority. Said appeal must be in writing and received by the Town of Garden City within a fifteen (15) day period after the notice of violation. Notices of violations are deemed to have been given when notice is mailed or given to the property owner of record or occupant of the property upon which the sign is located. Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last county assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign.

2. Removal. A sign in violation of this Title may be removed by the City:

   a. Pursuant to an administrative order issued by Garden City Administrative Court in conjunction with a civil enforcement action.

   b. At the conclusion of the fifteen (15) day period set forth hereinabove, provided no appeal has been filed;

   c. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or

   d. Immediately where the sign is located upon public property and is not permitted to be so located.

3. Enforcement. The City may initiate an action in the Administrative Court seeking compliance and other available remedies.

D. Costs. The City is hereby authorized to recover its expenditures for the enforcement of this Title, pursuant to any available method, including but not limited to, restitution pursuant to civil penalties, statutory nuisance abatement processes, etc. Any challenges to those costs shall be made pursuant to the applicable process.

E. Disposal of signs. Within two (2) business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the City within five (5) business days of the date of the notice.

1. If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion.

2. If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign. If said person disagrees with the assessed costs, said person may, after paying the costs and retrieving the sign, file an appeal. Said appeal must be in writing and submitted to the Administrative court judge within five (5) business days of retrieving the sign and paying the costs. The judge will hear the matter or elect to have the Appeal Authority hear the matter. The sole issue on appeal is the reasonableness of the assessed costs.

11C-611 - Relief from regulatory hardship

A. Relief from regulatory hardship: Any owner or occupant of property experiencing a hardship, as defined herein, as a result of the regulations of this Title, may seek relief therefrom pursuant to this Section.

1. "Hardship" as used in this Section means an existing physical condition, such as topography or lot configuration, that so restricts the placement of a sign on the property under this Title, that the property cannot host a sign in a similar manner to other properties within the same zoning district. A hardship is not a condition that is or was created by the owner or occupant, nor is a hardship an economic loss or lost economic opportunity.

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

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____day of _____2015.

APPROVED: Attest:

_____ _____

John Spuhler, Mayor Kathy Hislop, Town Clerk

Voting:

	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

ORDINANCE #15-32

AN ORDINANCE ADDING HOME OCCUPATION AND KITCHEN TO DEFINITIONS

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

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

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

NOW THEREFORE, be it ordained by the Town Council of the Town of Garden City, Rich County, State of Utah, that Ordinance #11A-200 be changed as follows:

63. Home Occupation shall mean any business activity which is conducted entirely within a dwelling and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes. ~~Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade.~~ The home occupation ~~shall not include the sale of commodities except those which are produced on the premises and~~ shall not involve the use of any accessory building or yard space activity outside the dwelling. ~~main building, not normally associated with residential use.~~

Home occupation shall not include the following business activities taking place at the dwelling:

1. Motor vehicle, trailer or boat repair;
2. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
3. Junkyards;
4. Mortuaries or crematoriums;
5. Sexually oriented businesses;
6. Auto body and/or fender work;
7. Towing operations;
8. Vehicle, trailer, and boat sales or rentals;
9. Welding, iron works, foundries;

Home occupation shall include the use of the home by a beauty shop, ~~physician, surgeon, dentists~~, lawyer, clergyman, engineer or other professional person. ~~for consultation or emergency treatment, but not for general practice of his trade or profession. Home occupation shall include the care of not more than five (5) children other than members of the family residing in the dwelling.~~ A home occupation in a multiple dwelling unit (two or more units) will be considered as one of the units in determining the allowable number of units.

The following standards shall apply to home occupations.

1. The primary use of the dwelling must be residential.

2. The person operating the business must reside in the dwelling on a full-time basis (at least six months per year).
3. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
4. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. and ten p.m. Group lessons or sessions shall not exceed six people at a time.
5. No exterior remodeling shall take place that would change the residential appearance of the home.
6. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
7. All business activities must take place within the dwelling and shall not occupy more than twenty-five percent or more than five hundred square feet (whichever is less) of the floor area of the home.
8. The storage or display of supplies, inventory, equipment or materials in any portion of the yard is prohibited.
9. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home business.
10. Home occupations must be conducted in such a manner as not to emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations or interference with radio and/or television reception.
11. No vehicle larger than a passenger car, van or one ton pickup truck is allowed to be brought to, or parked on the property in conjunction with a home occupation.
12. If the applicant for a home occupation is not the property owner, the applicant must obtain written authorization of the property owner or manager to apply.
13. The condition of the dwelling and landscaped areas shall be well maintained.

-And-

72. Kitchen An area within a structure that is used or designed to be used for the preparation or cooking of food that contains one or both of the following:
   a. Cooking appliances or rough-in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills, microwave ovens or similar appliances using 220 volt electrical outlets or any gas lines.
   b. A sink less than 18 inches in depth with a waste line drain 1 ½ inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____day of _____2015.

APPROVED:

Attest:

_____ _____

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

ORDINANCE #15-33

AN ORDINANCE STATING THAT IF OFF-STREET PARKING CANNOT BE PROVIDED, A PROPERTY OWNER MAY BE ALLOWED TO MAKE A PAYMENT-IN-LIEU TO THE TOWN FOR PARKING

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

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

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

NOW THEREFORE, be it ordained by the Town Council of the Town of Garden City, Rich County, State of Utah, that Ordinance **#11C-300** be changed as follows:

Draft

CHAPTER 11C-300 Parking and Loading Space

11C-301 Purpose The purpose of these off street parking requirements is to reduce congestion and traffic hazards in the Town by incorporating adequate, attractively designed off street parking for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provided for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

11C-302 Off-Street Parking Required

A. At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements. A detailed site plan showing the required off street parking spaces shall be presented to the Planning Commission for approval. All off street parking shall comply with all of the standards prescribed in this chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility.
B. Parking shall be located on the same lot or abutting lot to the requested use. In no case shall required parking be located across a public street without written approval of the Planning Commission and only when the parking area is within 100 feet.
C. Uses not listed shall be based on the most similar use in the table as determined by the Planning Commission.
D. Any use of property which, in the effective date of this ordinance, is nonconforming only with the regulations relating to off-street parking may

continue in the same manner, provided that parking facilities shall not be further reduced.

E. Lighting used to illuminate any off street parking area shall be arranged to reflect the light away from adjacent properties and street traffic and shall comply with the dark sky ordinance.

F. All areas designated for off street parking shall not be used for outdoor storage of materials or equipment.

G. Parking Setbacks. The Planning Commission will determine at design review the appropriate parking setback. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
   1. Relationship to other buildings both horizontally and vertically.
   2. Natural land features, such as slopes or trees.
   3. Physical features and controlled ingress and egress.
   4. Visibility from vehicular approaches and distant highways.
   5. Type of use and structure.
   6. Building height.

H. Connection of interior Parking Lots. Private parking lots, within any development, shall be required to provide interior access to adjacent parking lots and interior private roadways. When new developments are being constructed adjacent to existing business, the project shall be required to join existing drives and parking lots at property lines. When new developments are proposed adjacent to undeveloped land or underdeveloped business, the new development shall be required to construct connections, which will allow joining of future roads or parking lots. All access between interior lots and roads shall be open to the public for customer parking and access.

11C-303 Handicap Parking. Handicap parking shall meet the requirements of the most recent amendment of the Americans with Disabilities Act (ADA).

11C-304 Parking Space Size. The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces; or nine (9) feet by twenty two (22) feet for parallel spaces.

Type of Space	Minimum Width	Minimum Length
Diagonal	9 feet	20 feet
90° Angle	9 feet	20 feet
Parallel	9 feet	22 feet

11C-305 Computation Of Off Street Parking Spaces The table on the following pages contains the minimum parking requirements for specific uses. To clarify the computation of off street parking spaces, the following standards shall apply:

A. If a fractional number is obtained one parking space shall be required for that fraction.
B. If more than one use is located on a site, the number of off street parking to be provided shall be equal to the sum of the requirements of each use.
C. **In the event that off-street parking cannot be reasonably provided in accordance with the provisions of this title, a commercial property owner may be allowed to make a payment-in-lieu of providing parking spaces, according to the following conditions:**
   1. **The planning commission must review any payment-in-lieu of parking request.**
   2. **The payment-in-lieu fee shall be established by resolution.**
   3. **Payment-in-lieu of parking shall be permitted to provide no more than 30% of the parking spaces required by this chapter.**

Residential Land Use	Required Parking Spaces	Employee Parking
Duplexes, multi-family dwellings, condominiums, townhouses	Studio 1 space 2 to 3 bedrooms 2 spaces 4 or more bedrooms 3 spaces Guest parking: 1 space for each 3 units	
Second residential unit	1 space in addition to that required for the primary dwelling	
Senior housing	.5 space for each unit plus 1 guest space for each 10 units	1
Single-Family dwellings	2 spaces per unit	
Non residential land use		
Amusement park/entertainment facilities	Determined by conditional use	
Art galleries, artisan/ craft shop,	1 space per 500 sq. ft	1
Auto and vehicle maintenance and repair	4 spaces for each service bay	1
Auto/vehicle sales and/or parts store	1 space per 400 sq. ft	1
Banks and financial services	1 space per 300 sq. ft	2
ATM's	1 space for each exterior ATM	
Bed & Breakfast (Inns)	1 space per guest unit	1
Building material stores	1 space per 500 sq. ft	1

Child day care centers	1 space for each 10 children that the facility is licensed to accommodate	2
Community/Convention Centers, lodges and meeting halls	1 space per 100 sq. ft.	2
Grocery Store	1 space per 250 sq. ft.	2
Hotels	1 space for each guest room; plus retail, restaurant, and conference uses calculated at 50% of the requirements of this table.	2
	.2 oversize space per guest room	
Laundromats	1 space for each 5 washing machines	
Libraries and museums	1 space per 300 sq. ft	1
Medical Clinics, offices, labs, pharmacies, and other outpatient facilities	1 space per 500 sq. ft	3
Night clubs and bars	1 space per 100 sq. ft	3
Offices	1 space per 500 sq. ft	1
Outdoor commercial recreation	Spectator seats: 1 space for each 4 seats Sports courts: 2 spaces per court plus 1 space per 500 sq. ft. of area other than courts	1
Personal services: Barbers/beauty, etc.	1 space per 500 sq. ft.	1
Plant nurseries and garden supply stores	1 space per 500 sq. ft of indoor use area; 1 space per 2,000 sq. ft. of outdoor use area	1
Public safety facilities	1 space per 500 sq. ft	1
Religious facilities, churches, places of worship	1 space per every 4 seats to maximum seating capacity	
Restaurants (indoor and outdoor dining)	1 space per 180 sq. ft	2 spaces for every 1,000 sq. ft.
Retail Stores	1 space per 500 sq. ft.	1
Schools – public and private		
Grade 9 and lower	1 space per classroom	2 per classroom
Grade 10 – 12	5 spaces per classroom	1 per classroom
Service station/Convenience Store	1 space per pump island, does not include parking at the pump	1
Short Term Rental	See ordinance 8-601-G and 8-607-B	
Studios – art, dance, music, photograph, etc.	1 space per 180 sq. ft.	1
Theaters	1 space per 100 sq. ft.	1
Transient Business	1 space per 150 sq. ft of commercial area	2

Utility facilities	1 space per 1,000 sq. ft	1
Veterinarians, animal hospitals, kennels, boarding, pet shops	1 space per 500 sq. ft	1
Warehousing, wholesaling and distribution		1 space per employee
Wholesale design showrooms	1 space per 1,000 sq. ft	1

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this _____day of _____2015.

APPROVED: Attest:

_____ _____

John Spuhler, Mayor Kathy Hislop, Town Clerk

Voting:

	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

Ordinance # 15-34

AN ORDINANCE UPDATING THE REQUIREMENTS FOR WATER METERS

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 policies and procedures for water service from the Garden City water system in a fair and consistent way; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that **Ordinance 13A-102-V-1-a** be updated in the Garden City Municipal Code as follows:

Chapter 13A-102-V-1-a

V. Meters Required. All premises using the Town water supply must be equipped with an adequate water meter furnished by the Town, but paid for by the consumer; provided that such water service may be supplied by the Town at a flat rate of charge until such meter may be installed. All new connections shall have a meter installed when the connection is made and before any premises are occupied or no water shall be furnished to such premises.

1. Out Building, which is subordinate to the main building:
   a. Residential. A residential meter/connection is allowed for 1 residence and 1 out building. An out building is defined as a building such as a shed barn or garage on the same property but separate from the main residential building. An out building cannot contain a kitchen. **A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the definitions listed in ordinance #11A-200-72.**

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this 8th day of October, 2015.

APPROVED:

_____

John Spuhler, Mayor

Attest:

_____

Kathy Hislop, Town Clerk

Voting:	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

Ordinance # 15-35

AN ORDINANCE UPDATING THE DEFINITION FOR
TAMPERING WITH A WATER METERS

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 policies and procedures for water service from the Garden City water system in a fair and consistent way; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that **Ordinance 13A-102-G** be updated in the Garden City Municipal Code as follows:

Chapter 13A-102-G

~~G. Tampering Prohibited. It shall be unlawful for any person not authorized by the Town to tamper with, alter, bury, or injure any part of the Town water system, or any meter. Any violation of this ordinance will be punishable by a fine as established by the code violation fee schedule resolution. The Town will provide grade rings and/or risers when needed at no expense to a property owner.~~

G. Tampering / Theft of Water Services Prohibited. It shall be unlawful for any person, tenant, or occupant to commit any of the following acts which could, or in fact does, make water unlawfully available to such tenant, occupant or person.

1. To connect any tube or pipe in such a manner as to permit the use of said water without the passing through a meter to record the usage for billing.
2. To alter, bury or prevent the action of a meter used for measuring quantities of water.
3. To break, deface, or cause to be broken or defaced any seal, locking device, or other parts that make up a water meter for recording water usage.
4. To remove a water meter for measuring water.
5. To transfer a water meter from one location to another.
6. To use a water meter belonging to Garden City that has not been assigned to the location and installed by Garden City.
7. To adjust the indicated consumption so that it does not indicate use, registers incorrectly, or to otherwise obtain water from Garden City without passing through a meter for measuring consumption for billing.

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8. To fabricate or to use a device to pick or otherwise tamper with the locks used to deter current diversion, meter tampering, and meter thefts.
9. To otherwise take any action resulting in the diversion or unauthorized use of water.

Any violation of this ordinance will be punishable by a fine as established by the code violation fee schedule resolution. The Town will provide grade rings and/or risers when needed at no expense to a property owner.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this 8th day of October, 2015.

APPROVED: Attest:

_____ _____

John Spuhler, Mayor Kathy Hislop, Town Clerk

Voting:

	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

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RESOLUTION NO. R15-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GARDEN CITY ESTABLISHING LAND USE FEES AND MISCELLANEOUS FEES FOR SERVICES RENDERED AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Garden City Town Council finds it necessary to establish fees for any action taken by the Town Council and/or Planning & Zoning Commission and also services rendered, including but not limited to, permits, appeals and inspections to allow development to pay for its impacts to the Town and its residents; and

WHEREAS, this resolution does not include fees or charges for building permit fees, impact fees or water rate structures, which are established in a separate resolution or ordinance; and

WHEREAS, all previous fee schedules set by ordinance or resolution are rescinded and all fees will follow the schedule as outlined below with the exception of building permits, impact fees and water rates structures; and

NOW THEREFORE, be it resolved by the Town Council of the Town of Garden City, County of Rich, State of Utah, as follows:

The Garden City Town Council hereby establishes the following fees and charges:

Annexations	$300 for 1 acre, and $20 per acre for each additional acre with a maximum fee of $1,000
Appeals	$250
Business Licenses:	
Application Fee and remainder of 1st year	$90
Renewal Fee, annually	$65
Location Fee	$50
Location Fee Renewal	$50
Change of Name	No additional charge
Copies	15 cents per page
GRAMA Requests	Wage of the person completing the research plus 15% for each 30 minutes or fraction thereof
Conditional Use Permits	$300

Condominium Plats	
Preliminary Plat	$1000 plus a $3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Final Plat	$1000 plus a $3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Demolition Permit	$25
Encroachment Review Fee	$10
Encumbrance	$250
Encumbrance Termination	$250
Extension of Time	$100
Faxes	$1 per page to send 15 cents per page to receive
Lot Line Adjustment	$250
Lot Split	$250
Payment-in-lieu of parking	**$500 per parking space per year**
Planned Unit Development	
Preliminary Plat	$1000 plus $3,000 deposit for the associated fees (eng, attny, recording, etc.)
Final Plat	$1000 plus $3,000 deposit for the associated fees (eng, attny, recording, etc.)
Re-Zone	$300 for 1 acre, and $20 per acre for each additional acre with a maximum fee of $1,000
RV Park	$200 plus $10 per space
Short Term Rental Fee	$130 per unit, $100 per property owner/management company
Annual Renewal Fee	$80 per unit
Subdivision Fees	
Preliminary Plat	$500 per plat and $10 per lot plus $3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Final Plat	$500 per plat and $10 per lot plus $3,000 deposit for the associated fees (eng, attorney, recording, etc.)
Variances	$250
Vacation of Subdivision	$300
All other Zoning permits	$50

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This resolution shall take effect immediately upon approval.

DATED this 8th day of October, 2015

APPROVED: Attest:

John Spuhler, Mayor

Kathy Hislop Town Recorder

Council Members Voting

	Aye	Nay
Argyle	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

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