

**BALLARD CITY
ORDINANCE 202302-002**

**AN ORDINANCE ADOPTING AND AMENDING THE BALLARD CITY LAND USE CODE TO
INCLUDE A RESIDENTIAL MULTI-FAMILY ZONE (RM-1, RM-2).**

WHEREAS, §10-9a-501 of Utah State Code (as amended) authorizes a City's legislative body to weigh policy considerations and enact land use regulations; and

WHEREAS, §10-9a-501 of Utah State Code (as amended) also allows a City's legislative body to adopt a land use regulation which creates or amends a zoning district, and designate general uses allowed in that zoning district; and it is in the best interest of Ballard City and to its residents to review our Land Use Regulations and to provide well designed areas in our City for Residential Multi-Family Dwellings; and

WHEREAS, On February 7, 2023, the Planning Commission of Ballard City held a public hearing and recommended approval to the Ballard City Council of the creation of a Residential Multi-Family Zone (RM-1 and RM-2).

NOW THEREFORE, be it ordained by the Council of the Ballard City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.06.010 Zoning By Districts” of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.010 Zoning By Districts

The following basic zoning districts are created to be applied as necessary to regulate the development of Ballard City:

Agricultural A Residential Agricultural RA Single Family Residential R Mobile Home MH
Planned Development PD Commercial C Industrial I Open Space OS

AFTER AMENDMENT

15.06.010 Zoning By Districts

The following basic zoning districts are created to be applied as necessary to regulate the development of Ballard City:

Agricultural A Residential Agricultural RA Single Family Residential R Residential Multi-Family RM
Mobile Home MH Planned Development PD Commercial C Industrial I Open Space OS

SECTION 2: **ADOPTION** “15.06.107 Residential Multi-Family Zones (RM-1, RM-2)” of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.06.107 Residential Multi-Family Zones (RM-1, RM-2) (Non-existent)

AFTER ADOPTION

15.06.107 Residential Multi-Family Zones (RM-1, RM-2)(*Added*)

A. Purpose: The purpose of these zones is to provide well designed two-family dwellings (i.e. duplexes, twin homes) and multi-family dwellings (i.e. townhouses, apartments, etc.) at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

B. Permitted Uses: The following uses are permitted:

1. Accessory uses and buildings. Note: Accessory dwelling units (ADUs) are not permitted.
2. Churches: will be new construction and show on a recorded subdivision plat: or be outside of a recorded subdivision plat.
3. Dwelling, Two-Family:
4. Dwelling, Multi-Family:
5. Home gardens and fruit trees, keeping of household pets, etc.
6. Home occupations.
7. Neighborhood / City park.
8. School, public or charter.

C. Conditional Uses: The following uses are conditional and subject to the requirements of BMC 15.08:

1. Community Park.
2. Public Utilities.
3. Residential facility for the elderly / persons with disabilities.
4. Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.

D. Height Regulations: No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless recommended by the planning commission and approved by the City Council as a conditional use permit. No accessory building will be erected to a height greater than fifteen feet (15').

E. Area, Width and Yard Requirements

District	Area Minimum in Square Feet for First Two (2) Dwelling Units	Area Minimum in Square Feet for Additional Dwelling Units	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear
RM-1	8,000	2,500	80 ft.	30 ft.	10 ft & 12 ft.	10 ft.
RM-2	10,000	1,750	80 ft.	30 ft.	10 ft. & 12 ft.	10 ft.

E. **Walls and Fencing:** Properties within residential zones shall comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking:** Properties within residential zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations:**

1. **Side and Rear Yards:** The side and rear yard setback on a "street side" yard will be the same as the front yard setback.

2. **Minimum Separation Between Principal Structures on same Lot:**

District	RM-1	RM-2
Minimum Separation Front to Front	50'	50'
Minimum Separation Side to Side	15'	15'
Minimum Separation Side to Front, Side to Rear, and Rear to Rear	25'	25'

4. **Maximum Lot Coverage:** Maximum lot coverage shall be sixty percent (60%).

5. **Detached Private Garages and Accessory Buildings:** Shall be the same required for single family residential zones. See 15.06.100 (H)(2).

6. **Detached Garages and Accessory Buildings in a Side Yard:** Shall be the same required for single family residential zones. See 15.06.100 (H)(3).

7. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials:** Shall be the same required for single residential zones. See 15.06.100 (H)(5).

8. **Curb and Gutter on Streets:** Whenever a structure is erected in the residential multi-family zones, curb, gutter, and sidewalk will be required as per the city's subdivision ordinance, BMC 15.04.160 along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provisions of this ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

SECTION 3: AMENDMENT "15.06.160 Walls And Fences" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.160 Walls And Fences

A. **Interior Lot Requirements.** On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines, but not in the front setback area. In any front setback area, no rock wall, retaining wall, or fence will exceed four feet (4') in height. Within the front ten feet (10') behind the sidewalk, or property line where no sidewalk exists, only decorative fences such as picket fences or wrought iron fences with at least fifty percent (50%) of the fence open (up to 50 percent may be solid, or non see through) will be allowed with a maximum height of four feet (4'). Where a fence is located along an interior property line separating two (2) properties; the maximum height of the fence will not exceed six feet (6') above grade, at any single point, measured from finish grade on the shortest side of the fence. Fences may not have a berm for the purpose of increasing the allowable height.

B. **Corner Lot Requirements**

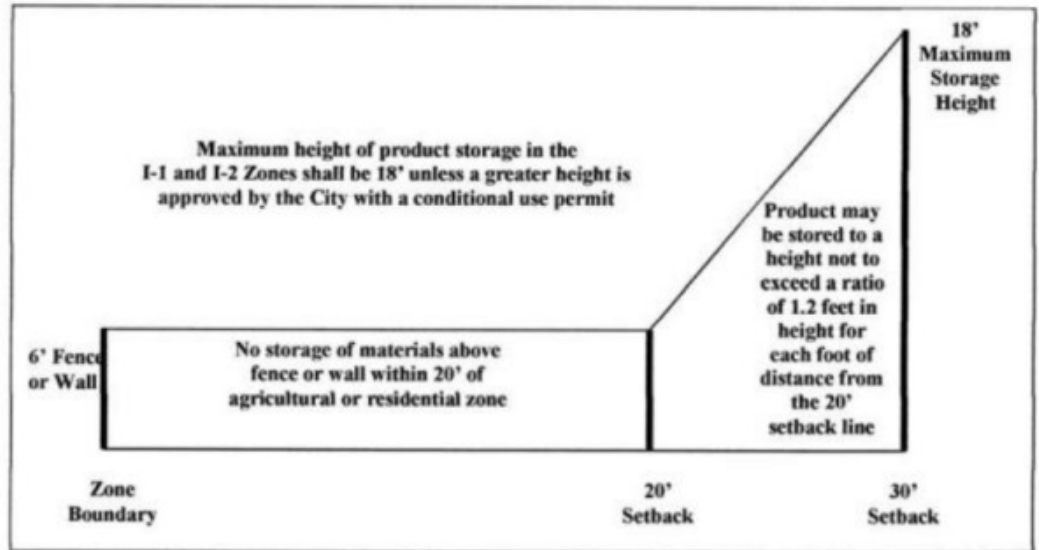
1. **Height Of Fencing Permitted.** On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot line, but a fence will not be erected in the front or street side setback areas to a height in excess of four feet (4'), except when a side setback fronts on a public street a height up to six feet (6') is allowed provided the fence is a minimum of ten feet (10') behind the front line of the dwelling and provided that the fence is set back at least ten feet (10') from the sidewalk.
 2. **Obstructions In Front Setback.** In all zones requiring a front setback, no obstruction to view in excess of three feet (3') in height will be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines.
- C. **Retaining Walls.** The height of any single retaining wall will not exceed eight feet (8'). Industrial zones may exceed eight feet (8') in height with a maximum height of twelve feet (12'), subject to approval by Ballard City. Terraced retaining walls will be constructed out of one type of material. If a different type of material is used for additional terraced walls, those walls will be constructed out of material that is similar in look, color, and texture and be separated a minimum of the height of the lower wall. Retaining walls will be measured from the top of the exposed face to finish grade. Where a solid fence is placed on top of a retaining wall or rock wall, the combined exposed face will not exceed eight feet (8') in height at any point, measured from the finished grade of the adjacent retaining wall to the top of the solid fence. Fences at least fifty percent (50%) open (up to 50 percent may be solid, or non see through) may be placed on top of a retaining wall with a combined maximum height of thirteen feet (13'). Retaining walls over eight feet (8') in height, including combinations of solid fences on retaining walls that exceed eight feet (8'), will be stepped to form benches which will be a minimum distance of one-half (1/2) the height of the lower retaining wall and be landscaped. Benches will be measured from the top back of the lower retaining wall to bottom face of the terraced retaining wall.
- D. **Fences and Decorative/Masonry Walls**
1. **Public Right Of Way.** No fence approved under this chapter will be erected beyond a property line or on the public right of way.
 - a. No fence will be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant.
 - b. Maintenance of the landscape area between the curb and the property line will be the responsibility of the property owner or homeowners' association as applicable.
 2. **Controlled Access Streets.** On streets designated by the City Engineer as controlled access streets, fences or retaining walls may be erected to a height of six feet (6') in the front setback area with permission from the planning commission.
 3. **Fences and Retaining Walls Adjacent to a Public Street.** Where a fence or retaining wall is adjacent to a public street, the fence, or retaining wall, or combination of a fence on top of a retaining wall, will not exceed six feet (6') above the curb or sidewalk grade. Retaining walls may be terraced to achieve greater overall height; provided, that no one vertical plane exceeds six feet (6') in height, and walls are offset a minimum of three feet (3'). The retaining wall will be set back from the sidewalk a minimum of ten feet (10') as required.
 4. **Recreation Use.** On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. The fence may not be located within the setback area of yards abutting a front or street side yard.

A fence, not less than five feet (5') in height, will be erected around all swimming pools, jacuzzis or other similar pools not otherwise enclosed (or covered for jacuzzis) and in accordance to the provisions of the current international residential code and international

building code.

Safety nets are permitted along side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed twelve feet (12') in height require a permit issued by the building department.

5. **Requirements In Certain Areas.** In all commercial and industrial zones having a common lot line with a residential zone of any type, or planned development zones having a common lot line with a single-family residential zone, a six foot (6') high solid fence will be required, but will be reduced to four feet (4') in height inside the front setback area (chain-link with slats will not be considered a solid fence for the purpose of this section).
6. **Surrounding Developments.** Fences surrounding developments having no individual residential lots that front on a public street, such as RV parks, subdivisions on limited access streets, planned developments, and also commercial and industrial developments, may have a solid fence in the front setback area to a height of six feet (6') except that such fence will be reduced to three feet (3') at driveway entrances in the same manner as required for intersections in BMC 15.06.160. The fence will be set back from the sidewalk a minimum of ten feet (10') as required. Landscaping required for commercial and manufacturing developments will be located on the street side of the fence.
7. **Mobile Home Parks and Recreational Vehicle Park/Subdivision; Fences.** A six foot (6') high solid fence will be erected along all side and rear yard property lines when a mobile home park or a recreational vehicle park/subdivision is adjacent to any use or zone, except mobile homes and recreational vehicles.
8. **Enclosure Of Merchandise And Materials.** All materials and merchandise, except vehicles in running order, will be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise will be stored to a height of more than the height of the fence or wall (chain link fencing with slats is not be considered a solid fence for purposes of this section).
9. **Protection Of Residential Property.** Where a commercial development is next to any lot or parcel of ground in any residential zone, there will be provided along the abutting property line a solid masonry wall and a minimum ten foot (10') wide planting strip. The landscape requirements will be determined by the City planning department to make sure the buffer area adequately protects the adjoining residential property.
10. **Industrial Zones; Fence Required.** Where any I-1, I-2 or I-3 zone adjoins any agricultural or residential zone boundary, there will be along the property line a sight obscuring fence or wall (not chain link with slats) not less than six feet (6') in height. Fence or wall materials will be compatible with the building.
11. **Industrial Zones; Screening.** Except for the I-3 zone, loading dock areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. In the I-1, I-2 and I-3 zones garbage collection areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. Fence or wall materials will be compatible with the building.
12. **Storage; Fencing.** In the I-1 and I-2 zones all storage will be located in an enclosed building or behind a sight obscuring fence or wall (not chain link with slats) at least six feet (6') in height. Fence or wall materials will be compatible with the building. Additionally, no material may be stored higher than eighteen feet (18') without a conditional use permit. Materials cannot go above a fence or wall according to the following graphic:



13. **Barbed Wire.** Barbed wire, razor ribbon and similar fencing material will be prohibited in all zones except agricultural, industrial and certain commercial zones. In agricultural, industrial and commercial zones where permitted and for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material will conform to the following restrictions:
- Barbed wire, razor ribbon or similar material will be pulled straight and not rolled or coiled.
 - Straight strands of barbed wire and similar material on top of fences or walls will not exceed a combined fence and barbed wire height of seven feet (7').
 - In commercial zones, barbed wire or similar material will not be used within the twenty foot (20') front setback area, nor along any common lot line with a residential zone or residential development.
 - Barbed wire and similar material is prohibited in C-1 commercial zones.

AFTER AMENDMENT

15.06.160 Walls And Fences

- A. Interior Lot Requirements.** On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines, but not in the front setback area. In any front setback area, no rock wall, retaining wall, or fence will exceed four feet (4') in height. Within the front ten feet (10') behind the sidewalk, or property line where no sidewalk exists, only decorative fences such as picket fences or wrought iron fences with at least fifty percent (50%) of the fence open (up to 50 percent may be solid, or non see through) will be allowed with a maximum height of four feet (4'). Where a fence is located along an interior property line separating two (2) properties; the maximum height of the fence will not exceed six feet (6') above grade, at any single point, measured from finish grade on the shortest side of the fence. Fences may not have a berm for the purpose of increasing the allowable height.
- B. Corner Lot Requirements**
- 1. Height Of Fencing Permitted.** On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot line, but a fence will not be erected in the front or street side setback areas to a height in excess of four feet (4'), except when a side setback fronts on a public street a height up to six feet (6') is allowed provided the fence is a minimum of ten feet (10') behind the front line of the

dwelling and provided that the fence is set back at least ten feet (10') from the sidewalk.

2. **Obstructions In Front Setback.** In all zones requiring a front setback, no obstruction to view in excess of three feet (3') in height will be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines.

C. **Retaining Walls.** The height of any single retaining wall will not exceed eight feet (8'). Industrial zones may exceed eight feet (8') in height with a maximum height of twelve feet (12'), subject to approval by Ballard City. Terraced retaining walls will be constructed out of one type of material. If a different type of material is used for additional terraced walls, those walls will be constructed out of material that is similar in look, color, and texture and be separated a minimum of the height of the lower wall. Retaining walls will be measured from the top of the exposed face to finish grade. Where a solid fence is placed on top of a retaining wall or rock wall, the combined exposed face will not exceed eight feet (8') in height at any point, measured from the finished grade of the adjacent retaining wall to the top of the solid fence. Fences at least fifty percent (50%) open (up to 50 percent may be solid, or non see through) may be placed on top of a retaining wall with a combined maximum height of thirteen feet (13'). Retaining walls over eight feet (8') in height, including combinations of solid fences on retaining walls that exceed eight feet (8'), will be stepped to form benches which will be a minimum distance of one-half (1/2) the height of the lower retaining wall and be landscaped. Benches will be measured from the top back of the lower retaining wall to bottom face of the terraced retaining wall.

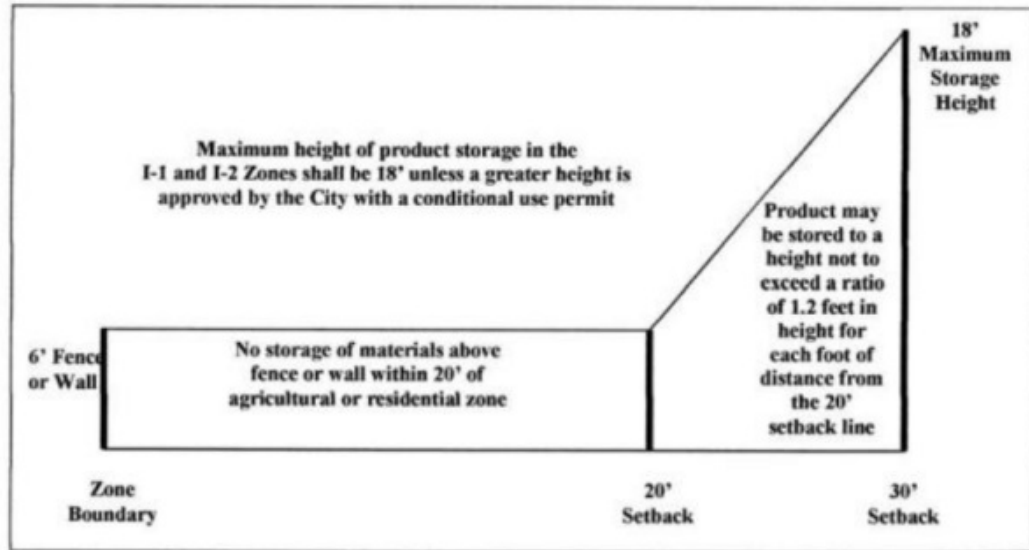
D. **Fences and Decorative/Masonry Walls**

1. **Public Right Of Way.** No fence approved under this chapter will be erected beyond a property line or on the public right of way.
 - a. No fence will be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant.
 - b. Maintenance of the landscape area between the curb and the property line will be the responsibility of the property owner or homeowners' association as applicable.
2. **Controlled Access Streets.** On streets designated by the City Engineer as controlled access streets, fences or retaining walls may be erected to a height of six feet (6') in the front setback area with permission from the planning commission.
3. **Fences and Retaining Walls Adjacent to a Public Street.** Where a fence or retaining wall is adjacent to a public street, the fence, or retaining wall, or combination of a fence on top of a retaining wall, will not exceed six feet (6') above the curb or sidewalk grade. Retaining walls may be terraced to achieve greater overall height; provided, that no one vertical plane exceeds six feet (6') in height, and walls are offset a minimum of three feet (3'). The retaining wall will be set back from the sidewalk a minimum of ten feet (10') as required.
4. **Recreation Use.** On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. The fence may not be located within the setback area of yards abutting a front or street side yard.

A fence, not less than five feet (5') in height, will be erected around all swimming pools, jacuzzis or other similar pools not otherwise enclosed (or covered for jacuzzis) and in accordance to the provisions of the current international residential code and international building code.

Safety nets are permitted along side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed twelve feet (12') in height require a permit issued by the building department.

5. **Requirements In Certain Areas.** In all commercial and industrial zones having a common lot line with a residential zone of any type, or planned development zones having a common lot line with a single-family residential zone, a six foot (6') high solid fence will be required, but will be reduced to four feet (4') in height inside the front setback area (chain-link with slats will not be considered a solid fence for the purpose of this section).
6. **Surrounding Developments.** Fences surrounding developments having no individual residential lots that front on a public street, such as RV parks, subdivisions on limited access streets, planned developments, and also commercial and industrial developments, may have a solid fence in the front setback area to a height of six feet (6') except that such fence will be reduced to three feet (3') at driveway entrances in the same manner as required for intersections in BMC 15.06.160. The fence will be set back from the sidewalk a minimum of ten feet (10') as required. Landscaping required for commercial and manufacturing developments will be located on the street side of the fence.
7. **Mobile Home Parks and Recreational Vehicle Park/Subdivision; Fences.** A six foot (6') high solid fence will be erected along all side and rear yard property lines when a mobile home park or a recreational vehicle park/subdivision is adjacent to any use or zone, except mobile homes and recreational vehicles.
8. **Enclosure Of Merchandise And Materials.** All materials and merchandise, except vehicles in running order, will be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise will be stored to a height of more than the height of the fence or wall (chain link fencing with slats is not be considered a solid fence for purposes of this section).
9. **Protection Of Residential Property.** Where a commercial development is next to any lot or parcel of ground in any residential zone, there will be provided along the abutting property line a solid masonry wall and a minimum ten foot (10') wide planting strip. The landscape requirements will be determined by the City planning department to make sure the buffer area adequately protects the adjoining residential property. [This requirement shall also apply to two-family and multi-family dwelling developments adjacent to single family residential zoning districts.](#)
10. **Industrial Zones; Fence Required.** Where any I-1, I-2 or I-3 zone adjoins any agricultural or residential zone boundary, there will be along the property line a sight obscuring fence or wall (not chain link with slats) not less than six feet (6') in height. Fence or wall materials will be compatible with the building.
11. **Industrial Zones; Screening.** Except for the I-3 zone, loading dock areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. In the I-1, I-2 and I-3 zones garbage collection areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. Fence or wall materials will be compatible with the building.
12. **Storage; Fencing.** In the I-1 and I-2 zones all storage will be located in an enclosed building or behind a sight obscuring fence or wall (not chain link with slats) at least six feet (6') in height. Fence or wall materials will be compatible with the building. Additionally, no material may be stored higher than eighteen feet (18') without a conditional use permit. Materials cannot go above a fence or wall according to the following graphic:



13. **Barbed Wire.** Barbed wire, razor ribbon and similar fencing material will be prohibited in all zones except agricultural, industrial and certain commercial zones. In agricultural, industrial and commercial zones where permitted and for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material will conform to the following restrictions:
- Barbed wire, razor ribbon or similar material will be pulled straight and not rolled or coiled.
 - Straight strands of barbed wire and similar material on top of fences or walls will not exceed a combined fence and barbed wire height of seven feet (7').
 - In commercial zones, barbed wire or similar material will not be used within the twenty foot (20') front setback area, nor along any common lot line with a residential zone or residential development.
 - Barbed wire and similar material is prohibited in C-1 commercial zones.

SECTION 4: AMENDMENT “15.06.170 Off Street Parking Requirements” of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.170 Off Street Parking Requirements

- Off Street Parking Required.** At the time any building or structure is erected, enlarged or increased in capacity, or the use is changed to a more parking intensive use, there will be provided off street parking spaces on private property for automobiles in accordance with the following requirements. Subject to approval of a conditional use permit, an existing building within the historic district may be changed to a restaurant use even though the number of off street parking spaces is nonconforming. Buildings will not be enlarged unless current parking requirements are met.
- Dimensions.** The dimensions of each off street parking space or stall will be at least nine feet by eighteen feet (10' x 18') for diagonal or ninety degree (90°) spaces; or nine feet by twenty two feet (10' x 22') for parallel spaces, exclusive of access drives or aisles.

- C. **Reduction.** A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved will be landscaped.
- D. **Access to Individual Parking Spaces.** Except for single-family and two-family dwellings, access to each parking space will be from a private driveway and not from a public street.
- E. **One-Way Driveway Width.** One-way driveways will be a minimum of twelve feet (12') in width.
- F. **Two-Way Driveway Width.** Two-way driveways will be of a minimum width as follows:
1. Twelve feet (12') for a single-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
 2. Sixteen feet (16') for a single-family or a two-family dwelling that must go past another building to access parking spaces, with a minimum unobstructed two foot (2') width on both sides of the driveway; or a two-family dwelling, providing access to parking spaces directly off of a street without having to go past another building. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
 3. Eighteen feet (18') for a single-family or a two-family dwelling that must go past another building to access parking spaces where there are obstructions (i.e., walls, trees, etc.) adjacent to one or both sides of the driveway. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
 4. Twenty five feet (25') for commercial, manufacturing and all other residential developments.
 5. Additionally, a minimum of twenty feet (20') is required for any dwelling or building when any portion of an exterior wall of the first story is located more than one hundred fifty feet (150') from fire department vehicle access. Vertical clearance, surface, turnarounds and other requirements contained in the international fire code will apply. Exceptions and modifications may apply as approved by the fire chief responsible for Ballard City.
 6. Garages accessed by a twenty foot (20') wide paved rear alley will have a minimum five foot (5') setback from the alley, provided the dwelling fronts on a public street. A twenty foot (20') garage setback will be required when the dwelling fronts on a private street, unless the private street is built to City standards for public street pavement width, in which case a garage may have a five foot (5') setback from the alley.
- G. **Garage and Carport Spaces.** All garage and carport spaces will be set back a minimum of eighteen feet (18') from the private access drive serving them. Garage and carport spaces will be counted as one parking space unless the garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case the parking areas will count as two (2) spaces.
- H. **Residential Area Requirements**
1. **Single-Family Dwelling.** Two (2) parking spaces per single-family dwelling, one of which will be covered. Tandem parking will be allowed in single-family subdivisions only.
 2. **All Other Dwellings.** All other dwellings, including townhouses and condominiums, will have two (2) parking spaces per dwelling unit, at least one of which will be covered. Covered parking may be located within the side and rear setback areas. For projects with more than fifty (50) dwelling units, the planning commission may reduce the requirement to one and one-half (1.5) spaces per unit where it can be shown that two (2) spaces per unit is an excessive amount of parking. No street parking will be

counted toward meeting the parking requirement. Tandem parking will not count toward the parking requirement. No parking area will be located within the required front setback facing a public street, and it will in no case be more than four hundred feet (400') away from the premises it is intended to serve. All parking will be on site.

3. **Front Yard Setback.** Front yard setback from private streets will be ten feet (10') minimum from back of curb for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where there is no sidewalk and street where there is no curb) for garages or carports. The planning commission may allow a ten foot (10') front setback on hillside developments where it is determined that adequate off street parking is provided and the reduced setback will reduce the overall amount of hillside excavation.
4. **Recreational Vehicles.** In residential zones, no motor home, travel trailer, boat or similar recreational vehicle will be parked within the required front yard setback area adjacent to a public street for a period longer than two (2) weeks. (Corner lots are considered to have 2 front yard areas.)
5. **Parking Vehicles On Front Lawns Or Setback Areas.** Parking vehicles on front lawns or in the front setback or street side setback areas is prohibited, except on approved paved (concrete or asphalt) driveways.

I. **Nonresidential Area Requirements.** The number of off street parking spaces required for all nonresidential developments will be as follows:

Automotive repair and supply	1 space for each 400 square feet of gross floor area.
Bowling alleys and billiard halls	5 spaces for each alley, plus 2 spaces for each billiard table contained therein.
Business or professional offices	1 space for each 250 square feet of gross floor area.
Call centers or telemarketing business	1 space per employee on the highest shift, or 1 space per 100 square feet of gross floor area, whichever is greater; except that call centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, will provide at least 1 space per 250 square feet of gross floor area.
Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench will be considered a fixed seat.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Day nurseries in commercial zones, including preschools and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.

Educational uses:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Furniture stores, appliance stores and Lumberyards	1 space for each 600 square feet of floor area.
Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed.
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area.
Nursing homes, care centers and assisted living	1 parking space for each 3 beds, except where skilled care (long term care) is provided, the requirement is 1 parking space for each 2 beds.
Outdoor sales lots for autos, mobile homes and RVs	1 space for each 7 vehicles or items of equipment to be displayed, plus 2 spaces for manager and employee parking.
Restaurants and other establishments where food or beverages are consumed	10 spaces minimum or 1 space for each 100 square feet of gross floor area, whichever is greater, plus 1 space for each 100 square feet of outdoor seating or 1 space per 4 chairs of outdoor seating.
Retail stores and shops, commercial banks, savings and loan offices, and other financial institutions, general retail stores, food stores, supermarkets, drugstores and other similar commercial businesses	1 space for each 250 square feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 will be calculated on the basis of 1 space for each 500 square feet of gross floor area.

Service commercial businesses; businesses such as electrical, plumbing, cabinets, printing and other similar shops	1 space for each 250 square feet of retail or office area and 1 space for each 500 square feet of additional building area.
Skating rinks, ice or roller	1 space for each 300 square feet of gross floor area.
Swimming pools (commercial)	1 space for each 100 square feet of water surface or 10 stalls, whichever is greater.
Tennis, handball and racquetball courts (commercial)	6 spaces minimum or 3 spaces per court, whichever is greater.
Veterinary hospitals	5 spaces for each doctor.

Notwithstanding all provisions of this section, the planning commission will take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and it will recommend to the City Council a requirement of that number of spaces that it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

- J. **Lighting.** Parking lots used during hours of darkness will be lighted by standards using hooded light sources which direct the light downward and away from residential property.
- K. **Development Standards.** Every parcel of land used as a parking lot will be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the planning commission and will have appropriate bumper guards where needed as determined by the building inspector. Lights used to illuminate the lot will be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.
- L. **Optional Provisions**
 - 1. **Shared Facilities.** Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
 - 2. **Requests; Guidelines.** Requests for shared parking and counting on street parking as required parking is subject to the approval of the planning commission. Requests for shared parking will be subject to the following guidelines:
 - a. Sufficient evidence will be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
 - b. shared parking stalls will not be more than what is required for either of the uses.
 - c. Parking facilities should not be located farther than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
 - d. A written agreement will be executed by all parties concerned assuring the continued availability of shared parking facilities in the event that one of the uses will be sold or otherwise change ownership or management.

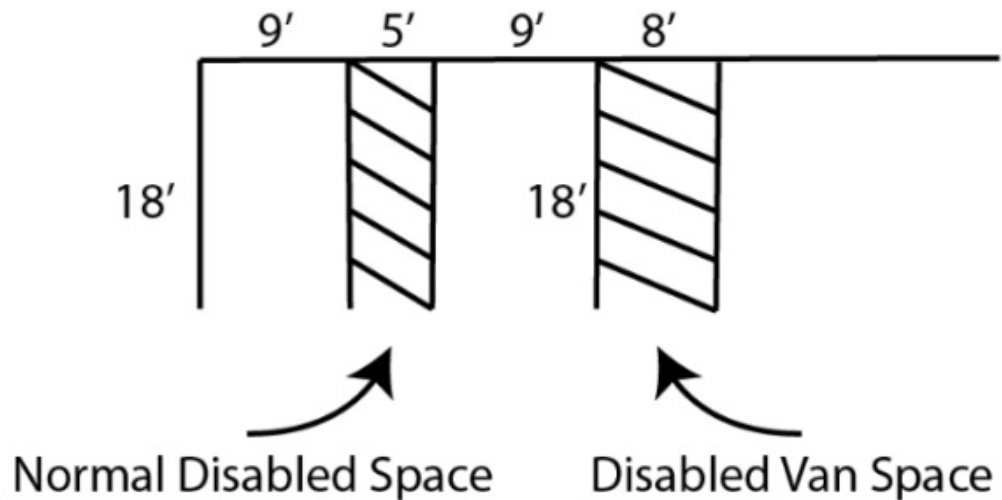
M. Parking for Disabled

- 1. **Required; Number.** Any parking area to be used by the general public will provide parking spaces designated and located to adequately accommodate the disabled, and these will be clearly marked. Parking spaces for the disabled will be located in close proximity to the principal building. The designation of parking spaces for the disabled will constitute consent by

the property owner to enforce the restricted use of the spaces to disabled motorists by the City. Parking spaces for the disabled will conform to the standards of the Americans with disabilities act. The number of required parking spaces accessible to the disabled will be as follows:

Total In Parking Lot Spaces	Required Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
401 to 500	10
501 to 1,000	20, plus 1 for each 100 spaces over 1,000

2. **Dimensions; Van Space, Access Isle.** In addition, for every eight (8) accessible parking spaces, one accessible van space must be provided. The dimensions of a standard accessible parking space will be at least nine feet by eighteen feet (9' x 18') with a five foot (5') wide access aisle (total of 14 feet x 18 feet). The dimensions of an accessible van space will be at least nine feet by eighteen feet (9' x 18') with an eight foot (8') wide access aisle (total of 17 feet x 18 feet). The following graphic shows and example:



- N. **Uses Not Specifically Identified.** For all parking uses not listed above, the planning commission will determine the number of spaces required based upon the nearest comparable use standard available.

AFTER AMENDMENT

15.06.170 Off Street Parking Requirements

- A. **Off Street Parking Required.** At the time any building or structure is erected, enlarged or increased in capacity, or the use is changed to a more parking intensive use, there will be provided off street parking spaces on private property for automobiles in accordance with the following requirements. Subject to approval of a conditional use permit, an existing building within the historic district may be changed to a restaurant use even though the number of off street parking spaces is nonconforming. Buildings will not be enlarged unless current parking requirements are met.
- B. **Dimensions.** The dimensions of each off street parking space or stall will be at least nine feet by eighteen feet (10' x 18') for diagonal or ninety degree (90°) spaces; or nine feet by twenty two feet (10' x 22') for parallel spaces, exclusive of access drives or aisles.
- C. **Reduction.** A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved will be landscaped.
- D. **Access to Individual Parking Spaces.** Except for single-family and two-family dwellings, access to each parking space will be from a private driveway and not from a public street.
- E. **One-Way Driveway Width.** One-way driveways will be a minimum of twelve feet (12') in width.
- F. **Two-Way Driveway Width.** Two-way driveways will be of a minimum width as follows:
1. Twelve feet (12') for a single-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
 2. Sixteen feet (16') for a single-family or a two-family dwelling that must go past another building to access parking spaces, with a minimum unobstructed two foot (2') width on both sides of the driveway; or a two-family dwelling, providing access to parking spaces directly off of a street without having to go past another building. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
 3. Eighteen feet (18') for a single-family or a two-family dwelling that must go past another building to access parking spaces where there are obstructions (i.e., walls, trees, etc.) adjacent to one or both sides of the driveway. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
 4. Twenty five feet (25') for commercial, manufacturing and all other residential developments.
 5. Additionally, a minimum of twenty feet (20') is required for any dwelling or building when any portion of an exterior wall of the first story is located more than one hundred fifty feet (150') from fire department vehicle access. Vertical clearance, surface, turnarounds and other requirements contained in the international fire code will apply. Exceptions and modifications may apply as approved by the fire chief responsible for Ballard City.
 6. Garages accessed by a twenty foot (20') wide paved rear alley will have a minimum five foot (5') setback from the alley, provided the dwelling fronts on a public street. A twenty foot (20') garage setback will be required when the dwelling fronts on a private street, unless the private street is built to City standards for public street pavement width, in which case a garage may have a five foot (5') setback from the alley.
- G. **Garage and Carport Spaces.** All garage and carport spaces will be set back a minimum of eighteen feet (18') from the private access drive serving them. Garage and carport spaces will be counted as one parking space unless the garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case the parking areas

will count as two (2) spaces.

H. Residential Area Requirements

1. **Single-Family Dwelling.** Two (2) parking spaces per single-family dwelling, ~~one of which will be covered.~~ Tandem parking will be allowed in single-family subdivisions only.
2. **All Other Dwellings.** All other dwellings, including ~~townhouses and condominiums, two-family and multi-family dwellings,~~ will have two (2) parking spaces per dwelling unit, ~~at least one of which will be covered.~~ Covered parking may be located within the side and rear setback areas. For projects with more than fifty (50) dwelling units, the planning commission may reduce the requirement to one and one-half (1.5) spaces per unit where it can be shown that two (2) spaces per unit is an excessive amount of parking. No street parking will be counted toward meeting the parking requirement. Tandem parking will not count toward the parking requirement. No parking area will be located within the required front setback facing a public street, and it will in no case be more than four hundred feet (400') away from the premises it is intended to serve. All parking will be on site.
3. **Front Yard Setback.** Front yard setback from private streets will be ten feet (10') minimum from back of curb for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where there is no sidewalk and street where there is no curb) for garages or carports. The planning commission may allow a ten foot (10') front setback on hillside developments where it is determined that adequate off street parking is provided and the reduced setback will reduce the overall amount of hillside excavation.
4. **Recreational Vehicles.** In residential zones, no motor home, travel trailer, boat or similar recreational vehicle will be parked within the required front yard setback area adjacent to a public street for a period longer than two (2) weeks. (Corner lots are considered to have 2 front yard areas.)
5. **Parking Vehicles On Front Lawns Or Setback Areas.** Parking vehicles on front lawns or in the front setback or street side setback areas is prohibited, except on approved paved (concrete or asphalt) driveways.

I. Nonresidential Area Requirements. The number of off street parking spaces required for all nonresidential developments will be as follows:

Automotive repair and supply	1 space for each 400 square feet of gross floor area.
Bowling alleys and billiard halls	5 spaces for each alley, plus 2 spaces for each billiard table contained therein.
Business or professional offices	1 space for each 250 square feet of gross floor area.
Call centers or telemarketing business	1 space per employee on the highest shift, or 1 space per 100 square feet of gross floor area, whichever is greater; except that call centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, will provide at least 1 space per 250 square feet of gross floor area.
	1 space for each 3.5 fixed seats of maximum

Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	seating capacity, or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench will be considered a fixed seat.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Day nurseries in commercial zones, including preschools and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.
Educational uses:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Furniture stores, appliance stores and	1 space for each 600 square feet of floor area.
Lumberyards	
Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed.
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
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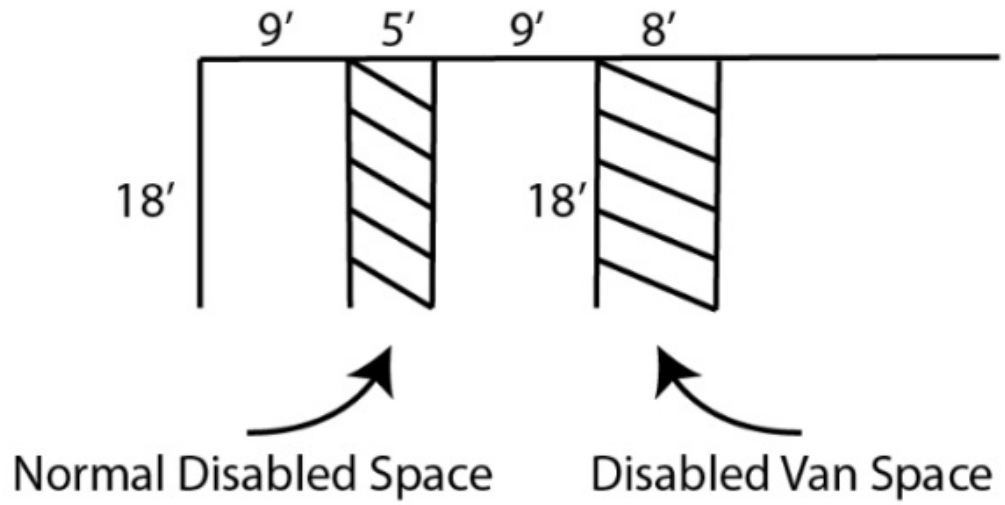
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PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL FEBRUARY 07, 2023.

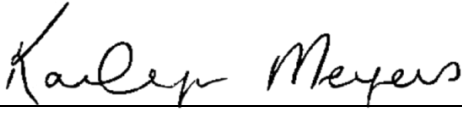
	AYE	NAY	ABSENT	ABSTAIN
Mayor Robert Abercrombie	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Mark Reidhead	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Ben Allred	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Al Kettle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Nile Mathisen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Robert Abercrombie, Mayor, Ballard City



Kaelyn Meyers, City Recorder, Ballard City

