

TOQUERVILLE CITY
PLANNING COMMISSION MEETING AGENDA
Wednesday – May 16, 2018
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



6:30 PM WORK MEETING:

1. Historic District Update
2. Accessory Buildings – Guesthouse
3. Discussion on Flag Lots

7:00 PM REGULAR MEETING:

1. Call to Order by Chairman Alex Chamberlain; Pledge of Allegiance by Rebecca Hansen
2. Disclosures and Declaration of Conflicts from Commission members (if any)

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Regular Work and Business Meeting on April 18, 2018.

B. PUBLIC FORUM:

Comments from public and public requests for future agenda items.

Limit three (3) minutes per person; please address the microphone and state full name and address.

C. PUBLIC HEARING:

Limit three (3) minutes per person; please address the microphone and state full name and address.

1. Public input is sought on Conditional Use Permit Application submitted by Sherree Olsen for a Bed and Breakfast establishment located at 1065 South Westfield Road in Toquerville, UT 84774. Property Tax ID# T-AHP-A-44-A. Zoning is R-1-20.

D. BUSINESS/ACTION ITEM(S):

1. Discussion and Possible Recommendation on a Conditional Use Permit Submitted by Sheree Olsen for a Bed and Breakfast Establishment Located at 1065 South Westfield Road in Toquerville, UT 84774. Property Tax ID# T-AHP-A-44-A. Zoning is R-1-20.
2. Discussion and Possible Action on a Subdivision Lot Line Adjustment Application Submitted by Jonathan Cheney. Consolidation of Property Tax ID# T-TRES-1-1 and T-TRES-1-25. Zoning is R-1-20.
3. Discussion and Possible Recommendation of Proposed Changes to Land Management Code Title 10-17-3: Bed and Breakfast Services, and Title 10-17-4: Nightly or Short Term Rentals.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Conditional Use Permit of Kay's Glass at 230 S Ash Creek Drive for Kay Mitchell.
2. Home Occupation Conditional Use Permit for Cheney Construction at 73 E Kolob Circle for Natalie & Jon Cheney.
3. Home Occupation Conditional Use Permit for Guns and Diamonds at 48 W Old Church Road for Randy & Jane Scott.
4. Home Occupation Conditional Use Permit of Lannister Construction at 460 N Toquerville Blvd for Todd Young.
5. Home Occupation Conditional Use Permit of Bjarnson Construction at 1563 Ash Creek Drive for Leif Bjarnson.
6. Conditional Use Permit of Eagle's Nest Bed & Breakfast at 238 N Hillside Drive for Margie Evans.
7. Conditional Use Permit of Dulce Domum Bed & Breakfast at 457 South Westfield Road for Rebecca Hansen.

F. ADJOURN:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Dana McKim at the City Office 435.635.1094, at least 48 hours in advance. This Agenda will be sent to the Spectrum Newspaper, posted on the State website at <http://pmm.utah.gov>, on the Toquerville City website at www.toquerville.org, and in four places at least 24 hours in advance of this meeting. The four places are: (1) City Office Board; (2) Toquerville Post Office Kiosk; (3) Cholla Park Kiosk; (4) Westfield Road Kiosk. Posted May 14, 2018 by Toquerville City Recorder, Dana M. McKim.

ARTICLE A. HDO HISTORIC DISTRICT OVERLAY ZONE

10-15A-1: PURPOSE:

10-15A-2: DEFINITIONS:

10-15A-3: ADMINISTRATION:

10-15A-4: APPLICABILITY:

10-15A-5: OVERLAY ZONE AND BOUNDARIES:

10-15A-6: HISTORIC COMMISSION:

10-15A-7: DESIGN GUIDELINES:

10-15A-8: SIGN REGULATIONS:

10-15A-9: DEMOLITION OF BUILDINGS NOT DESIGNATED AS LANDMARK SITES:

10-15A-10: REVIEW AND PERMIT PROCEDURE:

10-15A-1: PURPOSE:

The historic district encompasses a portion of the originally settled townsite of the city. Lot sizes in this area are characteristic of the late nineteenth century and do not conform to current standards. The HDO zone is intended to preserve buildings and related structures of historic and architectural significance and to allow improvements to existing structures or new construction without eroding the scale and historic character of the district. (Ord. 2012.04, 1-18-2012)

10-15A-2: DEFINITIONS:

The following terms shall have the meaning set out below for the purposes of this article:

COMMISSION: The historic commission of Toquerville City.

COUNCIL: The city council of Toquerville City.

EXTERIOR DESIGN PROPOSAL: A. Any rehabilitation, reconstruction or addition to the exterior of a significant historic building.

B. Any demolition or relocation of a significant historic building.

C. Any new construction within the historic district, except for minor additions to nonhistoric buildings.

D. Any sign proposed to be placed or modified within the district.

HISTORIC DISTRICT: Land within the city's historic district overlay zone.

LANDMARK SITE: A building, site or structure designated as a landmark site by the city.

MINOR ADDITION: An addition to a nonhistoric building of six hundred (600) square feet or less.

SIGNIFICANT HISTORIC BUILDING: A building, site or structure that is: a) designated as a landmark site; b) a building within the historic district built as a residence prior to 1950; c) within the historic district determined by the commission to be historically important due to its age or architecture; or d) other buildings, outside the historic district, designated as having a historical significance to Toquerville City. (Ord. 2012.04, 1-18-2012)

10-15A-3: ADMINISTRATION:

A. The planning commission may, upon written recommendation of the historic commission, recommend to the city council, rules, regulations and guidelines to implement and administer the purposes and intent of this article.

B. Until at least three (3) members of the historic commission are appointed, the planning commission shall serve as the historic commission. (Ord. 2012.04, 1-18-2012)

10-15A-4: APPLICABILITY:

The requirements of this title regarding such things as fees, enforcement, permits, violations and all other similar items, including penalties, shall apply. (Ord. 2012.04, 1-18-2012)

10-15A-5: OVERLAY ZONE AND BOUNDARIES:

A. A historic district zone is established, which shall be an overlay zone over the existing zoning districts shown on the official city zoning map. In cases of conflict between this article and other provisions of this title, this article shall apply.

B. The historic district is all lots that front Toquerville Boulevard (also known as SR 17) from Ash Creek Bridge on the north to the southern boundary of the Old Neagle Winery on the south. (Ord. 2012.04, 1-18-2012)

10-15A-6: HISTORIC COMMISSION:

The city establishes a historic commission with the following provisions:

A. Membership: The commission shall consist of five (5) members appointed by the mayor, with the advice and consent of the city council, for a four (4) year term, except in making the initial appointment, the mayor and council shall appoint two (2) members for a term of three (3) years and three (3) members for a term of four (4) years. Each member shall have a demonstrated interest, competence or knowledge in historic preservation.

B. Meetings: The historic commission shall meet at least four (4) times each year, except that the historic commission may assemble as required to fulfill its duties and conduct meetings in accordance with the open meeting laws of the state. Upon appointment of the initial historic commission, it shall meet and elect one of its members as chairperson. The historic commission shall then provide for the rules and procedures for the holding of regular and special meetings of the historic commission as deemed advisable and necessary.

C. Vacancies; Removal: Vacancies shall be filled for the unexpired term of any member whose term is vacant. Any member may be removed for cause by the appointing authority.

D. Compensation: The members of the historic commission shall serve without compensation, however, they shall be entitled to be reimbursed for any actual expenses they incur during the performance of their duties.

E. Powers And Duties:

1. The historic commission shall conduct, or cause to be conducted, a survey of the historic, architectural and archaeological resources within the city. The survey shall be compatible with the Utah inventory of historic archaeological sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated every ten (10) years.
2. The historic commission shall review and comment to the state historic preservation officer on all proposed national registry nominations for properties within the city boundaries. Nominations shall be evaluated by professions in the specific discipline.
3. The historic commission shall act in an advisory role to other departments of government regarding the identification and protection of local historic and archaeological resources and work toward the continuing education of citizens regarding historic preservation and community history.
4. The historic commission shall support all state laws relating to historic preservation.
5. The historic commission shall act as the historic district design review committee with respect to new construction, exterior design proposals, demolition or relocation of a significant historic building, or any construction or modification of a sign within the historic district. (Ord. 2012.04, 1-18-2012)

10-15A-7: DESIGN GUIDELINES:

The city council may, upon written recommendation of the historic commission, prescribe, adopt and enforce rules and guidelines to administer and carry out the intent of this article:

- A. Objectives: The design guidelines which follow are set forth as a guide for those engaged in development and/or rehabilitation of properties in the historic district. They are specified to ensure the creation of an environment, blending the existing and new developments into a harmoniously functioning area.
1. Considerations: Buildings within the historic district should be considered as integral parts of the overall design and developed with appropriate consideration for both proposed and existing buildings with respect to height, mass, siting, location, materials, orientation, signs, lighting and use.
 2. Signs: All signs within the historic district shall be part of an overall design scheme and shall conform to the sign standards contained in section [10-15A-8](#) of this article.
 3. Underground Utility Lines: All utility lines shall be installed underground whenever feasible.

B. Rehabilitation Guidelines: Rehabilitation of significant historic buildings shall comply with the guidelines set forth herein and, in addition, all applicable statutes, codes and ordinances, as amended from time to time, relating to the use, maintenance, construction and occupancy of the property.

1. Standards: All improvements shall be generally in accord with the general and specific standards for historic preservation as prepared by the historic commission and in harmony with the architectural character of the neighborhood.
2. New Additions: Whenever possible, new additions or adaptive reuse to structures shall be done in such a manner that if such additions or changes were to be removed in the future, the essential form and integrity of the structure would not be impaired.
3. Parking, Access: Off street parking, loading facilities and pedestrian access shall be designed so as not to create conflicting movement. All other areas, other than driveways, parking areas, walks and terraces, shall be appropriately landscaped and provided with appropriate trees and shrubbery.
4. Ancillary Structures: Ancillary structures, such as garages, storage sheds and the like, where practical, shall be improved in a manner suggested by the historic commission to meet code requirements and be aesthetically pleasing.
5. Restoration: Restoration of all exterior facades, including the side and rear facade, shall be in keeping with the objectives herein. Roofline, windows and exterior facing materials shall all be considered. Adjoining buildings in separate or the same ownership shall be rehabilitated so as to carry out a unified concept.
6. Materials: Materials, techniques and colors must conform to and harmonize with original materials and techniques. To this end, the emphasis should be, where practical, on correct period sash, doors, cornices, wall materials and signs and the removal of present day anachronisms, such as defacing or out of scale contemporary features. The general requirements shall apply particularly to visible surfaces on the exterior. New work adjoining old must be carefully blended to minimize separation, unless, in the opinion of qualified architectural experts, it is better to make the adjoining areas obvious and thereby emphasize the qualities of the original work.
7. Repairing Details: When repairing or replacing masonry details, decorations or parapet walls, care should be taken to prevent an obvious and unsightly patch. Materials, joints, etc., should match the original as closely as possible in composition, color and texture.
8. Fake Details: Fake historic details, decorations and other additions should be avoided.
9. Reanchoring: Sagging details, decorations, cornices, string courses, lintels, arches, pilasters and parapet walls should be firmly reanchored.
10. Deteriorated Details: Deteriorated building details should be repaired rather than replaced. In the event replacement is necessary, the new material should match the original material in composition, design, color and texture.
11. Paint: Heavy or numerous coats of paint, or paint in wrong color that obscures architectural decoration and detail should be removed before repainting.

12. Hardware: Hardware and lighting fixtures, where practical, shall be selected with care to conform to authentic work of the period, and to match remaining originals where such exist.

13. Compatible Design: If the original or significant detail no longer exists or is too deteriorated to save, it is recommended that a contemporary design be undertaken which is compatible with the rest of the building in scale, design, materials, color and texture.

14. Materials:

a. Original building wall material should not be covered with any form of inappropriate siding.

b. Masonry facing shall be cleaned and painted as necessary. Sandblasting is prohibited unless approved by the historic commission. All repainting, when necessary, shall be done by specification as set forth in brief 2, U.S. department of the interior.

c. Recommended materials for rehabilitation of masonry buildings include traditional bond pattern, such as running bond, not stack bond. Clay facing tile may be used if the face size of the tile is that of standard brick and if the bond pattern is typical of contributing buildings in the area.

d. The use of imitation stone veneer or brick using stucco, plastic or plywood/fiber panels is not acceptable, unless documented through historic or pictorial evidence.

e. Asphalt or wood shingled awnings and diagonal sided panels are not acceptable.

f. Vinyl or aluminum panels imitating clapboard or wood siding are not acceptable.

g. Glazing shall be clear, nonreflective and untinted, though the use of double glazed insulating glass or materials such as acrylic or high impact polycarbonate panels is permissible.

h. Wall surfaces that have not been painted should remain unpainted.

15. Color:

a. Color for all rehabilitation work should blend with the existing palette. If any new brick is used, it should be similar in texture and color to that of the original brick. Stucco for exterior walls should be similar in tone to muted pastels typical of historic pioneer stucco buildings.

b. White or off white may be used on decorative elements, such as lintels, sills and cornices. Bright colors are not appropriate for major architectural elements, such as building walls. However, when used sparingly in fine lines, such as on the wood trim of a storefront, a brighter color than that of the building face can enhance a particular color scheme.

c. Metallic finishes generally are not acceptable, except when used in such treatments as painted gold or bronze toned lettering on storefront glass.

d. Colors for wood or for metal windows, doors and storefronts should accent the color used for exterior walls. Too many colors should be avoided. A simple color scheme of a few colors is generally preferable.

16. Mechanical Equipment:

- a. Radio, television, telephone and/or telecommunication equipment, such as antennas of satellite dishes and ancillary systems, cables, junction boxes and the like, shall be placed behind or within suitable visual barriers in such a way so as not to be visible from the street.
- b. Heating and air conditioning equipment, including cooling units, blowers, exhaust fans, ducts and/or ancillary systems, support units, brackets, wiring, junction boxes and the like, shall be properly screened or installed behind or within suitable visual barriers.

C. New Construction: The guidelines in this subsection are to be used by those planning new construction within the historic district boundaries. Their purpose is to reinforce and enhance the historic architectural character of the neighborhood by encouraging compatible new construction:

1. Considerations: The historic commission will consider design concepts other than those recommended in these guidelines though approval of alternative approaches is not guaranteed. However, in order for a design to be considered for exceptional review, it must not include the use of elements that are designated as inappropriate in the guidelines.
2. Siting: The ground floor of a new structure should relate to the pedestrian's human scale and continue to display the siting of neighborhood structures.
3. Scale:
 - a. One of the many criteria that must be considered when designing new buildings is the scale of the new building and its relationship to the scale of the neighborhood.
 - b. It is important that the elements within the building's facade also be appropriately scaled. The scale of those elements should recall those of neighboring structures.
4. Width Of Building: The apparent widths of the front facades of new buildings should correspond to typical widths of the buildings on the same block. A long facade should be broken into separate elements to suggest facade widths or bays similar to those of neighboring buildings.
5. Windows: Original windows in older buildings are predominantly the wood double hung type. A sash pattern of one over one, that is, one undivided framed pane above a similar pane, is the most common type. In new construction, one over one type is recommended. However, the pattern of a one over one window may be achieved by the use of fixed glass, with three (3) conditions: a) that the window frame replicates the proportions of a typical double hung window sash; b) that no unpainted clear aluminum is used for the frame; c) that the window frame is of similar cross sectional size to that of the double hung windows typical of the neighborhood. Other configurations will be evaluated for streetscape compatibility on a case by case basis.
6. Ornementation:
 - a. The ornamental details used in new construction should be compatible and in scale with those used in the historic district.
 - b. When used, cornices, roof types, gables, dormers, turrets, corbelled parapets, string courses, lintels, arches, pilasters and column styles which are sympathetic with adjacent buildings will have a

unifying effect and will be considered appropriate. Duplication, where noted, is not necessary and is to be avoided.

7. Color: Color schemes will be considered in the design review in terms of their appropriateness as part of the building facade.
 - a. Develop a color scheme for the entire building that coordinates all facade elements. Choose a base color that will link the entire building together, including signs, ornamentation, awnings and entrances if applicable.
 - b. Muted colors are preferred for background colors of most buildings. A darker background color will allow use of lighter colors for trim where the highlights will show up better.
 - c. Use bright colors for accents only, such as signs, ornamentation and entrances. In most cases, only one or two (2) accent colors should be used in addition to the base color.
 - d. Finish wood surfaces. The rustic bare wood look is not part of the heritage of the historic district. Painted surfaces are most appropriate. Stains will be accepted in combination with materials that give a wall a finished appearance. Rustic finishes will not be approved.
 - e. Leave natural masonry surfaces unpainted where feasible. For other parts of the building that do require painting, select colors that will complement those of the natural materials. If an existing building is already painted, consider applying new colors that simulate the original brick look.
 - f. Select neutral or muted colors for roofs. Brown and gray were the dominant colors in the past because of the materials used. Wood shingles and sheet metal traditions remain today and should be respected. (Ord. 2012.04, 1-18-2012)

10-15A-8: SIGN REGULATIONS:

A. Permitted Signs: Permitted signs include low profile monument type signs (1 per parcel of property or complex), provided they are wood carved, sandblasted or engraved metal and do not exceed four feet (4') in height and are not more than sixteen (16) square feet in area for individual business, or twenty four (24) square feet for multiple businesses. Uplighting is permitted with four feet (4') of sign. All other signs must comply with subsection [10-22-7A8](#) of this title.

B. Prohibited Signs:

1. Roof signs, or any sign projecting above the roofline.
2. Off premises signs.
3. Flashing signs, including any sign or device in which the artificial light is not maintained stationary and constant in intensity or color at all times when in use.
4. Signs made of cardboard, paper, canvas or similar impermanent material.

5. Bubble shaped awnings and awnings with a shiny or wet look.
6. Other prohibited signs identified in the city sign ordinance.

C. Additional Provisions:

1. Painted signs should be in subdued earth tone colors only. Day-glo or fluorescent signs are not permitted.
2. Electric signs, including neon, are permitted.
3. The lettering style should be simple and in keeping with the architectural character of the neighborhood. The amount of information on a sign should be kept to a minimum. A variation in lettering styles is permissible, but should be kept to a minimum.
4. All permanent signs shall be integrated into the architectural design of the building on which they are placed and into the overall sign layout of the project in character and quality.

D. Request For Permit Or Appeal: Requests for a permit to place a sign in the historic district must be submitted to the historic commission for their approval. The applicant for a permit may make an appeal of such decision to the board of adjustment. The decision of the board of adjustment will be final. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

10-15A-9: DEMOLITION OF BUILDINGS NOT DESIGNATED AS LANDMARK SITES:

A. Application; Considerations: When an application is made for a demolition permit affecting a historic building which is not designated as a landmark site, the historic commission shall:

1. Review the condition of the building to determine the impact of the demolition to the neighborhood and the technical feasibility for preserving the structure;
2. Inform the property owner of economic incentives available to rehabilitate historic resources;
3. Encourage the property owner not to demolish the building until an attempt can be made to locate suitable tenants to make the building economically viable, or find a purchaser who is willing to acquire and rehabilitate the structure;
4. Review proposed new construction within the neighborhood;
5. The application shall also describe the reason for demolition and any development proposed for the demolition site, including renderings of the proposed new structure.

B. Requirements For Approval: Demolition permits for historic buildings not designated a landmark site shall not be approved until the historic commission has had a reasonable time, not to exceed ninety (90) days, to review the proposed new construction, and make recommendations

regarding compliance with the historic district design standards. Granting of the permit shall be determined after review of historic commission recommendations by the planning commission and recommendations to the city council. (Ord. 2012.04, 1-18-2012)

10-15A-10: REVIEW AND PERMIT PROCEDURE:

- A. Review Of Regulations: The developer is to secure a copy of this article to review the regulations regarding development in the historic district.
- B. Consideration By Historic Commission: When a request for a building permit is made to the city based upon an exterior design proposal, the historic commission shall review, at a minimum, the site plan, exterior design of the buildings, architectural treatment, landscaping, design of signs and other items related to design objectives, to determine whether proposed construction substantially complies with historic district design standards and make a report to the planning commission prior to the issuance of a building permit.
- C. Exterior Design Proposal Review: The historic commission shall review the exterior design proposals for significant historic buildings within the district. Exterior proposals shall include:
1. Any rehabilitation, reconstruction or addition to the exterior of a significant historic building.
 2. Any demolition or relocation of a significant historic building.
 3. Any new construction within the historic district, except for minor additions to existing nonhistoric buildings.
 4. Any sign proposed to be placed or modified within the historic district.
- D. Planning Commission Approval Required: All exterior design proposals shall be subject to planning commission approval after recommendation from the historic commission. No building permit shall be issued in the historic district without this approval.
- E. Continuing Review: The historic commission and city staff shall exercise continuing review of a project as it progresses from conceptual stage through construction and completion to ensure compliance with the historic district design standards and planning commission approvals. (Ord. 2012.04, 1-18-2012)
- F. Denial; Request For Exemption, Appeal: In the event of a denial of a permit by the planning commission, an applicant may request an exemption as provided in subsection G of this section,

or may appeal to the board of adjustment for approval. On appeal to the board of adjustment, its decision shall be final. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

- G. Exemption: A property owner may be exempted from the restrictions imposed by this article on significant historic buildings by applying for an exemption. The applicant shall state the reasons why: 1) the building is no longer suitable for the present purposes; and 2) the applicant cannot earn a reasonable return from use or rental of the building if altered, reconstructed or demolished with the limitations and guidelines adopted under this article. Determination of whether a building is appropriate for exclusion from the application of this article shall be made by the planning commission upon recommendation by the historic commission. If an applicant desires to appeal denial of an exemption or the historic commission desires to appeal the granting of an exemption, the applicant or historic commission may request consideration by the city council, and its decision, after public hearing, shall be final. (Ord. 2012.04, 1-18-2012)

Accessory Buildings

ACCESSORY, ACCESSORY USE OR ACCESSORY STRUCTURE: A use or structure subordinate to the principal use or structure on the same lot or parcel of land and serving a purpose customarily incidental to the use of the principal building or use. ~~Where an accessory building has a wall or a portion of a wall not less than four feet (4') in length in common with the main building, such accessory building shall be considered a part of the main building.~~

An Accessory building is permitted in approved zoning districts if the building complies with the following:

1. Accessory buildings fewer than 200 sq. feet do not require a building permit; Accessory buildings exceeding 200 sq. feet shall go through the building review process
2. Front Yard: Each lot or parcel in the Residential/agricultural zone shall have a front yard of not less than twenty five feet (25)
3. Side Yard: Each lot or parcel of land in the Residential/agricultural zone shall have a side yard of not less than ten feet (10') on each side of a principal structure.
 - a. Side Yard Used For Access: When used for access to a garage, carport, parking area or other accessory structure, a side yard shall be wide enough to provide an unobstructed twelve foot (12') surfaced driveway.
4. Corner Lots; Side Yard: On corner lots, the side yard contiguous to the street shall be not less than twenty feet (20)
5. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of five feet (5'); provided, that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be twenty feet or greater (20').
6. No accessory building or group of accessory buildings shall cover more than eight percent (10%) of the total lot area.
7. There shall be no living space in an accessory building, all living space shall be attached to the residence by means of a common wall. Additional living space may be added to a residence; through solid connection to a wall in the main residence. Connection to the home by means of a breezeway, exterior hallway, or patio does not comply with this section.
 - a. Exception: A water closet and sink may be installed in a garage/shop .
8. Accessory buildings shall be erected to a height of less than fifteen feet (15') unless reviewed by the planning commission and approved by the city council. An accessory building is limited to one story.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

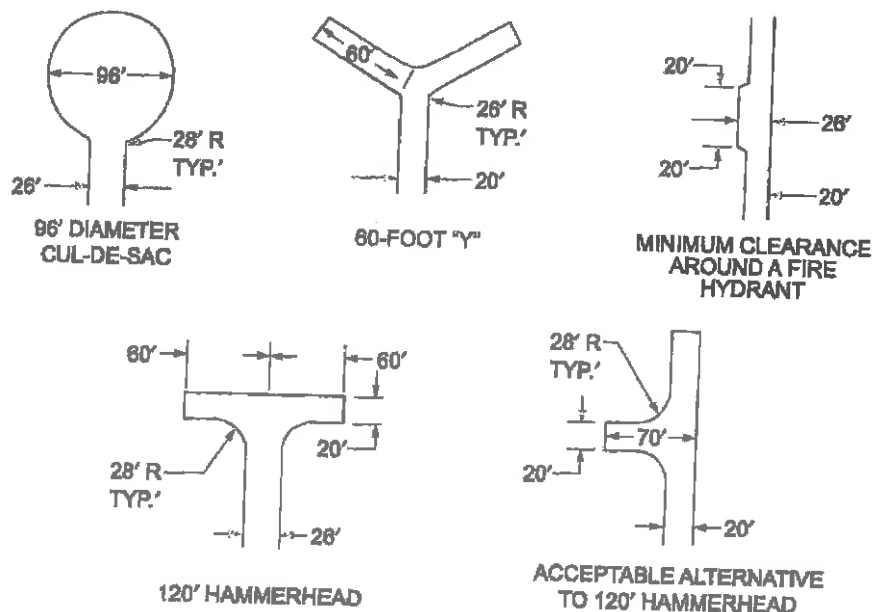
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

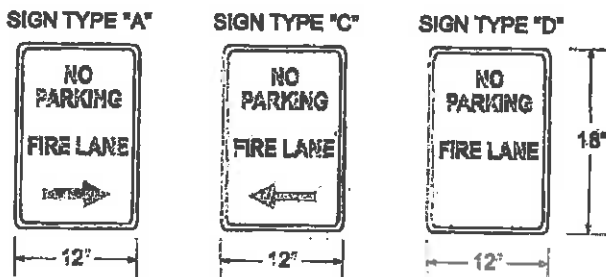


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one

side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

SECTION D104

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105

AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

10-19E-4: FLAG LOTS:

A. Flag Lots: A flag lot for one (1) single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the City. Flag lots will be considered and approved on a case by case basis as a simple subdivision and shall follow the approval process prescribed in this chapter. In addition, all flag lots shall meet the following additional requirements:

1. Factors: Flag lots may be allowed and approved after consideration of the following factors:
 - a. More than two (2) contiguous staffs are prohibited.
 - b. The development of the property in question must be found by the Planning Commission to be reasonable and practical under normal City land use and subdivision regulations.
 - c. The creation of the flag lot must not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.
2. Development Standards: If any proposed flag lot meets the above requirements, the development shall be subject to the following standards and conditions:
 - a. The original parcel, after the flag lot split, shall conform to and meet all requirements, set-backs, height restrictions, etc., of the zone in which it is located.
 - b. The flag portion of the lot shall meet all lot width, setback and yard requirements for the zoning district in which it is located. The staff portion of the lot may be included in the calculation of lot area.
 - c. A flag lot shall be comprised of a staff (narrow) portion and a flag (wide) portion. The flag and staff must be contiguous.
 - d. The staff portion of the lot shall front on a public street. The minimum width of the staff portion at any point shall be twenty six feet (26') and complies with fire authority specification. However, a greater staff width for lots in sensitive lands overlay zones may be required. The maximum length of the staff shall be five hundred feet (500') and the maximum grade of the staff shall not exceed twelve percent (12%).
 - e. The lot access-turn-around and fire protection shall be approved by the Hurricane Valley Fire District.
 - f. No building or structure will be located within the staff portion of the flag lot.
 - g. The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.
 - h. The main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant and water line.

- i. Upon review, the City may require installation of curb, gutter and other drainage control measures in the staff portion of the lot to prevent runoff from entering neighboring properties.
- j. Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right-of-way.
- k. All structures shall meet the height requirements of the zone in which a flag lot is located.
- l. Before a flag lot is approved a site plan and construction drawings must be submitted and approved by the City and all utility providers.
- m. All required improvements shall be installed on the newly created lot prior to recording the final plat for such lot.

St. George Flag Lot Ordinance

D. Flag Lots: After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.
2. The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff shall be twenty five feet (25').
3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
4. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the plat and approved by the commission and city council.
5. No more than two (2) flag lots or four (4) dwelling units may be served by one 25-foot wide staff.
6. Each flag lot shall be specifically approved by the commission.

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
Wednesday-April 18, 2018
Work Meeting 6:30 p.m. - Regular Meeting 7:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Planning Commission Chair Alex Chamberlain; Commissioners: Manning Butterworth, Jake Peart, Rebecca Hansen, Greg Turner, Alternate-Kris Smedley; Staff: Recorder Dana McKim; Planning and Zoning Official Mike Vercimak; Public: Dan James, Gregg Leiby, Brad Bishop, Kelli Bishop.

Chair Chamberlain called the meeting to order at 6:30 p.m.

6:30 PM WORK MEETING:

1. Discussion on Short-Term Rentals-Bed and Breakfast and Nightly/Short-Term Rentals :

There will be a special meeting/open house on April 19th at 6:00 p.m. for the public to attend and discuss with city councilmembers and planning commissioners the vision and opinions of all short-term rentals. The meeting will facilitate one on one discussion between board members and citizens. All board members will take notes and data will be compiled and submitted to the city recorder where the thoughts and ideas will be classified into categories. A questionnaire will not be submitted to the public as discussed in earlier meetings.

2. Discussion of Flag Lots:

Commissioner Jake Peart requested the commission to consider a revision of the flag lot code. There are several lots in Toquerville where the creation of a flag lot would be ideal but due to the strict guidelines, they are not able to be developed in such a way. He researched flag lot requirements in other cities and towns, and suggested to simplify the code like St. George City.

Commissioner Hansen opted to voice conflicting information and acknowledged there are long deep lots in Toquerville, but had a concern about reducing the requirements. She wondered if the creation of a flag lot in some scenarios may diminish the amount of privacy to surrounding property owners, it may create traffic concerns, parking and garbage pick-up problems, and drainage issues. She preferred the current code.

Peart believed property owners should be allowed to develop their property to meet the standard and thought the lack of width requirement didn't seem fair. His pro-development stance would assist with water conservation measures, as most of the larger deeper lots have larger yards require more irrigation water. He also brought to light the larger lots require more maintenance and care from the property owner.

There was a discussion of various locations throughout Toquerville where flag lots would be ideal and where the city wouldn't benefit from flag lots.

Vercimak gave clarification regarding the flag lot requirements and preferred the Toquerville Code over other surrounding city codes.

3. Discussion of Historic District:

The city recorder found in the code where the Planning Commission serves as a historic commission. One of the requirements of a historic commission was every ten years a historic and architectural study shall be done and updated every ten years.

Commissioner Hansen researched small towns near national places of interest with retirees. The information gained encouraged historic preservation. In doing so, it preserves the charm and a small town feel. She will investigate further and see what it would take to perform a study. Commissioner Butterworth would like to encourage the public notification of the historic district.

The work meeting was adjourned by Chair Chamberlain at 6:55 p.m.

7:00 PM REGULAR MEETING:

The regular business meeting was called to order at 7:00 p.m. by Chairman Alex Chamberlain. The Pledge of Allegiance was led by Greg Turner

There were no disclosures, nor conflict declarations by members present.

A. REVIEW OF MINUTES:

1. Review and Possible Approval of Planning Commission Meeting Minutes from the Regular Work and Regular Business Meeting on March 21, 2018.

Commissioner Jake Peart made a motion to approve the meeting minutes from March 21, 2018. Motion was seconded by Commissioner Manning Butterworth. Motion unanimously carried 5-0. Peart-aye, Butterworth-aye, Hansen-aye, Turner-aye, Chamberlain-aye.

B. PUBLIC FORUM:

Comments from the public and public requests for future agenda items.

Limit three (3) minutes per person; please address the microphone and state full name and address.

No public comments were stated.

C. PUBLIC HEARING:

Limit three (3) minutes per person; please address the microphone and state full name and address.

1. *Public input is sought on a Home Occupation Conditional Use Permit Application submitted by Michael Backus located at 1276 S Rainbow Bridge Street in Toquerville, UT 84774. Property Tax ID# T-TRES-1-27. Zoning is R-1-20.*

LaVelle Prince, the Trail Ridge Estate Home Owners Association Manager would like to review the application prior to submitting information to the association. There is a concern of where the applicant will park equipment in connection with his construction business. They would like to recommend no construction equipment to be parked on-site or house building materials.

2. *Public input is sought on Conditional Use Livestock Permit Application submitted by David Missal for the keeping of 10 chickens located at 1520 South Cane Circle in Toquerville, UT 84774. Property Tax ID# T-CHCR-1B-1B. Zoning is R-1-20.*

No public comment was stated.

D. BUSINESS/ACTION ITEM(S):

1. Discussion and Possible Action on a Home Occupation Conditional Use Permit Application submitted by Michael Backus located at 1276 S Rainbow Bridge Street in Toquerville, UT 84774. Property Tax ID# T-TRES-1-27. Zoning is R-1-20.

Commissioner Rebecca Hansen made a motion to approve the Home Occupation Conditional Use Permit with staff recommendations. Motion was seconded by Commissioner Greg Turner. Motion unanimously carried 5-0. Peart-aye, Turner-aye, Butterworth-aye, Hansen-aye, Chamberlain-aye.

Zoning Official, Mike Vercimak stated the conditions prohibits outside storage of equipment and materials associated with the business. Only two vehicles may be used in association with the home occupation permit and shall be capable of being parked in the garage, or regularly parked areas normally used by the resident. Any vehicles for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight.

2. Discussion and Possible Action on Conditional Use Livestock Permit Application submitted by David Missal for the keeping of 10 chickens located at 1520 South Cane Circle in Toquerville, UT 84774. Property Tax ID# T-CHCR-1B-1B. Zoning is R-1-20.

Commissioner Hansen asked if the applicant was aware the applicant could not house a rooster according to the animal regulations and his application was for 10 chickens. Mr. Missal stated he would get rid of the rooster. There was brief discussion about the area solely dedicated to the use of the animals.

Commissioner Jake Peart made a motion to approve the Conditional Use Livestock Permit with staff recommendations at 1520 South Cane Circle in Toquerville. Motion was seconded by Rebecca Hansen. Motion unanimously carried 5-0. Hansen-aye, Butterworth-aye, Peart-aye, Turner-aye, Chamberlain-aye.

3. Discussion of Cul-De-Sac Setbacks.

Commissioner Hansen researched many towns and cities which require a safety minimum fifty feet frontage requirement. Frontage may be measured in several different ways and saw an illustration where the frontage is measured on a cord which is 67% of the lot size. She was comfortable with Attorney Snow's review and felt the cul-de-sac modifications could be recommended to the City Council.

Commissioner Butterworth asked if the cul-de-sac meets the international fire code. The design does but the frontage requirements are lacking.

Brent Bishop from Self-Help Homes spoke on the frontage reduction request to the city code. The code was silent regarding cul-de-sac requirement and their developer wanted to make sure the lots were conforming. A draft of the issue in concern was given to the city attorney for his review. The design of the lots will need to be modified during the construction phase.

Commissioner Jake Peart was most concerned about extra parking without creating traffic congestion in the cul-de-sac. He suggested the on-street parking could be marked as "no parking", or limit the number of vehicles allowed to park in the street.

Commissioner Butterworth inquired about the implication of these homes requesting a conditional use permit to house a bed and breakfast. He read the attorney's review and wondered if the lot size would be large enough for the homes and where they would be placed. Peart asked if the design could be modified to a square cul-de-sac. Butterworth asked the commission if they wanted to approve the reduction in an R-1-12 zone or for all residential zones. There was brief discussion about what other communities in the surrounding area require. Hansen believed the reduction proposed was still greater than what other cities require and was comfortable with recommending the proposal.

Vericmak asked the commission if they could give a general recommendation to attorney snow for the draft of an ordinance change. Chamberlain acknowledged the push for the modification but wanted the developer to know the requirements are stated in the code and the self-help home engineer should have caught this calculation. The common consensus of the commission was to allow the reduction in the R-1-12 zone only.

E. HO/CUP REVIEW & POSSIBLE RECOMMENDATION:

1. Home Occupation Conditional Use Permit of TLW Design at 10 Berry Lane for Terry Watson
2. Home Occupation Conditional Use Permit of Shaun's Taxidermy at 1264 Cholla for Shaun Jaggi
3. Livestock Conditional Use Permit on Parcel T-10 and T-148-A for Anita, Mona, Laura, and Lorin Lowe

Commissioner Manning Butterworth made a motion to approve the listed conditional use permit listed on the agenda. Motion was seconded by Commissioner Rebecca Hansen. Motion unanimously carried 5-0. Butterworth-aye, Turner-aye, Peart-aye, Chamberlain-aye, Hansen-aye.

F. ADJOURN:

Chair Chamberlain adjourned the meeting at 7:39 p.m.

Planning Commissioner – Alex Chamberlain

Date

Attest:

Toquerville City Recorder – Dana M. McKim

envelopes for each property owner shown. Toquerville City will provide the letter of notice and mail the Planning Commission (PC) Public Hearing date scheduled for affected residents.

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

(Office Use Only)

DATE RECEIVED: 7.30.2018 RECEIVED BY: Drop Box Office - MK Kim

DATE APPLICATION DEEMED TO BE COMPLETE: _____

COMPLETION DETERMINATION MADE BY: _____

Signature



Vicinity Map



376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on the map was compiled from official GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

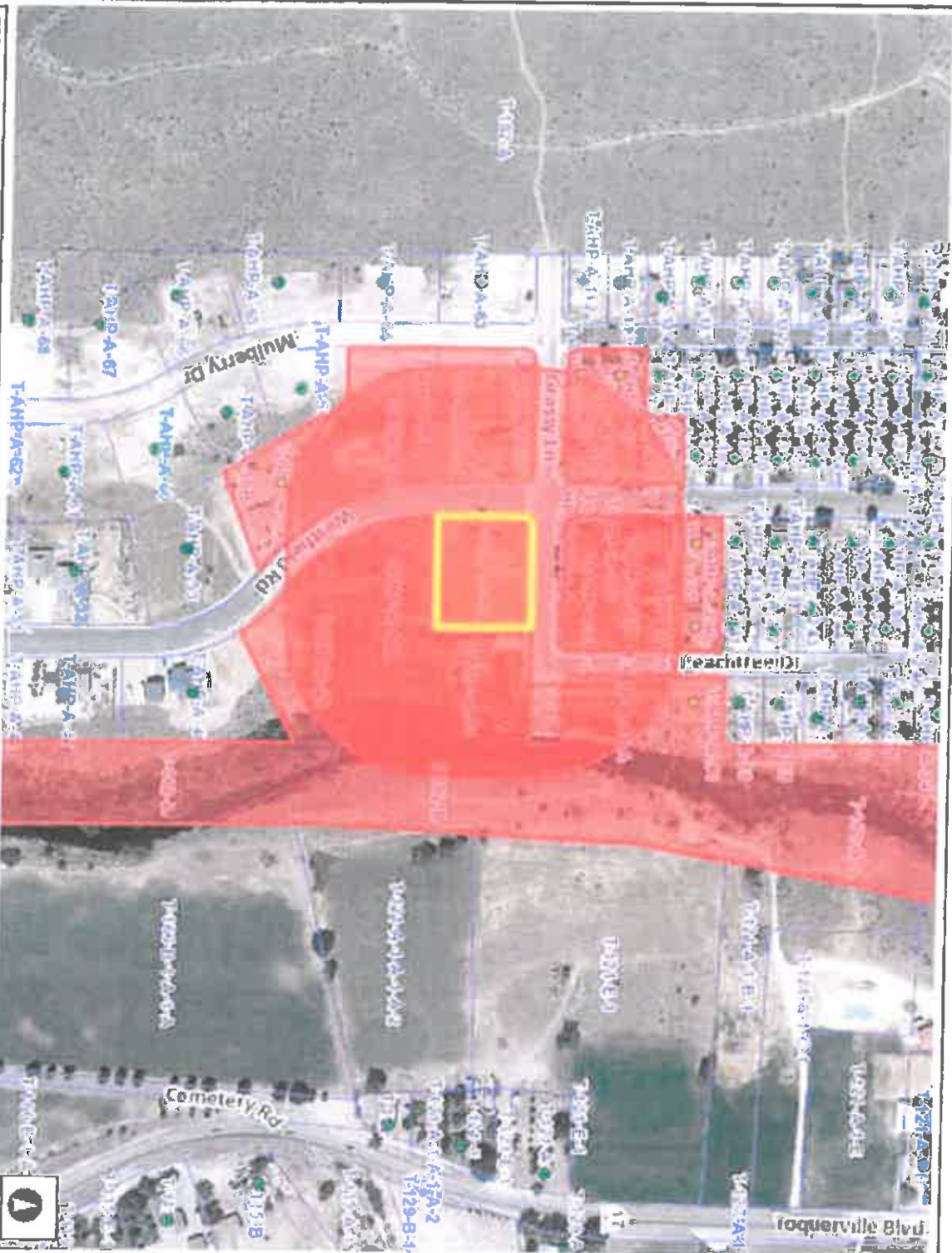
Legend

- Address Points
- Parcels
- Ownership**
- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Statewide Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipality Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes



300 Ft Notification Map



752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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300 Feet Buffer

Legend

- Address Points
- Parcels
- Ownership**
 - U.S. Forest Service
 - U.S. Forest Service Withdrawals
 - Bureau of Land Management
 - Bureau of Land Management Wilds
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipality Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes

PROJECT NOTES:

GENERAL REQUIREMENTS
 ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

GOVERNMENT CODE (GENERAL CONTRACTOR)
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

CONTRACTOR

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

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PLAN AH 44A

PLAN DATE 2/17/16

PLAN INDEX

01	GENERAL CONTRACTOR
02	FOUNDATION
03	FRAMING
04	ROOFING
05	MECHANICAL
06	ELECTRICAL
07	PLUMBING
08	PAINT
09	FINISH
10	LANDSCAPE
11	GENERAL NOTES
12	CONSTRUCTION DETAILS

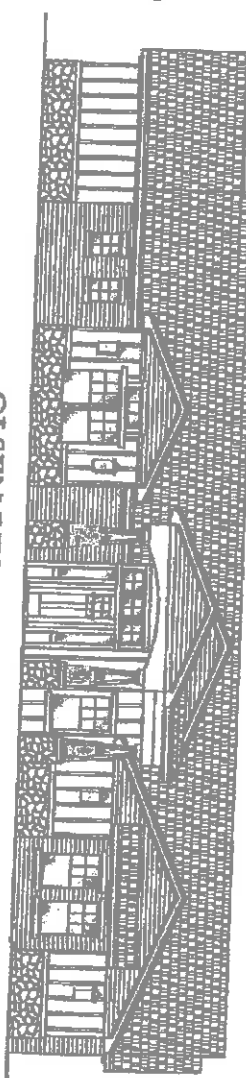
ALMOND HEIGHTS LOT 44A

OISEN RESIDENCE

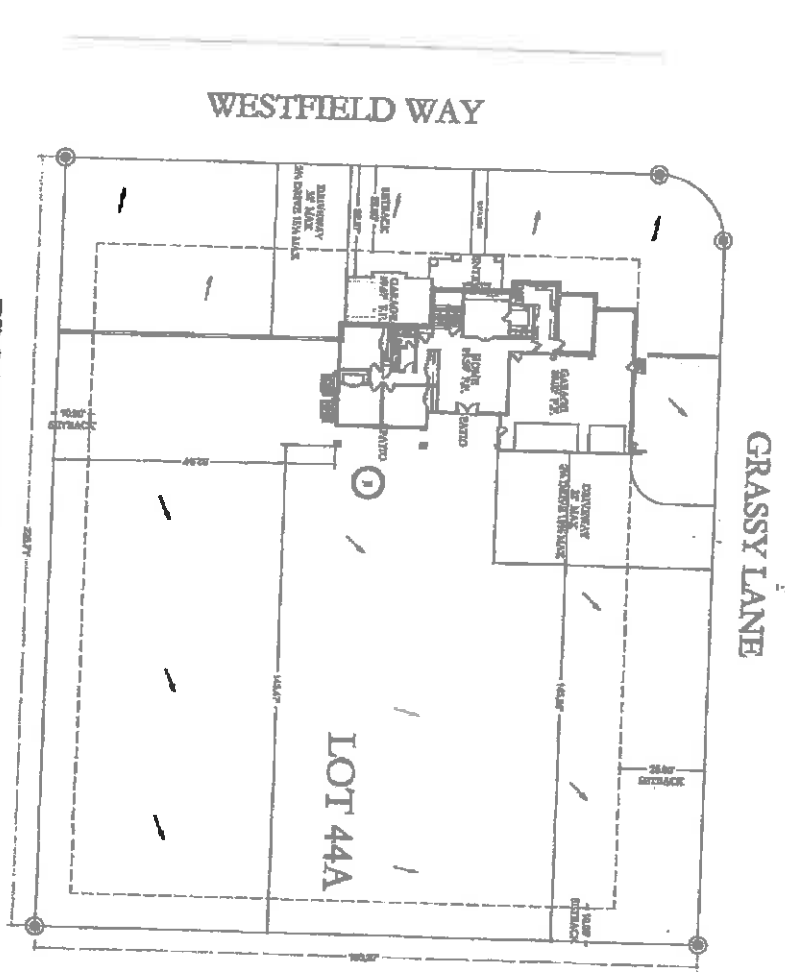
PLAN INFO

DATE	2/17/16
PROJECT	ALMOND HEIGHTS LOT 44A
OWNER	ALMOND HEIGHTS LOT 44A
DESIGNER	OISEN RESIDENCE
SCALE	AS SHOWN
PROJECT NO.	16-001
DATE	2/17/16

DESIGN INC
 435-668-7358



OISEN RESIDENCE
 ALMOND HEIGHTS LOT 44A

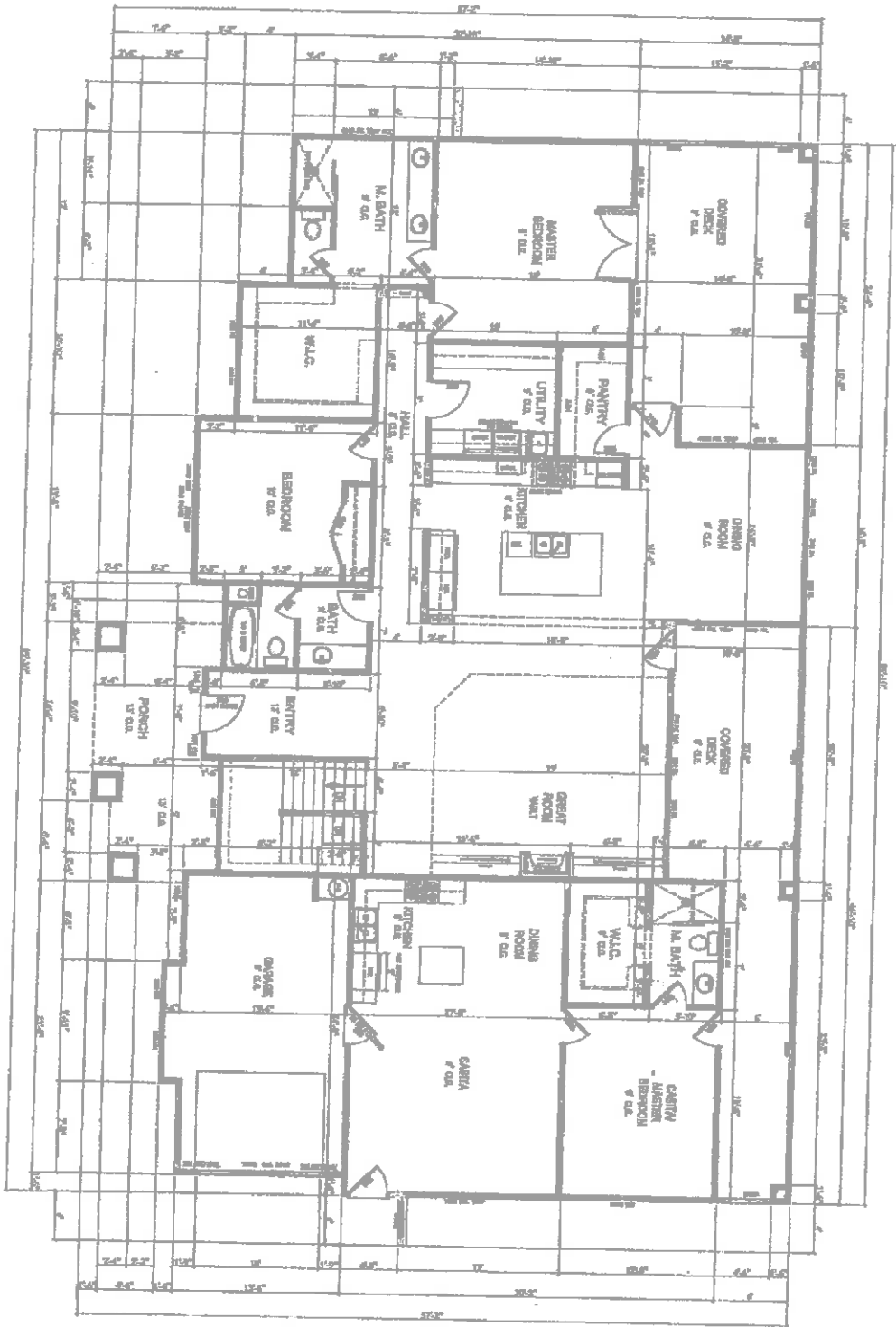


PROJECT SITE LOCATION



COVER SHEET C.0





PLAN AH 44A

PLAN DATE 2/17/16

PLAN INDEX

NO.	DATE P.L. / REV.	DESCRIPTION
01		CONCEPT PLAN
02		PRELIMINARY PLAN
03		FINAL PRELIMINARY PLAN
04		FINAL PRELIMINARY PLAN
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ALMOND HEIGHTS RESIDENCE
OLSEN
 RESIDENCE

PLAN INFO

NO.	DATE	DESCRIPTION
1	1/15/16	CONCEPT PLAN
2	1/22/16	PRELIMINARY PLAN
3	1/29/16	FINAL PRELIMINARY PLAN
4	2/5/16	FINAL PRELIMINARY PLAN
5	2/12/16	FINAL PRELIMINARY PLAN
6	2/19/16	FINAL PRELIMINARY PLAN
7	2/26/16	FINAL PRELIMINARY PLAN
8	3/5/16	FINAL PRELIMINARY PLAN
9	3/12/16	FINAL PRELIMINARY PLAN
10	3/19/16	FINAL PRELIMINARY PLAN
11	3/26/16	FINAL PRELIMINARY PLAN
12	4/2/16	FINAL PRELIMINARY PLAN
13	4/9/16	FINAL PRELIMINARY PLAN
14	4/16/16	FINAL PRELIMINARY PLAN
15	4/23/16	FINAL PRELIMINARY PLAN
16	4/30/16	FINAL PRELIMINARY PLAN
17	5/7/16	FINAL PRELIMINARY PLAN
18	5/14/16	FINAL PRELIMINARY PLAN
19	5/21/16	FINAL PRELIMINARY PLAN
20	5/28/16	FINAL PRELIMINARY PLAN
21	6/4/16	FINAL PRELIMINARY PLAN
22	6/11/16	FINAL PRELIMINARY PLAN
23	6/18/16	FINAL PRELIMINARY PLAN
24	6/25/16	FINAL PRELIMINARY PLAN
25	7/2/16	FINAL PRELIMINARY PLAN
26	7/9/16	FINAL PRELIMINARY PLAN
27	7/16/16	FINAL PRELIMINARY PLAN
28	7/23/16	FINAL PRELIMINARY PLAN
29	7/30/16	FINAL PRELIMINARY PLAN
30	8/6/16	FINAL PRELIMINARY PLAN
31	8/13/16	FINAL PRELIMINARY PLAN
32	8/20/16	FINAL PRELIMINARY PLAN
33	8/27/16	FINAL PRELIMINARY PLAN
34	9/3/16	FINAL PRELIMINARY PLAN
35	9/10/16	FINAL PRELIMINARY PLAN
36	9/17/16	FINAL PRELIMINARY PLAN
37	9/24/16	FINAL PRELIMINARY PLAN
38	10/1/16	FINAL PRELIMINARY PLAN
39	10/8/16	FINAL PRELIMINARY PLAN
40	10/15/16	FINAL PRELIMINARY PLAN
41	10/22/16	FINAL PRELIMINARY PLAN
42	10/29/16	FINAL PRELIMINARY PLAN
43	11/5/16	FINAL PRELIMINARY PLAN
44	11/12/16	FINAL PRELIMINARY PLAN
45	11/19/16	FINAL PRELIMINARY PLAN
46	11/26/16	FINAL PRELIMINARY PLAN
47	12/3/16	FINAL PRELIMINARY PLAN
48	12/10/16	FINAL PRELIMINARY PLAN
49	12/17/16	FINAL PRELIMINARY PLAN
50	12/24/16	FINAL PRELIMINARY PLAN

MAIN FLOOR **A.2**

SCALE = 1/8" = 1'-0"

STAFF COMMENTS

Agenda: Staff Meeting: May 1, 2018
Applicant: Chase Olsen
Type of Application: **Bed and Breakfast CUP**
Request: Operate a Bed and Breakfast establishment
Location: 1065 S. Westfield
Current Zoning: R-1-20

Discussion:

Chase Olsen is requesting a permit to operate a Bed and Breakfast at his home located at 1065 S Westfield Road. the property is currently zoned R-1-20.

The application is not complete, but the matter will be heard at the May 1, 2018 Staff meeting and the applicant will be interviewed.

Calleen Olsen, representing Chase Olsen, met with staff on May 1, 2018. The permit was reviewed and deemed complete except for the Owner’s Affidavit. This will be completed and turned in prior to the Planning Commission meeting. Mrs. Olsen said the request would be for 3 bedrooms.

Staff discussed off-street parking and it was determined that there was ample parking for the required application. The cooking facilities in the attached casita were also discussed and it was decided that removal or disabling of these facilities would be required as a condition of the permit.

Staff recommends approval of this application with the following conditions:

1. Cooking facilities to be disabled or removed in the casita to the satisfaction of the Building Official.
2. Required off-street parking will be available and inspected.
3. The premises will receive an inspection by the Hurricane Valley Fire District and the Toquerville Building Official and any corrections or deficiencies will be corrected.
4. Applicant agrees to abide by all conditions set forth in section 10-17-3 of the Toquerville Code.

5. This permit shall receive an annual review by the Toquerville Planning Commission.
6. This permit shall not be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.



Toquerville City
SUBDIVISION LOT LINE ADJUSTMENT APPLICATION
Fee: \$200.00

Owner(s) of Lot 1: Name(s): Jonathan Cheney

Telephone: _____ Fax No. _____

Mailing Address: 73 E Kolob Circle Toquerville UT 84774

Email: churymomus@gmail.com

Owner(s) of Lot 2: Name(s): Jonathan H. Cheney

Telephone: _____ Fax No. _____

Mailing Address: SAMU

Email: SAMU

Subdivision Name & Phase: Trail Ridge Estates Phase 1

Subject Property Address: 74 E. Kolob Circle and SW E. Kolob Circle

Parcel #s of Subject Property: T-TRES-1-1 & T-TRES-1-25 Lot numbers: 1 + 250 Toquerville

Submittal Requirements: 1 - large paper copy, and 1 - 11 X 17

1. Submittal requirements:

- a. A description of the property to be deeded.
- b. A drawing of the existing configuration of the lots with accurate dimensions and the locations of any buildings or other structures.
- c. A drawing of the proposed new configuration of the lots with accurate dimensions and the locations of any buildings or other structures.

(Office Use Only)

DATE RECEIVED: 5-1-2018 COMPLETE: YES NO

DATE APPLICATION DEEMED TO BE COMPLETE: _____

COMPLETION DETERMINATION MADE BY: _____
Signature

Warranty Deed Page 1 of 1
Russell Shirts Washington County Recorder
11/16/2016 02:40:55 PM Fee \$11.00 By
SOUTHERN UTAH TITLE

When recorded mail deed and tax notice to:
Howard W. Cheney
P.O. Box 63
Kaysville, UT 84037



Order No. 190356 - RIH
Tax I.D. No. T-TRES-1-1, T-TRES-1-250

Space Above This Line for Recorder's Use

WARRANTY DEED

Rymal J. Hinton and Jennifer F. Hinton, grantor(s), of Hurricane, County of Washington, State of Utah, hereby CONVEY and WARRANT to

Howard W. Cheney, grantee(s) of Kaysville, County of Davis, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

Lots 1 and 250, TRAIL RIDGE ESTATES PHASE 1 "AMENDED & EXTENDED", according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 14 day of November, 2016.

Rymal J. Hinton

Jennifer F. Hinton

STATE OF Utah)
)
) :ss.
)
COUNTY OF Washington)

On the 14th day of November, 2016, personally appeared before me, Rymal J. Hinton and Jennifer F. Hinton, the signer(s) of the within instrument who duly acknowledged to me that he/she/they executed the same.

NOTARY PUBLIC

My Commission Expires:







190.00'

95.80'

95.80'

LOT #1
TRAIL RIDGE ESTATES
22,251 SQ. FT.
0.51 ACRES



40.94'

97.58'

ZIONS PARKWAY

KOLOB CIRCLE STREET

STAFF COMMENTS

Agenda: Staff Meeting: May 1, 2018
Applicant: Jonathan Cheney
Type of Application: Lot split
Request: Adjust the lot line between lot 1 and 250 in TRE to zero
Location: 74 East Kolob and 86 East Kolob Circle
Current Zoning: R-1-20

Discussion:

Mr. Cheney would like to combine lots T-TRES-1-1 and T-TRES-1-250 in Trail Ridge Estates. Mr. Cheney owns both lots. The lots are currently zoned R-1-20.

The application is incomplete. Mr. Cheney needs to provide a map of the existing conditions and a map showing the results of the lot line adjustment. Mr. Cheney also needs to provide proof that he owns both lots.

This matter is set to be heard at the May 1, 2018 staff meeting.

Staff met with Mr. Cheney on May 1, 2018. Mr. Cheney provide a map showing the existing parcels and the parcel that would remain after the lot line adjustment. He also provided proof of ownership of the parcels.

Staff discussed the situation of having two (2) separate sets of utilities services to one lot. It was decided that the Applicant be required to abandon one set of services and he could decide which set.

Pursuant to Chapter 10-19G of the Toquerville Code, staff recommends this lot line adjustment be approved with the following conditions:

1. Applicant agrees to abandon one (1) set of utility services to the satisfaction of the Public Works Director.
2. A document which clearly sets forth a description of the original parcels as well as a description of the newly created parcel will be provided by the Applicant for recordation with the Washington County Recorder.

The Bed and Breakfasts should be limited to 5% or less of the total homes in Toquerville and only allowed where there is adequate parking. There could be a limited time of rentals but no long term rentals.

Newell and Leah Matheson

Nightly Rental:

The "nightly rental" is the act of leasing a residence, or any part thereof, by a person or entity to another for a consecutive period of ninety (90) calendar days or less in exchange for direct or indirect remuneration.

- Permit/License shall be obtained by applicant
- responsible party (permit owner) has ownership and resides in Toquerville as their primary residence
- no more than 10 people including the residents
- Owner shall provide upon request the Name, Address and phone number of renter
- Annual inspections are required
- Historic Overlay zone has different requirements
- annual fee to keep the use...staff derives the fee amount
- Note to work on neighbors surrounding a short-term rental
- concern of empty homes (vacation rentals) in a residential neighborhood
- If owner doesn't live on the same parcel there should be a density requirement?
- 75% of residential property owners within a 300 ft notification have to approve the use by signature. Owners of a residence holding a valid short-term rental permit are not considered in the calculation of the 75% requirement.
- Applicant may only own two nightly rentals
- Revocation of Use if complaints are received...how many complaints are required to revoke
- *Residential Hosting facility and short-term renting or vacation renting-Look up Virgin's code.
- No density requirements
- no on-street parking overnight??

10-17-3: NIGHTLY RENTALS:

The "nightly rental" is the act of leasing a residence, or any part thereof, by a person or entity to another for a consecutive period of ninety (90) calendar days or less in exchange for direct or indirect remuneration.

Nightly Rentals shall meet the following requirements:

A. Parking: There shall be no on-street parking overnight.

(From 5/3, 5/10 meeting discussion and notes. Stated as question, not conclusion.)

B. Maximum Guests: The maximum number of occupants per residence shall be ten (10) (including the owner and his/her family).

(Per Chief Kuhlman.)

C. Owner Primary Residence Within City: The owner of the residence where the nightly rental occurs must have his or her primary residence within the Municipal boundaries of the City. For purposes of this chapter, the term "owner" shall mean:

a. A natural person owning an undivided interest of one hundred percent (100%) of the residence, or

b. A business entity which owns one hundred percent (100%) of the residence and who has a natural person principal owning one hundred percent (100%) of the ownership interest in the business entity.

(This is the existing STR ordinance wording (a and b above). There was discussion of this during the 5/3, 5/10 meetings, but the outcome is not in the notes of those meetings. I think the outcome differed from the above. What was it?)

D. Modifications: Modifications to the appearance and size of the structure should be in keeping with the residential character of the neighborhood within which the establishment is located. If modifications to the existing structures are made, they may not include separate outside entrances to the guestrooms.

(Keep?)

E. Revocation Of Permit: The nightly rental permit may be revoked at any time should the use become a public nuisance.

(From 5/3, 5/10 meeting discussion and notes.)

F. Site Approval, Public Hearing; Annual Review: A site approval and public hearing are required. An annual review period shall be required.

(Keep?)

G. Log: The Owner shall provide upon request the Name, Address and Phone Number of renters:

(From 5/3, 5/10 meeting discussion and notes.)

H. Business License Required; Room Tax: Applicants must obtain a business license and pay the current Room Tax applicable to motels and hotels within the City.

(Keep?)

I. License/Permit Required: The applicant must obtain a business license pursuant to title 3, chapter 1 of this Code and a nightly rental permit which is a special permit similar, but separate and distinct from a home occupation permit, but that is reviewed, approved and otherwise regulated pursuant to chapter 23 of this title for that use. Said business license and nightly rental permit are nontransferable to another owner or residence.

(Is a "nightly rental permit" a "conditional use permit"? Should it be called conditional use permit?)

J. Fees: Applicant must pay all applicable fees including an annual fee to maintain the permit. The amount of said fee shall be determined by the City in accordance with administrative costs.

(From 5/3, 5/10 meeting discussion and notes.)

K. Health Requirements: All local and State health requirements must be met. (Ord. 2015.06, 10-8-2015).

(Not in 5/3, 5/10 meeting discussion and notes, but presumably should be retained.)

L. Notification: Applicant must pay for and provide notification to neighboring property owners within a three hundred foot (300') radius of a public meeting of the City's Planning Commission where the issuance of the nightly rental permit for the subject residence is being considered in compliance with section 10-23-9 of this title. However, said notice shall indicate, and the Planning Commission shall conduct, a public hearing on the application. For approval seventy five percent (75%) of the property owners within the three hundred foot (300') radius of the residence must affirmatively approve the application as attested by their signatures. Property owners within said three hundred foot (300') radius who hold a nightly rental permit are excluded from the computation determining 75% approval.

(From 5/3, 5/10 meeting discussion and notes.)

M. Ownership Limitation: An applicant for a nightly rental permit shall have an ownership interest in no more than two nightly rental in the City of Toquerville.

(From 5/3, 5/10 meeting discussion and notes. Notes say "own", but I recommend "ownership interest". Is that strong enough?)

N. Penalties: Upon finding a violation under this section, the following penalties shall apply:

a. First violation: One thousand dollars (\$1,000.00).

b. Second violation: Five thousand dollars (\$5,000.00).

c. Third violation: Ten thousand dollars (\$10,000.00).

- d. Fourth violation: License automatically revoked.
- e. Review: Upon the second or subsequent violation of this section, there shall be a mandatory review conducted before the City's Planning Commission, who shall have the ability and right to revoke the nightly rental permit in its sole and absolute discretion. Revocation of a nightly rental permit, for any reason, shall result in a minimum twelve (12) month waiting period prior to any new application, which revocation shall run with the land. Upon revocation, there is no guarantee of any future issuance of a nightly rental permit and all applications will be processed under the then current ordinances. Failure to pay a fine as required by the previous subsection shall constitute grounds for automatic revocation of the owner's nightly rental permit.
- f. Enforcement: In addition to the fines set forth in subsection C of this section, all violations of this chapter shall constitute a Class C misdemeanor and shall be enforced in compliance with chapter 5 of this title. (Ord. 2017.07, 6-8-2017).
(I think we did not discuss penalties during our 5/3 or 5/10 meetings although these have been discussed at other times.)

10-17-4: NIGHTLY OR SHORT TERM RENTALS:

This section of the Code has been superseded and replaced in its entirety by **10-17-3 NIGHTLY RENTALS**

Public input regarding Bed and Breakfast Establishments and Nightly/Short Term Rentals:

Rules

- Rules should be consistent for both bed and breakfast establishments and vacation rentals, and should not be differentiated.
- In favor to see less regulation on bnb's since the homeowners are present.
- Omit the two person occupancy per room rule, instead allow 10 people (not including residents) per home.
- Owners should not have to be on-site during the rental period, but rather be available via phone.
- Would like to have the ability to use a secondary entrance for bed and breakfast establishments.
- Breakfast accommodations should not be required, but rather an option by the owner of the establishment.
- A few individuals thought recording log information was cumbersome, renters are vetted by a reservation company.
- BnB's need to be in a host's home and not in a detached building.
- Owner occupied personal residence proposed document was confusing.
- Vehicle ID is not necessary.
- Entry Papers or citizenship requires obedience to applicable laws
- Inspections for Nightly/Short term rentals should be an annual review, not every six months.
- Delete Health Requirements in 10-17-3(K).

Density-

- Allow free market to either sustain or weed out rental businesses since they are based on a rating system.
- Create sections in the city and limit each section to a density percentage.
- There were several people who thought there should not be density requirements. One person thought to require it would be punitive.
- Density requirements should be instituted to preserve residential neighborhoods. A BnB density requirement should be less than a vacation rental.
- The historic district (Toquerville Blvd) should have a different criteria or overlay zone since the property was created differently than regular residential neighborhoods.
- Separate buildings where Nightly/Short-Term Rentals or BNB's occur need to be within an designated distance from the homeowner so the owner can be aware of what may be occurring during the rental period.
- Density rules need to be changed or grandfathered in.
- The City should allow illegal non-conforming properties (2 lots on same parcel of property) to use them as vacation rentals and bed and breakfast establishments if the lot is large enough.
- Not in favor of the nightly rental density requirement.
- The Bed and Breakfasts should be limited to 5% or less of the total homes in Toquerville and only allowed where there is adequate parking. There could be a limited time of rentals but no long term rentals.

Ownership

- The city should allow ownership of these establishments to reside out of town, as long as there is a property manager tied to the property. Contact information is updated at the time of yearly business license renewal.
- In favor of Toquerville residents owning nightly rentals exclusively.
- 100% ownership or contracting interest should be allowed
- Modify 100% ownership to 25% ownership of property and owner is required to reside in Toquerville.

-been in business for a year thus far no complaints, nor LE contacts. Property looks better than a long term rented property.

Development

- In favor of controlled growth with planned development.
- Why does Toquerville want to fight growth? Shouldn't the community embrace commerce?
- Wants commerce in Toquerville, especially alongside the boulevard.
- These types of establishments will change the median income of Toquerville and limit the ability to qualify for available grants.
- R-1-10 and R-1-20 should not allow commercial enterprise. Toquerville should define commercial areas.
- A suggestion to apply an overlay zone for specific areas for the allowance of short term rentals and bnbs, Proposed areas were the Toquerville boulevard, the Westfield area, and Sunset Avenue area.

Cooking

- Would like to see the allowance of microwaves, coffee makers in guestrooms
- Define the term cooking facility.
- Change the word guestroom to bedroom

Fees

- Sewer rates should not be increased, as usage is not doubled
- Water rates should be on a commercial rate, not a residential rate
- Nightly/Short-Term Rentals should not require a \$1000.00 application fee, it was viewed as oversight.
- Renewal should occur after 1st offense, not second. A 3rd violation should revoke the license.
- The city should not revoke away permit but allow a revocation period of 90 days to shut down the business.
- If application is denied do you get your application fee back?
- Violation fines should be lowered to \$500, \$1000, and \$2000.
- Violations should not be a criminal charge, i.e. misdemeanor.
- If these entities are commercial properties do they need to be taxed correctly?
- Who pays for the administrative costs?

Parking

Off-street parking should be allowed
Change to "no overnight parking"

Signage

-low and on fence? Down lights?

Review

10-17-4-16 Nightly/Short Term Rental: What is the review entail anyway. Owners already agree to abide by the rules. What is the difference and who reviews the bnb's?

Noise

Noise ordinance should be the same as long term residents.

Wayne Olsen

I'm sorry I can't come to meeting here are some comments please have the Mayor read them at the appropriate times in meeting thanks. Comments on vacation rentals. #1 setting max occupancy to help reduce parking concerns . overcrowding to home for safety concerns. And possible neighborhood disturbance. #2. No renting of rv trailers that is becoming a common practice. #3 shutdown existing vacation rentals running in town not fair to us that have it right,payed or fee's and when thru the process.# 4 look at fee's and penalties for vacation rentals versus bed and breakfast .it looks very discriminatory .their both nighty rentals... Comments on bed and breakfast #1 keeping the spirit of a bed and breakfast is lodging and breakfast in a home like setting under the same roof as owners. Not in out buildings.garages.trailers ect.#2 no cooking allowed if they want to cook go rent vacation rental. #3 we need density requirements I think a minimum of 300' or more. #4 two people per bedroom max .a lot of the bnb establishments are violating that. It's not fair to the ones that are doing it right. Thank you for listening to my comments .I would have been there but my son was involved in a bad accident we are in Pennsylvania. Good luck to u all

Sent from my Verizon 4G LTE Droid



TOQUERVILLE CITY HOME OCCUPATION CONDITIONAL USE PERMIT

Date of issuance: June 20, 2012

This permit is issued to Leif Bjarnson for the property located at 1563 Ashcreek Drive, Toquerville, Utah. Business Name: "Bjarnson Construction, Inc.

Purpose of Permit: General Contracting and Drafting.

The conditions under which this Permit has been approved are as follows:

1. The permit shall not be enlarged, expanded or modified without express written permission by the Toquerville Planning Commission.
2. This permit shall receive an annual review by the Toquerville Planning Commission.
3. Permit holder shall maintain a current Toquerville Business License.
4. No Signage will be permitted and any signage presently in place will be removed immediately.

By: 
Renee Garner, Recorder

City Seal

Date: June 20-2012



TOQUERVILLE CITY CONDITIONAL USE PERMIT

Date of issuance: June 11, 2015

This Conditional Use Permit is issued to Rebecca Goodman by the Toquerville City Council for the property at 457 S Westfield Road, Parcel #T-161-A-1, Toquerville, Utah.

Purpose of Permit: Operation of a Bed and Breakfast under the name "Dulce Domum", to rent one bedroom overnight and provide breakfast to guests.

The conditions under which this Permit has been approved are as follows:

1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
2. Parking on Westfield Road shall not be permitted in conjunction with the business.
3. The applicant shall obtain all Local, State and Federal licenses and permits required and agrees to abide by all rules and regulations of each such jurisdiction.
4. This permit shall not be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.
5. This permit shall receive an annual review by the Toquerville Planning Commission.
6. The applicant must maintain a current, valid business license

By:  Date: June 24, 2015
Renee Garner, Recorder





Toquerville City Conditional Use Permit

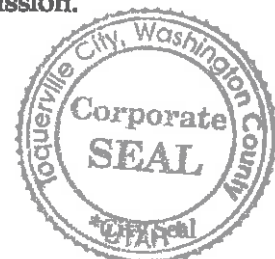
This Conditional Use Permit was granted to Monte and Margie Evans for a Bed and Breakfast located at 238 Hillside Drive by the Toquerville City Council on June 8, 2017.

The conditions under which this Permit has been approved are as follows:

1. Applicant agrees to provide off street parking as follows:
1 stall per each guest room and 2 stalls for residents of the home.
2. Applicant agrees to no more than 2 occupants per bedroom with not more than 10 occupants in the residence (not including the owner).
3. Owner shall live in the residence.
4. Applicant will obtain all required inspections and insure compliance with inspection requests.
5. Applicant will obtain all required local, state and federal licenses.
6. Applicant agrees to not allow cooking appliances in the guest rooms.
7. Applicant agrees that this permit shall not be enlarged, expanded, or changed otherwise without express written consent from the City of Toquerville.
8. This permit shall receive an annual review by the Toquerville Planning Commission.
9. Other conditions deemed appropriate the Planning Commission.

By: 
Dana M. McKim
Toquerville City Recorder

Date: June 9, 2017





Toquerville City

Conditional Use Permit

Home Occupation

This Home Occupation Conditional Use Permit was granted to Randy and Jane Scott for an internet gun sales business located at 47 West Old Church Road by the Toquerville City Council via phone vote on 6/29/2017. Vote ratified on July 13, 2017 at the City Council Regular Business Meeting.

The conditions under which this Permit has been approved are as follows:

1. Applicant agrees to observe and operate under the rules and conditions for a Home Occupation Permit as outlined in Chapter 10, Section 23 of the Toquerville Land Use Code.
2. Applicant agrees to obtain all required local, state and federal licenses and operate in full compliance with all permits.
3. This permit cannot be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.
4. This permit will receive an annual review by the Toquerville Planning Commission.

By: 
Dana M. McKim
Toquerville City Recorder

Date: July 14, 2017
PC Approved
June 21, 2017



City Seal



Toquerville City Home Occupation Conditional Use Permit

This Conditional Use Permit was granted to Todd Young for a Home Office/General Contractor Business located on property parcel T-DDS-3; 460 North Toquerville Boulevard by the Toquerville Planning Commission on June 20, 2012.

The conditions under which this Permit has been approved are as follows:

1. The application shall receive an annual review by the Toquerville Planning Commission.
2. The permit shall not be enlarged, expanded or changed otherwise without the express written consent of the Toquerville Planning Commission.
3. Applicant must keep a current business license with the City.


Dana M. McKim
Toquerville City Recorder

5-15-18
Date



City Seal



Toquerville City Home Occupation Conditional Use Permit

This Conditional Use Permit was granted to Kay Mitchell for a Warm Fused Art Glass Studio located on property parcel T-ACP-10; 230 S Ash Creek Road by the Toquerville Planning Commission on June 21, 2017.

The conditions under which this Permit has been approved are as follows:

1. Applicant must complete a sanitary survey for ACSD.
2. Applicant must have an inspection of the premises by HVFD.
3. Applicant agrees to comply with the rules and conditions for a Home Occupation Permit as outlined in Chapter 10, Section 23 of the Toquerville Land Use Code.
4. Applicant agrees to comply with all local, state and federal regulations and obtain the required permits from each jurisdiction.
5. This permit cannot be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.
6. This permit will be reviewed annually by the Toquerville Planning Commission.


Dana M. McKim
Toquerville City Recorder

