

Plain City Planning  
Minutes of Meeting  
October 12, 2017

Minutes of the Plain City Planning Commission held on October 12, 2017 at 7:00 p.m. located at the Council Chambers in the Plain City Hall, Plain City, Utah 84404.

Present: Chairman	Blake Neil
Vice Chair	John Leonardi
Commissioner	Jarod Maw
Commissioner	Mark Osenbach <i>Excused</i>
Commissioner	Cheri Sparks
Alt. Commissioner	Kris Carrigan
Staff:	Kathy Campbell, Derek Moss, Bren Edwards

**ATTENDEES:** Lex Peterson, Jackson Dayton, Sheri Stimpson Barahona, Josh Allen, Emi Wilson, Mазzie Melaney, Marcus Knowlden, Garret Sealey

**WELCOME:** Chairman Blake Neil welcomed those in attendance.

**PLEDGE OF ALLEGIANCE:** Commissioner Carrigan

**MOMENT OF SILENCE/INVOCATION:** Commissioner Maw

**1.ROLL CALL** Chairman Neil conducted roll call and indicated Commissioners Sparks, Maw, Carrigan, Vice Chair Leonardi and Chairman Neil were present. Commissioner Osenbach was excused.

**2. OPENING MEETING STATEMENT**

The opening statement was read by Chairman Neil.

**3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE**

Chairman Neil asked if any members needed to declare a conflict of interest or disclose any ex parte communication in which they had engaged. All Commissioners answered they had not.

**4.Public Comments for Items not on the Agenda:** None

**5. Approval of Minutes September 28, 2017**

**Motion: Vice Chair Leonardi made a motion to approve the Minutes of September 28, 2017 with said changes. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan, Vice Chair Leonardi and Chairman Neil voted aye. Motion carried.**

**6. Technical Review Report:** Chairman Neil report there had been not technical review.

**7. Administration Items:**

a. Discussion/Motion: Final Brook Haven 2800 N 4050 W 18 Lots

Garrett Sealey stated he was representing Brook Haven. Chairman Neil explained he had spoken with the city engineer. The city engineer confirmed all his previous remarks had been addressed. Chairman Neil asked if anyone had questions concerning Brook Haven. No Commissioners had any questions.

**Motion: Vice Chair Leonardi made a motion to recommend final approval to the City Council for Brook Haven 2800 N 4050 W 18 Lots. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan, Vice Chair Leonardi and Chairman Neil voted aye. Motion carried.**

**8. Legislative Items:**

a. Discussion and presentation: Food Trucks

Chairman Neil asked Planner Derrick Moss to give the presentation on Food Trucks. Mr. Moss explained the following are the question that need to be asked.

**FOOD TRUCK/MOBILE FOOD VENDORS**

Define **what** is a mobile food vendor.

Identify **where** vendors shall be permitted (zones, distances from, ect.)

Consider **when** vendors can operate (hours of operation, frequency, duration, ect.)

Define **How** they can operate (required permits).

**WHAT**

Mobile food vendor – A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable and does not require assemble or disassembly.

Commissioner Maw asked concerning the sale of Ice Cream or drinks. Mr. Moss responded “a food truck or mobile food vendor is anything with wheels.”

**WHERE**

Shall be permitted to operate in commercial / industrial zones.

Shall only operate on hard surface (pavement, asphalt).

What are some of the exception?

Shall not operate within two hundred feet (200') of any public park unless prior permission is given by the city.

Shall not operate within two hundred feet (200') of any public or private school during operational school hours authorized agent is provided.

Shall operate on private property with written permission from the property owner and property owners within two hundred feet (200').

Chairman Neil indicated one of the reasons to address the food trucks is because there is a food truck wanting to operate at Fremont High School. The commissioners discussed if a permit and business license would be needed in the city. If the food truck was on private property would

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they need to get permission from the neighbors. Would the business license be for a day? Do churches need to be included?

WHEN

Mobile food vendors shall be permitted to operate:

Between 7:00 a.m. and 10:00 p.m.

Shall not extend for more than twelve hours (12) within a twenty-four hour (24)

Period at any one location.

HOW

Mobile food vendors shall only be permitted to operate:

With a business license to operate, obtained from Plain city through the business license application process, or obtained from Plain City after providing:

a current business license from another jurisdiction within the state;

a current health department permit from a local health department

With written permission from the property owner or authorized agent for each location in which the mobile food vendor shall operate.

Mobile food vendors shall comply with all City Fire Department requirements.

Derek Moss explained the state has said you cannot charge a mobile food truck if they have a business license in another jurisdiction. Plain City can require a license but there cannot be a charge. Commissioner Carrigan stated with his business he need a business license for every city and is charged. Mr. Moss stated there is some push back from the cities to change the state law. Currently they can have a business license but there cannot be a fee. The commissioners felt the city needed to be protected. Mr. Moss stated he would talk to legal and get more clarification. Commissioner Maw stated it is like a contractor. His license is somewhere else but he needs a building permit to do work in the city. Commissioner Sparks emphasize there is a difference in a food handler permit and proof of a kitchen permit that a mobile truck would be required to have. The food handlers are for the employees. The kitchen permit is for the business. Which is all done through the health department. Plain City would want to verify food trucks have those permits. The Commission thought other things to consider was regulating signage, access and even if they have permission they cannot block access. If it is for a personal use like a family reunion they would not need a license. It was implied if the mobile food truck is on private property it would be the responsibility of the Property Owner to assure that all permits and health licenses were in place. If there is noise that is associated with a food truck they would have to adhere to the nuisance ordinance.

WHEN

Mobile food vendors shall be permitted to Operate:

Between 7:00 a.m. and 10:00 p.m.

Shall not extend for more than twelve hours (12) within a twenty-four hour (24) period at any one location.

**OTHER THINGS TO CONSIDER:**

- \* Signage – All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the mobile food vendor. Signage must comply with clear view requirements at road intersections found in 10-12-2.
- \*The mobile food vendor may not in any way inhibit the access to and from or the safe use of the premises on which it is located, and may not reduce the required parking of the Premises. Any canopy extensions must be integrated into the design of the vehicle and may not project onto public property in any way.
- \*Trash removal – mobile food vendors will provide trash containers that shall be removed from the site when the vendor leaves the site.
- \*Shall not operate as a drive-through.
- \*Shall only be allowed to park overnight in residential zones where the mobile food vendor Operator has a home occupation business license for operation as a mobile food vendor.

**b. Discussion and presentation: Electronic Signs**

Derek Moss gave the Electronic Sign presentation.

**ELECTRONIC SIGNS**

- \* Definition of Electronic Message Sign Amendment: A sign that is capable of displaying A changeable electronic message or image.
  - \*10-12-5: SPECIAL PROVISIONS Amendment:
    - \* The electronic message sign area shall not exceed seventy-five percent (75%) of the total allowable sign area.
    - \*Said signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties.
- The planning commission discussed the intensity of the electronic signs and brightness with a percentage. The night operation should be at 40%. Mr. Moss said Kent's signage has a sensor to automatically dim at night.

**9. Report from City Council.**

Commissioner Maw reported the bid for the North Plain City Storm Drain was approved. The city engineer gave a sewer facilities presentation for improvements. There was a discussion about Wasatch Front Regional Council with information on grants. Plain City has received a grant for new restrooms at Lee Olsen Park. An increase in the fee schedule for residential and commercial was approved. The purchasing policy was tabled.

**10. Commission Comments.**

Derek Moss explained the information from the kickoff meeting that was held. The main points were to identify the priority areas of the general plan. An advisory committee is needed that was previously known as a citizen committee. The second week in November is being looked at for the first advisory meeting. Those that would be participation on the advisory committee could be someone from the Planning Commission, City Council and volunteers that have shown interest. Mr. Moss asked for names any volunteers. Mr. Moss stated there was also a discussion concerning what outcome they are hoping for with the general plan update. One more person is needed from the planning commission. Commission Maw stated he hoped the general plan could be implemented into the DAT. Chairman Neil asked the commissioners as to whom they would like to be on the advisory committee. Vice Chair Leonardi asked when the meetings would be held. Mr. Moss explained they would be a different night than city council or planning commission at 6 pm for about 2 hours. Commissioner Sparks suggested Vice Chair Leonardi be on the advisory board. Commissioner Maw is busy with DAT. Vice Chair Leonardi stated he could be on the advisory team for the general plan.

**11. Adjournment**

**Motion: Vice Chair Leonardi made a motion to adjourn at 7:45 p.m. Commissioner Maw seconded the motion: Vote: Commissioners Sparks, Maw, Carrigan, Vice Chair Leonardi and Chairman Neil voted aye. Motion carried.**

Neil	Carrigan	Osenbach	Maw	Sparks	Leonardi
			Jan 5	Jan 19	Feb 2
Feb 16	*Apr 6	Mar 16	Mar 2	May 18	May 4
Apr 20	June 1	June 15	Jul 6*	Jul 20	Aug 3
Aug 17	Sept 7	Sept 21	Oct 5	Oct 19	Nov 2
Nov 16	Dec 7	Dec 21			

\* Meeting canceled.

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Planning Commission Chair

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Planning Commission Secretary

Minutes of the Plain City Planning Commission held on October 26, 2017 at 7:00 p.m. located at the Council Chambers in the Plain City Hall, Plain City, Utah 84404.

Present: Chairman	Blake Neil <i>Excused</i>
Vice Chair	John Leonardi
Commissioner	Jarod Maw
Commissioner	Mark Osenbach
Commissioner	Cheri Sparks <i>arrived 7:06 p.m.</i>
Alt. Commissioner	Kris Carrigan
Staff:	Kathy Campbell, Derek Moss, Rob Scott

**ATTENDEES:** Jen Hubbard

**WELCOME:** Vice Chair Leonardi

**PLEDGE OF ALLEGIANCE:** Commissioner Carrigan

**MOMENT OF SILENCE/INVOCATION:** Commissioner Maw

**1.ROLL CALL** Vice Chair Leonardi conducted roll call and indicated Commissioners Maw, Osenbach, Carrigan, and Vice Chair Leonardi were present. Chairman Neil was excused. Commissioner Sparks was on her way.

## **2. OPENING MEETING STATEMENT**

The opening statement was read by Vice Chair Leonardi

## **3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE**

Vice Chair Leonardi asked if any members needed to declare a conflict of interest or disclose any ex parte communication in which they had engaged. All Commissioners answered they had not.

## **4.Public Hearing for the Subdivision Ordinance approval process.**

**Commissioner Maw made a motion to open the public hearing for the Subdivision Ordinance approval process. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

Rob Scott gave the staff report.

## **SYNOPSIS / APPLICATION INFORMATION**

Public hearing, consideration, and recommendation on a legislative amendment to consider revamping subdivision application processing

Agenda Date: October 26, 2017

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Applicant: Plain City Planning Commission  
File Number: ZTA 2017-02

**STAFF INFORMATION**

Robert O. Scott, AICP

**APPLICABLE ORDINANCES**

Plain City Zoning Ordinance Title 10 (Zoning Regulations)  
Plain City Subdivision Ordinance Title 11 (Subdivision Regulations)

**TYPE OF DECISION**

When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

**BACKGROUND**

On September 28, 2017 the Planning Commission further discussed options for the subdivision processes. The Planning Commission set a public hearing for October 26, 2017. The commission requested that an option for decision making include tabling an item. The commission is comfortable in recommending that the planning commission be the land use authority for lot line adjustments and minor subdivision approvals.

On July 20, 2017, the Plain City Council considered the comprehensive subdivision amendment process designating the planning commission as the subdivision land use authority. The City Council was not ready to enact a comprehensive change to the subdivision ordinance at this time. It is suggested that the Planning Commission only be designated as the land use authority for lot line adjustments and minor subdivisions. The previous edits regarding process timing, fees, technical review committee, and notice of decision are included. (Exhibit A)

Subdivision Reviews

11-3 Development Procedure and Approval Process

The current subdivision review process is a multiple step approval process including an application submittal, Technical Review Committee review and recommendation, planning commission and city council approval.

The City has a typical two-step subdivision approval process including a preliminary and final approval. The preliminary approval is granted by the planning commission. If the proposal includes a park or other public land reservation the city council must also grant approval. Final approval for all subdivisions requires approval by both the Planning Commission and City Council.

The draft ordinance simplifies the subdivision review process to make the Planning Commission the land use authority for minor subdivision and boundary line adjustment approvals. This allows applicants to move through these processes in an efficient manner.

The ordinance also identifies the role of the Technical Review Committee (TRC). Plain City has an established technical review process; however, there is nothing in the city ordinances that specify the role and responsibilities of the Technical Review Committee.

The draft ordinance does the following:

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- Designates the planning commission as the land use authority for approval of minor subdivisions and lot line adjustments.
- The planning commission is the land use authority for interpreting the subdivision ordinance.
- Fee provisions are put in one location, the Consolidated Fee Schedule.
- A notice of decision process is established.
- Hearing and publication standards are clarified.
- A new section is added outlining the technical review process.
- Subdividers will have 6 months from the recording of a final plat to schedule a preconstruction meeting and begin construction.
- The time for recording a final plat is extended from 180 days to 365 days.
- A development agreement and escrow agreement are required after final approval and prior to recording.
- Temporary turnarounds that are not within a subdivision plat require an agreement between the property owners and the city.

**PLANNING COMMISSION CONSIDERATIONS**

- Is the draft ordinance appropriate?

**STAFF RECOMMENDATION**

Discuss the amendment and clarify any desired edits. Set a public hearing for the amendment.

**EXHIBITS**

A. Ordinance

**B. ORDINANCE # 2017-**

**C. AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S  
SUBDIVISION ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE**

**Section 1. Recitals**

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and



WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

**Section 2. City's Subdivision Ordinance Amended.**

**The following amendment is made to Plain City Code Title 11-2-4 C 1. The other subsections A, B, and D remain as written.**

A. and B. **Remains the same**

C No land shall be laid out and platted within the corporate limits of the city until:

1. The city council has given final approval of the plat unless delegated to the planning commission; and
2. The approved plat is filed with the county recorder.

D. **Remains the same.**

**The following amendment is made to Plain City Code Title 11-2-12 LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS: A (4) is amended and subsection A (7) is eliminated; subsection C (6) is also eliminated.: These are the only subsections being amended. The other subsections remain as written.**

11-2-12: LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS:

A. LOT LINE ADJUSTMENT

**Subsections 1-3, and 5-8 remain the same. 7. Is deleted and 8. Is renumbered to 7.**

4. Procedure: For any change in a map of an approved or recorded plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the planning commission and ~~city council~~ by the same procedures, rules and regulations as for a subdivision

~~7. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

B. Consolidation of Parcels. **Remains the same.**

C. Parcel Consolidation:

**Subsections 1-5 remain the same. Subsection 6 is deleted and subsection 7 is renumbered to be 6.**

~~6. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

**The following amendment adds a new subsection to the Plain City Code Title 11-3-2 ADMINISTRATION AND ENFORCEMENT The current sections 11-3-(2 – 6) are renumbered 11-3-(4-8).**

11-3-2 ADMINISTRATION AND ENFORCEMENT

A. Purpose and Intent

The purpose of this Title is to establish regulations and procedures for the processing and consideration subdivision applications.

B. Land Use Authority

The planning commission is designated as the land use authority for the approval of lot line adjustments and minor subdivisions.

C. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The planning commission is designated as the land use authority to interpret Title 11 of this Code.

D. Fees for Processing Applications.

1. Fees for processing applications shall be established by the Plain City Consolidated Fee Schedule.

2. Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six months. The applicant will have to submit a new application and fees to restart the process.

E. Notice of Decision.

After hearing the evidence and considering the application, the approving authority planning commission, shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice or a copy of the approved minutes. A decision by the approving authority is final at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. The city recorder shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

F. Hearing and Publication Notice for the Planning Commission and City Council.

At least 10 days' notice of the time and place of which shall be given of any public hearing before the Planning Commission as per state code.

**The following amendment adds a new section to the Plain City Code Title 11-3-3 Technical Review and all subsequent sections 2-6 are renumbered 4-8.**

11-3-3 Technical Review

A. Process: The city periodically hosts a technical review committee (TRC) meeting. In order for a preliminary plat to be scheduled for a TRC meeting, a complete preliminary plat application must be received and accepted by the city prior to a date approximately one month prior to the TRC meeting at which the applicant desires the project to be discussed. The city recorder's office maintains this schedule.

B. Meeting With Representatives: The applicant is provided an opportunity to meet with representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the preliminary plat application. At this meeting, the applicant will also receive written comments from the city, detailing the extent to which the plans are required to be revised in order for the city to schedule land use authority consideration of their application. Extensive revisions caused by the TRC comments or by voluntary action of the applicant, may require additional TRC meetings.

C. Timetables: Critical path preliminary plat processing project timetables, including monthly preliminary plat application deadlines, TRC meeting dates, required resubmittal dates and land use authority meeting dates are established and maintained by the city recorder's office.

**The following amendment is made to Plain City Code Title 11-3-2 renumbered to 11-3-4: PRELIMINARY PLAT Subsections B. and C. are deleted, they are the only subsections being**

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**amended. The other subsections remain as written except section D is renumbered B. A new subsection E. Preliminary Approval is added.**

11-3-4: PRELIMINARY PLAT

A. General: **Remains the same**

~~B. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)~~

C. Engineering, Planner, And Legal Fees:

~~1. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~2. City Planner Checking Fees: At the time of application for the subdivision, the subdivider shall pay a planner checking fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all planner fees that are incurred on behalf of said subdivision over and above the fees paid at the time of application. Nonpayment of the fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~D.~~ B. Features: The preliminary plat shall contain the following: **Renumbered and text remains the same.**

E. C. Preliminary Approval: After the planning commission has reviewed the preliminary plat, the report from the city staff and any municipal recommendations, the applicant shall be advised of any required changes and/or additions. The commission shall then approve, table, conditionally approve or disapprove the preliminary plat. ~~One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval or disapproval and the reasons therefor accompanying the plat.~~ A notice of decision will be sent to the developer outlining the decision of the planning commission. Before the

commission approves a preliminary plat showing park reservation or land for other city use proposed to be dedicated to the city, the developer shall obtain approval of the park or land reservation from the city council.

F, G, H, I are renumbered to D, E., F., G.

**The following amendments are made to the Plain City Code Title 11-3-3 is renumbered to 11-3-5 IMPROVEMENT PLANS.**

**The following amendments are made to the Plain City Code Title 11-3-4 is renumbered to 11-3-6 FINAL PLAT Amending Subsections D 2 and D3. The other subsections remain as written.**

11-3-6: FINAL PLAT

A. General

1.-6. **Remain the same.**

B. Preparation. **Remains the same.**

C. City Recorder: **Remains the same.**

D. Requirements For Final Approval:

1. Materials Needed For Approval: **Remains the same.**

2. Final Approval By Planning Commission: The planning commission shall take action on the final plat after the applicant has satisfied the preliminary plat approval conditions. The city engineer will provide a recommendation prior to being placed on the planning commission agenda. recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the planning commission. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation. The subdivision plat shall then be forwarded to the city council for their approval.

~~Requests to extend final approvals shall be conducted at six (6) month intervals for a total of eighteen (18) months. At the time of submitting final approval extension request, the developer shall pay the extension fees established the city council, by resolution, shall prescribe extension fees which shall be for the purpose of reimbursing the city for expenses incidental to the final approval extension process~~

The developer shall have a period of six (6) months to conduct a pre-construction meeting with city staff and start construction of the infrastructure within the development. If such work has not been completed the developer must file a request to extend the time for installation of improvements final approval. (Ord. 2014-03, 5-15-2014, eff. 5-15-2014)

3. Completion of Improvements Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the city council for completion of required improvements exceed two (2) years from the date the final plat is recorded. as identified in 11-4. One copy of the final subdivision plat shall be returned to the developer with the date of approval, conditional approval or disapproval noted thereon and the reasons therefor accompanying the plat. A notice of decision will be sent as identified in 11-3-2 E.

4. Materials Testing: **Remains the same.**

5. Plat Approval Required: **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-3-5 renumbered to 11-3-7 and subsection C Final Plat amended to add additional time to record a plat from 180 days to 365 days after final approval. A and B are not being amended. The other subsections remain as written.**

11-3-~~7~~: SIGNING AND RECORDING OF SUBDIVISION PLAT:

A. and B. **Remain the same.**

C. Final Plat; Time Limit For Recording: Any final plat having received final approval ~~by the city council~~ shall be offered for recording within one ~~hundred eighty (180) year~~ (365) days after final approval. If a final plat is not offered for recording within one ~~hundred eighty (180) year~~ (365) days after final approval, final approval shall be considered null and void, and the developer must resubmit the final plat for recommendation by the planning commission and approval by the city council. (Ord. 2004-14, 12-2-2004, eff. 12-2-2004)

D. **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-3-6: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT is renumbered to 11-3-8: Subsection A 5 h is deleted, sections E and F are deleted, G is renumbered E identifies the planning commission as the approval authority, H is deleted, I is renumbered F and remains the same, J is renumbered G identifies the timing of improvement installation. K is renumbered H and L is renumbered I. The other subsections remain as written.**

11-3-~~8~~: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT

A. General

1. – 4. **Remains the same.**

5. The standard forms approved by the planning commission lettered for the following:

a. – g. **Remains the same.**

~~h. Certificate of acceptance by the city council, attested by the city recorder.~~

**B. – D. Remains the same.**

~~E. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

~~F. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~G. E. Preliminary/Final Approval By Planning Commission: In one meeting, the planning commission may grant preliminary / final approval and recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the planning commission. The city engineer will provide a recommendation prior to being placed on the planning commission agenda. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation decision. The subdivision plat shall then be forwarded to the city council for their approval.~~

~~H. Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval.~~

4. F. Materials Testing: The developer shall be responsible for payment of materials testing required by the city engineer during construction of subdivision improvements.

4. G. Plat Approval Required: No street improvements or utilities shall be installed until after approval of the final plat ~~by the city council~~ and recordation thereof. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange; and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

~~4. H.~~ Mylar Copy **Remains the same.**

~~4. I.~~ Electronic Copy of Signed Plat Required: **Remains the same.**

**The following amendments are made to the Plain City Code 11-4-1: IMPROVEMENTS AND GUARANTEE. The other subsections 11-4-(2-5) remain as written.**

#### 11-4-1: IMPROVEMENTS AND GUARANTEE

A. Methods For Installation: The owner of any land which has been laid out, platted and recorded pursuant to the provisions of this title shall at his own expense install the required improvements within a period of two (2) years from the date the final plat is recorded. Said owner shall guarantee the installation of such improvements by the following methods designated by the city:

1. Deposit In Escrow: The developer will deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements required plus ten percent (10%) as estimated by the developer and approved by the city engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the city council and city attorney and shall be filed with the city recorder. The ten percent (10%) improvement guarantee amount will be held for one year beyond the date of conditional final acceptance of improvements.

2. Development Agreements: A development agreement and escrow agreement shall be provided for all subdivisions after final approval and prior to recording. ~~with five (5) or more lots to be submitted at the rezone or preliminary approval process and recommended by the planning commission to the city council for approval. The planning commission retains the right to require additional information be provided on the agreement.~~

B. Default: In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the escrow deposit forfeited, and the city may install or cause the required



improvements to be installed using the proceeds from the collection of the escrow to defray the expense thereof. The developer may apply to the Plain City Council for an extension of time of one year, with additional one year extensions after the first extension. The Plain City council may grant this request upon proof of difficulty. Said extensions shall be subject to adequate security for the completion of said improvements being made by increasing the amount of the escrow account, if necessary. The city council may require certain improvements to be completed before an extension is allowed. (Ord. 2010-03, 8-5-2010, eff. 8-6-2010)

**The following amendments are made to the Plain City Code Title 11-4-5 B: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY. The other subsections remain as written.**

11-4-5: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

**A. Remains the same.**

B. Public Safety Improvements: Certificates of occupancy will not be issued on any home within a subdivision prior to the fencing or piping of all ditches, as required by the final plat approval ~~city council~~, or installation of any improvements determined to be necessary for public safety, in complete and satisfactory condition as determined by the city engineer.

**C. Remains the same.**

**The following amendments are made to the Plain City Code Title 11-5-1 C: General Improvements referencing 10-18 Sensitive Lands. The other subsections remain as written.**

11-5-1 C: General Improvements

**A. and B. Remain the same.**

C. Character Of The Land: Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be laid out or platted or developed unless adequate methods are formulated by the developer and approved by the planning commission and city council, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land

shall be set aside for uses as shall not involve such a danger. Title 10-18 Sensitive Lands shall be applied in these instances.

D. and E. **Remain the same.**

**The following amendments are made to the Plain City Code Title 11-5-3 STREETS. A General Requirements 1 Frontage On Improved Streets 1. b. and 2. e. The other subsections remain as written.**

11-5-3 STREETS

A. General Requirements

1. Frontage On Improved Streets

a. **Remains the same.**

b. Wherever the area to be laid out and platted is to utilize existing street frontage, such street shall be fully improved as required by the public works standards unless otherwise provided for by the city council after a recommendation from the planning commission. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)

c. **Remains the same.**

**2. Remains the same.**

3. Topography And Arrangement

a. – d. **Remains the same.**

e. Plain City may require selected streets within a subdivision to be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turnaround constructed in accordance with current public works standards or as approved by Plain City. However, in all cases, the temporary turnaround shall have sufficient stability to support snowplows, emergency vehicles, school buses and trash collection trucks. If the terminal street extends no more than the length of one lot beyond the nearest intersection, the city council after a recommendation from the planning commission may waive the turnaround requirement as stated herein. If the temporary turnaround is located on an adjacent property an agreement between the two property owners and the city is required. (Ord. 2016-03, 5-5-2016, eff. 5-5-2016)

j. – m. **Remains the same.**

**The following amendments are made to the Plain City Code Title 11-5-4 DRAINAGE AND STORM SEWERS: B. 4 Nature Of Stormwater Facilities and C Floodplain Areas referencing 10-18 Sensitive Lands. The other subsections remain as written.**

11-5-4 DRAINAGE AND STORM SEWERS

A. **Remains the same.**

B. Nature Of Stormwater Facilities.

1. – 3. **Remains the same.**

4. Effect On Downstream Drainage Areas: The city engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the city council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in a manner the city council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

C. Floodplain Areas: The city council may, when it deems necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the planning commission. Title 10-18 Sensitive Lands shall be applied in these instances.

D. **Remains the same.**

**Section 3. Prior Ordinances and Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

**Section 4. Repealer of Conflicting Enactments** All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

**Section 5. Savings Clause** If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

**Section 6. Date of Effect** This Ordinance shall be effective on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017, and after publication or posting as required by law.

DATED this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017

PLAIN CITY, a municipal corporation

\_\_\_\_\_  
MAYOR – Bruce Higley

ATTESTED AND RECORDED:

\_\_\_\_\_  
Diane Hirschi, CMC  
CITY RECORDER

There were no public comments.

**Motion to Close Public Hearing for the Subdivision Ordinance approval process. Commissioner Maw made a motion to close the public hearing for the Subdivision Ordinance approval process. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**5. Public comments for items not on the Agenda.**

None

**6. Approval of Minutes October 12, 2017**

**Motion: Commissioner Carrigan made a motion to approve the Minutes of October 12, 2017 with said changes. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**7. Technical Review Report:** Secretary Campbell stated there had been not technical review.

**8. Administration Items:**

**a. Discussion/Motion: Preliminary -Hubbard Subdivision 4370 W 1500 N 2 Lots**

Vice Chair Leonardi asked Jennifer Hubbard if she had the will serve letters from the utilities. Ms. Hubbard stated she had those and Kathy Campbell confirmed the will serve letters are in the file. Vice Chair Leonardi asked Ms. Hubbard if she had seen the engineer comments. Ms. Hubbard stated she had. Vice Chair Leonardi asked Ms. Hubbard if she understood the engineer comments which state “A note should be added to the plat stating the existing shed needs to be removed from the public utility easement.” Commissioner Carrigan explained what the comment meant. Vice Chair Leonardi asked if Ms. Hubbard had signed a deferral agreement with the city concerning the curb, gutter and sidewalk, Ms. Hubbard stated she had not.

**Motion: Commissioner Carrigan made a motion to give preliminary approval for the Hubbard Subdivision located at 4370 W 1500 N a 2 lot Subdivision with the note that the current barn is non-conforming and a signed the deferral agreement on file with the city concerning curb, gutter and sidewalk. Commissioner Osenbach seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**b. Discussion/Motion: Final - Hubbard Subdivision 4370 W 1500 N 2 Lots.**

**Motion: Commissioner Osenbach recommend final approval to the city council for the Hubbard Subdivision located at 4370 W 1500 N a 2 lot Subdivision with the note that the current barn is non-conforming and a signed the deferral agreement on file with the city concerning curb, gutter and sidewalk. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**c. Discussion/Motion: Fremont Meadows Phase 1 – 1st Amendment for a Lot Line adjustment at 1801 N 4400 W.**

**Motion: Commissioner Maw recommended approval to the city council for the Fremont Meadows Phase 1 – 1st Amendment for a Lot Line adjustment at 1801 N 4400 W. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**9. Legislative Items:**

**Discussion/Motion: Subdivision Ordinance Approval Process.**

**Motion: Commissioner Sparks made a motion to recommend changes to the subdivision ordinance approval process to the City Council. Commissioner Osenbach**

**seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**b. Discussion/Motion: Food Trucks**

City Planner Derek Moss gave the staff report.

1. SYNOPSIS / APPLICATION INFORMATION Consider a legislative amendment to define mobile food vendors and special regulations regarding mobile food vendors.
2. Agenda Date: October 26, 2017
3. Applicant: Plain City Planning Commission
4. File Number: ZTA 2017-07

STAFF INFORMATION: Derek Moss, AICP

APPLICABLE ORDINANCES Plain City Zoning Ordinance 10-2 (Zoning Regulations, Definitions) and 10-6A-4 (Zoning Regulations, Commercial Zones, Special Regulations)

TYPE OF DECISION When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND The Plain City Planning Commission recently received a request to consider the operation of food trucks and trailers within Plain City. The Planning Commission reviewed draft mobile food vendor ordinance language and held a discussion regarding such at the October 12, 2017 Planning Commission. The Plain City planner (Derek Moss) presented material to consider for a mobile food vendor ordinance and has drafted an ordinance based on the feedback and intent of the Planning Commission.

STAFF RECOMMENDATION Staff have prepared a draft ordinance for review and recommendation. The ordinance defines mobile food vendors, identifies where they shall be permitted to operate, when they shall be permitted to operate, and what permits and licenses are required.

EXHIBITS Exhibit A ZTA 2017-07 Mobile Food Vendors

ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING

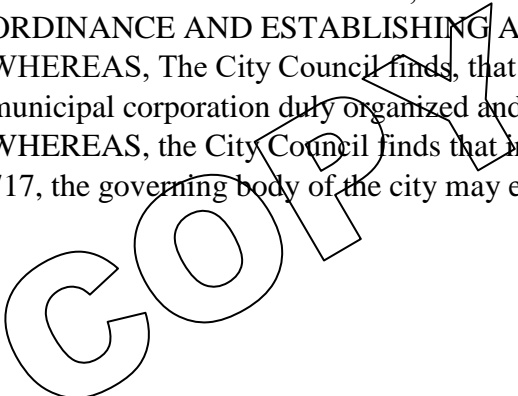
ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a

municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-

717, the governing body of the city may exercise all legislative powers; and WHEREAS, the



Plain City Planning  
Minutes of Meeting  
October 26, 2017

City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now, NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows: Section 2. City's Zoning Ordinance are Amended. The following amendments are made to the Plain City Code: TITLE 10 - ZONING REGULATIONS, CHAPTER 2: DEFINITIONS Mobile Food Vendors - A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable and does not require assembly or disassembly. TITLE 10 - ZONING REGULATIONS, CHAPTER 6: COMMERCIAL ZONES 10-6A-4: SPECIAL REGULATIONS: C. Mobile food vendors shall only operate with a business license to operate as a mobile food vendor (food truck or trailer) obtained from Plain City through the business license application process and providing a current health department permit to operate a mobile food truck or trailer, or obtained from Plain city after providing:  a current business license from another jurisdiction within the state; and,  a current health department permit from a health department within the state.

Mobile food vendors are:  Permitted to operate in commercial / industrial zones with written permission from the property owner or authorized agent for each location in which the mobile food vendor shall operate;

Page 2 of 3

Only to operate on hard surface (pavement, asphalt); and,  Operate in residential zones on private property with written permission from the property owner and notice provided to property owners within two hundred feet (200').  Permitted to operate between 7:00 am and 10:00 pm.

Mobile food vendors are:  Not permitted to operate within two hundred feet (200') of any public park unless prior permission is given by the City.  Not permitted to operate within two hundred feet (200') of any public or private school during operational school hours unless prior written permission from the school or authorized agent is provided.  Not permitted to operate for more than twelve (12) hours within a twenty-four (24) hour period at any one location.

Mobile food vendors shall adhere to the following:  Signage - All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the mobile food vendor. Signage must comply with clear view requirements at road intersections found in Plain City Code 10-12-2 (Zoning, Sign Regulations).  The

mobile food vendor may not in any way inhibit the access to and from or the safe use of the premises on which it is located, and may not reduce the required parking of the premises. Any canopy extensions must be integrated into the design of the vehicle and may not project onto public property in any way. □ Trash removal - mobile food vendors will provide trash containers that shall be removed from the site when the vendor leaves the site. □ Shall not operate as a drive-through. □ Shall only be allowed to park overnight in residential zones where the mobile food vendor operator has a home occupation business license for operation as a mobile food vendor. □ A mobile food vendors will not be permitted to operate and a business license revoked if in violation of Plain City Code 4-2 (Public Health and Safety, Nuisance).

Section 3. Prior Ordinances and Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted. Section 4. Repealer of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall

Page 3 of 3

not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City. Section 6. Date of Effect This Ordinance shall be effective on the \_\_\_th day of \_\_\_\_\_, 2017, and after publication or posting as required by law.

DATED this \_\_\_th day of \_\_\_\_\_, 2017

PLAIN CITY, a municipal corporation

MAYOR – Bruce Higley

ATTESTED AND RECORDED:

Diane Hirschi, CMC CITY RECORDER

COPY

Commissioner Sparks asked if on page 2 of the ordinance there should be a reference to the regulations on page 1. Mr. Moss explained copies of the business license will need to be brought into the city. If there is not a business license from another city they must get a business license from Plain City. The question was asked as how to let the schools know what the city code is. Mr. Moss suggested sending a letter or emailing to the schools to inform them. Vice Chair Leonardi asked why there was nothing concerning churches in the ordinance. Mr. Moss stated churches are classified under private property.

**Motion: Commissioner Carrigan made a motion to set the public hearing for amending the city's zoning ordinance for mobile trucks December 14, 2017.**



**Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**c. Discussion/Motion: Electronic Signs**

City Planner Derek Moss gave the staff report.

SYNOPSIS / APPLICATION INFORMATION Consider a legislative amendment to address electronic message signs.

Agenda Date: October 26, 2017

Applicant: Plain City Planning Commission

File Number: ZTA 2017-08

STAFF INFORMATION: Derek Moss, AICP

APPLICABLE ORDINANCES Plain City Zoning Ordinance 10-12-2 (Zoning, Sign Regulations, Definitions) and 10-12-5 (Zoning, Sign Regulations, Special Provisions)

TYPE OF DECISION When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND The Plain City Planning Commission requested that the planning department review electronic message sign ordinances. The Planning Commission reviewed draft electronic message sign ordinance language and held a discussion regarding such at the October 12, 2017 Planning Commission. The Plain City planning department presented material to consider for electronic message signs and has drafted an ordinance based on the feedback and intent of the Planning Commission.

STAFF RECOMMENDATION Staff have prepared a draft ordinance for review and recommendation. The ordinance redefines electronic message signs and defines sign area requirements and considerations for brightness and intensity within the existing sign ordinance standards.

EXHIBITS Exhibit A ZTA 2017-08 Electronic Message Signs

ORDINANCE # 2017-07

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE Section 1. Recitals WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now, NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows: Section 2. City's Zoning Ordinance are Amended. The following amendments are made to the Plain City Code: TITLE 10 - ZONING REGULATIONS, CHAPTER 12: SIGN REGULATIONS SECTION 2: DEFINITIONS SIGN, ELECTRONIC MESSAGE: A sign which uses changing patterns of light to display public information, commercial messages that is capable of displaying a changeable electronic message or image (to be prohibited in residential zones). TITLE 10 - ZONING REGULATIONS, CHAPTER 12: SIGN REGULATIONS SECTION 5: SPECIAL PROVISIONS The electronic message sign area shall not exceed seventy-five percent (75%) of the total allowable sign area.

5.

6. Electronic message signs shall not cause glare or contain rapid blinking messaging, nor be intensely lit such that the sign may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. See Plain City Code 4-2 (Public Health and Safety, Nuisance). No electronic message sign shall be installed in any way which will permit direct rays of light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance.

7. Page 2 of 2

8. Section 3. Prior Ordinances and Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted. Section 4. Repealer of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed. Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City. Section 6. Date of Effect This Ordinance shall be effective on the \_\_\_th day of \_\_\_\_\_, 2017, and after publication or posting as required by law.

DATED this \_\_\_th day of \_\_\_\_\_, 2017 PLAIN CITY, a municipal corporation

MAYOR – Bruce Higley  
ATTESTED AND RECORDED:  
Diane Hirschi, CMC CITY RECORDER

**Motion: Commissioner Osenbach made a motion to set the public hearing for Amending the Electronic Sign Ordinance December 14, 2017. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

**10. Report from City Council**

Commissioner Sparks reported that the city council sent the Commercial Uses Ordinance back to the planning commission to make changes concerning the medical offices in the C-1 zone. The rezone from R-1-11 to C-2 2750 W 2600 N and 2850 W 2600 N was approved. The purchasing policy was approved and the city council is working on a purchasing card policy.

**Commission Comments:**

Commissioner Osenbach asked if there had been any update on when the Town Square would be leveled and cleaned up. The commissioners commented that Kent’s Market had opened.

**12. Adjournment**

**Motion: Commissioner Maw made a motion to adjourn at 7:35 p.m. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach, Carrigan and Vice Chair Leonardi voted aye. Motion carried.**

Neil	Carrigan	Osenbach	Maw	Sparks	Leonardi
		Jan 5	Jan 19	Feb 2	
Feb 16	*Apr 6	Mar 16	Mar 2	May 18	May 4
Apr 20	June 1	June 15	Jul 6*	Jul 20	Aug 3
Aug 17	Sept 7	Sept 21	Oct 5	Oct 19	Nov 2
Nov 16	Dec 7	Dec 21			

\* Meeting canceled.

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Planning Commission Chair

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Planning Commission Secretary