

**CITY OF BLUFFDALE, UTAH**

**Ordinance No. 2013-14**

**AN ORDINANCE AMENDING SECTIONS OF THE LAND USE ORDINANCE OF THE CITY OF BLUFFDALE PERTAINING TO REMOVING CLUSTERED RESIDENTIAL DEVELOPMENT PROVISIONS FROM THE R-1-43, R-1-10, R-1-87, AND A-5 ZONES.**

**WHEREAS** the City of Bluffdale (“Applicant”) has initiated an amendment of Title 11 of the Bluffdale City Code, the Bluffdale City Land Use Ordinance, pertaining to removing Clustered Residential Development provisions from the R-1-43, R-1-10, R-1-87, and A-5 zones.

**WHEREAS** the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed amendments to Title 11, of the Bluffdale City Land Use Ordinance, and the City Council has found the proposed amendments to be consistent with the City’s General Plan; and

**WHEREAS** the proposed 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 Land Use Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:**

**Section 1. Amendment of Section 11-8A of the City of Bluffdale Land Use Ordinance (Zoning Ordinance).** Section 11-8A of the City of Bluffdale Land Use Ordinance (Zoning Ordinance) is hereby amended as follows (all parts of these sections and subsections not specifically listed shall remain unaffected):

**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:

1. Single-family dwellings, detached.
- ~~2. Two-family dwellings, if approved in accordance with subsection 11-8A-3B of this article.~~
- ~~3. Public or private rights of way.~~
- ~~4. Public or private utilities and maintenance facilities.~~
- ~~5. Parks and recreational facilities.~~
- ~~6. Subdivisions pursuant to the subdivision ordinance.~~
- ~~7. Childcare facilities (less than 6 children).~~
- ~~8. Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.~~
- ~~9. Planned residential developments in accordance with this title.~~

109. The keeping of two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half (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:

1. Clustered residential development in accordance with subsection 11-8A-3B of this article.

21. Water storage facilities, culinary or irrigation.

32. Cemetery grounds and facilities.

42. Religious buildings and structures.

51. Resorts and group camps.

62. Attached accessory apartments.

76. Golf courses.

87. Accessory dwelling unit.

98. Public uses.

109. Canine hobby license.

110. Public and private riding arenas and stable, with outdoor lighting (5 acres minimum lot required).

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

...

#### **11-8A-3: LOT AREA:**

A. Specified: Each dwelling in the R-1-43 residential zone shall be on a separate lot containing not less than one acre, except in accordance with article 11-8C (Planned Residential Developments) of this title. ~~subsection B of this section.~~

~~B. Clustered Residential Development:~~

~~1. At the discretion of the city council, an applicant may be allowed to reduce the required lot size in order to accomplish one or more of the following objectives:~~

~~a. Protection or preservation of environmentally sensitive areas.~~

~~b. Provision of open space used for viewshed protection or public recreational use.~~

~~c. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.~~

~~d. Improved circulation and traffic flow.~~

~~e. More efficient operation and maintenance of public infrastructure.~~

~~2. In no case may the lot size in the R-1-43 residential zone be less than ten thousand (10,000) square feet. It is not the intention of this subsection to increase density. The city council finds that clustering of residential lots is a bonus for the applicant. Lot sizes and arrangement may vary to take advantage of topographical or aesthetic features. Two-family dwellings may be allowed in order to further accomplish the goals of this section, but the city council is under no obligation to allow two-family dwellings.~~

~~3. The city council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved or denied on its own merits. Denial of a clustered residential development will not affect the ability of the applicant to develop the property in accordance with the standards set forth in this article. (Ord. 10-24-00-1, 10-24-2000)~~

#### **11-8A-4: LOT WIDTH:**

A. Specified: Each lot in the R-1-43 residential zone shall have a minimum lot width of one hundred twenty five feet (125') for all of the area within the required front setback of the zone, unless a more narrow lot is approved in accordance with article 11-8C of this title,~~section 11-8A-3B of this article.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to thirty feet (30'); provided, that the requirement is satisfied at the front setback line. (Ord. 2001-08, 6-26-2001)

**11-8A-5: LOT FRONTAGE:**

A. Specified: Each lot in the R-1-43 residential zone shall abut a public street, or private street if approved by the city council for a minimum distance of one hundred twenty five feet (125'), unless a lesser frontage is approved in accordance with article 11-8C of this title, subsection 11-8A-3B of this article.

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty feet (30'); provided, that the width requirement is satisfied at the front setback line. (Ord. 2001-08, 6-26-2001)

...

**11-8A-7: SETBACK REQUIREMENTS:**

The following minimum setback requirements shall apply in the R-1-43 residential zone, unless lesser setbacks are approved in accordance with article 11-8C of this title. Each setback is measured from the property line of the lot or parcel.

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**11-8A-11: PERMISSIBLE LOT COVERAGE:**

The sum total of all buildings and structures on any parcel in the R-1-43 residential zone shall not be greater than twenty percent (20%) of the total area of the parcel, unless approved for greater coverage in accordance with subsection 11-8A-3B of this article. (Ord. 10-24-00-1, 10-24-2000)

**11-7-3: LOT AREA:**

A. Specified: Each dwelling in the agricultural zone shall be on a separate lot containing not less than five (5) acres, unless approved in accordance with article 11-8C of this title, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one unit per twenty (20) acres that must be reviewed and approved every three (3) years.

B. Clustered Residential Development:

1. At the discretion of the city council, an applicant may be allowed to reduce the required lot size in order to accomplish one or more of the following objectives:

- a. Protection or preservation of environmentally sensitive areas.
- b. Provision of open space used for viewshed protection or public recreational use.
- c. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.
- d. Improved circulation and traffic flow.
- e. More efficient operation and maintenance of public infrastructure.

2. In no case may the lot size in the A-5 agricultural zone be less than one-half (1/2) acre. It is not the intention of this section to increase density. The city council finds that clustering of residential lots is a bonus for the applicant. Lot sizes and arrangement may vary to take advantage of topographical or aesthetic features.

3. The city council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved and denied on its own merits. Denial of a clustered residential development will not affect the ability of the applicant to develop the property in accordance with the standards set forth in this chapter. (Ord. 10-24-00-1, 10-24-2000)

**11-7-4: LOT WIDTH:**

Each lot in the agricultural zone shall have a minimum width of two hundred feet (200') for all of the area within the required front setback of the zone, unless approved for a more narrow lot in accordance with article 11-8C of this title, subsection 11-7-3B of this chapter. (Ord. 10-24-00-1, 10-24-2000)

**11-7-5: LOT FRONTAGE:**

Each lot in the agricultural zone shall abut a public street, or private street if approved by the city council, for a minimum distance of two hundred feet (200'), unless approved for less frontage in accordance with article 11-8C of this title, subsection 11-7-3B of this chapter. (Ord. 10-24-00-1, 10-24-2000)

...

**11-7-7: SETBACK REQUIREMENTS:**

The following minimum setback requirements shall apply in the A-5 agricultural zone, unless lesser setbacks are approved in accordance with article 11-8C of this title. Each setback is measured from the property line of the lot or parcel:

**Section 2. Amendment of Section 11-8B of the City of Bluffdale Land Use Ordinance (Zoning Ordinance).** Section 11-8B of the City of Bluffdale Land Use Ordinance (Zoning Ordinance) is hereby amended as follows (all parts of these sections and subsections not specifically listed shall remain unaffected):

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

...

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:

~~1. Two family dwellings and multi-family dwellings in accordance with subsection 11-8B-3B of this article.~~

~~21. Water storage facilities, culinary or irrigation.~~

~~32. Cemetery grounds and facilities.~~

~~43. Religious buildings and structures.~~

~~54. Public and private schools, not daycare facilities.~~

~~65. Golf courses.~~

~~76. Accessory dwelling unit.~~

~~87. Public uses.~~

...

**11-8B-3: LOT AREA:**

A. Specified: Each dwelling in the R-1-10 residential zone shall be on a separate lot containing not less than ten thousand (10,000) square feet, unless otherwise approved for ~~clustering in accordance with subsection B of this section, or as an infill parcel in accordance with chapter 11, article C of this title.~~

B. Clustered Residential Development:

~~1. At the discretion of the city council, an applicant may be allowed to reduce the required lot size in order to accomplish one or more of the following objectives:~~

~~a. Protection or preservation of environmentally sensitive areas.~~

~~b. Provisions of open space used for viewshed protection or public recreational use.~~

~~c. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.~~

~~d. Improved circulation and traffic flow.~~

~~e. More efficient operation and maintenance of public infrastructure.~~

~~2. It is not the intention of this subsection to increase density. The city council finds that clustering of residential lots is a bonus for the applicant. Lot sizes and arrangement may vary to take advantage of topographical or aesthetic features. Two family dwellings and limited multi-family dwellings may be allowed in order to further accomplish the goals of this section, but the city council is under no obligation to allow two-family dwellings or multi-family dwellings.~~

~~3. The city council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved and denied on its own merits. Denial of a clustered residential development will not affect the ability of the applicant to develop the property in accordance with the standards set forth in this article. (Ord. 10-24-00-1, 10-24-2000)~~

**11-8B-4: LOT WIDTH:**

A. Specified: Each lot in the R-1-10 residential zone shall have a minimum width of one hundred feet (100') for all of the area within the required front setback of the zone, unless otherwise approved ~~in accordance with subsection 11-8B-3B of this article, or as an infill parcel in accordance with chapter 11, article C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to the width of the building, plus side yard setbacks; provided, that the requirement is satisfied at the building setback line. (Ord. 10-24-00-1, 10-24-2000; amd. Ord. 2001-04, 3-13-2001)

**11-8B-5: LOT FRONTAGE:**

A. Specified: Each lot in the R-1-10 residential zone shall abut a public street, or private street if approved by the city council, for a minimum distance of eighty feet (80'), unless otherwise approved ~~in accordance with subsection 11-8B-3B of this article or as an infill parcel in accordance with chapter 11, article C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty feet (30'); provided, that the width requirement is satisfied at the front setback line. (Ord. 2001-08, 6-26-2001)

...

**11-8B-7: SETBACK REQUIREMENTS:**

The following minimum setback requirements shall apply in the R-1-10 residential zone, ~~unless approved for clustering in accordance with subsection 11-8B-3B of this article.~~ Each setback is measured from the property line of the lot or parcel. (Ord. 2012-07, 7-11-2012)

...

**11-8B-11: PERMISSIBLE LOT COVERAGE:**

The sum total of all buildings and structures on any parcel in the R-1-10 zone shall not be greater than forty percent (40%) of the total area of the parcel, ~~unless approved for clustering in accordance with subsection 11-8B-3B of this article.~~ (Ord. 10-24-00-1, 10-24-2000)

**Section 3. Amendment of Section 11-8D of the City of Bluffdale Land Use Ordinance (Zoning Ordinance).** Section 11-8D of the City of Bluffdale Land Use Ordinance (Zoning Ordinance) is hereby amended as follows (all parts of these sections and subsections not specifically listed shall remain unaffected):

**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:

1. Single-family dwellings, detached.
2. Agriculture and forestry.
- ~~3. Two-family dwellings, if approved in accordance with subsection 11-8D-3B of this article.~~
- ~~4. Public or private rights of way.~~
- ~~5. Public or private utilities and maintenance facilities.~~
- ~~6. Parks and recreational facilities.~~
- ~~7. Subdivisions pursuant to the subdivision ordinance.~~
- ~~8. Childcare facilities (less than 6 children).~~
- ~~9. Residential facilities for elderly persons or persons with a disability in accordance with chapter 27 of this title.~~
- ~~10. Planned residential developments in accordance with this title.~~
- ~~11. The keeping of two (2) cows, two (2) horses, five (5) sheep, five (5) goats, or two (2) pigs/hogs per one-half (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:

- ~~1. Clustered residential development in accordance with subsection 11-8D-3B of this article.~~
- ~~2. Water storage facilities, culinary or irrigation.~~
- ~~3. Cemetery grounds and facilities.~~
- ~~4. Religious buildings and structures.~~
- ~~5. Resorts and group camps.~~
- ~~6. Golf courses.~~
- ~~7. Accessory dwelling unit.~~
- ~~8. Public uses.~~
- ~~9. Public and private riding arenas and stable, with outdoor lighting (5 acres minimum lot required).~~

~~109.~~ Sale of "agricultural products", as defined in section 11-2-2 of this title, except that: a) no business related traffic may occur between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.; b) a minimum of one acre is required; and c) there shall be no accumulation of manure from off site sources.

~~110.~~ Canine hobby license.

...

#### **11-8D-3: LOT AREA:**

~~A. Specified: Each dwelling in the R-1-87 residential zone shall be on a separate lot containing not less than two (2) acres, except in accordance with article 11-8C (Planned Residential Developments) of this title. subsection B of this section.~~

~~B. Clustered Residential Development:~~

~~1. At the discretion of the city council, an applicant may be allowed to reduce the required lot size in order to accomplish one or more of the following objectives:~~

~~a. Protection or preservation of environmentally sensitive areas.~~

~~b. Provision of open space used for watershed protection or public recreational use.~~

~~c. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.~~

~~d. Improved circulation and traffic flow.~~

~~e. More efficient operation and maintenance of public infrastructure.~~

~~2. In no case may the lot size in the R-1-87 residential zone be less than ten thousand (10,000) square feet. It is not the intention of this section to increase density. The city council finds that clustering of residential lots is a bonus for the applicant. Lot sizes and arrangement may vary to take advantage of topographical or aesthetic features. Two-family dwellings may be allowed in order to further accomplish the goals of this section, but the city council is under no obligation to allow two-family dwellings.~~

~~3. The city council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved or denied on its own merits. Denial of a clustered residential development will not affect the ability of the applicant to develop the property in accordance with the standards set forth in this article. (Ord. 2010-12, 9-28-2010)~~

#### **11-8D-4: LOT WIDTH:**

~~A. Specified: Each lot in the R-1-87 residential zone shall have a minimum width of one hundred twenty five feet (125') for all of the area within the required front setback of the zone, unless a more narrow lot is approved in accordance with article 11-8C of this title. subsection 11-8D-3B of this article.~~

~~B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to thirty feet (30'); provided, that the requirement is satisfied at the front setback line. (Ord. 2010-12, 9-28-2010)~~

#### **11-8D-5: LOT FRONTAGE:**

~~A. Specified: Each lot in the R-1-87 residential zone shall abut a public street, or private street if approved by the city council, for a minimum distance of one hundred twenty five feet (125'), unless a lesser frontage is approved in accordance with article 11-8C of this title. subsection 11-8D-3B of this article.~~

~~B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty feet (30'); provided, that the width requirement is satisfied at the front setback line. (Ord. 2010-12, 9-28-2010)~~

...

#### **11-8D-7: SETBACK REQUIREMENTS:**

~~The following minimum setback requirements shall apply in the R-1-87 residential zone, unless lesser setbacks are approved in accordance with article 11-8C of this title. Each setback is measured from the property line of the lot or parcel:~~

...

#### **11-8D-11: PERMISSIBLE LOT COVERAGE:**

~~The sum total of all buildings and structures on any parcel in the R-1-87 residential zone shall not be greater than twenty percent (20%) of the total area of the parcel, unless approved for greater coverage in accordance with subsection 11-8D-3B of this article. (Ord. 2010-12, 9-28-2010)~~

**Section 4. Amendment of Section 11-7 of the City of Bluffdale Land Use Ordinance (Zoning Ordinance).** Section 11-7 of the City of Bluffdale Land Use Ordinance (Zoning Ordinance) is hereby amended as follows (all parts of these sections and subsections not specifically listed shall remain unaffected):

**11-7-2: PERMITTED, CONDITIONAL AND ACCESSORY USES:**

...  
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:

1. Agricultural support facilities, barns and sheds.
2. Clustered residential development in accordance with subsection 11-7-3B of this chapter.
3. Cellular and low power towers pursuant to chapter 24 of this title.
4. Ranch or farm employee dwellings (limited to 1 unit per 20 acres of land area which must be reviewed and renewed every 3 years).
5. Water storage facilities, culinary or irrigation.
6. Cemetery grounds and facilities.
7. Religious buildings and structures.
8. Resorts and group camps.
9. Golf courses.
10. Accessory dwelling unit.
11. Public uses.
12. Canine hobby license.

...  
**11-7-3: LOT AREA:**

A. Specified: Each dwelling in the agricultural zone shall be on a separate lot containing not less than five (5) acres, unless approved in accordance with article 11-8C of this title, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one unit per twenty (20) acres that must be reviewed and approved every three (3) years.

~~B. Clustered Residential Development:~~

~~1. At the discretion of the city council, an applicant may be allowed to reduce the required lot size in order to accomplish one or more of the following objectives:~~

- ~~a. Protection or preservation of environmentally sensitive areas.~~
- ~~b. Provision of open space used for viewshed protection or public recreational use.~~
- ~~c. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.~~
- ~~d. Improved circulation and traffic flow.~~
- ~~e. More efficient operation and maintenance of public infrastructure.~~

~~2. In no case may the lot size in the A-5 agricultural zone be less than one-half (1/2) acre. It is not the intention of this section to increase density. The city council finds that clustering of residential lots is a bonus for the applicant. Lot sizes and arrangement may vary to take advantage of topographical or aesthetic features.~~

~~3. The city council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved and denied on its own merits. Denial of a clustered residential development will not affect the ability of the applicant to develop the property in accordance with the standards set forth in this chapter. (Ord. 10-24-00-1, 10-24-2000)~~

**11-7-4: LOT WIDTH:**

Each lot in the agricultural zone shall have a minimum width of two hundred feet (200') for all of the area within the required front setback of the zone, unless approved for a more narrow lot in accordance with article 11-8C of this title, subsection 11-7-3B of this chapter. (Ord. 10-24-00-1, 10-24-2000)

**11-7-5: LOT FRONTAGE:**

Each lot in the agricultural zone shall abut a public street, or private street if approved by the city council, for a minimum distance of two hundred feet (200'), unless approved for less frontage in accordance with article 11-8C of this title, subsection 11-7-3B of this chapter. (Ord. 10-24-00-1, 10-24-2000)

...


**11-7-7: SETBACK REQUIREMENTS:**

The following minimum setback requirements shall apply in the A-5 agricultural zone, unless lesser setbacks are approved in accordance with article 11-8C of this title. Each setback is measured from the property line of the lot or parcel:


**Section 5. Effective Date.** This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 16th DAY OF JULY, 2013.**

**BLUFFDALE CITY**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder  
[SEAL]



Voting by the City Council:

	“AYE”	“NAY”
Councilmember Jackson	<u>  x  </u>	_____
Councilmember Kartchner	<u>  x  </u>	_____
Councilmember Nelson	<u>  x  </u>	_____
Councilmember Nielsen	<u>  x  </u>	_____
Councilmember Pehrson	<u>  x  </u>	_____