



Regular City Council Meeting
Tuesday, October 4, 2016
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: Clarification and application of the sensitive land ordinance

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 SEPTEMBER 6, 2016, 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 MOTION/ORDINANCE 16-07: AMENDING CHAPTERS 17.20.50 AND 17.12.070 RELATING TO RESIDENTIAL SIDE YARD SETBACK REQUIREMENTS

An ordinance changing the side yard setback requirements to 5 feet by 5 feet and changing the

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ADA Accommodations and Auxiliary aids and services are available upon request to individuals with disabilities by calling 801-395-8283 three days prior to the meeting. Individuals with speech and/or hearing impairments may call the Relay Utah dialing 711. Spanish Relay Utah: 1-888-346-3162. Equal Opportunity Employer/Program

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.

minimum yard setbacks to allow for covered patios.

8.2 MOTION/ORDINANCE16-03: AMENDING CHAPTER 17.28.050 USE REGULATIONS FOR COMMERCIAL ZONES

An ordinance updating the regulation uses for commercial zones.

8.3 MOTION: COUNCIL DESIGNATION OF 5700 SOUTH TO BE A LIMITED ACCESS ROAD

Council may designate 5700 South as a limited access road to decrease hazards associated with residential driveways accessing onto 5700 South.

8.4 MOTION: APPROVAL OF THE PURCHASE AND INSTALLATION OF THE CONCRETE FENCING OF THE NEW PUBLIC WORKS FACILITY WITH FIELDCREST ESTATES SUBDIVISION

The purchase and installation of the concrete fencing is pursuant with the Development agreement with the Developers of Fieldcrest Estates

8.5 DISCUSSION: AFTER ACTION REPORT AND UPDATES ON SEPTEMBER 22, 2016 TORNADO STORM EVENT

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 10th: City offices closed for Columbus Day

October 18th: City Council Meeting 6:00 p.m.

October 27th: Planning Commission 6:00 p.m. (tentative)

12. ADJOURN THE MEETING: MAYOR ALLEN

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City of Washington Terrace

Minutes of a Regular City Council meeting
Held on September 6, 2016
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

10 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

- 11 Mayor Mark C. Allen
12 Council Member Scott Monsen
13 Council Member Blair Brown
14 Council Member Robert Jensen
15 Council Member Scott Barker
16 Council Member Val Shupe
17 Public Works Director Steve Harris
18 Finance Director Shari' Garrett
19 Building Official Jeff Monroe
20 City Manager Tom Hanson
21 City Recorder Amy Rodriguez
22 Lt. Jason Talbot, Weber County Sheriff

23
24 **Others Present**

25 Charles and Reba Allen, Jonathan Ward, Zions Bank, Dell Kraiima, Bruce Nilson, Ulis Gardiner, Brad
26 Larson

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28 **1. ROLL CALL 6:00 p.m.**

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30 **2. PLEDGE OF ALLEGIANCE**

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32 **3. WELCOME**

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34 **4. CONSENT ITEMS**

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36 **4.1 APPROVAL OF AGENDA**

37 Hanson asked to move item 8.5 before item 5.1.

38 **4.2 APPROVAL OF AUGUST 16, 2016, MINUTES**

39 Items 4.1 and 4.2 were approved by general consent.
40

41 **5. SPECIAL ORDER**

42 **5.1 PUBLIC HEARING: A PUBLIC HEARING ON THE WASHINGTON TERRACE**
43 **WATER, SEWER, STORM WATER AND REFUSE COLLECTION REVENUE**
44 **BONDS, SERIES 2016 IN THE AMOUNT NOT TO EXCEED \$6,000,000, IN ONE**
45 **OR MORE SERIES, FOR A PUBLIC WORKS BUILDING AND RELATED**
46 **MATTERS.**

47
48 Zions Bank Financial Advisor Jonathan Ward addressed Council stating that the purpose of the hearing is
49 to allow the public to provide input to Council on the project. He stated that Council may respond, but it

50 is not a requirement. Ward stated that the resolution authorizes the issuance of the bonds.

51

52 **Mayor Allen opened the public hearing at 6:24 p.m.**

53 There were no citizen comments.

54 **Mayor Allen closed the public hearing at 6:25 p.m.**

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56 **6. CITIZEN COMMENTS**

57 There were no citizen comments.

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

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62 Due to lack of citizen comments in item 6, item 7 is unnecessary.

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64 **8. NEW BUSINESS**

65 **8.1 MOTION/RESOLUTION 16-14: A RESOLUTION OF THE CITY COUNCIL**
66 **OF CITY OF WASHINGTON TERRACE, WEBER COUNTY, UTAH (THE**
67 **“ISSUER”) AUTHORIZING THE TERMS AND CONDITIONS OF THE**
68 **ISSUANCE AND SALE BY THE ISSUER OF ITS WATER, SEWER, STORM**
69 **WATER AND REFUSE COLLECTION REVENUE BONDS, SERIES 2016 IN THE**
70 **AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 (THE**
71 **“SERIES 2016 BOND”); APPOINTING A PRICING COMMITTEE;**
72 **AUTHORIZING A FIFTH SUPPLEMENTAL INDENTURE, AND OTHER**
73 **DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND**
74 **AUTHORIZING ALL OTHER ACTIONS NECESSARY AND DESIRABLE FOR**
75 **THIS FINANCING; AND RELATED MATTERS**

76 Council Member Monsen stated that he is uncomfortable with the wording because it does
77 not mention the Public Works Building. Hanson stated that the wording is within the
78 resolution documents.

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Motion by Council Member Shupe

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Seconded by Council Member Jensen

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To approve Resolution 16-14 approving the

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Authorizing the terms and conditions of the issuance and sale by the issuer of

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Its water, sewer, storm and refuse collection revenue bonds, series 2016 in the

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Aggregate principal amount not to exceed \$6,000,000; appointing a pricing

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committee; Authorizing a fifth supplemental indenture, and other documents

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required in connection therewith; and authorizing all other actions necessary and

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desirable for this financing; and related matters

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Approved unanimously (5-0)

89

Roll Call Vote taken

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91 **8.2 MOTION: APPROVAL OF SITE PLAN FOR A TWO LOT SUBDIVISION**
92 **TO BE LOCATED AT APPROXIMATELY 286 WEST 5600 SOUTH**

93 Monroe stated that the property owner would like to divide the lot into two lots so that he can
94 build a second home. Monroe stated that the plans meet current codes. Land owner Mr. Rosser
95 stated that the house will be facing south. Council Member Monsen clarified that there is an
96 existing home one the lot. Mr. Rosser stated that his intention is to sell the existing home and
97 build a home next to it and live in the home.

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**Motion by Council Member Monsen
Seconded by Council Member Shupe
To approve the site plan for a two lot
Subdivision to be located at approximately 286 West 5600 South
Approved unanimously (5-0)**

8.3 MOTION/ORDINANCE 16-05: AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, ADOPTING SECTION 10.18.010 ALLOWING FOR ROAD CLASSIFICATION AND LIMITED ACCESS FACILITIES; ADOPTING SECTION 17.44.205 RELATING TO LANDSCAPING REQUIREMENTS FOR ARTERIAL AND COLLECTOR ROADS

Hanson stated that the Fieldcrest subdivision will not be a PRUD. He stated that the home owner's portion is only for the maintenance of the green space.

Monroe stated that the ordinance prevents driveway access onto roadways that may be considered heavier traffic. He stated that the landscaping portion gives direction as to what type of landscaping will be allowed so that it does not become obtrusive to the sidewalk facing the street. Staff recommendation is to identify 5700 South as one of the roadways limiting access to the street. Hanson stated that the road can be identified at a later meeting.

Monroe stated that roads will need to be identified by Council. He stated that existing homes will be grandfathered in. He stated that new developments will have a CC and R and will have to maintain their green space. Hanson stated that an HOA will be established to take care of the green space areas as directed by city code and standards. Hanson stated that the roads and infrastructure will be dedicated to the city; however, the detention pond will belong to the HOA and maintained as such. Hanson stated that the development agreement will be consistent with what the Council directs. Hanson stated that the north and south developments will have separate HOA because there are two separate developments.

Monroe stated that the new standards will be identified in the new ordinance and given out to new developers. Monroe stated that staff will be working with developers on the plans.

Council Member Brown asked who should take care of the weeds on Washington Blvd. Monroe stated that it is a state road and a UDOT responsibility. He stated that they have been called several times and they may come out a few times a year.

**Motion by Council Member Barker
Seconded by Council Member Brown
To approve ordinance 16-05 allowing for
Road classification and limited access facilities
And landscaping requirements for arterial and collector roads
Approved unanimously (5-0)
Roll Call Vote**

8.4 MOTION/ORDINANCE 16-06: AMENDING SECTION 17.12.050 RELATING TO RESIDENTIAL YARD SETBACKS

Monroe stated that the ordinance only address the R-1-6 zone, reducing the setback requirements for side yards to 5 feet. Monroe stated that the developers asked that it be reduced so that they could bring back a better product to the city. Monroe stated that the products will have good curb appeal and resale value because they will have 3 car garages, or more living spaces. Monroe stated that the lots are set. The developers would like to have the trend of today of 3 car garages.

147 Monroe stated that the setback is consistent with many neighboring communities. Council
148 Member Monsen asked if the setback reduction will impede fire protection. Monroe stated that
149 the setback meets the fire requirements for the structures.
150 Mayor Allen clarified that the change will apply to all R-1-6 properties. Monroe stated that it will
151 not change much with current lots, because the code allows for car ports to be within one foot of
152 the lot line.

153 **Motion by Council Member Jensen**
154 **Seconded by Council Member Monsen**
155 **To approve ordinance 16-05 relating to**
156 **Residential yard setbacks**
157 **Approved unanimously (5-0)**
158 **Roll Call Vote**
159

160 **8.5 PRESENTATION/DISCUSSION: PUBLIC WORKS FACILITY UPDATE**

161 Hanson stated that staff has scaled the plans for the facility down and has removed an entire
162 building from the plans. He stated that staff has scaled it down to the tightest parameters needed,
163 with options that may add to the facility. Hanson stated that this will help with the bid process and
164 possibly have the project come in under budget. He stated that the bids will have a consolidated
165 piece and then be able to add different options depending on budget. Hanson stated that he has
166 met with the architect and engineer and laid out the options. Hanson stated that the city does not
167 want to overbuild. The intent is to be as frugal as possible and still cover the needs of the city.

168 Council Member Jensen clarified that the land size will not be changed.

169 Council Member Monsen stated that he would like clarification on the options, stating that if it
170 has been determined that the city can get by with the core building, he does not understand why
171 any other building options need to be considered. He stated that he does not want to build a bigger
172 building that is needed. Council Member Monsen stated that if other buildings will be needed, the
173 other options should be considered now. Council Member Shupe stated that he does not want to
174 see the building “wholesaled” where the Council will have to come back to the citizens later on
175 for more money. He stated that he agrees that the budget should be tightened, but wants it to be
176 completed in a manner that is efficient and not slapped together.

177 Hanson stated that the core option is that the main building and bays with additional climate
178 controlled buildings will remain, while the 60 by 45 building is completely out. He stated another
179 option is pricing out each 20 foot section to the 200 foot building to add capacity. Another option
180 is shrinking the 200 foot building by 60 feet and adding the 60 foot building back in as a
181 secondary building.

182 Mayor Allen stated that the city needs to anticipate at least 600-700 new homes of growth.

183 Council Member Monsen stated that the added growth may not happen for 15 years and we
184 should plan for what we need for the next 20 years, not what may happen 20 years from now.

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186 **9. COUNCIL COMMUNICATION WITH STAFF**
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188 * Council Member Monsen stated that Public Works did a great job patching up a sink
189 hole in his neighborhood.

190 *Council Member Shupe thanked the Public Works crew for removing a washer left out in
191 the street.

192 *Council Member Barker stated that 5540 S 175 E has a ruined road due to a broken water
193 main. He stated that he has spoken with Harris and the city is working on trying to fix the road.

194 *Mayor Allen stated that there are piles of weeds on Washington Blvd and wanted to
195 know who is going to pick up the piles. Harris stated that the state inmate crew cleaned up the
196 weeds and stated that he will look into who is responsible for cleaning up the piles.

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The Mayor read a letter from the Department of Workforce Services stating that CDBG state monitoring for the Victory Park Project and Seismic Upgrade to the Water Tank Project have been completed.

10. ADMINISTRATION REPORTS

Hanson stated that he appreciates staff and their work on the CDBG projects as well as other grants. Hanson stated that there was a fight at Little Rohmer a few weeks ago. Hanson stated that the surveillance tapes were reviewed and all the parties were contacted and dealt with the same day. Hanson stated that the video cameras will help with vandalism and other issues. Hanson stated that the dumpster at City Hall was full of moving trash and items. The Sheriff's Office was able to find the person and cite the person for illegal dumping and had the items removed by the perpetrator. Hanson stated that the Public Works crew is working on installing the meters, however, they are being delayed due to water breaks in the OTIS II area.

11. UPCOMING EVENTS

September 14-16th :ULCT Conference to be held in Salt Lake City
September 20th: City Council Meeting 6:00 p.m.
September 29, 2016 Planning Commission Meeting (tentative)

12. ADJOURN THE MEETING: MAYOR ALLEN

Mayor Allen adjourned the meeting at 7:09 p.m.

Date Approved

City Recorder



City Council Staff Report

Building & Planning

Author: Planning Department

Subject: Amending Chapter 17.12.070 relating to Residential Yard setbacks, Changing Minimum side yard setback requirements from side yard property lines

Date: October 4, 2016

Item: Discussion/Action and Recommendation

Summary Recommendations:

By motion, approve the Amendment to Ordinance Title 17.12.070 Residential side yard setbacks which changes the minimum side yard setback requirements to 5 feet and 5 feet from from the property lines. The impact will be to the side yard setbacks in the R-1-6 zone only.

Background:

The City Council approved Ordinance 16-06 in September, amending Title **17.12.050** regarding residential side yard setbacks to 5 and 5 feet. After review of Title 17.12, it was found that chapter 17.12.070 was now in conflict with Title 17.12 .050. It is the desire to correct the inconsistency and amend Title 17.12.070 to conform with Title 17.12.050.

Description:

The following is the amendment to Title17 that was passed in September. The highlighted areas are the changes/new amendments.

17.12.050 Minimum Front Yard Setbacks.

The minimum yard setback requirements in the single-family residential zones are as follows:

R-1-10: Front Yard Setback: 30 ft. min. Rear Yard: 30 ft. min. Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min.on both sides

R-1-8 Front Yard Setback: 30 ft. min. Rear Yard: 30 ft. min. Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min. on both sides

R-1-6 Front Yard Setback: 25 ft. Rear Yard: 25 ft. min. Side Yard Dwelling: 5 ft. min. on each one side, with total of ~~13~~ 10 ft. min. on both sides

17.12.070 Special Regulations (the highlighted area is the area being changed/amended)

Side yard setback requirements in the single-family residential zones are as follows:

Residential Zones	R-1-10	R-1-8	R-1-6
Dwelling	8 ft.	8 ft.	5 ft.
Total Side Yard Of Not Less Than:	18 ft.	18 ft.	13 10 ft
Other Main Building	20 ft.	20 ft.	20 ft.
Total Side Yard Of Not Less Than	40 ft.	40 ft.	40 ft.
Private Garage And Other Accessory Buildings If Located At Least 6 ft. To Rear Of Main Building. No proviate Garage to be closer than 10 ft. to a dwelling on adjacent lot.	1 ft.	1 ft.	1 ft.

Corner Lots Side Yard Adjacent To Street Dwelling And accessory Building	20 ft.	20 ft.	15 ft 20 ft.
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Staff Recommendation: Staff recommends approval of the changes for housekeeping purposes.

Alternatives:

A. Approve the Request:

The City Council can approve amending Title 17.12.070 Side Yard setbacks from 13 feet to 10 feet total setbacks, to conform to recently passed Title 17.12.050.

B. Deny the Request:

The City Council can deny the request.

C. Continue the Item:

The City Council could table the item to a later meeting, for action at that time and by giving direction of concerns to staff and developer.



City Council Staff Report

Building & Planning

Author: BUILDING & PLANNING DEPARTMENT
Subject: AMENDING CHAPTER 17.12.050 MINIMUM YARD SETBACKS,
SETBACK AND LOT COVERAGE REQUIREMENTS FOR PATIO
COVER

Date: October 4, 2016
Item: Discussion/Action

Summary Recommendations: Approve Ordinance 16-08 amending requirements for attached covered patios.

Description:

A. **Topic:**
Amend Chapter 17.12.050 allowing attached covered patios to be built within 10-feet of the rear property line, and 5-feet to the side property line in the R-1-6 zone.
The amendment will allow attached covered patios to be built within 10-feet of the rear property line in all zoning.

B. **Background:**

The request has been made by the Developer of the Fieldcrest Subdivision to adopt and allow this amendment so that he may be able to provide an option for buyers who desire a covered outside patio for better outside living. A public hearing will be held at the September 29, 2016, Planning Commission meeting.

C. **Analysis:** new language to be added to Chapter 17.12.050, (4).
Chapter 17.12.050 will add a number (4) paragraph as outlined in the attached Ordinance.

D. **Staff Recommendation:** recommends approval

Alternatives:

A. **Approve the Request:**

The City Council may adopt and amend Chapter 17.12.050, adding paragraph (4) setback and lot coverage requirements for covered patios.

B. **Deny the Request:**

The City Council can deny the Ordinance.

C. **Continue the Item:**

The City Council may table the request to a later meeting, subject to suggesting additional information.

Significant Impacts: no significant impact

**WASHINGTON TERRACE CITY
ORDINANCE 16-07**

RESIDENTIAL YARD SETBACKS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING SECTION 17.12.050 RELATING TO
RESIDENTIAL YARD SETBACKS; MAKING TECHNICAL
CHANGES; 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, 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 _____, 2016, to take public comment on this Ordinance, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2016, 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: Adoption and Amendment. Section 17.12.050 and 17.12.070 is hereby amended to read as follows:

17.12.050 Minimum Front Yard Setbacks

The minimum yard setback requirements in the single-family residential zones are as follows:

R-1-10	R-1-8	R-1-6
Front Yard Setback: 30 ft. min.	Front Yard Setback: 30 ft. min.	Front Yard Setback: 25 ft. min.
Rear Yard: 30 ft. min.	Rear Yard: 30 ft. min.	Rear Yard: 25 ft. min.
Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min. on both sides	Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min. on both sides	Side Yard Dwelling: 5 ft. min. on <u>each</u> one side, with total of 43 <u>10</u> ft. min. on both sides

Side Yard for other main building: 20 ft. min. 20 ft. min. 20 ft. min.

1. Accessory buildings. The rear and side yard setback for accessory buildings is 1 foot, except where an accessory building rears on side yard of adjacent corner lot the set back in 10 feet in the R-1-10 and R-1-8 Zones, and 5 feet in the R-1-6 Zone.
2. Side setback for private garage. A private garage and other accessory buildings if located at least 6 ft. to rear of main building shall be set back a minimum 1 foot. No private garage to be closer than 10 feet to a dwelling on adjacent lot.
3. Corner lots side yard adjacent to street. Dwelling and accessory building shall be set back 20 feet in the R-1-10 and R-1-8 Zones, and 15 feet in the R-1-6 Zone.
4. Covered patios. The yard setbacks and lot coverage for covered patios in any residential zone is as follows:
 - a. An attached patio shall not be closer than 10 feet to the rear property line and 5 feet to the side property line. The minimum setback for a side yard on a corner lot, for the side on the corner, is 10 feet.
 - b. The roof eaves may extend 1 foot into the setback area.
 - c. The maximum rear area of a lot that may be covered by a roofed structure, including the dwelling, other main building, and all accessory buildings is 45%.

17.12.070 Special Regulations

Side yard setback requirements, in feet, in the single-family residential zones are as follows:

Residential Zones	R-1-10	R-1-8	R-1-6
Dwelling	8	8	5
<u>Dwelling, combined side yard minimum setbacks</u>	18	18	13 <u>10</u>
Other main building	20	20	20
<u>Other main building, side yard minimum setbacks</u>	40	40	40
Private garage and other accessory buildings if located at least 6 feet to rear of main building. No private garage to be located closer than 10 feet to a dwelling on an adjacent lot.	1	1	1

Corner lots side yard adjacent to street dwelling and accessory building 20 20 15

Exception: Average of existing building where 50% of frontage is developed but not less than 15 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 _____, 2016.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder



City Council Staff Report

Building & Planning

Author: Planning Dept.
Subject: AMENDING TITLE 17.28.050, "Use Regulation" COMMERCIAL ZONE ORDINANCE CHAPTER 17
Date: October 4, 2016
Type of Item: Discussion/Action

Summary Recommendations: Motion to amend Chapter 17.28.050, "Use Regulations", Commercial zone Chapter 17.

Description:

- A. Background:** After reviewing Chapter 17.28.050, "Uses Regulation", it was determined that a few of the descriptions for commercial uses have become outdated and obsolete. Some of the uses are repetitive and over saturating the city as a whole and it is time to amend the "Uses Regulation".
- B. Analysis:** The "Uses Regulation" section identifies what is permitted or not permitted and/or falls into the conditional use category. The defined "Uses" allows a Developer to know what he can or cannot build within a commercial zone. If the business is not listed it is not allowed. The "Uses Regulation" states whether the business is either permitted or is a conditional use. It then follows a certain legislative course for approval. The purpose and intent is to establish an ordinance which will provide suitable areas for locations for various types of commercial businesses that will best fit the community and allow developers and business owners to understand the different type of land uses within the commercial zones and the necessary requirements they will need to follow to establish a business in the City. The City Land use Attorney has incorporated Commissioner Allen's comments. A public hearing was held at the April 2016 Planning Commission meeting. The item will be given to the Planning Commission for recommendation at the September 29, 2016 meeting.
- C. Staff recommendation:** Staff recommends approval of the amendment.

Alternatives:

- A. Approve the Request:**
The City Council can approve the ordinance amending Chapter 17.28.050, "Uses Regulation",
- B. Deny the Request:**
The City Council can deny the ordinance .
- C. Continue the Item:**
The City Council may table the request to a later meeting, subject to suggesting additional information, or requiring changes to the ordinance.

**WASHINGTON TERRACE CITY
ORDINANCE 16-03**

COMMERCIAL ZONES AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 17.28 RELATING TO THE COMMERCIAL ZONES;
MAKING TECHNICAL CHANGES; 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, 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 April 28, 2016, to take public comment on this Ordinance, and subsequently gave its recommendation to _____ this Ordinance on September 29, 2016;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on October 4, 2016, 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.** Chapter 17.28 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 17.28
Commercial Zones**

Sections:

- 17.28.010. Purpose and Intent.**
- 17.28.020. Site Development and Standards.**
- 17.28.030. Sign Regulations.**
- 17.28.040. Special Regulations.**
- 17.28.050. Use Regulation.**
- 17.28.060. General Regulations.**

17.28.070. Review.

~~**17.28.080. Area Regulation.**~~

~~**17.28.090. Yard And Height Regulations.**~~

~~**17.28.100. Coverage Regulations.**~~

~~**17.28.110. Parking Requirements.**~~

~~**17.28.120. Protection Of Adjoining Residential Properties.**~~

17.28.010. Purpose and Intent.

1. The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for the community that will provide goods and services for the people to be served. The intent is to minimize traffic congestion on thoroughfares and public streets in their vicinity and which shall best fit the general environment and land use patterns of the community.
2. The purpose of the commercial zone(s) is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the city. It is also to separate uses into two zones, based upon types of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.
3. The protective standards for site use and development contained in this chapter are intended to minimize any adverse effects of the Planned Commercial Zone itself. Submission of a market analysis is intended to serve as a guide to the Planning Commission in the evaluation of an application in terms of need or desirability to amend the City's Zoning Map in the public interest, and the amount of land included in the rezoning application which could be realistically supported in commercial uses. Such information is further intended to substantiate finding that the proposed development will promote the general welfare of the city.
4. The two (2) types of commercial zones provided for in this chapter are:
 - a. Neighborhood Commercial C-1, provides for the sale and supply of daily living needs of the people living in the neighborhood.
 - b. Community Commercial C-2, provides in addition to convenience goods a wider range of facilities for the sale of retail goods and personal services for the community.

17.28.020. Site Development and Standards.

1. Minimum lot area - None.
2. Minimum lot width - None.
3. Minimum yard setbacks:
 - a. Front - 20 feet on streets of less than 80 feet in width, 50 feet on streets and highways of 80 feet or more in width.
 - b. Side - None, except 10 feet adjacent to a residential zone.
 - c. Side - facing a street with a corner lot - 20 feet x 20 feet.
 - 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) feet, measured from back of curb.
- c. Hospital height limits 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.

17.28.030. Sign Regulations.

The height, size, and location of permitted signs in the C-1 and C-2 zones shall be in accordance with the regulations set forth in Chapter 17.56 of this title. Permitted signs for the commercial zones are also listed in Chapter 17.56.

17.28.040. Special Regulations.

1. Generally. The following general special use regulations apply to all permitted and conditional uses in the city:
 - a. All manufacturing shall be performed within a completely enclosed building.
 - b. All uses shall be free from excessive foul odor, toxic odor, dust, smoke, and/or noise.
 - c. Conditional uses shall also comply with Chapter 17.68 entitled "Conditional Use" before such may be developed.
 - d. Any sexually oriented business shall comply with ordinance chapter 5.01 and 17.82
 - e. The use of alcohol at any commercial establishment shall conform to state and local law.
 - f. Where applicable, industry standards apply to commercial uses.
 - g. Landscaping shall comply with chapter 17.44.200.
2. Car wash. The following special use regulations apply to car wash uses:
 - a. One bay car wash, four spaces in the approach lane.
 - b. Two bay car wash, three spaces in the approach lane for each wash bay.
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
 - d. Storm water pollution and prevents control measures to be installed and maintained in accordance with the governing state permit and applicable local regulations.
 - e. Warning devices, coin operating warning devices shall so be regulated as not to be a nuisance to neighboring properties.
 - f. Vacuum mechanical devices shall be placed or positioned as not to be a nuisance or noise violation to neighboring properties.
 - g. Lighting shall comply with chapter 17.54.

17.28.050. Use Regulation.

1. In the following list of possible uses, those designated in any zone as “Permitted” will be a permitted use. Uses designated a “Conditional” will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 17.68 of this Zoning Ordinance. Uses designated as “None” is not allowed in that zone. Additionally, any use

or proposed used that is not identified or designated by this chapter as either Permitted or Conditional is not permitted in any commercial zone.

Use	C-1	C-2
Accessory buildings and uses customarily incidental to a permitted use.	Permitted	Permitted
Air conditioning sales and service	Permitted	Permitted
Altering, pressing, and repairing of wearing apparel	Permitted	Permitted
Ambulance base stations	Permitted	Permitted
<u>Amusement enterprises, including seasonal or transient amusement</u>	Conditional	Conditional
Animal / Vet care hospital	Permitted	Permitted
Antique, import or souvenir shop	Permitted	Permitted
Arcade	Conditional	Permitted
Archery shop and range, provided conducted within a completely enclosed building	None	Conditional
Art and artists supply store	Permitted	Permitted
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats, or motors	Permitted	Permitted
Athletic and sporting goods store, no motorized vehicles permitted	Permitted	Permitted
Athletic club or gym	Permitted	Permitted
Auction establishment	None	None
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	None	Conditional
Automobile, new or used, sales and service	None	Conditional
Awning sales and service	Conditional	Permitted
Bakery with retail shop	Permitted	Permitted
Bank or financial Institution	Permitted	Permitted
Barber shop	Permitted	Permitted
Beauty school	Permitted	Permitted
Beauty and cosmetic business <u>or school</u>	Permitted	Permitted
Bed and breakfast inn	Conditional	<u>Permitted</u> Conditional
Beer parlor, sale of draft beer	None	None
Bicycle sales and service	Permitted	Permitted
Billiard parlor	None	None
Blue printing or Photostatting	Permitted	Permitted
Boat sales and service	None	Conditional
Book store, retail	Permitted	Permitted
Bookbinding	None	Conditional
Bottling and distribution plant	None	None
Bowling alley	None	Conditional
Building materials sales (indoor only)	None	Permitted
Cabaret	None	None

Cafe or cafeteria	Permitted	Permitted
Camera store	Permitted	Permitted
Candy manufacture	None	None
Candy store, confectionery	Permitted	Permitted
Car wash, automatic <u>or manual</u>	Conditional	Conditional
Car wash, manual	Conditional	Conditional
Carbonated <u>water beverage or non-alcoholic beverage sales</u>	Permitted	Permitted
Carpenter and cabinet shop	None	Conditional
Carpet, rug, floor covering, and linoleum sales and service	Permitted	Permitted
Cash advance establishments	None	Conditional
Cash register sales and service	Permitted	Permitted
Catering establishment	Permitted	Permitted
China, crystal and silver shop	Permitted	Permitted
Christmas tree sales	Permitted	Permitted
Church	Permitted	Permitted
Circus, carnival, fair, or other seasonal/transient amusement	Conditional	Conditional
Clinics, medical or dental	Permitted	Permitted
Clothing and accessory store	Permitted	Permitted
Coin shop	Permitted	Permitted
Communication equipment building	Permitted	Permitted
Computer service, printing, and supplies	Permitted	Permitted
Contractor shop provided work conducted within a completely enclosed building	None	None
Convenience store	Permitted	Permitted
Costume and clothing rental	Permitted	Permitted
Dairy products store	Permitted	Permitted
Data processing <u>or office machine</u> services, sales, and supplies	Permitted	Permitted
Daycare, nursery, or preschool, Montessori schools	Conditional	Conditional
Delicatessen	Permitted	Permitted
Department store	Permitted	Permitted
Detective/security agency	Permitted	Permitted
Drapery and curtain store	Permitted	Permitted
Drug store/Pharmacy	Permitted	Permitted
Dry cleaning establishment	Permitted	Permitted
Dry cleaning pickup station	Permitted	Permitted
Educational institution	Permitted	Permitted
Electrical and heating appliances, fixtures, sales, and service	Conditional	Permitted
Electronic equipment sales and service	Permitted	Permitted
Employment agency	Permitted	Permitted
Express and transfer service	None	None
Fabric and textile store	Permitted	Permitted
Farm implement or heavy equipment sales	None	Conditional
Film exchange establishment	Permitted	Permitted

Florist shop	Permitted	Permitted
Fraternal organization	Permitted	Permitted
Frozen food lockers incidental to a grocery store or food business	Permitted	Permitted
Fruit or vegetable stand	Permitted	Permitted
Fur apparel sales, storage, or repair	Permitted	Permitted
Furniture sales and repair	Permitted	Permitted
Garden supplies and plant material sales	Permitted	Permitted
Gift store	Permitted	Permitted
Glass sales and service	Permitted	Permitted
Golf course/ driving range	Permitted	Permitted
Government buildings or uses, non-industrial	Permitted	Permitted
Greenhouse and nursery, soil and lawn service	Conditional	Conditional
Grocery store	Conditional	Permitted
Grooming for cats and dogs	Permitted	Permitted
Group Home, Boarding houses	Conditional	Conditional
Gunsmith	Permitted	Permitted
Gymnasium	Permitted	Permitted
Hardware store	Permitted	Permitted
Health club	Permitted	Permitted
Health food store	Permitted	Permitted
Hobby and crafts store	Permitted	Permitted
Hospital supplies	None	Permitted
Hotel	Conditional	Permitted <u>Conditional</u>
House cleaning	Permitted	Permitted
Household appliance sales and incidental service	Permitted	Permitted
Ice cream manufacture	None	None
Ice cream parlor <u>or ice sales</u>	Permitted	Permitted
Ice manufacturing and storage	None	None
Ice store or vending station	Permitted	Permitted
Insulation sales	Conditional	Conditional
Insurance agency, stock broker, or investments	Permitted	Permitted
Interior decorating and design establishment	Permitted	Permitted
Janitor service and supply	Permitted	Permitted
Jewelry store sales and services	Permitted	Permitted
Kennel	None	Conditional
Laboratory, dental or medical	Permitted	Permitted
Laundry, Laundromat-type	Permitted	Permitted
Lawn mower and small engine equipment sales and service	Conditional	Permitted
Leather goods sales and service	Permitted	Permitted
Legal office	Permitted	Permitted
Library	Permitted	Permitted
Linen store	Permitted	Permitted

Liquor store, state agency only	Permitted	Permitted
Locksmith	Permitted	Permitted
Lounge	None	None
Luggage store	Permitted	Permitted
Lumber yard <u>and building material sales</u> , retail only	None	Conditional
Machining operations, including those incidental to any other use	None	None
Manufacture of goods retailed on premises	Conditional	Conditional
Meat, fish, and seafood retail store	Permitted	Permitted
Milling of any kind	None	None
Miniature golf	Conditional	Conditional
Mobile home sales	None	Conditional
Mobile home service	None	None
Monument works and sales	Permitted	Permitted
Mortuary	None	Conditional
Motel	None	Conditional
Movie theater, indoor only	Conditional	Permitted
Museum	Permitted	Permitted
Music store	Permitted	Permitted
Needlework, embroidery, quilting, or knitting store	Permitted	Permitted
Newsstand	Permitted	Permitted
Nightclub or social club	None	None
Novelty store, except adult novelties as per definition per sexual oriented businesses	Conditional	Permitted
Office where no goods are created, exchanged, or sold	Permitted	Permitted
Office machine sales and service	Permitted	Permitted
Office supply <u>store</u>	Permitted	Permitted
Optometrist or optician office	Permitted	Permitted
Ornamental iron sales or repair	Conditional	Permitted
Paint or wallpaper store	Permitted	Permitted
Park and playground	Permitted	Permitted
Parking lot or garage for passenger automobiles, trucks, RV's	None	None
Pawnshop	None	Conditional
Pest control and extermination	None	Conditional
Pet supply store	Conditional	Permitted
Photo studio and photo supplies	Permitted	Permitted
Physician or surgeon	Permitted	Permitted
Plumbing shop	Conditional	Permitted
Pony ring, without stables	None	None
Pool hall	None	None
Popcorn or nut shop	Permitted	Permitted
Post office	Permitted	Permitted
Private liquor club	None	None
Printing, publishing, or reproductions sales and services	Permitted	Permitted

Public Building	Permitted	Permitted
Public Cemetery	Conditional	Conditional
Public utilities substation	Conditional	Conditional
Radio and television sales and service	Permitted	Permitted
Radio <u>or</u> television broadcasting station	Conditional	Conditional
Real estate agency	Permitted	Permitted
Reception center or wedding chapel	Conditional	Conditional
Recreation center	Conditional	Conditional
Recreational vehicle storage	None	Conditional
Rental equipment	Permitted	Conditional
Restaurant, <u>no alcohol</u>	Permitted	Permitted
Restaurant liquor, with dine in service only with seating capacity of 50 patrons or more	Conditional	Conditional
Restaurant <u>wine and/or beer only, with alcohol</u>	Conditional	Conditional
Restaurant, drive-in or drive-thru	Conditional	Permitted
Roller skating or ice rink	None	Conditional
Roofing sales or shop	None	Conditional
Seed and feed store, retail	Conditional	Permitted
Service station automobile, excluding painting, body, fender, and upholstery work.	Conditional	Permitted
Service station, automobile with car wash as accessory use	Conditional	Conditional
Sewing machine sales and repair	Permitted	Permitted
Sheet metal shop	None	None
Shoe repair or shoe shine shop	Permitted	Permitted
Shoe Store	Permitted	Permitted
Shooting gallery	None	None
Sign manufacturing, painting, sales	Conditional	Conditional
Spa and massage establishment	Permitted	Permitted
Supermarket	Permitted	Permitted
Tailor shop	Permitted	Permitted
Tavern	None	None
Taxidermist	Permitted	Permitted
Telecommunication office	Permitted	Permitted
Television or satellite array store	Permitted	Permitted
Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion of the construction work.	Permitted	Permitted
Thrift store	Conditional	Conditional
Tire sales and service	None	Conditional
Tobacco or <u>sales, smoke shop, or vapor shop</u>	Conditional	Conditional
Toy store, retail	Permitted	Permitted
Trailer sales and service	None	Conditional
Travel agency	Permitted	Permitted

Truck terminal/parking	None	None
Upholstery shop	Permitted	Permitted
Vehicle rental	Conditional	Permitted
Vending booth	Permitted	Permitted
Ventilating equipment sales and service	None	Conditional
Weather stripping shop	Permitted	Permitted
Welding shop	None	Conditional
Wholesale business	None	Conditional
Window washing establishment	Permitted	Permitted

1. In planned Commercial Zones C-1 and C-2, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designed to be used for other than any use listed in the respective C-1 and C-2 Zones as a permitted on conditional use and as further limited by the approval of the Planning Commission. Such uses shall be indicated on the final site development plan.

17.28.060. General Regulations.

1. At the time a “C” Zone is established and before building permits are issued, deed restrictions on the property covered under the proposed zone shall be filed by the owners of the property with the City Recorder and shall provide that development take place on the property only in accordance with a final site development plan approved by the Planning Commission and City Council and on file with the City Recorder.
2. A “C” Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that development on separate adjoining properties should be coordinated to form a physically unified commercial facility, which will be more appropriate and compatible with the surrounding land, uses.
3. A “C” Zone shall not be establish upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning ordinance unless the development planned for the tract includes the elimination of the non-conforming use.
4. The location of the “C” Zone shall have an acceptable relationship to the City's Transportation Plan as determined by the Planning Commission.
5. The petitioner or developer shall be required to pay the cost of the construction and/or installation of the following facilities on the streets providing access to the commercial center that may be necessary to control traffic generated by the commercial center.
 - a. Street Widening.
 - b. Ingress and Egress.
 - c. Acceleration and Deceleration lanes.
 - d. Traffic control Devices and signs, including channelization.
6. The determination of standards required shall be made by the City Council after recommendation by the Planning Commission and City Engineer, and the Utah Department of Highways in case of “C” Zones bordering State Highways.
7. The petitioner shall submit to the Planning Commission with the rezoning petition a preliminary development plan for the commercial center showing a unified and organized

- arrangement and proposed use of buildings off street parking, internal traffic circulation and service facilities, etc.
8. If required, the applicant shall submit a market analysis acceptable to the Planning Commission and conducted and signed by a recognized and independent market analyst which shall serve as a guide to the Planning Commission for the evaluation of the application or part thereof in terms of:
 - a. The need or desirability to amend the City's Zoning Map in the public interest.
 - b. The amount of land included in the rezoning application that can be realistically supported in commercial use.
 - c. The finding that the proposed development will promote the general welfare of the public. For purposes of this section, a market analysis shall contain the following elements:
 - i. The trade area of the proposed development.
 - ii. Trade area population, present and potential.
 - iii. Effective buying power in the trading area.
 - iv. Net potential customer buying power for stores in the proposed development areas serving the trade area.
 - v. The residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.
 9. Prior to the submission of the proposed ordinance rezoning an area to a “C” Zone the developer shall submit all evidence deemed necessary by the City Council and/or Planning Commission of his/her ability to undertake the proposed project.
 10. No building or land use permits shall be issued for any use of structure in a “C” Zone until a final site development plan for the entire district or for the initial phase of the stage development plan is proposed and has been submitted to and approved by the Planning Commission as complying with the regulations and requirements of this Chapter and all other applicable provisions of this Ordinance. The final site development plan shall show in detail the proposed use, area and location of buildings, off-street parking, internal traffic circulation, landscaping, and service facilities indicated more generally on the approved preliminary development plan.
 11. No changes shall be made in the final site development plan during the course of construction pursuant thereto without first obtaining the prior approval of the Planning Commission. Copies of the approved final site development plan shall be kept on file with the city and any changes that may be approved shall be noted thereon.
 12. The Planning Commission may specify at the time of zoning approval conditions of approval of the final site development plan including the sequence and may require that initial building permits include the major facilities of a proposal.

17.28.070. Review.

1. A building permit shall be secured and construction begun in accordance with the approved final site development plan within eighteen (18) months from the effective date of site plan approval. Application may be made to the Planning Commission for one (1) six (6) month extension. Any further applications for extensions beyond these time limits

would require a showing to the Planning Commission's satisfaction of unique conditions or situations and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the discussion and reasons for such request as required by the Planning Commission.

2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and if deemed necessary, institute proceedings to restore the zone to its prior classification or to a zone consistent with the City's General Plan.
3. All construction authorized in the approved final site development plan shall be completed within three (3) years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the Planning Commission at the time the "C" Zone is recommended or may be approved by the Planning Commission prior to or during the course of construction of the commercial center.
4. In the event the construction is not completed within the time limit specified herein, the Planning Commission shall review the zoning and development which has taken place and, if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the City's General Plan.

~~**17.28.080. — Area Regulation.**
See site developmental standards.~~

~~**17.28.090. — Yard And Height Regulations.**~~

~~**17.28.100. — Coverage Regulations.**~~

17.28.110. Parking Requirements.

Off-street parking shall be provided by each commercial use as determined and set forth in the municipal code. Where no off-street parking requirements exist in the municipal code for the number of stalls for a commercial use, there shall be provided minimum off-street parking facilities in the ratio of not less than three (3) square feet of parking lot for each one square foot of sales floor area within the commercial use.

~~**17.28.120. — Protection of Adjoining Residential Properties.**~~

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 _____, 2016.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ___ day of _____, 2016.

PUBLISHED OR POSTED this ___ day of _____, 2016.

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: _____

City Council Staff Report

Author: Tom Hanson
Subject: Concrete Fence Purchase
Date: October 4, 2016
Type of Item: Motion to approve



Summary: In order to provide property security, a sound barrier and an attractive fence between the future Public Works campus and the Fieldcrest subdivision; the city entered into a development agreement with Fieldcrest Estates to have a concrete fence constructed on the border separating the two properties.

The development agreement states that the city will pay for additional costs above the price of the 6' vinyl fence that is required for the development. The concrete fence is projected to cost \$48,105 less \$11,400 for the vinyl fence paid by the developer. The cost to the city will total \$35,700. Staff is requesting approval of \$37,500 allowing for potential field work discrepancies.

Description:

- A. **Topic:** Concrete fence purchase and installation approval.
- B. **Background:** In order to construct the concrete fence between the Fieldcrest subdivision and the Public Works project it was determined that it would be best to enter into a development agreement with the Fieldcrest development and the City to have the fence constructed by the developer. The development agreement requires the developer to secure bids for the fence project and have city staff verify those bids to justify pricing valuations.

In short: The developer is required to bid purchase and install the fence and the city is required to reimburse the developer for the cost of the fence less the cost of the 6' vinyl fence that is required for the development.

- C. **Analysis:** In order to have the fence constructed and installed before winter, staff has reviewed the bid provided by the developer to determine that the proposal from ADC Corporation is appropriate and a reasonable cost for the fence. As mentioned earlier the total cost to the city for the concrete fencing will be approximately \$36,105 of the \$48,105 project. The developer's portion of the concrete fence will be \$11,400.

Staff had discussions and comparisons with various concrete fence providers and found the proposal to be a good value and a good value. Note: the bidding and purchase for the fence is the responsibility of the developer and is approved by the city because of the cities participation in funding a portion of the project.

D. Department Review: The approved budget amount for the fencing portion of the project was \$50,000 based on estimations provided at the time of budgeting. The amount requested at this time is \$37,500 in order to allow for any expansion of the project due to discrepancies in field measurements vs digital mapping measurements.

Alternatives:

A. Approve the Request: Allow for the funding and installation of the Public Works concrete fence to move forward before winter.

B. Deny the Request: Stop construction of the fence until approval is granted.

C. Continue the Item: Delay construction of the fence until approved.

