



Planning Commission Meeting

Tuesday, May 3, 2022 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Commissioner George Matocha, Commissioner Julie Bailey, City Manager Evan Bolt, City Recorder Shalena Black, Deputy City Recorder Melissa Gill

Meeting Location: 648 S Main

- 1. Call to Order**
- 2. Minutes Review/Approval (action)**
- 3. Public Comment**
- 4. Review Subdivision Code (discussion)**

Attachments:

- **Title 11 Subdivision Regulations** (Title_11_Subdivision_Regulations.pdf)

- 5. Consider Recommendation of Adoption of Amendments to Zoning Ordinance Title 10 Chapter 5: A-1 Residential-Agricultural (action)**

Attachments:

- **10 Ch 5-A1 v5** (10_Ch_5-A1_v5.docx)

- 6. Consider Recommendation of Adoption of Amendments to Zoning Ordinance Title 10 Chapter 10: I-1 Industrial (action)**

Attachments:

- **10 Ch 10-I1 v6** (10_Ch_10-I1_v6.docx)

- 7. Consider Recommendation of Adoption of Amendments to the Subdivision Regulations Ordinance Title 11 Chapter 1 Section 9: Residential Infilling (action)**

Attachments:

- **11 Ch 1-9-Residential Infilling** (11_Ch_1-9-Residential_Infilling.docx)

- 8. Administrative Communications**
- 9. Next Meeting Agenda**
- 10. Adjournment (action)**

Audio File

Notice of Special Accomodations

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

Contact: Shalena Black (shalena@monticelloutah.org 435-587-2271) | Agenda published on
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TITLE 11

SUBDIVISION REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

SECTION:

11-1-1: Authority

11-1-2: Purpose

11-1-3: Definitions

11-1-4: Considerations

11-1-5: Amendments

11-1-6: Sales Prior To Approval And Recording Prohibited

11-1-7: Approvals Required For Subdivisions

11-1-8: Subdivision Not To Endanger Health Or Property

11-1-9: Residential Infilling

11-1-10: Common Wall Subdivision

11-1-1: AUTHORITY:

This title is enacted pursuant to title 10, Utah Code Annotated. (Ord. 2012-01, 7-10-2012)

11-1-2: PURPOSE:

The purpose of this title shall be to promote the health, safety, convenience and general welfare of the present and future inhabitants of the city, to simplify orderly growth and development of the city and to ease the transfer of land by means of accurate legal descriptions. This causes the development of a more attractive and wholesome environment within and around the city and establishes the rights, duties and responsibilities of the subdivider with respect to land subdivision. (Ord. 2012-01, 7-10-2012)

11-1-3: DEFINITIONS:

For the purpose of this title, the following definitions shall apply:

BUILDABLE AREA: That portion of a lot 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.

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.

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

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

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.

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.

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

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.

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

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

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

LOT:

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 AREA: The total area measured on a horizontal plane included within the lot lines of the lot or parcel of land.

LOT WIDTH: The distance across a lot or parcel 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.

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

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

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.

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.

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

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

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 title.

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.

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.

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:

City Street: Any street within the city's incorporated boundary that is recognized and maintained by the city.

Cul-De-Sac: A street open at one end with a designated vehicular turnaround area at the closed end.

Dead End: A street open at one end with no turnaround.

Major Highway: A major regional highway, including an expressway, freeway or interstate highway designed to carry vehicular traffic:

A. Into, out of, or throughout the regional area (interregion); and

B. From one political subdivision of the region to another, or from an interregional highway.

Service Road: A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.

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 system 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: 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.

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

Notes

1. See title 9 of this code.

11-1-4: CONSIDERATIONS:

A Requirements Satisfied: The city will not extend the services of its public facilities to any subdivision until the requirements of this title have been satisfied. Any such subdivision should have been reviewed by and had the approval of the city engineer, the planning commission and the city council.

B Preservation Of Land: Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in concordance with the provision of this title.

C Streets: The design of new subdivisions shall consider and relate to present street widths, alignments and names.

D Coordination Of Development: This title establishes procedures for the review of proposed subdivisions by affected boards, bureaus, other governmental agencies and utility companies, private and public so that the extension of community facilities and utilities may be accomplished in an orderly manner and in coordination with the development of the subdivision. In order to ease the acquisition of land areas required to carry out this policy, the planning commission may require the subdivider to dedicate, grant easements over, or otherwise reserve land for parks, playgrounds, thoroughfares, utility easements, and other public purposes as specified. (Ord. 2012-01, 7-10-2012)

11-1-5: AMENDMENTS:

Amendments to this title may be made from time to time as it is deemed necessary. Following a public hearing on proposed amendments to this subdivision title, the planning commission shall make a recommendation to the city council. The city council shall then hold another public hearing prior to approval or rejection of the recommended amendments. (Ord. 2012-01, 7-10-2012)

11-1-6: SALES PRIOR TO APPROVAL AND RECORDING PROHIBITED:

No person shall subdivide any tract of land that is located wholly, or in part, within the corporate limits of the city, nor shall any persons sell, exchange, offer for sale, purchase, or offer to purchase, any parcel of land that is any part of a subdivision of a larger tract of land, nor shall any person offer for recording any deed conveying such parcel of land, or any interest therein, unless there shall first be recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title. (Ord. 2012-01, 7-10-2012)

11-1-7: APPROVALS REQUIRED FOR SUBDIVISIONS:

No plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until it has been submitted and approved by the planning commission and the city council, and such approval entered, in writing, on the plat by the city recorder/clerk. The filing or recording of a plat of a subdivision without such approval shall be void. (Ord. 2012-01, 7-10-2012)

11-1-8: SUBDIVISION NOT TO ENDANGER HEALTH OR PROPERTY:

No subdivision shall be developed in the city which, in the opinion of the city council, shall be detrimental to the health or well being of the residents of the city when the subdivision is completed. (Ord. 2012-01, 7-10-2012)

11-1-9: RESIDENTIAL INFILLING:

All subdivision codes must be adhered to and followed whenever a property owner splits one parcel of property into two (2) or more parcels.

A Exception to subdivision requirements, all requirements must be met in order to be considered residential infilling.

1 All created parcels must front an existing city street, and have at least eighty feet (80') of frontage on said street.

2 All created parcels must meet the minimum square footage requirements of ten thousand (10,000) square feet.

B If the creation of multiple parcels requires the creation of a new street or private drive to access any of the parcels, residential infilling will not be allowed and the subdivision code must be followed.

C If no utilities are present on the existing city street on which the proposed infill would occur then the residential infilling will not be allowed and the subdivision code must be followed. (Ord. 2012-01, 7-10-2012)

11-1-10: COMMON WALL SUBDIVISION:

A. Purpose: The purpose of this title shall be to allow a business owner to purchase a portion of a building, causing a subdivision within an existing property/structure.

B. Requirements:

1. The purchase shall include the portion of the building and the property on which it sits.
2. The Planning Commission shall review a subdivision application submitted by the subdivision requestor along with a plat map showing legal ownership, legal description and survey of proposed subdivision, townsite block, and surrounding streets.
3. Common Wall Agreement: A signed agreement shall be presented to the Planning Commission as follows:
 - a. Definition of properties to include legal survey and legal description of proposed subdivision;
 - b. Establishment of Common Facilities;
 - c. Repair and Maintenance;
 - d. Maintenance of Non-Common Areas;
 - e. No Right of Modification/Alteration;
 - f. Covenant Running with the Land;
 - g. Restriction on Amendment to this Agreement;
 - h. Lien Rights;
 - i. Maintenance and Repair of Individual Conjoining Property;
 - j. Insurance;
 - k. Cross-Easement;
 - l. Common Wall;
 - m. Power of Attorney;
 - n. Limitations of Use; and
 - o. Attorney Fees.
4. The Planning Commission shall consider recommendation of the requested subdivision to the Monticello City Council for final approval. (Ord. 2020-6, 11-10-2020, eff. 11-10-2020)

CHAPTER 2

SUBDIVISION APPROVAL AND PLATTING PROCESS

SECTION:

11-2-1: Procedure For Approval

11-2-2: Prior Platted Parcels, Lots Or Blocks

11-2-3: Sketch Plan

11-2-4: Preliminary Plat

11-2-5: Final Plat

11-2-6: Amended Plats

11-2-1: PROCEDURE FOR APPROVAL:

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

A Meet With Planning Commission: Meet with the planning commission to discuss a sketch plan of the proposed subdivision and file a subdivision information form as required in section 11-2-3 of this chapter.

B File Six Copies Of Preliminary Plat: File six (6) copies of the preliminary plot plan with the planning commission for approval or disapproval. The preliminary plat shall be prepared in conformance with the provisions of section 11-2-4 of this chapter.

C Submit Final Plat: Not more than one year after receiving approval of the preliminary plot plan, submit the original and three (3) copies of the final plot plan to the planning commission for action. The planning commission may extend the one year time limit for just cause.

D Post Bond: Post a bond guaranteeing that all subdivision improvements will be completed.

E Method Of Domestic Waste Disposal: Show to the satisfaction of the city engineer that the proposed method of domestic waste disposal will adequately serve the area to be subdivided without detrimental effect on adjacent property, wells, or watercourses, and that the minimum requirements of the Utah state board of health will be met.

F Adequate Surface Drainage: Show to the satisfaction of the city engineer that proposed subdivision improvements include adequate measures to control surface drainage without damage to natural terrain features or adjacent property.

G File Final Plat: File three (3) copies of the final plat according to the provisions of section 11-2-5 of this chapter.

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

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

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

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

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

1 Each lot created meets the frontage, width, and area requirements of section 11-3-5 of this title, or has been granted a variance from such requirements by the board of adjustment.

2 The division of land does not require the dedication of land for a street or other public purpose, nor is it traversed by any proposed streets shown on the official map.

3 The division of land does not require the extension and/or addition of street, sewage disposal, water, curb, gutter, sidewalk or storm drainage improvements, as specified in chapter 4 of this title.

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

1 An accurate plat prepared by a licensed land surveyor on a sheet of mylar, with waterproof ink. The top edge of the plat shall be either north or east, whichever fits the drawing best. The plat shall show:

a Lot lines, including arcs and tangents with dimensions in feet and hundredths.

b Easements for water, sewer, drainage, utility lines and other purposes.

2 A nonrefundable filing fee, of such amount as the city council may from time to time establish by resolution.

C Procedure:

1 The applicant shall submit the application for the subdivision of a prior platted parcel, lot, or block, to the planning commission.

2 The application, together with all pertinent information, shall be sent to the city engineer and any other pertinent city departments for their approval. Such approvals, together with any comments and/or recommendations, shall be returned to the planning commission.

3 After receiving all recommendations, the planning commission shall review the subdivision and make recommendation to the city council for approval, modification and approval, or denial.

4 The planning commission shall submit their recommendation on the subdivision to the city council for its consideration within thirty (30) days after receipt of all recommendations unless an agreement is reached by the applicant and the planning commission to table the matter until the next regular decision making meeting of the planning commission. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval by such commission of the proposed subdivision.

5 The city council, after fifteen (15) days' notice and at a public meeting, may approve, modify and approve, or deny the subdivision.

6 Upon acceptance of the subdivision by the city council, the final plat bearing official signatures of the city engineer, city council, city planning commission, city attorney, and signed by a licensed land surveyor, shall be deposited in the office of the county recorder for recording at the expense of the subdivider. (Ord. 2012-01, 7-10-2012)

11-2-3: SKETCH PLAN:

The sketch plan shall comply with the following requirements:

A Information: A sketch plan shall be prepared showing the concept of the proposed subdivision. The sketch plan shall consist of a general site plan with sufficient detail to illustrate on site characteristics of the proposed subdivision and

adjacent parcels. The sketch plan should include such information as:

- 1 Existing vegetation.
- 2 Topography.
- 3 Structures.
- 4 Easements.
- 5 Streets.
- 6 Drainage channels.
- 7 Utility lines.
- 8 Existing land uses.
- 9 Proposed subdivision plot layout.

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

11-2-4: PRELIMINARY PLAT:

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

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

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

1 Description: In a title block located in the lower right hand corner of the sheet, the following shall appear:

- a The proposed name of the subdivision.
- b The location of the subdivision, including the address, section, township and range.
- c The names and addresses of the owner, or subdivider if other than the owner, and the surveyor of the subdivision.
- d Date of preparation, scale (not greater than 50 feet to the inch), and north point.

2 Existing Conditions: The plat shall show:

- a The location of the nearest bench mark or monument.
- b The boundary of the proposed subdivision and the acreage included.

c All property under the control of the subdivider, even though only a portion is being subdivided, where the plat submitted covers only a part of the subdivider's tract, a sketch of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in the light of existing official street maps or other planning commission studies.

d The location, width, and names of all existing streets within four hundred fifty feet (450') of the subdivision. Also, all prior platted streets or other public open spaces, permanent easements and sections, and corporation lines, within and next to the tract.

e The location of all wells proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries.

f Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least two hundred feet (200') beyond the tract boundaries showing pipe sizes and grades, manholes and exact locations.

g Existing ditches, canals, natural drainage channels, open waterways and proposed realignments.

h Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible.

i Contour at vertical intervals of not more than two feet (2'). High water levels of all watercourses, if any, shall be shown in the same datum for contour elevations.

3 Proposed Plan: The subdivision plan shall show:

- a The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and

easements, designated by actual or proposed names and numbers.

- b The layout, numbers and typical dimensions of lots.
- c Parcels of land intended to be dedicated or temporarily reserved for public use, or set aside for use of property owners in the subdivision.
- d Building setback lines as required by section 11-3-5 of this title.
- e Easements for water, sewer, drainage, utility lines and other purposes.

4 Copies Of Agreements: Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

5 Engineering Drawings: Preliminary engineering drawings, including typical cross sections and plans, and/or written statements regarding width and type of proposed off site and on site water mains, sanitary sewers, drainage facilities and other proposed improvements, such as sidewalks, curbs, gutters, parks, and fire hydrants.

6 Grading And Drainage Plan: Preliminary grading and drainage plans, as required by the city engineer, showing existing grades with solid line contours and proposed grades superimposed with dashed line contours. However, plans in all hillside area subdivision shall also show:

- a Areas with twenty percent (20%) or greater natural slope by cross hatching.
- b The location of proposed cuts and fills.

7 Environmental Impact Statement: Environmental impact statement, when required by the city engineer, shall be prepared indicating or describing the measures that will be taken with respect to:

- a Control of erosion within the subdivided area.
- b Reseeding of cuts and fills.
- c Disposition of any geologic hazard and/or soil conditions which may cause injury or damage to improvements which may be constructed on the subdivision such as buildings, water and sewer lines and streets.
- d Prevention of fire and control of dust.
- e Prevention of accumulation of weeds and debris.
- f Disposal of surface water and disposition of flood hazards.
- g Preservation of natural drainage channels.

C Amendments May Be Required:

1 Prior To Approval: Before approving a preliminary plat or a final plat of a subdivision, the planning commission may require amendments or modification of the plan if it finds that:

- a The layout of the subdivision does not conform to acceptable standards of design as set forth in this title.
- b The subdivision is not provided with adequate ingress or egress.
- c The subdivision contains geologic, soil, water, or other hazards, which would be detrimental to the subdivision surrounding area, or to the city.
- d The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this title.
- e The dimensions of the subdivision or any lot do not mathematically close.

2 Conform To Requirements: The subdivider shall make such amendments or modifications to the satisfaction of the planning commission and sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this title.

D Approval Of Preliminary Plat:

1 Review: The planning commission, city engineer, and other interested city departments shall review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, the planning commission shall recommend approval of the preliminary plat as submitted or modified, or disapprove the plat. The planning commission shall not recommend approval or disapproval of the plat until signature acceptance is received from each of the interested city departments.

2 Copies Of Plat Forwarded: If the preliminary plat is recommended for approval, the planning commission shall return one copy of the plat signed by the planning commission chairman to the subdivider with any conditions attached. Other signed copies shall be forwarded to each of the interested city departments. The planning commission shall retain one signed copy of the plat for its files. If the preliminary plat is recommended for disapproval, the planning commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for disapproval.

3 Copy Of Plat Retained: One copy of the approved preliminary plat signed by the chairman of the planning commission shall be retained in the office of the city recorder/clerk. One signed copy shall be given to the subdivider.

4 Receipt: Receipt of this signed copy shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this title and with the preparation of the final plat.

E Duration Of Preliminary Approval:

1 Maximum Period Valid: Approval of the preliminary plat by the planning commission shall be valid for a maximum period of twelve (12) months. After approval and upon application from the developer, the planning commission may grant an extension. If the final plat has not been recorded within the twelve (12) month period, or granted extension, the preliminary plat must again be submitted to the city council or planning commission for reapproval.

2 Large Tract Extension: Preliminary approval of a large tract shall not be voided if the final plat of the first section is submitted for final approval within one year and an extension of time is granted as to the remainder thereof. (Ord. 2012-01, 7-10-2012)

11-2-5: FINAL PLAT:

A Filing: Within one year after the approval of the preliminary plat, or within the time for which an extension to make such filing has been granted, the original plat and three (3) copies of a final plat of such subdivision shall be submitted to the planning commission for final recommendation for approval, or disapproval, by the city council.

B Approval Prior To Recording: No plat shall be recorded or offered for record, nor shall any land be offered for sale with reference to such a plat until said plat has been so approved in writing and recorded. Submittal of an up to date abstract of this title or policy of title insurance shall precede said final plat approval.

C Time Limit For Action: The final plat will be reviewed by the planning commission at its next regularly scheduled meeting following submittal. After receiving recommendations from the planning commission, the city council must act upon the final plat within sixty (60) days, unless an extension of time is agreed upon by the parties concerned. Failure by the city council to act upon the final plat in that time period will be considered approval to the final plat.

D Form And Contents: A final plat shall be prepared by a duly licensed land surveyor on all subdivisions. Said plat shall consist of a sheet of mylar, having outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The border line of the plat shall be drawn in heavy lines, leaving a margin of at least one and one-half inches (1¹/₂") on the left hand side of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawings best. All lines, dimensions and markings shall be made on the mylar, with approved waterproof drawing ink or equivalent. Details and workmanship on finished drawings shall be neat, clean cut, and readable. A poorly drawn or illegible plat is sufficient cause for rejection.

1 The final plat shall show:

a The name of the subdivision, which name must be approved by the planning commission.

b Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, easements, areas to be reserved for public use and other important features. All dimensions shall be determined by an accurate field survey which shall balance and close within a limit of one in ten thousand (1 in 10,000).

c An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.

d True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol. Basis for bearings used shall be clearly stated.

e Total dimensions of all lines, whether curved or straight, including lengths, bearings, radii, chords, internal angles, and location of points of curvature.

f The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county, or other official bench marks, monuments or triangulation stations, in or adjacent to the property, shall be preserved in precise position.

g The dedication to the public of all streets and highways included in the proposed subdivision. Street monuments shall be installed by the subdivider's land surveyor at such points designated on the final plat as required by the city engineer. Standard precast monuments will be furnished by the subdivider and must be placed prior to the release of the improvement bond.

h Pipes or iron rod markers shall be placed at each lot corner.

i Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.

j Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

2 The final plat shall require:

- a A licensed land surveyor's "certificate of survey".
- b The owner's "certificate of dedication".
- c A notary public's "acknowledgment".
- d The city planning commission's "certification of approval".
- e The city engineer's "certificate of approval".
- f The city attorney's "certificate of approval".
- g The city council's "certificate of approval".
- h A one and one-half inch by five inch ($1\frac{1}{2}$ " x 5") space in the lower right hand corner of the drawing for the county recorder's use.

3 The following information shall be submitted:

- a A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
- b An itemized estimate of the cost of all proposed or required improvements, including labor and material.
- c One copy of any proposed restrictive covenants in final form and signed by all of the owners of any interest in the subdivision who signed the final subdivision map. This copy shall be acknowledged by a notary public and shall be recorded in the office of the county recorder along with the final plat.
- d Two (2) mylar originals of the final plat shall be submitted; one of which will be retained for the city files, the other will be sent to the county recorder for recordation.

E Filing Fee: There shall be a filing fee and inspection fee for the filing of a final plat of a subdivision, which shall be borne by the subdivider, and paid to the city in accordance with the provisions of section 11-5-3 of this title.

F Recordation; Copy To City Recorder/Clerk:

1 Following acceptance by the city council, the final plat bearing all official approvals shall be presented to the office of the county recorder for recordation.

2 A copy of said final plat shall be filed in the office of the city recorder/clerk for use by the city engineer or such other personnel as the city council may designate. (Ord. 2012-01, 7-10-2012)

11-2-6: AMENDED PLATS:

In all subdivisions which have been recorded and in which major changes need to be made, which shall change the subdivision substantially, the subdivision may be vacated or amended upon recommendation of the city engineer and approval of the city council. An amended plat shall be filed and recorded in accordance with the provisions of this title. (Ord. 2012-01, 7-10-2012)

CHAPTER 3

SUBDIVISION DESIGN STANDARDS

SECTION:

11-3-1: General Standards

11-3-2: Standards Of Construction

11-3-3: Street Standards

11-3-4: Block Standards

11-3-5: Lot Standards

11-3-6: Cuts In Pavement

11-3-7: Development Standards

11-3-8: Private Roads And Driveways

11-3-9: Water And Sewer

11-3-1: GENERAL STANDARDS:

A Preservation: The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, trees and vegetation.

B Elimination Of Hazards: Land which, in the opinion of the city engineer, is subject to hazardous conditions such as

landslides, mudflows, rock falls, snow avalanches, ground subsidence, shallow water table, open quarries, floods and polluted water supply, shall not be subdivided until the hazards have been eliminated or evidence submitted that the said hazards will be eliminated by the subdivision and construction plans. All cut and fill slopes shall be reseeded and/or planted with vegetation as required by the city council. (Ord. 2012-01, 7-10-2012)

11-3-2: STANDARDS OF CONSTRUCTION:

The standards of construction of all utilities, streets, and sidewalks are to conform to the building codes adopted by the city; and also to the standards of street construction heretofore adopted by the city council. (Ord. 2012-01, 7-10-2012)

Notes

1. See title 9 of this code.

11-3-3: STREET STANDARDS:

A Minimum Design Standards:

1 Minimum right of way width for a two-way city street shall be thirty four feet (34'), and the minimum hard surface width shall be twenty four feet (24'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be fifty feet (50') and the minimum hard surface must be forty feet (40').

2 Minimum right of way width for a one-way city street shall be thirty feet (30'), and the minimum hard surface width shall be twenty feet (20'); minimum standards do not allow on street parallel parking. To allow parallel on street parking the minimum right of way must be thirty eight feet (38') and the minimum hard surface must be twenty eight feet (28'). Parking is permitted only on the right hand side when viewed from the flow of traffic.

3 Sidewalk construction will be in accordance with subsection 7-2-3C of this code.

4 Private drives shall have a minimum width of twenty feet (20') and shall be finished with an all weather surface. Parking of vehicles and placement of public utilities in private drives is prohibited. The city will not maintain private drives, and will not collect trash from private drives.

B Construction:

1 Streets shall be constructed with city approved materials. Minimum requirements shall be as follows:

- a Base, six inches (6") compacted depth.
- b Gravel, three-quarter inch ($\frac{3}{4}$ ") or one inch (1") minus, to a compacted depth of three inches (3").
- c Asphalt, two and one-half inches ($2\frac{1}{2}$ ") compacted depth.

C Cul-De-Sacs: Cul-de-sacs shall be used only where unusual drainage or land ownership configurations exist which make other designs undesirable. Each cul-de-sac shall have a minimum hard surface width of twenty four feet (24') and a minimum right of way width of not less than thirty four feet (34') and shall have a maximum length of four hundred feet (400'), and must be terminated by a turnaround of not less than one hundred twenty feet (120') in diameter. Surface water must drain away from the turnaround, except where due to the grade surface, water cannot be drained along the street away from the turnaround. In such cases necessary catch basins, drain lines and drainage easements shall be provided.

D Easements: Utility corridor easements of not less than ten feet (10') shall be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains and other public utilities, location of said easements to be specified by the planning commission. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.

E Street Intersections: Streets shall intersect each other as nearly as possible at right angles. City streets shall approach other city streets at an angle of not less than eighty degrees (80°). Offsets in street alignment between ten feet (10') and one hundred twenty feet (120') shall be prohibited.

F Street Grades: Minimum street grades shall be four-tenths of one percent (0.4%) and maximum street grades shall be twelve percent (12%).

G Corner Returns: Curbs at all intersections shall be rounded with curves having minimum radius of twelve feet (12') measured to the back of curb and gutter.

H Design Specifications: Specifications for the design of street subbase, base, hard surfacing, curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications as adopted by the city.

I Street Names: New street names or numbering shall not duplicate those already approved by the planning commission. A street, obviously a continuation of another already in existence, shall bear the same name and numbering sequence. The numerical system of street designations shall be maintained and extended where possible.

J Street Dedications: All streets shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited.

K Relations To Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas, or their proper protection where adjoining land is not subdivided, but in no case less than the required minimum width.

L Streetlights: Streetlights within subdivisions shall be required at all intersections, and at any point where there is a change in direction of the road, and at a distance of no more than four hundred feet (400') apart.

M Fire Hydrants: Fire hydrants shall be placed at a distance of no more than five hundred feet (500') apart. (Ord. 2012-01, 7-10-2012)

11-3-4: BLOCK STANDARDS:

A Length: The maximum length of a block shall be one thousand two hundred feet (1,200') and the minimum length of a block shall be two hundred fifteen feet (215').

B Width: The width of a block shall be sufficient to allow two (2) tiers of lots. (Ord. 2012-01, 7-10-2012)

11-3-5: LOT STANDARDS:

A Building Sites: The lot arrangement, design and shape shall be such that lots will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.

B Building Setback Lines: Twenty foot (20') minimum front setback, thirty foot (30') minimum rear setback, and a minimum side setback of eight feet (8') for interior lots, and a twenty foot (20') for street side of corner lots, with the combined sum for the two (2) side yards not less than sixteen feet (16').

C Lot Sizes: All lots shown on the subdivision plat must conform to the minimum requirements of ten thousand (10,000) square feet.

D Lot Width: Each lot shall have an average width of eighty feet (80') at the setback line in an R-1 zone and R-2 zone. All lots must abut on a city street.

E Corner Lots: Corner lots shall have dimensions sufficient for the maintenance of required building setback lines twenty feet (20') on both streets, along with sufficient area to comply with area requirements of the zoning title 1 .

F Parts Of Lots: All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, and evidence of such attachment submitted prior to the approval of the final plat. All lots designated within a subdivision must be the minimum standards set forth in this title.

G Divided Lots: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the planning commission by the subdivider. (Ord. 2012-01, 7-10-2012)

Notes

1. See title 10 of this code.

11-3-6: CUTS IN PAVEMENT:

No cuts shall be made in street pavement after hard surfacing has been installed unless a permit is obtained and approved by the city. (Ord. 2012-01, 7-10-2012)

11-3-7: DEVELOPMENT STANDARDS:

A Grading:

1 Land with twenty percent (20%) or greater slope shall have natural vegetation but may be supplemented by other plant material.

2 Every lot or parcel shall have a buildable area equal to at least forty percent (40%) of the minimum lot size required in subsection 11-3-5C of this chapter.

3 All rough street and site grading shall be completed prior to the installation of utilities.

4 Borrowing from on site for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area.

5 Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and maintenance of cut and fill slopes except those within the required street right of way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.

6 Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping (i.e., cut and fill slopes).

B Drainage:

- 1 Stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods as determined by the city engineer, or be designed to divert into the closest usable irrigation ditch or channel.
- 2 No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate irrigation company, or of the water users for such use.
- 3 Stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping faces of a fill.
- 4 Curb, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadway except into appropriate drainage facilities.
- 5 Natural drainage shall be ripped or otherwise stabilized to the satisfaction of the city engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- 6 Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course within irrigation channels.
- 7 Sediment catchment ponds shall be constructed on the development site, unless sediment retention facilities are otherwise provided by the developer.

C Fire Protection: The city fire chief must approve the subdivision for adequate fire protection. (Ord. 2012-01, 7-10-2012)

11-3-8: PRIVATE ROADS AND DRIVEWAYS:

A Maintenance By City: The city shall not open, grade, pave or perform any maintenance work on any private or undedicated streets and the city will refrain from laying utility lines in any street which has not:

- 1 Been accepted by the city as a city street.
- 2 Which has not received approval of the city council as part of a final plat of a subdivision, unless an easement is granted.

B Acceptance By City: The city shall not accept or maintain streets or public ways unless said streets have been constructed in accordance with standards and specifications which have been adopted by the city council. (Ord. 2012-01, 7-10-2012)

11-3-9: WATER AND SEWER:

A Water Shares: Any person, firm or corporation, who shall hereafter subdivide any land within the city limits and who owns water rights to such irrigation water not already vested in the city corporation, shall be required to deed to the city water shares equivalent to one acre-foot of water per year for each dwelling unit to be constructed. Such water shares shall be used for conversion to the culinary water system of the city as it is deemed necessary. Any subdivider who does not own water shares must purchase the equivalent shares and deed them to the city. If no water rights are immediately available for purchase, the subdivider shall pay to the city an amount equal to the market value of said water shares and, as such time as water stock becomes available, the city shall purchase the equivalent shares.

B Water Installations: Water installations will be installed in accordance with the provisions of title 8 of this code.

C Sewer Installations: Sewer installations will be installed in accordance with the provisions of title 8 of this code. (Ord. 2012-01, 7-10-2012)

CHAPTER 4

SUBDIVISION IMPROVEMENTS

SECTION:

11-4-1: Improvements Completed

11-4-2: Performance Bond Required

11-4-3: Cost Of Improvements

11-4-4: Postponement Of Improvements

11-4-1: IMPROVEMENTS COMPLETED:

No final plat of a subdivision of land shall be recorded without receiving a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications have been completed, that they comply with the recommendations of the Planning Commission, and the City Fire Department, that they comply with the standards, rules and regulations for subdivisions approved by the City Council, which standards, rules and regulations are hereby incorporated in this title by reference. (Ord. 2012-01, 7-10-2012)

11-4-2: PERFORMANCE BOND REQUIRED:

A Amount Equal To Value Of Improvements: In lieu of the completion of the required improvements, the subdivider shall provide a performance bond in an amount equal to the reasonable value of the improvements required by this section as estimated by the City Engineer. The bond shall be either in the form of a corporate bond, the conditions of which must be approved by the City Attorney, or in cash, to guarantee that improvements will be installed as shown on the final plat. The purpose of the bond is to ensure construction of the required improvements within two (2) years from the date of final approval, without cost to the City, including any additional costs due to inflation.

B Executed By Authorized Surety Company: The bond shall be executed by a surety company duly authorized to do business in the State. It shall be payable to the City; filed in the Office of the City Recorder/Clerk; and be available for public inspection during regular business hours.

C Length Of Bond After Installation: Each bond shall run for at least ninety (90) days after the installation of all improvements and after a final inspection certified by the City Engineer. In no event shall the City be deemed liable under this section on any claim asserted by any laborer, or supplier, or contractor.

D Duration After Approval: The duration of a surety bond shall be for two (2) years from the date of approval of the final plat of the subdivision by the City Council, or such lesser time as is required to complete the said improvements.

E Default; Forfeiture Of Bond: In the event the subdivider is in default, fails or neglects to satisfactorily install the required improvements within two (2) years from the date of approval of the final plat by the City Council, or to pay all liens in connection therewith, the City Council may declare the bond or other assurance forfeited and the City Council may install or cause the required improvements to be installed, using the proceeds of the collection of the bond to defray the expense thereof.

F Final Inspection And Release: The subdivider shall be responsible for the quality of all materials and workmanship at the completion of the work, or not less than ten (10) days prior to the release date of the bond or other approved security, the City Engineer shall make a preliminary inspection of the improvements and shall submit a report to the City Council setting forth the conditions of such facilities. If all liens are not paid, the City Council may declare the subdivider in default and deny release of the bond. (Ord. 2012-01, 7-10-2012)

11-4-3: COST OF IMPROVEMENTS:

Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer. (Ord. 2012-01, 7-10-2012)

11-4-4: POSTPONEMENT OF IMPROVEMENTS:

The City authorizes the use of a Zoning Lot Postponement of Improvements Agreement (Lien Form) as follows:

CITY OF MONTICELLO

ZONING LOT

POSTPONEMENT OF IMPROVEMENTS AGREEMENT

(LIEN FORM)

<APPLICANT NAME> of The City of Monticello, County of San Juan, State of Utah, hereinafter referred to as **APPLICANT**, and **MONTICELLO CITY CORPORATION**, a municipal corporation of the State of Utah, hereinafter referred to as "the **CITY**," hereby agree as follows:

1. **PRELIMINARY. APPLICANT** has applied for a building permit for a new structure or an addition to or remodeling of an existing structure, on property located at <PHYSICAL ADDRESS>, more particularly described in Paragraph 2 hereof. There is in force an ordinance of the **CITY**, known as Title 11-4-1 of the Monticello City Code. This ordinance requires the installation of off-site improvements, including, but not limited to: construction/paving of curb, gutter, sidewalks, and streets adjacent to any property and connections for culinary water, secondary water, and sewer, where the same have not previously been installed. Said improvements are to be installed at such time as application is made for a building permit for any other improvement on such property.
2. **LEGAL DESCRIPTION.** Following is a legal description of the property to which this agreement pertains, to wit:
3. **AGREEMENT FOR POSTPONED INSTALLATION.** The parties agree that **APPLICANT** may postpone compliance with the terms of Title 11-4-1 of the Monticello City Code, until such time the City Council shall determine, in its considered discretion, that the improvements should be installed adjacent to the **APPLICANT'S** property. The City Council shall not make such determination until like improvements are required to be installed on adjacent properties.
4. **POSTPONED INSTALLATION.** Upon receipt of notice that the City Council has made the determination referred to in Paragraph 3, hereof, **APPLICANT** or its successor in interest shall either proceed to install the said off-site improvements or reimburse the **CITY** if the **CITY** elects to install the improvements. In the event a special improvement district (SID) is organized for the purpose of installing the off-site improvements, **APPLICANT** agrees to make payment to SID for improvements. In any case, **APPLICANT** will refrain from objecting either formally or otherwise to the installation of the improvements, the establishment of such a district, or the assessment imposed by the district for construction of the improvements indicated above.
5. **COMPLIANCE WITH CITY ORDINANCES AND SPECIFICATIONS.** It is agreed that the installation of the off-site improvements shall be constructed in accordance with all applicable, specifications, and standards of the **CITY**, and with any

administrative rules or regulations pertinent thereto. All work shall be subject to the inspection of the **CITY** Building Official or his agent, and any questions as to conformity with the **CITY** specifications or standards or as to the technical sufficiency of the work shall be decided by the **CITY** Building Official, and his decision shall be final and conclusive.

6. **LIEN TO BE RECORDED.** It is agreed that this Agreement shall be placed on record in the office of the San Juan County Recorder and shall be a lien against the property described in Paragraph 2 hereof. Upon satisfactory completion of the installation of said off-site improvements, the lien shall be discharged by the **CITY**. **APPLICANT** shall pay the expenses of recording and discharging the lien.

7. **SUCCESSORS, ENFORCEMENT.** This agreement shall be binding on the parties hereto, their successors or assigns. Should the services of an attorney be required to enforce this Agreement, the defaulting party agrees to pay a reasonable attorney's fee and court costs.

(Ord. 2019-1, 1-8-2019, eff. 1-8-2019)

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10 ZONING REGULATIONS

Red = Changes required by Utah law

Blue = Changes to be discussed by Planning Commission

CHAPTER 5 *A-1 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 **Main** Building Only
- 10-5-10: Every Dwelling To Be On A **Lot or Parcel**
- 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: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited
- 10-5-15: Sewage Disposal
- 10-5-16: Water Connections**
- 10-5-17: Drainage
- 10-5-18: Clear View Of Intersecting Streets
- 10-5-19: Effect Of Street Plan
- 10-5-20: Motor Vehicle Access
- 10-5-21: Landscaping Required
- 10-5-22: Pollution Prevention
- 10-5-23: 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 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:

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

Accessory buildings.

~~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.~~

Bunkhouses used by workers and staff.

Churches, not including temporary revival tents or buildings.

Fences, walls and hedges.

Foster care homes.

Grain bins and silos.

Household pets.

Landscape businesses, exclusive of gravel crushing and which do not violate dust, noise, or nuisance ordinances.

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

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

Plant nursery.

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.

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

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.

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

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

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

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

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

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

Fences shall conform with section 10-2-15 of this title.

C. The following uses are permitted as conditional uses.

Daycare, nursery, preschool.

Rest homes, nursing homes, convalescent homes, assisted living homes.

10-5-4: AREA AND FRONTAGE REQUIREMENTS:

A. Area and width requirements for all uses shall be a minimum of one acre.

B. Frontage at setback line shall be a minimum of one hundred twenty five feet (125'). (Ord. 2012-01, 7-10-2012)

10-5-5: LOCATION REQUIREMENTS:

A. Front Setback:

1. Main Setback: All dwellings and other structures shall be set back according to the special conditions noted below:
 - a. Where the legal property line of the lot or parcel is located at the back of street curb or back of pavement and there is no curb, the front setback shall be fifty feet (50') from the front lot or parcel line.
 - b. Where the legal property line of the lot or parcel is located within the street pavement or gravel area, the front setback shall be forty feet (40') from the front lot or parcel line.
 - c. Where the legal property line of the lot or parcel is located more than ten feet (10') from the street pavement or gravel area, the front setback shall be twenty feet (20') from the front lot or parcel line.
 - d. Where the legal property line of the lot or parcel line is angular to the roadway and there is less than twenty feet (20') between the legal property line and the street pavement or gravel area, then the front setback shall be a minimum of twenty feet (20') from the nearest point of the street pavement or gravel area.
2. Accessory Buildings: All accessory buildings shall be set back not less than twenty feet (20') 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 or parcel, a detached accessory building shall be set back not less than sixty feet (60') from the front lot line.

B. Side Setback; Interior Lot or Parcel:

1. Main Buildings: All dwellings and other main buildings shall be set back at least twenty feet (20') from the side lot or parcel line.
2. Accessory Buildings: All accessory buildings shall be set back at least twenty feet (20') from the lot or parcel line.

C. Side Setback; Corner Lot or Parcel:

1. Side Abutting Street: All dwellings and other main and accessory buildings shall be set back at least fifty feet (50') from the side lot or parcel line which abuts on a street.
2. Interior Side: Same as required for interior lots or parcels.

D. Rear Setback; Interior Lot **or Parcel**:

1. Main Buildings: All dwellings or other main buildings shall be set back at least **twenty feet (20')** from the rear lot **or parcel** line.
2. Accessory Building: Same as required under side setbacks for interior lots.

E. Rear Setback; Corner Lot:

1. Main Buildings: All dwellings and other main buildings shall be set back at least thirty feet (30') from the rear lot **or parcel** line, except
 - a. 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 **or parcel** line to the closest part of the building.
2. Accessory Building: All accessory buildings shall be set back at least **thirty feet (30')** from the rear lot **or parcel** line

10-5-6: HEIGHT OF BUILDINGS:

The maximum height of **any building shall be measured from finished grade at the front of the building to the highest wall plate.**

A. The maximum height of a dwelling building shall be as noted below:

1. Level lot **or parcel**: Thirty feet (30').
2. Uneven lot **or parcel**: Where the ground is uneven in height and the ground slopes downward from the front of the dwelling by more than ten feet (10') to the back of the dwelling the maximum height shall be thirty-three (33').

B. Minimum height of a dwelling building shall not be less than the height required by the applicable building code.

C. The maximum height of accessory buildings shall be no greater than forty-five feet (45') or two stories, whichever is the higher.

D. Additional Height Allowed For Public Buildings:

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

10-5-7: 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 addition. (Ord. 2012-01, 7-10-2012)

10-5-9: YARD SPACE FOR ONE MAIN BUILDING ONLY:

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

10-5-10: EVERY DWELLING TO BE ON A LOT OR PARCEL:

Only one building which contains a dwelling shall be located and maintained on a "zoning lot" lot or parcel as defined in this title, except bunkhouses and 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, parking, or other requirements of this title for a lot, parcel, or building may be sold or leased apart from such lot, parcel, or building unless other space so complying is provided. (Ord. 2012-01, 7-10-2012)

10-5-12: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed except:

- A. Permitted accessory buildings, and
- B. Ordinary and customary projection of sills, belt courses, cornices and other ornamental features and unenclosed steps and unwallled stoops, porches and carports which may project up to three feet (3') into a required yard.

10-5-13: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS:

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

10-5-14: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

- A. No yard or other open space surrounding an existing building, or which is hereafter provided around any building in any zone, shall be used for the storage of junk, debris, or inoperable vehicles;

- B. No land shall be used for such purposes, except as specifically provided by this title.
- C. Storage of one restorable vehicle may be permitted in the backyard for a period of six (6) months, on a case by case basis, at the discretion of the zoning administrator. Restoration work shall comply with applicable noise and nuisance ordinances.

10-5-15: SEWAGE DISPOSAL:

- A. Sewer connections shall comply with Title 8 of city code.
- 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)

10-5-16: WATER CONNECTIONS:

- A. Where municipal water is available all dwellings shall be connected in accordance with Title 8 of city code.
- B. Where no municipal water is available, approval of such facilities shall be obtained from the state health department before a building permit or certificate of occupancy shall be issued therefore.

10-5-17: 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.

10-5-18: 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:

- A. 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)

- B. Before a building permit shall be issued for the building that abuts on a proposed street, the property owner shall
1. Grant an easement for the proposed street to the city.
 2. Construct the street and underground utilities to the standards required by the city.
 3. Post a bond guaranteeing that all street and underground utility improvements will be completed to standards required by the city.

10-5-20: MOTOR VEHICLE ACCESS:

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

- A. ~~Access shall be by not~~ No lot or parcel shall have more than two (2) driveways ~~from any one street.~~
- B. Driveways shall not be closer to each other than twenty feet (20'). Where one driveway is shared by adjacent lots or parcels, a conditional use permit is required prior to constructing the driveway.
- C. On corner lots or parcels, no driveways shall be closer than fifteen feet (15') twenty feet (20') to the point of intersection of the front property line with the side property line which abuts upon a street.
- D. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 2012-01, 7-10-2012)

10-5-21: LANDSCAPING REQUIRED:

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

10-5-22: 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)

10-5-23: SPECIAL PROVISIONS:

Special provisions shall apply in order to protect the intent of the zone.

- A. All buildings used for human occupancy shall be furnished with a water supply in accordance with 10-5-15 of this title.

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

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10 ZONING REGULATIONS

Blue = Reorganization & correction of existing code

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: Water Connections
- 10-10-10: Drainage
- 10-10-11: Motor Vehicle Access
- 10-10-12: Pollution Prevention
- 10-10-13: 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:

A. The following uses shall be authorized by a conditional use permit issued by the city:

Accessory buildings shall be permitted in this zone and may include, but are not limited to, 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, and auto body repair shops.

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.

Automotive service establishments, including gasoline stations, bulk petroleum storage, car washes, parking lots and storage garages.

[Buildings exceeding thirty feet \(30'\) in height.](#)

[Buildings over twenty-thousand square feet \(20,000 sq ft\) on the ground floor.](#)

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

Communication towers.

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

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

[Diagonal parking shall conform with section 10-2-13 of this title.](#)

Establishments for the sale of hardware, lumber, plumbing and heating equipment and similar building products, and the storage of supplies and materials used in conjunction with such establishments.

[Fences shall conform with section 10-10-13A of this title.](#)

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

[Impound yards](#), automobile wrecking yards.

Iron and steel fabrication, metalworking and welding shops.

Junkyards, collecting of rags, paper, iron or scrap materials.

[Landscaping businesses, plant nurseries and shops, including storage of equipment and materials.](#)

Lumber and planing mills, cabinetry, and taxidermy, and the equipment and materials storage used in conjunction with these businesses.

Machine shops.

Metal casting.

Ore reduction and processing.

[Portable Storage Containers shall conform with section 10-2-11 of this title.](#)

Public buildings for mechanical uses, [livestock impoundments](#), storage yards, and repair shops.

Sexually oriented business subject to Title 3 Chapter 11 of city code.

Signs shall conform with section 10-2-6 of this title.

[Slaughter houses, meat packaging, and wholesale distribution of meat products.](#)

[Temporary uses shall conform with section 10-2-10 of this title.](#)

Tire recycling and storage establishments.

Warehousing and storage.

[B. All permitted uses shall comply with the special provisions at 10-10-13 of this title.](#)

10-10-4: AREA, FRONTAGE, AND HEIGHT REGULATIONS:

There shall be no area, width, [height](#), 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: BUILDINGS PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building are prohibited. (Ord. 2012-01, 7-10-2012)

10-10-8: SEWAGE DISPOSAL:

[A. Sewer connections shall comply with Title 8 of city code.](#)

- 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)

10-10-9: WATER CONNECTIONS:

- A. All potable water shall be provided by connections with the municipal water source where available and in accordance with Title 8 of city code.
- 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.

10-10-10: DRAINAGE:

- A. Drainage corridors shall be protected in accordance with 10-12-2 of city code.

10-10-11: 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)

10-10-12: 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)

10-10-13: 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.

- C. Temporary sales of Christmas trees and nursery stock shall be permitted outside of a building unless otherwise prohibited under the terms of this title.
- D. All off street parking shall be hard surfaced.
- 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. For lots or parcels one (1) acre and less applicant shall provide the following information on a preliminary sketch:
 - 1. General topography and drainage direction arrows for the property.
 - 2. Drainage channels.
 - 3. All utility easements, both recorded and marked in the field by flagging.
 - 4. Marked up zoning map of area where the property is located and the location of any residential areas within fifty feet (50') of the property.
- H. For lots or parcels greater than one (1) acre applicant shall provide the following information on a preliminary civil engineering plan prepared by a civil engineer:
 - 1. Contour plan at a scale not greater than fifty feet (50') to the inch and at vertical intervals of not more than two feet (2').
 - 2. Drainage channels and direction arrows for the property.
 - 3. Layout of the building(s) with all setbacks
 - 4. Driveway access from a city street and internal traffic flow design.
 - 5. All utility easements, both recorded and marked in the field by flagging.
 - 6. Sewer and water from the building to their point of connection.

11-1-9: RESIDENTIAL INFILLING:

All subdivision codes must be adhered to and followed whenever a property owner splits one parcel of property into two (2) or more parcels.

A Exception to subdivision requirements, all requirements must be met in order to be considered residential infilling.

1 All created parcels must front an existing city street and have at least sixty feet (60') of frontage on said street.

2 All created parcels must meet the minimum square footage requirements of five thousand four hundred forty-five (5,445) square feet.

B If the creation of multiple parcels requires the creation of a new street or private drive to access any of the parcels, residential infilling will not be allowed, and the subdivision code must be followed.

C If no utilities are present on the existing city street on which the proposed infill would occur then the residential infilling will not be allowed, and the subdivision code must be followed.
(Ord. 2012-01, 7-10-2012)