Planning Commission Meeting

Tuesday, February 6, 2024 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Commissioner Julie Bailey, Commissioner Jeremy Hoggard, Assistant City Manager Megan Gallegos, City Recorder Melissa Gill

Meeting Location: 648 S Hideout Way

1. **Call to Order**
2. **Minutes Review/Approval (action)**

   Attachments:

   - **2024-01-04 PC** (2024-01-04_PC.pdf)

3. **Public Comment**
4. **Appointment/Election Planning Commission Chairperson (discussion/action)**

   Attachments:

   - **Monticello Utah Code** (monticellout-ut-1__1_.pdf)

5. **Consider Recommendation to City Council: Title 10 Zoning Regulations (action)**

   Attachments:

   - **Title 10.1** (Title_10.1.pdf)
   - **Title 10.2** (Title_10.2.pdf)
   - **Title 10.3** (Title_10.3.pdf)

6. **Consider Recommendation to City Council: Title 11 Subdivision Regulations (action)**

   Attachments:

   - **Title 11.1** (Title_11.1.pdf)
   - **Title 11.2** (Title_11.2.pdf)

7. **Annual Planning Commission Report (discussion)**
8. **Electronic Charging Stations Regulations (discussion/action)**

   Attachments:

   - **Electronic Charging Vehicle Stations** (Electronic_Charging_Vehicle_Stations.pdf)

9. **Administrative Communications**
10. **Next Meeting Agenda**
11. **Adjournment (action)**

Audio File

Notice of Special Accomodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271) | Agenda published on 02/01/2024 at 2:07 PM

Planning Commission Meeting

Minutes

Thursday, January 4, 2024 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Commissioner Julie Bailey, Commissioner Jeremy Hoggard, Assistant City Manager Megan Gallegos, City Recorder Melissa Gill (Excused), Deputy Recorder Jasmine Nielson

Meeting Location: 648 S Hideout Way

1. **Call to Order**

Minutes:
Chairperson Bennett called to order the planning commission meeting at 6:31pm
Visitors present were City Councilmen Dunn, Kailey Trimmier, Skyler Trimmler, Gordon O'Harra, Rebekah O'Harra, Elaine Gizler, John Gizler

2. **Minutes Review/Approval (action)**

Minutes:
MOTION to approve the minutes as presented was made by Commissioner Christensen and seconded by Commissioner Cokenour. The motion passed unanimously.
Vote results:
Ayes: 4 / Nays: 0

3. **Public Comment**

Minutes:
There was no public comment.

4. **Public Hearing Title 10: Zoning Regulations**

Minutes:
Chairperson Bennett opened the public hearing for Title 10: Zoning Regulations at 6:34pm.
There were no comments regarding the public hearing.
MOTION to close the public hearing was made by Commissioner Cokenour and seconded by Commissoner Christensen. The motion passed unanimously.
Chairperson Bennett closed the public hearing for Title 10: Zoning Regulations at 6:35pm.
Vote results:
Ayes: 4 / Nays: 0

5. **Public Hearing Title 11: Subdivision Requirements**

Minutes:
Chairperson Bennett opened the public hearing for Title 11: Subdivision Requirements at 6:36pm.

There were no comments regarding the public hearing.
MOTION to close the public hearing was made by Commissioner Hoggard and seconded by Commissioner Cokenour. The motion passed unanimously.
Chairperson Bennett closed the public hearing for Title 11: Subdivision Requirements at 6:37pm.
Vote results:
Ayes: 4 / Nays: 0

6. **Public Hearing Zone Change Request: 365 E 100 N Parcel #A33240306002**

Minutes:
Chairperson Bennett opened the public hearing Zone Change Request: 365 E 100 N at 6:38pm. Kailey Trimmier presented to the Commission her request to change her property from A-1 to R-2. Clarifying questions were asked by the Commission. Commissioner Bennett inquired if the neighbors have been spoken to about this request. Assistant City Manager Gallegos stated all surrounding property owners have been notified of this hearing.
MOTION to close the public hearing was made by Commissioner Cokenour and seconded by Commissioner Hoggard. The motion passed unanimously.
Commissioner Bennett closed the public hearing for Zone Change Request: 365 E 100 N at 6:42 pm.
Vote results:
Ayes: 4 / Nays: 0

7. **Consider Recommendation to City Council: Zone Change Request 365 E 100 N Parcel #A33240306002 (discussion/action)**

Minutes:
Commissioner Christensen asked the homeowners if they are planning to use the property as a monthly rental or Airbnb. The homeowner stated she would like to list it as a monthly rental, however, if necessary, she would list it as an Airbnb. MOTION to recommend to the City Council to allow the zone change was made by Commissioner Hoggard and seconded by Commissioner Christensen. Roll Call Vote: Bennett, Aye Christensen, Aye Hoggard, Aye Cokenour, Aye
The motion passed unanimously.
Vote results:
Ayes: 4 / Nays: 0

8. **Electronic Charging Stations Regulations (discussion)**

Minutes:
Chairperson Bennett explained the need to establish regulations for electronic charging stations. Commissioner Cokenour stated she investigated regulations with Empire Electric but found no information. She presented information from other cities regarding their regulations.
Assistant City Manager Gallegos reported she has spoken to Empire Electric and relayed the information they presented to her.
There was a great deal of discussion regarding requirements, safety, etc., and how Empire Electric determines what will be allowed and when.
The fire risk and ability to extinguish was discussed with Fire Chief Nielson's recommendations. Gallegos will be reaching out to the Moab City Administration to discuss their regulations.

9. **Administrative Communications**

Minutes:
Chairperson Bennett inquired when the new City Council members will be seated.
Gallegos is sitting with the Sheriff's Department for code enforcement discussions.
Commissioner Hoggard brought the question of short-term rental restrictions to the table.

10. **Next Meeting Agenda**

Minutes:
Mobile Home/Tiny Home Revisions – Title 10 Recommendation to City Council – Title 11 Recommendation to City Council – Electronic Charging Stations Revisions

11. **Adjournment (action)**

Minutes:
MOTION to adjourn was made by Commissioner Cokenour and seconded by Commissioner Christensen.
The motion passed unanimously. Chairperson Bennett adjourned the meeting at 8:05pm.
Vote results:
Ayes: 4 / Nays: 0

Audio File

https://soundcloud.com/user-250815044/2024-01-04-pc?si=cb6f02698aca4396bff237035ff38b2e&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing

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DRAFT

TITLE 2

BOARDS AND COMMISSIONS

CHAPTER 1

PLANNING COMMISSION

SECTION:

2-1-1: Established

2-1-2: Term Of Office; Vacancies

2-1-3: Organization

2-1-4: Duties And Powers

2-1-1: ESTABLISHED:
There is hereby created a Planning Commission to be composed of five (5) members. Members of the Planning Commission shall serve without compensation, except for reasonable expenses incurred in performing their duties as members of the Commission. Members of the City Council may be appointed to the Planning Commission. (1978 Code § 12-111)

2-1-2: TERM OF OFFICE; VACANCIES:
The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until his successor is appointed; provided, that the term of the first members shall be such that the term of one member shall expire each year. Terms of members of the Planning Commission shall begin on or before the first Monday in February of each year. The City Council may remove any member of the Planning Commission with or without cause. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. (1978 Code § 12-112; 1996 Code)

2-1-3: ORGANIZATION:
A Chairman; Adoption Of Rules: The members of the Planning Commission shall select from their own members a chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

B Reports To City Council: Reports of official acts and recommendations of the Planning Commission shall be public and made by the chairman in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council.

C Meetings: The Planning Commission shall meet at least quarterly and at such other times as the Planning Commission may determine.

D Quorum: Three (3) members of the Planning Commission shall constitute a quorum. (1978 Code § 12-113; 1996 Code)

2-1-4: DUTIES AND POWERS:
The Planning Commission shall have all of the powers and duties explicitly or impliedly given planning commissions by the laws of the State. (1978 Code § 12-114)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah laws
Blue = Reorganization to make code easier to administer

CHAPTER 1
GENERAL PROVISIONS

SECTION:
10-1-1: Title, Intent And Purpose
10-1-2: Declaration
10-1-3: Interpretation
10-1-4: Definitions
10-1-5: Conflict
10-1-6: Severability
10-1-7: Responsibility For Violations
10-1-8: Penalty
10-1-9: Temporary Land Use Regulations
10-1-10: Amendments to Title and Zoning Map

10-1-1: TITLE, INTENT AND PURPOSE:

A. This title shall be known as, and shall be entitled the AMENDED ZONING ORDINANCE OF THE CITY OF MONTICELLO, UTAH, dated November 29, 2022, and may be so cited and pleaded.

B. It is the intent and purpose of the city council of Monticello, Utah, to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

1. To encourage and facilitate orderly growth and development in the area;
2. To promote safety from fires, floods, traffic hazards and other dangers;
3. To promote sanitation and health of the inhabitants;
4. To discourage undue scattering of population and unnecessary expenditures of the monies for excessive streets, water and sewer lines, and other public requirements;
5. To stabilize and improve property values;

6. To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions;
7. To promote a more attractive and wholesome environment. It is also the intent and purpose of the city council of Monticello that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purposes of this title. (Ord. 2012-01, 7-10-2012)

10-1-2: DECLARATION:

In establishing the zones, the boundaries thereof and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses and to the character of the zone with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 2012-01, 7-10-2012)

10-1-3: INTERPRETATION:

A. In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

B. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with, abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, the provisions of this title shall control. (Ord. 2012-01, 7-10-2012)

10-1-4: DEFINITIONS:

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

ACCESSORY BUILDING: See BUILDING, Accessory

ACCESSORY DWELLING UNIT: See DWELLING, Detached Accessory Dwelling Unit and DWELLING, Internal Accessory Dwelling Unit. ~~A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.~~

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who:

A. Owns real property adjoining the property that is the subject of a land use application of land use decision; or
B. Will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AFFECTED ENTITY: A county, municipality, local district, special district under Title 17D, Chapter 1, Special Service District Act, school district; interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act; specified public utility; a property owner; ~~a~~ property owners' association; or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

AFFECTED OWNER; The owner of real property that is:

A. A single project;
B. The subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-60(5)(a); and
C. Determined to be legally referable under Section 20!-7-602.8.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of crops on the premises.

APARTMENT HOUSE (MULTIPLE DWELLING): Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

APPEAL AUTHORITY: "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

APPROVED WATER SYSTEM, PUBLIC WATER SYSTEM: The Monticello city water system.

BOARDING HOUSE, LODGING HOUSE, BED AND BREAKFAST: A building containing not more than one kitchen where for compensation meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a motel, cafe, or rooming house. These are considered short-term rental units if rented for less than thirty (30) days. Moved from list of dwellings

BUILDABLE AREA: That portion of a lot or parcel which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

BUILDING: Any structure built for the support, shelter or enclosure of a person, animals, chattels or property of any kind.

A. Building, Accessory: A subordinate building, the use of which is incidental to that of the main building.
B. Building Line: A line designating the minimum distance which buildings must set back from a street or lot or parcel line.
C. Building, Main: The principal building upon a lot or parcel.

CARPORT: A structure for the shelter of automobiles that is not completely enclosed by walls.

CHARTER SCHOOL:

A. An operating charter school;
B. A charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
C. An entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

A Charter School does not include a therapeutic school.

CHILDCARE: Tending of children by family members or friends for which no compensation is received. Childcare services exempt from state regulation as specified in applicable Utah Code.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the field of civil engineering work.

CLINIC: A building used for the diagnosis and treatment of ill, infirm, and injured persons which does not provide board, room or regular hospital care and services.

CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the

members and their guests, but not including any building used principally to render a service usually and ordinarily carried on as a business.

COMMON AREA: An area designed to serve two (2) or more dwelling units which have convenient access to the area.

COMPREHENSIVE PLAN: A coordinated plan which has been prepared and adopted for the purpose of guiding development, including, but not limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

CONDITIONAL USE: A land use that, because of the unique characteristics or potential impact of the land use on city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or
B. Utah Constitution Article I, Section 22.

CONVALESCENT HOME: See definition of Rest Home, Nursing Home, Convalescent Home.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

CURB CUT: A cut in the curb line for the passage of vehicles.

CUT: A process of excavation. See definition of Excavation.

DAYCARE, NURSERY, PRESCHOOL: A home or building in which children are tended or kept for compensation, and any similar use for which the State requires a license. Does not include overnight accommodations for children, as in a foster home or an orphanage.

DENSITY: Density of population, measured by the number of dwelling units per acre of land.

DESIGNATED FLOOD HAZARD AREA: Zone A on the flood hazard boundary map issued by the federal insurance administration for this community, dated December 24, 1976, with panel number H-01-02, community number 490212, and any officially published revision to this map.

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).

DEVELOPMENT ACTIVITY:

A. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
B. Any change in use of a building or structure that creates additional demand and need for public facilities; or
C. Any change in the use of the land that creates additional demand and need for public facilities.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use of development of a specific area of land. A development agreement does not include an improvement completion assurance.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 or the Controlled Substances Act, 21 U.S.C. 802.

DRIVE-IN RETAIL: Any form of merchandising, serving or dispensing of goods in which the customer is served while in his automobile.

DWELLING: A building designed or used for residential occupancy, including ~~single-family, two-family, multi-family~~, conventional construction, manufactured homes, modular homes, and apartment structures. A dwelling shall not include boarding, rooming, or lodging houses, tents, trailers, recreational vehicles (RVs), mobile home parks, motels and hotels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.

A. Dwelling, Caretaker's: A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.
B. Dwelling, Primary: A single-family dwelling that is
   1. Detached, and
   2. Occupied as the primary residence of the owner of an internal accessory dwelling unit.
   3. A garage is considered to part of the primary dwelling unit if:
      a. Conforms to applicable building codes for use as a dwelling.
      b. the garage is connected to the primary dwelling by a common wall.
C. Dwelling, Multiple-Family: A building containing three (3) or more separate dwelling units, each of which is designed for or occupied by one family.

D. Dwelling, Single-Family: A building containing one dwelling unit which is designed for or occupied by one family and which is larger than nine-hundred (900) square feet on the ground level, unless it meets one of the specifications below: Copied and updated from 10-7-7.
   1. Small Home: Any single-family dwelling that is
      a. Smaller than nine-hundred (900) square feet but larger than six-hundred (600) square feet; and
      b. Designed for and intended for human occupancy; and
      c. Meets applicable building codes.
   2. Tiny Home: Any single-family dwelling that is
      a. Smaller than six-hundred (600) square feet but larger than two-hundred (200) square fee; and
      b. Designed for and intended for human occupancy for more than thirty (30) consecutive days; and
      c. Meets applicable building codes. MOVED from separate entry in definitions and updated.

E. Dwelling, Two-Family: A building with a minimum of one thousand two-hundred (1,200) square feet on the ground floor and contains two (2) separate dwelling units, each of which is designed for or occupied by one family. Copied from 10-7-7 and updated.

F. Dwelling, Rental: A building or portion of a building that
   1. Is used or designated for use as a residence by one or more persons; and
   2. Meets applicable building codes for a dwelling; and
   3. Is available to be rented, loaned, leased, or hired out for: (Reformatted)
      a. A period of thirty (30) consecutive days or longer (long-term rental); or
      b. A period fewer than thirty (30) consecutive days (short-term rental).
   4. Is arranged, designed, or built to be rented, loaned, leased, or hired out for:
      a. A period of thirty (30) consecutive days or longer (long-term rental); or
      b. A period fewer than thirty (30) consecutive days (short-term rental).

G. Dwelling, Detached Accessory Dwelling Unit: An accessory dwelling unit is
   1. Detached from a primary dwelling; and
   2. On the same lot as the primary dwelling; and
   3. Conforms to applicable building codes for use as a dwelling.

H. Dwelling, Internal Accessory Dwelling Unit: An accessory dwelling unit created (Moved from separate entry in definitions and updated)
   1. Within a primary dwelling;
   2. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
   3. For the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

I. Live-Work Unit: A dwelling unit that is part of a commercial building and
   1. Is located behind or above the commercial floor space of the building;

2. Has its own utility connections separate from the commercial use;
3. Has its own entry separate from the commercial space; and
4. Conforms to applicable building codes for use as a dwelling.

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EDUCATIONAL FACILITY: A school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; A structure or facility that is:

A. Located on the same property as a building described as an educational facility; and
B. Used in support of the use of that building;
C. A building or provide office and related space to a school district's administrative personnel;

An educational facility does not include land or structure including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is

A. Not located on the same property as the building described as an educational facility; and
B. Used in support of the purposes of a building described as an educational facility

An educational facility does not include a therapeutic school

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

FACILITY: A public service developed, owned and maintained by the city (i.e., water, sewer, etc.).

FAMILY: Related individuals living together in a single dwelling unit and maintaining a common household.

A. A family may include four (4), but not more than four (4), persons not related to the family.
B. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

FENCE, SIGHT OBSCURING: A fence having a height of six feet (6') or more above grade, which permits vision through less than ten percent (10%) of each square foot that is more than eight inches (8") aboveground.

FILL: A deposit of earth material by artificial means.

FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.

FINAL PLAT, RECORD OF SURVEY MAP: A plat or plats of survey of land within a subdivision or other large scale development which has been prepared in accordance with applicable city standards and/or state statutes for the purpose of recording in the office of the county recorder.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

FLOOD PLAIN: Land that

A. Is within the 100-year flood plain designated by the Federal Emergency Management Agency, or
B. Has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

FLOOR AREA: The floor area of a building is the sum of the areas of headroom height on all floors of the building, including basements, mezzanines and penthouses, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied structures such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

FOSTER HOME: A family dwelling that includes the care of non-related persons and is operated under state certification, license, or permit.

FRACTIONAL NUMBERS OF MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

GENERAL PLAN: A document that a municipality adopts that sets forth general guidelines for proposed future development of land within the municipality.

GEOLOGIC HAZARD: Includes

A. A surface fault rupture;
B. Shallow groundwater;
C. Liquefaction;
D. A landslide;
E. A debris flow;
F. Unstable soil;
G. A rock fall; or
H. Any other geologic condition that presents a risk:
    1. To life;
    2. Of substantial loss of real property; or
    3. Of substantial damage to real property.

GRADE: The top of the foundation or stem wall must be a minimum of one foot (1') higher than the top of the curb. Grade shall be determined by:

A. For buildings fronting one street only, the elevation of the top of the curb, at right angles to the midpoint of the foundation.
B. For buildings fronting more than one street, the average of the elevations of the top of the curb, at right angles to the midpoint of the foundation.

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HARD SURFACE: Hard surface is limited to concrete or asphalt only. Hard surface specifications are as approved by the city.

HEIGHT OF BUILDING: The vertical distance from the average grade to top of the building walls.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

HOME OCCUPATION: Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

HOOKUP FEE: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

IDENTICAL PLANS: Building plans submitted to a municipality that:

A. Are clearly marked as "identical plans";
B. Are substantially identical to building plans that were previously submitted to and reviewed and proved by the municipality; and
C. Describe a building that (1) Is located on land zoned the same as the land on which the building described in the previously approved plan is located; (2) Is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans; (3) Has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and (4) Does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under state Title 11, Chapter 36a, Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

A. Recording a subdivision plat; or
B. Development of a commercial, industrial, mixed use, or multi-family project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

A. Complies with the municipality's written standards for design, materials, and workmanship; and
B. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period

A. No later than one year after the city's acceptance of required landscaping; or
B. No later than one year after the city's acceptance of required infrastructure, unless the city:
    1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
    2. Has substantial evidence, on record:
        a. Of prior poor performance by the applicant; or
        b. That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that:

A. Is required for human occupation; and

B. An applicant must install
   1. In accordance with published installation and inspection specifications for public improvements; and
   2. Whether the improvement is public or private, as a condition of:
      a. Recording a subdivision plat;
      b. Obtaining a building permit; or
      c. Development of a commercial, industrial, mixed us, condominium, or multi-family project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that:

A. Runs with the land; and
B. Creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
C. Designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INTERVENING PROPERTY: Property located between an existing service facility and the property under development.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris and tires, construction waste, waste, iron, steel, and other old or scrap ferrous or nonferrous materials in sufficient quantity to pose a public health or safety hazard, or to be aesthetically unattractive, and shall also include inoperable, unlicensed, junked, dismantled, or wrecked automobiles, or parts thereof.

JUNKYARD: A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: Land or buildings used in the keeping of four (4) or more dogs over four (4) months old.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application that is:

A. Required by the city; and

B. Submitted by a land use applicant to obtain a land use decision; and
C. Does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: A person, board, commission, agency, or body, including the city council, designated by the city council to act upon a land use application; or if the city council has not designated a person, board, commission, agency, or body, then the city council itself.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding:

A. A land use permit;
B. A land use application; or
C. The enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE PLAN: A plan adopted and maintained by the City Council which shows how the land should be used; an element of the master plan.

LANDSCAPE PLAN, PLANTING PLAN: A plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee or rule that governs the use or development of land including the adoption or amendment of a zoning map or the text of the zoning code. A Land Use Regulation does not include:

A. A land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
B. A temporary revision to an engineering specification that does not materially
    1. (1) Increase a land use applicant's cost of development compared to the existing specification; or
    2. (2) Impact a land use applicant's use of land.

LANDSCAPING: The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, artworks, screens, walls, fences, benches or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representative.

LEGISLATIVE BODY: The city council.

LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

LIVING OPEN SPACE: That portion of the yard on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.

LODGING HOUSE: See definition of Boarding House, Lodging House.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

A. Lot, Corner: A lot situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
B. Lot, Interior: A lot other than a corner lot.
C. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot.
D. Lot, Width: The distance across a lot of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with state Section 10-9a-608:

A. Whether or not the lots are located in the same subdivision; and
B. With the consent of the owners of record.

Lot Line Adjustment does not mean a new boundary line that

A. Creates an additional lot; or
B. Constitutes a subdivision.

Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

MANUFACTURED HOME: A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Art (HUD Code), in one or more sections, that:

A. In the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet; and
B. Is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MAJOR TRANSIT INVESTMENT CORRIDOR: Public transit service that uses or occupies:

A. Public transit right-of-way;
B. Dedicated road right-of-way for the use of public transit, such as a bus rapid transit; or
C. Fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (1) A public transit district as defined in Section 17B-2a-802; or (2) An eligible political subdivision as defined in Section 59-12-2219.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

MOBILE HOME: A transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Art (HUD Code).

MOBILE HOME PARK: An area or tract of land used to accommodate mobile homes, regulations and standards for which are found under chapter 13 of this title.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

MODULAR UNIT: A structure:
A. Built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and
B. The purpose of which is for human habitation, occupancy, or use.

MUNICIPAL UTILITY EASEMENT: An easement that:
A. Is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
B. Is not a protected utility easement or a public utility easement as defined in state Section 54-3-27;
C. The municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data line;
D. Is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
E. Is Used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or
F. Is described in state Section 10-9a-529 and is used by a specified public utility.

NATURAL STATE: The description of a lot or parcel of land by courses and distances.

NOMINAL FEE: A fee that reasonably reimburses a municipality only for time spent and expenses incurred in

A. Verifying that building plans are identical plans; and
B. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

~~NONCOMPLYING STRUCTURE: A structure that:~~

~~A. Legally existed before the structure's current land use designation; and~~
~~B. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.~~

NONCOMPLYING BUILDING or STRUCTURE: A building, structure, or portion thereof that:

A. legally existed before the building or structure's current land use designation; and

B. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.

NONCONFORMING USE: A use of land that:

A. Legally existed before its current land use designation;
B. Has been maintained continuously since the time the land use ordinance governing the land changed; and
C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

OFF-SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that

A. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
B. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
C. Has been adopted as an element of the municipality's general plan.

ON-SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision or development site.

OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development.

PARCEL: Any real property that is not a lot.

A. Parcel, Corner: A parcel situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
B. Parcel, Interior: A parcel other than a corner parcel.
C. Parcel, Area: The total area measured on a horizontal plane included within the parcel lines of the parcel.
D. Parcel, Width: The distance across a parcel of property, measured along a line parallel to the front parcel line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

A. None of the property identified in the agreement is a lot; or
B. The adjustment is to the boundaries of a single person's parcels.

Parcel Boundary Adjustment does not mean an adjustment of a parcel boundary line that:

A. Creates an additional parcel; or
B. Constitutes a subdivision.

A Parcel Boundary Adjustment does not include a boundary line adjustment made by the Department of Transportation.

PARKING SPACE: Spaces within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than eighteen feet (18') in length and nine feet (9') in width. Exception: Spaces reserved for the disabled will be no less than twenty feet (20') in length and thirteen feet (13') in width.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by a municipality's legislative body that includes:

A. An estimate of the existing supply of moderate income housing located within the municipality;

B. An estimate of the need for moderate income housing in the municipality for the next five years;
C. A survey of total residential land use;
D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
E. A description of the municipality's program to encourage an adequate supply of moderate income housing.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13 of the state code.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRELIMINARY PLAT: A map or plan of a proposed land division, prepared in accordance with the regulations of this title.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC AGENCY: The federal government, state, county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

PUBLIC STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way. For the purpose of this title, streets shall be classified as follows: >Combined with Street.<

A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
C. Dead End: A street open at one end with no turnaround.
D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
   1. Into, out of, or throughout the regional area (interregion); and
   2. From one political subdivision of the region to another, or from an interregional highway.
E. Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major street.
F. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

RECEIVING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13 of the state code.

RECREATIONAL VEHICLE:

A. A vehicular unit other than a mobile home primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle; Recreation vehicle includes a travel trailer, camping trailer, mother home, fifth-wheel trailer, park model home RV, and a van designed for overnight use.
B. Off highway vehicle (OHV), including, but not limited to, all-terrain vehicle (ATV), side by side utility task vehicle (UTV), recreational off highway vehicle (ROV), golf cart, and the trailer used to transport such vehicle;
C. Boat, other than canoe or kayak, and the trailer used to transport it.

RECREATIONAL VEHICLE PARK: A minimum three (3) acre area or tract of land used to accommodate two (2) or more recreational vehicles.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence

A. In which more than one person with a disability resides; and
B. Which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
C. Which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

RESIDENTIAL UNIT: A residential structure or any portion of a residential structure that is occupied as a residence.

REST HOME, NURSING HOME, CONVALESCENT HOME, ASSISTED LIVING HOME: A building for the care and keeping of elderly or infirm people.

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-2-6 of this code.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.

ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.

RULES OF ORDER AND PROCEDURE: A set of rules that govern and prescribe in a public meeting:
A. Parliamentary order and procedure;
B. Ethical behavior; and
C. Civil discourse.

SALVAGE YARD: See definition of Junkyard.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SENDING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

SETBACK: The shortest distance between the property line and the foundation wall, or main frame of the building.

~~SHORT-TERM RENTAL UNIT: The renting of any structure or building for the purpose of overnight occupancy for a period less than 30 days by the renter~~. Moved to Dwelling paragraph

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole.

A. Sign, Accessory: An on premises sign which directs attention to a business or profession.
B. Sign, Area Of: The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.
C. Sign, Non-accessory; Billboard~~:~~ A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

SINGLE-FAMILY LIMIT: No more than four (4) unrelated individuals may occupy each residential unit that is recognized by the City in a zone permitting occupancy by a single family.

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIAL DISTRICT: Any entity established under the authority of Utah Code Annotated title 17B, special districts, and any other governmental or quasi-governmental entity that is not a county, municipality, or school district.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of Utah Code.

STATE: Any department, division, or agency of the state.

~~STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas~~

~~within the right of way. For the purpose of this title, streets shall be classified as follows:~~
Combined with Public Street

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. "Subdivision" includes:
   1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
   2. Except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
B. "Subdivision" does not include:
   1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
   2. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary ~~i~~n accordance with Section 10-9a-524 if no new parcel is created.
   3. A recorded document, executed by the landowner of record: (1) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or (2) joining a lot to a parcel;
   4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if: (1) no new dwelling lot or housing unit will result from the adjustment; and (2) the adjustment will not violate any applicable land use ordinance; ~~or~~
   5. A bona fide division ~~or partition~~ of land by deed or other instrument if the deed or other instrument states in writing that the division
   6. Is in anticipation of future land use approvals on the parcel or parcels;
   7. Does not confer any land use approvals, and
   8. Has not been approved by the land use authority.

9. A parcel boundary adjustment;
10. A lot line adjustment;
11. A road, street, or highway dedications plat;
12. A deed or easement for a road, street, or highway purpose; or
13. Any other division of land authorized by law.

SUBDIVISION AMENDMENT: An amendment of a recorded subdivision in accordance with Section 10-9a-608 that:

A. Vacates all or a portion of the subdivision;
B. Alters the outside boundary of the subdivision;
C. Changes the number of lots within the subdivision;
D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
E. Alters a common area or other common amenity within the subdivision

SUBSTANTIAL EVIDENCE: Evidence that (1) is beyond a scintilla and (2) a reasonable mind would accept as adequate to support a conclusion.

SUSPECT SOIL: Soil that has

A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
B. Bedrock units with high shrink or swell susceptibility; or
C. Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

THERAPEUTIC SCHOOL: A residential group living facility

A. For four or more individuals who are not related to
   1. The owner of the facility or
   2. The primary service provider of the facility;
B. That serves students who have a history of failing to function:
   1. At home,
   2. In a public school, or
   3. In a nonresidential private school; and
C. That offers room and board, and
   1. An academic education integrated with a specialized structure and supervision; or
   2. Services or treatment related to a disability, emotional development, behavioral development, familial development, or a social development.

TRANSFERABLE DEVELOPMENT RIGHT: A right to develop and use land that originates by an ordinance and authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

UNINCORPORATED: The area outside of the incorporated area of a city or town.

VARIANCE: A waiver of specific regulations of this title granted by the board of adjustment in accordance with the provisions set forth in city code.

VICINITY PLAN: A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area.

WATER INTEREST: Any right to the beneficial use of water, including

A. Each of the rights listed in Section 73-1-11; and
B. An ownership interest in the right to the beneficial use of water represented by (1) a contract or (2) a share in a water company, as defined in Section 73-3-3.5.

YARD: An open space on the same lot or parcel as a building, said space being unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

A. Yard, Front: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding nonenclosed steps. On a corner lot or parcel, the front yard may be applied to either street.
B. Yard, Rear: The area between the rear line of the building (exclusive of steps) and the rear lot or parcel line, and extending for the entire width of the lot or parcel. In case of a corner lot or parcel where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.
C. Yard, Required: The open space around buildings which is required by the terms of this title.
D. Yard, Side: A yard between the building and the side line of the lot or parcel, and extending from the front yard to the rear yard. (Ord. 2012-01, 7-10-2012; amd. Ord. 2016-6, 6-28-2016)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

10-1-10: AMENDMENTS TO TITLE AND MAP: Moved from 10-3

This zoning title, including the zoning map, may be amended as hereinafter provided.

A. Intent With Respect To Amendments: It is hereby declared to be public policy that this title shall not be changed except to correct manifest errors or to more fully carry out the intent and purpose of the master plan for the city and of this title.

B. Procedure: Any person seeking an amendment to this zoning title or map shall submit to the planning commission a written petition designating the change desired and the reasons therefor and shall pay a filing fee to the city, the amount to be established by resolution of the city council.
   1. Upon receipt of the petition and the payment of the filing fee, the planning commission shall consider the request and shall certify its recommendations to the city council with respect to the request within thirty (30) days from receipt of the request.
   2. Failure on the part of the planning commission to certify its recommendations to the city council within thirty (30) days shall be deemed to constitute approval unless a longer period is granted by the city council. The fee required herein shall not be returned to the applicant.
   3. The planning commission or city council may also initiate amendments to this title.

C. Public Hearing Required Before Amending; Notice: Amendments to this title may be adopted only after a public hearing in relation thereto before the city council, at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published ~~in a newspaper of general circulation within the area at least fourteen (14) days before the date of hearing,~~ as required by law. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah law
Blue = Reorganization & correction of existing code

CHAPTER 2
SUPPLEMENTARY REQUIREMENTS AND PROCEDURES
APPLICABLE WITHIN ZONES

SECTION:

10-2-1: Lots To Have Frontage On City Street
10-2-2: Uses Prohibited In Zones Unless Expressly Permitted
10-2-3: Property Boundary Adjustment
10-2-4: Boundary Line Agreement
10-2-5: Off Street Parking Requirements
10-2-6: Signs
10-2-7: Parking And Storage Of Recreational Vehicles
10-2-8: Conditional Uses
10-2-9: Temporary Uses
10-2-10: Portable Storage Container Regulations
10-2-12: Chickens
10-2-13: Diagonal Parking
10-2-14: Fences on Property used for Residential Purposes
10-2-15: Fences on Property used for Commercial or Industrial Purposes
10-2-16: Solar Electricity Systems
10-2-17: Rental of Dwelling Units
10-2-18: Detached Accessory Dwelling Units

10-2-1: LOTS AND PARCELS TO HAVE FRONTAGE ON CITY STREET

A. Except as may be authorized through the approval of a large scale development, each lot or parcel shall abut upon a City maintained street.

1. The length of said abutting side as measured at the setback line shall be not less than the minimum frontage requirement of the zone;
2. The Planning Commission may authorize a reduction of the minimum frontage requirement subject to the following conditions:
   a. The lot or parcel will abut the City maintained street for a minimum distance of thirty five feet (35');
   b. The buildable portion of the lot or parcel shall comply with the minimum area, width and setback requirements of the zone;

c. The lot or parcel configuration created by the granting of the reduction will not result in an undue adverse condition for the proper development of adjacent properties;
d. In the opinion of the Planning Commission, the reduction of the frontage requirement is necessary to more fully promote the effective and proper development of the city.

B. All lots in an approved subdivision plat which have frontages of less than the minimum shall be considered as having qualified under the frontage reduction provisions of subsection 10-2-1A(2).

10-2-2: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the appeal authority. The appeal authority shall not permit a use within a zone which is not expressly permitted by the terms of this title.

10-2-3: PROPERTY BOUNDARY ADJUSTMENT:

A. To make a parcel boundary adjustment, a property owner shall execute a boundary adjustment through
   1. A quitclaim deed; or
   2. A boundary line agreement under section 10-2-4; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which each property is located.

B. To make a lot line adjustment, a property owner shall obtain approval of the boundary adjustment under section 10-2-4; and execute a boundary adjustment through:
   1. A quit claim deed or
   2. A boundary line agreement; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which the property is located.

C. A parcel boundary adjustment under subsection 10-2-4 is not subject to review of the city unless:
   1. The parcel includes a dwelling;
   2. The city's approval is required under subsection 10-2-4(G); or
   3. The adjustment includes property that is a lot.

D. The recording of a boundary line agreement or other document used to adjust a mutual boundary line that is not subject to review by the city
   1. Does not constitute a land use approval; and
   2. Does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.

E. The city may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the city determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the city's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

10-2-4: BOUNDARY LINE AGREEMENT:

A. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder in the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that lead to the boundary line agreement.

B. Adjoining property owners executing a boundary line agreement described in this section shall ensure that the agreement includes:
   1. A legal description of the agreed upon boundary line and each parcel or lot after the boundary line changed;
   2. The name and signature of each grantor that is party to the agreement;
   3. A sufficient acknowledgement for each grantor's signature;
   4. The address of each grantee for assessment purposes;
   5. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
   6. The date of the agreement if the date is not included in the acknowledgement in a form substantially similar to a quitclaim deed as described in section ---.

C. If any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with city code 11-1-5 Subdivision Amendments before executing the boundary line agreement.

D. If none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of survey map, unless the statement is exempted by the City.

E. A boundary line agreement described in subsection A. that complies with subsection; B. presumptively:
   1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
   2. Relocates the parties' common boundary line for an exchange of consideration.

F. Notwithstanding Title 11, Subdivisions, a boundary line agreement that only affects parcels is not subject to:
   1. Any public notice, public hearing, or preliminary platting requirement;
   2. The review of a land use authority; or
   3. An engineering review or approval of the city, except as provided in subsection G(2)(e).

G. City Planning & Zoning Administrator review and approval of boundary-line adjustment containing a dwelling.
   1. The administrator shall review a boundary-line agreement containing a dwelling unit within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.
   2. The administrator shall review the boundary-line agreement for compliance with the standards of the zone in which the property is located. The administrator may also consider whether the following criteria apply when considering whether to approve the boundary line agreement:
      a. The adjusted boundary line reduces the frontage of the lot or parcel containing the dwelling to less than required for the zone; or
      b. The adjusted boundary line reduces any setback of the lot or parcel containing the dwelling to less than required for the zone; or
      c. The adjusted boundary line reduces the area of the lot or parcel containing the dwelling to less than required; or
      d. The adjusted boundary line affects an existing or future city street; or
      e. The adjusted boundary line affects drainage corridors or requires engineering review, regardless of whether a dwelling is present.
      f. If the boundary-line agreement does not provide the administrator with sufficient information the administrator shall send a written notice to the property owner requesting the specific information needed. Said notice will be sent within the review period defined in subsection 3 of this section.
   3. The administrator shall issue a written decision to the property owner within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.
      a. If the administrator fails to send a written notice within the time period described in subsection 3 of this section, the property owner may record the boundary-line agreement as if no review was required.

10-2-5: OFF-STREET PARKING REQUIREMENTS:

A. At the time any residence or any public or commercial building is erected, hard surfaced off street parking spaces of cement or asphalt shall be provided for automobiles on private property.

B. At the time any residence or building is enlarged or increased in capacity or any use is established or changed, thereby creating the need for additional parking, off street hard surfaced parking spaces of cement or asphalt shall be provided on private property.

C. Provision of off street parking shall be in accordance with the following requirements:
1. Size:
    a. The dimensions of each off street parking space or stall shall be at least nine feet by eighteen feet (9' x 18'), for diagonal or ninety degree (90°) spaces; or nine by twenty two feet (9 x 22') for parallel spaces, exclusive of access drives or aisles.
    b. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved shall be landscaped.
2. Access To Individual Parking Spaces: Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a city street.
    a. One-way driveways shall be a minimum of twelve feet (12') in width.
    b. Two-way driveways shall be a minimum of twenty-five feet (25') in width.
    c. All garage and carport spaces shall be set back a minimum of twenty feet (20') from the private access drive serving them.
    d. Garage and carport spaces shall be counted as one (1) parking space unless:
        1) Such garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or
        2) The individual driveway to the garage or carport is at least twenty feet (20') in length, in which case such parking areas shall count as two (2) spaces. (Ord. 2012-01, 7-10-2012) Reformatted
3. Parking Spaces Required For Residential Areas: The number of off street parking spaces required for residential development shall be as follows:
    a. Single-Family Dwelling: Two (2) parking spaces per single-family dwelling. Tandem parking shall be allowed at single- family residences only.
    b. Detached Accessory Dwelling Unit: One (1) parking space shall be provided.
    c. All Other Dwellings:
        1) All other dwellings, including townhouses and condominiums, shall have two (2) parking spaces per dwelling unit. Covered parking may be located within the side and rear setback areas. No street parking shall be counted toward meeting the parking requirement. Tandem parking shall not count toward the parking requirement. No parking area shall be located within the required front setback facing a city street. All parking shall be on site.
        2) Front yard setback from streets shall be twenty feet (20') minimum from property lines for garages or carports.
        3) In residential zones, no recreational vehicle shall be parked or stored unless it conforms to the requirements of section 10-2-3 of this chapter. (Corner lots are considered to have 2 front yard areas.) (Ord. 2016-6, 6-28-2016)
4. Parking Spaces Required For Nonresidential Areas: The number of off street parking spaces required for all nonresidential developments shall be as follows:
    a. Business Or Professional Offices: One (1) space for each two hundred fifty (250) square feet of gross floor area.

b. Churches, Sports Arenas, Auditoriums, Theaters, Assembly Halls, Lodge Halls, Or Other Meeting Rooms: One (1) space for each four (4) fixed seats of maximum seating capacity, or one (1) space for each thirty five (35) square feet of seating area within the main auditorium where there are no fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat.
c. Stores, Appliance Stores and Lumberyards: One (1) space for each six hundred (600) square feet of floor area.
d. Hospitals: Two (2) parking spaces for each bed.
e. Nursing Homes, Care Centers: Two (2) parking space for each five (5) beds.
f. Hotels, Motels, Motor Hotels: One (1) space for each living or sleeping unit, plus two (2) spaces for resident manager or owner.
g. Retail Stores And Shops, Commercial Banks, Savings And Loan Offices, And Other Financial Institutions, General Retail Stores, Food Stores, Supermarkets, Drugstores and Other Similar Commercial Businesses: One (1) space for each two hundred fifty (250) square feet of gross floor area.
h. Mortuaries and Funeral Homes: Five (5) spaces plus one (1) space for each thirty five (35) square feet of assembly room floor area.
i. Automotive Repair and Supply: One (1) space for each four hundred (400) square feet of gross floor area.
j. Bowling Alleys and Billiard Halls: Five (5) spaces for each alley, plus two (2) spaces for each billiard table contained therein.
k. Libraries: One (1) space for each three hundred (300) square feet of gross floor area.
l. Restaurants, Taverns, Lounges, Drive-In, Drive-Through, Take-Out Restaurants and Other Establishments Where Food Or Beverages Are Consumed: Ten (10) spaces minimum, or one (1) space for each one hundred (100) square feet of gross floor area, whichever is greater.
m. Day Nurseries In Commercial Zones, Including Preschools and Nursery Schools: One (1) space for each staff member, plus one (1) space for each five (5) children for which said establishment is licensed.
n. Golf Courses: Six (6) spaces per hole.
o. Skating Rinks, Ice Or Roller: One (1) space for each three hundred (300) square feet of gross floor area.
p. Swimming Pools (Public): One (1) space for each one hundred (100) square feet of water surface, or ten (10) stalls, whichever is greater.
q. Tennis, Handball and Racquetball Courts (Commercial): Six (6) spaces minimum, or three (3) spaces per court, whichever is greater.
r. Studios and Spas: One (1) space for each two hundred fifty (250) square feet of gross floor area, or ten (10) spaces minimum, whichever is greater.
s. Educational Uses:
    1) Elementary: Two (2) spaces per classroom.
    2) Senior and junior high schools: One (1) space for each member of the faculty and one (1) space for each six (6) regularly enrolled students.
    3) College, universities, trade schools: One (1) space for each faculty member, plus one (1) space for each three (3) students.

4) Schools having an arena or auditorium shall meet this requirement or the requirements of subsection C.4.b of this section, whichever is greater.

t. Veterinary Hospitals: Five (5) spaces for each doctor.

u. Manufacturing Plants, Warehouses, Storage Buildings or Structures Especially For Storage Purposes: One (1) space for each one thousand (1,000) square feet of gross floor area and one (1) space for each two hundred fifty (250) square feet of office or sales area.

v. Service Commercial Businesses: Businesses such as electrical, plumbing, cabinets, printing and other similar shops shall have one (1) space for each two hundred fifty (250) square feet of retail or office area and one (1) space for each five hundred (500) square feet of additional building area.

w. Outdoor Sales Lots For Autos, Mobile Homes And Recreational Vehicles: One (1) space for each seven (7) vehicles or items of equipment to be displayed, plus two (2) spaces for manager and employee parking.

x. Consideration By Planning Commission:

1) Notwithstanding all provisions of this section the planning commission shall: Take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and

2) Recommend to the City Council a requirement of that number of spaces it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

y. Reduction: Where the applicant can demonstrate that adequate off-street parking exists, the city council, upon recommendation of the planning commission, may grant a parking reduction of up to twenty five percent (25%) of the listed parking requirement for new construction in the commercial zones.

D. Parking On Unimproved Lots; Vehicle Display:

1. Parking of more than three (3) vehicles on any unimproved lot or parcel is prohibited.
2. Parking of vehicles for display other than in designated and improved areas is prohibited.

E. Parking Lot Lights: Parking lots used during hours of darkness shall be lighted by standards a maximum of sixteen feet (16') in height above grade and using indirect, hooded light sources.

F. Development Standards: Every lot or parcel of land hereafter used as a parking lot shall:

1. Be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the Planning Commission;
2. Have appropriate bumper guards where needed as determined by the Planning Commission; and

3. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.

H. Optional Provisions; Shared Parking Facilities:
1. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
2. Requests for shared parking are subject to the approval of the Planning Commission in accordance with the following guidelines:
    a. Sufficient evidence shall be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
    b. Number of parking stalls which may be credited against the requirements for the uses involved will not exceed the number of spaces that may normally be required for any one of the uses sharing the parking.
    c. Parking facilities should not be located further than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
    d. A written agreement shall be executed by all parties concerned, assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management.

I. Uses Not Specifically Identified Above: For all parking uses not listed above, the Planning Commission shall determine the number of spaces required based upon the nearest comparable use standard available. (Ord. 2012-01, 7-10-2012)

J. Adjust Or Reduce Off-Street Parking Requirements: The planning commission may approve substitute parking locations where sufficient off-street parking is readily available within the vicinity and/or where acquisition of land for such use is not necessary to carry out the spirit of this title.

10-2-6: SIGNS:

A building permit shall be required for the placement, construction, and/or alterations of all signs, unless a sign qualifies as an exempt sign or an identified temporary sign. Nothing in this section shall be construed to limit a property owner's right to express a religious, political, or other protected right through speech.

A. Signs On Highway:
1. Height Limitations: There shall be a thirty-five foot (35') height limitation for all signs that front on a highway (including freestanding, wall and roof signs).
2. Size Limitations:
    a. Three hundred twenty (320) square feet maximum per lot.
    b. One hundred sixty (160) square feet per individual sign face.

c. Square footage is two (2) square feet for each linear foot of frontage along a public right of way, not to exceed three hundred twenty (320) square feet.

B. Signs On City Streets In Zones C-1, C-2, I-1:
1. Height Limitations: There shall be a twenty-foot (20') height limitation for all signs that front off a highway (including freestanding, wall and roof signs).
2. Size Limitations On City Streets: Size limitations for signs that do not front a highway are as follows:
   a. One hundred sixty (160) square feet maximum per lot.
   b. Maximum square footage is one (1) square foot for each linear foot of frontage along a public right of way, not to exceed one hundred sixty (160) square feet.
   c. The total square footage on a lot with two (2) tenants must be divided between the tenants with proportions decided by the tenants and/or landlords, and cannot exceed one hundred (100) square feet per individual sign face.
3. Projecting And Suspended Signs:
   a. Height limit will be a maximum of thirty-five feet (35') or the height of the wall of the building, whichever is lower.
   b. There shall be an eight foot (8') minimum vertical clearance above sidewalks, walking areas, or rights of way, and thirty-six (36) square feet maximum size per sign face.
   c. Owners of projecting signs over public rights of way must furnish proof of liability insurance for such signs before a permit will be issued.
4. Roof Signs:
   a. Shall not exceed five feet (5') above the wall line or top of the exterior wall; unless
   b. If the peak of the roof is over four feet (4') above the wall line, roof signs cannot exceed the height of the peak.
   c. All roof signs must adhere to a thirty-five foot (35') overall height limitation.
5. Lighted Signs:
   a. All lighted signs shall have stationary and constant lighting. Signs which use subtle lighting changes as part of a video screen, or electronic message center, are permitted.
   b. Lighted signs adjacent to A-1, R-1 and R-2 zones shall be subdued and shall not be allowed to penetrate beyond the property in such a manner as to annoy or interfere with the adjacent residential properties. Any complaints concerning lighted signs adjacent to residential properties can be taken before the city council. The city council has the authority to dismiss unreasonable complaints or require the sign(s) to be shielded.

C. Signs in Residential Zones (R-1, R-2):
1. No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, nameplates, institutional signs, or signs indicating the existence of:
   a. An office of a professional person;
   b. A home occupation; or
   c. A guest apartment and/or bed and breakfast establishment.

2. Except for institutional signs as described below, no lighted signs will be permitted.
3. Residential signs, except for apartments and public and religious institutional signs, shall not exceed two (2) square feet in size.
   a. Apartments and guest apartments may be allowed up to sixteen (16) square feet of signage if they have more than four (4) units; quadriplexes, triplexes and duplexes may be allowed up to eight (8) square feet of signage. (See exempt and temporary sign subsections 1 for exceptions to the square foot rule.)
   b. Public, public educational, or religious institutional signs shall be located entirely upon the premises of that institution, shall not exceed an area of fifty (50) square feet per frontage, and will be permitted to have indirect lighting. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six feet (6') above ground level.
   c. Nonprofit, charitable, and private institutional signs in residential zones shall not exceed two (2) square feet.

D. Flags: Flags other than government flags, i.e., country and state, shall be added toward the maximum allowable signage. Flagpoles that display government flags shall not exceed thirty-five feet (35') in height in commercial zones.

E. Computations:
   1. Height: The height of a sign shall be computed as the distance from the highest attached component of the sign to the nearest sidewalk, curb, or street crown, whichever is highest.
   2. Individual One Sided Sign: The area of the sign face that will encompass the extreme limits of the display, not including any supporting framework or other backdrop which is clearly incidental to the display, shall be measured.
   3. Multifaced Signs: The sign area shall be computed by adding together the area of all sign faces visible from any point. When two (2) identical sign faces are placed back to back and are part of the same sign structure, not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.

F. Number Of Freestanding Signs Per Lot or Parcel:
   1. Primary Frontage: One (1) freestanding sign per lot; one (1) additional freestanding sign is permitted if property has more than two hundred feet (200') of frontage (exception: shopping center restrictions). Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.
   2. Secondary Frontage: One (1) freestanding sign is allowed for each additional frontage and shall not be higher than fifty percent (50%) of the allowed height. Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.

G. Setbacks:
   1. Signs may not block traffic visibility.

2. If a sign is located at an intersection, the following rules apply:
   a. Signs located within a forty-five foot (45') triangle (measured 45 feet from the street corner both ways) must be under two and one-half feet (21/2') tall, or should have over eight feet (8') of clearance at the bottom of the sign.
   b. This triangle shall be maintained in an open manner so as to provide proper clear view area.
   c. All advertising signs shall be set back from city streets, a distance at least equal to the distance that buildings are located.

H. Shopping Centers; Office Building Complexes:
   1. Only one (1) freestanding sign is allowed for shopping centers and office building complexes which lease to three (3) or more businesses on one (1) lot of record.
   2. The group freestanding sign identifying the shopping center/office building complexes and its businesses may use all sign area allowed for that lot.
   3. In addition, individual businesses may have one (1) square foot of signage for each front line of the building, up to a maximum of one hundred twenty-eight (128) square feet.

I. Off Premises Signs:
   1. Off premises signs shall be limited to Highways ~~666~~ 491 and 191 and regulated the same as on premises signs.
   2. Off premises signs may not exceed a maximum of one hundred twenty-eight (128) square feet.

J. Prohibited Signs:
   1. It is prohibited for signs erected after adoption hereof to be in noncompliance with the provisions herein.
   2. Parked Vehicle Signs: Parked vehicles with a sign painted or placed on them for the express intent of directing attention to a business are prohibited. This does not include vehicles used regularly in the course of conducting daily business activities.
   3. Signs On Public Rights Of Way: No private sign shall be placed on public rights of way.
   4. Signs Attached To Public Property: No private sign shall be attached to public property or public utility poles.
   5. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited.

K. Temporary Signs:
   1. Temporary signs shall be figured in the total square footage allowed per lot or parcel.
   2. Sign owners must designate areas where temporary signs will be displayed.
   3. Temporary signs displayed outside of designated areas require a permit.
   4. Temporary signs must be maintained and in good condition while being displayed.
   5. Signs less than six (6) square feet in size and associated with an event do not require a permit.

6. Mobile Changeable Copy Signs: Mobile changeable copy signs shall not exceed thirty two (32) square feet and shall not be displayed for more than thirty (30) consecutive days.
7. Balloon Signs: Balloon signs may be displayed for up to thirty (30) days per lot or parcel, per year.
8. Construction Signs:
   a. No more than one (1) construction sign identifying a project to be built and the project participants shall be allowed per lot or parcel.
   b. Construction signs in residential zones shall not exceed six (6) square feet in area and five feet (5') in height.
   c. In commercial zones, the sign area shall not exceed fifty (50) square feet and shall not exceed eight feet (8') in height.
   d. Construction signs must not exceed the time period of construction and/or the day the business opens, whichever comes first, and shall be counted into the square footage of the total footage allowed for the lot or parcel.
   e. An additional thirty two (32) square feet would be allowed in commercial zones for artist renditions of the project.
   f. Proposed development signs may be allowed for ninety (90) days prior to groundbreaking. (Ord. 2012-01, 7-10-2012)
9. Political Campaign Signs:
   a. Political campaign signs shall pertain to a specific election.
   b. They shall not be located closer than one hundred fifty feet (150') to any designated polling place and shall not exceed thirty two (32) square feet in area.
   c. Political campaign signs shall be removed within one (1) day after the election.
   d. The candidate or persons responsible for the placement of the sign shall be responsible for its removal. (Ord. 2014-6, 10-14-2014, eff. 10-14-2014)
10. Real Estate Signs:
   a. In residential zones, real estate signs shall not exceed six (6) square feet in area and five feet (5') in height.
   b. In commercial zones, real estate signs shall not exceed thirty two (32) square feet.
   c. Real estate signs must be placed on the premises of the property being sold.
   d. Only one (1) sign per street frontage, per real estate company, is permitted.

L. Exempt Signs: Sign permits are not required for the following signs unless the limitation and requirements of this section cannot be met:
   1. Public Signs: Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty.
   2. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.
   3. Private Traffic Direction Signs: Signs directing traffic movement into a premises or within a premises, not exceeding two (2) square feet in area for each sign. Horizontal directional signs on paved areas and flush with paved areas are exempt

from these standards. Only one (1) exempt directional sign is allowed per frontage, per lot or parcel.

4. Service Sign: A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. These signs shall not exceed two (2) square feet in size.
5. Nameplates: A nameplate shall contain only the name of a resident.
6. Temporary Decorations: Temporary decorations or displays clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety (90) days per year, per lot or parcel.
7. Nonbusiness Temporary Signs: Temporary signs not associated with a business may be displayed not more than thirty (30) days per year or exceed six (6) square feet in size.
8. Rear Entrance Signs: Rear entrance signs, when associated with pedestrian walk through buildings. These signs shall not exceed sixteen (16) square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
9. Menu Signs: Menu signs at drive-in restaurants which are not readable from the nearest public right of way; and signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.
10. Private Warning Or Instructional Signs: Private warning or instructional signs not exceeding two (2) square feet per sign.
11. Murals: Murals must be painted or attached to the wall of buildings and are exempt from the sign ordinance except for the lettering and logo portion of the mural.
12. Pennants, Window Dressings, Window Banners: Pennants, window dressings, window banners are exempt.

M. Design, Construction, Maintenance And Liability:
   1. All signs shall be designed, constructed, and maintained to comply with applicable provisions of the building codes adopted by the city.
   2. All signs shall be maintained and in good structural condition.
   3. Sign owners are liable for their signs.
   4. The city of Monticello, its officials and other agents, shall in no way be liable for damages caused by signs.

N. Abandoned Signs: Any of the following criteria shall be used to determine abandonment:
   1. A sign which identifies an establishment, service(s), goods or products no longer provided on the premises shall have its copy vacated within thirty (30) days of when the circumstance commenced. If the copy then remains vacant for six (6) months, the sign structure shall be removed by the owner within five (5) working days following expiration of the six (6) month period.
   2. A sign which identifies a time, event, or purpose which passed or no longer applies shall be removed by the sign owner within three (3) working days from the time the event or purpose passed or no longer applies.

3. An off premises advertising sign which is vacant of copy or which advertises an establishment, service, goods, or product which no longer exists, shall be removed by the sign owner within five (5) working days after remaining in the defined condition for one (1) month.
4. When building mounted and painted wall signs or murals are removed, the face of the structure shall be treated to conform to surrounding building conditions. Such removal shall not leave evidence of the sign's existence.

O. Permit Procedures And Enforcement:
1. Permit Required: If a sign requiring a permit under the provisions of this title is to be placed, constructed, erected, or altered on a lot or parcel, the sign owner shall secure a building permit from the city prior to the construction, placement, erection, or alteration of such sign.
2. Applications: One (1) application and permit may include multiple signs on the same lot or parcel. An application for construction, creation, or installation of a new sign, or for the structural alteration of an existing sign, shall be accompanied by detailed drawings to scale of all existing and proposed signs on a lot and must show:
   a. The height of all signs on a lot;
   b. The square footage of all individual signs on a lot;
   c. The total combined square footage of all signs on a lot;
   d. Site plan indicating length of street frontage, location of buildings, parking lots, driveways, landscaped areas, and all existing and proposed signs on the site;
   e. Overall dimensions, design, structure, materials, proposed copy and illumination specifications of all signs;
   f. Photographs of the lot.
3. Fees: Each application shall be accompanied by the applicable fee, which shall be established by resolution of the city council.
4. Action: Within five (5) days of the date the application is submitted, it shall be reviewed by the zoning administrator. If the applicant complies to all sign ordinance regulations, a permit will be issued. If the application is found to be incomplete, the applicant shall be notified of the deficiencies.
5. Inspections: The zoning administrator shall cause an inspection for each permit issued. If the signs do not comply, the applicant shall be notified and allowed thirty (30) days to correct the deficiencies. If the deficiencies are not corrected within thirty (30) days, the permit shall be rescinded.
6. Renewal Of Sign Permits: If sign owners comply with the provisions of this title and make no structural alterations or changes to their existing signs, the city shall automatically renew sign permits at the end of every year when the business license is renewed, without an additional sign permit fee, if the sign owner has not constructed, placed, erected, or structurally altered existing signage. A new application must be processed and an applicable fee shall be charged for signs constructed, placed, erected, or structurally altered.
7. Lapse Of Sign Permit: A sign permit shall lapse automatically if it is not renewed, if the business license for the premises lapses or is revoked, or if the sign is abandoned. If a sign permit elapses, a new permit and payment of applicable fees are required.

8. Registration Of Existing Signs: All signs existing at the time the ordinance codified herein is passed must be registered with the city by the sign owner within a two (2) year period and a permit obtained. Existing signs that do not comply with the ordinance codified herein will be issued a noncomplying sign permit.
9. Nonconforming Sign: A nonconforming sign may not be moved to a new location, structurally altered, enlarged, or replaced unless it be made to comply with the provisions of this title. If a nonconforming sign changes ownership, the sign must comply with the provisions of this title within six (6) months of close of purchase.
10. Violations: Any of the following shall be in violation of this title and subject to the enforcement remedies and penalties provided by this title, other applicable city ordinances, and state laws:
    a. To install, create, erect, alter, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the ~~zone~~ lot or parcel. on which the sign is located;
    b. To install, create, erect, alter, or maintain any sign requiring a permit without such a permit;
    c. To fail to remove any sign that is installed, created, erected, altered, or maintained in violation of this title, or for which the sign permit has lapsed; or
    d. To continue any such violation. Each day of continued violation shall be considered a separate violation when applying the penalty portions of this title.
11. Notice, Action And Penalty: The zoning administrator shall issue notice to sign owners who display signs without a permit and allow thirty (30) days from the date of notice for the deficiencies to be corrected. If the deficiencies are not corrected within the given time, the sign owner's business license may be revoked, a fine may be imposed, or the sign owner may be convicted of violating a class B misdemeanor.
12. Illegal And Non-maintained Signs: The zoning administrator shall issue written notice of violation to the sign owner, for any sign found unsafe, illegal, or not maintained.
13. Removal Of Signs: If any unsafe sign is not repaired or made safe within five (5) days after the owner has been given notice, the zoning administrator shall have the sign removed. Within thirty (30) days after the owner has been given written notice of a sign which is found in violation of this title, is illegal, or not maintained, the zoning administrator shall have the sign removed. Costs incurred for removal of a sign will be the responsibility of the owner and shall be paid to the city within thirty (30) days.

P. Right Of Appeal: Any person who has been ordered by the zoning administrator to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the board of adjustment. The board of adjustment shall have power to review and allow or disallow variances to the sign ordinance based on powers and duties defined in section 2-2-4 of this code. (Ord. 2012-01, 7-10-2012)

10-2-7: PARKING AND STORAGE OF RECREATIONAL VEHICLES:

A. Intent: The intent of this section is to define locations for the parking and storage of recreational vehicles such that neighborhood quality and character are maintained.
   1. "Recreational vehicle" as defined in section 10-1-4 of this title.
   2. "Residential areas" as used in this section means property located within a residential zone and property used for residential purposes located in ~~a commercial zone.~~ any zone of the city.
   3. "Parking" as used in this section means the temporary parking of a recreational vehicle for a limited period of time as specified in subsection B or D of this section.
   4. "Storage" as used in this section means the parking of a recreational vehicle when it is not in use off site.
   5. Exemptions:
      a. Pickup or light truck of ten thousand (10,000) pounds' gross weight or less with or without a mounted camper unit that is used primarily by the property owner or tenant for transportation purposes.
      b. Travel trailer, camp trailer, or motor home when temporarily located on a lot or parcel on which a building is being constructed and said vehicle is connected to approved water and sewer facilities for a period of one (1) year or less.

B. Parking Restrictions:
   1. No recreational vehicle may be parked upon a city street for longer than twenty four (24) consecutive hours.
   2. A recreational vehicle may not be parked on a city street in a manner that obstructs visibility from adjacent driveways or street corners.
   3. While parked on a city street no pop outs or other lateral extension of the recreational vehicle shall be deployed.
   4. No recreational vehicle parked on a city street may be used as a dwelling.
   5. A recreational vehicle may be parked in the front setback area of a residential dwelling for no more than fourteen (14) days per vehicle in any one (1) calendar year, provided:
      a. The recreational vehicle is parked on a driveway.
      b. The residential parking requirement at subsection 10-2-5C of this chapter is still satisfied.
      c. No portion of the recreational vehicle may extend into the city street or sidewalk.
      d. No portion of the vehicle may extend beyond the property line of the lot or parcel upon which it is parked.
      e. No effluent, petroleum product, or wastewater is discharged from the recreational vehicle.

C. Storage Requirements:
   1. No recreational vehicle may be stored upon a city street or sidewalk.
   2. A recreational vehicle may be kept in a side or rear yard at the owner's residence, provided:
      a. The vehicle is screened from adjacent properties by vegetation, or a fence built in compliance with section 10-2-14 of this chapter.

b. The vehicle is maintained in a clean, well kept condition that does not detract from the appearance of the surrounding area.
c. The vehicle is operational and currently registered and licensed.
d. No effluent, petroleum product, or wastewater is discharged from the vehicle.

D. Recreational Vehicle As A Temporary Dwelling Unit:
1. It is unlawful for any person to use any parked or stored recreational vehicle as a permanent dwelling.
2. A recreational vehicle may be used as a temporary dwelling when the vehicle is used by guests who travel in it, provided:
   a. The recreational vehicle is situated on the host's property in conformance with subsection B4 or C of this section.
   b. The vehicle is equipped for sleeping.
   c. The stay does not exceed fourteen (14) days per vehicle in any one (1) calendar year.
3. A stored recreational vehicle may be used for temporary sleeping space, provided:
   a. The vehicle is stored on the owner's property in conformance with subsection C of this section.
   b. The vehicle is equipped for sleeping.
   c. No effluent or wastewater is discharged from the vehicle.
   d. No portion of the vehicle may extend beyond the property line of the lot or parcel on which it is situated.
   e. Use does not exceed thirty (30) days in any one (1) calendar year. (Ord. 2016-6, 6-28-2016)

10-2-8: CONDITIONAL USES:

~~The City of Monticello's authority to approve or deny a conditional use is an administrative land use decision.~~ The decision to approve or deny a conditional use shall be made by the zoning administrator. The city will classify any use in a zoning district as either a permitted or conditional use under this section.

A. The City May Issue A Conditional Use Permit When
1. The use complies with objective standards set forth in this section;
2. The use does not conflict with a provision of city code or other state or federal law;
3. If reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects of the proposed used in accordance with applicable standards;
4. If the city imposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of a proposed conditional use; and
5. Reasonable mitigation of anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effect.

B. Conditional Use Standards Of Review: An applicant for a conditional use in the zone must demonstrate:
   1. The proposed use complies with all applicable provisions of this chapter, state and federal law;
   2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
   3. The use is not detrimental to the public health, safety and welfare;
   4. The use is consistent with the city general plan as amended;
   5. Traffic conditions are not adversely affected by the proposed use, including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
   6. There is sufficient utility capacity;
   7. There is sufficient emergency vehicle access;
   8. The location and design of off street parking complies with off street parking standards;
   9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
   10. Exterior lighting that complies with the lighting standards of the zone;
   11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been reasonably mitigated and are appropriate to the topography of the site.

C. Specific Review Criteria For Home Occupation Conditional Use:
In addition to the requirements at 10-2-8(C), the ~~planning commission~~ land use authority must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for a home occupation.
   1. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
   2. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc;
   3. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:
      a. No more than one (1) non-residing employee shall be allowed to work in the home occupation at any given time; and
      b. The non-residing employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-5, "Off Street Parking Requirements", of this chapter).
   4. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.

5. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title).
6. The use of yard space for storage of business-related materials shall not be permitted.
7. Signs designating the home occupation shall conform to section 10-2-6(C) of this title.
8. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:
   a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located, and
   b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.
9. No commercial vehicles are used except one (1) delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
10. The home occupation shall be registered with the license division or department of the city

D. Small Lots or Parcels: Where a tract of land at the time of the adoption hereof is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large in area as required for a lot or parcel in the zone, the board of adjustment may permit the division of tract into two (2) lots, provided:
   1. Such division will not cause undue concentration of buildings;
   2. The characteristics of the zone in which the lot is located will be maintained;
   3. In the opinion of the board of adjustment, values in the area will be safeguarded.

E. Utility Buildings And Structures Permitted: Water, sewer and electric buildings and structures may be constructed in all residential zones, subject to the approval of the board of adjustment. The ~~planning commission~~ land use authority may impose conditions which are reasonably necessary to protect surrounding property values and residential amenities.

F. Moved Buildings:
   1. No permit for the moving within the city of any residential, commercial or industrial building which has had prior use shall be issued, as required under section 10-16-1 of this title without first filing an application with the zoning administrator. Said application shall contain the following information:
      a. Location and address of the old and new site;
      b. Plot plan of the new location showing adjacent lots or parcels on all sides of the property and indicating all structures and improvements on said lots or parcels;
      c. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment when required by the zoning administrator;

d. Certification by the ~~zoning administrator~~ city engineer that the structure is sound enough to be moved and that the condition, location and use of the building will comply with this title and all other applicable codes and ordinances;
e. Said building and the lot or parcel on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations;
f. Its location on the lot or parcel does not, in any substantial way, adversely affect buildings or uses in abutting properties;
g. All required dedications and improvements for streets, facilities and buildings shall be provided in conformity with the standards of the city;
h. That adequate provision has been made through the posting of a bond or other assurance that the building and grounds shall be brought up to the standards of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition.

2. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes and similar movable structures, except when being moved from outside the city into a mobile home park.

G. Transitional Uses: Uses which are permitted on either portion of a lot or parcel which is divided by a zone boundary line, or which is coterminous with a zone boundary line, may be permitted to extend to the entire lot or parcel, but not more than one hundred feet (100') beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the planning commission must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

H. Applicant's Entitlement To Conditional Use Application Approval:
1. An applicant is entitled to approval of a conditional use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pay application fees, unless:
   a. The land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
   b. In the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner than would prohibit approval of the application as submitted.
2. The city shall process an application without regard to proceedings the city initiated to amend the city's ordinances as described in this title if:
   a. 180 days have passed since the city initiated the proceedings; and
   b. The proceedings have not resulted in an enactment that prohibits approval of the conditional use application as submitted.

3. A conditional use application is considered submitted and complete when the applicant provides the application form that complies with the requirements of applicable ordinances and pays all applicable fees.
4. The continuing validity of an approval of a conditional use permit is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
5. The City may impose standards and reasonable conditions to mitigate the detrimental effects of conditional uses.

I. Permit Revocation:

1. The city council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The city council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the conditional use permit.
2. If the city council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the city recorder within fifteen (15) days of the date of the notice that the city has revoked the conditional use permit.
3. Upon receipt of the appeal, the city council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the city recorder received the appeal. The city shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

J. Time Limit:

1. Action authorized by a conditional use permit must commence within one (1) calendar year of the time the permit is issued.
2. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit.
3. The planning commission may grant an extension for good cause shown. Only one (1) extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must :
   a. Apply for an extension in writing before the expiration of the original permit;
   b. Submit the application to the city recorder; and
   c. Describe on the application the cause for requesting the extension.

10-2-9: TEMPORARY USES:

A. Intent: The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature.

B. Permitted Temporary Uses: Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:

Carnivals and circuses.
Christmas tree sales lots.
Construction storage yards, when required in connection with a primary construction project.
Flower stands.
Music festivals.
Political rallies.
Promotional displays.
Rummage sales.
Tents for religious services.

C. Application For Temporary Use:
1. Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:
   a. A description of the proposed use;
   b. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
   c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.
2. Approval Required: The city council may approve said application provided the council finds:
   a. The proposed use is listed as a permitted temporary use or, in the opinion of the city council, is similar to those uses permitted.
   b. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area and, if traffic control is required, it will be provided at the expense of the applicant.
   c. The proposed use shall not occupy the site for more than ten (10) days, except for Christmas tree lots which shall not occupy the site for more than forty (40) days, and construction storage yards which shall be removed within thirty (30) days following completion of the primary construction project for which the temporary permit was issued.
   d. The applicant will have sufficient liability insurance for the requested use or event.
   e. The applicant shall provide, at his own expense, for the restoration of the site to its original conditions, including cleanup and replacement of facilities as may be necessary.

D. City Council May Delegate Approval Responsibility; Exceptions:
1. The city council may authorize the zoning administrator to issue temporary use permits for certain temporary uses without council review. Where the request is for a temporary use which is not listed or where the characteristics of the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the city council for its action.
2. In granting approval, the city council may attach additional conditions as it deems appropriate to ensure that the use will not pose any detriment to persons or

property. The Council may also require a bond to ensure that necessary cleanup or restoration work will be performed. (Ord. 2012-01, 7-10-2012)

10-2-10: PORTABLE STORAGE CONTAINER REGULATIONS:

A. Definition: A "portable storage container" includes any of the following types of buildings, structures, or vehicles:
   1. Metal shipping container of the type commonly marketed for storage and which can be delivered or removed by semitrailer, regardless of whether such structure is located on a foundation or slab.
   2. Semitrailer or other trailer whether such vehicle is parked on or off a City street, and which does not have a current Utah license and inspection.
   3. Box from a delivery truck when such has been removed from the chassis.

B. Appropriate Use Of Portable Storage Containers: No portable storage container may be placed in any zone unless it meets the following criteria:
   1. The placement of the portable storage container cannot block traffic or interfere with access for public safety.
   2. Used containers must have all prior identifying markings removed.
   3. Advertising on such containers will be limited to the promotion of the commercial entity located on the same lot as the container and shall comply with the sign ordinance.
   4. The container must be maintained to match the commercial building decor located on the same lot or it must be hidden from view by a fence.
   5. Semitrailers or other trailers used as storage containers must also have axles removed.
   1. Permanent placement is allowed within residential zones when it is authorized by City permit.
      a. Container cannot be placed in a front yard or within the twenty foot (20') side setback of a side yard that fronts on a street.
      b. The placement of the portable storage container cannot block traffic or interfere with access for public safety or utilities.
      c. Used containers must have all prior identifying markings removed.
      d. The container must be maintained to match the residential building decor located on the same lot or parcel.
      e. Semitrailers or other trailers used as storage containers must also have axles removed.
   2. Temporary placement is allowed for storage of tools, materials, and supplies at an active construction site in all zones, for a period not to exceed eight (8) months and when authorized by permit.
      a. Placement of the portable storage container cannot block traffic or interfere with access for public safety.
      b. Temporary placement is limited to one (1) container per lot or parcel for any twelve (12) month period. (Ord. 2012-01, 7-10-2012)

C. Maximum Size:

1. The maximum size for any permitted portable storage container located in R-1, R-2, and C-2 Zones is three hundred sixty (360) square feet and cannot exceed ten feet (10') in height.
2. The maximum size for any permitted portable storage container located in C-1, I-1, and A-1 Zones is four hundred twenty-four (424) square feet, with the exception of residences located in C-1 and I-1 Zones; in which case, the maximum size for any permitted portable storage container is three hundred sixty (360) square feet.
3. Portable storage containers can be attached or detached from the main structure, provided that the location of the containers comply with setbacks for the zone in which the portable storage containers are placed. (Ord. 2018-4, 4-10-2018)

D. Permit Required: A permit is required for all portable storage containers.
   1. Any portable storage container greater than or equal to two hundred (200) square feet is considered an accessory building and requires a separate building permit in addition to a portable storage container permit.
   2. Any portable storage container less than two hundred (200) square feet requires only a portable storage container permit, unless electricity is proposed to be installed.
   3. The city zoning administrator is the approval authority for this permit.

E. Prohibited Uses:
   1. No modular home, house trailer, vehicle, or camp trailer can be used for storage, whether permanent or temporary.
   2. All existing portable storage containers that do not meet the appropriate uses (above) will be removed at the owner's expense.
   3. No person may dwell in a container, nor shall a container be otherwise used for human occupation.

10-2-11: CHICKENS:

This section shall provide residents of the community the opportunity to maintain up to ten (10) hen chickens as pets and for the purpose of producing eggs, subject to the described restrictions and regulations. The objective is to cultivate localized self-supporting and sustainable behavior for the betterment of the local, regional, and world community.

A. General Conditions: In all A-1, R-1, R-2 Zones and planned unit developments in the City of Monticello, and only for those single-family residential uses in the commercial zones, up to and not exceeding more than ten (10) hen chickens for egg production as family food, shall be allowed.

B. Prohibited Uses:
   1. No roosters shall be allowed in the R-1, R-2, and any commercial zone or in planned unit developments. If chickens are purchased as chicks and any are determined at a later date to be roosters, they shall be removed immediately upon determination of gender;
   2. Fighting chickens are not allowed;

3. Hen chickens shall not be raised for slaughter for commercial purposes.

C. Standards For Containment:
   1. Hens shall be securely fenced and confined to the rear yard of the property.
   2. Any permanent hen shelter must comply with the accessory structure requirements. (Ord. 2012-01, 7-10-2012)

10-2-12: DIAGONAL PARKING:

Diagonal parking will be permitted on any City street located in a C-1 or C-2 Zone so long as the following conditions are met:

A. Size/Marking:
   1. The dimensions of each diagonal parking space shall be at least nine feet by eighteen feet (9' x 18'), and set at an angle of sixty degrees (60°) from the curb.
   2. All diagonal parking spaces must be clearly marked with approved white marking paint, and must be four inches (4") wide.
   3. It is the responsibility of the property owner abutting the diagonal parking spaces to paint and maintain the markings of the parking spaces.

B. Street Width:
   1. The city street where the diagonal parking will be located must be at least sixty feet (60') wide.

C. Setbacks:
   1. Diagonal parking must be set back from any intersection not less than thirty feet (30').
   2. No diagonal parking space is permitted to encroach into a driveway access.
   3. Clear access to any fire hydrant shall be no less than three feet (3') on both sides of the fire hydrant. This clear space shall be striped as a no parking zone. (Ord. 2012-01, 7-10-2012)

10-2-14: FENCES ON PROPERTY USED FOR RESIDENTIAL PURPOSES:

A. Fences shall be erected on or within property lines.

B. Property owners shall be responsible for identifying property line locations.

C. All heights of fences will be measured from the ground level.

D. Interior Lots or Parcels:
   1. Fences shall have a maximum height of four feet (4') in the required yard that fronts on a street.
   2. Side and back yard fences will have a maximum height of six feet (6') provided that the six foot high fence does not extend into the required yard that fronts a street.

E. Corner Lots or Parcels:

1. Corner lot or parcel fences must maintain a forty-five degree (45°) clear view of intersecting streets, at a height of no more than four feet (4').
2. The height of the fence in the front yard on a corner lot or parcel will have a maximum height of four feet (4'). A front yard on a corner lot or parcel is the yard that contains the formal public entrance to the main building.
3. Side and back yard fences will have a maximum height of six feet (6') as long as it does not infringe upon the forty five degree (45°) clear view triangle space.

F. Clear View Of Intersecting Streets: In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot or parcel within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-2-15: FENCES ON PROPERTY USED FOR COMMERCIAL OR INDUSTRIAL PURPOSES

A. Fences shall be erected on or within property lines.

B. Property owners shall be responsible for identifying property line locations.

C. All heights of fences will be measured from the ground level.

10-2-16: SOLAR ELECTRICITY SYSTEMS

The purpose of this section is to allow the use of solar electricity systems within the city provided that:

A. A building permit from the city is required prior to installation of any solar electricity system.

B. Structurally attached solar panels are subject to all applicable building codes and ordinances.

C. Solar electricity systems not mounted on a roof are prohibited within the setbacks required for the zone in which the solar installation will be erected.

D. Solar electricity systems not mounted on a roof are prohibited to be higher than the maximum height allowed for a structure or building within the zone in which the solar installation will be erected.

10-2-16: RENTAL UNITS:

A. Long-term rental unit means a building or structure that is used or designated for use as a residence by one or more persons, and is

1. Available to be rented, loaned, leased, or hired out for a period of thirty (30) consecutive days or longer; or

2. Arranged, designated, or built to be rented, loaned, leased, or hired out for a period of thirty (30) consecutive days or longer.

B. Internal accessory dwelling units shall: Updated and renumbered

1. Be allowed as a permitted use in any ~~area zoned primarily for residential use~~ R-1 and R-2 zone;
2. Be designed in a manner that does not change the appearance of the primary dwelling unit;
3. Include one (1) additional on-site parking space regardless of whether the primary dwelling unit is existing or new construction;
4. Replace existing parking spaces if the internal accessory unit is created within a garage or carport;
5. Meet all applicable building, health, and fire codes;
6. Not be created in a primary dwelling unit served by a failing septic tank;
7. Not be created on a lot or parcel of land containing the primary dwelling unit if the lot or parcel of land is 6,000 square feet or less in size;
8. Not be created within a zoning district covering an area that is equivalent to 25% or less of the total area in the city that is zoned primarily for residential use;
9. Not require a separate city utility meter.

D. Short-term unit means a building or structure that is used or designated for use as a residence by one or more persons, and is: Updated and reformatted

1. Available to be rented, loaned, leased, or hired out for a period fewer than thirty (30) consecutive days;
2. Arranged, designated, or built to be rented, loaned, leased, or hired out for a period fewer than thirty (30) consecutive days;
3. A short-term unit shall:
   a. Meet all applicable building codes;
   b. Conform to standards as defined by the city codes Title 4-2 Nuisances, Title 4-2A Noise Control, and Title 5-2 Animal Control;
   c. Include in a clear and prominent location within each short-term unit:
      1. A copy of the owner's business license;
      2. The name, address, and phone number of the owner or property manager;
      3. A statement of maximum occupancy for the short-term rental unit;
      4. Provide a minimum of four (4) off-street parking spaces with all-weather surface;
      5. The owner of any short-term rental unit is required to collect and remit Transient Room Tax and any other tax deemed necessary by the State Tax Commission.

E. Business license required:

1. Owners of rental dwellings shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out: Reformatted
   a. A long-term rental unit;
   b. An internal accessory dwelling unit;

c. A detached accessory dwelling unit;
d. A short-term rental unit.

2. One (1) city license may include more than one long-term rental and internal accessory dwelling unit owned by the same individual but shall not include short-term rental units.
3. One (1) city license may include more than one short-term rental unit owned by the same individual but shall not include other rental units or internal accessory dwelling units.
4. A person managing any rental unit who is not the owner of said unit, shall obtain a city property management license in advance of managing the rental units.

10-2-18: DETACHED ACCESSORY DWELLING UNITS:

A. Detached accessory dwelling units shall be allowed in ~~areas zoned primarily for residential use~~ the R-1 and R-2 zones.

B. To be considered a detached accessory dwelling unit, a building shall:
1. Be detached from the main dwelling unit;
2. Be located on the same lot or parcel as the main dwelling unit;
3. Be constructed to applicable building codes for use as a dwelling;
4. Meet all setback requirements for an accessory building in the zone in which the lot or parcel is located;
5. Be provided with municipal water through a connection with the main dwelling;
6. Be on a permanent foundation.

C. The minimum ground floor living area of a detached accessory dwelling unit shall be two-hundred (200) square feet. The maximum ground floor living area of a detached accessory dwelling unit shall be nine-hundred (900) square feet.

D. No detached accessory dwelling unit shall be occupied, rented, or leased unless the owner of the lot or parcel is a full-time resident of the main dwelling on the lot or parcel.

E. A permit shall be obtained from the city before a detached accessory dwelling unit is placed on a lot or parcel. If the detached accessory dwelling unit is constructed on-site, a building permit is also required from the city.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changed required by Utah law
Blue = Reorganization or correction to existing code

CHAPTER 3
NONCONFORMING USES AND NONCOMPLYING STRUCTURES;
~~*AMENDMENTS TO TITLE AND MAP*~~

SECTION:
10-3-1: Intent
10-3-2: ~~Nonconforming Buildings And Uses~~ Noncomplying Buildings and Nonconforming Uses
~~10-3-3: Nonconforming Lots Of Record~~
~~10-3-4: Amendments To Title And Map~~ Moved to 10-1

10-3-1: INTENT:
The intent of this chapter is to accumulate provisions applying to all land and buildings within the incorporated area of the city into one section rather than to repeat them several times. (Ord. 2012-01, 7-10-2012)

10-3-2: ~~NONCONFORMING BUILDINGS AND USES~~ NONCOMPLYING STRUCTURES AND NONFORMING USES:
It is the intent of this title that noncomplying buildings, structures, or portions thereof and nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his/her official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a noncomplying building or structure or use of land may be continued as provided in this subsection.

A. Permit Required: The City Council acting in its role as land use authority for this section shall deny or approve noncomplying buildings and nonconforming uses.
   1. Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or future property owner.

2. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
3. For purposes of this subsection the addition of a solar energy device to a building is not a structural alteration.

B. The city may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

C. The city may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
   1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after the day on which written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
   2. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

D. Notwithstanding a prohibition in this subsection, the city may permit a billboard owner to relocate a nonconforming billboard:
   1. Within the city's boundaries to a location that is mutually acceptable to the city and the billboard owner; or
   2. If the city and billboard owner cannot agree to a mutually acceptable location within 180 days after the day on which the owner submits a written request to relocate the billboard, the billboard owner may relocate the billboard in accordance with 10-2-6 Signs.

E. Presumption of legal existence for noncomplying structure or nonconforming use:
   1. Unless the city establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.
   2. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

F. Abandonment may be presumed to have occurred if:
   1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the city regarding an extension of the nonconforming use;
   2. The use has been discontinued for a minimum of one year; or
   3. The primary structure associated with the nonconforming use remains vacant for a period of one year.

G. The property owner may rebut the presumption of abandonment under subsectionF and has the burden of establishing that any claimed abandonment under subsection Fhas not occurred

H. Change To A Conforming Use:

1. A nonconforming use or noncomplying building may be changed to a conforming use or building.
2. Any nonconforming use or noncomplying building which has been changed to a conforming use or building shall not thereafter be changed back to a nonconforming use or noncomplying building.
3. Change To Another Nonconforming Use Prohibited: A nonconforming use or noncomplying building or lot shall not be changed to another nonconforming use or noncomplying building whatsoever. Changes in use shall be made only to a conforming use.

I. Reclassification Of Territory: The provisions pertaining to nonconforming uses of land and noncomplying buildings and structures shall also apply to land and buildings and structures which hereafter become nonconforming or noncomplying due to an amendment in this zoning title.

J. Permits Granted Prior To Passage Of The Ordinance Or Amendment Thereto: Notwithstanding the issuance of a permit therefor, no building which becomes noncomplying upon the passage of the ordinance codified herein, or which becomes noncomplying due to an amendment to the ordinance codified herein, shall be built unless construction has taken place thereon to the extent of at least five hundred dollars ($500.00) in replaceable value by the date on which the ordinance codified herein or said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices. (Ord. 2012-01, 7-10-2012)

~~10-3-3: NONCONFORMING LOTS OF RECORD:~~ Lots of record no longer valid concept by state code

~~Notwithstanding any other provision of this title, a single-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for single-family dwellings within the zone; provided, that where two (2) or more contiguous lots of record having continuous frontage are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located, except when granted by a variance by the board of adjustment. (Ord. 2012-01, 7-10-2012)~~

~~10-3-3: AMENDMENTS TO TITLE AND MAP:~~ **Moved to 10-1**

~~This zoning title, including the map, may be amended as hereinafter provided.~~

~~A. Intent With Respect To Amendments: It is hereby declared to be public policy that this title shall not be changed except to correct manifest errors or to more fully carry out the intent and purpose of the master plan for the city and of this title.~~

~~B. Procedure: Any person seeking an amendment to this zoning title or map shall submit to the planning commission a written petition designating the change desired and the reasons therefor and shall pay a filing fee to the city, the amount to be established by resolution of the city council.~~

~~1. Upon receipt of the petition and the payment of the filing fee, the planning commission shall consider the request and shall certify its recommendations to the city council with respect to the request within thirty (30) days from receipt of the request.~~

~~2. Failure on the part of the planning commission to certify its recommendations to the city council within thirty (30) days shall be deemed to constitute approval unless a longer period is granted by the city council. The fee required herein shall not be returned to the applicant.~~

~~3. The planning commission or city council may also initiate amendments to this title.~~

~~C. Public Hearing Required Before Amending; Notice: Amendments to this title may be adopted only after a public hearing in relation thereto before the city council, at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area at least fourteen (14) days before the date of hearing, as required by law. (Ord. 2012-01, 7-10-2012)~~

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah laws
Blue = Reorganization to make code easier to administer

CHAPTER 4
ESTABLISHMENT OF ZONES

SECTION:
10-4-1: Zones Established
10-4-2: Official Zone Map
10-4-3: Boundaries Of Zones

10-4-1: ZONES ESTABLISHED:

In order to carry out the purposes of this title, the City of Monticello, Utah, is hereby divided into zones as follows:

A-1	Residential-Agricultural Zone
R-1	Residential Zone
R-2	Residential Zone
C-1	Commercial Zone
C-2	Light Commercial Zone
I-1	Industrial Zone
G-1	Government Lands and Parks
OL-1	Overlay Zone (US Dept of Energy Supplemental Standard)
OL-2	Overlay Zone (Flood Areas and Drainage Corridor Protection)
OL-3	Overlay Zone (Water Source Protection)

(Ord. 2012-01, 7-10-2012; amd. Ord. 2016-8, 10-11-2016, 10-13-2020)

10-4-2: OFFICIAL ZONE MAP:

The location and boundaries of each of the zones are shown on the official zone map of Monticello, Utah, and said map is hereby declared to be an official record and part of this title.

A. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the official zone map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the official zone map.

B. No changes of any nature shall be made in the official zone map except in conformity with the procedure set forth in this title. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.

C. Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map shall be located in the Office of the City Recorder and shall be the final authority in determining current zoning status. (Ord. 2012-01, 7-10-2012)

10-4-3: BOUNDARIES OF ZONES:

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

A. Where the intended boundaries on the zone map are approximate street or alley lines, said street or alleys shall be construed to be the zone boundaries.

B. Where the indicated boundaries are approximate lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.

C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 5
A-1 AGRICULTURAL ZONE

SECTION:

10-5-1: Regulations
10-5-2: Intent
10-5-3: Permitted Uses
10-5-4: Area And Frontage Requirements
10-5-5: Location Requirements
10-5-6: Height Of Buildings
10-5-7: Size Of Dwelling
10-5-8: Width Of Buildings
10-5-9: Yard Space For One Main Building Only
10-5-10: Every Dwelling To Be On A Lot or Parcel
10-5-11: Sale Or Lease Of Required Space Prohibited
10-5-12: Yards To Be Unobstructed; Exceptions
10-5-13: Accessory Buildings Prohibited As Living Quarters
10-5-14: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
10-5-15: Sewage Disposal
10-5-16: Water Connections
10-5-17: Drainage
10-5-18: Clear View Of Intersecting Streets
10-5-19: Effect Of Street Plan
10-5-20: Motor Vehicle Access
10-5-21: Landscaping Required
10-5-22: Pollution Prevention
10-5-23: Special Provisions

10-5-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-5-2: INTENT:

A-1 agricultural zone covers certain fringe areas of the city where residential areas may be integrated with the raising of livestock for family food production and for the pleasure of the people who reside on the premises. (Ord. 2012-01, 7-10-2012)

10-5-3: PERMITTED USES:

A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Accessory buildings.

Bunkhouses used by workers and staff.

Churches, not including temporary revival tents or buildings.

Fences, walls and hedges.

Foster care homes.

Grain bins and silos.

Household pets.

Landscape businesses, exclusive of gravel crushing and which do not violate dust, noise, or nuisance ordinances.

Machinery and equipment sheds used for storage of equipment in connection with agricultural activities performed on the premises.

Mobile home parks meeting the requirements of chapter 13 of this title.

Plant nursery.

Public agency arenas such as rodeo grounds, equestrian sports facilities, fairgrounds.

Public agency parks and playgrounds.

Public buildings and grounds, not including storage yards or repair shops.

Public, private and parochial schools and grounds.

Single- and two-family dwellings of conventional construction and manufactured homes.

The care and keeping of livestock and fowl. Also barns, corrals, pens and sheds for the care and keeping of the permitted animals and fowl.

The growing of field crops and fruit.

Veterinary clinics and animal boarding facilities. (Ord. 2012-01, 7-10-2012)

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:

All signs shall conform with section 10-2-6 of this title.
Conditional uses shall conform with section 10-2-8 of this title.
Temporary uses shall conform with section 10-2-9 of this title.
Portable Storage Containers shall conform with section 10-2-10 of this title
Fences shall conform with section 10-2-14 of this title.
Solar Electricity Systems shall conform with section 10-2-16 of this title

C. The following uses are permitted as conditional uses.

Daycare, nursery, preschool.
Rest homes, nursing homes, convalescent homes, assisted living homes.

10-5-4: AREA AND FRONTAGE REQUIREMENTS:

A. Area and width requirements for all uses shall be a minimum of one acre.

B. Frontage at setback line shall be a minimum of one hundred twenty five feet (125'). (Ord. 2012-01, 7-10-2012)

10-5-5: LOCATION REQUIREMENTS:

A. Front Setback:
   1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
      a. Where the legal property line of the lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be fifty feet (50') from the front lot or parcel line.
      b. Where the legal property line of the lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
      c. Where the legal property line of the lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be twenty feet (20') from the front lot or parcel line.
      d. Where the legal property line of the lot or parcel line is angular to the roadway and there is less than twenty feet (20') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
   2. Accessory Buildings: All accessory buildings shall be set back not less than twenty feet (20') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lot or Parcel:
   1. Main Buildings: All dwellings and other main buildings shall be set back at least twenty feet (20') from the side lot or parcel line.
   2. Accessory Buildings: All accessory buildings shall be set back at least twenty feet (20') from the lot or parcel line.

C. Side Setback; Corner Lot or Parcel:
   1. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least fifty feet (50') from the side lot or parcel line which abuts on a street.
   2. Interior Side: Same as required for interior lots or parcels.

D. Rear Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings or other main buildings shall be set back at least twenty feet (20') from the rear lot or parcel line.
2. Accessory Building: Same as required under side setbacks for interior lots.

E. Rear Setback; Corner Lot:
1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except
   a. Where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least thirty feet (30') from the rear lot or parcel line

10-5-6: HEIGHT OF BUILDINGS:
The maximum height of any building shall be measured from finished grade at the front of the building to the highest wall plate.

A. The maximum height of a dwelling building shall be as noted below:
   1. Level lot or parcel: Thirty feet (30').
   2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be thirty-three (33').

B. Minimum height of a dwelling building shall not be less than the height required by the applicable building code.

C. The maximum height of accessory buildings shall be no greater than forty-five feet (45') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:
Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-5-7: SIZE OF DWELLING:
The ground floor area of any single-family dwelling shall be at least nine hundred (900) square feet of living area exclusive of open porches, carports, garages and similar add ons. (Ord. 2012-01, 7-10-2012)

10-5-8: WIDTH OF BUILDINGS:

The total length or total width of any dwelling or church shall be at least fourteen feet (14'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 2012-01, 7-10-2012)

10-5-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:
No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

10-5-10: EVERY DWELLING TO BE ON A LOT OR PARCEL:
Only one building which contains a dwelling shall be located and maintained on a ~~"zoning lot"~~ lot or parcel as defined in this title, except bunkhouses and dwellings within a mobile home park or other large scale development. (Ord. 2012-01, 7-10-2012)

10-5-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:
No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-5-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except:

A. Permitted accessory buildings, and

B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard.

10-5-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:
Living and sleeping quarters in any building or structure other than the main residential building and bunkhouse are prohibited. (Ord. 2012-01, 7-10-2012)

10-5-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris, or inoperable vehicles;

B. No land shall be used for such purposes, except as specifically provided by this title.

C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-5-15: SEWAGE DISPOSAL:

A. Sewer connections shall comply with Title 8 of city code.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-5-16: WATER CONNECTIONS:

A. Where municipal water is available all dwellings shall be connected in accordance with Title 8 of city code.

B. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-5-17: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.

B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)

C. Drainage corridors shall be protected in accordance with 10-12-2.

10-5-18: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-5-19: EFFECT OF STREET PLAN:

A. Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

B. Before a building permit shall be issued for the building that abuts on a proposed street, the property owner shall
   1. Grant an easement for the proposed street to the city.
   2. Construct the street and underground utilities to the standards required by the city.
   3. Post a bond guaranteeing that all street and underground utility improvements will be completed to standards required by the city.

10-5-20: MOTOR VEHICLE ACCESS:
Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A. ~~Access shall be by not~~ No lot or parcel shall have more than two (2) driveways ~~from any one street~~.

B. Driveways shall not be closer to each other than twenty feet (20').

C. On corner lots or parcels, no driveways shall be closer than ~~fifteen feet (15')~~ twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.

D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-5-21: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings and bunkhouses which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-5-22: POLLUTION PREVENTION:
Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-5-23: SPECIAL PROVISIONS:
Special provisions shall apply in order to protect the intent of the zone.

A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-5-15 of this title.

B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes previously rdiscussed by PC & CC but not yet submitted to CC
Green = Changes due to detached accessory dwelling units

CHAPTER 6
R-1 RESIDENTIAL ZONE

SECTIONS:

10-6-1: Regulations
10-6-2: Intent
10-6-3: Permitted Uses
10-6-4: Area And Frontage Requirements
10-6-5: Location Requirements
10-6-6: Height Of Buildings
10-6-7: Size Of Dwelling
10-6-8: Width Of Buildings
10-6-9: Yard Space For One Main Building Only
10-6-10: Every Dwelling To Be On A ~~Zoning~~ Lot Or Parcel
10-6-11: Sale Or Lease Of Required Space Prohibited
10-6-12: Yards To Be Unobstructed; Exceptions
10-6-13: Accessory Buildings Prohibited As Living Quarters
10-6-14: Storage Of Commercial Or Oversized Vehicles Prohibited
10-6-15: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
10-6-16: Sewage Disposal
10-6-17: Water Connections
10-6-18: Drainage
10-6-19: Clear View Of Intersecting Streets
10-6-20: Effect Of Street Plan
10-6-21: Motor Vehicle Access
10-6-22: Landscaping Required
10-6-23: Pollution Prevention
10-6-24: Special Provisions

10-6-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-6-2: INTENT:
The R-1 residential zone has been established for the purpose of providing a place where single family detached dwellings can be constructed, having attractively landscaped yards and a favorable environment for family life. Uses such as multiple-family dwellings, apartment houses and commercial and industrial uses are not permitted in this zone. (Ord. 2012-01, 7-10-2012)

10-6-3: PERMITTED USES:

A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:
   - Accessory buildings.
   - Childcare.
   - Churches, not including temporary revival tents or buildings.
   - Daycare, Nursery, Preschool.
   - Foster homes.
   - Growing of fruit and gardens for household use.
   - Household pets.
   - Public agency parks and playgrounds.
   - Public, private and parochial schools and grounds.
   - Single-family dwellings of conventional construction and manufactured homes.
   - Small homes of conventional construction and manufactured homes.
   - Utility lines.
   - Walls and hedges.

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:
   - Accessory signs conforming to section 10-2-6.
   - Fences in conformance with section 10-2-14.
   - Keeping of chickens as allowed in section 10-2-12.
   - Long-term rental of dwelling units subject to the provisions of section 10-2-17.
   - Solar electricity systems conforming to section 10-2-16.
   - Temporary uses subject to the provisions of section 10-2-10.

C. The following uses are permitted as conditional uses (see section 10-2-8).
   - Home occupations.
   - Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.
   - Growing of field crops, garden produce, and fruit for sale or trade.
   - Rest homes, nursing homes, convalescent homes, assisted living homes.

10-6-4: AREA AND FRONTAGE REQUIREMENTS:
Area and frontage requirements shall be as follows:

Main Use	Minimum Lot or Parcel Area	Minimum Frontage (at setback line)
Single family dwelling	5,445 square feet	60 feet
Small home	3,000 square feet	40 feet
Churches	1 acre	125 feet
Other uses	1 acre	80 feet

(Ord. 2012-01, 7-10-2012)

10-6-5: LOCATION REQUIREMENTS:

A. Front Setback

1. ~~Main Setback:~~ All dwellings and other structures shall be set back according to the special conditions noted below:
   a. Where the legal property line of the residential lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot or parcel line.
   b. Where the legal property line of the residential lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
   c. Where the legal property line of the residential lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot or parcel line.
   d. Where the legal property line of the residential lot or parcel line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. Accessory Buildings: All accessory buildings, including detached accessory dwelling units, shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lots:

1. All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings, including detached accessory dwelling units, shall be set back at least five feet (5') from the lot or parcel line~~.~~

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting A Street: All dwellings and other main and accessory buildings, including detached accessory dwelling units, shall be set back at least twenty feet (20') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots or parcel.

D. Rear Setback; Interior Lots or Parcel:

1. All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line.
2. Accessory building: Same as required under side setbacks; interior lots.

E. Rear Setback; Corner Lots or Parcel:

1. Single-family dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Small homes shall be set back at least twenty feet (20') from the rear lot or parcel line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to ten feet (10') or more as measured from the rear lot or parcel line to the closest part of the building.
3. Accessory Building: All accessory buildings, including detached accessory dwelling units, shall be set back at least five feet (5') from the rear lot or parcel line. (Ord. 2012-01, 7-10-2012)

F. Exception To Front And Side Setback Requirements:
The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)

10-6-6: HEIGHT OF BUILDINGS:

A. The maximum height of a dwelling building shall be measured from finished grade at the front of the dwelling to the highest wall plate.

B. The maximum height of a dwelling building shall be as noted below:

1. Level lot or parcel: Twenty-four feet (24').
2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

C. Minimum height of a dwelling building: No dwelling shall be erected which has a ceiling height of less than the height required by the applicable building code.

D. The maximum height of accessory buildings, including detached accessory dwelling units, shall be no greater than twenty feet (20') or two stories, whichever is the higher.

E. Additional Height Allowed For Public Buildings:

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-6-7: SIZE OF DWELLING:
All area shall be exclusive of open porches, carports, garages, sheds and similar add-ons. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)

A. The ground floor area of any single-family dwelling shall be at least nine hundred (900) square feet. (Ord. 2012-01, 7-10-2012)

B. The minimum ground floor area of any small home shall be six-hundred (600) square feet of living area. The maximum ground floor area of any small home shall be nine-hundred (900) square feet of living area.

C. The minimum ground floor area of any detached accessory dwelling unit shall be two-hundred (200) square feet of living area. The maximum ground floor area of any detached accessory dwelling unit shall be 900 square feet of living area.

10-6-8: WIDTH OF BUILDINGS:
The total length or total width of any single-family dwelling or church shall be at least twenty feet (20'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 2012-01, 7-10-2012)

10-6-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, that is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

B. No required yard or other open space around an existing main building, or which is hereafter provided around any building that is needed to comply with provisions of this title, shall be used for parking or storage of operable vehicles unless in compliance with 10-2-1.

10-6-10: EVERY DWELLING TO BE ON A LOT OR PARCEL:
Only one building which contains a dwelling shall be located and maintained on a lot or parcel, except dwellings within a mobile home park, or other large scale development.

10-6-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:
No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-6-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except:

A. Permitted accessory buildings, and

B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard. (Ord. 2012-01, 7-10-2012)

10-6-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:
Living and sleeping quarters in any building or structure other than the main residential building are prohibited unless the accessory building is a detached accessory dwelling unit. (Ord. 2012-01, 7-10-2012)

10-6-14: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:

A. The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot or parcel during construction of a building thereon for less than one year.

B. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)

C. Storage of recreational vehicles shall comply with 10-2-7 of this title.

10-6-15: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris, or inoperable vehicles;

B. No land shall be used for such purposes, except as specifically provided by this title.

C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-6-16: SEWAGE DISPOSAL:

A. Sewer connections shall comply with section 8-4-2.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-6-17: WATER CONNECTIONS:

A. Where municipal water is available all single family dwellings shall be connected in accordance with 8-1-2.

B. Where a detached accessory dwelling unit is present it shall be provided with municipal water by connection to the main dwelling on the same lot or parcel.

C. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-6-18: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than its carrying capacity.

B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)

C. Drainage corridors shall be protected in accordance with 10-12-2.

10-6-19: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-6-20: EFFECT OF STREET PLAN:

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning

commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-6-21: MOTOR VEHICLE ACCESS:
Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A. No lot or parcel shall have more than two (2) driveways.

B. Driveways shall not be closer to each other than twenty feet (20').

C. On corner lots or parcels, no driveways shall be closer than twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.

D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-6-22: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-6-23: POLLUTION PREVENTION:
Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-6-24: SPECIAL PROVISIONS:
Special provisions shall apply in order to protect the intent of the zone.

A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-6-17 of this title.

B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes previously discussed by PC & CC

CHAPTER 7
R-2 RESIDENTIAL ZONE

SECTION:

10-7-1: Regulations
10-7-2: Intent
10-7-3: Permitted Uses
10-7-4: Area And Frontage Requirements
10-7-5: Location Requirements
10-7-6: Height Of Buildings
10-7-7: Size Of Dwelling
10-7-8: Yard Space For One Main Building Only
10-7-9: Every Dwelling To Be On A Lot Or Parcel
10-7-10: Sale Or Lease Of Required Space Prohibited
10-7-11: Yards To Be Unobstructed; Exceptions
10-7-12: Accessory Buildings Prohibited As Living Quarters
10-7-13: Storage Of Commercial Or Oversized Vehicles Prohibited
10-7-14: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
10-7-15: Sewage Disposal
10-7-16: Water Connection
10-7-18: Clear View Of Intersecting Streets
10-7-19: Effect Of Street Plan
10-7-20: Motor Vehicle Access
10-7-21: Landscaping Required
10-7-22: Pollution Prevention
10-7-23: Special Provisions

10-7-1: REGULATIONS:

The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-7-2: INTENT:

The R-2 zone has been established for the purpose of providing a place where single-, two- and multiple-family dwellings and small homes can be constructed. (Ord. 2012-01, 7-10-2012)

10-7-3: PERMITTED USES:

A. The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title:
   - Accessory Buildings.
   - All uses permitted in the R-1 residential zone, section 10-6-3 of this title.
   - Single-family dwellings of conventional construction and manufactured homes.
   - Multi-family dwellings, townhouses and condominiums.
   - Small homes and tiny homes of conventional construction and manufactured homes.
   - Boarding house, lodging house, bed and breakfast, rooming house.
   - Childcare.
   - Churches, not including temporary revival tents or buildings.
   - Daycare, Nursery, Preschool.
   - Foster care homes.
   - Household pets.
   - Mobile homes on foundations with tie down.
   - Public agency parks and playgrounds.
   - Utility lines and buildings.
   - Walls and hedges.

B. The following uses are permitted when in conformance with the specified sections of Title 10, Zoning Regulations:
   - Accessory signs conforming to section 10-2-6.
   - Fences in conformance with section 10-2-14.
   - Keeping of chickens in conformance with section 10-2-12.
   - Long-term rental of a dwelling unit as permitted in 10-2-17.
   - Short-term rental units as permitted in 10-2-17.
   - Solar electricity systems in conformance with 10-2-16.
   - Temporary uses subject to the provisions of section 10-2-10.

C. The following uses are permitted as conditional uses (see section 10-2-8).
   - Home occupations.
   - Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.
   - Growing of field crops, garden produce, and fruit for sale or trade.
   - Rest homes, nursing homes, convalescent homes, assisted living homes.
   - ~~Other uses that conform to 10-2-8 when approved by city council.~~

10-7-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows

Main Use	Minimum Lot or Parcel Area	Minimum Frontage (At Setback Line)
Single-family dwelling	5,445 square feet	60 feet
Small home	3,000 square feet	40 feet
Tiny home	2,756 square feet	26 feet
Two-family dwelling	7,000 square feet	85 feet
Multiple-family dwelling	10,000 square feet for first 2 units plus 2,500 square feet for each additional unit	85 feet for first 2 units plus 7.5 feet width for each additional unit
Churches	1 acre	125 feet
Other uses	1 acre	80 feet

10-7-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. All single-family dwellings, small homes, tiny homes, and two-family dwellings shall be set back according to the special conditions noted below:
   a. Where the legal property line of the residential lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot or parcel line.
   b. Where the legal property line of the residential lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
   c. Where the legal property line of the residential lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot or parcel line.
   d. Where the legal property line of the residential lot or parcel line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. All multi-family dwellings shall be set back forty feet (40') from the front lot or parcel line.
3. Accessory Buildings: All accessory buildings including detached accessory dwelling units shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lot or Parcel:

1. All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings including detached accessory dwelling units shall be set back at least five feet (5') from the lot or parcel line, except that no minimum side setback shall be required when all the following conditions are met:

a. The accessory building is located more than ~~twelve feet (12')~~ five feet (5') from any existing dwelling on the same or an adjacent lot or parcel;
b. The accessory building contains no openings on the side contiguous to the lot or parcel line;
c. No drainage from the roof will be discharged onto an adjacent lot or parcel.

3. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting Street: All dwellings and other main and accessory buildings, including detached accessory dwelling units, shall be set back at least twenty feet (20') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots.

D. Rear Setback; Interior Lot or Parcel:

1. Single-family, two-family and multi-family dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Small homes shall be set back at least twenty (20') feet from the rear lot line.
3. Tiny homes shall be set back at least fifteen (15') feet from the rear lot line.
4. Accessory Building: Same as required under subsection B, "Side Setback; Interior Lots," of this section.
5. All accessory buildings when adjoining an R-2 zone shall be set back twenty feet (20').

E. Rear Setback; Corner Lot or Parcel:

1. Single-family, two-family and multi-family dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot or parcel line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot or parcel line to the closest part of the building.
2. Small homes shall be set back at least twenty (20') feet from the rear lot or parcel line, except where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to ten (10') feet or more as measured from the rear lot or parcel line to the closest part of the building.
3. Tiny homes shall be set back at least fifteen (15') feet from the rear lot or parcel line, except where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to ten (10') feet or more as measured from the rear lot or parcel line to the closest part of the building.
4. Accessory Building: All accessory buildings including detached accessory dwelling units, shall be set back at least five feet (5') from the rear lot or parcel line, except

that no minimum rear setback shall be required when all the following conditions are met:

a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot or parcel;
b. The accessory building contains no openings on the side contiguous to the lot or parcel line;
c. No drainage from the roof will be discharged onto an adjacent lot or parcel;
d. The accessory building will be set back at least fifty feet (50') from the side lot or parcel line abutting the street. (Ord. 2012-01, 7-10-2012)

F. Exception To Front And Side Setback Requirements:
The setback from the street for any dwelling located between two (2) existing dwellings may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 2012-01, 7-10-2012)

10-7-6: HEIGHT OF BUILDINGS:

A. The maximum height of a building shall be measured from finished grade at the front of the dwelling to the highest wall plate.

B. The maximum height of a single-family dwelling, small home, and two-family dwelling shall be as noted below:
   1. Level lot or parcel: Twenty-four feet (24').
   2. Uneven lot or parcel: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

C. The maximum height of a tiny home shall be eighteen feet (18').

D. Minimum height of any dwelling building: No dwelling shall be erected which has a ceiling height of less than the heigh required by the applicable building code.

E. The maximum height of accessory buildings including detached accessory dwelling units, shall be no greater than twenty feet (20') or two stories, whichever is the higher.

F. Additional Height Allowed For Public Buildings:
Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 2012-01, 7-10-2012)

10-7-7: SIZE OF DWELLING:

All area shall be exclusive of open porches, carports, garages, sheds and similar add-ons. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)

A. The ground floor area of a single-family dwelling shall be not less than nine hundred (900) square feet.

B. The minimum ground floor area of any small home shall be six-hundred (600) square feet of living area. The maximum ground floor area of any small home shall be nine-hundred (900) square feet of living area.

C. The minimum ground floor area of any tiny home shall be two-hundred (200) square feet of living area. The maximum ground floor area of any small home shall be six-hundred (600) square feet of living area.

D. The minimum ground floor area of any two-family dwelling shall be of one thousand two hundred (1,200) square feet of living area.

E. The minimum ground floor area of any multiple-family dwelling shall be one thousand two hundred (1,200) square feet of living area for the first two (2) units, plus six hundred (600) square feet of living area for each unit over two (2).

10-7-8: YARD SPACE FOR ONE MAIN BUILDING ONLY:

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot or parcel be considered as providing the yard or open space on the lot or parcel whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

B. No required yard or other open space around an existing main building, or which is hereinafter provided around any building, that is needed to comply with provisions of this title, shall be used for parking or storage or operable vehicles unless in compliance with 10-2-5.

10-7-9: EVERY DWELLING TO BE ON A LOT OR PARCEL:

Only one building which contains a dwelling shall be located and maintained on a lot or parcel as defined in this title, except dwellings within a mobile home park, or other large scale development.

10-7-10: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or parcel or building may be sold or leased apart from such lot or building unless other space so complying is provided.

10-7-11: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except:

A. Permitted accessory buildings;

B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard;

C. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16"). (Ord. 2012-01, 7-10-2012)

10-7-12: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS
Living and sleeping quarters in any building or structure other than the main residential building are prohibited unless the accessory building is a detached accessory dwelling unit. (Ord. 2012-01, 7-10-2012)

10-7-13: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:
A. The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot or parcel during construction of a building thereon for less than one year.

B. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)

C. Storage of recreational vehicles must conform with section 10-2-7 of this title.

10-7-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:
A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles;

B. No land shall be used for such purposes, except as specifically provided by this title.

C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-7-15: SEWAGE DISPOSAL:

A. Sewer connections shall comply with 8-4-2.

B. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-7-16: WATER CONNECTION:

A. Where municipal water is available, all users in this zone shall be connected.

B.Where a detached accessory dwelling unit is present it shall be provided with municipal water by connection to the main dwelling on the same lot or parcel.

~~B. Where no public water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy is issued.~~

C. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued, therefore.

10-7-17: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than its carrying capacity.

B. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)

C. Drainage corridors shall be protected in accordance with 10-12-2.

10-7-18: CLEAR VIEW OF INTERSECTING STREETS:

No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of ~~forty five feet (45')~~ forty feet (40') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-7-19: EFFECT OF STREET PLAN:
Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Ord. 2012-01, 7-10-2012)

10-7-20: MOTOR VEHICLE ACCESS:
Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A. No lot or parcel shall have more than two (2) driveways ~~from any one street~~.

B. Driveways shall be not closer to each other than twenty feet (20').

C. On corner lots or parcels, no driveways shall be closer than ~~fifteen feet (15')~~ twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.

D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-7-21: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-7-22: POLLUTION PREVENTION:
Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering groundwater in amounts exceeding the standards prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord. 2012-01, 7-10-2012)

10-7-23: SPECIAL PROVISIONS:
Special provisions shall apply in order to protect ~~its~~ the intent of the zone essential characteristics.

A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-6-19 of this title.

B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11
SUBDIVISION REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 1
GENERAL PROVISIONS

SECTION:

11-1-1: Authority
11-1-2: ~~Purpose~~ Intent
11-1-3: Definitions
~~11-1-4: Considerations~~
11-1-4: Amendments
~~11-1-6: Sales Prior To Approval And Recording Prohibited~~
~~11-1-7: Approvals Required For Subdivisions~~
11-1-5: ~~Subdivision Not To Endanger Health Or Property~~ Prohibited Acts
11-16: Residential Infilling
11-1-7: Common Wall Subdivision
11-1-8: Subdivision Of Agricultural Land:

11-1-1: AUTHORITY:

A. This title is enacted pursuant to title 10, Utah Code Annotated. (Ord. 2012-01, 7-10-2012)

B. An approved subdivision plat as specified in this title is required whenever a land owner splits one lot or parcel of property into two (2) or more lots or parcels. **Moved from 11-1-9**

C. Compliance with Title 11 of city code is required before:
   1. The subdivision plat may be filed and recorded with the county recorder, and
   2. Lots within the subdivision may be sold; and (Ord. 2012-01, 7-10-2012); and
   3. The city extends the services of its public facilities to any subdivision. ~~until the requirements of this title have been satisfied. Any such subdivision should have been reviewed by and had the approval of the city engineer, the planning commission and the city council.~~ >>Moved from 11-1-4<<

D. The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the city's subdivision ordinance.

E. Combining adjacent lots does not require an amendment to a subdivision plat.

F. The role of the planning commission with respect to ordinances regulating subdivisions shall be to:
   1. Review and provide a recommendation to the city on any proposed ordinances that regulate the subdivision of land within the city;
   2. Review and make recommendation to the city on any proposed ordinance that amends the regulation of the subdivision of land within the city;
   3. Provide notice consistent with Utah public notice requirements as outlined in Utah Code Ann. § 10-9a-602; and
   4. Hold a public hearing on the proposed ordinance before making a recommendation to the city.

G. The role of the city council with respect to ordinances regulating subdivisions shall be to:
   1. Adopt, modify, reverse, or reject an ordinance described in subsection 11-1-1(F) of this title;
   2. Consider a planning commission's failure to make a timely recommendation on ordinances that regulate subdivisions as a negative recommendation.
   3. If the city council fails to enact a subdivision ordinance, the city may regulate subdivisions only to the extent provided in ~~this part~~ 11-1-1.

11-1-2: ~~PURPOSE~~ INTENT:

A. The ~~purpose~~ intent of this title shall be to:
   1. Promote the health, safety, convenience and general welfare of the present and future inhabitants of the city;
   2. Simplify orderly growth and development of the city; and
   3. Ease the transfer of land by means of accurate legal descriptions.

~~B. This causes the development of a more attractive and wholesome environment within and around the city and establishes the rights, duties and responsibilities of the subdivider with respect to land subdivision.~~

C. Preservation Of Land: Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in concordance with the provision of this title.

D. ~~Streets: The design of new subdivisions shall consider and relate to present street widths and alignments, and names and future road locations identified by the city.~~ Moved to 11-2-3(A)2(a)

E. ~~Names and Numbers of Streets and Lots: Names of streets and numbering of lots shall comply with Tile 7-4 of city code.~~ Moved to 11-2-3(A)2(b)

~~F. Coordination Of Development: This title establishes procedures for the review of proposed subdivisions by affected boards, bureaus, other governmental agencies and utility companies, private and public so that the extension of community facilities and utilities may be accomplished in an orderly manner and in coordination with the development of the subdivision. In order to ease the acquisition of land areas required~~

~~to carry out this policy, the planning commission may require the subdivider to dedicate, grant easements over, or otherwise reserve land for parks, playgrounds, thoroughfares, utility easements, and other public purposes as specified.~~ (Ord. 2012-01, 7-10-2012) Covered in other places in this title

11-1-3: DEFINITIONS:

~~For the purpose of this title, the following definitions shall apply:~~ It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

ADMINISTRATIVE LAND USE AUTHORITY: An individual, board, or commission, appointed or employed by the city, including city staff or the city planning commission. It does not include a city council or a member of the city council.

ASSOCIATION:

A. Corporation or other legal entity, any member of which (Utah code 57-8a Community Association Act):
   1. Is an owner of a residential lot located within the jurisdiction of the association as described in the governing documents; and
   2. By virtue of membership or ownership of a residential lot is obligated to pay:
      a. Real property taxes;
      b. Insurance premiums;
      c. Maintenance costs; or
      d. For improvement of real property not owned by the member.
B. All of the condominium unit owners (Utah code 57-8 Condominum Ownership Act)
   1. Acting as a group in accordance with the association declaration and bylaws; or
   2. Organized as a legal entity in accordance with the declaration

BUILDABLE AREA: That portion of a lot which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered civil engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

COMMON AREA: ~~An area designed to serve two (2) or more dwelling units which have convenient access to the area.~~ Property that an association owns, maintains, repairs, or administers (Utah code 57-8a Community Association Act)

COMMON AREA AND FACILITIES: (Utah Code 57-8 Condominium Ownership Act)

A. The land included within the condominium project, whether leasehold or fee simple;
B. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
C. The basements, yards, gardens, parking areas, and storage spaces;
D. The premises for lodging of janitors or person in charge of the property;
E. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
F. The elevators, tanks, pumps, motors, fans, compressors, ducks, and in general all apparatus and installations existing for common use;
G. Such community and commercial facilities as may be provided for; and
H. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

CUT: A process of excavation. See definition of Excavation.

~~DENSITY: Density of population, measured by the number of dwelling units per acre of land.~~ (Not found in Title 11)

~~DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).~~ (Not found in Title 11)

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

FACILITY: A public service developed, owned, maintained, or authorized by the city (i.e., water, sewer, etc.).

A. Facility, Water Conveyance:
   1. Ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other water course, including but not limited to the state engineer's inventory of water conveyance systems established by Utah code 73-5-7.
   2. Water conveyance facility does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

B. Facility, Water Conveyance Owner: An individual, entity, mutual water company, or unincorporated organization that:
   1. Operates a water conveyance facility; or
   2. Owns any interest in a water conveyance facility; or
   3. Has a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.
C. Facility, Underground: Personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following.
   1. Water;
   2. Sewage, including sewer laterals;
   3. Communications, including electronic, photonic, telephonic, or telegraphic communications;
   4. Television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
   5. Electric power;
   6. Oil, gas, or other fluid and gaseous substances;
   7. Steam;
   8. Slurry; or
   9. Dangerous materials or products.

FILL: A deposit of earth material by artificial means.

~~FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.~~ See PLAT

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

~~INTERVENING PROPERTY: Property located between an existing service facility and the property under development.~~ (Not found in Title 11)

IMPROVEMENT COMPLETION ASSURANCE:

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety, or that

A. Is required for human occupation; and
B. An applicant must install
   1. In accordance with published installation and inspection specifications for public improvements; and

2. Whether the improvement is public or private, as a condition of:
   a. Recording a subdivision plat; or
   b. Obtaining a building permit; or
   c. Development of a commercial, industrial, mixed use, condominium, or multi-family project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that:

A. Runs with the land; and
B. Establishes:
   1. A restriction that is enclosed within the perimeter of a lot described on the plat; or
   2. A development condition that is enclosed within the perimeter of a lot described on the plat.

LOCAL HEALTH DEPARTMENT: Serves San Juan County and municipalities within the county; or a multicounty health department that serves San Juan County; or a united local health department as defined in Utah Code 26A-1-102.

LOT: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

A. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot.
B. Lot, Width: The distance across a lot of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with state code Section 10-9a-608:

A. Whether or not the lots are located in the same subdivision; and
B. With the consent of the owners of record.
C. Lot Line Adjustment does not mean a new boundary line that
   1. Creates an additional lot; or
   2. Constitutes a subdivision or subdivision amendment.
D. Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

~~MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in San Juan County. (Not found in Title 11)~~

~~NATURAL STATE: The description of a lot or parcel of land by courses and distances.~~ (Not found in Title 11)

OFF-SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

ON-SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision ~~or development site~~.

~~OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development.~~ (Not found in Title 11)

PARCEL: Any real property that is not a lot.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PERSONAL PROPERTY: Assets owned, controlled, or managed by a person.

PLAT: ~~A map or plan of a proposed land division, prepared in accordance with the regulations of this title.~~ An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 11-2-3 or 11-2-4 of city code.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC LANDSCAPING IMPROVEMENT: Landscaping that a land use applicant is required to install to comply with published installation and inspection specifications for public improvements that:

A. Will be dedicated to and maintained by the city; or

B. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure; and for which
C. The city has established objective inspection standards for acceptance of a public landscaping improvement or infrastructure improvement that the city requires.

PUBLIC STREET: A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public land, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way. Public street includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way, and conforms with standards in Title 7 of city code. For the purpose of this title, streets shall be classified as follows: (moved from Street)

A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
C. Dead End: A street open at one end with no turnaround.
D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
   1. Into, out of, or throughout the regional area (inter-region); and
   2. From one political subdivision of the region to another, or from an inter-regional highway.
E. Residential Roadway: A public local residential road that:
   1. Will serve primarily to provide access to adjacent primarily residential areas and property;
   2. Is designed to accommodate minimal traffic volumes or vehicular traffic;
   3. Is not identified as a supplementary to a collector or other higher system classified street in an approved city street or transportation master plan;
   4. Has a posted speed limit of 25 miles per hour or less; Where is city code setting speed limits?
   5. Does not have higher traffic volumes resulting from connecting previously separated areas of the city road network;
   6. Cannot have a primary access, but can have a secondary access, and does not abut lots intended to high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
   7. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
F. Service Road: A street or road paralleling and abutting major highway to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major highway.

G. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

~~REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.~~ (Not found in Title 11)

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-5-1 of this title.

~~RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.~~ (Not found in Title 11)

REVIEW CYCLE: The steps required to complete the subdivision review process, including

A. The applicant's submittal of a complete subdivision land use application;
B. The city's review of that subdivision land use application;
C. The city's response to that subdivision land use application; and
D. The applicant's reply to the city's response that addresses each of the city's required modifications or request for additional information.

~~RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.~~ (Not found in Title 11)

~~ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.~~ (Not found in Title 11)

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of Utah Code.

STATE: Any department, division, or agency of the state.

STREET: See Public Street ~~Any public street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and~~

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division, amending or resubdividing an existing subdivision for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. Subdivision includes
   1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
   2. Except as provided in B (below), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
B. Subdivision does not include
   1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.
   2. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with 10-2-4 if no new parcel is created;
   3. A recorded document, executed by the owner of record:
      a. Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
      b. Joining a lot(s) to a parcel.
   4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with sections 10-2-3 and 10-2-4 if:
      a. No new dwelling lot or housing unit will result from the adjustment; and
      b. The adjustment will not violate any applicable land use ordinance;

5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
   a. Is in anticipation of future land use approvals on the parcel or parcels;
   b. Does not confer any land use approvals; and
   c. Has not been approved by the land use authority.
6. A parcel boundary adjustment;
7. A lot line adjustment;
8. A road, street, or highway dedication plat;
9. A deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

SUBDIVISION AMENDMENT: An amendment to a recorded subdivision in accordance with Title 11, Chapter 5 that:

A. Vacates all or a portion of the subdivision;
B. Alters the outside boundary of the subdivision;
C. Changes the number of lots within the subdivision by means other than combining lots (see 11-1-E);
D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
E. Alters a common area or other common amenity within the subdivision.
F. Subdivision amendment does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

SUBDIVISION IMPROVEMENT PLAN: The civil engineering plans associated with required infrastructure and city-controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: Review by the city to verify that a subdivision land use application meets the criteria of the city's subdivision ordinances.

SUBDIVISION PLAN REVIEW: The city's review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with city ordinances and applicable standards and specifications.

SUSPECT SOIL: Soil that has

A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
B. Bedrock units with high shrink or swell susceptibility; or
C. Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

VICINITY PLAN: ~~A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area. (Ord. 2012-01, 7-10-2012)~~ See Sketch Plan

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts. (Ord. 2012-01, 7-10-2012)

~~11-1-4: CONSIDERATIONS:~~ >>Moved to 11-1-1 and 11-1-2

11-1-4:AMENDMENTS:

Amendments to this title may be made from time to time as it is deemed necessary and shall comply with section 11-* of this title. ~~Following a public hearing on proposed amendments to this subdivision title, the planning commission shall make a recommendation to the city council. The city council shall then hold another public hearing prior to approval or rejection of the recommended amendments.~~ (Ord. 2012-01, 7-10-2012)

~~11-1-6: SALES PRIOR TO APPROVAL AND RECORDING PROHIBITED:~~ Moved to 11-1-1

~~A. Until there shall first be recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title:~~

~~1. No person shall subdivide any tract of land that is located wholly, or in part, within the corporate limits of the city that is any part of a subdivision of a larger tract of land;~~

~~2. No persons shall sell, exchange, offer for sale, purchase, or offer to purchase, any parcel of land that is any part of a subdivision of a larger tract of land;~~

~~3. No person shall offer for recording any deed conveying such parcel of land, or any interest therein.~~

~~11-1-7: APPROVALS REQUIRED FOR SUBDIVISIONS:~~ Moved to 11-1-1

~~A. No plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until~~

~~1. It has been submitted and approved by the planning commission and the city council, and~~

~~2. Such approval entered, in writing, on the plat by the city recorder/clerk.~~

~~B. The filing or recording of a plat of a subdivision without such approval shall be void.~~

11-1-5: ~~SUBDIVISION NOT TO ENDANGER HEALTH OR PROPERTY~~: PROHIBITED ACTS:

~~No subdivision shall be developed in the city which, in the opinion of the city council, shall be detrimental to the health or well being of the residents of the city when the subdivision is completed.~~

A. A person may not submit a subdivision plat to the county recorder's office for recording unless the plat has been prepared and approved according to Title 11, Chapter 2 Subdivision Approval and Platting Process.
   1. A subdivision plat recorded without the signatures required under Title 11 of city code is void.
   2. Transfer of land pursuant to a void plat is voidable by the city.

B. Sale or transfer of land prior to approval of final plat:
   1. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.
   2. A violation of Subsection B(1) is an infraction.

C. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (B)(1) or from the penalties or remedies provided in this chapter.

D. Notwithstanding any other provision of Subsection (B), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
   1. Does not affect the validity of the instrument or other document; and
   2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable city ordinances on land use and development.

E. The city may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
   1. An action under this Subsection (E) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
   2. The city need only establish the violation to obtain the injunction.

11-1-6: RESIDENTIAL INFILLING:

~~All subdivision codes must be adhered to and followed whenever a property owner splits one parcel of property into two (2) or more parcels.~~ Moved to 11-1-1(B)

A. All of the following requirements must be met in order to be considered residential infilling.

1. All created lots or parcels must front an existing city street, and have at least eighty feet (80') of frontage on said street; and
2. All created lots or parcels must meet the minimum square footage requirements of ten thousand (10,000) square feet.

B. If the creation of multiple parcels requires the creation of a new street or private drive to access any of the parcels, residential infilling will not be allowed and the subdivision code must be followed.

C. If no utilities are present on the existing city street on which the proposed infill would occur then the residential infilling will not be allowed and the subdivision code must be followed. (Ord. 2012-01, 7-10-2012)

11-1-7: COMMON WALL SUBDIVISION:

A. Purpose: The purpose of this title shall be to allow a business owner to purchase a portion of a building, causing a subdivision within an existing property/structure.

B. Requirements:
   1. The purchase shall include the portion of the building and the property on which it sits.
   2. The Planning Commission shall review a subdivision application submitted by the subdivision requestor along with a plat map showing legal ownership, legal description and survey of proposed subdivision, townsite block, and surrounding streets.
   3. Common Wall Agreement: A signed agreement shall be presented to the Planning Commission as follows:
      a. Definition of properties to include legal survey and legal description of proposed subdivision;
      b. Establishment of Common Facilities;
      c. Repair and Maintenance;
      d. Maintenance of Non-Common Areas;
      e. No Right of Modification/Alteration;
      f. Covenant Running with the Land;
      g. Restriction on Amendment to this Agreement;
      h. Lien Rights;
      i. Maintenance and Repair of Individual Conjoining Property;
      j. Insurance;
      k. Cross-Easement;
      l. Common Wall;
      m. Power of Attorney;
      n. Limitations of Use; and
      o. Attorney Fees.
   4. The Planning Commission shall consider recommendation of the requested subdivision to the Monticello City Council for final approval.

11-1-8: SUBDIVISION OF AGRICULTURAL LAND:

A. A lot or parcel resulting from a division of agricultural land is exempt from plat requirements of Title 11 Chapter 2 if the lot or parcel:
   1. Qualified as land in the A-1 Agricultural zone;
   2. Meets the minimum size requirement of applicable land use ordinances; and
   3. Is not used and will not be used for any non-agricultural purpose.

B. The boundaries of each lot or parcel exempted under subsection A shall be graphically illustrated on a record of survey map that:
   1. Shall receive the same approvals as required for a plat under Title 11 Chapter 2; and
   2. Is or shall be recorded with the county recorder.

C. If a lot or parcel exempted in subsection A is used for a non-agricultural purpose the city shall require the lot or parcel to comply with the requirements of Title 11 Chapter 2 of city code.

D. Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by Title 11 unless the city's certificate or written approval as required in subsection A is attached to the document.

E. The absence of the certificate or written approval required in subsection A does not:
   1. Prohibit the county recorder from recording a document; or
   2. affect the validity of a recorded document.

F. A document which does not meet the requirements of subsection A may be corrected by the recording of an affidavit to which the required certificate or written approval is attached.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11
SUBDIVISION REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 2
SUBDIVISION APPROVAL AND PLATTING PROCESS

SECTION:
11-2-1: Procedure For Approval
11-2-2: Sketch Plan
11-2-3: Preliminary Plat
11-2-4: Final Plat
~~11-2-5: Amended Subdivision Plats~~ Moved to Chapter 5
~~11-2-6: Prior Platted Parcels, Lots Or Blocks~~
~~11-2-6: Approval of Amendment or Vacation of Plat~~ Moved to Chapter 5
11-2-5: Exemption from Plat Requirement
11-2-6: Failure to Comply

11-2-1: PROCEDURE FOR APPROVAL:

A. All subdivision codes must be adhered to and followed whenever a property owner splits one (1) parcel or lot ~~of property~~ into two (2) or more parcels or lots.

B. Before beginning work on or recording any subdivision ~~creating one or more lots of five (5) acres or less in size,~~ a subdivider shall request a pre-application meeting ~~meet~~ with the city zoning administrator. Within fifteen (15) days of the request, the city zoning administrator shall schedule the pre-application meeting to discuss:
   1. The type of subdivision proposed;
   2. Provide a subdivision plat land use application form; ~~information form~~
   3. Provide and discuss existing zoning regulations and zoning map for the area in which the subdivision is proposed;
   4. If the proposal includes single-family, two-family, or townhomes, provide copies of Title 11 and checklists for preliminary and final plat approvals; and
   5. Schedule a meeting with the city planning commission within 45 days of receipt by the city of the subdivider's request for a pre-application meeting.

C. Unless the proposed subdivision meets one of the following criteria, the subdivider shall follow the process set forth in this title.

1. If the proposed subdivision meets the requirements for residential infill the subdivider shall conform with the requirements at 11-1-6 Residential Infill of this title.
2. If the proposed subdivision meets the requirements of a common wall subdivision the subdivider shall conform with the requirements at 11-1-7 Common Wall Subdivision of this title.
3. If the proposed subdivision meets the requirements of a planned unit development (PUD), the subdivider shall conform with the requirements at Title 10 Chapter 14 Planned Unit Development.
4. If the proposed subdivision is a division of agricultural land, the subdivider shall conform with the requirements at 11-1-11 Subdivision of Agricultural Land of this title.

D. Before beginning work on or recording any subdivision, a subdivider shall meet with the planning commission for a review and discussion of:
1. The subdivision plat land use application ~~information~~ form prepared in conformance with 11-2-1(B) of this title.
2. A sketch plan of the proposed subdivision as required in section 11-2-2 of this title.
3. The intent of this meeting is to provide a mutual exchange of information that will help avoid future problems and misunderstandings. ~~No formal action by the planning commission or city council is required at this time.~~ Moved from 11-2-2(D)

E. City to Notify Water Conveyance Facility Owner
1. Within twenty (20) days of receiving a completed plat land use application and sketch plan, the city shall provide written notice of the proposed subdivision to the facility owner of any water convenance facility located entirely or partially within one hundred feet (100') of the subdivision, as determined using information made available to the city:
   a. From the facility owner using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
   b. In the state engineer's inventory of canals; or
   c. From a surveyor.
2. The city shall not approve the subdivision plat for at least twenty (20) days after the day on which the city mails to each facility owner the notice required in 11-2-1(B)(4), in order to receive any comments from each facility owner regarding:
   a. Access to the water conveyance facility;
   b. Maintenance of the water conveyance facility;
   c. Protection of the water conveyance facility;
   d. Safety of the water conveyance facility; or
   e. Any other issue related to water conveyance facility operations.
3. When applicable, the owner of the land seeking subdivision plat approval shall comply with Utah Code annotated 73-1-15.5, Relocation of easements for a water conveyance facility.

4. The facility owner's failure to provide comments to the city in accordance with this section does not affect or impair the city's authority to approve the subdivision plat.

F. Submit Preliminary Plat: The subdivider shall prepare a preliminary plat of the proposed subdivision following the requirements at subsection 11-2-3(A) and submit the preliminary plat and documents required by subsection 11-2-3(B) to the planning commission for review. ~~File Six Copies Of Preliminary Plat: File six (6) copies of the preliminary plot plan with the planning commission for approval or disapproval. The preliminary plat shall be prepared in conformance with the provisions of section 11-2-4 of this chapter~~ The planning commission may require changes as allowed in subsection 11-2-3(C) of this title.

G. Submit Final Plat: The subdivider shall prepare a final plat of the subdivision following the requirements at section 11-2-4, Final Plat and submit the final plat to the planning commission.

H. IMPROVEMENT COMPLETION ASSURANCE: The subdivider shall post an ~~bond~~ improvement completion assurance as required by section 11-4, Subdivision Improvements.

I. ~~Method Of Domestic Waste Disposal: Show to the satisfaction of the city engineer that the proposed method of domestic waste disposal will adequately serve the area to be subdivided without detrimental effect on adjacent property, wells, or watercourses, and that the minimum requirements of the Utah state board of health will be met.~~ Redundant, see 11-3-9

J. ~~Adequate Surface Drainage: Show to the satisfaction of the city engineer that proposed subdivision improvements include adequate measures to control surface drainage without damage to natural terrain features or adjacent property.~~ Redundant, see 11-3-7

~~A. File Final Plat: File three (3) copies of the final plat according to the provisions of section 11-2-5 of this chapter.~~ Redundant, see 11-2-4

~~B. Submit Approved Plat To City Council: Upon receiving approval of the final plat, submit the approved plat to the city council.~~ Redundant, see 11-2-4

~~C. Record Final Plat: Following city council approval of the final plat, the subdivider shall present the final plat, bearing all required signatures, to the county recorder and pay all recording fees. The city council approval of the final plat shall be void if not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning commission and granted during the one year period.~~ Moved to 11-2-4(F)

D. ~~Completion Of Infrastructure Required: Sale of any lot or occupancy of any home shall not be permitted until infrastructure has been completed and approved by the city engineer. (Ord. 2012-01, 7-10-2012)~~ Moved to 11-3-1

11-2-2: SKETCH PLAN:

A. The subdivider shall prepare a sketch plan on 8-1/2 x 11 inch paper (multiple sheets accepted) with a bar scale and which displays the following characteristics of the proposed subdivision and abutting lots, parcels, or streets:

~~B. A sketch plan shall be prepared showing the concept of the proposed subdivision. The sketch plan shall consist of a general site plan with sufficient detail to illustrate on-site characteristics of the proposed subdivision and adjacent parcels. The sketch plan should include such information as:~~

1. Existing vegetation;
2. Topography and north arrow;
3. Existing Buildings and Structures;
4. Recorded Road and Utility Easements;
5. Existing and proposed public Streets;
6. Drainage ~~channels~~ corridors;
7. Existing above ground and below ground utility lines;
8. Existing land uses; and
9. Proposed subdivision ~~plot~~ layout.

C. Where the sketch submitted covers only one phase of a subdivider's proposed subdivision, a separate sketch map shall show the proposed street system for the entire area to be subdivided and the intersections with existing city streets.

~~D. Preapplication Meeting With Planning Commission: The sketch plan will be reviewed by the developer and planning commission at a preapplication meeting. At this preliminary meeting, the city will be notified of the developer's intent to subdivide; and the developer will be notified of various city ordinances, standards, special requirements and any other matters of concern to be considered in proceeding with preparation of the preliminary plat. The preliminary plat should be prepared in accordance with information discussed at this preapplication meeting, in addition to complying with other sections of this title. (Ord. 2012-01, 7-10-2012)~~

11-2-3: PRELIMINARY PLAT:

A. ~~Form And Content:~~ The preliminary plat shall comply with the following requirements:

1. ~~Description: In~~ A title block shall be located in the lower right hand corner of the sheet, and contain the following information:
   a. The proposed name of the subdivision, which shall be distinct from any subdivision name on a plat recorded in the county recorder's office;
   b. The location of the subdivision, including the address, section, township and range;
   c. The names and addresses of the owner, or subdivider if other than the owner, and the surveyor of the subdivision; and

d. Date of preparation, scale (not greater than fifty (50) feet to the inch), and north point.

2. ~~Existing Conditions:~~ The preliminary plat shall show:

a. Existing Conditions:

1) The location of the nearest bench mark or monument;

2) The boundary, length, and width of the proposed subdivision and the acreage included;

3) All property under the control of the subdivider within and abutting the proposed subdivision;

4) The location, width, and names of all existing streets and future road corridors within four hundred fifty feet (450') of the subdivision. Also, all prior platted streets or other public open spaces, permanent easements and sections, and corporation lines, within and next to the tract;

5) The location of all wells proposed, active, and abandoned, and of all reservoirs within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries;

6) Rights-of-way and recorded easements within and to a distance of at least two hundred feet (200') beyond the tract boundaries showing pipe sizes and grades, manholes, and exact locations for existing:

a) Water conveyance facilities;

b) Underground facilities; and

c) Any other utility facility;

7) Any water convenance facility located, entirely or partially, within the proposed subdivision that:

a) Is not recorded; and

b) Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land by the state engineer's inventory of canals or from a surveyor.

8) Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible; and

9) Contour at vertical intervals of not more than two feet (2'). High water levels of all watercourses, if any, shall be shown in the same datum for contour elevations.

b. Proposed development:

1) The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements, designated by actual or proposed names and numbers.

a) Street names shall comply with title 7 chapter 4 of city code;

b) Joining of proposed streets with existing streets shall serve as a continuation of existing streets from adjoining areas; From 11-3-3

c) Design, placement, and layout of streets shall meet minimum standards at section 11-3-3.

2) The layout, numbers and typical dimensions of lots, blocks, or buildings.

a) All lots shall front on a city street;
b) Lot numbers or addresses shall comply with title 7 chapter 4 of city code;
c) Dimensions shall include length, width, and acreage or square footage for each lot and block intended for sale;
d) Lot sizes and widths shall conform with the minimum requirements of the zone in which the subdivision is located. Lots below minimum size left from subdividing a larger tract shall be redrawn to be attached to an abutting lot and become part of the abutting lot;
e) Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the planning commission by the subdivider. Moved from 11-3-5

3) Size of blocks.
   a) Length: The maximum length of a block shall be one thousand two hundred feet (1,200') and the minimum length of a block shall be two hundred fifteen feet (215');
   b) Width: The width of a block shall be sufficient to allow two (2) tiers of lots.
4) Tracts of land intended to be dedicated or temporarily reserved for public use, or set aside for use of property owners in the subdivision.
5) Building setback lines as required by ~~section 11-3-5 of this title~~ the zone in which the subdivision is located.
6) Easements for water, sewer, drainage, utility lines and other purposes shall be a minimum of ten feet (10') in width (see subsection11-3-3(D)).
7) If a proposed subdivision or lots within a proposed subdivision include a drainage corridor recognized in title 10, chapter 12, Overlay Zones, an engineering drawing shall be prepared to show how the function of the corridor will be protected.

B. In addition to the preliminary plat requirements at subsection11-2-3(A), the subdivider shall provide:
   1. Title Report documenting ownership of land included within the proposed subdivision.
   2. For residential development the subdivider shall provide proof of ownership of irrigation water shares for deeding to city: Moved from 11-3-9(A)
      a. Any subdivider who owns water rights to ~~such~~ irrigation water shares not already vested in the city corporation, shall ~~be required to~~ deed to the city water shares equivalent to forty-five hundredth (0.45) acre-foot of water per year for each dwelling unit to be constructed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary;

b. Any subdivider who does not own irrigation water shares must purchase the equivalent shares and deed them to the city; and

c. If no water rights are immediately available for purchase, the subdivider shall pay to the city an amount equal to the market value of said water shares and, as such time as water stock becomes available, the city shall purchase the equivalent shares.

3. For commercial or industrial development the proponent shall provide proof of ownership of water rights to irrigation water shares not already vested in the city corporation, and shall deed to the city water shares as required by the Utah Division of Water Rights for the type of commercial or industrial development proposed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary.

4. ~~Copies Of Agreements: Where necessary, copies~~ Copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

5. ~~Engineering Drawings:~~ Preliminary engineering drawings, including typical cross sections and plans, and/or written statements regarding width and type of proposed off-site and on-site water mains, sanitary sewers, drainage facilities and other proposed improvements, such as streets, sidewalks, curbs, gutters, parks, and fire hydrants.

6. ~~Grading And Drainage Plan:~~ Preliminary grading and drainage plans, as required by the city engineer, showing existing grades with solid line contours and proposed grades superimposed with dashed line contours. However, plans in all hillside area subdivisions shall also show:

   a. Areas with eight percent (8%) or greater natural slope by cross hatching; and

   b. The location of proposed cuts and fills.

7. ~~Environmental Impact Statement:~~ Environmental impact statement, when required by the city engineer, shall be prepared indicating or describing the measures that will be taken for ~~with respect to~~:

   a. Control of erosion within the subdivided area;

   b. Reseeding of cuts and fills;

   c. Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements which may be constructed on the subdivision such as buildings, water and sewer lines and streets;

   d. Prevention of fire and control of dust;

   e. Prevention of accumulation of weeds and debris;

   f. Disposal of surface water and disposition of flood hazards; and

   g. Preservation of natural drainage channels.

C. Amendments May Be Required:

1. Prior To Approval: Before approving a preliminary plat ~~or a final plat~~ of a subdivision, the planning commission may require amendments or modification of the plan, including requiring: ~~if it finds that~~:

a. Additional information relating to an applicant's plans to ensure compliance with city ordinances and approved standards and specifications for construction of public improvements; and

b. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

c. The city's request for additional information or modifications shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

~~a. The layout of the subdivision does not conform to acceptable standards of design as set forth in this title.~~

~~b. The subdivision is not provided with adequate ingress or egress.~~

~~c. The subdivision contains geologic, soil, water, or other hazards, which would be detrimental to the subdivision surrounding area, or to the city.~~

~~d. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this title city code.~~

~~e. The dimensions of the subdivision or any lot do not mathematically close.~~

2. Conform To Requirements: The subdivider shall make such amendments or modifications to the satisfaction of the planning commission and sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this title.

D. Approval Of Preliminary Plat:

1. Review:

a. The subdivider shall provide six (6) copies of the preliminary plat for use by the city in its review of the proposed subdivision.

b. Within fifteen (15) business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes the administrative land use authorities shall complete the initial review of the application including subdivision improvement plans.

c. Within thirty (30) business days after the day on which an applicant submits a complete preliminary subdivision land use application for commercial or industrial development the administrative land use authorities shall complete the initial review of the application including subdivision improvement plans.

d. As part of the review cycle the planning commission may

1) Receive public input in a public meeting;

2) Hold one public hearing;

3) Request additional information from the subdivider; or

4) Review the preliminary plan at the staff level.

5) No more than four review cycles may be required unless:

i. A modification or correction is necessary to protect public health and safety or to enforce state or federal law.

ii. Subject to subsection 11-2-3(D)(1)(d)(5)(i), a change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development.

iii. An applicant makes a material change to a plan set, in which case the city has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the materials change substantively effects.

6) If the applicant does not submit a revised plan within twenty (20) business days after the city requires modification or correction, the city shall have an additional twenty (20) business days to respond to the plans.

7) Except as indicated in subsection 11-2-3(D)(1)(5) above, after the applicant has responded to the final review cycle and has complied with each modification requested by the city's previous review cycle, the city may not require additional reviews if the applicant has not materially changed the plan other than changes that were in response to requested modifications or corrections.

8) The applicant's response to city's requested modifications or corrections shall include:

i. A written explanation in response to the city's review comments, identifying and explaining the applicant's revisions and reasons for declining to made revisions, if any; and

ii. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required corrections.

iii. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

e. If upon the fourth or final review the city fails to respond within twenty (20) business days, the city shall, upon request of the property owner and within ten (10) business days after the request is received:

1) For disputes arising from the subdivision improvement plan, assemble an appeal panel in according with Utah code subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

2) For disputes arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

f. ~~Following this investigation, the planning commission shall recommend approval of the preliminary plat as submitted or modified, or disapprove the plat.~~ Following review and if the preliminary plat complies with requirements in

this section, the planning commission will approve the preliminary subdivision application.

g. The planning commission shall not ~~recommend approval or disapproval of~~ approve the plat until signature acceptance is received from each of the interested ~~city departments~~ administrative land use authorities.

2. Copies Of Plat Forwarded:
   a. If the preliminary plat is recommended for approval, the planning commission shall return one copy of the plat signed by the planning commission chairman to the subdivider with any conditions attached.
   b. Other signed copies shall be forwarded to each of the interested authorities ~~city departments~~.
   c. One (1) signed copy shall be retained in the office of the city recorder/clerk.
   d. The planning commission shall retain one (1) signed copy of the plat for its files.
   e. If the preliminary plat is recommended for disapproval, the planning commission shall indicate its disapproval by distributing signed copies of the plat to the subdivider and interested authorities bearing the reasons for disapproval.
3. Limits on Signature Authority: The city shall not require that a plat be approved or signed by a person or entity who:
   a. Is not an employee or agent of the city;
   b. Does not have a legal or equitable interest in the property within the proposed subdivision;
   c. Does not provide a utility or other service directly to a lot within the subdivision;
   d. Does not own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or
   e. Does not provide culinary public water service whose source protection zone is included, in whole or in part, within the proposed subdivision.
4. City to Maintain and Publish Certain Items: The city shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:
   a. The application;
   b. The owner's affidavit;
   c. An electronic copy of all plans in PDF format;
   d. The preliminary subdivision plat drawing; and
   e. A breakdown of fees due upon approval of the application.
5. Receipt of a signed copy of an approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of plans and specifications ~~for the minimum improvements hereinafter~~ required by this title ~~and with the preparation of the final plat~~ in preparation of the final plat.

E. Duration Of Preliminary Approval:

1. Maximum Period Valid: Approval of the preliminary plat by the planning commission shall be valid for a maximum period of twelve (12) months. After approval and upon application from the developer, the planning commission may grant an extension.
2. If the final plat has not been recorded within the twelve (12) month period, or granted extension, the preliminary plat must again be submitted to the city council or planning commission for reapproval.
3. Large Tract Extension: Preliminary approval of a large tract shall not be voided if the final plat of the first ~~section~~ phase is submitted for final approval within one year and an extension of time is granted as to the remainder thereof. (Ord. 2012-01, 7-10-2012)

~~Filing: Whenever a subdivision is to be filed, six (6) copies of the preliminary or tentative plat shall be prepared and presented to the planning commission for their review.~~

~~Title Report Required: At the time the preliminary or tentative plat is presented to the planning commission, a title report shall also be submitted.~~ Moved to B1 and D1 of this section

11-2-4: FINAL PLAT:

A. Approval Required Prior To Recording: No plat shall be recorded or offered for record, nor shall any land be offered for sale with reference to such a plat until said plat has been so approved in writing and recorded.

B. Form: A final plat shall be prepared by a ~~duly licensed~~ certified land surveyor on all subdivisions.
   1. Said plat shall consist of a sheet of mylar, having outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36").
   2. The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1-1/2") on the left hand side of the sheet.
   3. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawings best.
   4. All lines, dimensions and markings shall be made on the mylar, with approved waterproof drawing ink or equivalent. Details and workmanship on finished drawings shall be neat, clean cut, and readable. A poorly drawn or illegible plat is sufficient cause for rejection.
   5. Certification blocks that include:
      a) A licensed land surveyor's "certificate of survey";
      b) The owner's "certificate of dedication";
      c) A notary public's "acknowledgment";
      d) The city planning commission's "certification of approval";
      e) The city engineer's "certificate of approval";
      f) The city attorney's "certificate of approval";

g) The city council's "certificate of approval"; and
h) A one and one-half inch by five inch (1-1/2" x 5") space in the lower right hand corner of the drawing for the county recorder's use.

C. Content: The final plat shall show:
1. The name of the subdivision, which name must be approved by the planning commission;
2. Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, easements, areas to be reserved for public use and other important features. All dimensions shall be determined by an accurate field survey which shall balance and close within a limit of one in ten thousand (1 in 10,000) feet;
3. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths;
4. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol. Basis for bearings used shall be clearly stated;
5. Total dimensions of all lines, whether curved or straight, including lengths, bearings, radii, chords, internal angles, and location of points of curvation;
6. The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county, or other official bench marks, monuments or triangulation stations, in or adjacent to the property, shall be preserved in precise position;
7. The dedication to the public of all streets and highways included in the proposed subdivision;
   a. Street monuments shall be installed by the subdivider's land surveyor at such points designated on the final plat as required by the city engineer. Standard precast monuments will be furnished by the subdivider and must be placed prior to the release of the improvement bond.
   b. The city shall not accept or maintain streets or public ways unless said streets have been constructed in accordance with standards and specifications which have been adopted by the city council. Moved from 11-3-9(C)
8. Pipes or iron rod markers shall be placed at each lot corner;
9. Location of all planned stub or service tees to each lot for culinary and secondary water connections and sewer connections.
10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners; and
11. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.
   a. ~~The final plat shall require~~: Moved to 11-2-4(B)

b. ~~The following information shall be submitted:~~ Moved to 11-2-4(D)

D. Amendments May Be Required:

1. Prior To Approval: Before approving a final plat of a subdivision, the planning commission may require amendments or modification of the plan if it finds that:
   a. The layout of the subdivision does not conform to acceptable standards of design as set forth in this title;
   b. The subdivision is not provided with adequate ingress or egress;
   c. The subdivision contains geologic, soil, water, or other hazards, which would be detrimental to the subdivision surrounding area, or to the city.
   d. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in ~~this title~~ city code; and
   e. The dimensions of the subdivision or any lot do not mathematically close.
2. Conform To Requirements: The subdivider shall make such amendments or modifications to the satisfaction of the planning commission and sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this title.

E. Approval of Final Plat

1. Subdivider supplied documents.
   a. Within one (1) year after the approval of the preliminary plat, or within the time for which an extension to make such filing has been granted, the preliminary plat and two (2) mylar originals of the final plat shall be submitted for review; one of which will be retained for the city files, the other will be ~~sent to the county recorder~~ returned to the subdivider.
   b. Submittal of an up to date abstract ~~of this title~~ or policy of title insurance shall be submitted to the city prior to ~~precede said~~ final plat approval.
   c. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full. ~~or a letter stating that a satisfactory bond has been filed to secure such payment.~~
   d. An itemized estimate of the cost of all proposed or required improvements, including labor and material.
   e. One copy of any proposed restrictive covenants in final form and signed by all of the owners of any interest in the subdivision who signed the final plat ~~subdivision map~~. This copy shall be acknowledged by a notary public and shall be recorded in the office of the county recorder along with the final plat.
2. Filing Fee: There shall be a city filing fee and inspection fee for the filing of a final plat of a subdivision, which shall be borne by the subdivider, and paid to the city in accordance with the provisions of title 11, chapter 6 and title 1, chapter 7, Consolidated Fee Schedule.
3. When the subdivider has supplied the required materials and paid the city filing fee.

a. For a subdivision containing single-family dwellings, two-family dwellings, or townhomes, the review shall be conducted no later than twenty (20) business days from the date the city receives the required materials and filing fee.

b. For all other subdivisions, including those for commercial or industrial purposes, the review shall be conducted no later than thirty (30) business days from the date the city receives the required materials and filing fee. ~~the final plat will be reviewed by the planning commission, city engineer, withinat the next regularly scheduled meeting of the planning commission.~~

4. After review the planning commission shall make a recommendation to the city council for approval ~~or disapproval~~ of the final plat if all conditions of title 11 and applicable city code have been satisfied.

~~5.~~ After receiving recommendations from the planning commission and approvals as required in subsection 11-2-4(E)(3), the city council ~~must act upon the final plat within sixty (60) days,~~ shall approve the final plat~~. unless~~

~~an extension of time is agreed upon by the parties concerned; the city chooses to withhold approval of an otherwise valid plat until the owner of the land provides the city with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.~~

~~6. Failure by the city council to act upon the final plat in that time period will be considered approval of the final plat.~~

F. Recordation of Final Plat:

1. Following city council approval of the final plat, the subdivider shall:
   a. Present to the county recorder the final mylar plat, bearing all required signatures, and pay all recording fees; or
   b. Present to the county recorder the final plat in electronic format as required at Utah code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act, and pay all recording fees.
2. The subdivider shall file with the city recorder:
   a. One paper copy of the signed final plat bearing the county recorder's stamp; and
   b. A copy of the final plat in electronic format as required at Utah Code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act and city code 11-2-4(G).
3. The city council approval of the final plat shall be void if not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning commission and granted during the one (1) year period.

G. City to Submit Data to Utah Geospatial Resource Center

1. Within thirty (30) days after approving the final plat under this section the city shall submit to the Utah Geospatial Resource Center:
   a. An electronic copy of the approved plat; or
   b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

2. If requested by the Utah Geospatial Resource Center, the city shall:
   a. Coordinate with the Utah Geospatial Resource Center to validate the information described in subsection 11-2-5(G)(1); and
   b. Assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in subsection11-2-5(G)(1) for inclusion in the unified statewide 911 emergency service database.

~~11-2-2: PRIOR PLATTED PARCELS, LOTS OR BLOCKS:~~ Replaced by 11-1-9

~~a. Conditions For Approval: The division of prior platted parcels, lots or blocks into not more than four (4) lots may be approved by the city council upon recommendation of the planning commission under the following conditions:~~

~~1. Each lot created meets the frontage, width, and area requirements of section 11-3-5 of this title, or has been granted a variance from such requirements by the board of adjustment.~~

~~2. The division of land does not require the dedication of land for a street or other public purpose, nor is it traversed by any proposed streets shown on the official map.~~

~~3. The division of land does not require the extension and/or addition of street, sewage disposal, water, curb, gutter, sidewalk or storm drainage improvements, as specified in chapter 4 of this title.~~

~~A. Application: Applications made to the planning commission for the subdivision of prior platted parcels, lots or blocks, shall contain the following:~~

~~1. An accurate plat prepared by a licensed land surveyor on a sheet of mylar, with waterproof ink. The top edge of the plat shall be either north or east, whichever fits the drawing best. The plat shall show:~~

~~a. Lot lines, including arcs and tangents with dimensions in feet and hundredths.~~

~~b. Easements for water, sewer, drainage, utility lines and other purposes.~~

~~2. A nonrefundable filing fee, of such amount as the city council may from time to time establish by resolution.~~

~~B. Procedure:~~

~~1. The applicant shall submit the application for the subdivision of a prior platted parcel, lot, or block, to the planning commission.~~

~~2. The application, together with all pertinent information, shall be sent to the city engineer and any other pertinent city departments for their approval. Such approvals, together with any comments and/or recommendations, shall be returned to the planning commission.~~

~~3. After receiving all recommendations, the planning commission shall review the subdivision and make recommendation to the city council for approval, modification and approval, or denial.~~

4. ~~The planning commission shall submit their recommendation on the subdivision to the city council for its consideration within thirty (30) days after receipt of all recommendations unless an agreement is reached by the applicant and the planning commission to table the matter until the next regular decision making meeting of the planning commission. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval by such commission of the proposed subdivision.~~
5. ~~The city council, after fifteen (15) days' notice and at a public meeting, may approve, modify and approve, or deny the subdivision.~~
6. ~~Upon acceptance of the subdivision by the city council, the final plat bearing official signatures of the city engineer, city council, city planning commission, city attorney, and signed by a licensed land surveyor, shall be deposited in the office of the county recorder for recording at the expense of the subdivider. (Ord. 2012-01, 7-10-2012)~~

11-2-5: EXEMPTION FROM PLAT REQUIREMENT:

A. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if:
   1. The parcel qualifies as land in the A-1 Agricultural-Residential Zone;
   2. Meets the minimum size requirements of the A-1 Agricultural-Residential Zone; and
   3. The lot or parcel is not used and will not be used for any non-agricultural purpose.

B. If a lot or parcel resulting from a division of agricultural land is or will be used for non-agricultural purpose, the subdivider will comply with all the requirements in title 11 of city code.

C. The boundaries of each lot or parcel exempted under subsection 11-2-5(A) shall be graphically illustrated on a record of survey map that has been approved as required for a plat under title 11, chapter 2.

D. The graphically illustrated record of survey map shall be recorded by the subdivider with the county recorder.

E. Documents recorded in the county recorder's office that divide a property by a metes and bounds description do not create an approved subdivision allowed by this title unless the city's certificate or written approval is attached to the document and includes:
   1. The city's affidavit that public notice was provided as required by ordinance; and
   2. The proposed subdivision:
      a. Is not traversed by the mapped lines of a proposed street as shown in the general plan unless the city has approved the location and dedication of any public street, city utility easement, and other easement,, or any other land for public purposes as required by city code;
      b. Has been approved by the culinary water authority and the sanitary sewer authority;

c. Is located in a zoned area; and
d. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

F. The absence of the certificate or written approval required in subsection 11-2-5(E) does not:
1. Prohibit the county recorder from recording the document; or
2. Affect the validity of a recorded document.

G. A document which does not meet the requirements of subsection 11-2-5(E) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached.

11-2-6: FAILFURE TO COMPLY WITH APPROVAL PROCEDURE:

A. A person may not submit a subdivision plat to the county recorder's office for recording unless:
1. The person has complied with the requirements of title 11 of city code;
2. The plat has been approved by:
   a. The land use authority of the municipality in which the land described in the plat is located; and
   b. Other officers that the municipality designates in its ordinance;
3. All approvals described in Subsection (A)(2) are entered in writing on the plat by the designated officers; and
4. If the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Utah Code Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

B. A subdivision plat recorded without the signatures required under this section is void.

C. A transfer of land pursuant to a void plat is voidable by the land use authority.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11
SUBDIVISION REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 3
SUBDIVISION DESIGN STANDARDS

SECTION:

11-3-1: General Standards
~~11-3-2: Standards Of Construction~~
11-3-3: Street Standards
~~11-3-4: Block Standards~~ MOVED TO 11-2
11-3-4: Common Area Parcels on a Plat
~~11-3-5: Lot Standards~~
11-3-6: Cuts In Pavement
11-3-7: Development Standards
11-3-8: Private Roads And Driveways
11-3-9: Water And Sewer

11-3-1: GENERAL STANDARDS:

A. The design and development of subdivisions shall preserve, insofar as it is possible, trees, native land cover, natural watercourses, topography, existing topsoil, and vegetation.

~~B.~~ The standards of construction of all buildings, structures, utilities, streets, and sidewalks:

1. ~~are to~~ Shall conform to the building codes and standards of street construction adopted by the city~~; and also to the heretofore adopted by the city council. (Ord. 2012-01, 7-10-2012)~~ and
2. Are subject to inspections and permits as authorized in 11-6-2 Enforcement of Title.

C. Where the city engineer has determined that land is subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, suspect soils, ground subsidence, shallow water table, open quarries, floods, and polluted water supply, said lands shall not be subdivided until the city engineer determines that

1. The hazards have been eliminated; or
2. Evidence submitted that the said hazards will be eliminated by the subdivision and construction plans as required by 11-2-3(B).

D. All cut and fill slopes shall be reseeded and/or planted with vegetation as required by the ~~city council~~ city engineer or as stipulated in the environmental impact statement required by 11-2-3(B).

E. Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer. (Ord. 2012-01, 7-10-2012) Moved from 11-4-3

F. Completion Of Infrastructure Required:
   1. Sale of any lot or occupancy of any home shall not be permitted until infrastructure has been completed and the city engineer has signed a statement certifying that:
      a. The improvements described in the subdivider's plans and specifications have been completed, including any required public landscaping improvement or infrastructure improvements; and
      b. The improvements comply with the recommendations of the planning commission, ~~and the City Fire Department~~ culinary water authority, fire authority, and sanitary sewer authority and, if requested, the local health department, and/or the public safety authority; and
      c. The improvements comply with the standards, rules and regulations for subdivisions approved by the City Council, which standards, rules and regulations are hereby incorporated in this title by reference. (Ord. 2012-01, 7-10-2012) Moved from 11-4-1
   2. If all improvements are not completed as scheduled and intended, the subdivider shall provide an improvement completion assurance and bond as required by 11-4 of this title before the sale of any lot or occupancy of any home will be authorized by the city.

~~11-3-2: STANDARDS OF CONSTRUCTION~~: Moved to 11-3-1(B)

11-3-3: STREET STANDARDS:

~~A. Minimum Design Standards:~~

~~1. Minimum right-of-way width for a two-way city street shall be thirty four feet (34'), and the minimum hard surface width shall be twenty four feet (24'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be fifty feet (50') and the minimum hard surface must be forty feet (40').~~

~~2. Minimum right-of-way width for a one-way city street shall be thirty feet (30'), and the minimum hard surface width shall be twenty feet (20'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be thirty eight feet (38') and the minimum hard surface must be twenty eight feet (28'). Parking is permitted only on the right hand side when viewed from the flow of traffic.~~

~~3. Sidewalk construction will be in accordance with Title 7 Chapter 2 of city code.~~

~~4. Private drives shall have a minimum width of twenty feet (20') and shall be finished with an all-weather surface.~~

~~a. Parking of vehicles and placement of public utilities in private drives is prohibited.~~

~~b. The city will not maintain private drives, and~~

~~c. The city will not collect trash from private drives.~~

A. All designs shall conform to the American Public Works Association (APWA) standards as required by Title 7 of city code.

B. Construction of all streets shall conform to standards in Title 7 of city code.

~~1. Minimum requirements shall be as follows:~~

~~a. Base, six inches (6") compacted depth.~~

~~b. Gravel, three-quarter inch (3/4") or one inch (1") minus, to a compacted depth of three inches (3").~~

~~c. Asphalt, two and one-half inches (2-1/2") compacted depth.~~

~~d. Specifications for the design of street subbase, base, hard surfacing, curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications as adopted by the city of the American Public Works Association?~~

~~e.~~

C. Cul-De-Sacs: Cul-de-sacs shall be used only where unusual drainage or land ownership configurations exist which make other designs undesirable.

1. Each cul-de-sac shall have a minimum hard surface width of twenty four feet (24') and a minimum right-of-way width of not less than thirty four feet (34').
2. Cul-De-Sacs shall have a maximum length of four hundred feet (400'), and must be terminated by a turnaround of not less than one hundred twenty feet (120') in diameter.
3. Surface water must drain away from the turnaround, except where due to the grade surface, water cannot be drained along the street away from the turnaround. In such cases necessary catch basins, drain lines and drainage easements shall be provided.

D. Utility Easements:

1. Utility corridor easements of not less than ten feet (10') shall be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains and other public utilities'
2. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.
3. The location of said easements shall be as shown on the final plat. ~~to be specified by the planning commission~~

E. Street Intersections: Streets shall intersect each other as nearly as possible at right angles. City streets shall approach other city streets at an angle of not less than eighty degrees (80°). Offsets in street alignment between ten feet (10') and one hundred twenty feet (120') shall be prohibited.

F. Street Grades: Minimum street grades shall be four-tenths of one percent (0.4%) and maximum street grades shall be twelve percent (12%).

G. Corner Returns: Curbs at all intersections shall be rounded with curves having minimum radius of twelve feet (12') measured to the back of curb and gutter.

H. ~~Design Specifications: Specifications for the design of street subbase, base, hard surfacing, curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications as adopted by the city.~~ Moved to 11-3-3(B)

~~I. Street Names: New street names or numbering shall not duplicate those already approved by the planning commission. A street, obviously a continuation of another already in existence, shall bear the same name and numbering sequence. The numerical system of street designations shall be maintained and extended where possible.~~ Redundant, see 11-1-2(E) and 11-2-3(A)

J. Street Dedications: ~~All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited.~~

1. A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in Title 11 of city code, operates when recorded as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the city for the public for the uses named or intended in the plat.
2. The dedication established by this section does not impose liability upon the city for public streets and other public places that are dedicated in this manner but are unimproved unless:
   a. Adequate financial assurance has been provided in accordance with this chapter; and
   b. The city has accepted the dedication.

K. ~~Relations To Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, but in no case less than the required minimum width.~~ Redundant, see 11-2-3

L. Streetlights: Streetlights within subdivisions shall be required at all intersections, and at any point where there is a change in direction of the road, and at a distance of no more than four hundred feet (400') apart.

M. Fire Hydrants: Fire hydrants shall be placed at a distance of no more than five hundred feet (500') apart. (Ord. 2012-01, 7-10-2012)

11-3-4: ~~BLOCK STANDARDS:~~ Moved to 11-2-A

11-3-4: COMMON AREA PARCELS ON A PLAT

A. As used in this section:
   1. "Declarant" means the same as that term is defined in: (i) regarding a common area, Section 57-8a-102; and (ii) regarding a common area and facility, Section 57-8-3 of state code.
   2. "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3 of state code.
   3. "Period of administrative control" means the same as that term is defined in: (i) regarding a common area, Section 57-8a-102; and (ii) regarding a common area and facility, Section 57-8-3 of state code.

B. A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility, on a plat recorded in compliance with Title 11 of city code, independent of the other lots, units, or parcels created by the plat unless:
   1. An association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or
   2. The conveyance or modification is approved under Subsection (E).

C. If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (E), the person who presents the instrument of conveyance to a county recorder shall:
   1. Attach a notice of the approval described in Subsection (E) as an exhibit to the document of conveyance; or
   2. Record a notice of the approval described in Subsection (E) concurrently with the conveyance as a separate document.

D. When a plat contains a common area or common area and facility:
   1. For purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and
   2. Each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.

E. Notwithstanding Subsection (B), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:
   1. The city; and
      a. for a common area that an association owns, 67% of the voting interests in the association; or
      b. for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
   2. During the period of administrative control of the declarant.

~~**11-3-5: LOT STANDARDS:**~~

~~A. Building Sites: The lot arrangement, design and shape shall be such that lots will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.~~

~~B. Building Setback Lines: Twenty foot (20') minimum front setback, thirty foot (30') minimum rear setback, and a minimum side setback of eight feet (8') for interior lots, and a twenty foot (20') for street side of corner lots, with the combined sum for the two (2) side yards not less than sixteen feet (16').~~

~~C. Lot Sizes: All lots shown on the subdivision plat must conform to the minimum requirements of ten thousand (10,000) square feet~~

~~D. Lot Width: Each lot shall have an average width of eighty feet (80') at the setback line in an R-1 zone and R-2 zone. All lots must abut on a city street.~~

~~E. Corner Lots: Corner lots shall have dimensions sufficient for the maintenance of required building setback lines twenty feet (20') on both streets, along with sufficient area to comply with area requirements of the zoning title 1.~~ # B-G moved to 11-2-3(A)

~~F. Parts Of Lots: All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, and evidence of such attachment submitted prior to the approval of the final plat. All lots designated within a subdivision must be the minimum standards set forth in this title.~~

G. ~~Divided Lots: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the planning commission by the subdivider.~~ (Ord. 2012-01, 7-10-2012)

11-3-6: CUTS IN PAVEMENT:

No cuts shall be made in street pavement after hard surfacing has been installed unless a permit is obtained and approved by the city. (Ord. 2012-01, 7-10-2012)

11-3-7: DEVELOPMENT STANDARDS:

A. Grading:
   1. Land with twenty percent (20%) or greater slope shall have natural vegetation but may be supplemented by other plant material.
   2. Every lot or parcel shall have a buildable area equal to at least forty percent (40%) of the minimum lot size required in subsection 11-3-5C of this chapter.
   3. All rough street and site grading shall be completed prior to the installation of utilities.

4. Borrowing from on site for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area.
5. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and maintenance of cut and fill slopes except those within the required street right of way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.
6. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping (i.e., cut and fill slopes).

B. Drainage:
1. Stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods as determined by the city engineer, or be designed to divert into the closest usable ~~irrigation ditch or channel~~ water conveyance facility.
2. No ~~ditch or canal~~ water conveyance facility shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ~~irrigation company, or of the water users for such use~~ water conveyance facility owner.
3. Stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping faces of a fill.
4. Curb, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadway except into appropriate drainage facilities.
5. Natural drainage shall be riprapped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
6. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course within irrigation channels.
7. Sediment catchment ponds shall be constructed on the development site, unless sediment retention facilities are otherwise provided by the developer.

C. ~~Fire Protection: The city fire chief fire authority must approve the subdivision for adequate fire protection. (Ord. 2012-01, 7-10-2012)~~ Redundant, see 11-2-3 and 11-2-4

D. Restrictions For Solar And Other Energy Devices: The city may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

11-3-8: PRIVATE ROADS AND DRIVEWAYS:

A. The city shall not open, grade, pave or perform any maintenance work on any private or undedicated streets.

B. The city shall not lay utility lines in any street which has not:
   1. Been accepted by the city as a city street.
   2. Which has not received approval of the city council as part of a final plat of a subdivision, unless an easement is granted.

C. ~~The city shall not accept or maintain streets or public ways unless said streets have been constructed in accordance with standards and specifications which have been adopted by the city council. (Ord. 2012-01, 7-10-2012)~~ Moved to 11-2-4(C)

11-3-9: WATER AND SEWER:

~~A. Any person, firm or corporation, who shall hereafter subdivide any land within the city limits share assure adequate water availability:~~ Moved to 11-2-3(B)

   ~~1. Any subdivider who owns water rights to such irrigation water shares not already vested in the city corporation, shall be required to deed to the city water shares equivalent to one acre-foot of water per year for each dwelling unit to be constructed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary.~~

   ~~2. Any subdivider who does not own irrigation water shares must purchase the equivalent shares and deed them to the city.~~

   ~~3. If no water rights are immediately available for purchase, the subdivider shall pay to the city an amount equal to the market value of said water shares and, as such time as water stock becomes available, the city shall purchase the equivalent shares.~~

B. Water Installations: Water installations will be installed in accordance with the provisions of Title 8 of city code.

C. Sewer Installations: Sewer installations will be installed in accordance with the provisions of Title 8 of city code. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

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CHAPTER 4
SUBDIVISION IMPROVEMENTS

SECTION:

~~11-4-1: Improvements Completed~~
11-4-2: Improvement Completion Assurance
~~11-4-3: Cost Of Improvements~~
11-4-4: Postponement Of Improvements

~~11-4-1: IMPROVEMENTS COMPLETED:~~ Moved to 11-3-1

~~A. No final plat of a subdivision of land shall be recorded without receiving a statement signed by the city engineer certifying that:~~

~~1. The improvements described in the subdivider's plans and specifications have been completed, including any required landscaping or infrastructure improvements; and~~

~~2. The improvements comply with the recommendations of the planning commission, and the City Fire Department culinary water authority, fire authority, and sanitary sewer authority and, if requested, the local health department, and/or the public safety authority; and~~

~~3. The improvements comply with the standards, rules and regulations for subdivisions approved by the City Council, which standards, rules and regulations are hereby incorporated in this title by reference. (Ord. 2012-01, 7-10-2012)~~

11-4-2: ~~PERFORMANCE BOND REQUIRED~~IMPROVEMENT COMPLETION ASSURANCE:

A. Amount Equal To Value Of Improvements:
   1. Before an applicant conducts any development activity or records a plat, the applicant shall:
      a. Complete any required improvements, or
      b. post an improvement completion assurance for any required improvements.
   2. If, in lieu of the completion of the required improvements, the subdivider provides an improvement completion assurance, the improvement completion assurance shall be in an amount equal to ~~the reasonable value~~ 100% of the value of the improvements required by this section as estimated by the city engineer.

3. The city may not require an applicant to post an improvement completion assurance for:
   a. Public landscaping improvements or an infrastructure improvement that the city has previously inspected and accepted;
   b. Infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;
   c. Landscaping improvements that are not public landscaping improvements as defined in section 11-1-3, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.
4. The ~~bond~~ improvement completion assurance shall be either in the form of:
   a. A corporate or property bond, the conditions of which must be approved by the city attorney; or
   b. Cash ~~guarantee that improvements will be installed as shown on the final plat~~.
5. The purpose of the completion assurance is to ensure construction of the required improvements within two (2) years from the date of final approval, without cost to the city, including any additional costs due to inflation.

B. Executed By Authorized Surety Company:
   1. If the applicant elects to provide a completion assurance in the form of a bond, the bond shall be executed by a surety company duly authorized to do business in the State.
   2. The bond shall be payable to the city; filed in the Office of the City Recorder/Clerk; and be available for public inspection during regular business hours.

C. Duration After Approval: The duration of the completion assurance shall be
   1. Two (2) years from the date of approval of the final plat of the subdivision by the city council; or
   2. Such lesser time as is required to complete the said improvements.

D. Duration of Completion Assurance After Installation:
   1. The completion assurance shall run for at least ninety (90) days after the installation of all improvements and after a final inspection certified by the city engineer.
   2. In no event shall the city be deemed liable under this section on any claim asserted by any laborer, or supplier, or contractor.

E. Default; Forfeiture Of Completion Assurance: In the event the subdivider is in default, fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the final plat by the city council, or to pay all liens in connection therewith, the city council may declare the completion assurance forfeited and the city council may install or cause the required improvements to be installed, using the proceeds of the collection of the bond to defray the expense thereof.

F. Partial Release Permitted: Where the guarantee is required to ensure the timely installation of improvements, the city may authorize a partial release(s) of the performance assurance in accordance with the following schedule:

Percent of Work Completed	Percent of Total Assurance Amount Eligible for Release
25%	25%
50%	45%
75%	70%
100% upon final inspection	100%

G. Final Inspection And Release: (Reformatted)

1. The subdivider shall be responsible for the quality of all materials and workmanship at the completion of the work.
2. Not less than ten (10) days prior to the release date of the completion assurance, the city engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the conditions of such facilities.
   a. If the city engineer determines that work has been completed to applicable standards and any liens have been fully paid, the city council shall release the completion assurance.
   b. If all liens are not paid, the city council may declare the subdivider in default and deny release of the bond.

~~11-4-3: COST OF IMPROVEMENTS:~~ Moved to 11-3-1

~~Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer. (Ord. 2012-01, 7-10-2012)~~

11-4-4: POSTPONEMENT OF IMPROVEMENTS:

The City authorizes the use of a Zoning Lot Postponement of Improvements Agreement (Lien Form) as follows:

CITY OF MONTICELLO
ZONING LOT POSTPONEMENT OF IMPROVEMENTS
AGREEMENT (LIEN)
>>Verify code citations in this form<<

<APPLICANT NAME> of The City of Monticello, County of San Juan, State of Utah, hereinafter referred to as APPLICANT, and MONTICELLO CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as "the CITY," hereby agree as follows:

1. *PRELIMINARY*: APPLICANT has applied for a building permit for a new structure or an addition to or remodeling of an existing structure, on property located at <PHYSICAL ADDRESS>, more particularly described in Paragraph 2 hereof. There is in force an ordinance of the CITY, known as Title 11-4-1 of the Monticello City Code. This ordinance

requires the installation of off-site improvements, including, but not limited to: construction/paving of curb, gutter, sidewalks, and streets adjacent to any property and connections for culinary water, secondary water, and sewer, where the same have not previously been installed. Said improvements are to be installed at such time as application is made for a building permit for any other improvement on such property.

2. *LEGAL DESCRIPTION*: Following is a legal description of the property to which this agreement pertains, to wit;
3. *AGREEMENT FOR POSTPONED INSTALLATION*: The parties agree that APPLICANT may postpone compliance with the terms of Title 11-4-1 of the Monticello City Code, until such time the City Council shall determine, in its considered discretion, that the improvements should be installed adjacent to the APPLICANT'S property. The City Council shall not make such determination until like improvements are required to be installed on adjacent properties.
4. *POSTPONED INSTALLATION*: Upon receipt of notice that the City Council has made the determination referred to in Paragraph 3, hereof, APPLICANT or its successor in interest shall either proceed to install the said off-site improvements or reimburse the CITY if the CITY elects to install the improvements. In the event a special improvement district (SID) is organized for the purpose of installing the off-site improvements, APPLICANT agrees to make payment to SID for improvements. In any case, APPLICANT will refrain from objecting either formally or otherwise to the installation of the improvements, the establishment of such a district, or the assessment imposed by the district for construction of the improvements indicated above.
5. *COMPLIANCE WITH CITY ORDINANCES AND SPECIFICATIONS*: It is agreed that the installation of the off-site improvements shall be constructed in accordance with all applicable, specifications, and standards of the CITY, and with any administrative rules or regulations pertinent thereto. All work shall be subject to the inspection of the CITY Building Official or his agent, and any questions as to conformity with the CITY specifications or standards or as to the technical sufficiency of the work shall be decided by the CITY Building Official, and his decision shall be final and conclusive.
6. *LIEN TO BE RECORDED*: It is agreed that this Agreement shall be placed on record in the office of the San Juan County Recorder and shall be a lien against the property described in Paragraph 2 hereof. Upon satisfactory completion of the installation of said off-site improvements, the lien shall be discharged by the CITY. APPLICANT shall pay the expenses of recording and discharging the lien.
7. *SUCCESSORS, ENFORCEMENT*: This agreement shall be binding on the parties hereto, their successors or assigns. Should the services of an attorney be required to enforce this Agreement, the defaulting party agrees to pay a reasonable attorney's fee and court costs. (Ord. 2019-1, 1-8-2019, eff. 1-8-2019)
8. *SIGNATURES*: Print name, title, date. Signatures of authorized persons for each party to the agreement.
9. *NOTARY PUBLIC*: Signature and stamp of Notary who personally viewed and attests to the signing of the Zoning Lot Postponement of Improvements Agreement (Lien).

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11
SUBDIVISION REGULATIONS

Red = Changes required by Utah law
Blue = Changes to be discussed by Planning Commission

CHAPTER 5
AMENDING AND VACATING RECORDED PLAT AND VACATING STREETS

SECTION:

11-5-1: Amend or Vacate Subdivision Plat
11-5-2: Approval of Amendment or Vacation of Plat
11-5-3: Petition to Vacate a Public Street

11-5-1: PETITION TO AMEND OR VACATE SUBDIVISION PLAT:

~~In all subdivisions which have been recorded and in which major changes need to be made, which shall change the subdivision substantially, the subdivision may be vacated or amended upon recommendation of the city engineer and approval of the city council. An amended plat shall be filed and recorded in accordance with the provisions of this title.~~

A. As used in this section, vacating a plat is considered to be a plat amendment.

B. Request to amend a subdivision plat
   1. A fee owner of land as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in Title 11 of city code may file a written petition with the city to request a subdivision amendment (resubdivision).
   2. Upon filing a written petition to request a subdivision amendment under subsection 11-5-1(B)(1), the owner shall prepare and, if approved by the city, record a plat in accordance with 11-2-4 that:
      a. Depicts only the portion of the subdivision that is proposed to be amended; and
      b. Includes a plat name distinguishing the amended plat from the original plat; and
      c. Describes the differences between the amended plat and the original plat; and
      d. Includes references to the original plat.
   3. If a petition is filed under subsection 11-5-1(B)(1), the city shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the city may approve the petition for a subdivision amendment.
   4. If a petition is filed under subsection 11-5-1(B)(1), the city shall hold a public hearing within 45 days after the day on which the petition is filed if:

a. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification; or
b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.

5. The city may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

C. The public hearing requirement of subsection 11-5-1(B)(4) does not apply and the city may consider at a public meeting an owner's petition for a subdivision amendment if:
1. The petition seeks to:
a. Join two or more of the petitioner fee owner's contiguous lots;
b. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
d. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the city; or
e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
i. Owned by the petitioner; or
ii. Designated as a common area; and
2. Notice has been given to adjoining property owners in accordance with any applicable local ordinance.

D. A petition under subsection 11-5-1(B)(1) that contains a request to amend a public street or city utility easement is also subject to section 11-5-3.

E. A petition under subsection 11-5-1(B)(1) that contains a request to amend an entire plat or a portion of a plat shall include:
1. The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
2. The signature of each owner described in subsection 11-5-1(E)(1) who consents to the petition.

F. Exchange of title
1. The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the city in accordance with subsection 11-5-1(F)(2).
2. The city shall approve a lot line adjustment under subsection 11-5-1(F)(1) if the exchange of title will not result in a violation of any land use ordinance.
3. If lot line adjustment is approved under subsection 11-5-1(F)(2):
a. A notice of lot line adjustment approval shall be recorded in the office of the county recorder which:

i. Is approved by the city; and
ii. Recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and

b. A document of conveyance shall be recorded in the office of the county recorder.

4. A notice of approval recorded under this subsection 11-5-1(F) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.

G. Changing the name of a recorded subdivision

1. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to subsection 11-5-1(G)(3).
2. The surveyor preparing the amended plat shall certify that the surveyor:
   a. Holds a license in accordance with Utah Code Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
   b. Has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
   c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
   d. Has placed monuments as represented on the plat.
3. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
4. Except as provided in subsection 11-5-1(G)(1), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

11-5-2: APPROVAL OF AMENDMENT OR VACATION OF PLAT:

A. The city may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the city finds that:
   1. There is good cause for the vacation or amendment; and
   2. No public street or city utility easement has been vacated or amended.

B. Recording of amended or vacated plat
   1. The petitioner of the amendment or vacation of a subdivision plat ~~for the city~~ shall record ~~ensure that the amended plat showing the vacation or amendment is recorded~~ in the office of the county recorder in which the land is located:
      a. The plat approved by the city and bearing the appropriate signatures; and
      b. Return to the city a copy of the recorded plat bearing the county recorder's stamp; and
      c. Complete B(1)(a and b) within 30 days of the city approval of the amendment or vacation of a subdivision plat.

2. If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

C. City may vacate a subdivision
   1. The city may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
   2. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

D. An amended plat may not be submitted to the county recorder for recording unless it is:
   1. Signed by the city; and
   2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

E. When applicable, a management committee may sign and dedicate an amended plat as provided in Title 57,Chapter 8, Condominium Ownership Act of Utah Code.

F. A recorded plat may be corrected as provided in Section 57-3-106 of Utah Code.

11-5-3: PETITION TO VACATE A PUBLIC STREET.

A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with sections 11-5-2 and 11-5-3, the city may approve a petition to vacate a public street in accordance with this section.

B. A petition to vacate some or all of a public street or city utility easement shall include:
   1. The name and address of each owner of record of land that is:
      a. Adjacent to the public street or city utility easement between the two nearest public street intersections; or
      b. Accessed exclusively by or within three hundred feet (300') of the public street or city utility easement;
   2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or city utility easement sought to be vacated; and
   3. The signature of each owner under subsection 11-5-3(B)(1) who consents to the vacation.

C. If a petition is submitted containing a request to vacate some or all of a public street or city utility easement, the city shall hold a public hearing in accordance with Utah Code 10-9a-208, Hearing and Notice for Petition to Vacate a Public Street, and determine whether:
   1. Good cause exists for the vacation; and

2. The public interest or any person will be materially injured by the proposed vacation.

D. The city may adopt an ordinance granting a petition to vacate some or all of a public street or city utility easement if the city council finds that:
   1. Good cause exists for the vacation; and
   2. Neither the public interest nor any person will be materially injured by the vacation.

E. If the city adopts an ordinance vacating some or all of a public street or city utility easement, the city council shall ensure that one or both of the following is recorded in the county recorder's office:
   1. A plat reflecting the vacation; or
   2. In lieu of a plat the city shall provide
      a. An ordinance described in subsection 11-5-3(D); and
      b. A legal description of the public street to be vacated.

F. The action of the city council vacating some or all of a public street or city utility easement that has been dedicated to public use:
   1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated public street or city utility easement; and
   2. May not be construed to impair:
      a. Any right-of-way or easement of any parcel or lot owner;
      b. The rights of any public utility; or
      c. The rights of a culinary water authority or sanitary sewer authority.

G. City may submit a petition to vacate some or all of a public street:
   1. If the city submits a petition and initiates a process under subsection 11-5-3(G):
      a. The city council shall hold a public hearing;
      b. The petition and process may not apply to or affect a public utility easement, except to the extent:
         i. The easement is not a protected utility easement as defined in Utah Code 54-3-27;
         ii. The easement is included within the public street; and
         iii. The notice to vacate the public street also contains a notice to vacate the easement; and
      c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.

H. The city may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 11
SUBDIVISION REGULATIONS

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CHAPTER 6
SUBDIVISION FEES AND ENFORCEMENT OF TITLE

SECTION:

11-6-1: Fees
~~11-6-2: Plat Fees~~
~~11-6-3: Inspection Fees~~
~~11-6-4: Engineering Fees~~
11-6-2: Enforcement of Title

11-6-1: FEES: Moved from old 11-5

A. Fees established by resolution of the city council in accord with Title 1 Chapter 7 of city code shall be assessed as a condition of the submission and/or approval of any subdivision anticipated by a developer within the city. Fees paid will go to the general fund of the city and will defray a portion of the expense incurred in reviewing plats and inspection of subdivision improvements.

B. Plat Fees:
   1. First Submission: The subdivider shall pay a basic fee, at the time of the first submission of a preliminary subdivision plat, plus an additional amount for each lot or parcel contained within the preliminary plat.
   2. Reapplication: A reapplication fee shall be paid by the subdivider at the time of a reapplication for approval of a preliminary plat which has been previously reviewed by the city. Such fee shall be based on the need for additional review of major changes to the original plat. (Ord. 2012-01, 7-10-2012)

C. Inspection Fees:
   1. The subdivider shall post an inspection fee with the city to cover the cost of inspecting improvements in the subdivision.
   2. Upon completion of all the improvements, the city shall refund any amount not actually used or, if the fund is exhausted before completion of all improvements, the subdivider shall pay the city an amount estimated by the city council to be sufficient to cover completion. (Ord. 2012-01, 7-10-2012)

D. Engineering Fees: The subdivider shall pay all costs incurred from hiring a registered engineer or engineering firm to review, inspect, and approve the subdivision. (Ord. 2012-01, 7-10-2012)

11-6-2: ENFORCEMENT OF TITLE reformatted

A. Designation of city council:
   1. The city council is hereby designated, authorized and charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary.
   2. Failure of the city council to pursue appropriate legal remedies shall not legalize any violation of such provisions. (Ord. 2012-01, 7-10-2012)

B. Inspection during construction:
   1. Appropriate agencies and departments of the city and under direction of the city council shall inspect or cause to be inspected all buildings, fire hydrants, water supply, and sewage disposal systems during the course of construction, installation or repair.
   2. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled before being inspected and approved.
   3. Any backfilled excavation that was not inspected and approved by the City ~~It~~ shall be uncovered after notice to uncover has been issued to the responsible person by the building inspector. (Ord. 2012-01, 7-10-2012)

C. Permits issued:
   1. From the time of the effective date of the ordinance codified as this title, the zoning administrator shall not grant a permit, or any city officer grant any license or permit for the use of any land, or the construction or alteration of any building or structure on a lot which could be in violation of any provisions of this title until a subdivision plat has been recorded or approved as herein required.
   2. Any license or permit issued in conflict with such provisions shall be void. (Ord. 2012-01, 7-10-2012)

D. Penalty:
   1. Any person, firm, or corporation who shall transfer or sell any lot or land in any subdivision, as defined in this title, which subdivision has not been approved by the planning commission and by the city council of the city and recorded in the office of the San Juan County recorder, shall be guilty of a class B misdemeanor for each lot or parcel so transferred or sold, and the description of such lot or parcel of land, by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided.
   2. Upon conviction thereof, the violator shall be subject to penalty as provided in section 1-4-6 of city code.

3. Each day that a violation is permitted to exist may constitute a separate offense.
4. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this title.
5. The city may enjoin such transfer, sale or agreement by action of injunction, or may recover the said penalty by civil action in any court of competent jurisdiction.
6. No building permit shall be issued for improvement or building on said property until all subdivisions requirements have been met. (Ord. 2012-01, 7-10-2012)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

CHAPTER 2
SUPPLEMENTARY REQUIREMENTS AND PROCEDURES
APPLICABLE WITHIN ZONES

Blue = Planning Commission suggestions
Red = Required by state code
Megan Comments
Kaeden Comments

10-2-X: COMMERCIAL PLUG-IN ELECTRIC VEHICLE CHARGING STATIONS

A. As used in this section the following definitions apply:
   1. Applicable zones: C-1 Commercial Zone; C-2 Light Commercial Zone; G-1 Government Lands and Parks; I-1 Industrial Zone. [Hours of operation?] I don't think we should restrict the hours of operation. It is hard to enforce.
   2. Charging Station Owner: The person or entity that owns the land on which an electric vehicle charging station is located and may also own the charging station equipment. Does this cover what would be the grocery store situation? They are leasing an area of the land to a different entity.
   3. Charging Station Operator: A person or entity that operates a commercial electric vehicle charging station and may also own the charging station equipment.
   4. Commercial Electric Vehicle Charging Station: A parking stall or space served by a Level 2 or Level 3 charger that has as its primary purpose the transfer of electric energy to an electric vehicle, and for which service a fee shall be charged and for which the commercial charging station operator is subject to a 12.5% tax. [Should this just reference the Utah code instead of a set tax amount?] Ditto
      a. The fee may be collected based on kilowatt hours sold, cost to charge per hour, or a subscription fee.
      b. As used in this section, a subscription means a service for which a person or entity pays a charging station operator a fee for a reduced charging rate or unlimited charging during the subscription period.
   5. The owner/operator of the commercial plug-in electric vehicle charging station shall not be considered a public utility and must obtain the electricity from Empire Electric Association.
   6. Electric Vehicle: Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or a source that is stored on board for motive purposes. Electric vehicle includes a battery-powered vehicle, a plug-in hybrid

electric vehicle, and any two-wheel vehicle that operates exclusively on electrical energy from a source stored on board the vehicle.

7. Level 2 Charger: Operates on 240 volt alternating current and is considered a medium speed recharger.
8. Level 3 Charger: Operates on direct current and is considered a rapid charger.

>Should we distinguish between the power transformers (probably owned by Empire) and the charging devices accessed by the public?<

B. The provisions of this section shall apply to new commercial buildings and accessory buildings, parking lots, and parking garages in the applicable zones.

C. Level 3 plug-in electric (PEV) charging stations shall not be installed in any residential dwelling regardless of the zone in which the residential unit is located.

D. Commercial plug-in electric vehicle (PEV) charging stations shall be a permitted use in the applicable zones within the city, provided: <Do we need to revise permitted uses section for each of these zones to include PEVs?<

1. The installation complies with the building, electric, fire, and safety codes adopted by the city; and
2. The installation complies with requirements of Empire Electric Association as evidenced by a letter signed by them addressing the specific requirements of the installation; and
3. The charging station outlets and connector devices are not located within a public street right-of-way or on any portion of a public sidewalk required to meet the Americans With Disabilities Act; and
4. The charging station outlets and connector devices are not within a utility easement; and
5. The operator of the charging station shall obtain a city business license prior to any construction; and I think this should be restated prior to any usage.
6. The connecting device shall be universal; and (is universal the most appropriate term?)
7. The installation complies with all applicable portions of the Americans With Disabilities Act. [Can we reference a code or website here?]

E. Where off-street parking is provided, [up to] ten percent (10%) of the parking stalls or spaces in the applicable zones shall [can] be equipped with commercial plug-in electric vehicle charging stations. When the calculation of percent results in a fractional number of stalls or space, the applicant shall round up to the next whole number. [With this section I am understanding that we are requiring all off-street parking but I was thinking this would be a better optional item up to a certain % of parking stalls]

1. Where off-street parking stalls or space are provided on adjacent lots or parcels, the owners of said lots or parcels may enter into a written agreement wherein both properties are combined for purposes of calculating the number of parking stalls or space reserved for commercial plug-in electric vehicle charging stations.
2. Said agreement shall be notarized and recorded with the county recorder and copy of the document bearing the county's imprints shall be provided to the city recorder

(recorder or zoning administrator?) at the time the applicant applies for a building permit. Recording and copy costs shall be paid by the parties to the agreement.

F. Commercial plug-in electric vehicle (PEV) charging stations may be Level 2 or Level 3. Installation of Level 2 or Level 3 commercial charging stations shall comply with all requirements at 10-2-X(_) and these additional requirements:
   1. Lighting: If the charging station is more than ___ feet from an existing street light, the station shall include _____ during night hours.
   2. Setback from property lines, buildings, and structures:
      a. Commercial electric vehicle charging stations shall not be closer to a main building or accessory structure than 25 feet as measured from the closest point of the building or accessory structure and the nearest piece of equipment of the commercial electric vehicle charging station.
      b. Stalls or spaces for commercial electric vehicle charging shall be no closer to one another than 20 feet. [Is this distance too far resulting in excess empty space?] I think the could also be reduced to 10-15 feet.
      c. Commercial electric vehicle charging stations shall not be closer to fuel storage or fuel dispensing structures than ____ feet.
   3. A garbage/refuse container shall be placed no more than 20 feet from the charging station and shall be secured to prevent wind scatter of garbage/refuse. The property owner or charging station operator shall be responsible for garbage/refuse collection and disposal in conformance with city code. [Instead of setting a distance would it be better to say a garbage/refuse container must be located within the footprint of the Charging Station & parking stalls?]
   4. Charging station outlets and connector devices shall be no less than 36 inches and no more than 48 inches from the ground or pavement surface where mounted, and
   5. Charging station outlets and connector devices shall contain a retraction device and/or place to hang permanent cords and connectors __ inches above the ground or pavement surface; and >does snow cover matter?<
   6. Where mounted on pedestals, posts, or other devices, connectors and cords shall be located so as to not impede pedestrian travel or create trip hazards on sidewalks.
   7. Proper use and storage of the outlets and connector devices shall be illustrated on a sign posted on the charging equipment.
   8. The property owner or charging station operator shall post stalls or space reserved for charging of electric vehicles by a sign not greater than 17 x 22 inches with lettering not less than one inch in height.
   9. At least one-half of stalls or spaces (I think that one-half is too many spaces maybe 1 per 4 stalls?) reserved for commercial plug-in electric vehicle charging shall comply with all applicable American with Disabilities Act requirements.
   10. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

G. An operator of a commercial electric vehicle charging station shall obtain a business license from the city prior to allowing use of the station. If an operator is not the

property owner, an affidavit from the property owner is required to authorize an operator for the station. >Does the business license already have this affidavit? Is this redundant?<

H. It shall be unlawful for any person to park or leave standing a vehicle in a stall or space designated for the recharging of plug-in electric vehicles (PEV) in the applicable zones unless the vehicle is connected for electric charging purposes. >Do we need enforcement or fine info here?< (Yes, more detail on what the fine or repercussions would be.)

I. It shall be unlawful for any person to disconnect a vehicle from an electric charging station when that vehicle is owned or controlled by another person. [what about law enforcement and fire?] (would also need to not repercussions.)