



July 7, 2016

MEMORANDUM

TO: Planning Commission Members
FROM: Ken Bassett, City Manager
RE: July 12, 2016 Planning Commission Meeting
Public Hearing Ordinance #2016-09

Ordinance # 2016-09

This ordinance is dealing with primarily two sections in the Planning and Zoning Code; Section 16.24.060 dealing with Flag Lots and Section 16.28 dealing with Signs.

Section 16.24.060 Flag Lots

The purpose of this section was to provide some clarity in set-back requirements associated with flag lots. We will be providing more explanation to the Planning Commission regarding this section that is included in the attached ordinance.

Section 16.28.087 Menu Directional Signage

This section is specific to cautionary signage generally found at fast food locations restricting the maximum height of vehicles going through the drive thru area.

Section 16.28.060

Provides some clarity to signage that is hung on walls of buildings or on roofs.

I would encourage the Planning Commission to read this ordinance and once again, I will provide further clarification to the purposes of these changes.

Before Allen Parker left for his active military assignment in Arkansas, he indicated to me that Ashley Regional Medical Center would likely be presenting to the City site plans for upcoming additions to the hospital. For your information, Ben Cluff, CEO of the hospital, has indicated that will not happen for another forty-five plus days until the engineers in Tennessee have completed all of their work and before it comes to the hospital here in Vernal. Other than that project, I am not aware of any other projects that would require the review of either the Planning Office or the Planning Commission. Once I become aware of any, I will certainly let the Planning Commission members know.

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, July 12, 2016 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

AGENDA

A. STANDING BUSINESS

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of May 10, 2016 (*TAB 1*)
3. Recognition of past Planning Commission member, Ken Latham – Ken Bassett

B. PUBLIC HEARING – 7:05 P.M.

1. Request for Recommendation to Consider Amending the Vernal City Municipal Planning and Zoning Code – Chapters 16.24 - Supplementary Regulations, Flag Lots Permitted, and 16.28 Sign Regulations – Ordinance No. 2016-09 – Ken Bassett (*TAB 2*)

C. DISCUSSION ITEM

1. Planning Commission Vacancies – Ken Bassett

D. ADJOURN

1 **MINUTES of the Vernal City PLANNING COMMISSION**

2 Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

3 May 10, 2016

4 7:00 pm

5
6 **Members Present:** Kathleen Gray, Jim Linschoten, Samantha Scott, Adam Ray

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8 **Members Excused:** Kimball Glazier

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10 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building
11 Official; and Sherri Montgomery, Administrative Clerk.

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13 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Vice-Chair Samantha
14 Scott welcomed everyone present to the meeting.

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16 **APPROVAL OF MINUTES FROM APRIL 12, 2016:** Samantha Scott asked if there were
17 any changes to the minutes from April 12, 2016. There being no corrections, *Kathleen Gray*
18 *moved to approve the minutes of April 12, 2016 as presented. Jim Linschoten seconded the*
19 *motion. The motion passed with Kathleen Gray, Jim Linschoten, Samantha Scott, and Adam*
20 *Ray voting in favor.*

21
22 **REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL**
23 **CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTERS 16.04, 16.20, 16.24,**
24 **16.26, 16.48, 16.50, AND 16.52 – ADDING “DATA CENTER” AS A USE – ORDINANCE**
25 **NO. 2016-03 – ALLEN PARKER:** Allen Parker explained that he did not include the entire
26 ordinance in the packets; however, it will be in the next month’s packets when the public hearing
27 will be held. The Council looked at the last proposed ordinance and felt that there was a better
28 way to address the noise problem from the systems at the data centers. Mr. Parker stated that he
29 has added a simple and straight forward noise mitigation plan to the Code. Mr. Parker read and
30 explained the additional Code. The Code states the purpose of a noise mitigation plan,
31 definition, requirements, and failure to comply. Mr. Parker stated that part of this noise
32 mitigation plan is to find out if the noise is continuous or occurs only once in a while to know if
33 the surroundings would be impacted by the noise. The Code requires exactly why and how the
34 system is intended to be used. There is a basic description of locations of points and
35 measurements. All cases would be required to supply a master site plan. Mr. Parker explained
36 that the ordinance is not written only for data centers. It is written to include any and all other
37 noise polluters. The Code also specifies the parameter point which is the point they measure the
38 sound and the method of measurement along with the maximum of noise the generators can
39 make. Jim Linschoten asked about the concerts at Western Park. Mr. Parker explained that
40 those special events do not apply to this Code. They are required to have a special permit for
41 noise after 10:00 p.m. This Code applies more to fixed installations with repetitive sounds rather
42 than special events. Mr. Parker read and explained the penalty phase for all zones referring to
43 Section 16.02.080 which could include the revocation of their business license. Mr. Linschoten
44 asked if there was a plan in place if the generators they are using should fail as far as a time
45 frame to get them repaired. Mr. Parker explained that he did not think that was a good idea for
46 many reasons such as technology changes, the wide variety of time frame for certain systems to

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47 get parts and get fixed. Mr. Parker suggested that the Code Enforcement Officer notify the
48 company that they are in violation of the Code and get their expected time frame to get the
49 repairs in a timely manner. Samantha Scott mentioned that the Code seems pretty clear. Mr.
50 Parker stated that he will get this Code into ordinance form for the next meeting when the public
51 hearing is held. Mr. Parker explained that Ken Bassett will bring the ordinance to the Planning
52 Commission as he will be on military leave until November.

53
54 **PLANNING COMMISSION VACANCIES – ALLEN PARKER:** Allen Parker reported that
55 the Planning Commission is down to only 6 Commissioners. The bylaws require four members
56 to make up a quorum. Ken Latham and Rory Taylor have both resigned. Mr. Parker asked the
57 Commissioners to let him know if they have any suggestions or interested parties willing to serve
58 on the Planning Commission. The only requirement is they must live within the city limits.

59
60 **MISCELLANEOUS:** Allen Parker reminded the Commission of the Planning Conference that
61 is coming up. Mr. Parker stated that he has signed up all the Commissioners; therefore, if
62 someone cannot make it, please let him know as soon as possible. Kathleen Gray stated that she
63 will not be able to make it. Jim Linschoten mentioned that he will be attending. Adam Ray
64 stated that if it is just the Friday session, than he can make it. Samantha Scott mentioned that she
65 might could make it later in the afternoon.

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67 **ADJOURN:** There being no further business, *Adam Ray moved to adjourn. Jim Linschoten*
68 *seconded the motion. The motion passed with a unanimous vote, and the meeting was*
69 *adjourned.*

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Samantha Scott, Planning Commission Vice-Chair

ORDINANCE NO. 2016-09

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTIONS 16.24.060 - FLAG LOTS PERMITTED, 16.28.087 - MENU AND DIRECTIONAL SIGNS, 16.28.060 - POLE SIGNS, AND 16.28.070 - FLAT OR WALL SIGNS.

WHEREAS, the City Council finds that the regulation of signs requirements within the business community is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City finds that regulations of flag lots is necessary for the orderly growth in residential neighborhoods, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. Section 16.24.060 is hereby amended to read as follows

16.24.060 Flag lots permitted.

The residential use of flag lots or panhandle shaped lots in residential zones shall be considered a permitted use provided the following requirements are met:

A. It has been demonstrated to the City Planner, Planning & Zoning Commission and City Council that because of topographical features or unique situations associated with the parcel proposed to be subdivided, that substantial use of the subject parcel can not occur unless a panhandle shape lot is allowed to be created.

B. The lot has the required width for access onto a dedicated public street as required in Section 16.26.230 and the International Fire Code. Required side yards shall not be counted as part of the access strip, the access strip shall be a hard surface with adequate drainage and properly maintained. Hard surface means asphalt or concrete. Shared access for more than one lot may be allowed with a recorded easement for all property owners.

C. The body of the interior portion of the lot meets all of the required dimensions, to include width and area, for the zone in which it is located. The access strip shall not count as part of the land area needed to meet the lot area requirement.

D. A fire hydrant will be located within 250 feet of where the dwelling is located or proposed to be located.

E. The address of the dwelling located on the panhandle lot shall be clearly visible from a

public street which the panhandle lot accesses.

F. Enforcement of setback requirements as per this code will be determined based on the orientation of the structure on the property. (PZSC § 03-11-006)(Ord. No. 98-02, Amended, 01/28/98)

Section 2. Section 16.28.087 is hereby amended to read as follows

16.28.087 Menu and directional signs.

A. Menu signs, or signs designed to advertise the menu of a restaurant to customers in the drive through lane of that same restaurant.

1. Zoning. Menu signs are permitted only in the commercial CC-1, C-2, CP-2, CCP-1 and industrial I-1 zones.

2. Height. The maximum height for a menu sign is eight (8) feet.

3. Area. The maximum area of a menu sign shall be sixty (60) square feet.

4. Density. Only four (4) menu signs per parcel shall be allowed.

5. Set backs. Menu signs shall have a minimum set back of five (5) feet from any property line or public right-of-way.

B. Directional signs, or signs other than public necessity signs, designed to facilitate traffic and pedestrian movement at a commercial, multi-family residential, industrial, medical or institutional development or at a public facility.

1. Zoning. Directional signs are permitted only in the CC-1, C-2, CP-2, CCP-1, I-1, HC-1, P-1 and R-4 zones.

2. Height. The maximum height for a directional sign is six (6) feet. If an architectural projection exists on the main structure under which there will be vehicular movement, cautionary signage shall indicate a maximum height of vehicles to be (6) six inches below the bottom of the architectural projection.

3. Area. The maximum area of a directional sign shall be twenty-five (25) square feet.

4. Set backs. Directional signs shall have a minimum set back of eighteen (18) inches from any property line or public right-of-way.

Section 3. Section 16.28.060 is hereby amended to read as follows

16.28.060 Pole signs.

A. Zoning. Pole signs including identification, advertising and business signs which are supported by pole(s) or support(s) having a height greater than fourteen (14) feet and which are mounted in the ground are permitted in the CC-1, C-2, CP-2, CCP-1 and I-1 zones. For purposes of this regulation, signs mounted on the roofs of buildings, regardless of their height, that extend higher than the peak of the roof shall be considered pole signs.

B. Placement. Pole signs may only be placed within three hundred-fifty (350) feet of the edge of the right-of-way of Highway 40 or North Vernal Avenue. Pole signs placed within one hundred and fifty (150) feet of an existing residential use or zone shall require a conditional use permit.

C. Height. The maximum sign height shall not exceed forty (40) feet from the average adjacent grade to the top of the sign. When a sign projects over an area designated for pedestrians or automotive use, no portion of the body of the sign shall be lower than fourteen (14) feet.

D. Area. The maximum area expressed in square feet for a sign shall be calculated by

multiplying the frontage of the parcel on which the sign will be placed by two (2). However, no sign shall have more area than one hundred fifty (150) square feet.

E. Density. One pole sign per parcel.

F. Separation. A minimum separation of one hundred (100) feet shall be maintained between all other pole signs, multi-tenant commercial signs and off premises signs unless the entire body of the proposed sign is at a different elevation from the bodies of all adjacent pole signs, multi-tenant commercial signs and off premises signs. In no case shall the separation between said signs be less than fifty (50) feet. Pole signs shall be located as near to the middle point of the lot frontage as is reasonable.

G. Setbacks. No part of the pole sign may extend over any public right-of-way or easement or across any adjoining property lines. In no case shall the placement of the sign violate the clear vision triangle as defined in Vernal City code.

H. Design. The pole or support structure of the sign may be equal to the width and depth of the sign, but may not exceed it. Except for the address of the property, no copy or text may be attached to the pole or support structure less than six (6) feet from the adjacent grade.

(PZSC § 03-13-006)

Section 4. Section 16.28.070 is hereby amended to read as follows

16.28.070 Flat or wall signs.

A. Zoning. Flat or wall signs include identification, advertising, and business signs which are mounted or painted against a wall or building facade and are permitted only in the CC-1, C-2, CCP-1, CP-2, I-1, HC-1, and R-4 and R-3 zones. For purposes of this regulation, signs mounted on the roofs of buildings that do not extend higher than the peak of the roof shall be considered flat or wall signs.

B. Area. The combined area of wall, awning and projecting signs shall not exceed twenty-five (25%) percent of the ~~building facade or wall~~ on which the sign(s) are to be placed or a maximum of one-hundred fifty (150) square feet.

C. A sign placed on the roof of a structure shall not be more than five (5) feet higher than the highest point of the structure's roof and shall be included in the total square footage of all wall or roof signage allowed which is no more than twenty-five (25%) percent of the largest wall of the structure or a maximum of one-hundred fifty (150) square feet. (PZSC § 03-13-007)

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication the __ day of _____ 2016.

Mayor Sonja Norton

2016-09

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____