A scenic view of a valley with a winding road and distant mountains. The foreground shows a paved road curving through a valley with reddish-brown soil. In the distance, there are mountains and a small town or village. The sky is clear and blue.

Grand County Land Use Code

As amended through April 2008

Title 16, Grand County Ordinances

Four Corners Planning, Inc.

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Article 1 General Provisions

Sec. 1.1 Title

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

Sec. 1.2 Authority

This LUC and the Official Zoning Map are adopted pursuant to the powers granted and limitations imposed under Title 17-27-101 et. seq. and Title 17-27-801 to 17-27-803 of the Utah Code, 1953, as amended.

Sec. 1.3 Applicability

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

Sec. 1.4 Enactment and Repeals

Upon the adoption of this LUC, the following are hereby repealed in their entirety: The General Zoning Ordinance of Grand County, Utah originally adopted Sept. 18, 1978 with Ordinance #134 together with all amendments thereto; the Subdivision Ordinance originally adopted Sept. 18, 1978 with Ordinance #115; together with all amendments thereto; and any other ordinance, resolution or regulation inconsistent with this LUC.

Sec. 1.5 Purpose

The LUC is adopted for the purpose of promoting the health, safety and general welfare of the Citizens of Grand County. It is adopted in accordance with, and is intended to implement, Grand County General Plan, as adopted by Resolution #2301 on August 5, 1996. More specifically, this LUC is intended to do one (1) or more of the following:

- A. Encourage orderly development of property, with respect for the property rights of Grand County citizens.
- B. Facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services.
- C. Promote development predictability.
- D. Prevent overcrowding of buildings and sites to the detriment of rural community character.
- E. Promote safety from fires, floods, traffic hazards and other dangers.
- F. Protect the tax base of the county and promote the development of a more attractive and wholesome environment.
- G. Discourage development that poses unreasonable public costs in providing adequate public facilities and services.
- H. Establish a process that effectively and fairly applies the regulations and standards of this LUC, respecting the individual and collective rights of property owners and other citizens.

Sec. 1.6 Minimum Standards; Conflict with Private Restrictions

The provisions of the LUC are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this LUC to interfere with, abrogate, or annul any private easement, covenant, deed restriction or other agreement between private parties. When the provisions of this LUC impose a greater restriction than imposed by such private agreements, the provisions of this LUC shall control. When private agreements impose a greater restriction than imposed by this LUC, such private agreements shall control.

Sec. 1.7 Fees

- A.** Fees for the processing of land use applications for proposed developments shall be set by resolution of the County Council commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing and review costs, planning, and engineering, legal and other professional review costs.
- B.** No person or entity owing money to the County, in any amount or for any purpose, including delinquent taxes certified by the County Treasurer or any application fees, may be granted any development approval, and the County and any of its boards, commissions, departments, officers or agents will take no action on a Zoning Development Permit or other land use application until all moneys owed the County by an Applicant are paid. This provision shall not prohibit the County or any of its designees from conducting a pre-application conference or determining completeness. Furthermore, this provision shall not prevent the approval of a Zoning Development Permit or other land use application to an applicant that is in the process of litigating or arbitrating a disputed claim with the County.

Sec. 1.8 Enforcement

- A.** The County, the County Attorney, or any owner of real estate within the county may, in addition to other remedies provided by law, institute: injunctions, mandamus, abatement, or any other appropriate actions; or proceedings to prevent, enjoin, abate, or remove the unlawful building, use or act. The County need only establish the violation to obtain the injunction.
- B.** The County may enforce the requirements of the LUC by withholding building permits. It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure without approval of a Zoning Development Permit and a Building Permit. The County may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conforms to the provisions of this LUC.
- C.** Any person aggrieved by a violation or apparent violation of the provisions of this LUC may file a written complaint with the Zoning Administrator, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist.
- D.** When it is determined that there has been a violation of any provision of the LUC, the Zoning Administrator shall consult with the County Administrator and the County Attorney. Written legal notice of violation shall be served in the following manner:
 - 1.** Determine and include a list of violations, refer to the section or sections of the LUC violated;
 - 2.** Determine and specify a time for compliance with relevant LUC provisions 21 days from the service of the notice; and
 - 3.** Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

Sec. 1.9 Penalties for Violation

- A.** Any person, firm, entity or corporation who shall violate any of the provisions of this LUC or who shall fail to comply with any provisions hereof within Grand County shall be guilty of a Class C misdemeanor and upon conviction shall be subject to a fine and imprisonment for up to 90 days. Any person violating any of the provisions of this LUC shall be fined up to \$750 upon conviction and any corporation or other entity violating any provisions of this LUC shall be fined up to \$1000. The minimum penalty for a single violation of any provision of this LUC shall be \$100, and each day that such violation continues shall be considered a separate offense.
- B.** Title 17-27-811(1)(a) of the Utah Code prohibits the county recorder from recording a subdivision plat without the approvals required by this LUC. Any subdivision plat filed or recorded without the approvals required by this LUC shall be void.
- C.** Any person, being the owner or agent of the owner of any land located within a subdivision, who transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved by the County Council and recorded or filed in the office of the Grand County Recorder shall be charged with a Class C misdemeanor and if convicted of such charges, shall pay a penalty to the County of up to \$1000 for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. The County Council of Grand County shall have the power to bring an action to enjoin the owner or agent of the owner from selling lots in a subdivision prior to approval of the subdivision by the County Council in accordance with the provisions of this LUC. This provision shall not be interpreted as preventing the owner or agent of the owner of land located in a proposed subdivision from exhibiting a proposed plat to a prospective buyer(s) and even negotiating with such buyer(s), provided it is made clear that any negotiations and/or commitments to sell are subject to the final approval of the proposed plat by the County.
- D.** The penalties provided herein shall be cumulative of other remedies provided by state law.

Sec. 1.10 Nonconforming Provisions

1.10.1 Nonconforming Uses and Structures

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

1.10.2 Nonconforming Status

The use of land, use of a structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions is satisfied:

- A.** The use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of the event that made such use or structure nonconforming.
- B.** The event that made such use or structure nonconforming was one (1) of the following: boundary adjustment of Grand County, adoption of this LUC or a previous Zoning Ordinance, or amendment of this Zoning Ordinance.
- C.** The nonconforming use or the use occupying the nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in Section 1.10.6 of this LUC.

1.10.3 Expansion

Except as provided in this section, no nonconforming use may be expanded or increased. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

Title 16. Article 1.General Provisions
Sec. 1.11.Severability

1.10.4 Change of Use

- A. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Zoning Development Permit.
- C. A change from one (1) nonconforming use to another nonconforming use may be made by securing a Zoning Development Permit provided such change is to a more restrictive, less impactful use according to the provisions of this zoning ordinance and the determination of the Zoning Administrator, although remaining nonconforming.

1.10.5 Ordinary Repair and Maintenance

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

1.10.6 Abandonment

Whenever a nonconforming use or a conforming use in a nonconforming structure is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this LUC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for, or that remains vacant for a period of 6 months, shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

1.10.7 Destruction

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this LUC. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding 50 percent of its replacement value, reconstruction may be permitted by the Zoning Administrator, provided, however:

- A. The size and function of the nonconforming use shall not be expanded; and
- B. Work on the restoration of the use must begin within 3 months and be completed within twelve months of the time of the calamity.

1.10.8 Nonconforming Lots

A single family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official "lot of record" prior to the adoption of the Grand County Zoning Ordinance [Sept. 18, 1978], if the proposed single family dwelling can be located on the lot so that the yard, height, and other dimensional standards of the underlying Zone district can be met, or a Variance is obtained from the Board of Adjustments pursuant to Sec. 9.14.

Sec. 1.11 Severability

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

Sec. 1.12 Commentaries

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

Article 2 Zoning Districts

Sec. 2.1 Establishment of Districts

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

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

Sec. 2.2 Official Zoning Map

2.2.1 Map Adoption

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

2.2.2 Zoning Map Amendment (Rezoning)

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

2.2.3 Map Replacement

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

Title 16. Article 2. Zoning Districts
Sec. 2.3. SLR, Small Lot Residential District

2.2.4 Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following municipal limits shall be construed as following the municipal limits.
- D. Boundaries indicated as approximately following the centerline of irrigation ditches or drainage ways shall be construed to follow such centerline.
- E. Boundaries indicated as parallel to or extensions of features indicated in this subsection shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the Map.
- F. Whenever any street, alley or other public way is vacated by official action of the County Council the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- G. Where physical features of the ground are at variance with information shown on the official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Section 2.2.4A through Section 2.2.4F, above, the property shall be considered as classified RG, Range and Grazing, temporarily, and subject to Sec. 9.2, Text and Zoning Map Amendments (Rezoning).

Sec. 2.3 SLR, Small Lot Residential District

2.3.1 Purpose

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

2.3.2 Allowed Uses

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

2.3.3 Lot Design Standards

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

2.3.4 District Standards

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

[RESERVED]

Sec. 2.4 LLR, Large Lot Residential District

2.4.1 Purpose

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

2.4.2 Allowed Uses

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

2.4.3 Lot Design Standards

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

2.4.4 District Standards

All principal structures in the LLR district shall comply with the following requirements:
[RESERVED]

Sec. 2.5 RR, Rural Residential District

2.5.1 Purpose

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

2.5.2 Allowed Uses

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

2.5.3 Lot Design Standards

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

2.5.4 District Standards

All principal structures in the RR district shall comply with the following requirements:
[RESERVED]

Sec. 2.6 MFR, Multi-family Residential District

2.6.1 Purpose

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

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

2.6.2 Master Plan Requirement

The County Council shall require a master plan of the development. The master plan shall be approved and filed with the ordinance as part of the approval. Such required plan and ordinance shall set forth the following:

- A. A narrative addressing the proposed development explaining and tabulating the land uses by net acre, number of dwelling units by housing type, maximum building coverage by housing type, residential density, common area acreage, potential traffic generation, overall character and architectural style, the relationship of the proposed development to existing development in the area and other related development features;
- B. A site plan prepared in accordance with the requirements of Sec. 9.17 shall be approved and filed with the findings of fact as part of the approval; including but not limited to, major roads, major utilities, existing and proposed land uses, entrance locations on existing roads, common area, landscaping plan and a conceptual drainage plan;
- C. Lot design standards to be applicable within the proposed development;
- D. Identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses; and
- E. Other relevant information as may be requested by the Zoning Administrator.

2.6.3 Allowed Uses

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

2.6.4 Lot Design Standards

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

Title 16. Article 2. Zoning Districts
Sec. 2.7. RG, Range and Grazing District

2.6.5 District Standards

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

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

2.6.6 Conditions of Approval

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

2.6.7 Compliance with Master Plan

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

Sec. 2.7 RG, Range and Grazing District

2.7.1 Purpose

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

2.7.2 Allowed Uses

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

2.7.3 Lot Design Standards

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

2.7.4 District Standards

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

[RESERVED]

Sec. 2.8 NC, Neighborhood Commercial District

2.8.1 Purpose

The NC, Neighborhood Commercial District is designed to accommodate neighborhood retail uses serving the immediate surrounding residential neighborhood. Neighborhood retail uses provide daily and frequently-bought items. In addition to the use and lot design standards of this section, development in the NC, Neighborhood Commercial District shall be in compliance with all other applicable provisions of this LUC.

2.8.2 Allowed Uses

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

2.8.3 Lot Design Standards

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

2.8.4 District Standards

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

- A. Utilize non-reflective siding materials on all wall facades;
- B. Be placed on a slab-on-grade or perimeter foundation;
- C. Have a minimum 24 foot wall dimension;
- D. Screen rooftop mechanical equipment and trash receptacles from view off-site;

- E. Break-up long, flat facades over 40 feet in length to avoid presenting a “backside” to neighboring properties by incorporating recesses, off-sets, angular forms or windows, display cases, porches, balconies or other features to provide a visually interesting shape; and
- F. Utilize earth-tone colors on all structures to minimize contrast with the surrounding landscape.

Sec. 2.9 GB, General Business District

2.9.1 Purpose

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

2.9.2 Allowed Uses

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

2.9.3 Lot Design Standards

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

2.9.4 District Standards

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

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

Sec. 2.10 HC, Highway Commercial District

2.10.1 Purpose

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

2.10.2 Allowed Uses

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

2.10.3 Lot Design Standards

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

2.10.4 District Standards

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

- A. Utilize non-reflective siding materials on all wall facades; and
- B. Utilize earth-tone colors on all structures to minimize contrast with the surrounding landscape.

Sec. 2.11 RC, Resort Commercial District

2.11.1 Purpose

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

2.11.2 Allowed Uses

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

2.11.3 Lot Design Standards

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

2.11.4 District Standards

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

A. Residential Uses

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

B. Building Design

All land uses and structures shall:

1. Utilize indigenous, regional architectural styles and materials for all structures – use of standard corporate image architecture is prohibited. The architectural style of all structures shall be complementary to that of other structures in the area or vicinity.
2. Exhibit a unity of design for buildings within multi-building complexes through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.
3. Incorporate, within all walls over 100 feet in length, at least 4 recesses, off-sets, balconies, angular forms and other features within each 100 foot length to provide a visually interesting shape.
4. Utilize medium to darker earth tones and non-reflective materials on all structures, including roofs, to minimize contrast and blend with the surrounding natural landscape without calling undue attention to the development.

C. Site Design

1. Comply with the mandatory build-to line requirements of Article 5, Lot Design Standards. For purposes of this section, the setback line shall be considered to be the mandatory build-to line defined on the Gateway Build-to Line Map, which is available for public review in the County Building Department.
2. Provide public trails and/or sidewalks along all street frontages and as necessary to implement the trails plan illustrated on the Gateway Plan's Future Land Use Plan. Trails and sidewalks shall be constructed in accordance with the requirements of Sec. 7.4, Sidewalks and Trails.
3. Each lot shall include open space intended for use by all occupants of a development. This space may



include recreation-oriented areas. In no case shall open space be less than 25 percent of the total lot area.

4. Minimize new highway access points in accordance with the requirements of a site specific UDOT permit to be obtained for each new use or change in use.
5. Provide cross or through-access connections to adjacent areas, where possible

D. Parking Lots

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

E. Landscaping

In addition to the requirements of Sec. 6.4, Landscaping and Screening, the following standards shall apply:

1. Landscape Parking Lot Buffer

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

2. Break-Up Large Parking Areas

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

3. Rights-of-way Landscaping

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

F. Signage

All signs shall comply with the requirements of Sec. 6.5; except as modified below:

1. Illumination

Freestanding signs and wall signs may be illuminated indirectly or internally. Directional signs shall not be illuminated. Where internal illumination is employed, only the face area of the letters or logos may be illuminated and at least 50 percent of the sign face shall have an opaque background.

2. Window Signs

Window signs may be internally illuminated with the use of exposed neon lighting; provided, however, that there shall be a maximum of one (1) window sign per use.

a. Such sign shall be limited to 9 square feet per window panel.

b. Sign copy shall be limited to business identification, "open" or "closed", and a graphic symbol, or any combination thereof. In no case shall product signs be allowed.

3. Freestanding Signs

All free-standing signs shall:

a. Be monument-style; i.e., mounted on a base (above grade) of wood, brick or stone, which is detached from any building, and built with continuous background surface from the ground up;

b. Be limited to a maximum height of 8 feet, a maximum width of 10 feet, and a maximum square footage of 24 square feet; provided, however, where such a sign is not internally illuminated the maximum square footage shall be 40 square feet;

c. Be placed within a landscaped setting containing not less than 120 square feet;

d. Be architecturally integrated with the building by including materials, shapes and/or colors utilized in the building design; and

e. Identify the principal land use on site with one (1) such sign per street frontage.

4. Wall Signs

No part of a wall sign shall extend above a roof line, and all wall signs shall:

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Sec. 2.12.RS, Resort Special District

- a. Be architecturally integrated with the building by including materials, shapes and/or colors utilized in the building design;
- b. Identify the principal land use on site with one (1) such sign per street frontage;
- c. Be limited to 24 square feet; provided, however, where such a sign is not internally illuminated the maximum square footage shall be 40 square feet;
- d. Be limited to a maximum height of 5 feet; and
- e. Such signs shall have a maximum width of 10 feet.

5. Directional Signs

Direction signs shall be allowable off-site to provide directions to businesses located within 1,000 feet, provided:

- a. The maximum number for each driveway or street shall be one (1) sign.
- b. The maximum height shall be 3 feet
- c. The maximum area shall be 4 square feet
- d. The maximum area of a business name or logo shall be one (1) square feet
- e. Where a driveway is shared the maximum area of such sign shall be 8 square feet
- f. Where a driveway is shared the maximum area of a business name or logo shall be 2 square feet.

G. Infrastructure

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

Sec. 2.12 RS, Resort Special District

2.12.1 Purpose

The RS, Resort Special District is specifically designed to implement the Highway 191 North Corridor Area Plan, an amendment to the Grand County General Plan. The district is designed exclusively for resort facilities and guest-oriented land uses in a rural setting. In addition to the use and Lot Design Standards of this section, development in the RS District shall be in compliance with all other applicable provisions of this LUC.

2.12.2 Allowed Uses

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

2.12.3 Lot Design Standards

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

2.12.4 District Standards

All development in the RS district shall comply with the following standards.

A. Building Design

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

6. Utilize 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.

B. Site Design

All site plans and lot layouts shall be in accordance with the following standards:

1. Hide all parking areas to a substantial degree from highway and off-site view through site planning, screening and landscaping.
2. Minimize new highway access points in accordance with the requirements of a site specific UDOT permit to be obtained for each new use or change in use.
3. Each lot shall include open space, other than private or frontage open space, intended for use by all occupants of a development. This space may include recreation oriented areas. In no case shall open space be less than 25 percent of the total lot area.

C. Signage

All signs shall comply with the requirements of this LUC; provided, however, that:

1. Free-Standing Signs

All free-standing signs shall:

- a. Be monument-style; i.e., mounted on, or within a base (above grade), which is detached from any building, and built with continuous background surface from the ground up;
- b. Be architecturally integrated with the building by including materials, shapes and/or colors utilized in the building design;
- c. Be limited to a maximum height of 8 feet and a maximum width of 12 feet;
- d. Identify the principal land use on site with one (1) such sign per street frontage; and
- e. Be placed within a landscaped setting containing not less than 120 square feet.

2. Wall Signs

No part of a wall sign shall extend above a roof line, and all wall signs shall:

- a. Be architecturally integrated with the building by including materials, shapes and/or colors utilized in the building design; and
- b. Identify the principal land use on site with one (1) such sign per street frontage.

D. General Standards

The following standards shall be administered in accordance with the goals, objectives and policies of the Highway 191 North Corridor Plan, including the specific development target area designations found therein.

1. Developers shall show how projects protect the natural appearance of the open desert views, the clear night sky and the natural appearance of steep slopes and visible mesas. To this end, projects will be evaluated on the basis of site plan, lighting plan, form, color, texture, and visibility from high public use areas.
2. Public trails and recreational parking areas shall be dedicated in accordance with adopted plans.
3. Motel and hotel accessory uses may include gift shops, sporting goods shops, spas and equestrian facilities primarily for temporary overnight occupants.

Sec. 2.13 LI, Light Industrial District

2.13.1 Purpose

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

2.13.2 Allowed Uses

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

2.13.3 Lot Design Standards

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

2.13.4 District Standards

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

[RESERVED]

Sec. 2.14 HI, Heavy Industrial District

2.14.1 Purpose

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

2.14.2 Allowed Uses

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

2.14.3 Lot Design Standards

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

2.14.4 District Standards

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

A. Minimum Contiguous District Area: 20 Acres

B. Landscaping Plan

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

C. Storage

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

D. Maintenance of Premises

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

E. Vehicular Access

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

F. Development Time

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

Article 3 Use Regulations

Sec. 3.1 Use Table

3.1.1 Types of Uses

All of the use categories listed in the following use table summary are defined and described in Sec. 3.4. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated. (See Sec. 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 Council 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.

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 | MLR | RS | NC | GB | RC | RS | HC | | LI |
| Key: P = Permitted by right C = Conditional Use Permit Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in Sec. 3.2 and Sec. 3.4, respectively) | | | | | | | | | | | | | |
| Residential Uses (Section 3.4.7) | | | | | | | | | | | | | |
| Household Living | Dwelling, single-family | 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 | | 3.2.1D |
| | Townhouse | P | P | P | P | P | | | P | | P | | 3.2.1A |
| | Dwelling, multi-family | | | | P | | | | P | | P | | 3.2.1C |
| | Manufactured home | P | P | P | P | P | | | | P | P | | 3.2.1H |
| | Manufactured home community | C | | | | | | | | | C | | 3.2.1I |
| | Upper-story residential | | | | | | P | P | P | P | P | P | 3.2.1J |
| | 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 | P | 3.2.2B |
| | Day care, limited | P | P | P | P | P | P | P | P | P | P | P | 3.2.2C |
| Educational Facilities | College or university | | | C | C | C | P | P | P | P | P | P | |
| | All other educational facilities | P | P | P | P | | | P | | | P | | |
| Government Facilities | Detention center | | | | | | | | | | | | |
| | County or state shop/ storage yard | | | | | | | | | | P | P | P |
| | All other government facilities | P | P | P | P | P | P | P | P | P | P | P | |
| Institutions | All institutions | | | | | C | | P | | | P | | |
| Medical Facilities | Hospital or clinic | C | | C | | C | | P | | | P | | 3.2.2D |
| | All other medical facilities | C | | C | | C | | P | | | P | | 3.2.2D |

Title 16. Article 3. Use Regulations
Sec. 3.1. Use Table

| Principal Uses by Zoning District | | | | | | | | | | | | | | |
|--|---|-------------|-----|----|-----|----|----------------|----|----|----|----|------------------------|----------|--------|
| Use Category | Specific Use | RESIDENTIAL | | | | | NONRESIDENTIAL | | | | | Use-Specific Standards | | |
| | | SLR | LLR | RR | MFR | RS | NC | SB | 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 Sec. 3.2 and Sec. 3.4, respectively) | | | | | | | | | | | | | | |
| Parks and Open Areas | Golf course/country club | | | | C | C | | | | | | | | |
| | Cemeteries, columbaria, crematoria, mausoleums and memorial parks | | | P | P | | | | | | | | | |
| | All other park and open area | | | | | | | | | | | | | |
| Passenger Terminals | Airport and heliport, private | | | | | C | | | | | | | 3.2.2A | |
| | Airport and heliport, public | | | | | | | | | | | | SEC. 4.3 | |
| | Bus station or terminal | | | | | | | P | | | P | P | | |
| | All other passenger terminals | | | | | | | | | | | | | |
| Places of Worship | All uses | P | P | P | P | C | P | P | C | C | P | P | | |
| Utilities | Telecommunications tower and facility | | | | | C | | | | | C | C | C | 3.2.3P |
| | Telecommunications tower and facility on existing tower/structure | P | P | P | P | P | P | P | | | P | P | P | 3.2.3Q |
| | Telecommunications tower and facility in tower campus | | | | | P | | | | | | | | 3.2.3R |
| | Utility substation | | | | | C | C | C | C | C | C | C | C | 3.2.3S |
| | Transmission facility | C | C | C | C | C | C | C | C | C | C | C | C | |
| | All other major utilities use | C | C | C | | C | C | C | | | C | P | P | |
| | All minor utilities use | P | P | P | P | P | P | P | P | P | P | P | P | |
| 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 | | | | | |
| | All other indoor recreational use | | | | | | | P | | | | | | 3.2.3I |
| | Flea market | | | | | | | | | | | C | | 3.2.3G |
| | All other outdoor recreational use | | | | C | C | | | | C | C | C | | 3.2.3J |
| | All other entertainment | | | | | | | | | | | | | |
| Office | All uses | | | | | | | P | P | P | P | P | P | |
| Overnight Accommodations | Bed and breakfast | P | P | P | P | P | | | | P | | P | | 3.2.3D |
| | Dude ranch or destination resort | | | | | C | | | | | | | | 3.2.3F |
| | Hotel or motel | | | | | | | P | P | P | P | P | | |
| | Recreational vehicle parks and campgrounds | | | | | | | | | C | C | C | | 3.2.3L |
| | Residential units used for overnight accommodation | | | | | | | | P | P | P | P | | 3.2.3M |
| | All other overnight accommodation uses | | | | | | | | | | | | | 4.6.4 |
| Retail Sales and Service | Outfitter, guide service and facility | | | | C | | | | | C | C | C | | 3.2.3K |
| | 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 | | 3.2.4H |
| | All other self storage uses | | | | | | | P | | | P | P | | 3.2.4I |

| Principal Uses by Zoning District | | | | | | | | | | | | | | | |
|---|---|-------------|-----|----|-----|----|----------------|----|----|----|----|----|------------------------|--------|--------|
| Use Category | Specific Use | RESIDENTIAL | | | | | NONRESIDENTIAL | | | | | | Use-Specific Standards | | |
| | | SLR | LLR | RR | MFR | RS | NC | SB | RC | RS | HC | LI | | HI | |
| Key: P = Permitted by right C = Conditional Use Permitted Required ___ Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in Sec. 3.2 and Sec. 3.4, respectively) | | | | | | | | | | | | | | | |
| Vehicle Sales and Service | Auto repair garage | | | | | | | | | | P | P | P | 3.2.3B | |
| | Car wash | | | | | | | P | | | P | P | P | 3.2.3G | |
| | Fuel Service | | | | | | C | C | P | P | P | P | P | 3.2.3H | |
| | Limited vehicle service | | | | | | | | | | P | P | P | | |
| | Vehicle sales, rental or leasing facility | | | | | | | P | | | | P | P | | |
| | All other vehicle sales & service uses | | | | | | | | | | | | | | |
| Industrial Uses (Section 3.4.10) | | | | | | | | | | | | | | | |
| Heavy industrial | Railroad facilities, including shops | | | | | | | | | | | | P | | |
| | 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 | | | |
| | All other heavy industrial uses | | | | | | | | | | | | | | |
| Light industrial Service | Freight, terminal and parking lot | | | | | | | | | | | | P | | |
| | Fuel product storage | | | | | | | | | | C | C | P | 3.2.4B | |
| | Impound lot | | | | | | | | | C | C | C | | 3.2.4C | |
| | Manufacturing and production | | | | | | C | | | P | P | P | | 3.2.4K | |
| | 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 | 3.2.4J | |
| | Public land fill | | | | | C | | | | | | | P | 3.2.4G | |
| | Waste transfer stations | | | | | C | | | | | | | C | 3.2.4L | |
| | Waste storage, treatment and disposal | | | | | C | | | | | | | C | 3.2.4L | |
| | Waste transport | | | | | C | | | | | | | C | 3.2.4L | |
| | All other waste related uses | | | | | | | | | | | | | | |
| Wholesale Trade | All wholesale trade | | | | | | C | | | | | P | P | | |
| 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 | | | | | | | | | 3.2.5B |
| | Farm, orchard, vineyard or truck garden | | | P | | P | | | | | | | | | |
| | Feed mill | | | | | | | | | | | | P | | |
| | Fruit and vegetable stand | | | C | | | P | P | | | P | | | | |
| | Grazing | | | 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 |
| | 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 | | |

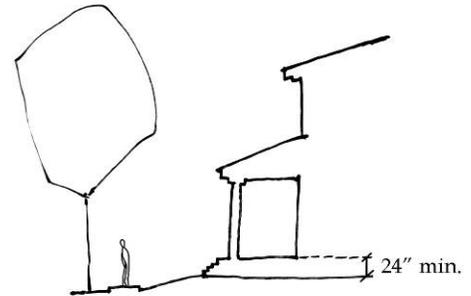
Sec. 3.2 Use-specific Standards

The standards of this section shall apply to permitted and conditional uses as set forth in the Principal Use Table (see Sec. 3.1).

3.2.1 Residential Use Standards

A. Alley-loaded houses

1. An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required front yard.
2. The first floor shall be a minimum of 24 inches above the finished grade. Any house built on a slab foundation shall have a brick, stone or other masonry veneer skirt extending up the face of the slab.
3. A front porch minimum of 8 feet in depth shall be required over a minimum of 50 percent of the building width along the street front.
4. Front porches may encroach a maximum of 8 feet into the front yard and shall be at the same first floor elevation as the home.



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 or street side yard shall be landscaped in accordance with the requirements of Sec. 6.4, Landscaping and screening;
2. Landscape screening shall be required along the entire length of any street or highway frontage, except access points, in accordance with the requirements of Sec. 6.4; and
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 Sec. 6.4; and
2. Required off-street parking shall be in the side or rear yards, not the required front yard.

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 [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 Sec. 6.1, 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.

F. Other Group Living

Group living shall comply with the following standards.

1. The site shall have direct access to a major or minor arterial, or higher road classification.
2. The site shall be a minimum of one (1) acre in size.

G. Townhouse

1. Side yards are not required for interior townhouses lot lines, but street and rear yards shall be provided for all townhouses.
2. Sidewalks shall be constructed within the interior of the townhouse 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.
3. No parking space shall be located in a required yard, except for the rear yard.
4. A maximum of 6 units shall be allowed in a single building.
5. A minimum 20 foot building separation shall be maintained for all townhouse structures.

H. Manufactured Homes

All manufactured homes shall comply with the following standards within 60 days of placement:

1. General

All principal manufactured homes, shall:

- a. Utilize non-reflective siding materials; i.e. wood, stucco, adobe, brick, or stone or material that looks like 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 (structures constructed in the traditional southwest Spanish style are exempt from this requirement); and
- e. Screen rooftop mechanical equipment and trash receptacles from view off-site.

2. Skirting

Each manufactured housing unit shall be skirted with a material or product specifically designed for the skirting of such homes. Required skirting shall be maintained so as not to provide a harborage for animals or create a fire hazard.

3. Transport Equipment

All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation of the home.

4. Anchors and Tie-Downs

The manufactured home shall be permanently attached to a foundation. Anchors and tie-downs, such as cast-in-place concrete "dead-men", eyelets embedded in concrete slabs or runways screw augers, arrowhead anchors, or other devices shall be used to stabilize the manufactured home.

5. Finished Floor Elevation

The finished floor elevation of the manufactured home shall be a minimum of 24 inches above the exterior finish grade, as measured at the main entrance into the dwelling.

6. Attached Additions

Any attached addition to a manufactured home shall comply with current building code requirements and the standards of this LUC.

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 maximum density of 8 dwelling units per gross acre.

3. Setbacks and Separation Requirements

- a. Each home shall be setback at least 10 feet from the interior driveway and 30 feet from any public street.
- b. There shall be a minimum of 16 feet between homes.
- c. Manufactured housing units and all roof-covered structures shall meet the following separation requirements:
 - (1) A maximum 2-foot eave overhang shall be permitted within the separation areas as required below.
 - (2) Every service building in a manufactured home community shall be at least 25 feet from the boundary of any other property in any residential or office zoning district.

4. Utilities

Manufactured home community shall connect to public water and sewer services. All service utility lines shall be installed underground.

5. Landscaping and Screening

- a. A landscaped strip of land at least 15 feet wide shall be installed on all sides of the manufactured home community.
- b. Exterior boundaries of manufactured home community shall be developed with a sight-obscuring fence, or other acceptable border to create an attractive and permanent border. The land between the fence/border and the public street improvements shall be landscaped with street trees and other landscaping materials (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 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 one tree.

6. Internal Driveway

Manufactured home community shall have an internal driveway not less than 30 feet wide. Each home site shall be arranged so that all homes have access to the internal driveway. The interior driveway shall be properly drained; 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 recreational vehicle/travel trailer shall be placed on a 4 inch concrete or gravel pad. No recreational vehicle/travel trailer with a footprint larger than the pad shall be placed on a site.
- b. Such re-locatable housing that does not meet the definition of a "Manufactured Home" shall be permitted within any manufactured home community, subject to the requirements of this section, provided these types of accommodation do not exceed 30 percent of the total units in the community.

8. Fire Protection

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

9. Drainage

Manufactured home community shall 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 prior to approval of the site plan.

10. Site Plan

A site plan prepared in accordance with the requirements Sec. 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 Sec. 9.17 the required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

- a. Location and dimensions of all park boundaries.
- b. Location of pavement on adjoining street rights-of-way.
- c. 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 include a recreational area and facilities for the use and enjoyment of the residents encompassing an area of 10 percent of the total area of the manufactured home community. Lawns, parking, driveways, accessway, streets, etc. shall not be considered part of the required recreational area and facilities.

12. Storage

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 trails and trail connections shall provide connectivity to surrounding properties in accordance with the requirements of Sec. 7.4, Sidewalks and Trails.

14. Refuse

All refuse shall be stored in fly-tight, water-tight, animal-proof containers, which shall be located no more than 150 feet from each manufactured home site. Containers shall be provided in sufficient number and 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 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.

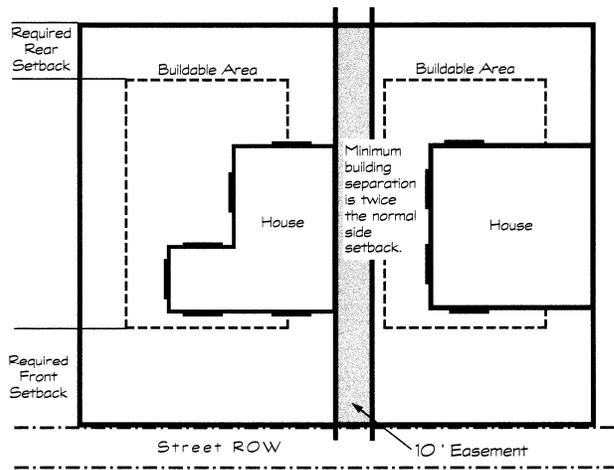
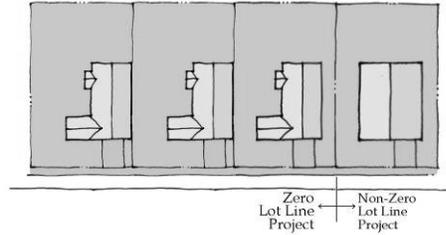
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J. Upper Story Residential

An upper-story residential unit is allowed on the upper floors of a permitted nonresidential use as set forth in Use Table (see Section 3.1) and shall adhere to all dimensional standards of the permitted nonresidential use.

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.



3.2.2 Public and Civic Use Standards

A. 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 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 shall NOT be permitted if helicopter takeoffs or landings are conducted in any part for commercial aviation or "scenic flight" purposes.
3. Aircraft takeoffs and landings for commercial filming activities shall:
 - a. Be conducted at an airport or heliport that is currently in use, and has historically been in use for such activities;

- b. Are not materially higher in volume or intensity than the highest level of such activity during 1993; and
- c. Do not cause unreasonably frequent or continuous disturbances or other unreasonable negative impacts on the area or its inhabitants or on permitted uses within the area.

B. 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.

C. 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.

D. Hospital or Clinic

Hospitals or clinics shall comply with the following standards:

- 1. A site plan prepared in accordance with the requirements Sec. 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 development standards of Article 6.

3.2.3 Commercial Use Standards

A. Adult Entertainment Establishment

- 1. An adult entertainment establishment shall be located a minimum of 1,000 feet, as measured in any direction from property line to property line, from any existing adult entertainment establishment.
- 2. An adult entertainment establishment shall be located a minimum of 1,500 feet, as measured in any direction from property line to property line, of any residentially-zoned property, place of worship, school, park, government-owned or managed building open for public assembly.
- 3. Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
- 4. Such use shall abut a collector or greater classified street.

B. Auto Repair Garage

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

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

Bed and breakfast establishments shall comply with the standards of this section:

- 1. Lodging and breakfast may be provided for temporary overnight occupants in no more than 5 separate bedrooms for compensation;
- 2. One (1) off-street parking space shall be provided per bedroom offered for use for temporary overnight accommodations, in addition to off-street parking otherwise required pursuant to Sec. 6.1, off-street parking standards;
- 3. All guest rooms shall be located in the principal structure;

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4. Structures shall not be altered in a way that changes their general residential appearance;
5. One (1) sign shall be allowed, in accordance with the requirements of Sec. 6.5, Signs, of this LUC;
6. There shall be an on-site resident manager; and
7. Earth-tone colors shall be utilized that minimize contrast with the surrounding landscape.

E. Car Wash

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

1. All washing facilities shall occur under a roofed area with at least 2 walls.
2. Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 25 feet from any residential district.
3. The building surfaces shall be faced with masonry, porcelanized steel, baked enamel steel or other material equal in durability and appearance.
4. The building shall not be less than 100 feet from any residential district.
5. The building shall be setback not less than 25 feet from the front property line.
6. Off-street parking shall be provided on the property in the ratio of not less than three parking spaces for each washing stall, or five parking spaces for each automobile that may be accommodated on the washing line within a full-service building.
7. All off-street parking areas shall be hard-surfaced and dust-free.
8. A permanent screening fence or wall in accordance with the requirements of Sec. 6.4 and not less than 6 feet in height shall be provided along any property line which abuts a residential district.

F. Dude Ranch or Destination Resort

All dude ranches or destination resorts shall comply with the standards of this section:

1. Accommodation units may be provided for temporary overnight occupants and/or for employees;
2. Accessory facilities may include restaurants, gift shops, employee housing, equestrian facilities and health spas;
3. Visual impacts of structures and parking as viewed from public rights-of-way and high use areas shall be substantially mitigated through use of building siting, screening, landscaping or increased setbacks;
4. Utilize earth-tone colors with low light reflective values that minimize contrast with the surrounding landscape;
5. The proposed project and accommodations density shall be compatible with the surrounding land uses and suitable for the proposed site;
6. Utilize indigenous, regional architecture styles and materials;
7. 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;
8. Provide public trail and/or road rights-of-way dedications as necessary to maintain historic access to public lands;
9. Limit the height of all accommodations units to 24 feet and the main lodge structure to 35 feet;
10. Limit the number of primary structures on site to an average of one (1) per 5 acres;
11. Incorporate varied roof lines and wall off-sets as necessary to break-up the perceived mass and scale of all structures larger than a typical single family home;
12. Provide complete food service for all guests;
13. Provide a recreational amenity package suitable for the scale of the project.
14. Signs allowed on site shall comply with the requirements of Sec. 6.5, 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.
15. The density of accommodations units shall be limited to one (1) per 2.5 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 (1) 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 view shed 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.
16. Employee housing shall be provided and such housing shall be restricted in accordance with the requirements of Sec. 6.14.

G. Flea Market

Flea markets shall comply with the standards in this section.

1. A site plan, prepared in accordance with the requirements of Sec. 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.

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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 Sec. 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 Sec. 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. Outfitter, Guide Service and Facility

Outfitters, guide services and facilities shall screen all outdoor storage from view off-site with an 8 foot sight obscuring fence.

L. Recreational Vehicle/Travel Trailer Park

Recreational vehicle/ travel trailer parks shall comply with the following standards

1. Each space may be occupied only by persons using 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 1200 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 Sec. 6.4, Landscaping and screening; and
8. One (1) tree of a species suitable for the area shall be provided for each 2 spaces, and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)

M. Residential Units Used for Overnight Accommodations

Residential units used for overnight accommodations shall comply with the following requirements:

1. An individual business license shall be required for each dwelling unit rented for time periods of less than 30 days.
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 TRT tax.
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.

N. Restaurant

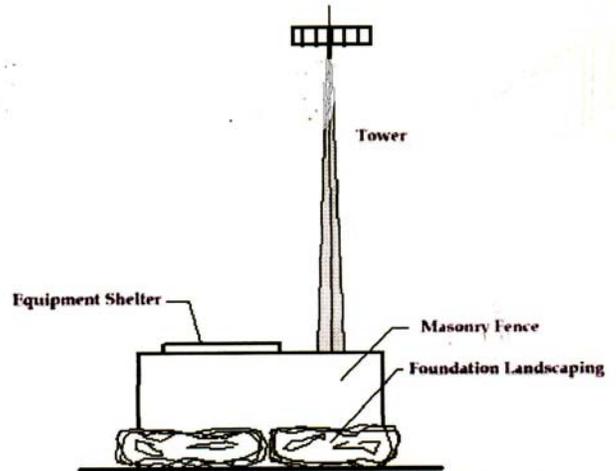
Restaurants shall comply with the following standards:

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 Sec. 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.



P. Telecommunications Tower and Facility

Telecommunications towers and facilities may be permitted, subject to the following requirements:

1. Minimum Lot Area

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.

2. Co-location Requirements

A proposal for a new telecommunication towers shall not be approved unless the County Council 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:

- 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;
- b. Existing or approved towers and buildings within Spanish Valley or the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

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- 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;
- d. Other unforeseen reasons make it unfeasible to locate the planned tele-communications equipment upon an existing or approved tower or building.

3. Tower and Antenna Design

Proposed or modified towers and antennas shall meet the following design requirements:

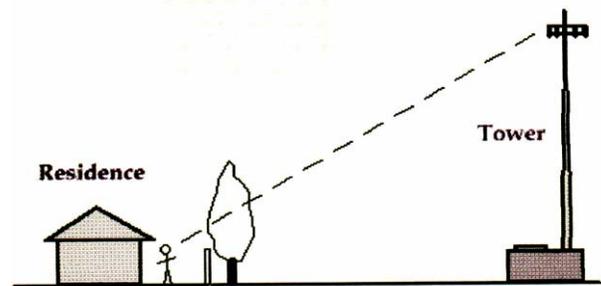
- a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- b. Towers and antennas shall be of monopole design unless the County Council determines that an alternative design would be more appropriate to or better blend in with the surrounding environment.

4. Accessory Structure and Building Design

The design of accessory or related structures or control buildings shall 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

- a. Ground- and rooftop-mounted mechanical equipment shall be screened from view off-site in accordance with the requirements of Section 6.4.3F, Screening Standards.
- 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 6.4.3F, Screening Standards.



6. Tower Siting

All towers shall be subject to the Ridgeline Standards of 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

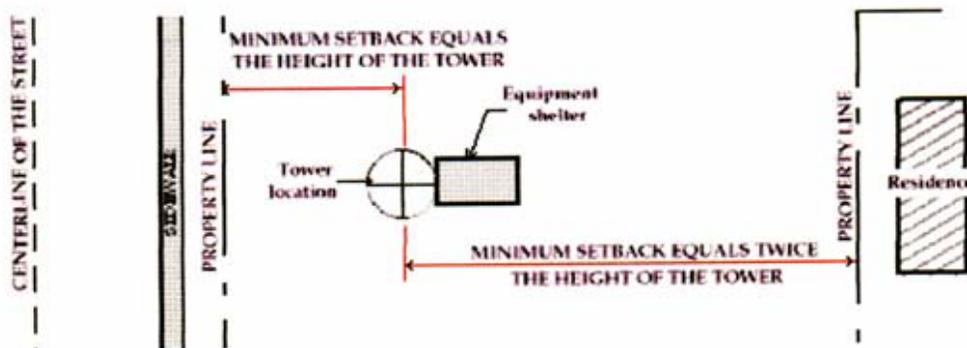
All towers shall conform to the minimum setback requirements of the underlying zoning district, or as modified below:

- a. 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.
- c. 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 Council, 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.

8. Tower Height

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:

- a. The maximum height of all commercial wireless antennas and supporting towers shall not exceed the distance to the nearest lot or parcel boundary on the subject lot or parcel or 150 feet, whichever is less.
- b. No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, less 5 feet.
- c. Co-location requirements notwithstanding, co-location shall not automatically be considered justification or grounds for a proposed height. In all cases, the County reserves the right to limit height of a proposed tower as necessary to insure compatibility with the neighborhood.



9. Lights and Other Attachments

- a. Towers shall not be artificially illuminated or display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting be incorporated into the approved design of the tower. Light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- b. No tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest, or like structure (other than those required by industry Standards or Federal Regulations), except during periods of construction or repair.

10. Signs and Advertising

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

11. Interference with Public Safety Telecommunications

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 Council at least 10 calendar days in advance of such changes and allow the Council to monitor interference during the testing process. At the Council'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 6.11.1.

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.

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14. Annual inspections

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.

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 Sec. 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.

R. 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 Sec. 6.9.8.

S. Utility Substation

Electricity regulating substations, gas pressure control stations or similar utility substations shall be subject to the following standards.

1. Any structure shall be set back not less than 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.
2. The uses shall be enclosed by a screen and landscaped as required by Section 4.4F.
3. The storage of equipment on the premises shall be shielded from view offsite.

3.2.4 Industrial Use Standards

A. Asphalt or Concrete Batch Plant

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

1. Minimum Lot Area: 5 acres

2. Minimum Setbacks (All Sides): 600 feet
3. The above minimum setback shall be from any residential zoning district or lot containing a residential use for all activity areas, including driveways and on-site roads.
4. The County may specify the times of operation.
5. 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 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. Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.
7. The site shall have frontage on and access to a collector or arterial street, provided the authority with jurisdiction over the subject road may approve alternative access.
8. All such plants shall be subject to the limitations on noise, dust, fumes, odors, etc. Sec. 6.12, Operational Performance Standards.

B. Fuel Product Storage

Gasoline, petroleum and gas storage sites and uses shall comply with the following standards.

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

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 requirements of Section 4.4F.

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);

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- 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 Council.
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 drainageways 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 Sec. 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 Council 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 Council, the Conditional Use Permit shall expire. Extension requests shall provide information concerning the factors and reasons for the request. The County Council 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 Sec. 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. 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.

H. RV and Boat Storage

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

I. 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.

J. 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.

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

K. 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.

L. 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 Sec. 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.

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, as determined by the County Council, 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 Council 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 Council, 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 Council 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 3.2.4L, 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 Council 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 Sec. 3.2.4L.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.

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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 Sec. 3.2.4L.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 Sec. 3.2.4L.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 Council 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 Sec. 3.2.4L 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 L.

d. Responsibility for Waste

Each applicant, upon acceptance of a permit under this Sec. 3.2.4L, 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 Sec. 3.2.4L, 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 Sec. 3.2.4L.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,

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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.

3.2.5 Other Use Standards

A. Animal Raising

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.

B. Barn, Stable, Coop, Animal Shed

Barns, stable, coops, animal sheds or similar structures shall comply with the following standards:

- 1. A setback shall be maintained of at least 100 feet from existing dwellings, 20 feet from any open waterway; and
- 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.

Sec. 3.3 Accessory and Temporary Uses and Structures

3.3.1 Authorizations

A. Accessory Uses and Structures

Principal uses classified as permitted uses by the use regulations of Article 3 shall be deemed to include accessory uses and activities that are customarily associated with and appropriate, incidental and subordinate to otherwise allowed principal uses. Accessory uses shall be allowed as follows:

1. Residential Accessory Uses

Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

- a. Accessory dwelling units, subject to the standards of Section 3.3.2B.
- b. Fences and walls;
- c. Garages, carports, driveways and off-street parking areas;
- d. Gates and guardhouses;
- e. Home occupations, subject to the standards of Section 3.3.2E;
- f. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- g. Radio and television receiving antennas and support structures;
- h. Recreational facilities for the use of residents;

- i. Keeping of domestic animals for noncommercial purposes, subject to the standards of 3.2.5A, Agricultural Animals;
- 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.

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:

- a. Dwelling units for security or maintenance personnel;
- b. Fences, walls, gates and guardhouses;
- c. Parking garages, driveways and off-street parking areas;
- d. Radio and television receiving antennas and support structures;
- e. Signs, subject to Sec. 6.5;
- 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.

3.3.2 Use-Specific Standards for Accessory Uses

A. Accessory Uses and Structures, General

All accessory uses and structures shall comply with the following standards:

- 1. Such uses shall be located on the same lot or tract as the associated principal use.
- 2. 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 shall be established prior to the principal use or structure to which it is accessory.
- 4. The maximum size of accessory structures shall be determined as follows:
 - a. **Multi-family and Nonresidential**
Such structures in any district that are accessory to a multi-family dwelling or to non-residential uses shall not exceed 40 percent of the total square footage of the principal structure.
 - b. **SLR District**
Such structures in the SLR district that are accessory to residential uses shall not exceed 800 square feet, and no more than one accessory structure per lot.
 - c. **LLR District**
Such structures in the LLR districts that are accessory to residential uses shall not exceed 1250 square feet, and no more than 2 accessory structures per lot.
 - d. **RR District**
Such structures in the RR district that are accessory to residential uses shall not exceed 40 percent of the total square footage of the principal structure or 2,000 square feet, whichever is more; and no more than 2 accessory structures per lot.
 - e. **RG District**
Such structures in the RG district that are accessory to residential uses shall not exceed 40 percent of the total square footage of the principal structure or 2,000 square feet, whichever is more; and no more than 2 accessory structures per lot shall be allowed.
- 5. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise stated.

B. Accessory Dwelling Unit

Accessory dwelling units shall comply with the following standards:

- 1. An accessory dwelling may be allowed as an accessory use to an otherwise allowed single-family dwelling unit that is the principal use on a lot or parcel of at least 9,000 square feet.

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2. The owner of the property shall occupy either the primary structure or the accessory dwelling as his/her primary residence.
3. Maximum occupancy of accessory dwelling units shall be limited to 2 persons per bedroom.
4. Accessory dwelling units must be attached to the principal dwelling and no new entrance or other exterior modifications shall be visible from the street to suggest the presence of the accessory dwelling unit.
5. Maximum size of such units shall be 600 square feet. (See definition of gross floor area. Basement shall be defined as "a portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade.")
6. Accessory dwellings shall be built in a pattern and of materials similar to the principal structure.
7. One off-street parking space shall be provided for each bedroom in the accessory dwelling in addition to otherwise required parking.
8. Accessory dwelling units shall not be condominiumized or sold separately, and shall not be rented to guests for periods of less than 30 consecutive days.

C. Caretaker or Guard Residence, Accessory

A caretaker or guard residence shall be permitted for each nonresidential use.

D. Employee Housing, Accessory

Accessory employee housing shall comply with the following standards:

1. Such housing shall be accessory to otherwise allowed nonresidential, principal uses.
2. Accessory employee housing shall be restricted in accordance with the requirements of Sec. 6.14.
3. Use of the employee housing by persons who are not so employed or for short-term accommodations shall be expressly prohibited.
4. Such housing shall not be sold separately.
5. Each employee housing unit shall be limited to 1200 square feet in area.

E. Food Processing, Small Scale

Small scale food processing may be approved as Conditional Use pursuant to the requirements of Sec. 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 Sec. 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.

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. A home occupation shall be considered an accessory use to residential uses, subject to the following standards:

1. No persons shall be engaged in a home occupation other than persons occupying the subject property as their residence; 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 where one (1) additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Sec. 6.1, Off-street Parking.
2. All signs shall be in accordance with the requirements of Sec. 6.5, Signs, of this LUC.
3. There shall be no visible storage of equipment, materials or vehicles with more than 2 axles.
4. The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure; and

5. 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 Sec. 6.12, Operational performance standards.

3.3.3 Use-Specific Standards for 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 Sec. 9.16, Temporary Use Permits.

A. Asphalt or Concrete Batch Plant, Temporary

Temporary asphalt or concrete batching plants (temporary) may be approved by the Zoning Administrator subject to 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 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 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.

Sec. 3.4 Use Categories

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

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 |

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B. Group Living

| 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 Monasteries and convents Nursing or convalescent homes Orphanages Residential assisted living facilities not having individual dwelling units | 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 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) |

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) Family day care (more than 8 persons) Group daycare home Intermediate child care Latch-key programs Nursery schools Preschools | 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 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 | 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 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) |

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 | 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 (See Waste-Related Service) |

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 Recreational facilities Teaching facilities Temporary housing for relatives of patients | 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) |

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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 Parks Plazas Recreational trails Reservoir | Boat docks Boat house Clubhouses Concessions Maintenance facilities Off-street parking Play equipment Single residential unit for caretaker or security purposes Swimming pools Tennis courts | 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) |

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 Staff residences located on-site Stealth cell antennae | 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) |

J. Utilities

| Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility). | | |
|---|--|---|
| Examples | Accessory Uses | Uses not included |
| <p style="text-align: center;">Minor Utilities:</p> Stormwater retention and detention facilities Telephone exchanges Water and wastewater pump stations | 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) |
| <p style="text-align: center;">Major Utilities:</p> Cell antennae Cell towers Electrical substations Natural gas pumping station Telecommunication towers and facilities Television and radio broadcasting transmitters Waste treatment plants Water towers, tanks, or standpipes | | |

3.4.9 Commercial Use Categories

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) |

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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 |
| <p>Indoor:</p> 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 | 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) |
| <p>Outdoor:</p> Batting cages Commercial amphitheatres 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 | | |

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 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 | Cafeterias Day care Health facilities Meeting rooms Off-street parking 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 | 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) 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) |

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F. Retail Sales and Service

| Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public. | | |
|---|--|---|
| Examples | Accessory Uses | Uses not included |
| <p align="center">Sales-Oriented:</p> <p>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</p> <p>Farmers markets Farm stands with retail sales of farm products</p> <p align="center">Personal Service-Oriented:</p> <p>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 Taxidermists Urgent care or emergency medical offices</p> <p align="center">Repair-Oriented:</p> <p>Locksmith Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches Tailors, milliners, and upholsterers</p> | <p>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</p> | <p>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)</p> |

G. Self-Service Storage

| Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. | | |
|---|--|--|
| 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 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) | Associated offices Sales of parts Towing Vehicle fueling Vehicle storage | Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use) 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) |

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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 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 | 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) |

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 | 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) |

Title 16. Article 3. Use Regulations
Sec. 3.4. Use Categories

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) 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 | Auction ring Barns Farm stands with retail sales of products produced or harvested on-site Garages Offices Sheds Silos Stables | Animal waste processing (See Waste-Related Service) Commercial feed lots (See Heavy industrial) Processing of food and related products (See Heavy industrial) 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) |



Article 4 Special Purpose and Overlay Districts

Sec. 4.1 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.

4.1.2 Overlay districts

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.

Sec. 4.2 SPA, Specially Planned Area

4.2.1 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 LUC.

4.2.2 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 Sec. 9.11.

- Mining and extractive uses, subject to the use-specific standards or 3.2.4D
- Waste materials management facilities and uses, subject to the use-specific standards of 3.2.4L

4.2.4 Accessory Uses

The following accessory uses shall be allowed:

- Accessory use or structure, subject to the use-specific standards of Sec. 3.3
- Home occupation, subject to the use-specific standards of Sec. 3.3.2G.

4.2.5 Temporary Uses

Temporary uses shall be allowed in accordance with Sec. 9.16 of this LUC.

- Field office, temporary, subject to the use-specific standards of Sec. 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

Title 16. Article 4.Special Purpose and Overlay Districts
Sec. 4.3.AL, Airport Limitation District

2. Accessory structures: See Sec. 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.

4.2.8 District Standards

All land uses and structures shall:

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

Sec. 4.3 AL, Airport Limitation District

4.3.1 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.

4.3.2 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 Council or Utah law.

4.3.3 Airport Board of Adjustment

A. Board Established

- 1. The Grand County Board of Adjustment is designated as the "Airport Board of Adjustment" as prescribed in Utah Code §72-10-410.
- 2. In this LUC and State law, any references to the "Airport Board of Adjustment" shall mean the Grand County Board of Adjustment.
- 3. If the Board of Adjustment is empowered in this LUC to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Board of Adjustment shall be presumed to be functioning as the Airport Board of Adjustment.

B. Duties

The Airport Board of Adjustment shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the County Council or Utah law.

4.3.4 Grand County Airport Board

A. Board Established

The Grand County Airport Board is designated as the principal advisory body to the Grand County Council 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.

4.3.5 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 Sec. 3.3

D. Minimum Lot Width: 400 Feet

E. Maximum Height: 24 Feet

4.3.6 Permitted Uses

The following uses shall be permitted-by-right

A. Residential Uses

See Section 4.3.9D

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 3.2.5A
Farm, orchard or truck garden
Grazing

E. Industrial, Communications, Transportation and Automobile-Related Uses

Airport

4.3.7 Conditional Uses

Conditional uses shall be allowed in accordance with Section 7.11.

Animal pound or kennel (public or private)
Barn, corral, pen, coop or machinery shed, subject to the use-specific standards of 3.2.5B
Dwelling, single-family
Dude ranch or destination resort, subject to the use-specific standards of 3.2.3F
Electric substation
Mining
Manufactured home, subject to the use-specific standards of 3.2.1H
Oil and gas drilling
Waste materials management, subject to the use-specific standards of 3.2.4L

4.3.8 Accessory Uses

The following accessory uses shall be allowed:

Accessory use or structure, subject to the use-specific standards of Sec. 3.3
Dwelling unit, accessory, subject to the use-specific standards of Section 3.3.2B

4.3.9 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.

4.3.10 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.

Sec. 4.4 -PUD, Planned Unit Development

4.4.1 Purpose and intent

The -PUD, Planned Unit Development is an overlay district designed to provide for modification of the otherwise applicable dimensional requirements of the underlying base district as specified in Section 3.4, Lot Design Standards, in order to accomplish one or more of the following purposes:

- A. 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;
- B. Encourage more efficient use of land and public streets, utilities, and governmental services;
- C. Promote a clustering development pattern in the interest of preserving rural character;
- D. Preserve open space for the benefit of residents of developments and the community;
- E. Achieve a compatible land use relationship with surrounding areas; and
- F. Promote greater variety in the type and design of buildings and thereby improving the character and quality of new development.

Commentary:

The -PUD "overlay district" permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility and facilitate creative site planning. In the -PUD district setbacks may be reduced consistent with the purposes for -PUD. However, allowed uses and maximum density must be determined by the underlying base district.

4.4.2 Applicability

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.

4.4.3 Approval Procedures

-PUD district developments shall be reviewed and approved in accordance with the procedures of Sec. 9.2, Text and Zoning Map Amendments (Rezoning), and shall be considered to be a zoning map amendment.

4.4.4 Identification on Zoning Maps

Approved -PUD district developments shall be indicated on the official Zoning Map.

4.4.5 Allowed Uses

Any use or combination of uses allowed by the underlying base district(s) are permitted in a Planned Unit Development; provided, however, that non-residential uses shall be those of the underlying zoning district.

4.4.6 Lot Design Standards

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, provided that the maximum density shall be no greater than that permitted in the underlying zone district prior to -PUD approval.

4.4.7 Road Design Standards

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.

4.4.8 Master Plan Requirement

In approving a -PUD district development in accordance with this section, the County Council 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

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Sec. 4.4.-PUD, Planned Unit Development

development provides greater benefits to the County than would a development carried out in accordance with otherwise applicable zoning and development regulations;

Commentary:

The General Plan encourages a clustered development pattern, with development located in the most appropriate part of the property. Small clusters of 5-10 dwellings each, separated by common area or open space tends to be most effective in preserving rural character.

- A. 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. 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 site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses;
- D. 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 non-residential 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 site plan prepared in accordance with the requirements of Sec. 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. Dimensional standards to be modified within the -PUD district relative to the underlying base district standards;
- G. A statement of how the proposed development is consistent with the General Plan; and
- H. Other relevant information as may be requested by the Zoning Administrator.

4.4.9 Minimum Open Space and Common Area

All land area not used for lots shall be designated as common area or open space in accordance with Sec. 6.11, Open Space and Common Area, and the following requirements:

- A. Open space shall be set aside in accordance with the requirements of Sec. 6.11, and at least 30 percent of each -PUD shall be set aside as open space; and
- B. Where a -PUD development will occur in stages or a series of filings, the first filing or phase shall include all lands to be dedicated as open space or common area.

4.4.10 Public Land Dedications

In addition to land required for public rights-of-way and easements, the County shall require the dedication to the County of:

- A. Land for public facilities pursuant to the provisions of Sec. 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. Easements for scenic corridors or preservation that benefit the general public;
- C. 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
- D. Historic sites and buildings.

4.4.11 Architectural Review

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.

4.4.12 Additional Conditions

The County shall impose such other conditions as are deemed necessary to accomplish the purposes of this section, this LUC and the General Plan.

4.4.13 Minor Amendments

- 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 multi-family 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 multi-family 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.

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.

4.4.14 Major Amendments

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 Sec. 9.2, Text and Zoning Map Amendments (Rezoning).

4.4.15 Effect on Other Code Standards

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 Sec. 9.2, Text and Zoning Map Amendments (Rezoning), the standards of this LUC shall apply to development within a -PUD.

Sec. 4.5 -WSPO, Water Source Protection Overlay District

4.5.1 Purpose

The -WSPO, Water Source Protection Overlay District is an overlay 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.

4.5.2 Allowed Uses

Uses are allowed in the -WSPO district shall be as specified in the underlying base district; provided that:

- A.** All uses shall be Conditional Uses and may be allowed only in accordance with the provisions of Sec. 9.11; and
- B.** Uses constituting pollution sources, as defined under the Rules of the Drinking Water Division of the State of Utah, shall be denied.

4.5.3 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.

4.5.4 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 Sec. 6.7, 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 Sec. 9.11 where the applicant demonstrates to the County Council satisfaction that the deviations or alternative standards will better achieve the purpose for the district than will the above standards.

Sec. 4.6 -OAO, Overnight Accommodations Overlay District

4.6.1 Purpose

The -OAO, Overnight Accommodations Overlay District is an overlay district intended to designate subdivisions and developments within which overnight accommodations are permitted. Overnight accommodations use of residential dwelling units is an important part of the Grand County economy and tradition, but such use is not appropriate in all districts and parts of the county. The -OAO district should be applied only to entire developments and subdivisions or to portions of such developments and subdivisions planned or historically used primarily for such use and activity, and where appropriate and compatible with adjacent land uses and neighborhoods. The -OAO district will not be applied to individual units or lots.

4.6.2 Allowed Uses

Uses allowed in the -OAO district shall be as specified in the underlying base district; provided that residential dwelling units otherwise allowed may be occupied for time periods of less than 30 days.

4.6.3 Lot Design Standards

All development in the -OAO district shall comply with the Lot Design Standards of the underlying zoning district.

4.6.4 District Standards

All principal and accessory structures shall comply with the following requirements:

- A.** Occupancy of dwelling units in the -OAO district may be less than 30 days in duration.
- B.** An individual business license shall be required for each dwelling unit rented for time periods of less than 30 days.
- C.** Such units shall be managed by a Utah-licensed property management agent or company with a local, Grand County representative; properly licensed to conduct business in Grand County; and shall collect and pay all applicable taxes, including but not limited to, the TRT tax.
- D.** Additional off-street parking may be required as necessary to mitigate impacts on adjacent land uses and neighborhoods.
- E.** Current contact information for property owners or management agencies or companies shall be posted in an accessible location outside such units or project.
- F.** Potential impacts upon affected public water sources shall be reasonably mitigated.
- G.** Properties designated by the –OAO district shall have direct access to an arterial or collector street.
- H.** Property used for such rentals shall not considered abandoned pursuant to Section 1.10.6 solely for reason of vacancy for period of six months; provided however that such property shall not be considered abandoned so long as such property is rented at least once during each 12 consecutive months.



Article 5 Lot Design Standards

Sec. 5.1 Purpose

The lot design standards of this article include maximum density and certain restrictions for residential and non-residential 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.

Sec. 5.2 General

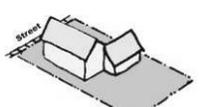
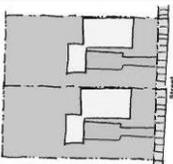
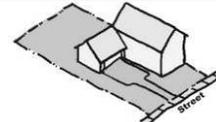
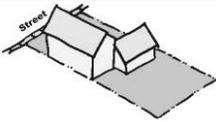
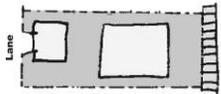
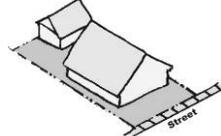
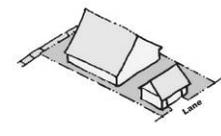
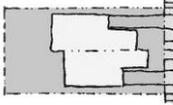
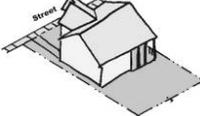
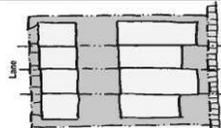
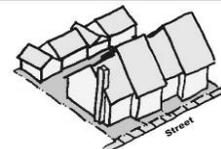
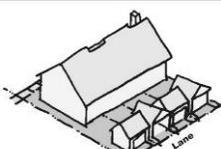
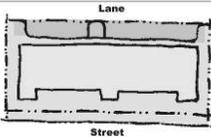
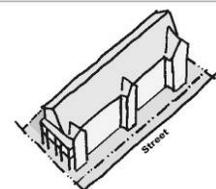
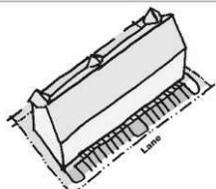
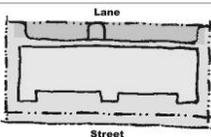
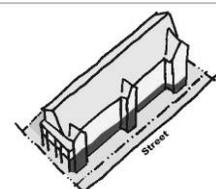
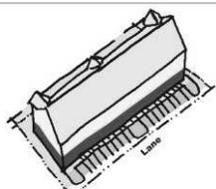
5.2.1 Minimum Requirements

- 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.
- D. 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. Nonconforming lots may be used in accordance with the provisions set forth in Sec. 1.10.8, Nonconforming lots.
 - 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. 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 Sec. 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.

| | | | |
|---|---|--|---|
| <p>Single Family Detached A detached dwelling unit located on a single lot with private yards on all four sides</p> |  |  |  |
| <p>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.</p> |  |  |  |
| <p>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.</p> |  |  |  |
| <p>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.</p> |  |  |  |
| <p>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.</p> |  |  |  |
| <p>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.</p> |  |  |  |
| <p>Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.</p> |  |  |  |

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 |

Sec. 5.3 How to Use This Article

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. NON-RESIDENTIAL DISTRICTS. This Part sets forth the standards for development in non-residential districts. **Section 5.5.1 to 5.5.3**

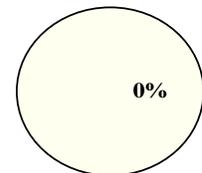
Sec. 5.4 Part I: Residential Districts

5.4.1 Residential Subdivision Types

Three types of subdivisions are permitted in the interest of preserving rural character and promoting affordable housing, as follows.

A. Conventional Subdivision

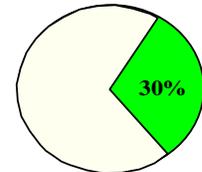
Conventional subdivision is a pattern of residential development that provides the majority of property owners with substantial yards on their own property. Conventional subdivisions are not required to have open space, exclusive of individual lots, unless there are constrained lands on site.



Conventional Subdivision

B. Cluster Subdivision

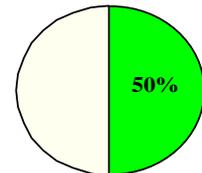
Cluster subdivision trades smaller lot sizes (with smaller yards) for additional open space. Cluster subdivisions must provide a minimum of 30 percent open space, exclusive of individual lots; and a minimum of 25 percent of the housing units in the subdivision are restricted to affordable housing in accordance with the requirements of Section 5.4.3B.



Cluster Subdivision

C. Conservation Subdivision

Conservation subdivision reduces lot sizes even further, in trade for substantial open space provision for the subdivision as a whole. Conservation subdivisions must provide a minimum of 50 percent open space, exclusive of individual lots; and a minimum of 25 percent of the housing units in the subdivision are restricted to affordable housing in accordance with the requirements of Section 5.4.3B.



Conservation Subdivision

5.4.2 Residential Development Standards (All Types of Subdivisions)

Development projects may include a mix of housing types as set forth in Sec. 3.1, Use Table, so long as the development complies with the maximum density requirement of the underlying base district (See Section 5.4.2B) and the most restrictive housing type dimensional standard (See Section 5.4.2F).

A. Housing Types Permitted by District

Housing types permitted by district are as specified in Sec. 3.1, Use Table.

B. Maximum Density by District

Maximum residential density may be increased at the option of the developer in accordance with the requirements of this subsection, provided that at least 25 percent of the total dwelling unit count in Cluster and Conservation Subdivisions shall be affordable housing in accordance with the requirements of Section Sec. 6.14. Maximum allowed density by district shall be as follows:

| Maximum Density by District (Units per Gross Acre) | | | |
|---|---------------------|------------------------|-----------------------------|
| Zoning Districts | Type of Subdivision | | |
| | Conventional | Cluster ⁽¹⁾ | Conservation ⁽¹⁾ |
| MFR, Multi-family Residential | 8 | 14 | 18 |
| NC, Neighborhood Commercial | 5 | 5 | 5 |
| SLR, Small Lot Residential | 5 | 6 | 8 |
| LLR, Large Lot Residential | 2 | 2.4 | 3.2 |
| RR, Rural Residential | 1 | 1.2 | 1.6 |
| RG, Range and Grazing | 0.2 | 0.24 | 0.32 |

NOTE:

⁽¹⁾ A minimum of 25 percent of the dwelling units by type in Cluster and Conservation Subdivisions must be affordable housing restricted in accordance with the requirements of Sec. 6.14.

C. Mix of Housing Types

Two-family, townhouse, multi-family 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.

D. 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 "gross density" calculation in Sec. 5.6.1)
2. Constrained lands include lands with 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 unmitigatable geo-hazards, and riparian habitats and archeological sites.
3. All constrained lands shall be identified on plats and permanently set aside as open space in accordance with the requirements of Sec. 6.11.

E. 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.

F. Residential Dimensional Standards

Maximum density is subject to the requirements of the underlying zoning district. This subsection illustrates the alternatives that are possible given the respective housing type dimensional standards. The following tables provide the minimum dimensional standards for each allowable residential building type. Each lot must comply with the minimum housing type dimensional standards of at least one of the following housing types.

| Housing Type Dimensional Standards | | | | | | | | | | | |
|---|---|---|---|---|---|--|---|---|---|---|---|
| Standard |  |  |  |  |  |  |  |  |  |  |  |
| | Single-family Detached | Zero Lot Line | Alley Loaded House | Two-Family | Townhouse | Multi-family | Multi-family |
| Lot/Parcel Area, Minimum (sq. ft.) | 19,500 | 12,000 | 7,500 | 5,000 | 4,200 | 4,200 | 3,200 | 7,000 | 6,600 | 6,000 | 43,560 |
| Lot Area per Dwelling, Minimum (sf) | 19,500 | 12,000 | 7,500 | 5,000 | 4,200 | 4,200 | 3,200 | 3,500 | 2,200 | 2,000 | 1,000 |
| Density, Max. (units/gross acre) | 2 | 3 | 5 | 5 | 8 | 8 | 8 | 8 | 12 | 18 | 18 |
| Units per Structure, Max. ⁽¹⁾ | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 2 | 6 | 12 | 24 |
| Lot Width, Average (feet) | 130 | 100 | 70 | 50 | 42 | 42 | 40 | 70 | 22 | 60 | 60 |
| Front and Street Setback, Min. (feet) | 25 | 25 | 20 | 20 | 20 | 20 | 15 | 15 | 5 | 20 | 20 |
| Side Setback, Min. (feet) | 15 | 15 | 6 | 6 | 3 | 10 | 5 | 6 | 10 | 10 | 10 |
| Rear Setback, Min. (feet) ⁽¹⁾ | 20 | 20 | 10 | 10 | 10 | 10 | 5 | 10 | 15 | 20 | 20 |
| Building Coverage, Max. (%) | 25% | 25% | 40% | 40% | 45% | 45% | 45% | 45% | 55% | 50% | 50% |
| Building Height, Max (feet) | 35 | 35 | 28 | 28 | 28 | 28 | 35 | 28 | 35 | 35 | 45 |
| Acc. Building Height, Max (feet) | 35 | 25 | 20 | 20 | 15 | 15 | 15 | 15 | 15 | 25 | 25 |

Notes:

⁽¹⁾ Garages setback exceptions are listed in Section 5.6.3C

G. Project Boundary Buffer

1. Perimeter compatibility is required along all perimeter project boundaries of all subdivisions (conservation, cluster and conservation) to provide a suitable transition between the proposed subdivision and adjacent development. The buffer shall be based on adjacent land uses and lot sizes (outside the perimeter project boundary). The buffer shall consist of land uses that are of the same type and lots that are of the same size as adjacent uses and lots, up to a maximum of one-half acre lots. Alternatively, a project boundary buffer shall be provided along all project boundaries or portions of project boundaries, other than arterial or collector streets, and shall be measured perpendicular to the property lines that define the project area. The project boundary buffer shall be dedicated as open space in accordance with the requirements of Section 5.4.3A, Open Space and Common Area, and comply with the following requirements.
 - a. The minimum width of the project boundary buffer shall be 50 feet in width; or
 - b. The minimum width of the project boundary buffer may be reduced to 25 feet where a 6-foot, split-faced masonry wall (with foundation) is constructed along the inside of project boundary buffer (setback at least 15 feet from the project boundary).

Title 16. Article 5. Lot Design Standards
Sec. 5.5. Part II: Nonresidential Districts

2. All project boundary buffers shall be landscaped in accordance with the requirements of Sec. 6.4, Landscaping and Screening.
3. Provide for breaks in the wall for pedestrian access and connectivity.

5.4.3 Additional Cluster and Conservation Subdivision Requirements

A. Open Space and Common Area

Open space is an integral part of both the cluster subdivision and the conservation subdivision. The minimum protected open space for each subdivision type by district is set forth in Section 5.4.1. Once this minimum open space requirement has been met, no additional open space shall be required on the site, except as required by Sec. 6.11. Further, all areas not used for lots shall be designated as open space or common area in accordance with the requirements of Sec. 6.11.

Commentary:
Cluster and conservation subdivisions are optional development types, promoted solely through the use of incentives. Increases in density are available to developments that comply with cluster or conservation subdivision standards.

B. Affordable Housing

A minimum of 25 percent of the housing units by type in each cluster and conservation subdivision shall be affordable housing in accordance with the requirements of Sec. 6.14. Fractional affordable housing requirements shall be rounded down to the next whole number. Affordable housing shall not be required in conventional subdivisions.

C. Mix of Housing Types

Single-family residential units may comprise no more than 50 percent of the total dwelling units of any proposed cluster or conservation residential subdivision. In no case shall the district density be exceeded for the overall site.

D. Block Length, Maximum

No block in a cluster or conservation subdivision shall be longer than 600 feet in length unless a mid-block pedestrian and bicycle connection is provided in accordance with the trail standards of Sec. 7.4, in which case the block may extend up to 1,000 feet.

Sec. 5.5 Part II: Nonresidential Districts

5.5.1 Nonresidential Dimensional Standards

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 non-residential and residential uses.

| Nonresidential Zoning Districts | | | | | | | |
|--|------|------|------|------|------|------|----------|
| Development Standard | NC | GB | RC | RS | HC | LI | HI |
| Min. Lot Area | None |
| Min. Front Yard and Street Side Yard (ft.) | 30' | 10' | 0' | 50' | 50' | 15' | 20'/300' |
| Min. Interior Side Yard (ft.) | 10' | 10' | 10' | 25' | 10' | 10' | 50'/300' |
| Min. Rear Yard (ft.) | 10' | 10' | 10' | 25' | 20' | 10' | 20'/300' |
| Mandatory Build-to Line (Percent) | -- | -- | 70% | -- | -- | -- | -- |
| Min. Ground Floor Area/Unit (sf.) | -- | -- | -- | -- | -- | -- | -- |
| Max. Height (ft.) | 35' | 35' | 40' | 24' | 35' | 35' | 35' |

5.5.2 Residential Development Standards in Nonresidential Districts

Development projects in nonresidential districts may include a mix of housing types as set forth in Sec. 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 the most restrictive housing type dimensional standard (See Section 5.5.3).

A. Housing Types Permitted by District

Housing types permitted by district are as specified in Sec. 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 |
| HI, Heavy industrial | 1 |

5.5.3 Residential Dimensional Standards

Maximum density is subject to the requirements of the underlying zoning district. This subsection illustrates the alternatives and density that is possible given the respective housing type dimensional standards. The following tables provide the minimum dimensional standards for each allowable residential building type.

| Housing Type Dimensional Standards | | | | | | | |
|--|---|---|--|---|---|---|---|
| Standard |  |  |  |  |  |  |  |
| | Single-family Detached | Zero Lot Line | Alley Loaded House | Two-Family | Townhouse | Multi-family | Multi-family |
| Lot/Parcel Area, Minimum (sq. ft.) | 5,000 | 4,200 | 3,200 | 7,000 | 6,600 | 6,000 | 43,560 |
| Lot Area per Dwelling, Minimum (sq. ft.) | 5,000 | 4,200 | 3,200 | 3,500 | 2,200 | 2,000 | 1,000 |
| Density, Max. (units/gross acre) | 5 | 8 | 8 | 8 | 12 | 18 | 18 |
| Units per Structure, Max. ⁽¹⁾ | 1 | 2 | 2 | 2 | 6 | 24 | 24 |
| Lot Width, Average (feet) | 50 | 42 | 40 | 70 | 22 | 60 | 60 |
| Front and Street Setback, Min. (feet) | 20 | 20 | 15 | 15 | 5 | 20 | 20 |
| Side Setback, Min. (feet) | 6 | 10 | 5 | 6 | 10 | 10 | 10 |
| Rear Setback, Min. (feet) ⁽¹⁾ | 10 | 10 | 5 | 10 | 15 | 20 | 20 |
| Building Coverage, Max. (%) | 40% | 45% | 45% | 45% | 55% | 50% | 50% |
| Building Height, Max (feet) | 28 | 28 | 35 | 28 | 35 | 35 | 45 |
| Acc. Building Height, Max (feet) | 20 | 15 | 15 | 15 | 15 | 25 | 25 |

Notes:

⁽¹⁾ Garages setback exceptions are listed in Section 5.6.3C

Sec. 5.6 Measurements, Computations and Exceptions

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 furthestmost projection of the structure, except as provided otherwise in this LUC.

A. Front Yard Setback

1. Corner lots

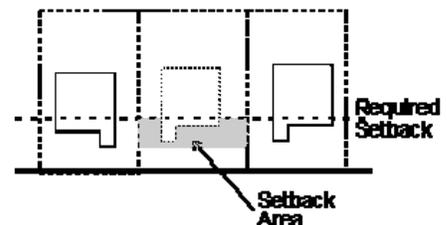
For lots with frontage on 2 intersecting streets, such a lot shall be considered to have 2 front lot lines and shall comply with front yard setbacks from each front lot line.

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. Accessory Use Setbacks

1. Side Yards

The minimum side yard setback for accessory structures shall be equal to the height of the structure or 10 feet, whichever is more.

2. Rear Yards

The minimum rear yard setback for accessory structures shall be equal to the height of the structure or 10 feet, whichever is more; provided, however, that, the minimum rear yard setback for garages and carports adjacent to an alley may be reduced to 5 feet.

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.

D. Non-Residential Buildings

No rear yard shall be required for non-residential buildings if an alley is located adjacent to the rear lot line.

5.6.4 Average Lot Width

A. 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 with shall be the average lot width of all lots in a given filing or shown on any plat.

B. Cul-De-Sacs

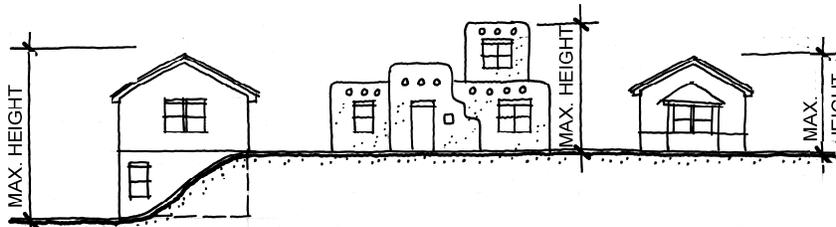
Notwithstanding any other provisions of this LUC, lots fronting on a cul-de-sac shall have a minimum front street line of 30 feet and a minimum lot width of 40 feet.

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

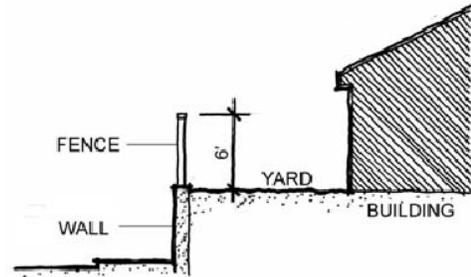
Height of telecommunications and microwave towers and antennas shall be determined by measuring the vertical distance from the lowest point of intersection with the natural grade to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon 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 be not be considered as part of height measurement and calculation.

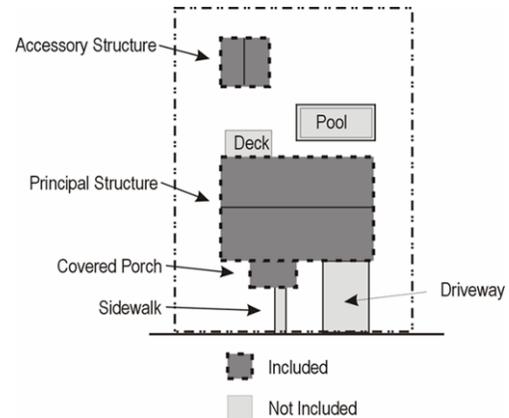
B. Building Coverage

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.



Article 6 General Development Standards

Sec. 6.1 Off-street Parking

6.1.1 Purpose

The purpose of this section is to require off-street parking facilities in proportion to the parking demand for each use 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 parking facilities;
- B. To ensure sufficient parking spaces on-site in order to prevent excessive parking on public streets and in residential neighborhoods; and
- C. To ensure that access to parking does not impair the function of adjacent roadways or endanger the public safety.

6.1.2 Applicability

A. New and Complying 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.
- 2. The number of parking spaces may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area for which fewer parking spaces are required. Spaces shall not be reduced below the minimum required by this section.
- 3. Building Permits and Certificates of Occupancy may be issued for a change of use or remodeling or structural alterations in developments containing legally non-complying parking areas, without requiring compliance with this section, provided that such redevelopment does not result in an increase in the number of required parking spaces.
- 4. Any building expansion or change of use that results in an increase over the number of parking spaces that would be required under this section for the lot shall provide additional parking spaces only for that increment of the expansion, as if it were a separate development. Only the expanded portion of the parking area shall be required to comply with the provisions of this section.

6.1.3 Computing Parking

The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Section 6.1.4, Off-street parking requirements, and the following provisions.

A. Unlisted Uses

Where 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, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

C. Fractions

When measurements determining the number of required parking spaces result in fractions, any fraction less than $\frac{1}{2}$ shall be disregarded and any fraction of $\frac{1}{2}$ or more shall be rounded upward to the next highest full number.

6.1.4 Off-Street Parking Requirements

Off-street parking spaces shall be provided on-site in accordance with the following minimum requirements.

Title 16. Article 6.General Development Standards
Sec. 6.1.Off-street Parking

| 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 6.1.5 | |
| County and state shops and storage yards | Determined by parking study per Section 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 6.1.5 | |
| 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 6.1.5 | |
| 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 6.1.5 | |
| 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. | |

Title 16. Article 6.General Development Standards
Sec. 6.1.Off-street Parking

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|---|---|
| Specific Use | Minimum Number of Spaces Required |
| Crematoriums and mortuaries | 1.0 per 400 sq. ft. |
| Fairgrounds | Determined by parking study per Section 6.1.5 |
| Farmers market | Determined by parking study per Section 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 6.1.5 |
| 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 |
| 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 6.1.5 |
| 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 |

Title 16. Article 6.General Development Standards
Sec. 6.1.Off-street Parking

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|--|---|
| Specific Use | Minimum Number of Spaces Required |
| 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 6.1.5 |
| 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 |

6.1.5 Determined by Parking Study

Some uses have widely varying parking demands, making it difficult to specify a single requirement. 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.

6.1.7 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 commercial and multi-family uses shall be setback at least 15 feet beyond the front yard setback.
- B. 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; 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 shall open directly onto an aisle or driveway that is not a public street or a public alley. Aisles and driveways shall not be used for parking vehicles.
- D. Off-street parking shall be free of weeds, properly drained, and surfaced with concrete, asphalt, permeable pavers or any other material that suppresses dust and provides a hardened surface

Commentary:
 Compacted road base is normally acceptable for relatively low traffic areas.

suitable to support vehicular traffic, and shall be maintained in a usable condition at all times.

- E. Where establishments are open or operated after dark, security lighting shall be provided in parking lots with a minimum ground level illumination of 0.5 foot candles at any location in the lot. Lighting shall be so arranged as to reflect the light away from adjoining residential areas.
- F. Off-street parking areas serving development in the MFR, Multi-family Residential, and any non-residential zoning district shall be landscaped and screened in accordance with requirements of Sec. 6.4, Landscaping and Screening.

Sec. 6.2 Driveways and 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:

6.2.1 Minimum Driveway (Surface) Width

Driveways shall be a minimum of 10 feet in width when serving one (1) dwelling unit, or 16 feet wide ("Access Tract" per Grand Construction Standards) when serving more than one (1) residence or another use such as a bed and breakfast.

6.2.2 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.

6.2.3 Corner Visibility – Street, Alley and Driveway Intersections

No walls, buildings or other obstruction to view in excess of 4 feet in height shall 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.

6.2.4 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.

Sec. 6.3 Fences and Walls

6.3.1 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.

6.3.2 Height and Location of Fences and Walls

A. General

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 6.2.3, Corner visibility – street, alley and driveway intersections.
2. All fences and walls over 6 feet in height shall require a building permit and must be constructed in conformance with the International Building Code.

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.

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.

Sec. 6.4 Landscaping and Screening

6.4.1 Purpose

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.

6.4.2 Applicability

This section shall apply to all 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.

6.4.3 General Requirements

A. Landscape and Site Plan

Any proposed building or use shall be 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, when possible, so that their installation will not adversely affect vegetation to be retained on a site.

C. Installation

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.

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 plant materials not surviving shall be replaced within 30 days of its demise or in the next appropriate season.

E. Landscaping Standards

All undeveloped areas of the street yard of each lot or tract and the adjacent rights-of-way shall be landscaped with trees, shrubs, grasses, 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

One tree with a minimum 2 inch caliper 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 Commission may waive this requirement where it finds that trees are either impractical due to water supply problems or inappropriate to the natural setting; and,

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 the final landscape and site plans. 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 landscaping shall be protected during all phases of site development.

5. Minimum Plant Sizes

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 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 take into consideration the water-demand characteristics of plant or landscape materials used.

F. Screening Standards

Where screening standards are required by this Code, the following screening standards shall apply:

1. Screening Materials

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 screening devices shall be measured from the highest finished adjacent grade of the element to be screened.

3. Screening Plant List

Plants used to satisfy any required screening standards shall be limited to plants with a mature height of between 6 and 15 feet and foliage characteristics similar to those of the recommended plants for this purpose (see “Commentary” below).

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. Viburnum 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. Elaeagnus Commutata (Coralberry) [12’ in height, typical];
7. Elaeagnus 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]

4. Parking Areas

The perimeter of all parking areas shall 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 15 feet.

5. Outdoor Storage Areas

All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall be screened from street view by a minimum 6 foot high screening device. Such screening device shall consist either of plant material or a wall constructed of or finished with materials to match the main building of the site.

Sec. 6.5 Signs

6.5.1 Purpose and Intent

This 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.

6.5.2 Applicability

The following regulations shall govern the placement and construction of all outdoor advertising display within Grand County.

6.5.3 Exempt Signs

Exempt signs shall include the following signs:

- A. Temporary (30 days or less) civic, political, cultural and public service window posters;

- B.** Temporary (30 days or less) promotional or special sales signs, when erected in conjunction with a commercial establishment;
- C.** 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;
- E.** Warning signs such as “no soliciting”, “no trespassing”, “beware of dog”, or other similar types of signs not exceeding 1½ square feet;
- F.** Flag poles that display government flags;
- G.** Traffic control signs installed by proper authorities; and
- H.** Normal and customary Christmas or other seasonal, holiday decorations.

6.5.4 Prohibited Signs

Prohibited signs include the following signs:

- A.** Signs advertising business, activity, product or service not conducted on the premises upon which sign is located, such as billboards;
- B.** Signs employing mercury vapor, low pressure and high pressure sodium, metal halide lighting, internal illumination, and plastic panel rear-lighted;
- C.** Signs on roofs, dormers, and balconies;
- D.** Signs containing statements, words, or pictures of an obscene, indecent or immoral character;
- E.** Signs that contain or consist of ribbon streamers, strings of light bulbs, spinners, or other similarly moving devices;
- F.** Signs that have a moving part or are portable or wheeled; and
- 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.

6.5.5 Permitted Signs

A. Non-Residential Zone District Signs

Signs permitted in the non-residential zoning districts as identified in Sec. 2.1, shall be limited to the following:

1. Wall Mounted or Painted Signs

Wall mounted or painted signs, in accordance with the following standards:

- a.** Such signs shall be 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;
- b.** The area of the signboard shall not exceed 40 square feet; 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 24 feet above the adjacent grade, and shall not extend above the building façade.

2. Projecting Signs

Projecting signs, including graphic or icon signs, mounted perpendicular to the building wall, in accordance with the following standards:

- a.** The signboard shall not exceed an area of 8 square feet;
- b.** The distance from the building wall to the signboard shall not exceed 6 inches; and

c. The width of the signboard shall not exceed 4 feet.

3. Painted Window or Door Signs

4. Free Standing Signs

- a. One (1) free standing sign is permitted per on-site business or land use;
- b. Each free-standing sign shall be limited to a maximum of 24 feet in height;
- c. Each free-standing sign may have a maximum of 2 faces and a maximum area of 40 square feet per face; provided, however, the maximum area per face shall be 8 feet by 24 feet per face in the HC, Highway Commercial District.
- d. Each of the 2 faces shall 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.

B. Residential Zone District Signs

Signs permitted in the residential zoning districts as identified in Sec. 2.1, shall be 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. Monument-style signs shall be permitted to identify the entrance(s) to a residential subdivision, or multi-family building or complex, provided, each monument style sign shall be limited to 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 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. A sign may be lighted by a lighting source located a distance away from the sign and projecting light onto the sign, subject to the following:
- 2. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public rights-of-way or residential premises.
- 3. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to passing motorists, as determined by the Building Official.

4. The light source shall be continuous and uninterrupted so as not to be flashing blinking, flashing or fluttering or otherwise changing in light intensity, brightness or color. Beacon lights are prohibited.
5. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

6.5.6 Permits

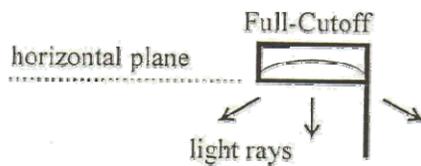
It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, or change the use of any sign as defined in this section without first obtaining a sign permit pursuant to Sec. 9.15 of this LUC; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.

Sec. 6.6 Outdoor Lighting

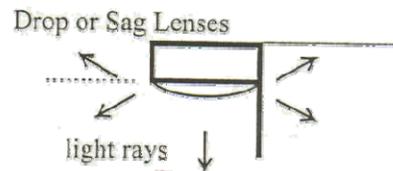
An outdoor lighting plan shall be submitted with the site/development plan for property in any district of Grand County.

- A. All outdoor lighting shall be directed down or toward a surface.
- B. The light source or bulb for all outdoor lighting shall be shielded from view off-site.
- C. No outdoor lighting shall be directed towards any adjacent residential use or public street.

PERMITTED:



NOT PERMITTED:



Sec. 6.7 Drainage

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 5,000 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. Exception

Outside the Spanish Valley and the drainage basins that are tributary to Pack Creek or flow directly into the Spanish or Moab Valleys, the drainage catch basin shall be based on a 10-year frequency storm.

C. Design

Drainage improvements shall be designed in accordance with the Design Standards recommended by the Spanish Valley Master Storm Water Management Plan, Adopted, May 1997, and subject to the approval of the County Engineer:

1. 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.

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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.

Sec. 6.8 Floodplains, Natural and Historic Drainages

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.

A. Applicability

This section applies to development areas in the 100-year floodplain boundary or in the natural or historic drainage ways.

B. Basis for Establishing the 100-Year Floodplain

The area of 100-year floodplain identified by the Federal Emergency Management Agency on a Flood Insurance Rate Map (FIRM) for the Grand County Utah, dated June 4, 1980, is hereby adopted by reference and declared to be a part of this LUC. The FIRM is on file at the Building Department, Grand County Courthouse, 125 E. Center Street, Moab, UT 84532.

C. Basis for Establishing Natural or Historic Drainage Ways

The area of natural or historic drainage ways identified by Horrocks Engineers on the Spanish Valley Master Storm Water Management Plan, dated May 1997, is hereby adopted by referenced and declared to be a part of this LUC.

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.

E. General Standards

The standards in this section shall apply to all Substantial Improvement(s), as defined Sec. 10.2 of this LUC, 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.

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 6.8.1E, above. Where development is proposed within 100-year floodplain, the developer shall comply with all of the following applicable standards:

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.

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.

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.

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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.

K. 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.

Sec. 6.9 General Site Planning Standards

6.9.1 General

New construction shall comply with the following standards, unless compliance with a particular standard would:

- A. Prevent the construction of any permanent structure for a primary use on the land, or
- B. Require the construction to violate another requirement of this LUC.
- C. 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.

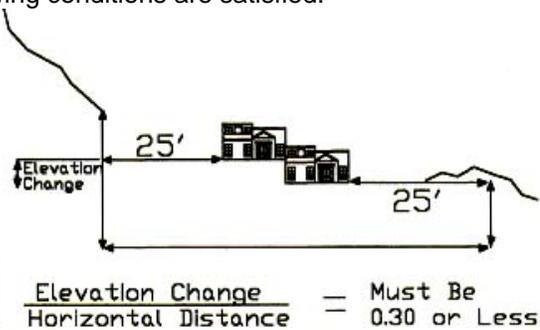
6.9.2 Hazard Areas

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 (45°) slope. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated.

6.9.3 Slope Conditions

A. Step 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.

6.9.4 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.

6.9.6 Wildfire

A. 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 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.

6.9.7 Defensible Space

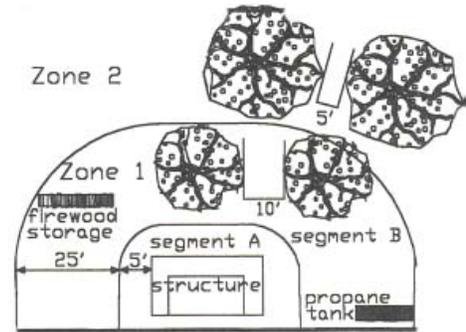
The areas immediately surrounding all new residential construction built within or on the edge of natural areas containing predominantly woods, brush, or grasslands, not exceeding 6,000 feet in elevation, shall be developed so as to minimize the potential for the structures to be ignited by fire, or 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 (1/2) 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.

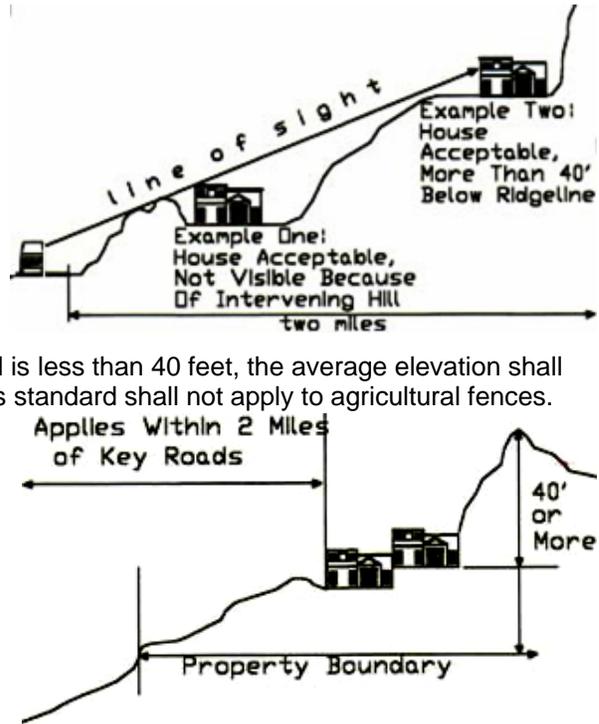
B. Maintenance

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.

6.9.8 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.



6.9.9 Grading, Revegetation and Restoration

- A. **Permit Required**
No grading shall occur prior to the approval of a Zoning Development Permit.
- 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.
- D. **Dumpsters Required**
Provide trash dumpsters for construction debris and wrapping materials with lids.
- 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.

F. Restoration

1. All disturbed areas shall be restored within one (1) growing season after construction as natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes.
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.
3. Areas disturbed by grading shall be contoured so they can be re-vegetated.
4. Top soils shall be stock piled and placed on disturbed areas.

Sec. 6.10 Compatibility Standards

6.10.1 Purpose

The compatibility standards of this section are intended to preserve and protect single-family 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 multi-family residential and all nonresidential development when it occurs:

1. Within 50 feet of the lot line of any property located in one (1) of the following protected zone districts (Protected Zone Districts): SLR-1, Single Family-1; SLR-2, Single-family-2; LLR, Large Lot Residential; or RR, Rural Residential.
2. Across the street from or adjacent to a lot containing a single-family or duplex use.

B. Exemptions

The following shall be exempt from compliance with the compatibility standards of this section:

1. **Single-Family or Duplex Uses**
Structural alteration of existing building when such alteration does not increase the gross square footage or height of the building.
2. **Building Setback and Height Standards**
The following building setback and height standards shall apply to development that is subject to the compatibility standards of this section.

C. Building Setbacks – Side and Rear

On sites where the distance between side lot lines or between front and rear lot lines is 60 feet or less, no structure shall be erected within 10 feet of the lot line of property that is in a Protected Zone District pursuant to Section 6.10.1A, above, or that contains a single-family or duplex use. on sites where the distance between side lot lines or between front and rear lot lines is more than 60 feet or less, with more than 60 feet of lot width, the minimum setback from the lot line of property that is in a Protected Zone District pursuant to Section 6.10.1A, above, or that contains a single-family or duplex use shall be 10 feet, plus 2 additional feet of setback for each 10 additional feet of lot width or fraction thereof (beyond 60 feet). This provision shall not be interpreted as requiring a setback of more than 20 feet.

| Lot Width (feet) | Setback from Adjacent Lot Lines (feet) |
|------------------|--|
| 0 to 60 | 10.0 |
| 60.01 to 70 | 12.0 |
| 70.01 to 80 | 14.0 |
| 80.01 to 90 | 16.0 |
| 90.01 to 100 | 18.0 |
| More than 100 | 20.0 |

D. Building Height

No structure shall exceed 28 feet in height within 150 feet of the lot line of property that is in a Protected Zone District pursuant to Section 6.10.1A, above, or that contains a single-family or duplex use which is less than 28 feet in height.

E. Buffer and Screening Standards

1. Nonresidential and multi-family residential development, including off-street parking areas associated with such development, shall be screened from property in a Protected Zone District pursuant to Section 6.10.1A, above, 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 Section 6.10.1A, above, 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 Section 6.10.1A, above, or that contains a single-family or duplex use by an opaque fence or wall that is at least one (1) 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.

F. 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 Section 6.10.1A, above, 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 Section 6.10.1A, above, or that contains a single-family or duplex use by opaque fence or wall that is at least one (1) foot taller than the dumpster or solid waste receptacle.

Sec. 6.11 Open Space and Common Area

6.11.1 General Standards

All land proposed for dedication as open space or common area shall comply with the following standards:

- A. Such dedication and/ or restriction must be permanent and not for a period of years.
- B. Such land shall be owned in common by the property owners in the development.
- C. Such land shall be 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 land shall 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 public dedication is desired.
- E. Mature trees shall be preserved to the maximum extent feasible.
- F. Homeowners associations or similar legal entities that are responsible for the maintenance and control of open space or common area shall be established as required by Sec. 9.6, Mandatory Homeowners' Association, before any lot in the development is sold or any building occupied.
- G. Where a subdivision or development will occur in stages or a series of filings, the first filing or phase shall include all lands to be dedicated as open space or common area.
- H. All areas not used for lots shall be designated as open space or common area.

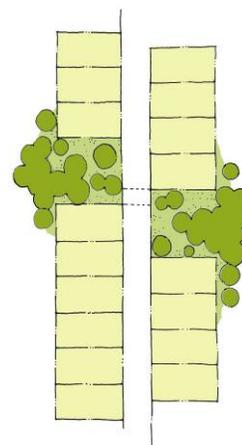
6.11.2 Open Space Standards

All land proposed for dedication or as open space shall substantially comply with the following standards:

- ~~A.~~ Constrained lands in all developments and subdivisions shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces, unless the applicant demonstrates to the County Council that this provision would constitute an unusual hardship and is counter to the purposes of this LUC. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any constrained land area shall be occupied by such surfaces.

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- B. The open space shall not be not devoted to use as a streets or roads, sidewalks, parking or driveways.
- C. The open space shall be left in its natural or undisturbed state, or properly planned and landscaped according to approved plans; provided, however that such lands may be used for storm water management, parks, playgrounds, sidewalks, non-motorized pathways and trails, and other similar non-roofed recreational facilities.
- D. The open space shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.
- E. The minimum width for any required open space shall be 50 feet (exceptions may be granted for items such as trail easements, mid-block crossings, linear parks/medians, when their purpose is consistent with the intent of the General Plan and this subsection).
- F. At least 60 percent of the required open space shall be in a contiguous tract. For the purposes of this subsection, contiguous 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 open space required.
- G. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- H. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations). No lot within the subdivision shall be further than a 1,200 feet 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.
- I. At least 25 percent of the open space shall be made accessible with trails, passive recreational uses or other similar improvements. Trails shall be developed in accordance with Sec. 7.4, Sidewalks and Trails, and provide for neighborhood and connector corridors.



6.11.3 Common Area Standards

All land proposed for dedication or as common area shall substantially comply with the following standards:

- A. Common area within the development area may be used for a wide variety of common purposes, including: private roads and streets, parking areas, swimming pools, club houses, mechanical buildings, storage areas, accessory structures, or covered gathering areas or courts, all for the use and enjoyment of the owners, residents and guests of a development.
- B. Common area shall not be included in the computation of required open space.

6.11.4 Open Space Priority

Open space shall be required in accordance with the requirements of Sec. 5.4.1, Residential Subdivision Types, and shall depend on whether the proposed development is part of a Conventional, Cluster or Conservation Subdivision.

A. Primary Open Space

The following are considered primary open space areas and are required to be included within the open space:

- 1. Lands with un-mitigatable soils or geologic conditions;
- 2. Slope areas in excess of 30 percent;

3. Ridgelines;
4. Flood hazards areas;
5. Riparian habitats areas; and
6. Historic or prehistoric sites.

B. Secondary Open Space

The following are considered secondary open space areas and shall be included within the required open space to the maximum extent feasible.

1. Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
2. Individual existing healthy trees greater than 12 inches caliper;
3. Other significant natural features and scenic view sheds such as, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
4. Agricultural lands;
5. Areas that connect the tract to neighboring open space, trails or greenways; and
6. Landscaped site elements such as arterial street buffers, district boundary buffers, civic greens and landscaped medians.

6.11.5 Recreation Areas

Recreation areas, such as the clubhouse, swimming pool, and tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from adjacent residential development.

Sec. 6.12 Operational Performance Standards

6.12.1 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.

6.12.2 General

The location, size, design and operating characteristics of all uses shall minimize adverse effects, including visual impacts, on surrounding properties.

6.12.3 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.

6.12.4 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.

6.12.5 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.

6.12.6 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.

6.12.7 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.

6.12.8 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.

6.12.9 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.

6.12.10 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 LUC.

Sec. 6.13 Development Impact Fees

6.13.1 Purpose

The purpose of these regulations is to prescribe the procedure whereby developers of land shall pay an impact fee as set forth in this LUC for the purpose of providing the public facilities needed to serve future residents and users of such development, and specifically to:

- A.** Ensure that adequate facilities are available to serve new growth and development;
- B.** Promote orderly growth and development by establishing uniform standards by which the County may require that those who benefit from new growth and develop shall pay a proportionate share of the cost of new public facilities needed to serve new growth and development;
- C.** Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements;

- D. Collect and expend development impact fees pursuant to the enabling powers granted by the provision of the Impact Fees Act, Title 11, Code 36, Utah Code;
- E. Provide the legal and procedural basis for the implementation of development impact fees within the area of impact; and
- F. Ensure that any public facility improvement funded wholly or in part with impact fee revenue shall first be included in the most recent Development Impact Fee Report (Addendum B) that lists the public facility improvements that may be funded with impact fee revenues as well as the estimate costs each improvement.

6.13.2 Applicability

- A. The provisions of this section shall apply uniformly to all development that occurs within the study area outside the city of Moab and other incorporated areas of Grand County.
- B. The provisions of this section shall not apply to the following:
 - 1. To any residential remodeling project or other improvement where a new dwelling unit is not created or does not increase the number of service units; however, the provisions of this LUC shall apply to remodels for a bed and breakfast facility which requires a conditional use permit;
 - 2. To any non-residential remodeling or reconstruction project that does not result in an increase of gross floor area. In cases where increased gross floor area is created, the fee shall only apply to the actual increased gross floor area, not to the existing gross floor area;
 - 3. To a mobile home unit that is to occupy a space for which a fee has been previously paid;
 - 4. Placing a temporary construction trailer or office on a lot;
 - 5. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity, public facility improvements; or
 - 6. Any development of vacant land where an impact fee has been previously paid if the development does not intensify the public facility demand from the pre-existing use for which the fee was paid. If the development intensifies the demand on public facilities from the previous land use for which a fee was paid, that portion of the development creating the intensification is subject to an impact fee.
- C. An exemption must be claimed by the fee payer upon application for a building permit. Any exemption not so claimed shall be deemed waived by the fee payer. Applications for exemption shall be submitted to and determined by the County Administrator, or his/her duly designated agent, within 90 days. Appeals of the Administrator's determination shall be made in accordance with the provisions of Sec. 9.13, Appeals of administrative decisions.

6.13.3 Collection of Impact Fees

No building permit shall be issued for a development unless the impact fee is paid pursuant to this LUC.

- A. The development impact fee shall be paid and collected at the time of issuance of a building permit.
- B. A mobile home unit may not locate on a mobile home site unless the impact fee is paid pursuant to this LUC or has not been paid on a previous mobile home unit on the same site. The fee will be due the earlier of the following:
 - 1. The date the mobile home/manufactured home is located on its site.
 - 2. The date the County is requested to turn on utilities to the site, which utilities shall not be provided until the impact fee is paid.
 - 3. In the case of mobile home subdivisions, on or before the time of final plat approval for the subdivision or any phase thereof.
- C. The amount of the impact fee shall be calculated using the methodology contained in Addendum B, entitled the "Development Impact Fee Report", dated April 3, 1997, or its

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successor, and shall be set by County Council resolution. This fee may be modified by the County Council from time to time to account for added or deleted facilities, modifications to costs, etc.

- D. Impact fees shall not exceed the cost of providing public facility improvements for which the need is reasonably attributable to those developments that pay the fees. The fees shall be spent on new or enlarged public facility improvements that reasonably benefit those developments that pay the fees.
- E. In the event payment is dishonored, the County shall have all lawful remedies including but not necessarily limited to the withholding of utility services, the imposition of reasonable interest and penalties, the imposition of liens pursuant to Utah Code, the withholding of other County approvals required for the development of other properties owned by the fee payer, and/or the issuance of "stop work" orders, and/or the revocation or suspension of the building permit.

6.13.4 Public Facility Improvement Projects

The public facility improvement projects to be financed by the impact fee are those as listed in the "Grand County, Moab Public Facilities Analysis," dated July 16, 1996 and the "Development Impact Fee Report", dated April 3, 1997, or its successor, incorporated herein by reference (available in the County Building Department). The County Council may amend this list of public facility improvement projects from time to time by County Council resolution.

6.13.5 Calculation of Impact Fees

- A. The County shall calculate the amount of the impact fee due for each building permit and manufactured/mobile home installation permit by the procedure set forth in the "Development Impact Fee Report", dated April 3, 1997, or its successor, within 30 days of the submittal of complete building permit plans for residential development and within 60 days of submittal of complete building permit plans for non-residential development.
- B. The County Council has the ability to authorize an adjustment to the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases and to ensure that the impact fee is imposed fairly. The County Council may waive part or all of the impact fee for an affordable housing development, upon receipt of a favorable recommendation for such waiver from the Grand County Planning Commission. The Planning Commission shall review the need for affordable housing in the price range and under the terms proposed by the developer. The Planning Commission shall also determine how the development will guarantee delivery of affordable housing in order to justify a favorable recommendation for waiver of impact fees to the County Council.
- C. If the development for which a building permit is sought contains a mix of uses, the impact fee may be calculated for each type of use.
- D. Prior to making an application for a building permit, a prospective applicant may request a non-binding impact fee estimate from the County, which shall base such estimate on the development potential of the particular site in gross square footage of floor area or number of dwelling units given the maximum intensity permitted by existing zoning.
- E. For purposes of assisting in the calculating impact fees, the most recent Development Impact Fee Report (Addendum B) shall provide trip generation rate lists by individual land uses. These lists may be modified by the County Council from time to time to reflect changes in local conditions.
- F. Individual assessment of impact fees is permitted in situation where the fee payer can demonstrate by clear and convincing evidence based upon studies and data submitted by the fee payer that the established impact fee is inappropriate.

6.13.6 Administration of Impact Fees

- A. **Transfer of Funds to County Treasurer**
Upon receipt of impact fees, the County Treasurer, or his/her designated agent, shall be responsible for placement of such funds into separate accounts for each public facility identified

in the most recent Development Impact Fee Report (Addendum B). All such funds shall be deposited in interest-bearing accounts in a "qualified depository" as defined by the Utah Money Management Act. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.

B. Establishment and Maintenance of Accounts

The County Treasurer, or his/her designated agent, shall establish separate accounts and maintain records for each such account as previously defined.

C. Maintenance of Records

The County Treasurer, or his/her designated agent, shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the most recent Development Impact Fee Report (Addendum B); and that shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.

D. Review and Modification

Unless the Council determines some other time period is appropriate, the County shall at least once every 5 years commencing from the date of the original adoption of the "Grand County, Moab Public Facilities Analysis", July 16, 1996, review the development potential of the County and update the Public Facilities Analysis and make such modifications as are deemed necessary as a result of:

1. Development occurring in the prior year(s);
2. Public facility improvements actually constructed;
3. Changing facility needs;
4. Inflation;
5. Revised cost estimates for public facility improvements;
6. Changes in the availability of other funding projects;
7. Time-price differential; and
8. Such other factors as may be relevant.

E. Credits and Reimbursement

1. In calculation of development impact fees for a particular project, credit or reimbursement shall be given for the present value of any construction of public facility improvements or contribution or dedication of land or money required by the County from the developer for public facility improvements of the category for which the development impact fee is being collected. Credit or reimbursement shall not be given for project improvements.
2. If a developer is required to construct, fund or contribute public facility improvements in excess of the development project's proportionate share of public facility improvement costs, the developer shall receive a credit on future impact fees or be reimbursed at the developer's choice for such excess construction, funding or contribution from development impact fees paid by future development which impacts the public facility improvements constructed, funded or contributed by the developer(s) or fee payer.
3. If credit or reimbursement is due to the fee payer pursuant to this section, the County shall enter into a written agreement, with the fee payer, negotiated in good faith, prior to the construction, funding or contribution. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement.
4. No credits shall be given for the construction of local on-site facilities, structures, improvements, or other project improvements required by zoning, subdivision, or other County regulations unless the improvement is identified in the "Report" as a public facility improvement.

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5. Any person requesting such credit or reimbursement shall submit their request in writing on a form provided by the County and present documentation of costs or payments for facilities to the County Treasurer or his/her designated agent for use in determining the amount of credit or reimbursement to be given. Requests for credit or reimbursement shall be submitted to the County Treasurer prior to the issuance of a building permit or manufactured/mobile home installation permit. The determination shall be made no more than 45 days after complete documentation is submitted to the County Treasurer. Any appeal from such a determination by the County Treasurer shall be pursuant to Sec. 9.13 of this LUC.

F. Refunds

The current owner of record of property on which an impact fee has been paid may apply for a refund of such fee plus interest earned if:

1. The County, after collection the fee when service is not available, has failed to appropriate and expend the collected development impact fees pursuant to Title 11-36-302.(2) Utah Code;
2. The building permit for which the impact fee has been paid has lapsed due to non-commencement of construction;
3. The project for which a building permit has been used has been lawfully altered resulting in a decrease in the amount of the impact fee due; or
4. The request for refund must be in writing and submitted to the County Treasurer on a form provided by the County for such purpose. The owner shall provide such documentation as the County Treasurer may require to prove such satisfaction, reconveyance, or releases from contract sellers, mortgagees, lien holders, and/or others having an interest in the real property for which an impact fee has been paid.
5. The request for refund must be submitted to the County Treasurer or his/her duly designated agent within the time allowed by law.
6. Within 90 days of the date of receipt of a request for refund, the County Treasurer or his/her duly designated agent must provide the petitioner, in writing, with a decision on the refund request including the reasons for the decision. If a right to refund exists, the County is required to send a refund to the owner of record within 90 days after it is determined that a refund is due. A refund shall include a refund of the interest earned since the County's acceptance of the impact fee.
7. The property owner may appeal the determination of the County Treasurer or his/her duly designated agent to the County Council.

G. Appeals

1. Any person or entity as identified in Title 11-36-401(1) of the Utah Code may file a declaratory judgment action challenging the validity of the fee.
2. Any person or entity that has paid a fee may appeal the written determination of the applicability and amount of the development impact fee, or refund, or any discretionary action or inaction by or on behalf of the County or the County Council.
3. The person or entity must file a notice of appeal to the County Council with the County Recorder within 30 days following the payment of the impact fee, the written determination regarding an impact fee, a discretionary action or inaction. When filing an appeal, the appellant shall submit a letter providing a full explanation of the request, the reason for the appeal, as well as all supporting documentation.
4. The County Council must make its decision regarding any appeal no later than 30 days after the date the appeal is filed.
5. Within 90 days of the County's decision regarding the appeal or within 120 days after the date the appeal is filed, whichever is earlier, any party to the administrative action who is adversely affected by the County Council's decision may petition the district court for review of the decision.

6. The filing of an appeal shall not stay required payment of the impact fee, however fee payer can pay a development impact fee under protest in order to obtain development approval or building permit.
7. Upon voluntary agreement by the appellant and the County, any disagreement related to the impact fee for the proposed development may be mediated by a qualified independent party.
8. Mediation may take place at any time during the appeals process and participation in mediation does not preclude the appellant from pursuing other remedies provided for in this LUC or state law.
9. Mediation costs shall be shared equally by the appellant and the County

6.13.7 Extraordinary Impacts

- A. In determining the proportionate share of the cost of facility improvements to be paid by the developer, the County Administrator or his/her designated agent shall consider whether any extraordinary costs will be incurred in serving the development based upon an extraordinary impact as defined earlier. This determination shall be made prior to issuance of any permit for development and shall be paid prior to any such issuance except as may be provided pursuant to a private agreement between the parties as authorized by Utah Code.
- B. If the County Administrator or his/her designated agent determines that the development will result in an extraordinary impact, it shall advise the fee payer in writing what the extraordinary impact is, the reason for the extraordinary impact, and the estimated costs to be incurred as a result of the extraordinary impact.
- C. Nothing in this section shall obligate the County to approve any development which results in an extraordinary impact.
- D. The fee payer may appeal the determination of an extraordinary impact or the amount of extraordinary costs incurred in writing by filing a notice of appeal to the County Council. When filing an appeal, the fee payer shall submit a letter providing the reason for the appeal along with supporting documentation. The County Council shall consider the appeal and make a final determination within 30 days of receipt of the written appeal.

6.13.8 Bonding Excess Facility Projects

- A. The County may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of public facility improvement projects. Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other County revenues as may be allocated by the County Council. Impact fees paid pursuant to this LUC, however, shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of public facility improvements as specified herein.
- B. Effect of impact fee on zoning and subdivision regulations, impact fee as additional and supplemental requirement.

6.13.9 Effect of Impact Fee on Zoning and Subdivision Regulations

This LUC shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of public facility improvements subject to the zoning and subdivision regulations or other regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such development.

6.13.10 Impact Fee as Additional and Supplemental Requirement

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the County for the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the comprehensive plan, the Public Facilities Analysis, and other County policies, ordinances, and resolutions by which the County seeks to

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ensure the provision of public facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for public facility improvements in an amount in excess of the amount calculated pursuant to this LUC; but, provided that a property owner when allowed by law may be required to pay, pursuant to County ordinances, regulations, or policies, for other public facility improvements in addition to the impact fee for improvements as specified herein.

6.13.11 Development Impact Fee Report

Addendum B entitled the Development Impact Fee Report dated April 3, 1997, or its successor, is by this reference incorporated herein as if set forth fully along with all footnotes, exhibits, appendices, and other attachments referenced therein.

Sec. 6.14 Affordable Housing

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 Council 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 3 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 Council may impose additional restrictions, such as limitations on income relative to area median income (AMI) for Grand County, and household net worth as necessary to achieve the proposes of this district. For purposes of this section, such net worth shall not exceed 150 percent of Grand County's average household income.
- D.** The County Council, or its designee, shall approve or otherwise qualify all occupants prior to any employee unit sales, rental or occupancy.
- E.** The County Council, or its designee, shall approve the deed restriction prior to any unit sales, rental or occupancy.

Commentary:

This document may be amended following the pending completion and adoption of the Grand County Affordable Housing Plan.



Article 7 Subdivision Standards

Sec. 7.1 Scope and Applicability

7.1.1 Applicability

All plats and subdivision of land within the unincorporated portion of Grand County shall conform to the following rules and regulations.

7.1.2 Creation of Building Site

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one (1) of the following conditions:

- A. The lot or tract and is part of a plat of record, properly approved by the Grand County Council and filed in the plat records of Grand County, Utah, in which event a Building Permit for only one (1) principal use conforming to all the requirements of this LUC; or
- B. The parcel, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the original subdivision regulations of Grand County in which event a Building Permit for only one (1) principal use conforming to all the requirements of this LUC may be issued on each such original separately-owned parcel without first complying with Section 7.1.20.

Sec. 7.2 Building lots

7.2.1 Lot Configuration

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the zoning district. In addition, such lot configuration shall be in accordance with the General Site Planning Standards of Sec. 6.9. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

7.2.2 Side Lot Lines

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission.

7.2.3 Street Frontage Required

Each lot or building tract shall front upon a public street.

7.2.4 Double Frontage Lots

Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.

7.2.5 Flag Lots

Notwithstanding other provisions of this LUC to the contrary, flag shaped or panhandle shaped lots may be created in any zone if all of the following requirements are met:

- A. The lot has at least 20 feet of frontage on a dedicated public street, which frontage served as access only to the subject lot or parcel.
- B. The "handle" portion of the lot is at least 20 feet in width, and not more than 250 feet in length.
- C. The body of the lot meets the lot area and lot width requirements of the applicable zone.

7.2.6 Large Lots

Where the area is divided into larger lots than for normal County building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street

layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this LUC and the minimum standards specified by the zoning district.

Sec. 7.3 Streets

7.3.1 Applicability

On and after the passage of these regulations, all developers shall be required to construct asphalt or bituminous asphalt (chip and seal) streets in accordance with requirements of the Grand Construction Standards.

7.3.2 Street Layout

Unless otherwise approved by the Planning Commission, provisions shall be made for the extension of streets and in accordance with the requirements of the Grand County Transportation Plan. All streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Where the layout of streets is not shown in the Grand County Transportation Plan, the arrangement of streets in a subdivision shall either:

- A.** Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
- B.** Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate.

7.3.3 Street Connections

The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision; and where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision unless such reserve strips are conveyed to the County in fee simple.

7.3.4 Half Streets

Half streets shall be prohibited except where essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half of a street when the adjoining property is subdivided.

7.3.5 Street Intersections

More than 2 streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise and all intersections shall be as near 90 degrees as possible and in no case shall the intersection angle be less than 80 degrees.

7.3.6 Street Jogs

Non-intersecting streets with centerline offset of less than 125 feet shall not be approved.

7.3.7 Dead-End Streets

Dead-end streets, except for cul-de-sacs, shall be prohibited unless they are designed to connect with future streets on adjacent lands that have not been platted. In cases where these types of dead-end streets are allowed, a temporary turnaround of 100 feet shall be constructed.

7.3.8 Cul-De-Sacs

Cul-de-sacs shall not exceed 1000 feet in length or serve more than 20 dwelling units and shall have a turnaround diameter of 100 feet, subject to the limitations of the Grand Construction Standards. Ordinarily, cul-de-sacs are discouraged as they do not result in a continuation or conformance to existing streets or streets pattern, and may be used only where unusual drainage or land ownership configurations exist that make other designs impractical.

7.3.9 Highway Access Permit

A Highway Access Permit must be approved by UDOT for each new subdivision with direct access to a state highway. Turn lanes, frontage road(s), curb and gutter may be required along the entire highway frontage if required by UDOT.

7.3.10 Street Design Standards

Street and alley widths, curves, grades design speed and centerline radius shall meet the Grand Construction Standards, which is summarized, in part, as follows:

| STREET DESIGN STANDARDS | | | | | | |
|--------------------------------|------------------------|------------------------|--------------|--------------------|---------------------|-----------------------------|
| Design Features | Major Collector | Minor Collector | Local | Public Lane | Private Lane | Private Access Tract |
| Number of lanes | 4 | 2 | 2 | 2 | 2 | 2 |
| Lane width (ft.) | 12' | 12' | 11' | 11' | 11' | 8' |
| Surface width (ft.) | 60' | 50' | 38' | 24' | 24' | 16' |
| Rights-of-way width (ft.) | 80' | 66' | 56' | 56' | 44' | 24' |
| Design speed (mph) | 35 | 35 | 25-30 | 20-30 | 20-30 | 10-15 |
| Maximum grade (%) | 8% | 8% | 10% | 12% | 12% | 12% |
| Min. centerline radius (ft.) | 450' | 450' | 250' | 150' | 150' | 75' |

A. Street Grade and Curves

Streets may have a maximum grade of 8 to 12 percent, as specified in this subsection, above. Centerline grade changes with an algebraic difference of more than 2 percent shall be connected with vertical curves of sufficient length to provide a minimum 200 feet of sight distance. No vertical curve shall be less than 200 feet in length.

B. Street Curve Radii

All collectors shall have a minimum horizontal radius of 250 feet and lanes, 150 feet, unless the County Council approves a lesser radius.

C. Construction and Dedication of Internal Streets

Streets shall be constructed by the developer and dedicated to the County, along with all necessary rights-of-way, with no pro-rata share from the County.

D. Turn By-Passes and Turn Lanes

Right-turn by-passes or left-turn lanes may be required at the intersection of collector streets if traffic conditions indicated they are needed. Sufficient rights-of-way shall be dedicated to accommodate such lanes when they are required.

E. Street Names and Numbers

All street names shall be as established subject to approval of the Planning Commission. When streets are in alignment with existing streets, any new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing streets within the County or its environs. Street numbers shall be assigned by the Building Official.

Sec. 7.4 Sidewalks and Trails

7.4.1 Applicability

- A. This section is intended to ensure adequate pedestrian access is available to serve uses that need and benefit from such access. Subdividers shall be required to build sidewalks along both sides of all streets adjacent to building sites in the NB, GB, and HC districts and adjacent to building sites in all residential zone districts and in the NB, Neighborhood Business District, and the GB, General Business District,, except where the average lot size is more than ½ acre. In addition, subdividers shall be required to build sidewalks along both sides of Highway 191 in the HC, Highway Commercial District within one (1) mile of Moab City limits. Alternatively, the Planning and Zoning Commission may require trails in lieu of sidewalk requirements, where trails are more appropriate to serve the proposed use and site.
- B. 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.
- C. If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation per 9.2.8, Interpretations of Text and Zoning Map, may be submitted to the Zoning Administrator describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

7.4.2 Sidewalks

Sidewalks shall be 5 feet in width in the NB, Neighborhood Business District and in the GB, General Business District; or 6 feet in width if installed adjacent to a curb. Sidewalks built in all other districts shall be 4 feet in width. The construction specification of all sidewalks will conform to the Grand Construction Standards (maintained in the office of the Grand County Road Superintendent).

7.4.3 Trails

Trails in Grand County shall be designed as multi-use trails and shall conform to the following standards:

| TRAIL DESIGN STANDARDS | | | | | | | | | |
|-------------------------|---------------|-------------|--------------|------------|----------|-------------------|--------|---------|----------|
| | X-Slope Range | Tread Width | R.O.W. Width | Clearing | | Surface Materials | | | |
| | | | | horizontal | vertical | natural | gravel | asphalt | concrete |
| Multi-use Trails | 0-10% | 8' | 15' | +3' | 10' | Pref. | Pref. | No | No |

Sec. 7.5 Street lighting

The developer shall pay the costs of purchasing and installing all street lighting equipment. Street lighting design plans shall be subject to the approval of the County. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. All street lighting shall be shielded and directed toward the ground so as to minimize horizontal view and visibility of the light source.

Sec. 7.6 Easements

7.6.1 Utility Easements Required

Utility easements shall be provided in all residential areas unless otherwise approved by the Planning Commission and in commercial and industrial districts, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

7.6.2 Minimum Width

The minimum rights-of-way width of each utility easement shall be 10 feet.

7.6.3 Utility Easements

Utility easements shall be provided of 10 feet in width on each side of all rear lot lines and 5 feet in width on each side of side lot lines. Where the rear or side lot lines abut property outside of the subdivision on which there are no rear or side lot line easements at least 5 feet in width, the easements on the rear and side lot lines in the subdivision shall be 10 feet in width.

7.6.4 Potable Water and Sewer Easements

Water and sewer easements shall be a minimum of 20 feet in width.

7.6.5 T-Intersections and Cul-De-Sacs

Easements 20 feet in width shall be provided in T-intersections and cul-de-sacs for the continuation of utilities or drainage improvements, if necessary.

7.6.6 Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the Fire Chief.

7.6.7 Drainage Easements

When a proposed subdivision is traversed by an irrigation ditch or channel, natural creek or stream or a proposed drainage easement, an easement shall be provided sufficient for drainage and to allow for maintenance of the ditch.

7.6.8 Trail Easements

When a proposed subdivision is traversed by a public trail shown on an adopted plan or when the Planning Commission finds that a trail easement can better serve the proposed development than a sidewalk, a 15 feet wide easement shall be provided sufficient for public trail construction, maintenance and access purposes in accordance with the provisions of Sec. 7.4.

7.6.9 Adjoining Areas

When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements.

Sec. 7.7 Drainage

7.7.1 Applicability

A subdivider shall provide, at his expense, drainage structures in accordance with the requirements of the Grand Construction Standards, which will become integral parts of the existing street or roadway drainage system. The dimensions of all drainage structures must be approved by the County Engineer prior to installation.

7.7.2 Minimum Standards

A. Natural and Historic Drainage Ways

1. All historic flood and drainage ways as outlined in the Spanish Valley Master Storm Water Management Plan shall be protected from alteration such that their primary function as storm water facilities shall be upheld.
2. Each subdivider 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

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Sec. 7.8. Water Supply

System at such time as said system shall be extended to service the structure or development for which the plat approval is sought.

B. 100-Year Storm

All drainage and flood control facilities shall be designed at a minimum to handle 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 which the subdivision serves, and they shall be made in accordance with the approved improvement plan. The "100-year storm" referred to herein shall mean that storm run-off is calculated on the basis of a fully developed watershed.

C. Exception

Outside the Spanish Valley and the drainage basins that are tributary to Pack Creek or flow directly into the Spanish Valley, all drainage and flood control shall be based on a 10-year frequency storm.

D. Erosion

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require.

E. Catch Basins

Standard drop inlet catch basins shall be constructed.

F. Engineered Design

The County may require that improvements be designed by a Utah registered engineer.

G. Water and Sewer System Protection

Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

Sec. 7.8 Water Supply

7.8.1 General

New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. [Where private water systems are proposed, water rights information and water system design and capacity should be provided.] In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of the Grand County Health Department; the State Engineer; the Department of Environmental Quality, Southeast Utah Division; service provider(s); and other County staff. All water systems in the unincorporated portion of Spanish Valley shall be provided by or through the Grand Water and Sewer Service Agency and meet all applicable requirements of the Grand Construction Standards.

7.8.2 Culinary Water Authority

The Grand Water and Sewer Service Agency is hereby designated as the Culinary Water Authority. The written approval of the Culinary Water Authority shall be required prior to the approval of any subdivision plat.

7.8.3 Municipal and District Water Systems

If all or part of a proposed development is within 1320 feet of an approved public water system, then the applicant must obtain a written certification from the public water service provider stating that it is able to provide an adequate supply of drinking water with adequate quantity, quality and sufficient pressure to meet the needs of the proposed development based on the projected water usage of the development. Individual or common wells or other private water systems shall be permitted only when the subdivision boundary is more than 1320 feet from the nearest approved public water system able to serve the development.

Sec. 7.9 Fire Protection

7.9.1 General

All subdivisions (except Minor Record Surveys), planned unit developments, commercial developments and industrial developments shall comply with the fire protection standards of this section. New development shall provide fire protection that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed fire protection system meets this standard, the decision-making body shall give substantial weight to the recommendations of the Moab Valley Fire Marshal, the Grand County Fire Marshal, service provider(s), and other County staff.

A. In The Moab Valley Fire Protection District

All potable water lines, fire hydrants and appurtenances shall be designed and constructed to meet the Grand Construction Standards. Fire hydrants shall be provided to serve new subdivisions in the Moab Valley Fire Protection District sufficient to maintain a Class 5, or current, fire rating by the Insurance Service Office ("ISO").

B. Outside the Moab Fire Protection District

Whenever installation of fire hydrants is not practical, as determined by the Grand County Fire Marshal, the applicant shall agree to an alternate fire protection plan. An alternate fire protection plan (i.e., plans other than fire hydrants and fire protection district service) shall be subject to the approval of Grand County and the Grand County Fire Marshal. The County may approve an alternate fire protection plan that is comprised of an adequate combination of fire prevention, notification and suppression measures including, but not limited to, the following:

1. A mutual aid agreement with a nearby fire district;
2. Special service districts;
3. Plat note warnings to consumers; e.g., "fire protection may not be available";
4. Class A or B roof coverings;
5. Non-combustible or fire-resistant siding materials;
6. Emergency water supplies of 1000 gallons per minute for 2 hours per dwelling with up to 3600 square feet;
7. Fire sprinklers in all living areas, garages and mechanical (furnace) rooms;
8. Fire extinguishers and equipment;
9. Spark arrests (12 gauge welded or woven wire mesh up to ½" wire mesh) on chimneys and flues;
10. Local fire fighting forces; and/or,
11. Clustered development, surrounded by a clear zone (fuel break) of at least 100 feet.

Sec. 7.10 Sewage Disposal

7.10.1 General

New development shall provide sanitary sewage disposal that is sufficient in terms of quality, quantity and dependability for the proposed development. In making its determination as to whether the proposed sewage disposal plan meets this standard, the decision-making body shall give substantial weight to the recommendations of the Grand County Health Department, service provider(s), and other County staff.

7.10.2 Sanitary Sewer Authority

The Grand Water and Sewer Service Agency is hereby designated as the Sanitary Sewer Authority. The written approval of the Sanitary Sewer Authority shall be required prior to the approval of any subdivision plat.

7.10.3 Municipal and District Sewer Systems

If all or part of a proposed development is within 1320 feet of an approved public sewer system, then the applicant must obtain a written certification from the public sewer service provider stating that it is able to

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Sec. 7.11.Underground utilities

provide sewer service to meet the needs of the proposed development. Individual septic tank systems, or other private sewage systems, shall be permitted only when the nearest point of the subdivision boundary is more than 1320 feet from an existing approved sanitary sewer system, except that no septic systems shall be permitted within the boundaries of the Valley Aquifer Impact Zone. All sanitary sewer service and facilities in the Spanish Valley provided by or through a sewer improvement district or a municipal system shall comply with all applicable requirements of the Grand Construction Standards or municipal service requirements, as appropriate.

Sec. 7.11 Underground utilities

All utilities shall be placed underground, except transformers, switching boxes, and terminal boxes.



Article 8 Decision-making Bodies and Officials

Sec. 8.1 Planning and Zoning Commission

8.1.1 Planning and Zoning Commission Created

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

8.1.2 Land Use Authority

The Planning Commission is hereby designated as the land use authority for purposes of performing the powers and duties described in this section.

8.1.3 Organization

A. Number and Appointment

The Planning Commission shall consist of 7 members who shall be appointed by the County Council. In addition to the 7 regular members, the County Council may choose to appoint one (1) non-voting, ex-officio member of the County Council to serve as a liaison between the Council and the Commission. County Council members may not serve as regular members of the Planning Commission

B. Term of Office

1. The term of office for regular Planning Commission members shall be staggered so that the terms of at least one (1) member and no more than 3 members expire each year. As the term of each regular member expires, the vacancy thus created shall be filled by a majority vote of the County Council for a term of 4 years, so as to maintain the succession of staggered terms of service.
2. Terms of all regular members begin on January 1st and expire on December 31st of the 4th year following the year of appointment. If the County Council has not appointed a new member(s) to the Commission at the expiration of term, the current Commission member(s) will remain on the Commission until replaced by appointment of the County Council.
3. The ex-officio member shall be elected by the County Council and shall continue to serve until replaced by appointment of the County Council. The term of office for the ex-officio member shall not extend beyond that member's term as a member of the County Council.
4. If a vacancy occurs other than by expiration of term, the County Council by majority vote shall appoint a new member to fill the unexpired term.
5. Commission members may be removed for cause from office by 2/3 vote of the County Council prior to the expiration of the appointed term.

C. Method of Appointment

1. In November of each year (early as possible), the Zoning Administrator shall cause notice of appointment(s) to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without requirement for publication) in Grand County. Such notice shall state the nature and term of the appointment(s) to be made, the qualifications for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than 15 days from the date of publication.
2. All statements of interest and qualifications received shall promptly be referred to the Planning Commission for consideration and recommendation.
3. The Planning Commission may interview all or none of the applicants, as it deems necessary and appropriate, at its regular meeting or at a special meeting scheduled for this purpose in December of each year, or as soon thereafter as practical, and make recommendations for consideration by the County Council.

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Sec. 8.1.Planning and Zoning Commission

D. Qualifications

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

E. Officers and Procedures

At the first regular Commission meeting in February of each year, the first item of business shall be the selection of the Commission Chairman, Vice Chairman from the membership of the Commission.

1. The Chairman shall preside over meetings. In the event a question over procedures arises, Robert's Rules of Order shall prevail.
2. The Commission shall create and fill other offices as it deems necessary.
3. The recording of minutes of all Commission meetings shall be the responsibility of the County.
4. A majority of the appointed members of the Commission shall constitute a quorum to do business, and the affirmative vote of at least 4 of the members in attendance shall be necessary to pass any motion.
5. The Commission may establish additional rules and procedures to govern its operation.
6. The Commission shall hold at least one (1) regular meeting on the first Wednesday of each month. Agendas for all meetings as directed by the Chairman shall be provided by staff to all members at least 3 days prior to the meeting. The Chairman may call a special meeting(s) at any time with at least 5 days notice to all members. All meetings shall be public and shall abide by the open meeting law according to state statutes.
7. Failure of any appointed member to attend 3 unexcused consecutive meetings of the Commission may be cause for written notification that his/her position will be vacated.
8. Any officer elected by the Commission may be removed by two-thirds (2/3) vote of the total membership when, in its judgment, the best interest of the program will be served.

8.1.4 Powers and Duties

The Planning Commission shall have the following powers and duties:

- A. To recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein under this Code consistent with the policy guidance of the General Plan and the laws of the State of Utah to the County Council and to recommend approval or denial of zoning changes and regulations under this Code;
- B. To hear, recommend or determine any matter relating to zoning, planning or subdivision control as they may be specified or required under this Code or applicable laws of the State of Utah;
- C. To make and recommend a General Plan for the physical development of the County subject to the approval of the County Council, which in the Commission's judgment bear relation to the planning of Grand County (Title 17-27-204 of the Utah Code);
- D. To conduct an annual review of the Grand County General Plan for the purpose of determining what is important to the community and whether or not amendments should be considered; and
- E. To exercise the duties and powers as may be now or hereafter conferred by this Code and the applicable laws of the State of Utah.

Sec. 8.2 Board of Adjustment

8.2.1 Board of Adjustment Created

There is hereby created a board known as the Board of Adjustment.

8.2.2 Appeal Authority

The Board of Adjustment is hereby designated as the appeal authority for purposes of performing the powers and duties describe in this section.

8.2.3 Number and Appointment

The Board of Adjustment shall consist of 5 members who shall be appointed by the County Council. No member of the County Council or Planning and Zoning Commission shall serve on the Board of Adjustment.

A. Term of Office

1. The term of office for Board of Adjustment members shall be staggered so that the term of at least one (1) member and no more than 2 members' terms expire each year. As the term of each member(s) expires, the vacancy thus created shall be filled by a majority vote of the County Council for a term of 4 years.
2. Terms of office for all Board of Adjustment members begin on January 1st and expire on December 31st of the 3rd year following the year of appointment. At the expiration of said term, including any terms expiring after the adoption of this section, the successor shall be appointed by the County Council so as to maintain the succession of staggered terms of service. All Board members shall continue to serve as voting members of the Board until replaced by appointment of the County Council.
3. If a vacancy occurs other than by expiration of term, the County Council by majority vote shall appoint a new member to fill the unexpired term.
4. Board members may be removed for cause from office by 2/3 vote of the County Council prior to the expiration of the appointed term.

B. Method of Appointment

1. In November of each year (early as possible), the County Administrator shall cause notice of appointment(s) to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without requirement for publication) in Grand County. The Planning Department shall be responsible for the costs involved with the advertisement. Such notice shall state the nature and term of the appointment(s) to be made, the qualifications for such appointment, request written statements of interest and qualifications, and establish a deadline for submittal of such statements, which time shall not be earlier than 15 days from the date of publication.
2. The County Administrator shall receive all letters of interest and review them to determine if the applicable qualifications are met. Those that are qualified will be forwarded to the Board of Adjustment for consideration and recommendation.
3. The Board of Adjustment may interview all or none of the applicants, as it deems necessary and appropriate, at its regular meeting or at a special meeting scheduled for this purpose in December of each year and shall forward its recommendation(s) for consideration by the County Council within 30 days of receipt of the applications. The County Council may attend the interviews

C. Qualifications

Each Board of Adjustment member shall be a legal Grand County resident.

D. Officers and Procedures

1. Members of the Board shall elect from their members a Chairman to serve for a term of one year and may adopt such rules as may be necessary for the conduct of its business.

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Sec. 8.3.Zoning Administrator

2. The Chairman shall preside over meetings. In the event, a question over procedures arise, Robert's Rules of Order shall apply.
3. The recording of the minutes of the Board of Adjustment meetings shall be the responsibility of the staff.
4. The Board of Adjustment may adopt rules to govern its proceedings and conduct of the business before the Board provided, however, that such rules are not inconsistent with this Code or Statutes of the State of Utah.
5. Meetings of the Board of Adjustment shall be called by the Chairman, and at such other times as the Board may determine. Such Chairman or, in his or her absence, the vice Chairman shall administer oaths and compel attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Minutes of its proceedings shall be kept by the staff showing the vote of each member upon such question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Adjustment and shall be a public record.
6. The concurring vote of 3 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the County Staff, or to decide in favor of the Applicant on any matter upon which the Board is required to act under this Code or to grant any Variance authorized by this Code.
7. The filing fee for every application or petition to be submitted to the Board of Adjustment shall be calculated to cover the cost of legal publications, accumulation of data, administrative cost and all other costs incurred by the County in the review and processing of the application or as provided for in the fee schedule adopted by resolution of the County Council. In the event any person appealing to said Board of Adjustment is dissatisfied with the ultimate decision of said Board of Adjustment, the expense of reproducing the record before that Board shall be at the expense of the Appellant.

8.2.4 Powers and Duties

The Board of Adjustment shall not have the power to waive or modify the terms or requirements of the zoning ordinance; rather, it shall have the following powers, and shall have the power to impose reasonable conditions to insure compliance and protect adjacent property:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative board or official in the enforcement of this Ordinance pursuant to Sec. 9.13 of this Code and Title 17-27-704 Utah Annotated Code, 1953, as amended.
- B. To permit Variance or modifications of the height of structures, yard, area, and parking regulations pursuant to Sec. 9.14 of this Code and Title 17-27-707 Utah Annotated Code, 1953, as amended.

Sec. 8.3 Zoning Administrator

There is hereby created an official administrative position know as the Zoning Administrator. The Zoning Administrator shall be appointed by, directed by, and serve at the pleasure of the County Council. The Zoning Administrator shall have the following jurisdiction, authority and duties:

- A. **Issue Zoning Development Permits**
The Zoning Administrator shall issue Zoning Development Permits as required by Sec. 9.18, Zoning development permits, prior to the issuance of any Building Permit.
- B. **Administer the LUC**
The Zoning Administrator administers the LUC and has those powers and duties expressly assigned to him/her under this LUC and otherwise delegated or assigned to him/her in accordance with County policy.

C. Enforce the LUC

The Zoning Administrator shall enforce the provisions of this LUC.

D. Interpret the LUC

The Zoning Administrator shall have the authority to make all interpretations of the LUC and the boundaries of the zoning district map.

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

Sec. 8.4 Building Official

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

8.4.1 Issue Building Permits

The Building Official shall issue applicable permits to allow construction activities which have received a Zoning Development Permit pursuant to the procedures in this LUC and deny Building Permits for activities which have not received a Zoning Development Permit.

8.4.2 Interpret and Enforce the Building Code

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

8.4.3 Enforce the LUC

The Building Official shall enforce the provisions of this LUC.

Article 9 Administration and Procedures

Sec. 9.1 Common Procedure

9.1.1 Conformity with Land Use Code

Every official and employee of Grand County vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building, or purpose that conflicts with any provision of this LUC. Any permit, approval, or certificate issued in conflict with the provisions of this LUC shall be null and void.

9.1.2 Preapplication Conference

Prior to the submission of an application required by this LUC, a preapplication conference with the Zoning Administrator may be required as follows.

A. Preapplication Mandatory Conference

A mandatory Preapplication Conference with the Zoning Administrator to discuss procedures, standards, or regulations shall be required for:

1. Subdivision Sketch Plan;
2. Preliminary Plat;
3. Minor Subdivision Plat;
4. Recreational Subdivision; and
5. Conditional Use Permits;

B. Optional Conference

A preapplication conference is recommended for all other applications. Applicants are encouraged to attend an optional preapplication conference with the Zoning Administrator prior to submitting any application. (The preapplication conference provisions of this section do not apply where the application or action is initiated by the County Council or Commission.)

9.1.3 Minimum Submission Requirements

The following regulations shall apply to all applications.

A. Property Owner Endorsement

All applications shall include the name and signature of the current property owner of all property within the boundaries.

B. Preliminary Title Report

All applications required under this LUC shall include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.

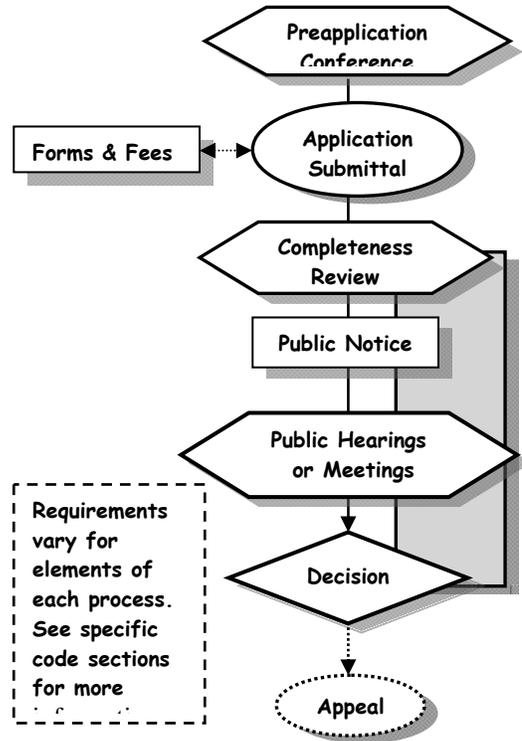
C. Forms and Content

Applications required under this LUC shall be submitted on forms, with any requested information and attachments and in such numbers as required by the Zoning Administrator. The Zoning Administrator shall have the authority to request any pertinent information required to ensure compliance with this LUC. Likewise, the Zoning Administrator may waive any submittal requirements deemed irrelevant in a given application.

D. Electronic Submission

Plats shall be prepared and submitted in digital format acceptable to the Zoning Administrator and compatible with the County's geographic information system. Plats shall be submitted in the latest version of AutoCAD, or other format compatible with the County GIS as may be

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specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

E. Fees

1. Filing fees shall be established periodically by resolution of the County Council commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing, and review costs, planning and engineering, legal, and other professional review and inspection costs.
2. All required fees shall be made payable to "Grand County."
3. All required fees shall be non-refundable.

F. Vicinity Map

A vicinity map [which may be a USGS one inch equals 2000 feet scale] shall locate the property relative to surrounding areas.

9.1.4 Application

All applications shall be completed and submitted to the Zoning Administrator at least 30 days prior to any desired agenda date. An application shall not be considered as officially submitted until it has been found to be complete in accordance with Sec. 9.1.6.

9.1.5 Summary of Land Use Authority

Land use authority for the respective land use review procedures is described below

| SUMMARY OF LAND USE AUTHORITY | | |
|--|----------------------|------------|
| Application Type | Land Use Authority | Reference |
| Interpretations of Text and Zoning Map | Zoning Administrator | Sec. 9.2.8 |
| Zoning Map (Rezoning) and Text Amendments | County Council | Sec. 9.2 |
| Sketch Plan | Planning Commission | Sec. 9.3 |
| Preliminary Plat | County Council | Sec. 9.4 |
| Final Plat | County Council | Sec. 9.5 |
| Minor Record Surveys | Zoning Administrator | Sec. 9.7 |
| Recreational Subdivisions | County Council | Sec. 9.7.1 |
| Replats and Exemption Plats | County Council | Sec. 9.9 |
| Lot Line Adjustments | Zoning Administrator | Sec. 9.10 |
| Conditional Use Permits | County Council | Sec. 9.11 |
| Appeals of Administrative Decisions | Board of Adjustment | Sec. 9.13 |
| Variances | Board of Adjustment | Sec. 9.14 |
| Variances (in conjunction with Subdivision Review) | County Council | Sec. 9.14 |
| Sign Permits | Zoning Administrator | Sec. 9.15 |
| Temporary Use Permits | Zoning Administrator | Sec. 9.16 |
| Site Plan Reviews | Zoning Administrator | Sec. 9.17 |
| Zoning Development Permits | Zoning Administrator | Sec. 9.18 |
| Building Permits | Building Official | -- |
| Certificates of Occupancy | Building Official | Sec. 9.19 |

9.1.6 Certification of Completeness

An application shall be considered submitted only after the Zoning Administrator certifies that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official responsible for accepting the application within 5 working days of application filing. If an application is determined to be incomplete, the Zoning Administrator shall contact the applicant to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 15 days, the application shall be considered withdrawn.

9.1.7 Vested Development Rights

Complete applications shall be considered complete when the requirements in place at the time have been met and certified by the Zoning Administrator. However, such application shall be subject to pending amendments to the LUC that are initiated prior to such certification.

9.1.8 Required Public Notices

A. Summary of Notice Requirements

Notice shall be required for development review as shown in the table below.

| Application Type | Published | Posted |
|-------------------------------------|-----------|--------|
| Appeals of Administrative Decisions | X | |
| Conditional Use Permits | X | X |
| Preliminary Plat | X | X |
| Replats | X | X |
| Text Amendments | X | |
| Zoning Map Amendments (Rezoning) | X | X |
| Variances | X | X |

B. Notice Requirements

All required public notices shall be accomplished in accordance with the following requirements:

1. Publication

The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County not less than 10 calendar days prior to the hearing for the purpose of notifying the public of the time and place of such public hearing.

2. Mailing

As an alternative to the above publication requirements, the County may mail notice of the public hearing not less than 3 days prior to the hearing to the record owner of each parcel within 100 feet of the property that is the subject of a land use application.

3. Posting

- a. The Applicant shall post a sign, provided by the County, noticing the public hearing in a prominent place on the land area proposed for a rezoning with a notice of the hearing at least 10 days prior to the hearing.
- b. The County shall post notice in 3 public places or on the official County website.

C. Content of Notice

All published, posted, or mailed notices shall at a minimum state the time and place of such hearing and the nature of the subject to be considered, and the name, address, and phone number of the Applicant.

9.1.9 Required Public Hearings

The following table summarizes the types of applications requiring public hearings and the review body responsible for conducting the hearing.

| REQUIRED PUBLIC HEARINGS | | | |
|--|---------------------|--------------------------------|----------------|
| Application Type | Board of Adjustment | Planning and Zoning Commission | County Council |
| Appeals of Administrative Decisions | X | | |
| Conditional Use Permits | | X | X |
| Preliminary Plats | | X | X |
| Zoning Map (Rezoning) and Text Amendments | | X | X |
| Variances | X | | |
| Variances in conjunction with Subdivision Approval | | | X |

9.1.10 Required Applicant Notices

A. Notice of Meetings and Hearings

1. The County shall provide written notice to each land use applicant of the date, time and place of each public meeting and public hearing at which the applicant's application is to be considered.
2. All affected entities, including but not limited too; school districts, utilities, special districts, UDOT, and the AOG state planning coordinator shall be notified when considering the general plan or amendments to the general plan or multi-unit residential, commercial, industrial or subdivision approvals.

B. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the final decision on each land use application.

9.1.11 Required Municipal Notice of Urban Development

Proposed residential development with more than 15 dwelling units and an average density greater than one residential unit per acre, or any proposed commercial development with a cost projection of greater than \$750,000, that is in the municipality's proposed annexation area is subject to municipal review according to the requirements of this section:

- A. The County shall provide written notice to the municipality of the proposed development; and
- B. Within 90 days after the County's written notice of the proposed development, the municipality shall either:
 1. Consent in writing to the development; or
 2. Submit a written objection to the County's approval of the proposed development.
- C. Where the municipality chooses to submit a written objection, within a reasonable time after receiving said objection, the County shall respond in writing to the municipality's objections and make a diligent attempt to reasonably reconcile said objections.

9.1.12 Simultaneous Processing of Applications

Whenever 2 or more forms of review and approval are required under this LUC, the applications for those development approvals may be processed simultaneously at the Zoning Administrator's option and with the approval of the applicant. The simultaneous processing of applications shall be at the applicant's risk.

Sec. 9.2 Text and Zoning Map Amendments (Rezoning)

9.2.1 General

Text and Zoning Map Amendments are discretionary legislative decisions. This is true even when a proposed map amendment otherwise conforms to the applicable requirements of this code

9.2.2 Initiation of text amendment

Any person having a proprietary interest in any property may submit an application to the County Council for a change or amendment to the provisions of this LUC, or the Planning Commission may on its own motion or on request from the County Council, institute study and proposal for changes and amendments in the public interest.

9.2.3 Application for Zoning Map Amendment

Any person having a proprietary interest in any property within Grand County, Utah, requesting a change or amendment to the zoning classification of such property shall file 5 copies (neatly folded and ready for mailing) of the application for such change or amendment with the Zoning Administrator. The application shall be submitted at least 30 days prior to any desired agenda date and, at a minimum, shall include the following information:

- A. The name, address, and telephone number of the Applicant shall be provided;
- B. The application shall clearly state the requested change or amendment and describe the property to be affected by such request by metes and bounds or by other legal description;

- C. The application shall be accompanied by a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record that affect the title to the subject property;
- D. A statement from the County Treasurer showing the status of all current taxes due on said parcel;
- E. Certified boundary survey of land area to be rezoned, along with an indication of the existing zoning, predominant existing uses, and existing zoning designations within 100 feet in all directions of the boundary of the land area to be rezoned;
- F. A list of surrounding property owners and their legal mailing addresses within 100 feet of the exterior boundary of the parcel proposed to be zoned or rezoned;
- G. A statement by the Applicant explaining the rationale for the rezoning request relative to the issues for consideration imposed by Sec. 9.2.7, below; and
- H. A filing fee shall be submitted to cover the cost of review and processing with every application in accordance with the fee schedule adopted by resolution of the County Council.

9.2.4 Review by Planning Commission

Before taking action on any proposed amendment, supplement or change, the County Council shall submit the same to the Planning Commission for its recommendation and report.

A. Public Hearing Required

The Planning Commission shall hold a public hearing on any proposed amendment permit prior to making its recommendation to the County Council.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

C. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

9.2.5 Action by County Council

The County Council shall act on the zoning map or text amendment in a public hearing within 30 days after the recommendation and report of the Planning Commission.

A. Public Hearing Required

The County Council shall hold a public hearing on any application for amendment or change prior to making its decision. If County Council approves the ordinance amendment on first reading in a public hearing, a second reading shall be held by the County Council before adopting any proposed amendment, supplement or change. Following the second reading, such amendments shall become effective upon the favorable vote of a majority of the quorum of the County Council present and voting.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

C. Exception

When the zoning district map in any way is to be changed or amended incidental to, or as a part of a general revision of this LUC, whether such revision be made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, posting of notice on the land area proposed for rezoning shall not be required.

9.2.6 Notification Requirements for Text Amendment

When any such amendment relates to a change of a regulation or to the text of this LUC not affecting specific property, the County shall cause notice of the public hearing of the County Council to be given in a newspaper of general circulation in Grand County. Such notice shall state the time and place of such

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hearing and the nature of the subject to be considered, which time shall not be earlier than 10 days from the date of publication.

9.2.7 Issues for Consideration

In making its determination, the Planning Commission and the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria:

- A. Was the existing zone for the property adopted in error?
- B. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
- C. Is there a need for the proposed use(s) within the area or community?
- D. Will there be benefits derived by the community or area by granting the proposed rezoning?
- E. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines (see pages 44-48 of the Grand County General Plan)?
- F. Should the development be annexed to a city?
- G. Is the proposed density and intensity of use permitted in the proposed zoning district?
- H. Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?
- I. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- J. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?
- K. Does the proposed change constitute "spot zoning"?

9.2.8 Interpretations of Text and Zoning Map

A. Authority

The Zoning Administrator shall have the authority to make all interpretations of the text of this LUC, and the boundaries of the Official Zoning Map.

B. Requests for Interpretation

An interpretation may be requested by any affected person, any resident or real property owner in Grand County, or any person having a contractual interest in real property in Grand County.

C. Procedures

1. Submission of Request for Interpretation

Before an interpretation shall be provided by the Zoning Administrator, a request for Interpretation shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

2. Determination of Completeness

Within a reasonable amount of time after a request for Interpretation has been received, the Zoning Administrator shall determine whether the request is complete. If the Zoning Administrator determines the request is not complete, he shall serve written notice on the Applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the request for Interpretation until the deficiencies are remedied.

3. Rendering of Interpretation

After the Request for Interpretation has been determined complete, the Zoning Administrator shall render an interpretation within a reasonable amount of time. The Zoning Administrator may consult with the County Administrator and the County Attorney,

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review this LUC and the Official Zoning Map, whichever is applicable, before rendering an interpretation.

4. Form

The interpretation shall be in writing and shall be sent to the Applicant by certified mail.

5. Official Record

The Zoning Administrator shall maintain an official record of all interpretations in the County Hall, which shall be available for public inspection during normal business hours.

6. Appeal

Any person who has made a request for Interpretation may appeal interpretation of the Zoning Administrator to the County Council by filing an application within 30 days of the Zoning Administrator's decision. The date of the decision shall be the postmark date of the certified mail notifying the Applicant of the interpretation. The application shall be considered by the County Council within 30 days of its filing, and the interpretation of the Zoning Administrator affirmed or modified.

Sec. 9.3 Subdivision Sketch Plan

9.3.1 Pre-Application Conference

Prior to the filing of a subdivision sketch plan, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. As such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the pre-application conference, the subdivider may be represented by a land planner, engineer or surveyor.

9.3.2 Submittal Requirements

14 copies (neatly folded and ready for mailing) of the Subdivision Sketch Plan application submittal. The subdivision sketch plan shall include conceptual plans for the entire parcel. Such plan shall be accompanied by or show the following information:

- A.** A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the property.
- B.** Conceptual drawing
- C.** A conceptual drawing of the lot and street layout drawn at a scale of not less than 1 inch = 200 feet and including the following:
- D.** Proposed number of lots and the approximate area of the individual lots;
- E.** Topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the subdivision;
- F.** Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;
- G.** Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps;
- H.** Zone district boundaries;
- I.** General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space;
- J.** Type and layout of water supply and sewage treatment system proposed;
- K.** Acreage of the entire tract and the area to the nearest one-half acres and percent of total area to be devoted to open space;
- L.** The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown;
- M.** A vicinity-topography map (which may be a USGS one (1) inch equals 2000 feet scale) shall locate the property relative to surrounding areas; and
- N.** A filing fee shall be submitted to cover the cost of review and processing with every subdivision sketch plan in accordance with the fee schedule adopted by resolution of the County Council.

9.3.3 Application Review Procedures

A. Date of Filing

14 copies (neatly folded and ready for mailing) of the Subdivision Sketch Plan application shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The Subdivision Sketch Plan shall be considered officially filed

after application review fees which are established by resolution of the County Council have been paid and after it is examined and found to be in compliance with the general provisions of these regulations by the Zoning Administrator.

B. Distribution of Subdivision Sketch Plans

The Zoning Administrator shall distribute the Subdivision Sketch Plans immediately upon receipt to appropriate referral agencies which may include the following:

1. Zoning Administrator (2 copies);
2. Grand County Engineer (1 copy);
3. Grand Water and Sewer Service Agency (1 copy);
4. Moab Fire Protection District (1 copy);
5. Grand County Administrator (1 copy);
6. Grand County Recorder (1 copy)
7. Grand County Road Superintendent (1 copy); and
8. Remaining copies shall be provided to the Planning Commission prior to the Commission meeting at which the Subdivision Sketch Plan is considered.

C. Comments; Written Report

At least 10 days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the General Plan or other master plans such as utility plans. The report may include comments from other County departments, county, or state agencies concerned with urban development.

D. Review by Commission

1. Action by Commission

Following review of the Subdivision Sketch Plan and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall act on the Subdivision Sketch Plan in a regular meeting within 30 days after the official filing date or within a reasonable time thereafter. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

2. Items for Consideration by Commission

The Planning Commission shall, in its action on the Subdivision Sketch Plan, consider the physical arrangement of the subdivision, and determine the adequacy of street rights-of-way and alignment, the street standards of Grand County, the existing street pattern in the area and with all applicable provisions of the General Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

Sec. 9.4 Preliminary Plat

9.4.1 Pre-Application Conference

Prior to the filing of a preliminary plat, the subdivider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County and the relationship of the proposed subdivision to the General Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the pre-application conference, the subdivider may be represented by a land planner, engineer or surveyor.

9.4.2 Submittal Requirements

The subdivider or owner shall file 14 copies (neatly folded and ready for mailing) of an application requesting preliminary plat approval, a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat. The preliminary plat shall include plans for the entire parcel. The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes." Such plat shall be accompanied by or show the following information:

A. Boundary Lines and Bearings

Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.

B. Adjacent Subdivisions

The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing lots, streets, alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.

C. Intersecting Streets

The angle of intersection of the centerline of all intersecting streets.

D. Proposed Streets, Alleys and Easements

The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rights-of-way and/or easements within or affecting the area to be subdivided.

E. Proposed Blocks, Lots and Parks

The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.

F. Contours

Existing topographic contours at 5 foot intervals and all easements or rights-of-way necessary for drainage within or without the boundaries of the addition.

G. Subdivision Title and Planner

The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.

H. Dedicated Parks, Playgrounds and Other Public Uses

Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

I. Scale, North Point

1. Scale, north point, date and other pertinent data
2. The scale of the preliminary plat may be at one (1) inch equals 200 feet.
3. Name, address and telephone number
4. Property owner's name, address, and telephone number.

5. Proposed layout of utilities
6. A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.

J. Drainage Report

A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.

K. Protective Covenants

Draft of any protective covenants where the subdivider proposes to regulate land use or development standards in the subdivision.

L. Proposed Land Uses

A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.

M. Vicinity Map

A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and County limits.

N. Application Fee

A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the County Council.

O. Preliminary Master Plan

If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat; except, it may be on a scale of not more than one (1) inch to 100 feet, or other staff-approved scale.

P. Optional Architectural and Landscaping Plan

1. The County Planning Commission may require that an architectural and landscaping plan be submitted as part of a preliminary subdivision plat application. An architectural and landscaping plan may include:
 - a. An architectural plan depicting elevation drawings of the proposed development from public use area perspectives or as specified by the Planning and Zoning Commission; and
 - b. A landscaping plan depicting treatment of exterior spaces to include the species of vegetation, their size and siting.

9.4.3 Application Review Procedures

A. Date of Filing

14 copies (neatly folded and ready for mailing) of the preliminary plat application submittal (neatly folded and ready for mailing) shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees which are established by resolution of the County Council have been paid and after it is examined and found to be in general compliance with the provisions of these regulations by the Zoning Administrator.

B. Conformance with Subdivision Sketch Plan

The preliminary plat shall conform substantially to the subdivision sketch plan as approved.

C. Distribution of Preliminary Plat

1. The Zoning Administrator shall distribute the preliminary plat immediately upon receipt to appropriate referral agencies which may include the following:
2. Zoning Administrator (2 copies);
3. Grand County Engineer (1 copy);

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4. Grand County Water and Sewer Service Agency (1 copy);
5. Moab Fire Protection District (1 copy);
6. Grand County Administrator (1 copy);
7. Grand County Recorder (1 copy); and
8. Grand County Road Superintendent (1 copy).
9. The remaining copies shall be provided to the Planning Commission prior to the Commission meeting at which the preliminary plat is considered.

D. Comments; Written Report

At least 10 days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the General Plan or other master plans such as utility plans. The report may include comments from other County departments, county, or state agencies concerned with urban development.

E. Review by Planning Commission

Before taking action on any proposed amendment, supplement or change, the County Council shall submit the same to the Planning Commission for its recommendation and report.

1. Public Hearing Required

The Planning Commission shall hold a public hearing prior to making its recommendation to the County Council.

2. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

3. Action by Commission

Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall, at the first regular meeting occurring at least 30 days after the official filing date, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

4. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

F. Action by County Council

1. Public Hearing Required

The County Council shall hold a public hearing on any preliminary plat change prior to making its decision. Following the public hearing and the resolution of relevant issues such preliminary plan shall be approved upon the favorable vote of a majority of the quorum of the County Council present and voting.

2. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.4.4 Issues for Consideration

The Planning Commission and County Council shall, in their action on the preliminary plat, consider Article 7, Subdivision standards, the physical arrangement of the subdivision, and determine the adequacy of street rights-of-way and alignment, the street standards of Grand County, the existing street

pattern in the area and with all applicable provisions of the General Plan. The Planning Commission and County Council shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

9.4.5 Effect of Preliminary Plat Approval

A. Not Approval of Final Plat

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

B. Lapse of Approval

Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The preliminary approval of the subdivision shall be deemed voided unless a final plat is submitted within the 12 month period or unless the 12 month period is extended by the County Council at the request of the subdivider. Provided, however, that the approval of the preliminary plat for a multi-phase subdivision shall be deemed voided unless at least one (1) phase of the subdivision is submitted within 12 months following approval of the previous final plat for the subdivision, unless the 12 months period is extended by the County Council. The County Council may extend the approval period for one (1) or more times for good cause.

Sec. 9.5 Final Plat

9.5.1 Final Plat Submittal Requirements

The owner of land on which preliminary plat approval has been obtained shall prepare and submit: (a) a non-erasable Mylar copy, and (b) a digital copy of the final plat (including all lines, bearings, corners, and etc. necessary to describe the subject lot(s) or parcel(s), and all easements), in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet, and (c) 14 hard copies (neatly folded and ready for mailing), or more if specified by the Zoning Administrator. The plat shall be drawn to a scale of 100 feet to one (1) inch, or other scale approved by staff. The hard copy drawing shall measure 24 inches by 36 inches. When necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the Planning Commission. The final plat shall show or be accompanied by the following:

A. Control Points; Acres

The primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred shall be placed on the final plat. The area of the subdivision, in acres, shall be shown.

B. Boundary Lines and Bearings

Tract boundary line sufficient to locate the exact area proposed for subdivision, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the final plat.

C. Streets

Name and rights-of-way width of each street or other rights-of-way shall be placed on the final plat.

D. Easements

Location and dimensions of all easements shall be placed on the final plat.

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E. Lot and Block Numbers

Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the final plat.

F. Purpose of Sites

The purpose for which sites, other than residential lots, are dedicated or reserved shall be indicated on the final plat.

G. Building Lines

Minimum building setback lines when required or approved by the Planning Commission shall be placed on the final plat.

H. Monuments

Location and description of monuments shall be placed on the final plat. Monuments shall include centerline monuments at all curve points and intersections.

I. Adjacent Land

References to recorded subdivision plats or adjoining platted land by record name shall be placed on the final plat.

J. Surveyors Certificate and Legal Description

A legal description and surveyor's certificate, to, in the following form, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I am a registered Utah Land Surveyor, and that I hold certificate No. _____ as prescribed under the laws of the state of Utah, and I further certify that under the authority of the owners, I have made a survey of those lands as shown here on and described below, and that I have subdivided said tract of land into lots and streets, hereafter to be known as _____ and that same has been correctly surveyed and staked on the ground as shown on this plat.

Signature

K. Approval Certification

Certification of approval by the Planning Commission and County Council, in the following form, shall be placed on the final plat.

APPROVED this _____ day of _____, 20____, by the Planning and Zoning Commission of Grand County, Utah

Chairman

APPROVED this _____ day of _____, 20____, by the Grand County Council

Chairman

County Recorder

L. Title; Scale

A title, scale, and north point shall be placed on the final plat.

M. Street Intersections

The location of the point of intersection and points of tangency of street intersections, and the bearing and distance of each street rights-of-way center line shall be placed on the final plat.

N. Plat Identification

A positive reference and identification of the plat and date of plat shall be placed on the final plat.

O. Dedication Certificate

1. The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Utah for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
2. An accurate description of the tract of land subdivided.
3. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
4. An express dedication without reservation to the public for public use; the streets, trails, rights-of-way, school site and any other public areas shown on the attached plat.
5. A positive reference and identification of the plat of such subdivision, date of plat and surveyor or engineer responsible for the survey.

P. Tax Certificates

Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.

Q. Construction Plans and Cost Estimate

Three sets of plans for required improvements and a set of reproducible transparent sheets, 24" x 36" in size along with all data and calculations related to utilities, drainage or other construction in the subdivision and a cost estimate shall be submitted with the final plat. The construction plans shall conform to all requirements of the current Construction Design Standards for Grand County. The cost estimate shall bare the signature and seal of the design engineer. Such plans shall also show all existing or proposed surface and subsurface improvements and obstruction.

R. Subdivision Improvements Agreement and Performance Guarantee

A subdivision improvements agreement and performance guarantee for all required public improvements in accordance with the requirements of Section A.

S. Title Report

An updated title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property shall be submitted within 15 days immediately prior to final review by the County Council.

T. Filing Fee

1. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.
2. Additional submission requirements for condominium subdivisions. In addition to the above submission requirements, applications for condominium subdivisions shall be subject to the applicable provisions of Title 57-8-1 et seq., of the Utah Code.

9.5.2 Application Review Procedures

A. Date of Filing

After approval of the preliminary plat by the County Council and within 12 months of the approval date unless extended for up to one (1) additional year by action of the County Council, the subdivider may submit for approval the final plat. The application, meeting all the requirements of subsection (1) above, shall be submitted to the Zoning Administrator at least 30 days prior to the meeting at which consideration is desired. The official filing date of the final

plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator and the review fees which are established by resolution of the County Council have been paid.

B. Conformance with Preliminary Plat

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.

C. Review of Final Plat

After the presentation of the final plat application for a subdivision to the Zoning Administrator, the Zoning Administrator shall submit the application to the County Engineer, any district providing utility service for review and to any other appropriate referral agencies for review. The County Engineer and other referral agencies shall review the plans and submit comments to the Zoning Administrator for inclusion in the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the County Council.

D. Review by Commission

1. Action by Commission

The final plat shall be presented to the Planning and Zoning Commission along with any appropriate recommendation by the Zoning Administrator. The Planning and Zoning Commission shall act on the final plat within 30 days after the official filing date, or within a reasonable time thereafter.

2. Review in Stages

An owner or subdivider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this LUC with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the Planning and Zoning Commission in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle.

3. Approval by Commission

After the Planning and Zoning Commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat, subject to action by the County Council.

4. Disapproval by Commission

Final plats that are disapproved by the Planning and Zoning Commission shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.

5. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

E. Review by County Council

1. Action by County Council

The Zoning Administrator shall submit the final plat to the County Council, along with any preliminary plat conditions established by the Planning Commission preliminary plat and an appropriate recommendation. The County Council shall consider all proposals with respect to the dedication of rights-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same. The County Council shall act on the final plat within 30 days after the Planning Commission makes a recommendation, or within a reasonable time thereafter.

2. Approval by County Council

After the County Council has determined that the plat is in proper form, that any conditions of the preliminary plat are satisfied, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations, and that the subdivision complies with the provisions of this LUC, it shall act to approve the plat.

3. Disapproval by County Council

Final plats that are disapproved by the County Council shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action.

F. Action Following Approval

1. Certification of Approval

- a. The County Council's approval and execution of the County Council certificate of approval on the final plat shall authorize the Chairman of the Planning Commission to execute the Planning Commission certificate of approval on the plat.
- b. In no case shall additions, corrections, or modifications of any kind be made to the preliminary plat other than signatures required after the preliminary plat has been approved by the County Council.

2. Recordation of Plats

- a. The final plat for any subdivision located within Grand County shall then be caused to be filed of record by the subdivider in the plat records of Grand County, but only after the County Council has officially acted upon the final plat with reference to improvements, dedications and utilities and all fees (including recording and review fees) shall be paid by the developer.
- b. If for any reason the final plat has not been recorded within 15 days of County Council approval, the approving actions shall be deemed void.

9.5.3 Responsibility for Payment for Installation Costs

The subdivider shall provide for costs of materials, installation, and maintenance of all required improvements in accordance the Grand Construction Standard or the most recent County construction standards, and the following requirements:

A. Required Improvements

The subdivider shall pay all costs of materials and installation of the following:

1. Setting of survey monuments and markers
2. Streets and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, road regulatory signs, culverts, and bridges;
3. Water and sewer lines installations including fire hydrants and manholes;
4. Required storm water system and/or other drainage improvements;
5. All field density and related testing of base, sub-base and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests, and/or other related tests required to insure minimum standard requirements; and
6. Electric, gas, and other utilities.

B. Improvement Agreements and Guarantees

Prior to the recording of a final plat, a subdivider shall submit for approval to the Zoning Administrator an improvements agreement and financial guarantee for construction of any required improvements designated on the approved final plat or construction plans in accordance with the requirements of this Section.

1. Form of Agreement

All improvement agreements shall utilize the standard County template (guide) for the format and content of such Agreements. The template may be obtained from the Zoning Administrator.

2. Engineered Cost Estimate

The improvements agreement shall include a cost estimate for all required improvements prepared by a professional Utah-registered, professional engineer.

3. Financial Guarantees

The subdivider shall utilize one (1) of the following methods of posting security to cover to the cost of installing all required improvements; provided, however, that nothing in this section shall preclude the County Council from approving other forms of liquid financial security in a form approved by the County. No expiration of the guarantee shall be permitted.

a. Escrow Agreement

Place on deposit in an approved bank in the name of Grand County, a sum of money equal to 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this Section. Selection of the trustee shall be subject to approval by the County. The escrow agreement shall be approved as to form and legality in writing by the County Attorney. The escrow agreement shall state the name of the subdivision and shall list the improvements the subdivider is required to provide. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

b. Performance Bond

File with the County Clerk a bond executed by a surety company holding a license to do business in the State of Utah, and acceptable to Grand County on a form approved by the County, in an amount of 125 percent of the estimated cost (100 percent of cost plus 25 percent contingency) of all improvements required by this Section. The Performance Bond shall be approved as to form and legality in writing by the County Attorney. The County Clerk shall certify in writing that the securities are a satisfactory guarantee for the County.

c. Other Financial Guarantees

In the case in which a subdivider's financial guarantee for completion of required improvements is not in one of the forms specified by the LUC (7.5.3B. 3.a.b.c.), the County Council may accept such other forms of liquid financial security as are certified in writing as acceptable by the County Clerk and the County Attorney.

C. Engineering Inspection and Tests

1. Grand County Engineer, applicable service district, or other inspection agent designated by the Zoning Administrator, shall be notified 3 days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the County and shall be constructed in accordance with the approved standards and specifications, and in accordance with the provisions of any other applicable ordinance of Grand County.
2. The County will charge fees for engineering inspection during construction and for final inspection commensurate to the value of services rendered or costs incurred; however, it is to be understood that the County will do no layout work or daily inspection. Where a special trip(s) to Grand County by the County Engineer are required, the subdivider shall reimburse the County for the costs of such trip(s).
3. The County may require compaction tests on embankments and flexible bases, and depth tests on flexible bases and pavements, and pressure tests on piping systems, before final inspection and approval.

9.5.4 Plat Approval and Dedication

Approval of the plat and acceptance of dedication on a final plat shall not be effective until the final plat is recorded in the office of the County Clerk. Approval of the plat and acceptance of a dedication by the County shall not imply the maintenance by the County of such dedication. Acceptance for maintenance of

roads, parks, trails and other public dedications requires a separate action of the County Council in accordance with the requirements of Section 9.5.5D, Final Acceptance.

9.5.5 Acceptance of Subdivision Improvements

A. Time Frame for Completion

1. Plan Re-Submittal

If construction has not commenced within one (1) year after approval of the plans, the Zoning Administrator may require re-submittal of plans for meeting current standards and engineering requirements.

2. Expiration and Extension of Approval

If the public improvements for a subdivision have not been constructed and accepted by the County within 36 months of the recordation of the final plat, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the County. An approved, unexpired final subdivision plat may be extended once for a period not to exceed 36 months, pursuant to the following provisions:

- a. The County Council may extend the approval of the final plat, for good cause shown by the Applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.
- b. A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.

B. Partial Acceptance and Reduction of Security

1. As public improvements are completed, a subdivider may apply from time-to-time to the Zoning Administrator for partial release of the collateral deposited with the County Clerk in accordance with the procedures of Section C, Release Procedure.
2. If the County Engineer and/or Zoning Administrator determine that any of the required improvements are not constructed in substantial compliance with approved standards and specifications, it shall furnish the Applicant a list of deficiencies and shall be entitled to withhold collateral sufficient to insure substantial compliance.
3. If the County Engineer and/or Zoning Administrator determines that the subdivider will not construct any or all of the improvements in accordance with all of the approved standards and specifications, the Zoning Administrator may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the approved standards and specifications.
4. The County Engineer shall independently inspect the construction of improvements while in progress, and, shall likewise inspect such improvements upon completion of construction. The design engineer shall certify that construction was completed to plan, and shall have approved any change(s) to the approved plan in consultation with the County Engineer. After final inspection, the County Engineer shall notify the subdivider and the Zoning Administrator in writing as to its acceptance or rejection. The Zoning Administrator shall reject such construction only if it fails to comply with the approved standards and specifications contained or referred to herein. If the Zoning Administrator rejects such construction, the Zoning Administrator shall advise the County Attorney and the County Attorney shall enforce the guarantees provided in this Section.
5. The design engineer for the subdivider shall submit to the Zoning Administrator a complete set of as-built drawings in "reproducible" hard copy and digital format showing all subdivision improvements, including utility locations (gas, water, sewer and telephone), paving and drainage improvements, and all changes made in the plans during construction. Each hard copy sheet shall contain an "As-Built" stamp bearing the signature of the engineer and the date. Digital information shall be provided in the latest version of

AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator with all measurements stated in feet.

6. The subdivider shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the improvements required under this Section, and shall himself be required to furnish to the Zoning Administrator a written guarantee that all workmanship and materials shall be free of defects for a period of 2 years from the date of acceptance by the Zoning Administrator.
7. Prior to the final acceptance of a subdivision by the County Council, the subdivider shall furnish a good and sufficient, unconditional warranty bond, or certified check payable to "Grand County", in the amount of 10 percent of the contract price with a reputable and solvent corporate surety in favor of the County, to indemnify the County or any applicable service district(s) against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of 2 years from the date of final acceptance of the work being warranted.

C. Collateral Release Procedure

1. From time to time, as the improvements are completed, subdivider may apply in writing to the County for a partial or full release of the letter of credit or substitute collateral; and shall utilize the standard County-approved form for this purpose. Such release requests shall be complete at least 14 days prior to any desired release date; and must show, or include all of the following:
 - a. Dollar amount of commitment guarantee;
 - b. Improvements completed, including dollar value;
 - c. Improvements not completed, including dollar value;
 - d. Amount of previous releases;
 - e. Amount of commitment guarantee requested released;
 - f. Release or waivers of mechanics liens of all parties who have furnished work, services, or materials for the Improvements;
 - g. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and
 - h. Reasonable fee to cover the cost of administration and inspections.
2. Upon receipt of the application, the Zoning Administrator shall promptly refer the application to the County Engineer. The County Engineer shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the County Engineer determines from the inspection that the required improvements shown on the application as been completed as provided herein, the County Engineer shall so advise the Zoning Administrator, and the Zoning Administrator shall release that portion of the collateral supporting the commitment guarantee relative to the completed improvements.
3. All collateral releases shall be made in writing signed by the Zoning Administrator. Such releases shall be made in all cases as soon as practical, following the submission of a complete request, as described above.
4. The County may release 115 percent of the amount of the collateral for the required improvements completed to date, less 125 percent of the costs of the required improvements not completed; thus retaining 10 percent of the amount of the collateral for the required improvements completed to date as identified by the approved cost estimate shall be retained pending satisfaction of the warranty bond requirements of Section B.7. Alternatively, the amount to be released may be 125 percent of the amount of the collateral for the required improvements completed to date, upon submission of a warranty bond in accordance with the requirements of Section B.7.

D. Final Acceptance

Final acceptance of the required improvements and release of the warranty bond shall be made by resolution of the County Council in accordance with the requirements of this subsection.

E. Completion of Required Improvements

Completion of the required improvements shall be verified by the following findings:

1. Certification by the Design Engineer that the required improvements have been completed according to the approved standards and specifications;
2. Verification of the County Engineer that the required improvements have been completed according to the approved standards and specifications;
3. Presentation of signatures of final acceptance by any applicable service district(s); and
4. Submission of as-built drawings in "reproducible" hard copy and digital format in accordance with the requirements of Section B.5.

F. Maintenance of Improvements

Upon final acceptance, maintenance of the completed improvements shall be assumed by one (1) of the following as determined by the County Council:

1. Grand County and/or other applicable service district(s); or
2. A homeowners' association formed in accordance with the requirements of Sec. 9.6, Mandatory Homeowners' Association.

G. Warranty Bond Release

Release of the warranty bond required by Section B.7, above, shall occur following final acceptance of the required improvements in accordance with the approved standards and specifications.

Sec. 9.6 Mandatory Homeowners' Association

9.6.1 Applicability

When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the County or another public agency, the County may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

9.6.2 Approval

If the establishment and creation of a mandatory homeowners' association is required by the County, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Zoning Administrator and County Council prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the Map and Plat Records of Grand County, Utah. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.

9.6.3 Responsibilities

Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created.

9.6.4 Dedications to Association

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners' association, other than those located in public easements or rights-of-ways, shall be dedicated by easement or deeded in fee simple ownership interest

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to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

9.6.5 Contents of Agreements

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required herein shall contain and/or provide for the following:

- A. Definitions of terms contained therein;
- B. Provisions acceptable to the County for the establishment and organization of the mandatory homeowners' association and the adoption of by-laws for said association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive buyer(s) shall automatically and mandatorily become a member of the association;
- C. The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25 year period and shall automatically renew for successive 10 year periods, and the association may not be dissolved without the prior written consent of the County;
- D. Provisions acceptable to the County to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;
- E. Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the County;
- F. The right and ability of the County or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable County codes or regulations; to assess the association for all costs incurred by the County in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the County pursuant to state law or County codes or regulations;
- G. Provisions indemnifying and holding the County harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the County's removal of any landscape systems, features or elements that cease to be maintained by the association or from the County's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities;
- H. Provisions stating that the association shall indemnifying and holding the County harmless for claims based on the county's inaction, and
- I. Provisions stating that Grand County shall have neither the right nor the responsibility to enforce private covenants except in accordance with the provisions of Section 9.6.1 above.

Sec. 9.7 Minor Record Survey

9.7.1 Purpose

- A. Minor record survey is intended to provide an expeditious, one-time only process for small, low impact developments no more than 3 lots, where all roads and utilities necessary to serve the subdivision are in place consistent with all applicable county standards at the time of application and the resulting lots are in compliance with the underlying zoning. Minor record survey also allows property to be subdivided where such property was lawfully and fully developed in accordance with previous County regulations. Upon approval of a minor record survey, applicants shall be authorized to sell lots within the subdivision that is the subject of the minor record survey by deed with metes and bounds description.
- B. These procedures may be utilized only one (1) time for each parcel of land, thereafter subdivision of such parcels shall be subject to preliminary and final plat review procedures.

9.7.2 Land Use Authority

The Zoning Administrator shall be the land use authority for minor record surveys, subject to the requirements of this section.

9.7.3 Application and Completeness Determination

Application must be made for minor record surveys in accordance with the requirements of Sec. 9.1.39.1.4, Minimum Submission Requirements. The Zoning Administrator is responsible for determining the completeness of an application submitted, pursuant to Sec. 9.1.6.

9.7.4 Review Process

The Zoning Administrator shall take final action to approve, approve with conditions or deny such applications.

A. Approval by Administrator

The Zoning Administrator shall prepare findings of fact on the minor record survey within 15 days or within a reasonable time thereafter. At that time, the Zoning Administrator may approve the application and authorize the Chairman of the County Council to sign the survey.

B. Disapproval by Administrator

Minor record surveys that are disapproved shall be returned to the developer by the Zoning Administrator with an attached statement of the reasons for such action.

C. Review by Planning Commission

In the event of a denial of a minor record survey by the Zoning Administrator, such application shall be placed on the next Planning Commission agenda, upon request of the applicant, for final review and action in accordance with the requirements of this section.

9.7.5 Items for Consideration

The Administrator shall, in taking action on the minor record survey, consider consistency with the criteria for approval of minor record surveys, consider the physical arrangement of the lots in the minor record survey, and determine the adequacy of street rights-of-way or easements, improvements and alignment relative to the street standards of Grand County, the existing street pattern in the area, the need for connections between neighborhoods and developments and with all applicable provisions of the General Plan. The Administrator shall also ascertain that adequate rights-of-way for future roads are provided, easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

9.7.6 Criteria for Approval

Major subdivision review, including Preliminary and Final Plat, shall not be required where all of the following conditions exist:

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- A.** Each minor record survey shall include no more than 3 lots, each for single-family residential use.
- B.** All roads and trails needed to serve the new lots are in place adjacent to the proposed lots, and either:
 - 1.** The property was fully developed in compliance with applicable County standards prior to the adoption of the LUC [January 4, 1999] and building permits were issued for a single-family dwelling on each lot, and access easements and driveways are in place that provide adequate access for residents and emergency vehicles; or
 - 2.** The property has frontage on a street or road that is either improved to County standards or accepted for County maintenance, and no new streets, roads or extensions need to be widened, dedicated or constructed.
- C.** Where sidewalk, curb and gutter are required, such improvements shall be installed by the applicant prior to Administrator's approval.
- D.** No utilities, other than individual service lines, need to be extended to serve the parcel and the necessary utilities are in place immediately adjacent to the parcel.
- E.** Drainage improvements required by Sec. 6.7, Drainage, are in place; or such required drainage improvements will be installed prior to the issuance of a Building Permit(s) for the subdivision lot(s), and the minor record survey includes the following note:

Note: No Building Permit(s) shall be issued for a structure(s) on any lot(s) approved by this resolution prior to the completion of drainage improvements in accordance with the requirements of Grand County Land Use Code, Sec. 6.7A, Drainage Detention Basin.
- F.** There are no other problems of public concern.

9.7.7 Recordation

If the Zoning Administrator has approved and signed a certificate of written approval on the minor record survey, the minor record survey becomes the instrument to be recorded in the office of the County Recorder when all requirements have been met. The subdivider shall pay the record filing fee. If for any reason the minor record survey has not been recorded within 90 days of the Zoning Administrator's signature, the approving actions shall be deemed void.

Sec. 9.8 Recreational Subdivisions

9.8.1 Purpose

The recreational subdivision procedure is intended to greater design flexibility for seasonal subdivision development with respect to otherwise applicable subdivision standards, where there is a reasonable expectation that the resulting lots will be occupied exclusively on a seasonal basis.

9.8.2 Preapplication Conference

Prior to the filing of a recreational subdivision plat application, the Applicant shall meet with the Zoning Administrator to acquaint himself or herself with the requirements of the County. At such meeting, the application contents, applicable referral agencies, criteria for approval of recreational subdivisions, review procedures, use and area standards, and the general character of the development may be discussed.

9.8.3 Submittal Requirements

The submittal requirements for a recreational subdivision shall be the same Sketch Plan, Preliminary Plat and preliminary plat submittal requirements as specified for other subdivisions in Section 9.3.2, Section 9.4.2 and Section 9.5.1.

9.8.4 Application Review Procedures

The review procedures for recreational subdivisions shall be the same Sketch Plan, Preliminary Plat and preliminary plat procedures as specified for other subdivisions in Section 9.3.3, Section 9.4.3, and Section 9.5.2.

9.8.5 Criteria for Approval

- A. The resulting lots will not be occupied long-term, but rather they will be only be occupied on a seasonal basis; and year-round, vehicular access is not available;
- B. The proposed subdivision is sufficiently removed from other areas served by public facilities and public road maintenance as to make the extension of such public facilities and maintenance unlikely in the foreseeable future;
- C. The proposed subdivision shall conform with the subdivision standards of Article 7, of this LUC; provided, however, where appropriate and at the discretion of the Planning Commission:
- D. A Private Access Tract may be permitted to serve up to 6 lots in a Recreational Subdivision; and
- E. Water hauling or an on-site cistern may be allowed for a single recreational property with water storage capacity of at least 1,000 gallons in a tank that is approved for culinary water storage; and
- F. Each dwelling unit shall be designed and sited in conformance with the wildfire standards of Section 6.9.6 of this LUC.

Sec. 9.9 Replats and Exemption Plats

9.9.1 Replats

Replats shall be subject to all requirements of this LUC regarding final plats. The County Council may, following a public hearing and recommendation of the Planning Commission, approve a replat that is for the purpose of vacation, alteration, or amendment of a subdivision plat, of any lot, street or alley contained in a plat, provided that the replat does not remove any covenants or restrictions or increase the number of lots. Replats that remove any covenants or restrictions or increase the number of lots shall be subject to all of the requirements of this LUC regarding preliminary plats and final plats.

9.9.2 Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.9.3 Exemption Plats

Exemption plats shall meet all requirements of this LUC for Final Plat, provided, however, that the County Council may approve such exemption plat without notice or hearing where the boundary or plat amendment is solely for one (1) or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

- A.** The purpose is to correct an error in any course or distance shown on the prior plat.
- B.** The purpose is to add any course or distance that was omitted on the prior plat.
- C.** The purpose is to correct an error in the description of the real property shown on the prior plat.
- D.** The purpose is to indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor responsible for setting the monuments.
- E.** The purpose is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.
- F.** The purpose is to correct any other type of clerical error or omission in the previously approved plat.
- G.** The purpose is to correct an error in courses and distances of lot lines between 2 adjacent lots where both lot owners join in the application for amendment and neither lot is abolished, provided that such amendment does not have a material adverse effect on the property rights of the owners in the plat.
- H.** The purpose is to relocate a lot or boundary line in order to cure an inadvertent encroachment of a building or improvement on a lot or boundary line or on an easement.

Sec. 9.10 Lot Line Adjustments

Application to adjust lot lines between adjacent properties may be executed upon recordation of an appropriate deed if:

- A.** No new lot results from the lot line adjustment;
- B.** The adjoining property owners consent to the lot line adjustment;
- C.** The lot line adjustment does not result in a remnant of land that did not previously exist;
- D.** The adjustment does not result in a violation of applicable zoning requirements; and
- E.** The application has been reviewed and approved by the Zoning Administrator prior to recordation in Grand County Recorder's office.

Sec. 9.11 Conditional Use Permits

9.11.1 General

A conditional use is a use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that reasonably mitigate or eliminate the detrimental impacts. Pre-existing uses that are permitted as a Conditional Use pursuant to this LUC shall be deemed to have already received conditional use permit approval; provided, however, that any change or expansion of a conditional use, whether pre-existing or otherwise, shall require a new conditional use permit pursuant to the terms of this section.

9.11.2 Pre-Application Conference

Prior to the filing of a conditional use permit application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the County. As such meeting, the application contents, referral agencies, review procedures, use and area standards, and the general character of the development may be discussed.

9.11.3 Procedure

A. Submittal Requirements

14 copies (neatly folded and ready for mailing) of the conditional use permit application shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The application shall be accompanied by or show the following information:

1. The street address and legal description of the property affected;
2. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property;
3. A site plan drawn to a scale deemed necessary by the Zoning Administrator. The site plan shall include:
 - a. Drives, streets, and rights-of-way;
 - b. Easements;
 - c. Location and dimensions of structures and signs;
 - d. Typical elevations of such buildings;
 - e. Access ways, including points of ingress, egress;
 - f. Landscaping;
 - g. Topography; and
 - h. Specific areas proposed for specific types of land use.
4. Any and all information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed;
5. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

B. Distribution of Conditional Use Applications

The Zoning Administrator shall distribute the conditional use application immediately upon receipt to appropriate referral agencies which may include the following:

1. Zoning Administrator (2 copies);
2. Grand County Engineer (1 copy);
3. Grand County Water Conservancy District or Spanish Valley Water and Sewer Improvement District (1 copy);
4. Moab Fire Protection District (1 copy);
5. Grand County Administrator (1 copy);

6. Grand County Recorder (1 copy); and
7. Grand County Road Superintendent (1 copy).
8. The remaining copies shall be provided to the Planning Commission prior to the Commission meeting at which the conditional use permit is considered.

9.11.4 Review by Planning Commission

Before taking action on any proposed conditional use permit, the County Council shall submit the same to the Planning Commission for its recommendation and report.

A. Public Hearing Required

The Planning Commission shall hold a public hearing on any application for conditional use permit prior to making its recommendation to the County Council.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.11.5 Action by County Council

The County Council shall act on a conditional use permit within 30 days of the Planning Commission's recommendation or within a reasonable time thereafter.

A. Public Hearing Required

The County Council shall hold a public hearing on any application for conditional use permit prior to making its decision.

B. Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.11.6 Conditional Use Criteria

Conditional Use Permits shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

A. Effect on Environment

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

B. Compatible with Surrounding Area

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

C. External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

E. Consistent with LUC and General Plan

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

9.11.7 Conditions of Approval

- A.** The County may, in the interest of the public welfare and to assure compliance of this LUC, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a Conditional Use Permit, the County may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property, the neighborhood and the county from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. In addition, where conditional uses involve significant alteration of the landscape or pose potential threats to the scenic quality of the county, reclamation bonds may be required as deemed necessary to ensure reclamation of disturbed sites to their natural, original or other substantially beneficial condition consistent with local plans to the extent practicable, and to protect the county's recreation-base economy, as determined by the County Council. Applicant's may be required to post sufficient security, as deemed reasonably necessary by the County Council, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility; a surety bond approved by the County Attorney may be acceptable.
- B.** Conditional use permits may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with the criteria of Section 9.11.6.
- C.** Conditions of approval may include a requirement that the applicant submit an annual statement of compliance detailing how the applicant has complied with terms of the permit, including a detailed and specific report on steps taken in the prior year to comply with other applicable local, state and federal requirements and laws. The Administrator shall review and approve such annual statement where the applicant is continuing to comply with the applicable requirements of the Conditional Use Permit. Where the Administrator determines that the applicant is in violation of any requirement of this LUC or conditions of approval, the Administrator shall revoke said permit in accordance with the requirements of Section 9.11.8. Alternatively, and at the discretion of the Administrator, such permit may be referred to the County Council for review.

9.11.8 Revocation

The Zoning Administrator may revoke a Conditional Use Permit if it is determined that:

- A.** The applicant has misrepresented any material fact on his or her application, or supporting materials;
- B.** The Conditional Use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;
- C.** The operation of the Conditional Use violates any statute, law, ordinance or regulation; and/or
- D.** The operation of the Conditional Use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

9.11.9 Records

Final action on Conditional Use Permits shall be documented by Resolution of the County Council and a file containing all documents relevant to the application and disposition of such Conditional Use Permits shall be maintained by the County Recorder.

9.11.10 Maximum Density

The maximum density allowed by Conditional Use Permit shall be no greater than that permitted in the underlying zone district, unless specifically authorized in this LUC.

Sec. 9.12 Constitutional Takings Review and Appeal

In order to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the County Council, the Planning Commission, and the Zoning Administrator shall adhere to the following before authorizing the seizure or exaction of property:

9.12.1 Appeal

Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the County Council, the Commission or the Zoning Administrator may appeal the decision to the Takings Appeal Board within 30 days after the decision is made. The appeal must be in writing with the County Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within 14 days after the appeal is filed. The Takings Appeal Board, with advice from the County Attorney, shall review the appeal pursuant to the guidelines in Section 9.12.4. The decision of the Takings Appeal Board shall be in writing and a copy shall be given to the appellant and to the County Council, the Commission, or Zoning Administrator that took the initial action. The Takings Appeal Board's rejection of an appeal shall constitute final County action.

9.12.2 Submission Requirements

The Applicant shall file 4 copies (neatly folded and ready for mailing) of a petition requesting a constitutional takings review and of a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The petition shall be accompanied by or show the following information:

- A. The street address and legal description of the property affected;
- B. A detailed description of the grounds for the claim that there has been a constitutional taking and of the property taken;
- C. Evidence and documentation as to the value of the property, including the date and cost at the date the property was acquired, both before and after the alleged constitutional taking. This should include the name of the party from whom the property was purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
- D. Nature of the prosecutable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
- E. Terms (including sale price) of any previous purchase or sale or a full or partial interest in the property in the 3 years prior to the date of application;
- F. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the 3 years prior to the date of application;
- G. The assessed value of ad valorem taxes on the property for the previous 3 years;
- H. All information concerning current mortgage or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan or other significant provisions, including but not limited to, right of purchasers to assume the loan;
- I. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous 3 years;
- J. For income producing property, an itemized income and expense statements from the property for the previous 3 years;
- K. The County Council or their designee may request additional information reasonably necessary in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking; and
- L. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

Title 16. Article 9. Administration and Procedures
Sec. 9.12. Constitutional Takings Review and Appeal

9.12.3 Takings Review Procedure

Prior to any proposed action to exact or seize property by the County Council, the Commission or the Zoning Administrator, the County Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The County Attorney shall review all such matters pursuant to the guidelines established in subsection (b) herein. Upon identifying a possible constitutional taking, the County Attorney shall, in a confidential, protected writing, inform the County Council, the Planning Commission, or the Zoning Administrator of the possible consequences of its action. This opinion shall be advisory only and no liability shall be attributed to the County for failure to follow the recommendation of the County Attorney.

9.12.4 Takings Guidelines

The County Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendment to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The County Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The County Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand or limit the scope of the County's liability for a constitutional taking.

9.12.5 Takings Appeal Board

There is hereby created a 3 member Takings Appeal Board. The County Administrator shall appoint 3 current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, 3 members of the Board of Adjustment cannot meet to satisfy the time standards stated in subsection (3), the County Manager shall appoint a member or sufficient members to fill the remaining vacancies.

9.12.6 Annual Review

The County Attorney shall review these guidelines annually and recommend changes as warranted by the current status of the law. Nothing herein shall prevent the County Attorney from considering subsequent legal standards established by the legislature or case law after the adoption of this section.

Sec. 9.13 Appeals of Administrative Decisions

9.13.1 Authority of Board of Adjustment

The Board of Adjustment shall have powers and be subject to the limitations of Sec. 8.2 of this LUC.

9.13.2 Application for Appeal

Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer, department or board of the County or affected by the decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

9.13.3 Filing Fee

A filing fee shall be submitted to cover the cost of review and processing with every appeal in accordance with the fee schedule adopted by resolution of the County Council.

9.13.4 Stay of Proceedings

An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

9.13.5 Hearing and Notice

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, and give the public notice as follows.

9.13.6 Public Notification

Public notice shall be made in accordance with the requirements of Section 9.1.8, Required Public notices.

9.13.7 Appeals to Court

Every decision of the Board shall be subject to review by Certiorari, as provided by Rule 106(a)(4) Utah Rules of Civil Procedure. Such appeal may be taken by any person aggrieved or by an officer, department, or board the County. Such appeal shall be taken within such time as provided by the Utah Rules of Civil Procedure. A notice of appeal, in writing, specifying the grounds for such an appeal, shall also be filed with the Board within 30 days of the final written Board decision.

Sec. 9.14 Variances

9.14.1 Purpose

Variances are deviations or modifications of dimensional standards of Article 5, Lot Design Standards, including front-, side- and rear-yard (setbacks), lot width, area, and height, of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of Article 5, would result in unnecessary hardship. Variance or modification of such dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope so that it cannot be appropriately developed without such variance or modification.

9.14.2 Authority

The Board of Adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a variance after receiving a recommendation from the Zoning Administrator.

9.14.3 County Council Approval of Variances

Alternatively and in conjunction with the review of subdivision applications, the County Council shall be authorized to grant variances subject to the requirements of this Sec. 9.14, Variances.

9.14.4 Procedure

A. Submittal Requirements

1. The Applicant shall file 3 copies (neatly folded and ready for mailing) of an application, or more if specified by the Zoning Administrator, requesting a variance. The application shall be accompanied by or show the following:
2. The street address and legal description of the property affected;
3. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the required findings in Section 9.14.5. below; and
4. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the County Council.

B. Notification Requirements

Notification requirements for variances shall be as follows:

1. Publication

The County shall cause notice of the public hearing to be given by publication in a newspaper of general circulation (with distribution of the notice to all other local news media without any requirement for publication) in Grand County. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

2. Posting

The Applicant shall post a sign, provided by the County, noticing the public hearing in a prominent place on the land area proposed for a variance with a notice of the hearing at least 15 days prior to the hearing. Such notice shall describe the change proposed; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant.

3. Public Hearing

A public hearing shall be held on an application for a variance. At the public hearing the Board of Adjustment shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Board of Adjustment shall vote to approve, approve with conditions or disapprove the application for a variance, pursuant to the requirements of Section 9.14.5.

C. Notice of Decision

The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the final decision.

9.14.5 Required Findings

In exercising its power to grant a variance in accordance with this LUC, the Board of Adjustment shall make finding and show in its minutes that:

- A.** There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;
- B.** That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this LUC, by other properties in the vicinity and zone, but which rights are denied to the subject property;
- C.** That the granting of the variance on the specific property will not be inconsistent the General Plan of Grand County;
- D.** That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
- E.** That such unnecessary hardship has not been created by the applicant; and
- F.** That the proposed use is a permitted use in the underlying zone district.

9.14.6 Conditions

The Zoning Administrator may recommend, and the Board of Adjustment may impose, such conditions on a Variance Permit as are necessary to accomplish the purposes of this LUC, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation.

9.14.7 Effect of Variance Permit

A. General

Issuance of a Variance Permit shall authorize only the particular variation that is approved in the Variance Permit. A Variance Permit shall run with the land.

B. Time Limit

Unless otherwise specified in the variance approval, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Board of Adjustment for a period not to exceed 12 months for good cause shown.

Sec. 9.15 Sign Permits

9.15.1 Permits

- A.** 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; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance.
- B.** A one-time sign permit fee according to the International Building Code Permit Fee schedule shall be charged for each sign.

9.15.2 Sign Permit Application

Application for a sign permit, where such permit is required by Sec. 6.5, Signs, shall be made upon forms provided by the Grand County and shall include the following information:

- A.** A drawing to scale of the proposed sign.
- B.** A drawing to scale of the site plan or building facade showing the proposed location of the sign.
- C.** Name, address and telephone number of the Applicant.
- D.** Name, address and telephone number of the owner.
- E.** Name, address and telephone number of the person or firm responsible for the erection of the sign.
- F.** Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.

9.15.3 Sign Permit Standards

Sign permits shall be approved upon determination that the proposed sign(s) will be consistent with the standards of Sec. 6.5, Signs.

Sec. 9.16 Temporary Use Permits

9.16.1 General

Temporary use permits shall be issued by the Planning Commission, subject to the following provisions.

9.16.2 Zoning

The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located.

9.16.3 Application

Application for a temporary use permit shall be made on forms provided by the zoning administrator.

9.16.4 Conditions

The Applicant shall meet all conditions for such temporary use permit set forth in this LUC.

9.16.5 Time Limit

A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit.

Sec. 9.17 Site Plan Review

9.17.1 Applicability

Prior to the issuance of a zoning development permit or building permit for any commercial or multi-family development in any zone district, there shall be submitted to the Planning Commission for its approval a site plan.

9.17.2 Purpose

The purpose for Site Plan Review is to assist the building inspector with zoning review, which must be accomplished prior to the issuance of a zoning development permit and building permit. In this one-step review, the Planning Commission reviews proposed developments for conformance with the General Development Standards of Article 6, and applicable zoning requirements of this LUC.

9.17.3 Submission Requirements

The developer or owner shall submit the site plan drawn to an acceptable scale and with adequate copies. The scale and number of copies shall be that deemed necessary by the Zoning Administrator. The site plan shall include the following:

- A.** Parking, loading, and refuse areas;
- B.** Access ways, including points of ingress, egress;
- C.** Sidewalks and trails;
- D.** Fences and walls;
- E.** Location and dimensions of structures and signs;
- F.** Location and type of outdoor lighting;
- G.** Typical elevations of such buildings;
- H.** Landscaping and screening;
- I.** Topography;
- J.** Specific areas proposed for specific types of land use;
- K.** Lots or plots;
- L.** Any areas with slopes in excess of 30 percent;
- M.** Any areas in a natural drainage or the 100 year floodplain;
- N.** Existing and proposed easements, areas proposed for public dedication; and
- O.** Building footprint(s), water and sewer lines, easements and drainage improvements in Digital Format; if available. Digital information shall be provided in the latest version of AutoCAD, or other format compatible with the County GIS as may be specified by the Zoning Administrator (currently preferred in State Plane Coordinates - Utah Central Zone or the Valley Coordinate System) with all measurements stated in feet.

9.17.4 Action of Commission

- A.** The Planning Commission consideration shall include the General Development Standards of Article 6, the requirements of the underlying zone district, and other aspect deemed by the County Planning and Zoning Commission necessary to consider in the interest of promoting the purposes of this LUC.
- B.** In the approval or disapproval of the site plan, the Planning Commission shall not be authorized to waive or vary conditions and requirements contained in this LUC.
- C.** Building permits in conformance with site plan. It shall be unlawful to issue a building permit prior to the approval of the site plan by the Planning Commission. No building permit shall be

issued except in conformity with the approved site plan or in accordance with authorized minor changes, including all conditions of approval applied by the Planning Commission.

9.17.5 Minor Changes

Subsequent to approval of a site plan, minor changes may be authorized by the Zoning Administrator when such minor changes will not cause any of the following to occur:

- A. A change in the character of the development;
- B. An increase in the intensity of use;
- C. A reduction in the originally approved separations between buildings;
- D. An increase in the external effects, including that of outdoor lighting, on adjacent property;
- E. A reduction in the originally approved setbacks from property lines;
- F. An increase in the problems of circulation, safety and utilities;
- G. An increase in the height of such buildings;
- H. An increase of more than 20 percent or a 1,000 square feet, whichever is less, in ground coverage by structures;
- I. A reduction in the off-street parking;
- J. A change in the subject, size, lighting or orientation of originally approved signs; or
- K. A decrease in the percentage of landscaping required.

Sec. 9.18 Zoning Development Permits

9.18.1 Applicability

- A. No building permit may be issued and no person(s) may engage in any development (including grading) within the incorporated area of Grand County without obtaining a Zoning Development Permit (Appendix "A" to this LUC). The Zoning Administrator shall require that every application for a development permit be accompanied by 2 copies of a plan or plat showing the building, structure, or sign in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of the applicable zone district and this LUC.
- B. No Zoning Development Permit shall be issued for a building or structure on a lot which abuts a street and located on the side thereof from which all dedication has not been made according to the street plans and standards as adopted from time to time by Grand County.

9.18.2 Revocation of Zoning Development Permits

Failure to comply with any condition(s) of approval, as determined by the County Council, shall result in inability to obtain any rights granted conditionally thereunder, and County revocation of the Zoning Development Permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

9.18.3 Denial of Zoning Development Permit

If an application for a Zoning Development Permit is not approved, the Zoning Administrator shall return the Zoning Development Permit to the applicant with a written statement detailing the reasons for such disapproval.

9.18.4 Conflict

Any zoning permit or building permit issued in conflict with the provisions of this LUC shall be null and void, and may not be construed as waiving any provision of this LUC.

Sec. 9.19 Certificates of Occupancy

9.19.1 Applicability

No building hereafter erected, converted or structurally altered shall be used or occupied and no land or nonresidential building may be changed in use unless or until a certificate of occupancy shall have been issued by the Building Official of Grand County stating that the building or proposed use of land or building complies with the provisions of this LUC and other building and health laws of Grand County.

9.19.2 Application

A certificate of occupancy shall be applied for coincident with the application for a Building Permit and will be issued within 10 days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this LUC.

9.19.3 Record

A record of all certificates of occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.



Article 10 Definitions

Sec. 10.1 Rules of Construction

10.1.1 Meaning and Intent

All provisions, terms, phrases and expressions contained in this LUC shall be construed in order to accomplish the purpose stated in Sec. 1.5.

10.1.2 Text

In case of any difference of meaning or implication between the text of this LUC and any illustration or figure, the text shall control.

10.1.3 Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday declared by the County, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below.

- A. "Day" means a calendar day unless working day is specified.
- B. "Week" means 7 calendar days.
- C. "Month" means a calendar month.
- D. "Year" means a calendar year, unless a fiscal year is indicated.

10.1.4 Conjunctions

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events shall apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

10.1.5 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize appropriate subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

10.1.6 Non-Technical and Technical Words

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

10.1.7 Public Officials, Bodies and Agencies

All public officials, bodies, and agencies to which reference is made are those of Grand County, Utah, unless otherwise indicated.

10.1.8 Mandatory and Discretionary Terms

The word "shall" is always mandatory. The word "may" is permissive.

10.1.9 Tense, Number and Gender

Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary. The singular number shall include the plural and the plural shall include the singular, as the context and application of this LUC may reasonably suggest. Words of one gender shall apply to persons, natural or fictitious, regardless of gender as the context and application of this LUC may reasonably suggest.

Sec. 10.2 Definitions

Words defined in this section shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest. In case of dispute over the meaning of a term not defined here or over the application of a definition set forth here, the Zoning Administrator shall give a written interpretation in accordance with Section 9.2.8 of this LUC.

| DEFINITIONS | | |
|--|--|--------------------|
| TERM | DEFINITION | |
| Accessory Use | A use naturally and normally incidental to and subordinate to the permitted use by right of the land or lot area. | |
| Affordable Housing | Housing for which the allowable housing expenses paid by a household earning less than the median household income shall not exceed 30 percent of the gross monthly household income - unassisted and assisted (State and/or Federal) rental and unassisted and assisted (State and/or Federal) for sale units whose gross rental or sale price on the open market is affordable to, or for which rental and/or sale is restricted to, households whose gross annual household income is below the county median household income. | |
| Agricultural Land | Land suitable for or historically used for production of commercial purposes of crops, livestock or products. | |
| Agricultural Production | Production for commercial purposes of crops, livestock products if 50 percent or more of the material processed or marketed is produced by the farm operator. Production of forage, grains, livestock, trees and fruits, vegetables; nursery, floral and ornamental stock with reasonable expectation of profit is agricultural production activity. | |
| Airport | Canyonlands Field and all air service buildings and facilities, aircraft maintenance facilities, hangars, residential uses, and etc. that are included as a part of the Airport Layout Plan and Airport Master Plan. | |
| Airport Board of Adjustment | The Grand County Board of Adjustment performing the duties prescribed in Utah Code §2.4.5. | |
| Airport Elevation | 4553 feet above mean sea level. | |
| Airport Hazard | Any structure or use of land that actually or potentially obstructs the airspace required for safe flight of aircraft in landing or taking off at an airport. | |
| Airport Hazard Area | Any area of land upon which an airport hazard might be established. | |
| Airport Influence Zone | The area within which compatible neighbors are desired, including the visual runway(s) and all lands within 16,000 feet of Canyonlands Field runway(s). | |
| Airport Zoning Commission | The Grand County Planning Commission serving in the roles prescribed in Utah Code §2.4.5. | |
| Animal Pound or Kennel (Public or Private) | Any premise on which 5 or more dogs over 10 weeks of age are kept or housed for any reason and for any length of time. | |
| Affected Entity | A county, municipality, independent special district under Title 17A, Chapter 2, Independent Special District local district under Title 17B, Chapter 2, Local districts, school districts, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility or the Utah Department of Transportation. | |
| Animal Unit | A unit of measurement used to determine the animal capacity of an animal-feeding operation containing one or more species of animals. The animal unit capacity of an operation is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the following table and summing the resulting totals for all animal species contained in the operation. | |
| | 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 | 0.50 | |

| DEFINITIONS | |
|---|--|
| TERM | DEFINITION |
| | years) |
| | 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 |
| Antenna | Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas. |
| Apartment | A room or suite of rooms in a mixed use building (commercial and residential uses) arranged, designed or occupied as a residence. |
| Appeal Authority | Grand County Board of Adjustment designated by ordinance to decide an appeal of a decision of a land use application or a variance. |
| Approach Zone | The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. |
| Arts and Crafts Fair | A place of commercial activity, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a daily basis for the purpose of the display and sale, exchange, auction or barter of arts and crafts or used merchandise. |
| Asphalt or Concrete Batching Plant, Temporary | A temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites. |
| Auto Repair Garage | A building or place arranged, designed, used or intended to be used for the primary purpose of providing general repair and servicing of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services including body, frame or fender straightening or repair; painting, undercoating and rust-proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery; and other similar services. |
| Basement or cellar | A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade. |
| Bed and Breakfast | A facility of single-family residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor or manager resides. |

Title 16. Article 10. Definitions
Sec. 10.2. Definitions

| DEFINITIONS | |
|---------------------------------|--|
| TERM | DEFINITION |
| Buildable Area | For the purposes of subdivision development, buildable area shall mean that portion of a building lot or site not within the required front yard and rear yard areas. For the purposes of issuing building permits, Buildable Area shall also mean those areas on a building lot or site, as shown on the required site plan, necessary for the construction of such other improvements as driveways, parking areas, pools, tennis courts and accessory buildings, including sufficient adjacent area to allow the normal operation of construction equipment. |
| Building | Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. Building includes yurts, removable sheds, and similar uses, but does not include signs or fences. |
| Building Line | A line parallel or approximately parallel to the street line at a specified distance there from establishing the minimum distance from the street line that a building may be erected. |
| Building Permit | The permit required for new construction and additions pursuant to this LUC. |
| Capital Facilities Plan | The plan required by Section 11-36-201 of the Impact Fees Act, Utah Code. |
| Character (of a Developed Area) | The density, height, coverage, setback, massing, fenestration, materials and scale of materials. |
| Church or Place of Worship | A site used primarily or exclusively for religious worship and related religious services operated by a bona fide religious group for religious activities. |
| Cluster Development | A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space and agricultural uses. |
| Cluster Subdivision | Cluster subdivision trades smaller lot sizes (with smaller yards) for additional common area. Cluster subdivision must provide a minimum of 30 percent common area exclusive of individual lots. |
| Clustered II Subdivision | Clustered II subdivision reduces lot sizes even further, in trade for substantial open space provision for the subdivision as a whole. Clustered II subdivisions must provide a minimum of 50 percent common area, exclusive of individual lots. |
| Commercial Aviation | Fee-based, charter, or other for-profit aviation transportation activities. |
| Commercial Development | Commercial development includes, but is not limited to, the construction or expansion by the addition of square footage of office, retail, wholesale, warehouse, manufacture, commercial recreation, restaurant/bar and/or service commercial operations. |
| Common Area | Area in a subdivision used as common space for private or public use. Common Area may include roads, trails, drainage facilities, trash collection, driveways and sidewalks, but may not include foot print structures such as swimming pools, club houses, mechanical buildings, storage areas, accessory structures, or covered gathering areas or courts. |
| Common Element | In a condominium or cooperative, all portions of the condominium other than the units. |
| Condominium | 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. |
| Condominium Unit | Either a separate part of the property intended for any type of independent use, including one (1) or more rooms or spaces located in one (1) or more floors or parts of floors in a building or a time period unit, as the context may require. |
| Constitutional Taking | A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or (b) Utah Constitution Article I, Section 22. |
| Constrained Lands | See Sec. 5.4.2D. |
| Conventional Subdivision | Conventional subdivision is a pattern of residential development that provides the majority of property owners with substantial yards on their own property. Conventional subdivisions are not required to have open space, exclusive of individual lots, unless there are constrained lands on site. Constrained lands are required to be set aside as open space. |
| County | Grand County, a duly constituted political subdivision of the state of Utah. |
| County Council | The duly constituted governing body of Grand County, state of Utah. |
| County Facilities | County-owned or operated institutions or facilities including but not limited to a library, museum, park, playground, trails, recreational center, jail or correctional facility, police, fire or utility facilities. "County facilities" shall not include county shops and storage yards. |

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| DEFINITIONS | |
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| TERM | DEFINITION |
| Culinary Water Authority | The Grand Water and Sewer Service Agency is responsible to review and approve the feasibility of the culinary water system and sources for the subject property. |
| Custom Personal Service | Barber shop, beauty shop, tailor, photographer, dressmaker, shoe shop or similar shop offering custom service. |
| Density | The maximum number of dwelling units per acre of land permitted in a zone district. |
| Developer | Any public or private person, partnership, association or agency that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, during which preparation the land or the creation of the building space is in itself a business and is not incidental to another business or activity. |
| Development | Any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit. Development activities include: subdivision of land; change in the intensity of use of land; construction, reconstruction, demolition or partial demolition or alteration of buildings, roads, utilities, and other facilities; commencement of drilling (except for a water well or to obtain soil samples), mining, or excavation; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover. |
| Development Impact Fee | A payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of public facilities identified in the Development Impact Fee Report (Addendum B) needed to serve future development. This term is also referred to as an impact fee in this LUC. This term does not include the following: A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development; Connection or hookup charges; Availability charges for drainage or transportation charges for services provided directly to the development; or Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing public facility improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the public facility improvements. |
| Development Permit | See "Zoning Development Permit." |
| Disabled | Handicapped (federal statute) |
| District | District means a zoning district. |
| Dwelling Unit | A UBC- or IBC-standard approved structure or portion of a structure that is designed, occupied or intended to be occupied as living quarters for a single family and includes facilities for cooking, sleeping and sanitation; but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraints. |
| Dwelling, Accessory | A single-family dwelling unit that is built on the same lot or parcel as another single-family dwelling unit. |
| Dwelling, Duplex or Two-family | The use of a lot for 2 dwelling units, other than mobile homes, within a single building and under a single roof. |
| Dwelling, Multi-family | The use of a lot for 3 or more dwelling units, other than mobile homes, within a single building and under a single roof. |
| Dwelling, Single-Family | The use of a lot for one (1) dwelling unit that has no physical connection to a building located on any other lot. |
| Elderly Person | A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently. |
| Essential Services | The development or maintenance of public utilities or County-approved underground, surface or overhead gas, electrical, telephone, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, and sewage pump stations. For the purpose of this LUC, commercial wireless telecommunication service facilities shall not be considered "essential services", and are defined separately. |
| Extraordinary Costs | Costs incurred as a result of an extraordinary impact. |

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| DEFINITIONS | |
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| TERM | DEFINITION |
| Extraordinary Impact | An impact that is reasonably determined by the County to: (1) Result in the need for public facility improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Utah Code; (2) Result in the need for public facility improvements, which are not identified in the Public Facilities Analysis; and/or (3) Have an impact that results in a lower than acceptable level of service. |
| Family | 2 or more persons related by blood or marriage, or between whom there is a legally recognized relationship, and/or not more than 5 unrelated persons occupying the same dwelling unit on a long-term basis. |
| Fee Payer | A person or entity that pays or is required to pay a development impact fee. |
| Field Office, Temporary | A structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. |
| Footprint Lot | A lot that corresponds in size and shape to that of the structure built, or to be built, on the lot. |
| Gasoline Service Station | A building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other minor automobile accessories at retail direct to the motor vehicle trade and where other services to motor vehicles can be rendered such as the following: sales and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, wiper blades and arms for windshields, radiator cleaning and flushing; washing and polishing; greasing and lubrication; air cleaners; adjusting brakes, tuning engines; air conditioner service; wheel balancing and alignment; provided, however, that the above automotive services are considered vehicle maintenance and replacement services and shall never be construed to include any major overhaul; the removal and/or rebuilding of an engine, cylinder head, transmission, differential, radiator, springs, or axles; steam cleaning; body or frame work; painting; upholstery; or replacement of glass. This use may include the incidental sale of meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for off-premise consumption, provided that in no case shall the floor area devoted to such sales exceed 2,400 square feet. |
| Heliport | A facility or site that is constructed or used for the taking off and landing of helicopters. |
| Hotel or Motel | 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 6 individual guest rooms or units and shall furnish customary hotel or motel services. |
| Impact Fee Enactment | The County ordinance allowing for the collection of impact fees. |
| Improvement | The addition of street, curb and gutter, sidewalk, storm drainage or utilities facilities or street trees or any other required items on a vacant parcel of land. |
| Industrial | Denotes industrial or manufacturing enterprises that tend to emit odor, noises, or other ecological pollutants that are least compatible with other uses. |
| Land Use Application | An application required by a county's land use ordinance. |
| Land Use Assumptions | The description of the study area and projections of land uses, densities, intensities, and population in the service area. |
| Land Use Authority | The Grand County Planning Commission serving in the roles prescribed in Utah Code 17-27a-103. |
| Land Use Ordinance | A planning, zoning, development, or subdivision ordinance of the County, but does not include the general plan. |
| Landscaping | May include trees, shrubs, grass, ground cover, vines, walkways, ponds, fountains, sculpture, and other organic and inorganic materials used for creating an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscaping. |
| Level of Service | A measure of the relationship between service capacity and service demand for public facilities. |
| Limited Common Element | A portion of the common elements allocated by the declaration for the exclusive use of one or more units but fewer than all of the units. |

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| TERM | DEFINITION |
| Limits of Disturbance | Area on a lot or tract that may be altered with grading, excavation, removal of vegetation, building construction, storage, temporary parking, or temporary access. |
| Lot | An undivided tract or parcel of land under one (1) ownership having frontage on a public street and either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract. |
| Lot Area | The net area of the lot, excluding portions of streets and alleys. |
| Lot Coverage | The percentage of a lot or tract covered by the roof or first floor of buildings. |
| Lot Line Adjustment | The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. |
| Lot Line, Front | Any lot line adjacent to a street; same as street line. |
| Lot Line, Rear | A lot line opposite a front lot line and not adjacent to a street. |
| Lot Line, Side | Any lot line not defined as a front or rear lot line. |
| Lot Lines | The lines bounding a lot as defined herein. |
| Lot of Record | A lot that is part of a subdivision or the original County site, the plat of which has been recorded in the office of the County Recorder of Grand County or a parcel of land, the deed for which is recorded in the office of the County Recorder of Grand County prior to the adoption of the County's Zoning Ordinance #134, adopted September 18, 1978. |
| Manufacturing, General | An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, excluding uses classified as manufacturing, hazardous or objectionable. |
| Manufacturing, Hazardous or Objectionable | A use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries. |
| Manufacturing, Light | An establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, wholesale sales and distribution of such products. |
| Minor Record Survey | A map of a survey of land prepared in accordance with State Code Section 17-23-17 and Sec. 9.7 of this Code |
| Mobile Home | A structure constructed according to HUD/FHA mobile home construction and safety standards, transportable on one or more section, which in the traveling mode, is 8 feet or more in width or is 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include all structures which meets all the requirements of this subsection except to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development. |
| Mobile Home Park | A tract of land designed or being used to accommodate two or more mobile home dwelling sites for rental. |
| Moderate Income Housing | Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located. |
| Modular Building | Any building or building component, other than a manufactured/mobile home, which is constructed according to standards contained in the International Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site. |
| Non-Conforming Structure | A structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land. |

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| Non-Conforming Use | a use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance regulation governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. |
| Office, Business or Professional | A use where business, professional, or governmental services are made available to the public, including: (1) Business Office - an office for use by persons such as Realtors, travel, advertising or insurance agents and property managers providing both products and services, or the home office of a company that sells retail or wholesale products or provides professional services; (2) Professional Office - an office for use by persons such as physicians, dentists, lawyers, architects, engineers, accountants and other professionals who primarily provide services rather than products. |
| Official Map | A map drawn by county authorities and recorded in the county recorder's office that: (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities; (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and (c) has been adopted as an element of the county's General Plan. |
| Open Space | See Sec. 6.11. |
| Open Yard Space | Area included in any side, rear or front yard or any unoccupied space on the lot or tract that is open and unobstructed to the except for the ordinary projections of cornices, eaves, and plant material. |
| Owner | Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or other person with sole or with concurrent legal and/or beneficial title to the whole or to part of a building or land. |
| Person | An individual, proprietorship, trust, partnership, corporation, association, or other legal entity. |
| Planned Community | A common interest community that is not a condominium or cooperative. |
| Principal Use | The principal use for which a parcel and any buildings thereon are developed. Each parcel or tract in Grand County is permitted only one (1) principal use (See Section 7.1.2); provided, however, agricultural uses may exist on the same lot or parcel as another principal use. |
| Proportionate Share | That portion of the cost of improvements determined by the "Grand County, Moab Public Facilities Analysis," dated July 16, 1996, and is amended from time to time. |
| Public Facilities | Those types of improvements described in Section 11-36-102.(11) of the Impact Fees Act, Utah Code and/or those facilities identified in the most recent Development Impact Fee Report (Addendum B) and the Grand County, Moab Public Facilities Analysis. |
| Public Facilities Analysis | The report prepared by Hofman Planning Associates and Lee Nellis titled "Grand County, Moab Public Facilities Analysis," July 16, 1996. |
| Public Hearing | A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. |
| Public Land | Land or interests in land owned by a governmental entity or held in trust for the benefit of the public by a not-for-profit organization. |
| Public Meeting | A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings. |
| Recreational Vehicle/Travel Trailer | A vehicular portable structure designed for temporary or short term occupancy for travel, recreation, or vacation. |
| Recreational Vehicle /Travel Trailer Park | A tract of land designed or being used to accommodate two or more recreational vehicles or travel trailers sites for rental. |
| Repair Services, General | An establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment or other heavy equipment. |
| Repair Services, Limited | An establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, bicycle repair, lawn mower repair, clock and watch repair, and shoe repair shops. |
| Residential Development | Any development approved by the local government for residential use. |

| DEFINITIONS | |
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| TERM | DEFINITION |
| Restaurant, Fast Food | An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or method of operation includes any service to a customer in a motor vehicle. |
| Restaurant, General | An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where customers are normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed. This use may include take-out service, but excludes any service to a customer in a motor vehicle. |
| Retail, General (Indoors) | A retail establishment that does not fit the definition of any other land use classification and that does not entail any outdoors sales, service, display, storage or other activity. Typical uses include but are not limited to apparel and accessory stores, camera and photographic supply stores, clothing stores, rental stores, consumer electronics stores, gift, novelty and souvenir shops, grocery stores, liquor stores, luggage and leather goods stores, jewelry stores, music stores and video tape rental stores. |
| Retail, General (Outdoors) | A retail establishment that does not fit the definition of any other land use classification and that entails some outdoors sales, service, display, storage or other activity. Typical uses include but are not limited to boat dealers, hot tub dealers, recreational vehicle dealers, and monument sales. |
| Rezone | Discretionary legislative decisions even if a rezoning application otherwise conforms to ordinance requirements |
| Ridgeline | See Sec. 6.9.8. |
| Riparian Area | A plant community contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one (1) or both of the following characteristics: (1) distinctively different vegetation species than adjacent areas, and (2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland. |
| Sanitary Sewer Authority | Grand Water and Sewer Service Agency responsible to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. |
| Screen | A fence or wall which is designed and erected in accordance with the screening standards of Section 6.4.3F and intended to obstruct and eliminate the public view of storage or other areas. |
| Sensitive Lands | Sensitive Lands include public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon Formation); floodplains and riparian habitats; seen areas of elevated benches, mesas, ridges, and slopes; and significant geological, biological, and archeological sites. |
| Setback | Unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located. |
| Sign | Any letter, figure, character, mark, plane, point marquee sign, design poster, pictorial, picture, stroke, stripe, line, trademark, or reading matter of illuminated or non-illuminated surface that shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, that is displayed in any manner whatsoever out of doors. |
| Site | The land on which development takes place. |
| Spot Zoning | Where a particular small tract within a large district is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of any general or comprehensive plan. |
| Street | A public way, other than an alley or driveway, which affords the principal means of access to abutting property. |
| Street Line | A dividing line between a lot, tract or parcel of land and a contiguous street, the rights-of-way line or easement line. |
| Structural Alterations | Any change in the supporting member of a building, such as a bearing wall, column, beam or girder. |
| Structure | That which is built or constructed, an edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definitive manner. |
| Study Area | The area included in the "Grand County, Moab Public Facilities Analysis," July 16, 1996. |

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| TERM | DEFINITION |
| Subdivision | Any land that is divided, resubdivided or proposed to be divided into 2 or more lots, parcels, sites, units plots, or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any other plans, terms, and conditions. "Subdivision" includes the division of land whether by deed, metes and bounds description, devise or testacy, lease, map, plat, or other recorded instrument. "Subdivision" does not include a bona fide division or partition of agricultural land for agricultural purposes. |
| Substantial Improvement | Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 25 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. |
| Tower | Any ground or roof-mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, traces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. |
| Tower, Multi-User | A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity. |
| Tower, Single-User | A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this LUC. |
| Transitional Surface | The surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. |
| Transitional Zone: | The transitional zones are the areas beneath the transitional surfaces. |
| Utilities, major | Major, area-wide (e.g., Spanish Valley or major portion thereof, and/or beyond), interstate or intrastate infrastructure facilities and services, which may or may not have employees at the site. Such facilities and services may be public or privately owned and operated, and may include the following uses: electrical substations; electrical transmission lines; electrical switching facilities and primary substations; petroleum transmission lines and pumping stations; water and wastewater treatment plants; and water tanks. |
| Visual Runways | R/W 3/21 and potential R/W 17/35 one (1) mile off each end of the runway(s) and 1250 feet either side of runway centerline. |
| Wireless Telecommunication Services | Licensed and commercial, wireless, telecommunication services including cellular, personal communication services including cellular, personal communication services ("PCS"), specialized mobilized radio ("SMR"), enhanced specialized mobilized radio ("ESMR"), paging, and similar services that are marketed to the general public. |
| Wrecking or Auto Salvage Yard | A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and /or offered for sale in the open as whole units, as salvaged parts or as processed metal. |
| Yard | An open space on the lot that is not obstructed from any point 30" above the general ground level of the graded lot to the sky except as authorized obstructions. |
| Yard, Front | A yard adjacent to a front lot line and extending from the lot line a uniform distance into the lot. |
| Yard, Rear | A yard adjacent to a rear lot line and extending from the lot line a uniform distance into the lot. |
| Yard, Side | A yard adjacent to a side lot line and extending from the lot line a uniform distance into the lot. |
| Zoning Administrator | An officer designated by the County Council to enforce the provisions of this LUC. |
| Zoning Development Permit | A permit issued by the Zoning Administrator that allows a developer to engage in development in compliance with all applicable sections of this LUC and further enables the developer to seek a Building Permit that would allow the developer to commence actual development. |
| Zoning Map | The certified Official Zoning Map upon which the boundaries of the various zoning districts are drawn. |

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ADDENDUM A

GRAND COUNTY -- ZONING DEVELOPMENT PERMIT [PER LUC Sec. 9.18]

Compliance with applicable Site Development Standards, Article 6, for each of the categories must be verified by the Zoning Administrator and Building Official prior to consideration of applications for a Building Permit(s).

APPLICANT SHALL COMPLETE:

| | | |
|----------------|-----------------|-------|
| Property Owner | Mailing Address | Phone |
|----------------|-----------------|-------|

| | | |
|------------|-----------------|-------|
| Contractor | Mailing Address | Phone |
|------------|-----------------|-------|

Subject Property Street Address _____

Legal Description; or ____ Attached _____

Existing Use(s) – Please list all current uses on the site _____

| | | |
|-----------------|--------------------------------|-------------------------|
| Proposed Use(s) | Proposed No. of Dwelling Units | Proposed Square Footage |
|-----------------|--------------------------------|-------------------------|

| | | |
|----------|-----------------------|-------------------------------|
| Lot Size | Proposed Bldg. Height | No. Off-street Parking Spaces |
|----------|-----------------------|-------------------------------|

Access _____ Driveway width _____ Min. Lot Area _____

Sidewalk _____ Type of Outdoor Lighting _____ Tree & Landscaping _____

Is the proposed building site adjacent to or across the street from a single-family dwelling or property zoned for a single family dwelling(s)? _____ [If so, LUC, Sec. 6.10, Compatibility Standards, may be applicable.]

| | | | |
|--------------------|-------|------|------|
| Proposed Setbacks: | Front | Side | Rear |
|--------------------|-------|------|------|

Water Service Approval? (From?) _____ Sanitation Service Approval? (From?) _____

I hereby certify, subject to penalty of perjury, that the above is true & accurate to the best of my knowledge and that I understand all provisions of County and State codes applicable to the proposed development, any & all conditions placed upon the proposed development by the County Council & all information requested by this document. I also understand that if I violate any applicable provisions of County / State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the County, including moving, removing structures & ceasing construction and/or uses.

| | |
|------------------------|------|
| Signature of Applicant | Date |
|------------------------|------|

APPLICANT SHALL ATTACH 2 copies of a complete, scaled and dimensioned, site and access plan or plat showing the existing and proposed building(s) OR structure(s) in sufficient detail to demonstrate that the proposed construction, reconstruction or conversion, moving and or alteration conforms with the applicable provisions of this LUC. The site plan shall be used to create a permanent record and must present all information clearly.

ZONING ADMINISTRATOR SHALL VERIFY COMPLIANCE WITH [INITIAL TO INDICATE APPROVAL]:

Application Completeness _____ (If incomplete, return application to Applicant)

Zoning _____ Conditional Use Permit # _____

List Conditions of Approval or Attached: _____

Should Bldg. Permit Application Be Considered? YES _____ NO _____

Comments _____

Signature of Zoning Administrator _____ Date _____

4. ZONING ADMINISTRATOR AND BUILDING OFFICIAL SHALL VERIFY COMPLIANCE WITH STANDARDS FOR (INITIAL TO INDICATED APPROVAL):

Use _____ Height _____ Setbacks _____

Access _____ Driveway width _____ Parking Spaces _____

Sidewalk/Trail _____ Min. Lot Area _____ Compatibility _____

Outdoor Lighting _____ Trees & Landscaping _____

Drainage/Flood issues _____ Ridgeline _____ Steep Slopes _____ Wildfire _____

Water Supply _____

Sanitation _____

Can Building Permit Be Applied For? YES _____ NO _____

Comments _____

Signature of Building Official _____ Date _____

IF THE BUILDING OFFICIAL SO AUTHORIZES, AN APPLICATION(S) FOR A BUILDING PERMIT THAT CONFORM MATERIALLY WITH ALL INFORMATION PROVIDED ABOVE MAY BE SUBMITTED TO THE BUILDING DEPARTMENT.

ADDENDUM B
Grand County Development Fee Impact Report

(May be obtained from the County Building Department by calling 435-259-1343)

ADDENDUM C -- RMF, Residential Multi-family District Map

MFR OVERLAY ZONING MAP
ORDINANCE NO. 410 SERIES 2005

RECORDED
EN 468911
BOOK 654
PAGE 3-8
9/16/05



| Legend | |
|-----------------------|------------------|
| MFR ZONE LAYER | |
| TYPE | |
| | MFR-140V |
| | MFR-200V |
| | MRF-80V |
| VALLEY ZONING | |
| TYPE | |
| | CITY/COUNTY BNDR |
| | GB |
| | HC |
| | LI |
| | LIVESTOCK BNDRY |
| | LLR |
| | MFR |
| | MFR-8 |
| | MOAB CITY |
| | NC |
| | RC |
| | RR |
| | SLR-1 |
| | SLR-2 |
| | SPALI |

