



# Planning Commission Meeting

**Tuesday, April 16, 2024 at 6:30 pm**

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen,  
Commissioner Mary Cokenour, 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:**

- **2024-03-05** (2024-03-05.pdf)

**3. Public Comment**

**4. Public Hearing: Title 10 Chapter 2: Electronic Vehicle Code (discussion/action)**

**Attachments:**

- **10 Ch 2 PEV v2 03.06.24 w GPD Notes** (10\_Ch\_2\_PEV\_v2\_03.06.24\_w\_GPD\_Notes.pdf)
- **PEV** (10\_Ch\_2\_PEV\_v3.docx)

**5. Consider for Recommendation to City Council: Title 10 Chapter 2: Electronic Vehicle Code (discussion/action)**

**6. Consider for Recommendation to City Council: Francom Parking Reduction Request (discussion/action)**

**Attachments:**

- **Parking Gym** (Parking\_Gym.jpg)
- **Proposal for parking reduction at The Gym (1)** (Proposal\_for\_parking\_reduction\_at\_The\_Gym\_\_1\_.docx)

**7. Consider for Approval: Black Frontage Reduction Request (discussion/action)**

**Attachments:**

- **Black Reduction Request** (Black\_Reduction\_Request.pdf)

**8. Review City Council 2023 Report: (discussion/action)**

**Attachments:**

- **PC Recommends 2023** (PC\_Recommends\_2023.docx)

**9. Quarterly Building Report (discussion)**

**Attachments:**

- **Building Permit Updates** (Building\_Permit\_Updates.pdf)

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**10. Tiny Home Park Code (discussion/action))**

**Attachments:**

- **10 Ch 17 v2 TinyHome Park** (10\_Ch\_17\_v2\_TinyHome\_Park.docx)

**11. Administrative Communications**

**12. Next Meeting Agenda**

**13. Adjournment (action)**

**Audio File**

**Notice of Special Accommodations**

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

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Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271) | Agenda published on 04/12/2024 at 7:59 AM



# Planning Commission Meeting Minutes

**Tuesday, March 5, 2024 at 6:30 pm**

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen  
(Excused), Commissioner Mary Cokenour, Commissioner Jeremy  
Hoggard, City Manager Kaeden Kulow, Assistant City Manager Megan  
Gallegos (Excused), City Recorder Melissa Gill

**Meeting Location: 648 S Hideout Way**

## 1. Call to Order

### Minutes:

Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:30 p.m.  
There were no visitors present.

## 2. Minutes Review/Approval (action)

### Minutes:

MOTION was made by Commissioner Cokenour to approve the minutes of Feb. 6, 2024. The  
motion was seconded by Commissioner Hoggard and passed unanimously.

### Vote results:

Ayes: 3 / Nays: 0

## 3. Public Comment

### Minutes:

There was no public comment.

## 4. Electronic Charging Stations Regulations (discussion/action)

### Minutes:

The Commission reviewed the draft of electronic charging station regulation processes. The items  
marked in red come directly from Utah State code. The legality of removing vehicles from a  
charging station that is not in the process of actively charging was discussed in great detail. It was  
determined that a level 2 hookup for a residence would be addressed with the building permit of  
said residence. Safety issues were discussed extensively.

## 5. Tiny Home Park Discussion (discussion)

### Minutes:

The Commission reviewed the draft for Title 10 Chapter 17: Tiny Home Park. This portion of code  
will be added as an addition to the current Title 10 code. It was determined that tiny homes would  
be appropriate for the R-2 and C-1 Zones. Setbacks were discussed in great detail. Commissioner  
Hoggard was given the task of working on this code to bring back to the Commission at the next

meeting.

## 6. General Plan Discussion (discussion)

### Minutes:

Commissioner Bennett informed the Commission and staff that the general plan was written for the dual purpose of development and business recruitment. She stated that municipal general plans should be updated on a regular basis and the State of Utah dictates specific things that should be included in that plan. The question of the extent of housing and economic growth in the general plan was presented. The Commission would like to have a work meeting with the City Council to discuss their top priorities for the Planning Commission to focus on. Ideas on how to get the community involved with the revision was discussed.

## 7. Administrative Communications

### Minutes:

Consider changing date of April Planning Commission Meeting April 2nd rescheduled for April 16, 2024 April 23 work meeting with the City Council

## 8. Next Meeting Agenda

### Minutes:

Tiny Home Park Discussion - Attorney update on EV Station Regulations - Public Hearing if possible - Review letters of interest for Planning Commission

## 9. Adjournment (action)

### Minutes:

MOTION was made by Commissioner Cokenour to adjourn the meeting and seconded by Commissioner Hoggard. The motion passed unanimously. Commissioner Bennett closed the meeting at 9:00 pm.

### Vote results:

Ayes: 3 / Nays: 0

## Audio File

[https://soundcloud.com/user-250815044/2024-03-05-planning-commission?](https://soundcloud.com/user-250815044/2024-03-05-planning-commission?si=4dd81b4cfcea4bdf9794940835cfa00f&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

[si=4dd81b4cfcea4bdf9794940835cfa00f&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/user-250815044/2024-03-05-planning-commission?si=4dd81b4cfcea4bdf9794940835cfa00f&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

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# 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

#### **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.
  2. Charging Station Land Owner: The person or entity that owns the land on which an electric vehicle charging station is located.
  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 in compliance with Utah code Title 59, Chapter 30 Electric Vehicle Charging Tax.
  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.
- B. The provisions of this section shall apply to:
1. New commercial buildings and accessory buildings, parking lots, and parking garages in the applicable zones.
  2. Modification of existing off-street parking areas.
- 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 transformer unit is installed within a utility easement; and
4. The charging station outlets and connector devices are:
  - a. 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
  - b. The charging station outlets and connector devices are not within a utility easement; and
5. The connecting device shall be universal; and
6. The installation complies with applicable portions of the Americans With Disabilities Act.

Is the city open to an amendment process?

E. Where off-street parking is provided, up to ten percent (10%) of the parking stalls or spaces in the applicable zones shall 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.

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 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(1) and these additional requirements:

1. Lighting: If the charging station is more than one hundred fifty (150) feet from an existing street light, the station shall include lights on the charging station for use 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 ten (10) feet.

It seems this means 10' between charging dispensers. Is the city open to a review for slight deviations? Many times we need to move dispensers a small amount to avoid underground obstructions.

Does this mean within 20' of any part of the charging station or will the city require multiple trash cans that need to be within 20' of all parts of the charging station? With the spacing requirement this could lead to a large number of trash cans.

c. Commercial electric vehicle charging stations shall not be closer to fuel storage or fuel dispensing structures than twenty (20) 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 charging station operator shall be responsible for garbage/refuse collection and disposal in conformance with city code.

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 at least six (6) inches above the ground or pavement surface; and

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. Stall required for compliance with the American with Disabilities Act:

a. One stall for charging stations with up to three connectors;

b. One stall for every four connectors for stations with four or more connectors.

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.

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. Unlawful use of a stall reserved for electric vehicle charging is a misdemeanor

1. Subject to a fine of \_\_\_\_\_; and >Kaeden will talk with attorney<

2. The offending vehicle may be towed and impounded at the vehicle owner's expense.

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.

1. Exceptions: Law enforcement may disconnect a vehicle when required for public safety.

2. Exceptions: Fire fighters may disconnect a vehicle when required for public safety.

Clarification would be beneficial here as to what extent this is required. Can this be done with text and will this impact the next code section 8?

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1. Applicable zones: C-1 Commercial Zone; C-2 Light Commercial Zone; G-1 Government Lands and Parks; I-1 Industrial Zone.
  2. Charging Station Land Owner: The person or entity that owns the land on which an electric vehicle charging station is located.
  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 in compliance with Utah code Title 59, Chapter 30 Electric Vehicle Charging Tax.
  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.
  9. Universal Connecting Device: A mechanism or adapter designed to facilitate the electrical connection between the charging station's output and the electric vehicles charging port. To ensure interoperability across a wide range of electric vehicles, this device must be compatible with the standardized charging interfaces adopted internationally or by predominant automotive and electrical standards organizations.
- B. The provisions of this section shall apply to:



1. New commercial buildings and accessory buildings, parking lots, and parking garages in the applicable zones.
  2. Modification of existing off-street parking areas.
- 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 transformer unit is installed within a utility easement; and
  4. The charging station outlets and connector devices are:
    - a. 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
    - b. The charging station outlets and connector devices are not within a utility easement; and
  5. The connecting device shall be universal; and
  6. The installation complies with applicable portions of the Americans With Disabilities Act.
- E. Wherever the city zoning regulations require off-street parking at least ten percent (10%) of the required stalls or spaces in the applicable zones shall 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.
1. Wherever parking requirements are met by providing off-street parking stalls or spaces on adjacent lots or parcels, the applicant may satisfy the requirements of this section by entering into a written agreement whereby both properties are combined for purposes of calculating the number of parking stalls or space reserved for commercial plug-in electric vehicle charging stations and the two properties, taken together, meet the minimum requirements contained herein.
  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 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(1) and these additional requirements:

1. Lighting: If the charging station is more than one hundred fifty (150) feet from an existing street light, the station shall include lights on the charging station for use 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 ten (10) feet.
    - c. Commercial electric vehicle charging stations shall not be closer to fuel storage or fuel dispensing structures than twenty (20) 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 charging station operator shall be responsible for garbage/refuse collection and disposal in conformance with city code.
  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 at least six (6) inches above the ground or pavement surface; and
  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. Stall required for compliance with the American with Disabilities Act:
    - a. One stall for charging stations with three connectors or fewer;
    - b. One stall for every four connectors for stations with four or more connectors.
  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.
- 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. Unlawful use of a stall reserved for electric vehicle charging is a misdemeanor
1. Subject to a fine as set forth in Title 1-7-1 Consolidated Fee Schedule for the city.

2. The offending vehicle may be towed and impounded at the vehicle owner's expense.
- 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.
    1. Exceptions: Law enforcement may disconnect a vehicle when required for public safety.
    2. Exceptions: Fire fighters may disconnect a vehicle when required for public safety.







## Proposal for parking reduction at The Gym, 448 South Main Monticello

Current Code 10-2-5: OFF STREET PARKING, I have an interior space of 38.5'x78.5' building 3022 sq, feet @ 1 space for every 250 square feet of building would require 12 parking spaces. Also, it is requiring them to be on hard surface (concrete or asphalt)

I currently have 8 parking spaces on concrete which would include 1 handicap space to the right of the front door. These are each 9 feet with the ADA space 12 foot wide.

Below are the reasons I have produced the justify the reduction of required spaces.

1. Per city code 10-2-5 section C – 4 – Y the city council, upon recommendation of the planning commission, may grant a parking reduction of up to 25% of the listed parking requirement. This would reduce the required parking to 9 which I have 8 on concrete
2. I do have 4 on good road base with grid stabilization covered by 6 inches of road base installed by Sonderegger Construction. This does not rut or leave tracks or mud; it is the closest thing to hard surface.
3. This will be a 24-hour gym, with 24 hours of operational time vs a typical 8am-5pm there will not be as many people coming at the same time as each other spreading out the need for that many parking spaces. Often you see people at gyms as late as 10pm and as early as 5am. This adds an additional 8 hours of commonly used opening hours so that would cut in half the surge of guests between a typical 8-5 business day.

Keeping in mind it is 24-hour so I will have 3 times open hours to a typical business.

4. With it being a gym / fitness center, we will urge people to walk to and from the gym to help with the cardio part of their workout.
5. Monticello does not have anywhere anyone in the community can attend a gym, there is such a great need for our community to be able to be healthier. Especially with winter being our longest season, the benefits of being physically active in the winter are so important physically and mentally. There is not even 1 motel in Monticello with a fitness center or treadmill. We miss many people staying in Monticello due to the lack of fitness available when traveling. I am getting contracts with I-fit and Peloton where the people that often use those cardio machines those companies will advertise our location and it will show there is a gym in Monticello that they can login to their accounts and keep their workouts going. This is a way bigger deal than I realized. Motels all over are adding these to their fitness centers to get more guests to stay with them. I am working with the motels in town to give a discounted day pass to anyone staying in the motels in Monticello. That will promote their motels and get more people to stay in Monticello while traveling.

## Frontage Reduction Request

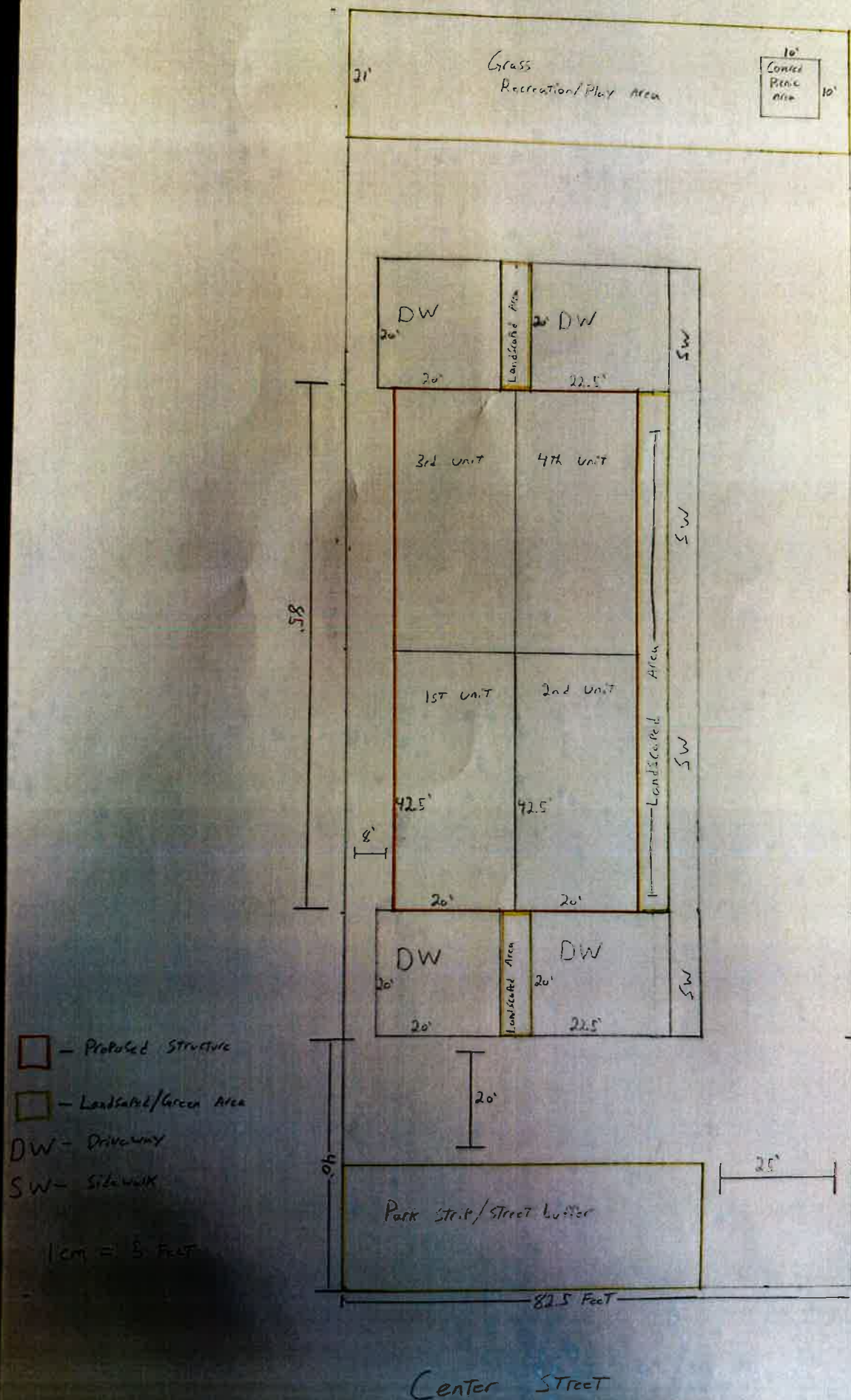
Talon Black

I am requesting a frontage reduction for the purpose of constructing a 4-plex multi-family dwelling. These units are intended to be long term rental units only and will abide by the most up to date building codes, housing codes, etc. In total, I am requesting a reduction of 18 feet.

The property has 82.5 feet of the required 100 feet of frontage needed for a 4-plex dwelling. The attached or provided concept drawing meets all other Residential Zoning Regulations.

Reference Zoning Regulation 10-2-1:

1. Not enough street abutting frontage. (Reason for request)
2. The planning Commission may authorize a reduction of the minimum frontage requirement subject to the following conditions.
  - 2a. The lot has 82.5 feet of street abutting frontage. 35 feet is the required minimum.
  - 2b. The buildable portion of the lot complies with the minimum area, width, and setback requirements of the zone. (Reference concept drawing)
  - 2c. The proposed plan for this lot will not adversely affect the developmental potential of adjacent lots or parcels. All proposed construction and development of this lot will be in accordance with any and all applicable zoning regulations and building codes to include adequate access, proper drainage, snow removal, etc.
  - 2d. The City of Monticello needs more housing. Granting this frontage reduction will contribute to the effective and proper development of the city.





**PLANNING COMMISSION RECOMMENDATIONS TO CITY COUNCIL IN 2023**  
**City of Monticello, Utah**

**1. Planning Commission Vacancy:** Two applicants were interviewed about interests, conflicts, and analytic abilities and both impressed the PC as good potential commission members. After the interview, one applicant withdrew and the PC moved forward with a recommendation for the remaining applicant.

**2. Variance request for setback** at 632 S Hideout Way: Recommended the request be approved with modification to require proponent to install a rain gutter to route storm water onto his property. A public hearing was held and no public comment was received. The modification was recommended because a roof addition to a shed would intrude into the rear lot line setback and potentially cause storm water runoff to flow onto adjacent property not owned by the proponent.

**3. Variance request for mobile home park** at 416 N Main: Recommended the request be modified and approved to waive the city's 3-acre minimum lot size, waive the setback requirement of 450 ft on Main Street for the proposed use, and limit occupancy to long-term rental or lease. A public hearing was held and comments heard from a prospective operator of the park. Modifications were recommended because the lot had formerly housed a mobile home park and could be so used again if the acreage minimum and Main Street setback were waived. Other mobile home park standards still applied and the mobile homes would help the City meet General Plan goals for moderate income housing (3.4) and economic development (3.6).

**4. Updates to Title 11 Subdivision Regulations:** Recommended approval of changes to the City's regulations for subdivision development. The existing ordinance was at least 10 years out of date and no longer complied with state code. It was poorly organized and difficult to apply for both city administration and potential developers. Two public hearings were held and no public comment was received. Recommended changes brought the code into compliance with state law, made it easier to understand, and supported General Plan goals for economic development (3.6), moderate income housing (3.4), and land use and zoning (3.10).

**5. Variance request for multiple dwellings on one parcel** at 332S 100W/133W 300S: Recommended approval of the request because city code had changed between the time the dwellings were built and no longer allowed multiple dwellings on one parcel. A public hearing was held and no comments were received. The recommendation allowed the property owner to bring existing buildings up to code and make new housing units on the parcel. The recommendation supported General Plan goals for moderate income housing (3.4), economic development (3.6) and land use and zoning (3.11).

**6. Zone change request** at 332S 100W/133W 300S: Recommended approval of the request to change the parcel from R-1 to R-2. A public hearing was held and no comments were received. The recommendation was consistent with the variance request (#5 above) recommendation and contributed to the same General Plan goals.

**7. Variance request for RV park** at San Juan County fair ground: The county asked they be allowed to install hookups for trailers at the fair ground to be used by fair/rodeo participants. At the public hearing concerns were voiced about the impact of the use on water pressure in nearby residences, control of non-fair/rodeo use, and competition with existing RV parks in the city. The Planning Commission postponed a recommendation until the city could investigate the concerns.

**8. Updates to Title 10 Zoning Regulations:** Another update to Title 10 was necessitated by new laws that clarified, added to, or replaced portions of prior legislation upon which city code had been structured. A public hearing was held for the updated Title 10 and no comments were received. Changes to the updates were reviewed by the city attorney and several modifications were made. Another public hearing was scheduled in the next year. Hence, no recommendation was made for Title 10 in 2023.

Date Received	Address	Permit Type	Type	Status	Why
10/5/2023	64 W CENTER STREET	BUILDING PERMIT	COMMERCIAL	PENDING	THE TYPE OF BUILD WAS/IS NOT PERMITTED IN THE CITY OF MONTICELLO (YET)
10/12/2023	917 E CENTER STREET	BUILDING PERMIT	COMMERCIAL	APPROVED	MET BUILDNG AND CITY CODES
10/16/2023	80 S MOUNTAIN VIEW DRIVE	BUILDING PERMIT	RESIDENTIAL	APPROVED	MET BUILDNG AND CITY CODES
10/16/2023	196 S 100 W	BUILDING PERMIT	RESIDENTIAL	APPROVED	MET BUILDNG AND CITY CODES
10/18/2023	133 E CENTER STREET	BUILDING PERMIT	COMMERCIAL	APPROVED	MET BUILDNG AND CITY CODES
10/20/2023	81 E 100 N	BUILDING PERMIT	COMMERCIAL	DISAPPROVED	DID NOT MEET IBC SNOW LOAD REQUIREMENTS
11/20/2023	197 E 300 S	BUILDING PERMIT	RESIDENTIAL	PENDING	WAITING FOR UPDATED BUILDING PLANS
1/5/2024	196 E 100 N	BUILDING PERMIT	RESIDENTIAL	APPROVED	MET BUILDNG AND CITY CODES
1/8/2024	396 E 100 N	BUILDING PERMIT	RESIDENTIAL	APPROVED	MET BUILDNG AND CITY CODES
2/5/2024	80 S 200 E	BUILDING PERMIT	RESIDENTIAL	APPROVED	MET BUILDNG AND CITY CODES
2/7/2024	265 NORTH MAIN STREET	BUILDING PERMIT	COMMERCIAL	APPROVED	MET BUILDNG AND CITY CODES
3/6/2024	80 SOUTH MAIN STREET	BUILDING PERMIT	COMMERCIAL	PENDING	WAITING FOR ADDITIONAL BUILDING PLANS
3/19/2024	1280 E CENTRAL	BUILDING PERMIT	COMMERCIAL	PENDING	WAITING FOR ADDITIONAL BUILDING PLANS
3/19/2024	380 SOUTH MAIN STREET	BUILDING PERMIT	COMMERCIAL	APPROVED	MET BUILDNG AND CITY CODES

# **DISCUSSION PAPER FOR PLANNING COMMISSION USE**

## **TITLE 10 ZONING REGULATIONS**

### *CHAPTER 17 TINY HOME PARK*

*This is a proposed new chapter in Title 10*

#### **SECTION:**

- 10-17-1: Intent
- 10-17-2: Development Standards
- 10-17-3: Preliminary Plat Required
- 10-17-4: Documentation Required
- 10-17-5: Review And Approval Of Preliminary Plat And Documentation
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#### **10-17-1: INTENT:**

- A. The intent of this chapter is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the tiny home park.
- B. Preservation Of Land: Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the tiny home park shall be so designed as to prevent excessive grading and scarring of the landscape in concordance with the provision of this title.
- C. Tiny Home is the same as that defined in 10-1-4 of city code.
- D. All tiny home parks hereafter constructed within the city shall be located only in zones C-1 Commercial and R-2 Residential.
- E. Accessory Dwelling Units shall not be permitted within the tiny home park.

#### **10-17-2: DEVELOPMENT STANDARDS:**

- A. 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.

- B. The development of a tiny home park shall conform to the following regulations and standards:
1. The area to be developed as a tiny home park shall be in one ownership and the same shall not be subdivided.
  2. The preliminary plat required by this chapter must be prepared by an engineer, land surveyor, architect or landscape architect licensed to practice in the state.
  3. The minimum site size for a tiny home park shall be \_\_\_\_\_ acres. >or by setting minimum size for a tiny home space
  4. Tiny homes may be clustered and individual tiny home spaces may be reduced below that required for tiny home dwellings within the zone in which the development is located; provided, that the gross density of tiny home units within the development does not exceed \_\_\_\_\_ units per acre.
  5. Not less than \_\_\_\_\_ percent of the gross area of the tiny home park shall be developed into a park and playground space for common use of the occupants.
    - a. Such park shall be located as near to the center of the tiny home park as good design will allow; and
    - b. The land area not contained in a park and playground space, tiny home space, road or vehicular parking space shall be landscaped for the common use and enjoyment of the occupants of the tiny home park; and
    - c. The land covered by vehicular roadways, sidewalks, off street parking and landscaped areas surrounding tiny home spaces which are pertinent to each tiny home, and the area devoted to service facilities, shall not be construed as being part of the area required for parks and playgrounds.
  6. All tiny homes must have their driveway access from a street within the tiny home park.
  7. Front And Rear Yard: The front yard of all tiny homes shall be a minimum of twelve feet (12'). The rear yard and non-street side shall be a minimum of ten feet (10').
  8. Side Yard: No tiny home or add on shall be located closer than sixteen feet (16') from the nearest portion of any other tiny home or add on; provided, that when a carport is added to a tiny home, the side yard on the carport side shall be at least six feet (6') from the side lot line, or not less than ten feet (10') between structures, whichever is greater.
  9. Setback From Roadways; Landscaping: All tiny homes shall be set back at least fifteen feet (15') from all roadways. Also, a strip of land at least ten feet (10') wide surrounding the tiny home park shall be left unoccupied by tiny homes and shall be planted and maintained in lawn, shrubs or trees designed to afford privacy to the development.
  10. Setback From City Street; Landscaping: All tiny homes shall be located at least twenty feet (20') back from any property line and at least seventy percent (70%) of the resulting setback space shall be landscaped.
  11. Accessory Buildings And Receptacles; Compatibility:
    - a. All outdoor solid waste receptacles must be housed in a closed structure compatible in design and construction to the tiny homes; and
    - b. Any service buildings within the tiny home park shall be of compatible design to the tiny homes; and

- c. All patios, garages, carports and other accessory buildings must be of compatible design and construction to the tiny homes. [need to set sq ft limit on accessory bldgs]
- 12. All public streets within the park shall be constructed to the standards specified in Title 7 Public Ways and Property of city code.
- 13. There shall be no more than two (2) entrances from the tiny home park into any one public street, which entrances shall be no closer than twenty five feet (25') from each other, nor closer than seventy feet (70') to the corner of an intersection.
- 14. A utility easement shall be reserved across the public street frontage of the tiny home park, said easement to extend at least fifteen (15) feet back of curb or in the absence of a curb, back of pavement.
- 15. Access shall be provided to each tiny home space by means of an accessway reserved for maneuvering tiny homes into position and shall be kept free from trees and other immovable obstructions.
  - a. Paving the accessway shall not be required.
  - b. Use of planks, steel mats, or other means during placement of a tiny home shall be allowed as long as the same are removed immediately after placement of the tiny home.
- 16. Off street parking shall be provided at the rate of two (2) parking spaces per tiny home space contained within the tiny home park, and
  - a. Shall be contained within each tiny home space served; and
  - b. Shall conform with 10-2-1 Off Street Parking Requirements of city code.
- 17. Street lights shall be required within the park at all public street intersections.
- 18. Tiny home foundation: The tiny home foundation must be constructed so that the frame of the tiny home will not be more than thirty six inches (36") above the adjacent ground.
- 19. Skirting: All tiny homes must be skirted from floor to grade on all sides.
- 20. Water, Sewage And Solid Waste: Each tiny home shall be served by municipal water, sewage, and sewer disposal facilities in conformance with city code Title 8.
  - a. Each tiny home space shall have its own water meter installed in the utility easement required in this chapter.
  - b. Each tiny home space shall have its own sewer connection that feeds to a collection line serving the entire tiny home park, said collection line to be connected with the city sewer system.
- 21. Additional Requirements: In addition to meeting the above requirements and conforming to all other laws of the city, all tiny home parks shall also conform to building, electrical, plumbing, and fire codes adopted by the city.
- 22. Laundry Facilities: Tiny home parks may include a laundrette for convenience of the occupants of the park, but not for the general public.
- 23. Landscaped Areas; Irrigation: All landscaped areas shall be provided with permanent sprinkler irrigation systems as approved by the building inspector.
- 24. Progressive Development: Development may be carried out in progressive stages, in which event each stage shall be so planned that the requirements and intent of this chapter shall be complied with at the completion of each stage. No final plat for the initial stage shall cover less than \_\_\_\_\_ acres.

25. Landscaping; Maintenance: It shall be the developer's responsibility to assure that each designated space is landscaped and maintained and that the park and playground within the tiny home park is landscaped and maintained.

**10-17-3: PRELIMINARY PLAT REQUIRED:**

- A. Any person wishing to construct a tiny home park shall obtain from the zoning administrator information pertaining to the city's plan of land use, streets, public facilities and other requirements affecting the land within the development.
- B. Review and approval of the preliminary plat is required prior to:
  - 1. Any excavation or construction activity within the proposed tiny home park; and
  - 2. The sale, lease, or rent of any tiny home; or
  - 3. The lease or rent of any tiny home space within the park.
- C. Content of Preliminary Plat: The preliminary plat shall be drawn to scale (1 inch equals 30 feet) or larger and shall show the following information:
  - 1. The topography represented by contours shown at no greater intervals than five feet (5');
  - 2. The proposed street and tiny home space layout;
  - 3. Proposed reservations for parks, playgrounds and open spaces;
  - 4. Size and character of recreation buildings and other structures associated with land and facilities to be used by the tiny home park occupants;
  - 5. Layout of tiny home spaces;
  - 6. Proposed location and number of off street parking spaces;
  - 7. Tabulations showing:
    - a. Area of land within the tiny home park;
    - b. Number of tiny homes provided for in the tiny home park;
    - c. Percent of area to be devoted to parks and playgrounds;
  - 8. Proposed landscape planting plan, including type and location of plant materials;
  - 9. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants and other improvements;
  - 10. Location of all planned stubs or service tees to each tiny home space for culinary and secondary water and sewer connections.
  - 11. Draft of proposed documents, including:
    - a. Management policies and covenants; and
    - b. Maintenance agreement.
- D. Three (3) copies of the preliminary plan must be submitted to the zoning administrator at least two (2) weeks prior to the meeting of the city planning commission, at which time the plan will be considered.

**10-17-4: DOCUMENTATION REQUIRED:**

- A. Documents shall also be submitted with the preliminary plat consisting of:

1. Declaration Of Policies, Covenants And Restrictions: A declaration of management policies, covenants and restrictions. Such documents shall set forth, among other things:
  - a. The responsibilities and duties of the renters or occupants relating to the maintenance of premises and other conditions of occupancy; and
  - b. An assertion that the park and play space for the common use of the occupants will be protected against building development.
  - c. The purpose of this document is to facilitate proper maintenance of the tiny home park.
- B. Declaration of Management Policies: An agreement between the developers and the city stating, among other things:
  1. That the developer will construct the project in accordance with approved plans;
  2. That, in the event of failure or neglect on the part of the owners, successors or assigns to enforce the provisions of the declaration of management policies, covenants and restrictions as approved by the city council, or to maintain the common areas, landscaping and other improvements in a condition comparable to the maintenance performed in city parks, the city may perform the necessary work and for the purpose may enter in upon the land and do such work and charge the cost thereof, including reasonable attorney fees, against the owners or their successors or assigns;
  3. That the owners, successors or assigns shall agree to reimburse the city for all work and expenses incurred in the enforcement of this agreement, including reasonable attorney fees; and
  4. That the agreement shall be binding upon the heirs, assigns, receivers, successors of the project for the life of the project.
    - a. Any failure on the part of the developer or his assigns to maintain the tiny home park in accordance with the approved management policies, covenants, conditions and restrictions and agreements shall be, and the same is declared to be, a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding area; and
    - b. In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the city may remove or abate the nuisance and charge the cost thereof, including reasonable attorney fees, to the owners.

**10-17-5: REVIEW AND APPROVAL OF PRELIMINARY PLAT AND DOCUMENTATION:**

- A. Planning Commission Considerations: The planning commission shall review the preliminary plat and proposed documents to determine compliance with all portions of the city's master plan.
  1. In considering such plan, the planning commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area.
  2. The planning commission may require changes to be made in the plan.



3. The planning commission may require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces.
  4. Such changes may be imposed as conditions of approval where it is determined by the city council that such changes are necessary to ensure that the development will mix harmoniously with adjoining or nearby uses.
- B. City Engineer: The preliminary plan, together with all pertinent information, shall be sent to the designated 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.
  - C. Recommendation Of Planning Commission: After receiving all recommendations, the planning commission shall review the tiny home park preliminary plat and documentation and make recommendation to the city council for approval, modification and approval, or denial.
  - D. Submittal To City Council; Time Limitation: The planning commission shall submit their recommendation on the tiny home park to the city council for its consideration within thirty (30) days after receipt of all recommendations unless
    1. 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.
    2. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval of the proposed tiny home park.
  - E. The city council at a regularly scheduled and noticed public meeting may approve, modify and approve, or deny the preliminary plat and documents for the tiny home park.

#### **10-17-6: APPROVAL OF FINAL PLAT AND DOCUMENTATION:**

- A. Submittal To Planning Commission: Upon approval of the preliminary plat and documentation by the city council, the developer shall submit to the planning commission a final site plat of either the entire tiny home park or the first stage of such development that is to be constructed, and the required documentation.
- B. The final plat must be prepared by an engineer, land surveyor, architect, or landscape architect licensed to practice in the state. Such final site plat shall show the information contained on the approved preliminary plat along with a place for the approving signatures of the designated city engineer, city council, city planning commission, city attorney, and a licensed land surveyor.
- C. 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 the final plat is 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.

#### **10-17-7: OPERATIONAL REQUIREMENTS:**

- A. An improvement completion assurance shall be required in an amount equal to value of improvements:
  - 1. In lieu of the completion of the required improvements, the developer shall provide an improvement completion assurance in an amount equal to 100% of the value of the improvements required by this section as estimated by the city engineer.
  - 2. 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, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.
  - 3. An improvement completion assurance shall be required, 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.
  - 4. The purpose of the bond 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. Business License Required: Following a final inspection of the tiny home park by the building inspector, the owner of the park shall apply for a city business license.

1. It is unlawful to operate a tiny home park without first obtaining a business license; and
  2. Such license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.
- C. No tiny home space shall be occupied until all improvements which are required under this chapter, or which are shown on the final plat, shall have been constructed.
- D. Occupancy shall be by written lease, which lease shall be made available to the officials of the city upon demand. The terms of such lease shall be consistent with the declaration of management policies, covenants and restrictions, as required by this chapter.
- E. No tiny home space or tiny home unit shall be rented for a period of less than thirty (30) days.

**10-17-8: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:**

- A. No yard or other open space surrounding an existing tiny home space within the tiny home park or which is hereafter provided around any tiny home within the park, shall be used for the storage of junk, debris or inoperable vehicles.
- B. No land within the tiny home park shall be used for the storage of junk, debris or inoperable vehicles.