Planning Commission Meeting

Tuesday, July 20, 2021 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Scott Burgess - Not Present, Commissioner Mary Cokenour, Commissioner George Matocha, City Manager Evan Bolt, City Recorder Shalena Black, Deputy City Recorder Melissa Gill

Meeting Location: 648 S Main

1. **Call to Order**
2. **Public Comment**
3. **Review Monticello City Code: Title 10 Chapter 2 Changes for State Compliance (discussion)**

   The Planning Commission is continuing to review Monticello City zoning codes to ensure compliance with Utah State Codes. Chairperson Bennett has been working on House Bill 409 and submitted drafts of those changes for the Commission to review.

   Attachments:

   - **2021 10 Ch 2 v1 07062021** (2021_10_Ch_2_v1_07062021.docx)

4. **Review Monticello City Code: Title 10 Chapter 6 Changes for State Compliance (discussion)**

   Attachments:

   - **2021 10 Ch 6 v1 07062021** (2021_10_Ch_6_v1_07062021.docx)

5. **Administrative Communications**

   Attachments:

   - **Planning Com Questions & Answers Alex Goble** (Planning_Com_Questions___Answers_Alex_Goble.docx)

6. **Next Meeting Agenda**
7. **Adjournment**

Audio File

https://soundcloud.com/user-250815044/2021-07-20-planning-commission-meeting

Notice of Special Accomodations

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the

Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

Contact: Shalena Black (shalena@monticelloutah.org 435-587-2271) | Agenda published on 07/16/2021 at 12:05 PM

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah law
Blue = Reorganization & correction of existing code

CHAPTER 2
SUPPLEMENTARY REQUIREMENTS AND PROCEDURES
APPLICABLE WITHIN ZONES

SECTION:

10-2-1: Lots To Have Frontage On City Street
10-2-2: Uses Prohibited In Zones Unless Expressly Permitted
10-2-3: Property Boundary Adjustment
10-2-4: Boundary Line Agreement
10-2-5: Off Street Parking Requirements
10-2-6: Signs
10-2-7: Parking And Storage Of Recreational Vehicles
10-2-8: Conditional Uses
10-2-9: Concessions In Public Parks And Playgrounds
10-2-10: Temporary Uses
10-2-11: Portable Storage Container Regulations
10-2-12: Chickens
10-2-13: Diagonal Parking
10-2-14: Fences
10-2-15: Specified Public Utility Within a City Easement
10-2-16: Solar Electricity Systems

10-2-1: LOTS TO HAVE FRONTAGE ON CITY STREET

A. Except as may be authorized through the approval of a large scale development, each lot shall abut upon a City maintained street.

1. The length of said abutting side as measured at the setback line shall be not less than the minimum frontage requirement of the zone;
2. The Planning Commission may authorize a reduction of the minimum frontage requirement subject to the following conditions:
   a. The lot will abut the City maintained street for a minimum distance of thirty five feet (35');

b. The buildable portion of the lot shall comply with the minimum area, width and setback requirements of the zone;
c. The lot configuration created by the granting of the reduction will not result in an undue adverse condition for the proper development of adjacent properties;
d. In the opinion of the Planning Commission, the reduction of the frontage requirement is necessary to more fully promote the effective and proper development of the city.

B. All lots in an approved subdivision plat which have frontages of less than the minimum shall be considered as having qualified under the frontage reduction provisions of subsection ---. *NOTE: This needs review to determine if "parcel" should be added to the stipulations.*

10-2-2: USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the board of adjustment pursuant to express authority under the terms of this title. The board of adjustment shall not permit a use within a zone which is not expressly permitted by the terms of this title.
NOTE: Board of Adjustment reference needs verification

10-2-3: PROPERTY BOUNDARY ADJUSTMENT:

A. To make a parcel boundary adjustment, a property owner shall execute a boundary adjustment through
   1. A quitclaim deed; or
   2. A boundary line agreement under section ----; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which each property is located.

B. To make a lot line adjustment, a property owner shall obtain approval of the boundary adjustment under Section ---; and execute a boundary adjustment through:
   1. A quiteclaim deed or
   2. A boundary line agreement; and
   3. Record the quitclaim deed or boundary line agreement in the office of the county recorder of the county in which the property is located.

C. 3. A parcel boundary adjustment under subsection --- is not subject to review of the city unless:
   1. The parcel includes a dwelling; and
   2. The city's approval is required under subsection ---.

D. The recording of a boundary line agreement or other document used to adject a mutal boundary line that is not subject to review by the city
   1. Does not constitute a land use approval; and
   2. Does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.

E. The city may withhold approval of a land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the city determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the city's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.

10-2-4: BOUNDARY LINE AGREEMENT:

A. If property executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the recorder in the county in which each property is located, as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that lead to the boundary line agreement.

B. Adjoining property owners executing a boundary line agreement described in this section shall ensure that the agreement includes:
   1. A legal description of the agreed upon boundary line and each parcel or lot after the boundary line changed;
   2. The name and signature of each grantor that is party to the agreement;
   3. A sufficient acknowledgement for each grantor's signature;
   4. The address of each grantee for assessment purposes;
   5. A legal description of the parcel or lot each grantor owns before the boundary line is changed; and
   6. The date of the agreement if the date is not included in the acknowledgement in a form substantially similar to a quitclaim deed as described in section ---.

C. If any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with section --- before executing the boundary line agreement;

D. If none of the property subject to the boundary line agreement is a lot, ensure that the boundary line agreement includes a statement citing the file number of a record of survey map in accordance with section ---, unless the statement is exempted by the City.

E. A boundary line agreement described in subsection 1 that complies with subsection 2 presumptively:
   1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and
   2. Relocates the parties' common boundary line for an exchange of consideration.

F. Not withstanding Title 11, Subdivisions, a boundary line agreement that only affects parcels is not subject to:
   1. Any public notice, public hearing, or preliminary platting requirement;
   2. The review of a land use authority; or
   3. An engineering review or approval of the city, except as provided in subsection ---.

NOTE: Rule allows the city to adopt an ordinance requiring review and approval of a boundary line agreement affecting a parcel or lot containing a dwelling; rule specifies what must be considered, but those prospective changes were not added to this draft. Is this something Monticello wants?

10-2-5: OFF STREET PARKING REQUIREMENTS:

A. At the time any residence or any public or commercial building is erected, hard surfaced off street parking spaces of cement or asphalt shall be provided for automobiles on private property.

B. At the time any residence or building is enlarged or increased in capacity or any use is established or changed, thereby creating the need for additional parking, off street hard surfaced parking spaces of cement or asphalt shall be provided on private property.

C. Provision of off street parking shall be in accordance with the following requirements:
   1. Size:
      a. The dimensions of each off street parking space or stall shall be at least nine feet by eighteen feet (9' x 18'), for diagonal or ninety degree (90°) spaces; or nine by twenty two feet (9 x 22') for parallel spaces, exclusive of access drives or aisles.
      b. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved shall be landscaped.
   2. Access To Individual Parking Spaces: Except for single- family and two-family dwellings, access to each parking space shall be from a private driveway and not from a city street.

a. One-way driveways shall be a minimum of twelve feet (12') in width.
b. Two-way driveways shall be a minimum of twenty-five feet (25') in width.
c. All garage and carport spaces shall be set back a minimum of twenty feet (20') from the private access drive serving them.
d. Garage and carport spaces shall be counted as one parking space unless: a) such garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or b) the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case such parking areas shall count as two (2) spaces. (Ord. 2012-01, 7-10-2012)

3. Parking Spaces Required For Residential Areas: The number of off street parking spaces required for residential development shall be as follows:
    a. Single-Family Dwelling: Two (2) parking spaces per single- family dwelling. Tandem parking shall be allowed at single- family residences only.
    b. All Other Dwellings:
        1) All other dwellings, including townhouses and condominiums, shall have two (2) parking spaces per dwelling unit. Covered parking may be located within the side and rear setback areas. No street parking shall be counted toward meeting the parking requirement. Tandem parking shall not count toward the parking requirement. No parking area shall be located within the required front setback facing a city street. All parking shall be on site.
        2) Front yard setback from streets shall be twenty feet (20') minimum from property lines for garages or carports.
        3) In residential zones, no recreational vehicle shall be parked or stored unless it conforms to the requirements of section 10-2-3 of this chapter. (Corner lots are considered to have 2 front yard areas.) (Ord. 2016-6, 6-28-2016)
4. Parking Spaces Required For Nonresidential Areas: The number of off street parking spaces required for all nonresidential developments shall be as follows:
    a. Business Or Professional Offices: One space for each two hundred fifty (250) square feet of gross floor area.
    b. Churches, Sports Arenas, Auditoriums, Theaters, Assembly Halls, Lodge Halls, Or Other Meeting Rooms: One space for each four (4) fixed seats of maximum seating capacity, or one space for each thirty five (35) square feet of seating area within the main auditorium where there are no fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat.
    c. Stores, Appliance Stores And Lumberyards: One space for each six hundred (600) square feet of floor area.
    d. Hospitals: Two (2) parking spaces for each bed.
    e. Homes: One parking space for each five (5) beds.
    f. Hotels, Motels, Motor Hotels: One space for each living or sleeping unit, plus two (2) spaces for resident manager or owner.

g. Retail Stores And Shops, Commercial Banks, Savings And Loan Offices, And Other Financial Institutions, General Retail Stores, Food Stores, Supermarkets, Drugstores And Other Similar Commercial Businesses: One space for each two hundred fifty (250) square feet of gross floor area.
h. Mortuaries And Funeral Homes: Five (5) spaces plus one space for each thirty five (35) square feet of assembly room floor area.
i. Automotive Repair And Supply: One space for each four hundred (400) square feet of gross floor area.
j. Bowling Alleys And Billiard Halls: Five (5) spaces for each alley, plus two (2) spaces for each billiard table contained therein.
k. Libraries: One space for each three hundred (300) square feet of gross floor area.
l. Restaurants, Taverns, Lounges, Drive-In, Drive-Through, Take-Out Restaurants And Other Establishments Where Food Or Beverages Are Consumed: Ten (10) spaces minimum, or one space for each one hundred (100) square feet of gross floor area, whichever is greater.
m. Day Nurseries In Commercial Zones, Including Preschools And Nursery Schools: One space for each staff member, plus one space for each five (5) children for which said establishment is licensed.
n. Golf Courses: Six (6) spaces per hole.
o. Skating Rinks, Ice Or Roller: One for each three hundred (300) square feet of gross floor area.
p. Swimming Pools (Public): One space for each one hundred (100) square feet of water surface, or ten (10) stalls, whichever is greater.
q. Tennis, Handball And Racquetball Courts (Commercial): Six (6) spaces minimum, or three (3) spaces per court, whichever is greater.
r. Studios And Spas: One space for each two hundred fifty (250) square feet of gross floor area, or ten (10) spaces minimum, whichever is greater.
s. Educational Uses:
    1) Elementary: Two (2) spaces per classroom.
    2) Senior and junior high schools: One space for each member of the faculty and one space for each six (6) regularly enrolled students.
    3) College, universities, trade schools: One space for each faculty member, plus one space for each three (3) students.
    4) Schools having an arena or auditorium shall meet this requirement or the requirements of subsection C.4.b of this section, whichever is greater.
t. Veterinary Hospitals: Five (5) spaces for each doctor.
u. Manufacturing Plants, Warehouses, Storage Buildings Or Structures Especially For Storage Purposes: One space for each one thousand (1,000) square feet of gross floor area and one space for each two hundred fifty (250) square feet of office or sales area.
v. Service Commercial Businesses: Businesses such as electrical, plumbing, cabinets, printing and other similar shops shall have one space for each two

hundred fifty (250) square feet of retail or office area and one space for each five hundred (500) square feet of additional building area.

w. Outdoor Sales Lots For Autos, Mobile Homes And Recreational Vehicles: One space for each seven (7) vehicles or items of equipment to be displayed, plus two (2) spaces for manager and employee parking.

x. Consideration By Planning Commission:
    1) Notwithstanding all provisions of this section the planning commission shall: Take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and
    2) Recommend to the City Council a requirement of that number of spaces it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

y. Reduction: Where the applicant can demonstrate that adequate off street parking exists, the city council, upon recommendation of the planning commission, may grant a parking reduction of up to twenty five percent (25%) of the listed parking requirement for new construction in the commercial zones.

G. Parking On Unimproved Lots; Vehicle Display: Parking of more than three (3) vehicles on any unimproved lot or parcel is prohibited. Parking of vehicles for display other than in designated and improved areas shall be prohibited.

H. Parking Lot Lights: Parking lots used during hours of darkness shall be lighted by standards a maximum of sixteen feet (16') in height above grade and using indirect, hooded light sources.

I. Development Standards: Every lot or parcel of land hereafter used as a parking lot shall:
    a. Be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the Planning Commission;
    b. Have appropriate bumper guards where needed as determined by the Planning Commission; and
    c. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.

J. Optional Provisions; Shared Parking Facilities:
    a. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.

b. Requests for shared parking are subject to the approval of the Planning Commission in accordance with the following guidelines:
   1) Sufficient evidence shall be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
   2) number of parking stalls which may be credited against the requirements for the uses involved will not exceed the number of spaces that may normally be required for any one of the uses sharing the parking.
   3) Parking facilities should not be located further than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
   4) A written agreement shall be executed by all parties concerned, assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management.

K. Uses Not Specifically Identified Above: For all parking uses not listed above, the Planning Commission shall determine the number of spaces required based upon the nearest comparable use standard available. (Ord. 2012-01, 7-10-2012)

L. Adjust Or Reduce Off Street Parking Requirements: The planning commission may approve substitute parking locations where sufficient off street parking is readily available within the vicinity and/or where acquisition of land for such use is not necessary to carry out the spirit of this title.

10-2-6: SIGNS:

A building permit shall be required for the placement, construction, and/or alterations of all signs, unless a sign qualifies as an exempt sign or an identified temporary sign.

A. Signs On Highway:
   1. Height Limitations: There shall be a thirty-five foot (35') height limitation for all signs that front on a highway (including freestanding, wall and roof signs).
   2. Size Limitations:
      a. Three hundred twenty (320) square feet maximum per lot.
      b. One hundred sixty (160) square feet per individual sign face.
      c. Square footage is two (2) square feet for each linear foot of frontage along a public right of way, not to exceed three hundred twenty (320) square feet.

B. Signs On City Streets In Zones C-1, C-2, I-1:
   1. Height Limitations: There shall be a twenty-foot (20') height limitation for all signs that front off a highway (including freestanding, wall and roof signs).
   2. Size Limitations On City Streets: Size limitations for signs that do not front a highway are as follows:

a. One hundred sixty (160) square feet maximum per lot.
b. Maximum square footage is one square foot for each linear foot of frontage along a public right of way, not to exceed one hundred sixty (160) square feet.
c. The total square footage on a lot with two (2) tenants must be divided between the tenants with proportions decided by the tenants and/or landlords, and cannot exceed one hundred (100) square feet per individual sign face.

3. Projecting And Suspended Signs:
   a. Height limit will be a maximum of thirty-five feet (35') or the height of the wall of the building, whichever is lower.
   b. There shall be an eight foot (8') minimum vertical clearance above sidewalks, walking areas, or rights of way, and thirty-six (36) square feet maximum size per sign face.
   c. Owners of projecting signs over public rights of way must furnish proof of liability insurance for such signs before a permit will be issued.
4. Roof Signs:
   a. Shall not exceed five feet (5') above the wall line or top of the exterior wall; unless
   b. If the peak of the roof is over four feet (4') above the wall line, roof signs cannot exceed the height of the peak.
   c. All roof signs must adhere to a thirty-five foot (35') overall height limitation.
5. Lighted Signs:
   a. All lighted signs shall have stationary and constant lighting. Signs which use subtle lighting changes as part of a video screen, or electronic message center, are permitted.
   b. Lighted signs adjacent to A-1, R-1 and R-2 zones shall be subdued and shall not be allowed to penetrate beyond the property in such a manner as to annoy or interfere with the adjacent residential properties. Any complaints concerning lighted signs adjacent to residential properties can be taken before the city council. The city council has the authority to dismiss unreasonable complaints or require the sign(s) to be shielded.

C. Signs in Residential Zones (R-1, R-2):
1. No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property, nameplates, institutional signs, or signs indicating the existence of:
   a. An office of a professional person;
   b. A home occupation; or
   c. A guest apartment and/or bed and breakfast establishment.
2. Except for institutional signs as described below, no lighted signs will be permitted.
3. Residential signs, except for apartments and public and religious institutional signs, shall not exceed two (2) square feet in size.
   a. Apartments and guest apartments may be allowed up to sixteen (16) square feet of signage if they have more than four (4) units; quadriplexes, triplexes and

duplexes may be allowed up to eight (8) square feet of signage. (See exempt and temporary sign subsections 1 for exceptions to the square foot rule.)

b. Public, public educational, or religious institutional signs shall be located entirely upon the premises of that institution, shall not exceed an area of fifty (50) square feet per frontage, and will be permitted to have indirect lighting. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six feet (6') above ground level.

c. Nonprofit, charitable, and private institutional signs in residential zones shall not exceed two (2) square feet.

D. Flags: Flags other than government flags, i.e., country and state, shall be added toward the maximum allowable signage. Flagpoles that display government flags shall not exceed thirty-five feet (35') in height in commercial zones.

E. Computations:

1. Height: The height of a sign shall be computed as the distance from the highest attached component of the sign to the nearest sidewalk, curb, or street crown, whichever is highest.
2. Individual One Sided Sign: The area of the sign face that will encompass the extreme limits of the display, not including any supporting framework or other backdrop which is clearly incidental to the display, shall be measured.
3. Multifaced Signs: The sign area shall be computed by adding together the area of all sign faces visible from any point. When two (2) identical sign faces are placed back to back and are part of the same sign structure, not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.

F. Number Of Freestanding Signs Per Lot or Parcel:

1. Primary Frontage: One freestanding sign per lot; one additional freestanding sign is permitted if property has more than two hundred feet (200') of frontage (exception: shopping center restrictions). Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.
2. Secondary Frontage: One freestanding sign is allowed for each additional frontage and shall not be higher than fifty percent (50%) of the allowed height. Two (2) freestanding signs on one property must be separated by one hundred feet (100'), and the second sign shall not be higher than fifty percent (50%) of the allowed height.

G. Setbacks:

1. Signs may not block traffic visibility.
2. If a sign is located at an intersection, the following rules apply:

a. Signs located within a forty-five foot (45') triangle (measured 45 feet from the street corner both ways) must be under two and one-half feet (21/2') tall, or should have over eight feet (8') of clearance at the bottom of the sign.
b. This triangle shall be maintained in an open manner so as to provide proper clear view area.
c. All advertising signs shall be set back from city streets, a distance at least equal to the distance that buildings are located.

H. Shopping Centers; Office Building Complexes:
1. Only one freestanding sign is allowed for shopping centers and office building complexes which lease to three (3) or more businesses on one lot of record.
2. The group freestanding sign identifying the shopping center/office building complexes and its businesses may use all sign area allowed for that lot.
3. In addition, individual businesses may have one square foot of signage for each front line of the building, up to a maximum of one hundred twenty-eight (128) square feet.

I. Off Premises Signs:
1. Off premises signs shall be limited to Highways ~~666~~ 491 and 191 and regulated the same as on premises signs.
2. Off premises signs may not exceed a maximum of one hundred twenty-eight (128) square feet.

J. Prohibited Signs:
1. It is prohibited for signs erected after adoption hereof to be in noncompliance with the provisions herein.
2. Parked Vehicle Signs: Parked vehicles with a sign painted or placed on them for the express intent of directing attention to a business are prohibited. This does not include vehicles used regularly in the course of conducting daily business activities.
3. Signs On Public Rights Of Way: No private sign shall be placed on public rights of way.
4. Signs Attached To Public Property: No private sign shall be attached to public property or public utility poles.
5. Flashing Signs: Signs which use flashing, blinking, or strobing lights are prohibited.

K. Temporary Signs:
1. Temporary signs shall be figured in the total square footage allowed per lot.
2. Sign owners must designate areas where temporary signs will be displayed.
3. Temporary signs displayed outside of designated areas require a permit.
4. Temporary signs must be maintained and in good condition while being displayed.
5. Signs less than six (6) square feet in size and associated with an event do not require a permit.

6. Mobile Changeable Copy Signs: Mobile changeable copy signs shall not exceed thirty two (32) square feet and shall not be displayed for more than thirty (30) consecutive days.
7. Balloon Signs: Balloon signs may be displayed for up to thirty (30) days per lot, per year. ..What about on parcels?
8. Construction Signs:
   a. No more than one construction sign identifying a project to be built and the project participants shall be allowed per lot. What about parcels?
   b. Construction signs in residential zones shall not exceed six (6) square feet in area and five feet (5') in height.
   c. In commercial zones, the sign area shall not exceed fifty (50) square feet and shall not exceed eight feet (8') in height.
   d. Construction signs must not exceed the time period of construction and/or the day the business opens, whichever comes first, and shall be counted into the square footage of the total footage allowed for the lot. What about parcels?
   e. An additional thirty two (32) square feet would be allowed in commercial zones for artist renditions of the project.
   f. Proposed development signs may be allowed for ninety (90) days prior to groundbreaking. (Ord. 2012-01, 7-10-2012)
9. Political Campaign Signs:
   a. Political campaign signs shall pertain to a specific election.
   b. They shall not be located closer than one hundred fifty feet (150') to any designated polling place and shall not exceed thirty two (32) square feet in area.
   c. Political campaign signs shall be removed within one day after the election.
   d. The candidate or persons responsible for the placement of the sign shall be responsible for its removal. (Ord. 2014-6, 10-14-2014, eff. 10-14-2014)
10. Real Estate Signs:
   a. In residential zones, real estate signs shall not exceed six (6) square feet in area and five feet (5') in height.
   b. In commercial zones, real estate signs shall not exceed thirty two (32) square feet.
   c. Real estate signs must be placed on the premises of the property being sold.
   d. Only one sign per street frontage, per real estate company, is permitted.

L. Exempt Signs: Sign permits are not required for the following signs unless the limitation and requirements of this section cannot be met:
   1. Public Signs: Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty.
   2. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.

3. Private Traffic Direction Signs: Signs directing traffic movement into a premises or within a premises, not exceeding two (2) square feet in area for each sign. Horizontal directional signs on paved areas and flush with paved areas are exempt from these standards. Only one exempt directional sign is allowed per frontage, per lot. What about parcels?
4. Service Sign: A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. These signs shall not exceed two (2) square feet in size.
5. Nameplates: A nameplate shall contain only the name of a resident.
6. Temporary Decorations: Temporary decorations or displays clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety (90) days per year, per lot. What about parcels?
7. Nonbusiness Temporary Signs: Temporary signs not associated with a business may be displayed not more than thirty (30) days per year or exceed six (6) square feet in size.
8. Rear Entrance Signs: Rear entrance signs, when associated with pedestrian walk through buildings. These signs shall not exceed sixteen (16) square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
9. Menu Signs: Menu signs at drive-in restaurants which are not readable from the nearest public right of way; and signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.
10. Private Warning Or Instructional Signs: Private warning or instructional signs not exceeding two (2) square feet per sign.
11. Murals: Murals must be painted or attached to the wall of buildings and are exempt from the sign ordinance except for the lettering and logo portion of the mural.
12. Pennants, Window Dressings, Window Banners: Pennants, window dressings, window banners are exempt.

M. Design, Construction, Maintenance And Liability:
   1. All signs shall be designed, constructed, and maintained to comply with applicable provisions of the building codes adopted by the city.
   2. All signs shall be maintained and in good structural condition.
   3. Sign owners are liable for their signs.
   4. The city of Monticello, its officials and other agents, shall in no way be liable for damages caused by signs.

N. Abandoned Signs: Any of the following criteria shall be used to determine abandonment:
   1. A sign which identifies an establishment, service(s), goods or products no longer provided on the premises shall have its copy vacated within thirty (30) days of when the circumstance commenced. If the copy then remains vacant for six (6)

months, the sign structure shall be removed by the owner within five (5) working days following expiration of the six (6) month period.

2. A sign which identifies a time, event, or purpose which passed or no longer applies shall be removed by the sign owner within three (3) working days from the time the event or purpose passed or no longer applies.
3. An off premises advertising sign which is vacant of copy or which advertises an establishment, service, goods, or product which no longer exists, shall be removed by the sign owner within five (5) working days after remaining in the defined condition for one month.
4. When building mounted and painted wall signs or murals are removed, the face of the structure shall be treated to conform to surrounding building conditions. Such removal shall not leave evidence of the sign's existence.

O. Permit Procedures And Enforcement:

1. Permit Required: If a sign requiring a permit under the provisions of this title is to be placed, constructed, erected, or altered on a lot, What about a parcel? the sign owner shall secure a building permit from the city prior to the construction, placement, erection, or alteration of such sign.
2. Applications: One application and permit may include multiple signs on the same lot. What about parcels? An application for construction, creation, or installation of a new sign, or for the structural alteration of an existing sign, shall be accompanied by detailed drawings to scale of all existing and proposed signs on a lot and must show:
   a. The height of all signs on a lot;
   b. The square footage of all individual signs on a lot;
   c. The total combined square footage of all signs on a lot;
   d. site plan indicating length of street frontage, location of buildings, parking lots, driveways, landscaped areas, and all existing and proposed signs on the site;
   e. overall dimensions, design, structure, materials, proposed copy and illumination specifications of all signs;
   f. Photographs of the lot.
3. Fees: Each application shall be accompanied by the applicable fee, which shall be established by resolution of the city council.
4. Action: Within five (5) days of the date the application is submitted, it shall be reviewed by the zoning administrator. If the applicant complies to all sign ordinance regulations, a permit will be issued. If the application is found to be incomplete, the applicant shall be notified of the deficiencies.
5. Inspections: The zoning administrator shall cause an inspection for each permit issued. If the signs do not comply, the applicant shall be notified and allowed thirty (30) days to correct the deficiencies. If the deficiencies are not corrected within thirty (30) days, the permit shall be rescinded.
6. Renewal Of Sign Permits: If sign owners comply with the provisions of this title and make no structural alterations or changes to their existing signs, the city shall

automatically renew sign permits at the end of every year when the business license is renewed, without an additional sign permit fee, if the sign owner has not constructed, placed, erected, or structurally altered existing signage. A new application must be processed and an applicable fee shall be charged for signs constructed, placed, erected, or structurally altered.

7. Lapse Of Sign Permit: A sign permit shall lapse automatically if it is not renewed, if the business license for the premises lapses or is revoked, or if the sign is abandoned. If a sign permit elapses, a new permit and payment of applicable fees are required.
8. Registration Of Existing Signs: All signs existing at the time the ordinance codified herein is passed must be registered with the city by the sign owner within a two (2) year period and a permit obtained. Existing signs that do not comply with the ordinance codified herein will be issued a noncomplying sign permit.
9. Nonconforming Sign: A nonconforming sign may not be moved to a new location, structurally altered, enlarged, or replaced unless it be made to comply with the provisions of this title. If a nonconforming sign changes ownership, the sign must comply with the provisions of this title within six (6) months of close of purchase.
10. Violations: Any of the following shall be in violation of this title and subject to the enforcement remedies and penalties provided by this title, other applicable city ordinances, and state laws:
    a. To install, create, erect, alter, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
    b. To install, create, erect, alter, or maintain any sign requiring a permit without such a permit;
    c. To fail to remove any sign that is installed, created, erected, altered, or maintained in violation of this title, or for which the sign permit has lapsed; or
    d. To continue any such violation. Each day of continued violation shall be considered a separate violation when applying the penalty portions of this title.
11. Notice, Action And Penalty: The zoning administrator shall issue notice to sign owners who display signs without a permit and allow thirty (30) days from the date of notice for the deficiencies to be corrected. If the deficiencies are not corrected within the given time, the sign owner's business license may be revoked, a fine may be imposed, or the sign owner may be convicted of violating a class B misdemeanor.
12. Illegal And Nonmaintained Signs: The zoning administrator shall issue written notice of violation to the sign owner, for any sign found unsafe, illegal, or not maintained.
13. Removal Of Signs: If any unsafe sign is not repaired or made safe within five (5) days after the owner has been given notice, the zoning administrator shall have the sign removed. Within thirty (30) days after the owner has been given written notice of a sign which is found in violation of this title, is illegal, or not maintained, the zoning administrator shall have the sign removed. Costs incurred for removal of a sign will be the responsibility of the owner and shall be paid to the city within thirty (30) days.

P. Right Of Appeal: Any person who has been ordered by the zoning administrator to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the board of adjustment. The board of adjustment shall have power to review and allow or disallow variances to the sign ordinance based on powers and duties defined in section 2-2-4 of this code. (Ord. 2012-01, 7-10-2012)

NOTE: The sign ordinance has not been reviewed in recent years and may be out of compliance with state laws

10-2-6: PARKING AND STORAGE OF RECREATIONAL VEHICLES:

A. Intent: The intent of this section is to define locations for the parking and storage of recreational vehicles such that neighborhood quality and character are maintained.
   1. "Recreational vehicle" as defined in section 10-1-4 of this title.
   2. "Residential areas" as used in this section means property located within a residential zone and property used for residential purposes located in ~~a commercial zone.~~ any other zone of the city.
   3. "Parking" as used in this section means the temporary parking of a recreational vehicle for a limited period of time as specified in subsection B or D of this section.
   4. "Storage" as used in this section means the parking of a recreational vehicle when it is not in use off site.
   5. Exemptions:
      a. Pickup or light truck of ten thousand (10,000) pounds' gross weight or less with or without a mounted camper unit that is used primarily by the property owner or tenant for transportation purposes.
      b. Travel trailer, camp trailer, or motor home when temporarily located on a lot on which a building is being constructed and said vehicle is connected to approved water and sewer facilities for a period of one year or less.

B. Parking Restrictions:
   1. No recreational vehicle may be parked upon a city street for longer than twenty four (24) consecutive hours.
   2. A recreational vehicle may not be parked on a city street in a manner that obstructs visibility from adjacent driveways or street corners.
   3. While parked on a city street no pop outs or other lateral extension of the recreational vehicle shall be deployed.
   4. No recreational vehicle parked on a city street may be used as a dwelling.
   5. A recreational vehicle may be parked in the front setback area of a residential dwelling for no more than fourteen (14) days per vehicle in any one calendar year, provided:
      a. The recreational vehicle is parked on a driveway.

b. The residential parking requirement at subsection 10-2-1C of this chapter is still satisfied.
c. No portion of the recreational vehicle may extend into the city street or sidewalk.
d. No portion of the vehicle may extend beyond the property line of the lot upon which it is parked.
e. No effluent, petroleum product, or wastewater is discharged from the recreational vehicle.

C. Storage Requirements:
1. No recreational vehicle may be stored upon a city street or sidewalk.
2. A recreational vehicle may be kept in a side or rear yard at the owner's residence, provided:
   a. The vehicle is screened from adjacent properties by vegetation, or a fence built in compliance with section 10-2-10 of this chapter.
   b. The vehicle is maintained in a clean, well kept condition that does not detract from the appearance of the surrounding area.
   c. The vehicle is operational and currently registered and licensed.
   d. No effluent, petroleum product, or wastewater is discharged from the vehicle.

D. Recreational Vehicle As A Temporary Dwelling Unit:
1. It is unlawful for any person to use any parked or stored recreational vehicle as a permanent dwelling.
2. A recreational vehicle may be used as a temporary dwelling when the vehicle is used by guests who travel in it, provided:
   a. The recreational vehicle is situated on the host's property in conformance with subsection B4 or C of this section.
   b. The vehicle is equipped for sleeping.
   c. The stay does not exceed fourteen (14) days per vehicle in any one calendar year.
3. A stored recreational vehicle may be used for temporary sleeping space, provided:
   a. The vehicle is stored on the owner's property in conformance with subsection C of this section.
   b. The vehicle is equipped for sleeping.
   c. No effluent or wastewater is discharged from the vehicle.
   d. No portion of the vehicle may extend beyond the property line of the lot or parcel on which it is situated.
   e. Use does not exceed thirty (30) days in any one calendar year. (Ord. 2016-6, 6-28-2016)

10-2-8: CONDITIONAL USES:

The City of Monticello's authority to approve or deny a conditional use is an administrative land use decision. The city will classify any use in a zoning district as either permitted or conditional use under this section.

A. The City May Issue A Conditional Use Permit When

1. The use complies with objective standards set forth in this section;
2. The use does not conflict with a provision of city code or other state or federal law;
3. If reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects of the proposed used in accordance with applicable standards;
4. If the city imposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of a proposed conditional use; and
5. Reasonable mitigation of anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effect.

~~B. If reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposed imposition of reasonable conditions to achieve compliance with applicable standards, the city may deny the conditional use.~~

C. Conditional Use Standards Of Review: An applicant for a conditional use in the zone must demonstrate:

1. The proposed use complies with all applicable provisions of this chapter, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the city general plan as amended;
5. Traffic conditions are not adversely affected by the proposed use, including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. There is sufficient utility capacity;
7. There is sufficient emergency vehicle access;
8. The location and design of off street parking complies with off street parking standards;
9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Exterior lighting that complies with the lighting standards of the zone;
11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been reasonably mitigated and are appropriate to the topography of the site.

D. Specific Review Criteria For Home Occupation Conditional Use: In addition to the requirements at 10-2-4(C), the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for a home occupation.

1. The home occupation is permitted in the zone;
2. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
3. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc;
4. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:
    a. No more than one nonresiding employee shall be allowed to work in the home occupation at any given time; and
    b. The nonresiding employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-1, "Off Street Parking Requirements", of this chapter).
5. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
6. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title).
7. The use of yard space for storage of business-related materials shall not be permitted.
8. Signs designating the home occupation are limited to one nonflashing sign, not larger in area than two hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.
9. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:
    a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located, and
    b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.
10. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
11. The home occupation shall be registered with the license division or department of the city

F. Small Lots: Where a parcel of land at the time of the adoption hereof is at least one and eight-tenths (1.8) times as wide and one and eight-tenths (1.8) times as large in area as required for a lot in the zone, the board of adjustment may permit the division of a parcel into two (2) lots, provided:

1. Such division will not cause undue concentration of buildings;
2. The characteristics of the zone in which the lot is located will be maintained;
3. In the opinion of the board of adjustment, values in the area will be safeguarded.

G. Utility Buildings And Structures Permitted: Water, sewer and electric buildings and structures may be constructed in all residential zones, subject to the approval of the board of adjustment. The planning commission may impose conditions which are reasonably necessary to protect surrounding property values and residential amenities.

NOTE: The authority of the "Board of Adjustment" to implement sections F and G needs verification

F. Moved Buildings:

1. No permit for the moving within the city of any residential, commercial or industrial building which has had prior use shall be issued, as required under section 10-16-1 of this title without first filing an application with the zoning administrator. Said application shall contain the following information:
   a. Location and address of the old and new site;
   b. Plot plan of the new location showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots;
   c. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment when required by the zoning administrator;
   d. Certification by the zoning administrator that the structure is sound enough to be moved and that the condition, location and use of the building will comply with this title and all other applicable codes and ordinances;
   e. Said building and the lot on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations;
   f. Its location on the lot does not, in any substantial way, adversely affect buildings or uses in abutting properties;
   g. All required dedications and improvements for streets, facilities and buildings shall be provided in conformity with the standards of the city;
   h. That adequate provision has been made through the posting of a bond or other assurance that the building and grounds shall be brought up to the standards of a new building before it is occupied and that the vacated site shall be restored to a safe and sightly condition.
2. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes and similar movable structures, except when being moved from outside the city into a mobile home park.

G. Transitional Uses: Uses which are permitted on either portion of a lot which is divided by a zone boundary line, or which is coterminous with a zone boundary line, may be permitted to extend to the entire lot, but not more than one hundred feet (100') beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the planning commission must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby. *NOTE: Clause G needs clarification and validation.*

H. Applicant's Entitlement To Conditional Use Application Approval:

1. An applicant is entitled to approval of a conditional use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pay application fees, unless:
   a. The land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
   b. In the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner than would prohibit approval of the application as submitted.
2. The city shall process an application without regard to proceedings the city initiated to amend the city's ordinances as described in 10-2-E.1.b if:
   a. 180 days have passed since the city initiated the proceedings; and
   b. The proceedings have not resulted in an enactment that prohibits approval of the conditional use application as submitted.
3. A conditional use application is considered submitted and complete when the applicant provides the application form that complies with the requirements of applicable ordinances and pays all applicable fees.
4. The continuing validity of an approval of a conditional use permit is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

I. Permit Revocation:

1. The city council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The city council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the conditional use permit.
2. If the city council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the

appeal with the city recorder within fifteen (15) days of the date of the notice that the city has revoked the conditional use permit.

3. Upon receipt of the appeal, the city council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the city recorder received the appeal. The city shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

J. Time Limit:

1. Action authorized by a conditional use permit must commence within one year of the time the permit is issued.
2. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit.
3. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must :
   a. Apply for an extension in writing before the expiration of the original permit;
   b. Submit the application to the city recorder; and
   c. Describe on the application the cause for requesting the extension. (Ord. 2012-01, 7-10-2012)

~~A. Conditional Use Standards Of Review: The city shall not issue a conditional use permit unless the planning and zoning administrator, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.~~

~~1. General Review Criteria: An applicant for a conditional use in the zone must demonstrate:~~

~~a. The application complies with all applicable provisions of this chapter, state and federal law;~~

~~b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;~~

~~c. The use is not detrimental to the public health, safety and welfare;~~

~~d. The use is consistent with the city general plan as amended;~~

~~e. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;~~

~~f. There is sufficient utility capacity;~~

~~g. There is sufficient emergency vehicle access;~~

~~h. The location and design of off street parking as well as compliance with off street parking standards;~~

~~i. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;~~

~~j. Exterior lighting that complies with the lighting standards of the zone;~~

~~k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.~~

~~2. Specific Review Criteria For Certain Conditional Uses: In addition to the foregoing, the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses.~~

~~B. Approval Required: The following use shall be permitted only after approval as set forth herein:~~

~~Home occupations. The city may grant a permit for a home occupation subject to the following conditions:~~

~~1. The home occupation is permitted in the zone.~~

~~2. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.~~

~~3. The physical appearance, traffic, and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located, and does not depreciate surrounding residential values by creating a nuisance in a residential neighborhood including, but not limited to, generating increased traffic, excessive noise, offensive odors, etc.~~

~~4. The home occupation is conducted within the main residential dwelling and is carried on by residing members of the dwelling, except that individuals not residing in the dwelling may work at the home occupation, provided:~~

~~a. No more than one nonresiding employee shall be allowed to work in the home occupation at any given time;~~

~~b. The nonresiding employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-1, "Off Street Parking Requirements", of this chapter).~~

~~5. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.~~

~~6. The home occupation may use an accessory building for business storage, provided the accessory building meets all city building and zoning codes including, but not limited to, setbacks designated for R-1 and R-2 residential zones (see sections 10-6-5 and 10-7-5 of this title).~~

~~7. The use of yard space for storage of business related materials shall not be permitted.~~

~~8. Signs designating the home occupation are limited to one nonflashing sign, not larger in area than two hundred twenty six (226) square inches. If lighted, the light shall be diffused or shielded.~~

~~9. Entrance to the home occupation shall be left to the discretion of the homeowner, and may be defined by a second small directional sign, limited to twelve inches by twelve inches (12" x 12") in size, at the predesignated entryway, except:~~

~~a. The structure and entrance shall be compatible with the objectives and characteristics of the zone in which the home occupation is located.~~

~~b. When applicable, the entrance to the home occupation shall conform to regulations imposed by Utah state statute.~~

~~10. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.~~

~~11. The home occupation shall be registered with the license division or department of the city.~~

10-2-9: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:

Concessions including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by the city council as a conditional use permit. (Ord. 2012-01, 7-10-2012)

10-2-10: TEMPORARY USES:

A. Intent: The following regulations are provided to accommodate certain uses which are temporary or seasonal in nature.

B. Permitted Temporary Uses: Certain uses may be permitted on a temporary basis in any zone when approved by the city council. Said temporary uses may include, but will not be limited to:

Carnivals and circuses.
Christmas tree sales lots.
Construction storage yards, when required in connection with a primary construction project.
Flower stands.
Music festivals.
Political rallies.
Promotional displays.
Rummage sales.
Tents for religious services.

C. Application For Temporary Use:

1. Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the city council. Said application shall contain the following information:
   a. A description of the proposed use;

b. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.

2. Approval Required: The city council may approve said application provided the council finds:
   a. The proposed use is listed as a permitted temporary use or, in the opinion of the city council, is similar to those uses permitted.
   b. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area and, if traffic control is required, it will be provided at the expense of the applicant.
   c. The proposed use shall not occupy the site for more than ten (10) days, except for Christmas tree lots which shall not occupy the site for more than forty (40) days, and construction storage yards which shall be removed within thirty (30) days following completion of the primary construction project for which the temporary permit was issued.
   d. The applicant will have sufficient liability insurance for the requested use or event.
   e. The applicant shall provide, at his own expense, for the restoration of the site to its original conditions, including cleanup and replacement of facilities as may be necessary.

D. City Council May Delegate Approval Responsibility; Exceptions:
   1. The city council may authorize the zoning administrator to issue temporary use permits for certain temporary uses without council review. Where the request is for a temporary use which is not listed or where, the characteristics of the proposed use are not in compliance with the above standards, the zoning administrator shall refer the application to the city council for its action.
   2. In granting approval, the city council may attach additional conditions as it deems appropriate to ensure that the use will not pose any detriment to persons or property. The Council may also require a bond to ensure that necessary cleanup or restoration work will be performed. (Ord. 2012-01, 7-10-2012)

10-2-11: PORTABLE STORAGE CONTAINER REGULATIONS:

A. Definition: A "portable storage container" includes any of the following types of buildings, structures, or vehicles:
   1. Metal shipping container of the type commonly marketed for storage and which can be delivered or removed by semitrailer, regardless of whether such structure is located on a foundation or slab.
   2. Semitrailer or other trailer whether such vehicle is parked on or off a City street, and which does not have a current Utah license and inspection.
   3. Box from a delivery truck when such has been removed from the chassis.

B. Appropriate Use Of Portable Storage Containers: No portable storage container may be placed in any zone unless it meets one of the following criteria:

1. Permanent placement is allowed for commercial purposes within the I-1 Industrial, C-1 Commercial, and C-2 Light Commercial Zones when it is authorized by City permit.
   a. The placement of the portable storage container cannot block traffic or interfere with access for public safety.
   b. Used containers must have all prior identifying markings removed.
   c. Advertising on such containers will be limited to the promotion of the commercial entity located on the same lot as the container and shall comply with the sign ordinance.
   d. The container must be maintained to match the commercial building decor located on the same lot or it must be hidden from view by a fence.
   e. Semitrailers or other trailers used as storage containers must also have axles removed.
2. Permanent placement is allowed within residential zones when it is authorized by City permit.
   a. Container cannot be placed in a front yard or within the twenty foot (20') side setback of a side yard that fronts on a street.
   b. The placement of the portable storage container cannot block traffic or interfere with access for public safety or utilities.
   c. Used containers must have all prior identifying markings removed.
   d. The container must be maintained to match the residential building decor located on the same lot.
   e. Semitrailers or other trailers used as storage containers must also have axles removed.
3. Temporary placement is allowed for storage of tools, materials, and supplies at an active construction site in all zones, for a period not to exceed eight (8) months and when authorized by permit.
   a. Placement of the portable storage container cannot block traffic or interfere with access for public safety.
   b. Temporary placement is limited to one container per lot Parcel? for any twelve (12) month period. (Ord. 2012-01, 7-10-2012)

C. Maximum Size:

1. The maximum size for any permitted portable storage container located in R-1, R-2, and C-2 Zones is three hundred sixty (360) square feet and cannot exceed ten feet (10') in height.
2. The maximum size for any permitted portable storage container located in C-1, I-1, and A-1 Zones is four hundred twenty-four (424) square feet, with the exception of residences located in C-1 and I-1 Zones; in which case, the maximum size for any permitted portable storage container is three hundred sixty (360) square feet.

3. Portable storage containers can be attached or detached from the main structure. (Ord. 2018-4, 4-10-2018)

D. Permit Required: A permit is required for all portable storage containers.
   1. Any portable storage container greater than or equal to two hundred (200) square feet is considered an accessory building and requires a separate building permit in addition to a portable storage container permit.
   2. Any portable storage container less than two hundred (200) square feet requires only a portable storage container permit, unless electricity is proposed to be installed.

E. Prohibited Uses:
   1. No modular home, house trailer, vehicle, or camp trailer can be used for storage, whether permanent or temporary.
   2. All existing portable storage containers that do not meet the appropriate uses (above) will be removed at the owner's expense. (Ord. 2012-01, 7-10-2012)

10-2-12: CHICKENS:

This section shall provide residents of the community the opportunity to maintain up to ten (10) hen chickens as pets and for the purpose of producing eggs, subject to the described restrictions and regulations. The objective is to cultivate localized self-supporting and sustainable behavior for the betterment of the local, regional, and world community.

A. General Conditions: In all A-1, R-1, R-2 Zones and planned unit developments in the City of Monticello, and only for those single-family residential uses in the commercial zones, up to and not exceeding more than ten (10) hen chickens for egg production as family food, shall be allowed. This use is solely to allow hens per household as pets and for the purpose of producing eggs, subject to the following restrictions.

B. Prohibited Uses:
   1. No roosters shall be allowed in the R-1, R-2, and any commercial zone or in planned unit developments. If chickens are purchased as chicks and any are determined at a later date to be roosters, they shall be removed immediately upon determination of gender;
   2. Fighting chickens are not allowed;
   3. Hen chickens shall not be raised for slaughter for commercial purposes.

C. Standards For Containment:
   1. Hens shall be securely fenced and confined to the rear yard of the property.
   2. Any permanent hen shelter must comply with the accessory structure requirements. (Ord. 2012-01, 7-10-2012)

10-2-13: DIAGONAL PARKING:

Diagonal parking will be permitted on any City street located in a C-1 or C-2 Zone so long as the following conditions are met:

A. Size/Marking:
   1. The dimensions of each diagonal parking space shall be at least nine feet by eighteen feet (9' x 18'), and set at an angle of sixty degrees (60°) from the curb.
   2. All diagonal parking spaces must be clearly marked with approved white marking paint, and must be four inches (4") wide.
   3. It is the responsibility of the property owner abutting the diagonal parking spaces to paint and maintain the markings of the parking spaces.

B. Street Width:
   1. The City street where the diagonal parking will be located must be at least sixty feet (60') wide.

C. Setbacks:
   1. Diagonal parking must be set back from any intersection not less than thirty feet (30').
   2. No diagonal parking space is permitted to encroach into a driveway access.
   3. Clear access to any fire hydrant shall be no less than three feet (3') on both sides of the fire hydrant. This clear space shall be striped as a no parking zone. (Ord. 2012-01, 7-10-2012)

10-2-14: FENCES:

All heights of fences will be measured from the ground level.

A. Interior Lots:
   1. Fences in a front yard will have a maximum height of four feet (4').
   2. Side and back yard fences will have a maximum height of six feet (6').

B. Corner Lots:
   1. Corner lot fences must maintain a forty-five degree (45°) clear view triangle on the corner, at a height of no more than four feet (4').
   2. A front yard on a corner lot is the yard that contains the formal public entrance. The height of the fence in the front yard on a corner lot will have a maximum height of four feet (4').
   3. Side and back yard fences will have a maximum height of six feet (6') as long as it does not infringe upon the forty five degree (45°) clear view triangle space.

C. 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)

10-2-15: SPECIFIED PUBLIC UTILITY LOCATED IN A CITY UTILITY EASEMENT

A specified public utility may exercise each power of a public utility under section ____ if the specified public utility uses an easement:

1. With the consent of the city; and
2. That is located within a city utility easement described in subsections ---.

10-2-16: SOLAR ELECTRICITY SYSTEMS

A. The purpose of this section is to allow the use of solar panels within the city as specified in this section.

B. Definitions:

1. SOLAR PANEL: A device that converts light into electricity.
2. COMMERCIAL SOLAR PANEL: A solar panel from which electricity is produced for resale.
3. NON-COMMERCIAL SOLAR PANEL: A solar panel from which electricity is produced for on-site consumption.
4. FREE-STANDING SOLAR PANEL: A solar panel that is not permanently attached to any other structure and one that does not rely upon any other structure for support and/or stability.
5. STRUCTURALLY ATTACHED SOLAR PANEL: A solar panel that is permanently attached to any other structure and one that rlies upon another structure for support and/or stability.

C. Allowed Uses:

Solar installations shall be permitted in all zones subject to all applicable limitations in each respective zone, including but not limited to setbacks, height restrictions, and city building code requirements.

D. Solar Electricity System Installation Requirements:

1. A permit from the city is required prior to installation of any solar electricity system.
2. Free-standing solar panels shall be considered an accessory building and shall be subject to the requirements for such, together will all other building codes and ordinances.

3. Structurally attached solar panels are subject to all applicable building codes and ordinances.

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes required by Utah law
Blue = Changes previously rdiscussed by PC & CC but not yet submitted to CC

CHAPTER 6
R-1 RESIDENTIAL ZONE

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) *See attorney comments on lots and parcels*

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.
   Childcare as defined at 10-1-4 of this title
   Residential accessory uses and structures.
   Long-term rental of dwelling unit for 30 days or longer
   Churches, not including temporary revival tents or buildings.
   Walls and hedges.
   Household pets.
   Accessory buildings
   ~~Machinery sheds used for storage of equipment used in connection with agricultural activities performed on the premises.~~ *NOTE: Public comment desires this be retained; with possible limits on lot size and location*
   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~~. *NOTE: Public comment desires this be retained with possible limits on lot size and location*

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 [to be renumbered] of this title.
   Conditional uses as permitted in section 10-2-4 [to be renumbered] of this title.
   Temporary uses subject to the provisions of section 10-2-6 [to be renumbered] of this title.
   Keeping of chickens ~~(please reference~~ as allowed in section 10-2-8 [to be renumbered] of this title.
   Fences in conformance with section 10-2-10 [to be renumbered].
   Solar panels conforming to section 10-2-___ of this title.

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: *Do we want to treat setbacks on parcels the same or differently?*

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.~~

1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
    a. Where the legal property line of the residential lot is located at the back of street curb or back of pavement and there is no curb, the front setback shall be twenty feet (20') from the front lot line.
    b. Where the legal property line of the residential lot is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot line.
    c. Where the legal property line of the residential lot is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be ten feet (10') from the front lot line.
    d. Where the legal property line of the residential lot line is angular to the roadway and there is less than ten feet (10') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.

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 or parcel: Twenty-four feet (24').
   2. Uneven lot or parcel: 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').

B. Minimum height of a dwelling building:

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)

C. The maximum height of accessory buildings shall be no greater than twenty feet (20') or two stories, whichever is the higher.

D. 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)

10-6-7: 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 or parcel 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) *Does this conflict with Accessory Dwelling Unit? What do we do with this on parcels?*

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, parcel, or building may be sold or leased apart from such lot, parcel, 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 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 or structure 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 [to be renumbered] of this title.

10-6-15: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:
A. 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;
B. No land shall be used for such purposes, except as specifically provided by this title.
C. 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: 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)

10-6-17: 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.

10-6-18: 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.

10-6-19: 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)

10-6-20: 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)

10-6-21: 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 or parcel 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 or parcels, 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)

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

10-6-23: 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)

10-6-24: 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)

Regarding the 1910 townsite question:

The State created definitions are: *(37)"Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.*
(46)"Parcel" means any real property that is not a lot.

The legislature did not attach any retroactivity requirement to any of the affected codes caused by the creation of the definition or the codes they used them in. The lot and parcel definition changes have effects throughout several codes that were modified as well as some that were not but still use those terms. This definition is widely applied to Utah Code 10-9a-6 (et all).

Because the city isn't required to retroactively bring everything into compliance with the new term, the best way to approach it would be as new applications are submitted, or when persons come forward to make changes to their property. There is nothing requiring P&Z to go beyond a forward-looking approach to applying the new term. If the tracts of land don't meet the definition of a lot, then going forward the city should simply consider them parcels. As applications are made, the city can have the owners convert them into lots and be properly recorded. The city may want to look into creating a minor subdivision exemption as allowed under the code 10-9a-605 unless P&Z wants to handle each of them all individually.

For the new questions:

1- This isn't something P&Z should be focused on. The building code is handled in title 9 of Monticello city ordinance. The building inspector (the city contracts with Scott Burton) is responsible for the application of the building code. P&Z should focus on **the uses** in zones as well as any specific provisions such as setbacks, height restrictions, etc. This is governed by title 10 of Monticello City Code. The building code is state mandated for the building type and use and is outside the purview of P&Z. If the zoning allows the use, and meets the required setbacks etc. established by Monticello Code title 10 then the building code and building inspector handle the actual building under Monticello City Code title 9 and the other applicable state ordinances. Monticello City code title 9-1-1 already dictates: *9-1-1: BUILDING CODES ADOPTED: The international building code, the international residential code, the international plumbing code, the international mechanical code, and the international fuel gas code, latest editions, published by the International Code Council, including all attachments and appendix chapters, as adopted and amended by the state of Utah, which have been filed for use and examination by the public in the office of the zoning administrator, are hereby approved and adopted, and shall hereinafter collectively be known as the "building codes" of the city. (Ord. 2004-2, 8-25-2004).* P&Z need simply state that the building code shall be complied with anything else is beyond the scope of Monticello Code title 10. Feel free to define any term that isn't present in Monticello City Code title 10 (such as accessory dwelling unit) to create clarity as to its use in that title to avoid confusion with other titles or chapters of Monticello city code that may use the term differently. At the bottom of this email I have attached several definition examples that we have created or other bodies have created in their codes.

2- The city is not required to have those organizations. If you refer to them, you should define them. They are created for specific purposes to relieve government bodies of being overly encumbered or unable to be responsive to specific needs of local areas. Monticello city is small enough it is still able to handle these without creating special bodies. I believe all current Districts in the area created under 17B, 17C, or 17D are outside Monticello's ability to regulate, I

don't recall off-hand if the airport district for the Monticello airport is an SSD. Local districts are typically the first step an unincorporated area takes to move towards become a town or city. For example, Bluff operated as a local district for years before the vote to incorporate was passed by the voters. It isn't something P&Z should be worried about as I believe the only district within the city's boundaries is the cemetery district which is governed by the county. The health district operates county wide and the mental health district is also governed by the county. There are several special service districts in the county as well, but all operate outside of the city's jurisdiction to regulate.

3- The State modification to the definition 10-9a-505.5 appears to just be a recognition that what constitutes a "family" has changed. Many larger cities prohibited non-married persons from residing in homes, and college towns were notorious for limiting "roommate" situations. Whether the housing shortage spurred this definition change or the State's numerous legal challenges caused the legislature to limit municipalities in this regard is unknown because there wasn't much discussion in the bill passage to give insight into the exact reason why. For municipalities that were more restrictive, this would increase the ability of persons to move into homes together without being related, and alleviate some of the shortage issues. The result is Monticello cannot define "single family" as anything less than 4 unrelated persons in the same home. This is a non-issue for the city because Monticello City code already is in compliance with the State modification. Monticello City code 10-1-4 defines: *FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption living together in a single dwelling unit and maintaining a common household. A family may include four (4), but not more than four (4), persons not related to the family, but living as guests with the residing family. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.* You may wish to remove the language "living as guests" because that doesn't make sense if they are paying rent, and it is unenforceable for the city to prove who is a guest since we don't define guest.

I understand those answers are somewhat long, but I wanted to provide the background context. As always, I am happy to discuss the matters or answer any follow-up questions.

Alex

Some definitions for examples:

ACCESSORY DWELLING UNIT (ADU): A building other than the primary dwelling which is used as a dwelling
on a shared lot with the primary dwelling but is not an internal accessory dwelling unit as defined by State code. It
provides all utilities necessary for human occupation, approved by county board of health, any necessary approvals
from the governing water body, and satisfy building/fire code requirements. An ADU may not exceed 50% of the
primary dwelling square footage, or 1200 square feet, whichever is smaller. Also referred to as, mother-in-dwelling,
caretaker dwelling, etc. Unless specifically permitted an ADU may not be used as a short-term rental.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons,
animals or chattels.

LOCAL DISTRICT: Any entity created under state law – Local Districts, Special Service Districts, and any other
governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something
having a location on the ground.

From: Shalena <shalena@monticelloutah.org>
Sent: Thursday, July 15, 2021 4:49 PM
To: Alex Goble <alex@monticelloutah.org>
Cc: lee <lee@monticelloutah.org>
Subject: Planning Commission Questions

Hi Alex,

I got clarification from Lee on question #4 from last month. She was wondering if the tracts of land within the original 1910 townsite would be considered parcels or lots under the definition changes.

New questions from the Planning Commission.

1. The new definition of **accessory dwelling unit** is not defined in the International Building Code. So the question is: What should be done about conflicts between State code and the International Building Code?
2. Does the City have to include the following definitions the City Code? If so, is the City required to nave these organizations?
    a. **HISTORIC PRESERVATION AUTHORITY**: A person, board, commission, or other body designated by a legislative body to:
        i. Recommend land use regulations to preserve local historic districts or area; and
        ii. Administer local historic preservation land use regulations within a local historic district or area.
    b. **LOCAL DISTRICT**: An entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
3. How are the State's changes to the definition of **single-family unit** in response to the housing shortage?