

ORDINANCE 2024-03

AN ORDINANCE ADOPTING MODIFICATIONS TO THE RC ZONE AND OTHER PERTINENT LAND USE REGULATIONS, PROVIDING FOR CODIFICATION, INCLUSION IN THE MUNICIPAL CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Gunnison City is a fifth class city of the state of Utah; and

WHEREAS, Cities in the State of Utah are authorized to enact Land Use Regulations in order to promote and protect the health, safety and welfare of the community; and

WHEREAS, The Planning Commission has been reviewing the city land use regulations for consistency with real world application, as well as state and federal regulatory changes; and

WHEREAS, the Gunnison City Planning Commission reviewed proposed amendments to the Gunnison City codes pertaining to the RC Zone and other pertinent land use regulations and after a properly noticed public hearing, which was conducted on February 27, 2024, has forwarded a positive recommendation for the code amendment to the City Council; and

WHEREAS, the City Council has determined that the proposed amendment will promote and serve to attract high quality business development and opportunities within the community, which is in the best interest of Gunnison City as the economic center for the Gunnison Valley area.

NOW THEREFORE, BE IT ORDAINED BY THE GUNNISON CITY COUNCIL THAT:

Section I. Amendments Adopted. The City Land Use Ordinances and codes shall be amended as provided in Exhibit A of this Ordinance, which consists of eleven pages attached hereto and by this reference made part hereof.

Section II. Contrary Provisions Repealed. Any and all other provisions of the Gunnison City Municipal Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Municipal Code of Gunnison City, Utah as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section V. Posting and Effective Date. Prior to 5:00 p.m. on August 3, 2023, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on August 3, 2023.

ADOPTED AND PASSED by the City Council of the City of Gunnison, Utah this 2nd day of August, 2023.

Lori Nay, Mayor

ATTEST

Valerie Andersen, City Recorder

Councilmember Robert Andersen _____
Councilmember Donald Childs _____
Councilmember Shawn Crane _____
Councilmember Stella Hill _____
Councilmember Michael Wanner _____

Modifications to the Gunnison Land Use Code (GLUC) related to the RC zone and other pertinent land use regulations.

I. Section 1711 Uses In Residential And Commercial (RC) District is amended as follows
(underlined text is added, stricken text is deleted)

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

~~Table 17-1~~

~~STANDARDS FOR THE RESIDENTIAL & COMMERCIAL (R&C-1) DISTRICT~~

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

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

<p>Other Site Design Requirements and Features</p>	<p>For all other building and site design elements the building and site design plans shall comply with the site and building design requirements and approval procedures, as provided and required by this Ordinance, or as may be further identified and required for Land Use Application approval, as required by the Land Use Authority, as applicable.</p>
<p>4. Nuisance</p>	<p>No use shall be designed or operated to expose adjoining properties and uses to offensive noise, odors, dust, electrical interference, and/or vibration, or create any other nuisance.</p>

II. GLUC Appendix A is amended as follows (underlined text is added, stricken text is deleted)

APPENDIX A TABLE OF USES

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

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

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

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

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

Ordinance 2024-03
Exhibit A

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

Ordinance 2024-03
Exhibit A

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

Ordinance 2024-03
Exhibit A

Contractor’s Office/Contractor’s Storage Yard. A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and which may include the open storage of any building materials, equipment, or vehicles.	X	X	X	X	X	X	C	C	X
Convenience Store. A retail establishment selling consumer products including prepackaged food and drink. A convenience store may also provide associated retail sale of gasoline and other petroleum products.	X	X	X	X	X	C	P-2	P-2	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Correctional Facility. A public or private facility providing confinement, housing, and care for individuals legally confined for violations of the law.	X	X	X	X	X	X	X	X	C
<u>Crematorium.</u> <u>Building or facility which provides cremation services on site.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>
Day Care Center/Assisted Care Center. A facility which provides less than 24-hour assisted care or supervision for five (5) or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	X	X	X	X	X	C	C	X	X
Drive through/Drive up Facility. A facility where goods and services are provided to customers within a vehicle.	X	X	X	X	X	X P-1	C	C	X
Dwelling Unit, Condominium. An individually owned dwelling unit, meeting the definition of a condominium, as provided by Section 57-8-1, Utah Code Annotated, 1953, as amended, and complying with all requirements of the “Condominium Ownership Act,” Section 57-8-1 Utah Code Annotated, 1953, as amended. Must meet allowed all density and development requirements and standards of the applicable Zone.	X	X	X	C	C	C	X	X	X
Dwelling Unit, Manufactured Home. A dwelling unit constructed in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) as identified by the manufacturer’s data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Dwelling Unit, Manufactured Home shall meet all requirements of the City’s Building Code, as applicable.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Dwelling Unit, Mobile Home. A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a State mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).	X	X	X	X	X	X	X	X	X

Ordinance 2024-03
Exhibit A

Dwelling, Multiple-Family	X	X	X	C	X	C	X	X	X
Dwelling, Single-Family	P-1	P-1	P-1	P-1	P-1	P-1/X ⁴	P-1/X ⁴	P-1/X ⁴	P-1
Dwelling, Two-Family	X	X	P-1	P-1	P-1	CP-1 /X ⁴	X	X	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Educational Facility. Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational or research activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	X	C	C	C	C	CP-1	X	XP-1 <u>1</u>	X
Emergency Care Facility. A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	X	X	X	X	X	XP-1	C	X	X
Home Occupation. Any use or activity conducted entirely within a dwelling, or legal accessory building or structure, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. This use is required to comply with all business licensing requirements of Gunnison City. (See Section 1702).	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	X
Hospital. A facility licensed by the State of Utah Department of Health providing clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients.	X	X	X	X	X	CP-1	C	X	X
Hotel. A building offering temporary lodging accommodations, or overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to four (4) or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.	X	X	X	X	X	CP-2	C	X	X
Household Pets. Domesticated animals and birds ordinarily permitted in a dwelling unit and kept for company or pleasure of the owner. (See Section 1718).	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
Laundry, Self-Serve or Dry Cleaning. An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop-off and pick-up.	X	X	X	X	X	CP-2	C	C	X
Major Facility of a Public Utility. Any electric transmission lines (greater than 140,000 volts), power plants or substations of electric utilities; gas gathering facility, regulator stations,	C	X	X	X	X	X	C	C	C

Ordinance 2024-03
Exhibit A

transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant.									
Manufacturing, Minor. Includes the processing and fabrication of finished products that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building with a maximum building size of 15,000 square feet.	X	X	X	X	X	X	X	P-2	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Manufacturing, Major. Includes the processing and fabrication of finished products, predominantly from previously prepared materials, and includes the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building. Excludes gravel pit, quarry, extractive industries.	X	X	X	X	X	X	X	C	X
Medical and Dental Clinic. An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.	X	X	X	X	X	CP-2	C	X	X
Medical or Dental Laboratory. An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.	X	X	X	X	X	XP-2	C	P-2	X
Minor Facility of a Public Utility. A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found by the Gunnison City Planning Commission to conform to the General Plan, or has been considered by the Gunnison City Planning Commission and, after receiving the advice of the Planning Commission, the Gunnison City Council has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses and Utilities do not include “Major Facility of a Public Utility,” as defined herein.	C	C	C	C	C	C	C	C	C
Mixed Use. The arrangement of a combination of compatible residential and nonresidential uses on the same lot or parcel of land or within the same building and complying within the requirements of this Ordinance. (See Section 1711).	X	X	X	X	X	C	C	X	X

Ordinance 2024-03
Exhibit A

Mobile Food Trailer. A trailer pulled behind a motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Trailer does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.	X	X	X	X	X	P-1	P-1	P-1	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Mobile Food Truck. A self-propelled motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Truck does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.	X	X	X	X	X	P-1	P-1	P-1	X
Mortuary, Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel and other rooms to conduct funeral services. <u>Does not include cremation services.</u>	X	X	X	X	X	CP-1	P-2	X	X
Motel. A building or group of buildings containing four (4) or more guest rooms, some or all of which may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach and which may include additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.	X	X	X	X	X	CP-1	P-2	X	X
Nursing Home, Convalescent Care Center. A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.	X	X	C	C	C	C	X	X	X
Office. A building, room, or other space where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions;	X	X	X	X	X	CP-2	P-21	P-21	XP-1

Ordinance 2024-03
Exhibit A

interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.									
Open/Outdoor Storage (Stand Alone). The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles, and not an Accessory Use to any established primary use.	X	X	X	X	X	X	X	X	X
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Outdoor Youth Program. A program designed to provide behavioral, substance abuse, or mental health services to minors that: (1) serves adjudicated or non-adjudicated youth; (2) charges a fee for its services; (3) may or may not limit or censor access to parents or guardians; (4) may prohibit or restrict a minor's ability to leave the program at any time of the minor's own free will; and (5) provides its services in an outdoor setting.	C	X	X	X	X	X	X	X	X
Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers.	X	X	X	X	X	CP-1	P-2	C	X
Personal Instruction Service. An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature or by a nonprofit organization. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.	X	X	X	X	X	CP-2	P-2	P-2	X
Public Use. A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Council has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include “Major Facility of a Public Utility” or an “Airport,” “Correctional Facility,” “Animal Control Facility,” “Water Treatment Plant” or “Sewer Treatment Plant,” as defined herein. (See Chapter 16).	C	C	C	C	C	C	C	C	C
Reception Hall, Reception Center. A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.	X	X	X	X	X	C	P-2	C	X

Ordinance 2024-03
Exhibit A

<p>Recycling Collection Center. A center for the acceptance and temporary storage of recyclable materials to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than 3 collection containers up to 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged to not impede traffic flow. The operator of the collection center shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two (2) per site.</p>	X	X	X	X	X	EX	P-2X	P-2	X
<p>USES</p>	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
<p>Residential Facility for Elderly Persons. A single-family or multiple-family dwelling unit that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of Sec. 10-9a-103; Sec. 10-9a-501; and Sec. 10-9a-502, Utah Code Annotated, as amended, meeting all applicable International Building Code, Zoning and Health Code requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently. Residential Facility for Elderly Persons does not include a health care facility as defined by §26-21-2, Utah Code Annotated, 1953, as amended. (See Section 1715).</p>	P-2	P-2	P-2	P-2	P-2	CP-2	X	X	X
<p>Residential Facility for Persons with a Disability. A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. Disability means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act,</p>	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}

Ordinance 2024-03
Exhibit A

21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility. (See Section 1716).									
USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Residential Facility for Persons with a Disability (Substance Abuse Facility located within 500 feet of a School). A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities. Disability means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility. (See Section 1717).	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}	P-1 ^{1,2}
Restaurant, Fast Food. A building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive up facility.	X	X	X	X	X	CP-1	C	C	X
Restaurant, Sit Down. A building or facility for the preparation, retail sale, and on-site consumption of food and beverages.	X	X	X	X	X	CP-1	P-21	XC	X
Retail Sales and Services. Establishments engaged in the sale of goods and services on a for-profit or not-for-profit basis.	X	X	X	X	X	P-1 /X ⁶	P-2	P-2	X
Riding Arena (Equestrian Arena). An area or structure used for horse riding and equestrian-related activities.	C	C	X	X	X	X	X	X	C
Self-Service Storage. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.	X	X	X	X	X	X/A ⁵	X/A ⁵	C	X
Sewer Treatment Facility. A <u>state</u> licensed facility that treats sanitary sewer effluent to a minimum level as established by State and/or Federal environmental protection agencies.	X	X	X	X	X	X	X	X	C

USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Sexually Oriented Business. An activity identified and conducted in compliance with the requirements of this Ordinance. (See Section 1725).	X	X	X	X	X	X	X	C	X
Special Use. A use established to meet a particular need or activity for a specific period, but not to exceed three hundred sixty (360) days, and <u>days and</u> conducted in compliance with all the requirements of this Ordinance, such use being discontinued and completely removed after the expiration of the specific period.	C	C	C	C	C	C	C	C	C
Temporary Use. A special event or use proposed to be established for a maximum period of ninety (90) days, such event, or use being discontinued after the expiration of ninety (90) days, and <u>days and</u> conducted in compliance with all the requirements of this Ordinance. Such uses may included <u>include</u> , but are not limited to, seasonal commercial activities, including Christmas tree lots and snow cone shacks, nonprofit fund-raising activities, organized events, educational, historic, religious and patriotic displays or exhibits, including athletic or recreational events, festivals, arts and crafts fairs, and other organized events. All family gatherings shall be exempt from the requirements of a Temporary Use Application approval.	X	X	X	X	X	P-1	P-1	P-1	P-1
Theater, Indoor. A building or part of a building devoted to the showing of moving pictures, or the presentation of live performances.	X	X	X	X	X	C	C	X	X
Therapeutic School. A residential group living facility for four (4) or more individuals who are not related to: (i) the owner of the facility; or (ii) the primary service provider of the facility; and that serves students who have a history of failing to function: (i) at home; (ii) in a public school; or (iii) in a nonresidential private school; and that offers: (i) room and board; and (ii) an academic education integrated with: (A) specialized structure and supervision; or (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.	X	C ³	C ³	C ³	C ³	C ³	X	X	X
Vehicle and Equipment Rental or Sale, New or Used. An establishment engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors. Typical uses include new and used truck sales and rental, boat sales, recreational vehicles, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental.	X	X	X	X	X	X P-2	C	C	X

USES	A-1	RR-1	R-2	R-4	MH	RC	CC-1	I-1	S-1
Automotive Vehicle and Equipment Repair. An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.	X	X	X	X	X	X	C	C	X
Water Treatment Facility. A licensed facility that treats raw water to a quality as established by State and/or Federal agencies to provide culinary water suitable for human consumption.	X	X	X	X	X	X	X	X	C
Wholesale Nursery or Greenhouse. <u>A wholesale business whose principal activity is the growing, selling, and shipping of plants.</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P-1</u>	<u>X</u>
Wind Energy System. A wind energy conversion system consisting of one (1) wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than three kilowatts (3kW) and providing wind generated electrical power to be used for on-site consumption.	C	C	C	X	X	X	X	C	C
Wireless Telecommunications Site/Facility. A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but is required to meet location requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or amateur radio service adopted under 47 C.F.R. Part 97. A facility may be located on any property owned by the City. (See Section 1722).	X	X	X	X	X	XC	XC	C	C

Notes:

1. Must be found to be proposed in a similar residential dwelling as allowed in the Zoning District.
2. Shall not be located closer than 10 times (10x) the minimum lot width, required in the Zoning District, from any other Residential Facility for Persons with a Disability, as measured from the closest property line to the closest property line.
3. Shall not be located closer than 10 times (10x) the minimum lot width, required in the Zoning District, from any other Therapeutic School, as measured from the closest property line to the closest property line.
4. No new single-family or two-family homes are permitted on properties abutting Main Street or Highway 89.

- 5. Self-storage units are only permitted on a property which has a primarily retail, or other, non-storage related, commercial use. The storage units must be located at least 200 feet from Main Street or a State Highway and comply with all applicable site development standards.
- 4.6. Retail Sales and Services in the RC zone must be located on properties adjacent to or within 200 feet of Main Street.

III. GLUC Appendix B is amended as follows (underlined text is added, stricken text is deleted)

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

Ordinance 2024-03
Exhibit A

Minimum Lot Size - Internal lot	40 acres	1 acre – Single-Family,	10,000 sq ft. Single-Family. 15,000 sq ft. Two-Family	7,500 sq. ft. Single-family. 10,000 sq. ft. Two-family. 12,500 sq. ft. Three-family 15,000 sq. ft. Four-family	As necessary to comply with city development standards.
Minimum Lot Size for Corner Lots	40 acres	1 acre – Single-Family	12,000 sq ft. Single-Family. 18,000 sq ft. Two-Family	9,000 sq. ft. Single-family. 12,000 sq. ft. Two-family 15,000 sq. ft. Three-family 18,000 sq. ft. Four-family	As necessary to comply with city development standards.
Minimum Lot Width - Internal lot	200 feet	130 feet– Single-Family See also Section 1115 for cul-de-sac lots.	100 feet – Single-Family 118* feet – Two-Family See also Section 1115 for cul-de-sac lots.	75 feet –Single-Family 90 feet – Two-Family 100 feet –Three-Family 110 feet – Four-Family See also Section 1115 for cul-de-sac lots.	As necessary to comply with city development standards.
Minimum Lot Width for Corner Lots	240 feet	160 feet– Single-Family	120 feet – Single-Family. 142* feet – Two-Family	90 feet –Single-Family 110 feet – Two-Family 120 feet –Three-Family 135 feet – Four-Family,	As necessary to comply with city development standards.

Ordinance 2024-03
Exhibit A

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

Ordinance 2024-03
Exhibit A

									any road or street is proposed to be used for any off-street parking the minimum side yard shall be 40 feet.	
	Rear	60 feet	30 feet	20 feet	20 feet	20 feet	<u>Residential</u> 1 – 20 feet <u>Commercial</u> – 8 ft	As required by the Land Use Authority for Land Use Application approval.	20 feet or 25 feet when the rear yard is adjacent to any road or street, except if any portion of a rear yard adjoining any road or street is proposed to be used for any off-street parking the minimum	As required by the Land Use Authority for Land Use Application approval.

Ordinance 2024-03
Exhibit A

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

Ordinance 2024-03
Exhibit A

							<u>Commercial – 8 ft</u>	
Minimum Yard Setbacks— Adjacent to a Residential Zone:								
	Front	Not Applicable					As required by the adjacent residential zone for a minimum distance of 100 feet.	
	Side	Not Applicable					20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.	
	Rear	Not Applicable					20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.	
Minimum Building Height		10 feet, or one (1) story entirely above grade measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline.						
Maximum Building Height		35 feet, or two (two) stories measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline. The maximum height measurement includes the height of all roof-mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks,					40 feet, or 35 feet when the lot is adjacent to a Residential Zoning District, measured from the lowest point of the natural or finished grade immediately adjacent to an exterior wall to the highest point of the roofline. The maximum height measurement includes the height	

	ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.	of all roof-mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.			
Minimum Dwelling Unit Dimension	All dwelling units shall be a minimum of twenty-four (24) feet wide at the narrowest point, excluding any attached accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.	No Requirement			
Minimum Landscaping Required	No Requirements	<u>See Section 1710 otherwise, no residential requirement.</u>	<u>See Section 1710 15% of Total Site</u>	<u>See Section 1710 10% of Total Site</u>	<u>See Section 1710 No Requirement</u>

IV. GLUC Section 1715 Residential Facilities For Elderly Persons is amended as follows (underlined text is added, stricken text is deleted)

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

1. No Residential Facility for Elderly Persons shall be established unless:
 - a. It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, and as applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.
 - b. The Residential Facility for Elderly Persons proposes no fundamental change in the character of the neighborhood.

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

V. **GLUC Section 1716 Residential Facilities For Persons With a Disability is amended by adding the following paragraph 10.**

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