Planning Commission Meeting

Tuesday, December 7, 2021 at 6:30 pm

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

Meeting Location: 17 N 100 E

1. **Call to Order**
2. **Minutes Review/Approval**

   Attachments:

   - **2021-11-04 Planning Commission Minutes Draft** (2021-11-04_Planning_Commission_Minutes_Draft.pdf)
   - **2021-11-16 Planning Commission Minutes Draft** (2021-11-16_Planning_Commission_Minutes_Draft.pdf)

3. **Public Comment**
4. **Review City Attorney's Recommended Changes to Title 10 Chapter 1 General Provisions (discussion)**

   The Planning Commission will review City Attorney Alex Goble's recommended changes to Title 10 Chapter 1 zoning ordinances. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

   - **Alex Goble 2021 10 Ch 1 v3- reviewed with comments pdf** (Alex_Goble_2021_10_Ch_1_v3-_reviewed_with_comments_pdf.pdf)

5. **Review City Attorney's Recommended Changes to Title 10 Chapter 2 Supplementary Requirements and Procedures Applicable Within Zones (discussion)**

   The Planning Commission will review City Attorney Alex Goble's recommended changes to Title 10 Chapter 2 zoning ordinances. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

   - **Alex Goble 2021 10 Ch 2 v3 reviewed with comments pdf** (Alex_Goble_2021_10_Ch_2_v3_reviewed_with_comments_pdf.pdf)

6. **Review Monticello City Code Title 10 Chapter 8 C-1 Commercial (discussion)**

   The Planning Commission will review C-1 Commercial zoning ordinance updates. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

- **Title 10 Ch 8 120421** (Title_10_Ch_8_120421.docx)

7. **Review Monticello City Codes Title 10 Chapter 9 C-2 Light Commercial (discussion)**
   The Planning Commission will review C-2 Light Commercial zoning ordinance updates. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

   - **Title 10 Ch 9 120421** (Title_10_Ch_9_120421.docx)

8. **Review Monticello City Code Title 10 Chapter 5 A-1 Residential-Agricultural Zone (discussion)**
   The Planning Commission will review A-1 Residential-Agricultural zoning ordinance for updates. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

   - **A-1 Residential-Agricultural Zone** (A-1_Residential-Agricultural_Zone.pdf)

9. **Review Monticello City Code Title 10 Chapter 10 I-1 Industrial Zone (discussion)**
   The Planning Commission will review I-1 Industrial zoning ordinance for updates. The suggested changes will be submitted to the Monticello City Council. There will be public hearings scheduled in the future; the final decision will be made by the Council.

   Attachments:

   - **I-1 Industrial Zone** (I-1_Industrial_Zone.pdf)

10. **Administrative Communications**
11. **Next Meeting Agenda**
12. **Adjournment**

Audio File

https://soundcloud.com/user-250815044/2021-12-08-planning-commission-meeting?si=6f2da59714194c93bee5008afac22210&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing

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

Planning Commission Meeting

Minutes

Thursday, November 4, 2021 at 6:30 pm

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

Meeting Location: 17 N 100 E

1. **Call to Order**

   Minutes:
   Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:32 p.m. No visitors were present.

2. **Minutes Review/Approval**

   Minutes:
   MOTION was made by Commissioner Mary Cokenour to approve the minutes, as presented. The motion was seconded by Commissioner Robert Christensen and passed unanimously.
   Vote results:
   Ayes: 4 / Nays: 0

3. **Public Comment**

   Minutes:
   There was no public comment.

4. **Review Monticello City Codes Title 10 Chapter 8 C-1 Commercial and Chapter 9 C-2 Light Commercial Combination (discussion)**

   Minutes:
   The Commission reviewed the commercial zoning code. Commissioner Matocha stated that the preamble to the code talks about pursuing developmental business, yet the permitted uses don’t reflect that pursuit by allowing residential. He said C-1 commercial should be more of a business district which is centrally located in town to allow for more walk-in services that generate sales tax revenue. There was discussion about removing residential as a permitted use in commercial zoning and requiring a conditional use permit for the existing residents with the idea of those properties being converted to commercial use in the future. Chairperson Bennett explained that the changes would redefine the uses of commercial zoning rather than changing the

zoning map. The Planning Commission decided to work on compiling a list of businesses that would be appropriate in the C-1 and C-2 commercial zones.

5. **Administrative Communications**

Minutes:
Recorder Black said that she was continuing to receive building permit applications and inquiries regularly.

6. **Next Meeting Agenda**

Minutes:
Continue discussion of C-1 and C-2 commercial zones.

7. **Adjournment**

Minutes:
MOTION was made by Commissioner George Matocha to adjourn the meeting at 8:17 p.m. The motion was seconded by Commissioner Mary Cokenour and passed unanimously.
Vote results:
Ayes: 4 / Nays: 0

Audio File

https://soundcloud.com/user-250815044/2021-11-04-planning-commission-meeting?si=a6ace2c6d9034722a0b4688bdbe57d6e

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Planning Commission Meeting

Minutes

Tuesday, November 16, 2021 at 6:30 pm

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

Meeting Location: 17 N 100 E

1. **Call to Order**

   Minutes:
   Chairperson Bennett opened the regularly scheduled Planning Commission Meeting at 6:32 p.m. The following visitors were present: Kim Henderson and Alex Goble.

2. **Public Comment**

   Minutes:
   No public comment

3. **Review Monticello City Codes Title 10 Chapter 8 C-1 Commercial and Chapter 9 C-2 Light Commercial Combination (discussion)**

   Minutes:
   Chairperson Bennett explained how the updates to residential zoning codes lead to needed updates in the other zoning codes and to better implement the General Plan, updates were needed in the commercial zoning codes. The Planning Commission discussed in their last meeting the possibility of adding a centralized business area in the commercial zone. The business area would be more focused on businesses that generate sales tax revenue. The intention of the Commission was to relabel the areas without changing the zoning map. Each Planning Commission member shared a list of businesses they would like to see included in the commercial zone. They concluded that some of the current permitted uses would need to be moved to the industrial zone. City Attorney Goble said most municipalities require industrial uses to go through the conditional use process. He encouraged the Commission to look for what type of industrial uses would be permitted without having a conditional use permit. Manager Bolt expressed his concerns with having a central business district. He explained that 25 households would be disenfranchised by doing so and didn't see the city growing by a substantial amount to need a business district. City Attorney Goble said he feels the City is already in compliance with the General Plan, and could include more flexibility if C-1 and C-2 were combined. Even if the Commission didn't

combine the two commercial zones, the list of permitted uses should be generous. The question of conditional uses was brought up. City Attorney Goble explained to the Commission that a conditional use runs with the land and not the owner and would be mandatory for the City to grant without a specific reason not to. It was decided to not require conditional uses for residents in commercial zones. There was discussion about necessary updates to the government, agriculture, and industrial zoning codes. Chairperson Bennett volunteered to work on the commercial zoning codes and present it to the Commission at the next meeting.

4. **Administrative Communications**

Minutes:
There was discussion about moving forward with the public hearings concerning the code changes. City Attorney Goble recommended that the Commission present all the changes at one public hearing to avoid confusion.
Chairperson Bennett asked about funding for affordable housing. Manager Bolt said an assessment would have to be done first to help begin the process and could be more focused on in 2022.

5. **Next Meeting Agenda**

Minutes:
The Commission will continue to review permitted uses in C-1 and C-2 commercial zoning codes and begin reviewing agricultural, industrial, and governmental codes. Subdivision application.

6. **Adjournment**

Minutes:
MOTION was made by Commissioner Mary Cokenour to adjourn the meeting at 9:18 p.m. The motion was seconded by Commissioner George Matocha and passed unanimously.
Vote results:
Ayes: 3 / Nays: 0

Audio File

https://soundcloud.com/user-250815044/2021-11-16-pcmp3?si=26b987e90cda43709daca9b15a341854

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DRAFT

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Red = Changes necessitated by Utah laws
Blue = Reorganization to make code easier to administer

CHAPTER 1
GENERAL PROVISIONS

SECTION:

10-1-1: Title, Intent And Purpose
10-1-2: Declaration
10-1-3: Interpretation
10-1-4: Definitions
10-1-5: Conflict
10-1-6: Severability
10-1-7: Responsibility For Violations
10-1-8: Penalty
10-1-9: Temporary Land Use Regulations

10-1-1: TITLE, INTENT AND PURPOSE:

A. This title shall be known as, and shall be entitled the AMENDED ZONING ORDINANCE OF THE CITY OF MONTICELLO, UTAH, dated July 10, 2012, and may be so cited and pleaded.

Commented [AG1]: This will need to be matched to whatever date it gets approved.

B. It is the intent and purpose of the city council of Monticello, Utah, to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

1. To encourage and facilitate orderly growth and development in the area;
2. To promote safety from fires, floods, traffic hazards and other dangers;
3. To promote sanitation and health of the inhabitants;
4. To discourage undue scattering of population and unnecessary expenditures of the monies for excessive streets, water and sewer lines, and other public requirements;
5. To stabilize and improve property values;
6. To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions;

7. To promote a more attractive and wholesome environment. It is also the intent and purpose of the city council of Monticello that the regulations and restrictions as set forth in this title shall be so interpreted and construed as to further the purposes of this title. (Ord. 2012-01, 7-10-2012)

10-1-2: DECLARATION:

In establishing the zones, the boundaries thereof and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses and to the character of the zone with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 2012-01, 7-10-2012)

10-1-3: INTERPRETATION:

A. In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

B. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with, abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, the provisions of this title shall control. (Ord. 2012-01, 7-10-2012)

10-1-4: DEFINITIONS:

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

ACCESSORY BUILDING: See BUILDING, Accessory

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who:

A. Owns real property adjoining the property that is the subject of a land use application of land use decision; or
B. Will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AFFECTED ENTITY: A county, municipality, local district, ~~independent~~ special district under ~~Utah Code Annotated Title 17B; title 11, chapter 13~~,Title 17D, Chapter 1, Special

Service District Act, school district; interlocal cooperation ~~act~~entity established under Title 11, Chapter 13, Interlocal Cooperation Act; specified public utility; a property owner; ~~a~~ property owners' association; or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under ~~state statute~~ this chapter.

AFFECTED OWNER; The owner of real property that is:

A. A single project;
B. The subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-60(5)(a); and
C. Determined to be legally referable under Section 20A-7-602.8.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of crops on the premises.

APARTMENT HOUSE (MULTIPLE DWELLING): Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

APPEAL AUTHORITY: "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Commented [AG2]: Changed to match state code.

APPROVED WATER SYSTEM, PUBLIC WATER SYSTEM: The Monticello city water system.

BOARD OF ADJUSTMENT: The person or body designated by ordinance to decide an appeal of a decision of a land use application or a variance according to Title 2, Chapter 2 of city code.

BUILDABLE AREA: That portion of a lot or parcel which will fit the construction of a structure under the provisions of the building codes adopted by the city and this title, either without grading and excavation or with grading and excavation, as specified in this title.

BUILDING: Any structure built for the support, shelter or enclosure of a person, animals, chattels or property of any kind.

A. Building, Accessory: A subordinate building, the use of which is incidental to that of the main building.
B. Building Line: A line designating the minimum distance which buildings must set back from a street or lot or parcel line.
C. Building, Main: The principal building ~~or buildings~~ upon a lot or parcel.

CARPORT: A structure for the shelter of automobiles that is not completely enclosed by walls.

CHARTER SCHOOL:

A. An operating charter school;
B. A charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
C. An entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

A Charter School does not include a therapeutic school.

CHILDCARE: Tending of children by family members or friends for which no compensation is received. Other Childcare services exempt from state regulation as specified in applicable Utah Code or Utah Administrative Code.

CITY ENGINEER: Until such time as the city hires a permanent registered engineer, the city engineer shall be a licensed surveyor, a registered engineer, or an engineering firm as designated by the city council on either a retainer or per job basis.

CIVIL ENGINEER: A professional engineer registered in the state of Utah to practice in the field of civil engineering work.

CLINIC: A building used for the diagnosis and treatment of ill, infirm, and injured persons which does not provide board, room or regular hospital care and services.

CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but not including any building used principally to render a service usually and ordinarily carried on as a business.

COMMON AREA: An area designed to serve two (2) or more dwelling units which have convenient access to the area.

COMPREHENSIVE PLAN: A coordinated plan which has been prepared and adopted for the purpose of guiding development, including, but not limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

CONDITIONAL USE: A land use that, because of ~~its~~ the unique characteristics or potential impact of the land use on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or
B. Utah Constitution Article I, Section 22.

CONVALESCENT HOME: See definition of Rest Home, Nursing Home, Convalescent Home.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

CURB CUT: A cut in the curb line for the passage of vehicles.

CUT: A process of excavation. See definition of Excavation.

DAYCARE, NURSERY, PRESCHOOL: A home or building in which children are tended or kept for compensation, and any similar use for which the State requires a license. Does not include overnight accommodations for children, as in a foster home or an orphanage.

DENSITY: Density of population, measured by the number of dwelling units per acre of land.

DESIGNATED FLOOD HAZARD AREA: Zone A on the flood hazard boundary map issued by the federal insurance administration for this community, dated December 24, 1976, with panel number H-01-02, community number 490212, and any officially published revision to this map.

DETACHED STRUCTURE: Any structure being secondary to the primary use of the parcel (i.e., a garage, storage sheds, barns, coops, etc.).

DEVELOPMENT ACTIVITY:

A. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
B. Any change in use of a building or structure that creates additional demand and need for public facilities; or

C. Any change in the use of the land that creates additional demand and need for public facilities.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use of development of a specific area of land. A development agreement does not include an improvement completion assurance.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 or the Controlled Substances Act, 21 U.S.C. 802.

DRIVE-IN RETAIL: Any form of merchandising, serving or dispensing of goods in which the customer is served while in an automobile.

DWELLING: A building or portion of a building consisting of one or more rooms, a kitchen or cooking facility, and an independent water closet and bathing facility.

A. Accessory Dwelling Unit: A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
   1. Internal Accessory Dwelling Unit: An accessory dwelling unit created
      a. Within a primary dwelling;
      b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
      c. For the purpose of offering a long-term rental of 30 consecutive days or longer.
B. Dwelling, ~~Bachelor's,~~ Rooming House: A dwelling unit which is occupied by four (4) or more nonrelated adults and which lacks a kitchen or cooking facilities.
C. Dwelling, Caretaker's: A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.
D. Dwelling, Conventional: A dwelling which is constructed in compliance with the provisions of the building codes adopted by the city.
E. Dwelling, Primary: A single-family dwelling that is
   1. Detached, and
   2. Occupied as the primary residence of the owner of an internal accessory dwelling unit.

A. Dwelling, Multiple-Family: A building containing three (3) or more separate dwelling units, each of which is designed for or occupied by one family.
B. Dwelling, Single-Family: A building containing one dwelling unit which is designed for or occupied by one family.

Commented [AG3]: I would suggest a more specific definition such as: *A building designed or used for residential occupancy, including one-family, two-family, multi-family, manufactured homes, modular homes, and apartment structure; but shall not include boarding, rooming or lodging houses, tents, trailers, RV's, mobile home parks, motels, motor courts, motor lodges, cottage camps, or any short-term rentals or uses primarily for transient residential uses.*

Commented [AG4]: Move this to be a stand-alone definition rather than as a subset of standard ADU's. City's can still regulate standard ADU's without running afoul of Utah Code Ann. 10-9a-530. Where it is a subset, it could cause some confusion between the two definitions.

Commented [AG5]: Is this a needed definition or just a holdover from the older ordinance?

Commented [AG6]: Not sure if this definition serves a purpose, and it confuses the general definition of a dwelling.

C. Dwelling, Two-Family: A building containing two (2) separate dwelling units, each of which is designed for or occupied by one family.

D. Dwelling, Rental: A dwelling used or designated for use as a residence by one or more persons and designated or built to be rented, loaned, leased, or hired out.

1. Long-term Rental Unit: Available for a period of 30 consecutive days or longer.
2. Short-term Rental Unit: Available for a period of no more than 30 consecutive days.

E. Boarding House, Lodging House, Bed and Breakfast: A building containing not more than one kitchen where for compensation meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis as distinguished from a motel, cafe, or rooming house.

F. Live-Work Unit: A dwelling unit that is part of a commercial building and

1. Is located behind or above the commercial floor space of the building;
2. Has its own utility connections separate from the commercial use;
3. Has its own entry separate from the commercial space; and
4. Conforms to applicable building codes for use as a dwelling.

EASEMENT: A land use right offered for a specific purpose or use over, upon, or beneath the land; its location and extent being accurately described in the letting process or by separate document using metes and bounds; distinct from land ownership and granted to the public, a particular party or public utility.

EDUCATIONAL FACILITY: A school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; A structure or facility that is:

A. Located on the same property as a building described as an educational facility; and
B. Used in support of the use of that building;
C. A building or provide office and related space to a school district's administrative personnel;

An educational facility does not include land or structure including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is

A. Not located on the same property as the building described as an educational facility; and
B. Used in support of the purposes of a building described as an educational facility

An educational facility does not include a therapeutic school

EXCAVATION: Any act by which vegetation matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting from it.

Commented [AG7]: State code definition is : (1) ... [1]

Commented [AG8]: Remove this definition as a subset of dwelling, rental. Short term rentals are not dwellings as understood by title 10 of the Utah code. Dwelling under title 10 all contemplate occupancy greater than 30 days by the same person/family/group of people.
As presently drafted this definition places short-term rentals under standard rental dwelling rules and that would allow hotels to build in any place that allows dwellings. I would suggest a broader definition such as: *The renting of any structure or building for the purpose of overnight occupancy for a period less than 30 days by the renter*
This was the basis of much debate at the last legislative session which is why Internal Accessory Dwelling units still allow prohibition as short term rentals because short-term rentals are not dwellings.
I would suggest structure being in the definition because there are a lot of crazy ideas that could try to creep in by using tents, domes, etc. For example there is a short-term rental website where you rent an empty plot of land with an affixed tent on it as a short-term rental etc. So many variations of the same thing requires a broad definition to capture all the things out there. ... [2]

Commented [AG9]: I would suggest adding to the end of this definition that these are considered short-term rentals if rented for less than 30 days.

FACILITY: A public service developed, owned and maintained by the city (i.e., water, sewer, etc.).

FAMILY: Related individuals living together in a single dwelling unit and maintaining a common household.

A. A family may include four (4), but not more than four (4), persons not related to the family.
B. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

Commented [AG10]: FAMILY: An individual or two (2) or more persons related by law, blood, marriage or adoption, or up to four (4) unrelated persons, living together in a single dwelling unit and maintaining a common household.

FENCE, SIGHT OBSCURING: A fence having a height of six feet (6') or more above grade, which permits vision through less than ten percent (10%) of each square foot that is more than eight inches (8") aboveground.

FILL: A deposit of earth material by artificial means.

FINAL PLAT: A permanent map or chart, accurately describing a division of land which has been surveyed and marked on the ground so that streets, blocks, lots and other divisions may be identified and located.

FINAL PLAT, RECORD OF SURVEY MAP: A plat or plats of survey of land within a subdivision or other large scale development which has been prepared in accordance with applicable city standards and/or state statutes for the purpose of recording in the office of the county recorder.

FIRE AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

FLOOD PLAIN: Land that

A. Is within the 100-year flood plain designated by the Federal Emergency Management Agency, or
B. Has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

FLOOR AREA: The floor area of a building is the sum of the areas of headroom height on all floors of the building, including basements, mezzanines and penthouses, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied structures such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

FOSTER HOME: A family dwelling that includes the care of non-related persons and is operated under state certification, license, or permit.

FRACTIONAL NUMBERS OF MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

GENERAL PLAN: A document that a municipality adopts that sets forth general guidelines for proposed future development of land within the municipality.

GEOLOGIC HAZARD: Includes

A. A surface fault rupture;
B. Shallow groundwater;
C. Liquefaction;
D. A landslide;
E. A debris flow;
F. Unstable soil;
G. A rock fall; or
H. Any other geologic condition that presents a risk:
    1. To life;
    2. Of substantial loss of real property; or
    3. Of substantial damage to real property.

GRADE: The top of the foundation or stem wall must be a minimum of one foot (1') higher than the top of the curb. Grade shall be determined by:

A. For buildings fronting one street only, the elevation of the top of the curb, at right angles to the midpoint of the foundation.
B. For buildings fronting more than one street, the average of the elevations of the top of the curb, at right angles to the midpoint of the foundation.

GRADING: Any excavating or filling, or combination thereof, and shall include the conditions resulting from any excavation or fill.

HARD SURFACE: Hard surface is limited to concrete or asphalt only. Hard surface specifications are as approved by the city.

HEIGHT OF BUILDING: The vertical distance from the average grade to top of the building walls.

HILLSIDE AREA: Any lot or parcel with an average slope greater than eight percent (8%).

HOME OCCUPATION: Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

HOOKUP FEE: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

IDENTICAL PLANS: Building plans submitted to a municipality that:

A. Are clearly marked as "identical plans";
B. Are substantially identical to building plans that were previously submitted to and reviewed and proved by the municipality; and
C. Describe a building that (1) Is located on land zoned the same as the land on which the building described in the previously approved plan is located; (2) Is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans; (3) Has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and (4) Does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under state Title 11, Chapter 36a, Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

A. Recording a subdivision plat; or
B. Development of a commercial, industrial, mixed use, or multi-family project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

A. Complies with the municipality's written standards for design, materials, and workmanship; and
B. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period

A. No later than one year after a municipality's acceptance of required landscaping; or

B. No later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
   1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
   2. Has substantial evidence, on record:
      a. Of prior poor performance by the applicant; or
      b. That the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that:

A. Is required for human occupation; and
B. An applicant must install
   1. In accordance with published installation and inspection specifications for public improvements; and
   2. Whether the improvement is public or private, as a condition of:
      a. Recording a subdivision plat;
      b. Obtaining a building permit; or
      c. Development of a commercial, industrial, mixed us, condominium, or multi-family project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that:

A. Runs with the land; and
B. Creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
C. Designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INTERVENING PROPERTY: Property located between an existing service facility and the property under development.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris and tires, construction waste, waste, iron, steel, and other old or scrap ferrous or nonferrous materials in sufficient quantity to pose a public health or safety hazard, or to be aesthetically unattractive, and shall also include inoperable, unlicensed, junked, dismantled, or wrecked automobiles, or parts thereof.

JUNKYARD: A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of

salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: Land or buildings used in the keeping of four (4) or more dogs over four (4) months old.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: ~~An application that is required by the municipality's land use code.~~ An application that is:

A. Required by the municipality; and
B. Submitted by a land use applicant to obtain a land use decision; and
C. Does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: A person, board, commission, agency, or ~~other~~ body, including the city council, designated by the city council to act upon a land use application; or if the city council has not designated a person, board, commission, agency, or body, then the city council itself.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding:

A. A land use permit;
B. A land use application; or
C. The enforcement of a land use regulation, land use permit, or development agreement.

~~LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.~~

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE PLAN: A plan adopted and maintained by the City Council which shows how the land should be used; an element of the master plan.

LANDSCAPE PLAN, PLANTING PLAN: A plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee or rule that governs the use or development of land including the adoption or amendment of a zoning map or the text of the zoning code. A Land Use Regulation does not include:

A. A land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
B. A temporary revision to an engineering specification that does not materially (1) Increase a land use applicant's cost of development compared to the existing specification; or (2) Impact a land use applicant's use of land.

LANDSCAPING: The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, artworks, screens, walls, fences, benches or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representative.

LEGISLATIVE BODY: The city council.

LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

LIVING OPEN SPACE: That portion of the yard on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space, and landscaping.

LODGING HOUSE: See definition of Boarding House, Lodging House.

~~LOT: A single parcel or tract of land.~~

~~A. A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a subdivision recorded in the office of the San Juan County recorder; or~~
~~B. A parcel of land, the dimensions or boundaries of which are defined by record in the office of the San Juan County recorder.~~

LOT: 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.

A. Lot, Corner: A lot situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
B. Lot, Interior: A lot other than a corner lot.
~~C. Lot Of Record: A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot~~
D. Lot, Area: The total area measured on a horizontal plane included within the lot lines of the lot ~~or parcel of land~~.

E. Lot, Width: The distance across a lot of property, measured along a line parallel to the front lot line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

~~F. Lot, Zoning: A parcel tract of land which~~

~~A. Complies with all existing area frontage, width, and supplementary requirements of the zone in which it is located; and~~

~~B. Has frontage on a city street, which street has been accepted by the city council and has been improved in accordance with city standards and is in use by the public; and~~

~~C. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinances.~~

LOT LINE ADJUSTMENT: A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with state Section 10-9a-608:

A. Whether or not the lots are located in the same subdivision; and
B. With the consent of the owners of record.

Lot Line Adjustment does not mean a new boundary line that

A. Creates an additional lot; or
B. Constitutes a subdivision.

Lot Line Adjustment does not include a boundary line adjustment made by the Department of Transportation.

MANUFACTURED HOME: ~~A dwelling unit which meets the building code for permanent structures designed to be transported after fabrication and which is ready for occupancy as an independent unit except for connection to utilities and location on a foundation.~~ A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Art (HUD Code), in one or more sections, that:

A. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and
B. Is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MAJOR TRANSIT INVESTMENT CORRIDOR: Public transit service that uses or occupies:

A. Public transit right-of-way;
B. Dedicated road right-of-way for the use of public transit, such as a bus rapid transit; or
C. Fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (1) A public transit district as defined in Section 17B-2a-802; or (2) An eligible political subdivision as defined in Section 59-12-2219.

METES AND BOUNDS: The description of a lot or parcel of land by courses and distances.

~~MOBILE HOME: A dwelling unit designed to be transported, after fabrication, on its own wheels or on detachable wheels, and which is ready for occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation. The term "mobile home" includes both single and double wide sizes, but shall not include conventional houses which are manufactured elsewhere and moved into an area for use as permanent housing.~~

MOBILE HOME: A transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Art (HUD Code).

MOBILE HOME PARK: An area or tract of land used to accommodate mobile homes, regulations and standards for which are found under chapter 13 of this title.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

MODULAR UNIT: A structure:

A. Built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and
B. The purpose of which is for human habitation, occupancy, or use.

MUNICIPAL UTILITY EASEMENT: An easement that:

A. Is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
B. Is not a protected utility easement or a public utility easement as defined in state Section 54-3-27;
C. The municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data line;
D. Is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
E. Is Used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or
F. Is described in state Section 10-9a-529 and is used by a specified public utility.

NATURAL STATE: The description of a lot or parcel of land by courses and distances.

NOMINAL FEE: A fee that reasonably reimburses a municipality only for time spent and expenses incurred in

A. Verifying that building plans are identical plans; and
B. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

NONCOMPLYING STRUCTURE: A structure that:

A. Legally existed before ~~its~~ the structure's current land use designation; and
B. Because of one or more subsequent land use ordinance changes, does not conform to setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING BUILDING: A building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed on the effective date hereof.

NONCONFORMING USE: A use of land that:

A. Legally existed before its current land use designation;
B. Has been maintained continuously since the time the land use ordinance ~~regulation~~ governing the land changed; and
C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

OFF SITE IMPROVEMENTS: Improvements, as required by this title, installed outside the perimeter of the subdivision which are designed and located to serve the needs of the subdivision or adjacent properties, lying between the subdivision and existing improvements.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that

A. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
B. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
C. Has been adopted as an element of the municipality's general plan.

ON-SITE IMPROVEMENTS: Improvements, as required by this title, installed within or on the perimeter of the subdivision or development site.

OVERSIZED IMPROVEMENTS: Improvements with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development.

PARCEL: ~~See definition of Lot~~. Any real property that is not a lot.

A. Parcel, Corner: A parcel situated at a junction of two (2) city streets or situated on a curved street or way, the radius of which is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.
B. Parcel, Interior: A parcel other than a corner parcel.
C. Parcel, Area: The total area measured on a horizontal plane included within the parcel lines of the parcel.
D. Parcel, Width: The distance across a parcel of property, measured along a line parallel to the front parcel line, or parallel to a straight line, connecting the ends of an arc which makes up the front lot line.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

A. None of the property identified in the agreement is a lot; or
B. The adjustment is to the boundaries of a single person's parcels.

Parcel Boundary Adjustment does not mean an adjustment of a parcel boundary line that:

A. Creates an additional parcel; or
B. Constitutes a subdivision.

A Parcel Boundary Adjustment does not include a boundary line adjustment made by the Department of Transportation.

PARKING SPACE: Spaces within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than eighteen feet (18') in length and nine feet (9') in width. Exception: Spaces reserved for the disabled will be no less than twenty feet (20') in length and thirteen feet (13') in width.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by a municipality's legislative body that includes:

A. An estimate of the existing supply of moderate income housing located within the municipality;
B. An estimate of the need for moderate income housing in the municipality for the next five years;
C. A survey of total residential land use;
D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

E. A description of the municipality's program to encourage an adequate supply of moderate income housing.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of land that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

POTENTIAL GEOLOGIC HAZARD AREA: An area that

A. Is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
B. Has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

PRELIMINARY PLAT: A map or plan of a proposed land division, prepared in accordance with the regulations of this title.

PRIVATE DRIVE: An accessway from a city street or highway to private land that does not front a city street or highway. A private drive is owned and maintained by the landowner.

PUBLIC AGENCY: The federal government, state, county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under ~~Utah Code Annotated title 52, chapter 4, open and public meetings act~~. Title 52, Chapter 4, Open and Public Meetings Act.

PUBLIC STREET: A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public land, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

RECEIVING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

RECREATIONAL VEHICLE:

A. A vehicle, with or without self- power, maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes, and having a width of ten feet (10') or less;
B. Off highway vehicle (OHV), including, but not limited to, all-terrain vehicle (ATV), side by side utility task vehicle (UTV), recreational off highway vehicle (ROV), golf cart, and the trailer used to transport such vehicle;
C. Boat, other than canoe or kayak, and the trailer used to transport it.

Commented [AG11]: I would suggest: *"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle. "Recreational vehicle" includes: a travel trailer; a camping trailer; a motor home; a fifth wheel trailer; park model home RV; and a van designed for overnight use.*

That is the definition from Utah Code Title 13.

RECREATIONAL VEHICLE PARK: A minimum three (3) acre area or tract of land used to accommodate two (2) or more recreational vehicles.

REMOVAL: The killing of vegetation by spraying, complete extraction or cutting of such vegetation to the ground, or down to trunks or stumps.

~~RESIDENTIAL ACCESSORY STRUCTURE: A building or other structure which is incidental to and which is constructed on the same zoning lot as the dwelling for the exclusive use of the residents of such dwelling including, but not limited to, a detached garage or carport for not more than three (3) automobiles, swimming pools, pergolas, tennis courts, and private greenhouses.~~

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence

A. In which more than one person with a disability resides; and
B. Which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
C. Which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

RESIDENTIAL UNIT: A residential structure or any portion of a residential structure that is occupied as a residence.

REST HOME, NURSING HOME, CONVALESCENT HOME, ASSISTED LIVING HOME: A building for the care and keeping of elderly or infirm people ~~afflicted with infirmities or chronic illness~~.

RESUBDIVISION: The changing or amending of any existing lot or lots of any subdivision plat previously recorded in the records of the county recorder as provided in section 11-2-6 of this code.

RETENTION BASIN: An area recessed or designed to receive and retain stormwater discharge or runoff.

RIPRAP: A loose assemblage of broken stone placed on the surface of the ground to prevent erosion.

ROUGH GRADE: The state of excavation at which grading is within four inches (4") of the final grade as shown on the approved grading plan.

RULES OF ORDER AND PROCEDURE: A set of rules that govern and prescribe in a public meeting:

A. Parliamentary order and procedure;
B. Ethical behavior; and
C. Civil discourse.

SALVAGE YARD: See definition of Junkyard.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SENDING ZONE: An area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

SETBACK: The shortest distance between the property line and the foundation wall, or main frame of the building.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole.

A. Sign, Accessory: An on premises sign which directs attention to a business or profession.
B. Sign, Area Of: The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.
C. Sign, Nonaccessory; Billboard ~~: An off premises sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere and only incidentally on the premises, if at all.~~: A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

SINGLE-FAMILY LIMIT: No more than four (4) unrelated individuals may occupy each residential unit that is recognized by the City in a zone permitting occupancy by a single family.

SITE: Any lot or parcel of land.

SKETCH PLAN: A preliminary map or preapplication plat, showing the concept of the proposed development or subdivision, having sufficient detail to illustrate on site characteristics of the proposed subdivision and adjacent parcels.

SPECIAL DISTRICT: Any entity established under the authority of Utah Code Annotated title 17B, special districts, and any other governmental or quasi-governmental entity that is not a county, municipality, or school district.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1 of Utah Code.

STATE: Any department, division, or agency of the state.

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct or other way, for the movement of vehicular traffic which is an existing state, county, or city roadway, or a street or way shown upon a plat, formerly approved, pursuant to law, or approved by official action; and includes the land between street lanes, whether improved or unimproved and may comprise pavement, shoulders, gutter, sidewalks, parking areas, and other areas within the right of way. For the purpose of this title, streets shall be classified as follows:

A. City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.
B. Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.
C. Dead End: A street open at one end with no turnaround.
D. Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:
    1. Into, out of, or throughout the regional area (interregion); and
    2. From one political subdivision of the region to another, or from an interregional highway.
E. Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot or parcel will not have direct access to the major street.
F. Stub: A street or road extending from within a subdivision and which terminates at the subdivision boundary with no provision for a vehicular turnaround. Stub streets are normally required to connect to street systems of adjacent developments.

STREET RIGHT OF WAY: That portion of land dedicated to public use for street and utility purposes.

SUBDIVIDER: Any person or legal entity laying out or making a land division for the purpose of sale, offering for sale or selling for himself or others, any subdivision or any part of it.

SUBDIVISION: ~~Includes:~~ Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, ~~parcels, sites, units, plots,~~ or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

"Subdivision" includes:

A. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

B. Except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Subdivision" does not include:

A. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

B. ~~A recorded~~ A boundary line agreement recorded with the county recorder's office between owners of adjoining ~~unsubdivided properties~~ parcels adjusting ~~their~~ the mutual boundary ~~if: 1) no new lot is created; and 2) the adjustment does not violate applicable land use ordinances;~~ in accordance with Section 10-9a-524 if no new parcel is created.

C. A recorded document, executed by the landowner of record: (1) revising the legal ~~description of more than one contiguous unsubdivided parcel of property~~ descriptions of multiple parcels into one legal description encompassing all such parcels ~~of property~~; or (2) joining a ~~subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances~~ lot to a parcel;

D. A ~~recorded~~ boundary line agreement between owners of adjoining subdivided properties adjusting ~~their~~ the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if: (1) no new dwelling lot or housing unit will result from the adjustment; and (2) the adjustment will not violate any applicable land use ordinance; ~~or~~

E. A bona fide division ~~or partition~~ of land by deed or other instrument ~~where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels~~ if the deed or other instrument states in writing that the division

   1. Is in anticipation of future land use approvals on the parcel or parcels;
   2. Does not confer any land use approvals, and
   3. Has not been approved by the land use authority.

F. A parcel boundary adjustment;

G. A lot line adjustment;
H. A road, street, or highway dedications plat;
I. A deed or easement for a road, street, or highway purpose; or
J. Any other division of land authorized by law.

~~The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.~~

SUBDIVISION AMENDMENT: An amendment of a recorded subdivision in accordance with Section 10-9a-608 that:

A. Vacates all or a portion of the subdivision;
B. Alters the outside boundary of the subdivision;
C. Changes the number of lots within the subdivision;
D. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
E. Alters a common area or other common amenity within the subdivision

SUBSTANTIAL EVIDENCE: Evidence that (1) is beyond a scintilla and (2) a reasonable mind would accept as adequate to support a conclusion.

SUSPECT SOIL: Soil that has

A. A High susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
B. Bedrock units with high shrink or swell susceptibility; or
C. Gypsiferous silt and caly, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

THERAPEUTIC SCHOOL: A residential group living facility

A. For four or more individuals who are not related to
   1. The owner of the facility or
   2. The primary service provider of the facility;
B. That serves students who have a history of failing to function:
   1. At home,
   2. In a public school, or
   3. In a nonresidential private school; and
C. That offers room and board, and
   1. An academic education integrated with a specialized structure and supervision; or
   2. Services or treatment related to a disability, emotional development, behavioral development, familial development, or a social development.

TRANSFERABLE DEVELOPMENT RIGHT: A right to develop and use land that originates by an ordinance and authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

UNINCORPORATED: The area outside of the incorporated area of a city or town.

VARIANCE: A waiver of specific regulations of this title granted by the board of adjustment in accordance with the provisions set forth in this code.

VICINITY PLAN: A map or chart, showing the relationship of streets and land within a proposed subdivision to the streets and lands in the surrounding area.

WATER INTEREST: Any right to the beneficial use of water, including

A. Each of the rights listed in Section 73-1-11; and
B. An ownership interest in the right to the beneficial use of water represented by (1) a contract or (2) a share in a water company, as defined in Section 73-3-3.5.

YARD: An open space on the same lot or parcel as a building, said space being unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

A. Yard, Front: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding nonenclosed steps. On a corner lot or parcel, the front yard may be applied to either street.
B. Yard, Rear: The area between the rear line of the building (exclusive of steps) and the rear lot or parcel line, and extending for the entire width of the lot or parcel. In case of a corner lot or parcel where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.
C. Yard, Required: The open space around buildings which is required by the terms of this title.
D. Yard, Side: A yard between the building and the side line of the lot or parcel, and extending from the front yard to the rear yard. (Ord. 2012-01, 7-10-2012; amd. Ord. 2016-6, 6-28-2016)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

10-1-9: TEMPORARY LAND USE REGULATIONS

A. **The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the city if:**
   1. **The City Council makes a finding of compelling, countervailing public interest; or**
   2. **The area is unregulated**

B. A temporary land use regulation under this subsection may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

C. A temporary land use regulation under this subsection may not impose an impact fee or other financial requirement on building or development.

D. The City Council shall establish a period of limited effect for the ordinance not to exceed six (6) months.

E. The City Council may, without prior Planning Commission consideration or recommendation, enact an ordinance:

1. Establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
2. A regulation under this subjection:
   a. May not exceed six (6) months in duration;
   b. May be renewed, if requested by the Transportation Commission created under Section 72-1-301 of Utah code, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and
   c. Notwithstanding the requirement of this section, is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Commented [AG12]: This is in State code, and because it authorizes the enacting of an ordinance, you don't need to have it in the ordinance itself.

Page 7: [1] Commented [AG7] Alex Goble 12/2/2021 6:31:00 PM

State code definition is :

(1) As used in this section, "rental dwelling" means a building or portion of a building that is:

(a) used or designated for use as a residence by one or more persons; and

(b) (i) available to be rented, loaned, leased, or hired out for a period of one month or longer; or

(ii) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer

Page 7: [2] Commented [AG8] Alex Goble 12/2/2021 6:20:00 PM

Remove this definition as a subset of dwelling, rental. Short term rentals are not dwellings as understood by title 10 of the Utah code. Dwelling under title 10 all contemplate occupancy greater than 30 days by the same person/family/group of people.

As presently drafted this definition places short-term rentals under standard rental dwelling rules and that would allow hotels to build in any place that allows dwellings. I would suggest a broader definition such as: *The renting of any structure or building for the purpose of overnight occupancy for a period less than 30 days by the renter*

This was the basis of much debate at the last legislative session which is why Internal Accessory Dwelling units still allow prohibition as short term rentals because short-term rentals are not dwellings.

I would suggest structure being in the definition because there are a lot of crazy ideas that could try to creep in by using tents, domes, etc. For example there is a short-term rental website where you rent an empty plot of land with an affixed tent on it as a short-term rental etc. So many variations of the same thing requires a broad definition to capture all the things out there.

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
10-2-17: Rental of Dwelling Units

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

A. Except as may be authorized through the approval of a large scale development, each lot or parcel 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 or parcel will abut the City maintained street for a minimum distance of thirty five feet (35');
b. The buildable portion of the lot or parcel shall comply with the minimum area, width and setback requirements of the zone;
c. The lot or parcel 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 10-2-1A(2).

Commented [AG1]: What about a private drive to a rear lot with an easement access. The lot or parcel itself doen't abut the city street, but is able to access it via the easement and private drive?

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.

Commented [AG2]: Do you want to add "substantially similar language" and grant the land use authority discretion to make that determination? It does grant some ability to address unforeseen circumstances without requiring an amendment to the ordinance. But it can increase requests for consideration.

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 10-2-4; 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 10-2-4; and execute a boundary adjustment through:
   1. A quit claim 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. A parcel boundary adjustment under subsection 10-2-4 is not subject to review of the city unless:
   1. The parcel includes a dwelling;
   2. The city's approval is required under subsection 10-2-4(G);

3. If the adjustment includes property that is not a lot.

D. The recording of a boundary line agreement or other document used to adjust a mutual 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 city code 11-1-5 Subdivision Amendments 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 G(2)(e).

G. City review and approval of boundary-line adjustment containing a dwelling.
   1. The city shall review a boundary-line agreement containing a dwelling unit within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.
   2. The city shall review the boundary-line agreement for compliance with the standards of the zone in which the property is located:
      a. The adjusted boundary line reduces the frontage of the lot or parcel containing the dwelling to less than required for the zone; or
      b. The adjusted boundary line reduces any setback of the lot or parcel containing the dwelling to less than required for the zone; or
      c. The adjusted boundary line reduces the area of the lot or parcel containing the dwelling to less than required; or
      d. The adjusted boundary line affects an existing or future city street; or
      e. The adjusted boundary line affects drainage corridors or requires engineering review, regardless of whether a dwelling is present.
      f. If the boundary-line agreement does not provide the city with sufficient information the city shall send a written notice to the property owner requesting the specific information needed. Said notice will be sent within the review period defined in subsection 3 of this section.
   3. The city shall issue a written decision to the property owner within fourteen (14) days of the date on which the property owner submits the boundary-line agreement for review.

a. If the city fails to send a written notice within the time period described in subsection 3 of this section, the property owner may record the boundary-line agreement as if no review was required.

Commented [AG3]: Who at the city is doing the review?

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. 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.

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

E. 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.

F. Development Standards: Every lot or parcel of land hereafter used as a parking lot shall:
   1. Be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the Planning Commission;
   2. Have appropriate bumper guards where needed as determined by the Planning Commission; and
   3. 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.

H. Optional Provisions; Shared Parking Facilities:
   1. 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.
   2. Requests for shared parking are subject to the approval of the Planning Commission in accordance with the following guidelines:
      a. 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.
      b. 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.
      c. 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.
      d. 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.

I. 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)

J. 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.

Commented [AG4]: To avoid some potential issues that have been raised in other communities, I would suggest adding: *Nothing in this section shall be construed to limit a property owner's right to express a religious, political, or other protected right through speech*

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 or parcel.
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 or parcel., per year.
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 or parcel..
   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 or parcel.
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 or parcel..
   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 or parcel.

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 or 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 or parcel. 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 or parcel. 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)

10-2-7: 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 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 or parcel 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 10-2-5C 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 or parcel 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 10-2-14 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.

Commented [AG5]: Who authorizes conditional use permits? The old language has been cut from this draft that clarified it. Who is the land use authority for these decisions? And is it the same for all or does it vary depending on what is being sought. For example does the zoning administrator do it for home occupations, and the planning commission for industrial or commercial uses etc?

A. 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.~~

B. 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.

C. Specific Review Criteria For Home Occupation Conditional Use:
   In addition to the requirements at 10-2-8(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 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;
   2. 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;

3. 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 non-residing employee shall be allowed to work in the home occupation at any given time; and
   b. The non-residing employee shall be given access to an on premises, hard surfaced parking space (see section 10-2-5, "Off Street Parking Requirements", of this chapter).
4. Less than twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
5. 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).
6. The use of yard space for storage of business-related materials shall not be permitted.
7. Signs designating the home occupation are limited to one non-flashing sign, not larger in area than two hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.
8. 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.
9. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
10. The home occupation shall be registered with the license division or department of the city

Commented [AG6]: This conflicts with your sign chapter above which prohibits lighted signs.

Commented [AG7]: Where you are allowing accessory buildings for storage, you may want to prohibit separate metering for any home occupation to prevent abuse of that flexibility.

D. Small Lots or Parcels: Where a tract 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 or parcel in the zone, the board of adjustment may permit the division of tract 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.

E. 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.

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 or parcels on all sides of the property and indicating all structures and improvements on said lots or parcels;
   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 or parcel 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 or parcel 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 or parcel 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 or parcel, 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.

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 this title 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.

Commented [AG8]: Do you want it to be discretionary or mandatory?

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.

~~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)

Commented [AG9]: May want to change this to a temporary permit rather than a conditional use permit

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.

Commented [AG10]: May be changed by the decision regarding Commercial zoning

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. or parcel.
   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 or parcel for any twelve (12) month period. (Ord. 2012-01, 7-10-2012)

Commented [AG11]: As strange as it sounds, put a provision in that states "no person may dwell in a container, or may a container be otherwise use for human occupation"

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, provided that the location of the containers comply with setbacks for the zone in which the portable storage containers are placed. (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:

A. **Permit Required: A permit is required prior to fence construction.**

B. Fences shall be erected on or within property lines.

C. Property owners shall be responsible for identifying property line locations

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

E. Interior Lots or Parcels:
   1. Fences shall have a maximum height of four feet (4') in the required yard that fronts on a street.
   2. Side and back yard fences will have a maximum height of six feet (6') provided that the six foot high fence does not extend into the required yard that fronts a street.

F. Corner Lots or Parcels:
   1. Corner lot or parcel fences must maintain a forty-five degree (45°) clear view of intersecting streets, at a height of no more than four feet (4').
   2. The height of the fence in the front yard on a corner lot or parcel will have a maximum height of four feet (4'). A front yard on a corner lot or parcel is the yard that contains the formal public entrance to the main building.
   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.

G. 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 or parcel 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)

Commented [AG12]: Only require a permit for a fence exceeding 6ft in height. Otherwise we get into some conflicts with the agriculture code and fairness issues for residential properties bordering agricultural and commercial uses. Also because San Juan County is "fence in" (there is an entire legal opinion from the County attorney's office on the exceptions and rules created by San Juan County's decision to be a fence in county, it causes lots of confusion because the general rule is fence out) a permit can place a conflict between the owner's obligation to fence in and the City requiring a permit to even construct a fence. See Utah Code 4-25-204. This also creates problems with conflict with the city's dog at large ordinance that holds owner's criminally liable for their dogs roaming if we require them to get a permit to build a fence.

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:

A. With the consent of the city; and

B. That is located within a city utility easement described in subsections ---.

Commented [AG13]: Is this in reference to Utah code 10-8-14.5 or something else? Not sure it is needed in the zoning ordinance.

10-2-16: SOLAR ELECTRICITY SYSTEMS

The purpose of this section is to allow the use of solar electricity systems within the city provided that:

A. A permit from the city is required prior to installation of any solar electricity system.

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

C. Solar electricity systems not mounted on a roof are prohibited within the setbacks required for the zone in which the solar installation will be erected.

D. Solar electricity systems not mounted on a roof are prohibited to be higher than the maximum height allowed for a structure or building within the zone in which the solar installation will be erected.

10-2-17: RENTAL OF DWELLING UNITS:

Commented [AG14]: Appears to be defined twice because it was defined in the prior chapter.

A. Definitions as used in this section:

1. Long-term rental dwelling unit means a dwelling that is used or designated for use as a residence by one or more persons; and is
   a. Available to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer; or
   b. Arranged, designated, or built to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer.
2. Short-term rental dwelling unit means a building or portion of a building that is used or designated for use as a residence by one or more persons; and is
   a. Available to be rented, loaned, leased, or hired out for a period of no more than 30 consecutive days; or is
   b. Arranged, designated, or built to be rented, loaned, leased, or hired out for a period of no more than 30 consecutive days.

Commented [AG15]: Strike the term dwelling from all short-term rental references.

B. Internal accessory dwelling units shall:

1. Be designed in a manner that does not change the appearance of the primary dwelling unit:
2. Include one additional on-site parking space regardless of whether the primary dwelling unit is existing or new construction:
3. Meet all applicable building codes:
4. Not be created in a primary dwelling unit served by a failing septic tank:
5. Not be created on a lot or parcel of land containing the primary dwelling unit if the lot or parcel of land is 6,000 square feet or less in size:
6. Not be created within a zoning district covering an area that is equivalent to 25% or less of the total area in the city that is zoned primarily for residential use:
7. Not require a separate city utility meter:
8. Replace existing parking spaces if the internal accessory dwelling unit is created within a garage or carport:.

C. Short-term **dwelling** units shall:

1. Meet all applicable building codes:
2. Conform to standards as defined by the city codes Title 4-2 Nuisances, Title 4-2A Noise Control, and Title 5-2 Animal Control:
3. Include in a clear and prominent location within each short-term dwelling unit:
   a. A copy of the owner's business license:
   b. The name, address, and phone number of the owner or property manager:
   c. A statement of maximum occupancy for the short-term rental unit
4. Provide a minimum of four (4) off-street parking spaces with all-weather surface:
5. The owner of any short-term dwelling unit is required to collect and remit Transient Room Tax and any other tax deemed necessary by the State Tax Commission.

Commented [AG16]: Strike the term dwelling, just refer to them as short-term rental units. We don't want to turn hotels into dwellings for zoning purposes. Also, for clarity purposes, state the zones where it is allowed. (i.e. your commercial zones). Otherwise large corporations may start buying up homes and placing large "short-term rentals" in your residential areas as tourism increases, especially since Moab has banned them outright now. The unincorporated areas just outside of Monticello are already getting filled with smaller operations such as "the domes" and a few others. COVID has delayed some of the pressure, but the County is authorizing them in the CC zone that is just outside the city boundaries.

D. Business license required:

1. Owners of primary dwelling units containing an internal accessory dwelling shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
2. Owners of rental dwellings shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
3. Owners of short-term dwelling units shall obtain a city license in advance of advertising for or renting, loaning, leasing, or hiring out the internal accessory unit.
4. One city license may include more than one rental dwelling unit and internal accessory dwelling unit owned by the same individual but shall not include short-term rental units.
5. One city license may include more than one short-term dwelling unit owned by the same individual but shall not include other rental units or internal accessory dwelling **units**.

Commented [AG17]: A separate license must be obtained for any manager of short-term rental units that is not also the owner. (one is a license to operate a short-term rental, the other is a property management license if being done by someone other than the owner)

D I S C U S S I O N P A P E R F O R P L A N N I N G C O M M I S S I O N U S E

TITLE 10
ZONING REGULATIONS

Blue = Changes to be discussed by Planning Commission

CHAPTER 8
C-1 COMMERCIAL ZONE

SECTION:

10-8-1: Regulations
10-8-2: Intent
10-8-3: Permitted Uses
10-8-4: Area, Width And Location Requirements
10-8-5: Location Of Gasoline Pumps
10-8-6: Motor Vehicle Access
10-8-7: Pollution Prevention
10-8-8: Special Provisions

10-8-1: REGULATIONS:

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

10-8-2: INTENT:

The intent in establishing the C-1 commercial zone is to provide a place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of the city and surrounding areas. It is the further intent in establishing this zone to maintain the central business district as the "heart of the city" and, to these ends, to promote its development in step with the increase in population within the trading area. The uses characteristic of this zone are retail stores, banks, office buildings, theaters, motels and a wide variety of specialty shops. Conversely, uses which tend to create business dead spots, cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose have been excluded from this zone. (Ord. 2012-01, 7-10-2012)

10-8-3: PERMITTED USES:

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

Accessory buildings and structures ~~shall be permitted in this zone, provided they are incidental to and do not substantially alter the character of the permitted dwelling. Such permitted accessory uses and structures include, but are not limited to, buildings~~ such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in this zone.

Automobile and truck repair establishments, provided all repair activities will be conducted within an enclosed structure and that there will be no outside storage of parts or nonoperative vehicles.

Automobile, motorcycle, ATV, and snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure and that there will be no outside storage of parts or nonoperative vehicles.

Automotive service establishments, including gasoline stations, ~~bulk petroleum storage~~, car washes, parking lots and storage garages, ~~impound yards,~~ and minor automotive repair establishments.

~~Cabinet, taxidermy, and welding and metalsmithing shops.~~

~~Communications towers.~~

Convenience goods stores (minimarkets) for the sale of food and variety products.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products. All storage activities shall be within a building or within an enclosure surrounded by a fence not less than six feet (6') in height.

~~Funeral homes.~~

General retail stores and shops providing goods and services for sale at retail in the customary manner.

Hotels and motels.

Laundries and dry cleaning establishments, and laundromats.

Office buildings, medical clinics, ~~hospitals.~~ banks, insurance, and financial services.

Personal service establishments, such as barber and beauty shops, reception centers, and similar establishments.

Public parks and buildings, not including storage yards or repair shops.

Recreational enterprises including bowling alleys, recreation centers, motion picture theaters (indoor only), athletic clubs, private clubs, and fraternal lodges.

~~Recreational vehicle courts (RV parks) subject to the requirements set forth under chapters 13 and 15 of this title.~~

Restaurants, food drive-ins bars, taverns, pubs.

Shopping centers, supermarkets, clothing stores.

Veterinary clinics for the treatment of household pets and the enclosed temporary boarding of same while receiving care.

~~Warehouses and storage units. (Ord. 2012-01, 7-10-2012; amd. Ord. 2013-5, 4-23-2013, eff. 4-23-2013)~~

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

~~Accessory~~ All signs shall conform with section 10-2-6 of this title.

Conditional uses shall conform with section 10-2-8 of this title.

Diagonal parking shall conform with section 10-2-13 of this title.

Portable Storage Containers shall conform with section 10-2-11 of this title

Temporary uses shall conform with section 10-2-10 of this title

C. The following uses are permitted as conditional uses (see section 10-2-8).

All R-1 uses that conform to section 10-6-3 of this title, except rest homes, nursing homes, convalescent homes, and assisted living homes.

All R-2 uses that conform to section 10-703 of this title, except rest homes, nursing homes, convalescent homes, assisted living homes, growing of field crops, garden produce, and fruit for sale or trade and machinery sheds used for storage of agricultural equipment.

Recreational vehicle (RV) parks that conform to section 10 Chapter 15 of this title

10-8-4: AREA, WIDTH AND LOCATION REQUIREMENTS:

A. There shall be no area, width and location requirements for commercial buildings and structures constructed, provided
   1. All buildings and structures conform with the building code adopted by the city; and
   2. An area sufficient to accommodate parking, loading, unloading, and vehicular access shall be provided and maintained.

B. No space needed to meet the parking or other requirements of this title may be sold or leased apart from such lot or parcel or building unless other space so complying is provided.

10-8-5: LOCATION OF GASOLINE PUMPS:

A. Gasoline pump islands shall be set back not less than twenty feet (20') from any property line.

B. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy five by one hundred feet (75 x 100') in size.

C. Canopies over pump islands may extend to within five feet (5') of the property lines. (Ord. 2012-01, 7-10-2012)

10-8-6: MOTOR VEHICLE ACCESS:

A. Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:
   1. Access shall be by not more than two (2) driveways from any one street.
   2. Driveways shall be not closer to each other than twenty feet (20').

3. On corner lots, no driveways shall be less than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street.
4. 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)

10-8-7: 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)

10-8-8: SEWAGE DISPOSAL:

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

10-8-9: WATER CONNECTION:

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

10-8-10: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
B. 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)
C. Drainage corridors shall be protected in accordance with 10-12-2.

10-8-11: 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)

10-8-12: SPECIAL PROVISIONS:

A. All material, merchandise and equipment (except vehicles in running order) shall be stored within an enclosed building or surrounded by a fence not less than six feet (6') in height.
B. All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations.
C. Temporary sales of Christmas trees and nursery stock shall be permitted outside a building unless otherwise prohibited under the terms of this title.
D. No dust, odor, smoke, vibration or intermittent light, glare or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
E. All off street parking shall be hard surfaced. See section 10-2-1, "Off Street Parking Requirements", of this title.
F. All buildings located adjacent to a major street shall have at least one entranceway facing onto said street. (Ord. 2012-01, 7-10-2012)
G. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.
~~H. All residents in a C-1 zone will comply with residential zone setbacks, as follows: (Ord. 2013-5, 4-23-2013, eff. 4-23-2013)~~

~~1. Front Setback:~~

~~a. 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.~~

~~b. 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.~~

~~2. Side Setback; Interior Lots:~~

~~a. Main Buildings: All dwellings and other main buildings shall be set back at least eight feet (8') from the side lot line.~~

~~b. 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:~~

~~(1) The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;~~

~~(2) The accessory building contains no openings on the side contiguous to the lot line;~~

~~(3) No drainage from the roof will be discharged onto an adjacent lot.~~

~~3. Side Setback; Corner Lot:~~

~~a. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least twenty feet (20') from the side lot line which abuts on a street.~~

~~b. Interior Side: Same as required for interior lots.~~

~~4. Rear Setback; Interior Lots:~~

~~a. Main Buildings: All dwellings or other main buildings shall be set back at least thirty feet (30') from the rear lot line.~~

~~b. Accessory Building: Same as required under subsection G2, "Side Setback; Interior Lots", of this section.~~

~~5. Rear Setback; Corner Lots:~~

~~a. 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.~~

~~b. 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:~~

~~(1) The accessory building is located more than twelve feet (12') from any existing dwelling on the same or an adjacent lot;~~

~~(2) The accessory building contains no openings on the side contiguous to the lot line;~~

~~(3) No drainage from the roof will be discharged onto an adjacent lot;~~

~~(4) 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; amd. Ord. 2013-5, 4-23-2013, eff. 4-23-2013)~~

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10
ZONING REGULATIONS

Blue = Changes to be discussed by Planning Commission

CHAPTER 9
C-2 LIGHT COMMERCIAL ZONE

SECTION:
10-9-1: Regulations
10-9-2: Intent
10-9-3: Permitted Uses
10-9-4: Area, Width And Location Requirements
10-9-5: Yard Space For One Building Only
10-9-6: Every Dwelling To Be On Zoning Lot
10-9-7: Sale Or Lease Of Required Space Prohibited
10-9-8: Yards To Be Unobstructed; Exceptions
10-9-9: Accessory Buildings Prohibited As Living Quarters
10-9-10: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
10-9-11: Additional Height Allowed For Public Buildings
10-9-12: Minimum Height Of Dwellings
10-9-13: Sewage Disposal
10-9-14: Drainage
10-9-15: Clear View Of Intersecting Streets
10-9-16: Effect Of Street Plan
10-9-17: Exception To Front And Side Setback Requirements
10-9-18: Motor Vehicle Access
10-9-19: Landscaping Required
10-9-20: Pollution Prevention
10-9-21: Special Provisions

10-9-1: REGULATIONS:
The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-9-2: INTENT:
The intent in establishing the C-2 light commercial zone is to provide a place where small-scale fabrication, repair services, offices, and limited commercial uses can be constructed and

maintained which will serve the needs of the citizens of the city and surrounding areas. It is the further intent in establishing this zone to maintain a buffer zone between C-1 and R-1 and R-2 zones to promote its development in step with the increase in population within the trading area. ~~The uses characteristic of this zone are banks, office buildings, a wide variety of specialty shops, service businesses and small businesses.~~ (Ord. 2012-01, 7-10-2012)

10-9-3: PERMITTED USES:

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

Accessory uses and structures ~~shall be permitted in the C-2 zone~~, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. ~~Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the C-2 zone.~~

Automobile and truck repair establishments, provided all repair activities will be conducted within an enclosed structure and any outside storage of parts or nonoperative vehicles will be surrounded by a fence not less than six feet (6') in height.

Automobile, motorcycle, ATV, and snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure and that any outside storage of parts or nonoperative vehicles will be surrounded by a fence not less than six feet (6') in height.

Automotive service establishments, including gasoline stations, ~~bulk petroleum storage~~, car washes, parking lots and storage garages, ~~impound yards, and minor automotive repair establishments.~~

Communications towers.

Convenience goods stores (minimarkets) for the sale of food and variety products.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products. All storage activities shall be within a building or within an enclosure surrounded by a fence not less than six feet (6') in height.

Funeral homes.

General retail stores and shops providing goods and services for sale at retail in the customary manner.

Hospitals

Hotels and motels.

Laundries and dry cleaning establishments, and laundromats.

Office buildings, medical clinics, banks, insurance, and financial services.

Personal service establishments, such as barber and beauty shops, reception centers and similar establishments.

Public buildings and grounds, including shops and storage

Public parks and buildings.

Restaurants, food drive-ins bars, taverns, pubs.

Shopping centers, supermarkets, clothing stores.

Veterinary clinics for the treatment of household pets and the enclosed temporary boarding of same while receiving care.

Warehouses and storage units.

B. The following uses are permitted when in compliance with the specified sections of Title 10, Zoning Regulations:
~~Accessory~~ All signs shall conform with section 10-2-6 of this title.
Conditional uses shall conform with section 10-2-8 of this title.
Diagonal parking shall conform with section 10-2-13 of this title.
Portable Storage Containers shall conform with section 10-2-11 of this title
Temporary uses shall conform with section 10-2-10 of this title.

C. The following uses are permitted as conditional uses (see section 10-2-8).
All R-1 uses that conform to section 10-6-3 of this title.
All R-2 uses that conform to section 10-7-3 of this title.
Daycare, nursery, preschool.
Rest homes, nursing homes, convalescent homes, assisted living homes.

10-9-4: AREA, WIDTH AND LOCATION REQUIREMENTS:

A. There shall be no area, width and location requirements for commercial buildings and structures, provided
   1. All buildings and structures conform with the building code adopted by the city; and
   2. An area sufficient to accommodate parking, loading, unloading, and vehicular access shall be provided and maintained.

B. No space needed to meet the parking or other requirements of this title may be sold or leased apart from such lot or parcel or building unless other space so complying is provided.

10-8-5: LOCATION OF GASOLINE PUMPS:

A. Gasoline pump islands shall be set back not less than twenty feet (20') from any property line.

B. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy five by one hundred feet (75 x 100') in size.

C. Canopies over pump islands may extend to within five feet (5') of the property lines. (Ord. 2012-01, 7-10-2012)

10-8-6: MOTOR VEHICLE ACCESS:

A. Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:
   1. Access shall be by not more than two (2) driveways from any one street.
   2. Driveways shall be not closer to each other than twenty feet (20').

3. On corner lots, no driveways shall be less than fifteen feet (15') to the point of intersection of the front property line with the side property line which abuts upon a street.
4. 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)

10-8-7: 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)

10-9-8: SEWAGE DISPOSAL:

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

10-8-9: WATER CONNECTION:

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

10-8-10: DRAINAGE:

A. The owners and users of ditches shall not divert more water into the ditch than it's carrying capacity.
B. 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)
C. Drainage corridors shall be protected in accordance with 10-12-2.

10-8-11: 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)

10-8-12: SPECIAL PROVISIONS:

A. All material, merchandise and equipment (except vehicles in running order) shall be stored within an enclosed building or surrounded by a fence not less than six feet (6') in height.
B. All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations.
C. Temporary sales of Christmas trees and nursery stock shall be permitted outside a building unless otherwise prohibited under the terms of this title.
D. No dust, odor, smoke, vibration or intermittent light, glare or noise shall be emitted which is discernible beyond the premises except for normal traffic movements.
E. All off street parking shall be hard surfaced. See section 10-2-1, "Off Street Parking Requirements", of this title.
F. All buildings located adjacent to a major street shall have at least one entranceway facing onto said street. (Ord. 2012-01, 7-10-2012)
G. All buildings and uses shall comply with all applicable supplementary development standards as set forth in this title.

CHAPTER 5

A-1 RESIDENTIAL-AGRICULTURAL ZONE

SECTION:

10-5-1: Regulations

10-5-2: Intent

10-5-3: Permitted Uses

10-5-4: Area And Frontage Requirements

10-5-5: Location Requirements

10-5-6: Height Of Buildings

10-5-7: Size Of Dwelling

10-5-8: Width Of Buildings

10-5-9: Yard Space For One Building Only

10-5-10: Every Dwelling To Be On Zoning Lot

10-5-11: Sale Or Lease Of Required Space Prohibited

10-5-12: Yards To Be Unobstructed; Exceptions

10-5-13: Accessory Buildings Prohibited As Living Quarters

10-5-14: Additional Height Allowed For Public Buildings

10-5-15: Minimum Height Of Dwellings

10-5-16: Sewage Disposal

10-5-17: Drainage

10-5-18: Clear View Of Intersecting Streets

10-5-19: Effect Of Street Plan

10-5-20: Exception To Front And Side Setback Requirements

10-5-21: Motor Vehicle Access

10-5-22: Landscaping Required

10-5-23: Pollution Prevention

10-5-24: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited

10-5-25: Special Provisions

10-5-1: REGULATIONS:
The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-5-2: INTENT:
A-1 residential-agricultural zone covers certain fringe areas of the city where residential areas may be integrated with the raising of livestock for family food production and for the pleasure of the people who reside on the premises. (Ord. 2012-01, 7-10-2012)

10-5-3: PERMITTED USES:
The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

Accessory signs and nameplates that conform with section 10-2-2 of this title.

Churches, not including temporary revival tents or buildings.

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

Fences, walls and hedges.

Foster care homes.

Household pets.

Mobile home parks meeting the requirements of chapter 13 of this title.

Public agency arenas such as rodeo grounds, equestrian sports facilities, fairgrounds.

Public agency parks and playgrounds.

Public buildings and grounds, not including storage yards or repair shops.

Public, private and parochial schools and grounds.

Residential accessory structures and uses.

Rest homes and daycare centers when approved by the city council. In approving such uses, the council may attach reasonable conditions in excess to those required within the zone including, but not limited to, an increase in minimum lot size, additional setbacks, and increased parking.

Single- and two-family dwellings of conventional construction and manufactured homes.

Temporary uses subject to the provisions of section10-2-6 of this title.

The care and keeping of livestock and fowl. Also barns, corrals, pens and sheds for the care and keeping of the permitted animals and fowl.

The growing of field crops and fruit. Machinery and equipment sheds used for storage of equipment in connection with agricultural activities performed on the premises.

Utility lines and buildings.

Veterinary clinics and animal boarding facilities. (Ord. 2012-01, 7-10-2012)

10-5-4: AREA AND FRONTAGE REQUIREMENTS:
Area and width requirements for all uses shall be one acre minimum area, with a minimum frontage at setback line of one hundred twenty five feet (125'). (Ord. 2012-01, 7-10-2012)

10-5-5: LOCATION REQUIREMENTS:

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.

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 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)

10-5-6: 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)

10-5-7: 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)

10-5-8: WIDTH OF BUILDINGS:
The total length or total width of any dwelling or church shall be at least fourteen feet (14'), as measured from outside wall to outside wall, exclusive of any carport, garage, shed or similar add on. (Ord. 2012-01, 7-10-2012)

10-5-9: YARD SPACE FOR ONE BUILDING ONLY:
No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

10-5-10: EVERY DWELLING TO BE ON ZONING LOT:
Only one building which contains a dwelling shall be located and maintained on a "zoning lot" as defined in this title, except dwellings within a mobile home park, or other large scale development. (Ord. 2012-01, 7-10-2012)

10-5-11: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:
No space needed to meet the width, yard, area, coverage, parting or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-5-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:
Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and 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)

10-5-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:
Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

10-5-14: 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)

10-5-15: MINIMUM HEIGHT OF DWELLINGS:
No dwelling shall be erected which has a ceiling height of less than seven feet six inches (7'6") or one story above grade, whichever is greater. (Ord. 2012-01, 7-10-2012)

10-5-16: SEWAGE DISPOSAL:
Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the state health department before a building permit shall be issued therefor. (Ord. 2012-01, 7-10-2012)

10-5-17: DRAINAGE:
The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)

10-5-18: CLEAR VIEW OF INTERSECTING STREETS:
No obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points of forty five feet (45') from the intersection of the street lines. (Ord. 2012-01, 7-10-2012)

10-5-19: 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)

10-5-20: EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:
The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone 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)

10-5-21: 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 more than two (2) driveways from any one street.

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

C On corner lots, no driveways shall be less than fifteen feet (15') 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)

10-5-22: LANDSCAPING REQUIRED:
Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

10-5-23: 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)

10-5-24: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:
No yard or other open space surrounding an existing building, or which is hereafter provided around any building, shall be used for the storage of junk, debris or inoperable vehicles; and no land shall be used for such purposes, except as specifically provided by this title. Storage of restorable vehicles may be permitted for a limited time, on a case by case basis, at the discretion of the zoning administrator. (Ord. 2012-01, 7-10-2012)

10-5-25: SPECIAL PROVISIONS:
Special provisions shall apply in order to protect its essential characteristics.

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

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

CHAPTER 10

I-1 INDUSTRIAL ZONE

SECTION:

10-10-1: Regulations

10-10-2: Intent

10-10-3: Permitted Uses

10-10-4: Area, Frontage, Yard And Height Regulations

10-10-5: Yard Space For One Building Only

10-10-6: Sale Or Lease Of Required Space Prohibited

10-10-7: Accessory Buildings Prohibited As Living Quarters

10-10-8: Sewage Disposal

10-10-9: Drainage

10-10-10: Motor Vehicle Access

10-10-11: Pollution Prevention

10-10-12: Special Provisions

10-10-1: REGULATIONS:
The use, location, height and size of buildings and structures, the use of land and size of lots, yards, courts and other open spaces and the density of population are regulated as hereinafter set forth. (Ord. 2012-01, 7-10-2012)

10-10-2: INTENT:
The intent in establishing the I-1 industrial zone is to provide a place for the operation of industry in a location where impacts on residential areas are minimized. (Ord. 2012-01, 7-10-2012)

10-10-3: PERMITTED USES:
Property in the I-1 industrial zone may be used for the following:

Accessory uses and structures shall be permitted in this zone, provided they are incidental to and do not substantially alter the character of the permitted dwelling or structures. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in this zone. Accessory signs shall conform with section 10-2-2 of this title.

Automobile and truck repair establishments, provided all repair activities will be conducted within an enclosed structure and that there will be no outside storage of parts of nonoperative vehicles. Impound yards. Automotive service establishments, including gasoline stations, bulk petroleum storage, car washes, parking lots and storage garages, and minor automotive repair establishments.

Automobile, motorcycle, ATV, snowmobile sales and rental structures and lots (for both new and used units). Also, the related repair facilities when such facilities are included as an integral part of the sales structure.

Automobile wrecking yard, junkyard, collecting of rags, paper, iron or scrap materials.

Concrete mixing, gravel crushing, stonecutting, and rock, sand and gravel distribution.

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

Convenience goods stores (minimarkets) for the sale of food and variety products, provided such stores are part of gasoline stations.

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products. All storage activities shall be within a building or within an enclosure surrounded by a fence not less than six feet (6') in height.

Fences, walls and hedges.

Iron and steel fabrication and metal casting.

Laundries and dry cleaning establishments.

Ore reduction and processing.

Public buildings and grounds, including storage yards and repair shops.

Sexually oriented business subject to title 3, chapter 11 of this code.

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

The care and keeping of livestock and fowl. Also barns, corrals, pens and sheds for the care and keeping of the permitted animals and fowl.

The growing of field crops and fruit. Machinery and equipment sheds used for storage of equipment in connection with agricultural activities performed on the premises.

Tire recapping establishments, machine shops, metalworking and welding, auto body shops, lumber and planing mills, cabinet, taxidermy, and mechanic shops, and equipment storage.

Utility lines and buildings. Communications towers.

Warehousing and storage. (Ord. 2012-01, 7-10-2012)

10-10-4: AREA, FRONTAGE, YARD AND HEIGHT REGULATIONS:
There shall be no area, width and location requirements for buildings and structures constructed in accordance with the building code except that an area sufficient to accommodate parking, loading, unloading and vehicular access shall be provided and maintained. (Ord. 2012-01, 7-10-2012)

10-10-5: YARD SPACE FOR ONE BUILDING ONLY:
No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 2012-01, 7-10-2012)

10-10-6: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:
No space needed to meet the width, yard, area, coverage, parting or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-10-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:
Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 2012-01, 7-10-2012)

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

10-10-9: DRAINAGE:
The owners and users of ditches shall not divert more water into the ditch than its carrying capacity. Runoff from new rooftops or lots shall not exceed the carrying capacity of the natural or previous drainage system. (Ord. 2012-01, 7-10-2012)

10-10-10: MOTOR VEHICLE ACCESS:
Access to all lots and parcels of land having a frontage on a city street shall be controlled as follows:

A Access shall be by not more than two (2) driveways from any one street.

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

C On corner lots, no driveways shall be less than fifteen feet (15') 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)

10-10-11: 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)

10-10-12: SPECIAL PROVISIONS:
A All material, merchandise and equipment (except vehicles in running order) shall be stored within an enclosed building or within an enclosure surrounded by a fence not less than six feet (6') in height.

B All display, sale and repair activities shall be conducted within a fully enclosed building, except those activities that are customarily and appropriately conducted in the open, including, but not limited to, automobile sales lots and automobile service stations. Temporary sales of Christmas trees and nursery stock shall be permitted outside of a building unless otherwise prohibited under the terms of this title.

C All off street parking shall be hard surfaced.

D All buildings located adjacent to a city street shall have at least one entranceway facing onto said street.

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

F All gasoline service station pumps shall be set back at least twenty feet (20') from all property lines.

G Singlewide mobile homes will be permitted in mobile home parks. (Ord. 2012-01, 7-10-2012)