# Planning Commission Meeting

**Tuesday, August 20, 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:**

   - **2024-07-02 PC** (2024-07-02_PC.pdf)

3. **Public Comment**
4. **Tiny Home Park Standards (discussion/action)**

   **Attachments:**

   - **10 Ch 17 v6 TinyHome Park** (10_Ch_17_v6_TinyHome_Park.docx)
   - **Tiny Home Park Draft** (Tiny_Home_Park_Draft.pdf)

5. **Landscape Standards Revisions (discussion/action)**

   **Attachments:**

   - **10-Ch 2 X Landscape** (10-Ch_2_X_Landscape.docx)

6. **Administrative Communications**
7. **Next Meeting Agenda**
8. **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 08/16/2024 at 10:31 AM

# Planning Commission Meeting

Minutes

**Tuesday, July 2, 2024 at 6:30 pm**

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

## Meeting Location: 648 S Hideout Way

1. **Call to Order**

   **Minutes:**
   Commissioner Bennett called to order the Planning Commission meeting at 6:31 pm. The following visitors were present: City Councilmember Kevin Dunn

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

   **Minutes:**
   MOTION to approve the minutes of April 16, 2024 was made by Commissioner Christensen and seconded by Commissioner Cokenour. The motion passed unanimously.
   **Vote results:**
   Ayes: 3 / Nays: 0

3. **Public Comment**

   **Minutes:**
   There was no public present for comment.

4. **Tiny Home Park Standards (discussion/action)**

   **Minutes:**
   The Commission and Staff discussed the proposed setbacks, common areas, foundations, and building inspections for a tiny home park. It was requested this agenda item be added to the August planning commission meeting along with the city council work meeting in August.

5. **Landscape Standards Revisions (discussion/action)**

   **Minutes:**
   Commissioner Bennett opened a discussion on landscape standards. The proposed code was reviewed and found to encompass all requirements set forth by the City Council in Ordinance 2024-03.

6. **General Plan Revisions (discussion)**

   **Minutes:**
   Commissioner Bennett reviewed the current general plan and highlighted updates that needed to

be made. She advised City Manager Kulow to discuss with the City Council how they would like to structure the document. He stated he would discuss it with the Council in July.

7. **Administrative Communications**

**Minutes:**
Advertising for the current Commission seat was discussed.

8. **Next Meeting Agenda**

**Minutes:**
Tiny Home Park Code Review - General Plan Structure and Data Points Review - Landscape Standards Review

9. **Adjournment (action)**

**Minutes:**
Commissioner Bennett adjourned the meeting at 8:51 pm.

## Audio File

https://soundcloud.com/user-250815044/2024-07-02-planning-commission?si=669679900d5b418d9b6413f267b047a6&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing

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DRAFT

Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271)

**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
11-17-2: General Requirements and Limitations
10-17-3: Development Standards
10-17-4: Preliminary Plat Required
10-17-5: Documentation Required
10-17-6: Review And Approval Of Preliminary Plat And Documentation
10-17-7: Approval Of Final Plat And Documentition:
10-17-8: Operational Requirements:
10-17-9: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited

## 10-17-1: INTENT:

A. The tiny home park is intended to increase housing density on the property enclosed by the tiny home park exterior boundary

B. 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.

## 10-17-2: GENERAL REQUIREMENTS AND LIMITATIONS:

A. Tiny Home is the same as that defined in 10-1-4 of city code.

B. All tiny home parks hereafter constructed within the city shall be located only in zones C-1 Commercial and R-2 Residential.

C. Accessory Dwelling Units shall not be permitted within the tiny home park.

D. Garages shall not be permitted within the tiny home park. As used in this title, garage means a permanent structure on a foundation, with side and end walls, and a roof.

E. 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.

F. In addition to meeting the requirements of this section 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.

G. 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.

**10-17-3: DEVELOPMENT STANDARDS:**

A. 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 mimum number of tiny home spaces within the park shall be three (3) and development of additional spaces within the park shall be the number necessary to occupy at least sixty percent (60%) of the entire tiny home park land area.
   3. 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.
   4. The minimum site size for a tiny home park shall be two-thousand seven hundred (2,700) square feet per tiny home space.
   5. The tiny home park shall include
      a. A common area not less than ten by thirty feet (10 x 30 feet) in size for the use and enjoyment of tiny home park residents;
      b. A common parking area for use by guests of tiny home park residents
         1) The number of parking spaces shall be one per tiny home park unit; and
         2) Parking spaces size shall conform with 10-2-1 Off Street Parking Requirements of city code; and
         3) Surface of the parking area may be gravel, concrete, or asphalt; and
         4) Common parking area shall not be used for storage of trailers, vehicles, or other items owned by a resident of the tiny home park.
      c. Residential off street parking shall be provided at the rate of two (2) parking spaces per tiny home and
         1) Shall be contained within each tiny home space served; and
         2) Shall be for the use of the tiny home resident(s) of that space; and
         3) Shall be at least eighteen by eighteen feet (18 x 18 ft) in size and shall be surfaced with gravel, concrete, or asphalt.
   6. All tiny homes must have their driveway access from a street within the tiny home park and not from a public street exterior to the tiny home park.
   7. Setback requirements for placement of tiny homes within the tiny home park:

   a. Rear setback shall be ten feet (10 ft) from the tiny home park rear lot line;
   b. Side setback shall be a minimum of ten feet (10 ft) from the closest neighboring tiny home;
   c. Front setback shall be twenty feet (20 ft) from the edge of the internal access road for the tiny home park
8. Accessory Buildings; Compatibility:
   a. Any accessory building used to provide service within the tiny home park shall not exceed six hundred (600) square feet, except one service building may be combined with another service building on a single foundation of eight hundred (800) square feet;
   b. Other accessory buildings including carports may not exceed two hundred (200) square feet in size.
   c. All patios, carports and other accessory buildings must be of compatible design and construction to the tiny homes, and meet setback requirements as specified in this code.
   d. As used in this section carport means a detached structure without a permanent foundation and which has no enclosed end or side walls.
9. Any street within the park shall be constructed to the standards specified in Title 7 Public Ways and Property of city code.
10. 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.
11. A utility easement shall be reserved to the city 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.
   a. A city issued trash receptacle for use of all residents in the park shall be placed in the easement in accordance with city code; and
   b. All water meters for each individual tiny home space within the park shall be placed within the easement in accordance with city code.
12. Street lights shall be required within the park at all street intersections.
13. Tiny home units shall be placed on a permanent foundation that complies with city building code.
14. Water, Sewage And Solid Waste:
   a. The tiny home shall be served by municipal water, sewage, and sewer disposal facilities in conformance with Title 8 of city code.
   b. The tiny home park shall be served by municipal solid waste collection in conformance with Title 4 of city code.
15. Placement of each tiny home by means of an accessway reserved for maneuvering tiny homes into position is allowed 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. Laundry Facilities: Tiny home parks may include a service building equipped as laundromat for convenience of the occupants of the park, but not use by the general public.
17. Landscaped Areas shall conform to Title 10-2-__ of city code
18. 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 61% of the park area.
19. 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 lanscaped and maintained.

**10-17-4: 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 access street(s) with in the tiny home park;
   3. Layout of tiny home spaces within the park;
      a. 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 when necessary to meet requirements for common area and guest parking.
   4. Proposed location of the common area;
   5. Number of off street parking spaces for use by visitors;
   6. Size and character of recreation buildings and other structures associated with land and facilities to be used by the tiny home park occupants;
   7. Proposed location of the common area;
   8. 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;
   9. Proposed landscape planting plan, including type and location of plant materials;
   10. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants and other improvements within and immediately adjacent to the park;

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 four (4) weeks prior to the meeting of the city planning commission, at which time the plan will be considered.

**10-17-5: DOCUMENTATION REQUIRED:**

A. To facilitate proper maintenance of the tiny home park 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.

B. Declaration of Management Policies: An agreement between the developers and the city stating, among other things:
    1. The developer will construct the project in accordance with approved plans;
    2. 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, 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. 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.

**10-17-6: 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 general 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 preliminary plat and documentation.
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.

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 regularly scheduled 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.

**10-17-7: APPROVAL OF FINAL PLAT AND DOCUMENTITION:**

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 mayor, city planning commission chairperson, city attorney, licensed land surveyor, city recorder, city public works director, and city planning and zoning administrator.

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.

**10-17-8: 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 within two (2) years from the date of final approval, 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.

B. Business License Required: Following a final inspection of the tiny home park by the building inspector, the owner of the park and the operator of the park (if different from the owner) 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 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.

**10-17-9: 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.

**DISCUSSION PAPER FOR PLANNING COMMISSION USE**

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# 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
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10-17-7: Operational Requirements:
10-17-8: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited


## 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.

**Commented [MG1]:** Should we have 10-17-1(a) the only area in intent. Then have 10-17-1(B,C,D,E,F) under a new section called regulations?

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.

F. Garages shall not be permitted withint the tiny home park. As used in this title, garage means a permanent structure on a foundation, with side and end walls, and a roof.

**Commented [MG2]:** Why not to garages and yes to a car port? Should we have size requirements for accessory buildings within the 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 two-thousand seven hundred (2,700) square feet per 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 sixteen (16) spaces.
   5. The tiny home park shall include
      a. A common area not less than ten by thirty feet (10 x 30 feet) in size for the use and enjoyment of tiny home park residents;
      b. A common parking area for use by guests of tiny home park residents
         1) The number of parking spaces shall be one per tiny home park unit; and
         2) Parking spaces shall conform with 10-2-1 Off Street Parking Requirements of city code; and
         3) Common parking area shall not be used for storage of trailers, vehicles, or other items owned by a resident of the tiny home park.
   6. All tiny homes must have their driveway access from a street within the tiny home park.
   7. Setback requirements for placement of tiny homes within the tiny home park:
      a. Rear setback shall be ten feet (10 ft) from the tiny home park rear lot line;
      b. Side setback shall be a minimum of ten feet (10 ft) from the closest neighboring tiny home;
      c. Front setback shall be twenty feet (20 ft) from the edge of the internal access road for the tiny home park
   8. 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, carports and other accessory buildings must be of compatible design and construction to the tiny homes, and meet setback requirements as specified in section 10-17-7 of this code. As used in this section carport means a detached structure without a permanent foundation and which has no enclosed end or side walls.
   9. All public streets within the park shall be constructed to the standards specified in Title 7 Public Ways and Property of city code.

**Commented [MG3]:** So we are saying even if a parcel is large enough to fit more than 16 spaces, that we will only allow a maximum of 16 spaces in a mobile home park?

**Commented [MG4]:** If this is in reference to a polycart. We don't allow them in mobile home parks, and shouldn't give the option for it to be in a tiny home park. (Melissa could explain why.) All the residents would utilize a dumpster and the owner of the park (guarantor). Would be responsible for paying the utility bill.

**Commented [MG5]:** Design and what about size and setback requirements?

**Commented [MG6]:** Again what would the minimum or maximum size requirements of this be? Especially when a garage isn't allowable.

**Commented [MG7]:** I would remove the word "public" because in order for it to be a public street the city would have to adopt it into their street system. I don't think we want to do that in this case.

10. 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.
11. 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.
12. Street lights shall be required within the park at all public street intersections.
13. Tiny home units shall be placed on a permanent ~~foudation~~foundation
    a. 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.
    b. All tiny homes must be skirted from floor to grade on all sides.
14. 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 seving the entire tiny home park, said collection line to be connected with the city sewer system.
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 resident 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. 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.
18. Laundry Facilities: Tiny home parks may include a launderette for convenience of the occupants of the park, but not for the general public.
19. Landscaped Areas shall conform to Title 10-2-__ of city code
20. 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 61% of the park area.
21. 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 ~~lanscaped~~ landscaped and maintained.

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

**Commented [MG8]:** Is this for us to decide or would the IBC code be the decider?

**Commented [MG9]:** It should be clear that we as the City do not want an individual meters to each unit as we cannot enter private property to perform the maintenance, and we don't want to. Owners may choose to have each unit metered at their own expense. But the City would only want one main meter located at the public street to private property edge to service the property. Anything past the main meter on the private property would be the responsibility of the owner to maintain. Here again it would be the owner of the park to maintain the utility bill. ( Melissa can also provide further explanation if necessary.)

**Commented [MG10]:** I would like to double check with the Public Works Department that this is okay.

**Commented [MG11]:** I would be clear on the difference between the resident and visitor parking.

**Commented [MG12]:** I will look for this reference.

**Commented [MG13]:** I am mostly curious where this percentage comes from.

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 tiny home park 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 for residents and the common area;
   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.

**Commented [MG14]:** I would add clarifying wording between the tiny home park street and a public street.

**Commented [MG15]:** Again clarifying between a residential parking and the common area/visitor parking.

**Commented [MG16]:** One main meter for both the culinary and the secondary meters and the street edge.

**Commented [MG17]:** Would this time limit allow us enough time? Melissa do we have to public hearing this? If so at least 4 weeks.

**10-17-4: DOCUMENTATION REQUIRED:** Kaegen & Megan to review

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.

**Commented [MG18]:** I am struggling with figuring out how to properly enforce this? Should we add another section that if it is not being done responsibility falls to the guarantor of the account?

**Commented [MG19]:** I don't like how there isn't specific standards, but I don't know how else to word this. Especially if they choose to xeriscape. Our parks don't have that to be a comparison, I feel like we need to be more specific.

**Commented [MG20]:** Is this repetitive to the previous paragraph?

**Commented [MG21]:** Should this be general plan?

**Commented [MG22]:** Because this isn't Planning Commission and is City Council should we move this to 10-17-5(D)

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 and zoning administrator five (5) calendar days prior to the planning commissions next regularly scheduled meeting.

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 regularly ~~decision making~~ scheduled 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 DOCUMENTITION:**

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~~mayor, city planning commission chair person, city attorney, and a licensed land surveyor, city recorder, city zoning administrator, and city public works director.

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

**Commented [MG23]:** Gives accountability to a city employee to ensure it is completed.

**Commented [MG24]:** Just for clarification.

**Commented [MG25]:** Should we put something in here to cover if there is lack of a quorum so that it doesn't assume a recommended approval?

**Commented [MG26]:** Should we put in all of the things Planning Commission can do for the City Council portion also> Ref: 10-17-5(A)(1)(2)(3)

**Commented [MG27]:** Council can't sign.

**Commented [MG28]:** All of these individuals should know how a development like this would affect their jobs and this helps ensure the communication is reaching all.

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:** Kaeden & Megan to review

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.

**Commented [MG29]:** Should we put in here that if there is a property manager they must also have a business license. (This may be more of a Melissa questions.)

**Commented [MG30]:** A few additional questions not specifically related to the highlighted portion.

- Are we going to require a minimum site size? What would constitute a tiny home park? Just Two spaces?
- Laundry facilities and office facility. What would size and setback requirements be. Would we allow them in one building?
- Should we put in a requirement about having a designated area for a dumpster to be placed for all the tenants?
- Also, put in a statement stating that the park must adhere to all utility connection requirements. (Gas, electricity, water, sewer.)

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**DISCUSSION DOCUMENT FOR PLANNING COMMISSION**
**Update to landscaping requirements to**
**conform with Monticello City Ordinance 2024-3, approved 4/23/2024**

**EXISTING CODE**

Title 10-5-21: [A-1]: Front yards and side yards of all dwellings and bunkhouses which front on city streets must be landscapes (Ord. 2012-01, 7/10/2012)

Title 10-6-22: [R-1]: Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

TITLE 10-7-21: [R-2]: Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

**CHANGE FOR DISCUSSION BY PLANNING COMMISSION**
Remove landscaping requirement for individual titles and replace with

Title 10-2-X: LANDSCAPING REQUIRED:
A. For completed residential buildings and permitted business uses with existing landscapes in place on or prior to April 23, 2024

1. Front yards and side yards of all residential buildings which front on city streets must be landscaped;
2. Front yards and side yards of permitted business uses shall be landscaped unless paved as part of a sidewalk or parking area;
3. Any changes to existing landscapes made after April 23, 2024 shall consider water efficient techniques including but not limited to the reduction of grass in front and side yards.

B. For residential buildings and permitted business uses under construction or remodel after April 23, 2024

1. No lawn shall be laid in parking strips or areas less than eight (8) feet in width;
2. No more than fifty percent (50%) of front and side yards of residential buildings shall be lawn unless the residential lot has less than 250 square feet of landscaped area;
3. Lawns in common areas in the C-1, C-2, I-1, and R-2 zones shall not exceed twenty percent (20%) of the total landscaped area outside of active recreation areas. <what does this phrase mean?<
4. Lawns in common areas at schools, churches, mobile home parks, and tiny home parks shall not exceed twenty percent (20%) of the total landscaped area outside of active recreation areas.
5. Active recreation area shall mean the same as defined in Utah Code 11-39-108 Use of Lawn or Turf