

ORDINANCE NO.2018-24

AN ORDINANCE AMENDING CHAPTER 11-2 "DEFINITIONS", CHAPTER 11-7 "A-5 AGRICULTURAL ZONE", CHAPTER 11-8 "RESIDENTIAL ZONES", CHAPTER 11-9 "COMMERCIAL ZONES", CHAPTER 11-34 "ACCESSORY DWELLING UNITS" AND CHAPTER 11-35 "LAND USE TABLES" OF THE BLUFFDALE CITY CODE TO REVISE DEFINITIONS OF TERMS AND TO REVISE PERMITTED, CONDITIONAL, AND ACCESSORY USES IN RESIDENTIAL AND NONRESIDENTIAL ZONES ALONG WITH RELATED ADMINISTRATIVE UPDATES.

WHEREAS the City of Bluffdale reviewed Chapter 11-2 "Definitions" of its land use ordinances and found a need to revise existing definitions and propose missing definitions of terms utilized throughout the land use ordinances; and

WHEREAS the City of Bluffdale reviewed Chapter 11-35 "Land Use Tables" of its land use ordinances and found a need to revise the permitted, conditional, and accessory uses in nonresidential and residential zones; and

WHEREAS the City of Bluffdale desired to establish a retail-only zoning designation (Destination Retail – DR) as part of the revisions to the nonresidential land use table; 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 Chapters 11-2 and 11-18 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 26<sup>th</sup> Day of September, 2018.

CITY OF BLUFFDALE

  
\_\_\_\_\_  
Mayor Derk P. Timothy

ATTEST:



  
\_\_\_\_\_  
Wendy Deppe

Bluffdale City Recorder

Council Members Voting:	AYE	NAY
Wendy Aston	X	
Travis Higby	X	
Dave Kallas	X	
Ty Nielsen	Absent	
Boyd Preece	X	

## Chapter 2 DEFINITIONS

### 11-2-1: PURPOSE AND INTENT:

### 11-2-2: GENERAL DEFINITIONS:

### 11-2-1: PURPOSE AND INTENT:

The purpose for including certain definitions as part of this title is to clarify meanings specific to this title. Words and phrases used in the present tense include the future, singular words include the plural as well as the singular. (Ord. 10-24-00-1, 10-24-2000)

### 11-2-2: GENERAL DEFINITIONS:

The following definitions are specific to this title. If there is occasion to need interpretation of any word or phrase not listed below, the Zoning Administrator shall provide the interpretation.

ACCESSORY BUILDING OR STRUCTURE: A subordinate and secondary building or structure to the primary building/structure/use on the site.

ACCESSORY OUTSIDE STORAGE – temporary storage of equipment, supplies, and materials to support the approved use on the property. Does not include items such as inoperable vehicles, equipment or other not maintained items.

ADMINISTRATIVE DECISION: A land use decision based on the existing City ordinances. Such decisions by the land use authority are an administrative act, even if the land use authority is the legislative body.

AGRICULTURAL PRODUCTS: Includes floricultural, horticultural, viticulture, forestry, nut, dairy, livestock, poultry and any farm products which are produced on the same property at which they are sold.

AGRICULTURAL SUPPORT FACILITIES: Facilities, products or services, including, but not limited to, the following:

- A. Storage of agricultural products;
- B. Meat cutting and packaging;
- C. Tree sales;
- D. Fur farms;
- E. Boarding of animals.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include livestock raising activities. Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, or animal hospitals.

APARTMENT HOUSE: See definition of dwelling, multi-family.

APPEAL AUTHORITY: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

ASSISTED LIVING FACILITY:

A. A residential facility, licensed by the State of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services and who have a service plan based on the assessment, which may include:

1. Specified services of intermittent nursing care;
2. Administration of medication; and
3. Support services promoting resident's independence and self-sufficiency.

B. An assisted living facility does not include a residential facility for persons with a disability or an adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

AUTOMOBILE AND RECREATIONAL VEHICLE SALES: An establishment engaged in the retail sale or wholesale from the premises of motorized vehicles, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, boat sales, recreational vehicle sales, and motorcycle sales.

AUTOMOTIVE SERVICE: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, including paint and body shops or other general vehicle repair services which have associated storage, overnight or otherwise, of vehicles, equipment, supplies, parts, or inventory in an enclosed area outside of the building.

~~BACHING APARTMENT: A dwelling unit occupied by four (4) or more unrelated individuals.~~

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like, but excluding uses specifically classified in another definition herein. Typical uses include commercial banks, credit unions, finance or mortgage companies, and savings institutions.

BAR: An establishment which allows for the storage, sale, service and on-premises consumption of alcoholic beverages where on-premises prepared food is available for the customer the entire time the bar is open.

BOARDING HOUSE: A dwelling containing not more than one kitchen where, for compensation, meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis, as distinguished from a hotel, cafe or rooming house.

BUILD-TO LINE: The minimum distance a primary structure must be constructed from a property line



measured to the foundation wall of the structure.

**BUILDING:** Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

**BUILDING, ACCESSORY:** A subordinate building, the use of which is incidental to that of the main building.

**BUILDING FACE:** The visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface, including the area of doors and windows that open into a surface.

**BUILDING, MAIN:** One or more of the principal buildings upon a lot. Garages, carports and other buildings which are attached to a dwelling or other main building, or which are situated within ten feet (10') of a main building, shall be considered as a part of the main building.

**BUILDING, PUBLIC:** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

**BUSINESS SERVICES:** An establishment completely operating within a building, providing other businesses with various services including maintenance, repair and service, testing, rental, etc.; also includes business equipment repair services (except vehicle repair), computer related services (rental, repair), equipment rental businesses within buildings, film processing and photo finishing, janitorial and window cleaning services, mailbox services and similar uses.

**CAR WASH:** An establishment primarily engaged in cleaning or detailing motor vehicles, including cars, passenger trucks, recreational vehicles, whether self-service, automatic or by hand. This definition applies only to car washes that are the primary use of land. A car wash associated with a gas station is not included in this definition.

**CARETAKER:** A person who is employed to look after or take charge of goods, property or a person; a custodian.

**CARETAKER'S DWELLING UNIT INCIDENTAL TO A COMMERCIAL USE:** A dwelling which is incidental to a primary use and located on the same site as the principal use that is occupied by an individual or family which is employed at the site in the capacity of a caretaker or watchman.

**CARPORT:** A structure not completely enclosed by walls for the shelter of automobiles.

**CEMETERY GROUNDS AND FACILITIES:** Land used or intended to be used for the burial of the dead, whether human or animal, and ancillary uses such as administration and maintenance buildings, funeral homes, mortuaries, crematoriums, mausoleums, and chapels.

**COMMERCIAL VEHICLE AND EQUIPMENT RENTAL OR SALE:** An establishment engaged in the retail sale, wholesale, or rental from the premises of motorized commercial vehicles, trailers, and equipment, along with incidental service or maintenance. Typical uses include new or used commercial vehicle and truck sales, moving trailer and truck rental, construction equipment rental yards and farm equipment and machinery sales and rental.

COMMON AREA: An area designated to serve two (2) or more dwelling units in separate ownership with convenient access to the area.

COMMUNITY BUILDING: A building in which members of the community can meet for social, cultural, or recreational activities.

COMPLETE APPLICATION: A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees. An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations in effect on the date that the application is complete and applicable to the application or to the information shown on the application.

CONDITIONAL USES: A use which has been specifically permitted by the terms of this title and which requires special consideration by the Planning Commission before a permit therefor may be issued. Conditional use means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONDOMINIUM: The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

CONDOMINIUM PROJECT: A plan or project whereby two (2) or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings, or structures. Condominium project shall also mean the property when the context so requires.

CONSTITUTIONAL TAKING: Final actions(s) by the City to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, landscaping and property maintenance contractors' offices and storage yards, construction and trade contractors' offices and storage yards and public utility corporation storage yards.

CONVENIENCE STORE/GAS STATION: An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, which may include the sale of gasoline and petroleum products. Such establishment may also include automatic and self-serve car washes which are accessory to the primary use.

CONVENTION FACILITY: A building or group of buildings that include large meeting rooms, exhibit areas, or conference rooms designed for conventions, industrial shows, or similar events.

DATA CENTER: A facility used to house computer systems and associated components, such as telecommunications and storage systems.

DAYCARE CENTER: ~~A dwelling unit wherein ordinary care and supervision are provided during customary daytime periods by the resident family to nonrelated persons. To qualify, the dwelling must be approved by the state division of social services or other appropriate state agency. See "Preschool/Daycare Center".~~

DENSITY: The number of dwelling units per acre of land.

DEVELOPMENT ACTIVITY: Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; any change in use of a building or structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.

DEVELOPMENT AGREEMENT: A contract or agreement between an applicant or property owner and the City pursuant to the provisions in this code and used as an implementation document for developments.

DEVELOPMENT RIGHT: The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

DOCUMENTATION; DECLARATION: The legal instruments required under the provisions of this title and applicable state law for approval of large scale development.

DRIVE-THROUGH FACILITIES: Service of patrons in vehicles from a window adjacent to a drive aisle or lane.

DWELLING: A building having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families, but not including hotels, motels, boarding houses or other facilities offering transient lodging facilities.

DWELLING, CONVENTIONAL CONSTRUCTION: A dwelling that is constructed in compliance with the provisions of the building, mechanical, electrical, plumbing and other applicable construction codes, standards, rules and regulations as adopted by the city.

DWELLING, MULTI-FAMILY: A dwelling containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling containing only one dwelling unit.

DWELLING, TWO-FAMILY: A dwelling containing only two (2) dwelling units.

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which include one kitchen, where all rooms are for exclusive use by a single family maintaining a household in the dwelling unit.

DWELLING UNIT, ACCESSORY: A second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling.

**EQUESTRIAN FACILITY:** A commercial horse facility that may include indoor or outdoor riding arenas, pens, barns, or stables for the purpose of providing boarding, riding lessons, shows, and training to the public. Equine veterinary services may be provided as part of an equestrian facility. This term does not apply to private residential horse facilities.

**FAMILY:** An individual or two (2) or more persons related by blood, marriage or adoption, living together in a single dwelling unit and maintaining a common household. A family may include two (2), but not more than two (2), nonrelated persons living with the residing family. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

**FENCE, SIGHT OBSCURING:** A fence having a height of at least six feet (6') above grade which permits vision through not more than ten percent (10%) of each square foot more than eight inches (8") above ground.

**FENCE, LIGHT PROOF:** A fence that does not allow light to penetrate through the materials utilized in the construction of the fence

**FINAL PLAT; RECORD OF SURVEY MAP:** A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable city standards and/or state statutes for the purposes of recording in the office of the county recorder.

**FISH HATCHERY:** An establishment or premises used for the cultivation of fish or other aquatic or marine life for commercial, recreational or educational purposes.

**FLOOD CHANNEL:** A natural or artificial watercourse with definite bed and banks to confine and conduct floodwater.

**FLOOD, 100-YEAR:** A flood, the magnitude of which will probably occur only once in one hundred (100) years.

**FLOOR AREA:** The sum of the areas of the several floors of the building, including basements, mezzanines and penthouses of headroom height (6 feet), measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied features, such as pipe trenches, exterior trenches or steps, chimneys, roof overhangs, etc.

**FORESTY OPERATION:** Any commercial activity relating to the growing or harvesting of any forest tree species.

**FOSTER CARE HOME:** A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the state division of social services or other placement agency licensed by the state to provide for children who are unrelated to the resident.

**FRONTAGE:** The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

**FUNERAL HOME:** An establishment engaged in preparation of funeral services. Uses may include the preparation of the deceased for burial, for the display of the deceased and/or for ceremonies or

services related thereto. A funeral home may include facilities for embalming, but not for cremation. It may also include facilities for the storage of caskets, funeral supplies, and funeral vehicles. A funeral home may also be known as a funeral parlor or a mortuary.

**GARAGE, DETACHED:** A building which is intended for the storage of personal property. Occupiable space, as defined by the international building code, as adopted, is only allowed for uses such as a home theater, trophy room, den, recreation room, and other similar uses for the use of the residents of the main dwelling. This would also allow for the use of such space as a home occupation business office.

~~**GAS STATION:** An establishment engaged in the retail sales of gasoline and petroleum products. This definition includes gasoline sales conducted as part of a convenience store. A gas station may also include automatic and self-serve car washes which are accessory to the primary use.~~

**GENERAL PLAN (MASTER PLAN):** A document that the City adopts that sets forth general guidelines for proposed future development of the land within the City.

**GRADE OF BUILDING:** A. For buildings fronting one street only, the elevation of the sidewalk or centerline of street, whichever is higher, at right angles to the midpoint of the fronting walls.

B. For buildings fronting on more than one street, the average of the elevations of the sidewalk or centerline of surrounding streets, whichever is higher.

**GRADE OF STREET AND DRIVEWAYS:** "Grade" shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

**GUEST:** A person staying or receiving services for compensation at a hotel, motel, boarding house, rooming house or rest home, or similar use.

**HEIGHT OF BUILDING:** The weighted average vertical distance from the grade to the top of the outside walls of the building.

**HOME OCCUPATION:** Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

**HOSPITAL:** A facility primarily engaged in providing diagnostic services and extensive medical treatment including surgical and other hospital services. Such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete or specialized healthcare. May include accessory retail uses and helipads.

**HOTEL:** An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the public, and which may provide additional services such as restaurants and meeting rooms.

**HOTEL SUBLICENSE:** An area, enclosure, or room located within a hotel for the storage, sale, furnishing, and on-premises consumption of alcoholic beverages which has been licensed by the Utah Alcoholic Beverage Control Commission.

**HOUSEHOLD PETS:** Cats and dogs and other domestic animals ordinarily permitted in the house and kept for company or pleasure and not for profit. "Household pets" shall not include chickens,



ducks, geese or other domestic farm variety animals, nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property.

IDENTICAL PLANS: Building plans submitted to the City that: are clearly marked as "identical plans"; are substantially identical to building plans that were previously submitted to and reviewed and approved by the City; and describe a building that:

- (i) \_\_\_\_\_ is located on land zoned the same as the land on which the building described in the previously approved plans is located;
- (ii) \_\_\_\_\_ is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
- (iii) \_\_\_\_\_ has a floor plan identical to the building plan previously submitted to and reviewed and approved by the City; and
- (iv) \_\_\_\_\_ does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

IMPROVEMENT COMPLETION ASSURANCE: A cash escrow bond or other equivalent security, acceptable to and required by the City, to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

- A. \_\_\_\_\_ recording a subdivision plat; or
- B. \_\_\_\_\_ development of a commercial, industrial, mixed use, or multifamily project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

- A. \_\_\_\_\_ complies with the City's written standards for design, materials, and workmanship; and
- B. \_\_\_\_\_ will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

IMPROVEMENT WARRANTY PERIOD: A period:

- A. \_\_\_\_\_ no later than one year after the City's acceptance of required landscaping; or
  - B. \_\_\_\_\_ no later than one year after the City's acceptance of required infrastructure, unless the municipality:
    - (i) \_\_\_\_\_ determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
    - (ii) \_\_\_\_\_ has substantial evidence, on record of prior poor performance by the applicant; or
- that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: permanent infrastructure that an applicant must install:

A. pursuant to published installation and inspection specifications for public improvements; and

B. as a condition of:

(i) recording a subdivision plat; or

(ii) development of a commercial, industrial, mixed use, condominium, or multifamily project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that runs with the land; and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INFORMATION BROCHURE: A written statement setting forth the organizational structure of a homeowners' association, and the rights and obligations of the developers, homeowners' association, lot owners and the City.

JUNKYARD; SALVAGE YARD: A place where scrap, waste and discarded salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: A commercial establishment having three (3) or more dogs or cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee or selling.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application that is required by the City and is submitted by a land use applicant to obtain a land use decision and does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY:

A. A person, board, commission, agency, or body, including the local legislative body, designated by the City Council, to act upon a land use application; or

B. If the City Council has not designated a person, board, commission, agency, or body, the City Council, acts as the Land Use Authority by default.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: a land use permit; a land use application; or the enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a land use authority.



LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; includes the adoption or amendment of a zoning map or the text of the zoning code; and does not include: a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially: increase a land use applicant's cost of development compared to the existing specification; or impact a land use applicant's use of land.

LEGISLATIVE BODY: The Bluffdale City Council.

LAND USE PLAN: A plan adopted and maintained by the Planning Commission, which shows how the land should be used; an element of the General Plan.

LANDSCAPING: The use and integration of a combination of planted trees, shrubs, vines, ground cover, lawns, rocks, foundations, pools, artworks, screens, walls, fences, benches or surfaced walkways set into an aesthetically pleasing arrangement ~~as determined by the Planning Commission or their authorized representatives.~~ However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this title.

LAUNDRY SERVICES: An establishment providing household laundry and dry cleaning services with customer drop off and pick up where laundering or cleaning is done on the site. This use also includes an establishment providing home type washing, drying, and/or ironing machines for hire or rent to be used by customers on the premises, such as a laundromat.

LIBRARY: A building or room containing collections of books, periodicals, films, music, and other media made available for public use.

LIQUOR STORE: A retail outlet for the sale of packaged liquor located on premises owned or leased by the state of Utah.

LOAN CENTER: An establishment involved in providing of loans or consideration to customers in exchange for personal property, such as property titles or personal checks. Such services shall include check cashing businesses licensed and/or defined by the state pursuant to the check cashing registration act, car title loan businesses, deferred deposit loan businesses, and businesses of a similar nature offering such services as a primary function. One such establishment shall be allowed for every ~~ten~~ twenty thousand (~~10,000~~ 20,000) residents living in the city of Bluffdale. This term shall not include fully automated stand alone services, such as automated teller machines, nor those uses defined herein as "bank or financial institution".

LODGING HOUSE: A building containing sleeping rooms that are rented to guests on a daily or weekly or monthly basis.

LOT AREA: The total land area of a lot or parcel measured on a horizontal plane, reduced by the area of any of the following:

A. Public or private street rights of way or the right of way width of any shared driveway, except for ~~unless it can be demonstrated that a private right-of-way dimension is included within an approved lot of record which meets city requirements for that determination.~~

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot or parcel that divides one lot or parcel from another or from a street.

LOT LINE, ADJUSTMENT: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

LOT LINE, FRONT: A lot line separating a lot or parcel from an existing street right of way or, where a new street or street widening is proposed, the proposed street right of way line as shown on the master traffic and transportation plan. For an interior lot, the lot line adjoining the street; for a corner lot, the lot line adjoining both the streets the direction to which the dwelling is facing; for a double frontage lot, a lot line adjoining one of the streets as elected by the city; for a lot accessed from a private right of way or access easement, the easement or right of way line. Lot lines which have been recorded as internal lot restrictions on recorded plats in accordance with adopted Development Agreements, Special Districts, Clustered Residential Overlays, Planned Residential Developments, or Clustered Residential Developments shall remain in effect.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore shaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT, ZONING: A parcel of land which:

A. Complies with all existing area, frontage, width, setback and supplementary requirements of the zone in which it is located.

B. Has frontage on a city street, which street: 1) has been accepted by the city council and has been improved in accordance with city standards and is in use by the public; or 2) has frontage on a private right of way within an approved large-scale development.

C. Is shown as a separate lot in an approved subdivision plat or large-scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD code, in one or more sections that: a) in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet; and b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and/or distribution of such products, but excluding basic industrial processing and manufacturing activities.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

- A. Have no noise, odor, vibration, or other impacts discernible outside a building; and
- B. Do not violate any applicable noise ordinance.

MASTER PLAN: See definition of General Plan (Master Plan).

MEDICAL SERVICE/URGENT CARE CLINIC: An establishment providing therapeutic, preventive, urgent care, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services.

MILL (STEEL AND WOOD, EXCEPT BURNING): A facility used to grind, work, treat, or shape wood or steel into a manufactured product.

MINES, QUARRIES AND GRAVEL PITS: An operation centered around the removal of sand, gravel, dirt, or other materials by grading or excavating.

MITIGATE: To reduce or lessen the impacts. Mitigate does not mean eliminate.

MOBILE HOME: A dwelling unit which complies with the mobile home building code as adopted by the state of Utah, and which is designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is ready for occupancy as an independent dwelling unit, except for connection to utilities. The term "mobile home" shall also include any vehicle meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales or other such use, but shall not include a recreation vehicle or a mobile appearing house which complies with the city adopted building, mechanical, electrical and plumbing codes.

MOBILE HOME PARK: An area or tract of land used to accommodate two (2) or more mobile homes.

MOVIE THEATER: A facility which includes one or more theaters for the presentation of motion pictures. May also include accessory retail uses and concessions.

MUNICIPAL OFFICES: A room or building where official functions of the city of Bluffdale or any city department are performed, but not including maintenance or storage facilities or yards.

MUSEUM: A building or room in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

NONCOMPLYING STRUCTURE: A structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

NONCONFORMING USE: A legal use of premises which does not conform to the regulations of this title, but which existed at the effective date thereof. NONCONFORMING USE: A use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more subsequent

land use ordinance changes, does not conform to the regulations that now govern the use of the land.

~~NONCONFORMING BUILDING: A building, structure or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which legally existed prior to the effective date of the controlling provision.~~

NURSERY: An establishment for the retail or wholesale sale of plants, flowers, trees, shrubs, garden plants, bushes, landscaping materials, or similar plantings including materials, tools, implements, equipment, and packaged substances for the maintenance and care of such plantings intended for ornamental, garden, or landscaping purposes. Typical uses include greenhouses, garden centers not in conjunction with another use, permanent tree lots, and garden supply stores. Typical uses do not include sod farms or storage sites for landscaping materials.

NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility for the care of adults who due to advance age, disability, or impairment require assistance and/or supervision by staff. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

OFF SITE: Of or pertaining to the territory outside of the boundaries of a particular project.

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, call centers; post offices and express mail offices as an accessory or complementary use to a professional and business office development, but excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

ON SITE: Of or pertaining to the territory within the boundaries of a particular project.

OPEN SPACE: Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.

OPEN SPACE EASEMENT: The right or privilege to preserve a specific parcel of land in open space.

OPEN SPACE PRESERVATION AGREEMENT: An agreement between the city and a property owner in which the property owner agrees for himself and his successors and assigns to refrain from constructing dwellings and other buildings on a specific parcel of land for a specific period of time.

OPEN STORAGE: The storage of materials and goods not within an enclosed structure for more than seventy two (72) hours. This includes the storage of inoperable vehicles for automobile-related primary uses.

PARKING SPACE: A space, not less than eighteen feet (18') in length and not less than eight and

five-tenths feet (8.5') in width for the parking of a mobile vehicle, exclusive of driveways and ramps.

**PARKS:** A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

**PARK STRIP:** A landscaped area within a public right of way, located between the back of the street curb and the sidewalk or in the absence of the sidewalk, the right of way line.

**PAWNSHOP:** An establishment that buys and sells new or used merchandise, and offers loans in exchange for personal property. This differs from consignment or thrift shops, which do not offer loans in exchange for personal property.

**PERMITTED USE:** A use of land, building or structure that is allowed within a zone under the terms of this title.

**PERSON:** An individual, corporation, partnership, association, trustee or other legal entity.

**PERSONAL INSTRUCTION SERVICE:** An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.

**PERSONAL SERVICE ESTABLISHMENT:** An establishment providing nonmedical services to individuals as a primary use. Examples of these uses include barbershops, beauty salons, day/health spa, hair salons, nail salons, shoe repair shops, tanning salons, tailors and similar businesses not including tattoo establishments.

**PLANNED UNIT DEVELOPMENT:** A tract of land that is planned and developed as a single entity and wherein part of the land facilities are held in common.

**PLANTING PLAN:** A plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

**PORTABLE BUILDING:** Any small, compact structure mounted on skids or otherwise constructed so that it can be readily moved from one location to another without change in structure or design. Portable buildings shall have no connected utilities with the exception of power that can be readily disconnected.

**PREMISES:** A zoning lot, together with buildings and structures located thereon.

**PRESCHOOL/DAYCARE CENTER:** An establishment, other than an occupied dwelling, operated by a person or organization qualified by the State, which provides daycare, protection or supervision and/or preschool instruction.

**PRIMARY:** The main use or structure on a parcel. Accessory uses are not to be defined as primary uses.



**PRINTING SHOPS:** The production of books, magazines, newspapers and other printed matter, as well as publishing, engraving and photoengraving.

**PRIVATE HOBBY GARAGE DEVELOPMENT:** A development consisting of individual condominiumized personal hobby garage units for non-retail use. Each development must contain no more than sixty (60) hobby garage units and each unit must be a minimum of one thousand (1,000) square feet and cannot be subdivided into smaller units. Subject to additional supplementary zoning standards in section 11-16-27 of this title.

**PROPERTY LINE (Also Referred To As LOT LINE):** A line of record bounding a lot or parcel that divides one lot or parcel from another or from a street, private right-of-way, or shared driveway.

**PUBLIC HEARING:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**PUBLIC MEETING:** A meeting that is required to be open to the public, and may or may not include public input, under Title 52, Chapter 4, Open and Public Meetings Act.

**PUBLIC USES:** A facility or use, exclusive of public utility facilities, owned or operated exclusively by a public entity, having the purpose of serving the public health, safety or general welfare. Public uses include such uses and facilities as libraries, community buildings, schools, fire stations, police stations, etc.

**RECEPTION CENTER:** A facility rented for private social gatherings.

**RECREATION AND ENTERTAINMENT (INDOOR):** A commercial recreational land use conducted entirely within a building, including arcade, arena, athletic and health clubs, bowling alley, community center, gymnasium, pool or billiard hall, skating rink, swimming pool, tennis court or similar indoor facility. Related indoor uses may include a retail area for the sale or rental of equipment and a snack bar.

**RECREATION AND ENTERTAINMENT (OUTDOOR):** An area or facility that offers entertainment or recreation outside. This use may include, but not be limited to, a golf driving range, baseball batting cages, riding arenas, tennis facilities, water sports facilities, cycling facilities, and miniature golf, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices.

**RECREATION VEHICLE:** A vehicle used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes; having a width of not more than eight feet (8') and a length of not more than forty feet (40'), and which can be driven or pulled upon the highway without a special permit.

**RECREATION VEHICLE COURT:** An area or tract of land used to accommodate two (2) or more vacation vehicles or camper units for a short period of time (less than 30 days).

**REPAIR SERVICE:** An establishment primarily engaged in providing repair services to individuals and households rather than firms, but excluding automotive, vehicular and equipment services uses. Typical uses include appliance repair shops, computer and other electronic equipment repair, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides; and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

REQUIRED YARD: The yard resulting from the application of the minimum setback requirements within the zone.

RESEARCH AND DEVELOPMENT LABORATORIES: An establishment engaged in industrial, medical, or scientific inquiries.

RESIDENTIAL ACCESSORY STRUCTURE: A building or other structure which is incidental to and which is constructed on the same zoning lot as the dwelling for the exclusive use of the residents of such dwelling, including, but not limited to, a detached garage, pergolas, tennis courts and private greenhouses.

~~RESIDENTIAL ZONE OR DISTRICT: Any zone which is designated by the prefix R in this title.~~

REST HOME: A dwelling for the care and keeping of elderly or infirm people affected with infirmities or chronic illness. To qualify, said dwelling unit must be approved to operate by the state division of social services or other state agency.

RESTAURANT: A facility where food and drink is prepared and served to the public for on site consumption (dine in), takeout, or delivery service. A restaurant may include a drive-through.

RETAIL, GENERAL: An establishment that rents or sells goods to the public but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, home improvement centers, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

RETIREMENT CENTER: See "Nursing Home"

SALVAGE YARD: See definition of Junkyard; Salvage Yard.

SCHOOL: A building or group of buildings housing a public or private school serving at least two (2) of any of the grades K through 12, and does not exclusively include any privately owned or run preschool for children, but which may include a preschool as an accessory or secondary use to the school.

SETBACK: The shortest distance between the lot line and the outside surface of the foundation, wall or main frame of the building.

SEXUALLY ORIENTED BUSINESSES: See title 3, chapter 5, "Sexually Oriented Businesses", of this code.



**SIGN:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business or service, whether placed on the ground, rocks, trees, stumps or other natural objects, or on a building, wall, roof frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right of way. For the purpose of this title, the word sign does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of a nonprofit organization. Further, it shall not include any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

**SIGN, A-FRAME:** Any sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces.

**SIGN, ABANDONED:** Any sign applicable to a use that has been discontinued for a period of one year.

**SIGN, ACCESSORY:** A sign that directs attention to a business or profession conducted on the premises.

**SIGN, ANIMATED:** Any sign that is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes or parts, lights or degree of lighting.

**SIGN, APPURTENANT:** Any sign which advertises products, services or business establishments which are located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

**SIGN AREA:** The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back to back or double faced sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°). In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

**SIGN, CANOPY:** See definition of Sign, Marquee.

**SIGN, ELECTRONIC DISPLAY (EDS):** Any non-appurtenant advertising structure, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a non-appurtenant advertising structure has the capability of being changed or altered by electronic -means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs include computer programmable, microprocessor controlled electronic or digital displays.

**SIGN, ERECTION OF:** To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the sign copy is not changed or altered.

**SIGN, FASCIA:** A sign attached to or erected against a wall or building with the face parallel to the

building wall.

**SIGN, FREESTANDING:** Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign that is mounted into the ground, but has the supports passing through any portion of the roof of a building or structure, shall be considered to be a roof sign.

**SIGN, HEIGHT OF:** The height of a sign is the vertical distance measured from the ground plane to the top of the sign.

**SIGN, MARQUEE:** Means and includes any roofed structure attached to and supported by a building and projecting over public property.

**SIGN, MOVABLE FREESTANDING:** Any sign not affixed to or erected into the ground.

**SIGN, NONACCESSORY; BILLBOARD:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

**SIGN, NON-APPURTENANT:** Any sign which advertises products, services or business establishments which are not located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

**SIGN, NON-APPURTENANT ADVERTISING STRUCTURE (BILLBOARD):** A non-appurtenant sign, commonly referred to as a billboard, that is mounted or otherwise affixed to a pylon or other support structure.

**SIGN, NONCONFORMING:** Any sign or non-appurtenant advertising structure which was lawfully erected and maintained prior to such time as it came within the purview of this chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.

**SIGN, OFF PREMISES:** See definition of Sign, Non-appurtenant.

**SIGN, ON PREMISES:** See definition of Sign, Appurtenant.

**SIGN, PROJECTING:** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen inches (18").

**SIGN, ROOF:** Any sign which is erected upon or over the roof or over a parapet of any building.

**SIGN, WALL:** A sign with messages or copy erected parallel to and attached to or painted to the outside wall of a building and extending not more than eighteen inches (18") from the wall.

**SLOPE:** The average grade of the surface of land expressed either in percentage or in degrees.

**SPECIAL EXCEPTION:** See definition of Conditional Uses.

**STORAGE FACILITY:** A building which is intended for the storage of personal property as an accessory use to a permitted use. Occupiable space, as defined by the international building code, as adopted, is only allowed for uses such as a home theater, trophy room, den, recreation room, and other similar uses for the use of the residents of the main dwelling. This would also allow for the use of such space as a home occupation business office.

**STORAGE UNITS:** A storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property. Where permitted, may include a caretaker dwelling no larger than one thousand (1,000) square feet.

**STORY:** That portion of a building included between the surface of a floor and the ceiling next above it.

**STREET:** A public or private right of way, including avenues, highways, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, shared private driveways and other ways, that provides access to adjoining property.

**STREET, MAJOR:** A road that has been designated on the city master plan as a collector, arterial or other principal thoroughfare as distinguished from a minor street.

**STREET, MINOR:** Any dedicated street serving as the principal means of access to property, which street is shown on the major street plan as a principal thoroughfare.

**STREET, PRIVATE:** A right of way or shared private driveway which has been reserved by dedication unto the subdivider, lot owners, or homeowners' association to be used as a private access to serve property and complying with the adopted street, private right of way, or private shared driveway cross section standards of the city. All private streets shall be approved by the city and maintained by the subdivider or other private entity.

**STREET, PUBLIC:** A roadway that has been designated as a federal or state highway, or which has been designated as a city street.

**STRUCTURE:** Anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

**SUBDIVISION:** As defined in Utah Code Annotated section 10-9a-103. Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes: the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and except as provided in Utah Code Subsection (57)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Subdivision" does not include: a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates

an applicable land use ordinance; a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if: no new lot is created; and the adjustment does not violate applicable land use ordinances; a recorded document, executed by the owner of record: revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances; mutual boundary if: no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance;a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or,a parcel boundary adjustment. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Utah Code Subsection (57) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the City's subdivision ordinance.

SUBSTANTIAL CONSTRUCTION OR DEVELOPMENT: Site improvements beyond grading that include physical construction structures. All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

SWIMMING POOL: A portable or permanent structure above or below grade, designed to hold water eighteen inches (18") deep or greater and/or one hundred (100) square feet or greater surface area and which will be designed or used for swimming, wading or immersion purposes by individuals, used or intended to be used solely by the owner, lessee or tenant thereof and his family and by friends invited to use it without payment of any fees, except for approved home occupation.

TATTOO ESTABLISHMENT: Any facility where tattooing is performed or any business engaged in tattooing, except for permanent cosmetics.

TEMPORARY USES: Uses which are proposed to exist for a relatively short period of time and are not permanent in nature.

TENDER: An offer or proposal made for acceptance.

TIME AND TEMPERATURE DEVICE: Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

TOBACCO PRODUCT: Any cigar, cigarette, or electronic cigarette; chewing tobacco; any substitute for a tobacco product, including flavoring or additives to tobacco; and tobacco paraphernalia.

TOBACCO SPECIALTY BUSINESS: Pursuant to Utah State Code 10-8-41.6, a commercial establishment in which the sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment; food and beverage products, excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and the establishment is not licensed as a pharmacy.

TRADE OR TECHNICAL SCHOOLS: An establishment, for profit or not, conducting a course of

instruction, training, or retraining to prepare individuals to follow an occupation or trade offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

TRAILS: A designated path which may be paved or unpaved, intended to be used by a variety of users (excluding motorized vehicles) for transportation or recreational purposes.

UNNECESSARY HARDSHIP: A general restriction placed upon a lot with respect to setback or area where, by reason of an exceptional narrowness, shallowness, shape or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owner of other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.

VARIANCE: A reduction of a frontage, setback, area or improvement requirements to a level which is less than that which is specifically set forth in this title.

VETERINARY SERVICE: An establishment providing medical care and treatment for animals, which may include accessory grooming or boarding services.

WHOLESALE AND WAREHOUSING: An establishment that is primarily engaged in the storage and sale of goods to customers or other businesses for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major distribution centers, frozen food lockers, moving and storage firms, and warehousing facilities.

YARD: The open space area on a lot or parcel, except for permitted protections and landscaping, encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.

ZONING DISTRICT: An area identified on the official zoning map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Bluffdale City General Plan.

ZONING MAP, OFFICIAL: The map adopted by the City Council depicting the geographic scope of the City's land use designations.

#### 11-3-9: LAND USE APPLICATIONS:

...

- I. Reviewing Bodies: The Zoning Administrator (ZA) or designee, the Appeals and Variance Hearing Officer (AVHO), the Planning Commission (PC), and the City Council (CC) each have the following primary authority to review applications for compliance with this title, unless specified differently by ordinance or development agreement:

Type Of Review	Zoning Administrator Or Designee	PC	CC	AVHO	Appeal Authority
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<u>Accessory Dwelling Unit</u>	<u>X</u>				<u>AVHO</u>
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## 11-7-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:

A. ~~Permitted Uses: The following land use types are permitted uses in the A-5 agricultural zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this title:~~

~~Agriculture and forestry.~~

~~Parks and recreational facilities.~~

~~Planned residential developments in accordance with this title.~~

~~Public or private maintenance facilities.~~

~~Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.~~

~~Single family dwellings, detached.~~

~~Subdivisions pursuant to the subdivision ordinance.~~

~~Utility rights of way and maintenance facilities.~~

B. ~~Conditional Uses: The following land use types are allowed as conditional uses in the A-5 agricultural zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with chapter 20 of this title:~~

~~Accessory dwelling unit.~~

~~Agricultural support facilities, barns and sheds.~~

~~Canine hobby license.~~

~~Cellular and low power towers pursuant to chapter 24 of this title.~~

~~Cemetery grounds and facilities.~~

~~Golf courses.~~

~~Public uses.~~

Ranch or farm employee dwellings (limited to 1 unit per 20 acres of land area which must be reviewed and renewed every 3 years).

Religious buildings and structures.

Resorts and group camps.

Water storage facilities, culinary or irrigation.

C. Accessory Uses: The following list of land use types are allowed as accessory uses in the A-5 agricultural zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this section:

Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone.

Equestrian facility.

Garages, detached.

Home occupations in accordance with chapter 23 of this title.

Small wind power facilities, as provided in chapter 33 of this title.

Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone.

Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone. (Ord. 10-24-00-1, 10-24-2000; amd. Ord. 2002-12, 10-8-2002; Ord. 2002-13, 10-8-2002; Ord. 2003-05, 3-11-2003; Ord. 2004-22, 12-14-2004; Ord. 2008-17, 11-11-2008; Ord. 2013-14, 7-16-2013; Ord. 2015-06, 5-27-2015)

Permitted, conditional, and accessory uses allowed within the A-5 zone are set forth in section 11-35-3 of this title.

#### **11-8A-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

A. Permitted Uses: The following land use types are permitted uses in the R-1-43 residential zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this title:

Childcare facilities (less than 6 children).

Parks and recreational facilities.



~~Planned residential developments in accordance with this title.~~

~~Public or private rights of way.~~

~~Public or private utilities and maintenance facilities.~~

~~Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.~~

~~Single-family dwellings, detached.~~

~~Subdivisions pursuant to the subdivision ordinance.~~

~~The keeping of two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half ( $\frac{1}{2}$ ) acre. Twenty five (25) chickens or twenty five (25) pheasants or similar fowl are equal to one large animal. Combinations of animals are permitted such that the ratio of animals kept does not surpass the total permitted. For example, one horse and one cow would be permitted, but one pig and five (5) sheep would not be permitted. Young pigs/hogs, born of personal stock, are counted as adult at twelve (12) weeks and all other young animals born of personal stock are counted as adults at six (6) months. Any unlisted animal will be compared with those listed by size and weight.~~

~~B. Conditional Uses: The following land use types are allowed as conditional uses in the R-1-43 residential zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with chapter 20 of this title:~~

~~Accessory dwelling unit.~~

~~Attached accessory apartments.~~

~~Canine hobby license.~~

~~Caretaker's dwelling incidental to equine veterinary services only (no larger than 500 square feet).~~

~~Cemetery grounds and facilities.~~

~~Equestrian facility (4.0 acres minimum lot required).~~

~~Golf courses.~~

~~Public uses.~~

~~Religious buildings and structures.~~

~~Resorts and group camps.~~

~~Sale of "agricultural products", as defined in section 11-2-2 of this title, except that: 1) no business-related traffic may occur between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.; 2) a minimum of one acre is required; and 3) there shall be no accumulation of manure~~

from off site sources.

Water storage facilities, culinary or irrigation.

C. Accessory Uses: The following land use types are allowed as accessory uses in the R-1-43 residential zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this section:

Buildings used for the confinement or protection of animals allowed in accordance with city officials.

Garages, detached.

Home occupations in accordance with chapter 23 of this title.

Small wind power facilities as provided in chapter 33 of this title.

Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone. (Ord. 10-24-00-1, 10-24-2000; amd. Ord. 2001-09, 11-19-2001; Ord. 2002-12, 10-8-2002; Ord. 2002-13, 10-8-2002; Ord. 2003-05, 3-11-2003; Ord. 2004-22, 12-14-2004; Ord. 2005-08, 3-8-2005; Ord. 2007-08, 2-27-2007; Ord. 2008-02, 1-22-2008; Ord. 2008-17, 11-11-2008; 2013 Code; Ord. 2013-14, 7-16-2013; Ord. 2015-06, 5-27-2015)

Permitted, conditional, and accessory uses allowed within the R-1-43 zone are set forth in section 11-35-3 of this title.

## **11-8B-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

A. Permitted Uses: The following land use types are permitted uses in the R-1-10 residential zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this title:

Childcare facilities (less than 6 children).

Parks and recreational facilities.

Planned residential developments in accordance with this title.

Public or private rights of way.

Public or private utilities and maintenance facilities.

Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.

Single-family dwellings, detached.

Subdivisions pursuant to the subdivision ordinance.

~~B. Conditional Uses: The following land use types are allowed as conditional uses in the R-1-10 residential zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with chapter 20 of this title:~~

~~Accessory dwelling unit.~~

~~Cemetery grounds and facilities.~~

~~Golf courses.~~

~~Public and private schools, not daycare facilities.~~

~~Public uses.~~

~~Religious buildings and structures.~~

~~Water storage facilities, culinary or irrigation.~~

~~C. Accessory Uses: The following land use types are allowed as accessory uses in the R-1-10 residential zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this section.~~

~~Except as a legal nonconforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed by city ordinance.~~

~~Garages, detached.~~

~~Home occupations pursuant to chapter 23 of this title.~~

~~Small wind power facilities as provided in chapter 33 of this title.~~

~~Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten percent (10%) of the total area of the lot or parcel and must meet all setback requirements. (Ord. 10-24-00-1, 10-24-2000; amd. Ord. 2001-09, 11-19-2001; Ord. 2002-12, 10-8-2002; Ord. 2003-05, 3-11-2003; Ord. 2008-17, 11-11-2008; 2013 Code; Ord. 2013-14, 7-16-2013)~~

Permitted, conditional, and accessory uses allowed within the R-1-10 zone are set forth in section 11-35-3 of this title.

## **11-8D-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

A. Permitted Uses: The following land use types are permitted uses in the R-1-87 residential zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this article:

Agriculture and forestry.

Childcare facilities (less than 6 children).

Parks and recreational facilities.

Planned residential developments in accordance with this title.

Public or private rights of way.

Public or private utilities and maintenance facilities.

Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.

Single-family dwellings, detached.

Subdivisions pursuant to the subdivision ordinance.

The keeping of two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half ( $\frac{1}{2}$ ) acre. Twenty five (25) chickens or twenty five (25) pheasants or similar fowl are equal to one large animal. Combinations of animals are permitted such that the ratio of animals kept does not surpass the total permitted. For example, one horse and one cow would be permitted but one pig and five (5) sheep would not be permitted. Young pigs/hogs, born of personal stock, are counted as adult at twelve (12) weeks and all other young animals born of personal stock are counted as adults at six (6) months. Any unlisted animal will be compared with those listed by size and weight.

B. Conditional Uses: The following land use types are allowed as conditional uses in the R-1-87 residential zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with chapter 20 of this title:

Accessory dwelling unit.

Canine hobby license.

Cemetery grounds and facilities.

Equestrian facility (4.0 acres minimum lot required).

Golf courses.

Public uses.

Religious buildings and structures.

Resorts and group camps.

Sale of "agricultural products", as defined in section 11-2-2 of this title, except that: 1) no business related traffic may occur between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.; 2) a minimum of one acre is required; and 3) there shall be no accumulation of manure from off site sources.

Water storage facilities, culinary or irrigation.

~~C. Accessory Uses: The following land use types are allowed as accessory uses in the R-1-87 residential zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this section:~~

~~Buildings used for the confinement or protection of animals allowed in accordance with city ordinance.~~

~~Garages, detached.~~

~~Home occupations in accordance with chapter 23 of this title.~~

~~Small wind power facilities as provided in chapter 33 of this title.~~

~~Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone. (Ord. 2010-12, 9-28-2010; amd. 2013 Code; Ord. 2013-14, 7-16-2013; Ord. 2015-06, 5-27-2015)~~

Permitted, conditional, and accessory uses allowed within the R-1-87 zone are set forth in section 11-35-3 of this title.

## **11-8E-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

~~A. Permitted Uses: The following land use types are permitted uses in the R-MF multi-family residential zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this title:~~

~~1. Multi-family dwellings.~~

~~2. Retirement centers.~~

~~3. Sanatoriums, convalescent centers.~~

~~4. Public or private rights-of-way.~~

5. ~~Public or private utilities and maintenance facilities.~~
6. ~~Parks and recreational facilities.~~
7. ~~Subdivisions pursuant to title 12 of this code.~~
8. ~~Childcare facilities (less than 6 children).~~

~~B. Conditional Uses: The following land use types are allowed as conditional uses in the R-MF multi-family residential zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with chapter 20 of this title:~~

1. ~~Single-family dwellings.~~
2. ~~Water storage facilities, culinary or irrigation.~~
3. ~~Religious buildings and structures.~~
4. ~~Ground level retail and commercial businesses.~~
5. ~~Public uses.~~

~~C. Accessory Uses: The following land use types are allowed as accessory uses in the R-MF multi-family residential zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this section:~~

1. ~~Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units. The accessory building shall be constructed of essentially the same materials as the main residential buildings or structures.~~
2. ~~Except as a legal nonconforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for household pets.~~
3. ~~Home occupations in accordance with chapter 23 of this title.~~
4. ~~Small wind power facilities as provided in chapter 33 of this title. (Ord. 10-24-00-1, 10-24-2000; amd. Ord. 2002-12, 10-8-2002; Ord. 2008-17, 11-11-2008; 2013 Code)~~

~~Permitted, conditional, and accessory uses allowed within the R-MF zone are set forth in section 11-35-3 of this title.~~

## **ARTICLE F: DR DESTINATION RETAIL:**

**11-9F-1: PURPOSE AND ZONE CHARACTERISTICS:**

**11-9F-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

**11-9F-3: LOT AREA:**

**11-9F-4: LOT WIDTH:**

**11-9F-5: LOT FRONTAGE:**

**11-9F-6: SETBACK REQUIREMENTS:**

**11-9F-7: BUILDING HEIGHT REQUIREMENTS:**

**11-9F-8: DISTANCE BETWEEN BUILDINGS**

**11-9F-9: LOT COVERAGE:**

**11-9F-10: PARKING, LOADING AND ACCESS:**

**11-9F-11: OTHER REQUIREMENTS:**

**11-9F-1: PURPOSE AND ZONE CHARACTERISTICS:**

This district is composed of certain land with excellent transportation access and locations identified with a primarily retail focus. Allowed uses are limited to general retail, restaurant, lodging, office, service uses, and indoor recreation and entertainment. The intent is to create and support commercial retail activity in specific areas without more intensive heavy commercial, manufacturing, contracting, warehousing, distribution, open outside storage, and similar uses allowed. High quality commercial design standards are required to increase overall attractiveness and property values.

**11-9F-2: PERMITTED, CONDITIONAL, AND ACCESSORY USES:**

A. Permitted And Conditional Uses: Permitted and conditional uses allowed within the DR zone are set forth in section 11-35-2 of this title.

B. Accessory Uses: Accessory uses allowed within the DR zone are set forth in section 11-35-2 of this title. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses shall not be allowed on a lot or parcel without the establishment of an approved permitted or conditional use.

**11-9F-3: LOT AREA:**

There is no minimum lot area required in the DR zone.

**11-9F-4: LOT WIDTH:**

There is no minimum lot width required in the DR zone.

**11-9F-5: LOT FRONTAGE:**



All parcels in the DR zone shall abut a public street or approved private street or right of way or have acceptable access to a public street through cross access or private right of way provided through an adjacent lot or parcel.

#### **11-9F-6: SETBACK REQUIREMENTS:**

Setbacks shall be determined during site plan review, based on required site design requirements and adopted building codes.

#### **11-9F-7: BUILDING HEIGHT REQUIREMENTS:**

A primary building or structure may not exceed forty five feet (45') in height, nor be lower than ten feet (10') in height. A hotel may not exceed one hundred ten feet (110') in height. All buildings and structures must adhere to adopted Building and Fire Codes.

#### **11-9F-8: DISTANCE BETWEEN BUILDINGS:**

The distance between any building or structure and any other building or structure shall satisfy the Building and Fire Codes in place at the time of site plan approval.

#### **11-9F-9: LOT COVERAGE:**

The sum total of all buildings, structures and parking on any parcel or project in the DR Zone shall not exceed eighty five percent (85%) of the total area of the parcel or project.

#### **11-9F-10: PARKING, LOADING AND ACCESS:**

A. Requirements: Each project in the DR Zone shall satisfy the off street parking requirements found in chapter 12 of this title. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

B. Loading And Unloading Area: Loading and unloading areas shall be located in an area that can be secured from public access and screened from view. Further, loading and unloading shall not occur on a public street.

#### **11-9F-11: OTHER REQUIREMENTS:**

The following requirements are in addition to the requirements found in this title or any other applicable resolution or ordinance:

A. Signs: Signs are allowed in the DR Zone in accordance with chapter 22 of this title.

B. Landscaping: Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. A minimum of fifteen percent (15%) of the total area of the lot or parcel shall be landscaped. Individual lots or parcels located in a development consisting of a landscaped common area may contain less than fifteen percent (15%) landscaping so long as fifteen percent (15%) of the total developed project area is landscaped. All landscaping shall comply with the landscaping requirements in section 11-15-5 of this title.

C. Trash, Junk, Storage And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, by a sight obscuring fence.

D. Design Guidelines: All development shall comply with the City's Design Standards found in section 11-15-6 of this title.

## **Chapter 34**

### **ACCESSORY DWELLING UNITS**

**11-34-1: PURPOSE:**

**11-34-2: ~~CONDITIONAL USE PERMIT~~ APPROVAL PROCESS:**

**11-34-3: STANDARDS:**

**11-34-4: RECORDED NOTICE:**

**11-34-1: PURPOSE:**

The purpose of this chapter and any rules, regulations, standards and specifications adopted pursuant hereto are to:

- A. Permit property owners in specified zones to establish an accessory dwelling unit within a single-family dwelling subject to regulations set forth herein.
- B. Accommodate such housing in single-family residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
- C. Prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations and associated decline in quality of single-family residential neighborhoods.
- D. Set forth standardized terms and conditions standards for accessory dwelling units and procedures for review and approval of the same. (Ord. 2003-05, 3-11-2003)

**11-34-2: ~~CONDITIONAL USE PERMIT~~ APPROVAL PROCESS:**

A. Accessory dwelling units may be permitted as a conditional use in designated zones as more particularly provided in this title. Applications for an accessory dwelling unit shall be submitted and reviewed as a conditional use permit in accordance with chapter 20 of this title. (Ord. 2003-05, 3-11-2003) are allowed in designated residential zones as specified in section 11-35-3 of this title.

B. Applications for accessory dwelling units shall be reviewed and approved by the designated Land Use Authority in accordance with section 11-3-9(l) of this title. The applicant and/or any person

adversely affected by a decision of the Land Use Authority regarding the proposed accessory dwelling unit may appeal such decision to the Appeal Authority, as designated in section 11-3-9(l) of this title, by filing written notice of appeal with the Planning Department within ten (10) calendar days from the date of such decision.

### **11-34-3: STANDARDS:**

The following standards and conditions shall apply to all accessory dwelling units, in addition to any terms and conditions of approval as imposed by the planning commission during the conditional use permit process:

- A. Location: An accessory dwelling unit shall only be allowed within a single-family dwelling.
- B. Size: The accessory dwelling unit shall be accessory and subordinate to the primary dwelling. For purposes of this subsection, accessory and subordinate requires the accessory dwelling unit to be no more than sixty five percent (65%) of the square footage of the primary dwelling.
- C. Number: A maximum of one accessory dwelling unit shall be allowed per single-family dwelling. Accessory dwelling units shall contain no more than one dwelling unit.
- D. Parking: At least one off street parking stall shall be provided for each accessory dwelling unit. Such parking stall shall be in addition to all off street parking requirements for the primary dwelling on the lot and shall conform with the city parking standards specified elsewhere in this title.
- E. Design And Character: Accessory dwelling units within a single-family dwelling shall retain the compatibility of the primary dwelling with the residential character of the neighborhood and be harmonious in design and structure with the primary dwelling.
- F. Construction Codes: The accessory dwelling unit shall comply with all construction, housing and building codes in effect at the time the accessory dwelling unit is constructed and shall comply with all procedures and requirements of the city building regulations.
- G. Ownership: The single-family dwelling and the accessory dwelling unit shall remain in single ownership and either the single-family dwelling or the accessory dwelling unit shall be owner occupied.

H. ~~Nontransferable Continuing Use: No conditional use permit issued for an accessory dwelling unit shall be assignable or transferable upon the sale of the single-family dwelling or otherwise, and the conditional use permit shall expressly state that the permit shall terminate upon the sale or transfer of property. (Ord. 2003-05, 3-11-2003. Approval of an accessory dwelling unit shall run with the land as long as it complies with all adopted requirements.~~

#### 11-34-4: RECORDED NOTICE:

~~Notice of accessory dwelling unit approval, defining the approved conditional use and any restrictions or conditions of approval, shall be signed and submitted to the city in conjunction with any approved accessory dwelling unit on forms provided by the city. The city may record the notice of accessory dwelling unit approval with the county recorder's office. (Ord. 2003-05, 3-11-2003)~~

## Chapter 35 LAND USE TABLES

#### 11-35-1: GENERAL PROVISIONS:

#### 11-35-2: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR NONRESIDENTIAL ZONES:

#### 11-35-3: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR RESIDENTIAL ZONES:

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#### 11-35-2: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR NONRESIDENTIAL ZONES:

Proposed Uses	PO-1	GC-1	HC	RC	NC	I-1	I-2	SG-1	CI	<u>DR</u>
Agriculture	N	N	N	N	N	<u>C-P</u>	<u>C-P</u>	P	N	<u>N</u>
Assisted living facility	N	N	N	N	C	N	N	N	N	<u>N</u>
Automobile and recreational vehicle sales	N	P	<u>C-P</u>	P	N	N	N	N	N	<u>N</u>
Automotive service	N	P	P	P	N	P	N	N	N	<u>N</u>
Bank or financial institution	N	P	P	P	P	N	N	N	N	<u>P</u>
Business services	P	P	P	P	P	N	N	N	N	<u>N</u>
Car wash	N	P	<u>C-P</u>	P	N	N	N	N	N	<u>N</u>

Caretaker dwellings in association with storage unit facilities	N	N	N	N	N	P	N	N	N	<u>N</u>
<del>Caretaker's dwelling unit incidental to a commercial use</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<u>N</u>
Cemetery grounds and facilities	N	N	N	N	N	N	N	N	P	<u>N</u>
Commercial vehicle and equipment rental or sale	N	P	N	N	N	N	N	N	N	<u>N</u>
Community buildings	N	N	N	N	N	N	N	N	P	<u>N</u>
Construction sales and service	N	N	<u>C-P</u>	N	N	P	N	N	N	<u>N</u>
Convenience store / <u>Gas station</u>	N	P	P	P	P	N	N	N	N	<u>P</u>
Convention facility	N	N	N	P	N	N	N	N	N	<u>N</u>
Data center	N	N	P	P	N	P	P	N	N	<u>N</u>
Drive-through facilities	P	P	P	P	P	N	N	N	N	<u>N</u>
Fish hatchery	N	N	C	N	N	N	N	N	N	<u>N</u>
Funeral home	N	P	P	P	P	N	N	N	N	<u>N</u>
<del>Gas station</del>	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	
Hospital	<u>P-C</u>	<u>N-C</u>	C	<u>P-C</u>	N	N	N	N	N	<u>N</u>
Hotel	<u>N-P</u>	<u>N-P</u>	P	P	N	N	N	N	N	<u>P</u>
<del>Land preparation for extraction and land reclamation</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>N</del>	
Laundry services	N	N	P	N	P	N	N	N	N	<u>N</u>
Library	N	N	N	N	N	N	N	N	<u>N-P</u>	<u>N</u>
Liquor store	N	N	N	N	N	N	N	N	N	<u>P</u>
Loan center	N	N	<u>C-P</u>	N	N	N	N	N	N	<u>N</u>
Manufacturing, general	N	N	C	N	N	P	P	<u>C-P</u>	N	<u>N</u>
Manufacturing, limited	N	N	P	N	N	P	<u>N-P</u>	<u>N-P</u>	N	<u>N</u>



Medical service/ <u>Urgent care clinic</u>	P	P	P	N	P	N	N	N	N	<u>N</u>
Mills (steel and wood, except burning)	N	N	N	N	N	N	P	N	N	<u>N</u>
Mines, quarries, gravel pits, crushers, batching plants, and other uses intended for excavation purposes	N	N	N	N	N	N	N	C	N	<u>N</u>
Movie theater	N	<u>N-P</u>	P	P	N	N	N	N	N	<u>P</u>
Municipal offices	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	P	<u>N</u>
Museum	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	P	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	N	<u>N-P</u>	<u>P</u>
Nursery	N	N	<u>P-C</u>	C	N	<u>N-C</u>	<u>N-C</u>	C	N	<u>N</u>
Nursing home	<u>N-P</u>	<u>N-P</u>	P	<u>N-P</u>	<u>N-P</u>	N	N	N	N	<u>N</u>
Office, general	P	P	P	P	P	P	P	N	N	<u>N</u>
Open storage	N	N	<u>G-A</u>	N	N	<u>G-A</u>	N	N	N	<u>N</u>
Parks	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	P	<u>N-P</u>	N	N	N	P	<u>N</u>
Pawnshop	N	N	N	N	N	N	N	N	N	<u>P</u>
Personal instruction service	<u>N-P</u>	P	P	P	<u>N-P</u>	P	N	N	N	<u>N</u>
Personal service establishment	N	P	P	P	P	N	N	N	N	<u>P</u>
Preschool/daycare center	<u>N-P</u>	<u>G-P</u>	P	P	<u>G-P</u>	<u>G-P</u>	N	N	N	<u>N</u>
Printing shops	N	N	<u>N-P</u>	N	N	P	P	N	N	<u>P</u>
Private hobby garage development for personal, non-retail use	N	P	N	N	N	N	N	N	N	<u>N</u>
Public or private utilities and maintenance facilities	<u>P-C</u>	P	<u>G-P</u>	C	C	P	N	P	<u>G-P</u>	<u>N</u>
Public uses	<u>G-P</u>	<u>G-P</u>	<u>G-P</u>	P	<u>G-P</u>	<u>G-P</u>	<u>G-P</u>	<u>G-P</u>	<u>G-P</u>	<u>N</u>
Reception center	N	<u>N-P</u>	P	P	N	N	N	N	N	<u>N</u>
Recreation and entertainment (indoor)	N	<u>N-P</u>	P	P	N	P	N	N	N	<u>P</u>

Recreation and entertainment (outdoor)	N	<del>N-C</del>	C	<del>P-C</del>	N	N	N	N	N	<u>N</u>
Religious buildings and structures	<del>C-P</del>	<del>C-N</del>	N	<del>P-N</del>	<del>C-P</del>	<del>P-N</del>	N	N	<del>C-N</del>	<u>N</u>
Repair service	N	P	P	N	<del>N-P</del>	P	N	N	N	<u>N</u>
Research and development laboratories	<del>N-P</del>	<del>N-P</del>	<del>C-P</del>	N	N	<del>N-P</del>	<del>N-P</del>	N	N	<u>N</u>
Restaurant	<del>N-P</del>	P	P	P	P	<del>N-P</del>	N	N	N	<u>P</u>
Retail, general	<del>C-P</del>	P	P	P	P	<del>N-P</del>	N	N	N	<u>P</u>
Schools	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	P	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	P	<u>N</u>
Sexually oriented businesses	N	N	N	N	N	N	C	N	N	<u>N</u>
Small wind power facilities	A	A	A	A	A	A	A	A	A	<u>N</u>
Storage facilities for machinery and equipment	A	A	A	A	A	A	A	A	A	<u>N</u>
Storage units	N	<del>C-N</del>	N	N	N	<del>P-N</del>	<del>P-N</del>	N	N	<u>N</u>
Tattoo establishment	N	N	<del>C-P</del>	N	N	N	N	N	N	<u>N</u>
Temporary job trailers and offices	N	N	N	N	N	N	N	A	N	<u>N</u>
Tobacco specialty business	N	N	<del>C-P</del>	N	N	N	N	N	N	<u>P</u>
Trade or technical schools	<del>N-P</del>	<del>N-P</del>	P	P	N	<del>N-P</del>	N	N	N	<u>N</u>
<del>Trails</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	
Veterinary service	P	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	<del>N-P</del>	N	N	N	<u>N</u>
Wholesale and warehousing	N	N	P	<del>P-N</del>	N	P	P	N	N	<u>N</u>

**11-35-3: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR RESIDENTIAL ZONES:**

<u>Use</u>	<u>A-5</u>	<u>R-1-10</u>	<u>R-1-43</u>	<u>R-1-87</u>	<u>R-MF</u>
<u>Agriculture and forestry</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Agricultural support facilities</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Buildings for the confinement or protection of animals</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>N</u>
<u>Canine hobby license</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Caretaker's dwelling incidental to equine veterinary services only (no larger than 500 square feet)</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>
<u>Cemetery grounds and facilities</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Childcare facilities (less than 6 children)</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Detached Accessory Buildings</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>
<u>Equestrian facilities (4.0 acres minimum lot required)</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Golf courses</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Ground level retail and commercial businesses</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<u>Home occupations in accordance with chapter 23</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Multi-family dwellings</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
<u>Parks and recreation facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public or private rights of way</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public or private utilities and maintenance facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public uses</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Religious building and structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential facilities for elderly persons or persons with a disability in accordance with chapter 27</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>



<u>of this title</u>					
<u>Retirement Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
<u>Sale of "agricultural products" as defined in section 11-2-2</u>	<u>P</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Single-family dwellings, detached</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small wind power facilities as provided in chapter 33 of this title</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Stands under 200 square feet in size for selling goods or products produced on the premise as a permitted or conditional use in the zone.</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>N</u>
<u>The keeping of two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half acre. Twenty five (25) chickens or twenty five (25) pheasants or similar fowl are equal to one large animal. *See Note 1</u>	<u>P<sup>1</sup></u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Water storage facilities (culinary or irrigation)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

1. Young pigs/hogs, born of personal stock, are counted as adult at twelve (12) weeks and all other young animals born of personal stock are counted as adults at six (6) months. Any unlisted animal will be compared with those listed by size and weight by the Zoning Administrator or designee. These standards do not apply to properties located in the A-5 Zone which are at least five (5) contiguous acres in size. Properties in the A-5 Zone which are not five (5) acres or more in size shall adhere to the animal limits set forth in the R-1-43 Zone.