

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING TITLE 9, TITLE 10, CHAPTER 11-15: "SITE PLANS" AND CHAPTER 11-16: "SUPPLEMENTARY PROVISIONS" OF THE BLUFFDALE CITY CODE REGARDING ADOPTED BUILDING CODES, UPDATING THE REFERENCE TO THE CURRENTLY ADOPTED GENERAL PLAN, ESTABLISHING ADDITIONAL SITE PLAN STANDARDS AND SUPPLEMENTARY REGULATIONS ALONG WITH RELATED ADMINISTRATIVE UPDATES

WHEREAS the City of Bluffdale has made an effort to update its land use code to conform with requirements of Utah State Law, and has proposed revisions to the chapters governing site plan standards and supplementary provisions to express the standards which must be met for project approval and;

WHEREAS the text amendments set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law and local ordinance to obtain public comment regarding the proposed amendments to the Bluffdale City Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendments. The City Council hereby amends Title 9 and Title 10 of the Bluffdale City Ordinances as well as Chapter 11-15 and Chapter 11-16 of the Bluffdale City Land Use Code.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 14th Day of March, 2018.

CITY OF BLUFFDALE



Mayor

ATTEST:



Wendy Deppe

Bluffdale City Recorder



Council members

Voting:

	AYE	NAY
Alan Jackson	<u> X </u>	_____
Ty Nielsen	<u> X </u>	_____
Boyd Preece	<u> X </u>	_____
Wendy Aston	Absent	_____
Dave Kallas	<u> X </u>	_____

Title 9
Chapter 1
BUILDING CODES AND REGULATIONS

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9-1-2: BUILDING CODES ADOPTED:

- A. The City of Bluffdale adopts the State Construction Code as adopted in Utah Code Annotated Title 15A. "State Construction and Fire Codes Act" and subsequent amendments thereof, as the building code of the City of Bluffdale. Defined: The codes adopted in this chapter shall be referred to collectively as the "building codes" for the city.
- ~~B. International Building Code: The international building code, including appendix chapters B—board of appeals; C—group U—agricultural buildings; G—flood resistant construction; H—signs; and K—grading, 2000 edition, as published by the International Code Council, Inc., be and is hereby adopted as the building code of the city for the control of building structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of building structures as herein provided; and each and all of the regulations of said building code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any prescribed by the following:~~
- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
 - ~~2. Section 101.1. Insert: city of Bluffdale.~~
 - ~~3. Section 1612.3. Insert: city of Bluffdale.~~
 - ~~4. Section 1612.3. Insert: September 21, 2001.~~
- ~~C. International Plumbing Code: The international plumbing code, 2000 edition, as published by the International Code Council, Inc., be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials,~~

~~erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits therefor; and each and all of the regulations, provisions, conditions and terms of such international plumbing code, 2000 edition, published by the International Code Council, Inc., on file in the office of the city recorder, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed by the following:~~

- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
- ~~2. Section 101.1. Insert: city of Bluffdale.~~
- ~~3. Section 106.6.3. Insert: 80% (in 2 locations).~~
- ~~4. Section 904.1. Insert: 8".~~

~~D. International Mechanical Code: The international mechanical code, 2000 edition, as published by the International Code Council, Inc., be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits therefor; and each and all of the regulations, provisions, conditions and terms of such international mechanical code, 2000 edition, published by the International Code Council, Inc., on file in the office of the city recorder are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed by the following:~~

- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
- ~~2. Section 101.1. Insert: city of Bluffdale.~~
- ~~3. Section 106.5.3. Insert: 80% (in 2 locations).~~

~~E. International Fuel Gas Code: The international fuel gas code, including appendix~~

~~chapter A—sizing and capacities of gas piping, 2000 edition, as published by the International Code Council, Inc., be and is hereby adopted as the fuel gas code of the city for the control of building structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of building structures as herein provided; and each and all of the regulations of said fuel gas code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed by the following:~~

- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
- ~~2. Section 101.1: Insert: city of Bluffdale.~~
- ~~3. Section 108.5.3. Insert: 80% (in 2 places).~~

~~F. National Electrical Code: The national electrical code, 1999 edition, as published and adopted by the National Fire Protection Association, is hereby adopted as the electrical code of the city.~~

~~G. Uniform Code For The Abatement Of Dangerous Buildings: The uniform code for the abatement of dangerous buildings, 1997 edition, as published by the International Conference Of Building Officials, is hereby adopted as the abatement of dangerous buildings code of the city.~~

~~H. International Energy Conservation Code: The international energy conservation code, 2000 edition, as published and adopted by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building envelope, mechanical, lighting and power systems in the city and providing for the issuance of permits therefor; and each and all of the regulations, provisions, conditions and terms of such international energy conservation code, 2000 edition, published by the~~

~~International Code Council, on file in the office of the city recorder, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed by the following:~~

- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
- ~~2. Section 101.1. Insert: city of Bluffdale.~~

~~I. International Residential Code: The international residential code, 2000 edition, as published by the~~

~~International Code Council, including appendix chapters A—sizing and capacities of gas piping; J—existing buildings and structures; L—international residential code electrical provisions/national electric code cross reference, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses not more than three (3) stories in height in the city and providing for the issuance of permits therefor; and each and all of the regulations, provisions, conditions and terms of such international residential code, 2000 edition, published by the International Code Council, on file in the office of the city recorder, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed by the following:~~

- ~~1. Utah uniform building standard act rules, R156-56 of the Utah administrative code, as amended from time to time.~~
- ~~2. Section 101.1. Insert: city of Bluffdale.~~

~~J. Uniform Administrative Code: The uniform administrative code, 1997 edition, as published and adopted by the International Conference Of Building Officials, is hereby adopted as the administrative code of the city.~~

~~KB. Copies Of Codes: Three (3) copies A copy of each of the above adopted codes shall be filed in the city recorder's office for use and examination by the public during regular business hours.~~

LC. Violations:

1. Violation Of Codes: It shall be unlawful for any person, firm or corporation to perform, authorize or acquiesce in any work, use or maintenance of any building or structure or portion thereof in violation of any of the provisions of the building codes or this chapter.
2. Failure To Comply With Order: It shall be unlawful for any person, firm or corporation to fail to comply with a lawful order of the building official or building inspector. (Ord. 2002-03, 1-22-2002)
3. Penalty: Any person violating the provisions contained herein shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section ~~1-4-1~~ Chapter 1-4 of this code, and shall be guilty of a separate offense for each and every calendar day or portion thereof during which any violation occurs or continues. (Ord. 2002-03, 1-22-2002; amd. 2013 Code)

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Title 9
Chapter 3
STANDARDS AND SPECIFICATIONS

9-3-1: ADOPTION OF STANDARDS AND SPECIFICATIONS:

The standard drawings and specifications of the City, as prepared by the City Engineer, and dated

~~March 1998 and December 1998, respectively, and subsequently amended in February 2005 and August 2017, are hereby adopted. (ord. 2-23-99 1, 3-9-1999; amd. 2013 Code; Ord. 2017-15, 8-29-2017)~~ are hereby adopted by the City Council in accordance with Utah Code Annotated 10-9a-502. The City Engineer may periodically propose updates to the standard drawings and specifications of the City. Updated versions of the standard drawings and specifications shall be distinguished from previous versions by date and shall strictly follow the adoption procedure set forth in Utah Code Annotated 10-9a-502. The latest adopted version of the standard drawings and specifications shall

govern work within the City.

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9-3-4: UPDATED VERSIONS:

The City Engineer shall periodically update the standard drawings and specifications of the City. Updated versions of the standard drawings and specifications shall be distinguished from previous versions by date. The latest version of the standard drawings and specifications shall govern work within the City. (Ord. 2-23-99-1, 3-9-1999)

Title 10
Chapter 1
COMPREHENSIVE GENERAL PLAN

10-1-1: ENACTMENT:

~~10-1-2: IMPLEMENTATION:~~

~~10-1-23: CONFLICT:~~

~~10-1-4: AMENDMENTS:~~

10-1-1: ENACTMENT:

The document entitled, "City Of Bluffdale Comprehensive General Plan, 1992", ~~is was~~ hereby adopted on March 25, 2014, as the comprehensive General Pplan for the city.

~~10-1-2: IMPLEMENTATION:~~

The city administration is directed and authorized to begin the staff work and procedures necessary to bring ordinances of the city into compliance with the comprehensive plan. (Ord. ~~7-13-93-1, 7-13-1993~~)

~~10-1-3 2: CONFLICT:~~

In the event of conflict between an ordinance and the comprehensive General Pplan, the provisions of the ordinance will prevail. The adoption of this comprehensive General Pplan shall not be a limitation or restriction upon the discretion or judgment of the eCity eCouncil or any member thereof, present or future, in adopting, proposing to adopt or refusing to adopt an ordinance providing for a text amendment or a map amendment in the land ordinance.

10-1-4: AMENDMENTS:

The planning commission may, annually or every other year, reevaluate and amend, extend or add to the comprehensive plan or carry any part of the subject matter into greater detail, except such changes shall not be effective until approved by the city council. (Ord. 7-13-93-1, 7-13-1993)

Title 11

Chapter 3

ADMINISTRATION AND PROCEDURES

11-3-9: DEVELOPMENT APPLICATIONS:

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Type of Review	Zoning Administrator or Designee	PC	CC	AVHO	Appeal Authority
Site Plan (minor)	X	X			
Site Plan (major)	X	X	X		
Site Plan Appeal	X				AVHO

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Chapter 15

SITE PLANS

11-15-1: PURPOSE AND INTENT:

A. The purpose of this chapter is to define the requirements, approval process and appeals process for permitted commercial, industrial, manufacturing, research and development projects, institutional, and other nonresidential site plans. Site

plans are divided into two categories – those with minor potential detrimental effects, called “minor”, and those with major anticipated detrimental effects, called “major”. Site plan review is an administrative process with minor site plans processed by the Zoning Administrator or designee and major site plans processed by staff, and the Planning Commission. It is the intention of this chapter to set standards and provide an efficient, yet thorough development review and to allow the applicant to obtain approval of a building permit in a timely manner.

B. The purposes of these architectural, engineering, and site plan approval requirements are to assure compliance with this chapter and related chapters in this Title.

1. To determine compliance with this chapter;
2. To promote the orderly and safe development of land in the City;
3. To promote the general welfare by the construction of structures or additions or alterations which are accorded proper attention to site planning, attractive appearance and harmony with their environments. (Ord. 2008-08, 6-10-2008)

11-15-2: RELATIONSHIP TO OTHER SECTIONS:

Each commercial, industrial, manufacturing, or research, or institutional and development project, reviewed under this chapter is also subject to the requirements of the zone in which the proposed project is located and all other applicable ordinances and regulations. (Ord. 2008-08, 6-10-2008)

11-15-3: APPLICATION REQUIREMENTS AND APPROVAL PROCESS:

- A. Application: The applicant is encouraged to arrange a pre-application meeting with the City staff prior to submitting a formal application. The applicant for a site plan review shall submit a completed application form and a site plan with the required information and plans listed in subsection B of this section. The applicant shall also pay a fee in an amount established by the City fee schedule. (Ord. 2008-08, 6-10-2008; and, 2013 Code)
- B. Required Maps And Drawings: Maps and drawings shall be prepared and drawn to a standard engineering scale large enough to show details clearly with dimensions thereof. Said maps and drawings shall be stamped by a registered architect or engineer in accordance with the laws of the state. The following shall be shown on said maps and drawings as a minimum:
1. Preliminary Review Site Plan Requirements, in addition see General Requirements, Section 11-15-6:

- a. A vicinity map showing site orientation and location in relation to streets and arterial roads.
- b. Statement of building use, occupancy, area tabulations, parking and landscaping tabulations.
- c. The location of all proposed and existing structures on the subject property and within fifty feet (50') on immediately adjoining properties to show that light and air are preserved, and to show that the development will not be impose significant detrimental effects to the orderly and harmonious development of the City.
- d. Location and types of landscaping and/or fencing and screening within yards and setback areas, including proposed sprinkling and irrigation systems in compliance with section 11-15-6 of this chapter. Landscape plans shall include a plant materials list and detail of installation, including the sprinkler and irrigation plan.
- e. Location/size and system design of existing and proposed utilities (i.e., power, water, sewer, gas, telephone, cable, storm drains) and other public infrastructure improvements (i.e., curb, gutter, sidewalk, streets) together with existing easements and rights of way.
- f. Design of ingress and egress to provide a functional on-site traffic flow and to prevent interference with traffic on adjacent streets along with a traffic study to assess the traffic impacts of the development, as per section 11-15-7 (A).
- g. Off street parking areas including parking space striping, landscaping, parking tabulations, plans for snow removal and storage, and loading facilities in compliance shall comply with the off street parking and loading standards as set forth in chapter 11-12 of this title, including provisions for pedestrians and the disabled. A parking demand study as per section 11-15-7 may be required by the Zoning Administrator if the development has unique characteristics that are contrary to the standards found in Chapter 11-12.
- h. Existing and proposed contours at ~~two foot (2')~~ one foot (1') intervals and spot elevations drawn to a maximum scale of 1" = 40'.
- i. Preliminary Drainage plan report as per the requirements included in Chapter 8-6 of the Bluffdale City Code.

j. Preliminary Building elevations and sections, including the location of all proposed signs.

k. Diagrams showing typical road or access cross-sections drawn to a scale no greater than 1" = 10'.

l. Utility plans (sewer, water, irrigation, electric, gas, communication).

m. Lighting plans including location, height, and shielding to direct light downward and away from neighboring properties as per 11-15-6 (F).

n. Maps showing areas of substantial earth moving with an erosion control plan.

2. Final Review:

a. Detailed development of all items required for preliminary review.

b. Modifications required by conditions of the preliminary review and further optional modifications by the applicant.

c. Landscape plan, including plant materials list and detail of installation, including the sprinkler and irrigation plan.

3. Building Permit:

a. All final construction documents, including detailed development of all items required for preliminary and final review. b. Documentation showing compliance with City and county flood control requirements.

c. Surface and subsurface drainage, including catch basins, piping and detention basins. d. Landscaping and sprinkler plans and details of installation.

C. Review/Approval Process:

1. Types of review.

A. Minor site plans: are defined as having less than 50 parking spaces and/or less than 15,000 sf of gross floor space:

Any proposed commercial, industrial, manufacturing, institutional, or research and development building or site plan that does not require more than fifty (50) parking spaces in accordance with chapter 12 of this title and/or does not contain more than fifteen thousand (15,000) square feet of gross floor space shall be approved administratively by ~~City staff~~ the Zoning Administrator or designee, acting as the Land Use Authority. Approval shall be in accordance with all of the laws, ordinances and resolutions of the City, the State and the United States.

Site plans determined to create significant detrimental effects on the zone/area in which it is located, by traffic, parking, access or circulation can, by a determination of the Zoning Administrator, become "Major" site plans, and administered through that review process.

- B. Major Site Plans: are defined as site plans with 50 or more parking spaces and/or greater than 15,000 sf of gross floor space or having significant detrimental effects as determined by the Zoning Administrator:
On larger major commercial, industrial, manufacturing, institutional, or research and development projects, staff the Zoning Administrator or designee will provide the application information to the Planning Commission and City Council, at their regular meetings, regarding the proposed site plan, building locations and, if known, types of businesses. The Planning Commission, acting as the Land Use Authority, in a public meeting, shall make a decision of approval as submitted or approval with modifications based on compliance with City ordinances. Failure to adhere to City ordinances will halt processing of the application.

2. ~~Any project determined by staff the likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, shall be submitted to the Planning Commission and City Council for their review. The Planning Commission may recommend and the City Council may hold a public hearing on any proposed site plan.~~
3. ~~The following list represents development approvals that will not be processed administratively. These developments must receive a recommendation from the Planning Commission following a public hearing with at least a ten (10) day notice, and approval from the City Council following a public hearing with at least a ten (10) day notice.~~
- a. ~~Subdivisions of land. All subdivisions are approved by the City Council in accordance with the subdivision ordinance.~~
- b. ~~Commercial, industrial, manufacturing or research and development site plans which are required to provide fifty (50) or more parking spaces in accordance with chapter 11-12 of this title.~~

c. Commercial, industrial, manufacturing or research and development buildings that contain more than fifteen thousand

(15,000)

square

feet of

floor

space.

d. Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses or the health, safety or general welfare of the surrounding properties, property values or residents.

(1) Any project determined by staff likely to have significant impact on the surrounding properties, property values or residents shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission recommendation will be presented to the City Council for final approval.

(2) The City Council may choose to have a public hearing on any project likely to have significant impact on the surrounding properties, property values or residents. (Ord. 2008-08, 6-10-2008)

~~11-15-4: LARGE SCALE DEVELOPMENT REVIEW:~~

~~Any proposed commercial, industrial, manufacturing or research and development building or site plan that cannot be approved administratively by City staff the in accordance with section 11-15-3 (c) 1 of this chapter submitted to the Planning Commission for their recommendation. The Planning Commission shall recommend approval, or approval conditions or denial of the application. The City Council shall approve, approve with conditions or deny the proposed commercial, industrial, manufacturing or research and development building or site plan. The City Council may choose to have a public hearing on any project likely to have significant impact on the surrounding properties, property values or residents. (Ord. 2008-08, 6-10-2008)~~

~~11-15-54: PARCEL IMPROVEMENTS:~~

~~Each parcel or development application approved in accordance with this chapter shall satisfy all applicable requirements of this title, the subdivision ordinance, as well as any applicable requirements of the design guidelines and standard specifications of the City. (Ord. 2008-08, 6-10-2008)~~

11-15-65: LANDSCAPING GENERAL REQUIREMENTS:

Landscaping shall be used as a tool to enhance and beautify the site and the building's architecture and design.

- A. Landscaping Plan: All areas not covered by approved buildings, and structures, or parking, drive aisles, and roadways, must be completely landscaped and maintained using an automatic irrigation system. A complete landscaping plan is considered part of the application. Each landscaping plan shall include the types and sizes of all planting materials along with plans for an automatic irrigation system. All landscaping plans shall meet or exceed the following standards:
1. There shall be a minimum of one evergreen no less than eight feet (8') in height or deciduous tree with no less than ~~one and one-half inch (1 $\frac{1}{2}$ ")~~ two (2") inches caliper for every five hundred (500) square feet of land not covered by an approved building or parking.
 2. There shall be a minimum of one 5-gallon or larger shrub for every two hundred (200) square feet of land not covered by an approved building or parking.
 3. Annuals, biennials and perennials, decorative stone or similar materials shall be used in planting beds and may be used as an alternative to grasses. Ground covers may be used together with mulch to provide complete coverage of bare ground. Where ground cover is not used, planting beds shall be mulched with bark chips, decorative stone, or similar materials. Mulch or decorative stone shall not be used by itself as a substitute for required landscaping. Dirt, weeds and similar materials are not considered acceptable ground cover. Weeds, wild grass, garbage and other distracting materials shall be eliminated from planting areas on a regular basis.
 4. Vegetative ground cover shall be utilized for at least eighty percent (80%) of a development site's frontage along any public right of way not including sidewalks, driveways, and entry points.
 5. Landscaping shall be used to enhance the site as well as buffer it from surrounding uses. An irrigated landscaped setback with a minimum depth of 10' is required adjacent to residential uses and/or residential zones with medium sized trees (see Title 7 chapter 4 section 3) planted at a maximum interval of 30'.
- B. Vertical Landscaping: All areas adjacent to buildings shall have vertical landscaping (trees, shrubs, bushes, etc.) planted in a minimum five foot (5') deep planting bed except where entries and other necessary paving preclude it.

C. Waterwise Landscaping: The use of waterwise landscape practices to minimize the need for supplemental watering is strongly encouraged. Landscape plans should reflect the following techniques:

1. Using plant materials with comparatively low moisture requirements;
2. Selecting plants on the basis of specific slope, aspect, soil and microclimate conditions;
3. Using native and adapted plant species;
4. Minimizing the amount of irrigated turf area;
5. Planting and designing slopes to minimize runoff;
6. Separating irrigation zones according to plant water requirements and using drip/trickle irrigation systems to conserve water;
7. Emphasizing soil improvement by conserving topsoil, deeply loosening soil, and incorporating organic matter and amendments based on soil tests; and
8. Using mulch in planting areas to reduce weed growth, promote soil cooling, and reduce evaporation.

D. Fences: Each applicant shall be required to furnish and install fences when the Land Use Authority staff Planning Commission, and/or City Council determines that a hazardous condition to the public or abutting properties or uses may exist **or where the proposed project abuts residential parcels**. The fences shall be architecturally compatible with the buildings and other improvements within the surrounding area, ~~shall be constructed according to the standards found in section 11-16-14 of this title,~~ and shall be noted as to height (maximum 8') and material on the site plan. **Chainlink fencing is prohibited unless located within the Sand and Gravel (SG-1) Zone.** Where chainlink fencing is ~~preferred~~ approved, it shall be dark vinyl coated. No certificate of occupancy shall be issued until the fence improvements have been duly installed.

1. Parking lots adjacent to residential zones shall include a light proof fence or wall with a maximum height of ten (10') feet.

2. The provisions of this section shall not apply to:

- a. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.

b. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development which is under construction. Temporary construction fences must be removed as soon as construction is finished. A permit will be required before installation.

3. All site plan related fences and walls shall be constructed of substantial materials and the design and construction shall be consistent with the quality of buildings and other improvements within the surrounding area. It shall be unlawful to erect or to maintain any barbed wire, concertina or razor wire, or electric fence along or adjacent to any public street in conjunction with a site plan approval.

E. Parking Lots: Any parking lot designed to provide ten (10) or more parking spaces shall provide landscaping according to the requirements in section 11-12-7 of this title.

F. Deviations From Strict Compliance with Landscaping Requirements: Because site conditions and development constraints vary greatly among sites, the Land Use Authority may approve landscape plans that deviate from ~~strict compliance with~~ any the requirements of this chapter.

1. Proposed Deviation: Any proposed deviation from the requirements of this chapter shall be:

- a. Clearly identified on the proposed landscape plan; and
- b. Accompanied by a written description of the proposed deviation showing how the purpose and intent of this ordinance will be met by the proposed plan.

2. Findings Required: The land use authority may authorize a landscape plan deviation only if it finds the deviation:

- a. Is consistent with the purpose of this section and any applicable master plan;
- b. Reflects a design that conforms to the requirements of this section to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested;
- ~~c. Will not adversely affect neighboring property owners or residents;~~
- ~~d c.~~ Will not adversely affect sight distance or otherwise diminish public safety;
- ~~e d.~~ Is justified by unusual site constraints; and
- ~~f e.~~ Is of high quality and integrates aesthetically with the design of the

primary buildings on site and established streetscape. (~~Ord. 2015-04, 4-22-2015~~)

11-15-76: DESIGN STANDARDS:

- A. All buildings and developments shall satisfy the adopted design standards for the zone in which the building or development is located.
- B. ~~If specific design standards have not been adopted in the zone, all building designs shall consider recent or new surrounding or nearby buildings and developments and implement design solutions which are sensitive to those nearby buildings and developments. The review of this requirement shall be based on the following:~~
- ~~1. The buildings positively contribute to the overall character of the City of Bluffdale and the area in which it is located;~~
 - ~~2. The buildings demonstrate imaginative design or reflect the character of surrounding development through use of some similar positive and desirable features; and~~
 - ~~3. Where proposed building designs closely copy or mirror surrounding development, the buildings vary colors, materials, or architectural elements.~~
- For commercial buildings
1. Windows shall make up at least 50% of first floor street-facing facades. For building over three stories, top floors shall have architectural differentiation from the other floors in the building.
 2. Corner lots are deemed to have two front yards with only one building entrance required.
 3. Landscaping along the street shall comply with this chapter, Chapter 11-12, and the zone in which the use is proposed. An irrigated landscaped setback with a minimum depth of 10' is required adjacent to residential uses with medium sized (see Title 7 chapter 4 section 3) trees planted with a maximum of 30' centers. Such areas shall be fenced with a light proof fence with a maximum height of eight (8') feet.
 4. Signage for commercial or office uses is defined in Chapter 11-22.
 5. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a

- minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments are encouraged to provide recycling services.
6. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Minimum twenty year guarantee, architectural shingles and/or other longer lasting roof materials are required. For commercial buildings unfinished/plain concrete block shall not be permitted. Vinyl and aluminum lap siding, shall not be permitted as a primary exterior surface. Pre-engineered metal buildings shall have an architectural treatment of stone, brick, stucco, or another similar material. Metal buildings may be allowed in the SG-1 zone and for approved livestock arenas, stables, and barns in the R-1-43 zone. with the approval of the City Council. (Ord. 2016-03, 3-9-2016)
 7. Building Relief. All commercial buildings shall provide variation in the façade, especially in the use of materials and relief, to avoid monotonous design. Relief is defined as foundation jogs or recesses in the front plain of the façade over 1 foot, window variation, cantilevered spaces, color variations, etc. More than three colors are discouraged for front facades.
 8. Roof mounted heating and air conditioning shall be screened from a pedestrian point of view from the edge of the right-of-way.
- C. All building entrances shall be clearly articulated to indicate a transition from the exterior to the interior of the building. Every main entrance shall have a special emphasis when compared to the other portions of the building. This shall be accomplished through any combination of the following:
1. A prominent architectural feature that is unique to the overall building design;
 2. Complementary yet differing building materials or colors;
 3. Increased use of windows or glass;
 4. Pedestrian amenities that may include patios, porches, special paving treatments, seating areas, or awnings; or
 5. Increased landscaping. (Ord. 2015-04, 4-22-2015)
 6. For commercial buildings the entrance shall face the adjacent street. On corner lots, only one street frontage needs to serve as the entrance.

D. For parking lots with over 10 spaces, landscape islands shall include at least one tree (2" caliper), and allow for storm drainage to enter the island, if the drainage plan design can reasonably accommodate directing the flow to the islands. For parking lots adjacent to a street, a screen wall 2.5' to 3' in height or a landscaped berm of the same height shall be constructed.

E. Transitional Development Standards For Uses Abutting Residential Zones: The purpose of this section is to provide standards for transitional areas between abutting lots zoned for dissimilar uses so that potential negative effects are mitigated.

1. Landscaping Along Property Line; Setback: Where a lot in any multiple-family residential, business, commercial or industrial zone abuts a single-family residential or agricultural zone, or where a business, commercial or industrial zone abuts a lot in a multiple-family residential zone, a minimum landscaped yard at least ten feet (10') wide, including medium sized (see Title 7 chapter 4 section 3) trees on a maximum of 30' centers, shall be provided on such lot along the property line where the lot abuts one or more of the aforementioned lots, unless a lesser setback is approved in accordance with section 11-16-26 of this chapter. Building setback in such areas shall be at least one foot (1') for each two feet (2') of building height. Buildings over twenty feet (20') high shall be set back at least ten feet (10').

2. Minimum Side Yard Setback On Corner Lot: Where the side yard of a commercial or multiple-family residential corner lot abuts the same street as the front yard of an adjoining residential property facing the same street, the minimum side yard setback on the corner lot shall be twenty feet (20') from the street right of way line.

3. Landscaped Front Yard: Where a lot in any multiple-family residential, business, commercial or industrial zone abuts a lot in any single-family residential or agricultural zone or where a business, commercial or industrial zone abuts a lot in a multiple-family residential zone, there shall be provided a landscaped front yard on such lot equal to the residential zone requirement on the abutting property. Where the developing property abuts a residentially zoned lot, which is planned in the land use element of the General Plan as a non-residential use, the landscaped front yard requirement may be reduced to that required in the underlying zone.

4. Screening Parking Lot Areas: Any multiple-family residential, business, institutional, commercial or industrial parking lot consisting of four (4) or more spaces and that portion of the driveway back of the building line shall be screened from the street and from adjoining properties in the abutting residential or agricultural zone by either a landscaped berm with trees and shrubs, two feet (2') high at the crown, a hedgerow at least three feet (3') high at maturity, or a masonry wall not less than three feet (3') high in the front yard, and not more than eight (8') feet high located back of the building line.

5. Lighting: All building and parking lot lighting shall comply with the outdoor lighting regulations of section F below.

6. Pollution: Notwithstanding a permitted or conditional use provision to the contrary, a use that involves open storage of merchandise or equipment, trade or industry that is noxious or offensive by reason of the emission of odor, smoke, gas, vibration, or noise shall be setback 100' from property line abutting a residential or agricultural zone.

7. Overhead Doors: No overhead/bay doors shall be permitted in the wall of a building which faces a residential or agricultural zone if said wall is closer than twenty-five feet (25') to the property line.

8. Mechanical Equipment: All mechanical equipment (i.e., air conditioners, fans, pumps, etc.) shall be located within a building or on a roof with parapet walls. Any mechanical equipment located on the outside of a building within twenty-five feet (25') of the nearest residential zone shall have a visual/noise barrier (masonry wall/landscaping) that completely surrounds the equipment and extends at least one foot (1') above the equipment. Noise from mechanical equipment shall not exceed levels defined in the Noise Ordinance.

9. Loading And Delivery Areas: No loading dock or delivery pick up area shall be located within fifty feet (50') of a residential dwelling. These areas shall be screened from public view with a six foot (6') masonry wall.

10. Trash Containers: No trash container shall be located closer than ten feet (10') from the side property line of a lot in a residential or agricultural zone.

F. Outdoor Lighting Standards. The purpose of this section is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting installed as part of a site plan. It is the intent of the city to encourage lighting that provides safety, utility and security while preventing glare on public ways, protecting the enjoyment of private property rights, conserving energy resources and reducing atmospheric light pollution.

1. If a proposed development, involves the installation or alteration of outdoor lighting fixtures, an outdoor lighting plan shall be submitted and shall include the following information:

a. A site plan drawn to a scale of one inch (1") equaling no more than twenty feet (20'), showing the location, height, manufacturer, model, lamp type, lumens, output and wattage of each outdoor lighting fixture in relationship to buildings, streets and parking areas. The City encourages yellow tint LED type site lighting.

b. A photometric plan showing the levels of illumination, in foot-candles, that would result

at ground level from the lighting installation.

c. A certification that the lighting fixtures to be installed are fully shielded, cutoff type fixtures that will not allow light dispersion or direct glare to shine above a ninety degree (90°) horizontal plane from the base of the fixture.

d. A certification that the exterior lighting will comply with the maintained horizontal illuminance recommendations of the Illuminating Engineering Society Of North America.

2, General Requirements

a. All commercial outdoor lighting shall be turned off after business hours, except for essential security lighting. All exterior lighting shall be fully shielded and directed downward to prevent off-site glare.

b. Lighting of signs, buildings and displays shall be directed downward. Uplighting shall be prohibited; provided, that in landscaped areas, low level uplighting may be allowed if approved by the Zoning Administrator;

c. Electrical service to outdoor lighting fixtures shall be underground unless fixtures are mounted directly on utility poles.

3. Exemptions: The following types of outdoor lighting shall be exempt from the provision of this section:

a. Holiday lighting during the months of November, December and January. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

b. Temporary lighting, including, but not limited to, circuses, fairs, carnivals and civic uses, for a period not to exceed thirty (30) calendar days, unless specified differently in an approved temporary use permit.

c. Lighting associated with agricultural operations.

d. Construction or emergency lighting; provided, that such lighting is temporary and is discontinued immediately upon the completion of the construction work or abatement of the emergency circumstances necessitating such lighting.

e. Roadway lighting.

4. Parking Lot Lighting

a. Parking lots should be illuminated adequately for security and safety, but such illumination shall be controlled to prevent glare and avoid decreasing the visibility of neighboring properties.

b. Parking lot lighting shall be installed at a maximum height of twenty feet (20') in residential zones and twenty feet (20') in commercial, office and industrial zones. Height shall be measured from the ground surface being illuminated to the bottom of the lighting fixture. Parking lot lighting shall not be located in any required setback.

c. Parking lot lighting fixtures shall include "cutoff" and/or shielded fixtures and the maximum initial lumens generated by each fixture shall not exceed two hundred (200) (equivalent to a 150 watt incandescent bulb). The height of such lighting fixtures shall not exceed twenty feet (20').

d. Parking lot lighting shall be designed so the minimum illumination at grade level is between two-tenths (0.2) and three-tenths (0.3) in residential zones and between three-tenths (0.3) and five-tenths (0.5) foot-candles in commercial, office and industrial zones. Parking lot lighting shall not exceed three-tenths (0.3) at the property line in commercial office and industrial zones, and two-tenths (0.2) when adjacent to a residential use or zone. The ratio of average parking lot illumination to minimum parking lot illumination shall not exceed four to one (4:1).

5. Lighting Of Gasoline Station/Convenience Store Canopies

a. Gasoline station and convenience store canopies shall provide adequate lighting for customers.

b. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.

c. Light fixtures shall not be mounted on the top or fascia of such canopies.

d. The fascia of such canopies shall not be illuminated, except for approved signage.

e. Areas around gasoline pump islands and under canopies shall have a minimum illumination at grade level between one and five and one-half ($5\frac{1}{2}$) foot-candles. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1).

6. Lighting Of Exterior Sales/Display Areas: The following provisions apply to businesses such as automobile, heavy equipment and recreational vehicle dealerships and other businesses, such as material stores, which rely on outdoor display of merchandise:

a. Areas designed for parking or passive display of merchandise shall be lighted in

accordance with the standards for parking lots in subsection E of this section.

b. Light fixtures shall be shielded, cutoff type fixtures located, mounted and aimed so that direct light is not cast onto adjoining streets or properties.

c. Light fixtures shall be installed at a height not to exceed twenty feet (20').

d. Exterior display/sales areas shall be designed so that the minimum illumination at grade level is between one and five (5) foot-candles. The ratio of average display/sales area lighting to minimum display/sales area lighting shall not exceed four to one (4:1).

7. Lighting Of Outdoor Sports Or Performance Facilities:

a. The lighting plans to be submitted with the development plan shall be prepared by a qualified lighting designer, experienced in lighting such facilities. The plan shall demonstrate that the location, selection and aiming of the lighting fixtures will focus light on the playing or performing areas, minimize glare and visibility from neighboring areas, minimize night sky illumination, and promote energy efficiency.

b. A dual lighting system shall be provided. The primary system shall be adequate for the sports or performing event. The primary system shall be shut off within forty-five (45) minutes of the conclusion of the event. The secondary system shall be designed to facilitate the exiting of patrons, clean up and maintenance.

8. Security Lighting: Adequate lighting shall be provided to protect persons and property and to allow for the proper functioning of surveillance equipment as provided in this subsection:

a. A security lighting plan shall utilize shielded fixtures. Floodlights shall not be permitted.

b. Vertical features, such as walls of a building, may be illuminated for security to a maximum height of eight feet (8') above grade.

c. Security lighting poles shall not exceed twenty feet (20') in height in residential zones and twenty feet (20') in commercial, office and industrial zones.

d. Security lights intended to illuminate a perimeter, such as a fence line, shall be allowed only if regulated by a motion detection system that triggers the lighting when an intruder moves to within five feet (5') of the perimeter.

e. The average horizontal grade level or vertical surface illumination of security lighting in residential zones shall not exceed one-half ($\frac{1}{2}$) foot-candle. The average horizontal grade level illumination of security lighting in commercial, office and industrial zones shall not

exceed one and one-half (1½) foot-candles.

9. Lighting Of Building Facades:

a. Lighting of building facades is not allowed, except for approved security lighting. Government buildings, church buildings, and historic buildings listed on a city or state approved historic register shall be exempt from this requirement. When allowed, lighted facades shall not exceed an illumination of five (5) foot-candles on a vertical surface.

10. Illumination Of Signage:

a. Externally illuminated signs shall be served by light fixtures that are shielded and directed downward. The average level of illumination on the sign face shall not exceed three (3) foot-candles and the ratio of average to minimum illumination shall not exceed two to one (2:1).

b. Internally illuminated signs shall be designed with light lettering or symbols on a darker background. If fluorescent lighting tubes are utilized, they shall be spaced on at least twelve inch (12") centers and be mounted at least three and one-half inches (3½") from the sign face.

11-15-87: ADDITIONAL CONSIDERATIONS IN REVIEW OF APPLICATIONS:

The following matters, and others when applicable, shall be considered by those reviewing site plans concerning a need for additional studies, and may refer the plans to one or more expert consultants require the applicant for large scale developments to obtain specific expert reports, if the deems it necessary:

A. Considerations Studies relating to traffic, parking, safety, and traffic congestion, including:

A site-specific traffic study, paid for by the applicant, performed by a qualifying traffic engineer, shall be required as part of the development application. The traffic study shall consider project demand (for multi-family projects demand should be based on the number of bedrooms), current and future traffic congestion, available street ROW's and potential reconfiguration, pavement striping, stacking issues, turning issues, transit, sidewalk connections, safety, anticipated directional demands, etc.

A use specific parking study may substitute for but not necessarily supersede the requirements of Chapter 11-12, as determined by the developer and/or the Land Use Authority for uses with unique parking demands. Such studies shall be paid for by the applicant and submitted with the application. A parking study, undertaken by a qualified

traffic engineer, shall justify the need for a different parking standard and take into account the setting, the quality of available transit, biking, bedrooms, stall dimensions, area walkability, visitor parking, trends in occupancy, and the potential for overflow parking needs.

If the conclusions or findings from these studies require additional expertise, a peer review, may be commissioned by the City. Such reviews shall be paid for by the applicant.

B. Recurrent Traffic And Parking Congestion:

1. Definitions: As used in this section, the following terms and phrases have the following meanings and application:

CITY: City of Bluffdale and/or its subordinate agencies, boards and commissions, including, but not limited to, the city council, planning commission, board of adjustment, and the specific agents and employees of the city acting within the course and scope of their official duties.

PARKING CONGESTION: That condition in which there is inadequate on-site parking such that patrons or customers of the proposed land use are forced to park on the public street, in areas not "fronting" across the public street side of the proposed development.

RECURRENT: When used as an adjective modifying the phrases "traffic congestion" or "parking congestion", means and refers to that situation wherein the "congestion" is reasonably and/or realistically expected to occur more frequently than three (3) occurrences within a fourteen (14) day consecutive period.

TRAFFIC CONGESTION: That situation wherein an identifiable motor vehicle upon the public street leading to the proposed development is required to "wait" for a period of time longer than three (3) minutes in order to traverse a linear distance of one-half ($\frac{1}{2}$) mile or less, while waiting for other motor vehicle traffic simultaneously traveling to that same destination. (Ord. 2008-05, 2-12-2008; amd. 2013 Code)

B. Denial Of Development Approval: The city may deny, temporarily deny, suspend, defer pending receipt of additional information or refuse to grant development approval for any proposed development, for which development approval is sought, which reasonably and/or realistically presents a situation in which conditions of "recurrent traffic congestion" or "recurrent parking congestion" are probable or likely to be present, at full operation of the proposed development. As a condition of development approval, the city may require the proponent of the development to provide sufficient data, reports or studies evidencing that there will not be the recurrent "congestion" situations as herein proscribed.

C. Factors Considered: For all uses and applications for uses, the city and its administrative staff may consider all relevant, objective site-specific factors, including, but not limited to, whether or not there is more than single roadway access, presently or in the reasonably anticipated future, to the proposed development, as such site-specific condition bears upon or constitutes an unreasonable risk to health or safety, as a basis for considered approval or denial of the application for development or land use approval. (Ord. 2008-05, 2-12-2008)

1. The effect of the site development on traffic conditions on abutting streets.
2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
3. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion, and compliance with the provisions of Chapter 11-12 of this title.
4. The location, , arrangement and dimensions of truck loading and unloading facilities.
5. The circulation patterns within the boundaries of the development.
6. The surfacing and lighting of off street parking facilities.

B. Considerations relating to signs:

1. Signs that are integral to the architectural design of the buildings and are in compliance with the provisions of chapter 22 of this title.
2. Directional and/or informational signs are in compliance with the provisions of chapter 22 of this title and are in locations and of such dimensions to not cause poor visibility for traffic.

C. Considerations relating to landscaping:

1. The location, height and materials of walls, fences, hedges and screen plantings concealing storage areas, utility installations, or other unsightly development ensure harmony with adjacent development.
2. The planting of ground cover and other surfacing is designed to prevent dust and erosion.
3. The design keeps the destruction of existing healthy trees to a minimum.

D. Considerations relating to buildings and site layout:

1. The general building silhouette and mass, including location on the site, elevations and relation to natural plan coverage, is in appropriate and harmonious relationship to the character of the neighborhood.
2. The exterior design is appropriate and harmonious in relation to adjoining structures in height, bulk, area openings, breaks in facade facing the street (or streets), line and pitch of roofs, and arrangement of structure on the parcel.

E. B. Considerations relating to drainage: The effect of the site development plan on the adequacy of the stop and surface storm water drainage facilities. (Ord. 2008-08, 6-10-2008)

11-15-98: ASSURANCES FOR COMPLETION OF IMPROVEMENTS:

A. Completion Of Installation: Landscaping, sprinkling systems, walls, fences and/or screening structures, walks, parking areas and other on and required off-site improvements shall be installed in accordance with the approved a final site plan prior to issuance of any occupancy permit. If the installation of any of these improvements cannot be completed due to weather or other circumstances beyond the control of the applicant/owner or developer, a conditional certificate of occupancy ~~may~~ shall be issued if a performance security and deferral agreement is signed by the developer or applicant/owner which shall guarantee completion of all unfinished improvements, in a form approved by the City. ~~Such agreement shall be reviewed and approved by the City attorney.~~

B. Performance Security And Deferral Agreement: The performance security and deferral agreement shall consist of:

1. A signed statement by the applicant/owner or developer that such improvements, identified by plans displaying the portions of the approved project improvements that are not complete, will be completed by the earliest possible date, not exceed 9 months, to be determined by mutual agreement between the owner or developer, the Zoning Administrator City Planner and/or City engineer. An extension beyond this date may be granted if the owner or developer contacts the City fourteen (14) calendar days prior to the original completion date, the City planner Zoning Administrator and/or City engineer agree to such an extension, and the agreement is amended.
2. A performance security, in favor of the City and in an amount equal to one hundred ~~twenty five percent (100%) (125%)~~ of the estimated cost of installation of the unfinished improvements, is received in the a form as approved by the City of either a security bond by a surety company duly authorized to do business in the state, or a letter of credit by a bank or savings and loan institution, or a cash

~~deposit.~~The performance security shall be refunded upon inspection and acceptance of the improvements by the City.

3. The provisions of this section may be superseded by a development agreement, an adopted phasing plan, or the State Construction Code.
3. 4. A signed agreement by the owner or developer that the bond will be forfeited to the City in the event the improvements are not installed by the agreed date, including a statement the City will have the right to take legal action to compel the completion of such improvements and a statement that the owner will not allow the building to be occupied prior to the completion of such improvements.

C. Phased Development: Installation of landscaping with each phase of a multiphase development shall be permitted, provided that all landscaping required for each phase is installed concurrently with each phase. At no point shall the amount of installed landscaping go below the required percentage for the developed portion of the parcel or project. Partial releases of such bonds may occur by request of the developer or owner and after inspection and acceptance by the City.

11-15-109: APPEAL PROCEDURE:

Any applicant or person aggrieved by any final decision made on an application processed at the staff level under this chapter shall appeal the decision, within ~~fourteen~~ ten (14 10) calendar days of the decision, to the ~~City Council~~ Appeal Authority. Any applicant or person aggrieved by any application processed by the ~~City Council~~ the Appeal Authority shall appeal the decision, within thirty (30) calendar days of the decision, to the district court. (Ord. 2008-08, 6-10-2008; amd. 2013 Code)

Chapter 16 SUPPLEMENTARY PROVISIONS

11-16-1: PURPOSE AND INTENT:

The intent of this chapter is to provide for several miscellaneous and supplementary land development standards that are applicable in all zones. The requirements of this chapter shall be in addition to development standards contained within the various zones. Where the provisions of this chapter may be in conflict with other provisions of this title, the more stringent shall prevail. (Ord. 10-24-00-1, 10-24-2000)

11-16-2: REQUIREMENTS TO BE MET ON ONE LOT OR PARCEL:

All required yards, setbacks and other requirements shall be situated on the same lot as the building or structure to which it applies. No required yard, area or other open space around a building or use which is needed to comply with the area, setback or open space requirements of this title shall be considered as providing the required area, yard, setback or open space for any other building or use. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-3: SALE OR LEASE OF REQUIRED LOT SPACE PROHIBITED:

The space needed to meet the area, frontage, width, coverage, off street parking, frontage on a public street, or other requirement of this title for a lot or building may not be sold or leased. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-4: EACH DWELLING OR BUILDING ON ZONED LOT

Only one single-family dwelling shall be located and maintained on a zoning lot. Multi-family dwellings shall be located and maintained on a zoning lot in accordance with chapters 7 through 11 of this title. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-5: CLEAR VIEW AREAS:

In all zones, lots adjacent to streets or that lie adjacent to railroad tracks, shall not obstruct the view of automobile drivers within a triangular area formed by the street property lines, or the street property line and the railroad right of way line, as appropriate, and a line connecting them at points thirty feet (30') from the intersection of the street or railroad right of way. Trees may be permitted within the triangular area, provided they are placed in a planter strip and are pruned to be at least twelve feet (12') above the grade of the adjacent curb. (~~Ord. 10-24-00-1, 10-24-2000; amd. 2013 Code~~)

11-16-6: DRAINAGE:

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two (2) parties. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-7: TRANSFER OF ADEQUATE WATER

No building permit shall be issued for the construction of a residential dwelling or any other structure in any zone without first conveying to the City adequate water rights in accordance with the provisions contained in title 8, chapter 5 of this code. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-8: POLLUTION PREVENTION

Any use shall be prohibited which emits or discharges gases, fumes or other pollutants into the atmosphere in amounts that exceed the standards as prescribed by the Utah state air

conservation quality board, the board of health, or such appropriate body as may be appointed by the City council. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Utah state water pollution control board ~~or the state board of health~~ and City storm water regulations. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-9: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:

Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted in a public park or playground when approved by the City council. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-10: MAXIMUM HEIGHT OF MAIN BUILDING:

- A. ~~Specified: No dwelling shall be erected to a height of less than one story above grade., except as may be approved by the planning commission upon showing that the structure is designed for energy conservation, will be a finished building, and will comply with all City building and safety codes and this title.~~
- B. ~~Exceptions To Building Height Limitations: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, radio and television antennas, microwave or satellite dishes, except as provided in chapter 24 of this title, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space, nor shall it provide for human occupancy.~~
- C. ~~Exceptions For Utility Buildings: Public and quasi-public utility buildings, when authorized in a district, may be erected to heights greater than the district height limited by a conditional use permit, but the maximum height shall not exceed forty feet (40'). Utility buildings housing only equipment may be erected to a height less than one story above grade.~~
- D. ~~Special Exception For Additional Building Height: Where expressly allowed by this code, and upon special approval of the City council, after recommendation from the planning commission, actual building height may exceed the height limitation if required building setbacks (front, side and rear) are increased by a ratio of one and one-half feet ($1\frac{1}{2}'$) of height to one foot (1') of additional setback. (Ord. 2001-09, 11-19-2001)~~

11-16-11: LOTS IMPROVED PRIOR TO ISSUANCE OF PERMIT:

No building permit shall be issued for the construction of a dwelling or commercial or industrial structure which is to be located on a lot or parcel outside of an approved subdivision or large scale development, unless the lot or parcel is fully improved, except that a legal lot or parcel of record which does not abut an improved lot or parcel may be exempt from surface improvements, including curb, gutter, sidewalk and asphalt, upon recommendation of the City Engineer. If an extension of time is given to place any of the required improvements, there must be a performance improvement completion assurance bond deposited, in a form approved by the City, posted for one hundred ~~twenty~~ percent (120 100%) of the cost of the improvements. (~~Ord. 2007-21, 7-25-2007~~)

11-16-12: ALL LOTS MUST ABUT ON PUBLIC OR PRIVATE STREETS OR RIGHTS OF WAY:

Each lot shall abut on a street or approved private right of way which meets one of the following conditions and all provisions of the adopted fire code:

- A. The street has been dedicated as a public right of way or approved private right of way on a recorded subdivision plat;
- B. The street has become a public right of way by right of use and is at least sixteen feet (16') wide;
- C. The street is at least a sixteen foot (16') wide private right of way if the lot legally existed prior to the adoption date of the City's land use ordinances hereof;
- D. The street is an approved private right of way which meets City standards for such facilities. (~~Ord. 2015-01, 2-11-2015~~)

11-16-13: PUBLIC BENCHES ON PUBLIC OR PRIVATE PROPERTY:

~~Public benches may be located on public or private property when approved as a conditional use by the City council after receiving a recommendation from the planning commission. The City Manager shall review the location of public benches on private property or non-City owned public property.~~

Approval shall be subject to the following:

- A. The benches shall be located at an approved bus stop.
- B. Only one bench shall be permitted per bus stop.
- C. No public hazard or nuisance is created.
- D. No bench shall be located closer than fifty feet (50') from an intersection or twenty feet (20') from a driveway approach or ingress or egress to a parking lot.
- E. No bench shall be located on or within one foot (1') of a sidewalk.
- F. No bench shall be closer than two feet (2') from the back of a curb and gutter or no closer than two feet (2') from the street where no curb exists.
- G. The maximum height of a bench shall be three feet (3') and the maximum length shall be eight feet (8').
- H. The bench shall be permanently connected to the ground.
- I. Bench covers may be installed over a bench to protect the bench from the environmental factors as long as the walls are of tempered glass or plastic meeting the requirements of the building code and the roof does not exceed twelve feet (12') in height or extend lower than eight feet (8'). Corners may be of wood or metal as long as they are not more than four inches (4") wide.

J. The bench must have proof of liability insurance of not less than one hundred thousand dollars (\$100,000.00).

K. The bench shall be maintained in good repair at all times by the owner, as determined by the building official.

L. Benches that are improperly located, damaged, in disrepair or determined to be unsafe shall be repaired or removed within twenty four (24) hours of notification from the building official. Benches that are not removed as requested above shall be removed by the City at the owner's expense.

M. The City may revoke a conditional use the permit for a bench if it finds that it interferes with other desired City uses of the location, or is objectionable for any other reason. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-14: FENCES AND WALLS:

A. Residential Zones:

1. No fence, wall, living fence or similar device extending into or enclosing all or part of the front setback shall be constructed or maintained at a height greater than forty two inches (42"), unless the fence is chainlink or another open mesh fence. The fence must remain nonsight obscuring (defined as at least 70 percent open space when viewed from either side of the fence) and shall not exceed sixty inches (60") in height. The permitted height of any fence, wall, living fence or similar sight obscuring device situated within any other portion of a lot shall be eight feet (8'), except where the vision of an adjacent driveway may be affected. (~~Ord. 2011-06, 5-10-2011~~)
2. Any fence that may affect the vision of an adjacent driveway shall satisfy the following conditions:
 - a. The fence shall not be sight obscuring and shall be constructed of chainlink or other similar material and be no less than seventy percent (70%) open space; or

- b. The fence shall be terminated no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 - c. The fence shall be no more than forty two inches (42") in height at a point no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 - d. The owner of the affected driveway may, in writing, waive the fencing restrictions for the adjacent lot; provided, that it can be shown that the backing of vehicles can be accomplished in a safe manner. (~~Ord. 10-24-00-1, 10-24-2000~~)
3. Applicants for a fence greater than eight feet (8') in height must receive a conditional use permit in accordance with chapter 20 of this title. Minimum fence height for multi-family units is six feet (6').

B. Nonresidential Zones:

1. Fences, walls and living fences may be constructed in nonresidential zones up to ~~six feet (6')~~ eight (8') feet high. Fence alignment may be at the back of sidewalk. All commercial areas on corner lots shall meet the clear view of the intersecting street criteria as defined in section 11-16-5 of this chapter.
2. The provisions of this section shall not apply to:
 - a. ~~Residential zones where the back property line of lots or developed property is adjacent to arterial roads or major highways, six foot (6') high visual barrier fences are allowed on the back property line along the road or highway right of way, and may be required at the discretion of the City council as condition of site plan approval. (Ord. 2011-06, 5-10-2011)~~
 - b. a. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.
 - c. b. Other fences such as sports court enclosures or patio enclosures in the front, side or rear yards may be approved by the ~~City council~~ Zoning Administrator with specific findings that, if the fence does not create a hazard or violation of other ordinances.
 - d. c. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development which is under construction. Temporary construction fences must be removed as soon as construction is finished. ~~A permit will be required before installation.~~
3. All fences and walls shall be constructed of substantial materials and the design and construction shall be consistent with the quality of dwellings and other improvements within

the surrounding area. It shall be unlawful for any person to erect or to maintain any barbed wire, ~~constantina~~ constantine or razor wire, or electric fence along or adjacent to any public street in the City.

4. Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the City Zoning Administrator.
5. ~~Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the staff shall refer the application to the City council for action. The City council shall have the authority to reverse, affirm or modify any decision of the staff. (Ord. 10-24-00-1, 10-24-2000)~~

11-16-15: PLACEMENT OF TEMPORARY STRUCTURES:

- A. Recreational Vehicles: It shall be unlawful to place any temporary recreational vehicle on any lot or parcel of land in the area covered by the zoning map and to use the structure for human habitation, except when located in a vacation vehicle court.
- B. Manufactured Homes: It shall be unlawful to place a temporary manufactured home on any lot or parcel of land in an area covered by the zoning map and to use the structure for human habitation, except when located in a licensed mobile home park or in a vacation vehicle court.
- C. Commercial Purposes: Temporary structures for commercial purposes may be allowed for not more than one year; provided, that a building permit has been issued for the construction of a permanent structure.
- D. Construction Trailers Or Sales Offices: Temporary structures used as construction trailers or residential sales offices shall obtain approval at least annually by the Zoning Administrator before the structure is placed on site and shall be removed upon termination of said permit approval.
- E. Regulations Of Structures Permitted: When permitted under this section, temporary structures shall meet the following regulations:
 1. The use of the temporary structures shall be in compliance with the zone in which it is located.
 2. Temporary structures shall only be allowed for uses that are permitted in the zones that they are to be located in.
 3. The structure shall be connected to the water and sewer, and the electric utility.

4. The structure shall be secured to the earth to prevent displacement due to seismic or wind forces.
5. The temporary structure and location shall conform to City building codes and setback requirements as set forth in this code.
6. The applicant has submitted payment of all fees. (~~Ord. 10-24-00-1, 10-24-2000~~)

~~11-16-16:~~ USE OF ACCESSORY BUILDING FOR BUSINESS PURPOSES:

A "notice to future purchasers" shall be signed and recorded before a building permit is issued for accessory buildings over four hundred (400) square feet. The notice to future purchasers will state that the owner acknowledges that the building cannot be used for business purposes that are not in keeping with City ordinances. The notice shall be recorded at the county recorder's office so as to attach it to the property and notify prospective and future purchasers of this limitation. (~~Ord. 2001-04, 3-13-2001~~)

~~11-16-17~~16: PUBLIC UTILITIES IN RESIDENTIAL AREAS:

A. Permitted; Conditions: Where not otherwise authorized in this title, the pPlanning eCommission, if it determines that the best interests of the community will be served thereby, may permit as a conditional use, subject to standards in chapter 20 of this title, the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower appurtenances and other similar public utilities of over 200 square feet, provided, that in all such cases: Structures as defined above under 200 square feet are permitted uses. These specific standards of review shall also be considered in the permit application and the Commission's review:

1. From the evidence presented, the pPlanning eCommission finds that it is essential in order to provide the area with adequate electrical, gas, telephone, television or communication service.
2. It shall determine that, due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.
3. All structures on the premises are designed to conform to the residential character of the districts.
4. All yard spaces as required for the permitted use in the district are provided.
5. Adequate screening is provided for proper landscaping and fencing where the facility is not

within a building.

6. ~~Such other conditions are met as may be deemed necessary by the planning commission to protect the character of the residential district.~~

B. Authority Limited: Nothing in this section shall be interpreted as giving the ~~planning~~ Planning Commission the authority to permit a privately owned or operated commercial radio, television or communication tower in any residential district, or contrary to chapter 24 of this title, or other applicable provisions of City ordinances. (~~Ord. 2001-09, 11-19-2001~~)

11-16-~~18~~17: HOUSEHOLD PETS:

Except as otherwise provided herein, the maximum number of household pets permitted per dwelling unit in any zoning district shall be three (3). More than three (3) but not more than six (6) household pets may be permitted per dwelling unit in the A-5 zoning district as a conditional use in accordance with the conditional use permit provisions set forth in chapter 20 of this title. A canine hobby license may also be issued as a conditional use in any zoning district which lists it as a conditional use and if it is in accordance with the licensing and permitting provisions of the City animal control ordinance, title 5, chapter 3 of this code, and the conditional use permit provisions set forth in chapter 20 of this title. (~~Ord. 2002-13, 10-8-2002; amd. 2013 Code~~)

11-16-~~19~~18: SHARED DRIVEWAYS:

A. Scope: Except as otherwise provided in the City's land use ordinances, no building permit shall be issued for a dwelling located on a lot or parcel accessed by a shared driveway other than a dedicated and improved public street or approved private right of way.

B. Circumstances Permitting: The creation of or the issuance of a building permit for a lot or parcel accessed from a shared driveway may be approved by the City Zoning Administrator under the following circumstances:

1. There exists certain unique circumstances that directly impact the lots or parcels to be accessed by the shared driveway as follows:

a. The lots or parcels are isolated from any presently existing public streets and will be isolated from any future public streets; and

b. The property is bounded by certain physical barriers that isolate the proposed lots or parcels which preclude future expansion and development and deny through access to public streets.

Approval shall be subject to the following:

- A. The benches shall be located at an approved bus stop.
- B. Only one bench shall be permitted per bus stop.
- C. No public hazard or nuisance is created.
- D. No bench shall be located closer than fifty feet (50') from an intersection or twenty feet (20') from a driveway approach or ingress or egress to a parking lot.
- E. No bench shall be located on or within one foot (1') of a sidewalk.
- F. No bench shall be closer than two feet (2') from the back of a curb and gutter or no closer than two feet (2') from the street where no curb exists.
- G. The maximum height of a bench shall be three feet (3') and the maximum length shall be eight feet (8').
- H. The bench shall be permanently connected to the ground.
- I. Bench covers may be installed over a bench to protect the bench from the environmental factors as long as the walls are of tempered glass or plastic meeting the requirements of the building code and the roof does not exceed twelve feet (12') in height or extend lower than eight feet (8'). Corners may be of wood or metal as long as they are not more than four inches (4") wide.

J. The bench must have proof of liability insurance of not less than one hundred thousand dollars (\$100,000.00).

K. The bench shall be maintained in good repair at all times by the owner, as determined by the building official.

L. Benches that are improperly located, damaged, in disrepair or determined to be unsafe shall be repaired or removed within twenty four (24) hours of notification from the building official. Benches that are not removed as requested above shall be removed by the City at the owner's expense.

M. The City may revoke a conditional use the permit for a bench if it finds that it interferes with other desired City uses of the location, or is objectionable for any other reason. (~~Ord. 10-24-00-1, 10-24-2000~~)

11-16-14: FENCES AND WALLS:

A. Residential Zones:

1. No fence, wall, living fence or similar device extending into or enclosing all or part of the front setback shall be constructed or maintained at a height greater than forty two inches (42"), unless the fence is chainlink or another open mesh fence. The fence must remain nonsight obscuring (defined as at least 70 percent open space when viewed from either side of the fence) and shall not exceed sixty inches (60") in height. The permitted height of any fence, wall, living fence or similar sight obscuring device situated within any other portion of a lot shall be eight feet (8'), except where the vision of an adjacent driveway may be affected. (~~Ord. 2011-06, 5-10-2011~~)
2. Any fence that may affect the vision of an adjacent driveway shall satisfy the following conditions:
 - a. The fence shall not be sight obscuring and shall be constructed of chainlink or other similar material and be no less than seventy percent (70%) open space; or

- b. The fence shall be terminated no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 - c. The fence shall be no more than forty two inches (42") in height at a point no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 - d. The owner of the affected driveway may, in writing, waive the fencing restrictions for the adjacent lot; provided, that it can be shown that the backing of vehicles can be accomplished in a safe manner. (~~Ord. 10-24-00-1, 10-24-2000~~)
3. Applicants for a fence greater than eight feet (8') in height must receive a conditional use permit in accordance with chapter 20 of this title. Minimum fence height for multi-family units is six feet (6').

B. Nonresidential Zones:

- 1. Fences, walls and living fences may be constructed in nonresidential zones up to ~~six feet (6')~~ eight (8') feet high. Fence alignment may be at the back of sidewalk. All commercial areas on corner lots shall meet the clear view of the intersecting street criteria as defined in section 11-16-5 of this chapter.
- 2. The provisions of this section shall not apply to:
 - a. ~~Residential zones where the back property line of lots or developed property is adjacent to arterial roads or major highways, six foot (6') high visual barrier fences are allowed on the back property line along the road or highway right of way, and may be required at the discretion of the City council as condition of site plan approval. (Ord. 2011-06, 5-10-2011)~~
 - b. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.
 - e. Other fences such as sports court enclosures or patio enclosures in the front, side or rear yards may be approved by the City council Zoning Administrator with specific findings that, if the fence does not create a hazard or violation of other ordinances.
 - d. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development which is under construction. Temporary construction fences must be removed as soon as construction is finished. A permit will be required before installation.
- 3. All fences and walls shall be constructed of substantial materials and the design and construction shall be consistent with the quality of dwellings and other improvements within

the surrounding area. It shall be unlawful for any person to erect or to maintain any barbed wire, ~~constantina~~ constantine or razor wire, or electric fence along or adjacent to any public street in the City.

4. Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the ~~City~~ Zoning Administrator.
5. ~~Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the staff shall refer the application to the City council for action. The City council shall have the authority to reverse, affirm or modify any decision of the staff. (Ord. 10-24-00-1, 10-24-2000)~~

11-16-15: PLACEMENT OF TEMPORARY STRUCTURES:

- A. Recreational Vehicles: It shall be unlawful to place any temporary recreational vehicle on any lot or parcel of land in the area covered by the zoning map and to use the structure for human habitation, except when located in a vacation vehicle court.
- B. Manufactured Homes: It shall be unlawful to place a temporary manufactured home on any lot or parcel of land in an area covered by the zoning map and to use the structure for human habitation, except when located in a licensed mobile home park or in a vacation vehicle court.
- C. Commercial Purposes: Temporary structures for commercial purposes may be allowed for not more than one year; provided, that a building permit has been issued for the construction of a permanent structure.
- D. Construction Trailers Or Sales Offices: Temporary structures used as construction trailers or residential sales offices shall obtain approval at least annually by the Zoning Administrator before the structure is placed on site and shall be removed upon termination of said permit approval.
- E. Regulations Of Structures Permitted: When permitted under this section, temporary structures shall meet the following regulations:
 1. The use of the temporary structures shall be in compliance with the zone in which it is located.
 2. Temporary structures shall only be allowed for uses that are permitted in the zones that they are to be located in.
 3. The structure shall be connected to the water and sewer, and the electric utility.

4. The structure shall be secured to the earth to prevent displacement due to seismic or wind forces.
5. The temporary structure and location shall conform to City building codes and setback requirements as set forth in this code.
6. The applicant has submitted payment of all fees. (~~Ord. 10-24-00-1, 10-24-2000~~)

~~11-16-16: USE OF ACCESSORY BUILDING FOR BUSINESS PURPOSES:~~

~~A "notice to future purchasers" shall be signed and recorded before a building permit is issued for accessory buildings over four hundred (400) square feet. The notice to future purchasers will state that the owner acknowledges that the building cannot be used for business purposes that are not in keeping with City ordinances. The notice shall be recorded at the county recorder's office so as to attach it to the property and notify prospective and future purchasers of this limitation. (Ord. 2001-04, 3-13-2001)~~

~~11-16-17~~16: PUBLIC UTILITIES IN RESIDENTIAL AREAS:

A. ~~Permitted; Conditions:~~ Where not otherwise authorized in this title, the ~~p~~Planning ~~e~~Commission, if it determines that the best interests of the community will be served ~~thereby~~, may permit as a conditional use, subject to standards in chapter 20 of this title, the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower appurtenances and other similar public utilities of over 200 square feet. provided, that in all such cases: Structures as defined above under 200 square feet are permitted uses. These specific standards of review shall also be considered in the permit application and the Commission's review:

1. From the evidence presented, the ~~p~~Planning ~~e~~Commission finds that it is essential in order to provide the area with adequate electrical, gas, telephone, television or communication service.
2. It shall determine that, due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.
3. All structures on the premises are designed to conform to the residential character of the districts.
4. All yard spaces as required for the permitted use in the district are provided.
5. Adequate screening is provided for proper landscaping and fencing where the facility is not

within a building.

6. ~~Such other conditions are met as may be deemed necessary by the planning commission to protect the character of the residential district.~~

B. Authority Limited: Nothing in this section shall be interpreted as giving the ~~p~~Planning ~~e~~Commission the authority to permit a privately owned or operated commercial radio, television or communication tower in any residential district, or contrary to chapter 24 of this title, or other applicable provisions of City ordinances. ~~{Ord. 2001-09, 11-19-2001}~~

11-16-~~18~~17: HOUSEHOLD PETS:

Except as otherwise provided herein, the maximum number of household pets permitted per dwelling unit in any zoning district shall be three (3). More than three (3) but not more than six (6) household pets may be permitted per dwelling unit in the A-5 zoning district as a conditional use in accordance with the conditional use permit provisions set forth in chapter 20 of this title. A canine hobby license may also be issued as a conditional use in any zoning district which lists it as a conditional use and if it is in accordance with the licensing and permitting provisions of the City animal control ordinance, title 5, chapter 3 of this code, and the conditional use permit provisions set forth in chapter 20 of this title. ~~{Ord. 2002-13, 10-8-2002; amd. 2013 Code}~~

11-16-~~19~~18: SHARED DRIVEWAYS:

A. Scope: Except as otherwise provided in the City's land use ordinances, no building permit shall be issued for a dwelling located on a lot or parcel accessed by a shared driveway other than a dedicated and improved public street or approved private right of way.

B. Circumstances Permitting: The creation of or the issuance of a building permit for a lot or parcel accessed from a shared driveway may be approved by the City Zoning Administrator under the following circumstances:

1. There exists certain unique circumstances that directly impact the lots or parcels to be accessed by the shared driveway as follows:

a. The lots or parcels are isolated from any presently existing public streets and will be isolated from any future public streets; and

b. The property is bounded by certain physical barriers that isolate the proposed lots or parcels which preclude future expansion and development and deny through access to public streets.

2. For purposes of this section, physical barriers may include: existing canals with recorded easements and rights of way that prohibit public access and crossing; railroad rights of way; terrain that prevents conventional access by public streets; utility easements which prohibit street access and crossing; existing developments of improved real property contiguous to the subject property that prohibits extension of through public streets to or from the lots or parcels; existing or proposed drainage requirements which include storm drain channels, retention/detention ponds, or natural creek beds which prohibit public street access; or limited access roads which prohibit a public street connection.

C. Restrictions, Limitations: The creation of or the issuance of a building permit for a lot or parcel accessed by a shared driveway approved by the City Zoning Administrator shall comply with the following restrictions and limitations:

1. Be located within a residential R-1-87, R-1-43, R-1-10 or agricultural A-5 zoning district;
2. The shared driveway shall provide access to a maximum of two (2) lots or parcels;
3. The lot or parcel to be accessed off of the shared driveway meets all the standards and requirements under the City subdivision ordinance and land use ordinance;
4. Required minimum yard setback requirements shall apply to all buildings fronting, siding or rearing on the shared driveway or private land and shall be measured from the boundary of any such right of way nearest the building;
5. The shared driveway has a minimum recorded right of way width of at least twenty five feet (25') and all weather surface of at least twenty feet (20');
6. The shared driveway shall be improved in compliance with City standards and specifications for the number and intensity of lots or parcels served;
7. The shared driveway shall have a turnaround as determined necessary by the fire department;
8. No parking is permitted within the shared driveway;
9. The shared driveway shall only be used to access single-family residences;
10. Each adjoining lot or parcel using the shared driveway shall have recorded ownership or right of way access to such driveway or private lane by easement or fee title;
11. All dwellings on the lots or parcels shall be within four hundred feet (400') of a fire hydrant approved by the fire department and access to the fire hydrant shall comply with the applicable fire codes adopted by the City;

12. The shared driveway abuts and is accessed off of a fully improved and dedicated public street;
13. The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purpose determined to be necessary and appropriate. (Ord. 2015-01, 2-11-2015)

11-16-20: TRANSITIONAL DEVELOPMENT STANDARDS FOR USES ABUTTING RESIDENTIAL ZONES:

A. Purpose: The purpose of this section is to provide an area of transition between abutting lots zoned for dissimilar uses so that adjoining incompatible uses are avoided.

B. Standards:

1. Landscaping Along Property Line; Setback: Where a lot in any multiple-family residential, business, commercial or industrial zone abuts a single-family residential or agricultural zone, or where a business, commercial or industrial zone abuts a lot in a multiple-family residential zone, a minimum landscaped yard of at least ten feet (10') wide shall be provided on such lot along the property line where the lot abuts one or more of the aforementioned lots, unless a lesser setback is approved in accordance with section 11-16-26 of this chapter. Building setback in such areas shall be at least one foot (1') for each two feet (2') of building height. Buildings over twenty feet (20') high shall be set back at least ten feet (10'). (Ord. 2014-04, 2-25-2014)
2. Minimum Side Yard Setback On Corner Lot: Where the side yard of a commercial or multiple-family residential corner lot abuts the same street as the front yard of an adjoining residential property facing the same street, the minimum side yard setback on the corner lot shall be twenty feet (20') from the street right of way line.
3. Landscaped Front Yard: Where a lot in any multiple-family residential, business, commercial or industrial zone abuts a lot in any single-family residential or agricultural zone or where a business, commercial or industrial zone abuts a lot in a multiple-family residential zone, there shall be provided a landscaped front yard on such lot equal to of the residential use on the abutting property.
4. Screening Parking Lot Areas: Any multiple-family residential, business, commercial or industrial parking lot consisting of four (4) or more spaces and that portion of the driveway back of the building line shall be screened from the street and from adjoining properties in the abutting residential or agricultural zone by either a landscaped berm two feet (2') high at the crown, a hedgerow at least five feet (5') high at maturity, or a masonry wall not less than

three feet (3') high in the front yard, and not more than six feet (6') high located back of the building line.

5. Lighting: All building and parking lot lighting shall comply with the outdoor lighting regulations of section 11-16-21 of this chapter.
 6. Pollution: Notwithstanding a permitted or conditional use provision to the contrary, a use that involves open storage of merchandise or equipment, off premises signs, trade or industry that is noxious or offensive by reason of the emission of odor, smoke, gas, vibration or noise shall be strictly prohibited on a lot abutting a residential or agricultural zone.
 7. Overhead Doors: No overhead/bay doors shall be permitted in the wall of a building which faces a residential or agricultural zone if said wall is closer than twenty five feet (25') to the property line.
 8. Mechanical Equipment: All mechanical equipment (i.e., air conditioners, fans, pumps, etc.) shall be located within a building or on a roof with parapet walls. Any mechanical equipment located on the outside of a building within twenty five feet (25') of the nearest residential use shall have a visual/noise barrier (masonry wall/landscaping) that completely surrounds the equipment and extends at least one foot (1') above the equipment. Noise from mechanical equipment shall not be unreasonably loud so as to disturb the quiet repose of any person in their dwelling, which is defined as disturbing the average person's reasonable sensitivities.
 9. Loading And Delivery Areas: No loading dock or delivery pick up area shall be located within fifty feet (50') of a residential dwelling. These areas shall be screened from public view with a six foot (6') masonry wall.
 10. Trash Containers: No trash container shall be located closer than twenty five feet (25') from the side property line of a lot in a residential or agricultural zone.
- C. Applicability; Alternatives: All of the above requirements shall apply, unless the planning commission approves an alternative buffering arrangement equal to or better than the requirements set forth in this section. The planning commission shall make specific findings justifying the alternate buffering arrangement. (Ord. 2005-15, 7-12-2005)

11-16-2119: OUTDOOR LIGHTING STANDARDS:

- A. Purpose: The purpose of this section is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting installed in the City. It is the intent of the City to encourage lighting that provides safety, utility and security while preventing glare on public ways, protecting the enjoyment of private property rights, conserving energy resources and reducing atmospheric light pollution.

B. Outdoor Lighting Plan Required: If a proposed development, except for single and two-family dwellings, involves the installation or alteration of outdoor lighting fixtures, an outdoor lighting plan shall be submitted and shall include the following information:

1. A site plan drawn to a scale of one inch (1") equaling no more than twenty feet (20'), showing the location, height, manufacturer, model, lamp type, lumen output and wattage of each outdoor lighting fixture in relationship to buildings, streets and parking areas.
2. An iso-lux plan showing the levels of illumination, in foot-candles, that would result at ground level from the lighting installation.
3. A certification that the lighting fixtures to be installed are fully shielded, cutoff type fixtures that will not allow light dispersion or direct glare to shine above a ninety degree (90°) horizontal plane from the base of the fixture.
4. A certification that the exterior lighting will comply with the maintained horizontal illuminance recommendations of the Illuminating Engineering Society Of North America.

C. B. General Provisions:

1. All commercial outdoor lighting shall be turned off after business hours, except for essential security lighting, which shall be down directed and shielded.
2. Lighting of signs, buildings and displays shall be directed downward. Uplighting shall be prohibited; provided, that in landscaped areas, uplighting may be allowed if approved as part of the site plan approval.
3. Electrical service to outdoor lighting fixtures shall be underground unless fixtures are mounted directly on utility poles.
4. All exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed two tenths (0.2) footcandles at any property line in a residential area and three tenths (0.3) footcandles for any non-residential area. Where a use abuts a residential district or use a maximum of two tenths (0.2) footcandles is permitted.

D. C. Exemptions: The following types of outdoor lighting shall be exempt from the provision of this section:

1. Holiday lighting during the months of November, December and January. Such lighting shall not create dangerous glare on adjacent streets or properties. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1

foot-candles at the property line on which they are installed.

2. Temporary lighting, including, but not limited to, circuses, fairs, carnivals and civic uses, for a period not to exceed thirty (30) calendar days, unless ~~otherwise approved by the planning commission~~ specified differently in an approved temporary use permit.

3. Lighting associated with agricultural operations.

4. Construction or emergency lighting; provided, that such lighting is temporary and is discontinued immediately upon the completion of the construction work or abatement of the emergency circumstances necessitating such lighting.

5. Roadway lighting for safety or nighttime construction activity.

E. Parking Lot Lighting: Parking lots should be illuminated adequately for security and safety, but such illumination shall be controlled to prevent glare and avoid decreasing the visibility of neighboring properties. Parking lot lighting shall not be used to draw attention to a business.

1. Parking lot lighting shall be installed at a maximum height of twenty feet (20') in residential zones and twenty five feet (25') in commercial, office and industrial zones. Height shall be measured from the ground surface being illuminated to the bottom of the lighting fixture.

2. Parking lot lighting fixtures designed to portray a historic period or architectural style are encouraged. If such fixtures are not "cutoff" or shielded fixtures, the maximum initial lumens generated by each fixture shall not exceed two hundred (200) (equivalent to a 150-watt incandescent bulb). The light of such lighting fixtures shall not exceed fifteen feet (15').

3. Parking lot lighting shall be designed so the minimum illumination at grade level is between two tenths (0.2) and three tenths (0.3) in residential zones and between three tenths (0.3) and five tenths (0.5) foot-candles in commercial, office and industrial zones. The ratio of average parking lot illumination to minimum parking lot illumination shall not exceed four to one (4:1).

F. Lighting Of Gasoline Station/Convenience Store Canopies: Gasoline station and convenience store canopies shall provide adequate lighting for customers, but lighting shall not be so intense as to be an attention device for the business, as provided in this section.

1. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.

2. Light fixtures shall not be mounted on the top or fascia of such canopies.

3. The fascia of such canopies shall not be illuminated, except for approved signage.

4. Areas around gasoline pump islands and under canopies shall have a minimum illumination at grade level between one and five and one-half ($5\frac{1}{2}$) foot-candles. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1).

G. Lighting Of Exterior Sales/Display Areas: The following provisions apply to businesses such as automobile, heavy equipment and recreational vehicle dealerships and other businesses, such as material stores, which rely on outdoor display of merchandise:

1. Areas designed for parking or passive display of merchandise shall be lighted in accordance with the standards for parking lots in subsection E of this section.

2. Light fixtures shall be shielded, cutoff type fixtures located, mounted and aimed so that direct light is not cast onto adjoining streets or properties.

3. Light fixtures shall be installed at a height not to exceed twenty five feet (25').

4. Exterior display/sales areas shall be designed so that the minimum illumination at grade level is between one and five (5) foot-candles. The ratio of average display/sales area lighting to minimum display/sales area lighting shall not exceed four to one (4:1).

H. Lighting Of Outdoor Sports Or Performance Facilities:

1. The lighting plans to be submitted with the development plan shall be prepared by a qualified lighting designer, experienced in lighting such facilities. The plan shall demonstrate that the location, selection and aiming of the lighting fixtures will focus light on the playing or performing areas, minimize glare and visibility from neighboring areas, minimize sky glow and promote energy efficiency.

2. A dual lighting system shall be provided. The primary system shall be adequate for the sports or performing event. The primary system shall be shut off within forty five (45) minutes of the conclusion of the event. The secondary system shall be designed to facilitate the exiting of patrons, clean up and maintenance.

I. Security Lighting: Adequate lighting shall be provided to protect persons and property and to allow for the proper functioning of surveillance equipment as provided in this subsection:

1. A security lighting plan shall utilize shielded fixtures. Floodlights shall not be permitted.

2. Vertical features, such as walls of a building, may be illuminated for security to a height of

eight feet (8') above grade.

3. Security lighting poles shall not exceed twenty feet (20') in height in residential zones and twenty five feet (25') in commercial, office and industrial zones.

4. Security lights intended to illuminate a perimeter, such as a fence line, shall be allowed only if regulated by a motion detection system that triggers the lighting when an intruder moves to within five feet (5') of the perimeter.

5. The average horizontal grade level or vertical surface illumination of security lighting in residential zones shall not exceed one half ($\frac{1}{2}$) foot-candle. The average horizontal grade level illumination of security lighting in commercial, office and industrial zones shall not exceed one and one half ($1\frac{1}{2}$) foot-candles.

J. D. Lighting Of Building Facades: ~~1. Lighting of building facades is discouraged~~ not allowed, except for approved security lighting. Government buildings, church buildings, and historic buildings listed on a City or state approved historic register and significant or contributing buildings within historic areas shall be exempt from this requirement. ~~2. When allowed,~~ Lighted facades shall not exceed an illumination of five (5) foot-candles on a vertical surface.

3. Light fixtures shall be shielded and directed downward.

K. E. Illumination Of Signage:

1. Externally illuminated signs shall be served by light fixtures that are shielded and directed downward. The average level of illumination on the sign face shall not exceed three (3) foot-candles and the ratio of average to minimum illumination shall not exceed two to one (2:1).

2. Internally illuminated signs shall be designed with light lettering or symbols on a darker background. If fluorescent lighting tubes are utilized, they shall be spaced on at least twelve inch (12") centers and be mounted at least three and one-half inches ($3\frac{1}{2}$ ") from the sign face. (Ord. 2005-15, 7-12-2005)

11-16-22 20: RECURRENT TRAFFIC AND PARKING CONGESTION:

Existing use parking or traffic problems: In the event that use changes and traffic and/or parking becomes a problem based on repeated non-seasonal complaints, it is the property owner's responsibility to seek solutions to their traffic and/or parking problem.

A. Definitions: As used in this section, the following terms and phrases have the following

meanings and application:

CITY: City of Bluffdale and/or its subordinate agencies, boards and commissions, including, but not limited to, the City council, planning commission, board of adjustment, and the specific agents and employees of the City acting within the course and scope of their official duties.

PARKING CONGESTION: That condition in which there is inadequate on site parking such that patrons or customers of the proposed land use are forced to park on the public street, in areas not "fronting" across the public street side of the proposed development.

RECURRENT: When used as an adjective modifying the phrases "traffic congestion" or "parking congestion", means and refers to that situation wherein the "congestion" is reasonably and/or realistically expected to occur more frequently than three (3) occurrences within a fourteen (14) day consecutive period.

TRAFFIC CONGESTION: That situation wherein an identifiable motor vehicle upon the public street leading to the proposed development is required to "wait" for a period of time longer than three (3) minutes in order to traverse a linear distance of one-half ($\frac{1}{2}$) mile or less, while waiting for other motor vehicle traffic simultaneously traveling to that same destination. (Ord. 2008-05, 2-12-2008; amd. 2013 Code)

B. Denial Of Development Approval: The City may deny, temporarily deny, suspend, defer pending receipt of additional information or refuse to grant development approval for any proposed development, for which development approval is sought, which reasonably and/or realistically presents a situation in which conditions of "recurrent traffic congestion" or "recurrent parking congestion" are probable or likely to be present, at full operation of the proposed development. As a condition of development approval, the City may require the proponent of the development to provide sufficient data, reports or studies evidencing that there will not be the recurrent "congestion" situations as herein proscribed.

C. Factors Considered: For all uses and applications for uses, the City and its administrative staff may consider all relevant, objective site specific factors, including, but not limited to, whether or not there is more than single roadway access, presently or in the reasonably anticipated future, to the proposed development, as such site specific condition bears upon or constitutes an unreasonable risk to health or safety, as a basis for considered approval or denial of the application for development or land use approval. (Ord. 2008-05, 2-12-2008)

11-16-23 21: GARAGE SALES:

Each garage sale shall not exceed two (2) days in a given thirty (30) calendar day period. (Ord.

10-24-00-1, 10-24-2000)

11-16-24-22: SWIMMING POOL AND SPORT COURTS STANDARDS:

1. The standards and requirements for swimming pools of portable or permanent construction not enclosed within a building are as follows:

- A. Pools shall be set back a minimum of five feet (5') from all property lines and not located in the required front yard.
- B. The pool shall be completely surrounded by a fence or wall having a lockable self-closing gate and a height of at least six feet (6') but no greater than eight (8') feet. This required fence or wall may encompass any amount of the lot or parcel, except that a swimming pool on the same lot and which is accessory to a dwelling unit shall not be located within the front yard setback.
- C. Pool construction shall conform to all requirements of the adopted building codes.
- D. A swimming pool shall not be located within a public utility easement or clear view area located along the side or rear property lines without prior written permission of all affected utility companies in accordance with section 11-16-23 of this chapter. (~~Ord. 2013-19, 10-8-2013~~)

2. Sports Courts Standards.

- A. All sports courts in residential zones shall be setback a minimum of ten feet (10') from all property lines and shall not be located in the required front yard.
- B. Sports courts may be lighted with downward directed and shielded lighting that shall not exceed two tenths (0.2) footcandles at the property line. No light poles shall exceed twenty feet (20') in height.
- C. Sport courts may be fenced using chain link or other see-through fence materials but shall not exceed eighteen feet (18') in height.

11-16-25 23: CONSTRUCTION WITHIN EASEMENTS:

No dwelling, main building, accessory structures, portable building, or swimming pool shall be located within a recorded easement area unless the property owner either produces written evidence satisfactory to the ~~z~~Zoning ~~a~~Administrator that the easement has been released, modified, allowed to be encroached upon, or executes a recordable document, in a form approved by the City attorney, indicating that notwithstanding apparent existence of the easement, the structure may be subject to the superior interest of the easement holder

and may be required to be relocated at the property owner's expense to accommodate such interest. The City is considered to have an interest within public utility easements in subdivisions, to be verified by the City engineer.

A. Location: Any structure in an easement area shall be located pursuant to the setback and other applicable requirements of this title.

B. No Expansion Of Legal Rights: Nothing in this section is intended to expand or restrict the rights or obligations of any party to any recorded easement. (~~Ord. 2017-05, 2-22-2017~~)

11-16-26 24: STORAGE UNITS:

A. Fortress Style: All storage units shall be designed and built in the fortress style, requiring a minimum eight foot (8') tall solid architectural building wall around the perimeter of the project, thereby minimizing the exposed public view of interior storage units.

B. Design Guidelines:

1. Walls: All perimeter walls exposed to public view shall include a combination of colored split or smooth faced masonry block, brick, stone, or stucco. Walls shall provide a stepped vertical relief every one hundred feet (100') or less and incorporate elements such as wall caps, "eyebrows", or other architectural features in order to provide visual interest.
2. Offices: All offices or other occupied space shall have an office, retail, or residential appearance and shall be constructed with a combination of colored masonry block, brick, or stone.
3. Aisle Lanes: All interior aisle lanes shall be a minimum of twenty feet (20') in width.

C. Landscaping: All setbacks shall be completely landscaped. There shall be a minimum of one evergreen no less than eight feet (8') in height or deciduous tree with no less than one and one-half inch (1½") caliper for every four hundred (400) square feet of land in the setback area and a minimum of one 5-gallon or larger shrub for every one hundred (100) square feet of land in the setback area. Plantings should be distributed throughout the property. All areas outside of planting beds shall be landscaped with grass.

D. Permissible Lot Coverage: The sum total of all buildings, structures, and parking on parcels improved with storage units may be ninety percent (90%) of the total area of the parcel if adequate drainage is provided.

E. Setbacks: Where the outside wall of a fortress style structure abuts an overhead power

corridor with a minimum width of at least one hundred feet (100') on an adjoining property in any zone, the minimum side or rear setback along this corridor shall be eliminated. All offices or other occupied spaces shall comply by the setbacks of the zone in which the project is located.

- F. Restrictions: Storage units shall not be used for manufacturing, retail or wholesale selling, office functions, other business or service uses, or human or animal habitation. Storage facilities shall not permit storage of any hazardous, flammable, or explosive materials; hazardous waste; or any material which creates noxious dust, odor, or fumes. (Ord. 2014-04, 2-25-2014)

11-16-27 25: DEVELOPMENT ON PREEXISTING PRIVATE RIGHTS OF WAY:

- A. Scope And Applicability: In order to facilitate property rights, fairness, and safety within the community, development on preexisting private rights of way which do not meet the City's adopted minimum street dimensions may be allowed under certain limited circumstances, and subject to the requirements of this section. "Preexisting private rights of way" are defined as any private right of way, legally established to provide access to parcels of land created before the adoption of this provision of the City's land use ordinance.

- B. Determination Of Necessity To Utilize A Preexisting Private Right Of Way: The City reserves all rights to determine where public streets shall be located within the community, and may require public streets to be created or continued within subdivisions to promote the public health, safety, and welfare and to provide for the reasonable development of property within the community. Private rights of way should not be utilized just as a preference, but to address a particular need in limited circumstances where preexisting private rights of way exist as access to developable properties and public streets are not deemed necessary to serve the public's health, safety, and welfare.

Private rights of way, when determined necessary as access to a proposed development, may also be approved by the land use authority for two- and multiple-family dwelling developments, and commercial, mixed use, institutional, and industrial uses consistent with applicable provisions of this code and applicable provisions of the adopted fire code and shall be located in a manner that does not endanger the public's health, safety, and welfare. All development accessing from private rights of way shall also comply with all applicable subdivision, use permit, and site plan processes.

- C. Maximum Number Of Accessing Lots And Through Street Considerations: In any residential subdivision or development of parcels on lots of record, a preexisting private right of way shall provide access for no more than thirty (30) single-family lots, which includes all developable lots or parcels in existence before any proposed subdivision, as measured

from the closest point of public street access. All development shall adhere to the minimum requirements of the adopted fire code, which in some circumstances may impose additional safety requirements.

Preexisting private rights of way which do not meet the City's adopted street standards shall not be utilized as through streets which connect adjacent neighborhood streets. Where it is anticipated to connect neighborhood street networks, streets and rights of way shall conform to adopted City street standards.

- D. **Width And Cross Section:** In order to address unique situations which currently exist in the City, new subdivisions which have frontage or gain access on preexisting private rights of way may gain access to their property from the preexisting private right of way if the right of way meets the minimum standards of the adopted fire code, as determined by the local fire code official. The minimum standard shall require the right of way to be paved with asphalt or concrete to the minimum adopted fire code accessway width requirements, in addition to all other applicable provisions.

From the point where the new subdivision property boundary fronts or gains access from an existing private right of way, the minimum right of way width and cross section design of a private right of way shall meet the City's adopted street dimensional and structural requirements for public streets, regardless of whether the new subdivision street is approved as public or private. In cases where the proposed subdivision is single loaded on one side of a preexisting private right of way, the proposed subdivision must conform to the subdivision requirements of providing right of way for a minimum of one-half ($\frac{1}{2}$) width of a standard street, plus ten feet (10'), consistent with the City's subdivision ordinance requirements.

Development standards for nonsingle-family lots, developments, or parcels shall be determined by first adhering to the minimum standards of the adopted fire code; secondly, by a traffic analysis prepared by a licensed professional engineer; and finally, by general considerations found in the City's use permit, site plan, parking, and subdivision ordinances, as applicable. When it is determined that a private right of way is not necessary or desired and is not allowed for access to a development, all street rights of way shall be constructed as public streets and shall comply with all applicable adopted public street standards.

- E. **Compliance With Standards And Specifications:** Each private right of way shall be fully paved and the structural pavement section shall be constructed in compliance with the Bluffdale City development standards and technical specifications and a geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, as required by the City engineer. All private right of way improvements shall be completed and inspected for compliance with the approved plans prior to any applicant applying for a building permit. Drainage from the private right of way shall be provided for in

accordance with City standards and ordinances.

- F. **Underground Utilities To Provide Required Public Utility Easements:** Water and stormwater utilities underneath a private right of way shall provide recorded public easements as necessary for storm drain, culinary and secondary water utilities. In some cases, certain infrastructure may be deemed private utilities for ownership and maintenance purposes, at the discretion of the City. The City shall retain the right to require public utility and drainage easements to be recorded on private rights of way as a condition of subdivision or building permit approval, as the case may be. Utilities under a private right of way which are provided by special service districts or private or public utility companies are subject to their rules and regulations.
- G. **Fire Hydrants And Turnaround:** Each private right of way more than one hundred fifty feet (150') in length shall have fire hydrants and a turnaround or a hammerhead constructed to standards in the adopted fire code, and shall be approved by the fire chief.
- H. **On Street Parking:** On street parking shall be prohibited on a private right of way asphalt cross section less than thirty feet (30') wide. Enforcement of on street parking restrictions shall be the responsibility of the owners of the private right of way. Appropriate signage stating these restrictions shall be required as part of the required improvements for any development approved on a private right of way.
- I. **Easement:** Each private right of way shall be established or verified in the form of an easement acceptable to the Bluffdale City attorney and recorded with the county recorder.
- J. **Maintenance:** An applicant proposing a subdivision or development with access from a private right of way shall submit a document detailing the method for maintaining the private right of way, private utilities, required street lighting, and any common areas, and estimating the annual expenses therefor, including a snow plowing and storage plan. The document shall be in a form acceptable to the Bluffdale City attorney and shall be recorded in the county recorder's office.
- K. **Setbacks:** Minimum setback requirements shall apply to all buildings fronting, siding or rearing on any private right of way and shall be measured from the boundary of the private right of way nearest the building and its extension through the applicable lot.
- L. **Expansion Of Existing Subdivisions:** Residential subdivisions approved prior to 2015 (the effective date of this section) and which are accessed by a private right of way may add more residential lots consistent with subsection B of this section.
- M. **Council's Discretion-Process To Require A Public Street:** The establishment or utilization of a private right of way shall be evaluated by the City engineer and may, at the discretion

direction of the City Council, be required to be dedicated as a public street constructed to City street standards to make logical street connections or to provide access to abutting properties that may otherwise have no access or limited access to the detriment of the property.

- N. Deviations From Strict Compliance; Fire Code Modifications; Length Of Single Access Dead End Streets, Curb, Gutter, And Sidewalk, Delay Agreements: In certain circumstances, preexisting accessways or unique geographical features may limit the ability to strictly comply with the dimensional width standards or maximum length for private rights of way or new private streets. Deviations from strict compliance may be approved by the City Council where the fire chief can determine an appropriate fire code modification which complies with provisions of the international fire code (IFC). Fire code modifications may include items such as requiring automatic fire extinguishing systems, turnouts for passing and evacuation, and other appropriate safety items provided for as alternatives in the adopted fire code.

Deviations from strict compliance for City curb, gutter, and sidewalk requirements may be made by the City Council with appropriate findings regarding public health, safety, welfare, and necessity. Delay agreements, requiring future construction of full improvements may be required by the City Council as necessary in such cases. (~~Ord. 2015-01, 2-11-2015~~)

11-16-28 26: PORTABLE BUILDINGS:

- A. Portable buildings shall be allowed to be constructed in any residential zone within any rear or side yard setbacks, subject to the following requirements:
1. Shall be subject to the permit and construction requirements of all adopted building and fire codes;
 2. Shall not be constructed closer than two feet (2') to any side or rear property line;
 3. Shall adhere to the requirements of section 11-16-23 of this chapter if proposed to be constructed within easements;
 4. Shall be limited to a maximum of four hundred (400) square feet in floor area, which shall be included in a parcel's overall lot coverage;
 5. Shall have a maximum wall height of ten feet (10'), excluding end gables, and a maximum roofline height of fifteen feet (15');
 6. Shall be used for storage use only;

7. Shall be located in the rear yard, behind the vertical plane of the most rearward wall of the primary dwelling;

8. Shall not overhang into or direct any drainage from the building or foundation into any adjacent property.

B. Portable buildings within any nonresidential zone may be allowed within any rear or side yard setbacks without setback limitations, subject to the following requirements:

1. Shall conform to all site plan approval requirements found in City ordinances;

2. Shall be subject to the permit and construction requirements of all adopted building and fire codes;

3. Shall adhere to the requirements of section 11-16-23 of this chapter if proposed to be constructed within easements;

4. Shall be limited to a maximum of four hundred (400) square feet in floor area, which shall be included in a parcel's overall lot coverage;

5. Shall have a maximum wall height of ten feet (10'), excluding end gables, and a maximum roofline height of fifteen feet (15');

6. Shall be used for storage use only;

7. Shall be located in the rear yard, behind the vertical plane of the most rearward wall of the primary structure;

8. Shall not overhang into or direct any drainage from the building or foundation into any adjacent property. (~~Ord. 2017-05, 2-22-2017~~)