



**Planning Commission Meeting  
Thursday, January 30, 2020  
City Hall Council Chambers  
5249 S. South Pointe Dr. Washington Terrace City  
801-393-8681**

- 1. ROLL CALL 6:00 p.m.**
- 2. PLEDGE OF ALLEGIANCE**
- 3. WELCOME**
- 4. RECURRING BUSINESS**
  - 4.1 MOTION: 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.
  - 4.2 MOTION: APPROVAL OF MINUTES FOR NOVEMBER 14, 2019**
- 5. SPECIAL ORDER**

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.

  - 5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO STANDER TOWNHOMES PHASE III, LOCATED AT 185 EAST 5000 SOUTH**
  - 5.2 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO AMENDING CHAPTER 17.10 RELATING TO IN-FILL DEVELOPMENT REGULATIONS**
  - 5.3 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND OPPOSITION TO AMENDING CHAPTER 17.56 RELATING TO REAL ESTATE SIGNS AND VEHICULAR ADVERTISING REGULATIONS**
- 6. NEW BUSINESS**
  - 6.1 MOTION: NOMINATE AND ELECT CHAIRMAN AND VICE-CHAIR**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 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 faxed to the *Standard Examiner* at least 24 hours prior to the meeting.  
Amy Rodriguez, Washington Terrace City Recorder

**6.2 MOTION: SITE PLAN APPROVAL FOR STANDER TOWNHOMES PHASE III, TO BE LOCATED AT 185 EAST 5000 SOUTH**

**6.3 MOTION/ORDINANCE 20-01: RECOMMENDATION TO APPROVE AMENDMENT TO CHAPTER 17.10 RELATING TO IN-FILL DEVELOPMENT REGULATIONS**

**6.4 MOTION/ORDINANCE 20-02: RECOMMENDATION TO APPROVE AMENDMENT TO CHAPTER 17.56 RELATING TO RESIDENTIAL REAL ESTATE SIGNS AND VEHICULAR ADVERTISING REGULATIONS**

**7. BUILDING AND PLANNING UPDATES**

**8. MOTION: ADJOURN THE MEETING**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 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 faxed to the *Standard Examiner* at least 24 hours prior to the meeting.  
Amy Rodriguez, Washington Terrace City Recorder

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# City of Washington Terrace

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Minutes of a Regular Planning Commission Meeting held on  
Thursday, November 14, 2019  
City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of Utah

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12 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

13 Chairman Scott Larsen  
14 Commissioner Dwight Henderson - excused  
15 Commissioner Darren Williams  
16 Commissioner Dan Johnson - excused  
17 Commissioner T.R. Morgan - excused  
18 Commissioner Wallace Reynolds  
19 Commissioner Charles Allen  
20 Chief Building Inspector Jeff Monroe  
21 City Recorder Amy Rodriguez

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23 **Others Present**

24 Dan Musgrave, Carter Musgrave

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

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28 **2. PLEDGE OF ALLEGIANCE**

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30 **3. WELCOME**

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32 **4. RECURRING BUSINESS**

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34 **4.1 MOTION: APPROVAL OF AGENDA**

Motion by Commissioner Allen  
Seconded by Commissioner Reynolds  
To approve the agenda  
Approved unanimously (4-0)

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40 **4.2 MOTION: APPROVAL OF MINUTES FOR OCTOBER 24, 2019**

Motion by Commissioner Williams  
Seconded by Commissioner Allen  
to approve the minutes for October 24, 2019  
Approved unanimously (4-0)

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46 **5. SPECIAL ORDER**

47 **5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT AND**

48 **OPPOSITION TO THE PROPOSED ORDINANCE CONCERNING**  
49 **MEDICAL CANNABIS REGULATIONS**

50 **Chairman Larsen opened the public hearing at 6:03 p.m.**

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52 Dan Musgrave spoke to the Commissioners concerning medical pharmacies. He stated  
53 that the state will let 12 pharmacies open within the state. Three will be located in the  
54 area. He stated that he plans to put in an application to open a pharmacy in Washington  
55 Terrace. He stated that to enter the pharmacy have to have a yellow card, a prescription,  
56 and will need to be buzzed in by staff. He stated that no one can walk in off the street  
57 without a legal prescription.

58 Dr. Carter Musgrave stated that he is walking away from his job at a regular pharmacy  
59 doctor to open a medical cannabis pharmacy because he has seen first hand the pain and  
60 suffering of cancer patients. He stated that medical cannabis is used as a tool for seizures  
61 and other illnesses. He stated that you can only get a medical card from a prescribing  
62 physician. He stated that it will be highly regulated.

63 He stated that it will be a great improvement for patients in the area.

64 Dr. Carter stated that there are no smoke-able forms allowed in Utah. The product that  
65 they will be dispensing will be in capsule form.

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67 **Chairman Larsen closed the public hearing at 6:09 p.m.**

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69 **6. NEW BUSINESS**

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71 **6.1 MOTION/ORDINANCE 19-11: RECOMMENDATION FOR APPROVAL ON**  
72 **ORDINANCE CONCERNING CANNABIS REGULATIONS**

73 Monroe stated that the ordinance will follow state guidelines and has been drafted by Bill  
74 Morris, the City Planning attorney. Monroe stated that Morris went to a training  
75 concerning state law. He stated that the entire law needs to be adopted to cover the  
76 cannabis law.

77 Monroe stated zoning has been identified in the ordinance. The business license aspect  
78 has also been covered. Monroe stated that we will be in compliance with stated law.

79 Monroe stated that state law has been very detailed in regards to business regulations.

80 Monroe stated that this complies with current zoning regulations.

81 Monroe stated that the Musgraves need to apply for their license before the end of the  
82 month.

83 Commissioner Reynolds stated that our ordinance does not contradict any state laws, or  
84 current laws that we have now. He asked if we would expect any kind of feedback from  
85 residents once the business has been identified. Monroe stated that we have two  
86 pharmacies in the city already, noting that the pharmacies have stronger drugs in their  
87 possession (i.e. opioids) that might have a bigger impact. Commissioner Williams stated  
88 that the biggest issue would be when people are misinformed.

89 Commissioner Allen had some concerns on the state code numbering. Monroe will  
90 shorted the numbering so that it is less confusing. He also recommends putting SB 1002  
91 “Cannabis Amendments” in the first section.

92 Commissioner Allen had several recommendations concerning distances. Monroe stated  
93 that the distances have not been specifically identified in the ordinance because the point  
94 of the measurement is hard to define.

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Commissioner Allen recommended that the definition for “community location” have the additional language: “Community Location means a public or private school, preschool, public library, public park, Public playground, and licensed childcare. Commissioner Allen would like to spell out some of the language from the state law instead of just referring back to state law. He asked if we are authorized to look at the state license before we issue a business license. Monroe stated that we issue a temporary license until they received their state license. Commissioner Allen stated that we should not issue a city license until we have verified they have received a state license.

Commissioner Allen had suggestion for an operating plan, stating that persons applying for a cannabis license shall submit a security plan for the safety of patrons. Commissioner Allen wants to make sure that we cover all our bases.

Monroe stated that we will incorporate all the information and changes that Commissioner Allen has brought forth that we can and if Morris cannot incorporate them, Monroe will find out the answers as to why not and let Commissioner Allen know. Commissioner Allen stated that we need a very good security plan. He asked if the City will provide any additional security for this pharmacy. Monroe stated that we do not do anything for the pharmacy across the street, and therefore we cannot do anything special for them. Commissioner Williams stated that he has been in law enforcement for a while and stated that he sees that opioids are by far more susceptible to break-ins than cannabis. Monroe stated that he will review the security measures before he gives occupancy. Dr. Musgrave stated that you have to have a licensed pharmacist 100 percent of the hours that the pharmacy is open. He stated that he will be there 100 percent of the hours. He stated that the security measures will be extensive. He stated that the pharmacy across the street has more street value drugs than he will have. Monroe stated that this business is a permitted use in the City. It is no different than any other pharmacy.

Commissioner Allen asked if we would set their hours. Monroe stated that state law sets the hours of operations for Cannabis hours. Commissioner Allen wants to make sure the hours set are for a reasonable hour that the business and City are both comfortable with.

**Motion by Commissioner Allen  
Seconded by Commissioner Williams  
To recommend approval on Ordinance 19-11  
Concerning cannabis regulations  
Approved unanimously (4-0)**

## **6.2 MOTION: APPROVAL OF 2020 ANNUAL MEETING SCHEDULE**

**Motion by Commissioner Reynolds  
Seconded by Commissioner Allen  
To approve the 2020 Annual Meeting Schedule  
Approved unanimously (4-0)**

## **7. BUILDING AND PLANNING UPDATES**

142 Monroe stated that secondary lines are being run on Ridgeline by Pine view Water.  
143 Monroe stated that the City has received a lot of calls on the roads.  
144 Monroe stated that the Boyer Building is working to get the roof closed before winter.

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148 **8. MOTION: ADJOURN THE MEETING**

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**Motion by Commissioner Reynolds  
Seconded by Commissioner Williams**

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**To adjourn the meeting**

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**Approved unanimously (4-0)**

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**Time: 6:50 p.m.**

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\_\_\_\_\_  
**Date Approved**

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**City Recorder**



**Planning Commission  
Staff Report**

**Author:** Planning Dept.  
**Subject:** Stander In-fill Subdivision Phase 3, Site Plan approval, located at 185 East 5000 South.  
**Date:** January 30, 2020, Thursday at 6:00pm, City Washington Terrace City Hall  
**Type of Item:** Action to approve and recommend Site Plan for Stander's subdivision to City Council.  
**Topic:** **Public Hearing: Open public hearing for comments and close hearing and discuss site plan prior to motion**  
**Summary:** Review site plan for Stander Phase 3 Subdivision for Clive Stander located at located 185 East 5000 South This property is allowed for In-Fill development.

**Description:**

- ❖ The request for Phase 3 of the Stander Townhomes Subdivision site plan approval, complies with the In-Fill Development Ordinance.
- ❖ The Site Plan approval will then allow the developer to proceed to the Subdivision approval process.
- ❖ In-fill development Ordinance has become a key component of growth within the City.

**Analysis:** The objective is to provide the landowners an opportunity to develop their ground. The first step is to allow the developer to receive approval of the site plan to move to subdivide the propose ground.

**Department Review:** The Staff has reviewed the Site Plan for the Stander Phase 3 Subdivision. The opinion at this time is to give a favorable recommendation of the Site Plan to the City Council.

**Alternatives:**

- A. **Approve the Request:** The Planning Commission should by motion and give their favorable recommendation for the Site Plan approval.
- B. **Deny the Request:** The Planning Commission can deny the request with direction.
- C. **Continue the Item:** The Planning Commission may table the request to a later meeting;





**Planning Commission  
Staff Report**

**Author:** Planning Dept.  
**Subject:** Amend & Update In-fill Ordinance 17.10  
**Date:** January 30, 2020  
**Type of Item:** Action to approve recommendation by motion to the City Council to update the In Fill ordinance.  
Open public hearing for comments and close hearing and discuss

**Summary:** To recommend by Motion to pass the amended In-fill ordinance 17.10.

1. **Description:** Section 17.10. The amended sections consist of clarifying the application process, application contents, and the Development Agreement. The amendments highlight the required elements of the agreement and what they should entail, eligibility and guidelines, and administration. The agreement will clarify in-fill property responsibilities, which includes maintenance, covenants and escrow and any other Admin functions.
2. The positive part is that the In-Fill ordinance seems to be working and providing a positive economic boost and conditions for the improvement of those In-Fill properties.

**Discussion:**

**Infill Ordinance;**

Was establish to provide adequate policies and procedures to guide In-fill development within the city, moreover to allow communities with vacant properties which are eyesores and/or a safety hazard to develop.

In-fill housing is the process of allowing buildable new dwellings within an existing suburb of older houses. It is an important way of providing for future growth with minimum increase to public services. Urban in-fill can be addressed successfully by a municipality at a relatively low cost through targeted code changes that address issues like building setbacks, and lot size, appearance, amenities and access and/or egress.

Providing In-fill development to property owners we should consider the rights of the property owners and also the impact to the city and to existing neighborhoods and there is also a potential for the increase of property values with newer homes being build in these area.

**Department Review:** The In-Fill ordinance has been in place now for a couple of years and as with any document, staff has found it necessary to make some modifications to the ordinance. Staff recommends that the Planning Commission approve the recommendation to the City Council.

**Alternatives:**

- A. Approve the Request: The Planning Commission recommend to the council approval of the In-Fill Ordinance updates.
- B. No Action: The Planning Commission can take no action on the In-Fill Ordinance
- C. Continue the Item: The Planning Commission can Table the In-Fill Ordinance.

**WASHINGTON TERRACE CITY**

**ORDINANCE 20-01**

**IN-FILL RESIDENTIAL DEVELOPMENT**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT REGULATIONS; 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 update its land use regulations relating to in-fill development;

**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 \_\_\_\_\_, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to \_\_\_\_\_;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2020, 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.** Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 17.10**

**IN-FILL RESIDENTIAL DEVELOPMENT STANDARDS**

**Sections:**

**17.10.010 Purpose And Intent.**

**17.10.020 Application Process.**

**17.10.030 Application Contents.**

- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility and Guidelines.**
- 17.10.060 Administration.**

**17.10.010 Purpose and Intent.**

The City Council finds that standard zoning practices are inadequate to address the development of residential in-fill parcels identified by the City to ensure that these developments are well-planned, sensitive to adjoining properties, and accommodate the needs of the City. This Chapter is intended to address challenges presented by infill, configuration, phasing projects, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged that regulations be enforced and assured in accordance with a development agreement. This Chapter is to create enabling provisions for adopting a specialized zone for in-fill development and applying them to particular properties.

**17.10.020 Application Process.**

The owner, or the owner’s authorized agent, of an eligible property identified on the In-fill Development Map may petition the City to create an individual “In-fill Development Zone” (IDZ) which is a sub-zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-zone creates no rights in the property owner until any such sub-zone and the Master Development are approved by the City Council and recorded against the property.

**17.10.030 Application Contents.**

1. Compliance. Compliance with the eligibility requirements and guidelines.
2. Application. Any application under this Chapter for a sub-zone shall include the following:
  - a. A fee equal to the anticipated costs incurred by the City.
  - b. A map of the property proposed for the sub-zone including topographical information at 2’ contours or more detailed.
  - c. The proposed sub-zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Development Agreement.
  - d. A proposed Development Agreement.

**17.10.040 Development Agreement.**

1. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Development Agreement that the City Council deems appropriate and in applying the Development Agreement to the property as a part of the creation and mapping of the sub-zone.

2. Required elements in Development Agreement include but are not limited to:
  - a. Plan of the entire project showing residential layout.
  - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
  - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
  - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
  - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
  - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
  - g. Construction and escrow.
  - h. Any other items that the City Attorney deems appropriate.

**17.10.50 Eligibility and Guidelines.**

- 1) Eligible Parcels. The In-fill Development Map set forth in Exhibit “A” adopted and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill Development Map are not eligible. The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.
- 2) Requirements. The existing zoning and General Plan shall be residential.
- 3) Guidelines. The following guideline apply:
  - a) Size and Access. Meet the size and access criteria as follows:
    - i) Being accessed from a public street.
    - ii) Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
    - iii) Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
    - iv) Be capable of being serviced by utilities and infrastructure.
    - v) Be no more than two (2) stories, including any basement.
  - b) Architecture and Design. Meet the architecture and design criteria as follows:
    - i) Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
    - ii) Provide for the following architectural features:
      - (1) Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.

- (2) Color schemes, such as earth-tones, that promote curb appeal.
- (3) Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
- (4) Front porches shall include decorative exterior lighting.
- c) Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official.

**17.10.060 Administration.**

- 1) Administrative Function. It is policy that after the legislative adoption of the sub-zone and Development Agreement, that implementation shall be an administrative function and not legislative.
- 2) Maintenance. Unless otherwise provided in the Development Agreement, all infrastructure in the sub-zone shall be maintained and operated by an owner association established for that purpose.
- 3) Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Development Agreement.
- 4) Escrow. As part of the Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §10-3-713, 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) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.



## Planning Commission Staff Report

Building & Planning

**Author:** Planning Dept.  
**Subject:** AMENDING WASHINGTON TERRACE CITY MUNICIPAL CODE SECTION 17.56. TITLED "SIGNS" TO REGULATE RESIDENTIAL REAL ESTATE SIGNS AND VEHICULAR ADVERTISING.  
**Date:** JANUARY 30, 2020  
**Type of Item:** ACTION: Motion for recommendation to City Council.  
Open public hearing for comments and close hearing and discuss

**Summary Recommendations:** By Motion, recommend approval to amend Section 17.56. Titled "Signs", by adopting regulations for the purpose to regulate residential real estate signs and vehicular advertising..

### Description:

#### A. Background:

Amending Section 17.56, "Signs", adding regulations that outline the standards for number of signs and type of signs for advertising for the sale, lease and rental of a real estate advertised property.

The amendment establishes the size of the sign, as well as what can be advertised on a property or lot. The amendment stipulates that it should not create a nuisance due to lighting or illumination.

The ordinance shall define the placement of signs for advertising on fences, walls or roofs or public property which may become a nuisance.

This amendment shall also regulate open house signage requirements.

Additionally, a second added amendment is related to "**Vehicular Advertising**", which does not allow a vehicle, equipment or trailer to be parked on a property for advertising on the property or lot of someone else.

This hopefully does not limit a person from parking a work truck or trailer that belongs to the individual from parking on his own property which is their primary residents.

**See complete ordinance as attached to the recital**

**B. Department Review:** Staff recommends approval of the amendment.

### Alternatives:

**A. Approve the Request:** The Planning Commission approve Ordinance 17.56 and forward the recommendation to the City Council by motion to amend the Sign Ordinance which will add Section 17.56.265 Residential Real Estate Signage and Section 17.56.270 Advertising Vehicles.

**B. Deny the Request:** The Planning Commission can deny the recommendation.

**C. Continue the Item:** The Planning Commission may table the request to a later meeting.

**Significant Impacts:** no significant impact if amended.

**CITY OF WASHINGTON TERRACE  
ORDINANCE 20-02**

**LAND USE ADMINISTRATION AND SIGN AMENDED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
ADOPTING 17.56. ENTITLED “SIGNS” TO REGULATE RESIDENTIAL REAL  
ESTATE SIGNS; REGULATE VEHICULAR ADVERTISING; SEVERABILITY;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of 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, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

**WHEREAS**, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

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

**WHEREAS**, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on \_\_\_\_\_, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to \_\_\_\_\_;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2020, and desires to act on this Ordinance;

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

**Section 1: Repealer.**

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.**

Section 17.56.256, Section 17.56.270, and Section 17.80.080 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

**17.56.265 Residential Real Estate Signage.**

In all residential zones, the following is permitted:

1. Number and Type. One (1) freestanding sign in the front yard of each lot to advertise the sale, lease, or rental of real estate.
2. Size. No sign shall exceed eight (8) square feet in aggregate total display.
3. Purpose. Sign must be exclusively for the sale, lease, or rental of the property on which the sign is located.
4. Removal. Any sign under this section shall be removed five (5) days after completion of the sale, lease, or rental of the real estate where posted.
5. Limitations. No signage shall be placed on fence, wall, roof, or structure. No signage shall be placed on or overhang any street, sidewalk, or public property. No sign shall be placed that constitutes a nuisance or creates a hazard condition.
6. Illumination. No sign shall be illuminated.
7. Open House. Special regulations for open house sign as permitted as follows:
  - a. A maximum of four (4) off-premise open house signs not to exceed four (4) square feet are allowed for each open house, and shall be directional.
  - b. Signs shall only be posted when the selling agent is present at the property where the open house is being held.
  - c. One (1) sign is allowed on the property where the open house event is being held not to exceed eight (8), in addition to any real estate sign under this chapter, and the open house sign shall be removed at the end of the open house event.
  - d. All signs must be appropriate for a neighborhood environment, must harmonize with their surroundings in design, and be continually maintained to ensure an attractive appearance.
  - e. Signs are permitted only between the hours of 8:00 a.m. and 8:00 p.m. on the day of the open house.
  - f. Signs must be placed a minimum eighteen (18) inches from the curb or edge of street, not block or overhang the sidewalk, and not obstruct traffic or traffic control device.

**17.56.270 Advertising Vehicles.**

Definition: Equipment. A tangible property that could be used to advertise. Examples of equipment include devices, machines, tools or PODs (portable storage containers).

No vehicles, equipment, or trailers may be parked on the property of another for the primary purpose of signage, marketing, or advertising. A person's primary residence shall be exempt.

**17.80.080 Penalties.**

In accordance with *Utah Code Annotated* §10-9a-803 and §10-3-703, the following penalties apply:

1. Criminal. Any person who violates the Title is guilty of a class C misdemeanor and a fine not to exceed \$750.
2. Civil. Any person who violates this Title is subject to a civil fine not to exceed \$1,000, per violation, per day that the violation continues after the City gives notice in accordance with *Utah Code Annotated* §10-9a-803.

**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 shall continue in full force and effect.

**Section 4: Effective date.**

This Ordinance takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLISHED OR POSTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §10-3-713, 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) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder