



PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION WILL  
MEET FOR A REGULAR MEETING IN THE

Grand County Commission Chambers 125 East Center Street, Moab, Utah  
October 26, 2026 - 5:30 PM

### **Call To Order**

[Youtube Link](#)

**Join Zoom Meeting**

[Zoom Link](#)

**Meeting ID: 420 993 8173**

**Find Your Local Number: <https://us02web.zoom.us/j/kenwhyag3>**

### **Citizens To Be Heard**

We are receiving public comments by phone and online through Zoom. Dial: (669) 900 - 6833 Meeting ID: 420 993 8173 Planning Commission Zoom Link When joining the meeting, you will be placed in a waiting room and be added to the meeting by the moderator. Your comments will be recorded and on YouTube. (Unmute for public comment: \*6)

### **Ex Parte Communications And Disclosures**

#### **Approval Of Meeting Minutes**

**September 28, 2026 DRAFT Minutes**

**October 13, 2026 DRAFT Minutes**

#### **Presentations (15 Min)**

#### **County Commission Update**

## **Public Hearings**

### **General Business - Action Items - Discussion And Consideration Of Approval**

#### **Discussion Items**

1. **Data Centers Discussion**
2. **Housing Element Of The General Plan DRAFT**
3. **City Planning & Zoning**
4. **Land Use Code Rewrite Update — Workshop Draft Of Articles 1-3 And Discuss Schedule For Adoption**

#### **Future Considerations**

#### **Adjourn**

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at:(435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of the Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Grand County Commission meetings/hearings and other Grand County Boards, Commissions, or Committees any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual maybe limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received by 5:00 PM on the Tuesday prior to a regular Commission Meeting and forty-eight (48) hours prior to any Special Commission Meeting. **Information relative to these meetings/hearings may be obtained at the GrandCounty Commission's Office,125**

**East Center Street, Moab, Utah; (435)259-1346.**

**MINUTES OF THE GRAND COUNTY PLANNING COMMISSION**  
**Monday, September 28, 2026 at 5:30 p.m. – 125 E. Center St., Moab, UT 84532**

The Grand County Planning Commission held its regular meeting on the above date, with attendees participating in person and remotely via Zoom, <https://us02web.zoom.us/j/4209938173>  
Meeting ID: 420 993 8173

YouTube recording of the meeting can be viewed at  
<https://www.youtube.com/@GrandCountyUtahGovernment>  
Previous recordings archived at [www.grandcountyutah.gov/AgendaCenter](http://www.grandcountyutah.gov/AgendaCenter)

**Members Present:**

Megan Schafer, Vice Chair  
  
Mary Hofhine  
  
Randy Day  
  
Robert O'Brien (Zoom)  
  
Aaron Lindberg 5:35 p.m.  
  
Sara Kimmerle 5:36 p.m.

**Members Absent:**

Jerry Klaes, Chair

**Staff Present:**

Lisa Cenicerros  
  
Trish Hedin, Commission Liaison

**Call to Order** 5:30 p.m.  
Planning Commission Vice Chair Schafer called the meeting to order.

**Citizens to Be Heard**  
None.

**Ex Parte Communications and Disclosures** 5:31 p.m.  
M. Hofhine stated that she is now also serving on the MACLT board.

**Approval Of Meeting Minutes** 5:31 p.m.  
**September 14, 2026**

**Motion:** R. Day moved to approve the September 28, 2026 minutes; R. O'Brien provided the second. The motion passed 4-0-0.

**Yeas – 4**

M. Schafer  
M. Hofhine  
R. O'Brien  
R. Day

**Nays - 0**

**Abs - 0**

**County Commission Update** 5:32 p.m.

County Commission Liaison Hedin provided updates on items recently heard by the County Commission and other items of interest.

**Presentations (15 min.)**  
None.

**Public Hearings**  
None.

**Discussion Items**

**Sunrise Engineering**

Postponed for October 13<sup>th</sup> meeting.

**Upcoming General Plan Updates – POSTPONED 6:04 p.m.**

**General Business – Action Items - Discussion and Consideration of Approval**

**3. Planning Commission Amended Bylaws Resolution 6:11 p.m.**

**Motion:** R. Day moved to approve the Bylaws as presented with the changes noted; A. Lindberg provided the second. The motion passed with a vote of 6-0-0.

**Yeas – 6**

M. Hofhine  
A. Lindberg  
S. Kimmerle  
R. Day  
R. O'Brien  
M. Schafer

**Nays - 0**

**Abs - 0**

**Future Considerations**

Land Use Code update from Sunrise; joint workshop with the County Commission; Economic Development element of the General Plan; City Planning Commission liaison.

**Adjourn 6:37 p.m.**

**Motion:** M. Hofhine moved to adjourn; R. Day provided the second. The motion passed with a vote of 6-0-0.

**Yeas – 6**

M. Schafer  
A. Lindberg  
S. Kimmerle  
R. Day  
R. O'Brien  
M. Hofhine

**Nays - 0**

**Abs - 0**

**MINUTES OF THE GRAND COUNTY PLANNING COMMISSION**  
**Monday, October 13, 2026 at 5:30 p.m. – 125 E. Center St., Moab, UT 84532**

The Grand County Planning Commission held its regular meeting on the above date, with attendees participating in person and remotely via Zoom, <https://us02web.zoom.us/j/4209938173>  
Meeting ID: 420 993 8173

YouTube recording of the meeting can be viewed at  
<https://www.youtube.com/@GrandCountyUtahGovernment>  
Previous recordings archived at [www.grandcountyutah.gov/AgendaCenter](http://www.grandcountyutah.gov/AgendaCenter)

**Members Present:**

Jerry Klaes, Chair  
  
Megan Schafer, Vice Chair  
(Zoom)  
  
Mary Hofhine  
  
Randy Day  
  
Robert O'Brien  
  
Aaron Lindberg 6:20 p.m.

**Members Absent:**

Sara Kimmerle

**Staff Present:**

Lisa Cenicerros  
  
Quinn Hall  
  
Mark Tyner  
  
Trish Hedin, Commission Liaison  
  
Brian Martinez, Commission  
Liaison

**Call to Order 5:32 p.m.**

Planning Commission Chair Klaes called the meeting to order.

**Citizens to Be Heard 5:33 p.m.**

Citizens Mary O'Brien and Michael Wolf voiced their objections to data centers.

**Ex Parte Communications and Disclosures 5:37 p.m.**

None.

**Approval Of Meeting Minutes 5:31 p.m.**

None.

**County Commission Update 5:38 p.m.**

County Commission Liaison Martinez provided updates on items recently heard by the County Commission and other items of interest.

**Presentations (15 min.)**

None.

**Public Hearings 5:46 p.m.**

None.

**General Business – Action Items - Discussion and Consideration of Approval**

**Discussion Items 5:46 p.m.**

**1. Land Use Code Rewrite Update**

Daniel Jensen with Sunrise Engineering provided an update and answered questions.

**2. Upcoming General Plan Updates – Housing Policy Draft 6:08 p.m.**

Brian Martinez presented and gave an update.

**3. Data Centers Moratorium – Expiration Date and Next Steps 6:11 p.m.**

There was discussion.

**4. Land Use Code Amendment, Discussion Pertaining to Bylaws 6:46 p.m.**

There was discussion.

**Future Considerations 6:47 p.m.**

9/28/2026 draft minutes, Housing and Economic Development Elements of the General Plan, Transportation Element of the General Plan will be coming in the near future, Data Centers draft ordinance, and Article 8 of the Land Use Code.

**Adjourn 7:00 p.m.**

**Motion:** R. O'Brien moved to adjourn; R. Day provided the second. The motion passed with a vote of 6-0-0.

**Yeas – 6**

M. Schafer  
A. Lindberg  
J. Klaes  
R. Day  
R. O'Brien  
M. Hofhine

**Nays - 0**

**Abs - 0**



## AGENDA SUMMARY

### Planning Commission Meeting

Date: October 26, 2026

Title: Data Centers Discussion

Fiscal Impact:

If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions [commadmin@grandcountyutah.net](mailto:commadmin@grandcountyutah.net) (435) 259-1342 or contact the Commissioners directly at [commission@grandcountyutah.net](mailto:commission@grandcountyutah.net)

Presenter(s):

Legal Review: Not Applicable

Department: Planning and Zoning

Approved and  
within budget?

Budget Number:

#### Recommended Motion:

#### Background:

Discussion item only.

#### Attachments:

1. Data Centers supplemental doc 10-22-2026
2. DRAFT Data Center Ordinance 10-15-2026

***These are outlines of two scenarios: no Data Center and a small Data Center (Primary Data Centers) allowed. Obviously, they would need to be put in the form of a Land Use Code and are, at this point, “rough proposals.”***

***No Data Center language:***

**Definition of Data Centers:**

Any facility, campus, structure, or use that is **primarily** engaged in the storage, processing, management, routing, cryptocurrency mining, artificial intelligence computing, cloud computing, or transmission of digital data through servers, high-density computing systems, or similar infrastructure, including associated cooling systems, substations, generators, utility systems, and supporting infrastructure.

There are no zones in Grand County where a Data Center is a Permitted Use or a Condition Use. Note: The use table would have a row for Data Centers and no zone would have a P or C (permitted or condition use).

***Below is language that does not allow Primary Data Centers: (“Data Centers”) that use more than one-half a megawatt, or are larger than one-acre, or use more than 2,000 gallons of water per day for equipment cooling.***

**Definition of Primary Data Centers:**

Any facility, campus, structure, or use that is **primarily** engaged in the storage, processing, management, routing, cryptocurrency mining, artificial intelligence computing, cloud computing, or transmission of digital data through servers, high-density computing systems, or similar infrastructure, including associated cooling systems, substations, generators, utility systems, and supporting infrastructure that uses more than one-half (0.5) megawatt of energy or has a footprint\* of more than one acre of land or uses more than 2,000 gallons of water per day (2.24 acre feet per year) for equipment cooling is a Primary Data Center. Two (2) or more such facilities on contiguous parcels, or on parcels within one (1) mile of one another, that are under common ownership or common control, or that share electrical service, water service, cooling infrastructure, or security infrastructure, shall be treated as a single Primary Data Center.

There are no zones in Grand County where a Primary Data Center is a Permitted Use or a Conditional Use. The use table would have a row for Primary Data Centers and no zone would have a P or C (permitted or condition use).

*In what zones should non-primary data centers be allowed??*

*What additional regulations are needed on noise, setbacks, lighting, backup generator operations, . . .?*

\*The footprint is based on total space for servers, cooling systems, subsystem generators, utility systems, and other similar supporting infrastructure.

**GRAND COUNTY ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING THE GRAND COUNTY LAND USE CODE DEFINING  
AND REGULATING HIGH-IMPACT DATA FACILITIES.**

**WHEREAS**, the Grand County Commission finds that industrial-scale digital processing, server hosting, and cryptocurrency mining operations place massive, single-user demands on electrical grid capacity, energy supplies, local air quality and local water resources; and

**WHEREAS**, preserving electrical grid stability and protecting water supplies in Grand County is vital to protecting public health, safety, and economic welfare; and

**WHEREAS**, the intent of this Commission is to establish clear, objective, utility-based thresholds to prohibit high-impact data facilities while keeping land use permitting predictable and consistent for all other development under standard county land use regulations.

**THEREFORE, BE IT ORDAINED** by the County Commission of Grand County, Utah, that the Grand County Land Use Code be amended as follows:

**SECTION 1: DEFINITIONS**

Section 1.1: "High-Impact Data Facility" Defined as any standalone facility, building, structure, or primary land use that meets EITHER of the following resource thresholds:

1. Electrical Load Threshold: A maximum connected electrical load capacity exceeding 10.0 Megawatts (MW); OR
2. Cooling Water Threshold: A consumptive water demand for mechanical or evaporative equipment cooling exceeding 20,000 Gallons Per Day (GPD) on an annual average.

**Section 1.2: Determination of Thresholds**

1. Electrical Capacity: Total electrical load capacity shall be established by the maximum demand capacity specified in a binding service agreement or utility capacity letter issued to the applicant by the electrical utility provider AND on-site generator nameplate ratings, OR certified engineering site plan submitted during review.
2. Water Demand: The Cooling Water Threshold applies exclusively to water from any source consumptively used in mechanical evaporative cooling systems, cooling towers, or fluid heat-rejection processes, and explicitly excludes standard domestic, agricultural, sanitary, or routine building HVAC operational water uses.
3. Multi-Tenant Developments: Thresholds shall be evaluated on an individual tenant or per-lot basis. Multiple lots, structures, or computing facilities shall be combined and evaluated as a

single operation if they share a private high-voltage substation, on-site power generation facility, or centralized cooling plant for the primary purpose of operating an integrated high-density digital processing system.

4. Operational Cap & Modification: Any permit issued under standard administrative review for a facility operating below the thresholds in Section 1.1 shall be conditioned upon maintaining operational loads below said thresholds. Any future expansion, equipment modification, or utility contract increase that causes the facility to meet or exceed either threshold in Section 1.1 shall immediately reclassify the facility as a High-Impact Data Facility subject to Section 2.1.

## SECTION 2: ZONING RESTRICTIONS AND APPLICABILITY

### Section 2.1: Prohibited Use

High-Impact Data Facilities as defined in Section 1.1 are prohibited in all zoning districts within Grand County.

### Section 2.2: Applicability to Other Uses

1. Non-High-Impact Uses: Any land use, development, or facility that does not meet the criteria of a High-Impact Data Facility under Section 1.1 shall not be subject to this section.
2. Governing Regulations: All land uses not defined as High-Impact Data Facilities under Section 1.1 shall be reviewed and permitted in accordance with the standard provisions and procedures of the underlying zoning district pursuant to the Grand County Land Use Code.



## AGENDA SUMMARY

### Planning Commission Meeting

Date: October 26, 2026

Title: Housing Element of the General Plan DRAFT If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions  
Fiscal Impact: commadmin@grandcountyutah.net (435) 259-1342 or contact the Commissioners directly at [commission@grandcountyutah.net](mailto:commission@grandcountyutah.net)

Presenter(s): Department: Planning and Zoning  
Legal Review: No Approved and Not Applicable  
within budget?  
Budget Number:

#### Recommended Motion:

Discussion only.

#### Background:

#### Attachments:

1. Housing Element of the General Plan DRAFT 10-15-2026



## GRAND COUNTY GENERAL PLAN 2030

*“Modern Gateway Community”*

### SECTION 2: HOUSING

#### 2.1. Purpose

This section creates a living plan that is referenced, used, measured, and refined to inform decisions and target resources to support housing solutions that meet Grand County’s housing needs, which would otherwise go unmet without intervention.

To ensure its usefulness as a decision-making tool, this plan incorporates three layers:

| Layer                              | Addresses                                | Changes by             | Expected pace              |
|------------------------------------|------------------------------------------|------------------------|----------------------------|
| Policy core (this Housing Section) | Goal, objectives, County role, policies  | General Plan amendment | Once every five years      |
| Intervention register              | The specific programs and tools in force | Commission resolution  | As interventions are added |
| Housing data                       | Conditions, indicators, progress         | Continuous update      | Reported quarterly         |

Housing data does not live in this document. Conditions, baselines, and progress cited as an indicator in this plan live in the County housing dashboard so the plan stays current.

#### 2.2. Goal and Objectives

**Goal.** To facilitate housing solutions that meet Grand County’s housing needs for all ages, incomes, and lifestyles, which would otherwise go unmet by the market without intervention.

##### **Objectives.**

| # | Objective                                    | Measure                                                               | Target    | By   |
|---|----------------------------------------------|-----------------------------------------------------------------------|-----------|------|
| 1 | Expand the supply of homes residents can buy | Net new ownership units deed-restricted to primary residency or local | 250 units | 2030 |

|   |                                                                                    |                                                                                                                                                                                                              |                                                         |        |
|---|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------|
|   |                                                                                    | employment, at or below 120% AMI                                                                                                                                                                             |                                                         |        |
| 2 | Expand rental supply affordable below 60% AMI                                      | Net new income-restricted rental units                                                                                                                                                                       | 200 units                                               | 2030   |
| 3 | Grow affordable housing for older adults to meet current backlog & plan for future | Net new independent, assisted, and memory-care units serving residents 55+                                                                                                                                   | 150 units                                               | 2030   |
| 4 | Keep existing homes in local hands                                                 | Share of the County housing stock that is a primary residence                                                                                                                                                | +5 percentage points                                    | 2030   |
| 5 | Convert County dollars into units                                                  | Public cost per restricted unit delivered, and private dollars leveraged per County dollar                                                                                                                   | Cost declining year over year; leverage at or above 5:1 | Annual |
| 6 | Encourage wealth-building aligned with economic mobility focus                     | Share of net new units that are not detached single-family on a conventional lot (e.g., rent-to-own, accessory dwelling units, cottage and courtyard clusters, small-lot detached homes, and modular housing | 30% of annual production                                | Annual |

### 7.3. Conditions and Focus Areas.

Grand County's market supplies housing that rewards investment and is driven by the County visitation economy, but it provides disproportionately low output that meets residents' needs.

This reality underpins this section. Current conditions and measures are updated and displayed in the public GC Housing Dashboard.

The following named focus areas arise from those conditions. They are where the County concentrates policy attention and resources for this planning period, and they are reviewed annually against the indicators in the measurement section.

### **Housing for older adults**

Grand County's population is aging faster than it is growing. Additionally, the County has a long waiting list for all housing options, from assisted living and memory care to affordable independent living options facilitating aging in place. Residents who have spent their working lives in Grand County leave or are underserved because they lack affordable housing and care options.

The County's role is to help remove the barriers to market solutions that are affordable for older adults, including infrastructure, planning, resources, and gap funding for projects serving older adult residents.

### **Homeownership and wealth creation**

Ownership is a primary tool for retaining working households. Converting a housing payment into equity gives families a reason to stay in Grand County as children age out of the school system. Constraints to homeownership are not unique to Grand County and include barriers like income, down payment, closing costs, and credit access. The County therefore favors interventions that lower barriers to homeownership or substitute for conventional credit, including down payment assistance, rent-to-own and lease-purchase structures, seller and owner financing, shared equity, consumer education, and employer-assisted purchase programs. An intervention that houses a family but strips their ability to build equity does not satisfy this focus area.

### **Small stand-alone units**

The County's current stock is dominated by detached homes on conventional lots at one end and multi-family rentals at the other. The reduction of manufactured housing community space has further added to the need for small, detached or semi-detached units that a single person, a couple, a small family, or an older resident can own at a price the local wage supports.

This includes accessory dwelling units, cottage and courtyard clusters, small-lot detached homes, modular, and factory-built housing. These housing types cost less per unit, are faster to deliver, and are provided for in the Land Use Code.

## **?4. County Role and Policies**

Housing is administered as economic development, under County Administration, mirroring the State of Utah, where housing programs sit within the Governor's Office of Economic Development. This places grant and funding applications, reporting, and measurement as an accountable staff function.

The County's role is to set housing objectives and report against them, deploy County funds and pursue outside funds, remove regulatory and cost barriers within its own processes, make land and infrastructure available where it advances an objective, and maintain the data.

## Policies

1. **Public funds buy measurable units.** Every County dollar committed to housing carries a unit count, an affordability level, a duration of restriction, and a delivery date in the funding agreement.
2. **Open eligibility, fixed standards.** Any entity that meets the published criteria set by objectives and affordability level may apply for County housing funds or incentives.
3. **Depth before volume.** Where funds are limited, the County prioritizes the affordability levels with the largest documented gap
4. **Durability of restriction.** County participation requires a recorded restriction.
5. **Equity for the household, subsidy for the community.** Ownership programs are evaluated on both owner wealth accumulation and public subsidy retained on resale.
6. **Cost removal before cash.** The County first uses policy, infrastructure investment, process speed, planning, and land, and commits cash where those tools are exhausted or insufficient.
7. **Coordinate at the boundary.** The County plans for the unincorporated county and coordinates with Moab City where infrastructure, annexation, or a shared project makes joint action cheaper or more effective. Coordination is specified project by project, not by standing body.
8. **Retire what does not work.** Every intervention carries a review date. If an intervention misses its delivery measure, amend or retire it at that review, using the same resolution process that created it.

### ?5. Intervention Register

The Register lists the programs and tools the County is currently running. The Commission adopts and amends it by resolution, so it can add, change, or retire an intervention without reopening the General Plan.

An intervention enters the register with all six fields filled.

| Field            | Requirement                                                                     |
|------------------|---------------------------------------------------------------------------------|
| Objective        | Which numbered objective it serves                                              |
| Mechanism        | What the County actually does: fund, finance, waive, convey, expedite, restrict |
| Delivery measure | Units, households, or dollars leveraged, stated as a number                     |
| Owner            | Named County department accountable for delivery                                |
| Funding          | Source and amount, or explicitly none                                           |
| Review date      | When the Commission decides to continue, amend, or retire                       |

### Adding to register

Any commissioner, County department, voluntary board, or member of the public may propose an intervention. Administration completes the six fields, scores it against the objectives and the funding policies, and brings it to the Commission Housing Subcommittee for review and recommendation to the Commission.

## 7.6. Measurement and Reporting

Every indicator has a named source the County can obtain without asking a third party for permission, and a stated refresh interval. Administration maintains all ten.

| #  | Indicator                                                            | Source                                               | Refresh   |
|----|----------------------------------------------------------------------|------------------------------------------------------|-----------|
| 1  | Restricted units by affordability level and tenure                   | County restriction registry needs to be created      | Monthly   |
| 2  | Total units permitted and completed                                  | County and City building departments                 | Quarterly |
| 3  | Primary residence share of housing stock                             | County Assessor master tax records                   | Annual    |
| 4  | Units permitted by housing type                                      | County and City building departments                 | Quarterly |
| 5  | Short-term rental units as a share of stock                          | County STR permits; State and Gardner Institute data | Annual    |
| 6  | Cost-burdened households, total and renters                          | American Community Survey                            | Annual    |
| 7  | Median sale price and median rent                                    | Assessor sales records; local rental survey          | Quarterly |
| 8  | Average wage and jobs by industry                                    | Utah Department of Workforce Services                | Quarterly |
| 9  | Households 65+ and age-appropriate units available                   | Census; County licensing and permit records          | Annual    |
| 10 | County dollars committed, units delivered, private dollars leveraged | Administrative staff                                 | Quarterly |

## Reporting

The dashboard is public, lives on the County website, and is current within 30 days of each indicator's refresh interval.

DRAFT

APPENDIX A:  
INTERVENTION REGISTER

| Intervention                              | Obj.       | Mechanism                                | Delivery measure                             | Review |
|-------------------------------------------|------------|------------------------------------------|----------------------------------------------|--------|
| Gap financing for restricted rental units | 1, 2, 3, 4 | Subordinate loan at or below market rate | Restricted units delivered per County dollar | Annual |



## AGENDA SUMMARY

### Planning Commission Meeting

Date: October 26, 2026

Title: City Planning & Zoning

Fiscal Impact:

If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions [commadmin@grandcountyutah.net](mailto:commadmin@grandcountyutah.net) (435) 259-1342 or contact the Commissioners directly at [commission@grandcountyutah.net](mailto:commission@grandcountyutah.net)

Presenter(s):

Legal Review: Not Applicable

Department: Planning and Zoning

Approved and within budget? Not Applicable

Budget Number:

**Recommended Motion:**

**Background:**

Discussion item only.

**Attachments:**

None



## AGENDA SUMMARY

### Planning Commission Meeting

Date: October 26, 2026

Title: Land Use Code Rewrite Update — Workshop  
Draft of Articles 1-3 and Discuss Schedule for Adoption

If this submission is from the general public you will need a commission sponsor, feel free to contact the Commission Administrators Office with any questions commadmin@grandcountyutah.net (435) 259-1342 or contact the Commissioners directly at [commission@grandcountyutah.net](mailto:commission@grandcountyutah.net)

Fiscal Impact:

Presenter(s):

Legal Review: Not Applicable

Department: Planning and Zoning

Approved and within budget? Not Applicable

Budget Number:

**Recommended Motion:**

**Background:**

Discussion item only.

**Attachments:**

1. Grand County LUC\_Art 1-3\_with markup\_for review

## Article 1 General Provisions

### 1.1 Title

This ~~LUC~~ Grand County Land Use Code shall be known and may be referred to as the “Land Use Code of Grand County” or simply as this “Code,” “LUC,” or as the “Land Use Code.”

### 1.2 Authority

This ~~LUC~~ Code and the Official Zoning Map are adopted pursuant to the powers granted and limitations imposed under Utah Code Title 17, Chapter 79, County Land Use, Development, and Management Act ~~Title 17 27 101 et seq. and Title 17 27 801 to 17 27 803 of the Utah Code, 1953,~~ as amended.

### 1.3 Applicability

The provisions of this ~~LUC~~ Code shall apply to the development of all land within Grand County, unless specifically provided otherwise in this ~~LUC~~ Code.

### 1.4 Enactment and Repeals

~~Upon the adoption of this LUC, the following are hereby repealed in their entirety: The General Zoning Ordinance of Grand County, Utah originally adopted Sept. 18, 1978 with Ordinance #134 together with all amendments thereto; the Subdivision Ordinance originally adopted Sept. 18, 1978 with Ordinance #115; together with all amendments thereto; and any other ordinance, resolution or regulation inconsistent with this LUC. This Land Use Code repeals and supersedes all prior County ordinances, resolutions, and regulations governing zoning, subdivision, and land use, together with all amendments thereto. Any provision of the County Code inconsistent with this Land Use Code is repealed to the extent of the inconsistency.~~

### 1.5 Vesting and Savings Clause

This repeal does not affect any application for a permit or approval pending as of the effective date of this Land Use Code, any right vested prior to that date, or any violation of prior ordinances occurring before that date, each of which shall continue to be governed by the ordinance in effect at the time.

### ~~1.6~~ 1.65 Purpose

The ~~Code~~ LUC is adopted for the purpose of promoting the health, safety and general welfare of the Citizens of Grand County. ~~This~~ It is adopted in accordance with, and is intended to implement, Grand County General Plan, as adopted by Resolution #2976 on February 7, 2012. More specifically, this LUC Code ~~is intended to do one (1) or more of the following:~~

- A. Encourage orderly development of property, with respect for the property rights of Grand County citizens.
- B. Facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services.
- C. Promote development predictability.
- D. Prevent overcrowding of buildings and sites to the detriment of rural community character.
- E. Promote safety from fires, floods, traffic hazards and other dangers.
- F. Protect the tax base of the county and promote the development of a more attractive and wholesome environment.

G. Discourage development that poses unreasonable public costs in providing adequate public facilities and services.

H. Establish a process that effectively and fairly applies the regulations and standards of this LUCode, respecting the individual and collective rights of property owners and other citizens.

I. Support the County's General Plan.

**1.76 Minimum Standards; Conflict with Private Restrictions**

~~The provisions of the~~This LUC Land Use Code establishes are the minimum standards necessary to accomplish its stated purposes. ~~It is not the intent of~~This LUCode does not to interfere with, abrogate, or annul any private easement, covenant, deed restriction or other agreement between private parties. ~~When the provisions of~~If this LUCode imposes a greater restriction than ~~imposed by such~~a private agreements, ~~the provisions of this LUCode shall control~~s. ~~When~~If a private agreements imposes a greater restriction than ~~imposed by this LUCode, such the~~ private agreements ~~shall control~~s.

**1.84 Severability**

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any part of this Code is declared unconstitutional or invalid, that declaration does not affect the remainder of this Code. The County Commission would have adopted this Code without the invalid part~~It is hereby declared to be the intention of Grand County Commission that the sections, paragraphs, sentences, clauses and phrases of this LUC are severable, and if any phrase, clause, sentence, paragraph or section of this LUC shall be declared unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this LUC, since the same would have been enacted by the County Commission without the incorporation in this LUC of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.~~

**1.12 Commentaries**

~~Whenever a provision of this LUC requires additional explanation to clarify its intent, a "Commentary" is included. They have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting this LUC.~~

## Article 2 Decision-making Bodies and Officials

### **28.1 Planning and Zoning Commission**

#### **28.1.1 Planning and Zoning Commission Created**

There is hereby created ~~an advisory board known as~~ the Planning and Zoning Commission (“Planning Commission” or “Commission”).

#### **28.1.2 Land Use Authority**

~~The Planning Commission is hereby designated as the land use authority for purposes of performing the powers and duties described in Section 2.1.4. The Commission shall also serve in an advisory capacity to the County Commission on the General Plan, zoning text amendments, rezonings, and other legislative land use matters. The Planning Commission is hereby designated as the land use authority for purposes of performing the powers and duties described in this section.~~

#### **28.1.3 Organization**

##### **A. Number and Appointment**

The Planning Commission shall consist of seven (7) members who shall be appointed by the County Commission. In addition to the seven (7) regular members, the County Commission may choose to appoint one (1) or two (2) non-voting liaison ~~ex-officio~~ member of the County Commission to serve as a liaison between the County Commission and the Planning Commission. A liaison member does not count toward a quorum and may not vote. County Commission members may not serve as regular members of the Planning Commission.

##### **B. Term of Office**

1. The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than 3 members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the County Commission for a term of 4 years, so as to maintain the succession of staggered terms of service.
2. Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following appointment. If the County Commission has not appointed a new member(s) to the Planning Commission at the expiration of term, the current Planning Commission member(s) will remain on the Planning Commission, if the Planning Commission member(s) whose term(s) is expiring expresses in writing their desire to remain on the Planning Commission until replaced by appointment of the County Commission.
3. ~~The ex-officio~~ A liaison member shall be ~~elected~~ appointed by the County Commission. In January of each year, the County Commission determines its board and commission assignments and approves those assignments by vote. A liaison member continues to serve until replaced by appointment of the County Commission. ~~and shall continue to serve until replaced by appointment of the County Commission.~~ The term of office for the ~~ex-officio~~ liaison member shall not extend beyond that member’s term as a member of the County Commission.
4. If a vacancy occurs other than by expiration of term, the County Commission by majority vote shall appoint a new member to fill the unexpired term.
5. Planning Commission members may be removed for cause from office by 2/3 vote of the County Commission prior to the expiration of the appointed term, in accordance with the causes and procedures in Subsection F, Removal and Recusal.

##### **C. Method of Appointment**

1. County staff shall publish notice of Planning Commission vacancies in accordance with state statutes and local ordinances and policies. The published notice shall list the number of vacancies, general requirements for service, and an application due date.

2. All statements of interest and qualifications received shall promptly be referred to the Planning Commission for consideration and recommendation.
3. The Planning Commission shall interview candidates and make recommendations to the County Commission in accordance with adopted County policy at a regular meeting or at a special meeting scheduled for this purpose.

#### **D. Qualifications**

Each Planning Commission member shall be a resident and a registered voter of Grand County for at least 2 years prior to serving on the Planning Commission.

#### **E. Officers and Procedures**

The Chair and Vice-chair shall be elected annually as the ~~last~~ first item of business at the first regular meeting of ~~each calendar~~ the year, ~~after the County Commission appoints vacant seats.~~ Their term shall start immediately after the election ~~meeting following the election.~~

- ~~1.~~ 1. The Chair ~~ma~~ person shall preside over meetings. ~~In the event a question over procedures arises, Robert's Rules of Order shall prevail.~~
- ~~1.~~ 1. The Planning Commission shall conduct its meetings in accordance with Robert's Rules of Order Newly Revised (12th ed.). In the event a question over procedures arises, Robert's Rules of Order shall prevail. The Planning Commission may adopt supplemental rules of order and procedure in its bylaws, which shall control over Robert's Rules of Order to the extent of any conflict. This Subsection does not affect the Planning Commission's duty to comply with Utah Code Title 52, Chapter 4, Open and Public Meetings Act.
- ~~2.~~
- ~~3.~~ 2. The Planning Commission shall create and fill other offices as it deems necessary.
- ~~43.~~ The recording of minutes of all Planning Commission meetings shall be the responsibility of the County, through the Planning Department staff.
- ~~54.~~ A majority of the appointed regular members of the Planning Commission shall constitute a quorum to do business, and the affirmative vote of ~~at least 4 of the~~ a majority of the appointed regular members ~~in attendance~~ shall be necessary to pass any motion.
- ~~65.~~ The Planning Commission may establish additional rules and procedures to govern its operation.
- ~~76.~~ Regular Planning Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of quorum, lack of items to be discussed, holidays, or other circumstances. All meetings shall be public and shall abide by the open meeting law according to state statutes.
- ~~87.~~ Failure of any appointed member to attend 3 unexcused consecutive meetings of the Planning Commission may be cause for written notification that his/her position will be vacated.
- ~~98.~~ Any officer elected by the Planning Commission may be removed by two-thirds (2/3) vote of the total membership when the Planning Commission determines removal serves the Commission's effective operation, ~~in its judgment, the best interest of the program will be served.~~
10. Members and the public may participate in Planning Commission meetings by real-time electronic means as provided by Utah Code § 52-4-207 and the current Ordinances and Policies established by the County Commission, including Grand County Resolution 2944. A member participating by real-time electronic means counts toward the quorum and may participate and vote

#### **F. Removal and Recusal**

1. Removal Authority and Procedure. A Planning Commission member may be removed from the Planning Commission for cause by a two-thirds (2/3) vote of the County Commission prior to the expiration of the appointed term. Before removal, the member shall be given written notice of the cause and an opportunity to respond.
2. Causes for Removal. The causes for which a member may be removed include:
  - a. using public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;
  - b. violating a provision of Utah Code Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers; and
  - c. acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias, or an unacceptable risk of impermissible bias, in the member's administrative or quasi-judicial duties.
3. Deliberation Not Cause for Removal. A member deliberating about a specific pending land use application in a Planning Commission meeting with County staff, an elected official, or the land use applicant is not cause for removing the member from the Planning Commission.
- Recusal. A member shall recuse himself or herself from participating in, commenting on, or voting on a land use application when the member has a conflict of interest under the County Officers and Employees ethics provisions or Grand County Ordinance 593 (2019), when the member has a personal or financial interest in the application, or when the member's participation would create actual impermissible bias or an unacceptable risk of impermissible bias in an administrative or quasi-judicial matter.
- 4.

#### **28.1.4 Powers and Duties**

The Planning Commission ~~has~~shall have the following powers and duties:

**A. Land Use Authority.** For certain administrative land use applications, this Code designates the Planning Commission as the land use authority, with final decision-making power subject to the appeal provisions of this Code. For other applications, this Code designates a separate board or the County Commission as the land use authority. The specific land use authority for each type of application is identified in Article 9.1.5. Applications for which the Planning Commission may serve as the land use authority include, but are not limited to:

1. Preliminary subdivision applications
2. Plat amendments
3. Boundary line agreements
4. Conditional use permits

**B. Advisory Functions.** The Planning Commission advises the County Commission on:

1. Zoning district boundaries and regulations, consistent with the General Plan and Utah law
2. Text amendments to this LUC
3. The General Plan, and amendments to it

**C. General Plan Review.** The Planning Commission reviews the General Plan annually to evaluate community priorities and recommend amendments as needed.

**D. Other Duties.** The Planning Commission carries out any other duties assigned by this Code or by Utah law.~~To recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein under this Code consistent with the policy guidance of the General Plan and the laws of the State of Utah to the County Commission and to recommend approval or denial of zoning changes and regulations under this Code;~~

**B.**~~To hear, recommend or determine any matter relating to zoning, planning or subdivision control as they may be specified or required under this Code or applicable laws of the State of Utah;~~

**C.**~~To make and recommend a General Plan for the physical development of the County subject to the approval of the County Commission, which in the Planning Commission's judgment bear relation to the planning of Grand County (Title 17-27-204 of the Utah Code);~~

~~D. To conduct an annual review of the Grand County General Plan for the purpose of determining what is important to the community and whether or not amendments should be considered; and~~

~~E. To exercise the duties and powers as may be now or hereafter conferred by this Code and the applicable laws of the State of Utah.~~

## **28.2 Hearing Officer**

### **28.2.1 Hearing Officer Created**

~~This Code creates the position of Hearing Officer. There is hereby created a position of Hearing Officer, to who serves in a quasi-judicial capacity manner and serve as the final arbitrator of issues involving the interpretation or application of land use ordinances or a variance. [Ord. 537, 2015.]~~

### **28.2.2 Appeal Authority**

~~The Hearing Officer is hereby designated as the appeal authority for purposes of performing the powers and duties described in matters described in this Ssection 2.2.4. [Ord. 537, 2015.]~~

### **28.2.3 Appointment**

A. The Grand County Commission shall appoint the Hearing Officer. ~~The Hearing Officer shall be the appeal authority for purposes of this or other land use ordinances and shall also have the responsibility to review and act upon applications for variances. No member of the County Commission, or Planning and Zoning Commission, or County staff shall may serve as a Hearing Officer.~~

B. The County Commission shall enter into a contract with the Hearing Officer ~~in order to identify~~ establishing the terms and conditions of service.

~~[Ord. 537, 2015.]~~

### **28.2.4 Powers and Duties**

~~The Hearing Officer does not have the power to waive or modify the terms or requirements of this Code. The Hearing Officer has the power to hear and decide the following matters, and may impose reasonable conditions to ensure compliance and protect adjacent property: The Hearing Officer shall not have the power to waive or modify the terms or requirements of the zoning ordinance; rather, she or he shall have the following powers, and shall have the power to impose reasonable conditions to insure compliance and protect adjacent property:~~

A. Variances or modifications of height, yard, area, and parking regulations, pursuant to Section 9.15 of this Code and Utah Code § 17-79-1002 ~~To permit variance or modifications of the height of structures, yard, area, and parking regulations pursuant to Section 9.154 of this Code and Section 17-27a-702, Utah Code Annotated 1953, as amended.~~

B. Appeals alleging error in an order, requirement, decision, or determination made by an administrative board or official in the enforcement of this Code, pursuant to Section 9.16 of this Code and Utah Code § 17-79-1003 ~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative board or official in the enforcement of the ordinance codified in this section pursuant to Section 9.163 of this Code and Section 17-27a-701, Utah Code Annotated 1953, as amended.~~

C. Appeals alleging a physical taking or unconstitutional exaction of private property without just compensation, and the Hearing Officer's approval, remand, or rejection of such appeals, pursuant to Section 10.5 of this Code and Utah Code § 63L-4-301 ~~To hear and approve and remand or reject the appeal of the physical takings or exaction of private property without just compensation pursuant to Section 9.12 of this Code and Section 78B-6-504 of the Utah State Judicial Code.~~

~~[Ord. 537, 2015.]~~

## **28.3 Zoning Administrator**

### **2.3.1 Zoning Administrator Created**

~~The position of Zoning Administrator is created. The County Commission appoints the Zoning Administrator, who serves at the pleasure of the County Commission.~~  
The position of Zoning Administrator is created. The County Commission appoints the Zoning Administrator, who serves at the pleasure of the County Commission.

### **2.3.2 Authority and Duties**

The Zoning Administrator has the following authority and duties:

#### **A. Issue Zoning Development Permits**

~~The Zoning Administrator shall~~ Issue Zoning Development Permits as required by Section 9.18, Zoning development permits, prior to the issuance of any Building Permit.

#### **B. Administer the LUC Administration**

~~The Zoning Administrator administers the LUC~~ Administer this Code, and has ~~including~~ those powers and duties expressly assigned to him/her under this LUC Code and or otherwise delegated or assigned to him/her in accordance with County policy.

#### **C. Enforcement the LUC**

~~The Zoning Administrator shall e~~ Enforce the provisions of this LUC Code.

#### **D. Interpret the LUC ation**

~~The Zoning Administrator shall have the authority to make all interpretations of the LUC~~ Interpret this Code and the boundaries of the zoning district map. The Zoning Administrator may decline to make an interpretation on any matter and instead refer the matter to the Planning Commission or the County Commission for interpretation.

#### **Commentary:**

~~The Zoning Administrator may choose to not make an interpretation on any matter and to bring such matters to the Planning Commission and/or County Commission for interpretation.~~

## **28.4 Building Official**

### **2.4.1 Building Official Created**

~~The position of Building Official is created. The County Commission appoints the Building Official, who serves at the pleasure of the County Commission. There is hereby created an official administrative position know as the Building Official. The Building Official shall be appointed by, directed by, and serve at the pleasure of the County Commission. In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by the International Building Code, the Building Official shall have the following jurisdiction, authority and duties:~~

#### **28.4.21 Issue Building Permits Authority and Duties**

~~In addition to the jurisdiction, authority, and duties conferred on the Building Official by the International Building Code, the Building Official has the following jurisdiction, authority, and duties: The Building Official shall issue applicable permits to allow construction activities which have received a Zoning Development Permit pursuant to the procedures in this LUC and deny Building Permits for activities which have not received a Zoning Development Permit.~~

#### **A. Building Permits**

Review applications for building permits and approve those that comply with this Code.

#### **B. Building Code**

Interpret and enforce the applicable Building Code.

**C. Enforcement**

Enforce the provisions of this Code relating to building permits and construction activity, in coordination with the Zoning Administrator's enforcement authority under Section 2.3.2.C.

-

~~8.4.2 Interpret and Enforce the Building Code~~

~~The Building Official shall interpret and enforce the applicable Building Code.~~

~~8.4.3 Enforce the LUC~~

~~The Building Official shall enforce the provisions of this LUC.~~

**28.5 Administrative Land Use Authority**

**28.5.1 Designation of Authority**

The Planning Director, or their designee, shall serve as the Administrative Land Use Authority for the purposes of reviewing and approving preliminary and final subdivision applications as required under Article 9.

**28.5.2 Duties and Responsibilities**

A. Per Section 9.18.3, Review preliminary subdivision applications

B. Evaluate final subdivision applications administratively to ensure compliance with county ordinances and state laws.

C. Ensure all subdivision applications adhere to the maximum number of review cycles and timelines specified in 9.18.

### Article 3 Zoning Districts

#### 3.1 Establishment of Districts

In order to implement the Grand County General Plan and promote the purposes of this LUC, the following districts are established.

| Base Zoning Districts                                    |                                          |
|----------------------------------------------------------|------------------------------------------|
| Residential Zoning Districts                             |                                          |
| SLR                                                      | Small Lot Residential                    |
| LLR                                                      | Large Lot Residential                    |
| RR                                                       | Rural Residential                        |
| MFR                                                      | Multi-family Residential                 |
| RG                                                       | Range and Grazing                        |
| Nonresidential Zoning Districts                          |                                          |
| NC                                                       | Neighborhood Commercial                  |
| GB                                                       | General Business                         |
| HC                                                       | Highway Commercial                       |
| RC                                                       | Resort Commercial                        |
| RS                                                       | Resort Special                           |
| LI                                                       | Light industrial                         |
| HI                                                       | Heavy industrial                         |
| Special Purpose and Overlay Zoning Districts (Article 4) |                                          |
| SPA                                                      | Specially Planned Area                   |
| AL                                                       | Airport Limitation                       |
| -PUD                                                     | Planned Unit Development                 |
| -WSPQ                                                    | Water Source Protection District Overlay |
| -OAO                                                     | Overnight Accommodations Overlay         |

### ~~3.2——Official Zoning Map~~

#### ~~2.2.1——Map Adoption~~

~~The boundaries of the zoning districts set out herein are delineated upon the official Zoning Map of Grand County, Utah, an up to date copy of which shall be maintained in the office of the Zoning Administrator. Original copies of the official zoning map and all amendments thereto shall be maintained in the County Recorder's office. In case of any dispute regarding the zoning classification of property subject to this LUC, the original map maintained by the County Recorder shall control.~~

#### ~~2.2.2——Zoning Map Amendment (Rezoning)~~

~~No changes or amendments to the district boundaries shown on the official zoning map shall be made except in compliance and conformity with all procedures set forth in Section 9.2, Text and Zoning Map Amendments (Rezoning). If, in accordance with these procedures, changes or amendments are made to district boundaries, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Zoning Administrator shall be responsible for the physical updating and amendment of the official zoning map.~~

#### ~~2.2.3——Map Replacement~~

~~In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commission may adopt a new official zoning map that shall supersede the prior map. The new official zoning map may correct drafting and clerical errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending this LUC or any subsequent amendment thereto without a duly noticed public hearing as provided herein. Unless the prior official zoning map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.~~

#### ~~2.2.4——Interpretation of District Boundaries~~

~~The district boundary lines shown on the official Zoning Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply.~~

~~A. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.~~

~~B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.~~

~~C. Boundaries indicated as approximately following municipal limits shall be construed as following the municipal limits.~~

~~D. Boundaries indicated as approximately following the centerline of irrigation ditches or drainage ways shall be construed to follow such centerline.~~

~~E. Boundaries indicated as parallel to or extensions of features indicated in this subsection shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the Map.~~

~~F. Whenever any street, alley or other public way is vacated by official action of the County Commission the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.~~

~~G. Where physical features of the ground are at variance with information shown on the official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Section 2.2.4A through Section 2.2.4F, above, the property shall be considered as classified RG, Range and Grazing, temporarily, and subject to Section 9.2, Text and Zoning Map Amendments (Rezoning).~~

### **32.13 SLR, Small Lot Residential & Agricultural District Districts**

#### **32.31.1 Establishment and Purpose**

~~The Residential Zones are established and designed primarily to accommodate residential uses at varying densities and lot sizes ranging from large lots to multifamily areas, as further described below. Agricultural-oriented zones, such as RG and RR, are designed to support both agriculture and rural living. The SLR, Small Lot Residential District is designed primarily to accommodate residential uses in small lot residential neighborhoods. In addition to the use and Lot Design Standards of this section, development in the SLR district shall be in compliance with all other applicable provisions of this LUC.~~

| <b><u>Residential Zoning Districts</u></b>    |                                        |                                                                                                                     |
|-----------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b><u>Zone Name</u></b>                       |                                        | <b><u>Purpose</u></b>                                                                                               |
| <b><u>RG</u></b>                              | <b><u>Range and Grazing</u></b>        | <b><u>Agricultural and agriculture-related uses; low density residential areas with limited public services</u></b> |
| <b><u>RR</u></b>                              | <b><u>Rural Residential</u></b>        | <b><u>Low density, rural neighborhoods, with limited small scale agricultural opportunities</u></b>                 |
| <b><u>LLR</u></b>                             | <b><u>Large Lot Residential</u></b>    | <b><u>Large lot neighborhoods</u></b>                                                                               |
| <b><u>MLR</u></b>                             | <b><u>Medium Lot Residential</u></b>   | <b><u>Medium lot neighborhoods</u></b>                                                                              |
| <b><u>2</u></b>                               |                                        | <b><u>Medium lot neighborhoods</u></b>                                                                              |
| <b><u>SLR</u></b>                             | <b><u>Small Lot Residential</u></b>    | <b><u>Small lot neighborhoods</u></b>                                                                               |
| <b><u>MFR</u></b>                             | <b><u>Multi-family Residential</u></b> | <b><u>Medium to high density neighborhoods; supports infill and affordable housing</u></b>                          |
| <b><u>Nonresidential Zoning Districts</u></b> |                                        |                                                                                                                     |
| <b><u>NC</u></b>                              | <b><u>Neighborhood Commercial</u></b>  |                                                                                                                     |
| <b><u>GB</u></b>                              | <b><u>General Business</u></b>         |                                                                                                                     |
| <b><u>HC</u></b>                              | <b><u>Highway Commercial</u></b>       |                                                                                                                     |
| <b><u>RC</u></b>                              | <b><u>Resort Commercial</u></b>        |                                                                                                                     |
| <b><u>RS</u></b>                              | <b><u>Resort Special</u></b>           |                                                                                                                     |
| <b><u>LI</u></b>                              | <b><u>Light industrial</u></b>         |                                                                                                                     |
| <b><u>HI</u></b>                              | <b><u>Heavy industrial</u></b>         |                                                                                                                     |

| <u>Special Purpose and Overlay Zoning Districts (Article 4)</u> |                                                 |  |
|-----------------------------------------------------------------|-------------------------------------------------|--|
| <u>SPA</u>                                                      | <u>Specially Planned Area</u>                   |  |
| <u>AL</u>                                                       | <u>Airport Limitation</u>                       |  |
| <u>PUD</u>                                                      | <u>Planned Unit Development</u>                 |  |
| <u>WSPO</u>                                                     | <u>Water Source Protection District Overlay</u> |  |
| <u>OAQ</u>                                                      | <u>Overnight Accommodations Overlay</u>         |  |

### 3.12.3.2 Allowed Uses Setbacks and Dimensional Standards

Residential development shall comply with the density and dimensional standards of the underlying base zoning district as set forth in the following table, except as modified by an applicable overlay or special district (see Articles 5 and 7). Residential development shall be subject to the maximum density and dimensional standards of the underlying base zoning district in accordance with the following table:

Uses are allowed in the SLR district in accordance with the Use Table of Section 3.1.

| <u>Development Standard</u>                 | <u>RG</u>   | <u>RR</u>   | <u>LLR</u>  | <u>MLR</u>  | <u>?</u>    | <u>SLR</u> | <u>MFR</u>   |
|---------------------------------------------|-------------|-------------|-------------|-------------|-------------|------------|--------------|
| <u>Min. Lot Size (acres)</u>                | <u>5</u>    | <u>1</u>    | <u>0.50</u> | <u>0.33</u> | <u>.25</u>  | <u>.20</u> | <u>0.125</u> |
| <u>Max. Density (units/acre)</u>            | <u>0.2</u>  | <u>1</u>    | <u>2</u>    | <u>3</u>    | <u>4</u>    | <u>5</u>   | <u>8</u>     |
| <u>Min. Front Yard and Street Side Yard</u> | <u>25'</u>  | <u>25'</u>  | <u>25'</u>  | <u>20'</u>  | <u>20'</u>  | <u>20'</u> | <u>10'</u>   |
| <u>Min. Interior Side Yard* **</u>          | <u>15'</u>  | <u>15'</u>  | <u>10'</u>  | <u>10'</u>  | <u>10'</u>  | <u>10'</u> | <u>10'</u>   |
| <u>Min. Rear Yard**</u>                     | <u>20'</u>  | <u>20'</u>  | <u>20'</u>  | <u>20'</u>  | <u>20'</u>  | <u>10'</u> | <u>10'</u>   |
| <u>Min Lot Width*</u>                       | <u>130'</u> | <u>130'</u> | <u>100'</u> | <u>100'</u> | <u>100'</u> | <u>80'</u> | <u>50'</u>   |
| <u>Bldg. Coverage Max.</u>                  | <u>25%</u>  | <u>25%</u>  | <u>25%</u>  | <u>30%</u>  | <u>40%</u>  | <u>45%</u> | <u>55%</u>   |

|                                                                        |            |                                                                                                                                                                                                                                                                                                                     |            |            |            |            |            |
|------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|------------|------------|
| <u>Max. Height<br/>Principal<br/>Structure</u>                         | <u>35'</u> | <u>35'</u>                                                                                                                                                                                                                                                                                                          | <u>35'</u> | <u>35'</u> | <u>35'</u> | <u>28'</u> | <u>28'</u> |
| <u>Max. Height<br/>Accessory<br/>Structure</u>                         | <u>35'</u> | <u>35'</u>                                                                                                                                                                                                                                                                                                          | <u>35'</u> | <u>28'</u> | <u>28'</u> | <u>28'</u> | <u>28'</u> |
| <u>Min. Accessory<br/>Structure<br/>Setback (side<br/>and rear)***</u> | <u>10'</u> | <u>10'</u>                                                                                                                                                                                                                                                                                                          | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> |
| <u>Accessory<br/>Structure<br/>distance from<br/>primary structure</u> | <u>6'</u>  | <u>6'</u>                                                                                                                                                                                                                                                                                                           | <u>6'</u>  | <u>6'</u>  | <u>6'</u>  | <u>6'</u>  | <u>6'</u>  |
|                                                                        |            | <u>*Side setback and min. lot width does not apply to townhome and multifamily shared walls.</u><br><u>**Buildings proposed to be over 28 feet shall follow the increased setbacks standards in this section.</u><br><u>***Accessory structure minimum front yard setback is the same for the primary structure</u> |            |            |            |            |            |

Setbacks and dimensions are subject to the following standards:

#### **A. Constrained Lands and Natural Hazards**

Lands constrained by natural hazards, steep slopes, floodplains, wildland-urban interface areas, or other physical or environmental limitations, or encumbered by a protection district such as the Airport Limitation District, Water Source Protection District, or Scenic Resource Protection District, may be subject to additional standards under Article 7.

#### **B. Increased Setbacks Applied to Lots With Buildings Over 28 Feet**

If a building exceeds 28 feet in height, the rear and side yard setbacks shall instead be measured at a length equal to the overall height of the building.

#### **C. Project Boundary Buffer**

This is an increased setback along the project exterior.

1. Project boundary buffers provide a transition between large subdivisions proposing greater density than the adjacent existing neighborhood or zoning district.
2. A 20 foot buffer is required along all sides of a proposed subdivision of more than five lots that shares a boundary with an existing neighborhood or zoning district of lesser density, excluding arterial or collector streets.
3. Buffer width is measured perpendicular to the property lines that define the project area.

**32.13.3 Lot Design Standards Permitted and Conditional uses**

**A. Permitted and conditional uses are outlined in Section 3.5 Use Table.**

[Ord. 615, 2020.]

**B. Increased Setbacks Applied to Lots With Buildings Over 28 Feet.**

1. If a building exceeds 28 feet in height, the rear and side yard setbacks shall be measured at a length equal to the overall height of the building.

**C. Project Boundary Buffer.**

1. Project boundary buffers are intended to provide a suitable transition between large subdivisions which propose a density that is greater than the adjacent existing neighborhood or zoning district. Buffers are required along all sides of proposed subdivisions which are five lots or more, that share a boundary with an existing neighborhood or zone with less density, excluding arterial or collector streets. The project boundary buffer on each edge of the subdivision shall be 20 feet.

2. Buffer width shall be measured perpendicular to the property lines that de  
**B. Mix of Housing Types.**  
Development projects may include a mix of housing types, so long as the development complies with the maximum density requirement of the underlying base district.

Two-family, townhouse, multifamily residential units may comprise no more than 50 percent of the total dwelling units of any proposed conventional residential subdivision. In no case shall the district density be exceeded for the overall site.

All development in the SLR district shall be subject to the Lot Design Standards of Article 5.

**3.2.31.4 MFR, Multi-family Residential District District Standards**

**All principal structures in the SLR district shall comply with the following requirements:**

**[RESERVED]**

**2.4 — LLR, Large Lot Residential District**

**2.4.1 — Purpose**

**The LLR, Large Lot Residential District is designed primarily to accommodate residential uses in large lot residential neighborhoods. In addition to the use and Lot Design Standards of this section, development in the LLR, Large Lot Residential District shall be in compliance with all other applicable provisions of this LUC.**

**2.4.2 — Allowed Uses**

**Uses are allowed in the LLR district in accordance with the Use Table of Section 3.1.**

**2.4.3 — Lot Design Standards**

**All development in the LLR district shall be subject to the Lot Design Standards of Article 5.**

**2.4.4 — District Standards**

**All principal structures in the LLR district shall comply with the following requirements:**

**[RESERVED]**

## **~~2.5 — RR, Rural Residential District~~**

### **~~2.5.1 — Purpose~~**

~~The RR, Rural Residential District is designed primarily to accommodate residential uses in low density, rural neighborhoods. In addition to the use and Lot Design Standards of this section, development in the RR, Rural Residential District shall be in compliance with all other applicable provisions of this LUC.~~

### **~~2.5.2 — Allowed Uses~~**

~~Uses are allowed in the RR district in accordance with the Use Table of Section 3.1.~~

### **~~2.5.3 — Lot Design Standards~~**

~~All development in the RR district shall be subject to the Lot Design Standards of Article 5.~~

### **~~2.5.4 — District Standards~~**

~~All principal structures in the RR district shall comply with the following requirements:~~

~~[RESERVED]~~

#### **A. Purpose**

The purpose of this zone is to provide appropriate locations for medium to high density residential neighborhoods along with the establishment of, with proper controls, the public and semipublic uses such as churches, schools, trails, parks and playgrounds, etc., which serve the requirements of families. The MFR district is also intended to implement infill and to encourage affordable housing.

#### **B. Project Area and Location**

MFR development shall include a minimum project area of 20,000 square feet and be located ~~2.6 — MFR, Multi-family Residential District~~

### **~~2.6.1 — Purpose~~**

~~The purpose of this zone is to provide appropriate locations where medium to high density residential neighborhoods on lots of not less than 20,000 square feet may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semipublic uses such as churches, schools, trails, parks and playgrounds, etc., which serve the requirements of families.~~

~~The MFR district is also intended to implement infill and to encourage affordable housing within the attached mapped areas marked as Exhibit “C” and titled MFR District Map. No other areas within Grand County will be considered for the MFR district.~~

View image as a PDF

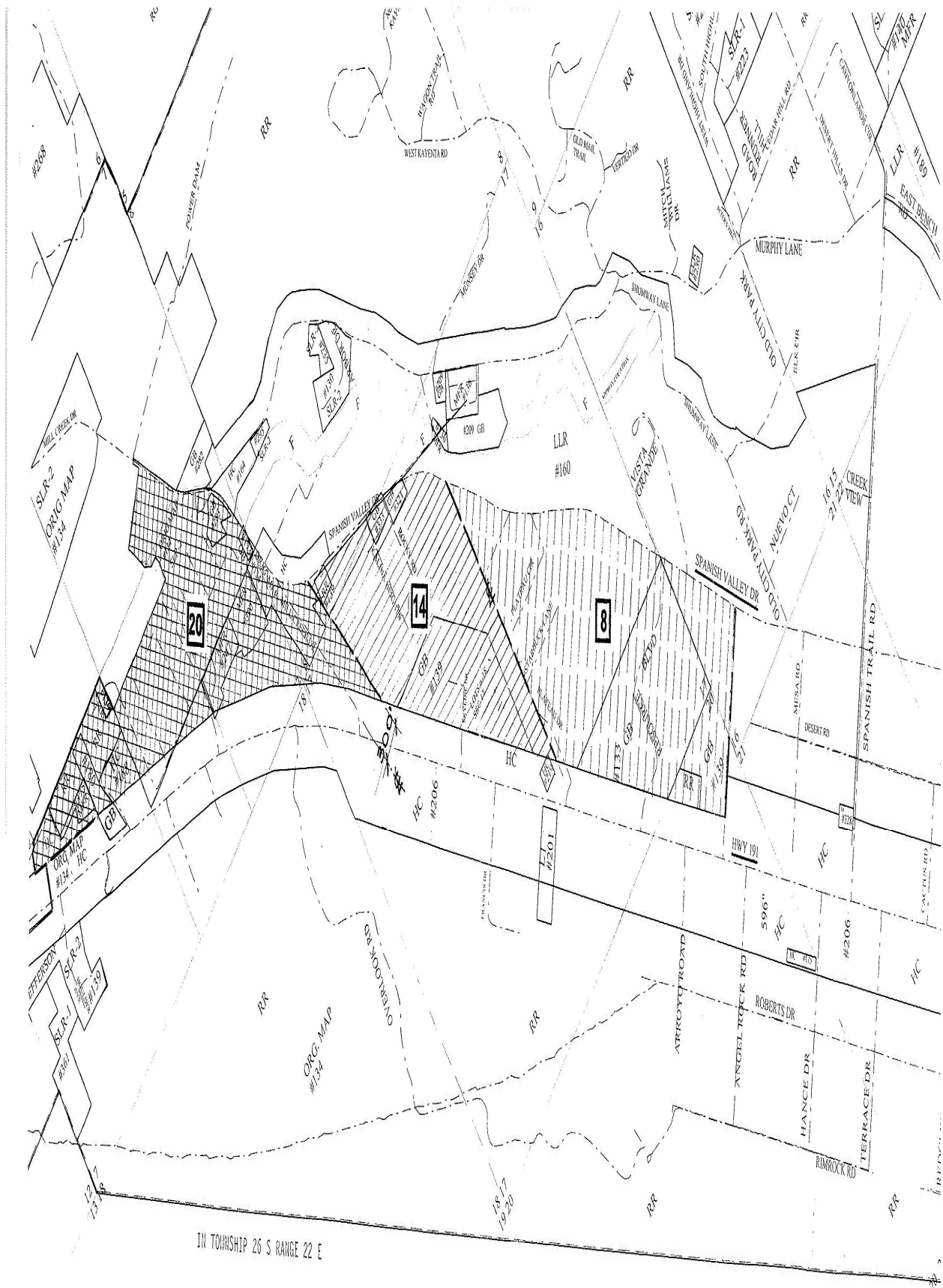


Exhibit "A"

MFR DISTRICT MAP

6 SEPTEMBER 2005

### **C. 2.6.2 — Master Plan**

#### **1. Requirement**

The County Commission shall require a master plan ~~of the~~for all MFR development. The master plan shall be approved and filed with the ordinance as part of the approval, and shall include. ~~Such required plan and ordinance shall set forth the following:~~

- ~~a~~A. A narrative addressing the proposed development, explaining and tabulating the land uses by net acre, number of dwelling units by housing type, maximum building coverage by housing type, residential density, common area acreage, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing development in the area and other related development features;
- ~~b~~B. A site plan prepared in accordance with the requirements of Section 9.14 ~~shall be approved and filed with the findings of fact as part of the approval;~~ including ~~but not limited to,~~ major roads, major utilities, existing and proposed land uses, entrance locations on existing roads, common area, landscaping plan and a conceptual drainage plan. The master plan may only be approved when it includes an approved site plan that is included in the findings of fact; ~~it;~~
- ~~c~~C. Lot design standards ~~to be~~ applicable within the proposed development;
- ~~d~~D. Identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses; and
- ~~e~~E. Other relevant information as may be requested by the Zoning Administrator.

#### **2. Additional Conditions**

~~All MFR district development intended and approved for affordable housing purposes shall comply with the requirements of Section 6.14, Affordable Housing.~~ In approving the required master plan, the County may impose other conditions as it deems necessary to accomplish the purposes of this district, the LUC and the General Plan.

#### **3. Compliance**

All development in the MFR district shall comply with the master plan as approved and adopted by the decision-making body.

### **2.6.3 — Allowed Uses**

~~Uses are allowed in the MFR district in accordance with the Use Table of Section 3.1.~~

### **2.6.4 — Lot Design Standards**

~~All development in the MFR district shall be subject to the lot design standards of Article 5.~~

### **2.6.5D. — District Standards**

All principal structures in the MFR district shall comply with the following ~~requirements~~:

- ~~1~~A. Multifamily structures shall be located no closer than 20 feet from any other structures;
- ~~2~~B. The front of any structure shall not be located less than 25 feet from another structure or lot line.

### **E. Affordable Housing**

All MFR district development intended and approved for affordable housing purposes shall comply with the requirements of Section 6.14, Moderate Income Housing.

#### **~~2.6.6~~ Conditions of Approval**

~~A. All MFR district development intended and approved for affordable housing purposes shall comply with the requirements of Section 6.14, Affordable Housing.~~

~~B. In approving the required master plan, the County may impose other conditions as it deems necessary to accomplish the purposes of this district, the LUC and the General Plan.~~

#### **~~2.6.7~~ Compliance with Master Plan**

~~All development in the MFR district shall comply with the master plan as approved and adopted by the decision-making body.~~

### **~~2.7~~ RG, Range and Grazing District**

#### **~~2.7.1~~ Purpose**

~~The RG, Range and Grazing District is designed to accommodate agricultural and agriculture related, and low-density residential development uses in those parts of the county with limited public services. In addition to the use and lot design standards of this section, development in the RG, Range and Grazing District shall be in compliance with all other applicable provisions of this LUC.~~

#### **~~2.7.2~~ Allowed Uses**

~~Uses are allowed in the RG district in accordance with the Use Table of Section 3.1.~~

#### **~~2.7.3~~ Lot Design Standards**

~~All development in the RG district shall be subject to the lot design standards of Article 5.~~

#### **~~2.7.4~~ District Standards**

~~All principal structures in the RG district shall comply with the following requirements:~~

~~[RESERVED]~~

### **~~3.22.8~~ NC, Neighborhood Commercial District** **Non-Residential Districts**

#### **~~3.82.1~~ Purpose**

| <b><u>Non-Residential Zoning Districts</u></b> |                                       |                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Zone Name</u></b>                        |                                       | <b><u>Purpose</u></b>                                                                                                                                                                                                                                                                                                                                                     |
| <b><u>NC</u></b>                               | <b><u>Neighborhood Commercial</u></b> | <b><u>Accommodates neighborhood retail uses that serve the immediately surrounding residential area, providing frequently-bought items or services</u></b>                                                                                                                                                                                                                |
| <b><u>GB</u></b>                               | <b><u>General Business</u></b>        | <b><u>Wide variety of commercial activities that enhance economic development and make Grand County an attractive, energetic place to live, work, and shop</u></b>                                                                                                                                                                                                        |
| <b><u>HC</u></b>                               | <b><u>Highway Commercial</u></b>      | <b><u>Accommodates commercial activities dependent on vehicular access</u></b>                                                                                                                                                                                                                                                                                            |
| <b><u>RC</u></b>                               | <b><u>Resort Commercial</u></b>       | <b><u>Implements the site design concepts of the Moab/Grand County North Gateway Plan (Gateway Plan), an amendment to the Grand County General Plan. It creates a positive first impression of Moab and Grand County and encourages mixed residential and commercial development, including resort guest- and local-oriented commercial uses, in an urban setting</u></b> |

|                                                                        |                                                 |                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>RS</u>                                                              | <u>Resort Special District</u>                  | <u>Implements the Scenic Resource Protection District (Section 7.8) and is the preferred zone for the area defined in the Section 7.8.2 boundary map for parcels with access adjoining US Highway 191 and Utah State Route 313.</u> |
| <u>LI</u>                                                              | <u>Light Industrial</u>                         | <u>Accommodates a wide variety of light industrial and light manufacturing activities and enhances the economic development of Grand County</u>                                                                                     |
| <u>HI</u>                                                              | <u>Heavy Industrial</u>                         | <u>Accommodates heavy industrial and manufacturing activities that are not compatible with most other residential, commercial, or industrial uses, and enhances the economic development of Grand County</u>                        |
| <b><u>Nonresidential Zoning Districts</u></b>                          |                                                 |                                                                                                                                                                                                                                     |
| <u>NC</u>                                                              | <u>Neighborhood-Commercial</u>                  |                                                                                                                                                                                                                                     |
| <u>GB</u>                                                              | <u>General Business</u>                         |                                                                                                                                                                                                                                     |
| <u>HC</u>                                                              | <u>Highway Commercial</u>                       |                                                                                                                                                                                                                                     |
| <u>RC</u>                                                              | <u>Resort Commercial</u>                        |                                                                                                                                                                                                                                     |
| <u>RS</u>                                                              | <u>Resort Special</u>                           |                                                                                                                                                                                                                                     |
| <u>LI</u>                                                              | <u>Light industrial</u>                         |                                                                                                                                                                                                                                     |
| <u>HI</u>                                                              | <u>Heavy industrial</u>                         |                                                                                                                                                                                                                                     |
| <b><u>Special Purpose and Overlay Zoning Districts (Article 4)</u></b> |                                                 |                                                                                                                                                                                                                                     |
| <u>SPA</u>                                                             | <u>Specially Planned Area</u>                   |                                                                                                                                                                                                                                     |
| <u>AL</u>                                                              | <u>Airport Limitation</u>                       |                                                                                                                                                                                                                                     |
| <u>-PUD</u>                                                            | <u>Planned Unit Development</u>                 |                                                                                                                                                                                                                                     |
| <u>-WSPO</u>                                                           | <u>Water Source Protection District Overlay</u> |                                                                                                                                                                                                                                     |
| <u>-OAO</u>                                                            | <u>Overnight Accommodations Overlay</u>         |                                                                                                                                                                                                                                     |

The NC, Neighborhood Commercial District is designed to accommodate neighborhood retail uses serving the immediate surrounding residential neighborhood. Neighborhood retail uses provide daily and frequently bought

~~items. In addition to the use and lot design standards of this section, development in the NC, Neighborhood Commercial District shall be in compliance with all other applicable provisions of this LUC.~~

## ~~2.8.2 ——— Allowed Uses~~

~~Uses are allowed in the NC district in accordance with the Use Table of Section 3.1.~~

## ~~2.8.3 ——— Lot Design Standards~~

~~All development in the NC district shall comply with the lot design standards of Article 5.~~

## ~~2.8.4 ——— District Standards~~

~~All development in the NC district shall comply with the following requirements:~~

~~A. Utilize non reflective siding materials on all wall facades;~~

~~B. Be placed on a slab on grade or perimeter foundation;~~

~~C. Have a minimum 24 foot wall dimension;~~

~~D. Screen rooftop mechanical equipment and trash receptacles from view off site;~~

~~E. Break up long, flat facades over 40 feet in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off sets, angular forms or windows, display cases, porches, balconies or other features to provide a visually interesting shape; and~~

~~F. Utilize earth tone colors on all structures to minimize contrast with the surrounding landscape.~~ **3.2.25.5.1**

## **Nonresidential Dimensional and Density Dimensional Standards Revised 12/23**

### **A. Non-Residential Dimensional Standards**

The following lot design standards **dimensional standards** shall apply to all buildings and their lots in nonresidential districts. These standards shall also apply to, and to mixed use buildings that combine nonresidential and residential uses.

| Nonresidential Zoning Districts                                                                                                                                                                                                                                                                                                                                    |            |            |           |            |           |            |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|-----------|------------|-----------|------------|------------|
| Development Standard                                                                                                                                                                                                                                                                                                                                               | <u>*NC</u> | <u>*GB</u> | <u>RC</u> | <u>RS</u>  | <u>HC</u> | <u>LI</u>  | <u>HI</u>  |
| <u>Min. Front Yard and Street Side Yard (ft.)</u>                                                                                                                                                                                                                                                                                                                  | <u>n/a</u> | <u>n/a</u> | <u>0</u>  | <u>50</u>  | <u>20</u> | <u>n/a</u> | <u>n/a</u> |
| <u>Min. Interior Side Yard (ft.)**</u>                                                                                                                                                                                                                                                                                                                             | <u>n/a</u> | <u>n/a</u> | <u>10</u> | <u>25</u>  | <u>10</u> | <u>n/a</u> | <u>n/a</u> |
| <u>Min. Rear Yard (ft.)**^</u>                                                                                                                                                                                                                                                                                                                                     | <u>n/a</u> | <u>n/a</u> | <u>10</u> | <u>25</u>  | <u>20</u> | <u>n/a</u> | <u>n/a</u> |
| <u>Min. Lot Width (ft.)</u>                                                                                                                                                                                                                                                                                                                                        | <u>n/a</u> | <u>n/a</u> | <u>80</u> | <u>150</u> | <u>80</u> | <u>n/a</u> | <u>n/a</u> |
| <u>Max. Ht. Principal Structure (ft.)</u>                                                                                                                                                                                                                                                                                                                          | <u>35</u>  | <u>35</u>  | <u>24</u> | <u>24</u>  | <u>35</u> | <u>n/a</u> | <u>n/a</u> |
| <p><u>*NC, GB, LI, and HI allow for mixed use, upper story residential only (see Section 5.5.1).</u></p> <p><u>**A project boundary buffer applies for development in nonresidential zoning districts that share a boundary with a protected zone district.</u></p> <p><u>^ If an alley is located adjacent to the rear lot line no rear yard is required.</u></p> |            |            |           |            |           |            |            |

[Ord. 685, 2023.]

**B. 5.5.2 — Residential Development Standards in Nonresidential Districts Revised 12/23 Residential Density and Dimensions in Nonresidential districts**

Residential development in nonresidential districts shall be subject to the dimensional standards provided in the table below. Projects that include residential units in nonresidential districts may include a mix of housing types as permitted in the Use Table in Section 3.5.

| Nonresidential Zoning Districts                                                                                                              |            |            |            |             |            |            |            |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|-------------|------------|------------|------------|
| Development Standard                                                                                                                         | *NC        | *GB        | RC         | RS          | HC         | LI         | HI         |
| Residential Density (units/acre)                                                                                                             | <u>5</u>   | <u>5</u>   | <u>5</u>   | <u>0.20</u> | <u>18</u>  | <u>5</u>   | <u>1</u>   |
| Min. Front Yard and Street Side Yard (ft.)                                                                                                   | <u>n/a</u> | <u>n/a</u> | <u>0</u>   | <u>50</u>   | <u>20</u>  | <u>n/a</u> | <u>n/a</u> |
| Min. Interior Side Yard (ft.)**                                                                                                              | <u>n/a</u> | <u>n/a</u> | <u>10</u>  | <u>25</u>   | <u>10</u>  | <u>n/a</u> | <u>n/a</u> |
| Min. Rear Yard (ft.)**                                                                                                                       | <u>n/a</u> | <u>n/a</u> | <u>10</u>  | <u>25</u>   | <u>20</u>  | <u>n/a</u> | <u>n/a</u> |
| Min. Lot Width (ft.)                                                                                                                         | <u>n/a</u> | <u>n/a</u> | <u>80</u>  | <u>150</u>  | <u>80</u>  | <u>n/a</u> | <u>n/a</u> |
| Max. Ht. Principal Structure (ft.)                                                                                                           | <u>35</u>  | <u>35</u>  | <u>24</u>  | <u>24</u>   | <u>35</u>  | <u>n/a</u> | <u>n/a</u> |
| Max. Height Accessory Structure                                                                                                              | <u>28'</u> | <u>28'</u> | <u>28'</u> | <u>28'</u>  | <u>28'</u> | <u>28'</u> | <u>28'</u> |
| Min. Accessory Structure Setback (side and rear)***                                                                                          | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u>  | <u>10</u>  | <u>10'</u> | <u>10'</u> |
| Accessory Structure distance from primary structure                                                                                          | <u>6'</u>  | <u>6'</u>  | <u>6'</u>  | <u>6'</u>   | <u>6'</u>  | <u>6'</u>  | <u>6'</u>  |
| *NC, GB, LI, and HI allow for mixed use, upper story residential only.                                                                       |            |            |            |             |            |            |            |
| **A project boundary buffer applies for development in nonresidential zoning districts that share a boundary with a protected zone district. |            |            |            |             |            |            |            |

Development projects in nonresidential districts may include a mix of housing types as set forth in Section 3.1, Use Table, so long as the development complies with the maximum density requirement of the underlying base district (see Section 5.5.2B) and lot design standards of the underlying base district (see Section 5.5.3).

A. Housing Types Permitted by District. Housing types permitted by district are as specified in Section 3.1, Use Table.

B. Maximum Residential Density in Nonresidential District. Maximum allowed density in the respective nonresidential districts shall be as follows:

| <u>Maximum Density by District</u> |                        |
|------------------------------------|------------------------|
| <u>Zoning Districts</u>            | <u>Maximum Density</u> |
| <u>HC, Highway Commercial</u>      | <u>18</u>              |
| <u>GB, General Business</u>        | <u>5</u>               |
| <u>NC, Neighborhood Commercial</u> | <u>5</u>               |
| <u>LI, Light industrial</u>        | <u>5</u>               |
| <u>RC, Resort Commercial</u>       | <u>5</u>               |
| <u>HI, Heavy industrial</u>        | <u>1</u>               |
| <u>RS, Resort Special</u>          | <u>20</u>              |

### **3.2.3 Constrained Lands and Boundary Buffer**

#### **A. Constrained Lands and Natural Hazards**

Lands constrained by natural hazards, steep slopes, floodplains, wildland-urban interface areas, or other physical or environmental limitations, or encumbered by a protection district such as the Airport Limitation District, Water Source Protection District, or Scenic Resource Protection District, may be subject to additional standards under Article 7.

**B. Land Suitability.** The County shall not approve the subdivision or development of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land deemed to be environmentally unsuitable shall not be platted or developed for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat or site plan shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

#### **C. Project Boundary Buffer**

1. Project boundary buffers provide a transition between large subdivisions proposing greater density than the adjacent existing neighborhood or zoning district.
2. For projects providing 20 percent or more affordable housing units as defined by Section 6.14, the project boundary buffer on each edge shall be 20 feet. For all other projects, the project boundary buffer on each edge shall be 20 feet or the proposed building height, whichever is greater.
3. Buffer width shall be measured perpendicular to the property lines that define the project area.

### **3.2.4 Permitted and Conditional uses**

Permitted and conditional uses are outlined in Section 3.5 Use Table.~~**C. Constrained Lands.**~~

- ~~1. In all residential development the maximum allowable density for constrained lands (or portion of property which constitutes constrained lands) as described in this subsection (below) shall be reduced by a minimum of 50 percent (see also Section 5.6, Measurements, Computations, and Exceptions).~~
- ~~2. Constrained lands include lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply water sources (recharge areas for the aquifer in the Glen Canyon Formation), lands affected by unmitigable geohazards, and riparian habitats and archeological sites.~~
- ~~3. Constrained lands in all developments and subdivisions shall be identified on site plans or plats and remain unoccupied by buildings or impervious surfaces, unless the applicant demonstrates to the County Commission that this provision would constitute an unusual hardship and is counter to the purposes of this LUC. In cases~~

where a hardship is granted not more than 10 percent of any constrained land area shall be occupied by such surfaces.

**D. Land Suitability.** The County shall not approve the subdivision or development of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land deemed to be environmentally unsuitable shall not be platted or developed for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat or site plan shall be restricted for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

[Ord. 685, 2023.]

#### **5.5.3 Residential Dimensional Standards in Nonresidential districts** Revised 12/23

Maximum residential density in a nonresidential district is subject to the requirements of the underlying zoning district (in accordance with Section 5.5.2B). Residential development in nonresidential districts shall be subject to the dimensional standards provided in the following table:

| Nonresidential Zoning Districts                                                                                                              |     |     |    |     |    |     |     |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|----|-----|----|-----|-----|
| Development Standard                                                                                                                         | *NC | *GB | RC | RS  | HC | LI  | HI  |
| Min. Front Yard and Street Side Yard (ft.)                                                                                                   | n/a | n/a | 0  | 50  | 20 | n/a | n/a |
| Min. Interior Side Yard (ft.)**                                                                                                              | n/a | n/a | 10 | 25  | 10 | n/a | n/a |
| Min. Rear Yard (ft.)**                                                                                                                       | n/a | n/a | 10 | 25  | 20 | n/a | n/a |
| Min. Lot Width (ft.)                                                                                                                         | n/a | n/a | 80 | 150 | 80 | n/a | n/a |
| Max. Ht. Principal Structure (ft.)                                                                                                           | 35  | 35  | 24 | 24  | 35 | n/a | n/a |
| *NC, GB, LI, and HI allow for mixed use, upper story residential only (see Section 5.5.1).                                                   |     |     |    |     |    |     |     |
| **A project boundary buffer applies for development in nonresidential zoning districts that share a boundary with a protected zone district. |     |     |    |     |    |     |     |

[Ord. 685, 2023.]

#### **5.5.4 Project Boundary Buffer** Revised 12/23

**A.** Project boundary buffers are intended to provide a suitable transition between the proposed development in a nonresidential zoning district and adjacent residential zones. Buffers are required along all sides of the proposed development that share a boundary with a protected zone district pursuant to Section 6.10.1A, excluding arterial or collector streets. For projects providing 20 percent or more affordable housing units as defined by Section 6.14, the project boundary buffer on each edge shall be 20 feet. For all other projects, the project boundary buffer on each edge shall be 20 feet or the proposed building height, whichever is greater.

**B.** Buffer width shall be measured perpendicular to the property lines that define the project area.

### **3.2.5 Commercial District Design Standards**[Ord. 685, 2023; Ord. 559, 2017.]

**A. All development in the NC, GB, and HC districts must comply with the following:**

1. Utilize non-reflective siding materials on all wall facades.
2. Utilize earth-tone colors on all structures to minimize contrast with the surrounding landscape.

**B. In addition, development in the NC and GB districts must:**

1. Be placed on a slab-on-grade or perimeter foundation;
2. Have a minimum 24-foot wall dimension;
3. Screen rooftop-mounted mechanical equipment and trash receptacles from view off-site (GB only; also ground-mounted mechanical equipment);
4. Break up long, flat facades over 40 feet in length to avoid presenting a "backside" to neighboring properties, by incorporating recesses, offsets, angular forms, recessed windows, display cases, porches, balconies, or other features that provide a visually interesting shape.

## 2.9 — GB, General Business District

### **2.9.1 — Purpose**

The GB, General Business District is designed to accommodate a wide variety of commercial activities, to make Grand County a more attractive and energetic place to live, work and shop and to enhance the economic development of Grand County. In addition to the use and lot design standards of this section, development in the GB, General Business District shall be in compliance with all other applicable provisions of this LUC.

### **2.9.2 — Allowed Uses**

Uses are allowed in the GB district in accordance with the Use Table of Section 3.1.

### **2.9.3 — Lot Design Standards**

All development in the GB district shall comply with the lot design standards of Article 5.

### **2.9.4 — District Standards**

All development in the GB district shall comply with the following requirements:

- A.** Utilize non-reflective siding materials on all wall facades;
- B.** Be placed on a slab-on-grade or perimeter foundation;
- C.** Have a minimum 24 foot wall dimension;
- D.** Screen rooftop and ground-mounted mechanical equipment from view off-site;
- E.** Break up long, flat facades over 40 feet in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape; and
- F.** Utilize earth-tone colors on all structures to minimize contrast with the surrounding landscape.

## 2.10 — HC, Highway Commercial District

**2.10.1 — Purpose**

~~The HC, Highway Commercial District is designed to accommodate commercial activities that are dependent upon vehicular activity. In addition to the use and lot design standards of this section, development in the HC, Highway Commercial District shall be in compliance with all other applicable provisions of this LUC.~~

**2.10.2 — Allowed Uses**

~~Uses are allowed in the HC district in accordance with the Use Table of Section 3.1.~~

**2.10.3 — Lot Design Standards**

~~All development in the HC district shall comply with the lot design standards of Article 5.~~

**2.10.4 — District Standards**

~~All development in the HC district shall comply with the following requirements:~~

~~A. Utilize non reflective siding materials on all wall facades; and~~

~~B. Utilize earth tone colors on all structures to minimize contrast with the surrounding landscape.~~ **3.2.6 RC, Resort Commercial District Standards**

**2.11 — RC, Resort Commercial District** Revised 6/19

**A. 2.11.1 — Purpose**

The RC, Resort Commercial District is intended to promote site design concepts that implement the Moab/Grand County North Gateway Plan (Gateway Plan), an amendment to the Grand County General Plan. The district is designed to create a positive first impression of the city of Moab and Grand County and to encourage mixed residential and commercial development, including resort guest- and local-oriented commercial uses in an urban setting. ~~In addition to the use and lot design standards of this section, development in the RC District shall be in compliance with all other applicable provisions of this LUC.~~

**2.11.2 — Allowed Uses**

~~Uses are allowed in the RC district in accordance with the Use Table of Section 3.1.~~

**2.11.3 — Lot Design Standards**

~~All development in the RC district shall comply with the lot design standards of Article 5.~~

**2.11.4 — District Standards** Revised 6/19

~~All development in the RC district shall comply with the following standards.~~

**BA. Residential Uses**

Within 200 feet of the Highway 191 rights-of-way, residential uses shall only be allowed above the first floor. The first floor shall be reserved for non-residential uses within 200 feet of the Highway 191 rights-of-way.

**CB. Building Design**

All land uses and structures shall:

1. Utilize indigenous, regional architectural styles and materials for all structures – use of standard corporate image architecture is prohibited. The architectural style of all structures shall be complementary to that of other structures in the area or vicinity.
2. Exhibit a unity of design for buildings within multi-building complexes through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.
3. Incorporate, within all walls over 100 feet in length, at least 4 recesses, off-sets, balconies, angular forms and other features within each 100 foot length to provide a visually interesting shape.

4. Utilize medium to darker earth tones and non-reflective materials on all structures, including roofs, to minimize contrast and blend with the surrounding natural landscape without calling undue attention to the development.

#### **DE. Site Design**

1. Comply with ~~the any~~ mandatory build-to line requirements ~~of Article 5, Lot Design Standards~~. For purposes of this section, the setback line shall be considered to be the mandatory build-to line defined on the Gateway Build-to Line Map, which is available for public review in the County Building Department.
2. Provide public trails and/or sidewalks along all street frontages and as necessary to implement the trails plan illustrated on the Gateway Plan's Future Land Use Plan. Trails and sidewalks shall be constructed in accordance with the requirements of Section ~~87.4~~, Sidewalks and Trails.



3. Each lot shall include open space intended for use by all occupants of a development. This space may include recreation-oriented areas. In no case shall open space be less than 25 percent of the total lot area.
4. Minimize new highway access points in accordance with the requirements of a site specific UDOT permit to be obtained for each new use or change in use.
5. Provide cross or through-access connections to adjacent areas, where possible

#### **ED. Parking Lots**

Design parking areas so as to provide reasonable connectivity via cross access easements between adjacent parking areas on other sites, without encouraging through traffic

#### **FE. Landscaping**

In addition to the requirements of Section 6.~~84~~, Landscaping and Screening, the following standards shall apply:

##### **1. Landscape Parking Lot Buffer**

Maintain a minimum 35-foot depth landscape setting where parking occurs between a building and Highway 191 or its frontage roads.

##### **2. Break-Up Large Parking Areas**

Break-up large parking areas into smaller areas with intermittent landscaping and/or buildings.

##### **3. Rights-of-way Landscaping**

Landscaping of all street and highway rights-of-way contiguous to the proposed development site not used for street pavements, curbs, gutters, sidewalks, or driveways shall be required. Within private property, street trees shall be provided as required by Section 6.4.3E8.6. Any landscape areas in the public rights-of-way shall comply with the criteria of the Utah Department of Transportation.

#### **~~F.~~ Signage**

~~All signs shall comply with the requirements of Section 6.5. [Ord. 588, 2019.]~~

#### **~~G.~~ Infrastructure**

~~All infrastructure, including roads, drainage, and water and sewer facilities shall be constructed in accordance with the requirements of the Moab City Design Standards and Public Improvement Specifications, September 1999, or the most recent version of said document.~~

### **3.2.7 RS, Resort Special District Standards**

#### **~~2.12—RS, Resort Special District~~ Revised 3/21**

##### **A. Location and 2.12.1—Purpose Implementation**

~~The RS, Resort Special District is specifically designed to implement the Scenic Resource Protection District, codified in (Section 74.8) and . In addition to the use and Lot Design Standards of this section, development in the RS District shall be in compliance with all other applicable provisions of this LUC.~~

~~This zone is intended to be~~is the preferred zone for the area defined in the boundary map in Section 74.8.2 boundary map for parcels with access ~~that adjoining~~US Highway 191 and Utah State Route 313.

##### **~~2.12.2—Allowed Uses~~**

~~Uses are allowed in the RS district in accordance with the Use Table of Section 3.1.~~

##### **~~2.12.3—Lot Design Standards~~**

~~All development in the RS district shall comply with the lot design standards of Article 5.~~

##### **~~2.12.4—District Standards~~ Revised 3/21**

~~All development in the RS district shall comply with the development standards of Section 4.8.4.~~

#### **AB. General Standards**

The following standards shall be administered in accordance with the goals, objectives and policies of the Scenic Resource Protection District, including the specific development standards found therein.

1. Developers shall show how projects protect the natural appearance of the open desert views, the clear night sky and the natural appearance of steep slopes and visible mesas. To this end, projects will be evaluated on the basis of site plan, lighting plan, form, color, texture, and visibility from high public use areas.
2. Public trails and recreational parking areas shall be dedicated in accordance with adopted plans.

### **[Ord. 621, 2021.] 3.2.8 LI, Light Industrial District Standards**

#### **~~2.13—LI, Light Industrial District~~**

##### **No zone-specific additional standards. 2.13.1 Purpose**

~~The LI, Light industrial District is designed to accommodate a wide variety of light industrial and light manufacturing activities and to enhance the economic development of Grand County. In addition to the use and Lot Design Standards of this section, development in the LI, Light industrial District shall be in compliance with all other applicable provisions of this LUC.~~

~~2.13.2 — Allowed Uses~~

~~Uses are allowed in the LI district in accordance with the Use Table of Section 3.1.~~

~~2.13.3 — Lot Design Standards~~

~~All development in the LI district shall be subject to the Lot Design Standards of Article 5.~~

~~2.13.4 — District Standards~~

~~All development in the LI district shall comply with the following requirements:~~

~~[RESERVED]~~ **3.2.9 HI, Heavy Industrial District Standards** (Perhaps all of this also applies to LI, Light Industrial?)

**2.14 — HI, Heavy Industrial District**

**A. 2.14.1 — Purpose**

~~The HI, Heavy industrial District is designed to accommodate the heavy industrial and manufacturing activities that are not compatible with most other residential, commercial or industrial uses and to enhance the economic development of Grand County. In addition to the use and Lot Design Standards of this section, development in the HI, Heavy industrial District shall be in compliance with all other applicable provisions of this LUC.~~

~~2.14.2 — Allowed Uses~~

~~Uses are allowed in the HI district in accordance with the Use Table of Section 3.1.~~

~~2.14.3 — Lot Design Standards~~

~~All development in the HI district shall be subject to the Lot Design Standards of Article 5.~~

~~2.14.4 — District Standards~~

~~All development in the HI district shall comply with the following requirements:~~

**A. Minimum Contiguous District Area: 20 Acres**

**B. Landscaping Plan**

1. A landscaped strip of lawn, shrubs and/or trees at least 10 feet in width shall be provided along the rights-of-way line that borders development in the HI district.
2. At least 15 percent of the entire developed site shall be landscaped in planting beds, preferably with low water use Xeriscape plants.
3. A landscaping plan shall illustrate the location and sizes of all plants and planting areas and shall include a sprinkler or irrigation plan.

**C. Storage**

1. All junk, partially or completely dismantled automobiles, salvage materials, debris, or unsightly materials, and all solid waste storage facilities shall be stored in an enclosed building or within an enclosure surrounded by a landscaped buffer in accordance with the requirements of this LUC.
2. All material stored outside shall be screened from view off site by a wall not less than 8 feet in height.
3. No material or merchandise shall be stored to a height of more than the height of the effective screening.
4. Maintenance equipment may be stored outside of the buildings, but only in a location approved by the Zoning Administrator.
5. In no case shall accesses to the storage facility be less than 15 feet in width.

**D. Maintenance of Premises**

1. No excessive dust, odor, smoke or intermittent light or noise shall be emitted which is discernable beyond the zone boundary limits, except that which emanates from movement of automobiles.
2. The premises shall be maintained in such a manner as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
3. All requirements as to maintenance of landscaping, off-road parking and vacant or common areas, and as to ingress and egress, shall run with the land and be binding on successors, owners and tenants.

#### **E. Vehicular Access**

No part of any vehicular access shall be located closer than 100 feet, as measured along the property line, from the corner of the property which is formed by the intersection of 2 roads; except that the County Commission may permit a lesser distance if it can be shown that a lesser distance will not increase traffic congestion or hazards.

#### **F. Development Time**

1. The improvements as shown by any approved final site plan shall be started within a period of 12 months after such plan is approved by the County Commission, and shall be completed and ready for occupancy within a period of 24 months from the date the permit is issued.
2. The completion date may be extended by 12 additional months if the approved final site plan includes 30 acres or more.
3. When more than one (1) stage of development is shown on any approved final site plan, a first stage completion will satisfy the completion and ready for occupancy requirement.
4. Separate Building Permits shall be issued for each stage construction; history of compliance with all operating requirements during previous stage(s) operation(s) will dictate whether or not Building Permits are issued.
5. The County Commission may reclassify the entire parcel into another zone, if actual development is not completed within the specified time.

### **3.3 Official Zoning Map**

#### **3.3.1 Map Adoption**

The boundaries of the zoning districts established in this Code are delineated on the official Zoning Map of Grand County, Utah (Zoning Map). A digital map is maintained on the Grand County website. Hard copies are maintained in the office of the Zoning Administrator.

#### **3.3.2 Controlling Map**

In case of any dispute regarding the zoning classification of property, the official digital Zoning Map controls.

#### **3.3.3 Zoning Map Amendment**

##### **A. Amendment**

No change to the district boundaries shown on the official Zoning Map may be made except in compliance with the procedures set forth in Section 9.3, Text and Zoning Map Amendments (Rezoning). The Zoning Administrator is responsible for updating the official Zoning Map promptly after adoption of any such amendment.

##### **B. Correcting Clerical Errors**

The Zoning Administrator may correct clerical or drafting errors in the official Zoning Map to conform to the intended district boundaries as most recently and lawfully established, without following the procedures of Section 9.3. Any change to a district's legally established boundary is an amendment and requires compliance with those procedures.

### **3.3.4 Interpretation of District Boundaries**

District boundary lines shown on the official Zoning Map generally follow streets, alleys, property lines or extensions of those lines. Where uncertainty exists as to a district boundary shown on the Zoning Map, the following rules apply:

A. A boundary shown as approximately following a street, highway, or alley follows the centerline of that street, highway or alley.

B. A boundary shown as approximately following a platted lot line follows that lot line.

C. A boundary shown as approximately following municipal limits follows those limits.

D. A boundary shown as approximately following the centerline of an irrigation ditch or drainage way follows that centerline.

E. A boundary shown as parallel to, or an extension of, a feature described in this Section is construed accordingly. A distance not specifically indicated on the Zoning Map is determined using the Zoning Map's measurement tools.

F. If the County Commission vacates a street, alley, or other public way, the district boundary on each side automatically extends to the centerline of the vacated area. The vacated area then becomes part of, and is subject to the regulations of, the adjoining district on each side.

G. If physical features on the ground conflict with the official Zoning Map, or if a question arises as to how or whether a parcel is zoned, and the question cannot be resolved under the subsections above, the property is temporarily classified RG, Range and Grazing, pending resolution under Section 9.3 Text and Zoning Map Amendments (Rezoning).

### **31.410 Nonconforming Provisions**

#### **3.4.1 Purpose**

This section governs land, structures, and uses that were lawfully established but do not conform to the current requirements of this Code. The purpose of this section is to allow such nonconforming uses and structures to continue, while limiting their expansion and providing for their eventual conformance with this Code.

#### **1.10.1 Nonconforming Uses and Structures**

~~The burden of establishing that a nonconforming use or structure lawfully exists under this LUC shall, in all cases, be the owner's and not Grand County's.~~

#### **31.410.22 Nonconforming Status**

~~A~~The use of land, a use of a structure, or a structure itself shall be deemed to have~~has~~ nonconforming status ~~when each if all of~~ if all of the following conditions ~~is satisfied~~are met:

A. The use or structure ~~does~~does not conform to the regulations ~~prescribed in~~of the district in which ~~such use or structure~~it is located, and was ~~in existence and lawfully constructed, located and~~in existence and operating ~~prior at~~at to, and at the time of the time of the event that ~~made~~made such use or structure ~~it~~ nonconforming.

B. The event that made such use or structure nonconforming was one ~~(1)~~ of the following:

1. A boundary adjustment of Grand County,

2. adoption~~Adoption~~ of this ~~LUC Code~~ or a previous Zoning Ordinance, or

3. An amendment ~~of this~~to this Zoning Ordinance~~Code~~.

C. The nonconforming use, or the use occupying the nonconforming structure, has ~~been operated~~ continuously since ~~the time that the use or structure first becoming~~ a nonconforming, without abandonment ~~as, as abandonment~~ is defined in Section 3.41.10.96 of this LUC.

### **3.4.3 Nonconforming Single Family Residential Lots**

A single-family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district, if that lot was an official "lot of record" prior to the adoption of the Grand County Zoning Ordinance on Sept. 18, 1978, and either:

A. The proposed single-family dwelling can be located on the lot so that the yard, height, and other dimensional standards of the underlying zone district can be met; or

B. A variance is obtained from the Hearing Officer pursuant to Section 9.15.

C. For a legal nonconforming single family residential lot, the Zoning Administrator will determine the applicable minimum setbacks based on the residential zoning district that is most similar in size to the legal nonconforming lot.

### **3.4.4 Right to Continue**

A lawful nonconforming use or structure may continue, subject to the limitations of this section. Nothing in this section requires a nonconforming use or structure to be brought into conformance with this Code except as expressly provided in this section.

### **3.4.5 Burden of Proof**

The owner of a use or structure bears the burden of establishing that it lawfully has nonconforming status under this Code. That showing must be supported by substantial evidence, which is not limited to County records. Grand County bears no burden to establish that a use or structure lacks nonconforming status.

### **3.410.63 Expansion**

Except as provided in this section, ~~no~~ a nonconforming use may not increase the physical footprint or structure it occupies. ~~be expanded or increased.~~ A non-conforming use may ~~be extended through~~ expand into existing floor area within the same building, provided no structural alteration ~~of the building is proposed or is~~ made for ~~that~~ purpose ~~of the extension.~~ The addition of a solar energy device to a building is not a structural alteration for purposes of this section.

### **3.410.74 Change of Use**

A. ~~Any~~ nonconforming use may be changed to a conforming use, ~~and~~ Once such changed is made, the use ~~shall~~ may not ~~thereafter~~ be changed back to a nonconforming use.

B. ~~A~~ Where a conforming use ~~is~~ located in a nonconforming structure, ~~the use~~ may be changed to another conforming use by securing a Zoning Development Permit.

C. ~~A change from one (1) nonconforming use to another may be changed to a different nonconforming use may be made by securing a Zoning Development Permit, provided the Zoning Administrator determines the new use is such change is to a more restrictive and, less intensive~~ impactive use according to the provisions of this zoning ordinance and the determination of the Zoning Administrator, although remaining nonconforming than the original use under this Code. The new use remains subject to this section.

### **13.410.85 Ordinary Repair and Maintenance**

Normal maintenance and incidental repair may be performed on a conforming structure ~~that contain~~ ings a nonconforming use, or on a nonconforming structure. This section ~~shall~~ does not be construed to prevent the Building Official from ordering the strengthening or restoration ~~to a of an un-safe condition of a structure in accordance with an order of the Building Official who declares a structure to be unsafe and orders its restoration to a safe condition.~~

### **13.140.26 Abandonment**

**A. Effect of Abandonment.** If a nonconforming use, or a conforming use in a nonconforming structure, is abandoned, all nonconforming rights cease, and the use of the premises must thereafter conform to this Code.

**B. Burden of Proof.** A party claiming that a nonconforming use has been abandoned bears the burden of establishing the abandonment.

**C. Presumption of Abandonment.** Abandonment is presumed if:

1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without a prior written agreement with the County regarding an extension of the nonconforming use;
2. The use has been discontinued for at least one year; or
3. The primary structure associated with the nonconforming use has remained vacant for at least one year.

**D. Rebuttal.** The property owner may rebut a presumption of abandonment under subsection C and bears the burden of establishing that the claimed abandonment has not occurred. ~~Whenever a nonconforming use or a conforming use in a nonconforming structure is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this LUC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for, or that remains vacant for a period of 6 months, shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.~~

### **13.410.107 Destruction**

**A. Involuntary Destruction.** If a nonconforming structure, or a structure occupied by a nonconforming use, is destroyed in whole or in part by fire or other calamity, the owner may reconstruct or restore the structure and continue the nonconforming use, regardless of the extent of the destruction, unless the structure or use has been abandoned under Section 3.4.9. ~~If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this LUC. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding 50 percent of its replacement value, reconstruction may be permitted by the Zoning Administrator, provided, however:~~

**B. Deterioration.** The County may prohibit reconstruction or restoration of a noncomplying structure, or terminate the nonconforming use of a structure, if the structure is allowed to deteriorate to a condition that renders it uninhabitable and is not repaired or restored within six months after the County serves the property owner with written notice that:

1. The structure is uninhabitable; and
2. The noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months of the notice.

**C. Voluntary Demolition.** Voluntary demolition of a majority of a noncomplying structure or the building housing a nonconforming use is subject to the presumption of abandonment and rebuttal procedure in Section 3.4.9.

### **3.4.11 Amortization**

**A. Authority.** The County Commission may require the discontinuance of a nonconforming use or structure within a reasonable period of time, as provided in this section.

**B. Findings Required.** Before requiring discontinuance under this section, the County Commission must find, based on evidence in the record, that:

1. The continued nonconforming use or structure is incompatible with the character of the district in which it is located;

2. The public interest in eliminating the nonconformity outweighs the hardship to the owner of continued compliance within the amortization period established; and
3. The amortization period established under subsection C is reasonable in light of the factors in that subsection.

**C. Amortization Period.** In establishing a reasonable amortization period, the County Commission shall consider:

1. The owner's initial capital investment in the nonconforming use or structure;
2. Any costs already recovered by the owner through use of the property;
3. The remaining useful life of any structure involved;
4. The length of time the nonconforming use or structure has already existed; and
5. The nature and extent of the harm the nonconformity causes to the surrounding area.

**D. Notice.** The County Commission must provide the owner written notice of the amortization period at least [30] days before the amortization period begins to run, following a duly noticed public hearing.

**E. Effect of Expiration.** Upon expiration of the amortization period, the nonconforming use or structure must be brought into conformance with this Code. Failure to do so is a violation of this Code, subject to the enforcement provisions of this Code.

**F. Relationship to Specific Provisions.** This section applies to nonconforming uses and structures generally. Where this Code establishes a specific amortization period for a particular type of nonconformity (for example, nonconforming lighting under Section (6.12.10), that specific provision controls over this section as to that type of nonconformity.

**G. Billboards Excluded.** This section on amortization does not apply to billboards.

### **3.51 Use Table Revised 11/19 Revised 3/21 Revised 5/21**

#### **3.51.1 Types of Uses Revised 11/19 Revised 3/21 Revised 5/21**

This Section establishes the Use Table, identifying whether a use is permitted, conditional, or not allowed in each zoning district. Appendix A contains a detailed list of use categories, describing the types of uses and accessory uses included within each category, to assist in classifying a use under the Use Table. All of the use categories listed in the following use table summary are defined and described in Section 3.4. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated. (See Section 2.1 for explanation of Zoning District abbreviations.)

#### **A. Permitted Uses**

Uses identified in a particular district column with a "P" shall be permitted in that District, subject to compliance with any applicable conditions and all other provisions of this LUCode.

#### **B. Conditional Uses**

Uses identified in a particular district column with a "C" shall be permitted in such that District only upon approval of a Conditional Use Permit, by the County Commission in accordance with Section 9.11, the Conditional Use procedures and standards of this Permits, and all other provisions of this CodeLUC.

#### **C. Uses Not Allowed**

A blank cell indicates that a use is not ~~allowed~~permitted. Camping outside of a permitted Recreational Vehicle Park, Campground, or Travel Trailer Park is prohibited in all zoning districts.

#### **D. Uses Not Listed, Petition to Approve a New or Unlisted Use**

1. The Zoning Administrator ~~shall~~must use the criteria in ~~Section 3.4.1~~Appendix A to determine how an unlisted use ~~is~~should be treatedclassified.

2. If the Zoning Administrator determines the proposed use aligns with an existing use, the applicant may proceed under the regulations applicable to that use.

3. If the Zoning Administrator determines the proposed use aligns with a use already determined not to be permitted, the Zoning Administrator must deny the application. The applicant may appeal the determination to the Hearing Officer, within 30 days, under Section 9.16, Appeals of Administrative Decisions.

4. If the Zoning Administrator determines the proposed use is a new or unlisted use, the applicant must submit a petition for the County Commission to review the proposed use, amend the Use Table to include it, and designate the appropriate zoning district or districts. The County Commission must complete its review and issue a determination within **45 days** of receiving a complete petition, provided the applicant promptly responds to a request for additional information and appears at a required hearing. Consistent with Utah Code § 17-79-507(2), the County may not require the petition to be reviewed by the Planning Commission.

5. If the County Commission denies the petition, or determines the use is not appropriate for the requested zoning district, the Zoning Administrator must notify the applicant, in writing, of the reason for the classification or denial, and of the process for appealing the County Commission's decision.

| Principal Uses by Zoning District                                                                                                                                                      |                               |             |     |    |     |    |                |    |    |    |    |    |    |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|------------------------|
| Use Category                                                                                                                                                                           | Specific Use                  | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards |
|                                                                                                                                                                                        |                               | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                        |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                               |             |     |    |     |    |                |    |    |    |    |    |    |                        |
| Residential Uses (Section 3.4.7)                                                                                                                                                       |                               |             |     |    |     |    |                |    |    |    |    |    |    |                        |
| Household Living                                                                                                                                                                       | Dwelling, single-family       | P           | P   | P  | P   | P  |                |    |    | P  | P  |    |    |                        |
|                                                                                                                                                                                        | Alley-loaded house            | P           | P   | P  | P   | P  |                |    |    |    | P  |    |    | 4.3.2.1.2AA            |
|                                                                                                                                                                                        | Dwelling, two-family (duplex) | P           | P   | P  | P   | P  |                |    | P  | P  | P  |    |    | 4.1.2B3.2.1D           |
|                                                                                                                                                                                        | Townhouse                     | P           | P   | P  | PP  | P  |                |    | P  | P  | P  |    |    | 3.2.1G4.1.2E           |
|                                                                                                                                                                                        | Dwelling, multi-family        |             |     |    | P   |    |                |    | P  | P  | P  |    |    | 4.13.2.21BC            |
|                                                                                                                                                                                        | Manufactured home             | P           | P   | P  | P   | P  |                |    |    | P  | P  |    |    | 3.2.1H4.1.2F           |
|                                                                                                                                                                                        | Manufactured home community   | C           |     |    |     |    |                |    |    |    | C  |    |    | 3.2.1H4.1.2G           |
|                                                                                                                                                                                        | Upper-story residential       |             |     |    |     |    | P              | P  | P  | P  | P  | P  |    | 4.1.2H3.2.1J           |

| Principal Uses by Zoning District                                                                                                                                                      |                                                                   |             |     |    |     |    |                |    |    |    |    |    |    |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                                      | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards |
|                                                                                                                                                                                        |                                                                   | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                        |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                                   |             |     |    |     |    |                |    |    |    |    |    |    |                        |
| Group Living                                                                                                                                                                           | Group home                                                        | P           | P   | P  | P   | P  |                |    |    |    | P  |    |    | 4.1.23.2.1EC           |
|                                                                                                                                                                                        | All other group living                                            | C           | C   | C  | C   | C  |                | P  |    |    | P  |    |    | 3.2.1F4.1.2D           |
| Public and Civic Uses (Section 3.4.8)                                                                                                                                                  |                                                                   |             |     |    |     |    |                |    |    |    |    |    |    |                        |
| Community Service                                                                                                                                                                      | All community service                                             | P           |     |    |     | C  | P              | P  |    |    | P  | P  | P  |                        |
| Day Care                                                                                                                                                                               | Day care, general                                                 | C           | C   | C  | C   | P  | P              | P  | P  |    | P  | P  |    | 3.2.2C4.1.1            |
|                                                                                                                                                                                        | Day care, limited                                                 | P           | P   | P  | P   | P  | P              | P  | P  | P  | P  | P  |    | 3.2.2D4.1.1            |
| Educational Facilities                                                                                                                                                                 | College or university                                             |             |     | C  | C   | C  | P              | P  | P  |    | P  | P  |    |                        |
|                                                                                                                                                                                        | Field research stations and environmental education centers       |             |     |    |     | C  |                |    |    | P  |    |    |    | 4.3.2.12BFs            |
|                                                                                                                                                                                        | All other educational facilities                                  | P           | P   | P  | P   | C  |                | P  |    |    | P  |    |    |                        |
| Government Facilities                                                                                                                                                                  | Detention center                                                  |             |     |    |     |    |                |    |    |    |    |    |    |                        |
|                                                                                                                                                                                        | County or state shop/storage yard                                 |             |     |    |     |    |                |    |    |    | P  | P  | P  |                        |
|                                                                                                                                                                                        | Recycling center                                                  |             |     | C  |     | C  |                |    |    |    |    |    | C  |                        |
|                                                                                                                                                                                        | All other government facilities                                   | P           | P   | P  | P   | P  | P              | P  | P  | C  | P  | P  | P  |                        |
| Institutions                                                                                                                                                                           | All institutions                                                  |             |     |    |     | C  |                | P  |    |    | P  |    |    |                        |
| Medical Facilities                                                                                                                                                                     | Hospital or clinic                                                | C           |     | C  |     | C  |                | P  |    |    | P  |    |    | 3.2.2E4.2.1A           |
|                                                                                                                                                                                        | All other medical facilities                                      | C           |     | C  |     | C  |                | P  |    |    | P  |    |    | 4.2.1A3.2.2E           |
| Parks and Open Areas                                                                                                                                                                   | Golf course/country club                                          |             |     | C  |     | C  |                |    |    |    |    |    |    |                        |
|                                                                                                                                                                                        | Cemeteries, columbaria, crematoria, mausoleums and memorial parks |             |     | P  |     | P  |                |    |    |    |    |    |    |                        |

| Principal Uses by Zoning District                                                                                                                                                      |                                                              |             |     |    |     |    |                |    |    |    |    |    |    |                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|-------------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                                 | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards        |
|                                                                                                                                                                                        |                                                              | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                               |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                              |             |     |    |     |    |                |    |    |    |    |    |    |                               |
|                                                                                                                                                                                        | All other parks and open areas                               | P           | P   | P  | P   | P  | P              | P  | P  | P  | P  | P  | P  | Section 6.116.9               |
| Passenger Terminals                                                                                                                                                                    | Airport and heliport, emergency operations                   |             |     |    |     |    |                |    |    |    | P  |    |    | 3.2.2A4.14.1                  |
|                                                                                                                                                                                        | Airport and heliport, private                                |             |     |    |     | C  |                |    |    |    |    |    |    | 3.2.2B4.14.2                  |
|                                                                                                                                                                                        | Airport and heliport, public                                 |             |     |    |     |    |                |    |    |    |    |    |    | Section 4.37.7                |
|                                                                                                                                                                                        | Bus station or terminal                                      |             |     |    |     |    |                | P  |    | P  | P  | P  | P  |                               |
|                                                                                                                                                                                        | Train passenger terminal                                     |             |     |    |     | C  |                |    |    | P  |    |    |    | 3.2.4N4.4.1C                  |
|                                                                                                                                                                                        | All other passenger terminals                                |             |     |    |     |    |                |    |    |    |    |    |    |                               |
| Places of Worship                                                                                                                                                                      | All uses                                                     | P           | P   | P  | P   | C  | P              | P  | C  |    | P  | P  |    |                               |
| Utilities                                                                                                                                                                              | Major Utilities                                              |             |     |    |     |    |                |    |    |    |    |    |    | 5.84.10 Major Utility Overlay |
|                                                                                                                                                                                        | Minor Utilities                                              | P           | P   | P  | P   | P  | P              | P  | P  | P  | P  | P  | P  | 3.4.8 J                       |
|                                                                                                                                                                                        | Telecommunications tower and facility – New site             |             |     |    |     | C  |                | C  |    |    | C  | C  | C  | 3.2.3 P4.12                   |
|                                                                                                                                                                                        | Telecommunications tower, antenna, structure – Existing Site | P           | P   | P  | P   | P  | P              | P  |    | P  | P  | P  | P  | 4.123.2.3 Q                   |
|                                                                                                                                                                                        | Transmission facility                                        | C           | C   | C  | C   | C  | C              | C  | C  | C  | C  | C  | C  | 4.133.2.3 R                   |
|                                                                                                                                                                                        | Utility substation                                           |             |     |    |     | C  | C              | C  | C  | C  | C  | C  | C  | 3.2.3 S4.13                   |
| Commercial Uses (Section 3.4.9)                                                                                                                                                        |                                                              |             |     |    |     |    |                |    |    |    |    |    |    |                               |
| Eating Establishments                                                                                                                                                                  | Restaurant, fast food                                        |             |     |    |     |    |                | P  | P  |    | P  |    |    | 3.2.3N4.3.1A                  |
|                                                                                                                                                                                        | Restaurant, general                                          |             |     |    |     |    | P              | P  | P  | P  | P  |    |    | 4.3.1A3.2.3N                  |
| Entertainment                                                                                                                                                                          | Adult entertainment                                          |             |     |    |     |    |                |    |    |    |    | C  | C  | 3.2.3A4.3.2A                  |

| Principal Uses by Zoning District                                                                                                                                                      |                                                                                                |             |     |    |     |    |                |    |    |    |    |    |    |                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|---------------------------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                                                                   | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards                      |
|                                                                                                                                                                                        |                                                                                                | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                                             |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                                                                |             |     |    |     |    |                |    |    |    |    |    |    |                                             |
|                                                                                                                                                                                        | Bar or lounge                                                                                  |             |     |    |     |    |                | P  | P  | P  | P  | C  | C  | 4.3.2B3.2.3C                                |
|                                                                                                                                                                                        | Theater                                                                                        |             |     |    |     |    | P              | P  |    | P  |    |    |    |                                             |
|                                                                                                                                                                                        | All other indoor recreational use                                                              |             |     |    |     |    |                | P  |    |    |    |    |    | 4.3.23.2.3DI                                |
|                                                                                                                                                                                        | Flea market                                                                                    |             |     |    |     |    |                |    |    |    | C  |    |    | 3.2.3G4.3.2C                                |
|                                                                                                                                                                                        | All other outdoor recreational use                                                             |             |     | C  |     | C  |                |    | C  |    | C  |    |    | 4.3.23.2.3EJ                                |
|                                                                                                                                                                                        | All other entertainment                                                                        |             |     |    |     |    |                |    |    |    |    |    |    |                                             |
| Office                                                                                                                                                                                 | All uses                                                                                       |             |     |    |     |    | P              | P  | P  |    | P  | P  |    |                                             |
| Overnight Accommodations<br><br>(See Use-Specific Standards. As per Ordinance 595 (2019), Overnight Accommodations permitted through overlay districts only)                           | Bed and breakfast                                                                              |             |     |    |     |    |                |    |    |    |    |    |    | 3.2.3D and Section 5.4.4.6 (OA-Residential) |
|                                                                                                                                                                                        | Dude ranch or destination resort                                                               |             |     |    |     |    |                |    |    |    |    |    |    | 3.2.3F and Section 5.4.4.6 (OA-Hotel/Motel) |
|                                                                                                                                                                                        | Hotel or motel                                                                                 |             |     |    |     |    |                |    |    |    |    |    |    | Section 5.44.6 (OA-Hotel/Motel)             |
|                                                                                                                                                                                        | Recreational vehicle parks and campgrounds                                                     |             |     |    |     |    |                |    |    |    |    |    |    | 3.2.3L and Section 5.44.6 (OA-Campground)   |
|                                                                                                                                                                                        | Residential units used for overnight accommodation                                             |             |     |    |     |    |                |    |    |    |    |    |    | 3.2.3M and Section 5.4.6 (OA-Residential)   |
|                                                                                                                                                                                        | All other overnight accommodation uses                                                         |             |     |    |     |    |                |    |    |    |    |    |    | Section 5.4.6 (OAO Districts)               |
| Retail Sales and Service                                                                                                                                                               | Outfitter, guide service and facility (non-ATV outfitter, guide service and rental businesses) |             |     | C  |     |    |                | C  | C  | C  | C  |    |    | 3.2.3K.14.3.4A                              |
|                                                                                                                                                                                        | ATV outfitter, guide service and rentals                                                       |             |     |    |     |    |                | C  | C  |    | C  |    |    | 3.2.3K.24.3.4A                              |
|                                                                                                                                                                                        | All personal service-oriented uses                                                             |             |     |    |     |    | P              | P  | P  | C  | P  | P  |    |                                             |

| Principal Uses by Zoning District                                                                                                                                                      |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|----------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                              | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards     |
|                                                                                                                                                                                        |                                                           | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                            |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                            |
|                                                                                                                                                                                        | Building materials, sales and yard                        |             |     |    |     |    |                | P  |    |    | P  | P  |    |                            |
|                                                                                                                                                                                        | Greenhouse or nursery, wholesale or retail                |             |     |    |     |    |                |    |    |    | P  |    |    |                            |
|                                                                                                                                                                                        | All other sales-oriented uses                             |             |     |    |     |    | P              | P  | P  |    |    |    |    |                            |
|                                                                                                                                                                                        | Repair services, general                                  |             |     |    |     |    |                |    |    |    | P  | P  |    |                            |
|                                                                                                                                                                                        | Repair services, limited                                  |             |     |    |     |    | P              | P  |    |    | P  | P  |    |                            |
|                                                                                                                                                                                        | All other repair-oriented uses                            |             |     |    |     |    |                |    |    |    |    |    |    |                            |
| Self Storage                                                                                                                                                                           | RV and boat storage                                       |             |     |    |     |    |                |    |    |    | P  | P  |    | <del>3.2.4I</del> 4.3.5A   |
|                                                                                                                                                                                        | <del>All other self-storage Facility</del> uses           |             |     |    |     |    |                | P  |    |    | P  | P  |    | 4.3.5B <del>3.2.4J</del>   |
| Vehicle Sales and Service                                                                                                                                                              | Auto repair garage                                        |             |     |    |     |    |                | C  |    |    | P  | P  | P  | <del>3.2.3B</del> 4.3.6A   |
|                                                                                                                                                                                        | Car wash                                                  |             |     |    |     |    |                | P  |    |    | P  | P  | P  | <del>3.2.3E</del> 4.3.6C   |
|                                                                                                                                                                                        | Fuel service                                              |             |     |    |     |    | C              | C  | P  |    | P  | P  | P  | <del>3.2.3H</del> 4.3.6D   |
|                                                                                                                                                                                        | Limited vehicle service                                   |             |     |    |     |    |                |    |    |    | P  | P  | P  |                            |
|                                                                                                                                                                                        | Vehicle sales, rental or leasing facility (non-ATV sales) |             |     |    |     |    |                | P  |    |    | P  | P  |    |                            |
|                                                                                                                                                                                        | ATV sales                                                 |             |     |    |     |    |                | C  | C  |    | C  |    |    | <del>3.2.3K,T</del> 4.3.6B |
|                                                                                                                                                                                        | All other vehicle sales & service uses                    |             |     |    |     |    |                |    |    |    |    |    |    |                            |
| Industrial Uses (Section 3.4.10)                                                                                                                                                       |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                            |
| Heavy industrial                                                                                                                                                                       | Railroad facilities, including shops and rail yards       |             |     |    |     | C  |                |    |    |    |    |    | C  | <del>3.2.4N</del> 4.4.1C   |
|                                                                                                                                                                                        | Asphalt or concrete batch plant                           |             |     |    |     | C  |                |    |    |    |    | C  | P  | <del>3.2.4A</del> 4.4.1A   |

| Principal Uses by Zoning District                                                                                                                                                      |                                                                                                                                            |             |     |    |     |    |                |    |    |    |    |    |    |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                                                                                                               | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards |
|                                                                                                                                                                                        |                                                                                                                                            | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                        |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                                                                                                            |             |     |    |     |    |                |    |    |    |    |    |    |                        |
|                                                                                                                                                                                        | Food processing                                                                                                                            |             |     |    |     | C  |                | C  |    |    | C  | P  | P  |                        |
|                                                                                                                                                                                        | Manufacturing, hazardous/objectionable                                                                                                     |             |     |    |     |    |                |    |    |    | C  | C  |    | 4.4.1D                 |
|                                                                                                                                                                                        | Power plant                                                                                                                                |             |     |    |     |    |                |    |    |    |    | P  |    |                        |
|                                                                                                                                                                                        | Woodworking and cabinet shops                                                                                                              |             |     |    |     | C  |                | C  |    |    | C  | P  | P  |                        |
|                                                                                                                                                                                        | Production water disposal and recycling facilities<br>Disposal Facilities – Produced and Formation Water Disposal and Recycling Facilities |             |     |    |     | C  |                |    |    |    |    |    | C  | 4.4.13.2.4B            |
| Light industrial Service                                                                                                                                                               | Freight, terminal and parking lot                                                                                                          |             |     |    |     |    |                |    |    |    |    | P  |    |                        |
|                                                                                                                                                                                        | Fuel product storage                                                                                                                       |             |     |    |     |    |                |    |    |    | C  | P  |    | 3.2.4B4.4.2A           |
|                                                                                                                                                                                        | Impound lot                                                                                                                                |             |     |    |     |    |                |    |    | C  | C  | C  |    | 4.4.23.2.4BC           |
|                                                                                                                                                                                        | Manufacturing and production                                                                                                               |             |     |    |     |    |                | C  |    |    | P  | P  | P  | 3.2.4L4.4.2C           |
|                                                                                                                                                                                        | Truck stop                                                                                                                                 |             |     |    |     |    |                |    |    |    |    | P  | P  |                        |
|                                                                                                                                                                                        | All other light industrial service uses                                                                                                    |             |     |    |     |    |                |    |    |    |    | P  | P  |                        |
| Resource Extraction                                                                                                                                                                    | Mining                                                                                                                                     |             |     |    |     | C  |                |    |    |    |    |    |    | 4.4.3A                 |
|                                                                                                                                                                                        | Oil and gas drilling on private land                                                                                                       |             |     |    |     | C  |                |    |    |    |    |    | C  | 4.4.3B                 |
|                                                                                                                                                                                        | Oil and gas drilling on public land                                                                                                        |             |     |    |     | P  |                |    |    |    |    |    | P  | 4.4.3B                 |
|                                                                                                                                                                                        | Ore refining or processing                                                                                                                 |             |     |    |     | C  |                |    |    |    |    |    | P  | 4.4.3C                 |
|                                                                                                                                                                                        | All other resource extraction uses                                                                                                         |             |     |    |     | C  |                |    |    |    |    |    | C  |                        |
|                                                                                                                                                                                        | Warehouse, commercial                                                                                                                      |             |     |    |     |    |                |    |    |    | P  | P  | P  |                        |

| Principal Uses by Zoning District                                                                                                                                                      |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------|-----|----|-----|----|----------------|----|----|----|----|----|----|--------------------------|--------------------------|
| Use Category                                                                                                                                                                           | Specific Use                                              | RESIDENTIAL |     |    |     |    | NONRESIDENTIAL |    |    |    |    |    |    | Use-Specific Standards   |                          |
|                                                                                                                                                                                        |                                                           | SLR         | LLR | RR | MFR | RG | NC             | GB | RC | RS | HC | LI | HI |                          |                          |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
| Warehouse and Freight Movement                                                                                                                                                         | Stockpiling of sand, gravel, or other aggregate materials |             |     |    |     | C  |                |    |    |    |    |    | P  |                          |                          |
|                                                                                                                                                                                        | All other uses                                            |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
| Waste-Related Services                                                                                                                                                                 | Junk yard, salvage or auto salvage yard                   |             |     |    |     |    |                |    |    |    |    | C  | P  | <del>3.2.4K</del> 4.4.4A |                          |
|                                                                                                                                                                                        | Public land fill                                          |             |     |    |     | C  |                |    |    |    |    |    | P  | 4.4.4B <del>3.2.4H</del> |                          |
|                                                                                                                                                                                        | Waste storage, treatment and disposal                     |             |     |    |     | C  |                |    |    |    |    |    | C  | <del>3.2.4O</del> 4.4.4C |                          |
|                                                                                                                                                                                        | Waste transfer stations                                   |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
|                                                                                                                                                                                        | Waste transfer stations                                   |             |     |    |     | C  |                |    |    |    |    |    | C  | 4.4.4C <del>3.2.4O</del> |                          |
|                                                                                                                                                                                        | Waste storage, treatment and disposal                     |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
|                                                                                                                                                                                        | Waste transport                                           |             |     |    |     | C  |                |    |    |    |    |    | C  | 4.4.4C <del>3.2.4O</del> |                          |
| All other waste-related uses                                                                                                                                                           |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
| Wholesale Trade & Contractor Services                                                                                                                                                  | All wholesale trade and contractor services               |             |     |    |     |    |                | C  |    |    |    | P  | P  | P                        | <del>3.2.4P</del> 4.4.5A |
| Other Uses (Section 3.4.11) Agriculture                                                                                                                                                |                                                           |             |     |    |     |    |                |    |    |    |    |    |    |                          |                          |
| Agriculture                                                                                                                                                                            | Animal raising                                            |             | C   | P  |     | P  |                |    |    |    |    |    |    |                          | 4.5.1 <del>3.2.5A</del>  |
|                                                                                                                                                                                        | Kennel                                                    |             |     | C  |     | P  |                |    |    |    |    | C  | C  |                          | <del>3.2.3O</del> 4.5.4  |
|                                                                                                                                                                                        | Animal feed lot                                           |             |     |    |     | C  |                |    |    |    |    |    |    |                          |                          |
|                                                                                                                                                                                        | Barn, corral, pen, coop or machinery shed                 |             | C   | P  |     | P  |                |    |    |    |    |    |    |                          | <del>3.2.5C</del> 4.5.3  |
|                                                                                                                                                                                        | Beekkeeping                                               |             | P   | P  |     | P  |                |    |    |    |    |    |    |                          | 4.5.2                    |
|                                                                                                                                                                                        | Farm, orchard, vineyard or truck garden                   |             |     | P  |     | P  |                |    |    |    |    |    |    |                          |                          |
|                                                                                                                                                                                        | Feed mill                                                 |             |     |    |     |    |                |    |    |    |    |    | P  |                          |                          |

| Principal Uses by Zoning District                                                                                                                                                      |                                    |             |     |          |     |          |                |          |          |          |          |          |    |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------|-----|----------|-----|----------|----------------|----------|----------|----------|----------|----------|----|------------------------|
| Use Category                                                                                                                                                                           | Specific Use                       | RESIDENTIAL |     |          |     |          | NONRESIDENTIAL |          |          |          |          |          |    | Use-Specific Standards |
|                                                                                                                                                                                        |                                    | SLR         | LLR | RR       | MFR | RG       | NC             | GB       | RC       | RS       | HC       | LI       | HI |                        |
| Key: P = Permitted by right C = Conditional Use Permit Required Not Permitted<br>(Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively) |                                    |             |     |          |     |          |                |          |          |          |          |          |    |                        |
|                                                                                                                                                                                        | <u>Fruit and vegetable stand</u>   |             |     | <u>C</u> |     |          | <u>P</u>       | <u>P</u> |          | <u>P</u> | <u>P</u> |          |    |                        |
|                                                                                                                                                                                        | <u>Grazing</u>                     |             |     | <u>P</u> |     | <u>P</u> |                |          | <u>P</u> |          |          |          |    |                        |
|                                                                                                                                                                                        | <u>Winery</u>                      |             |     | <u>C</u> |     | <u>C</u> |                |          |          | <u>C</u> | <u>P</u> | <u>P</u> |    |                        |
|                                                                                                                                                                                        | <u>All other agricultural uses</u> |             |     | <u>P</u> |     | <u>P</u> |                |          |          |          |          |          |    |                        |

[Ord 713, 2024; Ord. 631, 2021; Ord. 622, 2021; Ord. 621, 2021; Ord. 595, 2019; Ord. 569, 2017; Ord. 560, 2017; Ord. 541, 2016.]

### 3.4 Use Categories Revised 3/21 Revised 5/21

#### 3.4.1 General

##### A. Basis for Classification

Use categories classify land uses and activities based on similar functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents,

how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

**B. Principal Use Characteristics**

A principal use is assigned to the use category that most closely corresponds to its nature as described in the “Characteristics” subsection of each use category.

**C. Considerations Regarding Principal Uses**

1. Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator in accordance with the provisions of 2 below.

2. The following shall be used to determine (1) the appropriate category for a use not specifically listed in the use table or the examples in the use category descriptions, and (2) whether a use is considered principal or accessory:

a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

b. The relative amount of site area or floor space and equipment devoted to the activity;

c. Relative amounts of sales from each activity;

d. The customer type for each activity;

e. The relative number of employees in each activity;

f. Hours of operation;

g. Building and site arrangement;

h. Vehicles used and their parking requirements;

i. The relative number of vehicle trips generated;

j. Required signage;

k. How the use is advertised;

l. The likely impact on surrounding properties; and

m. Whether the activity is likely to be found independent of the other activities on the site.

3. When considering appropriate districts for a use not listed in the use table, the district purpose statements of the respective districts shall be taken into consideration.

### 3.4.2 — Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following.

A. When all principal uses of a development fall within one use category, the entire development is assigned to that use category.

B. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to all applicable regulations for that use category.

C. Developments with multiple principal uses (such as shopping centers) shall incorporate only those uses allowed in the underlying district.

### 3.4.3 — Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated elsewhere in this LUC. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

### 3.4.4 — Use of Examples

The “Examples” subsection of each use category lists uses common to that use category.

A. The examples provided are not all-inclusive, but describe the types of uses that are common to that category. Those uses that are listed are permitted, however other similar uses may also be permitted upon determination by the Zoning Administrator that they are appropriate for that use category.

B. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

### 3.4.5 — Uses not included

The “Uses Not included” subsection provides cross-references to uses that may appear to be part of a particular category, but which are explicitly handled in a different use category.

### 3.4.6 — Use Categories

The following series of tables describe the characteristics of categories of uses, examples from each category, common accessory uses, and uses that are not part of a given use category. These tables are descriptive, and the examples listed are not all-inclusive. Determination of the appropriate category for a proposed principal

use not listed will be made by the Zoning Administrator in accordance with Section 3.4.1C, Considerations Regarding Principal Uses.

### 3.4.7 Residential Use Categories Revised 3/21

#### A. Household Living

=

| <u>Characteristics:</u><br><br><u>Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.</u> |                                                                            |                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                    | <u>Accessory Uses</u>                                                      | <u>Uses not included</u>                                                                                                                                        |
| <u>Single-family dwellings</u>                                                                                                     | <u>Greenhouses and nurseries not engaged in retail trade</u>               | <u>Bed and breakfast establishments, hotels, motels, inns, extended-stay facilities (See Overnight Accommodations)</u>                                          |
| <u>Alley-loaded houses</u>                                                                                                         | <u>Hobbies</u>                                                             | <u>Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (See Group Living)</u> |
| <u>Zero-lot-line houses</u>                                                                                                        | <u>Home occupations</u>                                                    | <u>Nursing or convalescent home (See Group Living)</u>                                                                                                          |
| <u>Two-family dwellings</u>                                                                                                        | <u>Home business</u>                                                       | <u>Residential assisted living facility not having individual dwelling units (See Group Living)</u>                                                             |
| <u>Townhouses</u>                                                                                                                  | <u>In-home care for six or fewer</u>                                       | <u>Residential units used for overnight accommodation</u>                                                                                                       |
| <u>Tri-plexes</u>                                                                                                                  | <u>Off-street parking of occupants' registered vehicles</u>                | <u>Small-scale food processing</u>                                                                                                                              |
| <u>Manufactured homes</u>                                                                                                          | <u>On-site day care for residents of a multi-dwelling structure or use</u> | <u>Camping</u>                                                                                                                                                  |
| <u>Multifamily dwellings</u>                                                                                                       | <u>Raising of pets not for sale</u>                                        |                                                                                                                                                                 |
| <u>Apartments</u>                                                                                                                  | <u>Recreational activities</u>                                             |                                                                                                                                                                 |
| <u>Row houses</u>                                                                                                                  | <u>Storage units</u>                                                       |                                                                                                                                                                 |
| <u>Congregate care facilities where individual units meet the definition of a dwelling unit</u>                                    | <u>Swimming pools</u>                                                      |                                                                                                                                                                 |
| <u>Group homes in single-family structures</u>                                                                                     |                                                                            |                                                                                                                                                                 |
| <u>Other structures with self-contained dwelling units</u>                                                                         |                                                                            |                                                                                                                                                                 |
| <u>Retirement center apartments</u>                                                                                                |                                                                            |                                                                                                                                                                 |
| <u>Upper-story residential</u>                                                                                                     |                                                                            |                                                                                                                                                                 |
| <u>Village residential</u>                                                                                                         |                                                                            |                                                                                                                                                                 |

## B. Group Living

| <u>Characteristics:</u>                                                                                                                                                                                                                                                                                                   |                                                               |                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.</u> |                                                               |                                                                                                                                                                                       |
| <u>Examples</u>                                                                                                                                                                                                                                                                                                           | <u>Accessory Uses</u>                                         | <u>Uses not included</u>                                                                                                                                                              |
| <u>Dormitories</u>                                                                                                                                                                                                                                                                                                        | <u>Associated offices</u>                                     | <u>Alternative or post-incarceration facilities (See institutions)</u>                                                                                                                |
| <u>Fraternities and sororities</u>                                                                                                                                                                                                                                                                                        | <u>Food preparation and dining facilities</u>                 | <u>Bed and breakfast establishments, hotels, motels, inns, extended stay facilities (See Overnight Accommodations)</u>                                                                |
| <u>Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (6 or fewer residents)</u>                                                                                                                                                       | <u>Off-street parking of vehicles for occupants and staff</u> | <u>Congregate care facilities where individual units meet the definition of a dwelling unit (See Household Living)</u>                                                                |
| <u>Hospices</u>                                                                                                                                                                                                                                                                                                           | <u>Recreational facilities</u>                                | <u>Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents) (See institutions)</u> |
| <u>Lodging houses</u>                                                                                                                                                                                                                                                                                                     |                                                               | <u>Group homes for drug and alcohol treatment (See institutions)</u>                                                                                                                  |
| <u>Monasteries and convents</u>                                                                                                                                                                                                                                                                                           |                                                               | <u>Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (See Household Living)</u>                                                             |
| <u>Nursing or convalescent homes</u>                                                                                                                                                                                                                                                                                      |                                                               | <u>Treatment centers, transient lodging or shelters (See institutions)</u>                                                                                                            |
| <u>Orphanages</u>                                                                                                                                                                                                                                                                                                         |                                                               | <u>Camping</u>                                                                                                                                                                        |
| <u>Residential assisted living facilities not having individual dwelling units</u>                                                                                                                                                                                                                                        |                                                               |                                                                                                                                                                                       |

[Ord. 622, 2021.]

## 3.4.8 Public and Civic Use Categories

### A. Community Service

| <u>Characteristics:</u>                                                                                                                                                                  |                                                             |                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <u>Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.</u> |                                                             |                                                                                             |
| <u>Examples</u>                                                                                                                                                                          | <u>Accessory Uses</u>                                       | <u>Uses not included</u>                                                                    |
| <u>Community centers</u>                                                                                                                                                                 | <u>Associated offices</u>                                   | <u>Athletic or health clubs (See Retail Sales and Service)</u>                              |
| <u>Libraries</u>                                                                                                                                                                         | <u>Food preparation and dining facilities</u>               | <u>Churches, mosques, synagogues, or temples (See Places of Worship)</u>                    |
| <u>Museums</u>                                                                                                                                                                           | <u>Health, arts and crafts, day care, and therapy areas</u> | <u>Counseling in an office setting (See office)</u>                                         |
| <u>Philanthropic institutions</u>                                                                                                                                                        | <u>Indoor or outdoor recreation and athletic facilities</u> | <u>Parks (See Parks and Open Areas)</u>                                                     |
| <u>Senior centers</u>                                                                                                                                                                    | <u>Limited retail sales</u>                                 | <u>Soup kitchen (See institutions)</u>                                                      |
| <u>Social service facilities</u>                                                                                                                                                         | <u>Meeting areas</u>                                        | <u>Treatment centers, transient lodging or shelters for the homeless (See institutions)</u> |
| <u>Youth club facilities</u>                                                                                                                                                             | <u>Off-street parking</u>                                   |                                                                                             |

## B. Day Care

| <u>Characteristics:</u><br><br><u>Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.</u>                                                         |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                   | <u>Accessory Uses</u>                                                                                                                                                                                                          | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                                         |
| <u>Adult day-care programs</u><br><br><u>Child-care institution</u><br><br><u>Day-care center</u><br><br><u>Family home day care (not more than 8 persons)</u><br><br><u>Family day care (more than 8 persons)</u><br><br><u>Group daycare home</u><br><br><u>Intermediate child care</u><br><br><u>Latch-key programs</u><br><br><u>Nursery schools</u><br><br><u>Preschools</u> | <u>Associated offices</u><br><br><u>Food preparation and dining facilities</u><br><br><u>Health, arts and crafts, and therapy areas</u><br><br><u>Indoor or outdoor recreation facilities</u><br><br><u>Off-street parking</u> | <u>Counseling in an office setting (See office)</u><br><br><u>In-home day care for 8 persons or fewer (See Accessory Use)</u><br><br><u>On-site schools or facilities operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (See Accessory Use)</u> |

### C. Educational Facilities

| <u>Characteristics:</u><br><br><u>Public and private including charter or religious schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.</u>                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                              | <u>Accessory Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>Uses not included</u>                                                                                                                                                                                                                                                                                 |
| <u>Boarding schools</u><br><br><u>Community colleges</u><br><br><u>Elementary schools</u><br><br><u>High schools</u><br><br><u>Liberal arts colleges</u><br><br><u>Middle schools</u><br><br><u>Military academies</u><br><br><u>Nursing and medical schools not accessory to a hospital</u><br><br><u>Private schools</u><br><br><u>Seminaries</u><br><br><u>Universities</u><br><br><u>Environmental Education Centers</u> | <u>Adult continuing education programs</u><br><br><u>Associated offices</u><br><br><u>Auditoriums</u><br><br><u>Before and after school day care</u><br><br><u>Cafeterias</u><br><br><u>Day care</u><br><br><u>Food services</u><br><br><u>Health facilities</u><br><br><u>Housing for students and faculty</u><br><br><u>Laboratories</u><br><br><u>Libraries</u><br><br><u>Maintenance facilities</u><br><br><u>Meeting areas</u><br><br><u>Off-street parking</u><br><br><u>Play areas</u><br><br><u>Recreational and sports facilities</u><br><br><u>Secondary nonprofit fund raising activities</u><br><br><u>Support commercial (a college-operated bookstore, for example)</u><br><br><u>Theaters</u> | <u>Business, driving, martial arts, trade and other commercial schools (See Retail Sales and Service)</u><br><br><u>Dance, art, or music studios or classes (See Retail Sales and Service)</u><br><br><u>Preschools or nursery schools (See Day Care)</u><br><br><u>Individual Unit Overnight Rental</u> |

#### **D. Government Facilities**

| <u>Characteristics:</u>                                                                                              |                                                 |                                                                     |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------|
| <u>Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.</u> |                                                 |                                                                     |
| <u>Examples</u>                                                                                                      | <u>Accessory Uses</u>                           | <u>Uses not included</u>                                            |
| <u>City Hall</u>                                                                                                     | <u>Associated helicopter landing facilities</u> | <u>Educational facilities (See Educational Facilities)</u>          |
| <u>Court House</u>                                                                                                   | <u>Auditorium and meeting rooms</u>             | <u>Maintenance facilities (See Light industrial Service)</u>        |
| <u>Detention Centers</u>                                                                                             | <u>Cafeterias</u>                               | <u>Parks and recreational facilities (See Parks and Open Areas)</u> |
| <u>Emergency medical and ambulance stations</u>                                                                      | <u>Day care</u>                                 | <u>Utilities (See Utilities)</u>                                    |
| <u>Fire stations</u>                                                                                                 | <u>Holding cells</u>                            | <u>Waste-Related service (Except Recycling Centers)</u>             |
| <u>Government offices</u>                                                                                            | <u>Infirmaries</u>                              |                                                                     |
| <u>Local, state, or Federal offices</u>                                                                              | <u>Limited fueling facilities</u>               |                                                                     |
| <u>Municipal office Center</u>                                                                                       | <u>Off-street parking</u>                       |                                                                     |
| <u>Police stations</u>                                                                                               | <u>Satellite offices</u>                        |                                                                     |
| <u>Post offices</u>                                                                                                  | <u>Storage</u>                                  |                                                                     |
| <u>Recycling Centers</u>                                                                                             |                                                 |                                                                     |

#### **E. Medical Facilities**

| <u>Characteristics:</u><br><br><u>Uses providing medical or surgical care to patients possibly offering overnight care.</u>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                     | <u>Accessory Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                 |
| <u>Blood plasma donation centers</u><br><br><u>Hospitals</u><br><br><u>Medical and dental clinics</u><br><br><u>Medical centers</u> | <u>Associated helicopter landing facilities</u><br><br><u>Associated offices</u><br><br><u>Cafeterias</u><br><br><u>Chapel or other ancillary worship space</u><br><br><u>Day care</u><br><br><u>Housing for staff or trainees</u><br><br><u>Laboratories</u><br><br><u>Limited support retail</u><br><br><u>Maintenance facilities</u><br><br><u>Meeting areas</u><br><br><u>Off-street parking</u><br><br><u>Out-patient clinics</u><br><br><u>Pharmacies</u><br><br><u>Recreational facilities</u><br><br><u>Teaching facilities</u><br><br><u>Temporary housing for relatives of patients</u> | <u>Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (See institutions)</u><br><br><u>Nursing and medical schools not accessory to a hospital (See Educational Facilities)</u><br><br><u>Urgent care or emergency medical offices (See Retail Sales and Service)</u> |

## F. Institutions

| <u>Characteristics:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.</u>                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Accessory Uses</u>                                                                                                                                                                                                                                                         | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>Alternative or post-incarceration facilities</u><br><br><u>Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents</u><br><br><u>Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents)</u><br><br><u>Group homes for drug and alcohol treatment</u><br><br><u>Soup kitchens</u><br><br><u>Transient lodging or shelters for the homeless</u><br><br><u>Treatment centers</u> | <u>Adult educational facilities</u><br><br><u>Day care</u><br><br><u>Food services and dining areas</u><br><br><u>Meeting rooms</u><br><br><u>Off-street parking</u><br><br><u>Staff residences located on-site</u><br><br><u>Stealth cell antennae</u><br><br><u>Storage</u> | <u>Cemeteries, columbaria, mausoleums, and memorial parks (See Parks and Open Areas)</u><br><br><u>Congregate care facilities where individual units meet the definition of a dwelling unit (See Household Living)</u><br><br><u>Educational Facilities (See Educational Facilities)</u><br><br><u>Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (See Group Living)</u><br><br><u>Philanthropic institutions (See Community Service)</u><br><br><u>Residential assisted living facilities not having individual dwelling units (See Group Living)</u> |

## G. Parks and Open Areas

Characteristics:

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

| <u>Examples</u>            | <u>Accessory Uses</u>                                             | <u>Uses not included</u>                                                     |
|----------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------|
| <u>Botanical gardens</u>   | <u>Boat docks</u>                                                 | <u>Athletic or health clubs (See Retail Sales and Service)</u>               |
| <u>Cemeteries</u>          | <u>Boat house</u>                                                 | <u>Golf driving ranges and miniature golf facilities (See Entertainment)</u> |
| <u>Columbaria</u>          | <u>Clubhouses</u>                                                 | <u>Membership clubs and lodges (See Entertainment)</u>                       |
| <u>County clubs</u>        | <u>Concessions</u>                                                | <u>Water park (See Entertainment)</u>                                        |
| <u>Crematoriums</u>        | <u>Maintenance facilities</u>                                     | <u>Water towers, tanks, and standpipes (See Utilities)</u>                   |
| <u>Golf courses</u>        | <u>Off-street parking</u>                                         |                                                                              |
| <u>Mausoleums</u>          | <u>Play equipment</u>                                             |                                                                              |
| <u>Memorial parks</u>      | <u>Single residential unit for caretaker or security purposes</u> |                                                                              |
| <u>Nature preserves</u>    | <u>Swimming pools</u>                                             |                                                                              |
| <u>Parks</u>               | <u>Tennis courts</u>                                              |                                                                              |
| <u>Plazas</u>              |                                                                   |                                                                              |
| <u>Recreational trails</u> |                                                                   |                                                                              |
| <u>Reservoir</u>           |                                                                   |                                                                              |

H. Passenger Terminal

Characteristics:

Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

| <u>Examples</u>                  | <u>Accessory Uses</u>         | <u>Uses not included</u>                                                                                              |
|----------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <u>Airports</u>                  | <u>Associated offices</u>     | <u>Private helicopter landing facilities that are accessory to another use (See Medical or Government Facilities)</u> |
| <u>Bus passenger terminals</u>   | <u>Concessions</u>            |                                                                                                                       |
| <u>Heliports</u>                 | <u>Freight handling areas</u> | <u>Public transit park-and-ride facilities (See Retail Sales and Service)</u>                                         |
| <u>Taxi dispatch center</u>      | <u>Fueling facilities</u>     |                                                                                                                       |
| <u>Train passenger terminals</u> | <u>Limited retail</u>         |                                                                                                                       |
|                                  | <u>Maintenance facilities</u> |                                                                                                                       |
|                                  | <u>Off-street parking</u>     |                                                                                                                       |

I. Places of Worship

Characteristics:

Places of assembly that provide meeting areas for religious practice.

| <u>Examples</u>   | <u>Accessory Uses</u>                                                                                                                                                 | <u>Uses not included</u>                                                                      |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <u>Churches</u>   | <u>Associated offices</u>                                                                                                                                             | <u>Athletic or health clubs (See Retail Sales and Service)</u>                                |
| <u>Mosques</u>    | <u>Preschools, child care centers, nursery schools, latch-key programs, intermediate child care, or adult day-care programs</u>                                       | <u>Educational Facilities (See Educational Facilities)</u>                                    |
| <u>Synagogues</u> | <u>Food services and dining areas</u>                                                                                                                                 | <u>Senior centers, community centers or social service facilities (See Community Service)</u> |
| <u>Temples</u>    | <u>Meeting room/classroom for meetings or classes not held on a daily basis</u>                                                                                       | <u>Soup kitchen (See institutions)</u>                                                        |
|                   | <u>Off-street parking</u>                                                                                                                                             | <u>Treatment centers, transient lodging or shelters for the homeless (See institutions)</u>   |
|                   | <u>On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises or a site-sponsored special event</u> |                                                                                               |
|                   | <u>Staff residences located on-site</u>                                                                                                                               |                                                                                               |
|                   | <u>Stealth cell antennae</u>                                                                                                                                          |                                                                                               |

J. Minor Utilities (See Section 4.10 Major Utility Overlay for major utility uses)

| <u>Characteristics:</u><br><br><u>Public or private infrastructure serving a limited area or the general community and possibly having on-site personnel</u>                                                                                                                                                                                                                                                                                                  |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Accessory Uses</u>                                                                                             | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                                                                                           |
| <u>Minor Utilities:</u><br><br><u>Stormwater retention and detention facilities</u><br><br><u>Telephone exchanges</u><br><br><u>Water and wastewater pump stations</u><br><br><u>Major Utilities:</u><br><br><u>Cell antennae</u><br><br><u>Cell towers</u><br><br><u>Electrical substations</u><br><br><u>Natural gas pumping station</u><br><br><u>Telecommunication towers and facilities</u><br><br><u>Television and radio broadcasting transmitters</u> | <u>Control, monitoring, data or transmission equipment</u><br><br><u>Off-street parking</u><br><br><u>Storage</u> | <u>Maintenance yards and buildings (See Light Industrial Service)</u><br><br><u>Utility offices (See office)</u><br><br><u>TV and radio studios (See office)</u><br><br><u>Reservoir (See Parks and Open Areas)</u><br><br><u>Major Utilities: (Section 4.10)</u><br><br><u>Waste treatment plants</u><br><br><u>Waste treatment facility</u><br><br><u>Water towers</u><br><br><u>Water tanks</u> |

### 3.4.9 Commercial Use Categories Revised 5/21

#### A. Eating Establishments

| <u>Characteristics:</u><br><u>Establishments that prepare and sell food for on- or off-premise consumption.</u>                                                                                                                                                                 |                                                                                                                                                                                  |                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                 | <u>Accessory Uses</u>                                                                                                                                                            | <u>Uses not included</u>                    |
| <u>Drive-ins</u><br><br><u>Fast-food establishments</u><br><br><u>Outdoor vendors with permanent facilities</u><br><br><u>Pizza-delivery establishments</u><br><br><u>Restaurants</u><br><br><u>Small-scale catering establishments</u><br><br><u>Yogurt or ice cream shops</u> | <u>Decks and patios for outdoor seating</u><br><br><u>Drive-through facilities</u><br><br><u>Off-street customer and employee parking</u><br><br><u>Valet parking facilities</u> | <u>Bars and taverns (See Entertainment)</u> |

**B. Entertainment**

| <u>Characteristics:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                     |                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Generally commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                     |                                                                                                                                                 |
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Accessory Uses</u>                                                                                                                                                                               | <u>Uses not included</u>                                                                                                                        |
| <u>Indoor:</u><br><br><u>Adult Entertainment</u><br><br><u>Bars and taverns</u><br><br><u>Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, and movie or other theaters</u><br><br><u>Membership clubs and lodges</u><br><br><u>Outdoor:</u><br><br><u>Batting cages</u><br><br><u>Commercial amphitheaters</u><br><br><u>Commercial golf driving ranges, mini-amusement parks, miniature golf facilities, and water parks</u><br><br><u>Dog or horse track</u><br><br><u>Drive-in theaters</u><br><br><u>Flea market</u><br><br><u>Golf driving ranges</u><br><br><u>Mini-amusement parks</u><br><br><u>Miniature golf facilities</u><br><br><u>Stadiums and professional sports arenas</u><br><br><u>Water parks</u> | <u>Associated offices</u><br><br><u>Concessions</u><br><br><u>Food preparation and dining areas</u><br><br><u>Maintenance facilities</u><br><br><u>Off-street parking</u><br><br><u>Restaurants</u> | <u>Botanical gardens and nature preserves (See Parks and Open Areas)</u><br><br><u>Golf courses or country clubs (See Parks and Open Areas)</u> |

### C. Office

| <u>Characteristics:</u>                                                                                                                                                                                                                                                     |                                                                                                                                     |                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Activities conducted in an office setting and generally focusing on business, professional, medical, or financial services. These uses are compatible with residential uses and generate minimal traffic. Accessory uses generally have no external access or signs.</u> |                                                                                                                                     |                                                                                                                                                                              |
| <u>Examples</u>                                                                                                                                                                                                                                                             | <u>Accessory Uses</u>                                                                                                               | <u>Uses not included</u>                                                                                                                                                     |
| <u>Advertising offices</u>                                                                                                                                                                                                                                                  | <u>Cafeterias</u>                                                                                                                   | <u>Banks (See Retail Sales and Service)</u>                                                                                                                                  |
| <u>Business management consulting</u>                                                                                                                                                                                                                                       | <u>Day care</u>                                                                                                                     | <u>Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See Light industrial Service)</u> |
| <u>Counseling in an office setting</u>                                                                                                                                                                                                                                      | <u>Health facilities</u>                                                                                                            | <u>Government offices (See Government Facilities)</u>                                                                                                                        |
| <u>Data processing</u>                                                                                                                                                                                                                                                      | <u>Meeting rooms</u>                                                                                                                | <u>Mailing or stenographic services (See Light industrial Service)</u>                                                                                                       |
| <u>Financial businesses such as lenders, investment or brokerage houses, collection agencies, or real estate and insurance agents</u>                                                                                                                                       | <u>Off-street parking</u>                                                                                                           | <u>Mail-order houses (See Wholesale Trade)</u>                                                                                                                               |
| <u>Professional services such as lawyers, accountants, bookkeepers, engineers, or architects</u>                                                                                                                                                                            | <u>On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises</u> | <u>Offices that are part of and located with a principal use in another category (See Accessory Use)</u>                                                                     |
| <u>Sales office</u>                                                                                                                                                                                                                                                         | <u>Other amenities primarily for the use of on-site employees</u>                                                                   | <u>Research, testing, and development laboratories (Light industrial Service)</u>                                                                                            |
| <u>Travel agency</u>                                                                                                                                                                                                                                                        | <u>Small retail operations for on-site workers (with no external signage)</u>                                                       | <u>Urgent care or emergency medical offices (See Retail Sales and Service)</u>                                                                                               |
| <u>TV and radio studios</u>                                                                                                                                                                                                                                                 | <u>Technical libraries</u>                                                                                                          |                                                                                                                                                                              |
| <u>Utility office</u>                                                                                                                                                                                                                                                       |                                                                                                                                     |                                                                                                                                                                              |

#### D. Overnight Accommodations

| <u>Characteristics:</u><br><u>Residential units arranged for overnight accommodations of less than 30 calendar days for rent or lease.</u>                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                |                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                 | <u>Accessory Uses</u>                                                                                                                                                                                                                                                          | <u>Uses not included</u>                                                 |
| <u>Bed and breakfast establishments</u><br><br><u>Campground</u><br><br><u>Extended-stay facilities</u><br><br><u>Hotels</u><br><br><u>Inns</u><br><br><u>Motels</u><br><br><u>Recreational vehicle park</u><br><br><u>Residential units use for overnight accommodation</u><br><br><u>Dude ranches and destination resorts</u> | <u>Associated offices</u><br><br><u>Food preparation and dining facilities</u><br><br><u>Laundry facilities</u><br><br><u>Limited storage</u><br><br><u>Meeting facilities</u><br><br><u>Off-street parking</u><br><br><u>Swimming pools and other recreational facilities</u> | <u>Transient lodging or shelters for the homeless (See institutions)</u> |

#### E. Parking, Commercial

| <u>Characteristics:</u><br><u>Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.</u>                                                                 |                                                                                |                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                              | <u>Accessory Uses</u>                                                          | <u>Uses not included</u>                                                                                                                                                                                                                                                                       |
| <u>Mixed parking lots (partially accessory to a specific use, partly to rent for others)</u><br><br><u>Public transit park-and-ride facilities</u><br><br><u>Short- and long-term fee parking facilities</u> | <u>Small structures intended to shield parking attendants from the weather</u> | <u>Bus barns (See Warehouse and Freight Movement)</u><br><br><u>Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby (See Accessory Use)</u><br><br><u>Sales or servicing of vehicles (See Vehicle Sales and Service)</u> |

**F. Retail Sales and Service**

Characteristics:

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.

Examples

Accessory Uses

Uses not included

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Sales-Oriented:</u></p> <p><u>Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo-finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos</u></p> <p><u>Farmers markets</u></p> <p><u>Farm stands with retail sales of farm products</u></p> <p><u>Personal Service-Oriented:</u></p> <p><u>Animal grooming and veterinarians with no overnight facilities</u></p> <p><u>Athletic or health clubs</u></p> <p><u>Banks</u></p> <p><u>Business, driving, martial arts, trade and other commercial schools</u></p> <p><u>Dance, art, gymnastic or music studios or classes</u></p> <p><u>Dry-cleaning and laundry drop-off establishments</u></p> <p><u>Hair, nail, tanning, and personal care services</u></p> <p><u>Laundromats</u></p> <p><u>Massage therapy</u></p> <p><u>Mortuaries or funeral homes</u></p> | <p><u>Upper floor residential unit for security purposes</u></p> <p><u>Associated offices</u></p> <p><u>Food preparation and dining areas</u></p> <p><u>Manufacture or repackaging of goods for on-site sale</u></p> <p><u>Off-street parking</u></p> <p><u>Parking lot/sidewalk sales</u></p> <p><u>Storage of goods</u></p> | <p><u>Large-scale catering (See Light industrial Service)</u></p> <p><u>Laundry and dry-cleaning plants (See Light industrial Service)</u></p> <p><u>Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (See Wholesale Trade)</u></p> <p><u>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service)</u></p> <p><u>Restaurants (See Eating Establishments)</u></p> <p><u>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (See Wholesale Trade)</u></p> <p><u>Small-scale catering (See Eating Establishments)</u></p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Characteristics:

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.

| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Accessory Uses</u> | <u>Uses not included</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------|
| <p><u>Photocopy, blueprint, and quick-sign services</u></p> <p><u>Photographic studios</u></p> <p><u>Psychics and mediums</u></p> <p><u>Security services</u></p> <p><u>Taxidermists</u></p> <p><u>Urgent care or emergency medical offices</u></p> <p><u>Repair-Oriented:</u></p> <p><u>Locksmith</u></p> <p><u>Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches</u></p> <p><u>Tailors, milliners, and upholsterers</u></p> |                       |                          |

G. Self-Service Storage

Characteristics:

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

| <u>Examples</u>                                                                                            | <u>Accessory Uses</u>                                                                                                                 | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Mini-warehouses</u><br><br><u>Multi-story enclosed storage facilities</u><br><br><u>Storage garages</u> | <u>Leasing offices</u><br><br><u>Outside storage of boats and campers</u><br><br><u>Single residential unit for security purposes</u> | <u>Rental of light or medium trucks (See Vehicle Sales and Service)</u><br><br><u>Storage areas used as manufacturing uses (See Light Industrial Services)</u><br><br><u>Storage areas used for sales, service, and repair operations (See Retail Sales and Service)</u><br><br><u>Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (See Warehouse and Freight Movement)</u> |

H. Vehicle Sales and Service

Characteristics:

Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

| <u>Examples</u>                                                                                                                                                  | <u>Accessory Uses</u>     | <u>Uses not included</u>                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <u>Alignment shop</u>                                                                                                                                            | <u>Associated offices</u> | <u>Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use)</u>                             |
| <u>Auto body shop</u>                                                                                                                                            | <u>Sales of parts</u>     | <u>Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Heavy Industrial)</u> |
| <u>Auto detailing</u>                                                                                                                                            | <u>Towing</u>             | <u>Vehicle parts sales as a principal use (See Retail Sales and Service)</u>                                                 |
| <u>Auto service facilities</u>                                                                                                                                   | <u>Vehicle fueling</u>    |                                                                                                                              |
| <u>Auto upholstery shop</u>                                                                                                                                      | <u>Vehicle storage</u>    |                                                                                                                              |
| <u>Boat and recreational vehicle sales</u>                                                                                                                       |                           | <u>ATV sales</u>                                                                                                             |
| <u>Car washes</u>                                                                                                                                                |                           |                                                                                                                              |
| <u>Full-service, mini-service, and self-service fuel stations</u>                                                                                                |                           |                                                                                                                              |
| <u>Limited vehicle service</u>                                                                                                                                   |                           |                                                                                                                              |
| <u>Manufactured home sales</u>                                                                                                                                   |                           |                                                                                                                              |
| <u>Repair and service of RVs, boats, and light and medium trucks</u>                                                                                             |                           |                                                                                                                              |
| <u>Tire sales and mounting</u>                                                                                                                                   |                           |                                                                                                                              |
| <u>Towing service</u>                                                                                                                                            |                           |                                                                                                                              |
| <u>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles)</u> |                           |                                                                                                                              |

{Ord. 631, 2021.}

3.4.10 — Industrial Use Categories

**A. Light industrial Service**

Characteristics:

~~Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.~~

Examples

Accessory Uses

Uses not included

|                                                                                                                                                   |                                                      |                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <u>Building, heating, plumbing, or electrical contractors</u>                                                                                     | <u>Cafeterias</u>                                    | <u>Manufacture and production of goods from composting organic material (See Waste-Related Service)</u> |
| <u>Clothing or textile manufacturing</u>                                                                                                          | <u>Day care</u>                                      |                                                                                                         |
| <u>Contractors and others who perform services off site, but store equipment and materials or perform fabrication or similar work on-site</u>     | <u>Employee recreational facilities</u>              | <u>Small-scale catering establishments (See Eating Establishments)</u>                                  |
| <u>Electric motor repair</u>                                                                                                                      | <u>Offices</u>                                       |                                                                                                         |
| <u>Exterminators</u>                                                                                                                              | <u>Off-street parking</u>                            |                                                                                                         |
| <u>Janitorial and building maintenance services</u>                                                                                               | <u>On-site repair facilities</u>                     |                                                                                                         |
| <u>Large-scale catering establishments</u>                                                                                                        | <u>Single residential unit for security purposes</u> |                                                                                                         |
| <u>Laundry, dry-cleaning, and carpet cleaning plants</u>                                                                                          | <u>Storage</u>                                       |                                                                                                         |
| <u>Mailing and stenographic services</u>                                                                                                          |                                                      |                                                                                                         |
| <u>Maintenance facilities</u>                                                                                                                     |                                                      |                                                                                                         |
| <u>Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items</u> |                                                      |                                                                                                         |
| <u>Movie production facilities</u>                                                                                                                |                                                      |                                                                                                         |
| <u>Photo-finishing laboratories</u>                                                                                                               |                                                      |                                                                                                         |
| <u>Printing, publishing, and lithography</u>                                                                                                      |                                                      |                                                                                                         |
| <u>Production of artwork and toys</u>                                                                                                             |                                                      |                                                                                                         |
| <u>Repair of scientific or professional instruments</u>                                                                                           |                                                      |                                                                                                         |
| <u>Research, testing, and development laboratories</u>                                                                                            |                                                      |                                                                                                         |
| <u>Sign making</u>                                                                                                                                |                                                      |                                                                                                         |
| <u>Storage areas used as manufacturing uses</u>                                                                                                   |                                                      |                                                                                                         |
| <u>Truck stops</u>                                                                                                                                |                                                      |                                                                                                         |

|                                                     |  |  |
|-----------------------------------------------------|--|--|
| <u>Vehicle and equipment maintenance facilities</u> |  |  |
| <u>Welding, machine, and tool repair shops</u>      |  |  |

## **B. Warehouse and Freight Movement**

| <u>Characteristics:</u><br><br><u>Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.</u>                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Accessory Uses</u>                                                                                                                                                                                                                                                                                | <u>Uses not included</u>                                                                                                                                                                             |
| <u>Bus barn</u><br><br><u>Cold storage plants, including frozen food lockers</u><br><br><u>Household moving and general freight storage</u><br><br><u>Parcel services</u><br><br><u>Separate warehouses used by retail stores such as furniture and appliance stores</u><br><br><u>Stockpiling of sand, gravel, or other aggregate materials</u><br><br><u>Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred</u> | <u>Cafeterias</u><br><br><u>Daycare</u><br><br><u>Employee recreational facilities</u><br><br><u>Offices</u><br><br><u>Off-street parking</u><br><br><u>Outdoor storage yard</u><br><br><u>Single residential unit for security purposes</u><br><br><u>Truck fleet parking and maintenance areas</u> | <u>Mini-warehouses, multi-story enclosed storage facilities or storage garages (See Self-Service Storage)</u><br><br><u>Solid or liquid waste transfer or composting (See Waste-Related Service)</u> |

## **C. Waste Related Service**

Characteristics:

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

| <u>Examples</u>                                                                                                                                                                                                                                     | <u>Accessory Uses</u>                                                                                                                                                                 | <u>Uses not included</u>                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <u>Animal waste processing</u><br><br><u>Manufacture and production of goods from composting organic material</u><br><br><u>Recycling centers</u><br><br><u>Solid or liquid waste transfer or composting</u><br><br><u>Wrecking or salvage yard</u> | <u>Offices</u><br><br><u>Off-street parking</u><br><br><u>On-site refueling and repair</u><br><br><u>Recycling of materials</u><br><br><u>Repackaging and shipment of by-products</u> | <u>Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight Movement)</u> |

~~D. Wholesale Trade~~

Characteristics:

Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Accessory Uses</u>                                                                                                                                                                                                                                                                         | <u>Uses not included</u>                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation</u><br><br><u>Mail-order houses</u><br><br><u>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures</u><br><br><u>Wholesale of food, clothing, auto parts, and building hardware</u><br><br><u>Building, heating, plumbing, or electrical contractors</u><br><br><u>Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site</u><br><br><u>Janitorial and building maintenance services</u> | <u>Cafeterias</u><br><br><u>Day care</u><br><br><u>Minor fabrication services</u><br><br><u>Offices</u><br><br><u>Off-street parking</u><br><br><u>Product repair</u><br><br><u>Repackaging of goods</u><br><br><u>Single residential unit for security purposes</u><br><br><u>Warehouses</u> | <u>Stores selling, leasing, or renting consumer, home, and business goods (See Retail Sales and Service)</u><br><br><u>Warehouse and freight movement uses (See Warehouse and Freight Movement)</u> |

**E. Heavy industrial**

| <p><u>Characteristics:</u></p> <p><u>Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Accessory Uses</u>                                                                                                                                                                                      | <u>Uses not included</u>                                                                                                                                                                                                                                                                                                       |
| <p><u>Animal processing, packing, treating, and storage</u></p> <p><u>Commercial feed lots</u></p> <p><u>Concrete batching and asphalt mixing</u></p> <p><u>Fuel oil distributors</u></p> <p><u>Processing of food and related products</u></p> <p><u>Production or fabrication of metals or metal products including enameling and galvanizing</u></p> <p><u>Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products</u></p> <p><u>Railroad appurtenances, right of way, and tracks</u></p> <p><u>Retail sales of farm equipment and machinery and earth moving and heavy construction equipment</u></p> <p><u>Sawmills</u></p> <p><u>Sheet metal shops</u></p> <p><u>Soft drink bottling</u></p> <p><u>Small scale food processing</u></p> <p><u>Woodworking, including cabinet makers and furniture manufacturing</u></p> | <p><u>Cafeterias</u></p> <p><u>Drainage structures</u></p> <p><u>Offices</u></p> <p><u>Off-street parking</u></p> <p><u>Product repair</u></p> <p><u>Repackaging of goods</u></p> <p><u>Warehouses</u></p> | <p><u>Animal waste processing (See Waste-Related Service)</u></p> <p><u>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service)</u></p> <p><u>Stores selling, leasing, or renting consumer, home, and business goods (See Retail Sales and Service)</u></p> |

### 3.4.11—Other Use Categories

#### A. Agriculture

| <u>Characteristics:</u><br><br><u>Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Accessory Uses</u>                                                                                                                                                                                                                   | <u>Uses not included</u>                                                                                                                                                                                                                                                   |
| <u>Animal processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activities</u><br><br><u>Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals</u><br><br><u>Apiculture (bee keeping)</u><br><br><u>Aquaculture</u><br><br><u>Dairying</u><br><br><u>Floriculture</u><br><br><u>Greenhouses and nurseries not engaged in retail trade</u><br><br><u>Horticulture</u><br><br><u>Kennels with overnight facilities</u><br><br><u>Pasturage</u><br><br><u>Personal or commercial animal breeding and development</u><br><br><u>Riding academy or boarding stable</u><br><br><u>Row and field crops</u><br><br><u>Viticulture</u> | <u>Auction ring</u><br><br><u>Barns</u><br><br><u>Farm stands with retail sales of products produced or harvested on-site</u><br><br><u>Garages</u><br><br><u>Offices</u><br><br><u>Sheds</u><br><br><u>Silos</u><br><br><u>Stables</u> | <u>Animal waste processing (See Waste-Related Service)</u><br><br><u>Commercial feed lots (See Heavy industrial)</u><br><br><u>Processing of food and related products (See Heavy industrial)</u><br><br><u>Solid or liquid waste transfer (See Waste-Related Service)</u> |

**B. Resource Extraction**

| <u>Characteristics:</u><br><br><u>Characterized by uses that extract minerals and other solids and liquids from land</u> |                                                                                                            |                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <u>Examples</u>                                                                                                          | <u>Accessory Uses</u>                                                                                      | <u>Uses not included</u>                                                                               |
| <u>Drilling for oil or natural gases</u><br><br><u>Extraction of sand, gravel, or minerals</u>                           | <u>Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products</u> | <u>Stockpiling of sand, gravel, or other aggregate materials (See Warehouses and Freight movement)</u> |

**A.** ~~The size and function of the nonconforming use shall not be expanded; and~~

**B.** ~~Work on the restoration of the use must begin within 3 months and be completed within twelve months of the time of the calamity.~~

**1.10.8 Nonconforming Lots**

~~A single family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official “lot of record” prior to the adoption of the Grand County Zoning Ordinance [Sept. 18, 1978], if the proposed single family dwelling can be located on the lot so that the yard, height, and other dimensional standards of the underlying zone district can be met, or a variance is obtained from the Hearing Officer pursuant to Section 9.14. [Ord. 537, 2015.]~~