



**PUBLIC HEARING AND REGULAR MEETING  
OF THE VINEYARD PLANNING COMMISSION,  
Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah  
Wednesday, June 20, 2018 at 6:00 p.m.**

| Present                      | Absent                     |
|------------------------------|----------------------------|
| Madam Chair Cristy Welsh     | Commissioner Nate Carter   |
| Commissioner Bryce Brady     | Commissioner Shan Sullivan |
| Commissioner Anthony Jenkins |                            |
| Commissioner Jeff Knighton   |                            |
| Commissioner Tim Blackburn   |                            |
| (A) Commissioner Stan Jenne  |                            |

**Staff Present:**

Elizabeth Hart Planner; Morgan Brim Development Director, Don Overson City Engineer

**Others Present:** David Lauret, Resident and Bronson Tatton from Flagship

**1. CALL TO ORDER**

Madam Chair Welsh called the meeting to order at 6:04PM

**2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE**

Commissioner Blackburn offered the invocation

**3. OPEN SESSION**

Madam Chair Welsh opened the open session at 6:05 PM seeing no comments she closed the open session at 6:05 PM

**4. MINUTES REVIEW AND APPROVAL**

There are no minutes for review and approval.

**5. BUSINESS ITEMS:**

**5.1 Waters Edge Windsor Preliminary Plat**

Ms. Hart reviewed the preliminary plat application for the Waters Edge subdivision Windsor. She stated that the minimum lot size is 2400 square feet and the proposed lot sizes for the plat ranged from 2700 to 3500 square feet. She stated that the minimum lot widths were met and that the setback detail on the plat met all the minimum yard setback requirements. She added that there is no front yard setback for this subdivision, instead there is a five (5) foot public utility easement (PUE) in the front yard. There is a minimum of .5 guest parking stalls per unit requirement. There is a total of ninety (90) lots, which requires a total of forty-five parking stalls, the plat shows a total of forty-six (46). Ms. Hart went over where the trails are located next to the subdivision. She stated that after talking with the engineering department staff added a condition that Parcel E be shown as dedicated to the city as well as the trail on the east side and will need to maintain a fifteen (15) foot wide corridor. Staff would also like to see a plan for the trail on the north side of the property in order to clarify who is responsible for the putting the trail in to ensure that the Waters Edge trail plan is put into place.

There was additional discussion on the conditions for the trail to the east of the Alpine School District parcel.

Commissioner Jenkins asked what the off-street parking requirement were if there was no required front setback. Ms. Hart answered that there is a minimum requirement of .5 guest stalls per unit. The driveways are included to meet that standard guest stall standard but since there are no front yard setbacks the house can be built right up to that five-foot public utility easement, in this case the driveway wouldn't count. The applicant is proposing forty-six (46) guest parking stalls that are on-street. There is a minimum requirement of two (2) parking stalls per unit and they will meet this with the garage.

Commissioner Jenkins asked if on-street parking would take place in this neighborhood. Mr. Brim stated that they are private streets and it is up to them if they want on-street parking. Commissioner Blackburn asked what the width of the street was. Mr. Overson answered that the width of the street is forty (40) feet.

Mr. Brim commented that some of them meet fire access requirements and on a private street it's a little more difficult to restrict things because the city doesn't have a lot of authority over there. However, the lot itself has to meet fire access requirements and that's going to be up to the developer to assign one of the sides of the street.

Madam Chair Welsh asked if staff was sure that the center road was for (forty) feet.

Ms. Hart answered that the plans show forty (40) feet and some of the side roads show thirty (30) feet and twenty (20) feet. Mr. Overson, clarified that some of those are alleys.

Madam Chair Welsh stated that she remembered when these plans came through the first time there was a main road going through the subdivision to direct main traffic to the outskirts and not through alley ways.

Commissioner Jenkins stated that some of the smaller roads may need to require some signage so that no one is parking on one side of the street in order to meet the parking need.

Madam Chair Welsh responded that she didn't know where people would park because it's just going to be driveways.

Mr. Tatton stated that the forty (40) foot road and the perimeter ring road is all of the fire access and then the alleys are the ones that are smaller in between the houses. All of the garages will be feeding onto those alleys and those are the shared driveway products. They never were alleys they are shared drives and initially when I went through we talked about not allowing those to go all the way through and putting some landscape strip through it so that it divides it.

Madam Chair Welsh commented that she remembers talking at length about that and asked why they decided not to do it that way. Mr. Tatton answered that it was because of accessibility problems. People would be frustrated with a strip and they would probably drive over it.

Mr. Brim asked to be shown on the map where the proposed fire access. Mr. Tatton, (pointed to a map to show the main road coming in and where it would come into and out of the area).

Mr. Brim asked if he would be willing to have the main road for fire access to be signed for no parking. He added this was because they had had problems in Vineyard with internal roads that had parking on both sides not being fire accessible according to the fire marshal.

Madam Chair Welsh commented that the only space people should be parking is in the provided spaces or in their garage.

Mr. Brim commented that if someone was to then park on the street it would be the HOA's responsibility to contact a towing company.

Madam Chair Welsh asked Mr. Overson if these were private roads to which Mr. Overson responded that they are private roads.

Commissioner Knighton asked if that would mean that the HOA was in charge of snow removal to which Mr. Overson responded yes.

Commissioner Jenkins commented that there's been a lot of parking on Vineyard Loop Road going around and there's no parking allowed on Vineyard Road (pointing to site map) over here. All of the parking will be contained within this subdivision. Mr. Overson stated that was correct.

Commissioner Blackburn asked if on the east and west side if that would be development or if those would be storage or parking garages or units. Mr. Tatton answered that they would be single family detached homes. He continued that they are more traditional and are front loaded.

Commissioner Blackburn asked if that meant that they wouldn't have a driveway. Mr. Tatton responded that they may not. There is a five-foot PUE and no front setback so if there is no sidewalk it could potentially be right on the back of curb. He added that they haven't designed which home goes where yet with the spacing so they have a ten (10) foot backyard. He stated that this is the same product as the Springs subdivision but more traditional.

Commissioner Blackburn asked if these were typically going to be two-story homes. Mr. Tatton stated that he believed so.

Commissioner Blackburn asked what the net square footage of the home not counting the footprint.

Mr. Tatton, responded that in The Springs their smallest home is 1250 square feet and then it goes up. He added that they will have basements that'll be left unfinished.

Commissioner Knighton asked if for the alleyway products there will be a garage off the alley and then a sidewalk walkway between houses. Mr. Tatton, answered that there will be no sidewalks in the alleyways.

Commissioner Knighton asked where the front door will be facing. Mr. Tatton responded that the garage will be on the alley side and he added these will all have fencing in the backyard

Madam Chair Welsh asked if he would be providing the fencing. Mr. Tatton explained that what they had done in The Springs is they didn't put fencing in the individual lots they closed off the edges so

that you couldn't see through the middle. This would allow for access to the landscaping through the sites.

Madam Chair Welsh asked if there would be sidewalks in the project. Mr. Tatton answered that he wasn't sure but that he thought that there would be sidewalk on just one side of the road.

Madam Chair Welsh commented that there are no sidewalks shown on the plan. Mr. Tatton asked if the commission had been given construction drawings. Mr. Brim commented that the construction drawings aren't review by the Commission, staff only included what was being approved, the plat.

Madam Chair Welsh noticed that there is a five (5) foot side yard setback and asked if that meant there would be 10 ft between the homes. Ms. Hart responded yes.

Commissioner Blackburn asked if this would be between them or front to back. Madam Chair Welsh answered that it is between them so each side yard would have five (5) feet.

Commissioner Jenkins asked if on the open space area that would be used as a detention basin or if there are any amenities planned. Mr. Tatton answered that they couldn't do a detention basin there because there is a pipe that goes through that area. Mr. Brim asked if that area would just be open space. Mr. Tatton stated it would just be grass.

Madam Chair Welsh asked if the triangle shown on the map was the detention area. Mr. Tatton stated that yes Parcel C is the detention area. Madam Chair Welsh asked if they are going to do anything with it. Mr. Tatton stated they are just putting grass there.

Commissioner Blackburn asked if there were any kind of clubhouse or central gathering place. Mr. Tatton answered that they will have access to the Waters Edge clubhouse.

Commissioner Jenkins asked how many entrances into the neighborhood were required to meet fire access codes. Ms. Hart they're only required to have two.

Commissioner Brady made comments about some of the proposed lots sizes and widths. There was discussion on this topic.

Mr. Tatton stated that he wanted to go over some trail information. He explained that the trail on the south side, between Windsor and Bridgeport, is completed and there is landscaping on the south side. They've got a fence in on the Bridgeport side and then there is irrigation on the north side. The plan is to add some grass as soon as improvements come. He added that they didn't do landscaping because the curb is going to come on this edge. The plan is to do a split rail fence. He then went on to talk about a different trail. He stated that the trail along the old Vineyard road that used to be Mill will be landscaped and that there is a stubbed irrigation piece.

Mr. Brim asked if that road needed to be repaired anywhere? Mr. Brim mentioned he rode it recently and it seemed to have some pretty big cracks.

Mr. Tatton responded that's something they're going to look into before they're finished and potentially do a crack seal. He added that he would work with engineering to figure out what they want us to do. He then discussed the Alpine School District piece of land. He explained that the reason

why it's taking so long is because the piece was sold to Alpine School District and then Central Utah started construction in the back here through the pipeline so it became a little more complicated. Central Utah needs a fourteen (14) foot access back to their future well house and the plan is that there will be a trail corridor that will come to this corner and back, and Central Utah is going to build that access.

Mr. Brim asked how a trail would reach the road. Mr. Tatton answered that they can cross the school and come through the open space or cross the Windsor entrance and come through that way. He added that either way they can make it work.

Mr. Brim commented that if the trail went through Windsor you would have to put in an access easement through the trail.

Commissioner Blackburn asked if this would work for the CUP access. Mr. Tatton, answered yes and that he's talked to them and they wouldn't be allowed to close it down and it is an easement. He added that they've purchased that land back from Alpine School District and the land ended up being nineteen feet.

Ms. Hart asked if this is just for the north side. Mr. Tatton reiterated that it would be on the north side. He continued that they still needed to work some things out with them because they need to be able to gain access to their future well house. Mr. Tatton added that they needed to decide if they were going to build that out or if Central Utah will build out that last section to connect it to the regional trail.

Ms. Hart asked who would be working on the trail that goes along the east side of the school. Mr. Tatton stated that he has talked to Pete about it and Pete needs to go over the contract to see if Central Utah had agreed to build it or they had.

Mr. Brim stated that there is a similar issue to the north a bit and that's something that we need to address near the Lochs and Tucker Row.

He then asked Madam Chair Welsh if she wanted to add something for no parking signs on the fire access road as a condition.

Madam Chair Welsh agreed that she would like to have some no parking signs on the fire access road. She added that it might be a good idea to have no through traffic on the alleyways.

Mr. Brim commented that he felt that the only people who are going to go into that development are people who live there and those people will learn the easiest route to their house. He asked Mr. Tatton if he was concerned with cut through traffic. Mr. Tatton responded that it wasn't something he was concerned with.

Madam Chair Welsh commented that there will be a significant difference between the streets and people won't get confused.

Commissioner Brady added that the entrance is only twenty-five (25) feet wide so most people aren't going to think it's a through street.

Mr. Tatton stated that he felt that it wouldn't be very convenient for people to come through there but the first iteration of the plan doesn't have a loop road and so he doesn't know if the loop was on the approved plat. He added that the plat is approved and there were tweaks recommended and the plat reflects those tweaks and has added a circular drive around.

Madam Chair Welsh commented that and they had also added a retaining pond.

Mr. Brim commented that the condition could affect the roads that will be signed no parking by the Fire Marshall and the alleyway will be signed for that. He continued that he felt that people would just use the alleyways to get to the driveways not to park.

Mr. Tatton commented that in The Springs he has never seen anyone park in the shared drive and there is ample parking and that it shouldn't become a problem.

Commissioner Blackburn, asked if they could show him where the visitor parking is going to be. He added he felt that it was a long walk and that might be difficult for some people.

Discussion ensued regarding whether or not on-street parking should be allowed. Mr. Brim and Mr. Overson recommend that the Fire Marshall approve the parking plan and decide whether or not people park on the street. It was agreed that the commission add a condition for the Fire Marshall to approve a street parking and signage plan.

Madam Chair Welsh asked Mr. Tatton about Flagships fencing plan.

Discussion ensued regarding Flagships fencing plan. Madam Chair Welsh and Mr. Tatton discussed where the fencing could go. Discussion concluded with Mr. Brim concluding that they had to meet the master fence plan and the code. Discussion moved to the new road that goes into the elementary school.

Madam Chair Welsh asked if they could add a condition that road to the school be approved by staff. Mr. Brim explained that when the commission makes a motion, they can recommend all of the conditions that they are adding.

There was additional discussion regarding on-street parking and the trails.

**MOTION:** MADAM CHAIR WELSH IS ASKING FOR A MOTIION TO RECOMMEND APPROVAL OF THE PROPOSED PRELIMINARY PLAT FOR PHASE 6 WINDSOR AT WATSEEDGE WITH THE FOLLOWING PROPOSED CONDITIONS: THE APPLICANT SHOW THAT PARCEL E AND THE TRAIL ON THE EAST SIDE OF THE SUBJECT PROPERTY ARE DEDICATED TO THE CITY; SECOND THAT ALL TRAIL CORRIDORS ALONG THE SUBJECT PROPERTY MAINTAIN A FIFTEEN FOOT CORRIDOR THE WHOLE LANE; THIRDLY THAT THE APPLICANT SHALL PROVIDE A PLAN FOR THE TRAIL ALONG THE NORTH SIDE OF THE TRAIL LOCATED ON THE EAST SIDE OF THE PROPOSED ALPINE SCHOOL LOT AND WHO IS RESPONSIBLE FOR IT; FOURTHLY THAT THE LOT SIZES ARE ALL COMPLIANT WITH THE CORRECT STANDARDS AND MEASUREMENTS; FIFTHLY THAT A STREET PARKING AND SIGNANGE PLAN NEED TO BE APPROVED BY THE FIRE MARSHALL, AND LASTLY THAT STAFF APPROVE FENCING ON THE NORTHEAST SIDE THAT'S NOT CURRENTLY IN THE FENCING PLAN. COMMISSIONER BLACKBURN MADE A MOTION. COMMISSIONER KNIGHTON SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Commissioner Brady asked if some of the lots would have to be redrawn to change the size then it would possibly change the layout. Mr. Brim answered that he would leave that up to the engineer and prior to the city council they will have to show that they meet the lot depth and we will go through and identify those lots. He stated that staff will be sure to check the lots to make sure they meet the standards.

Ms. Hart asked Madam Chair Welsh if they could move the Waters Edge Zoning Text Amendment up to business item 5.2. Madam Chair Welsh asked for a motion.

**MOTION:** COMMISSIONER JENKINS MADE A MOTION TO MOVE THE PUBLIC HEARING IN CONSIDERATION FOR WATERSEDGE ZONING DISTRICT TEXT AMENDMENTS AHEAD OF OUR OTHER ITEM OF BUSINESS. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

## **5.2 Public Hearing and Consideration – Chapter 5.08 Waters Edge Zoning District Text Amendment:**

Ms. Hart explained that Flagship homes is requesting a zoning text amendment to the maximum height allowed height allowed with the Waters Edge development. The current maximum height is thirty (30) feet and the request is to increase the maximum height to thirty-five (35) feet. Ms. Hart explained that with the Vineyard Zoning Ordinance the maximum height for the single family districts the height is thirty-five (35) feet. She stated that the change to the Waters Edge zoning ordinance would conform to the maximum standards through the rest of the city.

Ms. Hart went on to explain that Flagship is also requesting to change how the height is measured within the Waters Edge zoning ordinance. The current code states that height is measured from natural grade to the highest point on the structure. This is difficult because so much work has been to the land know what natural grade was is impossible. Flagship is proposing to measure the height from top of back of curb to the highest point. This is how the Vineyard zoning ordinance defines how height is measure.

Commissioner Blackburn asked what the city would be giving up by implementing this. Ms. Hart stated that Flagship has existing housing plans that use no changes will be made to those the change is to allow them to build in instances where the house height is higher due to how the land is graded. She gave an example of when a sewer line was high requiring the houses to be built higher.

Commissioner Blackburn asked if we would be giving up a view from any perspective. Mr. Brim explained that there have been instances where they couldn't tell where natural grade was even going off of the back of the curb line where the sewer elevation was. He also gave the example of when the sewer line was too high and the house therefore was higher. He added that from an administrative standpoint it is better that all the subdivisions be measured in the same way.

Commissioner Blackburn asked if this is standard with all other subdivisions and Madam Chair Welsh asked where this problem is being seen the most.

Mr. Tatton responded that he didn't know where exactly the issues were coming up because he isn't the one who does the site plans and gathers permits.

Ms. Hart commented that the Cascade neighborhood was where they were seeing issues.

Mr. Overson explained that when the sewer line was installed on this project, they come from a different direction than originally planned and because of this the sewer line was higher than the road, during this process they violated the height ordinance.

Mr. Tatton commented that it would help streamline the building process that they aren't trying to build taller buildings they are trying to make the approval process smoother. Mr. Tatton added that they already provide the top back of curb as a requirement for the site plan so it would be really just streamlining the process.

Mr. Overson commented that it will also make it easier for the building department to verify height because they can go off of the back of curb rather than having to estimate with natural grade.

Madam Chair Welsh asked for additional comments or questions. Hearing none she asked for a motion to open the public hearing.

**MOTION:** MADAM CHAIR WELSH MADE A MOTION TO OPEN UP FOR PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

No comments were given and the commission proceeded with the next motion.

**MOTION:** COMMISSIONER BLACKBURN MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION AND ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

**MOTION:** COMMISSIONER BRADY MOVED TO RECOMMEND APPROVAL OF THE WATERSEDGE ZONING DISTRICT TEXT AMENDMENT. ROLL CALL COMMISSIONER KNIGHTON, COMMISSIONER BLACKBURN, COMMISSIONER JENKINS, COMMISSIONER BRADY AND MADAM CHAIR WELSH ALL APPROVED THE MOTION.

Madam Chair Welsh gave the time over to Ms. Hart to discuss the next business item.

### **5.3 Public Hearing and Consideration – Chapters 15.06, 15.34 and 15.48 Zoning Ordinance**

#### **Text Amendment:**

Ms. Hart explained that that staff was requesting zoning text amendments to the Accessory Dwelling Units (ADUs), Home Occupations and the Sign Code sections of the zoning ordinance.

#### **Accessory Dwelling Units**

Ms. Hart started with Accessory Dwelling Units. She stated that the current code states the following:

*Permit: An accessory dwelling unit business license may only be issued follow the approval of a building permit.*

Ms. Hart explained that staff wanted to remove this sentence so that an ADU does not require a business license. She stated the proposed amendment is as follows:

*Application: An accessory dwelling unit may only be approved if the property meets the standards listed within this Section.*

Ms. Hart explained that this allows staff to approve the property for an ADU and not the property owner. It makes it easier for staff and the applicant. The applicant no longer needs to go through the process of getting a business license with the state and there is no need for annual renewal with the city, once the property is approved it will always be approved.

Commissioner Blackburn asked why it was setup for someone to need a business license for an ADU.

Mr. Brim explained that they had closely followed what Provo does with ADU's. As Vineyard has been growing and as it's getting more ADU's that having the structure permitted and not having a business license would work better for our city. Having applicants do a business license and accessory dwelling unit application felt redundant.

Commissioner Blackburn asked if they are going to be doing business within an accessory dwelling unit if they need a business license. Mr. Brim answered that they would need a home occupation license.

Commissioner Blackburn asked why they would require a business license if there wasn't going to be a business in the accessory unit. Mr. Brim explained that they modeled it after Provo and Provo considers an ADU as a business because the unit is generating additional income.

Mr. Blackburn asked what would happen if they were to put a salon in there. Mr. Brim answered that they would then need a home occupation license. So, what this ordinance would do is if you are using it just as a rental you wouldn't need a business license but if you were using it for an at home business you would.

Commissioner Jenkins asked if the property standards referenced in the code would change. Ms. Hart explained the property standards wouldn't change the only thing that would be changing would be that require a business license is no longer required.

Madam Chair Welsh asked if once it's been approved if that house is sold to a new owner they could have an ADU as well. Ms. Hart answered yes and she explained that the only time a new owner would have to come in again is if they were making an addition to their basement or changing the exterior but that would all be caught through the building permit process.

Commissioner Blackburn commented that that would be assuming that all of our citizens would pull a building permit if they are going to be finishing or redoing their basement. He added that he knew a lot of basements in Vineyard were completed without a permit.

Mr. Brim responded that they were going to have that problem regardless of whether or not they required a business license. He added that some home owners do it on purpose but most just don't realize that they need to pull a permit. He continued that the reason that the ADU process is in place is that people were doing it anyway and we wanted to make sure that they were meeting building code and not sticking someone in a space that is dangerous and doesn't meet code requirements.

Ms. Hart explained that if they were to get a home occupation business license that George Reid, the building official, would review it and put in his comments in and the Fire Marshall would go through the process as well. She added that the only change in this ordinance would be that the city would no longer be requiring a business license.

Ms. Hart, asked if there were any other question regarding the ADU text amendment. Hearing none she moved on to Home Occupations.

### **Home Occupations**

Ms. Hart stated that staff is requesting to repeal and replace the Home Occupation chapter. Ms. Hart explained that in the U.S., 52 percent of all businesses were Home Occupations. In Vineyard, it was 54 percent. She said the they were adding four different types of home occupations and including standards. The purpose was to make sure the residential use stayed the primary use, but still allowed commercial uses. The four types were: Home Occupation – Without Impact, Home Occupation – With Impact, Preschool, and Day Care.

#### **Home Occupation - Without Impact**

- No customers
- Non-impacting uses
  - Home-based office
  - Clerical Work
  - Sales
  - Crafting
  - Etc.

#### **Home Occupation - With Impact**

- Maximum of 1 non-resident working on the premises
- 1 customer at a time, between 8AM-8PM
- Uses that have impact
  - On-site Employee
  - Customers
  - Hair Salon
  - Tutoring
  - Music Lessons

#### **Home Occupation - Day Care and Preschool**

Vineyard Zoning Code Section [15.60.020 Definitions](#) “Home Day Care”

- The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than 3 children, but fewer than 9 children. The total number of children being cared for shall include children under the age of 4 years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only 3 children under age 3, the group size, at any given time shall not exceed 6.
- Max 1 non-resident employee
- Daycare program shall be permitted between 7:00 a.m. and 8:00 p.m.

Vineyard Zoning Code [15.60.020 Definitions](#) “Home Preschool”

- A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.
- Max 2 sessions permitted per day
- Only between 8:00 a.m. and 8:00 p.m.

#### **Specific Uses and Activities Prohibited**

- Veterinarian office
- Kennel or any similar animal services
- Medical practitioners
- Outdoor storage or use of accessory structures

#### **Conditions for all Home Occupations**

- Incidental/Secondary
- Exterior
- Storage
- Outdoor Activity
- Parking - must have a minimum of four on-site parking stalls
- Nuisances
- Signs
- Off-site Employees
- Multiple Home Business Licenses
- Floor Area – 25 percent of the home could be used, this includes the garage

Commissioner Blackburn asked about homes being rented out for commercials and films.

Discussion ensued between Commissioner Blackburn and Mr. Brim regarding film permits. Commissioner Blackburn was concerned about the community impact of this and Mr. Brim felt that it didn't fall under the home occupation ordinance but rather the short-term rental ordinance and possibly require a filming ordinance.

Commissioner Jenkins asked if someone is going to be having people come in and out of your home if you would need the home occupation to be ADA compliant.

Ms. Hart answered that you would have to meet whatever standards that the building department requires.

Mr. Brim added that they had someone come in who wanted to do haircutting in their garage and the building official wanted an accessible route that customers could get to and from where they park. It might be difficult to meet all of the building code requirements but it is possible for people to do.

Commissioner Jenkins asked what the protocol was for someone who didn't have a business license or was operating a prohibited use.

Mr. Brim explained that code enforcement is operated on a complaint basis. If the city gets a complaint then we would go out and if it was something of a large operation where there was visible impact then we would send someone from code enforcement out.

Discussion ensued regarding what was and wasn't considered a legal home occupation. Commissioners discussed unlicensed home occupations in their areas. Mr. Brim explained that the enforcement of home occupations was mainly on a complaint basis. Mr. Brim also explained the reason that preschools and daycares were the exception was because of state law.

Commissioner Jenkins expressed that he felt that the city should send out an FYI form informing residents of the home occupancy rules. Commissioners also discussed the code enforcement process with Mr. Brim. Mr. Brim explained that the city could order a cease and desist and the person could be taken to court if they did not comply.

**MOTION:** COMMISSIONER KNIGHTON MOTIONED TO OPEN THE MEETING UP FOR A PUBLIC HEARING. COMMISSIONER JENKINS SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Resident David Lauret commented that he felt that there wasn't a difference between a half dozen kids going to preschool and a half dozen kids going to a gymnastics class in someone's home. He expressed that there could be a case made that this is unfair and he recommended that the city seek parity in those distinctions.

Commissioner Blackburn responded that if there is a licensing requirement for preschools or daycares then that would be the difference that he would see.

Mr. Brim stated that he appreciated Mr. Lauret's comment and that this ordinance was written as a team and they felt that it was necessary to draw the line somewhere and the code is really broad and they are trying to tighten it and create more regulations. He added that if the commission wanted they could break out a special category for things like a dance studio, music lessons, and things like that.

Discussion ensued regarding home occupations and their effect on the community. The commissioners felt that in general home occupation were a positive thing and they wanted people to have the ability to continue to have things like dance studios, and gymnastics classes, and music lessons. They discussed the need for businesses to have licenses for tax purposes. Mr. Brim, Madam Chair Welsh, and Commissioner Brady all shared their experiences with home occupations.

Ms. Hart reminded the commissioners that they were still in a public hearing. Madam Chair Welsh asked for additional public comment. There was none.

**MOTION:** MADAM CHAIR WELSH MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Madam Chair Welsh asked the other commissioners for additional discussion or a motion.

Commissioner Jenkins commented that from his standpoint they want to encourage entrepreneurship but you also want to maintain residential neighborhoods.

Mr. Brim added that he felt making a category for home occupations with groups wouldn't be a bad thing because it would provide a starting point for people to then grow into a commercial space.

Commissioner Knighton commented that he felt that once people started getting more than five, ten people coming to your home then you'd want to move into a commercial space.

Commissioner Blackburn commented that the last bullet on the day care ordinance was confusing and Mr. Brim explained that it was state code. Commissioner Blackburn then asked about having dog breeders and Ms. Hart stated that that would be something that they would have to look into.

Mr. Brim stated that the commissioners didn't need to make a motion right now because all three codes fell under one ordinance.

Ms. Hart continued with the zoning text amendment presentation.

### **Signage**

Ms. Hart stated that they have gone over the proposed sign ordinance a few times and that she would give a background and a review of any changes from the last time. Ms. Hart explained that they were changing the sign ordinance due to a 2015 Supreme Court ruling on content-based regulations for signage. This change would mean that sign code can't be content based and the regulations now have to be content neutral.

Ms. Hart went over the purpose and intent of the proposed sign ordinance.

Ms. Hart stated that one of the changes made from the last meeting is that Vineyard will be implementing a sign code waiver. The waiver would allow people to have signs that were bigger or different than what the code allows for. These waivers would require that a narrative explanation would be given and that they go through planning commission for approval.

Commissioner Blackburn asked if for the Heritage Day banners that they put on fences if they would need to come in and get a waiver for that.

Ms. Hart answered that those banners would go through a temporary sign permit for that and we allow temporary signs on fences.

Ms. Hart went on to explain how the waiver worked and what it would allow for. Commissioner Jenkins asked if the waiver would only be for permanent signs. Ms. Hart stated yes.

Madam Chair Welsh referred to the Utah Valley Home Builders Association that came in to the last meeting to discuss their sign and how it would have related to a sign standard waiver.

Ms. Hart reviewed the prohibited signs. Ms. Hart stated that after meeting with the mayor, she asked that we allow the flying banner signs to be allowed, she explained that these are the signs that you normally see with leasing now on them. The mayor felt that she wanted to give them an opportunity to advertise their leasing. Ms. Hart stated that she took that off the prohibited sign list.

Mr. Brim explained that how it's written in the code is that they aren't allowed in public right of ways or on parking strips they are required to be completely on private property.

Madam Chair Welsh asked if this meant they would have to be up behind the sidewalk.

Mr. Brim answered that they had to be completely on the site so the parking strip is not technically part of their property even though people try to take ownership of it. He added that if that's something the commission wanted back in that they could and it would be a council decision.

Commissioner Blackburn commented that he felt it should be put back in and the council should argue it out.

Mr. Brim recommended that they say that in their motion.

She stated that the only other change to prohibited signs is originally it said no signs attached, painted, or installed on fences. This has been changed so that people would be able to do attach a temporary sign to a fence.

Commissioner Blackburn asked what would be defined as temporary. Ms. Hart explained that a temporary sign is a sign not permanently attached to the wall or building and not intended or designed for permanent display.

Mr. Brim asked if there is a day frame on that. Ms. Hart, answered that there are day frames in the code.

Ms. Hart went on to talk about measuring signs. Measuring sign area hasn't changed. What has changed is how height is measured. Originally it was from the back of curb but it's been changed to the base of the sign.

Ms. Hart explained where signs are allowed to be located. She stated that signs are not allowed within the public right of way or parking strips adjacent to the road or within an easement. Signs shall not be located within five feet of a property line and they can't occupy a site triangle.

Ms. Hart moved onto sign illumination. She explained that as far as sign illumination goes the only thing that has been changed is the halo effect is not allowed except through a sign standard waiver. Madam Chair Welsh commented that that would allow them to come in and explain what they would be doing.

Ms. Hart went over freestanding signs. She stated that freestanding signs would have to be monument style. The one thing that was changed is permanent freestanding signs shall be located a minimum of fifty (50) feet from any other permanent freestanding sign on the same parcel. She added that the purpose of this is to help Vineyard from looking like State Street in Orem. She added that in residential districts it's more restrictive you get a twenty-five (25) foot maximum sign area and a maximum height of five (5) feet. In commercial districts a single tenant monument sign gets forty (40) square feet for the sign area and six

(6) feet in height, with the sign waiver that would go up to ten feet maximum. For multitenant it would be an area of eighty (80) square feet and then the waiver would be twenty (20) feet maximum.

Madam Chair Welsh asked if this was an effort to motivate people to combine signs. Mr. Brim stated yes.

Ms. Hart went on to wall signs. She stated that wall signs can be internally or externally illuminated. An awning and projecting signs are considered the same and one thing we did change is the maximum sign area says one (1) square foot for every one (1) linear front and that should say building frontage. They are not to exceed sixty (60) square feet per sign or a total of 120 square feet. They are allowed to have up to two signs and that would be one per elevation, this would include projecting signs.

Mr. Brim commented that it was also dependent on the size of the building.

Commissioner Jenkins asked if there was ever a case where a sign would be required.

Ms. Hart, answered that in the current code you can only have a temporary business sign for thirty days and then you would need a permanent sign. In the new code there is nothing in there about that. She mentioned that there are restrictions regarding things like grand opening signs being up past the date of the event.

Ms. Hart discussed awnings signs, she stated that the biggest change is that the maximum awning allowed per building so it can't take up more than 50% of the frontage.

Ms. Hart went over projecting signs, she stated that they are included in with the total wall sign area and you're only allowed one per storefront entrance and you have to have a clearance of eight (8) feet.

Commissioner Brady, asked how big those signs can be. Ms. Hart responded that they have to have a clearance of eight (8) ft and it can't be located above the second-floor windows.

Commissioner Brady asked if it could stick out over the sidewalk. Ms. Hart answered that you could have up to sixty (60) square feet which is a six (6) foot by ten (10) foot sign at its biggest. Mr. Brim commented that on private property like the Megaplex development you'll see some bigger ones but the offset is the wall sign.

Ms. Hart continued with signage ordinance stating that window signs were going to be staying the same and changeable copy signs are allowed to have static displays that change every 8 seconds. She added that things like video and animation effects wouldn't be allowed.

Commissioner Jenkins asked if there would be a waiver provision to allow that. Ms. Hart stated no. Madam Chair Welsh stated she thought that the waiver did allow for this. Ms. Hart went back to the sign standard waiver uses that are allowed to apply for a waiver. Discussion ensued regarding the sign waiver with animation and video effects.

Commissioners felt that it was important that a waiver process be possible for changeable copy signs. Mr. Brim and Ms. Hart discussed adding it into the code.

Ms. Hart discussed drive-thru lane signs. She stated that no more than two (2) signs are allowed within a drive-thru lane with a total maximum sign area of fifty (50) square foot. This means that the fifty (50)

square feet would have to be split between the two signs. They also need to be constructed with a solid base and then the computer display may be used.

Ms. Hart went on to flags. She stated that we cannot regulate American Flags, we can only regulate commercial speech flags. We can regulate is flag poles and the size of the flag area. The maximum sign area of a commercial flag in a residential district is twenty-five (25) square feet and in a commercial district its thirty-five (35) square feet with a maximum of 35 ft and 50 ft respectively. Three (3) allowed per commercial lot and two (2) per residential lot. Ms. Hart went back to the flying banner signs. She stated that what staff came up with after talking with mayor was that there is a maximum of four (4) per parcel or business with a maximum sign area of twelve (12) square feet with a maximum height of fifteen (15) feet and shall not be located within public right of way or parking strips along roads.

Commissioner Jenkins asked if they would be able to get a bigger one through the sign waiver process.

Commission Knighton asked if we only regulated the flag pole but not if it's an American Flag. Ms. Hart answered yes, it's strictly limited to regulating commercial speech. Discussion ensued regarding flags.

Ms. Hart reviewed temporary signs. She stated that there are two (2) types of temporary signs. Temporary signs intended to be displayed for 30 days or less can only be displayed two times per calendar year for a total of 30 days and these don't require a permit. Temporary signs intended to be displayed for more than thirty days do require a permit and the permit shall be issued for one (1) year and renewed annually. Once the event the sign is intended for is complete the permit shall not be allowed to renew and the sign shall be removed within forty-eight (48) hrs. Ms. Hart stated that for political signs you still have to go through the permit process to tell us where the signs are going to be located. but you don't have to pay for it.

Mr. Brim commented that in reality people getting political signs are not going to come in and get a permit but if someone is putting them in the right-a-way this at least gives us something to go back on.

Ms. Hart stated that the temporary signs can't be illuminated and they have to be constructed out of durable, rigid, material, and they shall be promptly removed at the date of expiration or forty-eight (48) hours after the event has ended. Residential signs must have an area less than six (6) square feet with four (4) feet height maximum, and two (2) signs are allowed per lot. For commercial districts and they can be thirty (30) feet in area and eight (8) feet high with a maximum of two (2) per lot and can be bigger if they get a sign standard waiver.

There was additional discussion on time allowed for temporary signs.

Commissioner Blackburn asked if you could put political signs anywhere. Mr. Brim answered that the city still controls the right of ways and medians so they wouldn't be allowed in those areas.

Commissioner Blackburn asked if there are any signs currently up that are not in compliance. Ms. Hart yes, the ones on Center Street are not in compliance.

Mr. Brim explained that when pulling political signs, you have to be careful, you would have to do a sweep of all of them at once for parties to not feel attacked.

Madam Chair Welsh asked if staff would then tell people not to put signs in the median but rather to put them in the planter because then they're not in the area where people are mowing every week.

Mr. Overson commented that he would like to have the model home signs prohibited because they leave them up all weekend and when the public works guys go out to mow, they are always hitting the lath that breaks off when you pull them out.

Commissioner Jenkins asked if there is any recourse for that. Ms. Hart answered that it is a zoning violation. There was discussion on how to enforce temporary signs.

Ms. Hart continued, she explained that there are some small changes that needed to be made to the draft. She stated that on page three (3) that talks about the sign standard waiver it states that prohibited signs are excluded from receiving a sign standard waiver but we're going to allow a sign standard waiver for changeable copy and video signs. She continued that they were going to be removing the word sign from gateway feature in that list of uses and developments. On page five (5) for prohibited signs the wall box cabinet just to add after that not including projecting signs. Projecting signs could do like a cabinet type sign if it was projecting.

On page six (6) for sign location we will be removing the words permanent from subsections A and D and then adding park strip, public right of way and easements to where signs are not permitted. On page ten (10) on the sign standard table we need to add PF for public facility to the commercial district section. She added that in definitions on page twelve (12) to add the word box in front of cabinet sign, to say box cabinet sign.

Madam Chair Welsh commented that they had talked before about sending an email out to the developers about taking their signs out.

Mr. Brim answered that Vineyard is in the process of hiring a planning tech who's going to do code enforcement as well so they would be able to do that.

Commissioner Jene commented that real estate signs, and missionary and military return signs are up for more than thirty (30) days.

Ms. Hart asked if his worry was that they have to go through the permit process without knowing how long the sign is going to be up for or if it was the size of the sign.

Commissioner Jene answered that he just wanted to bring it to the attention of the planning commission because those signs are often up for more than 30 days.

Discussion ensued regarding the different types of temporary signs and whether or not they should be permitted. Commissioners determined that there would always be problems but that they would get as close as they could to following the code. Mr. Brim reminded them that the code is a living ordinance and as court decisions come out changes will be made.

**MOTION:** COMMISSIONER BRADY MADE A MOTION TO OPEN IT UP FOR PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Madam Chair Welsh asked for any public comment. Hearing none she asked for a motion to close the public hearing.

**MOTION:** COMMISSIONER BRADY MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER JENKINS SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING CLOSED.

Madam Chair asked for additional discussion on the zoning text amendments. There was none.

**MOTION:** MADAM CHAIR WELSH MADE A MOTION TO RECOMMEND APPROVAL THAT THE ZONING ORDINANCE TEXT AMENDMENTS BE APPROVED WITH THE CONDITIONS OF ADDING THE FLYING BANNER SIGNS BACK TO NOT BEING PERMITTED AS WELL AS ALLOWING MOVING SIGNS THROUGH A SIGN STANDARD WAIVER PERMIT PROCESS. COMMISSION KNIGHTON SECONDED THE MOTION.

**ROLL CALL ON A MOTION:** COMMISSIONER JENKINS AYE. COMMISSIONER BLACKBURN AYE. COMMISSIONER KNIGHTON AYE. MADAM CHAIR WELSH AYE. COMMISSIONER BRADY AYE. MOTION CALL PASSED UNANIMOUSLY.

## **6 COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

Madam Chair Welsh reported that there will be the party for the grand opening of the splash pad park, which includes a mayor's breakfast, and that all the commissioners are invited to participate in.

Commissioner Knighton, asked when the park will be completed. Mr. Overson explained that Flagship hadn't requested enough inspections and tried to push through things that were not approved and needed to be fixed. The main problem is the restroom and they are also waiting on a health inspection for the splash pad.

## **7 STAFF REPORTS**

### **Morgan Brim, Community Development Director**

Mr. Brim reported that they are going to be having the first Work Group meeting with the General Plan consultant Design Workshop next Thursday. The working group contains two commissioner which are Madam Chair Welsh and Commissioner Blackburn, two council members who are Mayor Fullmer and Councilmember Flake, as well as people from UVU and UTA. The group will work directly with the consultant and there are going to be break out projects like parks and economic development that the commissioners can participate in and provide feedback. The project will be going for the next ten (10) to twelve (12) months.

Mr. Brim also reported that the city is working with several retailers who are looking to come into the city. Mr. Brim attended the ICS conference which is a conference for retailers. He talked to restaurants, grocery stores, among others. The Commissioners wanted to know what exactly would be coming into Vineyard and Mr. Brim talked about a distribution center, a medical practitioner, and there are restaurants going in around the Megaplex.

### **Don Overson, Public Works Director and City Engineer**

Mr. Overson discussed the RFP for the train station. He stated that they are putting together a committee that includes two (2) people from city staff, a UDOT member, and a UVU member.

Commissioner Blackburn asked when the project would start and how long it would take to finish. Mr. Overson answered that he didn't know because they didn't have a consultant on board yet. The consultant's first objective will be to try to masterplan the town center area.

Mr. Overson reported that they have received the UTA permit for the Center Street overpass but they don't have the Union Pacific permit. He announced that they were going to put the project out for bid without the Union Pacific permit because they want to start moving materials over there.

Mr. Overson also announce that the city would be getting a dump truck and a sweeper truck coming and the public works facility area in Lindon will be ready soon.

Commissioner Jenkins asked if there will be bike lanes or arrows with the restriping of Mill Road.

Mr. Overson answered yes, they found that they had enough room in the cross section to put bike lanes in so when we restripe there will be bike lanes.

Commissioner Jenkins commented that one of the reasons he brings it up is because a lot of the trails are fragmented but if we can show that it will connect to the overpass then we'll have full connectivity for grants and things. He added that the general rule of thumb is that anything over 20 miles per hour needs to have shared lanes or bike lanes.

Mr. Overson responded that that wasn't in the original standards but it is now. The last thing that he wanted to update the commissioners on is that Anderson is doing a large lot subdivision. Meaning that the parcel on 800 North/Vineyard Connector and east of the UVU parcel is going to be subdivided into four parcels.

## **8 ADJOURNMENT**

**MOTION:** COMMISSIONER BRADY MADE A MOTION TO CLOSE. COMMISSIONER JENKINS SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY AT 8:40PM

**MINUTES APPROVED ON:** December 5, 2018

**CORRECTED BY:** /s/ Claire Hague  
Claire Hague, Permit Technician