

CITY OF BLUFFDALE, UTAH

Ordinance No. 2010-12

AN ORDINANCE AMENDING THE BLUFFDALE CITY LAND USE ORDINANCE ADOPTING CHAPTER 12.6.2, A TWO-ACRE RESIDENTIAL ZONE (R-1-87).

WHEREAS the City of Bluffdale (“City”) has initiated an amendment of Title 12 of the Bluffdale City Code, the Bluffdale City Land Use Ordinance, regarding a two-acre residential zone; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed amendment to Title 12, the Bluffdale City Land Use Ordinance, and the City Council has found the proposed amendment to be consistent with the City’s general plan; and

WHEREAS the proposed text amendment set forth herein has 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 to obtain public input regarding the proposed amendment to the Land Use Ordinance;

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

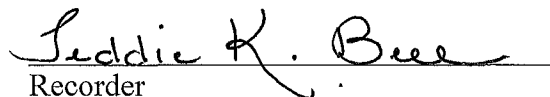
Section 1. Adoption of Chapter 12.6.2 of the Bluffdale City Land Use Ordinance.
Chapter 12.6.2 of the Bluffdale City Land Use Ordinance, is hereby adopted as shown in Exhibit “A.”

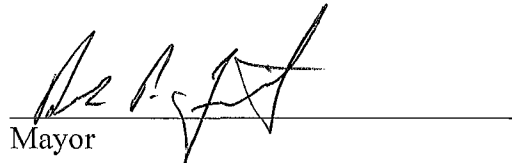
Section 2. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 28th DAY OF SEPTEMBER, 2010.

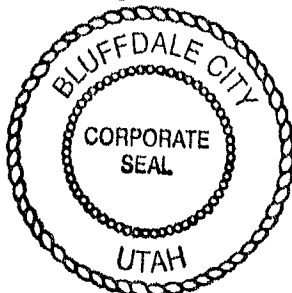
BLUFFDALE CITY

ATTEST:


Recorder


Mayor

[SEAL]



Voting by the City Council:

	“AYE”	“NAY”
Councilmember Chisholm	<u> x </u>	_____
Councilmember Flanigan	<u> x </u>	_____
Councilmember Jackson	<u> x </u>	_____
Councilmember Kartchner	<u> x </u>	_____
Councilmember Nelson	<u> x </u>	_____

EXHIBIT A

Chapter 12.6.2, Two-acre Residential Zone (R-1-87)

12.6.2 R-1-87 Residential Zone

- 12.6.2.1 Purpose and Zone Characteristics
- 12.6.2.2 Permitted, Conditional and Accessory Uses
- 12.6.2.3 Lot Area
- 12.6.2.4 Lot Width
- 12.6.2.5 Lot Frontage
- 12.6.2.6 Lots Created Prior to Adoption of Ordinance
- 12.6.2.7 Setback Requirements
- 12.6.2.8 Projections into Setbacks
- 12.6.2.9 Building Height Requirements
- 12.6.2.10 Distance between Buildings
- 12.6.2.11 Permissible Lot Coverage
- 12.6.2.12 Parking, Loading and Access
- 12.6.2.13 Project Plan Approval
- 12.6.2.14 Other Requirements

12.6.2.1 Purpose and Zone Characteristics

The R-1-87 Residential Zone is established to provide areas within the City for single family dwellings on large lots and to provide areas within the City where agricultural pursuits can be encouraged and supported. Higher density development is discouraged in this zone due to lack of infrastructure and services. This area often contains property where traditional agricultural pursuits can be encouraged and supported. Rezoning of land in the R-1-87 Zone should be accomplished in an orderly manner to avoid undue and inefficient extension of City infrastructure, and “leap-frog” development patterns.

12.6.2.2 Permitted, Conditional, and Accessory Uses

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 ordinance.

1. Single family dwellings – detached
2. Agriculture and forestry
3. Two family dwellings, if approved in accordance with Section 12.6.2.3.1
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. Child care facilities (less than 6 children)
9. Residential Facilities for Elderly Persons or Persons with a Disability in accordance with

Chapter 12.21 herein

10. Planned Residential Developments in accordance with Title 11
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 one (1) large animal. Combinations of animals are permitted such that the ratio of animals kept does not surpass the total permitted. For example, one (1) horse and one (1) cow would be permitted but one (1) 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.

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 Section 12.13 of this ordinance.

1. Clustered Residential Development in accordance with Section 12.6.2.3.1 herein
2. Water storage facilities, culinary or irrigation
3. Cemetery grounds and facilities
4. Religious buildings and structures
5. Resorts and group camps
6. Residential care facilities for the elderly or handicapped in accordance with State law
7. Golf courses
8. Accessory dwelling unit
9. Public uses
10. Public and private riding arenas and stable, with outdoor lighting (5 acres minimum lot required)
11. Sale of agricultural products as defined in 12.29 herein, except that (1) no business related traffic may occur between 10:00 p.m. and 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.
12. Canine Hobby License

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.

1. Garages - detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals allowed in accordance with City ordinance
4. Home occupations in accordance City ordinance
5. Small Wind Power Facilities as provided in Chapter 12.32

12.6.2.3 Lot Area

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 Section 12.6.2.3.1.

12.6.2.3.1 Clustered Residential Development

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:

1. Protection or preservation of environmentally sensitive areas.
2. Provision of open space used for view shed protection or public recreational use.
3. Protection of valuable agricultural land with lots arranged to allow continued agricultural use of the property.
4. Improved circulation and traffic flow
5. More efficient operation and maintenance of public infrastructure.

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 Bluffdale 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 in under no obligation to allow two family dwellings.

The City Council is under no obligation to allow clustered residential development. Each proposed clustered development will be reviewed and approved or denied on it's 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.

12.6.2.4 Lot Width

Each lot in the R-1-87 Residential Zone shall have a minimum width of one hundred and twenty-five (125) feet for all of the area within the required front setback of the zone, unless a more narrow lot is approved in accordance with Section 12.6.2.3.1.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to thirty (30) feet, provided that the requirement is satisfied at the front setback line.

12.6.2.5 Lot Frontage

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 and twenty-five (125) feet, unless less frontage is approved in accordance with Section 12.6.2.3.1.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty (30) feet, provided that the width requirement is satisfied at the front setback line.

12.6.2.6 Lots Created Prior to Adoption of Ordinance

Lots or parcels of land which were legally created and eligible for a building permit prior to the adoption and application of this zone shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate building code must be satisfied.

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Salt Lake County Recorder.

12.6.2.7 Setback Requirements

The following minimum setback requirements shall apply in the R-1-87 Residential Zone. Each setback is measured from the property line of the lot or parcel.

1. Front setback - Each lot or parcel in the R-1-87 Residential Zone shall have a minimum front setback of thirty (30) feet.

2. Side setback - Each lot or parcel in the R-1-87 Residential Zone, unless otherwise noted below, shall have a minimum side setback of twenty (20) feet.
 - a. Side setback for accessory building - The side setback for any permitted accessory building shall be a minimum of ten (10) feet.
3. Rear setback - Each lot or parcel in the R-1-87 Residential Zone shall have a minimum rear setback of thirty (30) feet.
 - a. Rear setback for accessory building - An accessory building may not be located less than ten (10) feet from the rear property line.
 - b. Accessory buildings that house animals or poultry shall have a minimum rear setback of ten (10) feet and be located no less than seventy-five (75) feet from any dwelling unit.

12.6.2.8 Projections into Setbacks

The following structures may be erected on or projected into any required setback:

1. Fences and walls in conformance with all applicable City ordinances and resolutions.
2. Appropriate landscaping.
3. Necessary appurtenances for utility service.

The following structures may be erected on or projected into any required front or rear setback not more than four (4) feet, and into a side setback not more than two (2) feet:

1. Cornices, eaves, sills, buttresses, or other similar architectural features.
2. Awnings, decks, and planter boxes.

12.6.2.9 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in height.

12.6.2.10 Distance between Buildings

The distance between any accessory building and any dwelling shall not be less than twenty (20) feet.

12.6.2.11 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 (20) percent of the total area of the parcel, unless approved for greater coverage in accordance with Section 12.6.2.3.1.

12.6.2.12 Parking, Loading and Access

Each lot or parcel in the R-1-87 Residential Zone shall have on the lot or parcel two (2) off-street parking spaces for each dwelling unit. The spaces

shall be hard surfaced with asphalt or concrete and be accessed from a public road or private road by a hard surfaced, composed of asphalt or concrete, drive approach.

12.6.2.13 Project Plan Approval

Any request for project plan approval in the R-1-87 Residential Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Design Guidelines and Standard Specifications, and the Bluffdale City General Plan.

12.6.2.14 Other Requirements

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

1. Signs - Signs are permitted in accordance with Chapter 12.15 herein.
2. Landscaping - Each dwelling unit shall landscape the lot or parcel from the front of the unit to the public street prior to issuance of a Certificate of Occupancy.
3. Trash, junk, and other debris - No trash, used materials, unsightly storage of any kind, or non-licensed 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.