



Planning Commission Meeting

Tuesday, October 6, 2020 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Scott Burgess, Commissioner Mary Cokenour, Commissioner George Matocha, City Manager Evan Bolt, City Recorder Cindi Holyoak

Meeting Location: 648 S HIDEOUT WAY

- 1. Call to Order**
- 2. Minutes Review/Approval Sept 1, 2020 (action)**

Attachments:

- [planning-commission-meeting_minutes_2020-09-01 \(planning-commission-meeting_minutes_2020-09-01_202227.pdf\)](#)

- 3. Public Comment**
- 4. Public Hearing: R-1 to A-1 Zone Change Requests**

The purpose of the hearing will be to receive comment on the following zone change application:

1) For multiple parcels located south of Abajo Drive from approximately 400 W, continuing to the golf course. Requesting change from R-1 residential to A-1 agriculture zone.

Written comments may be addressed to Recorder Cindi Holyoak cindi@monticelloutah.org, City of Monticello, P.O. Box 457, Monticello, Utah 84535, and must be received prior to or on the hearing date.

Attachments:

- [Clayton & Julie Holt Zone Change Application 2020 \(Clayton___Julie_Holt_Zone_Change_Application_2020.pdf\)](#)
- [John Black Zone Change Application 2020 \(John_Black_Zone_Change_Application_2020.pdf\)](#)
- [Paul Sonderegger Zone Change Application 2020 \(Paul_Sonderegger_Zone_Change_Application_2020.pdf\)](#)
- [Zoning Map showing ownership \(Zoning_Map_showing_ownership.png\)](#)
- [Letter 1 of Opposition to Zone Change \(Letter_1_of_Opposition_to_Zone_Change.pdf\)](#)
- [Letter 2 of Opposition to Zone Change \(Letter_2_of_Opposition_to_Zone_Change.pdf\)](#)

e.pdf)

5. **City Ordinance Review 10-6-5 a1 (discussion)**
6. **R-1 & R-2 Zoning Ordinance Review (discussion)**

Attachments:

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

7. **Subdivisions Chapter 1 Ordinance Review (discussion)**
8. **Consider Water Source Protection Overlay Zone Ordinance Adoption**

Recommendation (action)

Recommendation: Motion to recommend to the City Council the adoption of Amendments to the Overlay Zone for Water Source Protection

The water source protection overlay zone needs to be moved to Chapter 12. No amendments will be made to the content of this ordinance. The Planning Commission will vote to recommend or to not recommend adoption by the City Council. The Council will consider the final adoption on Oct. 13.

Attachments:

- **Amendments to Overlay Zone for Water Source Protection 2020** (Amendments_to_Overlay_Zone_for_Water_Source_Protection_2020.doc)

9. **Subdivisions Chapter 2 Ordinance Review (discussion)**
10. **Zoning for Potential Property Sale (discussion)**
11. **Administrative Communications**
12. **Next Meeting Agenda**
13. **Adjournment**

Audio File

Notice of Special Accommodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5



Planning Commission Meeting Minutes

Tuesday, September 1, 2020 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen - not present/excused, Commissioner Scott Burgess - not present, Commissioner Mary Cokenour, Commissioner George Matocha, City Manager Evan Bolt, City Recorder Cindi Holyoak, Deputy Recorder Shalena Black

Meeting Location: 17 N 100 E

1. Call to Order

Minutes:

Chairperson Bennett opened the meeting at 6:37 p.m. Councilwoman Henderson, Paul Sonderegger, John Black, Clayton Holt were in attendance.

2. Minutes Review/Approval August 4, 2020 (action)

Minutes:

MOTION was made by Commissioner Mary Cokenour to approve the minutes with a noted typographical correction. The motion was seconded by Commissioner George Matocha and passed unanimously.

3. Public Comment

Minutes:

Fred Burnett discussed a project which he desires a smaller lot size. The Commission discussed options. 5,000 is size he desires.

4. Preliminary Review of Zone Change Applications (discussion)

Minutes:

Chairperson Bennett introduced the zone change requests. Recorder Holyoak explained the process and timetable for the review and public hearings. Clayton Holt explained his request includes a single parcel which currently has a dual zoning ordinance, R-2 and A-1. He said he would like the line to be moved to the property line and consistent use allowance. He said the entire property is on the outskirts of the city, and there are no structures on the property. John Black explained his property is currently R-1 and he would like to change it to A-1 agriculture. He said

he purchased the property from the Redds this year. It is 2 acres and used to have horses on it and has been used as pasture. He said there is no access to it. Paul Sonderegger said his property is currently R-1, and he would also like to change the zoning to A-1 agriculture. Mr. Sonderegger said many people in the community have expressed a preference to a country feel. He said realistically the subdivision that has been explored for this property won't happen for a long time so he would like to put a few horses on it. Commissioner Cokenour asked about the preference of residents surrounding some areas of the proposal. There is currently no development on the parcels. Chairperson Bennett reiterated the process for the applicants which will include a public hearing scheduled for October 6, at the Hideout Community Center. The final decision is to be made by the Monticello City Council and will tentatively be scheduled for October 13, 2020, also at the Hideout Community Center.

5. R-1 R-2 Draft Review (Discussion/Action)

Minutes:

R-1: Commissioner Matocha would like road classifications from Superintendent Langston. R-2: A question was raised as to whether the set backs for tiny homes/smaller lot allowance was wanted by the city council. There was no motion made.

6. Subdivision Ordinance Review Chapter 1 (discussion)

Minutes:

Commissioner Matocha compared the city's subdivision code with Utah code. The suggested changes were reviewed and will be brought back for more discussion during the next meeting.

7. Administrative Communications

Minutes:

There was discussion about the water source protection overlay showing up in chapter 12. It is currently in chapter 8. There was discussion about the potential subdivision of the building of the jewelry store. Problems discussed are parking, water connection, firewall. Recorder Holyoak will look into details. Move November meeting to the 5th. Possibly public hearing for R-1 & R-2.

8. Next Meeting Agenda

Minutes:

Check Tyler Hall water meter. 10-6-5a1 George R-1 7 R-2 review Redraft of chapter 2 subdivision Subdivision chapter 1 ready to reprint Prepare overlay zone - Cindi

9. Adjournment

Minutes:

MOTION was made by Commissioner George Matocha to adjourn the Planning Commission meeting at 8:58 p.m. The motion was seconded by Commissioner Mary Cokenour and passed unanimously.

Vote results:

Ayes: 3 / Nays: 0

Audio File

<https://soundcloud.com/user-250815044/2020-09-01-planning-commission-meeting#t=8:03>

Contact: Cindi Holyoak (cindi@monticelloutah.org 435-587-2271) | Minutes published on 09/28/2020 at 2:19 PM

Monticello City Zone Change

APPLICATION

Email address *

holtcpa@frontiernet.net

Date *

MM DD YYYY

08 / 31 / 2020

PROPERTY ADDRESS *

NA

Applicant Name *

Clayton & Julie Holt

PROPERTY TAX PARCEL NUMBER *

A33230363624

Current Zone *

- ☒ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☐ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

CHANGE ZONE TO: *

- ☐ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☒ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

USE OF PROPERTY *

- ☐ RESIDENTIAL
- ☐ COMMERCIAL
- ☐ INDUSTRIAL
- ☐ COMBINED COMMERCIAL/RESIDENTIAL
- ☒ AGRICULTURE

APPLICANT PHONE NUMBER *

4354591169

SIZE OF LOT (sq ft) *

15.01 acres

FILED DATE *

MM DD YYYY

08 / 31 / 2020

This section is for city staff use only. Please click the submit button to complete your form.

Reviews Completed

- ☒ Future Road Corridors
- ☒ Drainage Corridors
- ☒ Permitted Use
- ☒ Adjacent zoning is contiguous to requested zone change

Filing Fees Collected

☒ 50.00

Zoning Administrator Signature



DATE of Scheduled Planning Commission Public Hearing and Review

MM DD YYYY

10 / 06 / 2020

DATE of City Council Review

MM DD YYYY

10 / 13 / 2020

Zoning Administrator Comments

This request, if granted, will correct a dual zoning problem for the property owner and assist the city in enforcement of consistent zoning. Surrounding properties are contiguous to the request. City administration recommends this change to A-1.

Applicant Signature



This content is neither created nor endorsed by Google.

Google Forms

Monticello City
17 North 100 East
PO Box 457
Monticello UT 84535
435-587-2271

Receipt No: 131632

Receipt Date: 08/31/2020

Time of Receipt: 08/31/2020 10:30 AM

ZONE CHANGE	50.00
	<u>50.00</u>

Check: 6893	50.00
	<u>50.00</u>

Monticello City Zone Change

APPLICATION

Email address *

jkb624@gmail.com

Date *

MM DD YYYY

08 / 25 / 2020

PROPERTY ADDRESS *

na

Applicant Name *

John K Black

PROPERTY TAX PARCEL NUMBER *

A33230363611

Current Zone *

- ☒ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☐ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

CHANGE ZONE TO: *

- ☐ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☒ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

USE OF PROPERTY *

- ☐ RESIDENTIAL
- ☐ COMMERCIAL
- ☐ INDUSTRIAL
- ☐ COMBINED COMMERCIAL/RESIDENTIAL
- ☒ AGRICULTURE

APPLICANT PHONE NUMBER *

4354594300

SIZE OF LOT (sq ft) *

2 acres

FILED DATE *

MM DD YYYY

08 / 25 / 2020

This section is for city staff use only.

Reviews Completed

- ☒ Future Road Corridors
- ☒ Drainage Corridors
- ☒ Permitted Use
- ☒ Adjacent zoning is contiguous to requested zone change

Filing Fees Collected

☒ 50.00

Zoning Administrator Signature



DATE of Scheduled Planning Commission Public Hearing and Review

MM DD YYYY

10 106 2020

DATE of City Council Review

MM DD YYYY

10 113 2020

Zoning Administrator Comments

Property in question has dual zoning assigned. Applicant requests all to be Agriculture as that is the current use. This property is contiguous to similar zoning.



Applicant Signature

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Monticello City
17 North 100 East
PO Box 457
Monticello UT 84535
435-587-2271

Receipt No: 131574

Receipt Date: 08/25/2020

Time of Receipt: 08/25/2020 12:59 PM

ZONE CHANGE	50.00
	<u>\$50.00</u>

Check: 2005	50.00
	<u>\$50.00</u>

Monticello City Zone Change

APPLICATION

Email address *

sinc713@gmail.com

Date *

MM DD YYYY

08 / 24 / 2020

PROPERTY ADDRESS *

NA

Applicant Name *

Paul Sonderegger

PROPERTY TAX PARCEL NUMBER *

A00170000000 A33230364202 A33230364214 A33230364215 A33230364216 A33230364213
A33230364204 A33230364815 A0017000000A

Current Zone *

- ☒ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☐ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

CHANGE ZONE TO: *

- ☐ R-1 RESIDENTIAL
- ☐ R-2 RESIDENTIAL
- ☒ A-1 AGRICULTURE
- ☐ C-1 COMMERCIAL
- ☐ C-2 COMMERCIAL
- ☐ I-1 INDUSTRIAL

USE OF PROPERTY *

- ☐ RESIDENTIAL
- ☐ COMMERCIAL
- ☐ INDUSTRIAL
- ☐ COMBINED COMMERCIAL/RESIDENTIAL
- ☒ AGRICULTURE

APPLICANT PHONE NUMBER *

4355872035

SIZE OF LOT (sq ft) *

Multiple Lots

FILED DATE *

MM DD YYYY

08 / 24 / 2020

This section is for city staff use only. Please click the submit button to complete your form.

• Reviews Completed

- ☒ Future Road Corridors
- ☒ Drainage Corridors
- ☒ Permitted Use
- ☒ Adjacent zoning is contiguous to requested zone change - *if other applications are approved.*

Filing Fees Collected

☒ 50.00

Zoning Administrator Signature



DATE of Scheduled Planning Commission Public Hearing and Review

MM DD YYYY

10 / 06 / 2020

DATE of City Council Review

MM DD YYYY

10 / 13 / 2020

Zoning Administrator Comments

This green belt will offer the surrounding community a country living enhancement. It appears it will cooperate with contiguous areas and improve the golfer's experience.

Complimentary but not contiguous
unless other applications are approved

Applicant Signature



This content is neither created nor endorsed by Google.

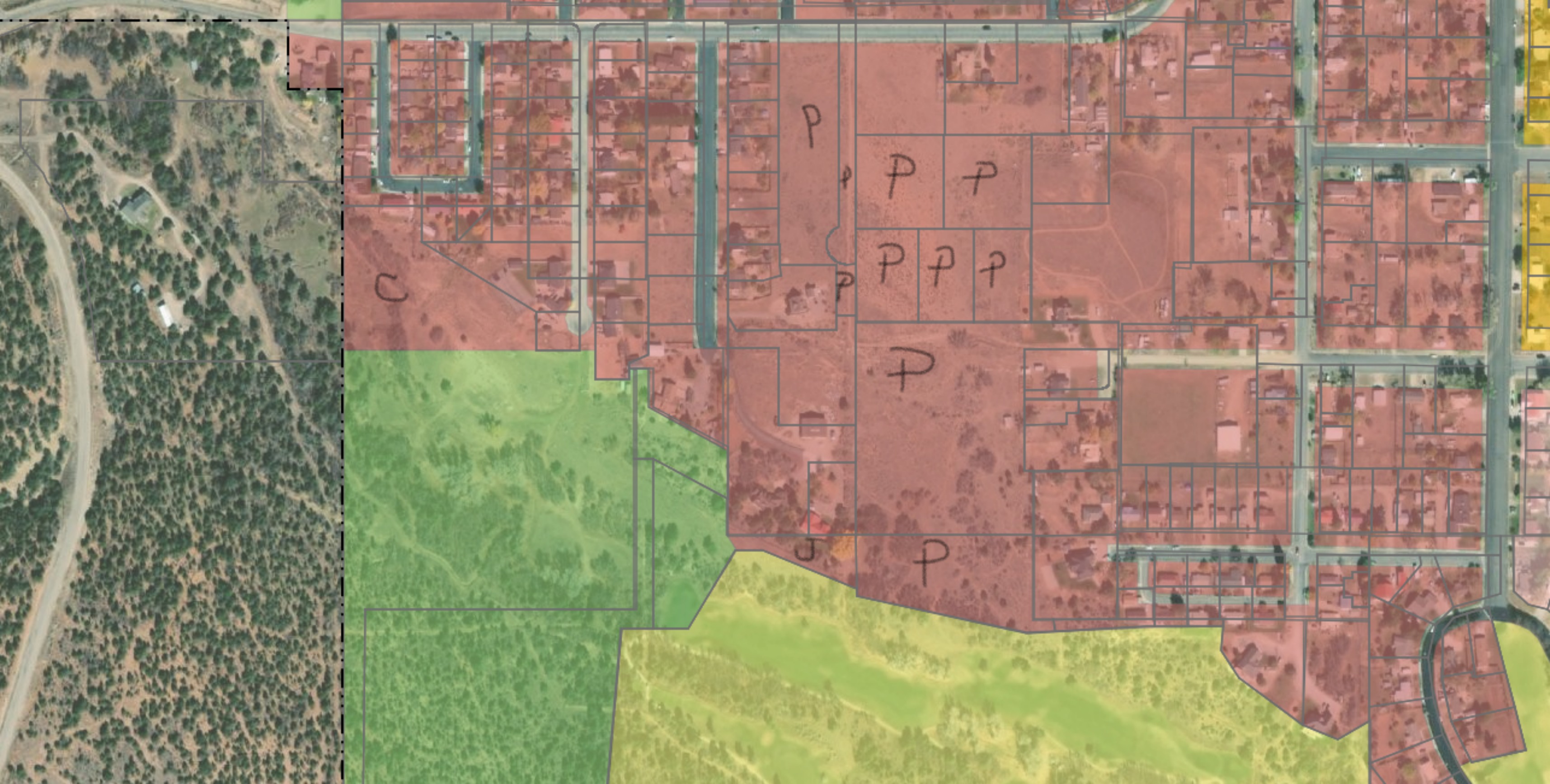
Google Forms

Monticello City
17 North 100 East
PO Box 457
Monticello UT 84535
435-587-2271

Receipt No: 131556
Receipt Date: 08/24/2020
Time of Receipt: 08/24/2020 10:16 AM

ZONE CHANGE	50.00
	<u>\$50.00</u>

Cash: SB	50.00
	<u>\$50.00</u>



October 5, 2020

To: Monticello City Planning Commission

From: Tanya Lowry

Re: Zone change application from R-1 residential to A-1 agriculture
located south of Abajo Drive (approximately 400 West) to golf course

Thank you for your service on behalf of the planning commission. I appreciate your time and effort in maintaining the City of Monticello.

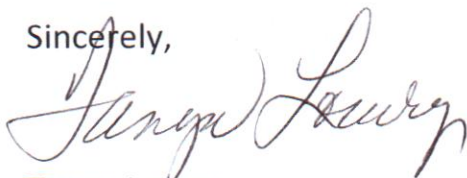
The City of Monticello is a very attractive city mainly because of the foresight of residents, many years ago, to zone within the city limits. It is laid out in a very appealing manner.

We chose to build our home in a residential district. If we had wanted an agriculture zone we would have built outside the city limits.

I do not want horses, barns, cows, pigs, etc. in my backyard. I do not care to have the sounds of animals or their smells adjacent to my home.

I do care that Monticello remains an attractive place to live. I believe that changing zones from residential to agriculture detracts from that purpose.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Tanya Lowry', written in dark ink.

Tanya Lowry

Monticello City Planning and Zoning Committee
Monticello, Utah 84535

5 October 5, 2020

Dear Planning and Zoning Committee:

The purpose of this letter is to express our concern with, and opposition to, the proposed change from R-1 to A-1 as requested by John Black, Clayton and Julie Holt and Paul Sonderegger.

In the late 1980s we purchased a lot and built our home at the intersection of Abajo Drive and North Creek Lane. The lot was part of a new Mountain West subdivision and consisted of North Creek Lane and a series of lots to the east. We deliberately chose this area of town as it was residential, and the neighborhoods consisted of quality homes with well-kept yards and properties. While we enjoyed not having neighbors beyond our backyard to the east, we recognized the eventual building of other homes and would have welcomed the addition to our neighborhood and community.

Last year, Chad Sonderegger worked to dissolve the Mountain West subdivision and create a new subdivision consisting of the property to the east of the homes on North Creek Lane and additional land in the area. His stated goal was to bring in housing that was a little more upscale than is the norm in our community. As City Manager at the time, I believed that our community would greatly benefit from this as previous conversations I had with Clayton Holt led me to believe that our health care system was suffering in recruiting professionals to our community due to the dearth of housing, especially higher quality homes. We supported his plans and again looked forward to seeing construction in our area.

We continue to believe that the zoning that is in place best serves the community and the neighborhoods which surround it. Moving this land to A-1 would create a peninsula that encroaches into the middle of an area that is well served as R-1. The introduction of farm animals into this neighborhood changes the area unnecessarily and is not in the best interest of the other property owners in the area.

The zoning that exists in the City of Monticello, especially in the area in question, has served the community well and provides for an organized and well planned appearance. We believe that the community's interest is best met by leaving the zoning in place as it currently exists.

We respectfully request that the petition to change these parcels to A-1 from R-1 be denied.

Thank you for your consideration of our position.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas and Lisa Wright", written in a cursive style.

Douglas and Lisa Wright

Chapter 6

R-1 RESIDENTIAL ZONE

PROPOSED CHANGES AS OF 9/1/2020

Red = Addition, deletion, or change to existing specification

Green = Existing item reformatted or moved to a new location without change of specification

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:

- A. The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:
- Single-family dwellings of conventional construction and manufactured homes.
 - Foster care and family care homes.
 - Residential accessory uses and structures.
 - Churches, not including temporary revival tents or buildings.
 - Walls and hedges.
 - Household pets.
 - ~~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.
 - ~~The growing of field crops and fruit.~~
 - The growing of fruit and gardens for household use.

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

B. The following uses are permitted when in compliance with the specified section of Title 10, Zoning Regulations:

Accessory signs conforming to section 10-2-2 of this title.

Conditional uses as permitted in section 10-2-4 of this title.

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

Keeping of chickens (please reference section 10-2-8 of this title).

Fences in conformance with section 10-2-10.

10-6-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

Main Use	Minimum Lot Area	Minimum Frontage (at setback line)
Single family dwelling	~~10,000~~ 5,445 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.~~ All dwellings and other buildings and structures shall be set back according to the special conditions noted below:

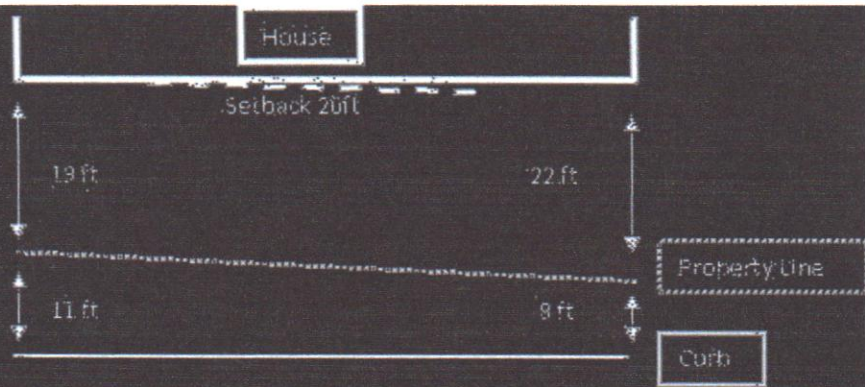
A. Front Setback:

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~~ back of curb.

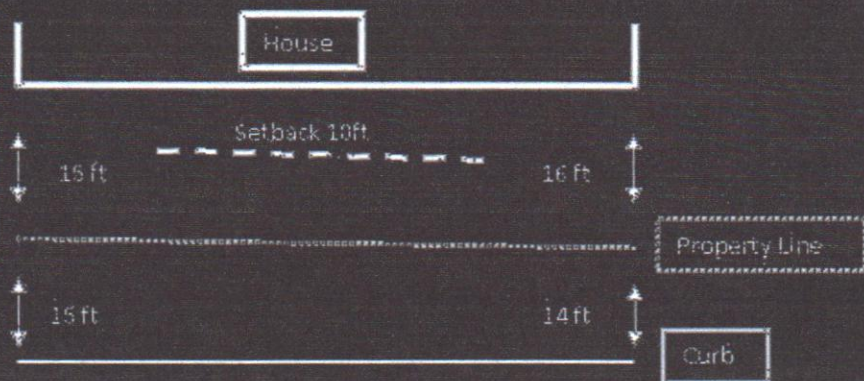
~~a. If the narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), the owner's setback from property line may be reduced to ten feet (10'). Code exception only applicable to properties with curb to measure from.~~ (Ord. 2014-4, 4-22-2014)

- a. Where a curb is not present the setback shall be measured from the center of the city street as determined by the Public Works Department.
- b. If a lot line is angled, a reduced setback requirement may be applied if all of the following conditions are met:
 1. The narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), and
 2. The greatest distance is over twenty feet (20'), and
 3. The setback conforms with surrounding homes.

Example 1: Because the narrowest distance between the property line and the curb is less than 10 feet, the code exception does not apply.



Example 2: Because the narrowest distance between the property line and the curb is greater than 10 feet, the code exception does apply and the setback is reduced to 10 feet.



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

~~F. 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)~~

10-6-6: HEIGHT OF BUILDINGS:

~~The maximum height of any building (measured from finished grade to the square of the building) shall be twenty feet (20') 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) a dwelling building shall be measured from finished grade at the front of the dwelling to the highest wall plate.~~

- A. The maximum height of a dwelling building shall be as noted below:
1. Level lot: Twenty-four feet (24').
 2. Uneven lot: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be twenty feet (20').

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 building, or which is hereafter provided around any building, that 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 that 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, **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:**

- A. Permitted accessory buildings, and
- B. 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:

~~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-foot-six inches (7'6")~~ **eight feet (8')** or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)

10-6-18: SEWAGE DISPOSAL:

- A. **Sewer connections shall comply with section 8-4-2.**
- B. 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. (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 or certificate of occupancy shall be issued therefore.

10-6-20: 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.

10-6-21: 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')~~ **forty feet (40')** 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: 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~~ **No lot shall have** more than two (2) driveways ~~from any one street.~~
- B. Driveways shall **not be** closer to each other than twenty feet (20').
- C. On corner lots, no driveways shall be **closer** than ~~fifteen feet (15')~~ **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 or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-6-24: LANDSCAPING REQUIRED:

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

10-6-25: 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)

10-6-26: 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 water supply in accordance with 10-6-19 of this title.
- B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title. (Ord. 2012-01, 7-10-2012)

Chapter 6

R-2 RESIDENTIAL ZONE

PROPOSED CHANGES AS OF 9/1/2020

Red = Addition, deletion, or change to existing specification

Green = Existing item reformatted or moved to a new location without change of specification

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 small homes** can be constructed. (Ord. 2012-01, 7-10-2012)

10-7-3: PERMITTED USES:

- A. 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

Multi-family dwellings, townhouses and condominiums.

Small homes erected on foundations

Mobile homes on foundations with tie down

Boarding house, hostel, inn, hotel, or motel

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

Residential accessory uses

Rest homes and daycare centers, and senior assisted living facilities. In approving such uses 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)

Churches, not including temporary revival tents or buildings

Walls and hedges

Household pets

Public agency parks and playgrounds

Utility lines and buildings

- B. The following uses are permitted when in conformance with the specified sections of Title 10, Zoning Regulations:
- Accessory signs conforming to section 10-2-2
 - Conditional uses as permitted in section 10-2-4
 - Temporary uses subject to the provisions of section 10-2-6
 - Keeping of chickens in conformance with section 10-2-8
 - Fences in conformance with section 10-2-10

10-7-4: AREA AND FRONTAGE REQUIREMENTS:

Area and frontage requirements shall be as follows:

Main Use	Minimum Lot Area	Minimum Frontage (At Setback Line)
Single-family dwelling	~~10,000~~ 5,445 square feet	~~80~~ 60 feet
Small home	3,000 square feet	60 feet
Two-family dwelling	~~10,000~~ 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

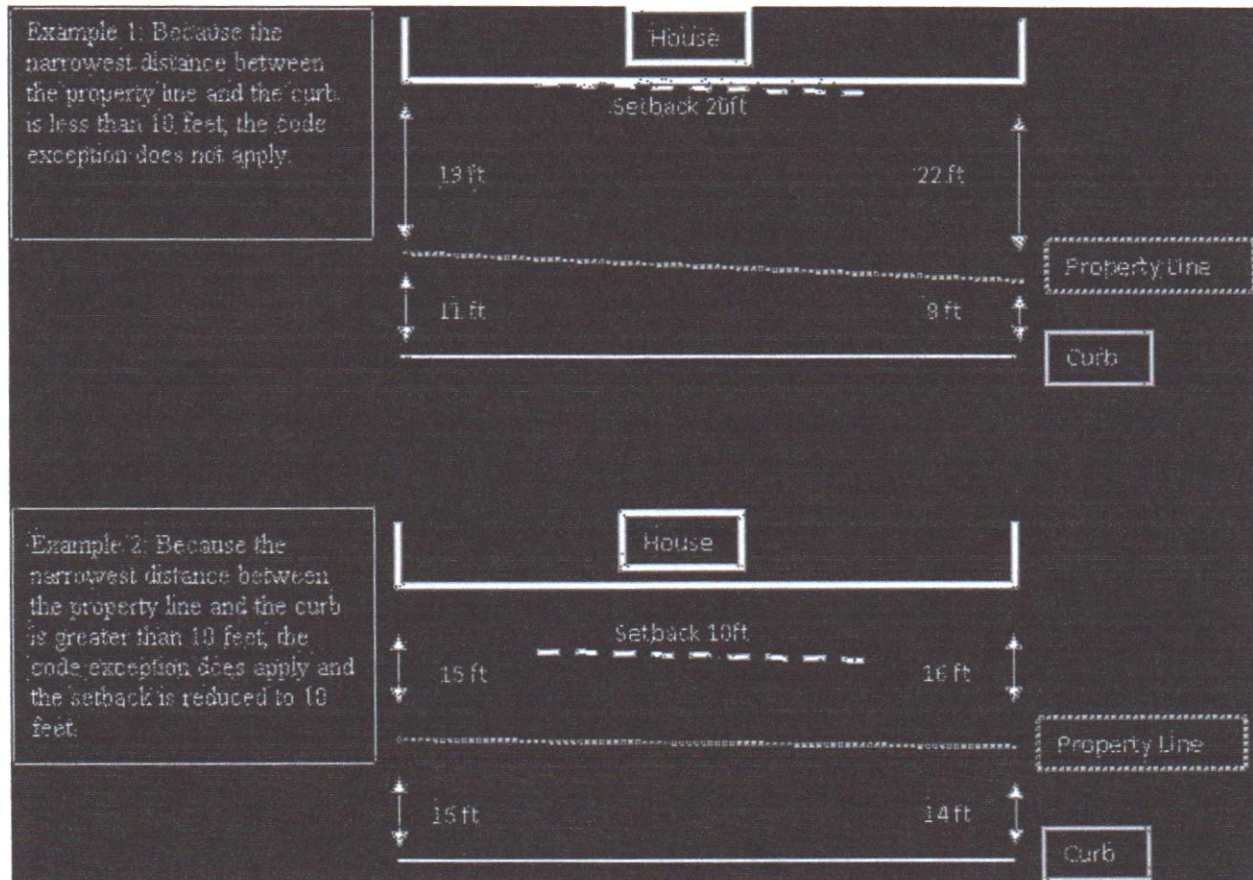
(Ord. 2012-01, 7-10-2012)

10-7-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. ~~Main Buildings:~~ All single-family, small homes, and two-family dwellings and other main buildings and structures shall be set back not less than twenty feet (20') ~~from the front lot line~~ back of curb.
2. All multi-family dwellings shall be set back not less than forty feet (40') ~~from the front lot line~~ back of curb.
3. Where a curb is not present the setback of a dwelling unit shall be measured from the center of the city street as determined by the Public Works Department.
4. If a lot line is angled, a reduced setback requirement may be applied to the dwelling unit if all of the following conditions are met:

- a. The narrowest distance from a resident's front property line and back of curb is greater than ten feet (10'), and
- b. The greatest distance is over twenty feet (20'), and
- c. The setback conforms with surrounding homes.



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

5. **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 feet (8') from the side lot line.
2. **Accessory Buildings:** All accessory buildings shall be set back at least five feet (5') 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')~~ five feet (5') 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 accessory buildings when adjoining an R-1 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 an R-1 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 feet (5') 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)

F. 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)

10-7-6: HEIGHT OF BUILDINGS:

The maximum height of any building (measured from finished grade ~~to the square of the building~~) shall be ~~twenty feet (20')~~ 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:

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)

- 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.

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)~~

10-7-8: 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 hereinafter provided around any building, that 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.~~

10-7-9: 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, **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)

10-7-11: 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 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)

10-7-12: 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:

~~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 must conform with 10-2-3 of this title.

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 ~~seven feet six inches (7'6")~~ eight feet (8') or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)

10-7-17: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with 8-4-2.
- B. 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. (Ord. 2012-01, 7-10-2012)

10-7-18: WATER CONNECTION:

- A. Where municipal water is available, all users in this zone shall be connected.
- B. Where no public water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy is 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')~~ forty feet (40') 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)

10-7-23: 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 be closer than fifteen feet (15')~~ **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 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.
- B. All buildings used for human occupancy shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
- C. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.
- D. Landscape plans shall be required in connection with all multiple-family dwellings. (Ord. 2012-01, 7-10-2012)

CITY OF MONTICELLO

ORDINANCE NO. 2020-__

TITLE: **Amendments to Overlay Zone for Water Source Protection; Title 10-12-3;**

PURPOSE: **To move the Water Source Protection Ordinance into the Overlay Zone of the Monticello City Code**

WHEREAS, the City of Monticello recognizes the need to ensure the safety of the drinking water supply for the City; and

WHEREAS, the City of Monticello recognizes the need to create protection zones surrounding the wellheads and collection areas for all sources for the city Water system; and

WHEREAS, the Water Source Protection Ordinance was adopted as Title 8-1-20, in 2014, but should be moved to Title 10-12; Overlay Zones.

NOW, THEREFORE, be it ordained by the Monticello City Council:

Section 8-1-20, of the Monticello City Code shall have a reference to the following:

10-12-3: OL-3; Water Source Protection

(1) Purpose.

(a) This section shall be known as the “Monticello City Drinking Water Source Protection Ordinance”.

(b) The purpose of this section is to ensure the provision of a safe and sanitary drinking water supply for the City by establishing drinking water source protection zones surrounding the wellheads and collection areas for all sources for the City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

(2) The following definitions shall apply to this section:

(a) “Animal feeding operation” means a lot or facility where the following conditions occur:

(i) animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 23 month period;

(ii) crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(iii) Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(b) “Animal units” means:

(i) the number of slaughter or feeder cattle; plus

(ii) the number of mature dairy cattle multiplied by 1.4; plus

(iii) the number of swine over weighing over 55 pounds multiplied by 0.4; plus

(iv) the number of sheep multiplied by 0.1; plus

(v) the number of horses multiplied by 2.0.

(c) A contamination control measure means a device or administrative control which is implemented to prevent discharges to the ground water. Spill protection is an example of a contamination control measure. Contamination control measures shall be compliant with the applicable design standards.

(d) "Extremely hazardous substance" means any substance identified in Section 302 (EHS) column of the "Title III List of Lists – Consolidated List of Chemicals Subject to Reporting Under SARA Title III" (EPA 560/4-91-011).

(e) "Land management strategies" are zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements.

(f) "Pollution source" means a source of discharges of contaminants to ground water or potential discharges of the liquid forms of extremely hazardous substances which are stored in containers in excess of applicable threshold planning quantities as defined in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies and animal feeding operations with more than ten animal units.

(g) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(h) "Regulatory agency" means any governmental agency with jurisdiction over hazardous waste.

(i) "Sanitary landfill" means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(j) "Septic tank" and "drain field system" mean a system which is comprised of a septic tank and a drain field which accepts domestic waste water from buildings or facilities for subsurface treatment and disposal. By their design, septic tank and drain field discharges cannot be controlled with control devices or control measures.

(k) "Wellhead" means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

(3) There are hereby established drinking water source protection zones to be known as Zones One, Two, Three and Four of the drinking water protection area, identified and described as follows:

(a) Zone One is the area within a 100-foot radius of the wellhead.

(b) Zone Two is the area within a 250-day ground water time of travel to the wellhead, the boundary of the aquifer or aquifers which supplies water to the ground water source, or the ground water divide, whichever is closer.

(c) Zone Three is the area within a 3-year ground water time of travel to the wellhead, the boundary of the aquifer or aquifers which supplies water to the ground water source, or the ground water divide, whichever is closer.

(d) Zone Four is the area within a 15-year ground water time of travel to the wellhead, the boundary of the aquifer or aquifers which supplies water to the ground water source, or the ground water divide, whichever is closer.

(4) The following land uses shall be permitted within drinking water source protection zones:

(a) Any land use permitted within existing agricultural, single family residential, multi-family residential and commercial districts so long as the land use conform to the rules and regulations of the regulatory agency with jurisdiction over hazardous waste.

(b) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(5) The following land uses or conditions are prohibited within drinking water source protection zones, even if such use or condition may otherwise be ordinarily included as part of permitted land use under subsection (4):

(a) Zone One: The location of any uncontrolled potential contamination sources.

(b) Zone Two: The location of a pollution source unless its contaminated discharges can be controlled with controls compliant with design standards.

(c) Zone Three and Zone Four: The location of a potential contamination source unless it can be controlled through land management strategies.

(6) The enforcement and penalties for violations of the policies and procedures for administration of the drinking water source protection zones established by this section, including without limitation those applicable to nonconforming uses, shall be the same as provided in the existing zoning ordinance of the City, as the same is now adopted and from time to time amended.

PASSED and ADOPTED by the Monticello City Council this _____ day of _____, 2020.

IN WITNESS THEREOF

Tim Young, Mayor

ATTEST:_____
Cindi Holyoak, C.M.C., Recorder