



PLANNING COMMISSION MEETING

Notice is hereby given that the Planning Commission will hold a meeting at **7:00 pm, on Tuesday, February 27, 2024**, in the City Council Chambers at **38 West Center Street**.

AGENDA

1. Roll Call
2. Invocation/Inspirational Thought
3. Pledge of Allegiance
4. Public Forum (Public comments may be delivered in person at the meeting or submitted to the City Recorder prior to 5:00 pm on the meeting date for presentation to the City Council)
5. Review and Approval of Minutes – January 24, 2024
6. Public Hearings and Possible Action Items
 - a. RC Zone Development Standards and Related Use Modifications. Pgs 2-29
 - b. Modification of Water Impact Fee Pgs 30-40
7. Discussion and Possible Action Items
 - a. Conditional Use for Home Occupation at 133 S. 200 East – “Three Lil Piggies Handmade Clothing LLC.” Pgs 41-45
 - b. Request to Rezone Approximately 3 acres from R-2 to R&C near 230 East 300 North (Highway 89) Pgs 46-47
8. Discussion Items
 - a. Creation of a R-1 Single Family Zone Pg 48
9. Planning Commission Training – Open Public Meetings
10. General Discussion and Staff Reports
11. Adjournment

ADA NOTICE

If you are planning to attend this Public Meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING/POSTING

The undersigned duly appointed City Recorder for the municipality of Gunnison City hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Gunnison Gazette, Gunnison, UT, 84634, posted on www.gunnisoncity.org, as well as posted on the State of Utah’s Public Notice Website.

BY: _____
Valerie Andersen, City Recorder



Memorandum

To: Mayor Nay and City Council via Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 23, 2024
Re: Code Amendment Pertaining to the RC Zone Standards and Related Use Modifications
Action Type: Legislative

PUBLIC HEARING

This item was noticed as a public hearing item. The Planning Commission must entertain any speakers wishing to speak on this subject.

Background

The attached code amendment has been prepared to

- Address certain provisions of the RC zone regulations which are contrary to or inconsistent with actual development and land uses in the same zone.
- Address several changes to federal and state law that should be reflected in our code.
- Create a less restrictive review process for certain new development proposals in the RC zone.
- Clarify regulatory differences between residential and commercial uses in this zone that accommodates both types of uses, and
- Reduce redundant regulatory language within the Code.

Planning Commission Responsibilities

The City's land use regulations (GCLU) Section 203.1. indicates the Planning Commission is responsible

"To hear, review and recommend approval or denial of all Applications for a Land Use Ordinance Amendment (including Land Use Ordinance text and/or map amendments) and to transmit such recommendation to the Council."

Standard of Review

All code amendments must be considered under the following factors from GCLU Section 603.

1. The effect of the proposed amendment on the overall well-being of the City.
2. The effect of the proposed amendment on the public health, welfare, and safety.
3. The effect of the proposed amendment on the interests of the City, and its residents.
4. The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
5. Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.
6. The suitability of the properties for the uses and activities proposed.
7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.

RC Zone Rewrite

Section 1711 Uses In Residential And Commercial (RC) District

- ~~1.—In addition to the city’s general development requirements and standards of this Ordinance, the following shall apply to multi-family and non-residential developments in the RC District: The uses allowed within the Residential and Commercial (RC) District are identified in Appendix A, Table of Uses.~~
- ~~2.—Land Use Applications. All Land Use Applications required to establish and use, or a combination of uses, as allowed by the Residential and Commercial (RC) District shall be submitted, processed, and reviewed in accordance with the procedures for a Permitted P-1 Use, Permitted P-2 Use or Conditional C Use, as applicable, and as provided by this Ordinance. All Land Use Application approvals for any required approval shall be reviewed and approved as provided by this Ordinance.~~
- ~~3.—Land Use Application Requirements and Standards. All proposed uses and activities proposed in the Residential and Commercial (R&C-1) District shall be approved only if such uses and activities comply fully with the standards, as contained in Table 17-1, Standards for the Residential and Commercial (RC) District, as well as all other applicable requirements of this Ordinance.~~

Table 17-1

STANDARDS FOR THE RESIDENTIAL & COMMERCIAL (R&C) DISTRICT

Allowed Uses	As allowed by Appendix A.
Required Use Approval Procedure	As identified by Appendix A.
Allowed Residential Density	As provided by Appendix B.
Minimum Lot Size	All lots shall be of sufficient size to provide compliance with all minimum yard requirements, landscaping, access, parking, and other standards as required for Land Use Application approval, as provided by this Ordinance.
Maximum Building Size	As required for Land Use Application approval, as provided by this Ordinance.
Minimum and Maximum Building Height	As required by Appendix B.
Minimum Required Front Yard Setback	As required by Appendix B.

Minimum Required Side Yard Setback	As required by Appendix B.
Minimum Required Rear Yard Setback	As required by Appendix B.
Minimum Off-Street Parking Requirements	Total required off-street parking spaces shall be the cumulative total of the minimum required off-street parking spaces required for all uses proposed, as identified by Table 18-1, or may be determined by the review and acceptance by the Land Use Authority of a Shared Parking Analysis, conducted using accepted information and analysis methods, and approved and accepted as part of Land Use Application approval.
Location of Off-Street Parking Areas	The location of all parking areas shall be considered understanding the visual and pedestrian amenity impacts of off-street parking areas. The relationships and placement of buildings, open spaces, vehicle and pedestrian facilities and off-street parking areas is a critical design element in the Residential and Commercial (R&C-1) District and shall be required as part of Land Use Application approval.
Architectural Design and Materials Requirements	All buildings shall possess a similar architectural theme and have common architectural elements creating a unifying development character and design theme. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.
Building Orientation	All buildings shall address the street and provide architectural and other design elements to create a presence and attractive and inviting building-street relationship.
Signs	All uses proposed in a Residential and Commercial (R&C-1) District shall provide a consistent and unified signage scheme, such signage complying with the site and building design requirements and approval procedures, as provided by the Ordinance.
Required Landscaping	All landscaping shall comply with the requirements of this Ordinance.
Building and Site Lighting	All building and site lighting shall comply with the requirements of this Ordinance.
Other Site Design Requirements and Features	For all other building and site design elements the building and site design plans shall comply with the site and building design requirements and approval procedures, as provided and required by this Ordinance, or as may

	be further identified and required for Land Use Application approval, as required by the Land Use Authority, as applicable.
Nuisance	No use shall be designed or operated to expose adjoining properties and uses to offensive noise, odors, dust, electrical interference, and/or vibration, or create any other nuisance.

APPENDIX A TABLE OF USES

P-1 = Permitted Use; P-2 = Permitted Use; C = Conditional Use; A = Permitted only as an Accessory Use and under P-1 review requirements; X = Use Prohibited in the Zoning District (Zone)

A Use that is not identified in the Table of Uses is determined to be a Prohibited Use within Gunnison City.

ZONING DISTRICTS									
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Accessory Building/Structure (Attached). A building incidental and subordinate to an existing primary building and located ten (10) feet or less from the primary building and on the same lot as the primary building, and meeting all requirements of the Land Use Ordinances and Building Codes, as adopted. Accessory Building/Structure (Attached) shall comply with the minimum setback requirements applicable to the primary building or structure. (See Section 1706 and Section 1707).	P-1	P-1	P-1	P-1	P-1	P-1 A	P-1	P-1	P-1
Accessory Building/Structure (Detached). A building incidental and clearly subordinate to an existing primary building and located more than ten (10) feet from the primary building and on the same lot as the primary building, and meeting all requirements of the Land Use Ordinances and Building Codes, as adopted. (See Section 1706 and Section 1707).	P-1	P-1	P-1	P-1	P-1	P-1 A	P-1	P-1	P-1
Accessory Dwelling Unit for a Relative or Employee. An attached, or detached, dwelling unit for the occupancy by the owner, or a relative or an employee of the owner, and incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building and connected to the same utilities and utility meters as the primary building. No mobile home, travel trailer, boat, or similar recreational vehicle shall be used as an Accessory Dwelling Unit for a Relative or Employee. (See Section 1709).	P-2	P-2	P-2	X	X	P-2	P-2	P-2	X

USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Accessory Use. A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot as the primary use. (See Section 1706).	P-1	P-1	P-1	P-1	P-1	P-1 A	P-1	P-1	P-1
Agricultural Building. A structure used solely in conjunction with agriculture and , not used for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must be located outside of a residential area, as defined by §58-56-4(1), Utah Code Annotated, 1953, as amended.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Agriculture. An area of five (5) contiguous acres, or larger, which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in central Utah, or lands devoted to a soil conservation or forestry management program, but excluding the keeping of exotic or prohibited animals, Agriculture excludes Commercial Plant Nursery, as defined herein, and Concentrated Animal Feeding Operation, as defined by the Utah Code Annotated, 1953, as amended, and similar activities.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Airport. An area, with associated buildings and structures for the operation of aircraft, including take-off and landing, and necessary storage, service and maintenance facilities.	X	X	X	X	X	X	X	X	C
Animal Control Facility. A public or publicly licensed private facility to temporarily detain and/or dispose of stray dogs, cats and other animals.	X	X	X	X	X	X	X	C	C
Animal Hospital (Veterinary Clinic), With Holding Facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include outdoor holding facilities, but which may include indoor holding and boarding facilities.	X	X	X	X	X	X	C	C	X
Animal Hospital (Veterinary Clinic), Without Holding or Boarding Facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include indoor or outdoor holding or boarding facilities.	X	X	X	X	X	X	C	P-2	X

Commented [dm1]: Precludes GV Animal Clinic. May consider rezoning the clinic property or permitting such in the RC

Commented [dm2]: Compare: Commercial Kennels are not permitted in the CC zone.

USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Animal Unit (The Keeping of Domestic Livestock and Fowl). (See Section 1719). Limited to one (1) or a proportionate combination of the following: One domesticated cow or one (1) domesticated horse. Four (4) domesticated sheep or four (4) domesticated goats. Twenty (20) domestic fowl. Thirty (30) pigeons, or similar small domesticated birds. Thirty (30) rabbits, or similar small animals. For animals not listed above, the LUHO shall determine the number of animals that would constitute an Animal Unit, except that domesticated pigs (Suidae), mink, peacocks, guinea fowl, emus, ostriches, and inherently or potentially dangerous animals, fowl, reptiles, or exotic animals shall not be permitted. Animal Unit shall not include the unweaned offspring that are less than six (6) months old of any animal or fowl.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Automotive and Equipment Care - Minor. An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.	X	X	X	X	X	XP-2	C	C	X
Automotive Self-Service Station. A place where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer the retail sale of convenience items as an accessory use. Automotive Self-Service Station specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair and change, lubrication and tune-ups.	X	X	X	X	X	X	C	C	X
Bank, Credit Union or other Financial Institution. A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money. A bank, credit union or other financial institution proposing to provide drive-through service shall be required to secure a Conditional Use Permit approval for such drive through facility.	X	X	X	X	X	CP-1	P-2	P-2	X
Barn, Corral, Stable, Coop, Pen or Animal Run. A structure or fenced area, and its associated buildings and structures, for the feeding, housing, or confinement of domestic	P-1	P-1	P-1	X	X	XP-1	X	X	X

Commented [dm3]: Ottens Auto and GIC are not permitted per this code. Should probably be rezoned to CC along with Rasmussen's and Family Dollar

Commented [dm4]: GIC is not permitted in the RC Zone. Should probably be rezoned to CC

Commented [dm5]: Banks are good, quiet neighbors for residential areas and will locate along major road corridors.

Commented [dm6]: Consistency with Animal Units

animals, as defined herein. Stable includes a building, or a portion thereof, used to shelter and feed horses and ponies. (See Section 1719).									
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Bed and Breakfast Inn. A residential structure, located on a legal lot offering transient lodging accommodations in separate guest rooms and where meals may be provided. A Bed and Breakfast Inn shall provide no more than four (4) guest rooms and shall meet all applicable requirements of the Land Use Ordinances and Building Codes, as adopted. A guest room is one (1) room having no kitchen facilities. (See Section 1714).	C	C	X	X	X	CP-2	C	X	X
Billboard. A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.	X	X	X	X	X	X	X	X	X
Campground. An area of land upon which two (2) or more campsites are located, established or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit, not to exceed forty-five (45) days, for recreational or vacation purposes.	C	X	X	X	X	XC	CX	X	X
Car Wash. A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.	X	X	X	X	X	X	C	C	X
Child Care Facility, Home Based	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	
Child Care – Commercial Day Care/Preschool	X	X	X	X	X	P-2	P-2	X	X
Church. A facility principally used as a location for people to gather for religious worship or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family shall be permitted. (See Section 1705).	XP-1	P-21	P-21	P-21	P-21	P-21	P-21	XP-1	XP-1
Class A BeerLiquor Licenses - Off Premises Consumption. A Class A retail license shall entitle the licensee to sell beer on the licensed premises in the original containers for consumption off the premises only, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City, and to deliver the same to the residence of the purchaser; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than two (2) liters. Activities under this Class A License shall be conducted in compliance with all <u>state and local</u> requirements for the issuance of such license.	X	X	X	X	X	X	C	C	X

Commented [dm7]: GIC carwash not permitted in this zone. Another reason to consider rezoning to CC

Commented [dm8]: Under RLUIPA, any zone which allows uses other than residential must also permit churches.

Commented [dm9]: Alcohol sales are not permitted at GIS or Family Dollar. May be a reason to rezone?

Class A Liquor Licenses – Private Club/Resort. A Class A liquor license shall that entitles the licensee to serve, sell, and store liquor, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City. All sales under a private club license shall be to bona fide members of the licensed club, guest members, or their visitors accompanied by members or guest members, and not to the public. A Class A Activities under such License license shall be conducted in compliance with all <u>state and local</u> requirements for the issuance of such license.	X	X	X	X	X	X	C	C	X
<u>Liquor Licenses – On-Premises Consumption.</u> A liquor license issued by the state of Utah to establishments such as restaurants, hotels, motels, and arenas which licensure generally includes requirements for sale and consumption of food on premises.	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Commercial Kennel. Any premises or establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of Boarding, breeding, raising or training dogs for a fee or on a nonprofit basis. (See Section 1721).	C	X	X	X	X	X	X	C	X
Commercial Plant Nursery. A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail customers. Commercial Plant Nursery does not include wholesale nurseries or greenhouses.	X	X	X	X	X	X P-1	P-2	P-2	X
Commercial Recreation (Indoor). Any use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, and movie houses, indoor tennis, bowling, and skating, baseball batting cages, paintball, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.	X	X	X	X	X	X P-2	C	C	X
Commercial Recreation (Outdoor). An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.	C	C	X	X	X	X	X	C	X
Construction Sales and Service. An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lot or parcel other than a construction	X	X	X	X	X	X P-1	P-2	P-2	X

Commented [dm10]: This precludes ACE, Valley builders, and Petersen Plumbing. May consider rezoning those properties or making them a P-1 in this zone.

site. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, and swimming pool sales.									
Contractor's Office/Contractor's Storage Yard. A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and which may include the open storage of any building materials, equipment, or vehicles.	X	X	X	X	X	X	C	C	X
Convenience Store. A retail establishment selling consumer products including prepackaged food and drink. A convenience store may also provide associated retail sale of gasoline and other petroleum products.	X	X	X	X	X	C	P-2	P-2	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Correctional Facility. A public or private facility providing confinement, housing, and care for individuals legally confined for violations of the law.	X	X	X	X	X	X	X	X	C
<u>Crematorium. Building or facility which provides cremation services on site.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>
Day Care Center/Assisted Care Center. A facility which provides less than 24-hour assisted care or supervision for five (5) or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	X	X	X	X	X	C	C	X	X
Drive through/Drive up Facility. A facility where goods and services are provided to customers within a vehicle.	X	X	X	X	X	XP-1	C	C	X
Dwelling Unit, Condominium. An individually owned dwelling unit, meeting the definition of a condominium, as provided by Section 57-8-1, Utah Code Annotated, 1953, as amended, and complying with all requirements of the "Condominium Ownership Act," Section 57-8-1 Utah Code Annotated, 1953, as amended. Must meet allowed all density and development requirements and standards of the applicable Zone.	X	X	X	C	C	C	X	X	X
Dwelling Unit, Manufactured Home. A dwelling unit constructed in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) as identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1

Commented [dm11]: Precludes Coach B's and Shelle's

Dwelling Unit, Manufactured Home shall meet all requirements of the City's Building Code, as applicable.									
Dwelling Unit, Mobile Home. A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a State mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).	X	X	X	X	X	X	X	X	X
Dwelling, Multiple-Family	X	X	X	C	X	C	X	X	X
Dwelling, Single-Family	P-1	P-1	P-1	P-1	P-1	P-1/X ⁴	P-1/X ⁴	P-1/X ⁴	P-1
Dwelling, Two-Family	X	X	P-1	P-1	P-1	CP-1 /X ⁴	X	X	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Educational Facility. Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational or research activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	X	C	C	C	C	CP-1	X	XP-1 <u>1</u>	X
Emergency Care Facility. A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	X	X	X	X	X	XP-1	C	X	X
Home Occupation. Any use or activity conducted entirely within a dwelling, or legal accessory building or structure, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. This use is required to comply with all business licensing requirements of Gunnison City. (See Section 1702).	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	X
Hospital. A facility licensed by the State of Utah Department of Health providing clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients.	X	X	X	X	X	CP-1	C	X	X
Hotel. A building offering temporary lodging accommodations, or overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to four (4) or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.	X	X	X	X	X	CP-2	C	X	X

Commented [dm12]: Current precludes the hospital. May consider a special Hospital zone to cover all related uses.

Household Pets. Domesticated animals and birds ordinarily permitted in a dwelling unit and kept for company or pleasure of the owner. (See Section 1718).	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Laundry, Self-Serve or Dry Cleaning. An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop-off and pick-up.	X	X	X	X	X	EP-2	C	C	X	
Major Facility of a Public Utility. Any electric transmission lines (greater than 140,000 volts), power plants or substations of electric utilities; gas gathering facility, regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant.	C	X	X	X	X	X	C	C	C	
Manufacturing, Minor. Includes the processing and fabrication of finished products that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building with a maximum building size of 15,000 square feet.	X	X	X	X	X	X	X	P-2	X	
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1	
Manufacturing, Major. Includes the processing and fabrication of finished products, predominantly from previously prepared materials, and includes the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building. Excludes gravel pit, quarry, extractive industries.	X	X	X	X	X	X	X	C	X	
Medical and Dental Clinic. An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.	X	X	X	X	X	EP-2	C	X	X	
Medical or Dental Laboratory. An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.	X	X	X	X	X	XP-2	C	P-2	X	
Minor Facility of a Public Utility. A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found by the Gunnison City Planning Commission to conform to the General	C	C	C	C	C	C	C	C	C	

Plan, or has been considered by the Gunnison City Planning Commission and, after receiving the advice of the Planning Commission, the Gunnison City Council has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses and Utilities do not include “Major Facility of a Public Utility,” as defined herein.									
Mixed Use. The arrangement of a combination of compatible residential and nonresidential uses on the same lot or parcel of land or within the same building and complying within the requirements of this Ordinance. (See Section 1711).	X	X	X	X	X	C	C	X	X
Mobile Food Trailer. A trailer pulled behind a motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Trailer does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.	X	X	X	X	X	P-1	P-1	P-1	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Mobile Food Truck. A self-propelled motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Truck does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.	X	X	X	X	X	P-1	P-1	P-1	X
Mortuary, Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel and other rooms to conduct funeral services. <u>Does not include cremation services.</u>	X	X	X	X	X	CP-1	P-2	X	X
Motel. A building or group of buildings containing four (4) or more guest rooms, some or all of which may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach and which may include additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.	X	X	X	X	X	CP-1	P-2	X	X
Nursing Home, Convalescent Care Center. A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.	X	X	C	C	C	C	X	X	X

Office. A building, room, or other space where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.	X	X	X	X	X	<u>EP-2</u>	P-2 1	P- 2 1	XP -1
Open/Outdoor Storage (Stand Alone). The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles, and not an Accessory Use to any established primary use.	X	X	X	X	X	X	X	X	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Outdoor Youth Program. A program designed to provide behavioral, substance abuse, or mental health services to minors that: (1) serves adjudicated or non-adjudicated youth; (2) charges a fee for its services; (3) may or may not limit or censor access to parents or guardians; (4) may prohibit or restrict a minor's ability to leave the program at any time of the minor's own free will; and (5) provides its services in an outdoor setting.	C	X	X	X	X	X	X	X	X
Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers.	X	X	X	X	X	<u>EP-1</u>	P-2	C	X
Personal Instruction Service. An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature or by a nonprofit organization. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.	X	X	X	X	X	<u>EP-2</u>	P-2	P-2	X

Public Use. A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Council has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include “Major Facility of a Public Utility” or an “Airport,” “Correctional Facility,” “Animal Control Facility,” “Water Treatment Plant” or “Sewer Treatment Plant,” as defined herein. (See Chapter 16).	C	C	C	C	C	C	C	C	C
Reception Hall, Reception Center. A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.	X	X	X	X	X	C	P-2	C	X
Recycling Collection Center. A center for the acceptance and temporary storage of recyclable materials to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than 3 collection containers up to 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged to not impede traffic flow. The operator of the collection enter shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two (2) per site.	X	X	X	X	X	EX	P-2X	P-2	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Residential Facility for Elderly Persons. A single-family or multiple-family dwelling unit that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of Sec. 10-9a-103; Sec. 10-9a-501; and Sec. 10-9a-502, Utah Code Annotated, as amended, meeting all applicable International Building Code, Zoning and Health Code requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently. Residential	P-2	P-2	P-2	P-2	P-2	EP-2	X	X	X

Facility for Elderly Persons does not include a health care facility as defined by §26-21-2, Utah Code Annotated, 1953, as amended. (See Section 1715).									
Residential Facility for Persons with a Disability. A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. Disability means 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 impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility. (See Section 1716).	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Residential Facility for Persons with a Disability (Substance Abuse Facility located within 500 feet of a School). A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities. Disability means 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 impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility. (See Section 1717).	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}
Restaurant, Fast Food. A building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive up facility.	X	X	X	X	X	CP-1	C	C	X
Restaurant, Sit Down. A building or facility for the preparation, retail sale, and on-site consumption of food and beverages.	X	X	X	X	X	CP-1	P-21	XC	X

Retail Sales and Services. Establishments engaged in the sale of goods and services on a for-profit or not-for-profit basis.	X	X	X	X	X	<u>P-1/X</u> ⁶	P-2	P-2	X
Riding Arena (Equestrian Arena). An area or structure used for horse riding and equestrian-related activities.	C	C	X	X	X	X	X	X	C
Self-Service Storage. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.	X	X	X	X	X	<u>X/A</u> ⁵	<u>X/A</u> ⁵	C	X
Sewer Treatment Facility. A <u>state</u> licensed facility that treats sanitary sewer effluent to a minimum level as established by State and/or Federal environmental protection agencies.	X	X	X	X	X	X	X	X	C
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Sexually Oriented Business. An activity identified and conducted in compliance with the requirements of this Ordinance. (See Section 1725).	X	X	X	X	X	X	X	C	X
Special Use. A use established to meet a particular need or activity for a specific period, but not to exceed three hundred sixty (360) days, and <u>days and</u> conducted in compliance with all the requirements of this Ordinance, such use being discontinued and completely removed after the expiration of the specific period.	C	C	C	C	C	C	C	C	C
Temporary Use. A special event or use proposed to be established for a maximum period of ninety (90) days, such event, or use being discontinued after the expiration of ninety (90) days, and <u>days and</u> conducted in compliance with all the requirements of this Ordinance. Such uses may included <u>include</u> , but are not limited to, seasonal commercial activities, including Christmas tree lots and snow cone shacks, nonprofit fund-raising activities, organized events, educational, historic, religious and patriotic displays or exhibits, including athletic or recreational events, festivals, arts and crafts fairs, and other organized events. All family gatherings shall be exempt from the requirements of a Temporary Use Application approval.	X	X	X	X	X	P-1	P-1	P-1	P-1
Theater, Indoor. A building or part of a building devoted to the showing of moving pictures, or the presentation of live performances.	X	X	X	X	X	C	C	X	X
Therapeutic School. A residential group living facility for four (4) or more individuals who are not related to: (i) the owner of the facility; or (ii) the primary service provider of the facility; and that serves students who have a history of failing to function: (i) at home; (ii) in a public school; or (iii) in a nonresidential private school; and that offers: (i) room and board; and (ii) an academic education integrated with: (A) specialized structure and supervision; or (B) services	X	C ³	C ³	C ³	C ³	C ³	X	X	X

or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.									
Vehicle Automotive and Equipment Rental or Sale, New or Used. An establishment engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors. Typical uses include new and used truck sales and rental, boat sales, recreational vehicles, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental.	X	X	X	X	X	XP-2	C	C	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Automotive Vehicle and Equipment RepairCare - Major. An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.	X	X	X	X	X	X	C	C	X
Water Treatment Facility. A licensed facility that treats raw water to a quality as established by State and/or Federal agencies to provide culinary water suitable for human consumption.	X	X	X	X	X	X	X	X	C
Wholesale Nursery or Greenhouse. A wholesale business whose principal activity is the growing, selling, and shipping of plants.	C	X	X	X	X	X	X	P-1	X
Wind Energy System. A wind energy conversion system consisting of one (1) wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than three kilowatts (3kW) and providing wind generated electrical power to be used for on-site consumption.	C	C	C	X	X	X	X	C	C
Wireless Telecommunications Site/Facility. A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but is required to meet location requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97. A facility may be located on any property owned by the City. (See Section 1722).	X	X	X	X	X	XC	XC	C	C

Notes:

1. Must be found to be proposed in a similar residential dwelling as allowed in the Zoning District.
2. Shall not be located closer than 10 times (10x) the minimum lot width, required in the Zoning District, from any other Residential Facility for Persons with a Disability, as measured from the closest property line to the closest property line.
3. Shall not be located closer than 10 times (10x) the minimum lot width, required in the Zoning District, from any other Therapeutic School, as measured from the closest property line to the closest property line.
4. No new single-family or two-family homes are permitted on properties abutting Main Street or Highway 89.
5. Self-storage units are only permitted on a property which has a primarily retail, or other, non-storage related, commercial use. The storage units must be located at least 200 feet from Main Street or a State Highway and comply with all applicable site development standards.
- 4.6. Retail Sales and Services in the RC zone must be located on properties adjacent to or within 200 feet of Main Street.

Appendix B Standards For Primary Buildings And Structures

REQUIREMENTS	ZONING DISTRICTS								
	A-1	RR-1	R-2	R-4	MH	RC	CC	I-1	S-1
Building Foundation Requirements	All habitable buildings and structures shall be constructed on and permanently attached to a permanent.								
Minimum Dwelling Size. The minimum habitable living area of each dwelling	Single Family 1,000 s.f.	Single Family 1,000 s.f. Two-Family 900 s.f.	Single family 900 s.f. Two-Family 850 s.f. Multi-Family 800 s.f.	Single family 700 s.f. Two-family 850 s.f. Multi-Family 800 s.f.	Single family 900 s.f. Two-Family 850 s.f. Multi-Family 800 s.f.	Single family 900 s.f.			
Minimum Lot Sizes and Widths. The following standards are for specified residential uses permitted within the city's zones. Permitted non-residential uses or multi-family developments with more units than those listed below must have sufficient acreage and site dimensions to comply with the development standards of this code based on the intended use.									
Minimum Lot Size - Internal lot	40 acres	1 acre – Single-Family,	10,000 sq ft. Single-Family.	7,500 sq. ft. Single-family. 10,000 sq. ft. Two-family. 12,500 sq. ft. Three-family 15,000 sq. ft. Four-family			As necessary to comply with city development standards.		

			15,000 sq ft. Two-Family		
Minimum Lot Size for Corner Lots	40 acres	1 acre – Single-Family	12,000 sq ft. Single-Family. 18,000 sq ft. Two-Family	9,000 sq. ft. Single-family. 12,000 sq. ft. Two-family 15,000 sq. ft. Three-family 18,000 sq. ft. Four-family	As necessary to comply with city development standards.
Minimum Lot Width - Internal lot	200 feet	130 feet – Single-Family See also Section 1115 for cul-de-sac lots.	100 feet – Single-Family 118* feet – Two-Family See also Section 1115 for cul-de-sac lots.	75 feet – Single-Family 90 feet – Two-Family 100 feet – Three-Family 110 feet – Four-Family See also Section 1115 for cul-de-sac lots.	As necessary to comply with city development standards.
Minimum Lot Width for Corner Lots	240 feet	160 feet – Single-Family	120 feet – Single-Family. 142* feet – Two-Family	90 feet – Single-Family 110 feet – Two-Family 120 feet – Three-Family 135 feet – Four-Family,	As necessary to comply with city development standards.
Minimum Yard					

Requirements:										
	Front	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet	As required by the Land Use Authority for Land Use Application approval.	25 feet, except if any portion of the front yard is proposed to be used for any off-street parking the minimum front yard shall be 40 feet.	As required by the Land Use Authority for Land Use Application approval.
	Side	30 feet	15 feet	8 feet on one side, 20 feet combined	8 feet on one side, 20 feet combined	8 feet on one side, 20 feet combined	<u>(Residential - 8 feet on one side, 20 feet combined</u> <u>Commercial - 8 ft both sides</u>	As required by the Land Use Authority for Land Use Application approval.	20 feet or 25 feet when the side yard is adjacent to any road or street, except if any portion of a side yard adjoining any road or	As required by the Land Use Authority for Land Use Application approval.

									street is proposed to be used for any off-street parking the minimum side yard shall be 40 feet.	
	Rear	60 feet	30 feet	20 feet	20 feet	20 feet	<u>Residential – 20 feet</u> <u>Commercial – 8 ft</u>	As required by the Land Use Authority for Land Use Application approval.	20 feet or 25 feet when the rear yard is adjacent to any road or street, except if any portion of a rear yard adjoining any road or street is proposed to be used for any off-street parking the minimum	As required by the Land Use Authority for Land Use Application approval.

									rear yard shall be 40 feet.	
Minimum Yard Requirements for Corner Lots:										
	Front	40 feet	25 feet	25 feet	25 feet	25 feet	<u>Residential – 25 feet</u> <u>Commercial – 20'</u>	As required by the Land Use Authority for Land Use Application approval.		
	Side	30 feet on interior side yard, 40 feet on side yard adjacent to any road or street	15 feet on interior side yard, 25 feet on side yard adjacent to any road or street	8 feet on interior side, 20 feet on side yard adjacent to road or street	8 feet on interior side, 20 feet on side yard adjacent to any road or street	8 feet on interior side, 20 feet on side yard adjacent to any road or street	8 feet on interior side, 20 feet on side yard adjacent to any road or street	As required by the Land Use Authority for Land Use Application approval.		
	Rear	60 feet	30 feet	20 feet	20 feet	20 feet	<u>Residential – 20 feet</u>	As required by the Land Use Authority for Land Use Application approval.		

							Commercial – 8 ft	
Minimum Yard Setbacks—Adjacent to a Residential Zone:								
Front	Not Applicable						As required by the adjacent residential zone for a minimum distance of 100 feet.	
Side	Not Applicable						20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.	
Rear	Not Applicable						20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.	20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.
Minimum Building Height	10 feet, or one (1) story entirely above grade measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline.							

Maximum Building Height	35 feet, or two (two) stories measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline. The maximum height measurement includes the height of all roof-mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.	40 feet, or 35 feet when the lot is adjacent to a Residential Zoning District, measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline. The maximum height measurement includes the height of all roof-mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.
Minimum Dwelling Unit Dimension	All dwelling units shall be a minimum of twenty-four (24) feet wide at the narrowest point, excluding any attached accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.	No Requirement
Minimum Landscaping Required	No Requirements	See Section 1710 otherwise, no residential requirement. See Section 1710 45% of Total Site See Section 1710 40% of Total Site See Section 1710 No Requirement

Section 1715 Residential Facilities For Elderly Persons

The approval of a Residential Facility for Elderly Persons is nontransferable and terminates if the structure is devoted to a use other than a Residential Facility for Elderly Persons, or if the structure fails to comply with the requirements of this Section.

1. No Residential Facility for Elderly Persons shall be established unless:
 - a. It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, and as applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.
 - b. The Residential Facility for Elderly Persons proposes no fundamental change in the character of the neighborhood.
2. No Residential Facility for Elderly Persons shall be approved that would allow more than six (6) occupants.
3. The Land Use Authority in reviewing an application to establish a Residential Facility for Elderly Persons may to the extent necessary modify the requirements of this Section if such modification is deemed necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility.
4. Adequate off-street parking shall be provided for all residents and staff members
5. The facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.
6. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons;
7. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
4. For purposes of this section, Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Section 1716 Residential Facilities for Persons With a Disability is amended by adding the following paragraph 10.

10. Applicable Definitions. For purposes of this section, Disability means 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 impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.



Memorandum

To: Mayor Nay and City Council via Planning Commission

From: Dennis L. Marker, City Administrator

Date: February 23, 2024

Re: Modification of Water Impact Fee

Action Type: Legislative

PUBLIC HEARING

This item was noticed as a public hearing item. The Planning Commission must entertain any speakers wishing to speak on this subject.

Background

State Code, Title 11-36a, provides that communities may charge Impact Fees “upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.” Impact Fees may be charged for water rights and water supply, treatment, storage, and distribution facilities, wastewater collection and treatment, storm water, drainage, and flood control, municipal power facilities, roadways, parks, recreation facilities, open space, and trails, public safety facilities, environmental mitigation, or municipal natural gas facilities. Gunnison currently only charges impact fees related to its water and sewer infrastructure. Those fees are respectively \$1,736.64 and \$1,984.88.

The City Council recently adopted an updated water master plan which was prepared by Ensign Engineering (the whole plan is not included herewith due to file size limitations, but it is available for review in the city recorder’s office upon request). The master plan includes a detailed description of impact fee related regulations and provides a calculated maximum allowable water impact fee of \$6,927.20 per equivalent residential connection (ERC) (see pages 65-73 of the attached study).

Planning Commission Responsibilities

State law requires that the municipal legislative body must treat an impact fee enactment as if it were a land use regulation for public notice purposes. According to state noticing requirements, all land use regulations must first be reviewed by the Planning Commission and a recommendation provided to the City Council prior to Council adoption of the regulations. As such the Planning Commission should provide a recommendation to the City Council on changes to the water impact fee.

Standard of Review

No standard of review is provided within state law by which the Planning Commission can formulate its recommendation on this matter.

GUNNISON CITY WATER MASTER PLAN

Project:

Gunnison City Water Master Plan
Gunnison City

Project Number: 80740

Prepared For:

Gunnison City Council
PO Box 790
Gunnison, UT 84634

Date:

June 2023

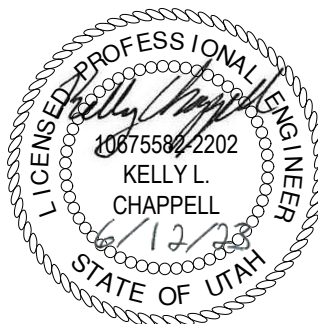
Prepared By:

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Reviewed By:

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10.0 STATUTORY IMPACT FEE STUDY

10.1 Introduction

The use of impact fees to finance public facilities is a concept that has already gained wide acceptance. The impact fee is frequently used as a source of capital financing in large and medium sized urban areas for system expansion. The theory, practical models, and legislation for determining growth-related costs and calculating impact-fees for new construction are well developed.

The Gunnison Water Master Plan-2023 incorporates the city's ability to facilitate future growth. These projects will be needed in order for the city to facilitate the anticipated growth of multi-family dwellings. Impact fees will help economically sustain these projects. An evaluation of this impact fee compared to impact fees in surrounding city's will be included.

This study discusses the framework for estimating an impact fee. It also quantifies the maximum amount that a developer or builder will be required to contribute to pay for the costs of the proposed water system.

The proposed source development and infrastructure improvement projects are expected to be funded by various state and federal agencies, in addition to the water service charges and impact fees.

10.2 Definition of Impact Fee

According to the Utah State Legislative Code 11-36a-102, "Impact fee is a payment of money imposed upon development activity as a condition of development approval. Impact fee does not mean a tax, a special assessment, a building permit fee, and a hookup fee, a fee for project improvements, or other reasonable permit or application fee."

An impact fee is a one-time charge on new construction, typically collected at the time of building permit issuance or connection to the water system. Impact fees are designed to ensure that new development contributes a fair share of the cost of the capital improvements needed to serve growth. The premise on which impact fees are based is that development should pay for the cost of providing the facilities necessary to accommodate growth. The costs of projects needed to support growth are financed with impact fees based on some measurement of a development's impact on future needs.

10.3 Purpose of Impact Fees

The impact fees are designed to cover the costs associated with providing new facilities in Gunnison City and to allow new users to connect to the city's water system. The broad purpose of impact fees is to protect the public health, safety and general welfare by providing an adequate, safe, and reliable water supply. The specific purpose of the impact fees calculated in this study is to fund the construction of the proposed water source improvements and infrastructure improvement project. This report documents the data, methodology, and results of the impact fee study.

10.4 Legal Framework and Regulatory Requirement

The methods used to calculate impact fees in this study are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution, and Utah State Legislative Statutes.

1. U. S. Constitution: Like all land use regulations, impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring that development is not detrimental to the quality of essential public services.

2. Utah State Legislative Statutes: Based on the Utah Impact Fee Act, a political entity such as county, municipality, or a special district imposing impact fees must prepare a written analysis of each impact fee that:

- Identifies the impact on system improvements required by the development activity.
- Demonstrates how those impacts on system improvements are reasonably related to the development activity.
- Estimates the proportionate share of the costs of the impacts on system improvements that are reasonably related to the new development activity; and identifies how the impact fee was calculated.

Utah Impact Fee Act includes the following Utah State Legislative Codes:

Utah State Legislative Codes	Subject
11-36a-101	Title
11-36a-102	Definitions
11-36a-201	Impact Fees – Impact Fees
11-36a-301	Establishing an Impact Fee - Impact Fee Facility Plan
11-36a-302	Establishing an Impact Fee - Impact Fee Facility Plan Requirements
11-36a-303	Establishing an Impact Fee - Impact Fee Analysis
11-36a-304	Establishing an Impact Fee - Impact Fee Analysis Requirements
11-36a-305	Establishing an Impact Fee – Calculating Impact Fees
11-36a-306	Establishing an Impact Fee – Certification of Impact Fee Analysis
11-36a-401	Enactment of Impact Fees - Impact Fee Enactment
11-36a-402	Enactment of Impact Fees – Required Provision of Impact Fee Enactment
11-36a-501	Notice – Notice of Intent to Prepare an Impact Fee Facilities Plan

11-36a-503	Notice – Notice of Intent to Preparation of an Impact Fee Analysis
11-36a-504	Notice – Notice of Intent to Adopt Impact Fee Enactment – Hearing - Protections
11-36a-601	Impact Fee Proceeds – Accounting of Impact Fees
11-36a-602	Impact Fee Proceeds – Expenditures of Impact Fees
11-36a-603	Impact Fee Proceeds - Refunds
11-36a-701	Challenges - Impact Fees Challenges
11-36a-703	Challenges – Procedure for Challenging an Impact Fee
11-36a-704	Challenges – Mediation
11-36a-705	Challenges – Arbitration

Based on the Utah Impact Fee Act (Utah State Legislative Code 11-36a-102), an impact fee study is a prerequisite for a capital facility plan for a political entity such as county, municipality, or a special district. The political entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. The capital facility plan should include impacts that the proposed facility may have on the affected entity.

In calculating the impact fee, the following cost items may be included (Utah Impact Fee Act, Utah State Legislative Code 11-36a-305):

- The construction contract price;
- The cost of acquiring land, improvements, materials, and fixtures;
- The planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
- The debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the system improvements.

10.5 Impact Fee Analysis

An Impact Fee Analysis (IFA) for Gunnison City was conducted to determine the anticipated impacts new development will have on the existing water system (per Utah Code 11-36a-303). As mentioned previously, some of Gunnison City's development may be redevelopment, but there is still plenty of areas within Gunnison City for new development projects. This added demand will reduce the existing level of service to these areas of the system.

10.5.1. Anticipated Impact

As development occurs within the city, the city will see an increased demand or a drop in the level of service on their system. System demands are determined based on the number of Equivalent Residential Connections (ERCs) the system serves (see Section 3 of this report). Gunnison City currently serves 2,716 ERCs. It is anticipated that within the next 10 years there will be an additional 666 ERC's due to growth for total of 3,382 ERCs by 2033. Cost associated

with maintaining the level of service in these areas of anticipated development will be discussed later in this section.

10.5.2. Existing Level of Service

Section 3 of this report (Existing Facilities) as well as Section 4.2 (Infrastructure) establishes the existing LOS for Gunnison City per Utah Administrative Code 309-510. This code provides demand requirements and a LOS for source, storage and distribution. A summary of the water demand criteria and existing LOS for Gunnison City is shown below in Table 10.1. It is important to note that impact fee funds cannot be used to increase the LOS, rather maintain the existing LOS.

Table 10.2 Water Demand Criteria / Existing LOS

Source		
Existing Source (indoor + outdoor)	1,100	gallons per day (gpd)
Existing ERCs	2,716	Equivalent Residential Connections (ERC's)
Existing LOS	0.41	gpd/ERC
Storage		
Existing Storage	3,041,000	gallons
Existing ERCs	2,716	Equivalent Residential Connections (ERC's)
Existing LOS	1,120	gal/ERC
Distribution		
Peak Day Demand	40	psi
Peak Instantaneous Demand	30	psi
Fire Flow + Peak Day Demand	20	psi

10.5.3. Water System Valuation

Gunnison City water system consists of source, storage and distribution. The estimated capital costs for these facilities in 2023 dollars is estimated and shown in table 10.3. Additionally, the approximate constructed year, lifecycle of the asset, salvage value, yearly depreciated cost is shown to approximate the depreciated cost to the IFFP. The system assets and valuation calculations are shown in Table 10.2

Table 10.2 IFFP Depreciate Cost

System Component	Cap Cost (2023 estimate)	Approx. Constructed Year	Lifecycle (yrs.)	Salvage Value	Yearly Depreciated Cost*	Depreciated Cost to IFFP*
Source						
Christensen Well	\$1,155,000	2015	40	\$115,500.0	\$25,987.50	\$947,100.00
Sorenson Well	\$955,000	2014	40	\$95,500.0	\$21,487.50	\$761,612.50
Treatment Plant	\$4,510,000	2014	40	\$451,000.0	\$101,475.00	\$3,596,725.00
Bartholomew Well	\$1,000,000	1985	40	\$100,000.0	\$22,500.00	\$145,000.00
Peacock Spring	\$1,450,000	1950	80	\$145,000.0	\$16,312.50	\$259,187.50
					SOURCE TOTAL	\$5,709,625.00
Storage						
ST001	\$1,350,000	1974	60	\$135,000.0	\$20,250.00	\$357,750.00
ST002	\$1,350,000	1990	60	\$135,000.0	\$20,250.00	\$681,750.00
ST003	\$1,350,000	2014	60	\$135,000.0	\$20,250.00	\$1,167,750.00
ST004	\$1,350,000	2000	60	\$135,000.0	\$20,250.00	\$884,250.00
ST005	\$1,750,000	2016	60	\$175,000.0	\$26,250.00	\$1,566,250.00
					STORAGE TOTAL	\$4,657,750.00
Distribution System						
Distribution System	\$15,485,000	2014	40	\$1,548,500.0	\$348,412.50	\$12,349,287.50
					DIST TOTAL	\$12,349,287.50

* Assumes Straight-line Depreciation

10.5.4. Existing and Excess System Capacity

As stated before, impact fee funds are designed to maintain the existing LOS and help offset the cost to maintain that LOS as a result of development. The portion of impact fee funds that can be used to maintain the existing LOS is based on the portion of existing excess capacity consumed by development. Table 10.3 shows the existing source capacity in Gunnison City. Since Gunnison is currently deficient on source capacity, there is no excess capacity after the planning window.

Table 10.3 Source Excess Capacity

Source Excess Capacity	
Existing ERC	2,716
Available Source (gpd)	1,320,000
Required Source (gpd)	2,330,612
Surplus/Deficit Capacity (gpd)	(1,010,612)
Surplus as % of Total Capacity	-77%
ERCs Served by Excess Capacity	0
ERCs in IFFP in Horizon	666
% of Excess Capacity	0%

It is anticipated that over the next 10 years Gunnison City will add an additional 666 ERCs from development which will consume approximately 25% of the existing storage capacity. Table 10.4 shows the existing and excess storage capacity and the anticipated portion of excess capacity to be consumed over the next 10 years.

Table 10.4 Source/Storage Excess Capacity

Storage Excess Capacity	
Existing ERC	2,716
Available Storage (gal)	3,041,000
Required Storage (gal)	1,654,176
Surplus/Deficit Capacity (gpd)	1,386,824
Surplus as % of Total Capacity	46%
ERCs Served by Excess Capacity	1,239
ERCs in IFFP in Horizon	666
% of Excess Capacity	25%

The existing and excess distribution capacity is based on the existing ERCs and the ERCs at the build-out state. The portion of excess capacity consumed over the next 10 years due to development. During a 40-year planning period, Gunnison City is estimated to have approximately 5,356 ERCs (see Section 4.3 of this report). The distribution system excess capacity is the difference between the existing ERCs and ERCs at buildout which is 2,640 ERCs. Over the next 10 years Gunnison City is expected to add 666 ERCs due to anticipated development. The additional 666 ERCs will consume approximately 25% of the existing excess capacity. Table 10.5 shows the existing excess capacity and expected excess capacity consumption over the next 10 years.

Table 10.5 Distribution Excess Capacity

Distribution Excess Capacity	ERCs	% of Buildout	% Of Excess Capacity
Existing ERCs	2,716	51%	-
10 Year IFFP ERCs	3,382	63%	-
Buildout ERCs (Year 2063)	5,356	100%	-
New ERCs in IFFP (Next 10 Years)	666	12%	25%
New ERCs to Buildout	2,640	49%	100%

10.5.5. Capital Improvements VS Impact Analysis

Capital improvement projects are designed to address existing system deficiencies. Capital improvement projects are funded through, grants, bonds/loans, usage fees etc. A list of proposed capital improvement projects is included in Section 7 of this report. If added demands from new development causes the existing LOS to drop, a portion of the impact fee funds can be used to address the drop in LOS. The portion of impact fee funds that can be used on capital improvement project is based on the percentage of excess capacity consumed through new development. Table 10.6 shows a list of projects that will be needed to maintain the existing LOS if/when the anticipated developments occur within Gunnison City. The table also show the estimated amount of the project that can be funded through impact fees.

Table 10.6 Capital Projects

Item	Description	Estimated Cost	Future Year	Future Year Cost	ERCs Served	ERCs Consumed	% to IFFP	Cost to IFFP
Source								
1	New Well	\$10,000,000	2025	\$10,100,000	2160	666	31%	\$3,114,167
Distribution								
2	200 North Highway 89 Loop	\$140,700	2024	\$142,107	125	100	80%	\$113,686
3	250 North Main Loop	\$59,800	2024	\$60,996	145	125	86%	\$52,583
4	Treatment Plant Media Replacement	\$250,000	2027	\$255,000	2716	666	25%	\$62,529

10.5.6. Maximum Allowable Proposed Impact Fees

The proposed impact fees are based on equitable buy-in and new facility improvement methodology in relation to development. Equitable buy-in, provides a mean for developers to buy-in to an existing system that has been paid for by Gunnison City. Equitable buy-in provides funding from developers who stand to benefit from infrastructure which they have not contributed to. The fee associated to the equitable buy-in is based off of the existing system valuation. New facility improvements are new facilities needed to meet the added demands created through development and maintain the existing LOS. Future facility fees are based off of the portion of excess capacity consumed by developers in conjunction with future facility improvement cost required to maintain the existing LOS. The sum of the equitable buy-in fee and new facility fee is the maximum allowable proposed impact fee per ERC for Gunnison City which is \$6,927.20 per ERC. Table 10.7 shows the breakdown of buy-in and new facility fees. For simplicity a meter-based impact fee schedule has been provided in Table 10.8 based off of the maximum allowable proposed impact fee and ERC multiplier.

Table 10.7 Buy In and New Facilities

	Cost	% to IF Eligible	IF Eligible Cost	% In IFA Horizon	Cost in IFA Horizon	ERCs Served in Planning	Cost per ERC
Buy In							
Source	\$5,709,625	0%	\$0.00	100%	\$0.00	666	\$0.00
Storage	\$4,657,750	46%	\$2,124,130.05	25%	\$520,865.47	666	\$782.08
Distribution	\$12,349,288	25%	\$3,115,388.44	25%	\$785,927.54	666	\$1,180.07
New Facilities							
Source / Storage	\$10,100,000	56%	\$5,656,000	31%	\$3,114,167	666	\$4,675.93
Distribution	\$458,103	80%	\$366,482.40	25%	\$92,453.51	666	\$138.82
Other							
Professional Expense	\$100,000	100%	\$100,000.00	100%	\$100,000.00	666	\$150.15
Impact Fee Balance	\$100	100%	\$100.00	100%	\$100.00	666	\$0.15
Total							\$6,927.20

Table 10.8 Meter Based ERC's

Meter Size (in)	AWWA Flow Rate (GPM)	ERC Multiplier	Impact Fee per Meter Size
3/4	30	1.00	\$6,927.20
1	50	1.75	\$12,122.59
1.5	100	2.92	\$20,204.32
2	160	5.10	\$35,357.57
3	350	8.51	\$58,929.28
4	600	14.89	\$103,126.24
6	1250	24.81	\$171,877.07

The maximum allowable proposed impact fee is considered to be the maximum amount Gunnison City can charge for culinary water impact fees. Gunnison City can choose to charge less than the recommend maximum allowable impact fee.

10.6 Impact Fee Facility Plan Certification

Ensign Engineering and Gunnison City jointly certify that the Impact Fee Facility Plan prepared for Gunnison City's culinary water service:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fee Act.
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within 10 years after the day on which the impact fee is paid.
2. Does not include:
 - a. Costs of operation and maintenance of public facilities
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees above the level of service that is supported by existing residents
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and methodological standards set forth by the federal office of management and budget for federal grant reimbursement and
3. Complies in each and every relevant respect with the Impact Fees Act.

10.7 Impact Fee Certification

Ensign Engineering and Gunnison City jointly certify that the Impact Fee Facility Plan prepared for Gunnison City's culinary water service:

1. Includes only the costs of public facilities that are:
 - d. Allowed under the Impact Fee Act.
 - e. Actually incurred; or

- f. Projected to be incurred or encumbered within 10 years after the day on which the impact fee is paid.
- 2. Does not include:
 - a. Costs of operation and maintenance of public facilities
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees above the level of service that is supported by existing residents
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and methodological standards set forth by the federal office of management and budget for federal grant reimbursement and
- 3. Offsets costs with grants or other alternate source of payment; and
- 4. Complies in each and every relevant respect with the Impact Fees Act.

Ensign Engineering makes this certification with the following disclaimer:

- 1. All recommendations for implementation of the IFFP made in the IFFP or in the IFA documents are followed by the City Staff and elected officials.
- 2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
- 3. All information provided to Ensign Engineering is assumed to be correct, complete and accurate. This includes information provided by the City as well as outside sources.



Memorandum

To: Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 23, 2024
Re: Conditional Use for Home Occupation at 133 S. 200 East
Action Type: Administrative

Action Needed:

The Planning Commission is the Land Use Authority for all Home Occupation licenses and must review the proposal for approval, approval with conditions, or denial.

The Request

Ms. Larisa Satterfield, who lives at 133 South 200 East would like to make infant and children's clothing in her home. This requires a business license as a Home Occupation.

Standards of Review

The standards for the Commission to use in reviewing a request for a Home Occupation are as follows:

Standard	Proposal Status
Compliance with all city ordinances (§4.10.070.3)	Upon visit to the property, the following item was found to be in violation of city ordinances: 1. Game fowl are being raised on the property without the site designation for a Livestock Management Area. There is sufficient acreage on site to have the LMA designation but the coops will need to be relocated to comply with setbacks.
No unlawful activities are being conducted or permitted on the premises (§4.10.070.5)	As noted above, the only activity taking place on the property which is unlawful is the raising of fowl, but this can be remedied with application for LMA designation.
The premises and/or the business is maintained in a legal, orderly, sanitary, non-hazardous manner (§4.10.070.5)	The property, as viewed from the road, is maintained in an orderly, sanitary and non-hazardous manner.
The home occupation is clearly incidental to the use of the dwelling unit for residential purposes and does not change the character of the dwelling unit or any legal accessory building or structure. (§1702.1)	The applicant's business will be conducted within the walls of the home. No exterior evidence of the operations is expected.

If the home occupation will be conducted within a dwelling, the entrance to the home occupation from outside shall be the main entrance or the same entrance used by the residents of the dwelling unit, except when required to be otherwise by the Fire Authority, Board of Health, or other public agency with authority (§1702.2)	The owner does not anticipate outside visitors to the home except close neighbors and friends. The main entrance to the home is on the driveway side of the house and would be used by others, if any.
The physical appearance, traffic, and other activities in connection with the home occupation are not contrary or in conflict with the purposes of the Zoning District in which the dwelling unit is located (§1702.3).	No exterior evidence of the home operations is expected.
If the home occupation will be conducted within a dwelling, no more than twenty-five (25%) of the ground floor area of the dwelling unit is used for the home occupation (§1702.4)	No more than a small office area is anticipated.
All activities associated with the home occupation shall be conducted entirely within the dwelling unit, or legal accessory building or structure, and shall be conducted by the residents of the dwelling only (§1702.5)	All activities will be conducted within the home by the applicant who is a resident.
All activities associated with the home occupation must be conducted within the dwelling unit or legal accessory building or structure (§1702.6)	All activities will be conducted inside the dwelling.
The home occupation contains no facilities for the display of goods or merchandise. Any sale of goods or services shall be an incidental part of the home occupation (§1702.7)	No display of goods is anticipated.
No commercial vehicles are used except one (1) delivery vehicle which does not exceed three-fourth (3/4) ton rated capacity (§1702.8).	No commercial vehicles will be used other than typical shipping business drop offs and pick up.
The home occupation shall maintain a valid Gunnison City business license (§1702.9)	If approved, this condition will need to be met.

Recommended Action

It is recommended that the Planning Commission grant a conditional approval of the requested business operation based on the following findings and conditions:

Findings:

1. The Planning Commission has authority to review all new home occupation applications under section 2.203 of the municipal code.
2. The business location does or can comply with all city ordinances prior to operation.
3. The premises is generally maintained in a legal, orderly, sanitary, non-hazardous manner.

Conditions:

1. That the business owner applies for designation of the property as a livestock management area and comply with regulations of such, particularly the location requirements for any animal coops, pens, or corrals, and
2. That the business owner fully complies with all home occupation standards of the city.

My name is Larisa Satterfield. I am the owner of Three Lil' Piggies Handmade Clothing LLC. I hand-make infant and children's clothing from quality USA-sourced/printed fabrics. All sewing is done inside my home and can not be heard outside. Three Lil' Piggies does not affect my neighbors as most of my customers pick up items at a public location or items are shipped. The only time an item is picked up at my home is if I know and trust the customer. I would never jeopardize my own family's safety let alone my neighbor's safety. I receive all business materials through usual mail carriers. It does not affect the flow of traffic or cause any loud noises in the neighborhood.

**Utah State Tax Commission**

TAXPAYER SERVICES DIVISION 210 N 1950 W SALT LAKE CITY Utah 84134-9000

Website: tax.utah.gov

atL012 03/2018

Sales Tax License and/or Use Tax Certificate of Registration

THREE LIL PIGGIES HANDMADE CLOTHING LLC
THREE LIL PIGGIES HANDMADE CLOTHING LLC
133 S 200 E
GUNNISON UT 84634-0000

Account Number: **15905540-002-STC**

This business is registered to make
taxable sales from the
incorporated city of:
Gunnison

Outlet: 0001 Issued: February 1, 2024 Valid until revoked or cancelled. Post in a noticeable place.

This business is authorized to make taxable sales, purchase tax free for resale, collect and remit sales and use taxes in the State of Utah. The authority to engage in business is subject to city and/or county business licensing laws and other rules and regulations. This license may be revoked for violations or failure to comply with these laws, rules and regulations. If this business moves, closes or is sold, you must contact the Tax Commission immediately by calling 801-297-2200 or toll free 1-800-662-4335 and return this license to the Tax Commission for cancellation. This license is NOT transferable.

ABOVE IS YOUR
SALES TAX LICENSE

TEAR OFF AT PERFORATION AND POST IN A NOTICEABLE PLACE

Keep this portion for your records.

Account Number: **15905540-002-STC**<<< Use this number for all correspondence or contact
with the Utah State Tax Commission.Jurisdiction: **Gunnison**Issued: **February 1, 2024****Your Personal Identification Number (PIN) will be sent in a different notice in a few days.**You are required to register your account at tap.utah.gov for electronic filing, paying and managing your account. Your PIN is needed to register.**NOTICE OF LIABILITY**

If you are purchasing a business, have the former business owner provide you a notice/receipt from the Tax Commission stating the sales and use taxes are paid in full. If the notice/receipt is not provided, Utah law requires you keep enough of the purchase money to pay the unpaid taxes. You may be held personally liable for any taxes not paid by the former owner.

TAX FREE PURCHASES

Merchandise purchased tax free, but used or consumed by your company, must be reported on your sales and use tax return. You must pay sales and use tax on goods that you or your company consume.



Three Lil Piggies

New Home Occupation Application

Location: 133 South 200 East

Zone: R-2

Permitted Use: P2

Acres: 0.445





Memorandum

To: Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 2, 2024
Re: Rezone of 3 acres from R-2 to R&C at 230 East 300 North (Highway 89)
Action Type: Legislative

Background

In 2021, the acting Zoning Administrator, Rod Taylor, initiated a zone change on behalf of Jon Mogle. Mr. Mogle owns a 5.4-acre parcel of land adjacent to Highway 89 between 200 East and 300 East. The property currently has a split zoning of RC and R-2 on it. A public hearing was held on this matter during the February 2021 Planning Commission meeting (unfortunately no minutes could be found) and the matter was tabled. Mr. Mogle is asking that this be brought back to the Planning Commission for a final recommendation to the City Council.

Planning Commission Action Needed

State law requires that any rezone/code amendment request must be reviewed by the Planning Commission and only after a public hearing on the matter can a recommendation be sent to the City Council for consideration. There is no limitation to the number of public hearings that can be held on a rezoning application and, due to the length of time since the previous meeting, it would be appropriate to host another on this matter. Like any code change, the Planning Commission must ultimately weigh the requested change against established review criteria as noted below.

Standard of Review

All code amendments must be considered under the following factors from GCLU Section 603.

1. The effect of the proposed amendment on the overall well-being of the City.
2. The effect of the proposed amendment on the public health, welfare, and safety.
3. The effect of the proposed amendment on the interests of the City, and its residents.
4. The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
5. Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.
6. The suitability of the properties for the uses and activities proposed.
7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.

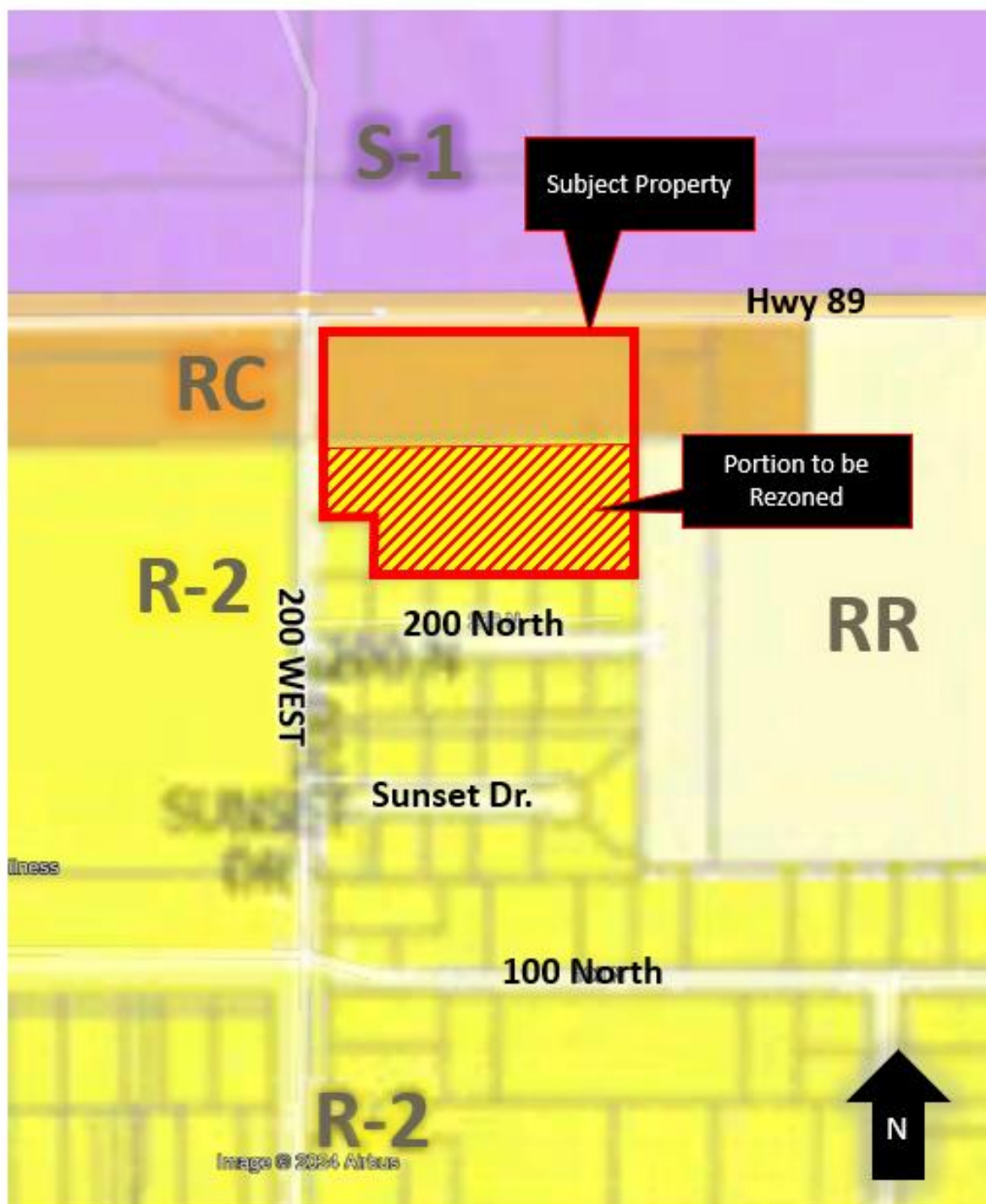


REZONE REQUEST

From R-2 to RC

Location: 230 East 300 North

Acres: 5.4 +/-





Memorandum

To: Planning Commission
From: Dennis L. Marker, City Administrator
Date: February 23, 2024
Re: Creation of an R-1 Single Family Zone
Action Type: Legislative

Background

In November 2023, the City Council initiated a request for the Planning Commission to consider the creation and application of an R-1 (Single Family only) zone. This item is placed on the current agenda for discussion regarding the request and next steps the Commission would like to take in the matter.

As with other code amendments on this agenda, the review criteria to amend the code is as follows:

All code amendments must be considered under the following factors from GCLU Section 603.

1. The effect of the proposed amendment on the overall well-being of the City.
2. The effect of the proposed amendment on the public health, welfare, and safety.
3. The effect of the proposed amendment on the interests of the City, and its residents.
4. The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
5. Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.
6. The suitability of the properties for the uses and activities proposed.
7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.

