



# Planning Commission Meeting

**Tuesday, January 7, 2020 at 6:30 pm**

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

## Meeting Location: 17 N 100 E

### 1. Call to Order

Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:34 p.m. The following visitors were present

### 2. Minutes Review/Approval

#### Attachments:

- 2019-12-03PC Minutes (planning-commission-meeting\_minutes\_2019-12-03.pdf)

### 3. Public Comment

### 4. Review of Proposed Changes to the Planned Unit Development and Subdivision Ordinances (discussion)

#### Attachments:

- 11-2-2 (11-2-2-SUBDIVISION\_GRM\_REVIEWED\_1\_6\_2020\_r.pdf)
- 11-2-5 (11-2-5-SUBDIVISION\_B\_GRM\_REVIEWED\_1\_6\_2020\_r.pdf)

### 5. Review of Proposed Changes to Zoning Map (discussion/action)

### 6. Consider City Council Recommendation for Proposed Changes to the R-1 and R-2 Zoning Ordinances (action)

#### Attachments:

- R-1 Recommended Changes (R-1\_Changes.pdf)
- R-2 Recommended Changes (R-2\_Changes.pdf)

### 7. Administrative Communications

### 8. Next Meeting Agenda

### 9. Adjournment

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# Planning Commission Meeting

## Minutes

**Tuesday, December 3, 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

#### **Minutes:**

Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:34 p.m. The following visitors were present: Mayor Tim Young, Councilwoman Bayley Hedglin, Ron Skinner, Councilman George Rice, Scott Burgess, Manike Pipkin, Kim Henderson.

### 2. Minutes Review/Approval - action

#### **Minutes:**

A typographical error was noted in item 4. Motion was made by Commissioner Gordon Reeve to approve the minutes as presented. The motion was seconded by Commissioner Mary Cokenour and passed unanimously.

#### **Vote results:**

Ayes: 4 / Nays: 0

### 3. Public Comment - information

#### **Minutes:**

There was no public comment.

### 4. Consider Nomination of Planning Commissioner to Fill Vacancy

#### **Minutes:**

Manike Pipkin introduced herself. She said city planning affected her life growing up and her family was very involved. She said she cares about future planning in

Monticello.

Scott Burgess said he works full time for San Juan County EMS. He has lived in the San Juan County for 10 years, 8 of which he has resided in Monticello. He said he is interested in helping the community.

#### **5. R-1 and R-2 Draft Codes Work Session with City Council - action**

##### **Minutes:**

Accessory dwelling units were discussed. George Rice expressed concern that adding an accessory dwelling unit will change the classification of the sewer connection from a lateral connection to a main connection which means the City takes the liability for those connections rather than the property owner. He said he will look into the Utah State Law to make sure this is not the case. Manager Wright cautioned the commission to make sure the code is enforceable and easy to interpret. There was discussion about how to enforce a family only accessory dwelling unit. It was decided that allowing the dwelling units proposes enforcement problems in maintaining the Planning Commission's intention of elderly care or mother-in-law dwellings. To resolve this dilemma, it was decided that the dwellings should not be allowed and the elderly apartment should be an addition to the main dwelling.

#### **6. Zoning Review for NW Quadrant of Monticello - discussion**

##### **Minutes:**

The Northwest quadrant of Monticello was reviewed for necessary changes. The details of the discussion will be summarized and brought to the Planning Commission for recommendation to the City Council.

#### **7. Consider Identification of Critical Roads Corridors - action**

##### **Minutes:**

Critical road corridors will be included in the zoning boundary reviews. To date, the NW and SW boundaries have been reviewed with no critical future corridors identified in these quadrants of the City.

#### **8. Administrative Communications - information**

##### **Minutes:**

Manager Wright discussed the denial of a grant application to UDOT for a comprehensive traffic study. This study would have been used to plan for future and current traffic needs.

#### **9. Next Meeting Agenda - discussion**

**Minutes:**

(1) Review of proposed changes to the Planned Unit Development and Subdivision ordinances; (2) Review of proposed changes to zoning map [to determine how best to communicate the information to CC and public]; (3) Review of proposed changes to the R-1 and R-2 ordinances and recommendation to submit to CC.

**10. Adjournment - action****Minutes:**

Motion was made by Commissioner George Matocha to adjourn the meeting at 9:23 p.m. The motion was seconded by Commissioner Mary Cokenour and passed unanimously.

**Vote results:**

Ayes: 4 / Nays: 0

## Chapter 2

# SUBDIVISION APPROVAL AND PLATTING PROCESS

### 11-2-1: PROCEDURE FOR APPROVAL:

Before recording any subdivision creating one or more lots of five (5) acres or less in size, a subdivider shall:

WHAT ABOUT LARGER PARCELS?

- A. **Meet With Planning Commission:** Meet with the planning commission to discuss a sketch plan of the proposed subdivision and file a subdivision information form as required in section [11-2-3](#) of this chapter.
- B. **File Six Copies Of Preliminary Plat:** File six (6) copies of the preliminary plot plan with the planning commission for approval or disapproval. The preliminary plat shall be prepared in conformance with the provisions of section [11-2-4](#) of this chapter.
- C. **Submit Final Plat:** Not more than one year after receiving approval of the preliminary plot plan, submit the original and three (3) copies of the final plot plan to the planning commission for action. The planning commission may extend the one year time limit for just cause.
- D. **Post Bond:** Post a bond guaranteeing that all subdivision improvements will be completed.
- E. **Method Of Domestic Waste Disposal:** Show to the satisfaction of the city engineer that the proposed method of domestic waste disposal will adequately serve the area to be subdivided without detrimental effect on adjacent property, wells, or watercourses, and that the minimum requirements of the Utah state board of health will be met.
- F. **Adequate Surface Drainage:** Show to the satisfaction of the city engineer that proposed subdivision improvements include adequate measures to control surface drainage without damage to natural terrain features or adjacent property.
- G. **File Final Plat:** File three (3) copies of the final plat according to the provisions of section [11-2-5](#) of this chapter.

H. Submit Approved Plat To City Council: Upon receiving approval of the final plat, submit the approved plat to the city council.

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

CHANGE TO 6 MONTHS

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

### **11-2-2: PRIOR PLATTED PARCELS, LOTS OR BLOCKS:**

A. Conditions For Approval: The division of prior platted parcels, lots or blocks into not more than four (4) lots may be approved by the city council upon recommendation of the planning commission under the following conditions:

1. Each lot created meets the frontage, width, and area requirements of section [11-3-5](#) of this title, or has been granted a variance from such requirements by the board of adjustment.
2. The division of land does not require the dedication of land for a street or other public purpose, nor is it traversed by any proposed streets shown on the official map.
3. The division of land does not require the extension and/or addition of street, sewage disposal, water, curb, gutter, sidewalk or storm drainage improvements, as specified in [chapter 4](#) of this title.

B. Application: Applications made to the planning commission for the subdivision of prior platted parcels, lots or blocks, shall contain the following:

1. An accurate plat prepared by a licensed land surveyor on a sheet of mylar, with waterproof ink. The top edge of the plat shall be either north or east, whichever fits the drawing best. The plat shall show:
  - a. Lot lines, including arcs and tangents with dimensions in feet and hundredths.
  - b. Easements for water, sewer, drainage, utility lines and other purposes.
2. A nonrefundable filing fee, of such amount as the city council may from time to time establish by resolution.

C. Procedure:

1. The applicant shall submit the application for the subdivision of a prior platted parcel, lot, or block, to the planning commission.
2. The application, together with all pertinent information, shall be sent to the city engineer and any other pertinent city departments for their approval. Such approvals, together with any comments and/or recommendations, shall be returned to the planning commission.
3. After receiving all recommendations, the planning commission shall review the subdivision and make recommendation to the city council for approval, modification and approval, or denial.
4. The planning commission shall submit their recommendation on the subdivision to the city council for its consideration within thirty (30) days after receipt of all recommendations unless an agreement is reached by the applicant and the planning commission to table the matter until the next regular decision making meeting of the planning commission. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval by such commission of the proposed subdivision.
5. The city council, after fifteen (15) days' notice and at a public hearing, shall modify and approve, or deny the subdivision.
6. Upon acceptance of the subdivision by the city council, the final plat bearing official signatures of the city engineer, city council, city planning commission, city attorney, and signed by a licensed land surveyor, shall be deposited in the office of the county recorder for recording at the expense of the subdivider. (Ord. 2012-01, 7-10-2012)

60 DAYS, PROBLEMS WITH  
MISSED MEETINGS

30 DAYS, DUE TO CITY COUNCIL NOT  
ALWAYS MEETING TWICE A MONTH

### 11-2-3: SKETCH PLAN:

The sketch plan shall comply with the following requirements:

TO SCALE

- A. Information: A sketch plan shall be prepared showing the concept of the proposed subdivision. The sketch plan shall consist of a general site plan with sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels. The sketch plan should include such information as:
  1. Existing vegetation.
  2. Topography.
  3. Structures.
  4. Easements.
  5. Streets.
  6. Drainage channels.

7. Utility lines.
8. Existing land uses.
9. Proposed subdivision plot layout.

B. Preapplication Meeting With Planning Commission: The sketch plan will be reviewed by the developer and planning commission at a preapplication meeting. At this preliminary meeting, the city will be notified of the developer's intent to subdivide; and the developer will be notified of various city ordinances, standards, special requirements and any other matters of concern to be considered in proceeding with preparation of the preliminary plat. No binding commitments should be made and no formal action by the planning commission or city council is required at this time. The intent of this preapplication meeting is to provide a mutual exchange of information that will help avoid future problems and misunderstandings. The preliminary plat should be prepared in accordance with information discussed at this preapplication meeting, in addition to complying with other sections of this title. (Ord. 2012-01, 7-10-2012)

#### **11-2-4: PRELIMINARY PLAT:**

A. Filing: Whenever a subdivision is to be filed, six (6) copies of the preliminary or tentative plat shall be prepared and presented to the planning commission for their review.

1. Title Report Required: At the time the preliminary or tentative plat is presented to the planning commission, a title report shall also be submitted

**AND A SAN JUAN COUNTY DOCUMENT OF RECORD OF THE PROPERTY**

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

1. Description: In a title block located in the lower right hand corner of the sheet, the following shall appear:
  - a. The proposed name of the subdivision.
  - b. The location of the subdivision, including the address, section, township and range.
  - c. The names and addresses of the owner, or subdivider if other than the owner, and the surveyor of the subdivision.
  - d. Date of preparation, scale (not greater than 50 feet to the inch), and north point.
2. Existing Conditions: The plat shall show:
  - a. The location of the nearest bench mark or monument.
  - b. The boundary of the proposed subdivision and the acreage included.

- c. All property under the control of the subdivider, even though only a portion is being subdivided, where the plat submitted covers only a part of the subdivider's tract, a sketch of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in the light of existing official street maps or other planning commission studies.
  - d. The location, width, and names of all existing streets within four hundred fifty feet (450') of the subdivision. Also, all prior platted streets or other public open spaces, permanent easements and sections, and corporation lines, within and next to the tract.
  - e. The location of all wells proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries.
  - f. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries showing pipe sizes and grades, manholes and exact locations.
  - g. Existing ditches, canals, natural drainage channels, open waterways and proposed realignments.
  - h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.
  - i. Contour at vertical intervals of not more than two feet (2'). High water levels of all watercourses, if any, shall be shown in the same datum for contour elevations.
3. Proposed Plan: The subdivision plan shall show:
- a. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements, designated by actual or proposed names and numbers.
  - b. The layout, numbers and typical dimensions of lots.
  - c. Parcels of land intended to be dedicated or temporarily reserved for public use, or set aside for use of property owners in the subdivision.
  - d. Building setback lines as required by section [11-3-5](#) of this title.
  - e. Easements for water, sewer, drainage, utility lines and other purposes.
4. Copies Of Agreements: Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
5. Engineering Drawings: Preliminary engineering drawings, including typical cross sections and plans, and/or written statements regarding width and type of proposed off site and on site water mains, sanitary sewers, drainage facilities and other proposed improvements, such as sidewalks, curbs, gutters, parks, and fire hydrants.

AND DRAINAGE  
DITCHES

STREETS,

R-1



#### **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:~~ Fences in conformance with section 10-2-10 of this title.

~~Walls and hedges.~~

Foster care and family care homes.

Household pets.

Keeping of chickens ~~(please reference in conformance with~~ section 10-2-8 of this title).

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

Public agency parks and playgrounds.

~~Public buildings and grounds not including storage yards and repair shops.~~

Public, private and parochial schools and grounds.

Residential accessory uses and structures.

Single-family dwellings of conventional construction and manufactured homes.

Temporary uses subject to the provisions of section 10-2-6 of this title.

The growing of field crops and fruit:

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



#### 10-6-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

| Main Use               | Minimum Lot Area        | Minimum Frontage<br>(At Setback Line) |
|------------------------|-------------------------|---------------------------------------|
| Single-family dwelling | 10,0005,445 square feet | 80-60 feet                            |
| Churches               | 1 acre                  | 125 feet                              |
| Other uses             | None                    | None                                  |

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



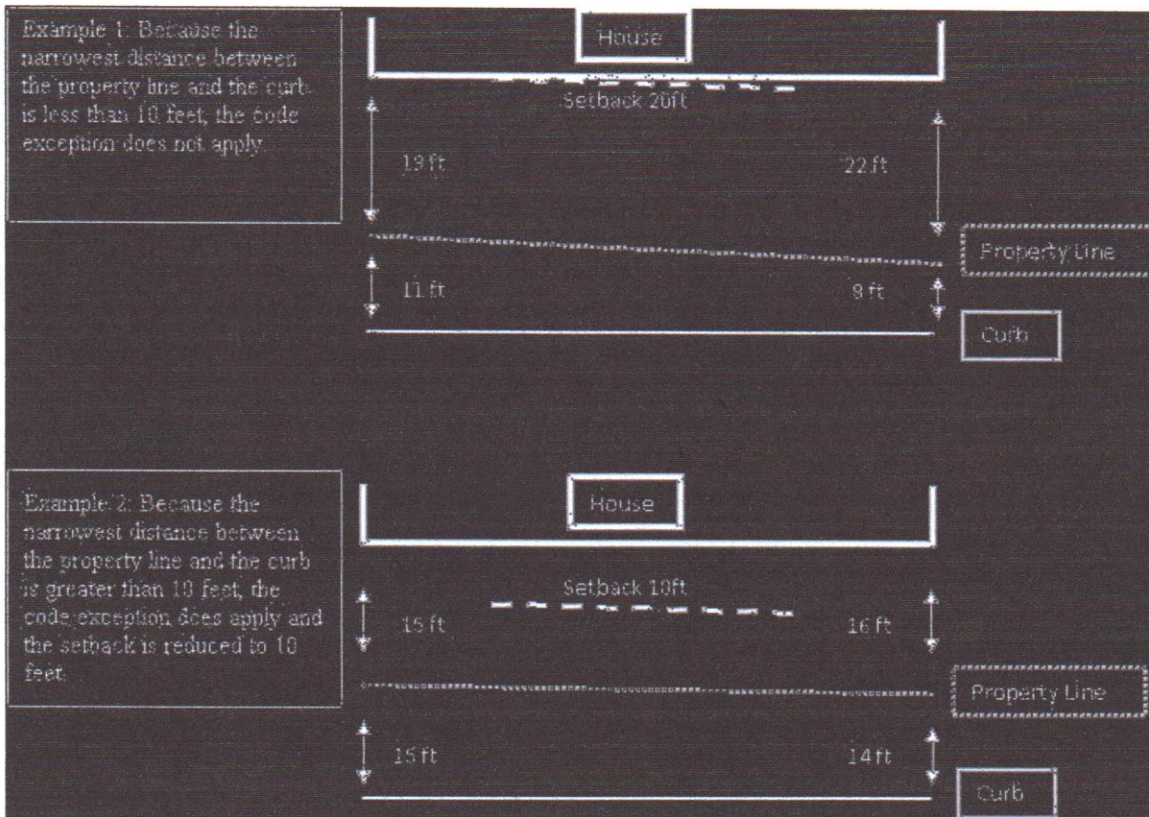
#### 10-6-5: LOCATION REQUIREMENTS:

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. ~~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 ~~eight-twelve~~ feet (8'-12') from the side lot line.
2. Accessory Buildings: All accessory buildings shall be set back at least ~~five-eight~~ feet (5'-8') 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.~~

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, ~~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 ~~five-eight feet (5'8')~~ 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)

**10-6-6: HEIGHT OF BUILDINGS:**

A. The maximum height of any ~~building-dwelling building~~ (measured from finished grade to the ~~square of the building highest wall plate~~) shall be ~~twenty-four feet (20'24') 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)



**10-6-7: SIZE OF DWELLING:**

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



**10-6-8: 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:**

A. No required yard or other open space around an existing ~~main~~ 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)

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



#### **10-6-10: EVERY DWELLING TO BE ON 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 parking~~ 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:~~

A. ~~P~~permitted accessory buildings and

B. ~~except for a~~ 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)



#### **10-6-13: 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:**

~~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)~~

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 ~~seven-eight~~ feet ~~six-inches~~ (7'6"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.



#### **10-6-1920: DRAINAGE:**

A. 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)

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



#### **10-6-2021: 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)



#### **-2122: 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)



#### **10-6-2223: 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)



#### **10-6-2324: 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~~ 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~~ closer than ~~fifteen~~ twenty feet (~~15~~20') to the point of intersection of the front property line with the side property line which abuts upon a street.

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



#### **10-6-2425: LANDSCAPING REQUIRED:**

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



#### **10-6-2526: 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)



#### **10-6-2627: 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 public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.~~

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

R-2



#### 10-7-1: REGULATIONS:

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



#### 10-7-2: INTENT:

The R-2 zone has been established for the purpose of providing a place where single-, two- and multiple-family dwellings and tiny homes 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:

~~All uses permitted in the R-1 residential zone, section 10-6-3 of this title.~~

Single-family dwellings of conventional construction and manufactured homes

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 in conformance with section 10-2-10 of this title.

Walls and hedges.

Household pets.

Keeping of chickens in conformance with section 10-2-8 of this title.

Multi-family dwellings, townhouses and condominiums

Short-term or vacation rental of a single-family dwelling for 30 days or less.

Bed and Breakfast business located within a home or inn.

Public agency parks and playgrounds.

Residential accessory uses.

Temporary uses subject to the provisions of section 10-2-6 of this title.

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

Rest homes, ~~and~~ daycare centers, ~~and senior and assisted living facilities when approved by the city council.~~ 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)

Small homes erected on foundations.

Mobile homes on foundations with tie down.



#### 10-7-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

| Main Use                 | Minimum Lot Area                                                                     | Minimum Frontage<br>(At Setback Line)                                  |
|--------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Small home               | 3,000 square feet                                                                    | 60 feet                                                                |
| Single-family dwelling   | <del>10,000</del> 5,445 square feet                                                  | <del>80</del> 60 feet                                                  |
| Two-family dwelling      | <del>10,000</del> 7,000 square feet                                                  | 85 feet                                                                |
| Multiple-family dwelling | 10,000 square feet for first 2 units plus 2,500 square feet for each additional unit | 85 feet for first 2 units plus 7.5 feet width for each additional unit |
| Churches                 | 1 acre                                                                               | 125 feet                                                               |
| Other uses               | None                                                                                 | None                                                                   |

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

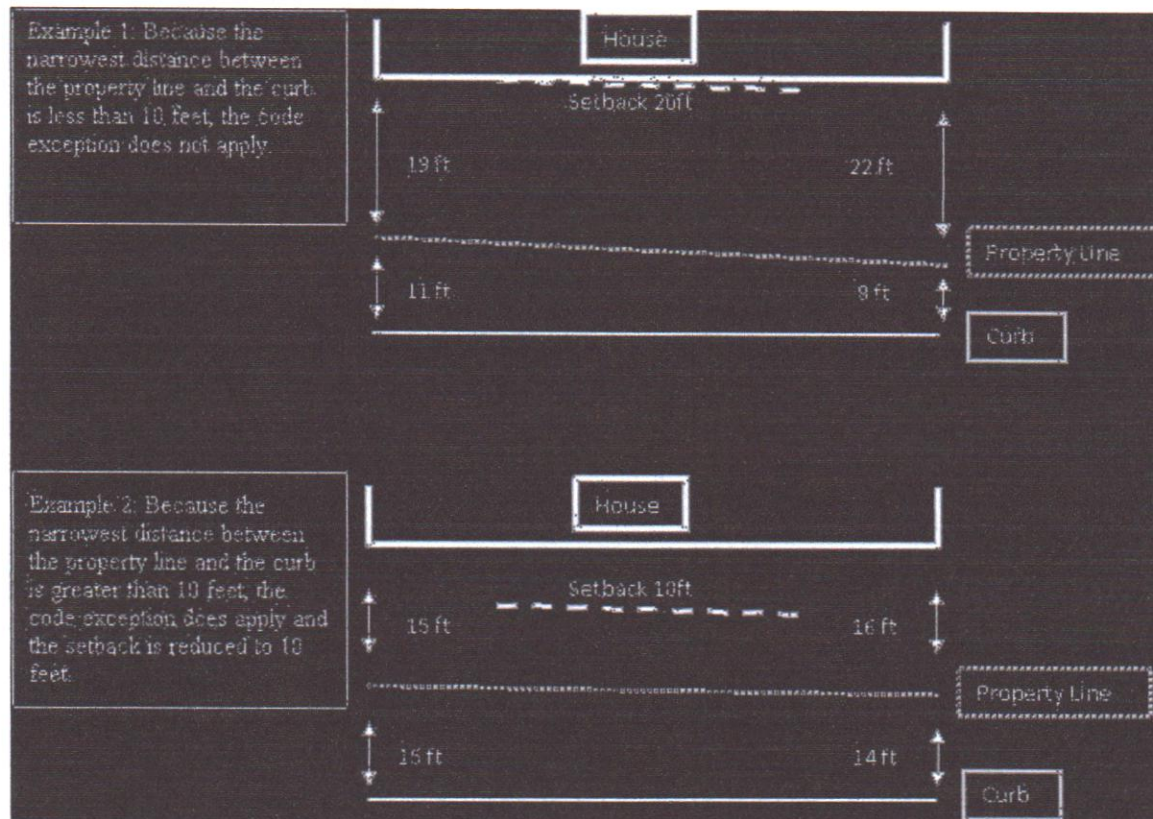


#### 10-7-5: LOCATION REQUIREMENTS:

##### 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 ~~eight-twelve~~ feet (8'-12') from the side lot line.
2. Accessory Buildings: All accessory buildings shall be set back at least ~~five-twelve~~ feet (5'-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 ~~five-ten~~ feet (5'10') 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 floorsquare-of-the-building~~) shall be ~~twenty-twenty-four~~ feet (20'24') 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).

D. The ground-floor area of a small home shall be not less than six hundred (600) square feet and not more than eight hundred (800) square feet.

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: WIDTH OF BUILDING:**

~~The total width or total length of any dwelling or other main building shall be at least twenty feet (20'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed, patio or similar add-on. This requirement shall not apply to mobile homes located within an approved mobile home park. (Ord. 2012-01, 7-10-2012)~~



#### **10-7-98: YARD SPACE FOR ONE MAIN BUILDING ONLY:**

A. No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot 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)

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



#### **10-7-109: 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)



#### **10-7-1110: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:**

No space needed to meet the width, yard, area, coverage, ~~parting-parking~~ 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)



#### **10-7-1211: 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)



#### **-1312: 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-~~14~~13: STORAGE OF COMMERCIAL OR OVERSIZED VEHICLES PROHIBITED:**

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

~~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)



**10-7-~~15~~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-~~16~~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-~~17~~16: MINIMUM HEIGHT OF DWELLINGS:**

No dwelling shall be erected which has a ceiling height of less than ~~seven-eight feet six-inches~~ (7'6"8') or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)



**10-7-~~18~~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-closer~~ than ~~fifteen-twenty~~ feet (~~15'20'~~) to the point of intersection of the front property line with the side property line which abuts upon a street.

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



#### **10-7-24: 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 public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.~~

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

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