



**NOTICE OF MEETING
OF THE
PLEASANT GROVE CITY COUNCIL**

Notice is hereby given that the Pleasant Grove City Council will hold a work session at 7 p.m. on Tuesday, January 27, 2008, in City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah.

AGENDA

1. Call to Order
2. Opening Remarks
3. Department Report (Administrative Services)
4. Discussion of items for the upcoming February 3, 2009 City Council meeting.
5. Mayor, City Council and Staff business
6. Discuss the height requirements and waiver for the Downtown area.
7. Discuss the issue as to whether or not elected officials can be full-time employees.
8. Adjourn

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Pleasant Grove City limits and on the State and City Websites.

Posted by: Mary Burgin, Planning Tech
Date: January 23, 2009
Time: 2 p.m.
Place: City Hall, Library and Community Development Building

*Note: If you are planning to attend this public meeting and due to a disability, need assistance in understanding or participating in the meeting, please notify the City Recorder, 801-785-5045, forty-eight hours in advance of the meeting and we will try to provide whatever assistance may be required.

(This agenda is available on the City's webpage at plgrove.org)



**NOTICE OF MEETING
OF THE
PLEASANT GROVE CITY COUNCIL**

Notice is hereby given that the Pleasant Grove City Council will hold a regular public meeting at 7 p.m. on Tuesday, February 3, 2009, in the City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah.

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **OPENING REMARKS**
4. **APPROVAL OF MEETING'S AGENDA**
5. **CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):
 - a. City Council Minutes January 20, 2009
 - b. Work Session Minutes for January 13, 2009
 - c. To consider approval of paid vouchers (January 22, 2009)
6. **OPEN SESSION**
7. **NEIGHBORHOOD ADVISORY BOARD REPORT**
8. **BUSINESS:**
 - a. Public Hearing to consider an Ordinance amending Title 8, Chapter 1, Section 4 of the Pleasant Grove City Municipal Code regarding deposits for culinary water service, by removing the Fifty Dollar (\$50.00) refundable deposit requirement and instituting a Thirty Dollar (\$30.00) non-refundable deposit requirement; and establishing a Twenty Dollar (\$20.00) re-connection fee. **CITY WIDE IMPACT**
 - b. Public Hearing to consider an Ordinance amending Title 10, Chapter 12B, Section 2 "Permitted, Conditional and Accessory Uses" in the Pleasant Grove City Municipal Code for the purpose of adding Land Use Code

DRAFT

#6397 “Automobile, truck and trailer rentals” as a conditional use in the MD (Manufacturing Distribution) Zone. **CITY WIDE IMPACT**

c. **XXX**

d. **XXX**

9. **STAFF BUSINESS**

10. **MAYOR AND COUNCIL BUSINESS**

11. **SIGNING OF PLATS**

12. **REVIEW CALENDAR**

13. **APPROVE PURCHASE ORDERS**

14. **ADJOURN**

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CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Pleasant Grove City limits. Agenda also posted on State and City websites.

Posted by: Kathy T. Kresser, City Recorder

Date: January 30, 2009

Time: 2 p.m.

ORDINANCE NO. 2009-

AN ORDINANCE AMENDING TITLE 8 CHAPTER 1 SECTION 4 OF THE PLEASANT GROVE MUNICIPAL CODE REGARDING DEPOSITS FOR CULINARY WATER SERVICE. REMOVING THE FIFTY DOLLAR REFUNDABLE DEPOSIT REQUIREMENT AND INSTITUTING A THIRTY DOLLAR NON-REFUNDABLE DEPOSIT REQUIREMENT; ESTABLISHING A TWENTY DOLLAR RE-CONNECTION FEE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Utah State law grants municipalities the authority to regulate and establish policies and procedures for the maintenance and operation of culinary water systems; and

WHEREAS, Pleasant Grove City has established a culinary water system to service its residents; and

WHEREAS, it has become necessary to modify the deposit requirement regarding new applications for service; and

WHEREAS, the City has determined that it is not an efficient use of resources to retain, track and refund small deposits; and

WHEREAS, the City has determined that would be more efficient to assess a smaller non-refundable deposit for water service;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah as follows:

Section 1.

Title 8 Chapter 1 Subsection 4 shall be amended to read:

8-1-4: APPLICATION FOR SERVICE; ~~DEPOSIT~~ NON-REFUNDABLE SERVICE CHARGE:

- A. Agreement and Form: Any person desiring a supply of water from the system, where such service is available, shall apply to the city treasurer, and file a agreement with the city, which agreement and application shall be in such form as approved by the city council and on file in the city office.
- B. ~~Deposit~~—B. Non-Refundable Service Charge: ~~The application shall be accompanied by a deposit of fifty dollars (\$50.00) to guarantee payment of all water rights and costs. In the event the user shall fail to pay his service charges, the deposit shall be forfeited and applied to all delinquencies. Upon termination of service, the deposit shall be returned to the depositor provided all such charges have been paid.~~ A non-refundable service charge shall be

paid by each customer to initiate water service. A customer who initiates a new connection shall pay a non-refundable service charge of thirty dollars (\$30.00). All subsequent customers at the same location shall pay a fee of thirty dollars (\$30.00). In the event service is disconnected for nonpayment, a twenty dollar (\$20.00) re-connect fee will be required for reconnection.

Section 2.

SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

Section 3.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

APPROVED AND ADOPTED by the City Council of Pleasant Grove City, Utah County, Utah, this ____ day of _____ 2009.

Michael W. Daniels, Mayor

ATTEST:

(SEAL)

Kathy T. Kresser, City Recorder



COMMUNITY DEVELOPMENT DEPARTMENT
86 East 100 South
Pleasant Grove, UT 84062
(801) 785-6057 Fax: (801) 785-5667
www.pgcity.org

CITY COUNCIL STAFF REPORT

Meeting Date: February 3, 2009

Agenda Item Number:

Issue: Public hearing; Ordinance amendment proposal.

Applicant: Cabinland LLC (Kevin Turpin)
Impact: MD Zone

Request: For the City Council to approve amending Item E of Section **10-12B-2/ Permitted, Conditional and Accessory Uses**, adding automobile, truck and trailer rentals as a conditional use.

From: Sean Allen/City Planner
Community Development Department

BACKGROUND:

The proposed text amendment was initiated by Kevin Turpin of Cabinland LLC. He would like to use his property on the corner of 600 West and Center Street to rent out U-haul moving trucks and trailers. This would coincide with the existing auto-repair operation called *Full Throttle*. The applicant approached Community Development with the request to amend the MD zoning ordinance to allow rentals, because they have recently been parking the U-haul trucks on the said property.

ANALYSIS:

General Plan:

The proposal would affect all areas currently zoned MD/Manufacturing Distribution; however, the land use for the location the proposed use would be applied is designated as *Commercial Retail*.

Planning/Zoning:

The zoning, for the property in question, has been MD for a long time. The land use designation of *Commercial Retail* has been applied to this property as far back as 1997, which was the last known update to the General Plan, prior to the 2007 update. Due to this *Commercial Retail* designation, and the fact that the property carries a great deal of visibility for this part of the City, Staff believes that it is important to protect the possibility of any future commercial retail

Text Amendment
Section 10-12B-2
Adding truck & trailer rentals
February 3, 2009

development of this property. For this reason, Planning Staff recommends that the use, if adopted, be adopted as only a conditional use to this zone.

Adding automobile, truck and trailer rentals as a conditional use to the MD Zone also makes sense, for the reason that manufacturing, distribution, and other similar operation should come as a first priority. If the applicant were to rezone the property to a commercial zoning designation, then Staff would recommend the change to the C-G (General Commercial) Zone, where this same use is already listed as conditional.

Support Materials:

- Ordinance proposal
- Map of MD zoning areas
- Land Use map for area

STAFF RECOMMENDATION:

Staff recommends the City Council **APPROVE** the proposed text amendment to Section 10-12B-2, adding automobile, truck and trailer rentals, as a conditional use, in the MD Zone, as presented by Staff.

This recommendation is based on the following findings:

1. The land use designation, for the applicant's property, is Commercial Retail.
2. An auto-repair shop called Full Throttle is the primary operation on the property in question.
3. It is appropriate for the MD Zone, but not as a primary function of that zone.

MODEL MOTIONS:

- Sample Motion for **Approval** – “I move the Council to approve the proposed text amendment to Section 10-12B-2, adding automobile, truck and trailer rentals, as a conditional use to the MD Zone, requested by Cabinland LLC; adopting the exhibits, conditions, and findings of the staff report, including any other conditions as follows:”
 1. List any additional conditions....
- Sample Motion to **Postpone** – “I move we continue the proposed text amendment until (give date), based on the following findings:”
 1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...
- Sample Motion for **Denial** – “I move the Council to deny the text amendment, requested by Cabinland LLC, based on the following findings:”
 1. List findings for denial....

ORDINANCE NO. 2009-

**AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH;
AMENDING TEXT IN TITLE 10 CHAPTER 12B/SECTION 2, PERMITTED,
CONDITIONAL AND ACCESSORY USES; FOR THE PURPOSE OF ADDING LAND
USE CLASSIFICATION AUTOMOBILE, TRUCK, AND TRAILER RENTALS (#6397)
AS A CONDITIONAL USE IN THE MD (MANUFACTURING DISTRIBUTION) ZONE;
CABINLAND LLC (APPLICANT).**

WHEREAS, the legislative body has previously adopted ordinances intended to regulate permitted and conditional uses within the MD Zone, as defined in the ordinance; and

WHEREAS, the legislative body has indicated a need for an amendment to the said ordinance for the purpose of adding a new land use classification (automobile, truck, and trailer rentals), as a conditional use, to the MD (Manufacturing Distribution) Zone; and

WHEREAS, on January 8, 2009 the Pleasant Grove City Planning Commission held a public hearing to consider the proposed amendment to the Pleasant Grove City Municipal Code; and

WHEREAS, at its public hearing the Planning Commission decided that the requested amendment to the Pleasant Grove Municipal Code is in the public's interest and consistent with the goals and policies of the General Plan; and

WHEREAS, the Pleasant Grove Planning Commission recommended to the Pleasant Grove City Council that the amendment to the Pleasant Grove Municipal Code be approved; and

WHEREAS, on _____ the Pleasant Grove City Council held a public hearing to consider the request; and

WHEREAS, at its meeting the Pleasant Grove City Council was satisfied that the amendment to the Pleasant Grove Municipal Code is in the best interest of the public and consistent with the goals and policies of the General Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah, as follows:

SECTION 1: Section 10-12B-2/Item E, of the Pleasant Grove Municipal Code, is hereby amended to read as follows:

10-12B-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:

A. Uses Listed Permitted: The following principal, private and commercial uses and structures, and no others, are permitted in the MD zone (see section 10-15-2 of this title for establishment of uses not specified). (Ord. 2000-23, 7-18-2000; amd. 2003 Code)

B. Standard Land Use Code: All uses contained herein are listed by a four (4) digit number as designated in the standard land use code published and maintained by the community development department. (Ord. 2000-23, 7-18-2000)

C. Permitted With Limitations: All such categories listed herein and all specific uses contained within them in the standard land use code will be permitted in the MD zone, subject to the limitations set forth therein:

<u>Use Number</u>	<u>Use Classification</u>
2185	Beverage, manufacturing
2220	Knit goods, manufacturing
2250	Yarns and threads, manufacturing
2440	Wooden containers, manufacturing
2500	Furniture and fixtures manufacturing
2540	Partitions, shelving, lockers, office and store fixtures, manufacturing
2650	Paperboard containers and boxes, manufacturing
2700	Commercial contract printing
2731	Printing, publishing industries
2933	Pharmaceutical and nutritional supplements (including biological products, medicinal chemicals and botanical products)
3260	Concrete services and batching plants
3423	Construction, mining and materials handling machinery and equipment
3495	Screw machine products and bolts, nuts, screws, rivets and washers; metal stamping
3500	Watches, clocks, clockwork operated devices and parts, manufacturing
3930	Toys, amusements, sporting goods and athletic goods, manufacturing
4210	Bus terminals, stations, etc.
5191	Roofing and sheet metal services
5199	Painting, wall coverings and decorating services
5712	Carpeting and other floor coverings
6243	Funeral and crematory services
6250	Laundry, dry cleaning and dyeing services
6411	Automobile repair and services
6416-17	Automatic car wash, truck wash
6514	Medical and dental laboratory services
6621	Plumbing, heating and air conditioning services
6623	Electronics goods and electrical services

- D. Accessory Uses And Structures: Accessory uses and structures are permitted in the MD zone, provided they are incidental to, and do not substantially alter, the principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:
1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the MD zone.
 2. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use is on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.
 3. A caretaker facility may be allowed pursuant to the issuance of a conditional use permit, if it is incidental to and customarily found in conjunction with the principal use, and shall:
 - a. Be attached to or located within any structure of the principal use, and not have a total square footage that exceeds ten percent (10%) of the total area of the building to which it is attached or in which it is located. The entrance to the facility shall be developed in such a way as not to be a conspicuous and dominant feature of the building or site development.
 - b. Not be rented or leased, but may be considered part of compensation for caretaker services.
 - c. Only be a minor part of the principal use.
 - d. Be customarily associated with that particular industry or business in other cities throughout the United States. (Ord. 2000-23, 7-18-2000; amd. 2003 Code)
- E. Conditional Uses: The following uses and structures are permitted in the MD zone only after a conditional use permit has been approved and subject to the terms and conditions thereof:

<u>Use Number</u>	<u>Use Classification</u>
2111	Meat products, manufacturing
2120	Dairy products, manufacturing
2133	Canning and preserving of fruits, vegetables, meat and seafood, small wares, manufacturing
2170	Confectionery and related products
2210	Broad and narrow woven fabrics and other fabrics
2230	Dyeing and finishing of textiles (except wool fabrics and knit goods)
3140	Miscellaneous plastic products, manufacturing

3250	Pottery and related products, manufacturing
3530	Optical instruments and lenses, manufacturing
3541	Surgical, medical and dental instruments and supplies, manufacturing
3942	Pens, pencils and other office and artist materials, manufacturing
3970	Motion picture production
4732	Towers and antennas (public or quasi-public property only)
4858	Solid waste transfer station (C&D, & MSW)
4920	Staging for trucking, local and long distance
5111	Motor vehicles and automotive equipment
5140	Groceries and related products
5150	Farm products
5170	Hardware, plumbing, heating equipment and supplies
5180	Machinery, equipment and supplies
5182	Agricultural industries
5183	Ophthalmic goods, manufacturing
5199	Photographic equipment and supplies, manufacturing
5211	Lumber and other building materials, retail
5240	Electrical supplies, except appliances
5251-52	Hardware and farm equipment, retail
5391	Dry goods and general merchandise
5461	Baker products, manufacturing
5500	Automotive, marine craft, aircraft and accessories
5600	Wearing apparel and accessories, manufacturing
5961	Grain mill products, manufacturing
6370	Warehousing and storage services
<u>6397</u>	<u>Automobile, truck and trailer rentals</u>
6400	Repair services
6540	Research and development
6600	General contract construction services
6628	Water and well drilling services
6710	Executive, legislative and judicial functions
6720	Protective functions and their related activities
6730	Postal services
6740	Correctional institutions
6800	Special training and schooling
7200	Public assembly, miscellaneous purposes
7223	Racetracks (commercial)
7300	Amusements

7410	Sports activities facilities
7910	Adult entertainment
8110	Field and seed crops
8120	Truck crops (including vegetables, berries and melons)
8130	Orchards
8160	Pastures and rangelands
8170	Horticultural specialties

SECTION 2: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phases of this Ordinance.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and shall be posted or published as required by law.

SECTION 4: APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this ___ day of _____, 2009.

ATTEST:

Michael W. Daniels, Mayor

Kathy T. Kresser
City Recorder

(SEAL)