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
November 2, 2026 - 4:00 PM

Call To Order

Youtube Link

Join Zoom Meeting
Zoom Link

Meeting ID: 420 993 8173

Find Your Local Number: Https://Us02web.Zoom.Us/U/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

October 26, 2026 Minutes

Presentations (15 Min)

County Commission Update

Public Hearings

General Business - Action Items - Discussion And Consideration Of Approval

Discussion Items

1. **Land Use Code Rewrite Workshop - Articles 4-7**

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, October 26, 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.net/AgendaCenter

Members Present:

Jerry Klaes, Chair

Megan Schafer, Vice Chair (Zoom) @5:38 p.m.

Robert O'Brien

Aaron Lindberg

Mary Hofhine

Sara Kimmerle

Randy Day

Members Absent:

Lisa Ceniceros

Mark Tyner

Dan Stenta, Contract Engineer

Trish Hedin, Commission Liaison

Bill Winfield, County Commissioner, sitting in on behalf of Brian Martinez, Commission Liaison

Staff Present:

Planning Commission Chair Klaes called the meeting to order at 5:30 p.m.

Citizens To Be Heard 5:31 p.m.
Citizens Jeanine Saia, Pete Gross, and Mary O'Brien spoke in opposition of data centers in Grand County.

Ex Parte Communications and Disclosures 5:39 p.m.
None.

Approval of Meeting Minutes
September 28, 2026 Minutes 5:39 p.m.
Motion: R. O'Brien moved to approve the minutes of the September 28, 2026 meeting; S. Kimmerle provided the second. The motion passed 6-0-1, with Chair Klaes abstaining.

Yeas – 6
M. Hofhine
R. O'Brien
S. Kimmerle
A. Lindberg
M. Schafer
R. Day

Nays - 0

Abs - 1
J. Klaes

DRAFT

October 13, 2026 Minutes 5:40 p.m.

Motion: R. Day moved to approve the minutes of the October 13, 2026 meeting; R. O'Brien provided the second. The motion passed 6-0-1, with S. Kimmerle abstaining.

Yeas – 6	**Nays - 0**	**Abs - 1**
M. Hofhine		S. Kimmerle
R. O'Brien		
J. Klaes		
A. Lindberg		
M. Schafer		
R. Day		

Presentations 5:41 p.m.

None.

County Commission Update 5:41 p.m.

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

General Business - Action Items - Discussion and Consideration of Approval

Discussion Items

1. **Data Centers Discussion** 5:43 p.m.
   There was discussion.

2. **Housing Elements of the General Plan DRAFT** 6:58 p.m.
   There was discussion and a consensus to postpone this item for B. Martinez to give guidance and clarification.

3. **City Planning & Zoning** 7:06 p.m.
   There was discussion.

4. **Land Use Code Rewrite – Workshop Draft of Articles 1-3 and Discuss Schedule for Adoption** 7:14 p.m.
   There was discussion. The Planning Commission agreed to meet weekly on Mondays at 4:00 p.m. Articles 4-7 will be reviewed at a Special Meeting for Monday, November 9th, 2026.

Future Considerations 6:24 p.m.

Find and recruit a Technical Writer for the Data Centers Ordinance.

Adjourn 9:00 p.m.

S. Kimmerle moved to adjourn; Commissioner O'Brien provided the second. The motion passed with a vote of 7-0-0.

Yeas – 7	**Nays - 0**	**Abs - 0**
M. Hofhine		
R. O'Brien		
J. Klaes		
A. Lindberg		
M. Schafer		
R. Day		
S. Kimmerle		

DRAFT

AGENDA SUMMARY

Planning Commission Meeting

Date: November 2, 2026

Title:	Land Use Code Rewrite Workshop - Articles 4-7	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	
Fiscal Impact:			
Presenter(s):		Department:	Planning and Zoning
Legal Review:	Not Applicable	Approved and within budget?	Not Applicable
		Budget Number:	

Recommended Motion:

Background:

Discussion only.

Attachments:

1. Grand County LUC Art 4-7 with markup for review

Article 4 Use Regulations

3.1 Use Table Revised 11/19 Revised 3/21 Revised 5/21

3.1.1 Types of Uses Revised 11/19 Revised 3/21 Revised 5/21

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 such District, subject to compliance with any applicable conditions and all other provisions of this LUC.

B. Conditional Uses

Uses identified in a particular district column with a "C" shall be permitted in such District only upon approval of a Conditional Use Permit by the County Commission in accordance with the Conditional Use procedures and standards of this LUC.

C. Uses Not Allowed

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

D. Uses Not Listed

The Zoning Administrator shall use the criteria in Section 3.4.1 to determine how an unlisted use should be treated.

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (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			
	Zero lot line house	P	P	P	P	P					P			3.2.1K
	Alley-loaded house	P	P	P	P	P					P			3.2.1A
	Dwelling, two-family (duplex)	P	P	P	P	P			P	P	P			3.2.1D
	Townhouse	P	P	P	P	P			P	P	P			3.2.1G
	Dwelling, multi-family				P				P	P	P			3.2.1C
	Manufactured home	P	P	P	P	P				P	P			3.2.1H

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
	Manufactured home community	C									C			3.2.1I
	Upper-story residential						P	P	P	P	P	P		3.2.1I
	All other household living uses				P									
Group Living	Group home	P	P	P	P	P					P			3.2.1E
	All other group living	C	C	C	C	C		P			P			3.2.1F
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		3.2.2C
	Day care, limited	P	P	P	P	P	P	P	P	P	P	P		3.2.2D
Educational Facilities	College or university			C	C	C	P	P	P		P	P		
	Field research stations and environmental education centers					C				P				3.2.2Fa
	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			3.2.2E
	All other medical facilities	C		C		C		P			P			3.2.2E

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Parks and Open Areas	Golf course/country club			C		C								
	Cemeteries, columbaria, crematoria, mausoleums and memorial parks			P		P								
	All other parks and open areas	P	P	P	P	P	P	P	P	P	P	P	P	Section 6.11
Passenger Terminals	Airport and heliport, emergency operations										P			3.2.2A
	Airport and heliport, private					C								3.2.2B
	Airport and heliport, public													Section 4.3
	Bus station or terminal							P		P	P	P	P	
	Train passenger terminal					C				P				3.2.4N
	All other passenger terminals													
Places of Worship	All uses	P	P	P	P	C	P	P	C		P	P		
Utilities	Major Utilities													4.10 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 P
	Telecommunications tower, antenna, structure — Existing Site	P	P	P	P	P	P	P		P	P	P	P	3.2.3 Q
	Transmission facility	C	C	C	C	C	C	C	C	C	C	C	C	3.2.3 R
	Utility substation					C	C	C	C	C	C	C	C	3.2.3 S

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Commercial Uses (Section 3.4.9)														
Eating Establishments	Restaurant, fast food							P	P		P			3.2.3N
	Restaurant, general						P	P	P	P	P			3.2.3N
Entertainment	Adult entertainment											C	C	3.2.3A
	Bar or lounge							P	P	P	P	C	C	3.2.3C
	Theater						P	P		P				
	All other indoor recreational use							P						3.2.3I
	Flea market										C			3.2.3G
	All other outdoor recreational use			C		C			C		C			3.2.3J
	All other entertainment													
Office	All uses						P	P	P		P	P		
Overnight Accommodations (See Use-Specific Standards. As per Ordinance 595 (2019), Overnight Accommodations permitted through overlay districts only)	Bed and breakfast													3.2.3D and Section 4.6 (OA-Residential)
	Dude ranch or destination resort													3.2.3F and Section 4.6 (OA-Hotel/Motel)
	Hotel or motel													Section 4.6 (OA-Hotel/Motel)
	Recreational vehicle parks and campgrounds													3.2.3L and Section 4.6 (OA-Campground)
	Residential units used for overnight accommodation													3.2.3M and Section 4.6 (OA-Residential)
	All other overnight accommodation uses													Section 4.6 (OAO-Districts)
	Outfitter, guide service and facility (non-ATV			C				C	C	C	C			3.2.3K.1

Principal Uses by Zoning District															
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)															
Retail Sales and Service	outfitter, guide service and rental businesses)														
	ATV outfitter, guide service and rentals							C	C		C			3.2.3K.2	
	All personal service-oriented uses						P	P	P	C	P	P			
	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		3.2.4I	
	All other self storage uses							P			P	P		3.2.4I	
Vehicle Sales and Service	Auto repair garage							C			P	P	P	3.2.3B	
	Car wash							P			P	P	P	3.2.3E	
	Fuel service						C	C	P		P	P	P	3.2.3H	
	Limited vehicle service										P	P	P		
	Vehicle sales, rental or leasing facility (non-ATV sales)							P			P	P			
	ATV sales							C	C		C			3.2.3K,T	
	All other vehicle sales & service uses														

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
Industrial Uses (Section 3.4.10)														
Heavy industrial	Railroad facilities, including shops and rail yards					C							C	3.2.4N
	Asphalt or concrete batch plant					C						C	P	3.2.4A
	Food processing					C		C			C	P	P	
	Manufacturing, hazardous/objectionable											C	C	
	Power plant												P	
	Woodworking and cabinet shops					C		C			C	P	P	
	Production, water disposal and recycling facilities					C							C	3.2.4B
Light industrial Service	Freight, terminal and parking lot												P	
	Fuel product storage											C	P	3.2.4B
	Impound lot										C	C	C	3.2.4C
	Manufacturing and production							C			P	P	P	3.2.4L
	Truck stop											P	P	
	All other light industrial service uses											P	P	
Warehouse and Freight Movement	Warehouse, commercial										P	P	P	
	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	3.2.4K

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
	Public land fill					C							P	3.2.4H
	Waste transfer stations					C							C	3.2.4O
	Waste storage, treatment and disposal					C							C	3.2.4O
	Waste transport					C							C	3.2.4O
	All other waste-related uses													
Wholesale Trade & Contractor Services	All wholesale trade and contractor services							C			P	P	P	3.2.4P
Other Uses (Section 3.4.11)														
Agriculture	Animal raising		C	P		P								3.2.5A
	Kennel			C		P						C	C	3.2.3O
	Animal feed lot					C								
	Barn, corral, pen, coop or machinery shed		C	P		P								3.2.5C
	Farm, orchard, vineyard or truck garden			P		P								
	Feed mill												P	
	Fruit and vegetable stand			C			P	P		P	P			
	Grazing			P		P				P				
	Winery			C		C					C	P	P	
	All other agricultural uses			P		P								
Resource Extraction	Mining					C								3.2.4D
	Oil and gas drilling on private land					C							C	3.2.4E

Principal Uses by Zoning District														
Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards
		SLR	LLR	RR	MFR	RG	NC	CB	RC	RS	HC	LI	HI	
Key: P = Permitted by right C = Conditional Use Permit Required — = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in 3.2 and 3.4, respectively)														
	Oil and gas drilling on public land					P							P	3.2.4E
	Ore refining or processing					C							P	3.2.4F
	All other resource extraction uses					C							C	

[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

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

B. Group Living

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Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Dormitories Fraternities and sororities Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (6 or fewer residents) Hospices Lodging houses	Associated offices Food preparation and dining facilities Off-street parking of vehicles for occupants and staff Recreational facilities	Alternative or post-incarceration facilities (See institutions) Bed and breakfast establishments, hotels, motels, inns, extended-stay facilities (See Overnight Accommodations) Congregate care facilities where individual units meet the definition of a dwelling unit (See Household Living) Group homes for the physically disabled, mentally retarded, or emotionally disturbed

Monasteries and convents Nursing or convalescent homes Orphanages Residential assisted living facilities not having individual dwelling units		that are not considered single-family residences (7 or more residents) (See institutions) Group homes for drug and alcohol treatment (See institutions) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (See Household Living) Treatment centers, transient lodging or shelters (See institutions) Camping

[Ord. 622, 2021.]

3.4.8 Public and Civic Use Categories

A. Community Service

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Community centers Libraries Museums Philanthropic institutions Senior centers Social service facilities Youth club facilities	Associated offices Food preparation and dining facilities Health, arts and crafts, day care, and therapy areas Indoor or outdoor recreation and athletic facilities Limited retail sales Meeting areas Off-street parking	Athletic or health clubs (See Retail Sales and Service) Churches, mosques, synagogues, or temples (See Places of Worship) Counseling in an office setting (See office) Parks (See Parks and Open Areas) Soup kitchen (See institutions) Treatment centers, transient lodging or shelters for the homeless (See institutions)

B. Day Care

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Adult day care programs Child care institution Day care center Family home day care (not more than 8 persons)	Associated offices Food preparation and dining facilities Health, arts and crafts, and therapy areas Indoor or outdoor recreation facilities Off-street parking	Counseling in an office setting (See office) In-home day care for 8 persons or fewer (See Accessory Use) On-site schools or facilities operated in connection with a business or other principal use where children are cared for while parents

Family day care (more than 8 persons) Group daycare home Intermediate child care Latch key programs Nursery schools Preschools		or guardians are occupied on the premises. (See Accessory Use)

C. Educational Facilities

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Boarding schools Community colleges Elementary schools High schools Liberal arts colleges Middle schools Military academies Nursing and medical schools not accessory to a hospital Private schools Seminaries Universities Environmental Education Centers	Adult continuing education programs Associated offices Auditoriums Before- and after-school day care Cafeterias Day care Food services Health facilities Housing for students and faculty Laboratories Libraries Maintenance facilities Meeting areas Off-street parking Play areas Recreational and sports facilities Secondary nonprofit fund raising activities Support commercial (a college-operated bookstore, for example) Theaters	Business, driving, martial arts, trade and other commercial schools (See Retail Sales and Service) Dance, art, or music studios or classes (See Retail Sales and Service) Preschools or nursery schools (See Day Care) Individual Unit Overnight Rental

D. Government Facilities

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

~~E. Medical Facilities~~

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

	Recreational facilities Teaching facilities Temporary housing for relatives of patients	

F. Institutions

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

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.		
Examples	**Accessory Uses**	**Uses not included**
Botanical gardens Cemeteries Columbaria County clubs Crematoriums Golf courses Mausoleums Memorial parks Nature preserves	Boat docks Boat house Clubhouses Concessions Maintenance facilities Off-street parking Play equipment Single residential unit for caretaker or security purposes	Athletic or health clubs (See Retail Sales and Service) Golf driving ranges and miniature golf facilities (See Entertainment) Membership clubs and lodges (See Entertainment) Water park (See Entertainment) Water towers, tanks, and standpipes (See Utilities)

Parks Plazas Recreational trails Reservoir	Swimming pools Tennis courts	

H. Passenger Terminal

Characteristics: Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Examples	**Accessory Uses**	**Uses not included**
Airports Bus passenger terminals Heliports Taxi dispatch center Train passenger terminals	Associated offices Concessions Freight handling areas Fueling facilities Limited retail Maintenance facilities Off-street parking	Private helicopter landing facilities that are accessory to another use (See Medical or Government Facilities) Public transit park-and-ride facilities (See Retail Sales and Service)

I. Places of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Examples	**Accessory Uses**	**Uses not included**
Churches Mosques Synagogues Temples	Associated offices Preschools, child care centers, nursery schools, latch-key programs, intermediate child care, or adult day care programs Food services and dining areas Meeting room/classroom for meetings or classes not held on a daily basis Off-street parking 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	Athletic or health clubs (See Retail Sales and Service) Educational Facilities (See Educational Facilities) Senior centers, community centers or social service facilities (See Community Service) Soup kitchen (See institutions) Treatment centers, transient lodging or shelters for the homeless (See institutions)

	Staff residences located on-site Stealth cell antennae	

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

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

3.4.9 Commercial Use Categories Revised 5/21

A. Eating Establishments

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

B. Entertainment

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Indoor: Adult Entertainment Bars and taverns Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, and movie or other theaters Membership clubs and lodges **Outdoor:** Batting cages Commercial amphitheaters Commercial golf driving ranges, mini-amusement parks, miniature golf facilities, and water parks Dog or horse track Drive-in theaters Flea market Golf driving ranges Mini-amusement parks Miniature golf facilities Stadiums and professional sports arenas Water parks	Associated offices Concessions Food preparation and dining areas Maintenance facilities Off-street parking Restaurants	Botanical gardens and nature preserves (See Parks and Open Areas) Golf courses or country clubs (See Parks and Open Areas)

C. Office

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Advertising offices Business management consulting Counseling in an office setting Data processing	Cafeterias Day care Health facilities Meeting rooms Off-street parking	Banks (See Retail Sales and Service) 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) Government offices (See Government Facilities)

Financial businesses such as lenders, investment or brokerage houses, collection agencies, or real estate and insurance agents Professional services such as lawyers, accountants, bookkeepers, engineers, or architects Sales office Travel agency TV and radio studios Utility office	On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises Other amenities primarily for the use of on-site employees Small retail operations for on-site workers (with no external signage) Technical libraries	Mailing or stenographic services (See Light-industrial Service) Mail-order houses (See Wholesale Trade) Offices that are part of and located with a principal use in another category (See Accessory Use) Research, testing, and development laboratories (Light-industrial Service) Urgent care or emergency medical offices (See Retail Sales and Service)

D. Overnight Accommodations

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

E. Parking, Commercial

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

		Sales or servicing of vehicles (See Vehicle Sales and Service)

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**
Sales-Oriented: 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 Farmers markets Farm stands with retail sales of farm products **Personal Service-Oriented:** Animal grooming and veterinarians with no overnight facilities Athletic or health clubs Banks Business, driving, martial arts, trade and other commercial schools Dance, art, gymnastic or music studios or classes Dry cleaning and laundry drop-off establishments Hair, nail, tanning, and personal care services Laundromats Massage therapy Mortuaries or funeral homes Photocopy, blueprint, and quick sign services Photographic studios Psychics and mediums Security services	Upper floor residential unit for security purposes Associated offices Food preparation and dining areas Manufacture or repackaging of goods for on-site sale Off-street parking Parking lot/sidewalk sales Storage of goods	Large-scale catering (See Light industrial Service) Laundry and dry cleaning plants (See Light industrial Service) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (See Wholesale Trade) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service) Restaurants (See Eating Establishments) 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) Small-scale catering (See Eating Establishments)

~~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~~
~~Taxidermists~~ ~~Urgent care or emergency medical offices~~ ~~Repair-Oriented:~~ ~~Locksmith~~ ~~Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches~~ ~~Tailors, milliners, and upholsterers~~		

~~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.~~		
~~Examples~~	~~Accessory Uses~~	~~Uses not included~~
~~Mini-warehouses~~ ~~Multi-story enclosed storage facilities~~ ~~Storage garages~~	~~Leasing offices~~ ~~Outside storage of boats and campers~~ ~~Single residential unit for security purposes~~	~~Rental of light or medium trucks (See Vehicle Sales and Service)~~ ~~Storage areas used as manufacturing uses (See Light industrial Services)~~ ~~Storage areas used for sales, service, and repair operations (See Retail Sales and Service)~~ ~~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)~~

~~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.~~		
~~Examples~~	~~Accessory Uses~~	~~Uses not included~~
~~Alignment shop~~ ~~Auto body shop~~	~~Associated offices~~ ~~Sales of parts~~	~~Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use)~~

Auto detailing Auto service facilities Auto upholstery shop Boat and recreational vehicle sales Car washes Full-service, mini-service, and self-service fuel stations Limited vehicle service Manufactured home sales Repair and service of RVs, boats, and light and medium trucks Tire sales and mounting Towing service Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles)	Towing Vehicle fueling Vehicle storage	Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Heavy Industrial) Vehicle parts sales as a principal use (See Retail Sales and Service) ATV sales

[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**
Building, heating, plumbing, or electrical contractors Clothing or textile manufacturing Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Electric motor repair Exterminators Janitorial and building maintenance services Large-scale catering establishments Laundry, dry-cleaning, and carpet cleaning plants	Cafeterias Day care Employee recreational facilities Offices Off-street parking On-site repair facilities Single residential unit for security purposes Storage	Manufacture and production of goods from composting organic material (See Waste-Related Service) Small-scale catering establishments (See Eating Establishments)

Mailing and stenographic services Maintenance facilities Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items Movie production facilities Photo-finishing laboratories Printing, publishing, and lithography Production of artwork and toys Repair of scientific or professional instruments Research, testing, and development laboratories Sign making Storage areas used as manufacturing uses Truck stops Vehicle and equipment maintenance facilities Welding, machine, and tool repair shops		

B. Warehouse and Freight Movement

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Bus barn Cold storage plants, including frozen food lockers Household moving and general freight storage Parcel services Separate warehouses used by retail stores such as furniture and appliance stores Stockpiling of sand, gravel, or other aggregate materials 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	Cafeterias Daycare Employee recreational facilities Offices Off-street parking Outdoor storage yard Single residential unit for security purposes Truck fleet parking and maintenance areas	Mini-warehouses, multi-story enclosed storage facilities or storage garages (See Self-Service Storage) Solid or liquid waste transfer or composting (See Waste-Related Service)

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

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

E. Heavy industrial

Characteristics:

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.		
Examples	**Accessory Uses**	**Uses not included**
Animal processing, packing, treating, and storage Commercial feed lots Concrete batching and asphalt mixing Fuel oil distributors Processing of food and related products Production or fabrication of metals or metal products including enameling and galvanizing Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products Railroad appurtenances, right-of-way, and tracks Retail sales of farm equipment and machinery and earth moving and heavy construction equipment Sawmills Sheet metal shops Soft drink bottling Small scale food processing Woodworking, including cabinet makers and furniture manufacturing	Cafeterias Drainage structures Offices Off-street parking Product repair Repackaging of goods Warehouses	Animal waste processing (See Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service) Stores selling, leasing, or renting consumer, home, and business goods (See Retail Sales and Service)

3.4.11 Other Use Categories

A. Agriculture

Characteristics: 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.		
Examples	**Accessory Uses**	**Uses not included**
Animal processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activities Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals Apiculture (bee keeping)	Auction ring Barns Farm stands with retail sales of products produced or harvested on site Garages	Animal waste processing (See Waste-Related Service) Commercial feed lots (See Heavy industrial) Processing of food and related products (See Heavy industrial)

~~Aquaculture~~ ~~Dairying~~ ~~Floriculture~~ ~~Greenhouses and nurseries not engaged in retail trade~~ ~~Horticulture~~ ~~Kennels with overnight facilities~~ ~~Pasturage~~ ~~Personal or commercial animal breeding and development~~ ~~Riding academy or boarding stable~~ ~~Row and field crops~~ ~~Viticulture~~	~~Offices~~ ~~Sheds~~ ~~Silos~~ ~~Stables~~	~~Solid or liquid waste transfer (See Waste-Related Service)~~

~~B. Resource Extraction~~

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

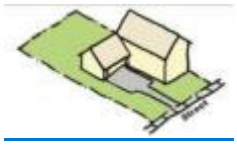
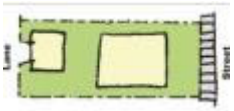
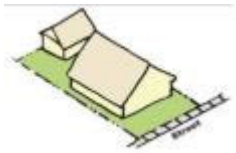
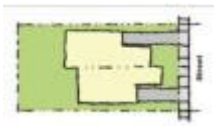
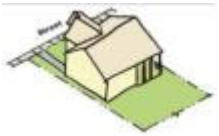
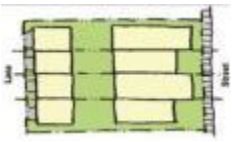
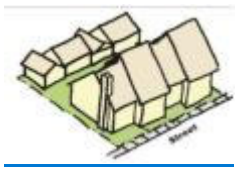
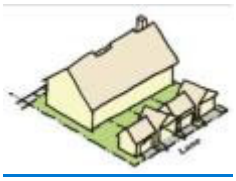
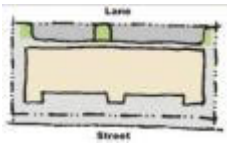
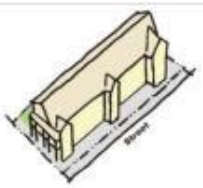
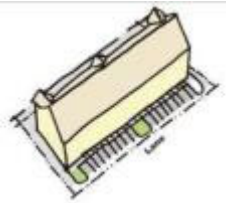
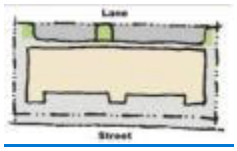
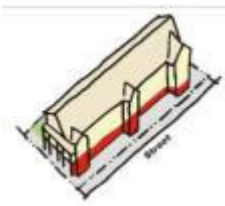
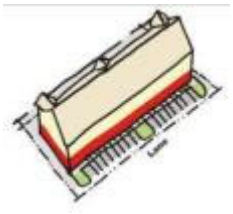
43.12 Residential Specific Use Standards

These standards apply to the respective permitted or conditional use, as set forth in the Use Table, Section 3.5~~The standards of this section shall apply to permitted and conditional uses as set forth in the Principal Use Table (see Section 3.1)~~.

4.1.1 Definitions

The following housing types are established to provide a common terminology for housing. All drawings are for illustrative purposes only.

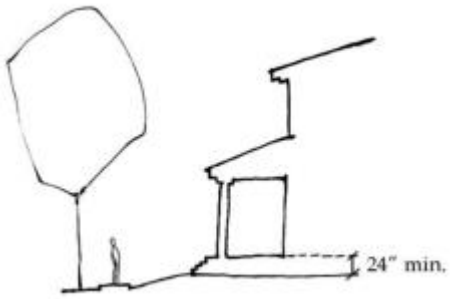
Single Family Detached A detached dwelling unit located on a single lot with private yards on all four sides			
Zero Lot Line House			

A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.			
Alley-Loaded House A detached dwelling unit located on a single lot with private yards on all four sides: however, the house is set closer to the street than a single-family detached house.			
Two-Family (Duplex) House Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.			
Townhouse Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.			
Multi-family Dwelling Three or more attached dwelling units in a single structure on a single lot. An apartment can vary in height from two to three stories; individual units can be mixed vertically.			
Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.			

4.1.2 Specific Standards

AA. Alley-loaded houses

1. In lieu of front-facing vehicular access, an applicant may develop alley-loaded houses. An alley ~~shall~~ must be provided to the rear or side of an~~l~~ alley-loaded house~~s~~. ~~All v~~Vehicular access ~~shall take place~~must be taken from the alley. ~~No p~~Parking ~~shall be~~is not permitted in the required front yard.



2. The first floor must be at least~~shall be a minimum of~~ 24 inches above ~~the~~ finished grade. A~~ny~~ house built on a slab foundation ~~shall~~ must have a brick, stone, or other masonry veneer skirt extending up the face of the slab.

3. A front porch ~~minimum~~ of at least 8 feet in depth ~~shall be required over a minimum of~~must extend across at least 50% ~~percent~~ of the building width along the street front.

4. A f~~F~~ront porch~~es~~ may encroach ~~a maximum of~~up to 8 feet into the front yard ~~and shall be at the same first floor elevation as the home~~.

B~~B~~. Dwellings, Two-Family and Multi-Family

~~Two-family and Multi-family dwellings shall comply with the following standards:~~

1. At least 70 percent of the ~~area contained within a~~ required front yard and~~or~~ street side yard ~~shall~~ must be landscaped in accordance with ~~the requirements of~~ Section 6.84, Landscaping and ~~screening~~Screening;

2. Landscape screening ~~shall be~~is required along the entire length of any street or highway frontage, except access points~~, in accordance with the requirements of Section 6.4~~; and

3. Required off-street parking must be located in the side or rear yard, not the required front yard.

4. A development of 40 or more dwelling units must:

a. provide a divided ingress-egress driveway with a landscaped median at each entrance from a public street.

b. construct a sidewalk within the interior of the development to link a residential building with a destination such as parking, an adjoining street, a mailbox, a trash disposal area, an adjoining sidewalk or greenway, or on-site amenity such as recreation area.

5. The minimum spacing between multi-family dwellings is 20 feet, plus an additional 10 feet for each story over 2 stories.

~~**3.** All highway access shall be subject to the issuance of a highway access permit by UDOT.~~

~~**C. Dwellings, Multi-Family**~~

~~**1.** No parking space shall be located in a required yard, except for the rear yard.~~

~~2. No off-street parking space shall be located closer than 10 feet to any residential building wall.~~

~~3. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.~~

~~4. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.~~

~~5. The minimum spacing between multi-family dwellings shall be 20 feet, with an additional 10 feet provided between buildings for every story over 2 stories.~~

~~**D. Dwelling, Two-Family (Duplex)**~~

~~Two-family dwellings shall comply with the following standards:~~

~~1. Landscape screening shall be required along the entire length of any street or highway frontage, except access points, in accordance with the requirements of Section 6.4; and~~

~~2. Required off-street parking shall be in the side or rear yards, not the required front yard.~~

C~~E~~. Group Home

A home for disabled persons or elderly persons may provide a living arrangement for not more than 8 residents 60 years of age or older per home, or for the disabled, as defined by the Utah Fair Housing Act, Utah Code § 57-21-2(10). ~~[UCA § 57-21-2(9)]~~ and not more than 2 supervisory personnel, subject to the following conditions:

1. Such homes for the developmentally disabled must be state-licensed.

2. All exterior aspects of a home for disabled persons or elderly persons, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.

3. A home for disabled persons or elderly persons shall provide one (1) off-street parking spaces for visitors and one (1) for each employee (typical peak staff), in addition to off-street parking otherwise required pursuant to Se~~e~~ction~~.~~ 6.4~~1~~, Off-street Parking.

4. In no case shall the total number of persons residing on premises (including staff) be more than one (1) per 400 square feet of usable floor area.

D~~F~~. Other Group Living

~~Group living shall comply with the following standards.~~

1. The site ~~shall~~ must have direct access to a major or minor arterial road~~, or higher road classification~~.

2. The~~ site shall be a~~ minimum project area ~~of one~~is one (1) acre~~ in size~~.

E~~G~~. Townhouse

1. A s~~S~~ide yard is not ~~s are not~~ required ~~for~~ along an interior townhouses lot line~~s~~, but a street and rear yard~~s shall~~ must be provided for a~~ll~~ townhouse~~s~~.

2. A s~~S~~idewalk~~s shall~~ must be constructed within the interior of the townhouse development to link a residential building~~s~~ with a~~other~~ destination~~s~~ such as ~~, but not limited to:~~ parking, an adjoining street~~s~~, mailbox~~es~~, trash disposal area, adjoining sidewalk~~s~~ or greenway~~, ors and~~ on-site amenity~~ies~~ such as a recreation area~~s~~.

3. ~~No~~ A parking space ~~shall~~ may not be located in a required yard, except ~~for~~ the rear yard.

4. A single building may contain no more than ~~maximum of~~ 6 units ~~shall be allowed in a single building~~.

5. A minimum building separation of 20 fe~~e~~~~o~~t must ~~building separation shall~~ be maintained ~~for all~~between townhouse structures.

F~~H~~. Manufactured Homes

A~~ll~~ manufactured home musts ~~shall~~ comply with the following standards within 60 days of placement:

1. General

A~~ll~~ principal manufactured home~~s, shall~~must:

a. ~~Utilize~~ Use non-reflective siding material, such as~~s; i.e.~~ wood, stucco, adobe, brick, or stone, or a material ~~that looks like~~with the appears of wood, stucco, adobe, brick, or stone;

b. Be placed on a slab-on-grade or perimeter foundation;

c. Have a minimum 24 foot horizontal wall dimension on at least 2 non-opposing sides;

d. Have a minimum 4:12 roof pitch and a one (1) foot overhang, except a ~~(~~structure builts ~~constructed~~ in the traditional southwest Spanish style ~~are~~ is exempt from this requirement~~)~~; and

e. Screen rooftop mechanical equipment and a trash receptacles from off-site view ~~off-site~~.

2. Skirting

A~~Each~~ manufactured ~~housing~~ home~~unit~~ ~~shall~~ must be skirted with a material or product ~~specifically~~ designed for tha~~t~~e ~~skirting of such homes~~purpose. ~~Required s~~Skirting ~~shall~~ must be maintained ~~so as not to provide a~~ to prevent harborage for an animal and~~s~~ ~~or~~ avoid creating~~e~~ a fire hazard.

3. Transport Equipment

R~~All manufactured home r~~unning gear, a tongue~~s~~, an axle,~~s~~ and a wheel~~s~~ must be removed from a manufactured home at the time of installation ~~of the home~~.

4. Anchors and Tie-Downs

A~~The~~ manufactured home ~~shall~~ must be permanently attached to a foundation, using~~.~~ an a~~A~~nchor~~s~~ ~~and~~ or tie-down~~s~~, such as a cast-in-place concrete “dead-ma~~e~~n”, an eyelet~~s~~ embedded in concrete slab~~s~~ or runway, a~~s~~ screw auger~~s~~, an arrowhead anchor~~s~~, or another device~~s~~, ~~shall be used~~ to stabilize the ~~manufactured~~ home.

5. Finished Floor Elevation

The finished floor elevation of ~~the~~ a manufactured home ~~shall~~ must be at least ~~minimum of~~ 24 inches above the exterior finished grade, as measured at the main entrance ~~in~~to the dwelling.

6. Attached Additions

An~~y~~ ~~attached~~ addition attached to a manufactured home ~~shall~~ must comply with the current building code ~~requirements~~ and the standards of this ~~LUC~~Code.

G~~I~~. Manufactured Home Community

~~Manufactured home communities shall comply with the following standards:~~

1. Land Area

The minimum land area required for a manufactured home community is 4 acres.

2. Density Limitations

~~Any lot or tract of land occupied by a manufactured home community shall have a~~The maximum density ~~of~~ is 8 dwelling units per gross acre.

3. Setbacks and Separation Requirements

a. ~~Each home shall be~~The minimum setback ~~at least~~is 10 feet from ~~the~~ an interior driveway and 30 feet from a~~ny~~ public street.

b. The minimum distance between dwellings is~~re shall be a minimum of~~ 16 feet ~~between homes~~.

c. Manufactured housing units and all roof-covered structures ~~shall~~ must meet the following separation requirements:

(1) A maximum 2-foot eave overhang ~~shall be~~is permitted within the separation areas as required below.

(2) Every service building in a manufactured home community ~~shall~~ must be at least 25 feet from the boundary of an~~y~~ other property in any residential or office zoning district.

4. Utilities

A m~~M~~anufactured home community ~~shall~~ must connect to public water and sewer services. All service utility lines ~~shall~~ must be installed underground.

5. Landscaping and Screening

a. A landscaped strip ~~of land~~ at least 15 feet wide ~~shall be installed~~is required on all sides of the manufactured home community.

b. The e~~E~~xterior boundary~~ies~~ of a manufactured home community ~~shall be developed with~~must have a sight-obscuring fence, or other acceptable border to create an attractive and permanent border. The land between the fence or ~~/~~border and the public street improvements ~~shall~~ must be landscaped with street trees and other landscaping materials. The improvements must be ~~(~~sufficient to reasonably keep children from wandering into the street and to screen the park from view off-site.

~~) and shall be maintained by the owner of the manufactured home community.~~

c. Exposed ground surfaces ~~shall~~ must be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating offensive dust.

d. ~~Each manufactured home space shall have at least~~A minimum of one tree is required for each manufactured home space.

6. Internal Driveway

A m~~M~~anufactured home community ~~shall~~ must have an internal driveway ~~not less than~~at least 30 feet wide and ~~. Each home site shall be arranged so that all homes~~ have access to each home site~~the internal driveway~~. The interior driveway ~~shall~~ must be properly draine~~d~~ and~~d;~~ have a durable dust-free, all weather surface of asphalt, armor coating, or chip and seal,~~;~~ and a mountable curb.

7. Recreational Vehicles/Travel Trailers

~~Recreational vehicles/travel trailers shall be allowed in any manufactured housing park subject to the requirements of this subsection.~~

a. ~~Each~~ A recreational vehicle or ~~/~~travel trailer ~~shall be~~must be placed on a 4 inch concrete or gravel pad.

b. No recreational vehicle/travel trailer with a footprint larger than the pad shall be placed on a site.

cb. RSuch re-locatable housing that does not meet the definition of a "mManufactured hHome" shall beis permitted within any manufactured home community, subject to the requirements of this section, provided these types of accommodation it does not exceed 30 percent of the total units in the manufactured home community.

8. Fire Protection

Every dwelling within a manufactured home community shall be located no further thanmust be located within 500 feet offrom a fire hydrant.

9. Drainage

A mManufactured home community mustshall be properly graded and well drained, so as to prevent the accumulation of surface water. A drainage plan, shall be approved by the County Engineer, is required prior to site plan approval of the site plan.

10. Site Plan

A site plan, prepared in accordance with the requirements of Section 9.14, Site Plan Review, must be approved and address the following:A site plan prepared in accordance with the requirements of Section 9.17, shall be approved and filed with the findings of fact as part of the approval. Each manufactured home site in manufactured home communities shall be clearly designated. Development plans shall comply with the applicable requirements of Article 6, General Development Standards. In addition to the requirements of Section 9.17 the required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

a. Location of each manufactured home site.

ba. Location and dimensions of all park boundaries.

cb. Location of pavement on adjoining street rights-of-way.

dc. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to the following:

(1) Improved surfaces for common driveways, off-street parking and recreation areas;

(2) Buildings for management, maintenance and recreational purposes;

(3) Any other recreational facilities;

(4) Any fences or walls;

(5) Underground utilities;

(6) Full cut-off outdoor lighting fixtures; and

(7) The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

11. Recreation Area

Each manufactured home community shall must include a recreational area and facilities for the use and enjoyment of the residents.

a. The recreational area must include at least 10% encompassing an area of 10 percent of the total area of the manufactured home community.

b. ~~Lawns, P~~parking, driveway~~s~~s, access ways, street~~s~~s, and general landscaping are ~~etc. shall not be considered~~ not ~~part of~~ included in the required recreational area ~~and facilities~~.

12. Storage

a. A manufactured home community must provide a detached accessory storage building, or buildings, with a minimum storage capacity of 10 cubic yards per manufactured home space.

b. The community must also provide a combined area of at least 100 square feet per manufactured home space for the storage of a boat, camper, or similar vehicle, enclosed by a fence 6 to 8 feet in height to screen the area from off-site view.

~~A detached, accessory storage building or buildings shall be provided within each manufactured home community containing a minimum storage capacity of 10 cubic yards per manufactured home space. A combined area of at least 100 square feet per manufactured home space shall be provided for the storage of boats, campers, etc. said area shall be enclosed with a fence of 6 to 8 feet in height to obscure the site from view off site.~~

13. Pedestrian Access

~~Public~~ A public trail~~s and trail connections shall~~ must ~~provide~~ connect~~ivity~~ to surrounding properties, in accordance with ~~the requirements of~~ Section 8~~7~~.4, Sidewalks and Trails.

14. Refuse

R~~All r~~efuse ~~shall~~ must be stored in a fly-tight, water-tight, animal-proof container~~s~~, ~~which shall be~~ located no more than 150 feet from each manufactured home site. A manufactured home community ~~Containers shall~~must ~~be~~ provide ~~ad in~~ sufficient number of containers, ~~and~~ with sufficient capacity, to ~~properly~~ store all refuse generated in the ~~manufactured~~ home community.

15. Accessory Uses

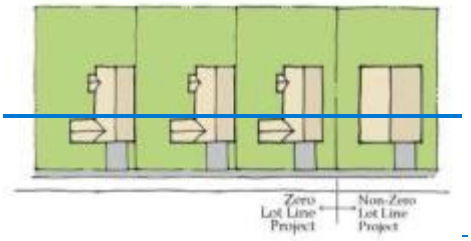
A manufactured home community may include a laundry, clubhouse, ~~and~~ or other nonprofit recreational buildings. A manufactured home community with 50 or more units may include a convenience store of up to 2,000 square feet.

H~~I~~J. Upper Story Residential

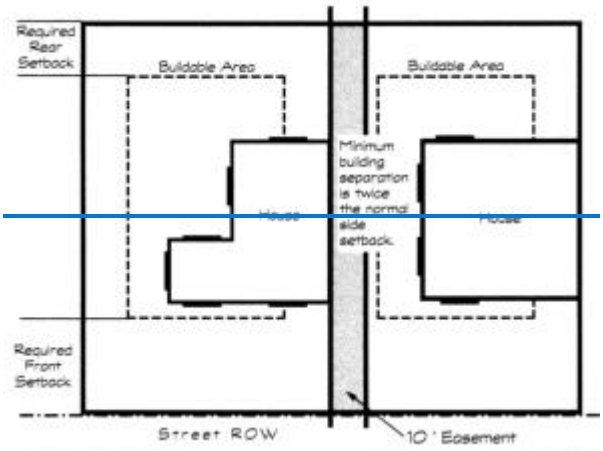
An upper-story residential unit is ~~allowed on the upper floors of a permitted~~permitted above the ground floor of a nonresidential use as set forth in the Use Table, Section 3.5, ~~(see Section 3.1)~~ and ~~shall adhere to all~~must comply with the dimensional standards applicable to~~of~~ that~~e~~ ~~permitted~~ nonresidential use. An upper-story residential unit is exempt from the maximum gross density calculation.

~~**K. Zero Lot Line House**~~

~~**1.** The side building setback for zero lot line houses may be reduced to zero feet on one side. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not zero lot line development.~~



~~2. An easement between the 2 property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within 4 feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least 10 feet of unobstructed space. The easement shall be recorded on the subdivision plat.~~



~~3. Minimum setback between buildings shall be twice the side yard setback.~~

~~4. If the side wall of the house is on the property line, or within 3 feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.~~

~~4~~3.2 Public and Civic Specific Use Standards

4.2.1 Specific Standards

These standards apply to the respective permitted or conditional use, as set forth in the Use Table, Section 3.5. ~~The standards of this section shall apply to permitted and conditional uses as set forth in the Principal Use Table (see Section 3.1).~~

~~**A. Airport and Heliport, Emergency Operations**~~

~~A heliport associated with the Grand County Emergency Operations Center (EOC) shall be a permitted use in the Highway Commercial (HC) zone district. The EOC heliport shall be used strictly for life safety related emergency operations. Aircraft takeoffs and landings shall not be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or scenic flight purposes.~~

~~**B. Airport and Heliport, Private**~~

~~All private airports and heliports shall comply with the standards of this section:~~

~~1. Aircraft takeoffs and landings shall be limited to the following activities:~~

~~a. Aviation activities conducted by or on behalf of governmental entities;~~

~~b. Medical, search-and-rescue, or other life-safety emergency aviation activities;~~

~~c. Aviation activities for agricultural purposes (farming or ranching);~~

~~d. Aviation activities for the purpose of seismic or other oil, gas or mineral exploration;~~

~~e. Aviation activities for the purpose of reaching an aircraft maintenance or repair facility that is in use, and has historically been in use, at the time this section becomes effective;~~

~~f. Aviation activities for the purpose of maintaining and repairing public utility facilities;~~

~~g. Aviation activities for commercial filming purposes; or~~

~~h. Aviation activities in support of permitted construction activities.~~

~~2. Aircraft takeoffs and landings for commercial filming activities shall be conducted at an airport or heliport that is currently in use, and has historically been in use for such activities.~~

~~3. Aircraft takeoffs and landings at private heliports shall not be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or "scenic flight" purposes.~~

~~C. Day Care Center, General~~

~~General day care centers shall comply with the standards of this section.~~

~~1. Care may be provided for more than 8 children at one time.~~

~~2. Day care centers shall comply with all applicable state regulations.~~

~~3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

~~D. Day Care Center, Limited~~

~~Limited day care centers shall comply with the standards of this section.~~

~~1. Care may be provided for 8 or fewer children at one time.~~

~~2. Day care centers shall comply with all applicable state regulations.~~

~~3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

~~E~~C. ~~Day Care Center, General~~

~~General day care centers shall comply with the standards of this section.~~

~~1. Care may be provided for more than 8 children at one time.~~

~~2. Day care centers shall comply with all applicable state regulations.~~

~~3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

~~D. Day Care Center, Limited~~

~~Limited day care centers shall comply with the standards of this section.~~

~~1. Care may be provided for 8 or fewer children at one time.~~

~~2. Day care centers shall comply with all applicable state regulations.~~

~~3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

A. Hospital or Clinic

~~Hospitals or clinics shall comply with the following standards:~~

1. A site plan, prepared in accordance with ~~the requirements of~~ Section 9.14, Site Plan Review,~~7~~ ~~shall~~ must be approved, ~~and filed~~together with ~~the~~ written findings of fact ~~as part of~~supporting the approval.

~~2. Development plans shall comply with the applicable development standards of Article 6.~~

B~~F~~. Field Research Stations and Environmental Education Centers

1. The v~~V~~isual impact~~s~~ of a structure~~s~~ and parking area, as viewed from a public right-of-way~~s~~ ~~and~~ or high use area,~~s~~ ~~shall~~ must be ~~substantially~~ mitigated through site design, including building placement, screening, and vegetative buffering~~the use of a development envelope, showing horizontal and vertical dimensions of structures, and screenings thereof~~.

2. ~~Prior to~~Before issuance of a building permit, the applicant ~~shall~~ must demonstrate compliance with the following: ~~building design standards:~~

a. A building must be~~Be~~ placed on a slab--on--grade or perimeter foundation, to minimize ground disturbance;~~.~~

b. Building design within a multi-building complex must share common design elements, including roofline, material, window arrangement, and detailing; and~~Exhibit a unity of design for buildings within multi-building complexes through use of similar elements such as rooflines, materials, window arrangement, and details.~~

c. Exterior materials, including roof materials, must u~~U~~tilize medium to darker earth tones and non-reflective materials ~~on all structures, including roof,~~ to minimize contrast and blend with the surrounding natural landscape without calling undue attention to the development.

3. The applicant must p~~P~~rovide ~~adequate~~ facilities and services adequate for ~~based on~~ the type and scope of development proposed. ~~including conceptual approval from appropriate state agencies for proposed~~A private water ~~and/~~or sewer systems must comply with Section 8.8, Water Supply, and Section 8.10, Seward Disposal, including final approval from the applicable state agency before building permit issuance.~~.~~ ~~Final approval shall be required prior to issuance of building permit.~~

4. A building may not exceed 24 feet in height, except that one structure may reach 35 feet~~Limit the height of all buildings to 24 feet, except one structure may be 35 feet~~.

5. The number of primary structures on the site may not exceed 1 per 5 acres of the site, calculated by dividing the total site acreage by 5 and rounding down to the nearest whole number. A primary structure includes a dormitory, educational or office space, and a storage building, but does not include an individual accommodation unit or agricultural building.~~Limit the number of primary structures on site to an average of one per five acres. Primary structures may include dormitories, educational and office space, and storage buildings, Primary structures shall include all buildings other than individual accommodation units and agricultural buildings.~~

6. A sign must comply with Section 6.11, Signs. The aggregate square footage of a sign on the site may not exceed 60 square feet; an individual sign may not exceed 12 feet in height or 40 square feet per face. A sign not visible from off-site is not counted toward the aggregate total.~~Signs allowed on site shall comply with the requirements of Section 6.5, provided, however, that, maximum allowable signage, defined as the aggregate total square footage of signs onsite, shall be a maximum of 60 square feet, provided that no individual sign may~~

~~be more than 12 feet in height and 40 square feet per face. Signs that are not visible from off-site shall not be considered in the aggregate allowed total.~~

7. The density of an individual accommodation unit, such as a campsite or cabin, may not exceed 1 unit per 2 acres, and an individual accommodation unit may not exceed 400 square feet.~~The average density of individual accommodations units (for example campsites and/or cabins) shall be limited to one per two acres; individual accommodations units shall not exceed 400 square feet.~~

8. Bonus Density

The Zoning Administrator may approve an individual accommodation unit density of up to 1 unit per 0.75 acre as a condition of conditional use permit approval under Section 9.11, upon a finding that the applicant has dedicated, in exchange for the bonus density~~The County may permit a bonus density for individual accommodation units of up to one unit per .75 acre, where the County specifically finds that a proposed development will provide significant and substantial public benefit, as compared to alternative uses for the subject property, by exceeding county standards with respect to~~:

~~**a. Protection of sensitive lands on the site;**~~

b~~a~~. ~~Dedication of~~A view shed easement~~s~~ across the property from a high-use public ~~use~~ area~~s~~;

b~~e~~. Open space comprising at least 80% of the site; ~~Dedication of 80 percent or more of the site as open space~~or~~;~~

c~~d~~. A wildlife habitat protection or enhancement measure. ~~Protection and enhancement of wildlife habitat, and~~

~~**e. Diversification of the local economy.**~~

~~[Ord. 541, 2016.]~~

4~~3~~.3~~2~~ Commercial Specific Use Standards ~~Revised 3/20~~ ~~Revised 5/21~~

These standards ~~of this section shall~~ apply to the respective permitted ~~and~~ or conditional use~~s~~ as set forth in the ~~Principal~~ Use Table. ~~(see~~ Section 3.5~~1~~).

4.3.1 Eating Establishment Standards

A. Restaurant

1. A drive-up or drive-through facility must provide at least 4 vehicle stacking spaces, and at least one (1) temporary stopping space after the delivery window, so a motorist may prepare for a safe exit.

2. A designated outdoor eating area accessory to a restaurant, such as a courtyard, roof, or deck, must be added to the building's gross floor area for purposes of computing off-street parking requirements. An outdoor eating area may not be located in a required parking area.

4.3.2 Entertainment Standards

A. Adult Entertainment Establishment

1. An adult entertainment establishment ~~shall~~ must be located ~~a minimum of~~at least 1,000 feet, ~~as~~ measured in any direction from property line to property line, from an~~y~~ existing adult entertainment establishment.

2. An adult entertainment establishment ~~shall~~ must be located at ~~minimum of~~ least 1,500 feet, ~~as~~ measured in any direction from property line to property line, ~~of any~~from a ~~residentially-zoned property,~~ place of worship, school, park, government-owned or managed building open for public assembly, or residentially-zoned property.

3. A~~ny~~ display, device or sign that depicts or describes sexual conduct, as defined in Utah Code § 76-5c-101, or a ~~specified sexual activities or~~ specified anatomical area, as defined in Section 11.2, Definitions,~~s~~ ~~shall~~ must be out of view of the public way and surrounding property.

4. The ~~Such~~ use ~~shall~~ must abut a street classified as a collector or- greater~~greater classified street~~.

B. Bar, Nightclub or Tavern

1. A bar, nightclub or tavern must be located at least 750 feet from the nearest property line of any existing place of worship, public or private school, or residential zoning district.

2. Such uses must submit documentation demonstrating compliance with applicable state laws.

C. Flea Market

1. A site plan, prepared in accordance with the requirements of Section 9.14, Site Plan Review, must be approved and address:

a. Ingress and egress to the property;

b. Location and dimensions of structures and signs;

c. An area proposed for a specific land use;

d. Parking spaces;

e. Restrooms;

f. Topography;

g. Outdoor lighting, subject to Section 6.12, Outdoor Lighting;

h. A drainage plan, including a calculation of pre- and post- development flow;

i. Screening fence or wall, subject to Section 6.7, Fences and Walls, that screens the use from view of adjacent and nearby residential uses; and

j. Landscaping and screening, subject to Section 6.8, Landscaping and Screening.

2. The sales or parking area must be set back at least 300 feet from any residential zoning district or from a lot or parcel with a residential use.

3. The sales or parking area must be an all-weather, dust-proof surface, maintained in usable condition at all times.

4. Traffic access to the flea market must be available via non-residential streets.

5. Each vendors must hold a valid state sales tax permit.

6. A flea market must provide one (1) off-street parking space per employee at typical peak operation, in addition to the minimum off-street parking required under Section 6.4, Off-Street Parking.

7. Overnight lodging and overnight parking of a recreational vehicle is not permitted.

D. Indoor Recreation Use

An indoor recreation use, including amusement and other recreation uses, must be conducted within a completely enclosed building. A wall of the building facing an adjacent residentially zoned or developed property may not have an opening, except a stationary insulated glass window or required exit.

E. Outdoor Recreational Use

1. A site plan, prepared in accordance with Section 9.14, Site Plan Review, must be approved, together with written findings of fact supporting the approval.

2. An improvement must be sound-insulated and sited to minimize visibility from residential areas, developed property, public use areas and public rights-of-ways.

3. A color used on an improvement must have a low reflective value so as to not draw undue attention to such uses.

4. A food service or retail use is permitted only as an accessory use, in accordance with Section 4.6, Accessory Uses and Structures.

5. A reclamation bond is required, sufficient to guarantee restoration of the site to its natural or another substantially beneficial condition if the use ceases.

4.3.3 Overnight Accommodations Standards

See Section 5.4, Overnight Accommodations Overlay.

4.3.4 Retail Sales and Services Standards

A. Outfitters, Guide Services and Facilities

1. A general outfitters or guide services and facility must:

a. Screen all outdoor storage from off-site view with an 8-foot sight-obscuring fence; and

b. Not use ATVs in its business activity, except as provided in Subsection 2.

2. An outfitter, guide service, or rental company that rents, drives, or otherwise uses an ATV as part of its business:

a. Must follow the requirements for ATVs found in Grand County Business License Code, Section 5.02.020, including a cap on the number of business licenses; and

b. May sell used ATVs as part of maintaining its ATV fleet without being classified as "ATV sales" subject to Subsection T of this Section.

4.3.5 Self-Storage and Services Standards

A. RV and Boat Storage

All RV and Boat Storage shall be fully screened from view off site by an 8-foot sight obscuring fence.

B. Self-Storage Facility

1. All structures, including any rental office, must be set back a minimum of 25 feet from the rights-of-way or the district minimum setback, whichever is greater.

2. Where such sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.

3. To ensure ease of access for emergency vehicles, no building shall exceed 300 feet in length. Spaces between ends of buildings shall be at least 30 feet.

4. Use of the facility and its individual storage units shall be limited to storage purposes only.

5. Electrical service to any individual storage unit shall be limited to a single 20-amp circuit, with no more than one duplex outlet providing single-phase electrical service of no more than 120 volts.

6. Each individual unit shall be directly accessible from an apron that is improved to the same standards generally required for off-street parking areas, and the apron shall include an extension to the pavement on an adjoining street.

4.3.6 Vehicle Sales and Services Standards

AB. Auto Repair Garage

All motor vehicles on the premises must carry have a current registration and/or a work order with a completion date not to exceeding 90 days. A Motor vehicles without a current valid registration and/or a work order shall beis classified as salvage and or junk, and may notust be removed from the premises. be kept, stored or worked on in an auto repair shop.

B. ATV Sales

1. ATV Sales may only include sales of models that are electric or meet the maximum sound pressure level in Table 1, Chapter 11.05 of the Grand County General Ordinances. **C. Bar, Nightclub or Tavern**

Bars, nightclubs or taverns shall comply with the standards in this section

1. No bar, nightclub or tavern shall be located less than 750 feet from the nearest property line of any existing place of worship, public or private school, or residential district.

2. Such uses shall submit documentation demonstrating compliance with applicable state laws.

D. Bed and Breakfast

See Section 4.6, Overnight Accommodations Overlay. [Ord. 607, 2020; Ord. 569, 2017; Ord. 548, 2016.]

CE. Car Wash

Self-service and full-service car wash facilities shall comply with the following standards:

1. WAll washing facilities shallmust occur under a roofed area with at least 2 walls.

2. A vVacuuming facilityies may be located outside the building, but shall may not be in the front yard and shall not beor closer than 25 feet from any to a residential zoning district.

3. AThe building surfaces shall must be faced with masonry, porcelainized steel, baked enamel steel, or another material of equal in durability and appearance.

4. The A building shall must not be less thanat least 100 feet from any residential district.

5. The A building shall must be set back not less thanat least 25 feet from the front property line.

6. Off-street parking shall must be provided on the property in theat a ratio of not less thanat least three 3 parking spacespaces for eachper washing stall, or five 5 parking spaces for each automobileper vehicle that may be accommodated on the washing line within a full-service building.

7. Anll off-street parking areas shall must be hard-surfaced and dust-free.

8. A permanent screening fence or wall, in accordance with the requirements of Section 6.4 and not less thanat least 6 feet in height, shall must be provided along any property line which abuttings a residential district, in accordance with the requirements of Section 6.7, Fences and Walls.

D. Fuel Service

Gasoline service stations, convenience stores and other fuel service uses must comply with the following standards.

1. A gasoline dispensers must be set back at least 20 feet from all property lines.

2. A light fixture mounted on the lower surface of a gas canopy must be fully shielded. Canopy edges do not qualify as shielding.

~~**F. Dude Ranch or Destination Resort**~~

~~See Section 4.6, Overnight Accommodations Overlay. [Ord. 607, 2020.]~~

~~**G. Flea Market**~~

~~Flea markets shall comply with the standards in this section.~~

~~**1.** A site plan, prepared in accordance with the requirements of Section 9.17 shall be approved and filed as part of the resolution of approval. Such required site plan and or resolution shall set forth the requirements for:~~

~~**a.** Ingress and egress to the property;~~

~~**b.** Location and dimensions of structures and signs;~~

~~**c.** Specific areas proposed for specific types of land use;~~

~~**d.** Parking spaces;~~

~~**e.** Rest rooms;~~

~~**f.** Topography;~~

~~**g.** Outdoor lighting;~~

~~**h.** Drainage plan (including calculation of pre- and post- development flows);~~

~~**i.** Screening fence or wall (See Section 6.4.3F); and~~

~~**j.** Landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.~~

~~**2.** The sales or parking area shall be setback at least 300 feet from any residential zone district and from a lot or parcel containing a residential use.~~

~~**3.** Adequate screening shall be required to screen the use from view of adjacent and nearby residential uses.~~

~~**4.** Selling area and parking area shall be an all-weather, dust-proof surface and shall be maintained in a usable condition at all times.~~

~~**5.** Adequate traffic access to the flea market shall be available via non-residential streets.~~

~~**6.** Vendors shall hold a valid state sales tax permit.~~

~~**7.** A flea market shall provide one (1) off-street parking space for each employee (typical peak), in addition to off-street parking otherwise required pursuant to Sec. 6.1, Off-street Parking.~~

~~**8.** Overnight lodging or overnight parking of RV's shall not be permitted.~~

9. The County may regulate the hours in which outdoor lighting may be used.

10. The County may impose any further reasonable conditions necessary to protect the health, safety or welfare of the public.

H. Fuel Service

Gasoline service stations, convenience stores and other fuel service uses shall comply with the following standards.

1. All gasoline service station dispensers shall be setback at least 20 feet from all property lines.

2. All light fixtures mounted on the lower surface of gas canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding).

3. Comply with all applicable state and federal standards, including EPA.

I. Indoor Recreation Use

Amusement and recreation uses shall be conducted within a completely enclosed building which shall have no openings, other than stationary insulated glass windows, or required exiting openings, facing any adjacent residentially zoned or developed property.

J. Outdoor Recreational Use

Outdoor recreational uses shall comply with the following standards:

1. A site plan prepared in accordance with the requirements of Section 9.17 shall be approved and filed with the findings of fact as part of the approval.

2. Improvements shall be audibly insulated, sited and designed so as to minimize visibility from residential areas, developed property, public use areas and public rights-of-ways.

3. Colors used in improvements shall be of low reflective value so as to not draw undue attention to such uses.

4. Food service and retail uses are permitted only as accessory uses, in accordance with Section 3.4.

5. A reclamation bond shall be required sufficient to ensure restoration of the site to a reasonably natural or preconstruction state should the use cease in the future for any reason.

K. Outfitters, Guide Services and Facilities

1. General Outfitters, Guide Services and Facilities

a. General outfitters, guide services and facilities shall:

(1) Screen all outdoor storage from view off site with an eight-foot sight-obscuring fence;

(2) Be prohibited from using ATVs in their business activity.

2. ATV Outfitters, Guide Services and Rentals

a. All outfitters, guide services, and rental companies who rent, drive, or otherwise use ATVs as part of the outfitting and guide service provided by the business shall be deemed an ATV outfitter, guide service, or rental company and subject to the regulations set forth in this section;

b. ATV outfitter, guide service, and rental businesses may be permitted as conditional uses in the zones identified in Section 3.1 (Use Table) only if the maximum number of permits for ATV businesses allowed in the County are not met as set forth in Chapter 5.02 of the Grand County General Ordinances, as amended;

c. All ATV outfitter, guide service, and rental businesses shall comply with the ATV business regulations set forth in Section 5.02.020 of the Grand County General Ordinances, as amended, which regulations shall constitute conditions of the conditional use permit;

d. ATV outfitter, guide service, and rental businesses may sell used ATVs as part of maintenance of their ATV fleet without being classified as "ATV sales" and without being subject to Section 3.2.3T. [Ord. 631, 2021.]

L. Recreational Vehicle/Travel Trailer Park

See Section 4.6, Overnight Accommodations Overlay. [Ord. 607, 2020.]

M. Residential Units Used for Overnight Accommodations

See Section 4.6, Overnight Accommodations Overlay. [Ord. 607, 2020.]

N. Restaurant

Restaurants shall comply with the following standards:

1. Drive-up, drive-through facilities shall provide at least 4 vehicle stacking spaces. In addition, there shall be at least one (1) temporary vehicle stopping space after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.

2. Designated outdoor eating areas accessory to restaurants, such as in a courtyard or on a roof or deck, shall be added to the gross floor area of the building for purposes of computing off-street parking requirements. Outdoor eating areas shall not be designated in required parking areas.

O. Kennel

Dog kennels shall comply with the standards of this section.

1. No outdoor kennel shall be permitted in any zoning district.

2. The kennel shall be located not less than 300 feet from a residential structure that is located on any property in separate ownership. For the purpose of this section, measurement of the 300-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of an existing habitation to the nearest portion of the kennel.

3. No outdoor exercise run area shall be permitted less than 50 feet from any land zoned residential.

4. All cages, pens, grooming areas shall be maintained with a completely enclosed, soundproof building; the facility shall conform to the noise restrictions of Section 6.12.3.

5. All facilities shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.

T. ATV Sales

1. ATV sales may be permitted as conditional uses in the zones identified in LUC Section 3.1 (Use Table) subject to the following condition:

a. All ATVs marketed or sold shall be electric models or meet the maximum sound pressure levels set forth in Table 1, Chapter 11.05 of the Grand County General Ordinances. [Ord. 631, 2021.]

[Ord. 607, 2020; Ord. 569, 2017; Ord. 548, 2016.]

43.42 Industrial Specific Use Standards

These standards apply to the respective permitted or conditional use, as set forth in the Use Table, Section 3.5. The standards of this section shall apply to permitted and conditional uses as set forth in the Principal Use Table (see Section 3.1).

4.4.1 Heavy Industrial Standards

A. Asphalt or Concrete Batch Plant

Asphalt or concrete batch plants shall must comply with the standards of this section.

1. Minimum Lot Area: 2 acres

2. Minimum Setbacks (All Sides): 200 feet from any residential zoning district or lot containing a principal residential use for all activity areas, including driveways and on-site roads.

3. When not proposed in conjunction with an asphalt plant, rock crushing, or sorting activities, the above-required setback may be reduced by up to 75 percent, provided: where Planning Commission finds adequate screening is provided. In such instances, the applicant shall provide supporting materials demonstrating unique topographical considerations such as a physical buffer and that the emission of noise, heat, glare, smoke and particulate matter, vibration, and/or odor will not be discernible at or beyond the property line as approved by Planning Commission

a. A solid screening wall, berm, or vegetative buffer at least 8 feet in height is installed and maintained along the entire length of the reduced setback; and
b. The applicant submits a noise and dust study demonstrating that noise, heat, glare, smoke, particulate matter, vibration, and odor will not be discernible at or beyond the property line.

4. The County may specify the hours of operation.

5. All internal roads shall must be maintained in a dust-free condition through paving, chip seal, or application of a dust palliative at a frequency sufficient to prevent visible dust emission. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 100 feet from the right-of-way of the public road from which access is taken. A gravel apron, wheel wash station, or equivalent device at least 50 feet in length shall be installed at the site exit to remove dust, dirt, mud, or other debris from vehicle tires and undercarriages before vehicles enter the public road.The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 100 feet from the rights-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud or other debris from the vehicles before they leave the site.

6. Dust and other particulate matter generated by material handling, storage, or processing must be controlled by water spray or misting systems, covered or enclosed conveyors, covered stockpiles, or wind screens, such that no visible dust crosses the property line.Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.

7. The site mustshall have frontage on and access to a collector or arterial street, provided the authority with jurisdiction over the subject road may approve alternative accessunless the County Engineer determines that the road is designed to accommodate the size and weight of vehicles that will be operated with the batch plant.

B. Commercial Production Water and Formation Water Disposal and Recycling Facilities ("Disposal Facilities")

1. General Requirements

Disposal facilities require a conditional use permit. Drilling muds and tank bottom waste is not permitted. Land farming, as defined in Article 11, is not permitted. Disposal facilities shall comply with the following requirements:

a. Site Plan

A site plan shall be prepared in accordance with Section 9.14, Site Plan Review.

b. Transportation Plan

Selected transportation routes shall not result in a significant degradation of the level of service; "significant" shall be defined as a change in letter grade of the level of service. Where the level of service is unknown the applicant shall be responsible for the cost of traffic studies performed by a Utah-licensed engineer to establish such information. Traffic studies shall include an analysis of the traffic mix. Route selection to and from facilities shall consider the following:

(1) Methods by which production water and formation water will be transported,

(2) Road types, design, and service capacity, including future maintenance needs and costs,

(3) Extent to which weather renders such roads and/or highways hazardous,

(4) Load capacities, including during saturated inclement weather conditions,

(5) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar types of roads and/or highways. The applicant shall mitigate any increased risk to such roads and/or highways, the traveling public, and any increased future maintenance and repair costs to Grand County or the state of Utah,

(6) Number and proximity of residences, schools, hospitals, and pedestrian routes,

(7) Noise and traffic disruption,

(8) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road,

(9) Where roads are inadequate, as determined by Grand County, to support the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with applicable County, state, and/or federal standards,

(10) A road maintenance agreement accepted and signed by the County Road Department and approved by the County Commission,

(11) Additional bonding may be required to adequately cover road maintenance costs during operation, and

(12) A UDOT highway access permit shall be approved for each facility with direct access to a state highway. Turn lanes, frontage road(s), and curb and gutter shall be provided by the applicant if required by UDOT.

c. Operation

(1) Disposal facilities shall be fully operational and have all applicable County, state, and federal permits prior to accepting production water or formation water. At a minimum, appropriate permits are required from Utah Division of Air Quality, Utah Division of Water Quality, Utah Division of Oil, Gas and Mining, and Utah Division of Waste Management and Radiation Control.

An operational certification letter shall be issued by the Community Development Department prior to receiving any production water or formation water. This operational certification letter must document the appropriate state agency permits.

(2) An operator shall be on site during commercial operations.

(3) Sites shall be used solely for production water or formation water disposal, condensate holding and hydrocarbon recovery tanks, and related structures. Injection or dumping into an injection well of any class, or holding at the site, of any other substance, waste or chemical is strictly prohibited without the necessary permits and prior approval of federal, state, and County entities.

(4) Federal, state, and County officials shall be allowed on the premises for the purpose of conducting site visits without prior notification.

(5) Federal, state, and County documents shall be maintained on site and made available for federal, state, and County review.

(6) Signs providing emergency contact information shall be provided at the facility entrance and receiving areas.

(7) The applicant shall submit information regarding the proposed facility, wildlife protection measures, and type and height of perimeter fencing to the Utah Division of Wildlife Resources. The applicant's letter and agency response shall be provided to the County.

(8) Perimeter fencing shall be installed to keep wildlife and agriculture stock off the premises.

d. Water Supply, Sewage Disposal, and Fire Protection

Prior to approval the applicant shall demonstrate water supply, sewage disposal, and fire protection that is sufficient in terms of quality, quantity, and dependability for the proposed facility.

e. Drainage Plan

A drainage report and drainage plan, prepared by a Utah-licensed engineer, shall demonstrate compliance with Section 6.10, Drainage, with consideration of natural drainage and drainage during construction.

f. Surface Discharge

No production water or formation water shall be discharged to the ground for any purpose including construction, dust control, or agricultural use without prior written approval from the Utah Division of Oil, Gas, and Mining, the Division of Water Quality, and Grand County. No other fluids from such facilities shall be discharged onto the ground, sold for off-site use, nor allowed to contaminate waters of the U.S. without prior written consent from all applicable local, state, and federal authorities. The applicant shall provide written copies of all approvals to the County prior to commencing any such activity.

g. Waste Management Plan

A detailed waste management plan shall describe the plans for handling and disposal of the expected wastes to be generated as a part of facility operations. This includes such items as hydrocarbons, concentrated brine, accumulated solids, treatment chemicals, and treatment media.

h. Reclamation Plan

A detailed reclamation plan shall demonstrate that upon cessation of operations restoration of the site shall be completed to a condition as natural as practical, or to the site's original or other beneficial condition, consistent with Section 6.6, Grading and Site Disturbance. At a minimum the reclamation plan shall include the following:

(1) Removal of structures,

(2) Removal and disposal of remaining waste including contaminated soils and liners,

(3) Regrading of the site to the approximate original contour or approved beneficial condition,

(4) Erosion control and revegetation of disturbed areas, and

(5) Conformance with state reclamation requirements.

i. Bonding

The applicant shall be financially capable of constructing, operating, and properly closing the site, including reclamation and any required post-closure monitoring to the satisfaction of the County. Final reclamation shall be accomplished within one year of the cessation of operations.

Each applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approved by the Zoning Administrator. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and Zoning Administrator prior to the issuance of a Conditional Use Permit. Such security shall be in accordance with state requirements found in Utah Administrative Code R649-9 Waste Management Disposal. Estimates shall be recalculated every five years and shall account for the value of bonds held by the state of Utah for a particular facility.

j. Referral Agency

Applications shall be referred to such agencies and persons as the Zoning Administrator deems appropriate, including, but not limited to, the Utah Department of Environmental Quality (Division of Air Quality, Division of Waste Management and Radiation Control, and Division of Water Quality) and the Utah Department of Natural Resources (Division of Oil, Gas, and Mining and Division of Wildlife Resources) for review and comment.

k. Notification

The applicant shall supply a list of all property owners within a one-half mile radius of the proposed project site and an affidavit certifying that a copy of the application has been made available to said property owners.

l. Operational Status

Grand County shall be notified in writing at least 30 days prior to any change in ownership or operator status. Grand County shall be notified of any permit revisions, equipment upgrades or downgrades, and/or process changes integral to the operation of the facility.

m. Technical Review

If County staff does not have the technical expertise or the practical ability to devote the necessary time and effort for technical review, as determined by the County Commission, the County may engage such additional expertise and/or consultants to assist the County and/or to provide technical review of an application under this section, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County shall require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise are borne by the applicant.

n. Best Available Control Technology (BACT)

Applicants shall install and operate emission control technology according to requirements of all applicable permits and orders issued by the state of Utah.

Applicants that are required by the state of Utah to provide best available control technology documentation to the Department of Air Quality shall furnish a copy of the proposed best control technology documentation to the County.

Commercial operations shall be suspended and Grand County notified within four hours any time the BACT equipment fails to operate properly for longer than one hour. In such cases, commercial operations shall not resume until the BACT equipment is operating properly.

o. Existing Facilities

Existing facilities shall not be deemed to be in noncompliance due to actions taken by adjacent landowners.

p. Fees

In addition to application fees, the applicant shall pay fees in accordance with the Grand County fee schedule as updated annually.

(1) Each disposal facility shall submit to the Office of the County Clerk a monthly summary report of barrels received by the fifth business day of the following month. Billing invoices for the monitoring fee shall be subject to a standard 30-day payment term.

(2) If the monthly summary report is not received by the Office of the County Clerk within 30 days of the due date, the Clerk shall bill the owners of the disposal facility based on the average of the 12 most recently submitted monthly reports.

(3) Accrued late fees of 1.5 percent per month for past due balances will be billed upon receipt of the annual statement from the disposal facility or on the due date of the annual statement, whichever is earliest.

(4) If the total barrels reported in the annual statement shows that less fees were due than were billed, the Office of the County Clerk will calculate the difference and issue a credit against future monitoring fees. If the total annual barrels reported in the annual statement shows that more fees were due than were billed, the Office of the County Clerk will bill the facility for any additional fees due, including any additional late fees due.

(5) Grand County may file a lien against the disposal facility for unpaid fees that are still past due on April 30th of the following year.

q. Permit Review

The applicant shall provide an annual statement of compliance to be reviewed by the County Commission. Such statements shall include a detailed and specific report on steps taken in the prior year to comply with applicable local, state, and federal requirements and laws. This statement shall be due to the County by January 31st of each year.

r. Permit Expiration

If the facility has not been in operation within one year of obtaining the conditional use permit and a request for extension has not been received and approved by the County Commission the conditional use permit shall expire. Additionally, if the facility shuts down at any time for a period of one year and a request for extension has not been received and approved by the County Commission, the conditional use permit shall expire and site restoration shall be completed by the owner of the property or bond holder.

s. Liability and Mitigation

The permittee and property owner are legally liable for all environmental damage, including but not limited to health hazards, resulting from the construction, operation, use, and maintenance of any disposal

facility. If such damage occurs, the County, in addition to pursuing all other remedies available to it, may summarily require the permittee and property owner to develop and implement with due diligence a mitigation plan, including requirements of state and federal agencies, to remedy all such damage. Implementation of the plan will be required regardless of whether the County also revokes the permit.

t. Contingency Plan

The applicant shall provide a contingency plan, including material safety data sheets, to be maintained on site and at the appropriate offices of the emergency service providers listed below for the purpose of describing what actions shall be taken in the event of unintentional release and/or exposure. The plan shall provide, at a minimum, communications protocol, including emergency responder notification. Copies shall be provided to the following service providers: sheriff's department, fire department(s), local hospital(s), and emergency medical services (EMS).

u. Compliance with State and Federal Requirements

The operator shall assure through appropriate sampling, testing and controls as required by applicable permits and regulations that all conditions in state and federal permits are met. The operator shall report to Grand County Community Development within 48 hours of discovery any exceedance of the pertinent state and federal limits (as defined by EPA) for radionuclide or heavy metal content.

2. Commercial Evaporation Pond Facilities

In addition to complying with the general requirements of subsection G.1 of this section, commercial evaporation pond facilities for production and/or formation disposal water shall comply with the following:

a. Control of Air Emissions

Facilities that do not meet the "de minimis" air quality standards, as defined by the Utah Department of Environmental Quality (Division of Air Quality), shall be required to install and operate emission control technology as specified in all applicable permits and orders issued by the State of Utah.

b. Location

Disposal facilities shall only be considered on sites identified on the attached map entitled "Evaporation Pond Facilities Overlay Map." In addition, the following shall apply:

(1) Sites shall be a minimum of 40 acres in size;

(2) No site shall be located within a mile of an existing residence, RR, SLR, LLR, or MFR zone district, irrigated farm land, or national or state park;

(3) No site shall be located within one-half mile of a perennial or intermittent stream, as identified by USGS, surface waters, or regulatory wetlands;

(4) No site shall be located within a sole source aquifer designated area;

(5) No site shall be located within sight of scenic by-way Highway 128;

(6) All ponds shall be located a minimum of 500 feet from the down gradient property line to allow additional monitoring wells to be placed on the site if deemed necessary by the Community Development Department; and

(7) Site soil and subsurface permeability shall be less than 1×10^{-5} centimeters per second, to a depth sufficient to span a 10-year saturation period.

c. Baseline Data

The applicant shall collect and submit baseline data to be approved by the Community Development Department prior to the issuance of a zoning development permit and/or building permit. Baseline air and water quality sampling plans shall be completed by an independent and state certified lab and, at a minimum, include:

(1) Depth to groundwater,

(2) Groundwater flow rates,

(3) Direction of flow,

(4) Soil and subsurface permeability to a sampling depth sufficient to span a 10-year saturation period,

(5) Wind patterns reflecting diurnal and seasonal changes,

(6) Location of abandoned and/or active wells and surface water within a one-half mile radius of the proposed site,

(7) Air quality sampling for sulfur containing compounds, volatile organic compounds (VOCs), and hazardous air pollutants,

(8) Water quality sampling for sulfur containing compounds, VOCs, total extractable petroleum hydrocarbons, pH, conductivity, total dissolved solids (TDS), total suspended solids (TSS), radionuclides and heavy metals.

d. Operation and Safety

(1) Any measurable or visible layer of hydrocarbons that accumulates on the surface of an un-netted evaporation pond shall be removed daily, weather permitting.

(2) Spray evaporation systems shall be operated such that all spray-borne suspended or dissolved solids remain within the perimeter of a pond's lined area.

(3) Smoking shall be allowed in designated areas only and appropriate signs shall be maintained.

(4) Signs providing emergency contact information, stating nonpotable water, and warning of potential drowning hazards shall be posted adjacent to all ponds.

(5) Ropes, ladders, and/or other means of escape shall be provided along the perimeter of the ponds to allow a person to climb out of a pond in the event of an accident.

(6) Ponds permitted for formation water shall have separate receiving and distribution systems and shall not be used for produced water from oil and gas production.

(7) Pits or ponds intended to have hydrocarbon products on the surface shall be netted to prevent wildlife access. Netting structures shall be constructed so that the netting is prevented from sagging into the pit fluids and perimeter netting shall extend to the ground to prevent wildlife entry. Netting shall be monitored by the on-site operator to ensure proper working order. Hydrocarbon accumulation on the surface of any netted pond shall be removed at least once each month, weather permitting.

(8) A wildlife deterrent device, such as a "hazing canon," shall be placed on site at strategic locations to keep wildlife away from open ponds.

(9) All ponds shall have a two-foot minimum freeboard.

(10) The applicant shall provide calculations demonstrating adequate on-site pond volume for emergency emptying of any pond. Facilities shall provide a written emergency repair plan that clearly indicates the procedure for emptying a pond.

(11) The applicant shall provide for prevention of loss of any production water or formation water from the ponds via wave action.

(12) All holding tanks for materials associated with operations shall be constructed completely above ground and within a curbed or bermed containment area to provide a volume equal to 1.5 times the largest tank volume. No open top tanks shall be permitted.

(13) Ponds shall be double lined in accordance with state regulations. Additionally, the top liner shall be synthetic and a minimum of 60 mils thick.

(14) If a pond specific leak is detected, the water level in that pond shall be lowered immediately below the level of the leak and the source of the leak repaired.

(15) If contaminants are found to exceed permissible levels in perimeter monitoring wells or allowed volumes in any area of the facility are exceeded, the facility shall cease accepting new waste immediately and direct customers to another regional/state approved facility. The Community Development Department shall be notified within one working day of the occurrence and the cause shall be corrected to the satisfaction of the Community Development Department and applicable state agencies prior to resuming operations.

e. Ongoing Monitoring

The applicant shall conduct air and water monitoring as required by all applicable state of Utah permits and orders. Monitoring shall include testing for the presence and level of radionuclides.

3. Commercial Injection Wells

In addition to complying with the general requirements of subsection G.1 of this section, commercial injection wells for production water or formation water disposal shall comply with the following:

a. Location

Commercial injection wells shall not be permitted within the boundaries of the Valley Aquifer impact zone as defined in Section 8.10.3, Sewage Disposal (Valley Aquifer Impact Zone map) or within any sole source aquifer zone. Injection wells shall be located to ensure that underground sources of drinking water (USDWs) and surface waters are not being endangered.

b. Underground Injection Control Permit

The applicant shall submit copies of underground injection control (UIC) permit application materials in order that the County may participate through written comment in the Utah Division of Oil, Gas, and Mining (UDOGM) permitting process.

c. Operation and Safety

Injection wells shall be completed, equipped, operated, and maintained in a manner that will prevent pollution and damage to any underground source of drinking water (USDW), or other resources and will confine injected fluids to the target injection zone approved by UDOGM.

d. Monitoring

A sampling port shall be provided post-treatment, prior to injection. The applicant shall provide continuous read total dissolved solids (TDS) monitoring during pumping operations in 15 minute minimum intervals (with digital record copies of output) for each well in conjunction with daily manual

water samples for purposes of comparison. The applicant shall submit quarterly reports providing TDS raw data and averages for each well displayed in a graphic format with a text summary. Access to the sampling port and the entire facility shall be provided to all regulatory agencies without prior notification.

e. Injection Well Disposal of Formation Water

Only permitted Class I injection wells may be used for disposal of formation water, and only with prior approval by Division of Oil, Gas and Mining. Class I injection wells may not be used for production water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well.

f. Injection Well Disposal of Production Water

Only permitted Class II injection wells may be used for disposal of production water, and only with prior approval by Division of Oil, Gas and Mining. Class II injection wells may not be used for formation water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well.

C. Rail Facilities, including shops and rail yards

A site plan prepared in accordance with the requirements of Section 9.14, Site Plan Review, shall be approved and filed with the findings of fact as part of the approval. A rail facility shall comply with the following standards:

1. Applicants shall secure all necessary railroad approvals, including Union Pacific rail access approvals based on a conceptual track plan that meets the agency guidelines and includes the requirements of the use specific standard for Rail Facilities, including shops and rail yards.

2. Dimensional Standards for Rail Facilities, including shops and rail yards;

a. Minimum lot size is 20 acres;

b. Maximum height of structures is 35 feet, except that the Zoning Administrator may approve a greater height for a structure with an operational need for additional height, such as a silo, grain elevator, or similar processing equipment, upon a finding that the additional height is the minimum necessary to accommodate that operational need.

Dimensional Standards for Train Passenger Terminal

a. Minimum lot size is 5 acres;

b. Maximum height of primary structures is 35 feet.

3. A project boundary buffer shall be identified on the site plan in compliance with the following requirements;

a. The minimum width of the project boundary buffer is 50 feet;

b. All project boundary buffers shall be landscaped in accordance with the requirements of Section 6.8 Landscaping and Screening.

4. There is adequate off street parking and circulation areas and direct access to the property and rail line from a major roadway where heavy equipment or truck traffic will not travel through established residential neighborhoods.

5. Public services to the property can be provided at adequate levels to serve the demands of the rail facility without negatively impacting the level of service to adjoining uses.

6. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the railroad industrial use. If the property contains sensitive land that may be negatively impacted by the railroad use, the Conditional Use Permit may include reasonable conditions to mitigate these impacts.

7. Additional proposed uses including, but not limited to storage, distribution, warehouse and waste related services, require a separate permit and review.

8. The applicant shall provide a traffic study demonstrating the existence of adequate roads and bridges. The applicant shall be responsible for the cost of traffic studies to establish an analysis of the traffic mix, performed by a professional engineer licensed in the State of Utah.

9. All dust and noise impacts of the use shall be reviewed and evaluated with the conditional use application and shall be in compliance with Union Pacific or other applicable railroad agency, county, state and federal regulations.

10. Any associated staging or storage area for the use shall be identified and shall be buffered or screened from all public roadways or uses to the extent practical and reasonable if not provided on the Union Pacific or other agency conceptual track plan.

11. Railroad crossings shall be kept to a minimum and are subject to approval by the County and rail agency with consideration given for safety and maintenance.

12. A site plan including architectural drawings and an operational management plan shall be required in order to fully address potential impacts to neighboring uses or the community at large.

13. The County Sherriff and Emergency Manager shall review and approve an on-site security plan.

14. The offloading, on-loading and storage of radioactive material is prohibited.

15. A reclamation plan, approved by the County, shall be required sufficient to ensure restoration of the site to a reasonable state should the use cease in the future for any reason.

16. The applicant shall be financially capable of construction, operation, and properly closing the site, including reclamation and any required post-closure monitoring to the satisfaction of the County. Final reclamation shall be accomplished within one year of the cessation of operations. Applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approve by the County Engineer. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and Zoning Administrator prior to the issuance of a permit.

D. Manufacturing, Hazardous / Objectionable

1. Lot Design Standards:

a. Minimum Lot Area: 2 acres

b. Minimum Setbacks (all sides): 200 feet

c. The required setback may be reduced by up to 75 percent, provided:

(1) A unique topographic feature, such as a natural rise, slope, or other physical buffer, screens the use from the property line; and

(2) The applicant demonstrates that noise, heat, glare, smoke, particulate matter, vibration, and odor will not be discernible at or beyond the property line.

2. The site shall have frontage on and access to an arterial street, provided that the authority with jurisdiction over the subject road may approve alternative access.

3. Applications shall be referred to such local and state referral agencies and persons as the Zoning Administrator deems appropriate.

4. The applicant shall demonstrate water and power supply, sewage disposal, and fire protection that is sufficient in terms of quality, quantity, and dependability for the proposed use.

5. Building and Site Design Standards

a. Uses shall occur within a completely enclosed building with the exception of self contained storage tanks and loading and unloading operations. No open tanks shall be permitted.

b. Utilize non-reflective siding materials on all structures.

c. Landscaping and screening shall be provided in accordance with Section 6.8.

d. Outdoor storage areas shall be screened from the street.

e. The owner is responsible for site safety and security, including perimeter fencing.

6. Dust

a. All internal roads shall be maintained in a dust-free condition. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 100 feet from the rights-of-way of the public road or as otherwise approved by the authority with jurisdiction over the subject road from which access is taken. Provisions shall also be made to remove dust, dirt, mud or other debris from the vehicles before they leave the site.

b. Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.

7. The applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approved by the County Engineer. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and Zoning Administrator prior to the issuance of a Conditional Use Permit. Such estimates may account for the value of bonds held by the State of Utah for a particular facility.

8. The Conditional Use Permit may specify the maximum hours of operation.

9. Warehousing and/or disposal of material not used in the process of which the site is approved are prohibited. Excluding the warehousing of raw materials used for the on-site manufacturing process.

10. Applicant shall provide an emergency response plan to include material safety data sheets, to be maintained on site.

11. The County may impose any further reasonable conditions necessary to protect the health, safety, or welfare of the public.

4.4.2 Light Industrial Standards ~~**8.** All such plants shall be subject to the limitations on noise, dust, fumes, odors, etc. Section 6.12, Operational Performance Standards.~~

~~**9.** All such plants shall be subject to the limitations on noise, dust, fumes, odors, etc. of Section 6.12, Operational Performance Standards.~~

A~~B~~. Fuel Product Storage

Gasoline, petroleum and gas storage sites and uses ~~shall comply with the following~~have the following dimensional standards:~~.~~

1. Minimum Lot Area: 2 acres
2. Minimum Setbacks (All Sides): 200 feet

B~~C~~. Impound Lot

All impound lots or holding areas for motor vehicles (operable or inoperable) removed from public roads and awaiting disposition shall be screened in accordance with the Outdoor Storage Areas requirements of Section 6.84.74~~F~~, Landscaping and Screening.

C. Manufacturing and Production

Manufacturing and production shall comply with the following standards.

1. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.

2. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.

3. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.

4. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.

5. No direct glare from high temperature processes such as combustion or welding, which is visible at the lot line, shall be permitted.

6. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.

7. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.

4.4.3 Resource Extraction

A. Mining and Extractive Use

Mining and extractive uses shall comply with the following standards:

1. An excavation and rehabilitation plan shall be required for any mining or extractive use. Such plans shall contain the following information:

a. A detailed description of the method of operation of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants;

b. An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit, and other pertinent factors;

c. A detailed rehabilitation plan showing proposed rehabilitation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and amount of vegetation, after use plans, and any other proposed factors;

d. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.

e. Type, character, and density of proposed revegetation;

f. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, re-establishing topsoil, planting, revegetation management, and protection prior to vegetation establishment and administrative cost;

g. A drainage report and drainage plan prepared by a Utah-registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions;

h. A traffic analysis that reviews road and safety conditions in the pit area and in the vicinity of the pit area -- such analysis shall also include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable);

i. Additional information necessary to determine the reasonably anticipated detrimental impact of the use and the effectiveness of the proposed mitigation measures, as may be requested by the Zoning Administrator, and

j. Upon approval, the excavation and rehabilitation plans shall be filed with the County Clerk and Recorder and any subsequent change in excavation and rehabilitation plan shall be prohibited unless approved by the Zoning Administrator.

2. Excavation or deposit of overburden shall not be permitted within 30 feet of a boundary of adjacent property easement, irrigation ditch or rights-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or rights-of-way.

3. Excavation within 125 feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. No excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall not take place within 600 feet of a dwelling unit. The County may require the installation of a Landscape Buffer when necessary to control dust and mitigate other adverse impacts on surrounding areas.

4. All excavation activities shall be set back at least 100 feet from road rights-of-way and watercourses. The watercourse setback may be varied, based on Utah Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion. The decision-making body shall be authorized to require the installation of fencing along roads and watercourses when necessary to control dust and mitigate other adverse impacts.

5. The operator shall submit a route plan (haul route) to the County Road Supervisor and receive permission to use for use of public rights-of-way not designated for such haulage by reason of load limit, dust, rights-of-way or pavement width or other relevant factors. The County Road Supervisor may place reasonable restrictions on such rights-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.

6. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. This may include, depending on local conditions, watering, oiling, or paving.

7. Operation shall be limited to the hours of 6AM to 7PM unless longer or shorter hours of operation are approved as part of a Conditional Use Permit.

8. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

9. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening of the entire parcel or areas of excavation may be required. None of these shall be removed until rehabilitation has been completed.

10. Where the operation is adjacent to subdivided property or to developed commercial or residential property, once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources. The mining operator is to reclaim those areas as soon as possible.

11. All air emissions shall comply with standards established by the Utah Department of Environmental Quality or other appropriate state agency.

12. All water uses and discharges shall conform to standards established by the Utah Department of Environmental Quality or other appropriate state agency.

13. All slopes shall be stabilized and re-vegetated in a manner compatible with the surrounding area.

14. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required.

a. Up to a 2-year extension may be granted by the Zoning Administrator if a written request is submitted outlining the factors and reasons for the extension. New conditions, if any, will be considered.

b. Requests for extensions up to 5 years and appeals of the Zoning Administrator's decision will be submitted to the Planning Commission at a public hearing.

15. Expiration and Extension

a. A Conditional Use Permit expires if the use has not commenced operation, or no material has been extracted, within 3 years of the permit's issuance, unless the applicant has requested and received an extension under Subsection B.

b. An applicant may request an extension before the permit expires. The request must state the factors and reasons supporting the extension. The Zoning Administrator must consider the stated factors and reasons, and any change in conditions in the area, in deciding whether to grant the extension.

B. Oil and Gas Drilling

Oil and gas drilling shall comply with all applicable Federal and State requirements and the County will be a referral agency on all state and federal permitting.

C. Ore Refining or Processing

Ore refining or processing must comply with the following standards:

1. A site plan prepared in accordance with Section 9.14, Site Plan Review, must be approved, together with the findings of fact supporting the approval.

4.4.4 Waste-related Services Standards

A. Junk Yard, Salvage or Auto Salvage Yard

1. Must be enclosed in a building or within an enclosure surrounded by a sight obscuring fence or wall not less than 8 feet in height, or by raised or mounded landscaping or sight obscuring landscaping or any combination of landscaping, mounding or fencing to effectively screen stored materials.

2. No material or merchandise shall be stored to a height of more than the height of the effective screening.

B. Public Land Fill

Waste materials management facilities and public land fills shall comply with the standards of the latest Grand County Waste Materials Management ordinance.

C. Waste Storage, Transfer Stations, and Transport

1. General Requirements

a. Site plan

A site plan must be provided in accordance with Section 9.14, Site Plan Review.

b. Transportation Plan

Transportation routes selected shall utilize roads and/or highways within Grand County with sufficient capacity, as determined by the Grand County Engineer as a part of the review process, and shall not result in a significant reduction or degradation in the service level of such roads or highways. Where the service level of affected roads and highways is unknown, the applicant shall be responsible for the cost of traffic engineer studies performed by a Utah-licensed engineer to establish such service levels. "Significant" means a change of 10 percent or more of the traffic on such road and/or highway. Route selection to and from such sites and facilities shall consider the following factors:

(1) Methods by which waste materials will be transported to and from such sites;

(2) Road types, and design and service capacity (including future maintenance needs and costs) of such roads and/or highways;

(3) Extent to which weather renders such roads and/or highways hazardous;

(4) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar type roads and/or highways. It is the applicant's duty to mitigate any increased possible risk to such roads and/or highways, the traveling public, and any increased future maintenance and repairs costs to Grand County or the State of Utah;

(5) Number and proximity of residential, school and hospital structures, and pedestrian ways, along proposed routes;

(6) Safety, noise and traffic disruption;

(7) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road;

(8) Where roads are inadequate, as determined by the Grand County Engineer, to support or absorb the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with County standards, if available, and/or satisfactory to the County Engineer based on national or State standards; the County Engineer may rely on standards adopted by the Utah Department of Transportation.

c. Need

Need for the facility or use shall be demonstrated by evidence that the proposed activity has a proven market or serves a public need, including information on the source, quantity and price of potential waste materials, if applicable, and a review of other existing and proposed facilities that could compete for the waste materials and activity.

d. Reclamation Plan

A detailed reclamation plan detailing the plans for reclaiming disturbed sites at the end of its use that will result in restoration of such sites to a condition that is as natural as practicable, or to their original or other substantially beneficial condition consistent with local plans.

e. Financial Capability

Each applicant shall be financially capable of constructing, operating and properly closing each site, use and/or affected land, including proper post closing and/or demobilization, and reclamation to the satisfaction of the County. Each applicant that is not a government shall post sufficient security to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility and/or use. A surety bond approved by the County Attorney may be acceptable.

f. Technical review

In the event that County staff does not have the technical expertise or the practical ability to devote the necessary time and effort, as determined by the County Commission the County may engage such additional expertise and/or consultants to assist the County and/or to provide technical review in reviewing an application under this Section 3.2.4O, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County may require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise is borne by the applicant, especially where the permit is not granted, or is granted with conditions to which the applicant objects.

g. Referral Agency

Applications for such uses shall be referred to such agencies and persons as the County Commission deems appropriate, including the Board of the Grand County Solid Waste Management Special Service District, No. 1 (Solid Waste District), for review and comment.

2. Waste Recycling Facilities

In addition to complying with the above Subsection 1, General Requirements, waste recycling uses and/or facilities accepting waste from off the permitted site, including any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or otherwise disposed of, shall comply with the following standards:

a. A waste container or portion of a recycling facility holding waste that is reasonably likely to leak or spill, based on an applicable industry standard or federal or state law, must be repaired or replaced before further use. If a waste container or portion of a facility begins to leak or spill, the owner or operator must immediately transfer the waste to a container or facility in good condition, and must manage the leaked or spilled waste as a waste spill.

b. A recycling facility storing material outdoors for recycling purposes is considered to be disposing of waste. The facility must secure a waste facility permit from the State of Utah and comply with the requirements of Subsection 5, Waste Storage, Treatment and Disposal.

c. Exception

The provisions of this subsection do not apply to household waste or to individual recycling containers used for collecting such materials.

3. Waste Transport and Transporters

In addition to Subsection 1, General Requirements, waste transport and transporters shall comply with the following standards:

a. Hazardous Waste

Transporters of waste as defined herein shall comply with 40 CFR Part 262 and applicable requirements of the State of Utah.

b. Special Requirements for Waste Spills and Discharges

In the event of a discharge, release or spill of waste during transportation, the waste transporter shall: take appropriate immediate action to protect human health and the environment, including but not limited to, notifying the Grand County Commission Administrator and Solid Waste District; contain the discharge, release or spill; devise and implement a cleanup plan; and provide such cleanup plan to the Administration and the Solid Waste District.

c. Exception

A waste transporter passing through Grand County on a railroad, or a state, federal, or County road or highway, without engaging in another waste activity within the County is exempted from Subsection O, Waste Material Management.

d. Responsibility for Waste

Each applicant, upon acceptance of a permit under this Section O, Waste Material Management, agrees to indemnify and hold harmless Grand County (and Grand County's elected officials, officers, employees, agents and consultants; collectively "Grand County") regarding any claims, whether frivolous or not, stated in any court or administrative proceeding relating to any spill, release, improper handling, improper disposal of any hazardous or other regulated substance or waste, to the extent not prohibited by law. Further, each applicant agrees to release Grand County from any liability associated with or claimed to be related to the adoption or enforcement of this Section, including but not limited to any failure of Grand County to enforce any regulation hereunder. Each applicant, by acceptance of any permit hereunder irrevocably acknowledges that it is responsible and liable, and Grand County is not, for all damages and injury to person and/or property related to its waste, its activities and for its failure to abide by any and all state, local and/or federal laws and regulations; and each applicant by acceptance of any permit from Grand County, whether or not such applicant agrees that such permit is proper or lawful, releases Grand County regarding any liability or responsibility relating to the applicant's activities and/or waste.

4. Waste Transfer Stations

Waste Transfer Stations shall also demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to: UAC 315-313 "Transfer Stations and Drop Box Facilities" of the Solid Waste Permitting and Management Rules.

5. Waste Storage, Treatment and Disposal

Waste treatment, storage and/or disposal facilities or uses (TSD), including all contiguous land in the same ownership and including structures, appurtenances and improvements on the land used for treating, storing and/or disposing of waste, shall comply with the following requirements. The "same ownership" means the contiguous land and/or facilities are owned or controlled by persons and/or entities with 50 percent or more ownership and/or control of the land in question.

a. Federal and State Laws and Regulations

Such uses shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to:

(1) National Environmental Policy Act (NEPA) review, or the Federal Land Management Policy Act (FLMPA);

(2) Utah Department of Health Resource Conservation and Recovery Act (RCRA) and the analogous federal RCRA, review;

(3) Utah Administrative Code (UAC) R315-301 through 320 Solid Waste Permitting and Management Rules;

(4) Federal toxic Substance Control Act (TSCA);

(5) Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the SARA amendments thereto;

(6) Low Level Radioactive Waste Policy Act (P.L. 96-573);

(7) Federal legislation and regulations applicable to mill tailings;

(8) Wastes classified as "hazardous wastes" under either Utah Code § 19-6-102(9) of the Utah Solid and Hazardous Waste Act or federal laws and regulations; and

(9) The federal Clean Water Act.

(10) The laws and regulations referred to in the definition of "waste."

b. Location

Sites selection for such facilities and uses shall consider the following guidelines:

(1) Regulatory wetlands, aquifer recharge zones and 100-year floodplains shall be avoided.

(2) Impacts on the protected waters of the State and/or the United States, pursuant to the Clean Water Act or otherwise, and specifically:

i. Distance from waters of the State and the United States so that an unintentional release or discharge of waste will not contaminate such waters;

ii. Hydrological characteristics of the site and surrounding land, i.e., soil type, groundwater table (aquifers), geology, topography, etc.;

iii. Quantity, quality, and direction of flow of groundwater;

iv. Proximity to and withdrawal rates from nearby wells as determined through consultation with public water suppliers and State Engineer's office;

v. Availability of alternative water supplies; and

vi. Type and permeability of soils and depth to bedrock.

(3) Exceptions to the provisions of the preceding Location, may be granted by Grand County on a case-by-case basis, based on the evidence presented by the applicant; if the evidence is technical or voluminous, or if the County staff does not have the time or resources to fully evaluate the request, the applicant shall pay for the County's costs incurred in obtaining such third-party expertise as the County reasonably deems necessary. Such exceptions may be approved based on a consideration of the following:

i. Protection of public health and the environment;

ii. Type of waste activity, i.e., transportation, treatment, storage or disposal;

iii. Types and volumes of wastes to be managed, and the risks to persons and/or property, as determined by the County; and

iv. Other information that may be submitted to or required by the County.

(4) Such facilities and uses shall be located to avoid agricultural lands that are available for crop production.

(5) The location of such facilities and uses shall comply with state and federal wildlife regulations.

(6) Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Areas which the County determines to have County, state, regional or national significance due to their recreational, historical, educational, or aesthetic value or importance as a natural resource or value to the economy shall be avoided.

(7) Such facilities and uses shall not be established, constructed or operated on an active geologic fault line or within a recognized zone of deformation along such fault.

(8) The economic and environmental impact of the proposed facilities and uses upon local governments and the public shall be considered.

(9) Compatibility with existing and proposed land uses that are or will be adjacent to, in the general area, as determined by the County, of the site or that reasonably could be affected by such facilities and/or uses. Waste facilities and uses shall not be located closer than one (1) mile from any dwelling or residential subdivision/development.

c. Exceptions

(1) Publicly owned treatment works (POTWs) are exempt from the requirements of this subsection.

(2) The Moab Landfill owned by the City of Moab and Grand County, and the Klondike Landfill, owned by the Solid Waste District, are exempt from these regulations.

4.4.5 Wholesale Trade

A. Wholesale Trade and Contractor Services

A site plan prepared in accordance with the requirements of Section 9.15, Site Plan Review, shall be approved and filed with the findings of fact as part of the approval. Wholesale Trade and Contractor Services shall comply with the following standards:

1. All parking and storage areas must comply with Section 6.7, Fences and Walls, and Section 6.8, Landscape and Screening.

2. All parking areas shall be hard-surfaced and dust-free.

3. Improvements shall be designed and constructed in a manner that audibly insulates and eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.

4. A permanent screening fence not less than 8 feet in height shall be provided along any property line which abuts a residential district, unless the applicant can demonstrate another site-specific method (such as mounded landscaping, utilization of existing topography, or any combination of landscaping, berming, and fencing) is equally effective.

~~**D. Mining and Extractive Use**~~

~~Mining and extractive uses shall comply with the following standards:~~

~~**1.** An excavation and rehabilitation plan shall be required for any mining or extractive use. Such plans shall contain the following information:~~

~~**a.** A detailed description of the method of operation of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants;~~

b. An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit, and other pertinent factors;

c. A detailed rehabilitation plan showing proposed rehabilitation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and amount of vegetation, after use plans, and any other proposed factors;

d. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application;

e. Type, character, and density of proposed revegetation;

f. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, re-establishing topsoil, planting, revegetation management, and protection prior to vegetation establishment and administrative cost;

g. A drainage report and drainage plan prepared by a Utah registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions;

h. A traffic analysis that reviews road and safety conditions in the pit area and in the vicinity of the pit area – such analysis shall also include ingress/egress, parking and loading areas, on-site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable);

i. Additional information as may be requested by the Zoning Administrator, and

j. Upon approval, the excavation and rehabilitation plans shall be filed with the County Clerk and Recorder and any subsequent change in excavation and rehabilitation plan shall be prohibited unless approved by the County Commission.

2. Excavation or deposit of overburden shall not be permitted within 30 feet of a boundary of adjacent property easement, irrigation ditch or rights-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or rights-of-way.

3. Excavation within 125 feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. No excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall not take place within 600 feet of a dwelling unit. The County may require the installation of a Landscape Buffer when necessary to control dust and mitigate other adverse impacts on surrounding areas.

4. All excavation activities shall be set back at least 100 feet from road rights-of-way and watercourses. The watercourse setback may be varied, based on Utah Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion. The decision-making body shall be authorized to require the installation of disturbance fencing per Section 4.9.9E, along roads and watercourses when necessary to control dust and mitigate other adverse impacts.

5. The operator shall submit a route plan (haul route) to the County Road Supervisor and receive permission to use for use of public rights-of-way not designated for such haulage by reason of load limit, dust, rights-of-way or pavement width or other relevant factors. The County Road Supervisor may place reasonable restrictions on such rights-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.

6. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. This may include, depending on local conditions, watering, oiling, or paving.

7. Operation shall be limited to the hours of 6AM to 7PM unless longer or shorter hours of operation are approved as part of a Conditional Use Permit.

8. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

9. Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening of the entire parcel or areas of excavation may be required. None of these shall be removed until rehabilitation has been completed.

10. Where the operation is adjacent to subdivided property or to developed commercial or residential property, once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources. The mining operator is to reclaim those areas as soon as possible.

11. Operations shall comply with air, noise, vibration, and other standards of Grand County and noise standards enumerated in Section 6.12, Operational Performance Standards.

12. All air emissions shall comply with standards established by the Utah Department of Environmental Quality or other appropriate state agency.

13. All water uses and discharges shall conform to standards established by the Utah Department of Environmental Quality or other appropriate state agency.

14. All slopes shall be stabilized and re-vegetated in a manner compatible with the surrounding area.

15. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required.

a. Up to a 2-year extension may be granted by the Zoning Administrator if a written request is submitted outlining the factors and reasons for the extension. New conditions, if any, will be considered.

b. Requests for extensions up to 5 years and appeals of the Zoning Administrator's decision will be submitted to the County Commission at a public hearing.

16. If the use has not operated or if no material has been extracted within 3 years of obtaining the Conditional Use Permit and a request for extension has not been received and approved by the County Commission, the Conditional Use Permit shall expire. Extension requests shall provide information concerning the factors and reasons for the request. The County Commission will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.

E. Oil and Gas Drilling

Oil and gas drilling shall comply with all applicable Federal and State requirements and the County will be a referral agency on all state and federal permitting.

F. Ore Refining or Processing

Ore refining or processing shall comply with the following standards:

1. A site plan prepared in accordance with the requirements of Section 9.17 shall be approved and filed with the findings of fact as part of the approval.

2. Development plans shall comply with the applicable requirements of Article 6, General Development Standards.

G. Commercial Production Water and Formation Water Disposal and Recycling Facilities ("Disposal Facilities")

1. General Requirements

Disposal facilities may be approved by conditional use permit pursuant to Section 9.11, Conditional Use Permits. Drilling muds and tank bottom waste shall not be accepted. Land farms, as defined in Article 10, are not permitted. Disposal facilities shall comply with the following requirements:

a. Site Plan

A site plan shall be prepared in accordance with Section 9.17.

b. Transportation Plan

Selected transportation routes shall not result in a significant degradation of the level of service; "significant" shall be defined as a change in letter grade of the level of service. Where the level of service is unknown the applicant shall be responsible for the cost of traffic studies performed by a Utah licensed engineer to establish such information. Traffic studies shall include an analysis of the traffic mix. Route selection to and from facilities shall consider the following:

(1) Methods by which production water and formation water will be transported,

(2) Road types, design, and service capacity, including future maintenance needs and costs,

(3) Extent to which weather renders such roads and/or highways hazardous,

(4) Load capacities, including during saturated inclement weather conditions,

(5) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar types of roads and/or highways. The applicant shall mitigate any increased risk to such roads and/or highways, the traveling public, and any increased future maintenance and repair costs to Grand County or the state of Utah,

(6) Number and proximity of residences, schools, hospitals, and pedestrian routes,

(7) Noise and traffic disruption,

(8) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road,

(9) Where roads are inadequate, as determined by Grand County, to support the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with applicable County, state, and/or federal standards,

(10) A road maintenance agreement accepted and signed by the County Road Department and approved by the County Commission,

(11) Additional bonding may be required to adequately cover road maintenance costs during operation, and

(12) A UDOT highway access permit shall be approved for each facility with direct access to a state highway. Turn lanes, frontage road(s), and curb and gutter shall be provided by the applicant if required by UDOT.

c. Operation

(1) Disposal facilities shall be fully operational and have all applicable County, state, and federal permits prior to accepting production water or formation water. At a minimum, appropriate permits are required from Utah Division of Air Quality, Utah Division of Water Quality, Utah Division of Oil, Gas and Mining, and Utah Division of Waste Management and Radiation Control.

An operational certification letter shall be issued by the Community Development Department prior to receiving any production water or formation water. This operational certification letter must document the appropriate state agency permits.

(2) An operator shall be on site during commercial operations.

(3) Sites shall be used solely for production water or formation water disposal, condensate holding and hydrocarbon recovery tanks, and related structures. Injection or dumping into an injection well of any class, or holding at the site, of any other substance, waste or chemical is strictly prohibited without the necessary permits and prior approval of federal, state, and County entities.

(4) Federal, state, and County officials shall be allowed on the premises for the purpose of conducting site visits without prior notification.

(5) Federal, state, and County documents shall be maintained on site and made available for federal, state, and County review.

(6) Signs providing emergency contact information shall be provided at the facility entrance and receiving areas.

(7) The applicant shall submit information regarding the proposed facility, wildlife protection measures, and type and height of perimeter fencing to the Utah Division of Wildlife Resources. The applicant's letter and agency response shall be provided to the County.

(8) Perimeter fencing shall be installed to keep wildlife and agriculture stock off the premises.

d. Water Supply, Sewage Disposal, and Fire Protection

Prior to approval the applicant shall demonstrate water supply, sewage disposal, and fire protection that is sufficient in terms of quality, quantity, and dependability for the proposed facility.

e. Drainage Plan

A drainage report and drainage plan, prepared by a Utah licensed engineer, shall demonstrate compliance with Section 6.7, Drainage, with consideration of natural drainage and drainage during construction.

f. Surface Discharge

No production water or formation water shall be discharged to the ground for any purpose including construction, dust control, or agricultural use without prior written approval from the Utah Division of Oil, Gas, and Mining, the Division of Water Quality, and Grand County. No other fluids from such facilities shall be discharged onto the ground, sold for off-site use, nor allowed to contaminate waters of the U.S. without prior written consent from all applicable local, state, and federal authorities. The applicant shall provide written copies of all approvals to the County prior to commencing any such activity.

g. Waste Management Plan

A detailed waste management plan shall describe the plans for handling and disposal of the expected wastes to be generated as a part of facility operations. This includes such items as hydrocarbons, concentrated brine, accumulated solids, treatment chemicals, and treatment media.

h. Reclamation Plan

A detailed reclamation plan shall demonstrate that upon cessation of operations restoration of the site shall be completed to a condition as natural as practical, or to the site's original or other beneficial condition as approved by the County Commission and consistent with Section 6.9.9F, Restoration. At a minimum the reclamation plan shall include the following:

(1) Removal of structures,

(2) Removal and disposal of remaining waste including contaminated soils and liners,

(3) Regrading of the site to the approximate original contour or approved beneficial condition,

(4) Erosion control and revegetation of disturbed areas, and

(5) Conformance with state reclamation requirements.

i. Bonding

The applicant shall be financially capable of constructing, operating, and properly closing the site, including reclamation and any required post-closure monitoring to the satisfaction of the County. Final reclamation shall be accomplished within one year of the cessation of operations.

Each applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approved by the Community Development Department. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and County Commission prior to the issuance of a Conditional Use Permit. Such security shall be in accordance with state requirements found in Utah Administrative Code R649-9 Waste Management Disposal. Estimates shall be recalculated every five years and shall account for the value of bonds held by the state of Utah for a particular facility.

j. Referral Agency

Applications shall be referred to such agencies and persons as the Zoning Administrator deems appropriate, including, but not limited to, the Utah Department of Environmental Quality (Division of Air Quality, Division of Waste Management and Radiation Control, and Division of Water Quality) and the Utah Department of Natural Resources (Division of Oil, Gas, and Mining and Division of Wildlife Resources) for review and comment.

k. Notification

The applicant shall supply a list of all property owners within a one-half mile radius of the proposed project site and an affidavit certifying that a copy of the application has been made available to said property owners.

l. Operational Status

Grand County shall be notified in writing at least 30 days prior to any change in ownership or operator status. Grand County shall be notified of any permit revisions, equipment upgrades or downgrades, and/or process changes integral to the operation of the facility.

m. Technical Review

If County staff does not have the technical expertise or the practical ability to devote the necessary time and effort for technical review, as determined by the County Commission, the County may engage such additional expertise and/or consultants to assist the County and/or to provide technical review of an application under this section, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County shall require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise are borne by the applicant.

n. Best Available Control Technology (BACT)

Applicants shall install and operate emission control technology according to requirements of all applicable permits and orders issued by the state of Utah.

Applicants that are required by the state of Utah to provide best available control technology documentation to the Department of Air Quality shall furnish a copy of the proposed best control technology documentation to the County.

~~Commercial operations shall be suspended and Grand County notified within four hours any time the BACT equipment fails to operate properly for longer than one hour. In such cases, commercial operations shall not resume until the BACT equipment is operating properly.~~

~~o. Existing Facilities~~

~~Existing facilities shall not be deemed to be in noncompliance due to actions taken by adjacent landowners.~~

~~p. Fees~~

~~In addition to application fees, the applicant shall pay fees in accordance with the Grand County fee schedule as updated annually.~~

~~**(1)** Each disposal facility shall submit to the Office of the County Clerk a monthly summary report of barrels received by the fifth business day of the following month. Billing invoices for the monitoring fee shall be subject to a standard 30-day payment term.~~

~~**(2)** If the monthly summary report is not received by the Office of the County Clerk within 30 days of the due date, the Clerk shall bill the owners of the disposal facility based on the average of the 12 most recently submitted monthly reports.~~

~~**(3)** Accrued late fees of 1.5 percent per month for past due balances will be billed upon receipt of the annual statement from the disposal facility or on the due date of the annual statement, whichever is earliest.~~

~~**(4)** If the total barrels reported in the annual statement shows that less fees were due than were billed, the Office of the County Clerk will calculate the difference and issue a credit against future monitoring fees. If the total annual barrels reported in the annual statement shows that more fees were due than were billed, the Office of the County Clerk will bill the facility for any additional fees due, including any additional late fees due.~~

~~**(5)** Grand County may file a lien against the disposal facility for unpaid fees that are still past due on April 30th of the following year.~~

~~q. Permit Review~~

~~The applicant shall provide an annual statement of compliance to be reviewed by the County Commission. Such statements shall include a detailed and specific report on steps taken in the prior year to comply with applicable local, state, and federal requirements and laws. This statement shall be due to the County by January 31st of each year.~~

~~r. Permit Expiration~~

~~If the facility has not been in operation within one year of obtaining the conditional use permit and a request for extension has not been received and approved by the County Commission the conditional use permit shall expire. Additionally, if the facility shuts down at any time for a period of one year and a request for extension has not been received and approved by the County Commission, the conditional use permit shall expire and site restoration shall be completed by the owner of the property or bond holder.~~

~~s. Liability and Mitigation~~

~~The permittee and property owner are legally liable for all environmental damage, including but not limited to health hazards, resulting from the construction, operation, use, and maintenance of any disposal facility. If such damage occurs, the County, in addition to pursuing all other remedies available to it, may summarily require the permittee and property owner to develop and implement with due diligence a mitigation plan, including requirements of state and federal agencies, to remedy all such damage. Implementation of the plan will be required regardless of whether the County also revokes the permit.~~

~~t. Contingency Plan~~

~~The applicant shall provide a contingency plan, including material safety data sheets, to be maintained on site and at the appropriate offices of the emergency service providers listed below for the purpose of describing what actions shall be taken in the event of unintentional release and/or exposure. The plan shall provide, at a minimum, communications protocol, including emergency responder notification. Copies shall be provided to the following service providers: sheriff's department, fire department(s), local hospital(s), and emergency medical services (EMS).~~

~~u. Compliance with State and Federal Requirements~~

~~The operator shall assure through appropriate sampling, testing and controls as required by applicable permits and regulations that all conditions in state and federal permits are met. The operator shall report to Grand County Community Development within 48 hours of discovery any exceedance of the pertinent state and federal limits (as defined by EPA) for radionuclide or heavy metal content.~~

~~2. Commercial Evaporation Pond Facilities~~

~~In addition to complying with the general requirements of subsection G.1 of this section, commercial evaporation pond facilities for production and/or formation disposal water shall comply with the following:~~

~~a. Control of Air Emissions~~

~~Facilities that do not meet the "de minimis" air quality standards, as defined by the Utah Department of Environmental Quality (Division of Air Quality), shall be required to install and operate emission control technology as specified in all applicable permits and orders issued by the State of Utah.~~

~~b. Location~~

~~Disposal facilities shall only be considered on sites identified on the attached map entitled "Evaporation Pond Facilities Overlay Map." In addition, the following shall apply:~~

~~**(1)** Sites shall be a minimum of 40 acres in size;~~

~~**(2)** No site shall be located within a mile of an existing residence, RR, SLR, LLR, or MFR zone district, irrigated farm land, or national or state park;~~

~~**(3)** No site shall be located within one-half mile of a perennial or intermittent stream, as identified by USGS, surface waters, or regulatory wetlands;~~

~~**(4)** No site shall be located within a sole source aquifer designated area;~~

~~**(5)** No site shall be located within sight of scenic by-way Highway 128;~~

~~**(6)** All ponds shall be located a minimum of 500 feet from the down gradient property line to allow additional monitoring wells to be placed on the site if deemed necessary by the Community Development Department; and~~

~~**(7)** Site soil and subsurface permeability shall be less than 1×10^{-5} centimeters per second, to a depth sufficient to span a 10-year saturation period.~~

~~c. Baseline Data~~

~~The applicant shall collect and submit baseline data to be approved by the Community Development Department prior to the issuance of a zoning development permit and/or building permit. Baseline air and water quality sampling plans shall be completed by an independent and state certified lab and, at a minimum, include:~~

~~**(1)** Depth to groundwater,~~

~~**(2)** Groundwater flow rates,~~

~~**(3)** Direction of flow,~~

~~(4) Soil and subsurface permeability to a sampling depth sufficient to span a 10-year saturation period,~~

~~(5) Wind patterns reflecting diurnal and seasonal changes,~~

~~(6) Location of abandoned and/or active wells and surface water within a one-half mile radius of the proposed site,~~

~~(7) Air quality sampling for sulfur containing compounds, volatile organic compounds (VOCs), and hazardous air pollutants,~~

~~(8) Water quality sampling for sulfur containing compounds, VOCs, total extractable petroleum hydrocarbons, pH, conductivity, total dissolved solids (TDS), total suspended solids (TSS), radionuclides and heavy metals.~~

~~**d. Operation and Safety**~~

~~(1) Any measurable or visible layer of hydrocarbons that accumulates on the surface of an un-netted evaporation pond shall be removed daily, weather permitting.~~

~~(2) Spray evaporation systems shall be operated such that all spray-borne suspended or dissolved solids remain within the perimeter of a pond's lined area.~~

~~(3) Smoking shall be allowed in designated areas only and appropriate signs shall be maintained.~~

~~(4) Signs providing emergency contact information, stating nonpotable water, and warning of potential drowning hazards shall be posted adjacent to all ponds.~~

~~(5) Ropes, ladders, and/or other means of escape shall be provided along the perimeter of the ponds to allow a person to climb out of a pond in the event of an accident.~~

~~(6) Ponds permitted for formation water shall have separate receiving and distribution systems and shall not be used for produced water from oil and gas production.~~

~~(7) Pits or ponds intended to have hydrocarbon products on the surface shall be netted to prevent wildlife access. Netting structures shall be constructed so that the netting is prevented from sagging into the pit fluids and perimeter netting shall extend to the ground to prevent wildlife entry. Netting shall be monitored by the on-site operator to ensure proper working order. Hydrocarbon accumulation on the surface of any netted pond shall be removed at least once each month, weather permitting.~~

~~(8) A wildlife deterrent device, such as a "hazing canon," shall be placed on site at strategic locations to keep wildlife away from open ponds.~~

~~(9) All ponds shall have a two-foot minimum freeboard.~~

~~(10) The applicant shall provide calculations demonstrating adequate on-site pond volume for emergency emptying of any pond. Facilities shall provide a written emergency repair plan that clearly indicates the procedure for emptying a pond.~~

~~(11) The applicant shall provide for prevention of loss of any production water or formation water from the ponds via wave action.~~

~~(12) All holding tanks for materials associated with operations shall be constructed completely above ground and within a curbed or bermed containment area to provide a volume equal to 1.5 times the largest tank volume. No open top tanks shall be permitted.~~

~~(13) Ponds shall be double lined in accordance with state regulations. Additionally, the top liner shall be synthetic and a minimum of 60 mils thick.~~

~~(14) If a pond specific leak is detected, the water level in that pond shall be lowered immediately below the level of the leak and the source of the leak repaired.~~

~~**(15)** If contaminants are found to exceed permissible levels in perimeter monitoring wells or allowed volumes in any area of the facility are exceeded, the facility shall cease accepting new waste immediately and direct customers to another regional/state approved facility. The Community Development Department shall be notified within one working day of the occurrence and the cause shall be corrected to the satisfaction of the Community Development Department and applicable state agencies prior to resuming operations.~~

~~**e. Ongoing Monitoring**~~

~~The applicant shall conduct air and water monitoring as required by all applicable state of Utah permits and orders. Monitoring shall include testing for the presence and level of radionuclides.~~

~~**3. Commercial Injection Wells**~~

~~In addition to complying with the general requirements of subsection G.1 of this section, commercial injection wells for production water or formation water disposal shall comply with the following:~~

~~**a. Location**~~

~~Commercial injection wells shall not be permitted within the boundaries of the Valley Aquifer impact zone as defined in Section 7.10.3 (Valley Aquifer Impact Zone map) or within any sole source aquifer zone. Injection wells shall be located to ensure that underground sources of drinking water (USDWs) and surface waters are not being endangered.~~

~~**b. Underground Injection Control Permit**~~

~~The applicant shall submit copies of underground injection control (UIC) permit application materials in order that the County may participate through written comment in the Utah Division of Oil, Gas, and Mining (UDOGM) permitting process.~~

~~**c. Operation and Safety**~~

~~Injection wells shall be completed, equipped, operated, and maintained in a manner that will prevent pollution and damage to any underground source of drinking water (USDW), or other resources and will confine injected fluids to the target injection zone approved by UDOGM.~~

~~**d. Monitoring**~~

~~A sampling port shall be provided post-treatment, prior to injection. The applicant shall provide continuous read total dissolved solids (TDS) monitoring during pumping operations in 15-minute minimum intervals (with digital record copies of output) for each well in conjunction with daily manual water samples for purposes of comparison. The applicant shall submit quarterly reports providing TDS raw data and averages for each well displayed in a graphic format with a text summary. Access to the sampling port and the entire facility shall be provided to all regulatory agencies without prior notification.~~

~~**e. Injection Well Disposal of Formation Water**~~

~~Only permitted Class I injection wells may be used for disposal of formation water, and only with prior approval by Division of Oil, Gas and Mining. Class I injection wells may not be used for production water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well.~~

~~**f. Injection Well Disposal of Production Water**~~

~~Only permitted Class II injection wells may be used for disposal of production water, and only with prior approval by Division of Oil, Gas and Mining. Class II injection wells may not be used for formation water. A copy of such approval shall be provided to Grand County prior to beginning commercial disposal of formation water in the injection well. [Ord. 542, 2016.]~~

H. Public Land Fill

Waste materials management facilities and public land fills shall comply with the standards of the latest Grand County Waste Materials Management ordinance.

I. RV and Boat Storage

All RV and Boat Storage shall be fully screened from view off site by an 8-foot sight obscuring fence.

J. Self Storage Facility

Self service storage facilities shall comply with the following standards.

1. All structures, including any rental office, must be set back a minimum of 25 feet from the rights-of-way or the district minimum setback, whichever is greater.

2. Where such sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.

3. To ensure ease of access for emergency vehicles, no building shall exceed 300 feet in length. Spaces between ends of buildings shall be at least 30 feet.

4. Use of the facility and its individual storage units shall be limited to storage purposes only.

5. Electrical service to any individual storage unit shall be limited to a single 20-amp circuit, with no more than one duplex outlet providing single-phase electrical service of no more than 120 volts.

6. Each individual unit shall be directly accessible from an apron that is improved to the same standards generally required for off-street parking areas, and the apron shall include an extension to the pavement on an adjoining street.

K. Junk Yard, Salvage or Auto Salvage Yard

Junk yards, salvage or auto salvage yards shall comply with the standards of this section:

1. A wrecking or auto salvage yards shall be enclosed in a building or within an enclosure surrounded by a sight obscuring fence or wall not less than 8 feet in height, or by raised or mounded landscaping or sight obscuring landscaping or any combination of landscaping, mounding or fencing to effectively screen stored materials.

2. No material or merchandise shall be stored to a height of more than the height of the effective screening.

L. Manufacturing, Hazardous / Objectionable

1. Lot Design Standards:

a. Minimum Lot Area: 2 acres

b. Minimum Setbacks (all sides): 200 feet

c. The above setback may be reduced, up to 75 percent, where Planning Commission finds adequate screening is provided. In such instances, the applicant shall provide supporting materials demonstrating unique topographical considerations such as a physical buffer and that the emission of noise, heat, glare, smoke and particulate matter, vibration, and/or odor will not be discernible at or beyond the property line as approved by Planning Commission.

2. The site shall have frontage on and access to an arterial street, provided that the authority with jurisdiction over the subject road may approve alternative access.

3. Applications shall be referred to such local and state referral agencies and persons as the Planning Commission deems appropriate.

4. The applicant shall demonstrate water and power supply, sewage disposal, and fire protection that is sufficient in terms of quality, quantity, and dependability for the proposed use.

5. Building and Site Design Standards

a. Uses shall occur within a completely enclosed building with the exception of self contained storage tanks and loading and unloading operations. No open tanks shall be permitted.

b. Utilize non-reflective siding materials on all structures.

c. Landscaping and screening shall be provided in accordance with Section 6.4.

d. Outdoor storage areas shall be screened from the street.

e. The owner is responsible for site safety and security, including perimeter fencing.

6. Dust

a. All internal roads shall be maintained in a dust-free condition. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 100 feet from the rights-of-way of the public road or as otherwise approved by the authority with jurisdiction over the subject road from which access is taken. Provisions shall also be made to remove dust, dirt, mud or other debris from the vehicles before they leave the site.

b. Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.

7. The applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approved by the County Engineer. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and County Commission prior to the issuance of a Conditional Use Permit. Such estimates may account for the value of bonds held by the State of Utah for a particular facility.

8. Operational Standards

a. The County may specify the hours of operation.

b. Uses shall be subject to the limitations of Section 6.12 Operational Performance Standards of Section 6.12.

9. Warehousing and/or disposal of material not used in the process of which the site is approved are prohibited. Excluding the warehousing of raw materials used for the on-site manufacturing process.

10. Applicant shall provide an emergency response plan to include material safety data sheets, to be maintained on site.

11. The County may impose any further reasonable conditions necessary to protect the health, safety, or welfare of the public.

M. Manufacturing and Production

Manufacturing and production shall comply with the following standards.

1. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.

2. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.

3. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.

4. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.

5. No direct glare from high temperature processes such as combustion or welding, which is visible at the lot line, shall be permitted.

6. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.

7. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.

N. Rail Facilities, including shops and rail yards

A site plan prepared in accordance with the requirements of Article 6 and Section 9.17 of the Grand County Land Use Code shall be approved and filed with the findings of fact as part of the approval. A rail facility shall comply with the following standards prior to Grand County Planning Commission approval.

1. Applicants shall secure all necessary railroad approvals, including Union Pacific rail access approvals based on a conceptual track plan that meets the agency guidelines and includes the requirements of the use specific standard for Rail Facilities, including shops and rail yards.

2. Dimensional Standards for Rail Facilities, including shops and rail yards;

a. Minimum lot size shall be 20 acres;

b. Maximum height of structures shall be 35 feet. If the applicant can provide grounds for need of additional height, (i.e. silo heights) the Planning Commission may negotiate height limits.

Dimensional Standards for Train Passenger Terminal

a. Minimum lot size shall be 5 acres;

b. Maximum height of primary structures shall be 35 feet.

3. A project boundary buffer shall be identified on the site plan in compliance with the following requirements;

a. The minimum width of the project boundary buffer shall be 50 feet;

b. All project boundary buffers shall be landscaped in accordance with the requirements of Section 6.4 Landscaping and Screening.

4. There is adequate off street parking and circulation areas and direct access to the property and rail line from a major roadway where heavy equipment or truck traffic will not travel through established residential neighborhoods.

5. Public services to the property can be provided at adequate levels to serve the demands of the rail facility without negatively impacting the level of service to adjoining uses.

6. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the railroad industrial use. If the property contains sensitive land that may be negatively impacted by the railroad

use, the Grand County Planning Commission may impose reasonable conditions to mitigate these impacts prior to approval.

7. Additional proposed uses including, but not limited to storage, distribution, warehouse and waste related services, require separate review and permit in accordance with the Specific Use and Use-Specific Standards as outlined in Article 3, Use Regulation.

8. The applicant shall provide a traffic study demonstrating the existence of adequate roads and bridges. The applicant shall be responsible for the cost of traffic studies to establish an analysis of the traffic mix, performed by a Utah licensed engineer.

9. All dust and noise impacts of the use shall be reviewed and evaluated with the conditional use application and shall be in compliance with Union Pacific or other applicable railroad agency, county, state and federal regulations.

10. Any associated staging or storage area for the use shall be identified and shall be buffered or screened from all public roadways or uses to the extent practical and reasonable if not provided on the Union Pacific or other agency conceptual track plan.

11. Railroad crossings shall be kept to a minimum and are subject to approval by the County and rail agency with consideration given for safety and maintenance.

12. A site plan including architectural drawings and an operational management plan shall be required in order to fully address potential impacts to neighboring uses or the community at large.

13. The County Sherriff and Emergency Manager shall review and approve an on-site security plan.

14. The offloading, on-loading and storage of radioactive material is prohibited.

15. A reclamation plan, approved by the County, shall be required sufficient to ensure restoration of the site to a reasonable state should the use cease in the future for any reason.

16. The applicant shall be financially capable of construction, operation, and properly closing the site, including reclamation and any required post-closure monitoring to the satisfaction of the County. Final reclamation shall be accomplished within one year of the cessation of operations. Applicant shall post sufficient security based on a cost estimate to be prepared by a licensed engineer and approve by the County Engineer. The cost estimate shall include all costs associated with facility closure and site remediation. The method of security shall be approved by the County Clerk, County Attorney, and County Commission prior to the issuance of a permit.

O. Waste Material Management

All waste material management uses shall comply with the following requirements.

1. General Requirements

All waste materials management facilities and uses shall comply with the following requirements:

a. Site plan

A site plan shall be provided in accordance with the requirements of Section 9.17, Site Plan Review.

b. Transportation Plan

Transportation routes selected shall utilize roads and/or highways within Grand County with sufficient capacity, as determined by Grand County as a part of the review process, and shall not result in a significant reduction or degradation in the service level of such roads or highways. Where the service level of affected roads and highways is unknown, the applicant shall be responsible for the cost of traffic

engineer studies performed by a Utah licensed engineer to establish such service levels. "Significant" means a change of 10 percent or more of the traffic on such road and/or highway. Route selection to and from such sites and facilities shall consider the following factors:

(1) Methods by which waste materials will be transported to and from such sites;

(2) Road types, and design and service capacity (including future maintenance needs and costs) of such roads and/or highways;

(3) Extent to which weather renders such roads and/or highways hazardous;

(4) Accident rates, to determine if proposed transportation routes are more or less hazardous than the average for similar type roads and/or highways. It is the applicant's duty to mitigate any increased possible risk to such roads and/or highways, the traveling public, and any increased future maintenance and repairs costs to Grand County or the State of Utah;

(5) Number and proximity of residential, school and hospital structures, and pedestrian ways, along proposed routes;

(6) Safety, noise and traffic disruption;

(7) Number and frequency of intersections per linear mile, or other measure as determined by Grand County during the application process, between the entrance of a facility and the nearest federal, state or county highway or road;

(8) Where roads are inadequate, as determined by Grand County, to support or absorb the additional proposed traffic, road and/or highway improvements shall be provided at the applicant's expense, consistent with County standards, if available, and/or satisfactory to the County Engineer based on national or State standards; the County Engineer may rely on standards adopted by the Utah Department of Transportation.

e. Need

Need for the facility or use shall be demonstrated by evidence that the proposed activity has a proven market or serves a public need, as determined by the County Commission, including information on the source, quantity and price of potential waste materials, if applicable, and a review of other existing and proposed facilities that could compete for the waste materials and activity.

d. Reclamation Plan

A detailed reclamation plan detailing the plans for reclaiming disturbed sites at the end of its use that will result in restoration of such sites to a condition that is as natural as practicable, or to their original or other substantially beneficial condition consistent with local plans, as determined by the County Commission in its reasonable discretion

e. Financial Capability

Each applicant shall be financially capable of constructing, operating and properly closing each site, use and/or affected land, including proper post closing and/or demobilization, and reclamation to the satisfaction of the County. Each applicant that is not a government shall post sufficient security, as deemed reasonably necessary by the County Commission, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility and/or use. A surety bond approved by the County Attorney may be acceptable.

f. Technical review

In the event that County staff does not have the technical expertise or the practical ability to devote the necessary time and effort, as determined by the County Commission the County may engage such

additional expertise and/or consultants to assist the County and/or to provide technical review in reviewing an application under this Section 3.2.4O, including assessing the accuracy of technical reports and studies. The applicant shall reimburse the County for the cost of such assistance prior to approval of applicable County permits and before commencement of the activity. The County may require that the applicant provide cash or equivalent security to guarantee that the costs of such consultants and expertise is borne by the applicant, especially where the permit is not granted, or is granted with conditions to which the applicant objects.

g. Referral Agency

Applications for such uses shall be referred to such agencies and persons as the County Commission deems appropriate, including the Board of the Grand County Solid Waste Management Special Service District, No. 1 (Solid Waste District), for review and comment.

2. Waste Recycling Facilities

In addition to complying with the general requirements of Section 3.2.4O.1, waste recycling uses and/or facilities accepting waste from off the permitted site, including any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or otherwise disposed of, shall comply with the following standards:

a. If a waste container or portion of a facility permitted hereunder, as defined in this LUC, holding waste at a recycling facility is reasonably likely to leak or spill, based on applicable industry standards and/or applicable federal or state law, or begins to leak or spill, the owner/operator must immediately transfer the waste from that container or facility to a container or facility that is in good condition or the permittee shall manage the waste as a waste spill.

b. Any recycling facility storing materials outdoors for the purpose of recycling shall: be considered to be disposing of waste; secure a waste facility permit from the State of Utah; and, be subject to all requirements of Section 3.2.4O.5, below.

c. Exception

The provisions of this subsection do not apply to household waste or to individual recycling containers used for collecting such materials.

3. Waste Transport and Transporters

In addition to complying with the general requirements of Section 3.2.4O.1, waste transport and transporters shall comply with the following standards:

a. Hazardous Waste

Transporters of waste as defined herein shall comply with 40 CFR Part 262 and applicable requirements of the state of Utah.

b. Special Requirements for Waste Spills and Discharges

In the event of a discharge, release or spill of waste during transportation, the waste transporter shall: take appropriate immediate action to protect human health and the environment, including but not limited to, notifying the Grand Commission Administrator and Solid Waste District; contain the discharge, release or spill; devise and implement a cleanup plan; and provide such cleanup plan to the Administration and the Solid Waste District.

c. Exception

The requirements of this Section 3.2.4O shall not apply to lawfully permitted waste transporters who are only passing through Grand County on railroads and/or on state, federal or County roads and/or highways

and who are not engaged in any waste activity in Grand County other than such passage; such "through traffic only" is exempt from the provisions of this subsection O.

d. Responsibility for Waste

Each applicant, upon acceptance of a permit under this Section 3.2.4O, agrees to indemnify and hold harmless Grand County (and Grand County's elected officials, officers, employees, agents and consultants; collectively "Grand County") regarding any claims, whether frivolous or not, stated in any court or administrative proceeding relating to any spill, release, improper handling, improper disposal of any hazardous or other regulated substance or waste, to the extent not prohibited by law. Further, each applicant agrees to release Grand County from any liability associated with or claimed to be related to the adoption or enforcement of this Section 3.2.4N, including but not limited to any failure of Grand County to enforce any regulation hereunder. Each applicant, by acceptance of any permit hereunder irrevocably acknowledges that it is responsible and liable, and Grand County is not, for all damages and injury to person and/or property related to its waste, its activities and for its failure to abide by any and all state, local and/or federal laws and regulations; and each applicant by acceptance of any permit from Grand County, whether or not such applicant agrees that such permit is proper or lawful, releases Grand County regarding any liability or responsibility relating to the applicant's activities and/or waste.

4. Waste Transfer Stations

In addition to complying with the general requirements of Section 3.2.4O.1, Waste Transfer Stations shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to: UAC 315-313 "Transfer Stations and Drop Box Facilities" of the Solid Waste Permitting and Management Rules.

5. Waste Storage, Treatment and Disposal

Waste treatment, storage and/or disposal facilities or uses (TSD), including all contiguous land in the same ownership and including structures, appurtenances and improvements on the land used for treating, storing and/or disposing of waste, shall comply with the following requirements. The "same ownership" means the contiguous land and/or facilities are owned or controlled by persons and/or entities with 50 percent or more ownership and/or control of the land in question.

a. Federal and State Laws and Regulations

Such uses shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to:

(1) National Environmental Policy Act (NEPA) review, or the Federal Land Management Policy Act (FLMPA);

(2) Utah Department of Health Resource Conservation and Recovery Act (RCRA) and the analogous federal RCRA, review;

(3) Utah Administrative Code (UAC) R315-301 through 320 Solid Waste Permitting and Management Rules;

(4) Federal toxic Substance Control Act (TSCA);

(5) Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the SARA amendments thereto;

(6) Low Level Radioactive Waste Policy Act (P.L. 96-573);

(7) Federal legislation and regulations applicable to mill tailings;

~~**(8)** Wastes classified as "hazardous wastes" under either Section 26-14-2(6) of the Utah Solid and Hazardous Waste Act or federal laws and regulations; and~~

~~**(9)** The federal Clean Water Act.~~

~~**(10)** The laws and regulations referred to in the definition of "waste."~~

~~**b. Location**~~

~~Sites selection for such facilities and uses shall consider the following guidelines:~~

~~**(1)** Regulatory wetlands, aquifer recharge zones and 100-year floodplains shall be avoided.~~

~~**(2)** Impacts on the protected waters of the State and/or the United States, pursuant to the Clean Water Act or otherwise, and specifically:~~

~~**i.** Distance from waters of the State and the United States so that an unintentional release or discharge of waste will not contaminate such waters;~~

~~**ii.** Hydrological characteristics of the site and surrounding land, i.e., soil type, groundwater table (aquifers), geology, topography, etc.;~~

~~**iii.** Quantity, quality, and direction of flow of groundwater;~~

~~**iv.** Proximity to and withdrawal rates from nearby wells as determined through consultation with public water suppliers and State Engineer's office;~~

~~**v.** Availability of alternative water supplies; and~~

~~**vi.** Type and permeability of soils and depth to bedrock.~~

~~**(3)** Exceptions to the provisions of the preceding Location, may be granted by Grand County on a case-by-case basis, based on the evidence presented by the applicant; if the evidence is technical or voluminous, or if the County staff does not have the time or resources to fully evaluate the request, the applicant shall pay for the County's costs incurred in obtaining such third-party expertise as the County reasonably deems necessary. Such exceptions may be approved based on a consideration of the following:~~

~~**i.** Protection of public health and the environment;~~

~~**ii.** Type of waste activity, i.e., transportation, treatment, storage or disposal;~~

~~**iii.** Types and volumes of wastes to be managed, and the risks to persons and/or property, as determined by the County; and~~

~~**iv.** Other information that may be submitted to or required by the County.~~

~~**(4)** Such facilities and uses shall be located to avoid agricultural lands that are available for crop production.~~

~~**(5)** The location of such facilities and uses shall comply with state and federal wildlife regulations.~~

~~**(6)** Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Areas which the County determines to have County, state, regional or national significance due to their recreational, historical, educational, or aesthetic value or importance as a natural resource or value to the economy shall be avoided.~~

~~**(7)** Such facilities and uses shall not be established, constructed or operated on an active geologic fault line or within a recognized zone of deformation along such fault.~~

~~(8) The economic and environmental impact of the proposed facilities and uses upon local governments and the public shall be considered.~~

~~(9) Compatibility with existing and proposed land uses that are or will be adjacent to, in the general area, as determined by the County, of the site or that reasonably could be affected by such facilities and/or uses. Waste facilities and uses shall not be located closer than one (1) mile from any dwelling or residential subdivision/development.~~

~~**c. Exceptions**~~

~~(1) Publicly owned treatment works (POTWs) are exempt from the requirements of this subsection.~~

~~(2) The Moab Landfill owned by the City of Moab and Grand County, and the Klondike Landfill, owned by the Solid Waste District, are exempt from these regulations.~~

~~**P. Wholesale Trade and Contractor Services**~~

~~A site plan prepared in accordance with the requirements of Section 9.17 shall be approved and filed with the findings of fact as part of the approval. Wholesale Trade and Contractor Services shall comply with the following standards:~~

~~**1.** The screening standards outlined in Section 6.4 shall apply to all parking and storage areas.~~

~~**2.** All parking areas shall be hard-surfaced and dust-free.~~

~~**3.** Improvements shall be designed and constructed in a manner that audibly insulates and eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use. The operational performance standards of Section 6.12 shall apply to all operations.~~

~~**4.** A permanent screening fence not less than 8 feet in height shall be provided along any property line which abuts a residential district. Planning Commission may waive this requirement if another site-specific method (such as mounded landscaping, utilization of existing topography, or any combination of landscaping, berming, and fencing) is deemed effective.~~

43.52 Agricultural and Other Specific Use Standards~~s~~

The standards of this section shall apply to permitted and conditional uses as set forth in the Principal Use Table (see Section 3.5~~1~~).

4.5.1~~A.~~ Animal Raising

A. Applicability
This Section applies to the keeping of domestic and agricultural animals in any zoning district where such use is identified as permitted or accessory in the Use Table or where it is permitted as a legal nonconforming use. It does not apply to the keeping of household pets.

B. Animal Unit Density Standard
The keeping of domestic and agricultural animals is subject to the following density standards, based on animal units as calculated using the table in Section 4.5.5. Animal unit capacity is calculated by multiplying the parcel's total acreage by the applicable per-acre standard (e.g., a 1.5-acre parcel subject to a 4 animal units per acre standard is allowed up to 6 animal units).

1. On a parcel under a half acre, no animal units except chickens are allowed;
2. On a parcel from a half acre to 5 acres, up to 4 animal units per acre are allowed; and
3. On a parcel larger than 5 acres, this density standard does not apply.

C. Siting Standards
Any structure, pen, coop, or enclosure used to house or contain animals under this Section must be set back as follows:

1. For poultry and other small animals, a minimum of 25 feet from any property line and 50 feet from any dwelling on an adjacent parcel.

2. For horses, cattle, goats, sheep, and other large livestock, a minimum of 50 feet from any property line and 100 feet from any dwelling on an adjacent parcel.

D. Waste Management
Animal waste must be managed and stored in a manner that prevents accumulation, odor, or runoff affecting an adjacent property or a water body, drainage way, or wellhead protection area.

E. Relationship to Accessory Use Standards
The keeping of domestic animals for noncommercial purposes as an accessory use under Section 4.6.1 is subject to the standards of this Section.~~The keeping of domestic, agricultural animals and livestock shall be considered a permitted use, provided that no more than 4 animal units (as defined in Article 10) per acre shall be allowed on parcels with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.~~

4.5.2~~B.~~ Beekeeping~~Apiculture~~

A~~1~~. Beekeeping is subject to the following standards in any district where it is identified as a permitted use in Article 3.~~The keeping of honey bees shall be considered a permitted use in accordance with Sections 3.2.5(B)(2) and 3.2.5(B)(3).~~

~~2~~B. Migratory beekeeping operations of any size, south of Interstate-70, either permanent or temporary, are~~will be~~ prohibited.

C~~3~~. A parcel~~No parcel of land~~, s~~S~~outh of Interstate-70, ~~shall~~ may not have ~~in excess of~~more than 25 ~~established~~ bee colonies at any given time.

D. Siting Standards
Each hive must be set back a minimum of 25 feet from any property line and 50 feet from any dwelling on an adjacent parcel, except that a hive may be set back as little as 10 feet from a property line if a flyway barrier at least 6 feet in height is maintained within 10 feet of the hive, extending at least 10 feet beyond the hive on either side, so as to direct bee flight paths above adjacent ground level.

4.5.3~~C.~~ Barn, Stable, Coop, Animal Shed

~~Barns, stable, coops, animal sheds or similar structures shall comply with the following standards:~~

A~~1~~. Barns, stables, coops, animal sheds, and similar structures must comply with the standards for accessory structures under Section 4.6.2, and must be set back ~~A setback shall be maintained of~~ at least 100 feet from ~~existing~~ any existing dwelling~~s~~ and at least~~,~~ 20 feet from any open waterway.~~; and~~

B~~2~~. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream.

4.5.4 Kennel

A. A kennel structure or enclosure may not be located outdoors.

B. A kennel must be located at least 300 feet from a residential structure on a separately owned property, measured in a straight line, without regard to an intervening structure or object, from the nearest portion of the residential structure to the nearest point of the kennel.

C. An outdoor exercise run area may not be located less than 50 feet from land zoned residential.

D. A cage, pen, or grooming area must be maintained within a completely enclosed, soundproof building, and the facility must comply with the noise standards of Grand County Code, Title 11, Noise Pollution.

E. A facility must be designed and constructed to eliminate emission of odor offensive to a person owning, occupying, or patronizing an adjacent property.

4.5.5 Animal Units

The following table establishes the animal unit equivalency factor for each listed animal species. An animal species not listed in the animal unit table is assigned the animal unit factor of the listed species with the most comparable average adult weight.

Animal Species	Equivalency Factor
Alpaca or Llama	0.20
Bison, buffalo (under 2 years old)	0.50
Bison, buffalo -- cow w/calf	1.00
Bison, buffalo	1.00
Burro, donkey	1.00
Burro, donkey -- miniature	0.05
Cattle, beef -- slaughter and feed (under 2 years)	0.50
Cattle, beef -- slaughter and feed	1.00
Cattle, beef -- cow w/calf	1.00
Cattle, dairy (bulls or cows)	1.40
Chickens, Broiler or Layer	0.02
Elk, domestic (under 2 years old)	0.50
Elk, domestic	1.00
Elk, domestic -- cow w/calf	1.00
Emu, less than 100 lbs.	0.10
Emu, more than 100 lbs.	0.20
Geese, ducks, swans, turkeys, peafowl	0.03
Goat, feeder (less than 80 lbs.)	0.05
Goat, mature broodstock	0.10
Goat, nanny w/kids	0.10
Goat, miniature	0.05
Horses, mules	1.00

Horses -- mare w/foal	1.00
Horses -- miniature	0.50
Ostrich	0.20
Rabbit, fryer and mature	0.02
Sheep feeder (less than 80 lbs.)	0.10
Sheep, feeder (more than 80 lbs.)	0.20
Sheep, mature broodstock	0.40
Sheep, ewes w/lambs	0.20
Swine, feeders (less than 50 lbs.)	0.10
Swine, feeders (50 lbs. to market)	0.20
Swine, mature broodstock	0.40
Swine, sow w/litter	0.40

43.63 Accessory Uses and Structures

43.63.1 Permitted AAuthorizations

A. Accessory Uses and Structures

A permitted pPrincipal uses classified as permitted uses by the use regulations ofunder Article 3 shall be deemed to includealso allows accessory uses and activities that are customarrily associated with and appropriatefor, and incidental and subordinate to, otherwise allowedthat principal uses. Accessory uses shall beare allowed as follows:

A1. Residential Accessory Uses

Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

1. a. Accessory dwelling units, subject to the standards of Section 4.83.3.2B.
b. Fences and walls;
2. c. Garages, carports, driveways and off-street parking areas;
3. d. Gates and guardhouses;
4. e. Home occupations, subject to the standards of Section 4.10 3.3.2G;
5. Greenhouses and small-scale agricultural structures, including potting sheds and hoop houses;
6. f. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
g. Radio and television receiving antennas and support structures;
7. h. Recreational facilities for the use of residents;
8. Swimming pools, spas, and hot tubs;
9. Parking or storage of recreational vehicles, boats, and trailers;
10. i. Keeping of domestic animals for noncommercial purposes, subject to the standards of 4.5.1 3.2.5A, Agricultural Animals;
11. Barns, stables, and other agricultural outbuildings not for human occupation;
12. Beekeeping structures;
13. Composting areas;
14. Radio and television receiving antennas and support structures (for residential use);
15. Flag poles; and
16. j. Solar energy systems; and

~~k. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.~~

B~~2~~. Retail, Commercial and Office Accessory Uses

Retail, commercial and office accessory uses shall include but not be limited to the following accessory uses, activities and structures:

1. ~~a.~~ Dwelling units for security or maintenance personnel;
2. ~~b. Fences, walls, g~~Gates and guardhouses;
3. ~~c.~~ Parking garages, driveways and off-street parking areas;
4. Outdoor storage and display areas, subject to the standards of Section 6.8.7:
5. Outdoor seating and dining areas;
6. Drive-through facilities, subject to the standards of Section 4.3.1:
7. Trash, recycling, and loading or service areas, subject to the standards of Section 6.8.7 and 7.9.3;
8. ~~d.~~ Radio and television receiving antennas and support structures;
9. Wireless communication facilities, subject to the standards of Section 4.12;
10. Electric vehicle charging stations;
11. Flagpoles;
12. ~~e.~~ Signs, subject to Section 6.11~~5~~; and
13. ~~f.~~ Solar energy systems~~.; and~~

~~g. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.~~

4.6~~3.3~~.2 General ~~Use-Specific Standards for Accessory Uses~~Standards for ~~A.~~ Accessory Uses and Structures~~, General~~

~~Accessory Dwelling Units shall comply with the standards outlined in Section 3.3.2B. All other~~All accessory use~~s~~s and structures shall comply with the following ~~general~~ standards:

1. Such uses shall be located on the same lot or tract as the associated principal use.

2. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise stated. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.

3. No accessory use or structure may~~shall~~ be established prior to the principal use or structure to which it is accessory.

4. The minimum front yard setback for an accessory structure is~~shall be~~ the same as the minimum front yard setback for ~~the~~ a principal structure in the ~~underlying~~ underlying zone district.

5. The minimum side and rear yard setbacks for accessory structures ~~shall be~~is either 10 feet or the minimum for a principal structure ~~at of~~in the underlying zone district, whichever is less.

~~6. Accessory uses and structures shall be subject to the dimensional standards outlined in Section 5.4.2.F~~

4~~3~~.7~~3~~ Temporary Uses

Uses identified in a particular district column with a "T" shall be permitted in such district only upon approval of a temporary use permit in accordance with the procedures and standards of Section 9.13~~6~~, Temporary Use Permits. Certain uses have additional standards as found in this section.

4.7.1 Temporary Use Specific Standards

A. Asphalt or Concrete Batch Plant, Temporary

Temporary asphalt or concrete batching plants (temporary) ~~may be approved by the Zoning Administrator subject to~~shall meet the following standards.

1. The batch plant shall not be located within 600 feet of a residence.

2. Hours of operation shall be limited to Monday through Friday, 7AM to 7PM.

3. The batch plant permit shall be valid for a maximum 6 month period, unless an extension is approved by the Zoning Administrator for a second 6 month period [maximum of one (1) year].

4. No portion of the batch plant or its operation shall be located on a public or private street.

5. The batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the temporary Certificate of Occupancy is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.

6. The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

7. The site must be clear of all equipment, material and debris upon completion of the project.

8. All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within 30 calendar days of completion of the project.

9. A reclamation bond shall be required sufficient to ensure restoration of the site to original or other substantially beneficial condition consistent with local plans.

10. At termination and/or removal of plant permit, permittee shall have the person responsible walk the site with the Zoning Administrator to verify compliance with County standards.

B. Field office, Temporary

A temporary field office is a structure or shelter used for administrative or supervisory functions, or for sheltering employees, equipment, or materials, during the construction phase of an approved development or building project. A temporary field office must meet the following standards:

1. The field office is located on the site of the approved development or building project it serves;

2. The field office is removed within 30 days following issuance of a Certificate of Occupancy or expiration of the associated building permit, whichever occurs first; and

3. The field office is not used for a purpose other than the administrative, supervisory, or storage functions described in this Section.

~~A temporary field office permit may be approved by the Zoning Administrator for a structure or shelter used in connection with an approved development or building project on the site of temporary administrative and supervisory function for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be promptly removed following the approval of a Certificate of Occupancy.~~

C. Sales office, Temporary

A temporary sales office ~~may be approved by the Zoning Administrator, subject to the~~must meet the following conditions:

1. The sales office is in connection with the sale of property within a subdivision under construction.

2. The sales office is located on the same tract of land as the subdivision.

3. The sales office may continue for up to one (1) year.

43.83 Accessory Dwelling Units (ADU)

4.8.1 Purpose

The purpose of this section is to encourage accessory dwelling units (ADUs) as an affordable housing opportunity while protecting the neighborhood character and quality of life in residential zone districts. ADUs shall comply with the following standards:

4.8.2 Regulations

A1. General ~~Area, Setback, and Size Restrictions~~Regulations

~~a~~1. An ADU may be permitted as an accessory use to an otherwise allowed residential dwelling unit that is the principal use on the ~~a~~lot or parcel.

2. Any internal ADU shall be located on a lot or parcel containing~~of~~ at least 5,000 square feet. A detached ADU shall be located on a lot or parcel containing at least 10,000 square feet.

3. Only one accessory dwelling unit shall be permitted on any~~per~~ lot or ~~/~~parcel of record.

4~~b~~. An ADU~~s~~ shall meet setback and building height requirements applicable to the principal structure in the underlying zone district.

5~~c~~. The maximum square footage of the ADU shall not exceed 1,000 square feet for an attached ADU and 1,500 square feet for a detached ADU.

6. At least one (1) parking stall must be available for the occupants of the ADU.

7. The ADU must remain on the same lot or parcel as the primary dwelling. It may not be subdivided, condominiumized, or otherwise sold separately.

8. Utility meters for a single-family dwelling with an ADU may be either shared or separated.

9. A mobile home may not have an attached ADU.

10. A detached ADU shall be located in a permanent structure with a foundation. The structure shall include only one kitchen and at least one bathroom. The structure shall meet all setback requirements for an accessory structure and have received an approved building permit.

11. An ADU is not permitted on a lot with an existing code violation.

B2. Site Plan and Design Requirements

1. ~~a.~~ A site plan shall be required prior to issuance of a building permit. The site plan shall be drawn to scale and clearly show the location and dimensions of existing and proposed structures (including such items as building elevation, color, and materials), setbacks, parking, easements, and driveways.
2. ~~b.~~ An ADU shall be a permanent structure that meets the currently adopted standards of the International Residential Code (IRC). No travel trailer, boat, or similar recreational vehicle shall be used as an accessory dwelling unit.
3. ~~c.~~ ADUs shall be designed to preserve or complement the architectural design, style, and appearance of the primary single-family dwelling unit. Specifically, whether attached or detached, the roof pitch, siding materials, color, and window treatment of the ADU shall be the same as, similar to, or an improvement to, the appearance of the primary dwelling unit.

4. ~~d.~~ If a separate external entrance for the ADU is necessary it shall be screened from view of the street, and where possible, shall be located on the internal side or rear of the structure.
5. The ADU must meet international building code and fire code regulations. While an interior connection between an internal ADU and primary residence is not required for purposes of zoning, this may be prudent to meet fire and building codes. In such cases, a door with a lock or deadbolt is an appropriate form of connection.

C~~3~~. Occupancy Requirements

1. ~~a.~~ The primary dwelling shall be occupied by the owner of record.
2. ~~ADUs shall not be condominiumized or sold separately.~~ Occupancy of the ADU is limited to one (1) family or up to four (4) individuals regardless of relationship.
3. ~~b.~~ Where an ADU exists, neither the primary nor the secondary dwelling unit shall be occupied for periods of less than 30 consecutive days. ~~A restricted use covenant shall be signed and recorded by the owner prior to issuance of a building permit for the accessory dwelling unit. [Ord. 543, 2016.]~~

D. Duration and Severance

1. The ADU shall terminate whenever owner occupancy is not maintained or when an own owner occupant elects to discontinue using the living space as an ADU. If an ADU is denied, revoked, or discontinued, the property owner shall remove any displays of the ADU address.

E. Permit and Violations

1. An applicant for an ADU shall obtain a permit Grand County to operate the ADU. The County may record a notice on the property indicating both the establishment and nature of the ADU.
2. Any violation shall enforced through a fine or lien as outlined in Utah Code § 17-80-303(4), as amended.

~~43~~.~~93~~ Caretaker and Employee Housing

4.9.1 Caretaker and Employee Housing Regulations

A.~~C.~~ Caretaker or Guard Residence, Accessory

A caretaker or guard residence ~~shall be~~is permitted for each nonresidential use.

B~~D~~. Employee Housing, Accessory

Accessory employee housing ~~shall~~ must comply with the following standards:

1. ~~Such~~ The housing ~~shall~~ must be accessory to ~~otherwise allowed~~a permitted nonresidential~~, principal~~ use~~s~~.

~~2. Accessory employee housing shall be restricted in accordance with the requirements of Section 6.14.~~

2~~3~~. ~~Use of the employee housing by persons who are not so employed or for short-term accommodations shall be expressly prohibited~~ Housing is limited to a current employee, or a former employee whose employment ended within the preceding 6 months, and immediate family.~~.~~

3~~4~~. Such housing ~~shall~~ may not be sold separately.

4~~5~~. Each employee housing unit ~~shall be~~is limited to 1,200 square feet in area.

5. No on-site tent camping or yurt is permitted;

6. Accessory employee housing may include up to five RV sites, provided it complies with the following standards:

~~**Additionally**~~

~~Accessory employee housing may be accomplished with the addition of up to five RV sites, to the otherwise allowed nonresidential principal use, and shall comply with the following standards:~~

~~**1. The use and occupancy of the RV sites is hereby limited exclusively to such employees who are employed by principal commercial use of the parcel; and**~~

a. ~~**2.**~~ Structures are limited to RVs, travel trailers, truck campers, small cabins (traditional KOA- style), or similar~~like~~ structures intended for seasonal, on-site accommodations;

b. ~~**3.**~~ The~~All~~ structures ~~shall, at a minimum,~~ meet the ANSI and NAFPA minimum standards;

~~**4. No on-site tent camping or yurts will be allowed;**~~

c. ~~**5.**~~ Each RV/travel trailer space ~~shall be at~~is at least 800 square feet;

d. ~~**6.**~~ Parking ~~shall be~~is provided adjacent to the RV/travel trailer site or available on the commercial lot ~~as extraordinary parking, pursuant to the parking requirements of this LUC~~; and

e. ~~**7.**~~ Each space ~~shall be~~is served by public water and sewer~~;~~ or the site has a shared public water and sewer facility.

4.10 Home Occupations

~~**8. The site shall have a public water and sewer facility (e.g., shower house). [Ord. 547, 2016.]**~~

~~**3.4 Home Occupations**~~

4.10.1 Home Occupation Regulations~~E. Food Processing, Small Scale~~

~~Small scale food processing may be approved as Conditional Use pursuant to the requirements of Section 9.11. Such uses shall comply with all requirements for Home Business, below.~~

~~**F. Home Business**~~

~~Home business may be approved as Conditional Use pursuant to the requirements of Section 9.11. Such uses shall comply with all requirements for Home Occupations, below, provided that home businesses may employ up to three persons (rather than only one) who do not occupy the subject property as their residence. Each home business shall have a current Grand County business license.~~

A~~G~~. ~~Home Occupation~~

The following home occupation standards are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ~~ensure that home occupations do not adversely affect the integrity of residential areas~~reduce any adverse effects on residential neighborhoods. A home occupation ~~shall be considered~~is an accessory use to residential uses and~~,~~ subject to the following standards:

1. Residency. No person~~s~~ may~~shall~~ be engaged in a home occupation other than a person~~s~~ occupying the subject property as their residence~~,~~; except ~~provided, however~~ that ~~up to a maximum of~~ one (1) person who does not occupy the property as their residence may be employed as part of the home occupation if one additional off-street parking space is provided, in addition to off-street parking otherwise required under Section 6.4, Off-Street Parking. ~~where one (1) additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Section 6.1, Off-street Parking.~~

2. Signage. All signs ~~shall be in accordance with the requirements of~~must comply with Section 6.11~~5~~, Signs~~, of this LUC~~.

3. Storage. There shall be no visible storage of commercial equipment, materials or commercial vehicles with more than 2 axles. This does not restrict the storage of a resident's personal vehicle, trailer, recreational or other household equipment.

4. Location. The home occupation must~~shall~~ be conducted entirely within the principal residential building or within a permitted accessory structure.~~; and~~

5. Size. A home occupation may not occupy more than one-fourth of the gross floor area of the dwelling, including any permitted accessory structure used for the home occupation.

6. Visitation. Client or customer visits, deliveries, and any outdoor or equipment-based activity associated with a home occupation are limited to the hours of 7:00 AM to 8:00 PM. This Subsection does not limit the hours of indoor home occupation activity that does not involve client or customer visits, deliveries, or equipment operation.

7~~5~~. Noise and Nuisances. No equipment shall be used that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the property boundaries of the residential lot. Home occupations shall comply with Section 6.13~~2~~, ~~Operational performance standards~~Nuisances.

8. Business License. A home occupation requires a Grand County business license, where applicable, in addition to compliance with this Section.

9. Revocation. The Zoning Administrator may revoke approval of a home occupation for violation of any standard of this Section. Continuation of a home occupation following revocation violates this Land Use Code and is subject to the enforcement remedies under Section 10.3.

4.11 Day Care Centers

4.11.1 Day Care Center Regulations

A. Day Care Centers

A day care center provides care, protection, and supervision for more than six children 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.

B. General Regulations

1. **Classification.** A day care center is classified as Limited, General, or Commercial under this Section, based on its location and scale, consistent with Utah state child care licensing.

2. **Licensure.** A day care center must hold a valid license or certificate from the State of Utah, as applicable, and must provide proof of licensure or certification as part of its application.

3. **Outdoor Play Area.** An outdoor play area must be enclosed by a fence or wall at least 4 feet in height.

4. **Parking and Drop-Off.** A day care center must provide an on-site or adjacent off-street area for drop-off and pick-up sufficient to prevent queuing or parking in a public street or right-of-way, in addition to off-street parking otherwise required under Section 6.4, Off-Street Parking.

5. **Signage.** Any sign must comply with Section 6.11, Signs.

4.11.2. Specific Regulations

A. Day Care Center, Limited

A Day Care Center, Limited is a day care operated within a residence, caring for no more than 8 children at one time, consistent with a Residential Certificate under Utah state child care licensing. Outdoor use of the play area is limited to the hours of 8 AM to 8 PM.

B. Day Care Center, General

1. A Day Care Center, General is a day care operated within a residence, caring for no more than 16 children at one time, consistent with a Licensed Family Child Care Home under Utah state child care licensing.

2. In addition to the standards of Subsection A, a Conditional Use Permit application for a Day Care Center, General in a residential zoning district must address the following:
   a. The anticipated volume and timing of vehicle trips generated by drop-off and pick-up, relative to the traffic patterns of the surrounding residential area;
   b. The proximity of the facility, and its outdoor play area, to adjacent residential structures;
   c. The anticipated noise generated by outdoor play and drop-off/pick-up activity; and
   d. Any proposed mitigation measures addressing Subsections a through c and any other reasonably anticipated adverse impacts.

C. Day Care Center, Commercial

1. A Day Care Center, Commercial is a day care operated in a dedicated facility other than a residence, consistent with Child Care Center under Utah state child care licensing.

2. A Day Care Center, Commercial requires a Conditional Use Permit in a residential zoning district, and is permitted in accordance with Article 3 in all other zoning districts.

3. A Conditional Use Permit application for a Day Care Center, Commercial in a residential zoning district must address the following:
   a. The anticipated volume and timing of vehicle trips generated by drop-off and pick-up, relative to the traffic patterns of the surrounding residential area;
   b. The proximity of the facility, and its outdoor play area, to adjacent residential structures;
   c. The anticipated noise generated by outdoor play and drop-off/pick-up activity, relative to Section 6.13, Operational Performance Standards; and
   d. Any proposed mitigation measures addressing Subsections a through c and any other reasonably anticipated adverse impacts.

~~**C. Day Care Center, General**~~

~~General day care centers shall comply with the standards of this section.~~

~~**1.** Care may be provided for more than 8 children at one time.~~

~~**2.** Day care centers shall comply with all applicable state regulations.~~

~~**3.** All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

~~**D. Day Care Center, Limited**~~

~~Limited day care centers shall comply with the standards of this section.~~

~~**1.** Care may be provided for 8 or fewer children at one time.~~

~~**2.** Day care centers shall comply with all applicable state regulations.~~

~~3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.~~

~~**E. Food Processing, Small Scale**~~

~~Small scale food processing may be approved as Conditional Use pursuant to the requirements of Section 9.11. Such uses shall comply with all requirements for Home Business, below.~~

~~**F. Home Business**~~

~~Home business may be approved as Conditional Use pursuant to the requirements of Section 9.11. Such uses shall comply with all requirements for Home Occupations, below, provided that home businesses may employ up to three persons (rather than only one) who do not occupy the subject property as their residence. Each home business shall have a current Grand County business license.~~

43.12.3 Telecommunications Towers and Facilitiesy ~~Revised 12/24~~

4.12.1 Telecommunications Towers and Facilities Regulations

Where permitted under the Use Table in Section 3.5, a telecommunications tower or facility must comply with the following standards:~~Telecommunications and utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.~~Telecommunications towers and facilities may be permitted, subject to the following requirements:

A1. Minimum Lot Area

The minimum lot area for a tower is the area of the fall zone, extending from the base of the tower to a radius equal to the height of the tower, rather than the minimum lot area otherwise required by the underlying zoning district.

The fall zone may include land on an adjacent parcel if secured by an easement, recorded against the adjacent parcel and consented to in writing by its owner, that keeps the easement area clear of habitable structures and other development inconsistent with its function as a fall zone. The easement terminates upon the tower owner's recording of a certificate confirming permanent removal of the tower, or automatically five years after the tower ceases operation if no certificate has been recorded, whichever occurs first.~~Notwithstanding other provisions to the contrary, the minimum lot area for such uses shall include all lands within the diameter of the fall zone, the radius of which shall be the height of the tower.~~

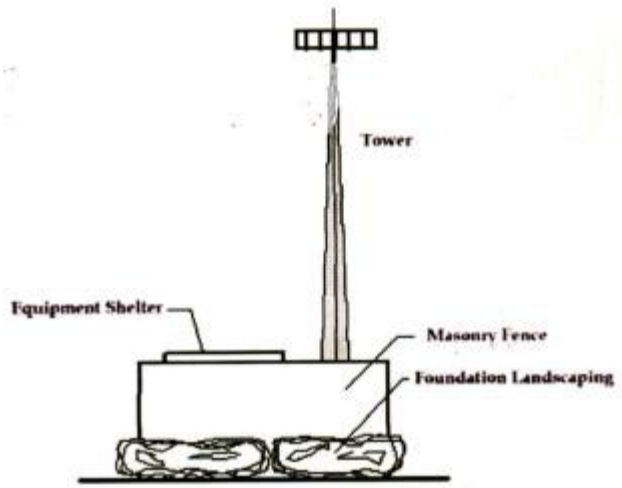
2B. Co-location Requirements

If the proposed tower is within Spanish Valley: the applicant must co-locate unless a qualified and licensed engineer shows the equipment cannot be accommodated on any existing or approved tower/building anywhere within Spanish Valley.

If the proposed tower is outside Spanish Valley: the applicant must co-locate unless a qualified and licensed engineer shows the equipment cannot be accommodated on any existing or approved tower/building within 5 miles of where the new tower is proposed to be sited (a 5-mile search radius around the new tower's location).~~A proposal for a new telecommunication towers shall not be approved unless the County Commission finds that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within Spanish Valley, or within a 5 mile radius of the proposed tower outside of Spanish Valley, due to one (1) or more of the following reasons:~~

To determine that facilities cannot be accommodated on an existing tower, one of the following must apply:

1~~a~~. The planned equipment would exceed the structural capacity of the existing or approved tower or building, ~~, as documented by a qualified and licensed professional engineer,~~ and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;



2~~b~~. Existing or approved towers and buildings within Spanish Valley or the search radius cannot accommodate the planned equipment at a height necessary for it to function reasonably; ~~as documented by a qualified and licensed professional engineer;~~

~~c. All telecommunication towers shall be designed (structurally, electrically, and in all respects) to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is to be over 60 feet in height, or for 4 additional users if the tower is over 100 feet in height; and towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;~~

3~~d~~. Another site-specific engineering or safety constraint makes co-location infeasible~~Other unforeseen reasons make it unfeasible to locate the planned tele-communications equipment upon an existing or approved tower or building~~.

C~~15. Additional Submittal Requirements~~Future Co-location Capacity

A new telecommunications tower must be designed, structurally and electrically, to accommodate the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 60 feet in height, or 4 additional users if the tower is over 100 feet in height. A tower must be designed to allow future rearrangement of antennas and to accept antennas mounted at varying heights.~~In addition to the information required elsewhere in this LUC, development applications for towers shall include a report from a qualified and licensed professional engineer that:~~

~~a. Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request;~~

~~b. Describes the tower height and design including a cross section and elevation;~~

~~c. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~

~~d. Describes the tower's capacity, including the number and type of antennas that it can accommodate;~~

~~e. Documents what steps the applicant will take to avoid interference with established public safety telecommunication;~~

~~f. Includes an engineer's stamp and registration number;~~

~~g. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use; and~~

~~h. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration.~~

D~~3~~. ~~Tower and Antenna~~ Design and Screening

A tower, antenna, and any accessory or related structure or control building must meet the following design requirements~~Proposed or modified towers and antennas shall meet the following design requirements~~:

1~~a~~. A t~~T~~ower and~~s and~~ antenna~~s~~ ~~shall~~ must be designed to blend into the surrounding environment through ~~the use of~~ color and camouflaging architectural treatment, except ~~in instances~~ where ~~the~~ color is dictated by federal or state authority,~~ies~~ ~~much~~ such as the Federal Aviation Administration.

2~~b~~. A t~~T~~ower~~s~~ and antenna~~s~~ ~~shall~~ must be of monopole design, unless the ~~County Commission~~Zoning Administrator ~~determines~~ finds, based on a professional design review, that an alternative design ~~would be more appropriate to or better blend in with the surrounding environment~~reduces visual impact given specific site conditions.

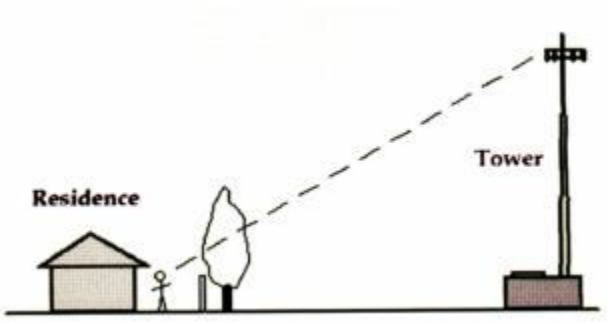
3.

~~4. Accessory Structure and Building Design~~

~~The design of~~An accessory or related structures or control buildings ~~shall~~ must be architecturally designed to blend in with the surrounding buildings and environment~~., and they shall meet the minimum setback requirements of the underlying zoning district.~~

~~**5. Landscaping and Screening**~~

4~~a~~. Ground- and rooftop-mounted mechanical equipment ~~shall~~ must be screened from view off-site in accordance with ~~the requirements of~~ Section 6.~~4.3F~~8.7, Screening Standards.



5~~b~~. Perimeter trees, landscaping, and other screening devices shall be used to help screen the tower from residences in accordance with ~~the requirements of~~ Section 6.8.7~~4.3F~~, Screening Standards.

E~~6~~. Siting and Setbacks~~Tower Siting~~

~~All towers shall be subject to the Ridgeline Standards of Section 6.9.8. Towers shall not be located between a principal or accessory structure and a public road or street, except in the LI, Light industrial and the HI, Heavy industrial Zone Districts where towers may be placed within a side yard abutting an internal industrial street.~~

~~**7. Tower Setbacks**~~

All towers shall conform to the minimum setback requirements of the underlying zoning district, or as modified below:

1~~a~~. A tower is subject to the Ridgeline Standards of Section 7.5.3.

2. A tower may not be located between a principal or accessory structure and a public road or street, except that in the LI (Light Industrial) and HI (Heavy Industrial) zoning districts, a tower may be placed within a side yard abutting an internal industrial street.

3. In the LI (Light Industrial) and HI (Heavy Industrial) zoning districts, a tower may encroach into the rear setback if the rear property line abuts another industrially zoned property and the tower does not encroach on an easement.

4. The minimum setback for a tower from a property line of a residential property is twice the tower's height. The minimum setback from any other property line is equal to the tower's height.~~The minimum setback for a tower shall be equal to the height of the tower; provided, however, the minimum setback for a tower from the property line of a property with a residence shall be twice the height of the tower.~~

~~**b. Towers in the LI, Light industrial and the HI, Heavy industrial Zone Districts may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.**~~

5~~c~~. A tower designed to be fully integrated into an existing or proposed structure, such as a church steeple, light standard, or power line support structure, is not subject to Subsection e, provided the integrated design does not increase the tower's visual profile beyond that of the host structure.~~Notwithstanding other provisions to the contrary, a tower's setback may be reduced or its location in relation to a public street varied at the sole discretion of the County Commission, in order to mitigate visual impacts or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard power line support device or similar structure.~~

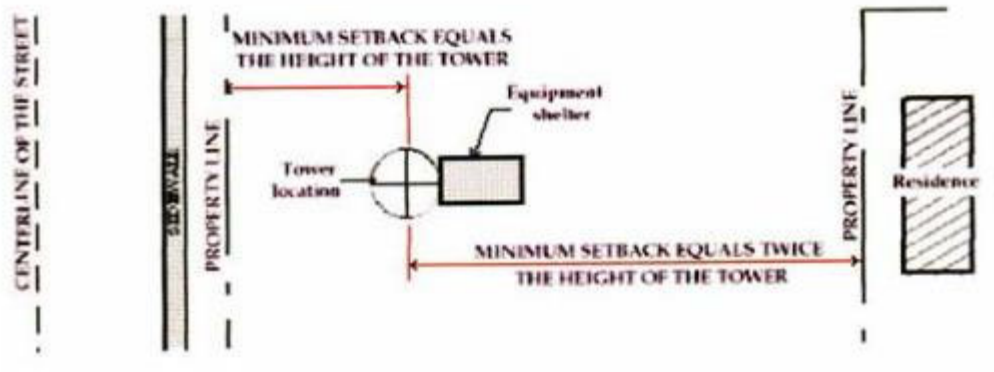
F~~8~~. Tower Height

Tower height is measured as the vertical distance from the lowest point of intersection with the natural grade to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures. ~~The maximum height of all commercial wireless antennas and supporting towers shall not exceed the minimum that is technically necessary to serve the design purpose; provided, however:~~

1~~a~~. The maximum height of ~~all commercial wireless antennas and supporting~~a tower and antenna is the lesser of 150 feet or the~~s shall not exceed the~~ distance to the nearest lot or parcel boundary on the subject lot or parcel~~ or 150 feet, whichever is less~~.

2~~b~~. ~~No tower shall be in excess of~~A tower may not exceed a height equal to the distance from the base of the ~~antenna and~~ tower to the nearest overhead electrical power line, less 5 feet.

3~~c~~. Co-location capacity under Subsection 3 is not, by itself, ~~requirements notwithstanding, co-location shall not automatically be considered~~ justification for ~~or grounds for~~ a proposed tower height.~~In all cases, the County reserves the right to limit height of a proposed tower as necessary to insure compatibility with the neighborhood.~~



G~~9~~. Lights, ~~and Other~~ Attachments, and Signage

1~~a~~. A t~~T~~ower~~s~~ ~~shall~~ may not be artificially illuminated or display strobe lights, unless a federal or state authority, such as the Federal Aviation Administration, ~~or other federal or state authority for a particular tower~~ specifically requires such lighting ~~be incorporated into the approved~~as part of the tower's approved design ~~of the tower~~. This subsection does not prohibit ~~Light~~ light fixtures used to illuminate ball fields, parking lots, or similar area~~s may be attached to~~from being mounted on the tower.

2~~b~~. ~~No tower shall~~A tower may not have ~~constructed on, or attached to, any~~an additional platform, catwalk, crow's nest, or ~~like~~ similar structure constructed on or attached to it, ~~(~~other than one~~those~~ required by industry s~~S~~tandards or f~~F~~ederal ~~Regulations~~regulations~~)~~, except during periods of construction or repair.

3. A tower may not be used ~~**10. Signs and Advertising**~~

~~The use of any portion of a tower~~ for a sign~~s~~ other than a warning sign or an equipment information sign.~~s is prohibited.~~

H~~11~~. Interference with Public Safety Telecommunications

1. A telecommunications service must not cause material interference with public safety telecommunications.

2. An application for new service must include an inter-modulation study, prepared by a qualified professional, evaluating existing and proposed transmissions and identifying potential interference problems.

3. A telecommunications provider must notify the Zoning Administrator at least 10 calendar days before introducing new service or making a change to existing service, and must allow monitoring of interference during the testing period.

4. If monitoring under Subsection c reveals material interference with public safety telecommunications, the Zoning Administrator may require the provider to obtain a new permit before continuing the new service or change.

I. Towers on Existing Structures

1. An antenna installed on an existing tower or structure may not exceed the height of the existing tower or structure, except that an antenna installed on an interstate power transmission tower may be up to 150 feet in height.

2. An antenna installed under this Subsection is subject to all terms and conditions imposed on the existing tower or structure.

3. The visual and operational impacts of a new antenna installed under this Subsection may not exceed the impacts of the existing tower or structure.

J. Bald Mesa Tower Campus

A tower in the tower campus on Bald Mesa must be installed in close proximity to, at a similar height as, and in a manner similar to existing towers and antennas in the immediate area, and is exempt from the Ridgeline Standards of Section 7.5.3.

~~**No telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Commission at least 10 calendar days in advance of such changes and allow the Commission to monitor interference during the testing process. At the Commission's discretion, such new service or changes may be required to obtain a new permit.**~~

~~**12. Performance Standards**~~

~~**All towers must conform to the applicable Operational Performance Standards of Section 6.12.**~~

K. Additional Submittal Requirements

In addition to the information required elsewhere in this Code, development applications for towers shall include a report from a qualified and licensed professional engineer that:

1. Includes all technical information and design requirements, including co-location requirements, necessary to evaluate the request;

2. Describes the tower height and design including a cross section and elevation;

3. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

4. Describes the tower's capacity, including the number and type of antennas that it can accommodate;

5. Documents what steps the applicant will take to avoid interference with established public safety telecommunication;

6. Includes an engineer's stamp and registration number;

7. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use; and

8. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration.

~~**13. Tower Construction Requirements**~~

~~All towers erected, constructed or located within the County, and all wiring therefore, shall comply with the requirements of all current Construction Codes.~~

L~~14~~. Annual inspection and Ongoing Compliances~~**s**~~

1. A tower must comply with Section 6.12, Nuisances, at all times.

2. After approval of a permit for a telecommunications or microwave tower, the tower owner shall promptly submit copies of any and all inspection reports that may be required by the FCC.

3. If an inspection or complaint reveals a violation of Subsection a, the tower owner must remediate the violation within 30 days of notice from the Zoning Administrator.~~After approval of a permit for a telecommunications or microwave tower, the tower owner shall promptly submit copies of any and all inspection reports that may be required by the FCC.~~

~~**15. Additional Submittal Requirements**~~

~~In addition to the information required elsewhere in this LUC, development applications for towers shall include a report from a qualified and licensed professional engineer that:~~

~~**a.** Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request;~~

~~**b.** Describes the tower height and design including a cross section and elevation;~~

~~**c.** Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~

~~**d.** Describes the tower's capacity, including the number and type of antennas that it can accommodate;~~

~~**e.** Documents what steps the applicant will take to avoid interference with established public safety telecommunication;~~

~~**f.** Includes an engineer's stamp and registration number;~~

~~**g.** A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use; and~~

~~**h.** Proof that the proposed tower complies with regulations administered by Federal Aviation Administration.~~**M. Removal of Abandoned Towers**

1. A tower is considered abandoned if it ceases to be used for its approved telecommunications purpose for a period of 12 consecutive months.

2. The owner of an abandoned tower must remove the tower, and any associated equipment and accessory structures, and restore the site to substantially its pre-development condition, within 180 days of the tower becoming abandoned under Subsection a.

3. Before a permit is issued for a tower 60 feet or taller, the applicant must provide a security deposit, bond, or other financial guarantee, in an amount sufficient to cover the cost of removal and site restoration under Subsection b.

4. If the owner fails to remove an abandoned tower within the period required by Subsection b, the County may remove the tower and restore the site, and may recover the cost of removal and restoration from the security required under Subsection c, or from the owner directly if the security is insufficient.

5. A tower owner may request, in writing, an extension of the removal period under Subsection b for good cause, including a documented plan to resume use of the tower or transfer it to a new operator. The Zoning Administrator may grant one extension, not to exceed 180 days.

~~**Q. Telecommunications Towers and Facilities on an Existing Tower or Other Structure**~~

~~Telecommunications towers and facilities may be installed on an existing tower or structure, subject to the following requirements.~~

~~**1.** The antenna(s) shall be no higher than the existing tower or structure; provided, however, that if the antenna is installed on top of an interstate power transmission tower, such an antenna and tower may be up to 150 feet in height;~~

~~2. Such antenna(s) shall be subject to all terms and conditions imposed on the existing tower or structure;~~

~~3. All towers shall be subject to the Ridgeline Standards of Section 6.9.8; and~~

~~4. The impacts of the new antenna(s) on the surrounding neighborhood shall be no greater than the existing tower or structure.~~

~~5. Telecommunications towers and facilities may be permitted in the tower campus on Bald Mesa, subject to the following requirements:~~

~~a. Towers shall be installed in close proximity, at a similar height, and in a manner similar to that of existing towers and antennas in the immediate area; and~~

~~b. Such towers shall be exempt from the Ridgeline Standards of Section 6.9.8.~~

~~R. Transmission Facilities~~

~~A Transmission facility is a group of electric transmission lines and equipment that moves electricity from supply points to points where it's transformed for delivery to consumers. Transmission facilities include:~~

~~1. Transmission towers: Keep power lines separated from each other and their surroundings~~

~~2.1.Conductors (power lines): Carry electricity to and through the grid to consumers~~

~~3.1.Substations: Convert high voltages to lower voltages for consumer use~~

~~4.1.Rights of way (ROWs): Land set aside for the transmission line and associated facilities~~

~~5.1.Access roads: Routes to transmission line structures for construction and maintenance~~

~~S. Telecommunications and Facilities in a Tower Campus~~

~~Telecommunications towers and facilities may be permitted in the tower campus on Bald Mesa, subject to the following requirements:~~

~~1. Towers shall be installed in close proximity, at a similar height, and in a manner similar to that of existing towers and antennas in the immediate area; and~~

~~2. Such towers shall exempt from the Ridgeline Standards of Section 6.9.8.~~

~~43~~.13.~~3~~ Utility Substations and Transmission Facilities

4.13.1 Utility Substations and Transmission Facilities Regulations

A. Utility Substations

Electricity regulating substations, gas pressure control stations, and ~~or~~ similar utility substations ~~shall be subject to~~ must comply with the following standards.

1. A~~ny~~ structure shall be set back at least~~not less than~~ 25 feet from all property lines, or the minimum setback ~~requirements~~ of the applicable zoning district, whichever is greater.

2. The use~~s shall~~ must be enclosed by a ~~screen~~fence that provides both security and visual screening, and must be landscaped ~~as required by~~in accordance with Section 6.8, Landscaping and Screening~~4.4F~~.

3. ~~The storage of e~~Equipment stored on the premises shall be shielded from view off-site.

4. A substation must comply with the noise standards of Section 6.13, Nuisances.

B~~R~~. Transmission Facilities

A Transmission facility is a group of electric transmission lines and equipment that moves electricity from supply points to points where it's transformed for delivery to consumers. Transmission facilities include:

1. Transmission towers: Keep power lines separated from each other and their surroundings

2. Conductors (power lines): Carry electricity to and through the grid to consumers

3. Substations: Convert high voltages to lower voltages for consumer use

4. Rights of way (ROWs): Land set aside for the transmission line and associated facilities

5. Access roads: Routes to transmission line structures for construction and maintenance

4.14 Airports and Heliports

4.14.1 Airport and Heliport, Emergency Operations

~~A. Airport and Heliport, Emergency Operations~~

A heliport associated with the Grand County Emergency Operations Center (EOC) ~~shall be a permitted use in the Highway Commercial (HC) zone district. The EOC heliport shall~~must be used strictly for life safety related emergency operations. The heliport may not be used for commercial air travel or scenic flight purposes.~~Aircraft takeoffs and landings shall not be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or scenic flight purposes.~~

4.14.2 Airport and Heliport, Private

~~B. Airport and Heliport, Private~~

All private airports and heliports ~~shall~~must comply with these standards ~~of this section~~:

A~~1~~. Aircraft takeoffs and landings ~~shall be~~are limited to aviation activities ~~the following activities~~:

1. ~~**a.** Aviation activities c~~Conducted by or on behalf of governmental entities;
2. ~~**b.**~~ For ~~M~~medical, search-and-rescue, or other life safety emergency services ~~aviation activities~~;
3. ~~**c.** Aviation activities f~~For agricultural purposes (farming or ranching);
4. ~~**d.** Aviation activities f~~For the purpose of seismic or other oil, gas or mineral exploration;
5. ~~**e.** Aviation activities f~~For the purpose of reaching an aircraft maintenance or repair facility that is in use, and has historically been in use, at the time this section becomes effective;
6. ~~**f.** Aviation activities f~~For the purpose of maintaining and repairing public utility facilities;
7. ~~**g.** Aviation activities f~~For commercial filming purposes; or
8. ~~**h.** Aviation activities i~~To~~n~~ support ~~of~~ permitted construction activities.

~~2~~B. Aircraft takeoffs and landings for commercial filming activities shall be conducted at an airport or heliport that is currently in use~~,~~ and has historically been in use for such activities.

C. Aircraft takeoffs and landings at private heliports are not permitted if helicopter takeoffs or landings are conducted for commercial travel aviation or “scenic flight” purposes.

~~**3.** Aircraft takeoffs and landings at private heliports shall not be permitted if helicopter takeoffs or landings are conducted in any part for commercial travel aviation or "scenic flight" purposes.~~

Article 5 ~~Special Purpose and~~ Overlay Zoning Districts

54.1 General Provisions for Zoning Overlays~~General~~

~~4.1.1 Special purpose districts~~

~~Special purpose districts are base districts established to provide standards addressing unique circumstances or conditions affecting single sites where the development of such sites is of special public concern. Upon approval of special purpose district zoning, the special purpose district replaces the previous base district.~~

5~~4~~.1.~~1~~2 Purpose~~Overlay districts~~

A zoning overlay provides an additional development opportunity beyond that otherwise permitted in the underlying base zoning district. The rights of the underlying base zoning district remain available to a property owner regardless of whether overlay approval is sought.

5.1.2 Eligibility

An applicant must, at a minimum, meet the standards of the specific overlay district sought, in addition to the standards of this Section.

5.1.3 Application and Approval

A. Application

An applicant must submit an application, including a concept plan showing the proposed development and uses in sufficient detail for the Planning Commission and County Commission to make an informed decision, and any other information required by the applicable overlay-specific standards.

B. Review Process

An application for a zoning overlay must be reviewed under the same process as an application for a zone change, including public notice and hearing requirements.

C. Findings

In addition to any findings required by the applicable overlay-specific standards, the County Commission must find that the proposed development is not detrimental to the health, safety, and welfare of Grand County or inconsistent with the General Plan.

D. Discretionary Approval

Approval of a zoning overlay is a legislative decision. The County Commission is under no obligation to approve a zoning overlay application, even if the application meets the minimum standards of this Section and the applicable overlay-specific standards.

E. Conditions of Approval

The County Commission may impose conditions of approval on a zoning overlay to mitigate an impact of the proposed development or to ensure consistency with the General Plan and applicable overlay-specific standards.

F. Project-Specific Approval

An approval granted under this Section applies only to the specific project for which it was approved and does not modify the underlying base zoning district.

G. Duration

1. An approval granted under this Section is valid for 2 years from the date of approval, unless a building permit has been issued for the approved development, or a Certificate of Occupancy has been issued, within that period.

2. An applicant may request one extension of the approval period, not to exceed 1 year, for good cause shown.

3. If an approval expires under this Subsection, the property reverts to the standards of the underlying base zoning district.

H. Amendment

1. A minor amendment to an approved zoning overlay plan may be approved administratively by the Zoning Administrator, if the amendment does not materially alter the density, use, layout, or conditions of approval.

2. An amendment that materially alters the density, use, layout, or conditions of approval requires new overlay approval.

5.1.4 Runs with the Land

An approval granted under this Section runs with the land and is binding on a subsequent owner of the property, subject to the duration and amendment provisions of this Section.

5.1.5 Effect of Denial

Denial of a zoning overlay application is not a taking of property, because the rights of the underlying base zoning district remain available to the property owner.

5.1.6 Abandonment

A property owner may abandon an approved zoning overlay and develop the property in accordance with the standards of the underlying base zoning district.

~~Overlay districts are established to provide for certain additional requirements for properties located in one or more base zoning districts. Thus, in addition to the requirements of the underlying base zoning district, the provisions of the overlay district would also prevail in the areas so zoned. In certain areas of Grand County, two or more overlay districts may apply. In any such instance where there are conflicting provisions, the more stringent requirements shall apply.~~

54.2 SPA, Specially Planned Area

(This may actually be Site Specific Standards, the area is zoned light industrial)

54.2.1 Purpose

The SPA, Specially Planned Area District is a special purpose district designed to implement the Moab/Grand County North Gateway Plan, an amendment to the Grand County General Plan. The SPA district is intended to serve as "interim" zoning for the Moab mill site (Atlas) pending the completion of the anticipated reclamation and remediation activities. While the district permits low density residential uses, community preference at this time is that the land be restored to a relatively natural state and preserved as open space. Upon completion of the site reclamation, more specific land uses should be determined following site-specific future land use planning as part of a General Plan amendment. In addition to the use and dimensional standards of this section, development in the SPA district shall be in compliance with all other applicable provisions of this Land Use Code ("LUC") ~~LUC~~.

54.2.2 Permitted Uses

The following uses shall be permitted-by-right:

~~Dwelling unit, single-family~~

County facilities

Essential services

~~**4.2.3 Conditional Uses**~~

~~Conditional uses shall be allowed in accordance with Section 9.11.~~

~~Mining and extractive uses, subject to the use-specific standards or Section 3.2.4D.~~

~~Waste materials management facilities and uses, subject to the use-specific standards of 3.2.4N.~~

~~**4.2.4 Accessory Uses**~~

~~The following accessory uses shall be allowed:~~

~~Accessory use or structure, subject to the use-specific standards of Section 3.3.~~

~~Home occupation, subject to the use-specific standards of Section 3.3.2G.~~

~~**4.2.5 Temporary Uses**~~

~~Temporary uses shall be allowed in accordance with Section 9.11 of this LUC.~~

~~Field office, temporary, subject to the use-specific standards of Section 3.3.3B.~~

~~**4.2.6 Lot Design Standards**~~
~~Development in the SPA District shall be subject to the following standards:~~

~~**A.** Minimum Lot Area: 5 Acres~~

~~**B.** Minimum Front and Street Side Setbacks: 25 Feet~~

~~**C.** Minimum Rear and Interior Side Setbacks:~~

~~**1.** Principal structures: 10 feet~~

~~**2.** Accessory structures: See Section 3.3~~

~~**D.** Minimum Lot Width: 400 Feet~~

~~**E.** Maximum Height: 24 Feet~~

~~**4.2.7 Special Open Space Requirement**~~
~~Notwithstanding provisions to the contrary, the minimum undeveloped open space in each development within the SPA District shall be 80 percent.~~

54.2.**3**~~8~~ **District Standards**
All land uses and structures shall:

A. Be placed on a slab-on-grade or perimeter foundation; and

~~**B.** Have a minimum 24 feet horizontal wall dimension on at least 2 non-opposite sides; i.e., other than directly opposite sides of the structure;~~

~~**C**~~**B.** 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.~~; and~~

~~**D.** Cluster all allowable residential density on the 20 percent of the property that is least visible from high public use areas.~~

54.**3**4 **PUD, Planned Unit Development** ~~**Revised 12/23**~~

54.**3**4.1 **Purpose and intent** ~~Revised 12/23~~
A Planned Unit Development (PUD) is an overlay that allows for modification of the dimensional and density standards of the underlying base zoning district under Article 3, to:~~The PUD, Planned Unit Development, is an overlay district designed to provide for modification of the otherwise applicable dimensional and density standards of the underlying base district as specified in Article 5, Lot Design Standards, in order to accomplish one or more of the following purposes:~~

A. Provide flexibility in siting a structure to preserve a site's unique natural, resource, or scenic feature, and to avoid or mitigate a hazardous area~~Promote flexibility in the siting of structures so as to preserve and take advantage of the site's unique, natural, resource or scenic features and to avoid or mitigate any hazardous area~~;

Commentary:
The -PUD "overlay district" permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility, open space, affordable housing, and facilitate creative site planning.
In the -PUD district, the underlying base district standards may be modified consistent with the purposes for -PUD. However, allowed uses and maximum density must be determined by the underlying base district.

B. Provide a density bonus to encourage affordable housing, workforce housing, or open space~~Provide density bonus incentives in the interest of creating affordable housing, workforce housing, and beneficial open space~~;

C. Encourage efficient use of land, public streets, utilities, and government services~~Encourage more efficient use of land and public streets, utilities, and governmental services~~;

D. Promote a cluster~~ined~~ development pattern ~~in the interest of~~ to preserv~~ing~~ rural character;

E. Preserve open space for the benefit of residents ~~of developments and the community~~;

F. Achieve a ~~compatible~~ land use relationship compatible with the surrounding area~~s~~; and

G. Promote ~~greater~~ variety in ~~th~~building~~e~~ type and design ~~of buildings and thereby~~to improv~~ing~~ the character and quality of new development.

~~[Ord. 681, 2023.]~~

5~~4~~.3~~4~~.2 Applicability ~~Revised 12/23~~

A. A Planned Unit Development may be approved on a parcel, or contiguous parcels in common or coordinated ownership or control, in a residential zoning district, consisting of at least 5 acres.

B. The standards of this Code apply to development within a Planned Unit Development, except as expressly modified by the Development Agreement approved for that Planned Unit Development.
~~Upon approval, the underlying base zoning district as modified by the approved -PUD master plan shall control development within a -PUD district. -PUD district master plans may be approved for properties in single ownership or in contiguous (multiple) ownership or control. [Ord. 681, 2023.]~~

~~**4.4.3 Approval Procedures** Revised 12/23~~
~~-PUD district developments shall be reviewed and approved in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a zoning map amendment. [Ord. 681, 2023.]~~

~~**4.4.4 Identification on Zoning Maps** Revised 12/23~~
~~Approved -PUD district developments shall be indicated on the official Zoning Map. [Ord. 681, 2023.]~~

~~4.4.5~~5.3.3 Permitted Uses~~Allowed Uses~~ ~~Revised 12/23~~
A use or combination of uses permitted in the underlying base zoning district is permitted in a Planned Unit Development. A nonresidential use is limited to those permitted in the underlying zoning district.~~Any use or combination of uses allowed by the underlying base district(s) are permitted in a Planned Unit Development; provided, that nonresidential uses shall be those of the underlying zoning district. [Ord. 681, 2023.]~~

~~4.4.6~~5.3.4 Lot Design Standards ~~Revised 12/23~~

A lot within an approved Planned Unit Development is not subject to the minimum lot area, setback, or lot width standards of the underlying base zoning district, and may vary as approved in the PUD concept plan and development agreement.~~In order to achieve the purpose and intent of these PUD regulations, variation may be permitted relative to underlying base district standards with respect to the minimum lot area, setbacks, and lot width. [Ord. 681, 2023.]~~

~~4.4.7~~5.3.5 Density ~~Revised 12/23~~

A. The average density of a Planned Unit Development may not exceed the density permitted for the particular use in the underlying zoning district before PUD approval, unless the project qualifies for a density bonus under Section 5.3.6, Density Bonus for Moderate Income Housing or Workforce Housing, or Section 5.3.7, Density Bonus for Open Space.

B. A project may qualify for a density bonus under Section 5.3.6 or Section 5.3.7, but not both, unless the County Commission finds that combining the bonuses serves the purpose of this Article and does not result in a density inconsistent with the character of the surrounding area.~~Maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval unless the project meets the requirements for affordable housing density bonus incentives (in accordance with Section 4.4.8), workforce housing density bonus incentives (in accordance with Section 4.4.9), or open space density bonus incentives (in accordance with Section 4.4.10). [Ord. 681, 2023.]~~

~~4.4.8~~5.3.6 ~~Affordable Housing,~~ Density Bonus ~~Incentives~~for Moderate Income Housing or Workforce Housing ~~Revised 12/23~~

A developer may increase residential density in the SLR and LLR zoning districts under this Section. At least 50% of the bonus units under Density Incentive 1, and 70% of the bonus units under Density Incentive 2, must be moderate income housing restricted under Section 6.14, Moderate Income Housing or workforce housing, with the number of housing units rounded down if the decimal portion is less than 0.5, and rounded up if 0.5 or more. Maximum density by district is as follows:~~Maximum residential density may be increased at the option of the developer in the SLR and LLR base zoning districts in accordance with the requirements of this section; provided, that at least 50 percent of the bonus dwelling units provided in "Density Incentive 1" and 70 percent of the bonus dwelling units provided in "Density Incentive 2" shall be affordable housing restricted in accordance with the requirements of Section 6.14. Maximum allowed density by district shall be as follows:~~

Maximum Density by District (Units per Gross Acre)									
Qualifying Zone Districts	Conventional	~~Affordable~~ Moderate Income Housing Incentive 1				~~Affordable~~ Moderate Income Housing Incentive 2			
		Density Bonus (Units/Acre)	Unit Increase	% Increase	~~Affordable~~ MIH ~~Housing~~ Units	Density Bonus (Units/Acre)	Unit Increase	% Increase	~~Affordable Housing~~MIH Units
SLR, Small Lot Residential	5	8.0	3.0	60%	2	10.0	5.0	100%	4
LLR, Large Lot Residential	2	3.0	1.0	50%	1	3.6	1.6	80%	1

~~NOTE:~~

~~When calculating the affordable housing units, if the decimal portion is less than 0.5, round down; if the decimal portion is equal or more than 0.5, round up.~~

~~[Ord. 681, 2023.]~~

4.4.9 Workforce Housing, Density Bonus Incentives Revised 12/23

Maximum residential density may be increased at the option of the developer in the SLR and LLR base zoning districts in accordance with the requirements of this section; provided, that at least 50 percent of the bonus dwelling units provided in "Density Incentive 1" and 80 percent of the bonus dwelling units provided in "Density Incentive 2" shall be restricted for ownership and occupancy by actively employed households as defined in Section 4.7.3. Maximum allowed density by district shall be as follows:

Maximum Density by District (Units per Gross Acre)									
Qualifying Zone Districts	Conventional	Workforce Housing Incentive 1				Workforce Housing Incentive 2			
		Density Bonus (Units/Acre)	Unit Increase	% Increase	Workforce Housing Units	Density Bonus (Units/Acre)	Unit Increase	% Increase	Workforce Housing Units
SLR, Small Lot Residential	5	8.0	3.0	60%	2	9.5	4.5	90%	4
LLR, Large Lot Residential	2	3.0	1.0	50%	1	3.5	1.5	75%	1

NOTE:

When calculating the workforce housing units, if the decimal portion is less than 0.5, round down; if the decimal portion is equal or more than 0.5, round up.

[Ord. 681, 2023.]

4.4.105.3.7 Open Space, Density Bonus Incentives Revised 12/23

The County Commission may approve a density bonus of up to 20%, upon a recommendation from the Planning Commission, for a project providing at least 20% open space. Qualifying open space is one or more of the following: A density bonus of up to 20 percent may be approved at the recommendation of Planning Commission for projects providing 20 percent or more open space.

Beneficial open space eligible for the density bonus shall provide the following:

A. Open space that promotes the preservation ofes productive agricultural land (see Section 10.2).

B. Open space that provides public access to public land, or connects to an existing or planned trail, riparian corridor, or historic trail corridor. This open space must be freely accessible to the public, identified by on-site signage, and, if a trail, constructed in accordance with Section 8.4, Sidewalks and Trails. A homeowners association must maintain the open space. Open space that promotes access to public lands, connections to existing or planned trails, and riparian and historic trail corridors. Such open space shall be freely accessible to the general public, and clearly identified by on-site signage. Trails shall be constructed in accordance with Section 7.4 and maintained by the mandatory homeowners association in accordance with Section 9.6.

[Ord. 681, 2023; Ord. 544, 2016.]

~~4.4.11~~5.3.8 ~~Master Plan Requirement~~Development Agreement Required ~~Revised 12/23~~

Approval of a Planned Unit Development requires a Development Agreement for the development. The Development Agreement must include:~~In approving a PUD district development in accordance with this section, the County Commission shall require a master plan of the development. A comparison of the proposed development with the standards of underlying zoning district and a statement by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations;~~

A. A comparison of the proposed development to the standards of the underlying zoning district~~A statement by the applicant describing how the proposed development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations~~;

B. A statement describing how the proposed development provides a greater benefit to the County than a development carried out under the otherwise applicable zoning and development regulations~~Identification of lands that include public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation); floodplains and riparian habitats; slopes in excess of 30 percent, and significant geological, biological, and archeological sites (not all of these will apply to every parcel)~~;

C. Identification of a sensitive land on the property, including a public drinking water supply watershed (a recharge area for the aquifer in the Glen Canyon Formation), a floodplain or riparian habitat, a slope exceeding 30%, and a significant geological, biological, or archaeological site, to the extent applicable~~Identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses~~;

D. Identification of a site planning feature designed to achieve compatibility between an on-site residential and nonresidential use, and with the surrounding neighborhood and land use~~A narrative addressing the proposed development explaining and tabulating the land uses by gross acre, number of dwelling units by housing type, residential density and/or square footage of nonresidential uses per gross acre, common area and open space 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~~;

E. A narrative describing and tabulating the proposed land use by gross acre, the number of dwelling units by housing type, residential density or nonresidential square footage per gross acre, common area and open space acreage, anticipated traffic generation, overall character and architectural style, and the relationship of the proposed development to existing development in the area~~A site plan prepared in accordance with the requirements of Section 9.17 shall be approved and filed with the findings of fact as part of the approval, including but not limited to major roads, trails and trail connections, major utilities, existing and proposed land uses, common area, open space, landscaping plan, a conceptual drainage plan and entrance locations on existing roads~~;

F. A site plan, prepared in accordance with Section 9.14, Site Plan Review, approved and filed with written findings of fact supporting the approval, including a major road, trail and trail connection, major utility, existing and proposed land use, common area, open space, landscaping plan, conceptual drainage plan, and entrance location on an existing road~~Dimensional standards to be modified within the PUD district relative to the underlying base district standards~~;

G. A dimensional standard to be modified within the Planned Unit Development relative to the underlying base district;~~A statement of how the proposed development is consistent with the General Plan; and~~

H. A statement of how the proposed development is consistent with the General Plan;~~Other relevant information as may be requested by the Zoning Administrator.~~

I. Identification of an architectural design feature addressing exterior building material, color, scale, and siting, to minimize disturbance to natural terrain and existing significant vegetation, and to reduce soil erosion and enhance drainage;

J. A description of a public land dedication required under Section 5.3.9, Public Land Dedications;

K. A description of a road design standard to be modified within the Planned Unit Development relative to the standards otherwise required by this Code, and identification of the entity responsible for maintaining a private road; and

I. Any other relevant information requested by the Zoning Administrator;

~~[Ord. 681, 2023; Ord. 544, 2016.]~~

5.3.9~~4.4.12~~ Public Land Dedications ~~Revised 12/23~~

In addition to land required for public rights-of-way and easements, a Planned Unit Development must dedicate to the County: ~~the County shall require the dedication to the County of:~~

A. Land for a public facility necessary to serve the development, including a public school, fire station, water storage facility, well field, public park, or trail~~Land for public facilities pursuant to the provisions of Section 6.13.7, Extraordinary Impact; including but not limited to, public schools, fire stations, water storage, well fields, public parks and trails that are necessary to serve the development~~;

B. An easement for a scenic corridor or preservation area that benefits the general public~~Easements for scenic corridors or preservation that benefit the general public~~;

C. A right-of-way for a non-mechanized trail necessary to maintain historic access to public land or a trail connection to the surrounding area, or a trail included on any Grand County Trails or Active Transportation Plan; and ~~Rights-of-way for non-mechanized trails shall be dedicated as necessary to maintain historic access to public lands and trail connections to surrounding area and as part of the Grand County Master Plan for Non-Motorized Trails (Trail Mix); such dedications shall also include documented or verifiable historic trails perhaps not included in the Trail Mix; and~~

Commentary:
The General Plan encourages a clustered development pattern, with development located in the most appropriate part of the property. Small clusters of five to 10 dwellings each, separated by common area or open space, tends to be most effective in preserving rural character.

D. A h~~H~~istoric site~~s and~~ or building~~s~~.

~~[Ord. 681, 2023; Ord. 544, 2016.]~~

~~4.4.13 Architectural Review~~ ~~Revised 12/23~~

~~The Planning and Zoning Commission may require an architectural site plan to review for the purpose of promoting the preservation of the visual character of the neighborhood, the stability of land values, the public safety, and the general welfare by preventing the erection of structures or additions or alterations which are not properly related to their sites or to prevent the indiscriminate clearing of property, excessive grading, and the destruction of trees and shrubbery. In carrying out the purpose of this section with respect to the external design of the buildings, approval shall be considered in accordance with the following objectives:~~

~~A. Reducing the adverse visual impacts of structures which, because of size, scale, color or location, are out of harmony with the neighborhood in which they are to be constructed.~~

~~**B. Minimizing disturbances to the natural terrain and existing significant vegetation; enhancing drainage; reducing soil erosion; and otherwise maximizing compatibility with the regulations of this LUC.**~~

~~**C. It is the intent of this section that the County shall exercise the minimum control necessary to achieve the overall objectives thereof.**~~

~~**[Ord. 681, 2023; Ord. 544, 2016.]**~~

~~**4.4.14**~~5.3.10 **Road Design Standards** ~~Revised 12/23~~

A road within a Planned Unit Development is not subject to the road design standards otherwise required by this Code, and may vary as approved in the Development Agreement, provided that a private road is maintained by a homeowners association or similar entity.~~Variation from otherwise required road design standards may be approved where the applicant demonstrates to the satisfaction of the County that such exception will not be detrimental to the public health, safety and general welfare, and where private road maintenance is provided by a homeowners' association or other similar entity. [Ord. 681, 2023. Formerly 4.4.9.]~~

~~**4.4.15 Additional Conditions** Revised 12/23~~

~~The County shall impose such other conditions as are deemed necessary to accomplish the purposes of this section, this LUC and the General Plan. [Ord. 681, 2023; Ord. 544, 2016. Formerly 4.4.14.]~~

~~**4.4.16 Minor Amendments** Revised 12/23~~

~~**A.** The following minor amendments to PUD master plans shall be reviewed and, if appropriate, approved by the Zoning Administrator:~~

~~**1.** Changes that result in a decrease in assigned density or intensity for a specific parcel, either residential or nonresidential.~~

~~**2.** Change in land use designation from multifamily to single-family or a change from any other use to common area or open space.~~

~~**3.** Change in major infrastructure features (e.g., roads/access, sewer, water, storm drainage) of the master plan area, which are beneficial to the residents of the master plan area.~~

~~**4.** Change in land use designation from single-family to multifamily with no increase in permitted site-specific density.~~

~~**B.** The applicant requesting such change shall notify the property owners' association, at least 15 days prior to any decision, that would be affected by the change of the request and ask that all comments be directed to the Zoning Administrator. Proof of such notification shall be provided to the Zoning Administrator. If the Zoning Administrator determines that the change does not have the support of the affected property owners, the request will be referred to the Planning Commission for review.~~

~~[Ord. 681, 2023; Ord. 544, 2016. Formerly 4.4.15.]~~

~~**4.4.17 Major Amendments** Revised 12/23~~

~~All other proposed amendments to a listed master plan or master plan text not specifically addressed above shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 9.2, Text and Zoning Map Amendments (Rezonings). [Ord. 681, 2023; Ord. 544, 2016. Formerly 4.4.16.]~~

Commentary:
Where property has been previously platted, a plat amendment is necessary in addition to any PUD master plan amendment which might be approved under this section.

~~**4.4.18 Effect on Other Code Standards** Revised 12/23~~
~~Except as expressly authorized by the regulations of this section and approved as a part of a PUD master plan in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezonings), the standards of this LUC shall apply to development within a PUD. [Ord. 681, 2023; Ord. 544, 2016. Formerly 4.4.17.]~~

54.~~46~~ OAO, Overnight Accommodations Overlay Districts

4.~~65~~.4.1 Purpose

The -OAO, Overnight Accommodations Overlay Districts are overlay districts intended to designate subdivisions and developments within which overnight accommodations are permitted. Overnight accommodations, while part of the Grand County economy and tradition, are not appropriate in all zone districts and parts of the County. -OAO Districts should be applied only to parcel(s) planned or historically used primarily for such use and activity, accessible directly by an arterial or collector street, and where appropriate and compatible with adjacent land uses and neighborhoods.

The -OAO Districts ensure that overnight accommodations are designed and developed in a manner that addresses the impacts and the increased service needs they generate, including but not limited to traffic, employee housing, natural resources (e.g., land and water), sewerage, law enforcement, and emergency medical services. The -OAO Districts also ensure that Grand County maintains a healthy amount of developable commercial land and mix of commercial uses that support a diverse economy. The -OAO Districts should be applied to ensure that new and redeveloped projects result in tangible community benefits through the application of creative design, the incorporation and support for mixed uses both on site and elsewhere in the community, and through the provision and support for public uses and spaces to provide a balanced community structure. [Ord. 607, 2020; Ord. 595, 2019.]

4.~~65~~.4.2 Applicability

The regulations set forth in this section may be applied to real property located within the -OAO boundaries shown on Exhibit A to the ordinance codified in this section upon application to and approval by the County Commission pursuant to the provisions herein.

When approving or denying an -OAO District application, the County Commission shall consider and make findings related to the impact of the proposed development on:

A. Grand County's effort to achieve or maintain a balanced ratio of mixed uses in the County, including residential, lodging, and commercial uses; and

1. In determining what constitutes a balanced ratio of mixed uses, the County Commission shall consider the following factors:

a. Grand County's early 2019 development ratio of 1.4 overnight accommodation units to one primary residential unit;

b. Carrying capacity analyses or additional studies specific to Grand County; and

c. The considerations of interest in Section 4.~~65~~.4.7C.2.g(1).

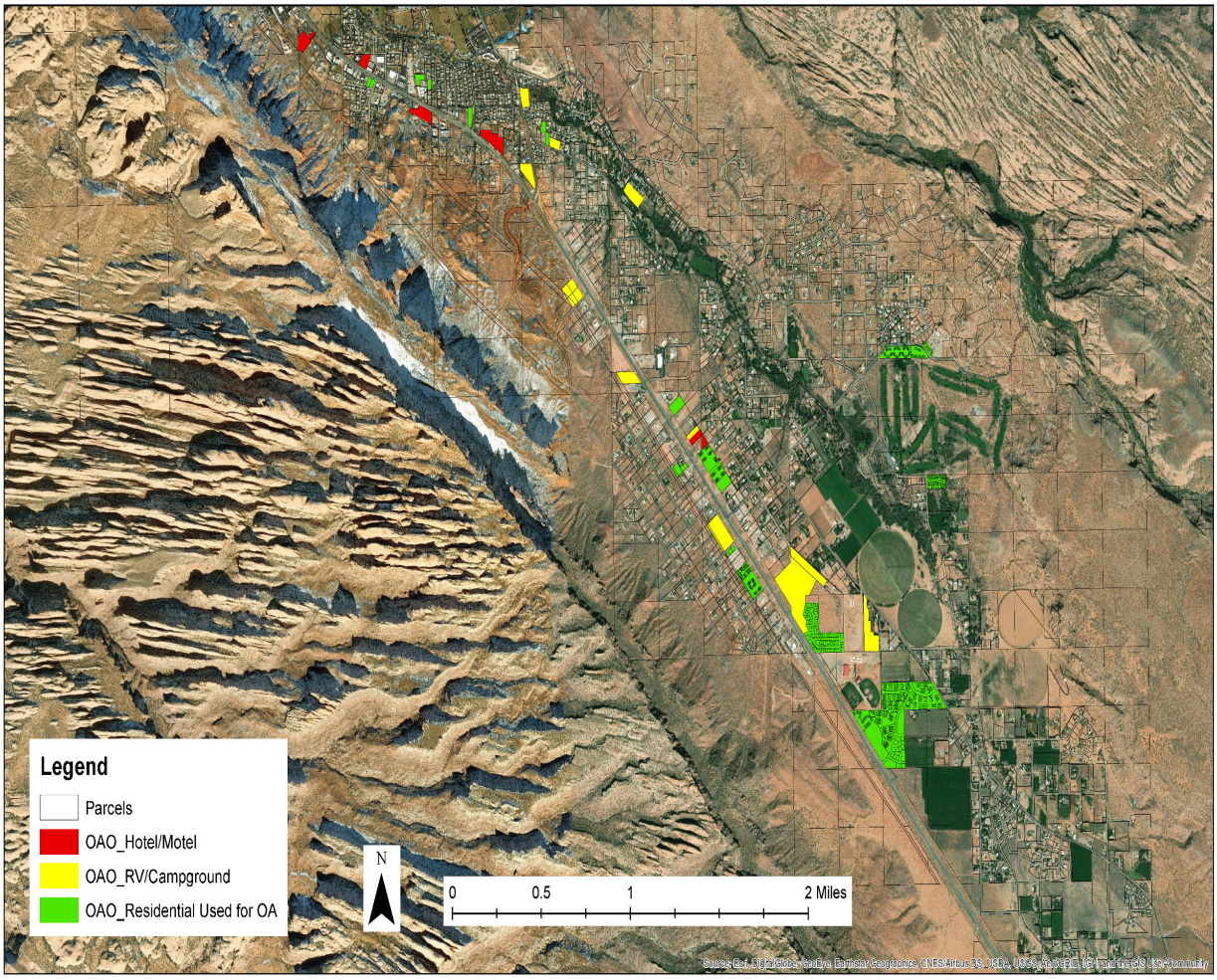
Upon approval, and subject to all applicable zoning regulations, the development agreement and master plan shall control development of the applicable real property.

[Ord. 607, 2020; Ord. 595, 2019.]

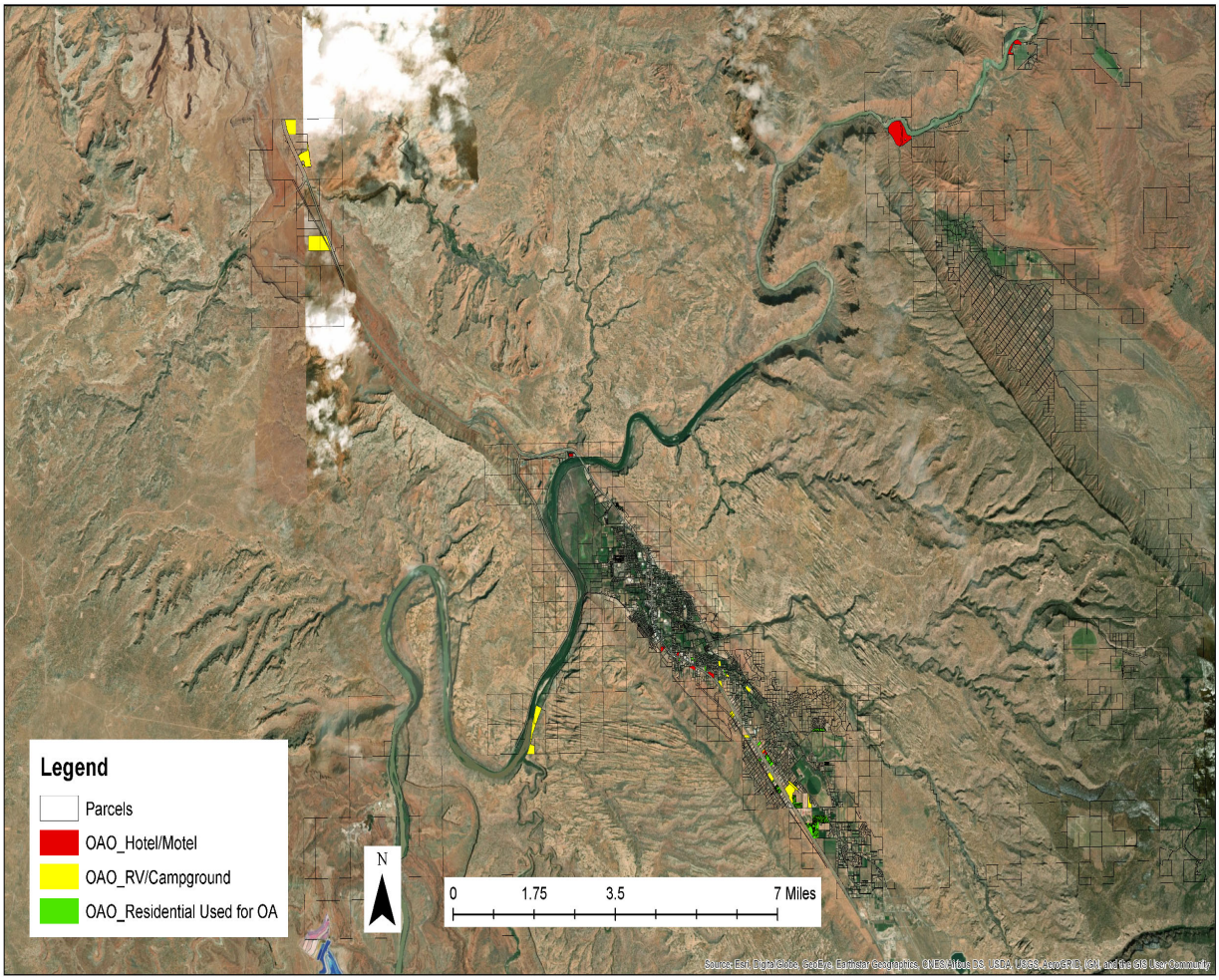
~~4.6~~5.4.3 Identification on Zoning Maps

Approved -OAO Districts and developments shall be indicated on the official Zoning Map.

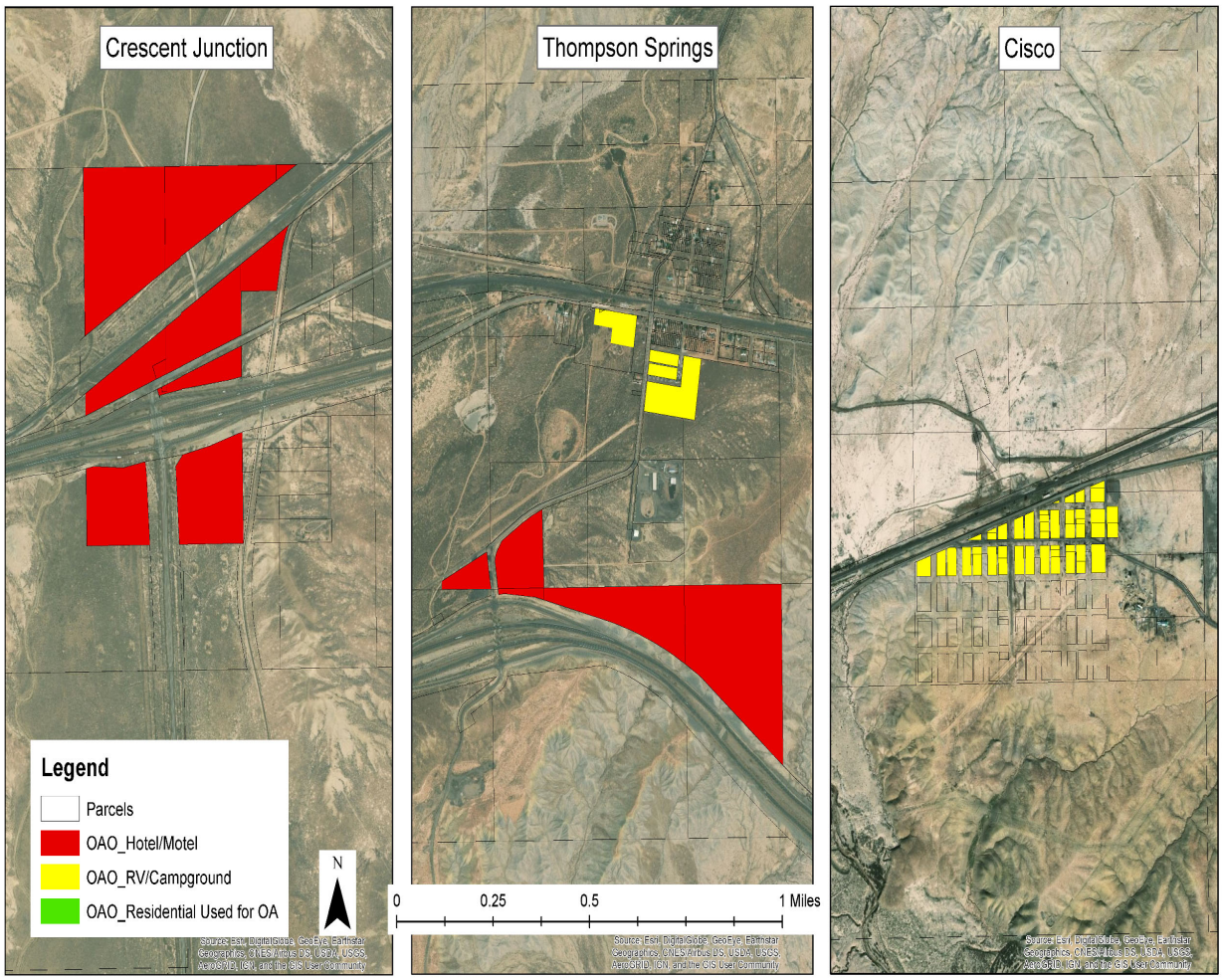
4.6.3 Overnight Accommodations Overlay Map - Adopted July 18, 2019



4.6.3 Overnight Accommodations Overlay Map - Adopted July 18, 2019



4.6.3 Overnight Accommodations Overlay Map - Adopted July 18, 2019



[Ord. 595, 2019.]

~~4.6~~5.4.4 Allowed Uses

Uses allowed in the -OAO Districts shall be as specified in the underlying base district together with permissible overnight accommodations occupied for time periods of less than 30 days. Accordingly, overnight accommodations developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district. Existing overnight accommodations developments shall not be allowed to expand the number of spaces, lots, or units for which they were originally approved to use as overnight accommodations. [Ord. 595, 2019.]

~~4.6~~5.4.5 Design Standards in -OAO Districts

Unless otherwise specified below, all development in an -OAO District shall comply with the design standards of the underlying zoning district and this Section ~~4.6~~5.4, as amended.

A. Energy

1. OAO developments in the OAO-Hotel/Motel District and residential units used for overnight accommodations in the OAO-Residential District and all structures owned or managed by OAO developments in the OAO-RV/Campground District shall produce 80 percent of their energy needs on site through solar, geothermal, or other renewable energy sources.

2. OAO developments are encouraged to purchase their remaining energy needs through renewable energy programs and credits.

3. OAO developments may meet these energy requirements by submitting a certification through the Green Building Council (LEED Zero or better), Living Building Challenge, Net Zero Building Certification, or other established industry standard.

4. OAO developments shall submit an annual report demonstrating compliance with the above standards by notarized affidavit to the County on or before January 31st each year. Failure to comply with this requirement could result in the loss of a business license.

B. Water

1. OAO developments shall install the largest feasible rainwater catchment system based on rooftop size, layout, and an analysis of average storm events, as demonstrated by a stamped engineering plan; provided, however, that developers shall not be required to install systems that would generate more water than is needed to satisfy a development's outdoor water/landscaping irrigation needs.

a. OAO developments shall use the water for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation. Unless exempt, developers shall register their capture and storage of precipitation with the State of Utah Division of Water Rights prior to placing the water to beneficial use.

2. OAO developments shall include greywater reuse systems for all shared or group shower or laundry facilities and use the greywater for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation.

3. OAO developments shall utilize drought-resistant, water-wise, and xeriscape landscaping design principles. Turf grass may not exceed 10 percent of the landscaped area or 3,000 square feet, whichever is less.

4. To the maximum extent possible, OAO developments shall utilize bio-retention and bio-infiltration systems to manage storm water runoff.

C. Transportation

1. OAO developments shall incorporate into their subdivision plat or site plan the following transportation infrastructure:

a. Space to accommodate a transit or shuttle stop.

b. OAO hotel/motel developments shall provide covered, lockable bike storage at a rate of one space per two lodging units.

c. Active transportation and non-motorized trail easements dedicated to the public where identified in the Grand County Non-Motorized Trails Master Plan.

d. Electric vehicle charging stations at the rate of two stations per the first 25 units, with one being ADA-accessible, and one station per additional 25 units.

2. OAO developments shall incorporate into their subdivision plat or site plan transportation solutions that will aim to reduce projected vehicle trips below the ITE Trip Generation Manual by 20 percent.

D. Mixed Use

1. OAO developments must comply with the assured housing requirements of Section 6.15.

E. Open Space

1. OAO developments shall incorporate into their subdivision plat or site plan the following usable, functional open space together with a public access easement at the following levels based on the size of all parcels included in the development:

a. Zero to one acre: five percent; all contiguous.

b. One to two acres: 10 percent; at least half contiguous.

c. Two to five acres: 15 percent; minimum 7,500 square feet of contiguous.

d. Five or more acres: 25 percent; minimum 7,500 square feet of contiguous.

F. Height

1. OAO developments shall be required to provide a viewshed analysis as part of their OAO application, which analyzes the impact of the proposed height and siting of structures on the visibility of surrounding landscape features.

2. Potential viewshed impacts, as determined by the viewshed analysis, shall be reasonably mitigated, which may include height and siting restrictions.

3. OAO developments may be constructed to the maximum height allowed by the underlying zone district only if the viewshed analysis is determined to show no detrimental impacts on the visibility of surrounding landscape features.

4. OAO developments shall be subject to the ridgeline standards in Section ~~6.9.8~~7.5.3.

G. Density and Scale

1. Hotel/motel and residential developments used for overnight accommodations shall have a maximum building size of 15,000 square feet and 35 bedrooms.

2. Hotel/motel and residential developments used for overnight accommodations shall have a maximum project size of 50,000 square feet and 60 bedrooms.

3. RV/campground developments shall be limited to a maximum of 60 spaces.

H. Site Configuration

1. Primary uses must face the fronting roadway. Where parcel or site configurations create challenges for meeting this standard, OAO developers shall present alternative use and design features that create an appealing and active interface with the fronting roadway.

2. All development must fit the topography of the property. No mass grading or grading of a flat building envelope (building must step with terrain) is permitted.

3. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods as determined by the Zoning Administrator and County Engineer.

I. Building Design

1. No facade or building wall shall exceed 60 linear feet. More than five feet shift in vertical and horizontal facade is required for each 30 linear feet.

2. Building design shall vary between vertical facade divisions and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

a. The proportion of recesses and projections;

b. The location of the entrance and window placement, unless storefronts are utilized;

c. Roof type, plane, or material, unless otherwise stated in the building type requirements.

3. No rectangular area greater than 30 percent of a building story's facade, as measured from floor to floor, may be windowless, and no horizontal segment of a building story's facade greater than 15 feet in width may be windowless, unless otherwise approved. An exception may be considered if the wall area is to be used to display public art (not a sign).

4. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view when unavoidable. Rooftop parking shall be shielded from view and integrated into the overall building design.

5. Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated. Awnings must be of solar stabilized materials.

6. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood or other durable material.

J. Materials and Colors

1. OAO developments shall be constructed of durable primary materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass; or engineered stone. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, OAO developments shall utilize nonreflective materials.

2. OAO developments shall utilize earth tone colors that are complementary to the surrounding landscape and visual backdrops. Exceptions shall be allowed for public art.

[Ord. 607, 2020; Ord. 595, 2019.]

~~4.6~~5.4.6 Use and Occupancy Standards

In addition to the requirements of Section ~~4.6~~5.4.5, all principal and accessory structures in an OAO development shall comply with the following use and occupancy standards requirements. An individual land use permit and business license shall be required for each RV/campground, hotel/motel, or dwelling unit rented for time periods of less than 30 days.

A. Bed and Breakfasts

Bed and breakfasts shall comply with the standards of this section:

1. Bed and breakfast facilities shall meet the minimum performance standards for off-street parking as specified in Section 6.~~4~~1, including reasonably expected extraordinary parking demands.

a. On-street parking by bed and breakfast guests is expressly prohibited;

b. Driveways and other access ways to the principal structure do not satisfy the off-street parking requirements for bed and breakfast guests.

2. One sign shall be allowed, in accordance with the requirements of Section 6.11~~5~~, Signs.

3. Information for emergencies must be made available to guests.

4. The zoning administrator may revoke a bed and breakfast permit if it is determined that:

a. The applicant has misrepresented any material fact on his or her application or supporting materials;

b. The bed and breakfast fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;

c. The operation of the bed and breakfast violates any statute, law, ordinance or regulation; and/or

d. The operation of the bed and breakfast constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

B. Dude Ranch or Destination Resort

Dude ranches and destination resorts shall be permitted in the OAO-Hotel/Motel Districts. All dude ranches or destination resorts shall comply with the standards of this section:

1. Accessory facilities may include restaurants, gift shops, employee housing, equestrian facilities and health spas;

2. Provide adequate public facilities and services based on the type and scope of the development proposed; a private water and/or sewerage system may be required where the capacity of available public water system and/or sewage treatment system is insufficient to serve current zoned density;

3. Provide public trail and/or road right-of-way dedications as necessary to maintain historic access to public lands;

4. Provide complete food service for all guests;

5. Provide a recreational amenity package suitable for the scale of the project;

6. Signs allowed on site shall comply with the requirements of Section 6.11~~5~~; provided, however, that:

a. Maximum allowable signage, defined as the aggregate total square footage of signs on site, shall be as determined by the Planning Commission up to a maximum of 192 square feet; provided, that no individual sign shall be larger than 92 square feet; and

b. Signs that are not visible from off site shall not be considered in the maximum allowable signage;

7. The density of accommodations units shall be limited to one per two and one-half acres, and the average size of all accommodations units shall not exceed 600 square feet; provided, however, that the County may permit bonus density up to one unit per acre and/or bonus average unit size, where the County specifically finds that a proposed development will provide significant and substantial public benefit, as compared to alternative uses for the subject property, by exceeding county standards with respect to:

a. Protection of sensitive lands on the site;

b. Dedication of viewshed easements across the property from high public use areas;

c. Dedication of 80 percent or more of the site as open space;

d. Protection and enhancement of wildlife habitat; and

e. Diversification of the local economy;

8. Employee housing shall be provided and such housing shall be restricted in accordance with the requirements of Section 6.14.

C. Recreational Vehicle, Campground, and Travel Trailer Park

Recreational vehicle, campground, and travel trailer parks shall comply with the following standards:

1. Each space may be occupied only by persons using "park model" units, travel trailers, truck campers, small cabins (traditional KOA-style), and tents for overnight, short duration, or seasonal camping;

2. Each space RV/travel trailer space shall be at least 1,200 square feet in area;

3. Each cabin or tent space shall be at least 800 square feet in area;

4. Each space shall be at least 30 feet in width;

5. Each park shall be served by public water and sewer facilities;

6. No space shall be located more than 200 feet from a water and sewage service building;

7. The County may require landscaping and screening pursuant to the provisions of Section 6.8~~4~~, Landscaping and Screening; and

8. One tree of a species suitable for the area shall be provided for each two spaces, and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)

D. Residential Units Used for Overnight Accommodations

Residential units used for overnight accommodations shall comply with the following requirements:

1. Each residential dwelling unit used for overnight accommodations shall require its own land use permit and business license even when multiple units are owned or managed by one entity.

2. Such units shall be managed by Utah-licensed property management agents or companies with a local Grand County representative, and shall collect and pay all applicable taxes, including but not limited to the transient room tax (TRT).

3. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods.

4. Properties used for overnight accommodations shall have direct access to an arterial or collector street.

5. Current contact information for property owners or management agencies or companies shall be posted in an accessible location outside such units or project.

[Ord. 607, 2020; Ord. 595, 2019.]

~~4.6~~5.4.7 -OAO District Application

A. Preapplication Conference. Prior to submission of an -OAO District application, as defined in this section, the developer or subdivider shall meet with the Community Development Director or their designee(s), including other County staff deemed desirable or necessary by the Community Development Director, to discuss the procedures, standards, and regulations hereunder. Uses allowed in the -OAO Districts shall comply with the use-specific standards of Article 4~~3~~ and development standards of Articles 6 and 7.

B. Procedure. An -OAO District application shall be reviewed and approved in accordance with the procedures of Section 9.3~~2~~, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a Zoning Map amendment.

C. Application. A developer or subdivider shall submit an -OAO District application with the information contained in Section 9.3~~2~~.2~~3~~ together with a development agreement, master plan, and conceptual site plan as follows:

1. The development agreement shall include the following information:

a. Legal description of the property;

b. Narrative summarizing the proposed development of the property by gross acre; number of lots or units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the developer or requested by the County;

c. All other required components of the development agreement outlined in Section 6.15, Assured Housing Requirements; and

d. Method of compliance with Section 6.15, Assured Housing Requirements, which shall include a stated fee in lieu amount or number of units to be constructed.

2. The master plan shall include the following information:

a. Legal description of the property;

b. Identification of all proposed land uses including accommodations and nonaccommodations uses;

c. Number and location of lots or units to be developed on the property;

d. Identification of site planning features designed to ensure compatibility and a seamless transition between proposed overnight accommodations development and surrounding neighborhoods or site conditions;

e. A map and description of sensitive lands within or adjacent to the proposed development and how they will be addressed, including but not necessarily limited to the following:

(1) Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);

(2) Floodplains and riparian habitats;

(3) Slopes in excess of 30 percent; and

(4) Significant geological, biological, and archaeological sites;

f. Documentation of the specific utilities and infrastructure that are designed and installed to conserve limited natural resources such as water. Examples (for water resources) include preparation of a water use master plan for the project, the incorporation of gray-water reuse systems, implementation of water conserving landscapes, installation of real-time water monitoring systems, and the incorporation of water-efficient fixtures;

g. A narrative that includes:

(1) A description, stated with specificity, of how the proposed development impacts or benefits the following considerations of interest to Grand County and how any such impact shall be addressed or mitigated:

i. Economic diversification;

ii. Job creation;

iii. Increased wages;

iv. Community aesthetics;

v. Civic and open space;

vi. County infrastructure such as roads, water, sewer, and storm water;

vii. Public services such as law enforcement and emergency medical services;

viii. Traffic, in quantity and circulation;

ix. Water resources, in quantity and quality;

x. Housing demand;

xi. Crowding or congestion in national parks and other nearby public lands.

(2) A description, stated with specificity, of additional beneficial public services and goods the proposed development provides to the community.

(3) An analysis that compares the stated community benefit(s) with the proposed impact(s).

3. The conceptual site plan shall include the information required under Sections 9.1~~4~~7.3A through P~~N~~. [Ord. 607, 2020.]

D. Recordation. The developer or subdivider shall record the development agreement and master plan in the real property records of Grand County, Utah, prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the County.

E. Effect. Review and consideration of an -OAO District application is a discretionary legislative decision. Further, approval of an -OAO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

F. Lapse of Approval. The -OAO District approval shall automatically expire and be void unless the County approves and developer records a site plan or final plat for the overnight accommodations development in accordance with Section 9.7~~5~~ or 9.1~~4~~7 within 24 months of the date of -OAO District approval.

G. Conflict. In the event of conflict between the provisions of Section 9.3~~2~~ and this Section ~~4.6~~5.4.7, this section shall control.

[Ord. 622, 2021; Ord. 595, 2019.]

5~~4~~.5~~7~~ High Density Housing Overlay Districts Revised 11/25

Note: This is also a legacy code that expired. Where any units built? Did they have a development agreement or recorded overlay approval? Could we create a much smaller "legacy overlay districts" code to address them and move the main language to an appendix?

5.5~~4.7~~.1 Purpose Revised 12/23

The High Density Housing Overlay Districts ("HDHO Districts") are designed to provide for modification of the otherwise applicable development standards of the underlying base district as specified in Article~~s 2 and 5~~3, in order to accomplish one or more of the following purposes:

A. Facilitating the provision of new housing units used for primary residential occupancy by actively employed households;

B. Achieving the goals of the housing element of the County's General Plan;

C. Implementing the policies and goals of the housing element of the County's General Plan;

D. Encouraging the development of new high quality housing units by assisting both the public and private sector in making the provision of these units economically viable; and

E. Encouraging the provision of primary residential housing through the combination of multiple-family and single-family residential zoning districts within the County where the residential housing projects are determined to be feasible and are consistent with the County's General Plan.

[Ord. 687, 2023; Ord. 591, 2019.]

5.54.7.2 Applicability Revised 12/23

The regulations set forth in this section may be applied to real property located within the HDHO boundaries, as shown in Exhibit A attached to the ordinance codified in this section, upon application to and approval by the County Commission pursuant to the provisions herein. Upon approval, the HDHO District zoning, development agreement, and master plan shall control development of the property.

[Ord. 687, 2023; Ord. 591, 2019.]

5.54.7.3 Definitions Revised 12/23

A. Except as provided in section 4.75.5.13.B, "active employment household(s)" or "actively employed household(s)" means a household or households with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50% of all the adults comprising the household shall meet one of the following criteria:

1. Local Employment. A person who earns his or her income (whether as an owner, employee, independent contractor, agent, or otherwise) from working at least 24 hours per week on an annual basis for one or more Local Businesses or organizations, each of which is operating in and serving the Local Area and which Local Businesses or organizations require or directly benefit from the person's physical presence within the boundaries of the Local Area; or

2. Remote Employment. A person who claims remote or work-from-home status and can establish and provide written documentation to the reasonable satisfaction of the County that the remote employment (together with any employment that would qualify as Local Employment in subsection A.1 above) is for an average of at least 24 hours per week on an annual basis for one or more Local Businesses, each of which is either:

a. Serving the Local Area, and:

i. is physically located, operating in, and serving the Local Area;

ii. requires or directly benefits from the person's physical presence within the boundaries of the Local Area; or

iii. serves a majority (51%) of customers or clients who are located in the Local Area at the time that goods or services are provided to the customer or client;

b. Not serving in the Local Area, and in which case, the person can establish and provide written documentation to the reasonable satisfaction of the County of Primary Residential Occupancy in the Local Area for the preceding two years; or

3. A person who is unable to work, is unable to work the required number of hours, or does not have a work history required under subsections A.1 and A.2 of this subsection due to a disability as defined in subsection D and can establish and provide written documentation, to the reasonable satisfaction of the County, that such person meets the foregoing criteria; or

4. A person with a work history required under subsections A.1 through A.3 of this section for the two years prior to retirement or has lived in the local area for the five years prior to retirement or the widow or widower of a person who satisfies the foregoing requirements.

B. "Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks approval of an application for an HDHO development.

C. "Development agreement" means a development agreement and deed restriction, which is a contract between Grand County and a developer or subdivider that is recorded as an encumbrance upon the property to ensure compliance hereunder. A development agreement shall run with the land and be binding upon the parties and their successors in title, as provided by its terms.

D. "Disability" means the same as in the Utah Antidiscrimination Act ("UADA"), currently codified as Utah Code §~~section~~ 34A-5-102, and as it may hereafter be amended.

E. "High Density Housing Overlay District" or "HDHO District" means a zoning district applied to the property that benefits from a higher density than that allowed under the

existing underlying zoning designation, which attendant increased density encourages the provision of new housing units used for primary residential occupancy as further described in this chapter.

F. "High Density Housing Overlay development(s)" or "HDHO development(s)" means a subdivision or site plan approved within an HDHO District in which at least 80 percent of the lots or units developed on the property are restricted for primary residential housing occupied by actively employed households.

G. "High Density Housing Overlay lot" or "HDHO lot" is a lot restricted for primary residential housing occupied by actively employed households that meets the requirements of this chapter.

H. "HDHO lots or units" or "HDHO lots and units" shall refer to HDHO lots and/or HDHO units.

I. "High Density Housing Overlay unit" or "HDHO unit" is a dwelling unit restricted for primary residential housing occupied by actively employed households that meets the requirements of this chapter.

J. "Household" means one adult living alone, two or more adults related to each other by blood, marriage, or another legally recognized relationship, or a maximum of five unrelated adults residing in the same residence.

K. "Local Area" means Grand County, the 84532 Zip Code, or is otherwise within a 75- mile radius of the intersection of Main Street and Center Street in Moab, Utah 84532.

L. "Local Business" means a business or organization which is operating in and serving the Local Area.

M. "Master plan" means a planning document that guides development of the property based on the County's planning goals, existing development, and physical characteristics of the particular HDHO development. A master plan shall be recorded, run with the land, and be binding upon the parties and their successors in title, as provided by its terms.

N. "Organization" means a political subdivision of local, state, or federal government or a 501(c)(3) operating within the Local Area.

O. "Primary owner occupant" or "owner-occupant" is a person who owns the property they live in, using it as their primary residence for an aggregate of 183 days in a calendar year.

P. "Primary resident" means an adult that meets the "primary residential occupancy" requirement.

Q. "Primary residential housing" or "primary residential development" shall have the same meaning as "High Density Housing Overlay development," which terms may be used interchangeably throughout this chapter.

R. "Primary residential occupancy" means the owner of record occupying the dwelling unit for an aggregate of 183 calendar days and has domicile in the Local Area as that term is defined in Utah Code §~~section~~ 59-10-136 and as it hereafter may be amended.

S. "Property" means a specific parcel of real property upon which an HDHO District is applied.

T. "Rental occupant" or "renter" is a person who has signed a minimum three-month lease agreement with the Owner of an HDHO Unit and is legally responsible for rent and other obligations.

U. "Residency" means living in the Local Area without gaps of more than 3 months at a time and having proof of one's place of residence in the Local Area via one of the following pieces of documentation:

1. Rental lease agreement for a property within the Local Area;

2. Income tax return or W-2 with name and address demonstrating residence in the Local Area; or

3. Paystub or letter confirming employment from a business or organization located within the Local Area.

V. "Subdivider" means any person creating a subdivision and offering lots for sale to the public.

5.54.7.4 Permitted Uses

The following uses are permitted within an HDHO development upon the County Commission's approval of application of an HDHO District to a specific parcel:

A. Residential developments at a density greater than normally permitted by the underlying zoning district as described in the table below, when a subdivider or developer ensures a minimum of 80 percent of lots or units developed on the property are deed restricted for primary residential occupancy for actively employed households. HDHO lots and units may be owner-occupied or renter-occupied as long as the residents meet the occupancy and active employment requirements of this subsection A. The maximum density (units/acre) limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation. Residential development qualifying for greater density pursuant to the provisions of this section shall be permitted to obtain such density by constructing residential housing types not otherwise allowed in the underlying zoning district. For example, multifamily units may be constructed in a single-family residential zone.

High Density Housing (HDH) District	Maximum Density
HDH 35a	35 lots or units per acre
HDH 35b	35 lots or units per acre
HDH 25	25 lots or units per acre
HDH 15	15 lots or units per acre
HDH 10	10 lots or units per acre
HDH 5	5 lots or units per acre

B. Accessory uses or structures incidental to the principally permitted use pursuant to Section 3.34.6. Any accessory dwelling unit permitted under Section 4.83.3 in an HDHO development shall meet the occupancy and active employment requirements of subsection A of this section.

[Ord. 591, 2019.]

4.75.5.5 Development Standards

A. Eligibility. In order to reduce costs associated with the development and construction of primary residential housing, the property development standards set forth in subsection B of this section are established for and shall apply to all HDHO developments within the HDHO Districts upon approval of a site plan or preliminary plat approval.

B. Property Development Standards. The following development standards shall apply to HDHO developments within the HDHO Districts:

1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors,

security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO lots and units. The following design standards shall apply to a development that utilizes the density increases allowed by this section:

a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.

b. Screening Requirements.

(1) Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section 6.~~4.3~~8.7.

(2) Parking Lot Screening. Parking lot screening must be provided between an off-street parking area containing six or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:

i. Be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer);

ii. Be not less than 80 percent opaque and be a minimum of three feet in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity;

iii. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;

iv. Utilize plants found in Section 6.8.7~~4.3F~~, where required;

v. Consist of at least two of the following:

(A) A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.

(B) A berm with plantings as described above.

(C) Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.

(D) Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product;

vi. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

c. Parking Island Design. Off-street parking areas with at least 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:

(1) Be located at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine feet;

(2) Include at least one tree per island;

(3) Incorporate shrubs, perennials, and ornamental grasses, where required;

(4) Be prepared with topsoil to a depth of two feet and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and

(5) Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.

d. Building Exterior Facade Standards.

(1) Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.

(2) Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:

i. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows.

ii. Dormers.

iii. Gables.

iv. Recessed entries, a minimum of three feet deep.

v. Covered front porches.

vi. Cupolas.

vii. Architectural pillars or posts.

viii. Quoins.

ix. Corbeling on wall.

x. Decorative lintel.

xi. Incorporation of brick or stone on at least 25 percent of front surface area.

e. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.

f. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.

g. The County Commission may waive, or modify, any, or all, of these requirements when the Commission finds it is infeasible to comply due to physical or other constraints on the lot.

3. Minimum Building Site Area and Lot Width. There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO development. However, the building site area lot widths and lot coverage percentages shall be designated on a preliminary plat or site plan pursuant to Section 5.5~~4.7~~.9.

4. Density. Overall density of site development within an HDHO District shall not exceed the limits established in Section ~~4.7~~5.5.4.

5. Building Height.

a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b District shall not exceed four stories or 42 feet in height.

b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.

c. All structures shall conform to the ridgeline standards of Section ~~6.9.8~~7.5.3.

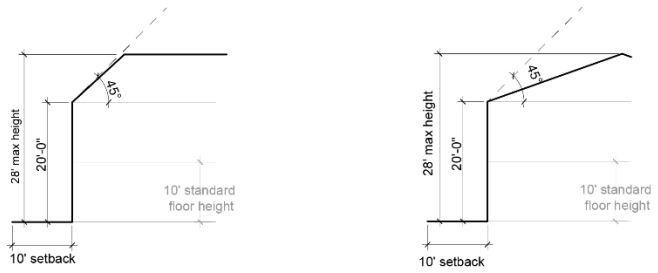
d. Structures built within an HDHO development must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:

(1) Twenty feet.

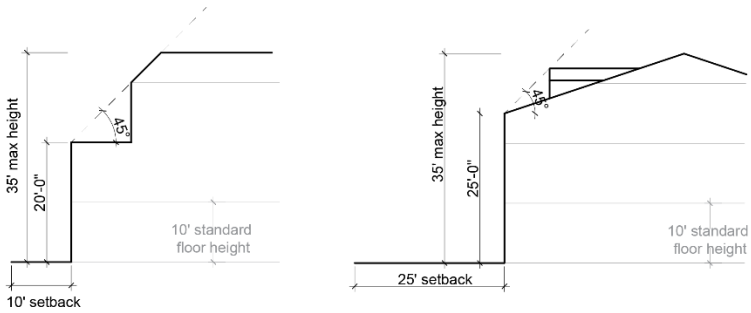
(2) The building's setback at that point.

e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45 degree angle from the maximum allowable height of the exterior wall.

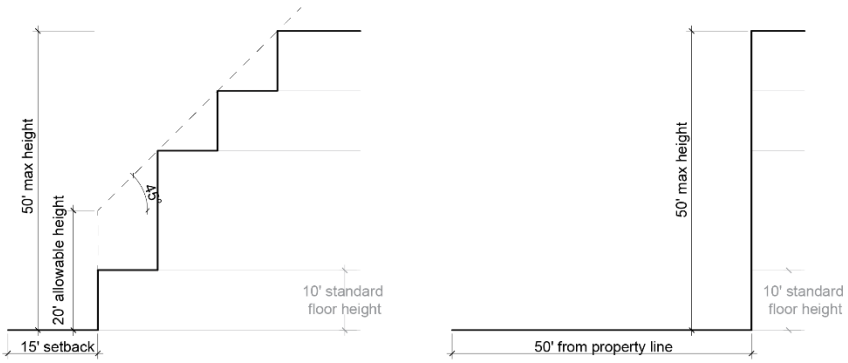
Examples of HDH Height-Compliant Structures



28' Max. Height Examples



35' Max. Height Examples



50' Max. Height Examples

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section ~~5.4.1B~~3.1.2 and the compatibility standards of Section 7.9.3~~6.10~~.

7. Parking.

a. Number of Spaces Required.

(1) For every single-family or two-family dwelling, there shall be provided at least two off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.

(2) For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.~~4~~1.4:

Multifamily dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit
	Three-bedroom and larger	2.0 per dwelling unit

b. Parking Design Requirements.

(1) Parking areas for single-family or two-family dwellings need not be paved.

(2) Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section 6.41.7.

(3) Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.

(4) Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section 5.4.13.1.2.

(5) Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

8. Minimum Standards of Physical Condition. Each HDHO unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B – Minimum Standards, attached to the ordinance codified in this section.

9. Streets. All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street.

10. Signs. Signs shall be permitted only to the extent allowed under Section 6.115, Signs, and must be approved by the Planning and Zoning Administrator.

11. Construction Timing. The HDHO units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four HDHO units shall be constructed.

[Ord. 591, 2019.]

4.75.5.6 Assurance of Primary Residential Housing and Occupancy Revised 12/23

A. General. HDHO lots and units shall be used for primary residential housing for actively employed households for 75 years with the option to redesignate as set forth in this chapter.

B. Deed Restriction. While used as primary residential housing for actively employed households, deeds for HDHO lots and units must contain the following deed restriction, which shall also be integrated into the development agreement, the master plan, and each final plat or site plan:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Grand County Land Use Code, Section 4.75.5, High Density -Housing Overlay Districts, for 75 years. The Property is further subject to a Development Agreement and Master Plan recorded against the Property in the real property records of Grand County, Utah.

The Property is further subject to a Development Agreement and Master Plan recorded against the Property in the real property records of Grand County, Utah.

Grand County reserves the right to seek all remedies as outlined in Grand County Land Use Code, Section 4.75.5.11 upon a violation or breach of this Deed Restriction by a record owner of any HDHO Lot or Unit in Grand County.

C. Enforcement. In addition to other remedies preserved herein and granted under federal, state, and local law, Grand County reserves the right to enforce all remedies as provided in this chapter upon a violation or breach of this chapter by a record owner of any HDHO lot or unit in Grand County.

[Ord. 720, 2025; Ord. 687, 2023; Ord. 591, 2019.]

5.54.7.7 Development Incentives

A. General. As a further inducement to the development of primary residential housing beyond the relaxation and flexibility of development standards, the County, where appropriate, may also extend one or more development incentives to an HDHO development, as set forth in subsection B of this section, the selection of which shall depend on the quality, size, nature, and scope of the development being proposed. Incentives shall be targeted to improve the development design or to yield the greatest number of HDHO units, so as to permit the County to meet its estimate of additional housing needs and the goals of the housing element of the County's General Plan.

B. Additional Development Incentives. The County may also offer impact fee deferrals or waivers, property tax abatements, or direct financial contributions should the County Commission determine that such incentives are warranted and in the best interest of the County.

[Ord. 591, 2019.]

5.54.7.8 HDHO District Application

A. Preapplication Conference. Prior to submission of an HDHO District application, as defined in this section, the developer or subdivider shall meet with the Community Development Director or their designee(s), including other County staff deemed desirable or necessary by the Community Development Director, to discuss the procedures, standards, and regulations hereunder.

B. Procedure. An HDHO District application shall be reviewed and approved in accordance with the procedures of Section 9.32, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a zoning map amendment.

C. Application. A developer or subdivider shall submit an HDHO District application with the information contained in Section 9.3.22.3 together with a development agreement, master plan, and conceptual site plan as follows:

1. The development agreement shall include the following information:

a. Legal description of the property;

b. Narrative summarizing the proposed development of the property by gross acre, number of lots or units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the developer or requested by the County;

c. Percentage of HDHO lots or units to be developed on the property; and

d. Deed restriction required by Section 5.54.7.6B.

2. The master plan shall include the following information:

a. Legal description of the property;

b. Number and location of lots or units to be developed on the property;

c. Percentage of HDHO lots or units to be developed on the property, including designation of the specific HDHO lots or units in accordance with Section 4.75.5.4; and

d. Identification of site planning features designed to ensure compatibility between proposed HDHO development and surrounding neighborhoods and land use.

3. The conceptual site plan shall include the information required under Sections 9.147.3A through PN.

D. Recordation. The developer or subdivider shall record the development agreement and master plan in the real property records of Grand County, Utah, prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the County.

E. Effect. Review and consideration of an HDHO District application is a discretionary legislative decision. Further, approval of an HDHO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

F. Lapse of Approval. The HDHO District approval shall automatically expire and be void unless the County approves and developer records a site plan or final plat for the HDHO development in accordance with Sections 5.54.7.9 and 9.75 within 24 months of the date of HDHO District approval.

G. Conflict. In the event of conflict between the provisions of Section 9.32 and this Section 4.75.5.8, this section shall control.

[Ord. 622, 2021; Ord. 591, 2019.]

4.5.57.9 HDHO Development Plat and Site Plan Approval

A. Application Procedure. Review of an HDHO development plat or site plan is an administrative decision, which shall be consistent with the County's prior legislative approval of an HDHO District, the development agreement, and the master plan.

B. HDHO Development Preliminary Plat and Final Plat. Each subdivider shall submit and the County shall review a preliminary plat application and final plat application in accordance with Sections 9.64 and 9.75, Preliminary Plat and Final Plat, and this Section 4.75.5.

1. In addition to the requirements of Sections 9.64.2 and 9.75.1, Submittal Requirements, each plat shall include:

a. Designation of HDHO lots in accordance with Section 4.75.5.4;

b. Deed restriction as required by Section 4.75.5.6B.

C. HDHO Development Site Plan. Each developer of a mixed use or multifamily residential HDHO development shall submit and the County shall review a site plan application in accordance with Section 9.147, Site Plan Review, and this Section 4.75.5.

1. In addition to the requirements of Section 9.147.3, Submittal Requirements, each site plan shall include:

a. Designation of HDHO units in accordance with Section 4.75.5.4;

b. Deed restriction as required by Section 4.75.5.6B.

D. In the event of conflict between the provisions of Section 9.64, 9.75, or 9.147 and this Section 4.75.5.9, this section shall control.

[Ord. 591, 2019.]

5.54.7.10 Expiration of High Density Housing Ordinance

The ordinance codified in this section shall automatically expire after 300 HDHO lots or units have been approved or after two years, whichever occurs first.* A record of the number and location of HDHO lots and units approved shall be kept on file within the Community Development Department at all times. [Ord. 622, 2021; Ord. 591, 2019.]

*Code reviser's note: The ordinance codified in this section has been retained at the request of the city.

4.75.5.11 Enforcement

A. Penalties for Violation. As more particularly set forth in LUC 1.910.4, Penalties for Violation, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this chapter shall be guilty of a Class C misdemeanor. Without limiting the generality of the foregoing, it shall also be a Class C misdemeanor for any person, firm, entity, or corporation to sell or rent an HDHO lot or unit to an owner-occupant or a household not qualified under this chapter. It shall further be a Class C misdemeanor for any person, firm, entity, or corporation to provide false or materially incomplete information to the County or its designee or to a seller or lessor of an HDHO lot or unit to obtain occupancy of housing for which the person is not eligible.

B. Legal Action. In addition to the remedies set forth in LUC 1.910.4, the County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this chapter, including but not limited to:

1. The County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this chapter, including, without limitation: damages; specific performance; criminal citations for fraud or misrepresentation; and injunctions, including, without limitation, an injunction requiring eviction of the occupant(s) and an injunction to prohibit the occupancy of the property in violation of this chapter. All remedies shall be cumulative. The cost to the County of any activity taken in response to any violation of this chapter, including reasonable attorney fees, restitution to prevent unjust enrichment, and/or enforcement costs shall be paid promptly by the person, firm, entity, or corporation found to be in violation.

4.75.5.12 Repeal/Savings Clause

Ordinance No. 584, enacted January 15, 2019, is hereby repealed; provided, however, that Ordinance No. 584 shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Ordinance No. 584 prior to the effective date of the ordinance codified in this section. [Ord. 591, 2019.]

4.75.5.13 Rules and Regulations

A. Purpose.

1. Rules and Regulations. These rules and regulations provide instructions and guidance to the County and HASU when applying the provisions of this chapter to HDHO developments.

2. Qualified Ownership Required. This chapter requires all HDHO lots and units to be sold to those who qualify hereunder. Temporary lapses in local employment or- leaves of absence shall be addressed pursuant to the provisions in subsection C below.

3. Purpose. Subject to this chapter, the purpose of the HDHO is to facilitate the provision of new housing units for primary residential occupancy by actively employed households in the Local Area. These rules and regulations shall be applied to HDHO developments in a manner that supports this purpose.

B. Qualified Household.

1. Qualified Household. The ownership, use, and occupancy of HDHO lots and units shall be limited to qualified actively employed households (herein "Qualified Household").

a. Household, defined. The definition of actively employed households shall not be construed to prohibit a financial partner who cosigns a loan with an adult who meets the criteria set forth in section ~~4.7~~5.5.3.A.

b. Ownership exceptions. The following types of owners shall be exempt from the Qualified Household requirements:

i. The owner(s) and manager(s) of an HDHO multifamily apartment development, in which units are rented and not sold individually, is/are exempt from being a Qualified Household. Developers of HDHO housing are exempt from being a Qualified Household, such that an HDHO development project may be sold in its entirety to a non-Qualified Household who intends to build out the project, while the sale of individual lots and units shall remain restricted to Qualified Households.

ii. Notwithstanding the requirements of this section, up to 30% of deed-restricted units in an HDHO development designated under this chapter may be held by individuals who do not qualify as an actively employed household, provided that:

aa. Qualified Household Requirement: The property shall remain occupied by a Qualified Household as defined by this chapter. The property must be so occupied for nine months out of every calendar year;

bb. Primary Residence: The property must be maintained as the primary residence of the Qualified Household; and

cc. Deed Restriction: The owner must execute and record a legally binding agreement with the County confirming that

occupancy and use will comply with this exception and all other applicable requirements of this chapter, including annual qualification and a transfer restriction to a Qualified Household.

c. The foregoing ownership exceptions are intended to allow flexibility in ownership structures while maintaining the integrity of the Qualified Household occupancy requirement and preserving the intended use of the property as attainable housing for the local workforce.

d. *Continuing Obligation*. Once a property is approved as a Qualified Household, the occupants of the HDHO lot or unit shall satisfy the definition of a Qualified Household at all times.

e. *Duty of Notification*. Each owner and occupant shall notify the County and HASU prior to any change in ownership and occupancy of their HDHO lot or unit, which change must be pre-approved by the County pursuant to subsection C. Any failure to pre-qualify a new owner or occupant shall be the sole liability of the owner or occupant that failed to obtain pre-approval.

f. *Accessory Dwelling Units*. Where an accessory dwelling unit exists in an HDHO district, that unit shall be occupied by a Qualified Household or family members of a Qualified Household.

g. *Foreclosure Exemption*. A sale prohibited by this chapter does not include a foreclosure sale or related foreclosure process initiated by a financial institution authorized and regulated under the laws of this state, another state, or the United States ("Financial Institution"), specifically including, without limitation, acquisition of real property by a Financial Institution via a Foreclosure Sale, defined as:

i. Redemption in a trustee sale conducted in accordance with Utah Code §§ 57-1-23 through 57-1-32 ~~sections 57-1-23 through 32~~ and as may hereafter be amended;

ii. Judicial foreclosure; or

iii. A deed in lieu of foreclosure.

Accordingly, a Financial Institution that obtains title to an HDHO lot or unit by Foreclosure Sale need not be a Qualified Household or actively employed household; provided, however, that if a Financial Institution obtains title to an HDHO lot and/or unit, the occupancy of the HDHO lot and/or unit shall be limited to a Qualified Household.

C. Application Procedure.

1. Application Required. Each owner and occupant of an HDHO lot or unit shall apply for approval as a Qualified Household on written application, kept on file with HASU, at least thirty days prior to sale or lease of an HDHO lot or unit.

2. Application Approval. Once HASU determines eligibility, it shall provide written acknowledgement of the same.

3. Notifications Required. Each owner and occupant shall notify HASU prior to any change in ownership or occupancy of their HDHO lot or unit or their employment status, which change must be pre-approved by HASU.

a. Lapses of Employment.

i. Temporary lapses of employment of three (3) months or less do not require notification to HASU and shall not affect an owner or occupant's status as a Qualified Household.

ii. Lapses of employment lasting more than three (3) months shall be reported to HASU by the owner or occupant and require HASU approval to ensure continuing eligibility of the owner or occupant.

b. Leaves of Absence.

i. Temporary leaves of absence of three (3) months or less do not require notification to HASU and shall not affect an owner's or renter's status as a Qualified Household.

ii. Extraordinary leaves of absence for specialized education, care-giving of a family member, religious or charitable work, or military service lasting not more than two (2) years, where the owner or occupant can demonstrate a commitment to returning to Grand County and complying with this chapter, may be granted by HASU in advance. In the event of approval, the owner may rent the HDHO lot or unit to a Qualified Household during the extraordinary leave of absence.

4. Renewal. HASU will contact each renter on an annual basis to re-qualify the household. Each renter shall submit a written affidavit that attests to their qualifications and any additional requested documentation required by HASU that proves the same.

a. An owner occupant shall be exempt from yearly requalification requirements. A written affidavit submitted by March 30th of every year attesting to the owner occupant's qualifications still applies. Owner occupants shall satisfy the definition of a Qualified Household at the time of purchase and must have HASU approval prior to closing as required by this chapter. A change in employment status shall not affect an owner occupant's status as a Qualified Household.

5. Denials or Revocation. HASU may deny an application or revoke a prior determination of eligibility if the occupant does not continue to qualify as a Qualified Householder under this chapter. If HASU denies or revokes an application or prior determination of eligibility, that determination shall be referred to the Grand County Attorney and Planning and Zoning Director for a final decision.

6. Change in Eligibility. Once an owner is approved as a Qualified Household, a change in the owner's eligibility status shall not constitute a violation hereunder for the period the owner continues to own the HDHO lot or unit, so long as the occupant continues to qualify as a Qualified Household.

7. Financial Institution Exception. If a Financial Institution acquires any HDHO lot and/or unit in accordance with subsection B.1.g, it is exempt from the following requirements of this section:

a. Notifying HASU prior to a change in ownership;

b. Obtaining any approval from HASU for a change in ownership; and

c. Submitting an annual written affidavit attesting to qualification.

D. Sale of Units.

1. **Sale of Units, Generally**. A developer or owner may sell an HDHO lot or unit on their own or with a licensed Utah realtor. If an HDHO lot or unit is occupied during the listing period, the occupant must be a Qualified Household.

2. Notification upon Listing and Sale. An HDHO developer or owner must notify the County and HASU when an HDHO lot or unit is listed for sale and when it subsequently goes under contract.

3. Prequalification of Owners. A buyer of an HDHO lot or unit must request pre- approval as a Qualified Household pursuant to subsection C above while a sale is pending, at least 30 days, and preferably 60 days, before closing.

4. Disclosure of Sale Price. A developer or owner of an HDHO lot or unit, shall disclose the final sale price of an HDHO lot or unit to the County within 30 days of the closing date.

5. Foreclosure Exception. Notwithstanding the requirements of this subsection D, the notification and prequalification requirements of this subsection shall not apply to Foreclosure Sales as defined in subsection B.1.g above.

6. An HDHO lot or unit may be transferred to certain heirs of the owner. If the owner dies (or if the last surviving co-owner of the lot or unit dies), the executor or personal representative of owner's estate shall notify HASU within 90 days of the date of the death. Upon receiving such notice, HASU shall consent to a transfer of the HDHO lot or unit to one or more of the following possible heirs of the owner:

a. the spouse of the owner;

b. the child or children of the owner; or

c. member(s) of the owner's household who have resided in the HDHO unit for at least one year immediately prior to the owner's death.

E. Appeal and Enforcement.

1. Appeal. A person adversely affected by the County's administrative final denial or revocation under this chapter may appeal such final decision within thirty (30) days of the County's written decision pursuant to the process set forth in LUC 9.1~~2~~6.

2. Violation, Defined. It is a violation to default under this chapter or the Deed Restrictions recorded against the HDHO development, including fraud or misrepresentation by an owner of an HDHO lot or unit.

3. Investigation and Enforcement. Grand County shall oversee enforcement of this chapter. Possible violations of the same shall be investigated and enforced~~-~~ under LUC 1.~~8~~0.3 and 10.4.~~9~~.

4. Grand County Remedies. An Owner shall cure a violation or shall sell the HDHO lot or unit to a Qualified Household.

54.69 Alternative Dwelling Overlay (ADO) District Revised 12/22

*Code reviser's note: Section 4.9.75.6.7 states that "the ordinance codified in this section [Sections 4.95.6.1 through 5.64.9.8] shall automatically expire after 150 ADO units have been approved or one year after adoption [November 15, 2023], whichever occurs first." With the sunset of the provisions, the County will not accept any new applications for the overlay rezone. For projects approved for the district, ADO development standards are applicable.

4.95.6.1 Purpose Revised 12/22

The Alternative Dwelling Overlay (ADO) District provides local workforce housing opportunities by allowing different types of nontraditional housing on a single lot to support market needs while respecting the character of existing neighborhoods and residential zones. Nontraditional housing in a camp park setting is intended to provide long-term rental opportunities for a segment of the community who either already live in minimalist style housing, such as campervans, RVs, trailers, or tiny homes, and for those seasonal employees in need of affordable rental options. This type of residential development supports much needed workforce housing, which in turn supports local businesses and the local economy. Overnight accommodations are not a permitted use within an approved ADO development.

[Ord. 668 Exh. A, 2022.]

5.64.9.2 Applicability Revised 12/22

Alternative dwellings, while part of the Grand County economy and tradition, are not appropriate in all areas of the County. ADO Districts should be applied to parcels where appropriate and compatible with adjacent land uses and neighborhoods. The regulations set forth in this section may be applied to real property located within Grand County, codified in this section upon application to and approval by the County Commission pursuant to the provisions herein. This overlay district is being offered as a pilot program and will expire upon November 15, 2023, or when 150 dwelling units have been approved.

When approving or denying an ADO District application, the Commission shall consider and make findings related to (1) the relative availability of workforce housing and affordable housing, as defined in Article 110 of the LUC, as compared to the fall of 2022 and current conditions, according to housing indicators tracked by Planning and Zoning Department (when available); and (2) impacts the proposed development may have on adjacent land uses and neighborhoods and the overall design of the proposed development, according to the following criteria:

A. ADO developments are preferred in the following Zoning Districts: Multifamily Residential (MFR), Small Lot Residential (SLR), Large Lot Residential (LLR), Highway Commercial (HC), General Business (GB), Neighborhood Commercial (NC), or within a future land use designation which calls for multifamily residential, such as eight to 18 units per acre (per updated Future Land Use Plan of the 2030 General Plan);

B. Compatibility with existing community characteristics, existing density, or future land use designation;

C. Historic use of the subject property, including a historic use of alternative dwellings;

D. **Traffic Impact.** As a general rule, ADOs should be limited to parcels with main egress and ingress located on an arterial or collector street per the Unified Transportation Master Plan;

E. **Commute Time.** Consider location of ADOs in relation to existing commercial areas, proximity to where jobs are located, and in relation to multimodal transportation options either existing or planned;

F. Relative impact on water resources as compared to a large lot single-family dwelling development, as data is available.

G. Overall design of the proposed development, including site design, landscaping, active open space provided, any amenities included, such as storage spaces or other communal spaces.

Upon approval, and subject to all applicable zoning regulations, the Development Agreement, Deed Restriction and Master Plan shall control development of the applicable real property.

[Ord. 668 Exh. A, 2022.]

~~4.9~~5.6.3 Identification on Zoning Maps Revised 12/22
Approved ADO Districts and developments shall be indicated on the official Zoning Map. [Ord. 668 Exh. A, 2022.]

5.6~~4.9~~.4 Occupancy Requirements Revised 12/22
All ADO developments shall comply with the following occupancy requirements:

A. Overnight accommodations are strictly prohibited in ADO districts. The County reserves its full civil and criminal remedies when enforcing violations of this section pursuant to Section ~~4.9~~5.6.8.

B. Alternative dwelling developments shall be rented for terms of at least 60 consecutive days by tenants or their employer.

[Ord. 668 Exh. A, 2022.]

~~4.9~~5.6.5 Development and Use Standards in ADO Districts Revised 12/22
Unless otherwise specified below, all development in an ADO District shall comply with the development standards of the underlying zoning district. The ADO District development and use standards herein ensure that ADO developments are designed in a manner that addresses the impacts and the increased service needs they generate, including but not limited to traffic, noise, weed control, wastewater management, code and law enforcement, and emergency medical services.

An ADO is defined as containing four or more alternative dwelling sites developed according to the requirements herein and occupied by local residents and workforce, per Section ~~4.9~~5.6.4, Occupancy Requirements. Unless otherwise specified below, all development in an ADO District shall comply with the development standards of the underlying zoning district.

A. Use Regulations. Uses allowed in the ADO Districts shall be as specified in the underlying base district together with permissible alternative dwellings. Accordingly, ADO developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district within allowable building coverage maximum percentages of the underlying zoning district ~~set forth in Section~~ ~~5.4.1~~.

B. Public Utility Service and Wastewater Management. ADO developments shall be served by public water and sewer facilities, as follows:

1. Each dwelling site shall provide hookups to water, sewer, and electric, unless shared common facilities are provided as follows:

a. ADOs without site hookups shall provide the minimum number of shared bathhouses per Utah Administrative Code requirement (R392-301 Recreational Vehicle Park Sanitation); and

b. A covered area with a wash/sink basin with potable water and a utility surface/countertop.

c. A potable water supply shall be provided within 200 feet of dwelling sites (can be included in the above required wash/sink basin).

C. Height, Density and Scale.

1. The minimum lot size for an ADO development is one-half acre.

2. The minimum number of alternative dwellings required on one parcel is four.

3. The maximum number of alternative dwellings permitted on a parcel shall be determined by the building coverage maximum allowed in the underlying zoning district ~~set forth in Section 5.4.1~~ or 40, whichever is less. As used herein, building coverage maximum shall mean the total square footage of all dwelling sites and any other structure on the property.

4. Dwelling Sites Required Area:

a. Dwelling sites shall be a minimum of 600 square feet and no larger than 1,200 square feet.

b. Each dwelling site shall be at least 20 feet in width.

5. Setbacks:

a. Accessory structures shall be set back five feet from any other structure on site.

b. Dwellings shall be set back 10 feet from any other dwelling on site.

D. Site Configuration, Internal Circulation, and Parking.

1. ADO developments are encouraged to be sited in a manner which takes advantage of passive solar design and use of existing shade.

2. All development shall fit the topography of the property (building that steps with terrain) and respect natural drainages on site. No mass grading or grading of a flat building envelope is permitted.

3. One off-street parking space per dwelling site is required to mitigate impacts on adjacent land uses and neighborhoods. Parking may be consolidated or grouped in designated areas on site. Covered parking may be provided on site.

4. ADO developments serving more than four dwellings shall have an internal driveway designed to meet the standards for emergency access and turnaround (per Fire Department approval).

Proposals that provide a circular driveway, instead of a dead end, will be given preference. A cul-de-sac or hammerhead turnaround shall be provided for any dead end driveway length over 150 feet.

5. Each dwelling site shall be arranged so that all dwellings have access to the internal driveway. The interior driveway shall be properly drained; have a durable, dust-free, all weather surface of gravel, compacted road base, or asphalt, as appropriate for the intended use.

6. Each dwelling site designated for tiny homes on a chassis, RVs, and travel trailers shall be developed with an improved surface, either compacted road base, gravel, or other surface appropriate for intended use.

7. Any permanent structure not on a chassis requires a foundation and a building permit.

E. Common Space, Landscaping, Screening and Design.

1. ADO developments are encouraged to incorporate into their site plan active open space such as a pocket park, community garden, playground, picnic space, or other dedicated landscaped area accessible to the residents.

2. Screening and buffering shall be provided, per Section ~~6.10~~7.9.3, Compatibility Standards.

3. ADO developments shall be maintained in a weed-free condition.

4. Native plants existing on the property shall be preserved to the extent possible. If native plants must be removed to accommodate grading or construction, they should be replaced with similar species on site.

5. One tree or shrub of a species suitable for the area (drought resistant and native species) shall be provided for each dwelling site (existing trees on site may be used to satisfy this requirement).

6. ADO developments shall incorporate water-wise features in the development, such as bioswales and bioretention basins to allow stormwater to filtrate on site, per a County Engineer approved drainage plan.

7. On-site trails and trail connections identified in the Grand County Non-Motorized Trails Master Plan that are either existing or planned shall be placed in a public easement.

8. Alternative dwellings and accessory elements, such as awnings, must be made of solar stabilized materials.

[Ord. 668 Exh. A, 2022.]

5.6~~4.9~~.6 ADO District Application Revised 12/22

A. Procedure. A preliminary "intent to apply" application shall be submitted to the Planning and Zoning Department for review by the Commission. Intent to apply applications will be screened for compatibility with approval criteria in Section ~~4.9~~5.6.2. ADO projects that are given preliminary approval may then submit a full ADO District application, which shall be reviewed and approved in accordance with the procedures of Section 9.3~~2~~, Text and Zoning Map Amendments (Rezonings), and shall be considered to be a Zoning Map amendment.

B. Intent to Apply. Applicants shall submit an intent to apply (ITA) form and a preliminary Master Plan and Narrative to the Planning and Zoning Department prior to submitting a full ADO rezone application. ITA submissions will be accepted three times in the year 2023, once in January, once in May, and once in September. The Planning Department will set exact dates for 2023 ITA submission deadlines. The Commission will review ITA submissions at a public meeting, and select those projects which best fit the ADO approval criteria. Those selected projects may move forward with a full ADO rezone application in accordance with subsections C and D of this section. The intent to apply Narrative and preliminary Master Plan shall contain the following:

1. Intent to Apply Narrative:

a. Number of alternative dwelling sites proposed and any existing uses or structures on site;

b. Size of property, zoning district;

c. Description of surrounding neighborhood characteristics, uses, and density of adjacent parcels;

d. Proximity to commercial areas/jobs and multi-modal transportation options;

e. Overall design of the proposed development, landscaping, active open space provided, any amenities included, such as storage spaces or other communal spaces.

2. Preliminary Master Plan:

a. Property boundary;

b. Location of existing structures, residences and site features;

c. Identification of all proposed land uses including number and types of dwelling units and any nonresidential uses;

d. Development envelope indicating compliance with underlying zone setbacks;

e. Location of each dwelling site proposed on the property;

f. Location of common facilities, such as bathhouses, communal kitchen or other accessory structures or amenities;

g. Identification of site planning features, including landscaping (trees, bushes and shrubs), open space and public easements for trails and trail connections, if any, and location of bioretention and biofiltration swales;

h. Identification of sensitive and constrained lands, such as steep slopes and natural drainages within or adjacent to the proposed development.

C. Application. A developer shall submit an ADO District application with the information contained in Section 9.32 together with a Development Agreement and Deed Restriction on the form provided by the County and Master Plan as follows:

1. The Development Agreement and Deed Restriction shall include the following information:

a. Legal description of the property;

b. A statement describing the proposed development of the property by gross acre; number of dwelling sites, types of dwelling units, common facilities, active open space, and other related development features approved by the County;

c. A Deed Restriction which recites the occupancy requirements set forth in Section 4.95.6.4 and references the Master Plan recorded against the Property in the real property records of Grand County, Utah.

d. Which provisions of the Development Agreement and Deed Restriction, if any, supersede and replace conflicting provisions in the LUC pursuant to Utah Code § 17-79-508Utah Code Section 17-27a-528.

2. The Master Plan shall include all required development and use standards set forth in Section 4.95.6.5 and the following information:

a. Legal description of the property;

b. Location and building footprint of existing structures, residences and site features;

c. Identification of all proposed land uses including number and types of dwelling units and any nonresidential uses;

d. Development envelope indicating compliance with underlying zone setbacks;

e. Location and dimensions of each dwelling site and corresponding parking spaces proposed on the property;

f. Location of common facilities, such as bathhouses, communal kitchen or other accessory structures or amenities;

g. Identification of site planning features, including landscaping (trees, bushes and shrubs), open space and public easements for trails and trail connections, if any, and location of bioretention and biofiltration swales;

h. Identification of sensitive lands within or adjacent to the proposed development and how the development's impacts will be mitigated, including but not necessarily limited to the following:

(1) Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);

(2) Floodplains and natural drainages;

(3) Slopes in excess of 30 percent; and

(4) Significant geological, biological, and archaeological sites;

i. ADO notes which recite the occupancy requirements set forth in Section ~~4.9~~5.6.4; and reference the Development Agreement and Deed Restriction recorded against the property in the real property records of Grand County, Utah.

D. Approval. Application for an ADO District is a rezone request, and as such shall adhere to the procedures outlined in Section 9.3~~2~~, Text and Zoning Map Amendments, except for the provisions stated herein. The Grand County Commission is the Land Use Authority.

1. Tri-annual review (every four months): Consideration of ADO applications by the Planning Commission and County Commission shall be consolidated into one public hearing per decision making body, as agendas permit, and be held no sooner than every four months beginning from January 1, 2023. Public hearings shall be held at a regular meeting of the Grand County Planning Commission and County Commission, respectively, in each calendar trimester (April 2023, August 2023, and December 2023), to consider ADO applications deemed complete and past legal review by the County Attorney.

2. The decision to approve or deny an ADO rezone shall be based on findings of fact related to the applicability criteria in Section ~~4.9~~5.6.2 and the issues for consideration in Section 9.3~~2~~.5.

3. Once approved, the Development Agreement, Deed Restriction and Master Plan may not be amended or modified without reapplication to the County.

E. Recordation. The developer shall record the Development Agreement, Deed Restriction and Master Plan in the real property records of Grand County, Utah, immediately upon approval.

F. Effect. Review and consideration of an ADO District application is a discretionary legislative decision. Further, approval of an ADO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the Development Agreement and Deed Restriction and Master Plan.

G. Lapse of Approval. The ADO District approval shall automatically expire and be void unless a site plan is approved for the development within six months of ADO District approval, and if certificate of occupancy is not issued within two years of ADO District approval. An extension of up to six months may be granted, upon written request from the applicant and approval of the County Commission of an amended Development Agreement.

H. Conflict. In the event of conflict between the provisions of Section 9.3~~2~~ and this Section ~~4.9~~5.6.6, this Section 5.6~~4.9~~.6 shall control.

[Ord. 668 Exh. A, 2022.]

~~4.9~~5.6.7 Expiration of Alternative Dwelling Overlay Ordinance Revised 12/22

The ordinance codified in this section shall automatically expire after 150 ADO units have been approved or one year after adoption, whichever occurs first. A record of the number and location of ADO units approved shall be kept on file within the Planning and Zoning Department at all times. [Ord. 668 Exh. A, 2022.]

5.6~~4.9~~.8 Enforcement Revised 12/22

A. Investigation. The County's right to investigate a violation or alleged violation of this section under Section 10.3~~.8~~ shall include the right to inspect the agreement between owner and tenant or employer evidencing the term of occupancy required in Section ~~4.9~~5.6.4.

B. Penalties for Violation. As more particularly set forth in Section 10.4~~.9~~, Penalties for Violation, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this section shall be guilty of a Class C misdemeanor. Fines of up to $10,000 per violation, per day may be assessed if illegal overnight accommodation activity does not cease and desist.

C. Legal Action. In addition to the remedies set forth in Section 10.4~~.9~~, the County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including:

1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;

2. Actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment, and/or enforcement costs, including attorney fees;

3. Actions to seek judicial enforcement of such fines, restitution and costs, including judgment liens and foreclosure; and

4. Any other appropriate action for unlawful detainer, injunctive relief or damages.

[Ord. 668 Exh. A, 2022.]

54.710 Major Utility Overlay

54.79.1 Purpose

The Major Utility Overlay is required for development of a major utility as listed in section 4.10.2 below. The Major Utility Overlay is a zoning overlay that permits a major utility, such as a waste treatment plant, water treatment facility, or water storage tank, in addition to the uses otherwise permitted in the underlying base zoning district. An applicant must apply for a Major Utility Overlay under the procedures of Section 5.1. A Major Utility Overlay requires a rezone application per the procedure in LUC Section 9.2 Text and Zoning Map Amendments (Rezonings), with approval from the County Commission. A Development Agreement shall be executed between the property owner or developer, and the County, which outlines specific measures to mitigate impacts the major utility may have on the surrounding area.

54.79.2 Applicability

A. The Major Utility Overlay is required for a major utility, meaning a facility needed to support development serving a limited area, a specific development, the citizens of Grand County, the region, or the state, including:

1. A waste treatment plant;
2. A water treatment facility;
3. A water storage tank; and
4. Solid waste transfer facility.

B. An accessory use or structure, including off-street parking, storage, and control, monitoring, data, or transmission equipment, is included within a Major Utility Overlay approval.
C. A minor utility, as identified in Appendix A, Use Categories, is not subject to this Section. The Major Utility Overlay is required for development of a major utility as listed in section 4.10.2 below.

Purpose and Uses: Major Utilities are those facilities needed to support development serving a limited area in a specific development, the citizens of Grand County, the region or the state.		
Examples	Accessory Uses/Structures	Uses not included
Waste treatment plants Water treatment facility Water towers Water storage tanks	Control, monitoring, data or transmission equipment Off-street parking Storage	All uses considered minor utilities in Section 3.4.8. J

54.79.3 Development Standards

A. In addition to any finding required under Section 5.1, an applicant for a Major Utility Overlay must address the following in its concept plan~~In addition to the standards for the underlying zone, the County Commission may, at their discretion, require increased standards when a major utility is proposed directly abutting a residential zone, or residentially developed property. The following shall be considered for the development of any major utility:~~.

1. Setbacks
2. Buffer
3. Height Limitation
4. Building Scale and Massing
5. Landscaping
6. Fencing

~~6.~~ **B.** Where a major utility directly abuts a residential zoning district or a residentially developed property, the County Commission must give particular attention to the development standards to make sure the standards imposed are sufficient to mitigate impacts on any adjacent residential use.

Article 6 Development Standards

65.1 Purpose ~~(needs to be revamped to match this Article)~~

This Article establishes development standards that apply across zoning districts to promote development that is safe, functional, and compatible with surrounding uses. These standards address site access and circulation, grading and site disturbance, screening and buffering, drainage, outdoor lighting, and nuisance impacts, and provide for adequate parking, open space, and housing options within the County.~~The lot design standards of this article include maximum density and certain restrictions for residential and nonresidential development within the county. The standards generally allow for variety in housing and building types while maintaining the overall character of neighborhoods and commercial areas of the county. The approach to lot development standards has several public benefits:~~

~~**A.** It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.~~

~~**B.** It promotes better site layout and energy efficient development.~~

~~**C.** It promotes affordable and life-cycle housing.~~

~~**D.** It promotes development intensities that match existing and proposed infrastructure investments.~~

65.2 General Compliance ~~(some of this moves to use specific standards, some is stricken)~~

65.2.1 ~~Minimum Requirements~~Compliance

~~**A.** Every building erected or moved and every plat submitted after the adoption of this article must be on a lot or building parcel that meets the minimum requirements of at least one lot permitted under this article, based on underlying zoning and subdivision type.~~

~~**B.** Every building erected or moved and every lot shown on plat submitted after the effective date of this article must be on a lot or parcel with direct access on one of the following:~~

~~**1.** A public street;~~

~~2. An approved private street; or~~

~~**3.** A public or private street via a public or private alley.~~

~~**C.** All structures must be so located on lots or parcels as to provide safe and convenient access for servicing, fire protection, and the required on-site parking.~~

A~~D~~. Compliance with Grand County Code ~~No Building Permit, Zoning Development Permit or other development approval may be issued for a lot that does not meet the minimum lot area requirements of this LUC except as specified above and in the following cases:~~

1. A Building Permit, Zoning Development Permit or other development approval may not be issued for a lot that is out of compliance with Grand County Code.
2. All projects must comply with all of the applicable development standards of this article, all development standards of the base Zoning District and any Overlay District, if applicable, and any other applicable specific use standard(s) of this Code

~~**1.** Nonconforming lots may be used in accordance with the provisions set forth in Section 1.10.8, Nonconforming lots.~~

B. Compliance with Subdivision Standards

A building erected or moved must be on a lot or parcel that meets the minimum requirements of the underlying zoning and subdivision type. A plat may not create a lot that fails to meet these standards. ~~2. Telecommunications and utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.~~

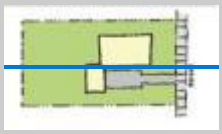
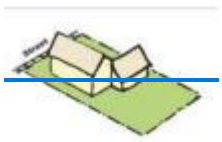
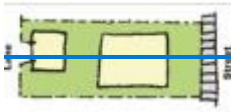
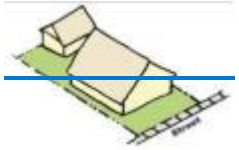
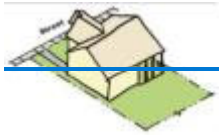
~~E. The uses and density listed in this article are allowed by right unless otherwise expressly stated. Each project must comply with all of the applicable development standards of this article, all development standards of the base Zoning District and any Overlay District, if applicable, and any other applicable specific use standard(s) of this LUC.~~

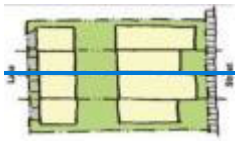
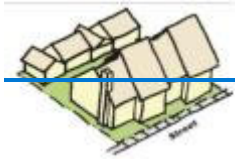
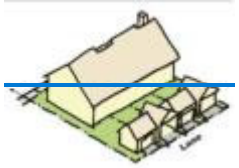
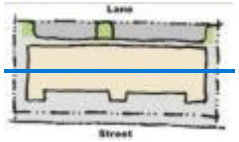
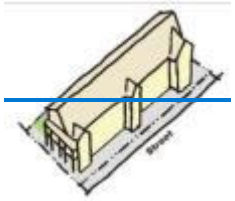
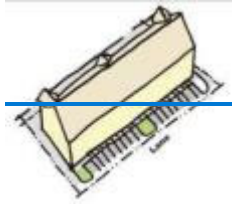
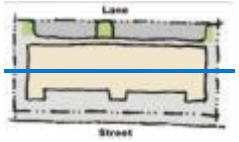
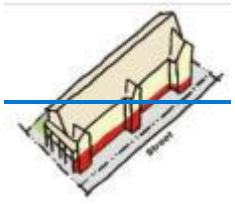
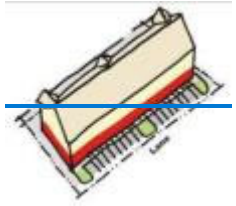
~~F.~~ Where an existing parcel is divided to create a subdivision plat, any remaining land not platted as a lot or dedicated as a public or private right-of-way must be:~~Remaining land not devoted to lots or public or private rights-of-way shall be dedicated as open space or common area in accordance with the requirements of Section 5.4.3A, Open Space and Common Area.~~

~~5.2.2 Housing Types~~

~~A. Definitions~~

~~The following housing types are established to provide a common terminology for housing. All drawings are for illustrative purposes only.~~

~~**Single Family Detached**~~ ~~A detached dwelling unit located on a single lot with private yards on all four sides~~							
~~**Zero Lot Line House**~~ ~~A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.~~							
~~**Alley-Loaded House**~~ ~~A detached dwelling unit located on a single lot with private yards on all four sides; however, the house is set closer to the street than a single-family detached house.~~							
~~**Two-Family (Duplex) House**~~ ~~Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.~~							
~~**Townhouse**~~							

Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls; individual units can be mixed vertically.							
Multi-family Dwelling Three or more attached dwelling units in a single structure on a single lot. An apartment can vary in height from two to three stories; individual units can be mixed vertically.							
Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.							

B. Use-Specific Standards for the Respective Housing Types

The respective housing types shall comply with the applicable requirements of Section 3.2.1, Residential Use Standards, which are summarized as follows:

Use-specific Standards by Housing Type	
Housing Type	**Use-specific Standards**
Single-family Detached	None
Alley-loaded Houses	Section 3.2.1A
Multifamily Dwellings	Section 3.2.1C
Two-family (Duplex) Dwellings	Section 3.2.1D
Townhouses	Section 3.2.1G
Manufactured Homes	Section 3.2.1H
Upper-story Residential	Section 3.2.1J

Zero Lot Line Houses	Section 3.2.1K

5.3 How to Use This Article (strike)

This article is divided into the following parts:

PART I. RESIDENTIAL DISTRICTS. This Part sets forth the standards for all types of residential subdivisions in all residential districts.	Section 5.4.1 to 5.4.2
PART II. NONRESIDENTIAL DISTRICTS. This Part sets forth the standards for development in nonresidential districts.	Section 5.5.1 to 5.5.3

5.4 Part I: Residential Districts Revised 12/23 (Setbacks stay or move to Art 3. Constrained lands to Art 7)

5.4.1 Residential Development Standards Revised 12/23

Development projects may include a mix of housing types as set forth in Section 3.1, Use Table.

A. Residential Density and Dimensional Standards

Residential development shall be subject to the maximum density and dimensional standards of the underlying base zoning district in accordance with the following table:

Residential Zoning Districts					
Development Standard	**MFR**	**SLR**	**LLR**	**RR**	**RG**
Max. Density (units/acre)	8	5	2	1	0.20
Min. Lot Size (acres)	0.125	0.20	0.50	1	5
Min. Front Yard and Street Side Yard	10'	20'	25'	25'	25'
Min. Interior Side Yard* **	10'	10'	10'	15'	15'
Min. Rear Yard**	10'	10'	20'	20'	20'
Min Lot Width*	80'	50'	100'	130'	130'
Bldg. Coverage Max.	55%	45%	25%	25%	25%
Max. Height Principal Structure	28'	28'	35'	35'	35'
Max. Height Accessory Structure	28'	28'	35'	35'	35'
*Side setback and min. lot width does not apply to townhome and multifamily shared walls. **Buildings proposed to be over 28 feet shall follow the increased setbacks standards in this section.					

1. Conveyed into and merged with an adjoining legal parcel or lot by a boundary line adjustment, lot adjustment, or plat amendment in accordance with in accordance with Utah Code § 17-79-806 or § 17-79-711 (boundary adjustment or plat amendment), provided the remaining land does not itself become a separate parcel;
2. Designated as open space or common area in accordance with Section 6.9, Open Space and Common Area;
3. Dedicated as public land; or

4. Exempted as agricultural land in accordance with Utah Code § 17-79-708, provided the land qualifies as agricultural land under Utah Code § 59-2-502, meets the minimum lot size required by this LUC, and is not used and will not be used for a nonagricultural purpose, as documented in a recorded instrument.

6.3 Dimensional Measurement Standards and Requirements

6.3.1 Lot Area

A. Measurement

1. Lot area refers to the amount of horizontal land area within lot lines.

B. Minimum Lot Area Requirements

A building permit or development approval may not be issued for a lot that does not meet the minimum lot area requirements of this Code, except:

1. **Legal Nonconformities.** A pre-existing, legal nonconforming lot or parcel, in accordance with Section 3.4.3, Nonconforming Lots;
2. **Variance.** A lot or parcel that has obtained a variance to the lot area standards, in accordance with Section 9.15, Variances;
3. **Lot Area Reduction for Public Purpose.** When an existing lot is reduced as a result of conveyance to a federal, state, or local government for a public purpose, and the remaining area is at least three-quarters of the minimum lot size required for the district, the remaining lot is deemed to be in compliance with the minimum lot size standards of this Code;
4. **Utility Facilities.** A utility facility using land, or an unoccupied building, requiring less than 1,000 square feet of site area is exempt from the minimum lot size requirements of all districts;
5. **Condominium Units.** An individual condominium unit is not subject to the minimum lot size requirements of this Code;
6. **Cemetery Lots.** A lot or plot within a platted cemetery is not subject to the minimum lot size requirements of this Code; and
7. **Agricultural Exemption.** A lot or parcel legally existing as agricultural land.

6.3.2 Lot Width

A. Measurement

1. Lot width is the distance between the two side lot lines measured 30 feet back from the front lot line.

2. Average lot width is the average lot width of all lots in a given filing or shown on any plat.

B. Cul-De-Sacs

Notwithstanding any other provisions of this Code, lots fronting on a cul-de-sac must have a minimum front street line of 30 feet and a minimum lot width of 40 feet.

6.3.3 Required Setbacks

A. Measurement

1. Setback refers to the unoccupied open space between a structure and the property line of the lot on which the structure is located.

2. A setback is measured as the horizontal distance between a property line and the furthermost projection of the structure, except as provided otherwise in this Code.

3. Aside from landscaping and permitted accessory structures, the required setback area must be unobstructed from the ground to the sky.

B. Front Yard Setback

1. Corner lots

Lots with frontage on 2 intersecting streets are considered to have 2 front lot lines and must comply with front yard setbacks from each front lot line.

2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a front yard setback is required on both streets.

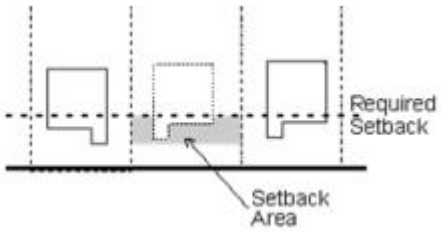
3. Setback Averaging

a. **Eligibility.** If the existing front setbacks of lots in the same zoning district, fronting on the same side of the street as the subject lot, are less than the front setback otherwise required by the underlying zoning district, an applicant may use the average front setback of the block, as calculated under Subsection B.

b. **Calculation.** The average setback is the mean front setback of all lots on the same side of the street within 150 feet of the subject lot, excluding a lot developed with a use different from the use proposed on the subject lot. If a lot within that 150-foot range is vacant, the required front setback of the underlying zoning district must be used for that lot in the calculation.

c. **Maximum.** This Subsection does not require a greater front setback than the underlying zoning district otherwise requires.

d. **Burden of Proof.** The applicant is solely responsible for demonstrating eligibility for an average setback under this Subsection.



C. Garage Setbacks

1. Garages, carports, and similar vehicle storage facilities entered from a front or side street and facing thereto shall be set back a minimum of 5 feet further from the street than the principal structure, whichever is more; provided however that this requirement shall not apply to lots on cul-de-sacs.

2. Garages, carports, and similar vehicle storage facilities entered and accessed from an alley may be reduced to 5 feet.

6.3.4 Building Height

A. Measurement

1. Buildings

Building height is determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, and telecommunications and microwave towers and antennas) and the highest point on the building.



2. Underground Facilities Not Counted. Finished grades associated with underground garages and ramps accessing underground garages are not considered as part of height measurement and calculation.

B. Maximum Height

1. Accessory Structures

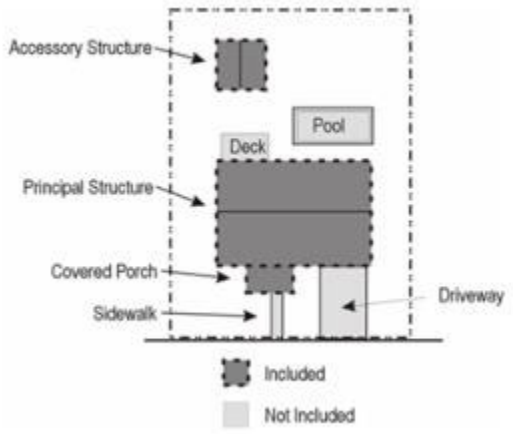
The maximum height of accessory structures is 24 feet.

2. Exceptions to Height Limits

The following structures and features may exceed the otherwise allowable maximum height by up to 25 percent:

a. Chimneys, smokestacks or flues;
b. Cooling towers and ventilators;
c. Elevator bulkheads and stairway enclosures;
d. Tanks and water towers;
e. Utility poles and support structures;
f. Belfries, spires and church steeples; and
g. Monuments and flag poles.

6.3.5. Lot Coverage



A. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

B. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 2 feet.

6.3.6 Gross Floor Area

A. Measurement

Gross floor area is determined by the sum of the areas of the floors of a building or structure, including areas used for human occupancy or required for the conduct of the business or use, as measured from the exterior faces of the walls.

B. Permitted Exceptions

Gross floor area does not include:

1. A basement, meaning the portion of a building wholly or partly below grade, with a ceiling less than 4 feet above grade;
2. An unenclosed porch;
3. An attic not used for human occupancy;
4. Floor space in an accessory building, carport, or the main building intended or designed to meet the County's off-street parking requirements;
5. An arcade, portico, or similar open area that is located at or near street level, accessible to the general public, and not designed or used for occupancy, sales, display, storage, service, or production.

~~[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 define the project area.~~

~~**D. Mix of Housing Types.** Development projects 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 subsection A of this section).~~

~~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.~~

~~**E. Constrained Lands.**~~

~~**1.** Maximum allowable density for constrained lands (or portion of property which constitutes constrained lands) as described in this subsection (below) in all subdivision types 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 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.

F. Land Suitability. The County shall not approve the subdivision 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 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 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 Part II: Nonresidential Districts Revised 12/23 (Setbacks stay or move to Art 3. Constrained lands to Art 7. Also 5.3 is largely a duplicate)

5.5.1 Nonresidential Dimensional Standards Revised 12/23

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

Nonresidential Zoning Districts							
Development Standard	***NC**	***CB**	**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.]

5.5.2 Residential Development Standards in Nonresidential Districts Revised 12/23

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:

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

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.

[Ord. 685, 2023; Ord. 559, 2017.]

5.6 Measurements, Computations and Exceptions (move to respective area)

5.6.1 Gross Density

Gross density means the number of dwelling units for each acre of land and which is calculated by dividing the total number of dwelling units in a development by the total acreage of the lots on which the development is located.

A. Upper-Story Residential Exemptions

The maximum gross density provisions of the LUC shall not be interpreted as requiring land area for upper-story residential units in nonresidential structures. Such units are exempt from the maximum gross density calculation.

5.6.2 Lot Area

Lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this LUC, with the following exceptions:

A. Lot Area Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least three-quarters of the required minimum lot size for the district in which it is located, the remaining lot shall be deemed to be in compliance with the minimum lot size standards of this LUC.

B. Utility Facilities

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size requirements of all districts.

5.6.3 Required Yards (Setbacks)

Setback refers to the unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky and measured as the horizontal distance between a property line and the furthermost projection of the structure, except as provided otherwise in this LUC.

A. Front Yard Setback

1. Corner lots

For lots with frontage on 2 intersecting streets, such a lot shall be considered to have 2 front lot lines and shall comply with front yard setbacks from each front lot line.

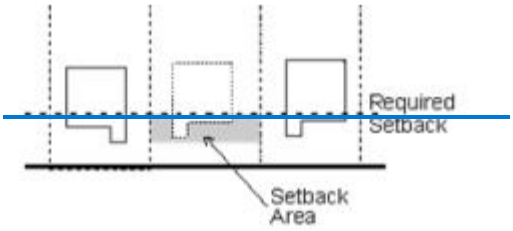
2. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets.

3. Setback Averaging

If the existing front setbacks of lots within the same zoning district and fronting on the same side of the street are less than the required front setback of the underlying zoning district, applicants shall be allowed to use the "average" front setback on the block. In such cases, the "average setback" shall represent the mean (average) setback of all lots on the same side of the street within 150 feet of the subject lot, provided that lots that are not developed with the same type of use that is proposed on the subject property shall not be included in the calculation. When one (1) or more of the lots on the block are vacant the normally required setback for the vacant lot shall be used in calculating

the average setback. This provision shall not be interpreted as requiring a greater front setback than imposed by the underlying zone district. Responsibility for demonstrating eligibility for an "average setback" pursuant to this subsection shall be the sole responsibility of the applicant.



4. Mandatory Build-to Line

Build-to-line refers to the percent of the primary building façade required to be built within 5 feet of the otherwise applicable front or street yard setback along the primary street(s) adjacent to the lot.

B. Garage Setbacks

1. Garages, carports, and similar vehicle storage facilities entered from a front or side street and facing thereto shall be set back a minimum of 5 feet further from the street than the principal structure, whichever is more; provided however that this requirement shall not apply to lots on cul-de-sacs.

2. Garages, carports, and similar vehicle storage facilities entered and accessed from an alley may be reduced to 5 feet.

C. Nonresidential Buildings

No rear yard shall be required for nonresidential buildings if an alley is located adjacent to the rear lot line.

5.6.4 Average Lot Width

E. Measurement

1. Lot width shall be the distance between the 2 side lot lines measured 30 feet back from the front lot line.

2. Average lot width shall be the average lot width of all lots in a given filing or shown on any plat.

F. Cul-De-Sacs

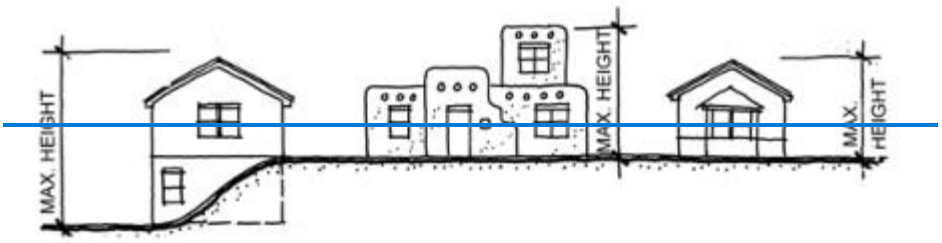
Notwithstanding any other provisions of this LUC, lots fronting on a cul-de-sac shall have a minimum front street line of 30 feet and a minimum lot width of 40 feet.

5.6.5 Maximum Height

A. Measurement

1. Buildings

Building height shall be determined by measuring the vertical distance between the lowest point where the wall face of the building intersects finished grade around the perimeter of the building (or structure other than fences, and telecommunications and microwave towers and antennas) and the highest point on the building.



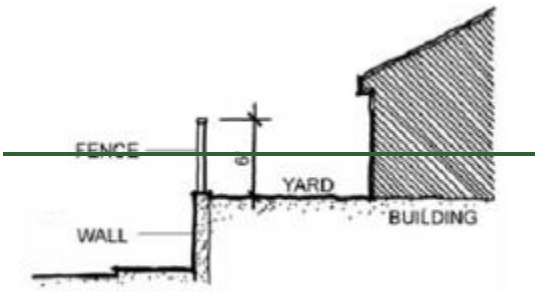
2. Telecommunications and Microwave Towers and Antennas

Height of telecommunications and microwave towers and antennas shall be determined by measuring the vertical distance from the lowest point of intersection with the natural grade to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures.

3. Accessory Uses

Maximum height of accessory structures shall not exceed 24 feet.

4. Fences and Walls



Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

5. Permitted Exceptions

a. The following structures and features may exceed the otherwise allowable maximum height by up to 25 percent:

(1) Chimneys, smokestacks or flues;

(2) Cooling towers and ventilators;

(3) Elevator bulkheads and stairway enclosures;

(4) Tanks and water towers;

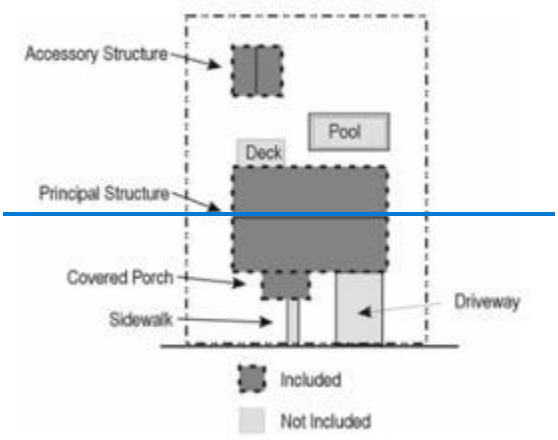
(5) Utility poles and support structures;

(6) Belfries, spires and church steeples; and

(7) Monuments and flag poles.

b. Finished grades associated with underground garages and ramps accessing underground garages shall not be considered as part of height measurement and calculation.

B. Building Coverage



1. Measurement

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings.

2. Permitted Exceptions

Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, open swimming pools, or roof overhangs of less than 2 feet.

C. Gross Floor Area

1. Gross floor area shall be determined by the sum of the areas of the floors of a building or structure, including areas used for human occupancy or required for the conduct of the business or use, as measured from the exterior faces of the walls. Gross floor area shall not include basements, unenclosed porches, or attics when not used for human occupancy, nor any floor space in an accessory building, carport, or the main building intended or designed for the parking of motor vehicles in order to meet the County parking requirements, arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as occupancy, sales, display, storage, service, or production areas.
2. Basement shall be that portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade.

5.6.6 Steep Slopes
Slope shall be determined on an individual development basis before any site clearing, excavation, or grading for the purpose of calculating constrained lands.

A. Measurement

1. Scale

Contour maps and slope calculations shall be prepared and certified by a licensed professional engineer or surveyor showing contours at intervals no greater than 5 feet, drawn at a scale of one inch equals two hundred feet maximum.

2. Calculation

Slopes shall be calculated in horizontal intervals no greater than 50 feet. Small islands, outcrops, and peninsulas having slopes distinctly different from surrounding property may be excluded from slope determination if, in the

~~opinion of the Planning Commission, the exclusion of such areas will not be contrary to the overall purposes of steep slope protection.~~

~~**B. Verification**~~

~~Field surveys may be required of the applicant by the county engineer to verify the accuracy of the contour lines shown on the contour map.~~

6.~~4~~1 Off-street Parking

6.~~1~~4.1 Purpose

Th~~e purpose of this s~~Section ~~is to~~ require off-street parking ~~facilities~~ in proportion to the parking demand for each use. This Section is intended to ~~in order to ensure functionally adequate, aesthetically pleasing and secure off-street parking. The regulations and design standards of this section are intended to accomplish the following~~:

A. ~~To ensure the usefulness of~~Promote useful, functional, safe, and accessible parking facilities;

B. ~~To ensure sufficient parking spaces on site in order to prevent~~Reduce excessive parking on public streets and in residential neighborhoods; and

C. ~~To ensure that access to parking does not~~Reduce impairment ~~the function~~ of adjacent roadway function and risk~~s~~ to ~~or endanger the~~ public safety.

6.~~1~~4.2 Applicability

A. New ~~and Complying~~ Development

A use of a building or land established after the effective date of this Section must provide the minimum off-street parking required by this Section.

B. Changes to Existing Development

~~New development occurring after the effective date of this section, and development existing on the effective date of this section and complying with the number of off-street parking spaces required by this article shall be subject to the following provisions.~~

~~**1.** Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this section.~~

1~~2~~. The number of required parking spaces may be reduced ~~when the~~if a change in land use or floor area results in a lower parking requirement, ~~of a building is changed or reduced to a use or floor area for which fewer parking spaces are required. Spaces shall~~but may not be reduced below the minimum required by this section.

2~~3~~. A Building Permit~~s and~~ or Certificates of Occupancy may be issued for a change of use, ~~or~~ remodeling, or structural alterations on a lot with a~~in developments containing~~ legally non-complying parking area~~s~~, without requiring compliance with this section, provided ~~that such redevelopment~~the change does not ~~result in an~~ increase ~~in~~ the number of required parking spaces.

3~~4~~. If a~~Any~~ building expansion or change of use ~~that results in an~~ increase~~s~~ ~~over~~ the number of required parking spaces, the owner ~~that would be required under this section for the lot shall~~must provide additional parking spaces equal to the increase, and only ~~for that increment of the expansion, as if it were a separate development. Only~~ the newly added parking spaces must comply with the design standards of this Section. The existing parking area is not required to be brought into compliance with this Section solely because of the expansion or change of use~~expanded portion of the parking area shall be required to comply with the provisions of this section~~.

6.41.3 Computing Parking

The minimum number of parking spaces required for a ~~specific~~ development proposal ~~shall be~~is based on the requirements ~~listed in~~of Section 6.41.4, Off-street parking requirements, and the following provisions.

A. Unlisted Uses

Where a proposed use is not specifically listed in Section 6.4.4, the Zoning Administrator must determine the minimum off-street parking requirement in accordance with Section 6.4.6, Determined by Parking Study~~questions arise concerning the minimum off-street parking and requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use~~.

B. Multiple Uses

~~In computing the parking requirements for any building or development, t~~The total parking requirement~~s shall be~~for a building or development with more than one class of use is the sum of the specific parking space requirements for each class of use ~~included in the building or development~~.

C. Fractions

A fraction resulting from a calculation of required parking spaces of less than one-half is disregarded; a fraction of one-half or more is rounded up to the next whole number.~~When measurements determining the number of required parking spaces result in fractions, any fraction less than ½ shall be disregarded and any fraction of ½ or more shall be rounded upward to the next highest full number.~~

6.41.4 Off-Street Parking Requirements

Off-street parking spaces shall be provided on-site in accordance with the following minimum requirements.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS		
Specific Use		**Minimum Number of Spaces Required**
Residential Uses		
Single-family, and two-family dwellings		2.0 per dwelling unit
Mobile and manufactured homes		2.0 per dwelling unit
Multi-family dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit
	Three-bedroom and Larger	2.0 per dwelling unit
Bed and breakfasts		1.0 per bedroom
Motels or hotels		1.0 per rental unit
Accessory and Temporary Uses		
Dwelling unit, accessory		Same as multi-family dwellings
Caretaker or guard residence, accessory		2.0 per dwelling unit
Field office, temporary		None
Sales trailer, temporary		None
Public and Civic Uses		
Assisted living, nursing homes and group care facilities		1.0 per 4 beds + 1.0 per 100 square feet of assembly area
Charitable, civic, youth, social and fraternal organization		1.0 per 200 sq. ft.

Church or Place of Worship		1 per 3 seats
County facilities		Determined by parking study per Section 6.4.6~~6.1.5~~
County and state shops and storage yards		Determined by parking study per Section 6.4.6~~6.1.5~~
Cemeteries, mausoleums		None
Day care centers		1.0 per 250 sq. ft.
Electric substation		None
Essential services		Determined by parking study per Section 6.4.6~~6.1.5~~
Golf courses		3.0 per hole
Golf driving ranges		1.0 per tee
Homes for disabled persons or seniors		2.0 per dwelling unit
Hospital		1.0 per bed
Libraries		1.2 per 1000 sq. ft.
Medical clinic		1.0 per 200 sq. ft.
Parks/playgrounds		Determined by parking study per Section 6.4.6~~6.1.5~~
Penal or correctional facilities		0.6 per employee + 1.0 per 25 inmates
Private club or lodge		1.0 per 200 sq. ft.
Schools, public or private	K-6 grade	2.5 per classroom
	7-9 grade	3.5 per classroom
	10-12 grade	6.0 per classroom
	College	15.0 per classroom
Retail, Commercial, and Personal Service and Uses		
Amphitheaters, auditoriums and arenas		1.0 per 4 seats
Amusement parks		Determined by parking study per Section 6.4.6~~6.1.5~~
Art galleries		1.2 per 1000 sq. ft.
Athletic or health clubs		1.0 per 200 sq. ft.
Automotive supplies		1.0 per 400 sq. ft.
Bakeries, retail		1.0 per 100 sq. ft.
Banks, financial institutions and loan companies		1.0 per 250 sq. ft.
Beauty or barber shops		1.0 per 200 sq. ft.
Book stores		1.0 per 200 sq. ft.
Bulk materials storage		1.0 per 2,000 sq. ft.
Car washes, automatic or self-service		2.0 stacking spaces per bay

Cigar shop	1.0 per 200 sq. ft.
Coffee shop	1.0 per 3 seats
Convenience stores	1.0 per 400 sq. ft.
Crematoriums and mortuaries	1.0 per 400 sq. ft.
Fairgrounds	Determined by parking study per Section 6.4.6~~6.1.5~~
Farmers market	Determined by parking study per Section 6.4.6~~6.1.5~~
Furniture and appliance stores	1.0 per 400 sq. ft.
Greenhouse/nursery, retail	1.0 per 200 sq. ft.
Grocery stores and supermarkets	1.0 per 200 sq. ft.
Liquor stores	1.0 per 200 sq. ft.
Magazine and newsstand	1.0 per 200 sq. ft.
Mail order	0.6 per employee
Office, business and professional	1.0 per 250 sq. ft.
Open air sales, temporary	None
Outside sales or display	1 per 500 sq. ft.
Rental car agencies	1.0 per 200 sq. ft.
Restaurants and taverns	1.0 per 3 seats
Swimming pool commercial	1.0 per 125 sq. ft.
Theaters	0.25 per seat
Industrial, Communications, Transportation, and Automobile-Relate Uses	
Airports, heliports	Determined by parking study per Section 6.4.6~~6.1.5~~
Asphalt batch plant with/without rock crusher	0.6 per employee
Auto repair garage	1.0 per 400 sq. ft.
Bakeries, wholesale	1.0 per 200 sq. ft.
Building materials, sales and yards	1.0 per 400 sq. ft.
Carwash	1.0 per employee
Concrete or redi-mix plant	0.6 per employee
Foundry	0.6 per employee
Truck freight terminal and parking lot	0.6 per employee
Gasoline and petroleum product storage	0.6 per employee
Gasoline service stations	1.0 per 400 sq. ft.
Hazardous-waste	0.6 per employee
Impound lot	None

Incinerators	0.6 per employee
Landing strip, private	Determined by parking study per Section 6.~~1.5~~4.6
Machinery storage yard	0.6 per employee
Manufacture, general	0.6 per employee
Manufactured home sales	1.0 per 750 sq. ft.
Manufacturing, hazardous/objectionable	0.6 per employee
Mining and extractive uses	None
Oil and gas drilling	None
Parking garages and lots	None
Post offices	1.0 per 250 sq. ft.
Power plant	0.6 per employee
Production yard, outdoor	0.6 per employee
Quick lube services	1.0 per 400 sq. ft.
Racetracks, animal or motor	1.0 per 4 seats
Railroad facilities, including shops	Determined by parking study per Section 6.4.6~~6.1.5~~
Recycling centers	0.6 per employee
Repair services, general or limited	1.0 per 400 sq. ft.
RV and boat storage	none
RV parks and campgrounds	1 per space
Self-storage or mini-warehouse	1.0 per 100 lockers
Telecommunications facilities	None
Utility service yard or garage	0.6 per employee
Veterinary clinics, small animals	1.0 per 300 sq. ft.
Warehouse, commercial	1.0 per 2000 sq. ft.
Warehouse, storage	1.0 per 2000 sq. ft.
Waste materials management	0.6 per employee
Wholesalers of food, clothing, auto parts, building hardware	0.6 per employee
Wrecking or salvage yards	0.6 per employee
Agricultural Uses	
Agricultural animals	None
Agricultural implement sales/service	1.0 per 400 sq. ft.
Agricultural service	0.6 per employee
Agriculture	None

Animal feed lot	0.6 per employee
Animal pound or kennel (public or private)	0.6 per employee
Barn, corral, pen, coop or machinery shed	None
Farm, orchard, vineyard or truck garden	None
Feed mill	0.6 per employee
Fruit and vegetable stand	Determined by parking study per Section 6.4.6~~6.1.5~~
Greenhouse or nurseries, wholesale or retail	0.6 per employee
Stables, public and riding academies	0.6 per employee
Veterinary clinics, large	1.0 per 500 sq. ft.
Winery	0.6 per employee

6.~~4~~1.5 Accessible Parking

Off-street parking must include accessible parking spaces in accordance with the 2010 ADA Standards for Accessible Design, or its successor, based on the total number of parking spaces provided. An accessible parking space must be designed, located, and marked in accordance with that standard.

6.4.6 Determined by Parking Study

Some uses have widely varying or extraordinary parking demands, making it difficult to specify a single off-street parking requirement. For such a use, the Zoning Administrator must determine the required number of off-street parking spaces as follows:

A. Determination

The Zoning Administrator must base the off-street parking requirement on an estimate of parking demand, which may include a recommendation of the Institute of Transportation Engineers (ITE), data collected from a use that is the same as or comparable to the proposed use, or other relevant information.

B. Parking Study

The Zoning Administrator may require the applicant to submit a parking study providing analysis and justification for the proposed number of spaces. A parking study must document the source of data used to develop its recommendations.

C. Review

The Zoning Administrator must review the submitted study, along with any other relevant traffic engineering and planning data, and establish the off-street parking requirement for the proposed use.

~~The off-street parking requirement for such uses shall be established by the Zoning Administrator based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Zoning Administrator may require that the applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided. Parking studies shall document the source of data used to develop the recommendations. The Zoning Administrator shall review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the off-street parking requirements for the use proposed.~~

~~6.1.6 Extraordinary Parking Demands~~

~~Where extraordinary parking demands are reasonably expected, the Zoning Administrator may require off-street parking in addition to the above requirements.~~

6.4~~1~~.7~~7~~ Parking Space Dimensions, Lighting and Design

~~Where extraordinary parking demands are reasonably expected, the Zoning Administrator may require off-street parking in addition to the above requirements.~~

A. Off-street parking serving a commercial or~~and~~ multi-family use~~s shall~~ must be setback at least 15 feet beyond the front yard setback.

B. A standard off-street parking space must measure~~Each off-street parking space shall consist of an open area measuring~~ at least 9 feet wide by 20 feet long~~ and 7 feet high.~~; A parallel parking space must measure at least 9 feet wide by 23 feet long.~~provided, however, parallel parking spaces shall measure at least 9 feet wide by 23 feet long and 7 feet high.~~

C. Each off-street parking space must~~shall~~ open directly onto an aisle or driveway that is not a public street or a public alley. An ~~Aisles~~ aisle ~~and~~ or driveway~~s shall~~ may not be used for vehicle parking~~ vehicles~~.

Commentary:
~~Compacted road base is normally acceptable for relatively low traffic areas.~~

D. Off-street parking ~~shall~~ must be free of weeds, properly drained, and surfaced with concrete, asphalt, permeable pavers, compacted road base, or any other material that suppresses dust and provides a hardened surface suitable to support vehicular traffic. ~~, and shall~~Off-street parking must be maintained in ~~a~~ usable condition at all times.

E. Where an establishment is~~ are~~ open or operated after dark, security lighting ~~shall~~ must be provided in the parking lot~~,s~~ with a minimum ground-level illumination of 0.5 foot candles at any ~~location~~ point in the lot. Lighting ~~shall~~ must be ~~so~~ arranged ~~as~~ to ~~reflect the~~direct light away from an adjoining residential area, and must comply with Section 6.12, Outdoor Lighting~~s~~.

F. Off-street parking ~~areas~~ serving a development in the MFR, Multi-family Residential, ~~and~~ or any non-residential zoning district, ~~shall~~ must be landscaped and screened in accordance with ~~requirements of~~ Section 6.8~~4~~, Landscaping and Screening.

6.5~~2~~ Driveways and Access

6.5.1 Required Vehicular Access

~~Driveway improvements should be extended and connect directly to the street surface. All required off-street parking shall be provided with driveway access to a street or road in accordance with the standards of this section:~~**A. Access**

A lot or parcel must have direct access to one of the following:

1. a public street,
2. an approved private street,
3. a public or private alley, or
4. if the lot or parcel is part of a condominium plat or multifamily or multiunit commercial development, an approved common or shared access easement

B. Fire Access

Access to a structure must comply with the fire apparatus access requirements of the fire code adopted by Grand County.

C. Driveways

Driveway improvements must connect directly to the street surface. All required off-street parking must be provided with driveway access to a street or road.

6.52.21 Minimum Driveway (Surface) Width
Driveways ~~shal~~must~~l~~ be a minimum of 10 feet in width when serving one (1) dwelling unit, or 16 feet wide ("Access Tract" per Grand County Construction Standards) when serving more than one (1) residence or another use such as a bed and breakfast.

6.52.32 Maximum Driveway Frontage
The combined width of driveway cuts or entrances shall not be more than 40 percent of the frontage of the lot along any street or alley.

6.52.43 Corner Visibility – Street, Alley and Driveway Intersections
No walls, buildings or other obstruction to view in excess of 4 feet in height ~~shall~~ may be placed on any corner lot within a triangular area formed by the property line and a line connecting them at points 30 feet from the intersection of the property lines.

6.5.5 Contours and Slope
A. Contours

A driveway and access road must follow the natural contours of the site and be located behind existing landforms and vegetation to reduce visibility from nearby roads.

B. Maximum Grade

Existing slope grades may not be steepened over 10 percent.

6.52.64 Highway Access Permit
A Highway Access Permit must be approved by UDOT for each new use or structure with direct access to a state highway. Curb and gutter may be required along the entire highway frontage if required by UDOT.

6.69 Grading~~, Revegetation and Restoration~~ and Site Disturbance

6.6.1 Grading Permit and Erosion Control and Revegetation Plan
~~**A. Permit Required**~~

~~No grading shall occur prior to the approval of a Zoning Development Permit.~~No grading may occur prior to approval of a Zoning Development Permit. Grading on sites of more than 1/4 acre shall in all cases be subject to an erosion control and revegetation plan approved by the Zoning Administrator.

Any site disturbance that removes existing vegetation from a property and leaves a ¼ acre of soil exposed for more than 60 days requires an erosion control and revegetation plan, approved by the Zoning Administrator before the disturbance begins.

6.6.2 Site Disturbance
A. Limits

Cuts, fills, grading, excavation, vegetation removal, and building construction must be confined to the footprint of the proposed building, plus a working area of 30 feet around each such footprint, plus any site disturbance necessary

for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities.

B. Fencing

Any grading area of more than ¼ acre requires fencing around all disturbed areas.

C. Federal and State Permits

A site disturbance of 1 acre or more, or a smaller site disturbance that is part of a common plan of development or sale exceeding 1 acre, may also require a stormwater permit from the Utah Division of Water Quality under the federal Clean Water Act. Compliance with this Section does not satisfy any separate state or federal permitting requirement.

~~**B. Driveways and Access Roads**~~
~~Driveways and access roads shall follow the natural contours of the site, so as to minimize the need for significant grading, and shall be located behind existing land forms and vegetation so as to minimize visibility from nearby roads.~~

~~**C. Slope Grades**~~

~~Existing slope grades shall not be steepened over 10 percent.~~

6.6.3 Dust and Debris Control

~~**D. Dumpsters Required**~~

~~Provide~~ Any grading requires trash dumpsters for construction debris and wrapping materials with lids. The Zoning Administrator may require a dumpster for a site disturbance not involving grading, based on the volume of construction debris anticipated.

If the grading area exceeds ¼ acre, the developer must apply water to all disturbed areas as often as necessary to effectively control fugitive dust.

6.6.4 Restoration of Disturbed Areas

~~**E. Erosion Control and Revegetation Plan**~~

~~Grading on sites of more than 1/4 acre shall in all cases be subject to an erosion control and revegetation plan to be approved by the Zoning Administrator. Such plan shall employ the following limits of disturbance and construction impact mitigation measures:~~

~~**1.** Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building, plus a working area of 30 feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, parking trails, irrigation ditches, fences, and for landscaping, agriculture, and similar activities.~~

~~**2.** Utilize limits of disturbance fencing around all disturbed areas; and~~

~~**3.** Apply water to all disturbed areas as often as necessary to effectively control fugitive dust.~~

A~~F~~. Restoration

1. Any area~~ll~~ disturbed area~~s~~ ~~shall~~ must be restored within one (1) growing season after construction ~~as natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes~~.

2. A disturbed area must be restored as natural-appearing landform, with curves that blend in with adjacent undisturbed slopes.

3~~2~~. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls made of wood, stone, vegetation, or other materials that blend with the natural landscape.

4~~3~~. Areas disturbed by grading shall be contoured so they can be re-vegetated.

5~~4~~. Top-soils ~~shall~~ must be stock-piled and placed on disturbed areas.

6. Vegetation should be native or low-water use species similar to those on the site before disturbance, except where inconsistent with the defensible space standards of Section 7.4.2.

~~**6.9 Site Disturbance**~~

~~**6.9.4 Limitations on Site Disturbance**~~

~~Any site disturbances that remove existing vegetation from a property and leave large areas of soil exposed for more than 60 days shall not be permitted unless an erosion control and revegetation plan has been previously approved by the Zoning Administrator. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building, plus a working area of 30 feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities.~~

~~**6.9.5 Restoration of Disturbed Areas**~~

~~Disturbed areas shall be restored as natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls made of wood, stone, vegetation, or other materials that blend with the natural landscape. Areas disturbed by grading shall be contoured so they can be re-vegetated and shall be revegetated within one (1) growing season after construction, using native or low-water use species similar to those growing on the site when such revegetation does not contribute to hazards. Top soils shall be stock-piled and placed on disturbed areas.~~

6.7~~3~~ Fences and Walls

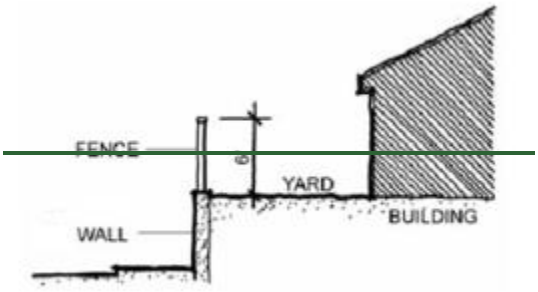
6.7~~3~~.1 Purpose

The standards of this section are intended to maintain attractive streetscapes and to provide for adequate privacy and security, without impeding or obstructing vision at intersections.

6.~~3~~7.2 Height and Location of Fences and Walls

A. General

~~**4. Fences and Walls**~~



~~Height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.~~

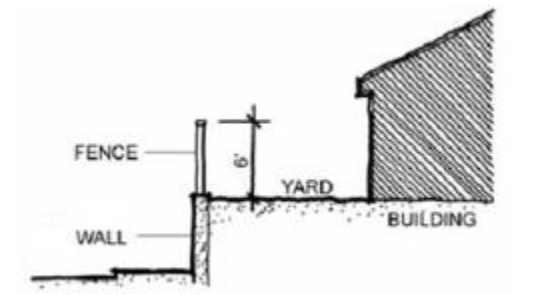
All fences and walls shall comply with the requirements of this subsection.

1. All fences and walls shall be erected in accordance with the requirements of Section 6.5~~2~~.4~~3~~, Corner visibility – street, alley and driveway intersections.

2. All fences and walls over 7~~6~~ feet in height shall require a building permit and must be constructed in conformance with the International Building Code.

B. Height

Height of fences or walls are measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.



C~~B~~. Residential Districts

Fences and walls in residential districts shall comply with the requirements of this subsection.

1. No fence or wall erected within a required front yard shall exceed 4 feet in height.

2. Barbed wire shall be prohibited except as follows:

a. Agricultural and ranching operations may utilize barbed wire in fencing up to 4 feet high, and

b. Telecommunications facilities may utilize barbed wire for security purposes in otherwise conforming fences.

D~~C~~. Nonresidential Districts

Fences and walls in nonresidential districts comply with the requirements of this subsection.

1. No fence or wall erected within a required front yard shall exceed 6 feet in height.

2. No fence or wall erected within a required side or rear yard shall exceed 6 feet in height; provided, however, with adequate demonstration of necessity, the Zoning Administrator may approve security fencing higher than 6 feet subject to the following requirements:

a. Such fencing shall comply with the setback requirements for structures in the underlying zoning district, and

b. A dense and irrigated, landscaped buffer shall be installed and maintained between the fence and the property line.

3. No barbed wire shall be allowed below 6 feet adjacent to any residential district or residential use.

6.84 Landscaping and Screening

6.84.1 Purpose

This Section establishes standards for landscaping, walls, and screening devices to create an attractive community appearance, screen unattractive uses from public view, control erosion, reduce glare and dust, buffer noise, and enhance property values. ~~This section is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance along streets and highways and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs, and trees further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Low water use plant materials are preferred, but not required, for required landscaping. Walls and screening devices allow for the separation of incongruous uses and for the buffering of road noise and intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values.~~

6.84.2 Applicability

A. ~~This section shall apply to all~~A landscaping plan is required for landscaping improvements on land that will be dedicated as public land ~~multi-family and non-residential development, provided that a one-time expansion of the floor area of buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this section~~.

B. Private land is exempt from requirements for a landscaping plan unless:

1. a development agreement requires it, or

2. a land use approval, other than a building permit, requires it.

C. For existing multi-family and non-residential development, a one-time expansion of building floor area not exceeding 25 percent of the existing floor area is exempt.

D. Landscape maintenance, water conservation, landscape standards, and screening standards apply to all land use types as indicated.

6.84.3 General Requirements

A. Landscape and Site Plan

A~~ny~~ proposed building or use subject to this Section must ~~shall be~~submit a landscape plan as part of site plan review or other applicable land use approval, ~~shown on a landscape and site plan~~ indicating:

1. Location of existing and proposed buildings, parking areas, street improvements;

2. Locations and general types of landscaped treatment areas -- i.e., lawn areas, low-water use areas, and inorganic areas;

3. Proposed plant or inorganic materials to be used in each treatment area;

4. Underground irrigation system to be used in each planted area;

5. Walls and screening devices.

B. Location of Utilities

Proposed utilities shall be located, wher~~e~~n possible, so ~~that their~~ installation ~~will~~ does not adversely affect vegetation to be retained on ~~a~~ site.

6.8.4 Installation and Maintenance

A~~C~~. Installation

1. Non-residential uses: Landscaping, underground irrigation systems, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final Certificate of Occupancy for the building or use. The Building Official may grant a temporary Certificate of Occupancy during the winter months when installation is impracticable or not feasible through the next growing season.

2. Multi-Family Residential uses: An approved landscaping plan and an installed backflow preventer shall be required before issuance of a final Certificate of Occupancy.

3. Landscaping of residential lots must be completed within a year of issuance of a Certificate of Occupancy.

B~~D~~. Maintenance Requirements

1. Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, watering, and other requirements necessary to create an attractive appearance for the development. Lack of maintenance of required landscaping material shall constitute a violation of this Code.

2. Any required plant materials not surviving shall be replaced within 30 days of its demise or in the next appropriate season.

6.8.5 Water Conservation

A~~E~~. Water Conservation

The following water-efficient landscape standards shall apply to all new residential developments and residential construction:

1. The area within the public right-of-way between the curb and gutter and the sidewalk, otherwise known as the park strip, shall not be landscaped with lawn.
2. Lawn areas shall not be less than eight feet wide at their narrowest point.
3. Lawn areas shall not exceed 50% of the total landscaped area for front and side yards. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.
4. Other Developments: In new commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas. In addition, there shall be no lawn in landscaped areas less than 8' in width, and no lawn in park strips.

6.8.6 General Landscaping Standards

A~~F~~. Landscaping Standards

All undeveloped areas of the street facing yard of each lot or tract and the adjacent rights-of-way shall be landscaped with trees, shrubs, grasses, rock, ground cover or other organic and inorganic materials that create an attractive appearance in accordance with the requirements of this section. Smooth concrete or asphalt surfaces are not considered landscaping.

1. **Shrubs, Trees and Grasses**

Use of locally appropriate shrubs, trees and grasses or plants with low-water demand characteristics is encouraged, but not required, in all cases in order to minimize the consumption of water.

2. Trees

a. For non-residential uses, One tree with a minimum 2 inch caliper measured six (6) feet above ground level shall be utilized per 1,000 square feet, or fraction thereof (in no case closer than 35 feet apart) of required landscaped area, provided, however, the Planning Department may waive this requirement where it finds that trees are either impractical due to water supply problems or inappropriate to the natural setting.

b. For residential uses no minimum tree size is required.

3. Shrubs, Grasses, Ground Covers, and Inorganic Materials

Any combination of shrubs, grasses, ground covers, and inorganic materials may be used for the balance of the required landscaping at the developer's discretion.

4. Existing Landscaping

To the extent practical, existing significant landscape features shall be preserved and incorporated into landscaping, and, if applicable, shown on the ~~final~~ landscape and site plan~~s~~. ~~Existing landscaping may be used to meet the requirements of this Land Use Code if it meets the purpose and intent of this article and is included on the approved landscape plan. Such~~Significant natural landscaping features shall be protected during all phases of site development.

5. Minimum Plant Sizes

This section only applies to non-residential uses. The following minimum plant size requirements shall apply in all cases:

Minimum plant sizes	
Plant Type	Minimum Size
Deciduous Trees	1-2 inch caliper (measured 1 foot above ground)
Evergreen Trees	6 feet tall
Shrubs	5-gallon container size + 24 inches tall
Ground Cover	1-gallon container with 12 inch spread

6. Irrigation

All required landscaped areas ~~shall~~ must include a permanent, underground irrigation system as defined herein to insure the long-term health and growth of the landscape. Where possible, irrigation systems shall utilize untreated, irrigation water instead of treated water. Irrigation system design ~~shall~~ must take into consideration the water-demand characteristics of plant or landscape materials used. Drip irrigation is recommended for all landscaping. An area landscaped with xeriscape materials may be exempt from these irrigation requirements provided that the applicant can demonstrate the water use needs do not merit permanent underground irrigation.

6.8.7 ~~C.~~ Screening Standards

Where screening standards are required by this Code, the following screening standards ~~shall~~ apply:

1. Screening Materials

Screening may be accomplished using plants, earth berms, walls, or fences, or a combination of these, sufficient to screen the use or facility from off-site view. ~~Screening may be accomplished by the use of plants, earth berm(s), walls or fences, or trees and shrubs in combination as necessary to produce an effective screening from view off-site of the use or facility requiring screening within a reasonable time period.~~

2. Height of Screening Devices

The height of a screening device~~s shall be~~is measured from the highest finished grade adjacent ~~grade of~~to the element ~~to~~ being screened.

3. Screening Plant List

Plants used to satisfy any required screening standards shall be limited to plants with a mature height of between 5~~6~~ and 18~~5~~ feet and foliage characteristics similar to those of the recommended plants for this purpose ~~(see "Commentary" below)~~.

Grand County Planning & Building Department recommends the following screening plants:

Deciduous Plants:

a. Cornus Stolonifera (Red-twigged Dogwood) 6' to 8' in height, typical
b. Syringia (Lilac) 10' in height, typical
c. Viburnium Opulus Roseum (Snowball Bush) 12' in height, typical
d. Rhus Trilcobata (Three-leaf Sumac) 5-6' in height, typical
e. Forestiera Neomexicana (New Mexico Privet or Desert Olive) 12-18' in height, typical
f. Elaegnus Commutata (Coralberry) 12' in height, typical
g. Elaegnus Umbellata (Silverberry) 12' in height, typical

Evergreen Plants:

a. Texas Red-tipped Photinia (Fraseri) 15' in height, typical
b. Pyracantha Coccinea (Firethorn) 12' in height, typical
c. Euonymus spp. (Manhattan, Silver King, Silver Queen, or Cast Iron Shrub) 8' to 10' in height, typical
d. Thuga (Arbovitae) 15' in height, typical
e. Pinus Cembroides Edulis (Pinon Pine) 20' in height, typical
f. Juniperus Chinensis (Gray Gleem, Scopulorum, Wichita Blue, or Cologreen) 15' in height, typical
——Juniperus Scopulorum (Rocky Mountain Juniper) 8' to 12' in height, typical

Commentary:
Grand County Planning & Building Department recommends the following screening plants:
Deciduous Plants:
1. Cornus Stolonifera (Red-twigged Dogwood) [6' to 8' in height, typical]
2. Syringia (Lilac) [10' in height, typical]
3. Viburnium Opulus Roseum (Snowball Bush) [12' in height, typical]
4. Rhus Trilcobata (Three-leaf Sumac) [5-6' in height, typical];
5. Forestiera Neomexicana (New Mexico Privet or Desert Olive) [12-18' in height, typical];
6. Elaegnus Commutata (Coralberry) [12' in height, typical];
7. Elaegnus Umbellata (Silverberry) [12' in height, typical];

Evergreen Plants:
8. Texas Red-tipped Photinia (Fraseri) [15' in height, typical]
9. Pyracantha Coccinea (Firethorn) [12' in height, typical]
10. Euonymus spp. (Manhattan, Silver King, Silver Queen, or Cast Iron Shrub) [8' to 10' in height, typical]
11. Thuga (Arbovitae) [15' in height, typical]
12. Pinus Cembroides Edulis (Pinon Pine) [20' in height, typical]
13. Juniperus Chinensis (Gray Gleem, Scopulorum, Wichita Blue, or Cologreen) [15' in height, typical]
14. Juniperus Scopulorum (Rocky Mountain Juniper) [8' to 12' in height, typical]

g.

4. Parking Areas

The perimeter of all parking areas ~~shall~~ must be screened to a minimum height of 3 feet above the highest finished grade of the parking area. The minimum width of the landscaped street buffer from the street line to the parking area ~~shall be~~is 15 feet.

5. Outdoor Storage Areas

All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or ~~other~~ similar items ~~shall~~ must be screened from street view by a ~~minimum~~ screening device at least 6 ~~foot high screening device~~feet in height. ~~Such~~ The screening device ~~shall~~ must consist ~~either~~ of plant material, or a wall constructed of, or finished with, materials ~~to~~ matching the main building on~~f~~ the site.

6.9~~11~~ Open Space and Common Area

6.~~11~~9.1 General Standards

~~All land proposed for~~Land dedicated~~ion~~ as open space or common area ~~shall~~ must comply with the following standards:

A. ~~Such~~ The dedication and/or restriction must be permanent, ~~and~~ not for a period of years.

B. ~~Such~~ The land ~~shall~~ must be owned in common by the property owners in the development, unless dedicated to the public.

C. Where ~~Such~~ the land ~~shall be~~includes an area of historic public access, or an existing or planned trail connection, the dedication must preserve that access or connection. ~~available to provide for the continuation of historic public access, and continuation or projection to existing or planned trail connections as part of a future valley-wide linear park system.~~

D. ~~Such~~ The land ~~shall~~ must be legally and practically accessible to the residents of the development, ~~out of which the common area or open space is taken~~ or to the public if publicly dedicated~~ion is desired~~.

E. Mature trees shall be preserved unless the Zoning Administrator finds that preservation is not feasible due to specific factors relating to the trees or site, e.g., diseased or unhealthy tree conditions, conflict with an approved building footprint, utility installation, safety hazard, or other similar condition~~to the maximum extent feasible~~.

F. A hHomeowners associations or similar legal entityies that are responsible for the maintenainingce and controlling of open space or common area shall be established as required byin accordance with Section 9.6.9.5.6

G. Where a subdivision or development will occur in stages or a series of filings, each filing or phase must dedicate open space or common area in proportion to the number of lots or units included in that filing or phase.the first filing or phase shall include all lands to be dedicated as open space or common area.

H. LAll land not platted as a lot ors nor designated as a right-of-ways shall must be designated as open space or common area.

6.911.2 Open Space Standards

All lLand proposed for dedicationed or as open space shall substantiallymust comply with the following standards:

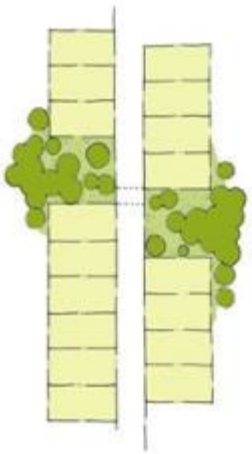
A. OThe open space shall may not be devoted to use as a streets, roads, parking area, or driveways.

B. The oOpen space shall must be left in its natural or undisturbed state, or properly planned and landscaped in accordance withing to an approved plan,s; provided, howeverexcept that such landsopen space may be used for storm-water management, agriculture,al use, gardens, parks, playgrounds, sidewalks, non-motorized pathways and trails, and other similar non-roofed recreational facilities.

C. The minimum width for any required open space shall beis 50 feet, (except that the Zoning Administrator may grant a narrower width for a ions may be granted for items such as trail easements, mid-block crossings, or a linear parks or medians, when their purpose is consistent with the intent of the general plan and this subsection).

D. At least 60 percent% of the required open space shall be in a contiguous tract. For the purposes of this subsection, open space bisected by a residential street, including a residential connector, is considered contiguous if:shall include any open space bisected by a residential street (including a residential collector), provided that:

1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and



2. The rights-of-way area is not included in the calculation of minimum required open space required.

E. The Oopen space shall must adjoin an adjacent y neighboring areas of open space or , other protected natural areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

F. OThe open space shall must be directly accessible to the largest practicable number of lots within the subdivision practicable given the subdivision's layout. A lot nNot n adjoining lots shallthe open space must have access to it by a mid-block connection or similar route. be provided with safe, convenient access to the open space (i.e. Mid-block connections in logical locations). No lot within the subdivision shall may be further more than a

1,200 feet, measured in a straight line, from the ~~radius from the~~ required open space. ~~This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.~~

G. At least 25 percent of the open space ~~shall~~ must be ~~made~~ accessible ~~with~~ by trail~~s~~, passive recreational use,~~s~~ or other similar improvements. A t~~T~~rail~~s~~ ~~shall~~ must be developed in accordance with Section 8~~7~~.4, S~~s~~idewalks and T~~t~~rails, and provide for neighborhood and connector corridors.

6.9~~11~~.3 Open Space Priority

Open space ~~shall be~~may be required ~~in accordance with the requirements of Section 5.4.1, Residential Development Standards, and shall~~ depending on ~~whether~~ the type of ~~proposed~~ development ~~is part of a Conventional, Cluster, or Conservation Subdivision~~.

A. Primary Open Space

The following areas are considered primary open space ~~areas~~ and ~~are required to~~must be included within the required open space:

1. Land~~s~~ with a geologic condition that a qualified, licensed professional engineer or geologist certifies cannot be mitigated to an acceptable level of risk~~unmitigable soils or geologic conditions~~,

2. A s~~S~~lope area~~s~~ exceeding~~in excess of~~ 30%, ~~percent greater than or equal to~~ at least 75 feet wide, and comprising a contiguous area of at least 20.000 square fe~~e~~o~~o~~t ~~minimum contiguous area~~,

3. A r~~R~~idgeline~~s~~,

4. A f~~F~~lood hazards area~~s~~,

5. ~~R~~A riparian habitat area~~s~~, ~~and~~

6. A h~~H~~istoric or prehistoric site~~s~~, and

7. An area~~s~~ that connect~~s~~ the tract to a neighboring open space, trail,~~s~~ or greenway~~s~~.

B. Secondary Open Space

The following areas must be included w~~are considered secondary open space areas and shall be included w~~ithin the required open space, unless the Zoning Administrator finds that inclusion is not feasible due to the area's size, shape, location, or conflict with an approved building footprint, utility installation, or safety requirement ~~to the maximum extent feasible~~:

1. A p~~P~~ublic drinking water supply watershed, including~~s~~ a ~~(~~recharge area~~s~~ for the aquifer in the Glen Canyon F~~f~~ormation~~)~~, or a drinking water source protection zone~~s~~,

2. An i~~I~~ndividual, existing, healthy tree~~s~~ greater than 12 inches caliper,

3. Another ~~Other~~ significant natural feature~~s~~ and scenic view-shed,~~s~~ such as a, hedge-row~~s~~, field border~~s~~, meadow~~s~~, field~~s~~, peak,~~s~~ ~~and~~ or rock outcropping~~s~~, particularly ~~those~~ one visible ~~that can be seen~~ from a public roadway~~s~~,

4. Agricultural land~~s~~, and

5. A l~~L~~andscaped site element, ~~s~~ such as an arterial street buffer~~s~~, district boundary buffer~~s~~, civic green,~~s~~ ~~and~~ or landscaped median.~~s~~

6.9~~11~~.4 Common Area Standards

~~All~~ L~~l~~and ~~proposed for~~ dedicat~~edion~~ ~~or~~ as common area ~~shall substantially~~must comply with the following standards:

A. Common area ~~within the development area~~ may be used for a wide variety of common purposes~~,~~ for the use and enjoyment of the owners, residents and guests of a development, including~~:~~ a private road~~s~~ ~~and~~ or street~~s~~, parking area~~s~~, swimming pool~~s~~, club house~~s~~, mechanical building~~s~~, storage area~~s~~, accessory structure~~s~~, sports court, o~~o~~r covered gathering area~~s or courts, all for the use and enjoyment of the owners, residents and guests of a development~~.

B. Common area ~~shall~~ is not ~~be~~ included in the computation of required open space.

C. A c~~C~~ommon area~~s,~~ improvement, such as a~~the~~ clubhouse, swimming pool, or~~and~~ tennis, volleyball, or basketball courts, must~~shall~~ be oriented internally or along major roadways, and away from adjacent residential development.

6.9.5 Required Homeowners Association

A. Applicability

This Subsection applies to private common area or a shared facility created by an approved Planned Unit Development, zoning overlay, or similar development. This Subsection does not apply to land dedicated to and maintained by the County.

B. Formation Required

Where a development creates a private common area, private road, or shared amenity that is not maintained by the County, the developer must establish a homeowners association responsible for its continuous operation, maintenance, and supervision.

C. Approval

The Zoning Administrator must approve the association's governing agreement, covenants, and restrictions before final plat or site plan approval. The agreement must be recorded with the final plat or site plan, which must identify each facility, structure, area, or ground the association is responsible for maintaining.

D. Identification of Responsibility

A facility, structure, area, or ground the association is responsible for maintaining, other than one located in a public easement or right-of-way, must be clearly identified on the final plat or site plan, together with the legal mechanism, whether an easement, ownership, or other instrument, establishing the association's authority to maintain it.

E. Minimum Agreement Contents

The association's governing agreement must:

1. Require an owner of a lot within the development, and each successive buyer, to automatically become a member of the association;
2. Establish a reserve fund and other provisions necessary to ensure the continuous operation, maintenance, and supervision of the facility, structure, area, or ground the association is responsible for;
3. Prohibit an amendment affecting the association's maintenance responsibilities without the County's prior written consent; and
4. Provide that the association may not be dissolved without the County's prior written consent.

F. Enforcement

If the association fails to perform a maintenance obligation required by this Subsection, the County may pursue a remedy available under the Development Agreement or applicable law, including specific performance, injunctive

relief compelling the association to perform the obligation, or revocation of an approval granted to the development. The County is not obligated to fund or perform the association's maintenance obligation.

6.107 Drainage

6.10.1 Drainage Standards

Where drainage detention basin(s) are not provided by or as part of subdivision approval, all developers of multi-family and non-residential structures proposing the installation of more than 7,000 square feet of impervious surface shall mitigate the drainage impacts of such development, as follows:

A. Drainage Detention Basin

A detention basin shall be provided where necessary, to limit post-development flows to pre-development flow rates. Such basin(s) shall be capable of handling the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity over the entire drainage basin in which the proposed structure is to be located.

B. Design

Drainage improvements shall be designed in accordance with Grand County Construction Standards and the Design Standards recommended by the Spanish Valley Master Storm Water Management Plan, as amended, and subject to the approval of the County Engineer:

1. Drainage improvements must be designed by a professional engineer licensed in the State of Utah ~~The County may require that a Utah registered engineer design drainage improvements~~.

2. Adequate provision for short- and long-term ownership, maintenance and operation of the storm water management system shall be required.

3. Where water velocities may reasonably be expected to cause erosion problems, satisfactory means shall be provided to prevent such erosion. Culverts shall have concrete head walls and wing walls where conditions require.

4. Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

6.115 Signs ~~Revised 10/25~~

6.115.1 Purpose and Intent

This Section regulates the size, height, number, location, illumination, and structural type of signs within Grand County to promote traffic safety, prevent visual clutter, and protect the character of the community, without regard to the content of any message displayed~~section is designed to encourage and promote a consistent and appropriate signage element for the benefit of the citizens as well as the business community. These regulations are not designed or intended to discourage or inhibit aesthetically pleasing signage design, materials, and placement~~.

6.115.2 Applicability

This Section ~~e following regulations shall~~ governs the placement, ~~and~~ construction, and maintenance of all ~~outdoor advertising display~~signs within Grand County.

6.115.3 Exempt Signs

Exempt signs shall include the following signs:

A. Small Signs. A sign not exceeding 2 square feet in area~~Temporary (45 days or less) civic, political, cultural and public service posters.~~;

B. Temporary Signs. A sign not exceeding 32 square feet in area, displayed for no more than 45 days in a calendar year, and removed within 5 days after the end of the event, condition, or purpose to which it relates~~Temporary (30 days or less) promotional or special sales signs, when erected in conjunction with a commercial establishment.~~;

C. On-Site Identification Signs. A permanent sign identifying a use located on the site, not exceeding 20 square feet in area, or 24 square feet if building-mounted as a flat wall sign that does not project above the roofline.~~Temporary signs announcing the sale or leasing of a property or building shall be exempt provided they do not, individually or collectively exceed 8 square feet and are promptly removed after sale or leasing of the subject property;~~

~~**D.** Permanent signs identifying the name of an agricultural operation or non-commercial institution located on-site or within the premises, up to an area of 20 square feet; provided, if building mounted, these signs shall be flat wall signs, shall not project above the roof line and may have an area of up to 24 square feet;~~

D~~E~~. Flags. A flag and flagpole, regardless of the design, message, or content displayed on the flag, is permitted subject to the following:~~Warning signs such as "no soliciting", "no trespassing", "beware of dog", or other similar types of signs not exceeding 1½ square feet;~~

1. The height of the flagpole may not exceed the maximum building height of the underlying zoning district.
2. The height of the flag may not exceed one-quarter of the height of the flagpole.
3. Residential. A residential lot may display no more than 3 flags at one time.
4. Non-Residential. A non-residential lot may display no more than 5 flags at one time.
5. A flagpole owned and operated by a federal, state, or local government entity is not subject to Subsection 1.

~~**F.** Flag poles that display government flags;~~

E~~G~~. Government Signs. A sign installed by a federal, state, or local government entity for traffic control, regulation, or public safety.~~Traffic control signs installed by proper authorities; and~~

F~~H~~. Seasonal Decorations. A temporary decorative display, not exceeding 45 days in duration.~~Normal and customary Christmas or other seasonal, holiday decorations.~~

G. Political Signs. A political sign is subject to Subsection B, Temporary Signs, and to Utah Code Title 20A, Chapter 17, Political Campaign Signs. The County applies the standards of this Section to a political sign on a politically and content-neutral basis, and provides equal access to all candidates, campaigns, and viewpoints.

~~[Ord. 580, 2018.]~~

6.11~~5~~.4 Prohibited Signs ~~Revised 5/21~~
~~Prohibited signs include t~~The following signs are prohibited:

A. A s~~S~~ign~~s~~ advertising a business, activity, product or service not conducted on the premises ~~upon which~~where the sign is located, such as billboards;

B. A s~~S~~ign~~s~~ employing mercury vapor, low~~-pressure and~~- or high-pressure sodium, metal halide lighting, internal illumination, ~~and~~ or a rear-lit plastic panel~~-rear-lighted~~;

C. A s~~S~~ign~~s~~ on a roof~~s~~, dormer~~s~~, ~~and~~ or ~~balconies~~balcony;

D. A sSigns ~~containing statements, words, or pictures of an~~ obscene or~~,~~ indecent material, including those defined in Utah Code Title 76, Chapter 5c ~~or immoral character~~;

E. A sSigns ~~that~~ containing ~~or consist of~~a ribbon, streamers~~,~~, strings of light bulbs, spinners~~,~~, or ~~other~~ similarly moving devices~~;~~

F. A sSigns ~~that have~~with a moving part, or ~~are~~ that is portable or wheeled;

~~**G.** Signs painted or mounted upon the exterior side or rear walls of any principal or accessory building or structure, except as otherwise permitted hereunder;~~

~~**H**~~**G.** A sSigns employing flashing, intermittent, or moving light(s), ~~such as~~including electronic or digital display technologies (LED, LCD, etc.).

~~[Ord. 630, 2021.]~~

6.115.5 Permitted Signs ~~Revised 5/21~~

A~~D~~. General Standards~~Illumination~~

1. ~~1.~~ Illumination.

a. A sign may be unlighted, or lighted externally, internally, or from behind.

b. Sign lighting is included in the calculation of total outdoor light output under Section 6.12, Outdoor Lighting.

c. All sign lighting must be designed, directed, and shielded so that the light source is not visible beyond the property boundary where the sign is located.

d. Lighting for a sign must be directed so that only the sign face is illuminated.

e. A lighted sign must have stationary and constant lighting. A sign may not employ flashing, intermittent, or moving light, including electronic or digital display technology (LED, LCD, or similar), consistent with Section 6.11.4(G).~~Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. Flashing, intermittent, or moving light(s) including electronic or digital display technologies (LED, LCD, etc.) are prohibited pursuant to Section 6.5.4H, as amended.~~

2. Permit Required. A sign requires a permit in accordance with Section 6.11.6, except as provided in Section 6.11.3, Exempt Signs.

3. Directional Signs in Any District.

a. Off-premises directional signs for the convenience of the traveling public may be permitted in any residential or non-residential zone district, advertising Bed and Breakfast Establishments; Recreational Vehicle/Travel Trailer Parks; Recreational Facilities; Natural Areas, Parks, or Preserves; and Agricultural Value-added Products Vendors, subject to the following:

b. Each such use may have one (1) off-premises directional sign at a single appropriate access street or intersection;

c. All such signs at a single intersection shall be attached and stacked on either a single 4-inch by 4-inch pole, or attached between 2 poles, 4-inch by 4-inch, which shall be shared with other approved advertisers;

d. Each directional sign shall be of the same size, joined back-to-back without any overlap, and a maximum of 2 faces that measure 18 inches by 54 inches,

e. Such signs may be located adjacent to a public rights-of-way, subject to the permission of the landowner, or, in the public rights-of-way, with the permission of the County or UDOT, as appropriate;

f. Permits for directional signs shall not be issued where such standards are served by a sign installation approved by Moab City or UDOT; and

No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.

g.

BA. Non-Residential Zone District Signs

Signs permitted in the non-residential zoning districts as identified in Section 2.13.2, shall be limited to the following:

1. Wall Mounted or Painted Signs

A wWall mounted or painted signs must, in accordance with the following standards:

a. Such signs shall bBe affixed to the front facade of the building, and shall project outward from the wall to which it is attached no more than 6 inches from the wall;

b. The area of the signboard shall nNot exceed 40 square feet in area; provided, however, the area of the signboard advertising a home occupation shall be limited to 226 square inches; and

c. The maximum permitted height shall be Not exceed 24 feet in height above the adjacent grade, and shall not extend above the building façade.

2. Projecting Signs

A pProjecting signs, including a graphic or icon signs, mounted perpendicular to the building wall, in accordance with the following standardsmust:

a. The signboard shall nNot exceed an area of 8 square feet in area;

b. Not project more than 6 inches from the building wall;The and distance from the building wall to the signboard shall not exceed 6 inches; and

c. The width of the signboard shall notNot exceed 4 feet in width.

3. Painted Window or Door Signs

A window or door sign may not exceed 25% of the total window or door area to which it is affixed.

4. Free Standing Signs

a. One (1) free standing sign is permitted per on-site business or land use;

b. Each A free-standing sign shall be limited to a maximum ofmay not exceed 24 feet in height, except that a free-standing, on-premise signs located in the HC – Highway Commercial zoning district that are within 350 feet of Interstate Highway 70 shall be permittedmay reach up to 65 feet in height above grade or 50 feet above the level of the adjacent highway, whichever is greater;

c. AEach free-standing sign may have a maximum of 2 faces and a maximum area of 40 square feet per face; provided, however,except that the maximum area per face in the HC, Highway Commercial District shall beis 8 feet by 24 feet per face in the HC, Highway Commercial District; and.

d. Each of the 2Both faces of a free-standing sign shall must be the same size and be joined back-to-back without any overlap.

5. Other Signs

All other non-residential zone district signs shall be subject to Planning Commission approval.

CB. Residential Zone District Signs

Signs permitted in athe residential zoning district,s as identified in Section 32.1, shall beis limited to the following:

1. A wall sign of up to 24 square feet may be erected on each multi-family building or complex.

2. A mMonument ~~style~~ sign~~s shall be permitted to~~ identifying the entrance~~(s)~~ to a residential subdivision, or a multi-family building or complex, ~~provided, each monument style sign shall be limited to~~may not exceed 12 feet in height, a single face, and ~~a maximum of~~ 20 square feet per face.

3. A free-standing sign up to 12 feet in height and up to 4 square feet per face may be erected on site to identify a permitted accessory commercial use in a residential district.~~bed and breakfast or home occupation~~

~~**C. Directional Signs in Any District**~~

~~Off-premises directional signs for the convenience of the traveling public may be permitted in any residential or non-residential zone district, advertising Bed and Breakfast Establishments; Recreational Vehicle/Travel Trailer Parks; Recreational Facilities; Natural Areas, Parks, or Preserves; and Agricultural Value-added Products Vendors, subject to the following:~~

~~**1.** Each such use may have one (1) off-premises directional sign at a single appropriate access street or intersection;~~

~~**2.** All such signs at a single intersection shall be attached and stacked on either a single 4-inch by 4-inch pole, or attached between 2 poles, 4-inch by 4-inch, which shall be shared with other approved advertisers;~~

~~**3.** Each directional sign shall be of the same size, joined back-to-back without any overlap, and a maximum of 2 faces that measure 18 inches by 54 inches;~~

~~**4.** Such signs may be located adjacent to a public rights-of-way, subject to the permission of the landowner, or, in the public rights-of-way, with the permission of the County or UDOT, as appropriate;~~

~~**5.** Permits for directional signs shall not be issued where such standards are served by a sign installation approved by Moab City or UDOT; and~~

~~**6.** No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.~~

~~**D. Illumination**~~

~~**1.** Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. Flashing, intermittent, or moving light(s) including electronic or digital display technologies (LED, LCD, etc.) are prohibited pursuant to Section 6.5.4H, as amended.~~

~~[Ord. 630, 2021; Ord. 588, 2019.]~~

6.11~~5~~.6 Permits

A person may not ~~It shall be unlawful to~~ erect, construct, reconstruct, alter, paint, ~~or~~ repaint, or change the use of any sign as defined in this section without first obtaining a sign permit ~~pursuant to~~under Section 9.12~~5 of this LUC~~.; ~~however, a~~A sign permit ~~shall~~ is not ~~be~~ required to repaint a sign exactly as it was original permitted, for ~~the purpose of~~ maintenance purposes.

6.12~~6~~ Outdoor Lighting

6.~~6~~12.1 Purpose

The purposes of this section are to:

A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow to curtail the degradation of the nighttime visual environment;

B. Prevent lighting nuisances on properties located in and adjacent to Grand County;

C. Promote energy conservation;

D. Improve nighttime safety, utility, security, and productivity;

E. Develop an attractive nighttime appearance in the County;

F. Minimize lighting health risks arising from inappropriate quantities and qualities of lighting;

G. Prevent unnecessary or inappropriate outdoor lighting;

H. Minimize nighttime impacts on nocturnal wildlife;

I. Facilitate the economic development potential of astro-tourism, and the enhancement of the visitor experience in the Moab Area;

J. Maintain the rural atmosphere of the County; and

K. Encourage quality outdoor lighting through the use of efficient bulbs and light sources, fully shielded light fixtures, and limits on the location and uses of outdoor lighting.

[Ord. 588, 2019.]

6.126.2 Scope and Applicability

~~**A.** All lighting should be consistent with and promote the purposes set forth in Section 6.6.1.~~

~~B~~A. All exterior outdoor lighting installed after ~~the effective date of this section~~April 2, 2019, in all zones in the County, shall conform to the requirements established by this section. This section does not apply to indoor lighting.

B~~C~~. All existing outdoor lighting that does not meet the requirements of this section and is not exempted by this section shall be considered a nonconforming use or part of a nonconforming structure subject to the five-year amortization schedule outlined in Section 6.~~6.10B.3~~12.10B.3.

[Ord. 588, 2019.]

6.126.3 Definitions

"Accent or architectural lighting" means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.

"Backlight" means all the light emanating behind a luminaire.

"BUG rating" means backlight, uplight, and glare rating, which exists on a scale of zero to five and describes the light output of a luminaire.



Image by City of Ft. Collins, Colorado, and used here with permission.

"Correlated color temperature" (CCT) is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general "warmth" or "coolness" measure of its appearance. Lamps with a CCT rating below 3,000 K are usually considered "warm" sources, while those with a CCT above 3,000 K are usually considered "cool" in appearance.

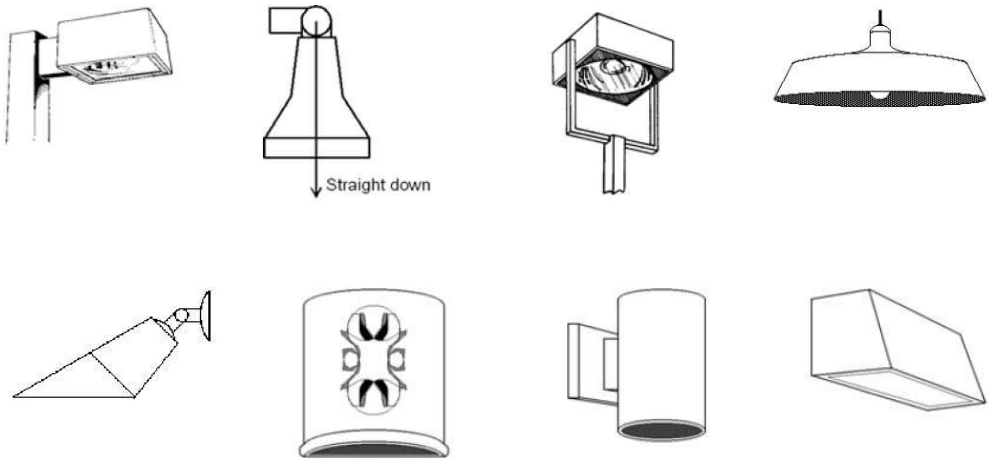
"Developed acre" means the proportionate amount of an acre (43,560 square feet) of land that is converted from raw, undeveloped land into land associated with the permitted principal and accessory uses occurring on a parcel. This includes building footprints, private roads, parking lot surface areas, designated recreational areas, walking paths, storm water detention and retention facilities, and other lands clearly related to the permitted uses on a parcel. Present and future public rights-of-way, 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 immitigable geohazards, riparian habitats, archaeological sites, and required open space shall not be included in the calculation of developed acreage.

"Direct illumination" means illumination resulting from light emitted directly from a bulb, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.

"Fixture" means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

"Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.

"Fully shielded fixture" means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero. Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.



Examples of fully shielded light fixtures.

“Glare” means the visual sensation caused by excessive brightness and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.

“Internally illuminated,” as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

“Light pollution” means any adverse effect of manmade light. Often used to denote “sky glow” from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

“Light source” means the part of a lighting fixture that produces light, e.g., the bulb, lamp, or chips on board.

“Light trespass” means any light that falls beyond the legal boundaries of the property it is intended to illuminate.

“Lumen” means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equals brighter light).

Common relationships between bulb types, wattages and lumen levels

Brightness in Lumens	220+	400+	700+	900+	1300+
Standard	25W	40W	60W	75W	100W
Halogen	18W	28W	42W	53W	70W
CFL	6W	9W	12W	15W	20W
LED	4W	6W	10W	13W	18W

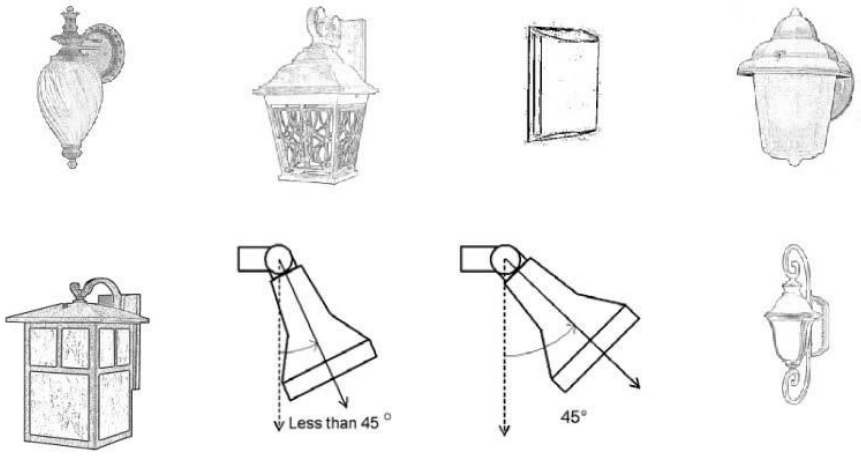
“Luminaire” means the same as “fixture.”

“Manufacturer’s catalog cuts” means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.

“Outdoor light fixture” means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Also known as a “luminaire,” or simply as a “fixture.”

“Partially shielded light fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits most of its light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight

(U) and backlight (B) ratings are greater than zero. Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.



Examples of partially shielded lighting fixtures.

“Recreational lighting” means lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

“Sky glow” means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the nighttime sky.

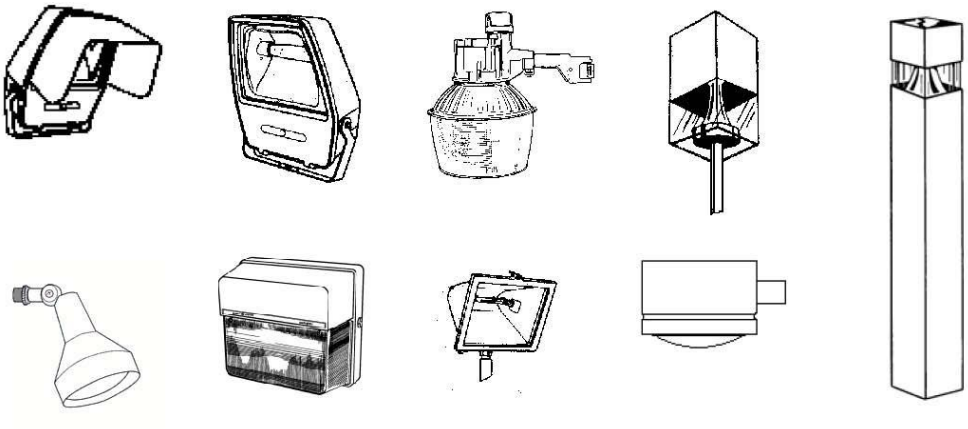
“Spotlight” means a fixture or bulb designed to light a small area very brightly. See definition of “Floodlight.”

“Total” means the sum of shielded and unshielded light.

“Total outdoor light output” means the total amount of light measured in lumens from all bulbs installed in outdoor lighting fixtures. For bulb types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) bulbs), the initial lumen output as defined by the manufacturer shall be the lumen value used.

“Tower” means any monopole, antenna, or the like that exceeds 18 feet in height.

“Unshielded fixture” means a fixture that has no shielding at all that would otherwise specifically prevent light emission above the horizontal.



Examples of unshielded light fixtures.

"Uplight" means all the light emanating above the horizontal plane of a luminaire. [Ord. 588, 2019.]

6.126.4 Fully Shielded Fixture Requirements

A. A light fixture must not direct illumination beyond the property boundaries on which it is located.

BA. If within 25 feet of an adjacent residential property line, all lighting must be fully shielded.

C. If not within 25 feet of an adjacent residential property, all lighting must be fully shielded if it does not meet one of the exceptions below: ~~**1.** All lights exempted by this section shall be included in the calculation for total light output.~~

12. Fixtures having a total light output less than 1,000 lumens are exempted from the fully shielded requirement provided the following criteria are met:

a. The fixture has a top that is completely opaque such that no light is directed upwards.

b. The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.

c. The light source must not be visible from any point outside the property on which the fixture is located.

~~3~~2. Spotlights controlled by motion sensors having a light output less than 1,000 lumens per lamp are exempted from the fully shielded requirement provided:

a. The fixture is a spotlight or other type of directed light that shall be directed straight down; and

b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located; and

c. Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.

34. Pathway lights less than 18 inches in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than 300 lumens.

45. Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15th and the following January 15th; provided, that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.

56. Traffic control signals and devices.

67. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.

78. The lighting of federal or state flags; provided, that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.

89. An applicant requesting approval for lighting that does not conform to these standards shall follow the procedures and findings requirements set forth in Section 9.154, Variances.

D. Unless specifically exempted ~~by this section~~above, all outdoor lighting shall use fully shielded fixtures and ~~shall~~ be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.

~~Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero.~~

1. ~~B. In order t~~Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero.~~o qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.~~

2. To qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded.

~~C. Fixtures must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.~~

~~D. Notwithstanding the exemptions in subsection E of this section, all residential and commercial luminaires shall be fully shielded within 25 feet of adjacent residential property lines.~~

~~E. Exemptions to Fully Shielded Fixture Requirements~~

~~1. All lights exempted by this section shall be included in the calculation for total light output.~~

~~2. Fixtures having a total light output less than 1,000 lumens are exempted from the fully shielded requirement provided the following criteria are met:~~

~~a. The fixture has a top that is completely opaque such that no light is directed upwards.~~

~~b. The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear or lightly tinted colored glass, are not allowed.~~

~~c. The light source must not be visible from any point outside the property on which the fixture is located.~~

~~3. Spotlights controlled by motion sensors having a light output less than 1,000 lumens per lamp are exempted from the fully shielded requirement provided:~~

~~a. The fixture is a spotlight or other type of directed light that shall be directed straight down; and~~

~~b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located; and~~

~~c. Lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.~~

~~4. Pathway lights less than 18 inches in height are exempted from the fully shielded fixture requirement, if the total light output from each pathway light is less than 300 lumens.~~

~~5. Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15th and the following January 15th; provided, that individual lamps do not exceed 70 lumens and neither cause light trespass nor interfere with the reasonable use and enjoyment of any other property.~~

~~6. Traffic control signals and devices.~~

~~7. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.~~

~~8. The lighting of federal or state flags; provided, that the light is a top-down and narrow beam aimed and shielded to illuminate only the flag.~~

~~9. An applicant requesting approval for lighting that does not conform to these standards shall follow the procedures and findings requirements set forth in Section 9.14, Variances.~~

~~[Ord. 588, 2019.]~~

6.126.5 Total Light Output

All lights, including those exempted from shielding requirements, are included in the calculation for total light output. Streetlights used for illumination of public rights-of-way are excluded from this calculation.

A. Commercial

Total outdoor light output shall not exceed 50,000 lumens per developed acre. ~~Streetlights used for illumination of public rights-of-way are excluded from this calculation.~~ Commercial developments shall be permitted a minimum of 5,000 lumens of lighting regardless of parcel size.

1. In nonresidential zone districts, partially and unshielded lighting on a property shall not exceed 5,000 lumens per developed acre, and shall be included in the total outdoor light output calculation.

B. Residential

For a residential or agricultural property, maximum total outdoor light output is as follows:

A half-acre or larger	10,000 lumens total
Under a half-acre	5,000 lumens total
Multifamily (5+ units or lots)	20,000 lumens per developed acre

~~Total outdoor light output shall not exceed 10,000 lumens of lighting for parcels one-half acre, or larger, in size. Parcels smaller than one-half acre shall be permitted 5,000 lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five or more separate lots or units shall not exceed 20,000 lumens of lighting per developed acre.~~

1. In residential zones, partially and unshielded lighting on a property shall not exceed 1,000 lumens per lot, and shall be included in the total outdoor light output calculation.

2. Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.

~~[Ord. 588, 2019.]~~

6.12~~6~~.6 Lighting Hours

A. Commercial establishments shall turn off all outdoor lighting, except that listed below, by 12:00 midnight:

1. Businesses open to the public after 12:00 midnight may leave all outdoor lighting on until one hour after the close of business.

2. Lighting to illuminate the entrance to the commercial establishments.

3. Parking lot and pathway lighting required for the safety of guests or customers.

B. Recreational lighting (residential and commercial) shall be turned off by 10:00 p.m. or one hour after conclusion of a specific sporting event, whichever is later.

[Ord. 588, 2019.]

6.12~~6~~.7 Lighting Color

~~All exterior lighting shall utilize light sources with~~The maximum permitted correlated color temperature is ~~not to exceed~~ 3,000 Kelvin (K).

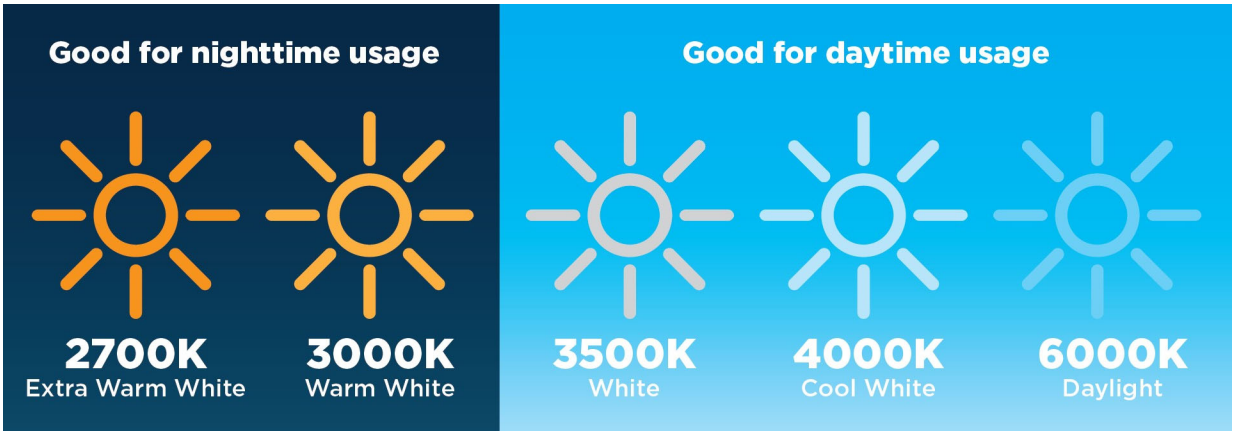


Image by City of Ft. Collins, Colorado, and used here with permission.

~~[Ord. 588, 2019.]~~

6.~~6~~12.8 Specialized Outdoor Lighting Conditions and Standards

A. Gas Stations

Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded. Merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture.

B. Streetlights

Roadway and street-lights are prohibited unless recommended by the County Engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the County Engineer and UDOT.

C. Parking Lots

Parking lots may not utilize spot or flood lighting whether mounted on a post or exterior building wall. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 25 feet. All post-mounted parking lot lights shall be set back from property lines a distance equal to two and one-half times the height of the pole unless an internal or external shield prevents the fixture being visible from outside the property boundaries. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 25 feet. All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

D. Athletic Fields

Outdoor recreation areas or athletic fields at publicly owned facilities may use illumination to light the surface of play and viewing stands and for the safety of the public. The following standards shall apply to outdoor recreation area or athletic field lighting:

1. The recreational lighting does not exceed illuminance levels for class IV sports lighting set by the Illuminating Engineering Society of North America.

2. The recreational lighting provides illuminance for the surface of play and viewing stands, and not for any other areas or applications.

3. Off-site impacts of the lighting will be limited to the greatest practical extent possible.

4. The lighting for areas or applications outside the surface of play and viewing stands shall conform to all provisions in this section.

5. The recreational or athletic facility shall extinguish lighting exempted by this section no later than 10:00 p.m. or one hour after the end of play, whichever is later.

6. The recreational lighting shall have timers that automatically extinguish lighting to ensure lights are not left on after the curfew or when the facilities are not in use.

E. Outdoor Amphitheaters

Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

1. Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

2. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

3. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this section.

F. Special Events

Special events may use illumination to light the event area and for the safety of the public. The following standards apply to all amphitheater lighting:

1. Lighting used to illuminate the event area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

2. Lighting used to illuminate the event area may only be turned on during the hours event activities are open to the public or paying guests.

3. Lighting used to illuminate the seating areas, pathways, and other areas of the event must meet all standards of this section.

G. Illuminated Signs
All illuminated signs shall comply with the standards of Section 6.115.

[Ord. 588, 2019.]

6.126.9 Application and Review Procedures
A. Lighting Plan

All sign permit applications, subdivision applications, site plan applications, building permit applications, and other development review applications within any zone district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this code. Lighting plans shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

2. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the Planning Commission to be able to determine compliance with the provisions of this section.

3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

B. Approval Procedure

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

2. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Planning and Zoning Administrator.

[Ord. 588, 2019.]

6.126.10 Amortization of Nonconforming Outdoor Lighting
A. The County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this section, pursuant to the amortization schedule contained in subsection B of this section.

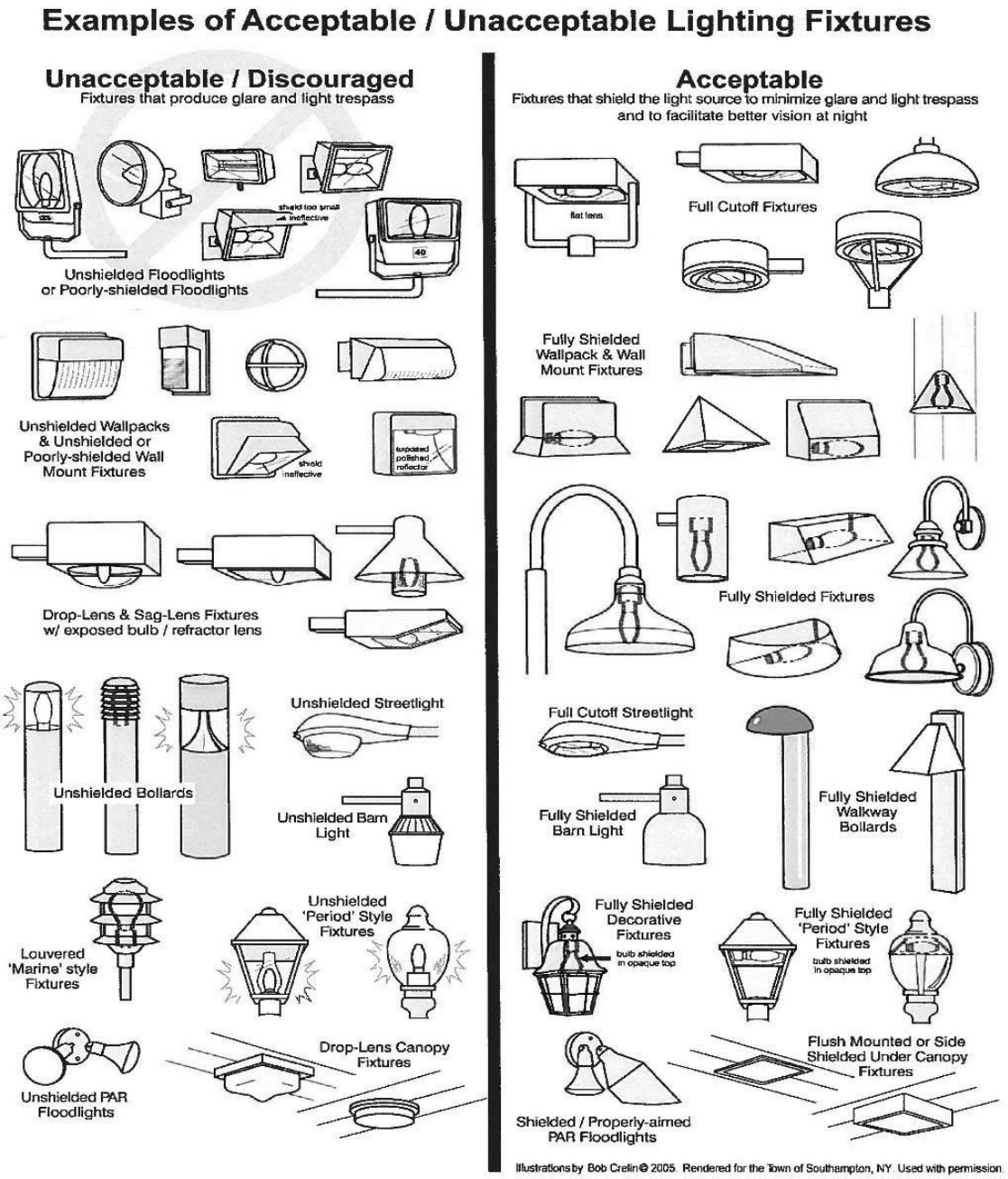
B. All outdoor lighting legally existing and installed prior to the effective date of this section, and which is not otherwise exempted, shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

1. Immediately as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, site plan review or similar County permit or review.

2. Immediately in the case of damaged or inoperative nonconforming lighting upon replacement or repair.

3. Within five years from the effective date of this section for all other outdoor lighting.

Additional Images:



Used by permission





[Ord. 588, 2019.]

6.132 ~~Operational Performance Standards (Rename:~~ Nuisances~~)~~

6.132.1 Applicability

All uses in any district of Grand County shall conform in operation, location and construction to the subjective performance standards herein specified so that the public health, safety and welfare will be protected.

A. Exemptions

1. The following are exempt from the performance standards of this section:

2. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and

3. Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in the public rights-of-way or easement.

6.132.2 General

The location, size, design and operating characteristics of all uses shall minimize adverse effects, including visual impacts, on surrounding properties.

6.132.3 Noise

At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between 2 parcels of property shall be interpreted as the bounding property line.

6.132.4 Smoke and Particulate Matter

No operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

6.132.5 Odorous Matter

No use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

6.132.6 Fire and Explosive Hazard Material

A. Explosives

No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district other than the I, Industrial District; provided, however, chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall as not presenting a fire or explosion hazard.

B. Flammables

The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of Grand County.

6.132.7 Toxic and Noxious Matter

No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Utah Department of Health.

6.132.8 Vibration

No operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

6.132.9 Glare

No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of glare or illumination nor shall any such glare or light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. This provision is specifically intended to preclude the use of non-painted, shiny metal roof and wall materials, such as galvanized metal, tin or steel, in any zone district.

6.132.10 Refuse and Debris

The space around buildings and structures in any district shall be kept free from refuse and debris. No yard, open yard space, open space or land in any district may be used for the storage of junk, or inoperable or wrecked vehicles, except as specifically permitted by this ~~LU~~Code.

6.14 ~~Affordable~~ Moderate Income Housing

6.14.1 Moderate Income Housing Standards ~~**Housing is considered to be affordable when 30 percent or less of total household income is spent on all housing costs, including mortgage or rent, taxes, insurance, utilities, and HOA fees where applicable. In some developments, it may be practical to limit all housing costs to less than 40 percent of total household income. Housing may also be considered affordable when a household's residual income—what is left over after paying all housings costs—can cover essential nonhousing expenditures, including food, clothing, transportation, healthcare, and others.**~~

Development approved for moderate income housing purposes, as defined in Section 11.2, Definitions, must comply with the following standards:

A. **Minimum Occupancy.** A unit may not be occupied for a period of less than 30 consecutive days.

B. **Deed Restriction.** A unit must be deed restricted as to use and occupancy. At a minimum, the deed restriction must limit occupancy to a person who:

1. Is employed within Grand County, or, if retired, was employed within Grand County for at least 3 years;

2. Earned, or earns, at least 80% of household income from employment within Grand County during the period described in Subsection 1; and

3. Occupies the unit as their primary residence.

C. **Additional Restrictions.** The County Commission may adopt, by resolution and following public notice, an additional restriction applicable to a unit approved for moderate income housing, including a restriction based on income relative to median family income for Grand County as determined by the U.S. Department of Housing and Urban Development, area median income as defined by the U.S. Census Bureau, median wage as defined by the Utah Department of Workforce Services, or household net worth.

D. **Occupant Qualification.** The (Zoning Administrator / County housing authority) must approve or otherwise qualify a prospective occupant before a unit is sold, rented, or occupied.

E. **Deed Restriction Approval.** The (Zoning Administrator / County housing authority) must approve the deed restriction before a unit is sold, rented, or occupied.

All development approved for affordable housing purposes shall comply with the following standards:

A. Occupancy of such units shall be restricted to a minimum of 30 days.

B. Such units shall be deed restricted as to use and occupancy, based on criteria to be defined by the County Commission and as amended from time to time. At a minimum, such use and occupancy restriction shall limit occupancy to persons who are employed within the boundaries of Grand County or, if retired, were previously employed in the County for at least three years; earn or earned (applicable only to retired persons) at least 80 percent of their household income from employment within Grand County during those three years; and occupy the unit as their primary residence.

C. The County Commission may impose additional restrictions, such as limitations on income relative to median family income (MFI) for Grand County as determined by the Department of Housing and Urban Development (HUD), area median income (AMI) as defined by the Census, or median wage as defined by the Utah Department of Workforce Services, and household net worth as necessary to achieve the purposes of this district.

D. The County Commission, or its designee, shall approve or otherwise qualify all occupants prior to any employee unit sales, rental or occupancy.

E. The County Commission, or its designee, shall approve the deed restriction prior to any unit sales, rental or occupancy.

[Ord. 545, 2016.]

Commentary:
Real estate markets change over time, and the Grand County Commission shall periodically modify the contents of Section 6.14 in accordance with updates to the Grand County Affordable Housing Plan.

6.115 Assured Housing Standards Revised 11/19

6.15.1 Application Revised 11/19

The standards of this section shall apply to:

A. Hotel, motel, condo, and any other accommodations development other than campgrounds, including conversions from residential to accommodations-based uses.

B. Single-family residential development that meets at least one of the following conditions:

1. The combined square footage of all primary and secondary or accessory structures exceeds 3,000 square feet.

2. The combined assessed value of all land, primary, and secondary or accessory structures exceeds $800,000 at the time a certificate of occupancy is granted.

[Ord. 587, 2018.]

6.15.2 Definitions Revised 11/19

As used in this section, the following terms shall have the following meanings:

A. "Accommodations development" means the construction or conversion of any project that includes accommodations-based activities where travelers, guests, or temporary occupants may legally inhabit an area for 30 days or less as provided by Section 3.2.3 4.3.3 for which a development application or building permit application was received after June 12, 2018.

B. "Affordable rent" means annual rental housing costs, including rent, utilities, and HOA fees where applicable, that amount to 30 percent or less of a household's combined gross annual income.

C. "Affordable ownership" means annual housing ownership costs, including mortgage, taxes, utilities, and HOA fees where applicable, that amount to 30 percent or less of a household's combined gross annual income.

D. "Alternative compliance proposal" means a proposal to comply with the requirements of this section in lieu of the construction of deed-restricted affordable housing units established in the assured housing requirement, such as paying a fee in lieu, deed restricting and dedicating existing housing units, dedicating land, or other compliance option.

E. "Area median income (AMI)" or "median family income (MFI)" means combined gross annual median household income as defined by the Department of Housing and Urban Development (HUD), which is based on household size.

F. "Assured housing agreement" means a written agreement between the County and a developer.

G. "Assured housing requirement" means a statutory affordable housing requirement for a hotel, motel, condo, other accommodations-based development, including conversions from residential to accommodations-based uses, or single-family residential development meeting the standards of Section 6.15.1(B).

H. "Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common and common areas and facilities of the property.

I. "Condominium unit" means either a separate part of the project intended for any type of independent use as an overnight accommodation, including one or more rooms or spaces located in one or more floors or parts of floors in a building or a time period unit, as the context may require.

J. "County" means Grand County.

K. "County Commission" means Grand County Commission, or its designee.

L. "County Engineer" means Grand County Engineer of Record.

M. "Deed restriction" means a contract entered into between Grand County and the owner or purchaser of real property identifying the conditions or occupancy and resale.

N. "Department of Housing and Urban Development" or "HUD" means the United States government department responsible for setting income limits and maximum housing costs for affordable housing programs.

O. "Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County approvals for all or part of a use regulated by this section.

P. "Extremely low-income household (ELI)" means a household whose combined gross annual income amounts to less than 30 percent of the area median income.

Q. "Household" means one person living alone, two or more individuals related to each other by blood, marriage, or another legally recognized relationship, or a maximum of three unrelated individuals residing in the same residence whose combined income is considered for affordable housing eligibility.

R. "Household income" means combined gross annual income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross annual income for business expenses can be made for persons who are self-employed.

S. "Housing fund" means the dedicated fund within Grand County's budget that is to be used for any of the following: land or building acquisition, land development, redevelopment, renovation, public-private partnerships or other means to create or preserve deed-restricted affordable housing available to extremely low-, very low-, and low-income households.

T. "Hotel/motel" means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel or motel services.

U. "Land use restriction agreement (LURA)" means a contract between Grand County and an affordable housing developer or subdivider which is recorded as an encumbrance upon the real property to be developed, and which provides for continued enforcement of the affordability provisions of this chapter for a duration of not less than 50 years. A LURA shall run with the land and be binding upon the parties and their successors in title, as provided by its terms.

V. "Low-income household (LI)" means a household whose combined gross annual income amounts to between 50 percent and 79.99 percent of area median income.

W. "Monitoring agency" means Grand County, or its designee, charged with monitoring and/or enforcement of the affordability provisions which accompany any affordable housing developed pursuant to this section, including any LURA provisions.

X. "Overnight accommodations" means short-term rentals for a period of less than 30 days provided to visitors, tourists, or similar persons who do not have a long-term residence in Grand County.

Y. "Subdivider" means any person creating a subdivision and offering lots or condominium units for sale to the public.

Z. "Townhouse" or "townhome" means single-family or multifamily units utilized as overnight accommodations in which units share at least one common wall.

AA. "Unit" means a residential dwelling containing, at a minimum, a permanently installed kitchen (including a sink, stove, refrigerator, counters, and cabinets), bathroom (sink, toilet, and a shower or bathtub), bedroom (or sleeping area), living room (or area), parking, and storage space. All habitable rooms shall be separate from the bathroom(s). A residential unit may contain more than one bedroom, depending on the needs of the development and the housing market. Each housing unit shall have nonexclusive access to common elements within the particular development.

BB. "Very low-income household (VLI)" means a household whose combined gross annual income amounts to between 30 percent and 49.99 percent of the area median income.

[Ord. 587, 2018.]

6.15.3 Exemptions Revised 11/19

The following developments are exempt from the requirements of this section:

A. The reconstruction of any structures that have been destroyed by fire, flood, earthquake or other act of nature; provided, that the reconstruction of the site does not increase the number of residential units by more than six or increase the interior floor area of a nonresidential structure by more than 4,999 square feet.

[Ord. 587, 2018.]

6.15.4 Assured Housing Requirements Revised 11/19

A. The developer shall be required to construct the number of deed-restricted, affordable housing units on the same parcel or an adjacent parcel that best aligns with their development type in accordance with the table below:

Assured Housing Requirement

Project Type	Income Category	AH Unit Mitigation*	Per _____	AH $ Mitigation*	Per _____
Hotel/Motel	Extremely Low-Income	5.43	60,000 sq. ft.	$15.57	Sq. Ft.

Project Type	Income Category	AH Unit Mitigation*	Per _____	AH $ Mitigation*	Per _____
	Very Low-Income	6.36	60,000 sq. ft.	$15.57	Sq. Ft.
	Low-Income	10.87	60,000 sq. ft.	$15.57	Sq. Ft.
Condo (w/STR)	Extremely Low-Income	4.07	100 condo units	$5.18	Sq. Ft.
	Very Low-Income	4.76	100 condo units	$5.18	Sq. Ft.
	Low-Income	8.14	100 condo units	$5.18	Sq. Ft.
Townhome (w/STR)	Extremely Low-Income	8.41	100 townhomes	$8.77	Sq. Ft.
	Very Low-Income	9.85	100 townhomes	$8.77	Sq. Ft.
	Low-Income	16.85	100 townhomes	$8.77	Sq. Ft.
Large/ High-End SFR	Extremely Low-Income	2.83	100 SFR homes	$1.62	Sq. Ft.
	Very Low-Income	3.31	100 SFR homes	$1.62	Sq. Ft.
	Low-Income	5.66	100 SFR homes	$1.62	Sq. Ft.

*When determining the assured requirement, the above rates will be used as conversion ratios. If a developer chooses to comply with the assured housing requirement by building deed-restricted units or adding deed restrictions to existing units, fractional units shall be rounded up to the nearest whole number.

B. Sample Development Scenarios. A developer submits an application for a 50-unit townhome development to be used for short-term rentals. In addition to other compliance alternatives offered by the assured housing ordinance, several hypothetical compliance alternatives are provided below.

1. The developer chooses to build units deed restricted for occupancy by low-income households. The assured housing requirement equals 50*(16.85/100) = 8.425 units. When rounded up to the next whole number, the assured housing requirement shall be nine units.

2. The developer chooses to build units deed restricted for occupancy by very low-income households. The assured housing requirement equals 50*(9.85/100) = 4.925 units. When rounded up to the next whole number, the assured housing requirement shall be five units.

3. The developer chooses to build units deed restricted for both low-income and very low-income households in equal proportions. The assured housing requirement equals 50*(16.85/100)*50% = 4.2125 units deed restricted for low-income occupancy and 50*(9.85/100)*50% = 2.4625 units deed restricted for very low-income occupancy. When rounded up to the next whole number, the assured housing requirement shall be five units and three units respectively. Note the 50 percent factor is to reflect the 50-50 split between low- and very low-income unit restrictions.

4. The developer chooses to utilize the fee in lieu option to meet the assured housing requirement. The assured housing requirement will be a function of the total square footage of all primary and accessory structures associated with the development at a rate of $8.77 per square foot.

C. The assured housing requirement shall apply to the square footage of all buildings or total unit count constructed as part of the accommodations development and the total unit count of all single-family residences.

D. If the accommodations development includes a combination of units restricted to residential housing for primary occupancy, be it ownership or rental, the developer may elect to deed-restrict those residential units as such and remove the square footage associated with those units from the total square footage subject to the requirements of this section.

E. The area of affordable housing units built pursuant to the assured housing requirement shall be an average of not less than 1,000 square feet per unit. Developers shall provide a mix of one bedroom and larger units based on the expected needs of the project, as further specified in the development agreement and/or the LURA.

F. If, given the finished floor area of the project, the assured housing requirement would result in less than one unit of affordable housing being built, the developer/subdivider shall utilize and pay the fee in lieu that would be applicable to the project.

G. First preference for affordable units built under the assured housing requirement shall be given to eligible employees of the developer/subdivider who are or will be employed on the developed premises. All tenants of affordable units developed under the assured housing requirement shall occupy units pursuant to a written lease providing for a tenancy with a duration of not less than a month to month period.

H. A developer/subdivider proposing new overnight accommodations may pay a fee in lieu equal to the total finished floor area (measured in square feet) of the overnight accommodation using the conversion formula established in subsection A of this section.

1. The fee in lieu is due and payable prior to the issuance of a building permit.

2. The County shall use the fee in lieu, either individually or in combination with other funds, for affordable housing purposes. These funds shall be held and accounted for in a separate fund which shall be used solely for the acquisition, construction, maintenance, management, or development of affordable housing.

[Ord. 587, 2018.]

6.15.5 Land Use Restriction Agreement Revised 11/19

A. Applicability. At the time of final approval of the development application the County and the developer/subdivider shall execute and record in the land records a land use restriction agreement (LURA) implementing and providing for enforcement of the affordability controls specified in this section. The LURA shall be a deed restriction running with the land, and binding upon the original grantor, and all successors and assigns in title. The LURA shall provide, at a minimum, the following:

1. The affordable housing units shall be leased to, and occupied by, eligible persons;

2. The affordable housing units shall be leased at rent levels affordable to eligible persons for a period of not less than 50 years from the date of the initial certificate of occupancy;

3. Subleasing of affordable units or the offering or use of affordable units as overnight accommodations is prohibited;

4. The number of affordable units shall not be reduced and shall remain at the originally approved affordability level for a period of not less than 50 years; and

5. Provisions for enforcement and monitoring of the affordability controls, including (as applicable) specific performance, damages, and an award of attorney fees and costs in the event of a violation.

B. Maintenance. The LURA shall contain provisions providing that the owner shall maintain all units in a safe, sanitary, and functional condition in accordance with the provisions of the International Property Maintenance Code, as adopted by the County, or its equivalent.

C. Recording Deed Restrictions. The LURA shall be recorded in the land records prior to the recording of the final plat or final site plan for the underlying development.

D. Monitoring. The developer/subdivider shall submit an annual report to the County or its monitoring agency identifying the affordable units, the monthly rent for each unit, vacancy information for each year for the prior year, eligibility information for tenants of each affordable unit, and other information as required by the LURA. The annual report shall contain information sufficient to determine whether tenants are eligible for affordable housing as provided by this section.

E. Extension of the LURA. The duration of the LURA may be extended for additional successive 10-year terms if the County Commission certifies in writing at or before the expiration that there is a continuing need for affordable housing, and that it is reasonable that the affordability controls continue. In that case the County may execute any necessary documents to give effect to this provision.

[Ord. 587, 2018.]

6.15.6 Independent Feasibility and Nexus Analyses Revised 11/19

An applicant may submit an independent calculation of their assured housing requirement based on an analysis of the maximum feasible and justifiable requirement associated with their development. The applicant may present an alternative assured housing requirement in the form of affordable housing unit construction or dollar amount. If either of these independently calculated figures is lower than the assured housing requirement set forth in this section, the County shall consider applying the independently calculated requirement. The independent calculation shall be subject to the provisions of this section. Should the independent calculation not be accepted, then the applicable calculation from this section shall be applied. Any acceptance of an independent calculation shall be site- and use-specific, nontransferable, and be memorialized in an assured housing agreement between the property owner and the County. Such agreement shall be executed prior to the issuance of any building permit. [Ord. 587, 2018.]

6.15.7 Redevelopment: Additions and Conversions of Use Revised 11/19

Redevelopment or remodeling in an existing use is exempt from the requirements of this section, provided such activity does not increase the total square footage of an accommodations development or single-family residence subject to the standards of this section. If an existing use is not currently subject to the standards of this section and an addition, remodel, or conversion of such use would result in a use subject to the standards of this section, then the full assured housing requirement shall be applied to the resulting use. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this section. Any new area or unit or any change in use which creates additional square footage in association with accommodations-based activities shall be subject to the provisions of this section. [Ord. 587, 2018.]

6.15.8 Final Assured Housing Requirement Calculations Revised 11/19

The final calculations for the fees associated with the assured housing requirement shall be made prior to the issuance of land use approvals or building permits for the applicable project. [Ord. 587, 2018.]

6.15.9 Alternative Methods of Meeting Assured Housing Requirements Revised 11/19

The County Commission may approve an alternative compliance proposal that includes one or more of the following options in lieu of fees:

A. Payment of a fee in lieu as calculated using the conversion formula established in Section 6.15.4A.

1. The fee in lieu is due and payable prior to the issuance of a building permit.

2. The County shall use the fee in lieu, either individually or in combination with other funds, for affordable housing purposes. These funds shall be held and accounted for in a separate fund which shall be used solely for the acquisition, construction, maintenance, management, or development of affordable housing.

B. Deed-restricted affordable housing units available to extremely low-, very low-, and low-income households in accordance with Section 6.14 may be constructed off site, within the boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley, provided such land, site or structure had not been previously deed-restricted as affordable housing. The number, size, and value of such units shall be reasonably close to the number, size, and value of units that could otherwise be constructed using fees associated with the assured housing requirement.

C. Dedication of existing units deed-restricted for extremely low-, very low-, or low-income households provided such units have not been previously restricted to employee or affordable housing. Units shall be located within the boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley unless otherwise approved by the County. Existing units must meet the minimum standards for physical condition as described in Exhibit A attached to the ordinance codified in this section and be in move-in condition with appliances, windows, heating,

plumbing, electrical systems, fixtures and equipment in good working condition. All units shall be inspected and shall meet applicable Grand County building codes and Utah state habitability standards, as applicable. A developer shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units.

D. Conveyance of land within boundaries of the Spanish Valley zoning map, City of Moab, or Town of Castle Valley to the County or its designee, provided such land has not been previously restricted to employee or affordable housing. The land value shall be reasonably close to the value of the fees associated with the assured housing requirements. Should the County Commission later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated housing fund.

[Ord. 587, 2018.]

6.15.10 Periodic Review of Assured Housing Ordinance Revised 11/19

The County Commission shall review this section at least biennially to ensure it is meeting the community and economic development needs of Grand County. [Ord. 587, 2018.]

6.15.11 Enforcement Revised 11/19

A. Penalty for Violation. It shall be a misdemeanor to violate any provision of this section. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person an affordable housing unit under this section at a price or rent exceeding the maximum allowed under this section or to sell or rent an affordable unit to a household not qualified under this section. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the County or its designee or to a seller or lessor of an affordable housing unit to obtain occupancy of housing for which the person is not eligible.

B. Legal Action. The County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including:

1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;

2. Actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment from a violation of this section, and/or enforcement costs, including attorney fees;

3. Eviction or foreclosure; and

4. Any other appropriate action for injunctive relief or damages. Failure of any official or agency to fulfill the requirements of this section shall not excuse any person, owner, household or other party from the requirements of this section.

[Ord. 587, 2018.]

Article 7 Site Specific Standards

7.1 Special Purpose Districts

7.1.1 Purpose

A special purpose district imposes an additional standard or restriction on property in one or more base zoning districts, addressing a unique circumstance or condition of special public concern, such as wildland-urban interface risk, water source protection, or airport approach safety.

7.1.2 Application

The requirements of a special purpose district apply to property subject to the district, whether the property is governed by an underlying base zoning district alone, or by a base zoning district and an approved zoning overlay under Section 5.1. The requirements of a special purpose district apply in addition to, and do not replace, the requirements of the underlying base zoning district or an approved zoning overlay. Where a requirement of a special purpose district conflicts with a requirement of the underlying base zoning district or an approved zoning overlay, the more stringent requirement governs.

7.2~~6.9~~ Hazards Generally

7.2.1 Identification of Hazard Areas

A. Land within a hazard area or special purpose district identified on an adopted map, or established under this Article, must be identified on a plat and in any subdivision, building permit, or other development application affecting that land.

B. A building permit may not be issued for land within a hazard area or special purpose district identified under this Article unless the applicant demonstrates avoidance of the hazard or mitigation meeting the applicable standard of this Article, consistent with Section 7.2.2.

7.2.2 Land Suitability and Compliance

A. General Standard. The County shall not approve the subdivision of land where the land is located within a hazard area or special purpose district identified under this Article unless the applicant demonstrates compliance with the applicable hazard avoidance or mitigation standards of this Article.

B. Basis for Denial. The County may deny a subdivision application under this Section only upon written findings, supported by substantial evidence in the record, that:

1. The land is located within a hazard area identified on an adopted hazard map or identified through a site-specific investigation required under this Article or within a special purpose district; and
2. The applicant has not demonstrated avoidance of the hazard, met the standards for the special purpose district, or, if applicable, provided mitigation that meets the standards set forth in this Article.

C. Approval Upon Compliance. The County may not deny a subdivision or building permit based on a hazard if the applicant demonstrates avoidance or adequate mitigation of the hazard under this Article. Approval may include a condition necessary to implement the required mitigation.

D. Restricted Use Areas. If a hazard cannot be avoided or fully mitigated for the proposed use, but can be mitigated for a lower-intensity use, the plat must restrict that portion of the land to uses consistent with the mitigation achieved.

7.2~~6.9~~.3~~1~~ General

New construction ~~shall~~ must comply with the following standards, including any applicable natural hazard, dimensional, and site-specific development standards.~~unless compliance with a particular standard would:~~

A. Federal and State Mandated Standards Not Subject to Modification.

Nothing in this Section authorizes deviation from standards required by federal or state law or program participation requirements, including but not limited to FEMA floodplain development standards adopted under the National

Flood Insurance Program and Wildland-Urban Interface (WUI) standards adopted under applicable state or county fire code. These standards shall apply in full regardless of any other provision of this Section.~~Prevent the construction of any permanent structure for a primary use on the land, or~~

B. Variance Limited to Conflicting Code Standards. If a parcel's physical characteristics, such slope, geologic hazard, or other site-specific natural constraint, make compliance with a standard under this Section infeasible without violating another standard, such as a setback, building height, or lot coverage, an applicant may apply for a variance from the conflicting Code standard under Section 9.15. A variance may not be granted from a natural hazard standard, a site-specific standard under this Section, or a standard identified in Subsection A.~~Require the construction to violate another requirement of this LUC.~~

C. Order of Priority Where Multiple Buildable Sites Conflict.
If more than one buildable site exists on a parcel, and each would require a variance under Subsection B, the land use authority must resolve the conflict by prioritizing the site that best satisfies, in order:

1. A standard required by federal or state law, including a standard identified in Subsection A;

2. A standard addressing a hazard area or special purpose district established under this Article; and

3. Any other standard of this Code.

~~Where more than one (1) buildable site exists on a parcel and all buildable sites would violate at least one (1) of the following standards, the construction shall be located so as to comply with as many standards as possible.~~

~~**6.9.2 Hazard Areas**~~
~~Land subject to hazardous conditions such as rock falls, wildfire, landslides, avalanches or floods shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. To this end, all structures should be setback at least 100 feet from any 100 percent (45º) slope. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated.~~**~~E. Constrained Lands.~~**

~~**1.** Maximum allowable density for constrained lands (or portion of property which constitutes constrained lands) as described in this subsection (below) in all subdivision types 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 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.~~

7.3~~6.8~~ Floodplains, Natural and Historic Drainages

7.3~~6.8~~.1 Purpose
This section is intended to protect natural and historic drainage ways from alteration such that their primary function as storm water facilities shall be upheld and to regulate development in the 100-year floodplain to prevent the loss of life and property from flood events.

7.3.2~~A.~~ Applicability

This section applies to development areas in the 100-year floodplain boundary or in the natural or historic drainage ways.

7.3.3~~B.~~ ~~Basis for Establishing the 100 Year~~ Floodplain Map

The area of 100-year floodplain identified by the Federal Emergency Management Agency on a Flood Insurance Rate Map (FIRM) for Grand County, Utah, dated June 4, 1980, as most recently amended, is hereby adopted by reference and declared to be a part of this ~~LU~~Code. The FIRM is on file at the Building Department, Grand County Courthouse, 125 E. Center Street, Moab, UT 84532.

7.3.4~~C~~. ~~Basis for Establishing~~ Natural or Historic Drainage Ways Map

The area of natural or historic drainage ways identified by Horrocks Engineers on the Spanish Valley Master Storm Water Management Plan, dated December 2011, is hereby adopted by referenced and declared to be a part of this ~~LU~~Code. This map is subject to amendment as reviewed by a licensed engineer and approved by the County Commission.

7.3.5~~D~~. Minimum Requirement

Each builder in the 100-year floodplain or in a natural or historic drainageway shall agree on behalf of himself and his successors, assigns to pay his pro rata share of costs for the protection and upgrading of the Storm Water Management System at such time as said system shall be extended to service the structure or development for which the building permit is sought.

A~~E~~. General Standards

The standards in this section shall apply to all Substantial Improvement(s), as defined Section 1~~0~~.2 of this ~~LU~~Code, in the 100-year floodplain or in a natural or historic drainageway:

1. Avoid development in 100-year floodplain or a natural or historic drainageway. Restrict development to area that is not within the 100-year floodplain or a natural or historic drainageway if such an area exists on a site.

2. Minimize development in 100-year floodplain or a natural or historic drainageway. If adequate area that is not within 100-year floodplain or a natural or historic drainageway exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to structures or persons.

3. Prohibit development in 100-year floodplain, natural or historic drainageway. If insufficient area that is not within 100-year floodplain, natural or historic drainageway exists on a site, development shall only be prohibited within 100-year floodplain or a natural and historic drainage ways where one (1) of the following conditions are met:

a. Site planning and engineering techniques cannot reasonably mitigate potential hazards to public health, safety and welfare;

b. Alteration will limit or reduce the primary function as storm water facilities; or

c. Development subjects persons or the County to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.

B~~F~~. Specific Standards

This section identifies development standards applicable to development in within the 100-year floodplain, in addition to the general standards in Section E, above. Where development is proposed within 100-year floodplain, the developer shall comply with all of the following applicable standards:

C~~G~~. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation.

2. All mobile homes and manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3. Specific anchoring requirements may include:

a. Over-the-top ties be provided at each of the 4 corners of the mobile home or manufactured home, with 2 additional ties per side at intermediate locations, with mobile and manufactured homes less than 50 feet long requiring one (1) additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile and manufactured homes less than 50 feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of 3,000 pounds; and

d. Any additions to the mobile and manufactured home be similarly anchored.

D~~H~~. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

4. A minimum of 2 openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) floor above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E~~I~~. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F~~J~~. Elevation

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 18 inches above base flood elevation.

GK. Certification

A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with the provisions of this section; provided, however, a registered surveyor may certify 1st floor elevation at least 18 inches above the 100-year floodplain.

7.46.9 Wildfire Standards

7.4.1A. Determination of Wildfire Hazard,Areas Above 6,000 Feet Elevation

Prior to approval of any development on any parcel containing land (i) above 6,000 feet elevation or (ii) that has a wildfire hazard rating of medium or above as shown on an adopted wildfire hazard map, landowners shall first submit the application to the Grand County Fire Marshal for a determination of the severity of the wildfire hazard and recommendations or specific and appropriate mitigation measures that may include, but shall not be limited to:

1. Class A or B roof coverings;
2. Fire resistant siding materials;
3. Spark arrestors on chimneys and flues;
4. Fire extinguishers and equipment;
5. A clear zone (fuel break);
6. Fire sprinklers in all living areas, garages and mechanical (furnace) rooms; and
7. Emergency water supplies of 1000 gallons minute for 2 hours per dwelling.

The above mitigation measures shall be incorporated into the proposed development.

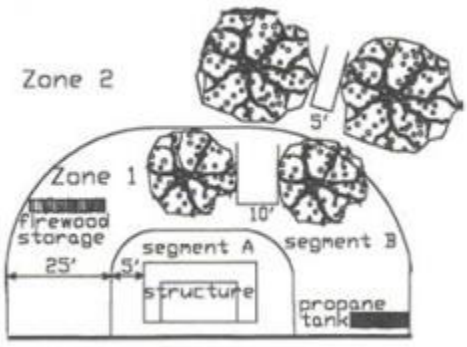
76.49.27 Defensible Space, Under 6,000 Feet in Elevation

The areas immediately surrounding all new residential construction built within or on the edge of natural areas containing predominantly woods, brush, or grasslands, not exceeding 6,000 feet in elevation, shall be developed so as to minimize the potential for the structures to be ignited by fire, or for a structure to ignite surrounding structures or vegetation. Such areas shall be developed pursuant to the provisions set forth below:

A. Zone System

The area surrounding each new residential structure shall be modified and managed using a 2-part zone system.

1. **Zone 1**



On parcels of land that contain an average slope of less than 30 percent, Zone 1 shall consist of the 30-foot area immediately surrounding the primary structure, not to extend beyond the property line. on parcels of land that contain an average slope of 30 to 55 percent, Zone 1 shall consist of the area extending 45 feet to the sides and up slope of the primary structure and 60 feet down slope of the primary structure, not to extend beyond the property line. on parcels of land that contain an average slope of more than 55 percent, Zone 1 shall consist of the area extending 60 feet to the sides and up slope of the primary structure and 120 feet down slope of the proposed structure, not to extend beyond the property line. For purposes of this provision, average slope shall be measured from the points with the highest and lowest elevation within 25 feet of any portion of the footprint of the proposed primary structure. No dead trees or other dead vegetation may remain in Zone 1 at the time of initial sale or initial construction, whichever is first. Zone shall be further subdivided into 2 segments:

a. Segment A shall consist of the 5 feet immediately surrounding all sides of the structure. All vegetation shall be removed from this area at the time of initial sale or construction, whichever is first. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. However, if non-combustible siding is used, low-growing shrubs may remain or be installed. In no case may shrubs be planted so as to be contiguous with grass areas. No above-ground propane tanks, firewood or other combustible materials may be installed or stored in Segment A.

b. Segment B shall consist of the area immediately beyond Segment A and continuing to the outer boundary of Zone 1. At the time of initial sale or initial construction, whichever occurs first, vegetation shall be thinned as follows to break up the horizontal and vertical continuity of fuels:

(1) Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than 2 times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than 2 times the height of the clump. Thinned material shall be removed from the site.

(2) All branches of trees or brush shall be pruned to a minimum height of 10 feet above the ground or one-half (½) the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.

(3) Propane tanks and firewood may be located in Segment B, but in no case shall such tanks be located within 20 feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

2. Zone 2

Zone 2 shall consist of the area immediately beyond Zone 1 and extending to 75 feet from the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of 5 feet between tree crowns. All dead trees must be removed from Zone 2 prior to initial sale or initial construction.

B. Maintenance

All property owners maintaining new residential structures covered by provisions of this LUC are responsible for proper maintenance of the defensible space. Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles, and removing other dead vegetative material annually from roofs of structures.

7.5~~6.9~~ Slope and Ridgeline Standards

7.5.1 Steep Slopes

Slope shall be determined on an individual development basis before any site clearing, excavation, or grading for the purpose of calculating constrained lands.

A. Measurement

1. Scale

Contour maps and slope calculations shall be prepared and certified by a licensed professional engineer or surveyor showing contours at intervals no greater than 5 feet, drawn at a scale of one inch equals two hundred feet maximum.

2. Calculation

Slopes shall be calculated in horizontal intervals no greater than 50 feet. Small islands, outcrops, and peninsulas having slopes distinctly different from surrounding property may be excluded from slope determination if, in the opinion of the Planning Commission, the exclusion of such areas will not be contrary to the overall purposes of steep slope protection.

B. Verification

Field surveys may be required of the applicant by the county engineer to verify the accuracy of the contour lines shown on the contour map.

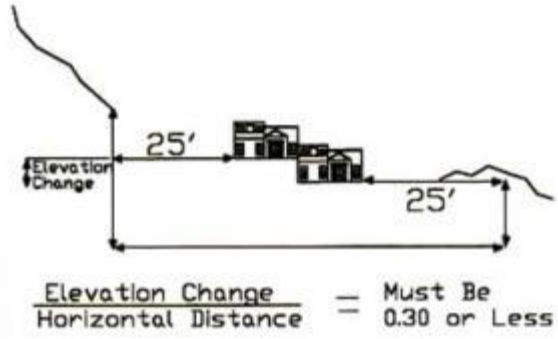
7.5.2~~6.9.3~~ Slope Conditions

A. Steep Slopes and Building Limitations

1. New structures shall not be built on any portion of any parcel of land that contains an elevation change of more than 20 feet and an average slope of 30 percent, as measured from the points with highest and lowest elevation within 25 feet of any portion of the proposed structure, unless each of the following conditions are satisfied:

2. Not more than 10 percent of the total area of the proposed footprint of any structure is located on slopes in excess of 30 percent; and

3. Not more than 100 feet of the total length of any road or driveway is located on slopes in excess of 30 percent; and



4. New construction does not take place on any parcel that shows evidence of slope instability, rock fall, landslides, flooding, or other natural or man-made hazards. The applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for rock fall or slope failure, and that the development of the slope will not increase the degree of hazard.

5. An on-site drainage catch basin shall be provided to handle the calculated difference between historic flows and the anticipated post-development 100-year frequency storms for maximum period of intensity, where such facilities are not provided by or as part of subdivision approval.

6. All structures on slopes regulated by this section shall have a maximum height of 22 feet.

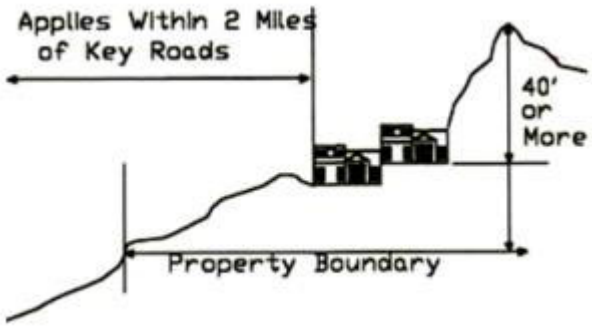
7. The provision of this section shall not apply if the total change in site elevation surrounding the proposed structure is 20 feet or less. Such change in elevation shall be measured from the points with the highest and lowest elevation within 25 feet of any portion of the proposed structure.

~~6.9.8~~7.5.3 Ridgeline Standards



A. Within the RR, Rural Residential and the RG, Range and Grazing Zone Districts, new structures, buildings, fences, or walls located within 2 miles of the centerline of US Highway 191, State Road 128, or Mill Creek Road, Spanish Valley Drive, shall be located so that the highest elevation of the base of the structure is at least 40 feet below the highest ridgeline of the property.

B. However, if the only buildable site on a parcel is less than 40 feet, the average elevation shall be as far below the ridgeline as possible. This standard shall not apply to agricultural fences. For purposes of interpreting this provision, a ridge shall be defined as a line connecting the highest points on the property as viewed from the listed road.



C. This section shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline, as viewed from the centerline of US highways 191, State Road 128, Mill Creek Road, or Spanish Valley Drive.

~~6.10 Compatibility Standards (Rename: Transition Areas?)~~

~~**6.10.1 Purpose**~~

~~The compatibility standards of this section are intended to preserve and protect residential uses and neighborhoods by ensuring that new development and redevelopment is compatible with the character of the area in which it is located.~~

~~**A. Applicability**~~

~~Compatibility standards shall apply to all multifamily residential and all nonresidential development when it occurs within 50 feet of the lot line of any property located in one of the following Protected Zone Districts: Small Lot Residential (SLR), Large Lot Residential (LLR), or Rural Residential (RR).~~

~~**B. Buffer and Screening Standards**~~

~~**1.** Nonresidential and multifamily residential development, including off-street parking areas associated with such development, shall be screened from property in a Protected Zone District pursuant to subsection A of this section or that contains a single-family or duplex use. Such visual screening shall be accomplished through siting and layout, the use of opaque fences, vegetative buffers, and berm(s) or a combination of such techniques along the lot line that is adjacent to property in a Protected Zone District pursuant to subsection A of this section or that contains a single-family or duplex use.~~

~~**2.** Mechanical equipment and outdoor storage shall be completely shielded from view of property in a Protected Zone District pursuant to subsection A of this section or that contains a single-family or duplex use by an opaque fence or wall that is at least one foot taller than the site feature being screened from view; provided, that this provision shall not be interpreted as requiring screening fences or walls to be taller than 10 feet. Fences, walls and buffers must comply with all other applicable zoning requirements.~~

~~**C. Dumpsters and Solid Waste Receptacles Setbacks**~~

~~Dumpster and solid waste receptacles shall be set back at least 20 feet from the lot line of property in a Protected Zone District pursuant to subsection A of this section or that contains a single-family or duplex use. Dumpsters and receptacles shall be completely screened from view of adjacent property in a Protected Zone District pursuant to subsection A of this section or that contains a single-family or duplex use by opaque fence or wall that is at least one foot taller than the dumpster or solid waste receptacle.~~

~~[Ord. 549, 2016.]~~

7.64.5 WSPO, Water Source Protection ~~Overlay~~ District

~~4.5.1~~7.6.1 Purpose

The -WSPO, Water Source Protection Overlay District is ~~an overlay~~a special purpose district intended to protect ground water and the recharge basin for current and future public, culinary water supplies in Grand County. To this end, the –WSPO district shall be applied to recharge areas designated according to U.S. EPA Sole Source Aquifer recharge area and approved by the Utah Division of Drinking Water, or other resource specific study approved by the state engineer. Land uses within the –WSPO district are strictly limited and subject to conditions designed to prevent chemical or pathogen contamination of culinary water supplies.

7.64.5.2 Allowed Uses

Uses are allowed in the -WSPO district shall be as specified in the underlying base district; provided that:

1. All uses shall be Conditional Uses and may be allowed only in accordance with the provisions of Section 9.11; and

2. Uses constituting pollution sources, as defined under the Rules of the Drinking Water Division of the State of Utah, shall be denied.

7.64.5.3 Lot Design Standards

All development in the -WSPO district shall comply with the Lot Design Standards of the underlying zoning district; provided that the density of uses may be further limited as necessary to protect culinary water supplies from chemical and/or pathogenic contamination, and to ensure compliance with the Drinking Water Source Protection Rules of the Drinking Water Division of the State of Utah.

7.64.5.4 District Standards

All principal and accessory structures shall comply with the following requirements:

A. A hydrological study may be required as a condition of any land use and/or development approvals, where such land use and/or development could reasonable harm culinary water supplies;

B. Animals and animal units may be restricted or prohibited in the –WSPO district as necessary to protect the underlying aquifer and to ensure compliance with the Drinking Water Source Protection Rules of the Drinking Water Division of the State of Utah; animal feeding operations exceeding one animal unit per 10 acres are prohibited;

C. All development shall be setback at least 100 feet from the normal high water line of springs, streams and major drainage ways;

D. No onsite wastewater disposal systems (i.e., septic systems) or wells shall be permitted, unless the applicant demonstrates to the satisfaction of the County that the risks to water quality are reasonably mitigated;

E. No underground storage tanks used to store hazardous substances shall be permitted;

F. All sewer mains and service lines shall be constructed in accordance with State of Utah, Division of Drinking Water Rule R309-515-6(4); all sewer mains shall be accepted by the applicable service provider for ongoing operation and maintenance;

G. All stormwater runoff from developed roads and lots shall receive water quality treatment prior to entering the stormwater system; provision shall be made for the ongoing maintenance and repair of all stormwater facilities be stipulated (See also Section 6.10~~7~~, Drainage);

H. Development in the –WSPO district shall be subject to the County approval of a site specific construction practices plan that addresses such items as spill mitigations, handling of equipment lubricants and fuels, construction trash collection, etc.;

I. Construction plans shall include a construction stormwater pollution prevention plan that addresses temporary controls to be employed during construction activities; and

J. Protective covenants be adopted that serve to discourage the use of household herbicides, pesticides, and fertilizers with an explanation about Water Source Protection.

K. Additional conditions may be established at the time of development approval as necessary to accomplish the purposes of the –WSPO district.

L. Alternative Compliance

Deviations from the above standards may be approved by conditional use permit approved pursuant to Section 9.11 where the applicant demonstrates to the County Commission satisfaction that the deviations or alternative standards will better achieve the purpose for the district than will the above standards.

7.74.3 AL, Airport Limitation District

7.74.3.1 Purpose

The AL, Airport Limitation District is a special purpose district intended to establish standards assuring the long-range, safe and beneficial use of Canyonlands Field.

7.74.3.2 Airport Zoning Commission

A. Commission Established

1. The Grand County Planning Commission is designated as the "Airport Zoning Commission" as prescribed in Utah Code §72-10-405.

2. In this LUC and State law, any references to the "Airport Zoning Commission" shall mean the Grand County Planning Commission.

3. If the Planning Commission is empowered in this LUC to take actions that are duties of the Airport Zoning Commission as prescribed in Utah law the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.

B. Duties

The Airport Zoning Commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the County Commission or Utah law.

7.74.3.3 Airport Board of Adjustment

A. Board Established

1. The Grand County Airport Board shall designate an "Airport Board of Adjustment" as prescribed in Section 72-10-410, Utah Code Annotated 1953.

2. The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, by Grand County Commission and to be removable for cause, upon written charges and after public hearing.

B. Procedure

Any person aggrieved, or taxpayer affected, by any decision of any administrative agency made in its administration of airport zoning regulations adopted by Grand County, which is of the opinion that a decision of an administrative agency is an improper application of airport zoning regulations of concern to the governing body or board, may appeal to the Board of Adjustment authorized to hear and decide appeals as provided in this Section 4.37.7.3.

C. Duties

1. The Airport Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in Section 72-10-408, Utah Code Annotated 1953, and to perform such other duties as may be assigned it by the County Commission or Utah law.

2. To hear and decide specific variances as provided in Section 72-10-407(2), Utah Code Annotated 1953. [Ord. 537, 2015.]

7.74.3.4 Grand County Airport Board

A. Board Established

The Grand County Airport Board is designated as the principal advisory body to the Grand County Commission in all matters related to the operation of Canyonlands Field.

B. Duties

The members shall in all cases act as a board, rather than as individuals. The Grand County Airport Board may adopt rules and procedures for the conduct of its meetings and to govern its operation, not inconsistent with bylaws, County ordinances, and regulations of the State of Utah and the FAA.

7.74.3.5 Lot Design Standards

Development in the AL district shall be subject to the following standards:

A. Minimum Lot Area: 5 Acres

B. Minimum Front and Street Side Setbacks: 25 Feet

C. Minimum Rear and Interior Side Setbacks:

1. Principal structures: 10 feet

2. Accessory structures: See Section 3.34.6

D. Minimum Lot Width: 400 Feet

E. Maximum Height: 24 Feet

7.74.3.6 Permitted Uses

The following uses shall be permitted-by-right

A. Residential Uses

See Section 4.3.9D7.7.9.D

B. Public or Civic Uses

Essential services

C. Retail, Service and office Uses

Those allowed by the Airport Master Plan

D. Agriculture and Agriculture Related Uses

Agricultural animals, subject to the use-specific standards of 3.2.5A4.5.1

Farm, orchard or truck garden

Grazing

E. Industrial, Communications, Transportation and Automobile-Related Uses

Airport

7.74.3.7 Conditional Uses
Conditional uses ~~shall be~~are ~~allowed~~ permitted in accordance with Section 9.11.

Animal pound or kennel (public or private)

Barn, corral, pen, coop or machinery shed, subject to the use-specific standards of ~~3.2.5B~~4.5.3

Dwelling, single-family

Dude ranch or destination resort, subject to the use-specific standards of ~~3.2.3F~~5.4.6.B

Electric substation

Mining

Manufactured home, subject to the use-specific standards of ~~3.2.1H~~4.1.2.F

Oil and gas drilling

Waste materials management, subject to the use-specific standards of ~~3.2.4N~~4.4.4

7.74.3.8 Accessory Uses
The following accessory uses shall be allowed:

Accessory use or structure, subject to the use-specific standards of Section ~~3.3~~4.6

Dwelling unit, accessory, subject to the use-specific standards of Section ~~3.3.2B~~4.8

7.74.3.9 District Standards
All uses in the AL District shall be in compliance with the Airport Master Plan, Airport Layout Plan, and Noise Contour Map as adopted by the Grand County Airport Board, and incorporated into this section by reference as it pertains to airport land uses, and subject to the regulations of this section:

A. Conforming Uses only

All uses in the AL District shall be subject to the height and use standards as prescribed in this LUC or as prescribed in State or Federal standards.

B. Creation of Airport Hazards Prohibited

No variance, permit, or use shall be allowed that would create or enhance an airport hazard.

C. General Use and Operational Limitations

No use shall be permitted which:

1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports;

2. Creates or tends to create gas, smoke, dust, glare, or other visual hazard in the atmosphere around airports or in the airport hazard area;

3. Creates or tends to create structures that interfere with aircraft safety; or

4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations

D. Residential Use Limitation

All allowed residential uses shall be shown on the Airport Layout consistent with the Airport Master Plan, and be restricted for airport personnel only.

E. Height Limitation

The maximum height for all structures, except for the airport tower, air service buildings and facilities approved as part of the Airport Layout Plan, shall be 35 feet. The height of the airport tower, air service buildings and facilities shall be in accordance with the Airport Layout Plan. Notwithstanding the foregoing, in no case shall a structure be at a height that creates or tends to create an airport hazard.

F. Architecture and Landscaping

1. The architectural style of accessory hangers, storage and maintenance facilities, and similar service uses shall be complementary to the principal structures and appropriate for the site and proposed use.

2. The landscaping around the buildings shall be low maintenance and extend 20 feet around the buildings.

3. All buildings shall comply with applicable Federal, State and local Standards.

7.74.3.10 Mandatory Referral

Prior to the issuance of zoning development or Building Permit, permit applications shall be referred to the Airport Board and to the Federal Aviation Administration, Denver Airports District office (FAA) for comment. In making its determination as to whether a proposed land use is consistent with the standards of this section, the County shall give substantial weight to the recommendations of the Grand County Airport Board and the FAA.

7.84.8 Scenic Resource Protection District

74.8.1 Purpose

The Scenic Resource Protection District (SRPD) is a special purpose~~n overlay~~ district intended to accomplish one or more of the following purposes:

A. Prioritize the preservation of the natural beauty and ecological quality of the gateway to Moab and facilitate the use and enjoyment of the area while providing opportunities for development that enhances the character of the area while not impeding its scenic value;

B. Recognize this area as a gateway to the valuable scenic amenities of the greater Moab area, and as an introduction to the character and outdoor ethics of the community;

C. Protect and preserve the recreational and conservation uses of the area;

D. Preserve and support the natural and ecological quality of the area including night skies, water quality and quantity, native vegetation and biome, natural quiet, and contiguous open space used as habitat by local wildlife;

E. Support development that balances conservation, recreation, and ecological goals; and

F. Fulfill the community vision for the area when the opportunity arises through smart redevelopment to protect and preserve the area for future generations to enjoy. [Ord. 621, 2021.]

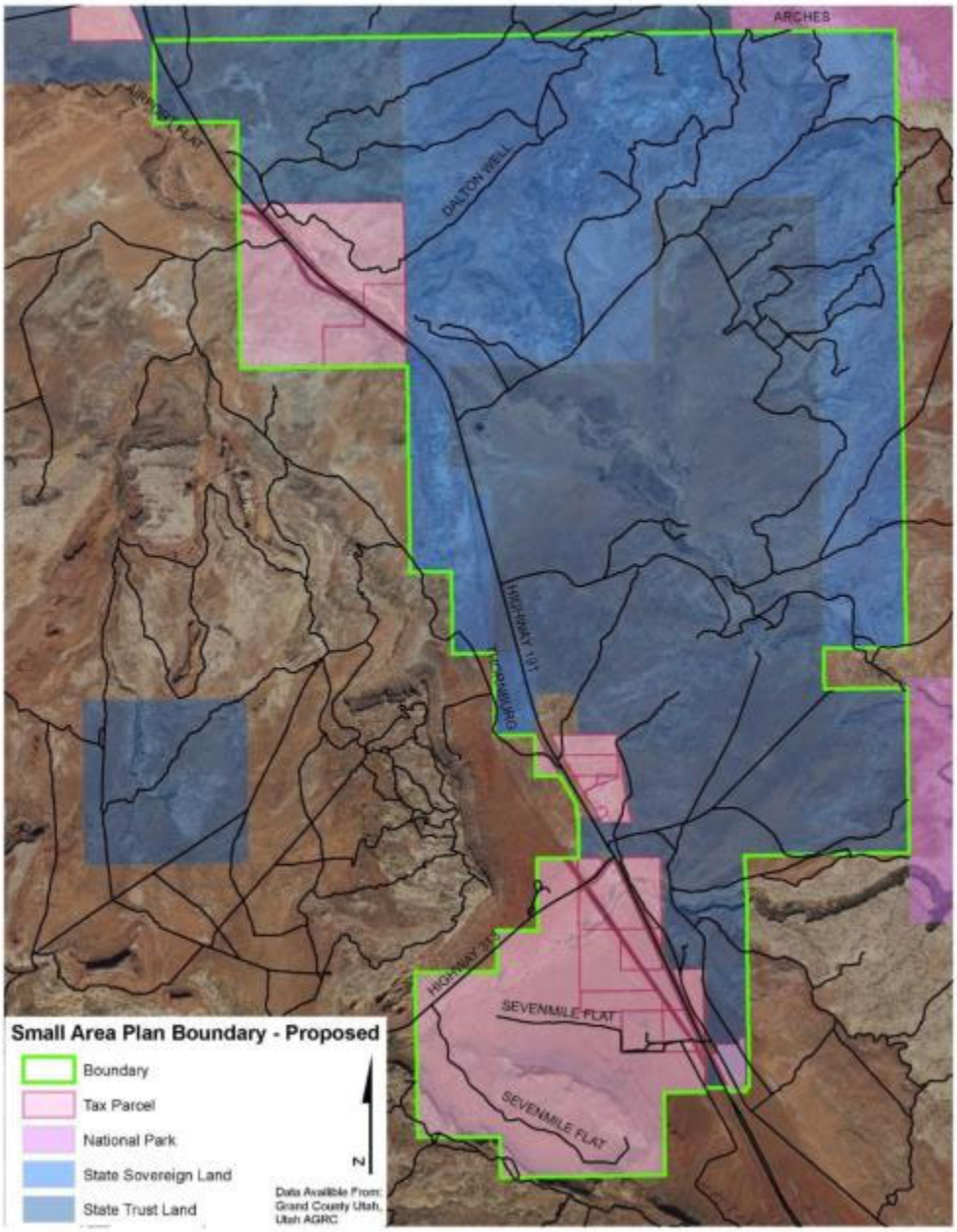
74.8.2 Applicability

The SRPD shall apply to the following real property:

A. All real property leased to a private person, as defined in Section 110.2, or privately owned included in the following map (“Seven Mile Area”), for the purpose of protecting the views of the surrounding area, acknowledging

the status of US Highway 191 and Utah State Route 313 as scenic byways, and protecting the view from Arches National Park into this area.

[Ord. 621, 2021.]



74.8.3 Allowed Uses

Allowed uses are governed by the underlying zone district pursuant to Article 3. The preferred zone district for parcels within the SRPD with access adjoining US Highway 191 and Utah State Route 313 is Resort Special. The preferred zone district for parcels within the SRPD without access adjoining US Highway 191 and Utah State Route 313 is Range and Grazing. [Ord. 621, 2021.]

74.8.4 Development Standards

A. Property Development Standards. The following development standards shall apply to all development of real property within the boundaries of the SRPD:

1. Height.

a. Developments shall be required to provide a viewshed analysis as part of their application, which analyzes the impact of the proposed height and siting of structures on the visibility of surrounding landscape features.

b. Potential viewshed impacts, as determined by the viewshed analysis, shall be reasonably mitigated, which may include height and siting restrictions.

c. Developments may be constructed to the maximum height allowed by the underlying zone district only if the viewshed analysis is determined to show no detrimental impacts on the visibility of surrounding landscape features.

d. Developments shall be subject to the ridgeline standards in Section 7.5.3~~6.9.8~~.

2. Open Space.

a. Developments shall incorporate into their subdivision plat or site plan the following usable, functional open space together with a public access easement at the following levels based on the size of all parcels included in the development:

(1) Zero to one acre: five percent; all contiguous.

(2) One to two acres: 10 percent; at least half contiguous.

(3) Two to five acres: 15 percent; minimum 7,500 square feet contiguous.

(4) Five or more acres: 25 percent; minimum 7,500 square feet contiguous.

3. Water.

a. All developments shall install the largest feasible rainwater catchment system based on rooftop size, layout, and an analysis of average storm events, as demonstrated by a stamped engineering plan; provided, however, that developers shall not be required to install systems that would generate more water than is needed to satisfy a development's outdoor water/landscaping irrigation needs.

b. All developments shall use the water for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation. Unless exempt, developers shall register their capture and storage of precipitation with the State of Utah Division of Water Rights prior to placing the water to beneficial use.

c. All developments shall include greywater reuse systems for all shared or group shower or laundry facilities and use the greywater for beneficial on-site uses such as reducing the use of culinary water.

d. All developments shall utilize drought-resistant, water-wise, and xeriscape landscaping design principles. Turf grass shall not be permitted.

e. To the maximum extent possible, all developments shall utilize bio-retention and bio-infiltration systems to manage stormwater runoff.

4. Site Configuration.

a. Primary uses must face the fronting roadway. Where parcel or site configurations create challenges for meeting this standard, developers shall present alternative use and design features that create an appealing and active interface with the fronting roadway.

b. All development must fit the topography of the property. No mass grading or grading of a flat building envelope (building must step with terrain) is permitted.

c. Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods as determined by the Zoning Administrator and County Engineer.

5. Building Design.

a. No facade or building wall shall exceed 60 linear feet. More than five feet shift in vertical and horizontal facade is required for each 30 linear feet.

b. Building design shall vary between vertical facade divisions and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following:

(1) The proportion of recesses and projections;

(2) The location of the entrance and window placement, unless storefronts are utilized;

(3) Roof type, plane, or material, unless otherwise stated in the building type requirements.

c. No rectangular area greater than 30 percent of a building story's facade, as measured from floor to floor, may be windowless, and no horizontal segment of a building story's facade greater than 15 feet in width may be windowless, unless otherwise approved. An exception may be considered if the wall area is to be used to display public art (not a sign).

d. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view when unavoidable. Rooftop parking shall be shielded from view and integrated into the overall building design.

e. Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated. Awnings must be of solar-stabilized materials.

f. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood or other durable material.

6. Materials and Colors.

a. Developments shall be constructed of durable primary materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass; or engineered stone. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, developments shall utilize nonreflective materials.

b. Developments shall utilize earth tone colors that are complementary to the surrounding landscape and visual backdrops. Exceptions shall be allowed for public art.

7. Site Configuration.

a. Development on parcels adjacent to Highway 313 and State Route 191 must be located as far away from the roadways as possible on the parcel, and, where existing, located adjacent to existing development.

b. Where possible, development should be located such that it is the least visible from the road, using natural features to achieve this objective.

8. Skyline.

a. Physical development shall not, to the extent possible, penetrate the skyline on hillsides as seen from Highway 313 and State Route 191, unless there is no other siting alternative.

b. If a development must penetrate the skyline, attempts to obtain variances of other regulations, such as setbacks, must be simultaneously pursued that would enable the proposed development to comply with subsection A.8.a of this section.

c. The mass of the development in the skyline must be broken into distinct, smaller forms, breaking facades and roof lines into smaller segments, and stepping the building to blend in with the surrounding landscape as much as possible.

9. Physical Development.

a. Roof overhangs may be used as a tool for deepening shadows and minimizing mass.

10. Landscaping and Disturbance.

a. Site grading shall be limited to the minimum area of disturbance necessary for construction.

b. Retaining walls must be terraced when vertical height of any cut or fill exceeds six feet; no terrace may be higher than four feet and must step back at four-foot intervals.

c. Native vegetation must be used for landscaping.

d. Removal of existing vegetation must be minimized and site controls during construction to establish which vegetation to save shall be used.

e. Limits of disturbance areas must be no greater than 20 feet from a building footprint and must include all construction and be marked by a fence prior to grading beginning.

f. Screening shall be required for all development within 100 feet of a road edge and may be either native vegetation and/or rock features designed to blend in with the surrounding landscape.

g. All disturbed areas must be revegetated with native vegetation or other dust control measures.

11. Night Skies.

a. All development must comply with lighting standards in Section 6.126 as well as this section.

b. Lightbulbs must be 2200K or below, be fully shielded, downward-only directed fixtures. No unshielded lights will be allowed.

c. All exterior lights must be turned off by 11:00 p.m. or be on a motion sensor.

d. No light may trespass off property boundaries.

e. Visibility of nighttime lights from Highways 313 and 191 will be considered in determining the amount of glass allowed in the part of the building facing the roadway.

[Ord. 621, 2021.]

74.8.5 SRPD Development Plat and Site Plan Approval

A. Application Procedure. Review of an SRPD subdivision plat or site plan is an administrative decision, which shall be consistent with this section.

B. SRPD Development Site Plan. Each developer of a parcel located within an SRPD shall submit and the County shall review a site plan application in accordance with Section 9.147, Site Plan Review, and this section.

[Ord. 621, 2021.]

7.9 Transition Areas

7.9.1 Purpose

The standards of this section are intended to preserve and protect residential neighborhoods by requiring buffering and screening between new nonresidential or multifamily development and adjacent lower-intensity residential uses.

7.9.2 Applicability

This Section applies to multifamily residential and nonresidential development located within 50 feet of the lot line of property in the Small Lot Residential (SLR), Large Lot Residential (LLR), or Rural Residential (RR) zoning district, or property developed with a single-family or duplex use.

7.9.3 Transition Standards

A. Buffer and Screening Standards

The following standards apply to development adjacent to property in the SLR, LLR, or RR zoning district, or property developed with a single-family or duplex use:

1. Nonresidential and multifamily development, including an associated off-street parking area, must be screened from the adjacent property along the shared lot line, using siting and layout, an opaque fence, a vegetative buffer, a berm, or a combination of these techniques.

2. Mechanical equipment and outdoor storage must be completely shielded from view of the adjacent property by an opaque fence or wall at least 1 foot taller than the feature being screened, up to a maximum required height of 10 feet. A fence, wall, or buffer required under this Section must comply with all other applicable zoning requirements.

B. Dumpsters and Solid Waste Receptacles Setbacks

The following standards apply to a dumpster or solid waste receptacle located on property adjacent to property in the SLR, LLR, or RR zoning district, or property developed with a single-family or duplex use:

1. A dumpster or solid waste receptacle must be set back at least 20 feet from the lot line of the adjacent property.

2. A dumpster or solid waste receptacle must be completely screened from view of the adjacent property by an opaque fence or wall at least 1 foot taller than the dumpster or receptacle.