



**Planning Commission Meeting  
Thursday, May 31, 2018  
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 APRIL 26 ,2018**

**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 ON FINAL SITE PLAN APPROVAL FOR THE DASH MANAGEMENT DEVELOPMENT LOCATED AT 560 EAST 4600 SOUTH**

**5.2 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING CHAPTER 17.44 SECTION 17.44.200 E.1.c. "Park Strips" WHICH WILL IDENTIFY THE IMPACT TO TRAFFIC EGRESS FLOW WITHIN RESIDENTIAL ZONES**

**6. NEW BUSINESS**

**6.1 MOTION: FINAL SITE PLAN APPROVE FOR THE DASH MANAGEMENT DEVELOPMENT TO BE LOCATED AT 50 EAST 5600 SOUTH**

**6.2 DISCUSSION/MOTION ORDINANCE 18-09: RECOMMENDATION TO**

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

**COUNCIL TO AMEND CHAPTER 17.44 SECTION 17.44.200, "PARK STRIPS",  
REGARDING THE IMPACT TO THE CLEAR VIEW LINE OF SIGHT FOR EGRESS  
WITHIN RESIDENTIAL ZONES**

**7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND  
ZONING ISSUES**

**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

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# City of Washington Terrace

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Minutes of a Regular Planning Commission Meeting held on  
Thursday, April 26, 2018  
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 Vice- Chair Scott Larsen  
14 Commissioner Henderson  
15 Commissioner Darren Williams  
16 Commissioner Dan Johnson  
17 Commissioner Charles Allen  
18 Commissioner T.R. Morgan -Excused  
19 Chairman Wallace Reynolds - Excused  
20 Chief Building Inspector Jeff Monroe  
21 City Recorder Amy Rodriguez

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23 **Others Present**

24 Jake Rosser

- 25  
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**

33  
34 4.1 **MOTION: APPROVAL OF AGENDA**

35 Item 6.1 will be deleted from the agenda.

36 **Motion by Commissioner Allen**  
37 **Seconded by Commissioner Johnson**  
38 **To approve the agenda**  
39 **Approved Unanimously (5-0)**

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41 4.2 **MOTION: APPROVAL OF MINUTES FOR MARCH 29 ,2018**

42 **Motion by Commissioner Allen**  
43 **Seconded by Commissioner Henderson**  
44 **to approve the Minutes of March 29, 2018**  
45 **Approved unanimously (5-0)**  
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48 **5. SPECIAL ORDER**

49  
50 **5.1 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING SECTION**  
51 **17.44.080 OF THE MUNICIPAL CODE “FENCE, WALLS, AND**  
52 **HEDGES”**

53  
54 **Vice Chair Larson opened the public hearing at 6:03 p.m.**

55  
56 Monroe stated that the City does not currently allow 6 foot fences to go to the sidewalk on corner  
57 lots. Monroe stated that the ordinance was reviewed by Attorney Bill Morris and he added the  
58 comments and concerns from the Commission.

59  
60 Resident -Jake Rosser- 280 W 5600 S- asked for clarification on what the Public Hearing was for  
61 since the item was discussed at the last meeting. Monroe stated that no action was taken at the  
62 last meeting. The Public Hearing is held to comply with state law. Rosser gave a brief  
63 description of his property, stating that he has done research on other cities ordinances and  
64 cannot find an ordinance that restrict corner lots. He stated that he requested that the City change  
65 the ordinance so that he can use all of his yard. He feels that that the ten foot setback is too  
66 restrictive. He stated that there is a house on 5000 and Ridgeline that has tried to put up an illegal  
67 fence. Monroe stated that the resident put the fence up according to code, however, after review  
68 and complaints due to line of sight issues, he moved his fence back to 21 feet from the curb.

69  
70 Monroe stated that he does not agree with Mr. Rosser concerning other cities ordinances. He  
71 gave several examples of other cities corner lot ordinances which are restrictive and explained  
72 the reasoning for the laws. Monroe stated that the ordinance was adjusted a few years back to  
73 compromise on the issue. Monroe stated that he feels that the ordinance should not be changed at  
74 all at this time and has stated this in his recommendation to the Commission.

75  
76 Rosser stated that he believes that the fence should be allowed to be on the property line or at the  
77 most a foot back. Rosser stated that there are around 30 -40 corner lots in the city that have  
78 illegal 6 foot fences. He stated that he believes that they are not safety issues. He stated that if the  
79 ordinance changes, it would retro fit these fences to be legal. Rosser stated that he does not  
80 believe that we have a good ordinance and that we should conform to other cities ordinances. He  
81 stated that a conditional use permit system is giving too much authority to one person to make  
82 the decisions.

83  
84 Commissioner Williams stated that he can foresee problems with fences that have no visibility,  
85 such as a vinyl fence. Monroe stated that it is not a single person making the decision on a  
86 conditional use, it would be the Planning Commission body. Commissioner Johnson inquired  
87 what happens when people begin stacking things along the fence causing low visibility.  
88 Commissioner Johnson stated that someone could put a shed or items even with a conditional use  
89 permit. Monroe stated that those items would need to be itemized with the conditional use  
90 permit. Commissioner Johnson stated that it could become a safety issue because a child could  
91 get hit. Rosser stated that he agrees that one child is too many, but stated that he has never heard  
92 about a child on the 10:00 news being hit by a car because of a fence. He stated that his thought  
93 process is that not being hit by a car is part of being vigilant and aware of out surroundings.  
94 Rosser stated that it's a balance between practicality and safety. He stated that a lot of people did

95 not agree with the speed limit law, but stated that organizations need to do due diligence and  
96 traffic studies and believes that they would choose practicality to outweigh safety. He stated that  
97 he believes that in this scenario practicality outweighs safety. He stated that other cities must not  
98 have a problem with the fence law because they have not changed their laws and therefore he  
99 believes there is not an issue with safety.

100  
101 **Motion by Commissioner Johnson**  
102 **Seconded by Commissioner Allen**  
103 **To close the public Hearing**  
104 **Approved unanimously (5-0)**  
105 **Vice Chair Larson closed the public hearing at 6:25 p.m.**  
106

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108 **5.2 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING SECTION**  
109 **17.10.07 “DENSITY” REGARDING IN-FILL RESIDENTIAL**  
110 **STANDARDS**  
111

112 **Motion by Commissioner Johnson**  
113 **Seconded by Commissioner Williams**  
114 **To open the public hearing**  
115 **Approved unanimously (5-0)**  
116

117 **Vice Chair Larson opened the public hearing at 6:27 p.m.**  
118

119 There were no citizen comments.  
120

121 **Motion by Commissioner Henderson**  
122 **Seconded by Commissioner Johnson**  
123 **To close the public hearing**  
124 **Approved unanimously (5-0)**  
125

126 **Vice Chair Larson closed the public hearing at 6:27 p.m.**  
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128  
129 **5.3 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING CHAPTER**  
130 **17.56 REGARDING TEMPORARY SIGNS**

131 **Motion by Commissioner Williams**  
132 **Seconded by Commissioner Allen**  
133 **To open the public hearing**  
134 **Approved unanimously (5-0)**  
135

136 **Vice Chair Larson opened the public hearing at 6:27 p.m.**  
137

138 Monroe stated that the ordinance specifies time frames for temporary signs and the reasons for  
139 which they can be erected and how long they can stay up. Monroe stated that the ordinance also  
140 bans banner signs because many have become tattered and unsightly. He stated that signs can be  
141 allowed if there is a special event for advertising.

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There were no citizen comments.

**Motion by Commissioner Williams  
Seconded by Commissioner Allen  
To close the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson closed the public hearing at 6:30 p.m.**

**5.4 PUBLIC HEARING: TO HEAR COMMENT ON AMENDING  
CHAPTER 8.16 REGARDING UNWANTED NUSIANCE TREES**

**Motion by Commissioner Johnson  
Seconded by Commissioner Allen  
To open the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson opened the public hearing at 6:31 p.m.**

Monroe stated that the ordinance would not allow trees that are damaging property, or may be too close to the home. Commissioner Henderson stated that the state tree is listed in the list of “unwanted trees”. He stated that the Quaker aspen has now become the state tree and feels that it should be deleted from the ordinance. Monroe stated that the life expectancy of the tree is not very long and it becomes hazardous due to easily broken limbs.

There were no citizen comments.

**Motion by Commissioner Allen  
Seconded by Commissioner Williams  
To close the public hearing  
Approved unanimously (5-0)**

**Vice Chair Larson closed the public hearing at 6:33 p.m.**

**6. NEW BUSINESS**

**6.1 MOTION: FINAL SUBDIVISION AND SITE PLAN APPROVAL  
FOR THE SCOTT WEBBER INFILL SUBDIVISION LOCATED BETWEEN  
4900 SOUTH AND 5000 SOUTH AT 500 WEST**

Item 6.1 has been deleted from the agenda.

**6.2 DISUCSSION/MOTION ORDINANCE 18-06: RECOMMENDATION TO  
COUNCIL TO AMEND SECTION 17.10.07 “DENSITY”, REGARDING IN-  
FILL RESIDENTIAL STANDARDS**

189 Vice Chair Larsen stated that the change will bring the ordinance into compliance and delete  
190 any conflicts within the code.

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**Motion by Commissioner Allen  
Seconded by Commissioner Johnson  
To recommend approval of Ordinance 18-06  
To amend section 17.10.17 “density” regarding  
In-fill standards  
Approved unanimously (5-0)**

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199 **6.3 DISCUSSION/MOTION ORDINANCE 18-05: RECOMMENDATION TO**  
200 **COUNCIL TO AMEND CHAPTER 17.56 REGARDING TEMPORARY**  
201 **SIGNS**  
202

203 Commissioner Allen asked why we could not allow business to display their signs as many times  
204 as they desire. Monroe stated that one of the concerns is that many temporary signs are being left  
205 out and forgotten and it becomes a safety issue because it blows away or become unsightly.  
206 Monroe stated that the temporary signs should be used for a special event and that is why there is  
207 a 14 day limit.

208 Vice Chair Larsen questioned what would happen if the signs were different for different events.  
209 Monroe stated that the ordinance is limited per site. He stated that they are allowed 6 special  
210 events. Commissioner Allen stated that he feels that they should be allowed to have 12 events  
211 per year for businesses that have monthly events. Commissioner Henderson stated that he feels  
212 that the time limit should be extended to accommodate holiday seasons. Monroe stated that a  
213 holiday extension could be added. Commissioner Johnson stated that allowing them to have  
214 longer time frames and the ability to post as many times as they like would defeat the purpose.  
215 The holiday extensions should include Christmas, Halloween, Thanksgiving, Easter, and the  
216 Fourth of July. The ordinance will be changed to allow 12 signs per year.

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**Motion by Commissioner Johnson  
Seconded by Commissioner Allen  
To recommend approval of Ordinance 18-05  
To amend Chapter 17.56 regarding  
Temporary Signs  
With the changes to allow one sign once a month and a holiday extension  
Approved unanimously (5-0)**

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226 **6.4 DISUCSSION/MOTION ORDINANCE 18-07: RECOMMENDATION TO**  
227 **COUNCIL TO AMEND SECTION 17.44.080 REGARDING “FENCES,**  
228 **WALLS, AND HEDGES”**

229 Vice Chair Larsen asked for clarification on the changes. Monroe explained that a fence needs to  
230 have a 40 foot site triangle (15 feet setbacks). Monroe stated that the request for the change is to  
231 allow a 6 foot fence between house and sidewalk to be against the sidewalk. Monroe stated that a  
232 conditional use will allow the Commission to look at the property, talk to the neighbors, and  
233 allow the fence with conditional restrictions. Monroe stated that there are residents who have  
234 legal 4 foot fences up to the sidewalk. Monroe stated that he would have to enforce the  
235 conditional use permits to ensure that the resident complies by not putting up trees or other

236 obstacles impeding line of sight. He does not recommend the conditional use process for this  
237 matter. Commissioner Henderson stated that he is not sure how much line of sight comes into  
238 play with Mr. Rosser's property. He stated that he is in favor of the conditional use permit  
239 because it may make sense for some cases.

240 Vice Chair Larson stated that what may work in one area may not work in another due to  
241 variances in streets.

242 Commissioner Allen stated that he has spent a lot of time on the matter and feels that his  
243 obligation, duty, and first priority as a Planning Commissioner is the health, safety, security, and  
244 welfare of residents in the city. He stated that if we allow the change through the condition use, it  
245 may or may not lessen the safety of the residents or visitors to the city. He stated that we cannot  
246 afford to take risks at any cost. Commissioner Allen recommends not to approve the ordinance  
247 and to leave it as is.

248 Commissioner Williams stated that if the only issue is safety, then everyone would have to  
249 remove anything that is blocking the driveways. He stated that his concern is that everyone has  
250 to have line of sight open. He stated that he is leaning towards conditional use permits.

251 Monroe stated that the planning commission would have to approve each case on a case by case  
252 basis. Monroe stated that the Council does not approve conditional use permits, however they  
253 will approve the final ordinance. Commissioner Allen stated that if we allow conditional use  
254 permits, he will do the investigations himself. Commissioner Henderson stated that he agrees  
255 that safety of the public is a main concern, but feels that if the Commission looks at every  
256 situation and uses common sense, the safety concerns will be met.

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258 **Motion by Commissioner Henderson**  
259 **Seconded by Commissioner Williams**  
260 **To recommend approval of Ordinance 18-07**  
261 **To amend section 17.44.080 regarding**  
262 **Fences, Walls, and Hedges**  
263 **Approved (4-1)**  
264 **Commissioner Allen- nay**

265

266 **6.5 DISCUSSION/MOTION ORDINANCE 18.-08: RECOMMENDATION TO**  
267 **COUNCIL TO AMEND CHAPTER 8.16 REGARDING "NUSIANCE"**  
268 **RELATING TO UNWANTED TREES THAT IMPACT PROPERTY AND**  
269 **LANDSCAPING**

270 Monroe stated that the list of trees came from the Urban forestry state of Review. He stated that  
271 the trees are on the list because they impact the neighborhood with root systems, infections,  
272 bugs, and they are noted as being diseased trees.

273 Vice-Chair Larson stated that some of the trees will not grow in our areas.

274 Monroe stated that it is not an all-inclusive list. He stated that he receives many complaints from  
275 residents concerning the sewer systems due to root systems. He also stated that there are several  
276 trees that have grown into fences. Monroe noted that there is one maple tree that has grown too  
277 close to the house and has fractured the walls of the house. He stated that this would give the city  
278 teeth in having people cut down hazardous trees. Commissioner Johnson stated that the hospital  
279 has trees where the roots have grown onto his fence. Monroe stated that this ordinance would  
280 include everyone in the city.

281 Monroe stated that he would send citations if he sees trees being planted that need to be  
282 removed. Monroe stated that some trees are damaging buildings and they would be told to

283 remove the trees. Vice- Chair Larsen stated that he would leave the Quaker aspen trees the  
284 ordinance because they are a nuisance.  
285 Monroe stated that the ordinance includes the trees that attracts certain diseased insects.  
286 Monroe stated that removal of the trees will have to be complaint based.

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288 **Motion by Commissioner Williams**  
289 **Seconded by Commissioner Johnson**  
290 **To recommend approval of Ordinance 18-08**  
291 **To amend chapter 8.16 “Nuisance” regarding**  
292 **Unwanted trees that impact property and landscaping**  
293 **Approved unanimously (5-0)**  
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295 **7. UPDATE COMMISSION ON CURRENT DEVELOPMENT PROJECTS AND**  
296 **ZONING ISSUES**  
297

298 Monroe stated that the Langford Subdivision is on the May 1, 2018 Council agenda.  
299 Monroe stated that the Webber Subdivision will be on the Planning Commission agenda at a  
300 future date.  
301 Monroe stated that the Professional Building Demo has been placed on hold. Police and Fire  
302 have been using the building for trainings.  
303 Monroe stated that 5600 South Road is being connected to the main street. Monroe stated that  
304 Golden West Credit Union will eventually put in an administrative campus. He stated that the  
305 area will be Commercial property.  
306 Monroe stated that the Public Works Facility is almost completed and suggested a tour of the  
307 facility if the Commission is interested.  
308 Monroe stated that the Realtors Association Business is on hold.

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310 **8. MOTION: ADJOURN THE MEETING**  
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312 **Motion by Commissioner Johnson**  
313 **Seconded by Commissioner Williams**  
314 **To adjourn the Meeting**  
315 **Approved Unanimously (5-0)**  
316 **Time: 7:27 p.m.**  
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**Date Approved**

320 \_\_\_\_\_  
**City Recorder**

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## Planning Commission Staff Report

Building & Planning

**Author:** Building & Planning Department  
**Subject:** Site Plan approval for the property at 50 East 4600 South, Parcel #25.020.0003, Cordell Wall, agent contractor, remodel commercial Office space, possible new location for Dingman Printing.  
**Date:** May 31, 2018  
**Type of Item:** Public Hearing / Discussion/Action

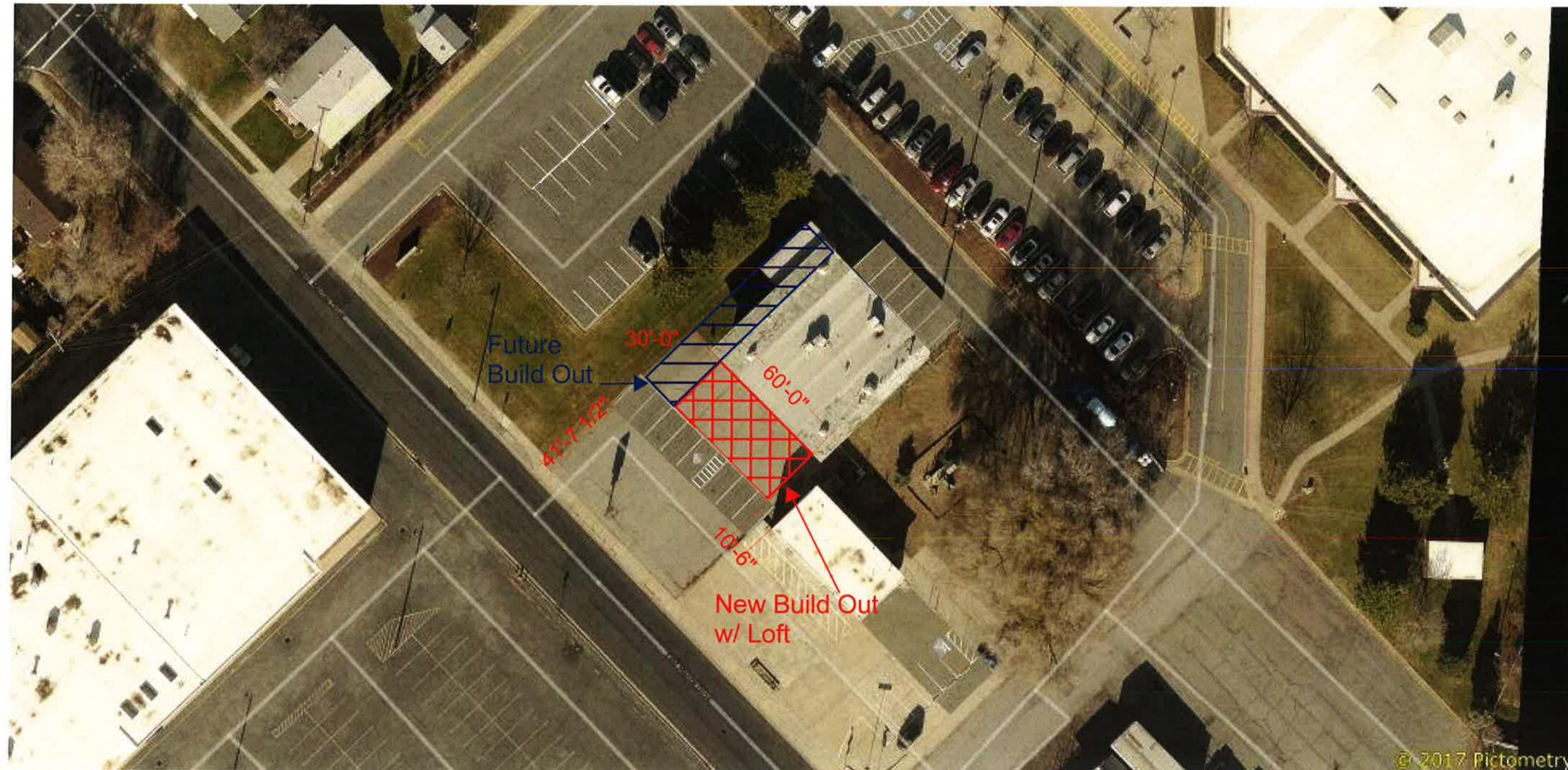
**Summary Recommendations:** Approve the site plan for the office space remodel by motion

### Description:

- A. **Topic:** Public Hearing to be held for public comment and then discuss site plan remodel prior to motion for a commercial business remodel to be located at 50 East 4600 South.(Stanley's tuxedo building)
- B. **Background:** The property is located at 50 East 4600 South, The agent is requesting approval for a commercial office remodel to the existing building. Staff has reviewed the site plan and has given its approval and did not see any issues that needed to be addressed. The Building and Code department did not have any concerns with the project and the contractor is aware that he will need to submit plans for the remodel. The building is out dated with codes and it is a good opportunity to have this structure brought up to code. Approval of the site plan is made by a motion from the Planning Commission who by City code have final approval for site plans.
- C. The following list is criteria for the proposed structural remodel and site plan comply with City Codes.
- Zoning C-1 Neighborhood Commercial office is a permitted use per Washington Terrace City Code.
  - The site plan and structures comply with the setbacks requirements
  - This is an existing commercial business that has been located at the current site since 1961.
- C. **Development Review Team comments:** DRT recommends approval of the proposed development and give a favorable recommendation to the Planning Commission.

### Alternatives:

- A. **Approve the Request:**  
Make a motion to accept and approve the site plan
- B. **Deny the Request:**  
The Planning Commission can deny the applicants request
- C. **Continue the Item:**  
The Planning Commission could table the item to a later meeting, for action at that time and with direction.



### Building Use(s) and Parking Info

**Existing building** (4,140sf) to be used as printing, warehouse for printing/ materials, and staging area for orders going out.

**New Build** will be a total of 3,300sf (1,800sf down and 1,500sf loft) consisting of office/sales area. (Sales area will be minimal as 95% of orders are via phone/on-line. Five percent of customers actually use the storefront.)

**Parking** will be both at the front of the store and rear and will consist of 12 +/- regular stall and 1 ADA stall.

**Proposed Build-Out**  
**50 E 4600 S (Marine Way)**  
*Stan's Quality Fashion Formal*



**Existing Property**

C-1 Zone  
 .36 Acres  
 4140sf CMU Block Structure Inc. Small Attached Shed  
 Asphalt Parking in front & Rear  
 Minimal to No Landscaping

**Future Additional Building**

1800sf on Ground level with a loft of approx 1500sf



**Proposed Exterior Design:**

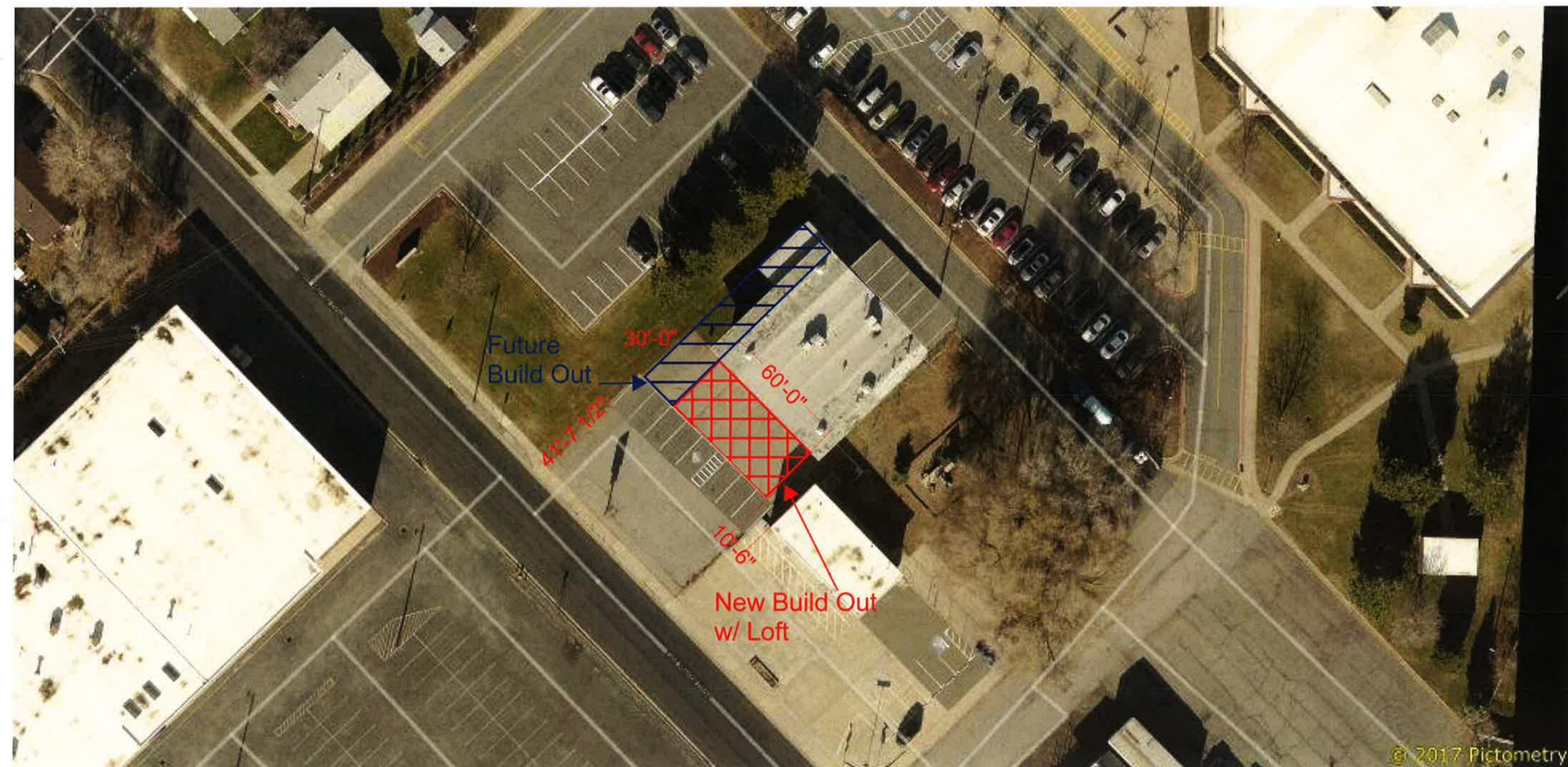
The new build out will consist of 60-80% EIFS with some stone/brick accent or wainscoting. Colors to be of a neutral tone either using tan's (earth tone's) or grays.

Project will have storefront with some type of covering either metal frame/cloth awning, or prefabricated metal flat/sloped coverings.



*Future home of*  
**DPP** dingman professional printing





### Building Use(s) and Parking Info

**Existing building** (4,140sf) to be used as printing, warehouse for printing/ materials, and staging area for orders going out.

**New Build** will be a total of 3,300sf (1,800sf down and 1,500sf loft) consisting of office/sales area. (Sales area will be minimal as 95% of orders are via phone/on-line. Five percent of customers actually use the storefront.

**Parking** will be both at the front of the store and rear and will consist of 12 +/- regular stall and 1 ADA stall.

**Proposed Build-Out**  
**50 E 4600 S (Marine Way)**  
*Stan's Quality  
 Fashion Formal*



**Existing Property**

C-1 Zone  
 .36 Acres  
 4140sf CMU Block Structure Inc. Small Attached  
 Shed  
 Asphalt Parking in front & Rear  
 Minimal to No Landscaping

**Future Additional Building**

1800sf on Ground level with a loft of approx  
 1500sf



**Proposed Exterior Design:**

The new build out will consist of 60-80% EIFS with some stone/brick accent or wainscoting. Colors to be of a neutral tone either using tan's (earth tone's) or grays.

Project will have storefront with some type of covering either metal frame/cloth awning, or prefabricated metal flat/sloped coverings.



*Future home of*  
**DPP** dingman  
 professional  
 printing





## Planning Commission Staff Report

Building & Planning

**Author:** Building & Planning Department  
**Subject:** Amending Municipal Code 17.44.200, Landscaping Regulation, E. Scope of Requirements, 1. c. Park Strip, Residential  
**Date:** May 31, 2018  
**Type of Item:** Public Hearing & Action/recommendation

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**Summary Recommendations:** To amend the City of Washington Terrace's Municipal Code section 17.44.200, Landscaping Regulations. By adding E.1.c. Park Strip to define the requirements within a residential zone for the park strip that abuts a home.

### Description:

A. Topic:

The main reason for this discussion and amendment is the line of site clear view and safety of residents for egress in and out of one's property/ Drive-way.

B. Background:

The City of Washington Terrace's municipal code Title 17.44.200.E.1.c. Park strips: Park strips shall be maintained and landscaped by the abutting property owner. Section 1. Residential landscaping includes all R zones, the part (i thru vii) explains the type of shrubbery and landscaping shall be used in the park strip.

There have been instances of neighbors and residents backing out of their drive-way not having a clear view of the line of site and have nearly caused or been hit by cross traffic traveling down the road or street. These guidelines shall be established to allow for a better view of the line of site for residents entering on to the roadway in the residential zones.

Park strip landscaping, as outline, will still be allowed to be install. This landscaping includes low growing vegetation and grass with shrubs and those trees that are allowed per ordinance. **Section vii** indicates prohibited shrubs and plants, as these type of shrubs either become a nuisance or a hazard to users of the side walk area. If the property owner removes existing shrubs, she/ he would be required to put in only approved landscaping that complies with the City code.

C. Department/Staff Review:

The City Staff recommends that the park strips amendments and additions should be allowed.

D. Ordinance Amendment: 17.44.200.E.1.c. Landscaping Regulations.

E. Scope of Requirements:

1. Residential landscaping includes all R zones.

- a. New Homes: All landscaping for new construction shall be installed and maintained for the Park Strip, front yard, and side yard within one (1) year of taking occupancy of any lot or parcel on which a home has been constructed. -Rear yard landscaping shall be installed within 2 years of occupancy.

b. Existing Homes: All landscaping for existing homes shall be installed and maintained on any lot or parcel on which a home exists. Homes that have a transfer of title or ownership will have one (1) year to landscape the Park Strip, front yard, side yard, and rear yard.

c. **Park Strip:** Park strips shall be maintained and landscaped by the abutting property owner.

- i. Low growing conforming type vegetation/grass shall be allowed to be planted in park strip areas.
- ii. Shrubs, vegetation and landscaping shall not exceed three (3) feet in height in any park strip. Shrubs, vegetation and landscaping that becomes a nuisance shall be subjected a notices, citation and removal by city ordinance.
- iii. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.)
- iv. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.)
- v. Shrubs, vegetation and landscaping, in the event becomes an obstruction due to utility work, City construction/ road projects and any other public/city project, may be required to remove the shrubs, vegetation and or landscaping.
- vi. All existing trees in the park strips shall be nonconforming, but if the tree becomes a hazard or damages sidewalks or curbs and gutter, the tree should be removed. If the abutting property owner removes the tree, the same tree cannot be placed back into the park strip area and must comply with the approved park strip trees that have be adopted by code.
- vii. Prohibited Shrubs, vegetation and landscaping, no Pfizer or junipers shall be allowed, Plants with thorns, spines, or other sharp, rigid parts are hazardous to the public, shrubs that create visual barriers, and structural encroachments into sidewalks, curb and gutters.
- viii. Property owners shall get approval from the building official or public works director to have concrete or other decorative material installed within the park strips. (Zoning compliance permit will be required)

d. Approved Park Strip Trees:

Crabapple/flowering

Plum-nonbearing varieties only

Goldenrain tree.

Hawthorn: Lavalley, Carriere, Washington, or Paul Sarlet

Imperial honey locust.

Japanese lilac tree.

Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.

May Day tree.

Red bud, eastern tree.

e. Alternative Landscape Methods: Any alternative method of landscaping, such as Xeriscape, shall receive approval by the city building official. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans for review.

f. Compliance: All landscaping shall also comply with all other municipal codes that apply, including, but not limited to, this chapter.

g. Residential Compliance: Residential landscaping shall also comply with subsections D4, D5 and D6 of this section.

**Alternatives:**

- A. Approve the Request: The City Planning Commission should make a recommendation to approve the amendment to 17.44.200.E.1.c.
- B. Deny the Request: The City Planning Commission can deny.
- C. Continue the Item: The City Planning Commission could table the item to a later meeting, for action or corrections at that time.

**WASHINGTON TERRACE CITY  
ORDINANCE 2018-09**

**LANDSCAPING AMENDED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,  
UTAH, AMENDING CHAPTER 17.44 RELATED TO  
LANDSCAPING 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**, the City desires to limit landscaping on certain public property to mitigate utility issues and road expansion problems;

**WHEREAS**, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

**WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on May 31, 2018, to take public comment on this proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_;

**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 17.44 is hereby amended to read as follows:

**17.44.200. Landscaping regulations.**

- A. Title. The name of this section shall be known and cited as “Landscaping Regulations” for the city of Washington Terrace (known as "city").
- B. Purpose and Goals. The purpose shall be to provide landscaping and buffering guidelines for developers and builders to follow in the design, installation, and maintenance of proposed residential, commercial, and industrial development projects. The goal shall be to promote quality landscaping design throughout the city while integrating various elements of site design. Landscaping regulations shall preserve and enhance the particular identity of the site by creating a pleasing site character and promote and encourage water conservation through landscaping design and irrigation systems.
- C. Landscaping Defined. "Landscaping" shall mean some combination of planting materials such as trees, shrubs, ground covers, perennials, annuals, Xeriscape principles and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, benches, and street furniture.
- D. Landscaping. All landscaping shall be installed and maintained in conformance with a landscape plan approved by the planning commission for subdivisions, PRUDs, commercial/industrial businesses and commercial/industrial zones.

1. Landscape Plan: Two (2) copies, eleven by seventeen (11 x 17), of a detailed landscaping plan and development plan shall be submitted to the planning commission at the time of site plan review. Fifteen percent (15%) of a business/commercial area shall be maintained in landscape open space;
2. Tree Stand; Natural Vegetation: Existing significant tree stands and natural vegetation shall be integrated into the site landscape plan to the maximum extent possible. The minimum size for landscaping is five (5) gallon shrubs, two inch (2") width caliper trees, and five (5) to six foot (6') tall evergreens;
3. Preparation by a Licensed Architect. The city requires that landscaping plans be designed by a licensed landscape architect.
4. Sprinkling or Irrigation System. Plantings shall be serviced by an acceptable underground sprinkling or irrigation system.
5. Noise and Glare. Landscaping shall minimize the nuisance of noise and glare;
6. Certain Species Prohibited. Species that are a public nuisance or that cause excessive litter shall be avoided.

E. Scope Of Requirements:

1. Residential landscaping includes all R zones.
  - a. New Homes: All landscaping for new construction shall be installed and maintained for the park strip, front yard, and side yard within one (1) year of taking occupancy of any lot or parcel on which a home has been constructed. -Rear yard landscaping shall be installed within 2 years of occupancy.
  - b. Existing Homes: All landscaping for existing homes shall be installed and maintained on any lot or parcel on which a home exists. Homes that have a transfer of title or ownership will have one (1) year to landscape the park strip, front yard, side yard, and rear yard.
  - c. Park Strip: Park strips shall be maintained and landscaped by the abutting property owner.
    - i. Low growing conforming type vegetation/grass shall be allowed to be planted in park strip areas.
    - ii. Shrubs, vegetation and landscaping shall not exceed three (3) feet in height in any park strip. Shrubs, vegetation and landscaping that becomes a nuisance shall be subjected a notices, citation and removal by city ordinance.
    - iii. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.)
    - iv. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.)
    - v. Shrubs, vegetation and landscaping, in the event becomes an obstruction due to utility work, City construction/ road projects and any other public/city project, may be required to remove the shrubs, vegetation and or landscaping.
    - vi. All existing trees in the park strips shall be nonconforming, but if the tree becomes a hazard or damages sidewalks or curbs and gutter, the tree should be removed. If the abutting property owner removes the tree, the same tree cannot be placed back into the park strip area and must comply with the approved park strip trees that have be adopted by code.
    - vii. Prohibited Shrubs, vegetation and landscaping: no Pfizer or junipers shall be allowed, plants with thorns, spines, or other sharp, rigid parts are hazardous to the public, shrubs that create

visual barriers, and structural encroachments into sidewalks, curb and gutters.

viii. Property owners shall get approval from the building official or public works director to have concrete or other decorative material installed within the park strips. (Zoning compliance permit will be required)

- d. Approved Park Strip Trees:
    - A. Crabapple/flowering
    - B. Plum-nonbearing varieties only
    - C. Goldenrain tree.
    - D. Hawthorn: Lavalley, Carriere, Washington, or Paul Sarlet
    - E. Imperial honey locust.
    - F. Japanese lilac tree.
    - G. Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.
    - H. May Day tree.
    - I. Red bud, eastern tree.
  - e. Alternative Landscape Methods: Any alternative method of landscaping, such as Xeriscape, shall receive approval by the city building official. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans for review.
  - f. Compliance: All landscaping shall also comply with all other municipal codes that apply, including, but not limited to, this chapter.
  - g. Residential Compliance: Residential landscaping shall also comply with subsections D4, D5 and D6 of this section.
- F. **Maintenance.** Each property owner of commercial and/or residential shall maintain all landscaping installed and required as part of site plan approval and/or when no site plan is obtainable shall be required to comply with this chapter as follows:
- 1. All landscaping shall be adequately watered, mowed, and maintained.
  - 2. All landscape shall be properly fertilized, any dead plant materials shall be regularly removed and replaced in a timely manner.
  - 3. Irrigation systems shall be monitored to provide for sufficient plant life, prevent waste, and maintained to prevent leakage or blockages.
  - 4. Xeriscaping shall be maintained as provided as shown on the approved site plan, and all dry landscape materials shall follow industry standards of fire prevention, upkeep, and preventative maintenance.
  - 5. General maintenance of landscaping includes keeping landscape in good order and repair.
  - 6. Lawn, grasses, and other approved ground cover shall be maintained in an attractive manner with shall water and fertilizer to maintain healthy plant life. Lawn, grasses and other acceptable ground cover shall not exceed six (6) inches in height at any time.
  - 7. Trees shall be trimmed and kept in an attractive manner. Only the acceptable trees shall be allowed as listed in section, landscaping regulations. Trees shall not be an obstruction to clear view areas of streets.
  - 8. Bushes and shrubs shall be maintained in an attractive manner. Bushes and shrubs located within clear view areas of street intersections shall not be an obstruction, shall be trimmed so that the highest branch is no more than thirty-six (36) inches in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Bushes and shrubs shall not be planted in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
  - 9. Rocks, stones, fountains, planter beds, and other landscaping features shall be attractive and appropriate for their location. Where rocks or other non-vegetative landscaping is

used, the area shall be kept free of weeds, overgrowth, and debris. Water features shall be adequately monitored, safe, regularly cleaned, and kept free of moss, contamination, and disease including but not limited to listeria. Landscaping features located within clear view areas of street intersections, shall be placed so that the feature is no more than thirty-six (36) inches in height.

10. Landscaping features shall not be placed in a manner that has the effect of hiding or blocking access to identify and use any fire hydrant.
11. All landscaping for commercial/industrial businesses/zones shall be maintained and installed on lot or parcel. Businesses that have a transfer of title or ownership, by sale or lease, shall comply with the following items and subsection F of this section:
  - a. There shall be landscaping maintained along the right of way line of dedicated streets in accordance with a detailed landscaping plan approved by the planning commission.
  - b. All landscaping shall not obstruct pedestrian walkways, vehicular use of driveways, and parking stalls and corner lot sight triangles of any street.
  - c. Storm water related devices, such as detention/retention basins and ponds, culverts, and riprap structures should be landscaped to reduce their visual impacts. Such landscaping may include evergreen plantings, shrubbery, hedges, and other suitable planting material that will control siltation and erosion.
  - d. Fire hydrants shall be free from obstruction on all sides by a minimum of three feet (3').
  - e. Environmentally sensitive areas designated by the city shall be preserved and untouched by development. The same standard applies to wetlands.
  - f. Berms shall comply with city standards.
  - g. Concrete curbs shall be provided between landscaped areas and off street parking areas.
  - h. Where a commercial or industrial development or business abuts any residential zone or residence, there shall be provided along the adjoining property line a decorative seven foot (7') high sight obscuring solid masonry wall and a ten foot (10') wide landscaped strip. The wall shall be constructed and maintained by the owner of the commercial or industrial development or business.
  - i. All landscaping must be completed before final occupancy is granted or business license issued. If completion is unfeasible, the applicant must submit in escrow an amount equal to complete the landscape plan. All landscaping shall be completed within six (6) months of the issuance of final occupancy or business license. If completion is not obtained, the applicant will forfeit escrow.
  - j. Landscaping shall be maintained during construction projects.
  - k. Dead or damaged landscaping shall be replaced within thirty (30) days of notification by the city or during the next planting season if not possible at the current time.
  - l. It shall be required to show the blowout valves and sprinkler connections on the site plan.
3. Public Park Strip in the Commercial/Industrial Zones and on Adams Avenue.
  - a. No trees shall be planted in any public park strip within any Commercial/Industrial Zone. No tree shall be planted in the public park strip on and along Adams Avenue.
  - b. Any new tree planted is deemed a nuisance subject to abatement at the expense of the person who planted the tree. All existing trees in a park strip where a tree is prohibited shall be deemed nonconforming. Any nonconforming tree that is removed shall not be allowed to be replanted and shall comply with this chapter.
  - c. A nonconforming tree is deemed a nuisance subject to abatement and reimbursement of any damages at the expense of the person owning the street

frontage where the tree is located in the event that the nuisance tree causes or may cause damage to any utility, infrastructure, sidewalks, curb or gutter, or storm drain.

d. No trees or landscaping shall be installed or maintained so as to obstruct pedestrian walkways, sidewalks, driveways, parking stalls, and standard corner lot sight triangles of any street.

e. All landscaping shall comply with this chapter and other governing provisions of the municipal code,

f. Shrubs and vegetation not to exceed three (3) feet in height may be installed in any public park strip, subject to removal in the event the landscaping becomes a nuisance, utility work, or other construction.

g. Fire hydrants shall be free from obstruction on all sides by a minimum of three (3) feet.

h. The park strip under this subsection shall be properly maintained, watered, mowed, and kept weed free by the abutting property owner of the street frontage.

A. Submittal Requirements: All landscaping shall be installed and maintained in conformance with an approved landscape plan. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans to the city building official.

1. Landscape plans are required for all nonresidential projects.

2. The landscape plan may be incorporated into the site plan or provided separately.

3. No permit for use, subject to the requirements of this section, shall be issued until a landscape plan has been approved by the planning commission.

4. The landscape plan shall be drawn to scale and accurately depict the following information:

a. The names of all types of plant species proposed.

b. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting.

c. The lot area and the total area of the lot required to be landscaped.

d. Location and dimensions of planting areas.

e. Details of any required berms, fences, or walls.

f. The location and dimensions of any proposed or required pedestrian walkways.

5. Escrow. Owner/developer shall enter into an escrow agreement with the city wherein the owner/developer shall deposit sufficient funds to ensure installation of the required landscape, which amount shall include an additional ten percent (10%) of the total amount required, ten percent (10%) shall be applied in the event of default by owner/developer. The escrow agreement shall include a time certain for installation of the landscaping by the owner/developer. Upon default of the owner/developer of any of the conditions of this section, or the escrow agreement, the city will receive the escrow funds and complete the required landscaping.

6. Nonconforming Status. Any use of property which on the effective date of this section or any subsequent amendment thereto is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping was conforming. However, such use may not be increased in intensity except in accordance with the requirements of this section and any landscaping which may exist in the locations specified by this section shall not be reduced unless suitable substitutions are made which would meet the requirements of this section.

B. Penalty:

1. Penalties For Failure To Comply: Any owner, occupant or person having an interest in, or control over, the property to which a notice of compliance is issued under the provisions of this chapter, who fails to comply with the notice of compliance from the inspector or order given pursuant to this chapter, shall be guilty and the following penalties and remedies shall apply:

a. Any violation of this chapter shall be deemed a class C misdemeanor.

b. The amount of the monetary fine shall be a five hundred dollar (\$500.00) fine and penalty for the notification of the removal of the violation, and fifty dollars (\$50.00) each day that the violation remains uncorrected or unabated.

