



Planning Commission Meeting

Tuesday, November 5, 2019 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Mary Cokenour, Commissioner George Matocha, Commissioner Gordon Reeve, City Manager Doug Wright, City Recorder Cindi Holyoak

Meeting Location: 17 N 100 E

1. Call to Order

2. Minutes Review/Approval: Action

Attachments:

- 2019-09-03 Minutes (planning-commission-meeting_minutes_2019-09-03.pdf)

3. Public Comment

4. Consider Nomination of Planning Commission Vacancy: Action

Attachments:

- Manike Pipkin Application (Manike_Pipkin_Planning_Commission_Applicant.pdf)

5. Review R-1 and R-2 Drafts of City Zoning Codes: Discussion/Action

R-1 and R-2 Residential zoning codes govern building requirements, setbacks, permitted uses, and other details within the designated zone. These details have been discussed and a draft of recommended changes has been compiled for the Planning Commission to review. Once the draft has been recommended by the Planning Commission, public hearings will be held before the City Council finalizes the decision.

Attachments:

- R-1 Changes Draft (R-1_Changes_2019-09.docx)
- R-2 Changes Draft (R-2_Changes_2019-09.docx)

6. Review Property Zoning Boundary Changes for the Southwest Quadrant of Monticello: Discussion

Discussion will take place to determine future needs of the City, as they pertain to zoning. The zoning designations placed on properties determine the allowed uses for

that property. This will be opened up to future public hearings and the decision will be finalized by the City Council.

7. City Code Additions for Long and Short Term Rentals: Discussion

Currently, the Monticello City code does not contain rules for rental properties. The Planning Commission will be reviewing some recommendations for addition to the City Code. Public hearings will be scheduled before the City Council finalizes this decision.

Attachments:

- **Long and Short Term Rentals Draft Ordinance** (Chapter_X_Long__Short_Term_Rental_9-30-2019.pdf)

8. Administrative Communications

9. Next Meeting Agenda

10. Adjournment



Planning Commission Meeting

Minutes

Tuesday, September 3, 2019 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Mary Cokenour, Commissioner George Matocha, Commissioner Gordon Reeve - not present, City Manager Doug Wright - not present, City Recorder Cindi Holyoak

Meeting Location: 17 N 100 E

1. Call to Order

Minutes:

Chairperson Bennett called to order the Monticello Planning Commission meeting at 6:34 p.m. There were no visitors present.

2. Minutes Review/Approval - action

Minutes:

Motion was made by George Matocha to approve the minutes of August 8, 2019. The motion was seconded by Commissioner Mary Cokenour passed unanimously.

Vote results:

Ayes: 3 / Nays: 0

3. Public Comment

Minutes:

None

4. R-2 Residential Zoning Amendments - discussion

Minutes:

Accessory dwellings were discussed, as well as short term rental apartments/housing. The draft of suggested amendments was created and presented by Commissioner Matocha, and includes the permitted use of accessory buildings as a dwelling in the R-2 zone, if the occupant of the dwelling is related to the occupant of the main dwelling. There was discussion about how to enforce this

criterium. The draft also allows short term rentals in the R-2 zone. There was discussion about requiring a 9 month contract for long term rentals. Recorder Holyoak said, currently, the City does not list or monitor landlords. Commissioner Matocha expressed his concerns for maintaining a non-transient neighborhood in the R-1 zones.

5. City Council Update on Semi-Truck By-pass - Discussion

City staff discussions with UDOT about the possibility of a future by-pass for semi-traffic in Monticello prompted a conversation with the City Council. The City Council did not express any interest in the by-pass for a future agenda.

Minutes:

Recorder Holyoak took this discussion to the City Council after speaking with UDOT about the possibility of a future by-pass for semi-trucks. She reported that there was little discussion with the Council due to fears of a decline in business. She and the Planning Commission discussed the difference between an interstate by-passing the city and a by-pass or alternate route, saying the alternate route could change the flow of business and create a new business district while enhancing a more walkable downtown.

6. Building Permit Report - Cindi Holyoak

Minutes:

Building permits are at an increase. Two new maintenance buildings have been approved, residential construction is occurring, and office buildings are in preliminary review. One radio tower will be built in a C-1 zone.

7. Administrative Communications

Minutes:

The letter of opinion, submitted by Attorney Walter Bird, for the pending sale of the Schafer property was reviewed. Planned future road corridors must be secured by an easement.

8. Next Meeting Agenda

Minutes:

Printout of the southwest quadrant of town - by engineer 36 x 24 - 1 copy Agenda - work on quadrant - consider changes to zoning lines in southwest quadrant.
Consider changes to subdivision ordinance. October 1, 2019

9. Adjournment

MANIKE PIPKIN

manikepipkin@gmail.com

TRAITS

- Detail oriented
- Tech adaptable
- Personable & friendly
- Self motivated

EXPERIENCE

2/2019-current

Air BnB Cleaning

Trained quickly
Works well independently and as team
Able to catch detailed needs

2/2017-current

Health website creator

Built landing page and website
Created content
Promoted relevant affiliate offers

02/2013 to current

Independent Distributor LifeVantage

Network marketing business owner

05/2012 to 05/2013

Search Results Analyzer

Lionbridge — Monticello, UT
10 hr/wk

Worked from home and kept records of own hours. Analyzed search results for relevancy to query.

05/2008 to 09/2008

Events Planner

George Wythe College — Monticello, UT

Responsible for new campus groundbreaking event lasting 3 days.
Recruited, prepared and directed team of 20 volunteers
Wrote location tours
Multiple station set up
Catering orders
Sanitation planning
Necessary orders and budgeting

EDUCATION AND TRAINING

2010

Bachelor of Arts: Statesmanship & Leadership

George Wythe College — Cedar City, UT, USA

Full time student & 30 hrs work

Senior Year Distance Student

American Government

American History

Political Economy & Philosophy

Entrepreneurial Business

Constitutional Law

Psychology

Publication Writing

World History

Euclid

Immersion Spanish, French, Greek, Hebrew

George Wythe University

Cedar City, Utah

To whom all these Letters come Greetings The Governors to George Wythe University on the recommendation of the faculty by virtue of the authority in them vested have granted to

Manike Collins Pipkin

who has satisfactorily completed the requirements thereof The Degree of

Bachelor of Arts

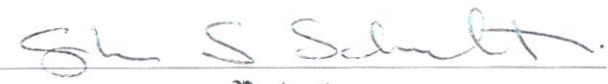
Statesmanship

Magna Cum Laude

With all the rights Privileges and Honors which thereunto appertain Given at Cedar City in the State of Utah on the twenty-fourth day of April in the Year of our Lord two thousand and ten.


President

GEORGE  WYTHE
University


Provost



10-6-1: REGULATIONS:

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



10-6-2: INTENT:

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



10-6-3: PERMITTED USES:

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

Accessory signs conforming to section [10-2-2](#) of this title.

Churches, not including temporary revival tents or buildings.

Conditional uses as permitted in section [10-2-4](#) of this title.

Fences, walls and hedges.

Foster care and family care homes.

Household pets.

Keeping of chickens in conformance with section [10-2-8](#) of this title.

Public agency parks and playgrounds.

Public, private and parochial schools and grounds.

Residential accessory uses and structures.

Single-family dwellings of conventional construction and manufactured homes.

Eldercare-in-law homes as defined herein and limited to more more than two (2) occupants.

Temporary uses subject to the provisions of section [10-2-6](#) of this title.

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



10-6-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

Main Use	Minimum Area	Minimum Frontage (At Setback Line)
Single-family dwelling	5,000-7,000 square feet	60 feet
Churches	1 acre	125 feet
Other uses	None	None

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



10-6-5: LOCATION REQUIREMENTS:

Setback distances shall be determined by measuring from the property line to the foundation of the building.

A. Front Setback:

1. Main Buildings: All dwellings and other main buildings and structures shall be set back not less than twenty feet (20') from the front lot line.
 - a. If the narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), the owner's setback from property line may be reduced to ten feet (10'). Code exception only applicable to properties with curb to measure from.

(Ord. 2014-4, 4-22-2014)

2. Accessory Buildings: All accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building.
3. Eldercare-in-law dwellings shall meet all the requirements for building setbacks under section A.1 of this section.

B. Side Setback; Interior Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least twelve feet (12') from the side lot line.
2. Accessory Buildings: All accessory buildings shall be set back at least eight feet (8') from the lot line

C. Side Setback; Corner Lot:

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

D. Rear Setback; Interior Lots:

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

E. Rear Setback; Corner Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Accessory Building: All accessory buildings shall be set back at least eight feet (8') from the rear lot line (Ord. 2012-01, 7-10-2012)



10-6-6: HEIGHT OF BUILDINGS:

A. The maximum height of any dwelling building (measured from finished grade to the highest wall plate) shall be twenty-four feet (24'). Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs about the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 2012-01, 7-10-2012)

B. The maximum height of any Eldercare-in-law building (measured from finished grade to the highest wall plate) shall be nine feet (9'). Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs about the square, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy are excluded in determining height.



10-6-7: SIZE OF DWELLING:

A. The ground floor area of any single-family dwelling shall be at least nine hundred to twelve hundred (900-1200) square feet of living area exclusive of open porches, carports, garages and similar add ons. (Ord. 2012-01, 7-10-2012)

B. The ground floor area of any Eldercare-in-law building shall have a minimum of six hundred square feet (600) and a maximum of seven hundred fifty square feet (750). The dwelling shall have a bathroom, small kitchen, and either a living room/bedroom combination or a separate living room and bedroom.



10-6-8: WIDTH OF BUILDINGS:

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



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

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



10-6-10: EVERY DWELLING TO BE ON ZONING LOT:

Only one building which contains a dwelling shall be located and maintained on a "zoning lot" as defined in this title, except dwellings within a mobile home park, or other large scale development. (Ord. 2012-01, 7-10-2012)



10-6-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard, area, coverage, parting or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)



10-6-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwallled stoops, porches and carports which may project up to three feet (3') into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16"). (Ord. 2012-01, 7-10-2012)



10-6-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)



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

Storage of commercial or oversized vehicles shall comply with 10-2-3 of this title.



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

No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles; and no land shall be used for such purposes, except as specifically provided by this title. Storage of restorable vehicles may be permitted for a limited time, on a case by case basis, at the discretion of the zoning administrator. (Ord. 2012-01, 7-10-2012)



10-6-16: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

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



10-6-17: MINIMUM HEIGHT OF DWELLINGS:

No dwelling shall be erected which has a ceiling height of less than eight feet (8') or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)



10-6-18: SEWAGE DISPOSAL:

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. Sewer connections shall comply with section 8-4-2. (Ord. 2012-01,

7-10-2012)

10-6-19: WATER CONNECTIONS:

A. Where municipal water is available, all single family dwellings shall be connected in accordance with 8-4-2.

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



10-6-20: DRAINAGE:

The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)



10-6-21: CLEAR VIEW OF INTERSECTING STREETS:

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



10-6-22: EFFECT OF STREET PLAN:

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



10-6-23: EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:

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



10-6-24: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

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

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

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

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



10-6-25: LANDSCAPING REQUIRED:

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



10-6-26: POLLUTION PREVENTION:

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



10-6-27: SPECIAL PROVISIONS:

Special provisions shall apply in order to protect its essential characteristics.

A. All buildings used for human occupancy shall be furnished with a municipal water supply and municipal sewer where available, and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

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



10-7-1: REGULATIONS:

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



10-7-2: INTENT:

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



10-7-3: PERMITTED USES:

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

Multi-family dwellings, townhouses and condominiums, and time period unit, transient lodging facility, and short-term or vacation rental.

Bed and Breakfast business located within a home or inn.

Boarding house, hostel, inn, hotel, or motel.

Rest homes, daycare centers, and senior and assisted living facilities. In approving such uses, the council may attach reasonable conditions in excess to those required within the zone including, but not limited to, an increase in minimum lot size, additional setbacks, and increased parking. (Ord. 2012-01, 7-10-2012)

Tiny homes

Mobile homes on foundations with tie down.

Long-term rentals, except in eldercare-in-law dwellings.

Short-term rentals as regulated in _____ [add new code]

10-7-4: AREA AND FRONTAGE REQUIREMENTS

Area and frontage requirements shall be as follows:

Main Use	Minimum Area	Minimum Frontage (At Setback Line)
Single-family dwelling	5,000-7,000 square feet	60 feet
Two-family dwelling	5,000-10,500 square feet	85 feet
Multiple-family dwelling	10,000 square feet for first 2 units plus 2,500 square feet for each additional unit	85 feet for first 2 units plus 7.5 feet width for each additional unit
Churches	1 acre	125 feet

Other uses	None	None
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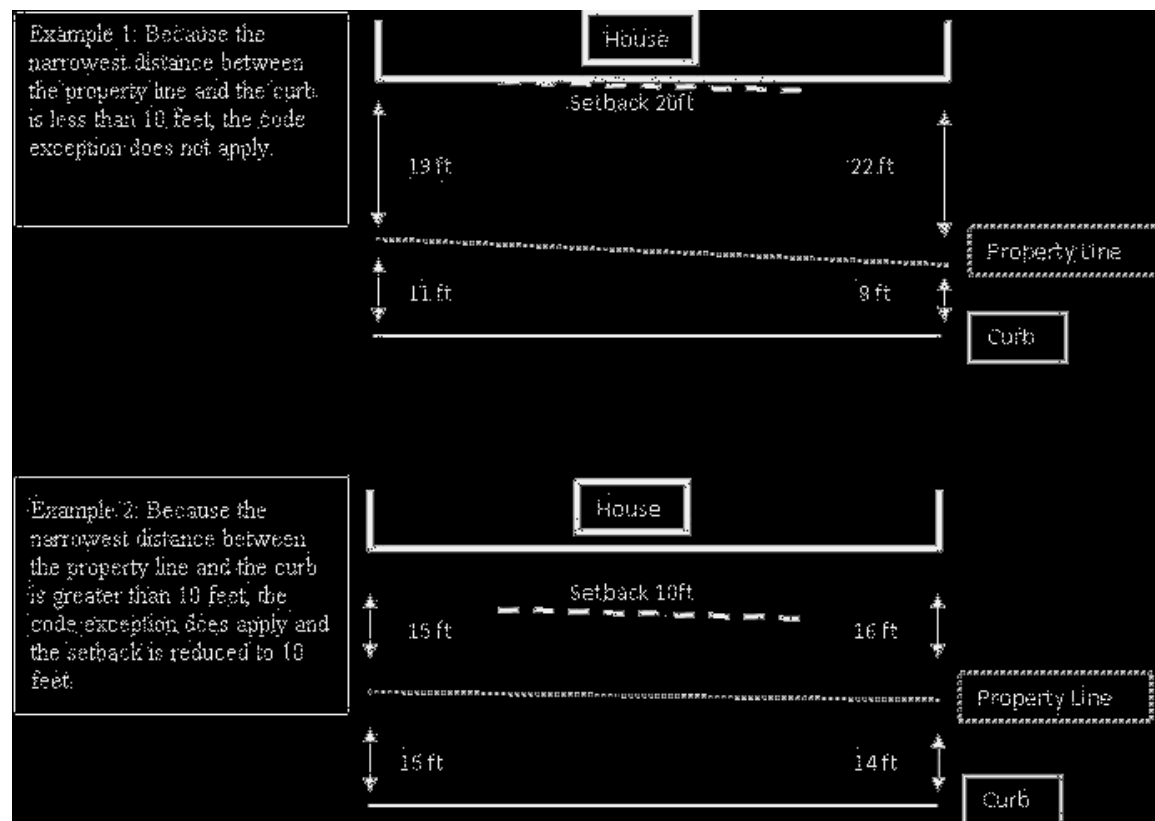
(Ord. 2012-01, 7-10-2012)



10-7-5: LOCATION REQUIREMENTS:A. Front Setback:

1. Main Buildings: All single family dwellings and other main buildings and structures shall be set back not less than twenty feet (20') from the front lot line. Multiple family structures shall be set back not less than forty feet (40') from the front lot line.

a. If the narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), the owner's setback from property line may be reduced to ten feet (10'). Code exception only applicable to properties with curb to measure from.



(Ord. 2014-4, 4-22-2014)

2. Accessory Buildings: All accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall line of the main building and not less than twelve feet (12') from any side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least twelve feet (12') from the side lot line. 2. Accessory Buildings: All accessory buildings shall be set back at least twelve feet (12') from the lot line, except that no minimum side setback shall be required when all the following conditions are met:

- a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot.
3. All main buildings and accessory buildings when adjoining a R-1, A-1, C-1, or C-2 zone shall be set back twenty feet (20').

C. Side Setback; Corner Lot:

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

D. Rear Setback; Interior Lots:

1. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.
2. Accessory Building: Same as required under subsection B, "Side Setback; Interior Lots", of this section.
3. All accessory buildings when adjoining a R-1, A-1, C-1, or C-2 zone shall be set back twenty feet (20').

E. Rear Setback; Corner Lots:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot line, except that where a carport or garage is attached to the rear of the dwelling, the required rear setback for said carport or garage may be reduced to twenty feet (20') or more as measured from the rear lot line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least ten feet (10') from the rear lot line, except that no minimum rear setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building will be set back at least fifty feet (50') from the side lot line abutting the street. (Ord. 2012-01, 7-10-2012)



10-7-6: HEIGHT OF BUILDINGS:

The maximum height of any building (measured from finished grade to the top plate of the second floor) shall be twenty-four feet (24') or two (2) stories, whichever is the higher. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Roofs about the square, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height. (Ord. 2012-01, 7-10-2012)



10-7-7: SIZE OF DWELLING:

A. The ground floor area of a single-family dwelling shall be not less than eight hundred (800) square feet.

B. A two-family dwelling shall contain a ground floor area of one thousand two hundred (1,200)

square feet.

C. A multiple-family dwelling shall contain a ground floor area of one thousand two hundred (1,200) square feet for the first two (2) units, plus six hundred (600) square feet of living area for each unit over two (2).

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



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

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



10-7-9: EVERY DWELLING TO BE ON ZONING LOT:

Only one building which contains a dwelling shall be located and maintained on a "zoning lot" as defined in this title, except dwellings within a mobile home park, or other large scale development. (Ord. 2012-01, 7-10-2012)



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

No space needed to meet the width, yard, area, coverage, parting or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)



10-7-11: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwalled stoops, porches and carports which may project up to three feet (3') into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses and cornices which may extend into a court not more than sixteen inches (16"). (Ord. 2012-01, 7-10-2012)



10-7-12: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)



10-7-13: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:

Storage of commercial or oversized vehicles must conform with 10-2-3 of this title.

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



10-7-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

No yard or other open space surrounding an existing building in any zone, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris or inoperable vehicles; and no land shall be used for such purposes, except as specifically provided by this title. Storage of restorable vehicles may be permitted for a limited time, on a case by case basis, at the discretion of the zoning administrator. (Ord. 2012-01, 7-10-2012)



10-7-15: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

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



10-7-16: MINIMUM HEIGHT OF DWELLINGS:

No dwelling shall be erected which has a ceiling height of less than eight feet (8') or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)



10-7-17: SEWAGE DISPOSAL:

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. Sewer connections shall comply with 8-4-2. (Ord. 2012-01, 7-10-2012)

10-7-18: WATER CONNECTIONS:

Where municipal water is available, all users in this zone shall be connected. Where no public water is available, approval of such facilities shall be obtained from the State health departments before a building permit shall be issued.



10-7-19: DRAINAGE:

The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)



10-7-20: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no obstruction which will obscure the view of automobile

drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)



10-7-21: EFFECT OF STREET PLAN:

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



10-7-22: EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:

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



10-7-23: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

- A. Access shall be by not more than two (2) driveways from any one street.
- B. Driveways shall be not closer to each other than twenty feet (20').
- C. On corner lots, no driveways shall be less than twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
- D. Where there is no existing curb and gutter or sidewalk, a curb may be required by the city. (Ord. 2012-01, 7-10-2012)



10-7-24: LANDSCAPING REQUIRED:

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



10-7-25: POLLUTION PREVENTION:

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



10-7-26: SPECIAL PROVISIONS:

A. All buildings used for human occupancy shall be furnished with a municipal water supply and municipal sewer where available, and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.

B. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.

C. Landscape plans shall be required in connection with all multiple-family dwellings. (Ord. 2012-01, 7-10-2012)

REVISED SEPT 30, 2019

PREAMBLE

10-6-1: REGULATIONS:

The City of Monticello allows the use of Long Term Rentals in R-2 Zoning Districts only, as regulated as hereinafter set forth. (Ord. 2019-XX, X-X-2019)

10-X-2: INTENT:

The Long Term Rentals zone has been established for the purpose of providing transient housing zone.

10-X-3: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted to be used for Long-Term Rentals, upon compliance with requirements set forth in this title:

Single Family Homes.

Multi-Family buildings.

Living Units in all Commercial and Industrial Zones.

use of any unit for one to thirty days [30 days].

- B. Long-Term Rental: Any establishment that receives payment in any form in exchange for the use of any unit for 31-365 days.

3-10-X : STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:

- A. See the Section 10-2-3 RV, Camper and Trailer Ordinance for permitted use and storage in R-1 and R-2 Zones. There shall be no parking of trailers, ATV's and campers in the front yard of any lot used for Long Term or Short Rentals.
- B. The storage and/or continuous parking of trucks, buses, or a combination of vehicles exceeding thirty five feet (35') in length, or having a rated capacity of one ton or greater, and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted; provided, that construction equipment may be stored on a lot during construction of a building thereon for less than one year. Trucks and equipment parked in residential areas for more than three (3) days in any one month are not allowed. (Ord. 2012-01, 7-10-2012)

Chapter X

TRANSIENT LODGING FACILITIES

← insert preamble

3-10-1: DEFINITIONS:

BED AND BREAKFAST, HOME: A limited commercial activity within a residential structure where not more than four (4) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this code in an owner occupied home.

BED AND BREAKFAST INN: A commercial activity within a residential structure where five (5) or more rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this code.

BOARDING HOUSE: A building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons.

HOSTEL: An establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

HOTEL: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients.

SHORT TERM OR VACATION RENTAL: A detached single-family dwelling unit used as a transient lodging facility.

TIME PERIOD UNIT (TIMESHARE): A multi-unit project in which an annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented by shares in a corporation, a partnership interest, or any other individually owned transferable property right or interest.

TRANSIENT LODGING FACILITY: Any establishment that receives payment in any form in exchange for the use of any unit for one to thirty (30) days, including any hotel, motel, time period unit, hostel, boarding house, vacation rental property, or bed and breakfast inn. (Ord.

ORD XX-X-X DATE

3-10-2: MANAGEMENT:

Each bed and breakfast inn, boarding house, hostel, hotel, or motel must maintain an office on the premises in the charge and under the immediate supervision of a manager or attendant at all times. Such office shall remain continuously open and staffed whenever there are guests registered or present and whenever the facility is open to receive guests.

ORD X-X-X DATE

3-10-3: DISCLOSURE OF AVAILABLE ROOMS:

Each transient lodging facility shall disclose to the business license officer the current number of rooms available and/or held out for public accommodation, or, in the case of vacation rentals, the total number of people the dwelling can safely accommodate:

A. At the time of initial licensure or license renewal; and

B. Within seventy two (72) hours of any change in the number of such available rooms or accommodation of guests.

ORD X-X-X DATED

3-10-4: DISPLAY OF LICENSE; GUEST REGISTER:

A. A current, valid business license shall be posted in a conspicuous place in each transient lodging facility.

B. A register of all guests shall be kept at all times on the transient lodging facility premises except vacation rentals. The guest register shall contain in ink the following information about each guest for which the transient lodging facility affords accommodations:

1. Name and permanent address.

2. Dates of arrival at the transient lodging facility and departure from the transient lodging facility.

3. License plate number, state of licensure, make, type and color of all motor vehicles.

4. Verification of a form of picture identification, including, but not limited to, driver's license, passport, or state issued identification card showing current name, address, and age of person registering and indicating which type of identification was verified and the identification number shown on said identification.

C. The guest register required by this section shall be kept current and shall be immediately available at all times for inspection upon the demand of police officers or city officials.

D. Vacation rental business license owners must keep an accurate register of all guests containing all the above information that can be provided upon the demand of police or emergency services personnel or city officials. ORD X-X-X DATED

3-10-5: OCCUPANCY:

It shall be unlawful for any transient lodging facility unit to be occupied by a greater number of persons than that which it is designed or furnished to accommodate. ORD X-X-X DATED 2015)

3-10-6: RESPONSIBILITY FOR MINORS:

No transient lodging facilities unit shall be rented, leased, or registered to any person under the age of eighteen (18) years. Each person to whom a lodging unit is rented, leased, or registered shall be responsible for any minors occupying such unit and shall remain on the transient lodging facility premises at all times while there are minors occupying such unit.

ORD X-X-X- DATED

3-10-7: LENGTH OF STAY:

No person shall occupy any unit or combination of units at any one transient lodging facility for longer than thirty (30) consecutive days, and no transient lodging facility shall permit any person to occupy any unit or combination of units on the facility premises for longer than thirty (30) consecutive days. This section shall not apply to federal, state, or municipal law enforcement or emergency personnel, or to transient lodging facilities renting, leasing, or registering units to such personnel. Vacation rental properties may be occupied for longer

than thirty (30) days but must still comply with all vacation rental regulations. **ORD X-X-X DATED**

3-10-8: SANITARY FACILITIES:

A. Each lodging unit held out for public accommodation must comply with the minimum rules established by the Utah department of health.

B. It shall be unlawful to rent, lease, or otherwise hold out for public accommodation any transient lodging facility unit which does not have:

1. A complete operable bathroom, including flush toilet, sink, and bath or shower in working order; and

2. For each guest, an adequate daily supply of at least the following sanitary supplies:

a. Hot and cold running water,

b. Soap,

c. Towels,

d. Toilet paper,

e. Clean linen.

C. Each transient lodging facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest. **ORD X-X-X DATED**

3-10-9: INSPECTIONS:

Each transient lodging facility shall comply and cooperate with any fire, land use, code enforcement, building, health, or other inspection conducted by municipal officials, with or without notice. **ORD X-X-X DATED**

3-10-10: DUTY TO REPORT:

Any owner, manager, or attendant of any facility covered by this section shall report promptly to the proper authorities any violations of a municipal ordinance or any violation of law which he or she has reason to believe was or is being committed on the premises.

ORD X-X-X DATED

3-10-X FROM ABOVE

3-10-11: SHORT TERM VACATION RENTAL:

Restrictions imposed by this section are in recognition of the premise that a vacation rental provides lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents.

A short term rental business license shall only be approved by the administrative office if:

- A. The dwelling unit is located in an existing single-family dwelling. Portions of a single-family dwelling may not be used as a short term rental. except in R-2, Commercial and Industrial Zones.
- B. The owner of a short term rental must provide address labels and stamped envelopes for all other residential property owners within three hundred feet (300') of the rental so the city may provide to those owners a copy of the regulations for short term rentals and contact information for the rental owner and the responsible party contact number for concerns.
- C. A short term rental shall be maintained to the following minimum standards:
 - 1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and
 - 2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way. Parking may not impact more than forty percent (40%) of a front yard.
- D. The use of a dwelling as a short term rental shall not change the appearance of the dwelling or property for residential purposes.

20%

E. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.

F. The owner or operator of the short term rental shall ensure that occupants of the short term rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Disturb the peace of surrounding residential property residents.
3. Interfere with the privacy of or trespass onto surrounding residential properties.
4. Allow pets to do anything listed in subsections F1 through F3 of this section.
5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

G. A sign informing guests of all regulations shown above must be posted in a prominent location in the house.

H. License holders and owners of short term vacation rental property shall display in a city approved location on the exterior of the short term rental property an approved sign containing the name and twenty four (24) hour per day, three hundred sixty five (365) day per year telephone number of the responsible party who will take and resolve complaints regarding operation of the property and the conduct of its occupants and guests. The sign cannot exceed twelve inches by eighteen inches (12" x 18"). This is the only sign other than an address permitted on a short term rental property.

I. Responsible party shall be a resident of SAN JUAN County and be able to provide information on current occupants to police, emergency, or city personnel as needed. Responsible party shall respond to complaints and concerns within one hour of any phone call. Failure of the responsible party to respond shall result in a violation and possible fines to the business license holder and property owner.

J. The requirements of this section shall be in effect throughout the time a vacation rental license is in effect on the property, notwithstanding that such property may be occupied by the owner or nonpaying guests of the owner. The city finds that given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of

the requirements shall be based on whether the property is licensed as a short term vacation rental.

- K. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license review. Additional inspections may be performed with twenty four (24) hour notice to the license holder if deemed necessary by the city.

MONTICELLO

- L. Violation of any subsection of this section regulating vacation rental properties shall constitute a separate violation for each day it occurs or continues. Operation of a vacation rental property without a current City business license is considered a violation and each day of operation shall be considered a separate offense. Evidence of operation shall not require verification of the presence of guests but may be determined by the existence of advertisements of any kind offering the property for short term vacation rental.

- M. The owner and operator of a permitted vacation rental property found in violation of this section shall be issued written citations containing a description of the nature of the violation and the amount of fine levied in accordance with the fee schedule for an infraction, but never less than two hundred fifty dollars (\$250.00).

- N. The business license for a short term rental may be revoked if three (3) citations are issued within any twelve (12) month period.

3-10-12: PENALTY; SUSPENSION OR REVOCATION OF LICENSE:

In addition to the denial, suspension, revocation or refusal to renew a license as outlined in section [3-1-9](#) of this title, any licensee who shall operate a transient lodging facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine

of \$100.00 per day, as long as the infraction continues.