
PANGUITCH CITY COUNCIL

AGENDA

PANGUITCH CITY OFFICE
25 S 200 E CONFERENCE ROOM
PANGUITCH, UTAH 84759
NOVEMBER 14, 2023, 5:30 PM

- OPENING CEREMONY
- ADOPTION OF THE AGENDA
- APPROVAL OF MINUTES
- KELLY HOLMAN – HEALTHY RELATIONSHIPS UTAH CLASSES
- IRVING POWER EASEMENT
- BIC BUILDING
- RESOLUTION 2023-6 RECERTIFICATION OF THE PANGUITCH CITY JUSTICE COURT
- MULTI-FAMILY/DENSE HOUSING
- RIGHT OF WAY ORDINANCE
- ASPEN VALLEY SUBDIVISION STREET LIGHTS
- TREES AT 297 EAST 100 NORTH
- BUSINESS LICENSE – AIRPRO SOLUTIONS, LLC/COLBY RENN DAVIS
- EXECUTIVE SESSION
- DEPARTMENT REPORTS/CALENDAR
- ADJOURNMENT

ZOOM MEETING LINK:

<https://us06web.zoom.us/j/89873979301?pwd=VDhraEFVUDY1RHJJZot2RTErRWxPZz09>

MEETING ID: 898 7397 9301

Passcode: panguitch

REASONABLE ACCOMMODATION: The City of Panguitch will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact Lori Talbot at the Panguitch City office at least 24 hours in advance if you have special needs. Anyone who wishes to offer a prayer or thought in the opening ceremony at City Council is welcome to do so by calling City Manager Lori Talbot at 435-676-8585 to schedule an appointment. Participation may be telephonic or electronic.

Items may not be covered in the order listed. Panguitch City is an equal opportunity employer.

PANGUITCH CITY RESOLUTION 2023- ____

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
PANGUITCH CITY JUSTICE COURT**

WHEREAS, the provisions of Utah Code Annotated 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire soon;

WHEREAS, the members of the City Council have received an opinion letter from City Attorney, Barry Huntington, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the City Council have determined that it is in the best interest of Panguitch City to continue to provide for a Justice Court.

BE IT RESOLVED, the Panguitch City Council hereby requests recertification of the Panguitch City Justice Court by the Justice Court's Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED, that the Panguitch City Council hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Panguitch City Justice Court for the next four- year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this ____ day of _____, 2023

PANGUITCH CITY

by _____

Kim Soper, Mayor

ATTEST

Tyrissa Howell, City Recorder

Chapter 17.26 Residential Dense Housing Zone

17.26.010 Purpose

17.26.020 Permitted Uses

17.26.030 Conditional Uses

17.26.040 Height Regulations

17.26.050 Minimum Area, Width and Yard Regulations

17.26.060 Modifying Regulations

17.26.070 Additional Provisions

17.26.010 Purpose

To provide and protect areas for medium to high density multi-family residential housing.

Application Requirements: all applications for a zone change to the Residential Dense Housing Zone shall be accompanied by a conceptual site plan for the proposed development. The conceptual site plan does not have to be a complete site plan, but it must generally identify the footprint and density of the proposed project and have accompanied with it a written text that includes the following: the proposed use of the land, proposed building heights, residential density, phasing plan, street access, and proposed landscaping. The City Council may use the conceptual site plan as a condition to approval of the zone change. The City Council may also require changes to the conceptual site plan if such changes are to mitigate or counter the negative effects on nearby properties associated with changing the zone. Any significant change to the approved conceptual site plan shall be processed as an amendment to the zone and shall be subject to a new public hearing by the Planning Commission and approval by the City Council. A "significant change" includes, but is not limited to, change the density, changing the layout of the buildings, streets, ingress or egress, common areas; or adding square footage that visibly alters the size of the building footprint or mass; changing the proposed uses of the property; or related changes to the site development plan.

17.26.020 Permitted Uses

The following are permitted uses in the Residential Dense Housing Zone.

- A. Multiple family dwelling up to an 8 plex;
- B. Single family dwelling;
- C. Two family dwelling;
- D. Churches;
- E. Public Schools;
- F. Park or Playground;
- G. Horticulture and gardening;
- H. Household pets;
- I. Accessory Uses and Structures incidental to each dwelling when placed upon the same lot or parcel of land and not used or operated commercially. However, “accessory building” is not a single-family dwelling, a two-family dwelling nor a multiple-family dwelling and therefore only one single-family, two-family, or multiple-family dwelling is allowed on each lot.
- J. Planned unit development.

17.26.030 Conditional Uses

The following are conditional uses in a Residential Dense Housing District

- A. Home occupation;
 - 1. Shall not include storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.
 - 2. Shall not include identifying signage in excess of fifteen square foot name plate, attached to the dwelling.
 - 3. Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.)
 - 4. Shall not alter the residential character or appearance of the dwelling or neighborhood.

5. Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted.
6. Shall not generate business related vehicular traffic in excess of three (3) vehicles per hour.
7. Shall not cause a demand for municipal services in excess of that associated with normal residential use.
8. Shall be enclosed within a structure in complete conformity with international building codes as adopted by the city.
9. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

17.26.040 Height Regulations

No building shall exceed 2 ½ levels with a maximum height of thirty-five (35) feet above grade level in height. No dwelling structure shall be less than one (1) story. Chimneys, flag poles, church towers and similar structures not used for human occupancy shall not exceed forty (40) feet in height.

17.26/050 Minimum Area, Width and Yard Regulation

	Single Family Dwelling	Two-Family Dwelling	Three + Dwelling Units per Building
Minimum Lot Size	8,000 Sq Ft	8,000 Sq Ft	12,000 Sq Ft
Minimum Lot Width	75 Feet	75 Feet	100 Feet
Front Setbacks	25 Feet	25 Feet	25 Feet
Side Setbacks	8 Feet	8 Feet	10 Feet
Rear Setbacks	16 Feet	16 Feet	16 Feet

17.26.060 Modifying Regulations

- A. The front yard setback shall not be used for the parking of motor vehicles, except within the normal driveway area. The driveway area

shall not exceed 50% of the front setback area. Two (2) parking spaces required for each unit.

1. Carports which are attached to a dwelling, and which are open on at least three sides may be located within four feet from the side or rear property line but not closer than 16 feet to the nearest dwelling.
- B. Side yard setback on a street side yard of a corner lot shall be the same as the front yard setback required for the zone.
- c. The side and rear setbacks on interior lot boundary lines shall be twenty (20) feet along all boundaries for all two (2) story buildings.
- D. In group dwellings, no two buildings may be located closer together than 16 feet. There will be a 25-foot setback in the front on any dwelling, on a side property line or a rear property line on a interior lot.
- E. At least 25 percent of the land area of any parcel shall be landscaped.
 1. Except for the driveway area and walkway, the front yard setback area shall be landscaped.
- F. Land coverage of all buildings shall not exceed 50 percent of the lot or parcel acreage. The maximum permitted density of planned unit developments shall be eight units per acre of land.
- G. A plot plan is required for multi-family residential buildings in the Residential Dense Housing zone for preliminary approval. A site plan with an architectural stamp will be required for final approval from the Planning and Zoning Commission.
- H. Single and two-family dwellings (duplexes and twin homes) shall have a minimum of 720 square feet main floor area per unit. Any building with three or more units shall have a minimum of 500 square feet floor area per unit.
- I. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets. Off street parking

shall be designed in such a way as to allow vehicles to pull forward into the on street traffic flow.

- J. All solid waste storage receptacles exceeding 2 cubic yards shall be located at the rear of the building in a sight obscuring fence.
- K. Site obscuring 6-foot-high fencing shall be required along the common lot line of residential zones.
- L. Parking area will require dust abatement and weed control.

27.20.070 Additional Provisions

- A. When a water study is needed the cost will be covered by the developer.
- B. Any exception to the above conditions will be required to have a conditional use permit and be approved by Planning and Zoning Commission and City Council.

Ordinance (?)

Residential Medium Dense Housing

Definitions

Residential Medium Dense Housing shall include 8 plex, 4 plex, town homes and duplexes.

Conditional Uses

The following are conditional uses in a Residential Medium Dense Housing unit.

A. Home occupation;

1. Shall not include storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 pbs) gross vehicle weight.
2. Shall not include identifying signage in excess of fifteen square foot name plate, attached to the dwelling.
3. Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.)
4. Shall not alter the residential character or appearance of the dwelling or neighborhood.
5. Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted.
6. Shall not generate business related vehicular traffic in excess of three (3) vehicles per hour.
7. Shall not cause a demand for municipal services in excess of that associated with normal residential use.
8. Shall be enclosed within a structure in complete conformity with international building codes as adopted by the city.
9. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

Height Regulations

No building shall exceed 2 ½ levels with a maximum height of thirty-five (35) feet above grade level in height. No dwelling structure shall be less than one (1) story. Chimneys, flag poles, church towers and similar structures not used for human occupancy shall not exceed forty (40) feet in height.

Minimum Area, Width and Yard Regulation

	Single Family Dwelling	Two-Family Dwelling	Three + Dwelling Units per Building
Minimum Lot Size	8,000 Sq Ft	8,000 Sq Ft	12,000 Sq Ft
Minimum Lot Width	75 Feet	75 Feet	100 Feet
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Side Setbacks	8 Feet	8 Feet	10 Feet
Rear Setbacks	16 Feet	16 Feet	16 Feet

Modifying Regulations

- A. The front yard setback shall not be used for the parking of motor vehicles, except within the normal driveway area. The driveway area shall not exceed 50% of the front setback area. Two (2) parking spaces required for each unit.
 - 1. Carports which are attached to a dwelling, and which are open on at least three sides may be located within four feet from the side or rear property line but not closer than 16 feet to the nearest dwelling.
- B. Side yard setback on a street side yard of a corner lot shall be the same as the front yard setback required for the zone.
- C. The side and rear setbacks on interior lot boundary lines shall be twenty (20) feet along all boundaries for all two (2) story buildings.

- D. In group dwellings, no two buildings may be located closer together than 16 feet. There will be a 25-foot setback in the front of any dwelling, on a side property line or a rear property line on an interior lot.
- E. At least 25 percent of the land area of any parcel shall be landscaped.
 - 1. Except for the driveway area and walkway, the front yard setback area shall be landscaped.
- F. Land coverage of all buildings shall not exceed 50 percent of the lot or parcel acreage. The maximum permitted density of planned unit developments shall be eight units per acre of land.
- G. A plot plan is required for multi-family residential buildings ~~in the Residential Dense Housing zone~~ for preliminary approval. A site plan with an architectural stamp will be required for final approval from the Planning and Zoning Commission.
- H. Single and two-family dwellings (duplexes and twin homes) shall have a minimum of 720 square feet main floor area per unit. Any building with three or more units shall have a minimum of 500 square feet floor area per unit.
- I. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets. Off street parking shall be designed in such a way as to allow vehicles to pull forward into the on street traffic flow.
- J. All solid waste storage receptacles exceeding 2 cubic yards shall be located at the rear of the building in a sight obscuring fence.
- K. Site obscuring 6-foot-high fencing shall be required along the common lot line of residential zones.
- L. Parking area will require dust abatement and weed control.

Additional Provisions

- A. When a water study is needed the cost will be covered by the developer.
- B. Any exception to the above conditions will be required to have a conditional use permit and be approved by the Planning and Zoning Commission and City Council.



A Change of Pace

PANGUITCH CITY BUSINESS LICENSE APPLICATION

25 South 200 East, PO Box 75, Panguitch Utah 84759, Phone: 435-676-8585,
Email tyrissa.panguitchcity@gmail.com

Date: 10/30/23

Name of Business AirPro Solutions DBA: LLC
Type of Business heating and Air conditioning HVAC
Business Address 501 S 125 E City Panguitch State UT Zip 84759
Mailing Address 501 S 125 E City Panguitch State UT Zip 84759
State Sales Tax # _____ Contractor License # _____
Business Email Colby airprofessional solutions@gmail Business Phone # 435-
Name of Business Owner (if partnership, list all partners; if corporation, list principal officers)
Colby Renn Davis
Address _____ City _____ State _____ Zip _____
Phone # _____ Email Address _____
Name of Manager _____ Manager Phone # _____

LICENSE FEES (Circle all that apply to your business)

General Fee - \$25.00
Home Occupation (one time only fee) \$25.00
Beer Permit - \$50.00
Vendor Permit -
Up to 30 days - \$20.00
Yearly - \$25.00

Total amount due - \$ 25.00

NEW APPLICATIONS - This is an application for a business license; the actual license will be issued only when the completed application is received, reviewed and approved by the city council. All information must be accurately completed or the issuance of the license will be delayed. Issuance of the license shall in no way relieve the applicable zoning, health, building and fire regulations. All state and Federal regulations must be complied with.

RENEWAL APPLICATIONS - Renewal forms are sent out the first of every year. If you did not receive one please contact Tyrissa at the Panguitch City Office. **Late Fee** - \$10.00 (If paid after February first of each said year.)

HOME OCCUPATIONS - Home occupations require a conditional use permit. This includes ALL vacation rentals.

I, We, Colby Davis hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business, and understand that it is unlawful to make any false statement, declaration, or report as required in this application.

Date 10/30/2023 Signed by Colby Davis

FOR OFFICIAL USE ONLY

Approved _____ License # _____ Receipt # _____ Total Paid \$ _____

PANGUITCH CITY ORDINANCE NO. 2023-

AN ORDINANCE ADDRESSING THE CITY RIGHT-OF-WAY.

WHEREAS, the City of Panguitch desires to address and define its Right-of-Way and;

WHEREAS, the City Council desires to set up a permitting process in regards to the City Right-of-Way and;

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to have a policy regarding its Rights-of-Way.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PANGUITCH CITY, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

Right-of-Way Permits and Definitions.

Right-of-Way (ROW): The area of public property designated for vehicular and pedestrian traffic, utility infrastructure, and public amenities.

Right-of-Way Ownership: Panguitch City will retain ownership of all rights-of-ways and may use any or all portions of the right-of-way at any time for public purposes.

Right-of-Way Permits: Authorization granted by the city to individuals or entities for temporary use of the right-of-way.

Encroachment Permits: Authorization granted by the city for permanent structures or improvements that partially occupy the right-of-way.

Obstruction Permits: Authorization granted by the city for temporary structures or activities that obstruct the right-of-way.

Excavation Permits: Authorization granted by the city for any digging or excavation work within the right-of-way.

Types public right of way encroachments

Right-of-Way Permits

A right-of-way permit is required for any person or entity seeking to conduct work or activities within the right-of-way before commencing any activity. Right-of-Way permits shall be issued in compliance with the guidelines and regulations set forth by the city.

Application Process:

Applicants must submit a written application to the city detailing the scope and nature of the proposed activity. The application must include all relevant plans, diagrams, and other documentation as required by the city. The city shall review applications for compliance with safety regulations, public convenience, and overall impact on the right-of-way.

Encroachment Permits

An encroachment permit requirement includes but is not limited to any existing or proposed structure or portion thereof that projects onto, under or over any municipal right of way such as gravel, asphalt or concrete. The Encroachment Permit gives the permit holder permission to use a specific portion of the right of way until such time as that portion of the right of way is needed by the City of Panguitch for public purposes. Encroachment Permits are revocable at any time in the interest of public safety.

Application Process:

Applicants seeking an encroachment permit must submit a detailed application to the city, including drawings, project plans, and relevant permits. The city shall review applications for compliance with zoning and building codes, safety standards, and aesthetic considerations.

Obstruction Permits

Obstruction permits are required whenever an object or equipment is placed within the City's right of way (streets, sidewalks, alleys, and other rights of way). Obstruction permits include Dumpster, Food Cart, Full Block Use, Hoisting, Parking Lane Use, Scaffolding, Sidewalk Use, Sidewalk Cafe, Special Events, Storage Pods, Traffic & Bike Lane Use, Utility Company Use of Right of Way, Valet Parking, etc.

Application Process:

Applicants must submit an application to the city outlining the nature, size, and duration of the proposed obstruction. The city shall review applications to ensure that the proposed obstruction does not unduly interfere with public safety and convenience.

- **Sidewalk Cafe**

Food establishments, such as restaurants and coffee shops, that wish to provide outdoor seating for customers on the public sidewalk adjoining the premises must obtain a Sidewalk Cafe Obstruction Permit issued by Panguitch City. This permit allows tables and chairs to be placed in approved public right of way areas.

- **Block Parties on Residential Streets**

The block party permit applies to residential streets and alleys only. The permit supports the gathering of residents of a particular block and those adjacent to the street or alley being closed. Parties organized by commercial or business interests that are advertised and/or open to the broader public are permitted under Special Events. Gatherings on non-residential streets and those that include the sale of alcohol also fall under Special Events.

- **Bicycle Parking**

A Right of Entry Permit is required for bicycle parking racks.

Excavation Permits

Excavation permits are required whenever an excavation or underground work is planned within the city's right of way (sidewalks, boulevards, and roadways). Prior to obtaining a permit the proposed work must be reviewed and approved by various city departments. Excavation Permits include Geoprobes, House Service Connection, Monitor Well, Sewer, Utility Company Use of Right of Way, Tree Trench Restoration, Driveways, Sprinkler Systems, etc.

Application Process:

Applicants must submit an application to the city detailing the purpose and scope of the excavation work. The city shall review applications to assess potential impacts on public safety and infrastructure.

Enforcement and Penalties

Violations of this ordinance may result in the revocation of permits, fines (Barry will insert what charge this will be), or other penalties as determined by the city. The city reserves the right to take any necessary action to rectify violations and recover associated costs.

SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 3: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 4: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 5: EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this ____ day of _____, 2023

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk