



Regular City Council Meeting

Tuesday, October 19, 2021

City Hall Council Chambers

5249 South 400 East, Washington Terrace City

801-393-8681

www.washingtonterracecity.com

1. **WORK SESSION** **5:00 P.M.**
Topics to include; but are not limited to: Fiber Optic Planning and Funding Options

2. **ROLL CALL** **6:00 P.M.**

3. **PLEDGE OF ALLEGIANCE**

4. **WELCOME**

5. **CONSENT ITEMS**

5.1 APPROVAL OF AGENDA

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

5.2 APPROVAL OF OCTOBER 5, 2021 MEETING MINUTES

6. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

7. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

8. **NEW BUSINESS**

8.1 PRESENTATION/DISCUSSION: PRESENTATION BY BONNEVILLE HIGH SCHOOL STUDY BODY REPRESENTATIVES

The representatives would like to discuss the future relationship between the students and the City and how to have the City more involved in school activities.

For more information on these agenda items, please visit our website at www.washingtonterracecity.com

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

8.2 PRESENTATION: SHERIFF OFFICE QUARTERLY REPORT

Presentation on activity in Washington Terrace for July-September 2021

8.3 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT

Presentation on activity in Washington Terrace for July-September 2021

8.4 PRESENTATION: FIRE DEPARTMENT QUARTERLY REPORT

Presentation on activity in Washington Terrace for July-September 2021

8.4 MOTION/ORDINANCE 21-10: AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING SECTION 17.28.020 AMENDING THE SETBACK REQUIREMENTS FOR CERTAIN COMMERCIAL BUILDING STANDARDS

The ordinance would amend set back requirements for certain commercial buildings to be 8 feet from the side yard, while maintaining the 20 foot set back requirement on the front.

9. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

10. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

11. UPCOMING EVENTS

October 28th: Planning Commission Meeting (tentative)

November 2nd : ELECTIONS

November 2nd: City Council Meeting 6:00 p.m.

November 11th: City Council Offices closed for Veteran's Day

November 16th: City Council Meeting/ Board of Canvass

November 19th: City Council Retreat

12. ADJOURN THE MEETING: MAYOR ALLEN

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on October 5, 2021

City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member F. Carey Seal
Council Member Larry Weir
Council Member Scott Barker
Council Member Jeff West
General Planner Tyler Seaman
Public Works Director Jake Meibos
Finance Director Shari' Garrett
Utility Billing Specialist Robyn Landers
City Manager Tom Hanson
City Attorney Bill Morris

Others Present

Charles and Reba Allen, Jonathan Fraser, Brett DeGroot, Ulis Gardiner, John Jenskins, Trent Nelson,
Randy Ferlin, Jill Christiansen, Nathan Howard, Amy Miller, Jim and Kathleen Craynor, Amy Morgan,
Mike Lawrence

1. ROLL CALL

6:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. CONSENT ITEMS

4.1 APPROVAL OF AGENDA

4.2 APPROVAL OF SEPTEMBER 21, 2021 MEETING MINUTES

Items 4.1 and 4.2 were approved by general consent.

5. CITIZEN COMMENTS

Mike Lawrence passed out a handout to Council. He stated his concern over parking distance markings around fire hydrants, stating that they vary significantly. He stated that they are not in alignment with Utah State Code and asked if our ordinance has a different code. He requested that if the answer could not be answered tonight that the entire question and answer be posted on facebook city page.

48
49 **6. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**
50 **COMMENTS**

51 Hanson stated that this is the first he has heard of this question. Mayor Allen stated that our crews are
52 doing red curbing for safety. Council Member West asked if there are specific examples. Mr Lawrence
53 did not want to disclose specific locations. Hanson stated that he will make sure that our staff are
54 following proper procedures and following state law.
55

56 **7. NEW BUSINESS**
57

58 **8.1 MOTION/RESOLUTION 21-27: RESOLUTION TO APPOINT JUDGE TRENT**
59 **NELSON TO SERVE AS A TEMPORARY JUSTICE COURT JUDGE FOR THE**
60 **MARRIOTT-SLATTERVILLE/WASHINGTON TERRACE JUSTICE COURT**

61 Hanson introduced Judge Trent Nelson. Judge Nelson will be one of the interim judges until a permanent
62 replacement for Judge Lambert is chosen. Hanson stated that we would like a fair process and appreciate
63 the time Judge Nelson will be spending with our staff.

64 Judge Nelson stated that he appreciates the opportunity to serve as the interim judge, noting that he does
65 not make the laws, he will judge whether the law has been followed.

66 Hanson stated that the Resolution allows staff to allow another assignment if another applicant falls
67 within the parameters of the position.
68

69 **Motion by Council Member Barker**
70 **Seconded by Council Member Weir**
71 **To appoint Judge Trent Nelson to**
72 **Serve as a temporary Justice Court Judge**
73 **For the Marriott-Slaterville/Washington Terrace**
74 **Justice Court**
75 **Approved unanimously (4-0)**
76 **Roll Call Vote**
77

78 **8.2 PRESENTATION/TRAINING: ETHICAL ELECTION BEHAVIOR**

79 City Attorney Bill Morris presented a training on electioneering and ethical behavior.
80 Morris stated that Council Members have a lot of power to change things within the city through
81 ordinances, however, there are limits. Morris explained city official conduct in regards to ethical election
82 behavior. Morris stated that state law prohibits interfering with elections or threatening behavior. Morris
83 stated that Rodriguez is the poll manager for the city and any concerns should be addressed to her. Morris
84 explained polling places behavior and violations. Morris stated that intimidation to vote is prohibited.
85

86 **8.3 DISCUSSION/INTERVIEWS: INTERVIEW OF EACH INDIVIDUAL WHOSE**
87 **NAME WAS SUBMITTED FOR CONSIDERATION TO FILL THE MIDTERM**
88 **VACANCY OF A COUNCIL MEMBER SEAT**

89 City Attorney Bill Morris explained the process for filling the midterm vacancy. The midterm vacancy
90 was advertised in accordance with state law. The Council received nine names for consideration before
91 the deadline, two candidates withdrew. The Council interviewed the individuals in open meeting. The
92 candidates had 3 minutes to introduce themselves and state why they would like to become a member of
93 Council. Each Council Member asked one question to each candidate.

94 The order of the interviews were chosen by draw: Dan Johnson, Amy Morgan, John Jenkins,

Gary Klema, Scott Monsen, Randy Ferlin, Jonathan Fraser.

**8.4 DISCUSSION/ACTION: DISCUSSION OF MIDTERM VACANCY
CONSIDERATIONS AND POSSIBLE VOTE**

Morris stated that the votes are protected by state law. There was a first round elimination vote where the Council voted for two candidates. There was a run off vote between the top two vote receivers. The ballots were tallied by City Recorder Amy Rodriguez and City Attorney Bill Morris.

**8.5 MOTION/ACTION: APPOINTMENT OF COUNCIL MEMBER TO
FILL MIDTERM VACANCY**

Mayor Allen announce the new Council Member as Randy Ferlin.

**Motion by Council Member West
Seconded by Council Member Weir
To appoint Randy Ferlin to City Council
To fill the midterm vacancy
Approved unanimously (4-0)
Roll Call Vote taken**

8.6 OATH OF OFFICE ADMINISTERED TO NEW COUNCIL MEMBER

Rodriguez administered the oath of office to Randy Ferlin.

9. COUNCIL COMMUNICATION WITH STAFF

Council Member West thanked the Public Works staff on the communication during the water valve replacements.

Mayor Allen stated that he received a call from the CEO of the hospital. He stated that Mountain Star has purchased five hospitals in the area, which is good news for our hospital. He stated that Davis Hospital has been part of the purchase.

Mayor Allen stated that there has been a lot of work in the construction area, noting that the valves were necessary. Mayor Allen stated that the project was paid in part by CDBG funds.

10. ADMINISTRATION REPORTS

Hanson updated Council and visitors on the water valve project.

11. UPCOMING EVENTS

**October 11th: City Offices closed in Observance of Columbus Day
October 19th: City Council Meeting 6:00 p.m.
October 28th: Planning Commission Meeting**

12. ADJOURN THE MEETING: MAYOR ALLEN

**Motion by Council Member Barker
Seconded by Council Member Seal**

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To adjourn the meeting
Approved unanimously (5-0)
Time: 7:44 p.m.

Date Approved

City Recorder

WEBER COUNTY SHERIFF'S OFFICE WASHINGTON TERRACE MONTHLY STATISTICS



3RD QUARTER 2021

OFFENSE CODES FROM INCIDENTS GENERATING A CASE REPORT

SOME CASES HAVE MULTIPLE OFFENSE CODES



Weber County Sheriff's Office

Law Total Incident Report, by Offense Codes

Agency: Weber County Sheriff's Office

<u>Offense Code</u>	<u>Total Incidents</u>
RUNAWAY (0001)	1
SEX OFF-RAPE DRUG INDUCED (1122)	1
ALARM-FALSE ALRM/MOBILE/NO R (1298)	1
ASSLT-AGG FAMILY GUN (1301)	1
ASSLT-AGG FAMLY ID WEAP (1302)	1
ASSLT-AGG NONFAMILY	1
STRONGARM (1306)	
ASSLT-SIMPLE ASSAULT (1313)	16
ASSLT-AGG ASSLT ID WEAPONS (1315)	1
ASSLT-AGG ASSLT-CHILD ABUSE (1318)	1
SIMPLE ASSAULT ON A POLICE OFF (1320)	1
ASSLT-THREAT TO BURN (1355)	1
BURG-FORCED ENTRY RESIDENCE (2202)	1
BURG-NO FORCE ENTRY NON RESID (2205)	5
THEFT-NO FORCE PURSE SNATCH (2302)	1
THEFT-PARTS/ACCESS/FROM VEH (2304)	1
THEFT-FROM MOTOR VEH (PROWL) (2305)	7
THEFT-FROM BUILDING (2308)	10
THEFT-FROM YARDS (2309)	3
THEFT-POSTAL (2316)	1
THEFT-LOST/MISDELIVERED (2326)	3
THEFT-THEFT OF SERVICES (2332)	5
THEFT-FREE TEXT (2399)	3
STOL VEH-PASSENGER VEHICLE (2404)	5
STOL VEH-RECREATIONAL VEHICLE (2415)	1
REC STOLEN VEHICLE OJ (2417)	2
RECOVERED STOLEN VEH (LOCAL) (2418)	1
FRAUD-	1
ABUSE/COMPUTER/WELFARE (2609)	
FRAUD-POSSES ANOTHERS ID (2613)	1
FRAUD-FREE TEXT (2699)	3

<u>Offense Code</u>	<u>Total Incidents</u>
CRIMINAL MISCH-BUSINESS (2901)	5
CRIMINAL MISCH-PRIVATE (2902)	18
CRIMINAL MISCH-PUBLIC PROP (2903)	2
CRIMINAL MISCH-GRAFFITI (2959)	2
CRIMINAL MISCH-PRIVATE/VEH (2960)	4
DRUG-HEROIN POSSESS (3512)	2
DRUG-PARAPHERNALIA/NARC EQUIP (3550)	8
DRUG-MARIJUANA POSSESS (3562)	8
DRUG-AMPHETAMINE POSSESS (3572)	3
DRUG-FOUND PARAPH. NARC EQUIP (3591)	2
DRUG-FOUND/SURRENDERED DRUGS (3592)	6
SEX OFF-CHILD FONDLING/ABUSE (3601)	3
SEX OFF-SEX OFFENSE FREE TEXT (3699)	1
FAM OFF-CHLD/ABUSE NON VIOLEN (3802)	16
FAM OFF-CRUEL TOWARD ELDERLY (3809)	1
FAM OFF-DV IN PRESE OF CHILD (3814)	8
INTERRUPT OF COMM DEV (3815)	4
FAM OFF-DV CRIMINAL NATURE (3850)	16
FAM OFF-DV NON CRIMINAL (3851)	31
FAM OFF-VIOL NO CONTACT ORDER (3852)	2
FAM OFF-PROTECT ORDER SERVICE (3855)	1
FAM OFF-VIO OF PROTECT ORDER (3857)	5
OBSTRUCT-RESISTING OFFICER (4801)	1
OBSTRUCT-FALSE NAME/ADD/P.O. (4823)	1
OBSTRUCT-FAILURE STOP FOR LEO (4850)	1
ESCAPE-HARBOR FUGITIVE (4904)	1
OBSTRUCT-OBSTRUCTING JUSTICE (5006)	1
WARRANT-FAIL TO APPEAR-LOCAL (5015)	4
OBSTRUCT-VIOL OF COURT ORDER (5016)	1

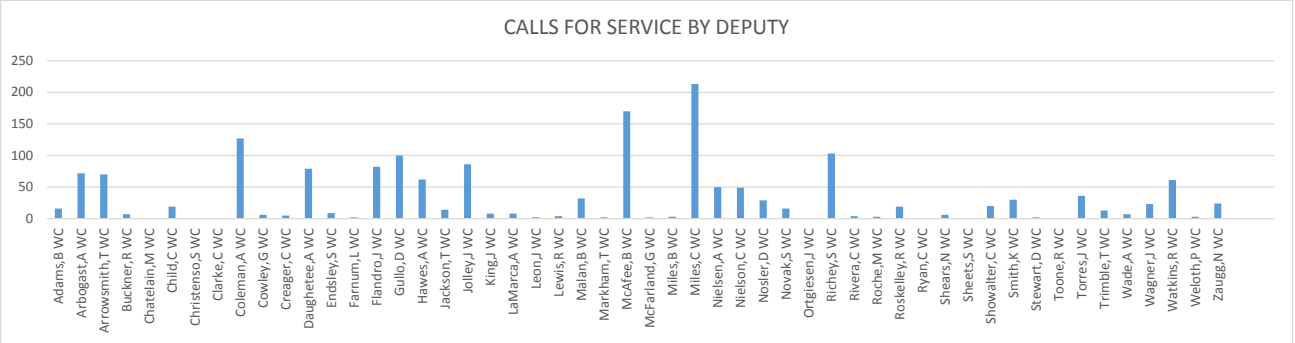
<u>Offense Code</u>	<u>Total Incidents</u>
WARRANT-FAILURE TO APPEAR-OJ (5017)	3
WEAPON-CARRYING PROHIBITED (5203)	1
WEAPON-POSSESSION OF WEAPON (5212)	1
PUB PEACE-INTERFERE OFFICER (5305)	3
PUB PEACE-HARASSING COMMUNICAT (5309)	7
PUB PEACE-DISORDERLY CONDUCT (5311)	7
PUB PEACE-NOISE ORDI VIOLATION (5349)	2
PUB PEACE-DIST THE PEACE (5352)	17
PUB PEACE-THREATS (5354)	4
PUB PEACE-MENTAL PSYCHO (5356)	10
PUB PEACE-SUSPICIOUS ACTIVITY (5359)	42
PUB PEACE-PROWLER (5360)	1
PUB PEACE-SERVE SEARCH WARRANT (5364)	2
ANIMAL-ANIMAL BITES (5366)	1
ANIMAL-ANIMAL PROBLEMS (5369)	1
PUB PEACE-SEX OFFENDER HM CHEK (5376)	4
ANIMAL-ANIMAL AT LARGE (5382)	2
ANIMAL-ANIMAL DEAD ANIMAL (5386)	1
TRAF-DUI CLASS B (5404)	2
TRAF-RECKLESS/CARELESS DRIVING (5420)	2
TRAF-NON MOVING VIOLATION (5421)	1
TRAF-FOLLOWING TOO CLOSE (5429)	1
TRAF-FAILURE TO SIGNAL (5433)	1
ACCIDENT-REPORTABLE (5435)	5
ACCIDENT-NON REPORTABLE (5436)	2
TRAF-INTERLOCK VIOLATION (5441)	1
TRAF-NO PROOF OF INSURANCE (5448)	1
TRAF-REVOKED/SUSPENDED LICENSE (5451)	1
TRAF-DEFECTIVE EQUIPMENT (5454)	1
TRAF-REGISTRATION VIOL (5455)	2
TRAF-OBSTRUCTED VISION (5460)	1
ACCIDENT-PERSONAL INJURY (5472)	4
TRAF-TRAFFIC STOP (5480)	12
TRAF-ABANDONED VEHICLE (5482)	5

<u>Offense Code</u>	<u>Total Incidents</u>
TRAF-OPERATE VEHICLE W/NO INSU (5488)	1
TRAF-ALCOHOL RESTRICTED DRIVER (5489)	1
TRAF-PED UNLAWFUL USE ROADWAY (5493)	1
PRIVACY-TRESPASS (5707)	13
ACCIDENT-PROPERTY DAMAGE ONLY (6508)	2
JUVENILE-MISSING (7305)	1
DEATH ATTENDED (7314)	3
PUB PEACE-PUBLIC INTOXICATION (7316)	7
PUB PEACE-NONALCOHOLIC INTOX (7317)	1
PUB PEACE-INTOX PRIVATE PLACE (7319)	1
CUSTODY DISPUTE (7320)	8
ASSIST-CITIZEN (7327)	24
FOUND PROPERTY (7331)	9
LOST PROPERTY (7333)	6
PREMISE CHECK (7337)	5
ASSIST-K9 (7339)	1
SUICIDE ATTEMPT (7340)	3
SUICIDE THREATENED (7341)	5
PAPER SERVICE (7349)	1
ABANDONED VEHICLE PRIVATE (7352)	2
OVERDOSE (7353)	3
OVERDOSE ACCIDENTAL (7354)	2
MISSING PERSON/ADULT (7357)	1
FOLLOW UP (7362)	3
Civil Dispute (7363)	2
ASSIST-OTHER JURISDICTION (8003)	1
ASSIST-MEDICAL (8004)	2
EXTRA PATROL (8008)	2
KEEP THE PEACE (8011)	4
911 CALL UNKNOWN (8012)	2
WELFARE CHECK (8013)	20
INFORMATION (8016)	1
TRANSPORTATION (8021)	1
JUVENILE-UNGOVERNABLE (8104)	5
JUVENILE-CURFEW (8106)	3
POSS TOBACCO UNDER 19 (9001)	4
TOBACCO VIOL FREE TEXT (9099)	1
Total Incidents for This Agency	541

Report Includes:

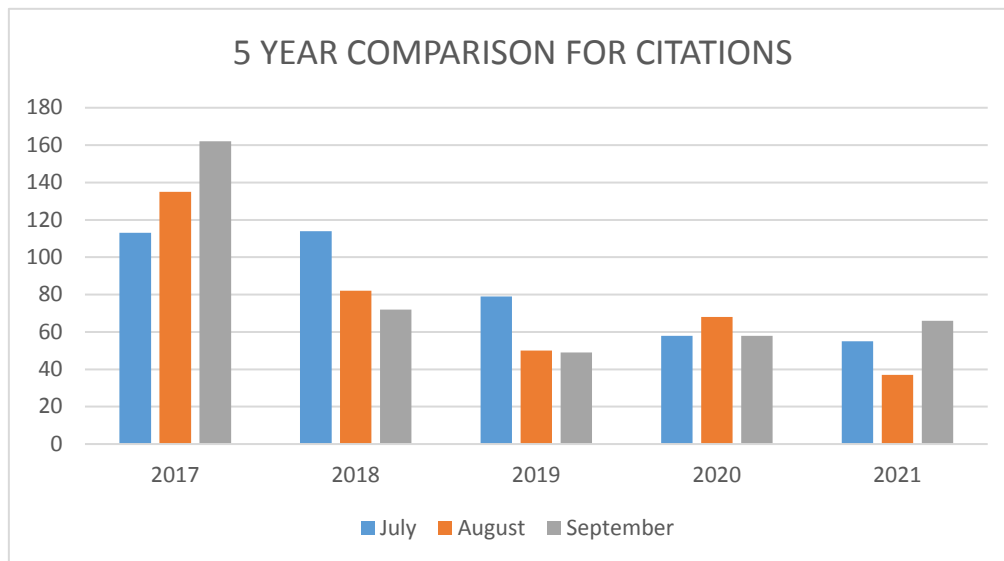
All dates between '00:00:00 07/01/21' and '23:59:59 09/30/21', All agencies matching 'WC', All natures, All locations matching 'WT', All responsible officers, All dispositions, All clearance codes not matching 'NR', All observed offenses, All reported offenses, All offense codes, All circumstance codes

Officers	# Calls
Adams,B WC	16
Arbogast,A WC	72
Arrowsmith,T WC	70
Buckner,R WC	7
Chatelain,M WC	1
Child,C WC	19
Christenso,S WC	1
Clarke,C WC	1
Coleman,A WC	127
Cowley,G WC	6
Creager,C WC	5
Daughetee,A WC	79
Endsley,S WC	9
Farnum,L WC	2
Flandro,J WC	82
Gullo,D WC	100
Hawes,A WC	62
Jackson,T WC	14
Jolley,J WC	86
King,J WC	8
LaMarca,A WC	8
Leon,J WC	2
Lewis,R WC	4
Malan,B WC	32
Markham,T WC	2
McAfee,B WC	170
McFarland,G WC	2
Miles,B WC	3
Miles,C WC	213
Nielsen,A WC	50
Nielson,C WC	49
Nosler,D WC	29
Novak,S WC	16
Ortgiesen,J WC	1
Richey,S WC	103
Rivera,C WC	4
Roche,M WC	3
Roskelley,R WC	19
Ryan,C WC	1
Shears,N WC	6
Sheets,S WC	1
Showalter,C WC	20
Smith,K WC	30
Stewart,D WC	2
Toone,R WC	1
Torres,J WC	36
Trimble,T WC	13
Wade,A WC	7
Wagner,J WC	23
Watkins,R WC	61
Weloth,P WC	3
Zaugg,N WC	24



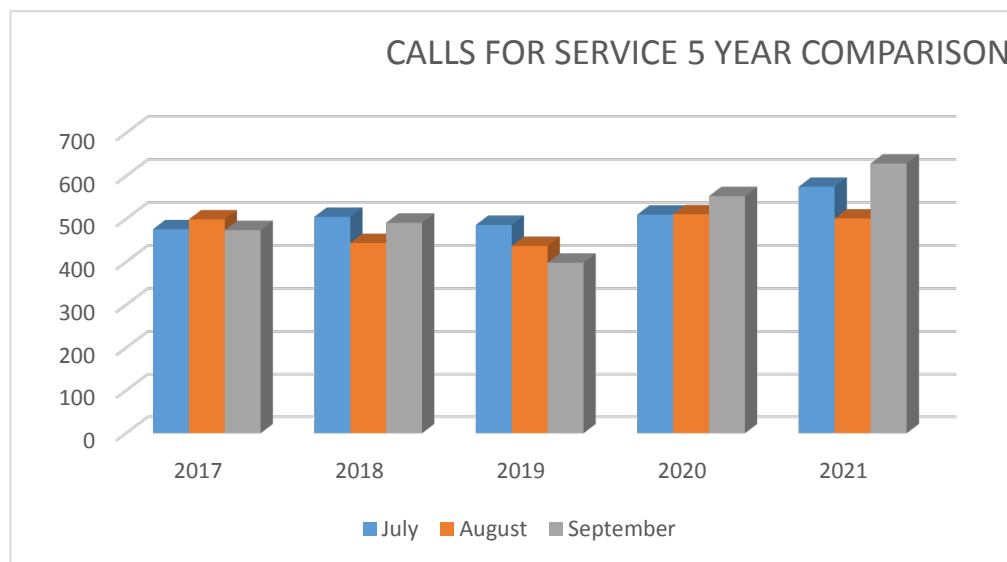
WASHINGTON TERRACE CITATION 5 YEAR COMPARISON

	2017	2018	2019	2020	2021
July	113	114	79	58	55
August	135	82	50	68	37
September	162	72	49	58	66
TOTAL	410	268	178	184	158



WASHINGTON TERRACE CALLS FOR SERVICE INCLUDES TRAFFIC STOPS

	2017	2018	2019	2020	2021
July	476	505	486	510	575
August	499	444	437	511	501
September	474	491	398	553	629
TOTAL	1449	1440	1321	1574	1705



WASHINGTON TERRACE CRIME CALENDAR 3RD QUARTER 2021



ASSAULT One occurred every 4 days

THEFT One occurred every 2.7 days

BURGLARY One occurred every 15.3 days

City Council Staff Report

Author: Tyler D. Seaman
Subject: Amend Chapter 17 “zoning”
Date: October 19, 2021
Type of Item: Action



Summary: COUNCIL MAY APPROVE ORDINANCE 21-10 “SITE DEVELOPMENT STANDARDS” IN REGARD TO COMMERCIAL SETBACK REQUIREMENTS

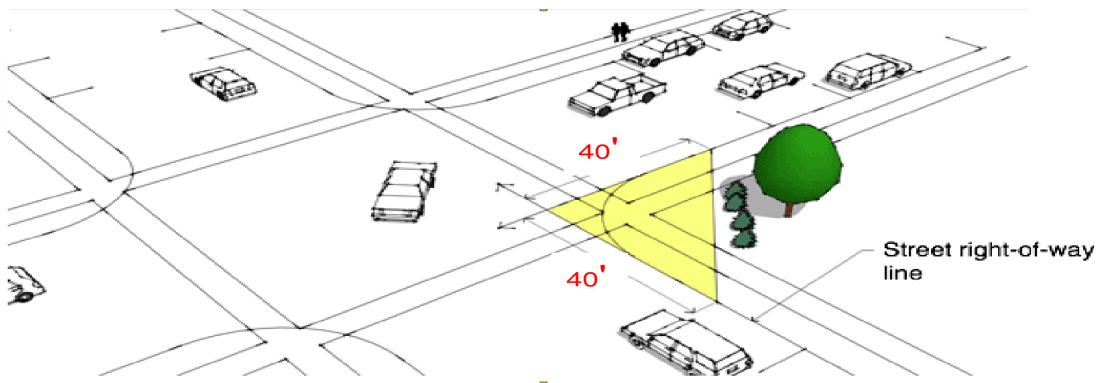
Description: STAFF WOULD RECOMMEND CONSIDERATION FOR A CHANGE TO THE SETBACK REQUIREMENTS FOR CREATE WATER WISE LANDSCAPING

Background: The applicant has requested we create more of an urban feel with our commercial zones allowing for the buildings to be setback closer to the road while not compromising safety and feel of the current street. The Planning Commission held a public hearing on September 30, 2021. There were no citizen comments. The Planning Commission gave a favorable recommendation to approve.

Analysis: After research we have determined there can’t be any change allowed on the front of the property but would give recommendation for Council to consider the side yard setbacks on a corner lot.

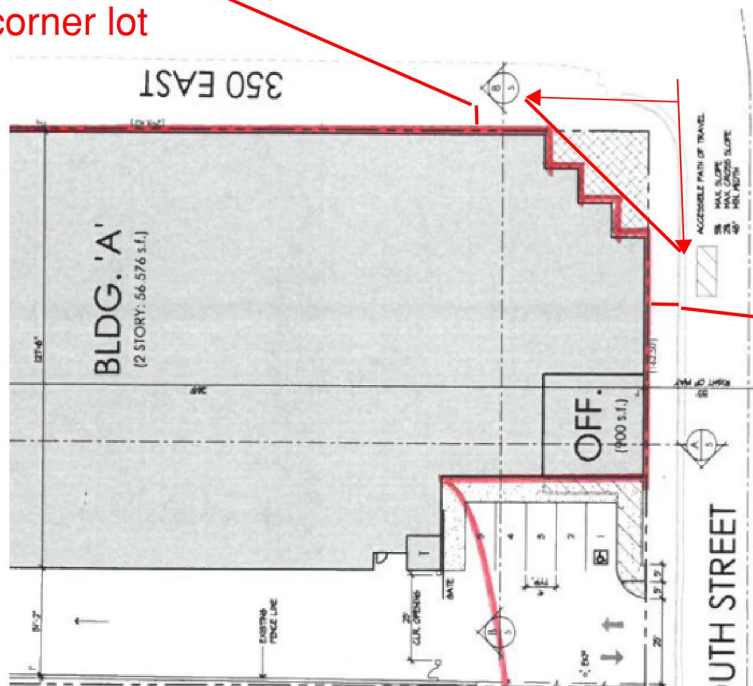
We can approach this in a couple of different ways.

1. In the commercial zones we allow for there to be no setbacks on the side yards except for a property line that is either on the same property line as a residential zone or is on a corner lot. The residential zone makes sense to keep the 10-foot minimum setback due to fire code reasons. The corner side of the building is setback off the street due to line of sight and could be changed.
 - a. Staff feels it would be appropriate to allow for the building to be closer than the 20-foot side yard setback if the line of sight triangle is maintained. The line of sight triangle is 40-feet from the corner of the street down the front and side yard curb. (See illustration)



- b. From a safety standpoint Staff has determined the 8-foot setback on the corner would be the minimum setback while still maintaining the front setback of 20-feet. This will still maintain the openness of the street but allow for future development to utilize more of the property for buildings and focus on water conservation measure for landscaping. (See illustration)

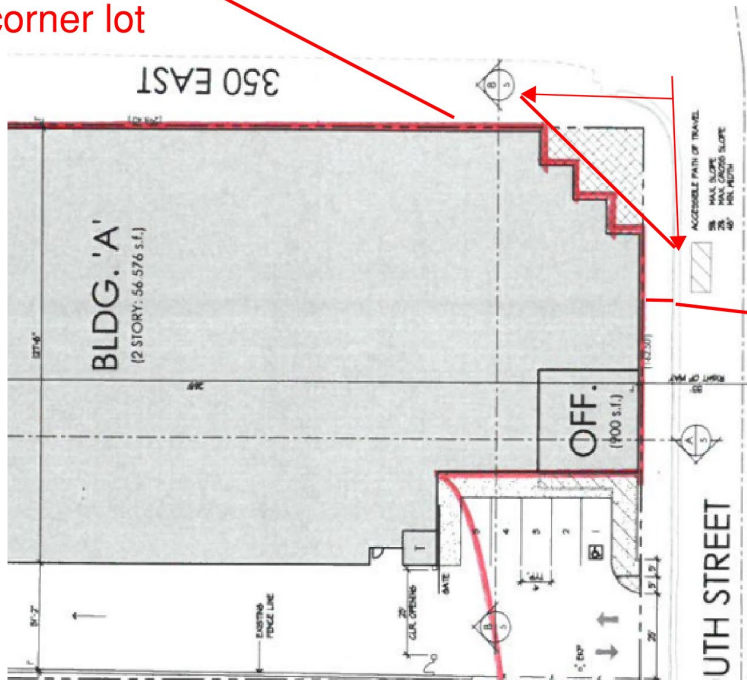
8' setback on
side yard of
corner lot



20' setback
on front

2. We could allow for zero corner setbacks on the corner but with the line of sight triangle being maintained. This is a drastic change to our current ordinance and would change the street-scape. (See illustration)

0' setback on
side yard of
corner lot



20' setback
on front

- A. Approve the Request: MOTION TO TO APPROVE ORDINANCE 21-10 “SITE DEVELOPMENT STANDARDS” IN REGARD TO COMMERCIAL SETBACK REQUIREMENTS
- B. Deny the Request: Setbacks will remain as current ordinance states.
- C. Continue the Item: TABLE TO ITEM FOR FURTHER DISCUSSION.

17.28.020 Site Development And Standards

1. Minimum lot area – none.
2. Minimum lot width – none.
3. Minimum yard setbacks:
 1. Front – twenty (20) feet on streets of less than eighty (80) feet in width, fifty (50) feet on streets and highways of eighty (80) feet or more in width.
 2. Side – none, except ten (10) feet adjacent to a residential zone.
 3. Side – facing a street with a corner lot – ~~twenty by twenty (20x20) feet.~~ **Eight (8) feet on side yard while maintaining the sight triangle as defined in chapter 17 of the Washington Terrace City Code: i. Sight Triangle. The "sight triangle" is to protect the line of site for the intersection of an area which extends for forty feet (40') in all zones from the corner in both directions.**
 4. Rear – none, except 10 feet where building rears on a residential zone.
4. Building height:
 1. Minimum – one (1) story.
 2. Maximum – sixty (60) feet, measured from back of curb.
 3. The height limits for a hospital use shall be determined in accordance with this section and as part of the site plan and/or conditional use approval process so long as such height limits do not exceed double the maximum height allowed by this section.

**WASHINGTON TERRACE CITY
ORDINANCE 21-10**

SITE DEVELOPMENT STANDARDS AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING SECTION 17.28.020 AMENDING THE SETBACK
REQUIREMENTS FOR CERTAIN COMMERCIAL BUILDING
STANDARDS; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to amend the setback requirements for certain commercial buildings;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on September 30, 2021 and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on October 19, 2021, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Section 17.28.020 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

17.28.020 Site Development And Standards.

1. Minimum lot area – none.

2. Minimum lot width – none.
3. Minimum yard setbacks:
 - a. Front – twenty (20) feet on streets of less than eighty (80) feet in width, fifty (50) feet on streets and highways of eighty (80) feet or more in width.
 - b. Side – none, except ten (10) feet adjacent to a residential zone.
 - c. Side – facing a street with a corner lot – ~~twenty by twenty (20x20) feet~~. Eight (8) feet on side yard while maintaining the sight triangle as defined in chapter 17 of the Washington Terrace City Code: Sight Triangle. The “sight triangle” is to protect the line of sight for the intersection of an area which extends for forty feet (40’) in all zones from the corner in both directions.
 - d. Rear – none, except 10 feet where building rears on a residential zone.
4. Building height:
 - a. Minimum – one (1) story.
 - b. Maximum – ~~Forty five (45)~~ Sixty (60) feet, measured from back of curb.
 - c. The height limits for a hospital use shall be determined in accordance with this section and as part of the site plan and/or conditional use approval process so long as such height limits do not exceed double the maximum height allowed by this section.
 - d. The height limit for a use owned or operated by a financial institution shall not exceed sixty (60) feet.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2021.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2021.
PUBLISHED OR POSTED this ____ day of _____, 2021.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) _____, 2) _____, and 3) _____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____