

## TITLE 12 ZONING REGULATIONS

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## 12

## ZONING REGULATIONS

### 12.02 GENERAL PROVISIONS

#### 12.02.02 SHORT TITLE

These zoning regulations shall be known and cited as the TOWN OF HIDEOUT ZONING REGULATIONS, hereinafter referred to as the "Zoning Ordinance".

#### 12.02.04 STATEMENT OF PURPOSE

The purposes of this title shall be to:

1. Protect and promote the health, safety, convenience, and general welfare of the present and future inhabitants of the Town of Hideout;
2. Guide the future growth and Development of the Town of Hideout, in accordance with the Hideout General Plan;
3. Provide for adequate Open Space, light, air, air quality, privacy, safety from fire, flood, landslides and other geologic hazards, and other dangers and to try to prevent overcrowding of the land, and to lessen traffic congestion;
4. Allow Development in a manner that encourages the preservation of scenic values and minimizes the impact on natural resources in Hideout;
5. Protect and conserve the character of the Town of Hideout and to encourage the orderly Development of the land;
6. Protect and conserve Hideout property values and minimize conflicts among uses of the land and Structures;
7. Provide for well-planned commercial and residential centers, efficient traffic circulation, and efficient use of town services;
8. Establish Zone Districts within which the Legislative Body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures and the uses of land; and
9. Provide methods of administration and enforcement of this Title and provide penalties for the violation thereof.

#### 12.02.06 AUTHORITY

By authority of ordinance of the Town Council of the Town of Hideout, hereinafter referred to as "Town Council", adopts this Ordinance pursuant to The Municipal Land Use Development and Management Act, and as provided through Title 10, Chapter 9a of the Utah Code, Annotated (1953, as amended), and all other authorities and provisions of Utah and Federal statutory and common law as applicable.

#### 12.02.08 INTERPRETATION AND SEVERABILITY

1. Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulations, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.
2. Definitions: Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in this code, such definition is incorporated herein

and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive.

3. Severability of Parts: The various sections, subparagraphs, sentences, phrases and clauses of this title are hereby declared to be severable. If any such part of this title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the Town Council, all remaining parts shall remain valid and in force.
4. Effect of CC&Rs: Enforcement of private covenants, conditions and restrictions shall not be the responsibility of the Town of Hideout.
5. Effect of Prior Ordinances: Uses which were commenced legally prior to the adoption of this Title, or for which permits were properly issued and are acted upon in a timely manner, shall, to the extent they do not conform to this Title, be considered as non-conforming uses, and shall not be affected hereby. Uses, which were unlawful prior to the enactment of this Title, shall not become legal by the enactment of this Title.
6. Rounding: Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number.
7. Time Computation: Unless otherwise specified herein, a period of time specified in this title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at eleven fifty nine (11:59) P.M. the last day of the time period.

#### **12.02.10 COORDINATION WITH OTHER DOCUMENTS**

This Title, together with the most recent version of the Town of Hideout General Plan ("General Plan") adopted by the Town Council, the Town of Hideout Subdivision Regulations ("Subdivision Ordinance") set forth in Title 10, and the Town standard specifications for building, construction and developing ("Building Codes and Standards") set forth in Title 9, shall guide the use of all land within the municipal boundaries of the Town.

#### **12.02.12 EFFECT ON GOVERNMENT ENTITIES**

In accordance with the laws of the state, the provisions of this title shall not apply to the properties owned by the state, or the United States government; however, any person, firm or corporation who may obtain such properties by purchase, lease or other arrangement with the state shall utilize such properties in accordance with regulations as set forth in Utah Code Annotated.

#### **12.02.14 ESTABLISHMENT OF ZONES**

1. The zoning map for the Town of Hideout as adopted by the Town Council and executed by the Mayor is the Official Zoning Map for the Town of Hideout. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.
2. All property within the Town of Hideout limits is divided into zoning districts as shown on the map entitled, "Zoning Map of the Town of Hideout, Utah", which map and boundaries, notations, references and other information shown thereon shall be as much a part of this Title as if the information and matters set forth by the map were all fully described herein.

### 12.02.16 ENUMERATED ZONES

In order to carry out the provisions of this ordinance the Table of Zoning Districts divides the Town of Hideout into the following zoning districts:

Zone Abbreviation	Zone Name	Alternate Name	
<b>M</b>	Mountain	Mountain Residential (MR)	
<b>RSF</b>	Residential Single Family	Single Family 3 (SF3)	Residential 3 (R3)
<b>RMD</b>	Residential Medium Density	Medium Density 6 (MD6)	Residential 6 (R6)
<b>RHD</b>	Residential High Density	High Density 20 (HD20)	Residential 20 (R20)
<b>NC</b>	Neighborhood Commercial	Neighborhood Mixed Use (NMU)	
<b>C</b>	Commercial	Commercial (C)	
<b>LI</b>	Light Industrial	Light Industrial (LI)	
<b>CS</b>	Community Site	Recreation (R)	
<b>OS</b>	Open Space	Natural Preservation (NP)	

### 12.02.18 DEPRECATED ZONES

The following zoning districts were part of the prior Town Code and are now considered to be deprecated. No new annexed lands can request these zones; and no zone change requests can request these zones. Existing lands currently zoned in these districts will become non-conforming (but subject to the rules and restrictions defined within the prior version of this code). See Section 12.30 for more information about these zones

Zone Abbreviation	Zone Name	Most Related Enumerated Zone
<b>RVMD</b>	Resort Village Medium Density	
<b>RVHD</b>	Resort Village High Density	
<b>RSPA</b>	Resort Specially Planned Area	
<b>PPD</b>	Planned Performance Development	
<b>HC</b>	Hospitality Casita	
<b>RF</b>	Resort Feature	
<b>M</b>	Mountain	Mountain Residential
<b>RSPA/RSF</b>	Residential Single Family (within RSPA)	Residential 3
<b>RSPA/RMD</b>	Residential Medium Density (within RSPA)	Residential 6
<b>RSPA/NC</b>	Neighborhood Commercial (within RSPA)	Neighborhood Mixed Use
<b>RSPA/CS</b>	Community Site (within RSPA)	Recreation
<b>RSPA/OS</b>	Open Space (within RSPA)	Natural Preservation

### 12.02.20 PRIOR CREATED LOTS

Lots or parcels of land which were legally created prior to the enactment of the requirements of the enumerated zones in Section 12.02.16 shall not be denied a Building permit solely for reasons of nonconformance with the parcel requirements of this chapter.

### **12.02.22 CLASSIFICATION OF ANNEXED TERRITORY**

All property hereafter annexed to the town shall, with the annexation request, include a map of the desired zone(s). If the annexation request is approved, the zoning districts laid out in the approved annexation request shall apply thereto until such time that a public hearing is held to consider a change in classification thereof. Such hearing and classification shall be considered in the same manner as set forth in Section 12.02.26 of this title pertaining to the amendment of this title.

### **12.02.24 ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED**

Determination as to the classification of uses not specifically listed in this title, shall be made by the Planning Commission (as the Land Use Authority) and shall be subject to appeal to the Board of Adjustment as set forth in Title 3. The procedure shall be as follows:

1. **Request for Determination:** A written request for such a determination shall be filed with the town staff. The request shall include a detailed description of the proposed use and such other information as may be required.
2. **Investigation:** The Planning Commission shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title and shall make a determination of its classification based on these investigations.
3. **Determination:** The determination of the Planning Commission shall be rendered in writing within a reasonable time. The determination shall state the zone classification in which the proposed use will be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification. Upon making this decision, the Planning Commission's Authority Representative shall notify the applicant in writing of the decision.
4. **Decision:** The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the planning department. Such use shall become a permitted or Conditional Use in the class of district specified in the determination and shall have the same status as a permitted or Conditional Use specifically named in the regulations or the zone classification.

### **12.02.26 AMENDMENTS TO ZONING ORDINANCE**

Requests for amendments or changes to the zoning ordinance or zoning district map shall be initiated with the Town Staff and Planning Commission. The amendment process shall proceed as follows:

1. A petition shall be submitted to the Town of Hideout along with required fees in amount determined by the Town fee schedule.
2. Within thirty (30) days of submittal, the Town Staff will review the petition for completeness and a letter will be sent if additional information is needed.
3. When the Town Staff determines that the petition is complete and ready for Planning Commission review, they will notify the Commission's Authority Representative and the Commission's Authority Representative will establish a date for a public hearing providing sufficient public notice as required by the Town of Hideout Standards for Public Notice as established in Section 11.06.06.
4. A public hearing shall be held by the Planning Commission.
5. All proposed amendments shall be first reviewed by the Town Planner and submitted to the Planning Commission for its recommendation as provided in this chapter.
6. The Planning Commission shall review the petition and shall recommend adoption of proposed amendments to the Town Council only where it finds:



- a) The proposed amendment furthers the purpose of the General Plan, or
  - b) That changed conditions make the proposed amendment necessary to fulfill the purposes of this title.
7. Once a recommendation has been made by the Planning Commission, The Town Council will establish a date for a public hearing that provides sufficient public notice as required by the Hideout Standards for Public Notice as established in Section 11.06.06.
  8. A public hearing shall be held by the Town Council. After the required hearing on the proposed amendment, the Town Council may adopt, modify or reject such amendment.
  9. Resubmission of an application for the same amendment shall not be allowed for a period of twelve (12) months. Any such resubmission shall follow the same procedures as the original submission.

#### **12.02.28 ADOPTION OF GENERAL PLAN**

1. The Town of Hideout Municipal Code is amended to adopt and contain the Town of Hideout General Plan as authorized by "The Municipal Land Use Development and Management Act", titled Hideout General Plan of 2019.
2. The Hideout General Plan of 2019 is adopted; it is mandated that the present and future needs of the Town of Hideout be met, and the growth and Development of the Land within the Town of Hideout be in compliance therewith.
3. All amendments or appeals to the Hideout General Plan shall adhere to guidelines set forth in Title 13.

#### **12.02.30 ENFORCEMENT AND PENALTIES**

1. The provisions of this Title shall be administered by the Planning and Zoning Department under the supervision of the Hideout Legislative Body. The Director or his/her representative shall investigate alleged violations of this Title, and initiate enforcement actions if violations are found to exist. The failure of the Town of Hideout to enforce the requirements of this Title shall not operate to waive or stop the Town of Hideout from pursuing subsequent enforcement actions. Permits issued in violation of this Title shall have no force or effect.
2. It shall be unlawful for any person to violate any of the provisions of this Title. Any person, firm, partnership, corporation, or other entity, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this Title shall be guilty of a Class "C" Misdemeanor, and upon conviction thereof may be punished by a fine of not more than seven hundred and fifty (\$750.00) dollars per offense, or by imprisonment in jail for a period not more than ninety (90) days or by a combination of said fine and imprisonment.

#### **12.04.02 GENERAL**

For the purposes of this Title, the following terms and words and their derivations shall have the meaning as given herein. When inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. Shall is always mandatory. Words not included herein, but which are defined in the Building code shall be construed as defined therein. Words which are not included herein or in the Building code shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning. Definitions of words applicable particularly to certain chapters may be included in those chapters. All terms used in this Title which are not specifically defined herein are to be given their usual and standard definition. Disputes as to the definition of a term not specifically defined herein shall be referred to the Board of Adjustment for resolution.

## **12.04 DEFINITIONS**

### **12.04.02 GENERAL**

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the Town and then its common, ordinary meaning.

### **12.04.04 DEFINITIONS**

The definitions set forth in Title 10 Section 10.12 of the Town of Hideout Utah are hereby incorporated as definitions pertaining to this title.

## **12.06 CLUSTER DEVELOPMENT**

### **12.06.02 PURPOSE**

It is the purpose of this ordinance to permit residential Cluster Development in order to:

1. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
2. Protect environmentally sensitive areas of a Development site and preserve on a permanent basis Open Space and natural features;
3. Decrease or minimize nonpoint-source pollution impacts by reducing the number of impervious surfaces in site Development;
4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of Streets; and
5. Further the objectives of the Town of Hideout General Plan

### **12.06.04 APPLICABILITY AND GENERAL PROVISIONS**

1. A residential Cluster Development shall be permitted only in those zoning districts that specifically permit it:
2. Maximum Lot coverage, Floor Area ratios, Building height, and parking requirements for the applicable zoning district shall apply to the Cluster Development. Maximum Lot coverage, Floor Area ratios, and parking requirements, however, shall be applied to the entire site rather than to any individual Lot.
3. The following provisions shall apply to any residential Cluster Development, regardless of the general requirements of the applicable residential zoning district:
  - a. The minimum area of the Cluster Development shall be five (5) acres.
  - b. No minimum width or depth of a Lot shall apply.
  - c. A minimum separation of ten (10) feet shall be provided between all principal Buildings and Structures.
  - d. A minimum Yard or common Open Space of at least twenty-five (25) feet in depth shall be provided, as measured from all public Streets and from the side and rear Lot lines of the entire Cluster Development.
  - e. Each Lot shall have a minimum access of twelve (12) feet to a public or private Street. Such access may be shared with other Lots.
  - f. More than one principal Building or Structure may be placed on a Lot.

- g. An additional twenty percent (20%) beyond what is required per zoning district shall be conveyed as common Open Space.
- h. Where the site contains Floodplains or wetlands, not less than fifty percent (50%) of such Floodplains or wetlands shall be included in calculating the common Open Space.

#### **12.06.06 CONTENTS OF SITE PLAN**

In addition to the preliminary plan and final plat application requirements outlined in Title 10, plans for residential Cluster Development shall include the following information:

- 1. The maximum number and type of Dwelling Units proposed;
- 2. The areas of the site on which the Dwelling Units are to be constructed or are currently located and their size (this may take the form of the footprint of the Dwelling Unit or a Building envelope showing the general area in which the Dwelling Unit is to be located);
- 3. The calculations for the permitted number of Dwelling Units, derived pursuant to Title 10 Section 10.12;
- 4. The areas of the site on which other proposed principal and Accessory Uses may be located and their size;
- 5. The areas of the site designated for Open Space and their size;
- 6. The areas of the site designated for parking and loading and the size of individual spaces;
- 7. The number and percentage of Dwelling Units, if any, that are proposed to be affordable;
- 8. The location of sidewalks, trails, and bike paths;
- 9. The number of acres that are proposed to be conveyed as common Open Space; and
- 10. Demonstrate conformance with the Town of Hideout General Plan ("General Plan") set forth in this Title, the Town of Hideout Subdivision Regulations ("Subdivision Ordinance") set forth in Title 10, and the Town standard specifications for building, construction, and development ("Building Codes and Standards") set forth in Title 9.

#### **12.06.08 DENSITY BONUS**

- 1. Except as provided in paragraph three (3) below, the maximum number of Dwelling Units proposed for a residential Cluster Development shall not exceed the number of Dwelling Units otherwise permitted for the residential zoning district in which the parcel is located.
- 2. Except as provided in paragraph three (3) below, the number of permitted Dwelling Units on a site shall be calculated in the following manner.
  - a. Measure the gross area of the proposed Cluster Development site in acres and tenths of an acre.
  - b. Subtract from the gross area determined in subparagraph (a) the area of public and private Streets and other publicly dedicated improvements, measured in acres and tenths of an acre, excluding common Open Space (whether or not it is conveyed pursuant to Section 12.06.14, below). The remainder shall be the net buildable area.
  - c. Convert the net buildable area from acres to square feet (SF), using the equivalency of 43,560 SF = 1 acre.
  - d. Divide the net buildable area by the smallest minimum Lot size (in square feet) per unit for a Dwelling Unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of Dwelling Units permitted in the Cluster Development.
- 3. The Planning Commission and Town Council may approve an increase of up to twenty-five percent (25%) of the maximum number of Dwelling Units in the Cluster Development, as calculated in paragraph two (2) above, if:

- a. The percent of Density bonus is no greater than the percent of Dwelling Units in the Cluster Development that are affordable units; or
- b. The percent of Density bonus is no greater than the percent of the gross area of the Cluster Development that is both:
  - i. Set aside as and conveyed as common Open Space pursuant to Section 12.06.14, below; and
  - ii. Accessible to the public.

**12.06.10 PROCEDURES FOR REVIEW**

- 1. The Town Planner shall review the proposed Cluster Development and make recommendations to the Planning Commission.
- 2. The Planning Commission and Town Council shall review and approve a residential Cluster Development and any amendments thereto as a land Development project in the manner provided for in Title 10, Town of Hideout Subdivision Regulations.
- 3. The Planning Commission and Town Council may, in its opinion, apply such special conditions or stipulations to its approval of a residential Cluster Development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the General Plan, Zoning Ordinance, and Subdivision Ordinance.

**12.06.12 AFFORDABLE HOUSING UNITS USED AS BASIS FOR DENSITY BONUS**

- 1. Affordable Dwelling Units used as the basis for approving a Density bonus in Section 12.06.08, shall be subject to a deed restriction and a mortgage lien to ensure that newly constructed low- and moderate-income sales and rental units remain affordable to low- and moderate-income households for a period of not less than thirty (30) years, which period may be renewed by the Town of Hideout.
- 2. The deed restriction and mortgage lien shall be approved by the Town of Hideout Attorney and shall be enforceable by the Town of Hideout through legal and equitable remedies.

**12.06.14 CONVEYANCE OF OPEN SPACE**

- 1. Common Open Space provided by a residential Cluster Development shall be conveyed as follows:
  - a. To the Town of Hideout and accepted by it for park, Open Space, or other specified use or uses, provided that the conveyance is approved by the Planning Commission and Town Council and is in a form approved by the Town of Hideout Attorney; or
  - b. To a nonprofit organization whose principal purpose is the conservation of Open Space, to a corporation or trust owned or to be owned by the owners of Lots or Dwelling Units within the residential Cluster Development, or to owners of shares within a cooperative Development. If such a corporation or trust is used, ownership shall pass with the conveyances of the Lots or Dwelling Units. The conveyance shall be approved by the Planning Commission and Town Council and shall be in a form approved by the Town of Hideout Attorney.
- 2. In any case, where the common Open Space in a residential Cluster Development is conveyed pursuant to subparagraph (1)(b), above, a deed restriction enforceable by the [local government] shall be recorded that provides that the common Open Space shall:
  - a. Be kept in the authorized condition(s); and
  - b. Not be developed for principal uses, Accessory Uses (e.g., parking), or roadways.

## 12.08 MOUNTAIN 2 (M2) ZONE

### 12.08.02 PURPOSE

The (M) Mountain Zone is established for Development Hideout that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the Mountain Zone is for the following purposes:

1. Provide an appropriate location within the Hideout for the Development of mountain residential Dwellings.
2. Prevent excessive scattering of mountain Dwellings, accompanied by excessively long Streets, and infrastructure.
3. Facilitate payment for services rendered by the municipality for Streets, fire, police, health, sanitation and other services.
4. Prevent soil erosion generated from excessive Streets and soil displacement.
5. Protect the vegetation and aesthetic characteristics of the Hideout canyons and mountains.
6. Encourage the protection of wildlife, plant life and ground water.
7. Protect the health, safety and welfare of the residents of the Town of Hideout by only allowing Development that will have appropriate access to and from the Development and provide appropriate fire and emergency access.

### 12.08.04 LAND USES

1. The Mountain Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All infrastructure uses (outside of right-of-way utilities or infrastructure that is necessary to residential or commercial development) including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use Permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	P
Affordable Housing Development	
Cluster Development	C
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	P
Church or Worship Center	P
Community Center	C
Private Residence Clubs	

Public Building	C
Public Services Facility	C
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	C
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

#### 12.08.06 DIMENSIONAL STANDARDS

1. Development in the Mountain Zone shall comply with the following standards table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	1
Minimum Open Space	70%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	1 Acre
Minimum Lot Frontage	200'
Minimum Lot Width	200'

Minimum Lot Depth	100'
Maximum Lot Coverage (in sq. ft.)	12,000
<b>Setbacks</b>	
Minimum Front Setback from road edge	50'
Minimum Front Setback from road edge (Major Road)	60'
Minimum Setback from Highway	150'
Minimum Rear Setback	30'
Minimum Side Setback	25'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	1
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sqft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	30'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditional
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete, Asphalt

### **12.08.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Mountain Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

### **12.08.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Mountain Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

## 12.10 RESIDENTIAL SINGLE FAMILY 2 (RSF2) ZONE

### 12.10.02 PURPOSE

The Residential Single Family (RSF) is established to encourage the creation and maintenance of residential areas within the Town of Hideout which are characterized by large Lots on which Single Family Dwellings are situated that responds to the topography and the amenities located near the site. Larger Lots are typically located on steeper Slopes to allow any necessary grading to be integrated back into landform.

### 12.10.04 LAND USES

1. The Residential Single-Family Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	P
Community Center	C
Private Residence Clubs	
Public Building	
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	



Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

#### 12.10.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Residential Single Family Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	3
Minimum Open Space	40%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.33 Acre
Minimum Lot Frontage	85'
Minimum Lot Width	75'
Minimum Lot Depth	80'
Maximum Lot Coverage (in sq. ft.)	8,712
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	20'

Minimum Side Setback	20'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	1
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sqft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete

#### **12.10.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Residential Single-Family Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

#### **12.10.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Residential Single-Family Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.



## 12.12 RESIDENTIAL MEDIUM DENSITY 2 (RMD2) ZONE

### 12.12.02 PURPOSE

The Residential Medium Density Zone is established to provide a residential Environment within the Town of Hideout which is characterized by smaller Lots and somewhat denser residential Environment than is characteristic of the RSF residential zone. Nevertheless, this zone is characterized by Yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this zone shall be Single Family Dwellings, both attached and detached, townhomes, and other public facilities.

### 12.12.04 LAND USES

1. The Residential Medium Density Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	C
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	P
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	C
Church or Worship Center	P
Community Center	C
Private Residence Clubs	C
Public Building	C
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	

Equestrian Facilities	
Fitness / Wellness Center	
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	
Restaurant (with drive-through support)	
Restaurant	C
Retail	
Service Station	
Storage Facility	
Theater	

**12.12.06 DIMENSIONAL STANDARDS**

1. Unless otherwise specified, Development in the Residential Medium Density Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	6 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	8,000 sq ft
Minimum Lot Frontage	60'
Minimum Lot Width	55'
Maximum Lot Coverage (percentage.)	60%
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	20'
Minimum Side Setback (for single-family units)	12'

Minimum Side Setback (for buildings with attached units)	20' (maximum of four units per building)
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15' or 5'
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	4
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	2
Minimum Garage Parking (residential: per unit)	2
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	No
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	4
Permitted Driveway Materials	Concrete

### 12.12.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS

Unless otherwise specified, the Landscaping requirements within the Residential Medium Density Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

### 12.12.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS

Unless otherwise specified, the Open Space and Public Space requirements within the Residential Medium Density Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.



## 12.14 RESIDENTIAL HIGH DENSITY (RHD) ZONE



### 12.14.02 PURPOSE

The Residential High Density Zone is established to provide medium and High Density Multiple Family residential areas. The Residential High Density Zone allows the Development of a wide range of housing choices for Town residents and amenities and conveniences in a pleasing and attractive residential Environment with adequate light, air, Open Space, and landscaped areas. This zone is characterized by more compact Development and somewhat higher volumes of traffic than is characteristic of the RSF and RMD zones.

### 12.14.04 LAND USES

1. The Residential High Density Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	C
Condominiums	C
Condominium Hotel	C
Multiple Family Unit	P
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	P
Church or Worship Center	P
Community Center	C
Private Residence Clubs	P
Public Building	C
Public Services Facility	
School	C
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	
Convenience Store (no drive-through support)	C
Day Care Centers	C

Equestrian Facilities	
Fitness / Wellness Center	P
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	P
Office	P
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	C
Retail	C
Service Station	
Storage Facility	
Theater	

#### 12.14.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Residential High-Density Zone shall comply with the standards set forth in the following table.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	20 per acre
Minimum Open Space	30%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	2 acres
Minimum Lot Frontage	300'
Minimum Lot Width	250'
Maximum Lot Coverage (percentage.)	70%
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	50'
Minimum Side Setback	50'

Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 5'
<b>Building</b>	
Maximum Building Height	50'
Maximum Units per Building	20
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Yes
Conjoined Driveway Allowed (with adjacent property)	Yes
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

#### **12.14.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Residential High Density Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

#### **12.14.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Residential Medium Density Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.





## 12.16 NEIGHBORHOOD COMMERCIAL 2 (NC2) ZONE

### 12.16.02 PURPOSE

The Neighborhood Commercial Zone is established to provide areas for public, retail and commercial facilities that serve the immediate needs of Town residents and situated within an environment, which is safe and aesthetically pleasing.

### 12.16.04 LAND USES

1. The Neighborhood Commercial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	C
Cluster Development	
Condominiums	P
Condominium Hotel	P
Multiple Family Unit	P
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	P
Church or Worship Center	P
Community Center	P
Private Residence Clubs	P
Public Building	C
Public Services Facility	
School	C
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	C
Convenience Store (no drive-through support)	P
Day Care Centers	P
Equestrian Facilities	P
Fitness / Wellness Center	C

☰ Gasoline, Retail	P
Golf Course and Related Services	
Grocery	P
Health Care Facility	
Hotel	P
Kiosks and Street Vendors	
Maintenance Facility	P
Meeting Facilities	P
Office	C
Personal Services	C
Recreational Facilities	C
Restaurant (with Drive through support)	C
Restaurant	P
Retail	C
Service Station	
Storage Facility	
Theater	C

#### 12.16.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Neighborhood Commercial Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Unit Density (ERU)	10
Minimum Open Space	25%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.5 Acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'
Minimum Lot Depth	100'
Maximum Lot Coverage (percentage)	70%
<b>Setbacks</b>	
Minimum Front Setback from road edge	25'
Minimum Front Setback from road edge (Major Road)	30'
Minimum Setback from Highway	50'
Minimum Rear Setback	30'
Minimum Side Setback	30'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a

<b>Building</b>	
Maximum Building Height	45'
Maximum Units per Building	20
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq. ft)	2
Minimum Garage Parking (residential: per unit)	1.5
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

### **12.16.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Neighborhood Commercial Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

Additional Landscaping requirements within the Neighborhood Commercial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

### **12.16.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Neighborhood Commercial Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.



## 12.18 COMMERCIAL (C) ZONE

### 12.18.02 PURPOSE

The Commercial Zone is established to provide Retail and service commercial uses such as stores, restaurants, hotels, and Office Structures and is generally located adjacent to major transportation arteries. The zone is also intended to serve as the commercial core of the Town.



### 12.18.04 LAND USES

1. The Commercial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	P
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	C
Public Services Facility	
School	
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	C
Convenience Store (no drive-through support)	P
Day Care Centers	P
Equestrian Facilities	
Fitness / Wellness Center	P

Gasoline, Retail	P
Golf Course and Related Services	
Grocery	P
Health Care Facility	P
Hotel	C
Kiosks and Street Vendors	P
Maintenance Facility	
Meeting Facilities	P
Office	P
Personal Services	P
Recreational Facilities	C
Restaurant (with Drive through support)	C
Restaurant	P
Retail	P
Service Station	C
Storage Facility	
Theater	P

#### 12.18.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Commercial Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	15 per acre
Minimum Open Space	25%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	1 acre
Minimum Lot Frontage	150'
Minimum Lot Width	150'
Maximum Lot Coverage (in percent)	75%
<b>Setbacks</b>	
Minimum Front Setback from road edge	10'
Minimum Front Setback from road edge (Major Road)	15'
Minimum Setback from Highway	50'
Minimum Rear Setback	50'
Minimum Side Setback	10'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	45'

Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	3
Maximum Parking (non-residential: per 1000 sq ft)	4
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	5'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Asphalt or Concrete

### **12.18.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Commercial Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

Additional Landscaping requirements within the Commercial Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

### **12.18.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Commercial Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

### **12.18.12 DESIGN REQUIREMENTS**

Unless otherwise specified, the Building Design requirements within the Commercial Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.

Additional Building Design requirements within the Commercial Zone are as follows:

1. In addition to the roof styles outlined, Flat roofs will also be allowed within the Commercial Zone (to include industry practice for roofing materials)

## 12.20 LIGHT INDUSTRIAL (LI) ZONE

### 12.20.02 PURPOSE

The Light Industrial Zone is established to provide appropriate locations where light industrial, and maintenance facilities may be permitted and properly maintained so as to not produce objectionable effects to the surrounding property and zones.

### 12.20.04 LAND USES

1. The Light Industrial Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	
Public Services Facility	P
School	
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center	

☰ Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	P
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	P
Storage Facility	
Theater	

#### 12.20.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Light Industrial Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	NA
Minimum Open Space	40%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	2 acres
Minimum Lot Frontage	200'
Minimum Lot Width	200'
Maximum Lot Coverage (in percent.)	60%
<b>Setbacks</b>	
Minimum Front Setback from road edge	60'
Minimum Front Setback from road edge (Major Road)	70'
Minimum Setback from Highway	80'
Minimum Rear Setback	75'
Minimum Side Setback	60'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'



Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	3
Maximum Parking (non-residential: per 1000 sq ft)	4
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	30'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	1
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate

### **12.20.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Light Industrial Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

Additional Landscaping requirements within the Light Industrial Site Zone are as follows:

1. Installation of a berm or vegetative hedge to obscure visibility into the area. Such installation should obscure a minimum of 70% of the area.

### **12.20.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Light Industrial Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

## 12.22 COMMUNITY SITE 2 (CS2) ZONE

### 12.22.02 PURPOSE

The Community Site Zone is established to provide areas in which the primary use of the land is for gathering places, public parks, and outdoor recreational facilities for residents and visitors.

### 12.22.04 LAND USES

1. The Community Site Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	P
Church or Worship Center	P
Community Center	
Private Residence Clubs	
Public Building	P
Public Services Facility	
School	
Swimming Pool / Bath House	P
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	P
Fitness / Wellness Center	
Gasoline, Retail	

 Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	P
Storage Facility	P
Theater	

#### 12.22.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Community Site Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	n/a
Minimum Open Space	40%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	.5 acre
Minimum Lot Frontage	100'
Minimum Lot Width	100'
Maximum Lot Coverage (in percent.)	60%
<b>Setbacks</b>	
Minimum Front Setback from road edge	50'
Minimum Front Setback from road edge (Major Road)	60'
Minimum Setback from Highway	75'
Minimum Rear Setback	50'
Minimum Side Setback	25'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	35'
Maximum Units per Building	n/a

<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	3
Maximum Parking (non-residential: per 1000 sq ft)	4
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	25'
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	Conditionally
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate

### **12.22.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Community Site Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

Additional Landscaping requirements within the Community Site Zone are as follows:

1. Landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.
2. Manicured grasses can be used in landscape areas but may not exceed 25% of the total landscape area.

### **12.22.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Community Site Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

## 12.24 OPEN SPACE 2 (OS2) ZONE

### 12.24.02 PURPOSE

The Open Space Zone is established to promote contiguous Open Space, preserve natural vegetation and habitat, preserve visual corridors, and provide environmentally sensitive recreational opportunities and Public Spaces.

### 12.24.04 LAND USES

1. The Open Space Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.

Land Uses	
<b>Residential</b>	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	
Timeshare (Shared Ownership Facility)	
<b>Community</b>	
Amphitheatre	P
Church or Worship Center	
Community Center	
Private Residence Clubs	
Public Building	
Public Services Facility	
School	
Swimming Pool / Bath House	
<b>Commercial</b>	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	P
Fitness / Wellness Center	

☰ Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility	
Meeting Facilities	
Office	
Personal Services	
Recreational Facilities	C
Restaurant (with Drive through support)	
Restaurant	
Retail	
Service Station	
Storage Facility	
Theater	

#### 12.24.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Open Space Zone shall comply with the standards set forth in the following table.
2. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

<b>Density</b>	
Maximum Density (ERU)	n/a
Minimum Open Space	80%
<b>Frontage / Lot Size</b>	
Minimum Lot Size	n/a
Minimum Lot Frontage	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage (in percent.)	n/a
<b>Setbacks</b>	
Minimum Front Setback from road edge	n/a
Minimum Front Setback from road edge (Major Road)	n/a
Minimum Setback from Highway	n/a
Minimum Rear Setback	n/a
Minimum Side Setback	n/a
Minimum Offsets (relative to roadway or neighboring Bldgs.)	n/a
<b>Building</b>	
Maximum Building Height	25'

Maximum Units per Building	n/a
<b>Driveway / Garage</b>	
Minimum Parking (non-residential: per 1000 sq ft)	Conditional
Maximum Parking (non-residential: per 100 sq ft)	Conditional
Minimum Garage Parking (residential: per unit)	n/a
Minimum Driveway Length	n/a
Minimum Driveway Width	20'
Maximum Driveway Width	26'
Shared Driveway Allowed	n/a
Conjoined Driveway Allowed (with adjacent property)	n/a
Maximum Driveways (per Frontage)	2
Permitted Driveway/Parking Materials	Concrete, Asphalt, Compacted Aggregate

#### **12.24.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS**

Unless otherwise specified, the Landscaping requirements within the Open Space Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

Additional Landscaping requirements within the Open Space Zone are as follows:

1. If any structure is placed on the land, the landscaping requirements listed above apply within the boundaries of the disturbed soil.
2. The natural state of the soil satisfies the landscaping requirements; except as noted in item #1 above.

#### **12.24.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS**

Unless otherwise specified, the Open Space and Public Space requirements within the Open Space Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

Additional Open Space and Public Space requirements within the Open Space Zone are as follows:

1. Public Space is not required in the Open Space zone.
2. Open Space requirements may include public trails.
3. The property owner(s) shall maintain all Open Space and Public Space areas.

## 12.26 CONDITIONAL USES

### 12.26.02 PURPOSE

The purpose of this chapter is to allow the proper integration into the Town of uses which may be suitable only in certain locations in the Town, and only if such uses are designed or laid out on the site in a particular manner.

### 12.26.04 CONDITIONAL USE PERMIT

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with or failure to maintain conditions precedent to the original approval of the permit.

1. **Application:** Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Staff.
2. **Considerations Of Conditional Use Procedure:** The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this title will be met by the construction and operation of the proposed building, structure or use. In considering an application for a conditional use permit, the planning commission shall give due regard to the nature and condition of adjacent uses and structures. The commission may deny a permit; may grant a permit as applied for; or may grant a permit subject to such requirements and conditions with respect to location, construction maintenance, operation and duration of the proposed use as it may deem necessary for the protection of adjacent properties and the public interest. The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the Town.
3. **Fee:** The appropriate fee as authorized in the Town's fee schedule shall accompany the application for any conditional use permit.

### 12.26.06 APPROVAL OF CONDITIONAL USE PERMIT

A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

### 12.26.08 NOTIFICATION OF A CONDITIONAL USE PERMIT

At least seven (7) days prior to the planning commission meeting during which the conditional use will be considered by the commission, a designated agent shall publish a notice in a newspaper of general circulation stating the proposed or requested use, and the date, time and location of the planning commission meeting in which the conditional use will be considered.

### 12.26.10 APPEALS OF DECISION

Any person shall have the right to appeal the decision of the planning commission to the Town Council. Such appeal shall be applied for within thirty (30) days from the date of the decision of the planning commission. Upon receipt of such appeal, the Town Council shall respond within forty five (45) days.



### 12.26.12 INSPECTION

Following the issuance of a conditional use permit by the planning commission, the planning director may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said certificate and permit.

### 12.26.14 TIME LIMIT

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance, the conditional use permit shall expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances. If the application is not approved, a reapplication shall not be submitted for the same purpose for a minimum period of twelve (12) months.

### 12.26.16 DETERMINATION AND CONSIDERATIONS

The Planning Commission may allow a conditional use to be located in any zoning district in which the particular use is allowed as a Conditional Use by this Title. In authorizing any Conditional Use, the planning commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that the proposed use:

1. At the specified location, is in harmony with the general intent and purpose of the General Plan and the applicable zoning district regulations; and
2. Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and
3. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. Conditions imposed by the Planning Commission shall be based upon options described in this Chapter or any special conditions or requirements as may be specified elsewhere in this Title.

### 12.26.18 STANDARDS FOR CONDITIONS

Applicants for Conditional Use Permits shall meet all specific requirements made in this title. In addition, the planning commission may establish conditions as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, General Plan recommendations and neighborhood needs, performance and administration. More specifically, the Planning Commission may require:

1. **Compliance:** Conditions relating to compliance with the intent of the General Plan and characteristics of the zoning district:
  - a. The placement of Conditional Uses only in specific areas of a district, e.g., along an arterial or collector street.
  - b. Reduced building mass, bulk, and possible reorientation of structures on the site, including orientation to Buildings on adjoining Lots.
  - c. Physical design and compatibility with surrounding structures relative to mass, scale, style, design, and architectural detailing
  - d. The removal of structures incompatible with the desired characteristics of the district.
  - e. The screening of yards or other areas as protection from obnoxious land uses and activities.

- f. Landscaping in addition to that already required ensuring compatibility with the intended neighboring land uses.
  - g. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - h. Limitations on impervious surfaces including parking and turnaround areas.
  - i. The relocation of proposed or existing structures as necessary to provide for future streets on the master street plan, adequate sight distances for general safety, ground water control, or similar problems.
  - j. Provision for construction of recreational facilities necessary to satisfy needs of the conditional use.
  - k. Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare.
  - l. Other improvements which serve the property in question and which may compensate, in part or in whole, possible adverse impacts to the district from the proposed conditional use.
  - m. Review for consistency with the goals and objectives of the General Plan; however such review for consistency shall not alone be binding.
2. **Safety:** Conditions relating to safety for persons and property:
- a. Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
  - b. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potentially attractive nuisances existing on or adjacent to the property.
  - c. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title, or where the lot abuts an arterial or collector street.
  - d. Appropriate design, construction and location of structures, buildings and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones, and landslide areas other than may be required by the sensitive lands regulations.
  - e. Limitations and control of the number, location, color, size, height, lighting and landscaping of signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
  - f. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
  - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
  - h. Traffic Study showing that the Conditional Use has no impact on existing traffic patterns; or a Traffic Study showing how mitigation efforts reduce or eliminate impact on existing traffic patterns.
3. **Health and Sanitation:** Conditions relating to health and sanitation:
- a. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the town.

- b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the Town Council.
  - c. Stormwater management mitigation measures that ensure the containment of runoff on site.
  - d. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the Town.
4. **Environment:** Conditions relating to environmental concerns:
- a. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
  - b. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise.
  - c. The planting of ground cover or other surfacing to prevent dust and erosion.
  - d. Restructuring of the land and planting of the same as directed by the Planning Commission when the conditional use involves cutting and/or filling the land, and where such land would be adversely affected if not restructured.

## **12.26.20 CONDITIONS RELATING TO SPECIFIC TYPES OF USES (RESERVED)**

## **12.28 NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND**

### **12.28.02 MAINTENANCE PERMITTED**

Except as otherwise provided in this title, a nonconforming use of land or a structure may be continued.

### **12.28.04 DETERMINATION OF NONCONFORMING BUILDINGS AND LAND USES**

The board of adjustment shall determine all matters regarding the nonconforming use of buildings and land. Upon application, after public hearing on the matter, the board shall determine if the use of building is nonconforming with respect to the current provisions of this chapter. The planning staff may determine routine and uncontested requests to verify nonconforming uses and non-complying buildings and structures, as provided in the rules adopted by the board.

### **12.28.06 ALTERATION OR MODIFICATION TO NONCONFORMING BUILDINGS AND STRUCTURES**

Noncomplying buildings and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of this code. In addition, the board, may allow an enlargement or structural alteration, provided the changes are in harmony with the surrounding and in keeping with the intent of the general plan and this title. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such noncomplying building is removed, every future use of the land on which the building was located shall conform to the provisions of this title.

### **12.28.08 NONCONFORMING USE OF LAND**

A nonconforming use of land lawfully existing on the effective date hereof may be continued, provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this chapter. If the nonconforming use is discontinued for a continuous period of

more than one year, it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

#### **12.28.10 NONCONFORMING USE OF BUILDINGS AND NONCOMPLYING STRUCTURES**

The nonconforming use of a building lawfully existing on the effective date hereof may be continued and may be expanded or extended throughout such building or structure, provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year, it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

#### **12.28.12 CHANGE IN STATUS OF NONCONFORMING USE**

If a nonconforming use is abandoned, it may be succeeded, upon approval of the town planner, by an equally restrictive or more restrictive nonconforming use, provided such change is effected within one year from the first day of abandonment. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

#### **12.28.14 ALTERATIONS OR MODIFICATIONS TO NONCONFORMING USES**

A use, which has been declared nonconforming, shall not be enlarged or moved except as provided in this section. The board, may allow an enlargement or modification, provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the general plan and this title. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

#### **12.28.16 RECONSTRUCTION OF PARTIALLY DESTROYED NONCOMPLYING BUILDINGS OR STRUCTURES**

A nonconforming building or noncomplying structure destroyed in whole or in part, due to fire or other calamity, may be restored unless the structure or use has been abandoned. A nonconforming building or noncomplying structure may not be restored if:

The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or

The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

#### **12.28.18 AMORTIZATION OF NONCONFORMING USES**

The board, under authorization of state statute, may provide for the timely modification or removal of a nonconforming use in order to comply with the general plan and zoning ordinance. The board may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, if any.

## **12.30 NONCONFORMING ZONES**

### **12.30.02 MOUNTAIN ZONE**

[Insert existing Code Section 12.14; unchanged except for renumbered]

### **12.30.04 PLANNED PERFORMANCE DEVELOPMENT (PPD)**

[Insert existing Code Section 12.16; unchanged except for renumbered]

### **12.30.04 RESORT SPECIALLY PLANNED AREA (RSPA)**

[Insert existing Code Section 12.18; unchanged except for renumbered]

(this section includes the zones RSF, RMD, HC, RVMD, RVHD, NC, CS, OP, RF)

F E M I N A L