

**BLUFFDALE CITY, UTAH
ORDINANCE NO. 2005-15**

AN ORDINANCE AMENDING CERTAIN SECTION OF THE BLUFFDALE CITY ZONING AND SUBDIVISION ORDINANCES DEALING WITH NOTICE REQUIREMENTS, AMENDING CHAPTER 12.14 OF THE ZONING ORDINANCE DEALING WITH NON-COMPLYING STRUCTURES, AMENDING CHAPTER 12.9 OF THE ZONING ORDINANCE TO INCLUDE TRANSITIONAL STANDARDS FOR USES ABUTTING RESIDENTIAL ZONES AND OUTDOOR LIGHTING STANDARDS, AMENDING CHAPTER 12.8 OF THE ZONING ORDINANCE TO PROVIDE FOR MORE COMPLETE COMMERCIAL SITE PLANS, AND MAKING OTHER MISCELLANEOUS CORRECTIONS TO THE ZONING ORDINANCE

WHEREAS, the Utah State Legislature has passed legislation dealing with the Land Use Development and Management Act which changes the public notice requirements for hearings before the City Council, Planning Commission and the Board of Adjustment dealing with land use, zoning and subdivision matters necessitating changes in Bluffdale's Subdivision and Zoning Ordinances; and

WHEREAS, the same legislation specifies changes in defining and dealing with non-complying structures; and

WHEREAS, the City is desirous of adopting standards for the transition between uses abutting residential zones and standards for outdoor lighting to protect residential developments from the unnecessary encroachment of impacts from commercial and industrial developments; and

WHEREAS, the City is desirous of having commercial site plans submitted to the City be more complete in their content and scope; and

WHEREAS, there are other miscellaneous amendments needed to correct errors in the zoning ordinance and inconsistencies in the Zoning Ordinance; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed amendments to the Zoning and Subdivision Ordinances; and

WHEREAS, the proposed amendments to the Zoning and Subdivision Ordinances set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning ordinance.

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

Section 1. All reference to the “Zoning Ordinance” in Title 12 shall hereby be changed to read “Land Use Ordinance.”

Section 2. Section 12.2.7 of Title 12 is hereby amended to read:

12.2.7 Notice Requirements and Public Hearings

All notice requirements and public hearing notice requirements shall satisfy State law and City ordinances or resolutions. The public notice shall contain ample information to allow the general public to determine what action is being proposed, a short description of the proposal, the time, date and location of the public hearing, and where additional information, if any, may be obtained. Actions which require a public hearing are and shall be noticed in the following manner:

1. Notice to the applicant. An applicant for any action before the Planning Commission requiring a public hearing shall be notified of the date, time and place of the public hearing and public meetings where their application shall be heard.
2. Adoption or amendment of the general plan. Each notice of a public hearing to adopt or amend the general plan shall provide the date, time and place of the public hearing and be noticed as follows at least ten (10) calendar days before the hearing:
 - a. Published in a newspaper of general circulation in Bluffdale City. The publication date, not the date of the submission to the newspaper, must satisfy the ten (10) day notice requirement.
 - b. Mailed to each public entity or utility which is affected by the proposed general plan or amendment.
 - c. Posted in at least three (3) public locations within the city or on the city’s website.

Each public meeting to consider on the adoption or amendment of the general plan shall be noticed by submitting a notice of the date, time and place of the meeting to a newspaper of general circulation in Bluffdale City and posted in at least three (3) public locations within the city or on the city’s website at least twenty-four (24) hours before the meeting.

3. Adoption or amendment to the Land Use Ordinance. Each notice of public hearing to adopt or amend the Land Use Ordinance shall provide the date, time and place of the public hearing and be noticed as follows at least ten (10) calendar days before the hearing:
 - a. Mailed to each public entity or utility affected by the adoption or amendment of the Land Use Ordinance.

- b. Posted in at least three (3) public locations within the city or on the city's website.
- c. Mailed at least three (3) days before the date of the hearing to each property owner whose land is directly affected by the adoption or amendment of the Land Use Ordinance and each adjacent property owner within one thousand (1,000) feet of the proposal.
- d. Mail notice to the Utah Automated Geographic Reference Center, the state planning coordinator, and the Wasatch Front Regional Council

Each notice of a public meeting to consider adoption or amendment of the Land Use Ordinance shall be posted in at least three (3) public locations within the city or on the city's website at least twenty-four (24) hours before the meeting.

Any costs associated with the provisions of the notice requirements herein shall be the responsibility of the proponent of the action. If notice given under authority of this Section is not challenged as provided by State law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper.

Section 3. Section 12.2.8 of Title 12 is hereby amended to read:

The City Council, using its legislative discretion, may amend the number, shape, boundary or area of any zoning district. The Council may also amend any regulation or other provisions of a zoning district. The amendments may only occur in accordance with the following procedure.

Section 4. Section 12.2.5.1 of Title 12 is hereby amended to read:

Pursuant to Utah Code Annotated § 10-9a-701, et. seq., there is hereby created a Board of Adjustment and designated as the appeal authority for this Title. The Board shall consist of five (5) members and one (1) alternate member, each to be appointed by the Mayor with the advice and consent of the City Council for a term of five (5) years, provided that the terms of the members of the first board shall be such that the term of one member shall expire each year.

Section 5. Chapter 12.26 of Title 12 is hereby repealed.

Section 6. Section 12.2.5.9 of Title 12 is hereby amended to read:

Bluffdale City or any person adversely aggrieved by a decision of the Board of Adjustment, may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction provided petition for each relief is presented to the court with ten (10) days after the date of such decision.

Section 7. Section 12.2.5.8.2 of Title 12 is hereby amended to read:

An appeal of a decision administering or interpreting the Land Use Ordinance shall be submitted to the City within ten (10) days from the date of the decision.

Section 8. Chapter 12.14 of Title 12 is hereby amended to read:

Chapter 12.14
Non-Conforming Uses

- 12.14.1 Non-Conforming Use and Non-Complying Structure Defined
- 12.14.2 Maintenance Permitted
- 12.14.3 Additions, Enlargements, and Moving
- 12.14.4 Restoration of Damaged Buildings
- 12.14.5 Pre-Existing Use may be Continued
- 12.14.6 Affect of Vacating a Non-Conforming Use

12.14.1 Non-Conforming Use and Non-Complying Structure Defined

A non-conforming use is defined as a use that legally existed prior to the adoption of this ordinance, has been maintained continuously since the time this ordinance was adopted, 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.

A non-complying structure is defined as 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.

The property owner shall have the burden of establishing the legal existence of a non-complying structure or a non-conforming use.

12.14.2 Maintenance Permitted

A non-conforming use or non-complying structure shall be maintained and kept in good repair. Basic repairs and structural improvements may be made to a non-complying structure non-conforming or to a building housing a non-conforming use.

12.14.3 Additions, Enlargements, and Moving

A building or structure occupied by a non-conforming use and a building or structure non-conforming in height, area, or yard requirements shall not be added to or enlarged in any manner, or moved to another location on the lot except as provided herein:

1. The addition or enlargement of or moving of the building will be in harmony with one or more of the purposes of this ordinance.
2. The addition, enlargement, or movement will bring the non-conforming use or building into closer compliance with the current Zoning Ordinance.
3. The proposed change does not impose any unreasonable burden upon the lands located in the

vicinity of the non-conforming use or structure nor does it violate the development policies adopted in the General Plan.

12.14.4 Restoration of Damaged Buildings

A non-complying structure or a building or structure occupied by a non-conforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored. The occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is completed in conformance with the ordinances of Bluffdale City within two (2) years. A non-complying structure or a building or structure occupied by a non-conforming use which is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired within six (6) months after written notice to the property owner notifying them of the same and that the non-complying structure or non-conforming use will be lost if the structure is not repaired or restored within six (6) months or which is voluntarily destroyed by the property owner shall not be allowed to rebuilt, repaired or restored.

12.14.5 Pre-Existing Use May be Continued

Land and/or buildings utilized prior to the effective date of this ordinance for a use which after the effective date of this ordinance is non-conforming, may continue to be utilized as a non-conforming use unless the building is vacated or the use ceased for a continuous period in excess of one (1) year. However, it does not constitute a safety or health hazard, is not a nuisance nor is otherwise dangerous to life and property values. No such non-conforming use of land may in any way be expanded or extended, either in the same or on adjoining property.

12.14.6 Effect of Vacating a Non-Conforming Use or Building

A vacant building may be occupied by a use for which the building or structure was used, designed or intended, if so occupied within a period of one (1) year after the use became non-conforming.

However, a building or portion thereof occupied by a non-conforming use which is, or hereafter becomes, vacant and remains unoccupied by said non-conforming use for a continuous period in excess of one (1) year, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

Should a non-conforming use of land be ceased for a period in excess of one (1) year, any future use of such land shall be in conformity with the provisions of this ordinance and the previously authorized non-conforming use is expressly prohibited.

Section 9. Chapter 11.12.1 of Title 11 is hereby amended to read:

11.12 Appearance Before Boards, Commissions and Councils

11.12.1 Public Notice

All persons speaking before any City agency, department, committee, commission, board or the City

Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesperson is associated with the architect or engineer whose name appears on the plans or if the owner is present. The Planning Commission or staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or concerning the project.

Notice of hearings before the Planning Commission and City Council concerning subdivision plat approvals, and amendments of subdivision plats shall be provided in accordance with this Section. Notice shall be given at least three (3) days before the date set for the hearing. Notice of vacation of subdivision plats, when required, shall be given in accordance with State law. All notice required under this Section shall be given as follows:

11.12.1.1 Posted Notice

The staff shall post notice in at least three public places within the City, stating that an application has been filed, a brief summary of the application, and that more detailed information concerning the application is available from the City. At least one posted notice shall be located at a public place other than the City building.

11.12.1.2 Mailed Notice

Mailed notice shall be sent at least three (3) days prior to the hearing to property owners within one thousand (1,000) feet of the proposed subdivision or amendment. The applicant shall provide the City with the name and address for each owner of record of each parcel located entirely or partly within one thousand (1000) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Salt Lake County. The addresses shall be as shown on the most recently available Salt Lake County tax assessment rolls. The mailed notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. Any costs associated with the provisions of the notice requirements herein shall be the responsibility of the proponent of the action. If notice given under authority of this Section is not challenged as provided by State law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper.

Section 10. Chapter 12.9 of Title 12 is hereby amended to include a new Section 12.9.19 to read:

12.9.19 Transitional Development Standards for Uses Abutting Residential Zones

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

1. Where a lot in any multiple family residential, business, commercial, or industrial zone abuts a single family residential or agricultural zone, or where a business, commercial or industrial zone abuts a lot in a multiple family residential zone, a minimum landscaped yard at least ten (10) feet wide shall be provided on such lot along the property line where the lot abuts one or more of the aforementioned lots. Building setback in such areas shall be at least one (1) foot for each two (2) feet of building height. Buildings over twenty (20) feet high

shall be set back at least ten (10) feet.

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

3. Where a lot in any multiple family residential, business, commercial or industrial zone abuts a lot in any single family residential or agriculture zone or where a business, commercial or industrial zone abuts a lot in a multiple family residential zone, there shall be provided a landscaped front yard on such lot equal to that of the residential use on the abutting property.

4. Any multiple family residential, business, commercial or industrial parking lot consisting of four (4) or more spaces and that portion of the driveway back of the building line shall be screened from the street and from adjoining properties in the abutting residential or agriculture zone by either a landscape berm two (2) feet high at the crown, a hedgerow at least five (5) feet high at maturity, or a masonry wall not less than three (3) feet high in the front yard, and not more than six (6) feet high located back of the building line.

5. All building and parking lot lighting shall comply with the outdoor lighting regulations of Section 12.9.20 of this Chapter.

6. Notwithstanding a permitted or conditional use provision to the contrary, a use that involves open storage of merchandise or equipment, off-premise signs, trade or industry that is noxious or offensive by reason of the emission of odor, smoke, gas, vibration or noise shall be strictly prohibited on a lot abutting a residential or agriculture zone.

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

8. All mechanical equipment (i.e., air conditioners, fans, pumps, etc.) shall be located within a building or on a roof with parapet walls. Any mechanical equipment located on the outside of a building within twenty-five (25) feet of the nearest residential use shall have a visual/noise barrier (masonry wall/landscaping) that completely surrounds the equipment and extends at least one (1) foot above the equipment. Noise from mechanical equipment shall not be unreasonably loud so as to disturb the quiet repose of any person in their dwelling, which is defined as disturbing the average person's reasonable sensitivities.

9. No loading dock or delivery pickup area shall be located within fifty (50) feet of a residential use. These areas shall be screened from public view with a six (6) foot masonry wall.

10. No trash container shall be located closer than twenty-five (25) feet from the side

property line of a lot in a residential or agriculture zone.

11. All of the above requirements shall apply, unless the Planning Commission approves an alternative buffering arrangement equal to or better than the requirements set forth in this subsection. The Planning Commission shall make specific findings justifying the alternate buffering arrangement.

Section 11. Chapter 12 .9 of Title 12 is hereby amended to include a new Section 12.9.20 to read:

12.9.20 Outdoor Lighting Standards

12.9.20.1 Purpose

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

12.9.20.2 Outdoor Lighting Plans Required

If a proposed development, except for one- and two-family dwellings, involves the installation or alteration of outdoor lighting fixtures, an outdoor lighting plan shall be submitted and shall include the following information:

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

12.9.20.3 General Provisions

- 1.All outdoor lighting shall be tuned off after business hours, except for essential security lighting.
- 2.Lighting of signs, buildings and displays shall be directed downward. Uplighting shall be prohibited; provided that in landscaped areas uplighting may be allowed if approved as part of the site plan approval.
- 3.Electrical service to outdoor lighting fixtures shall be underground unless fixtures are mounted

directly on utility poles.

12.9.20.4 Exemptions

The following types of outdoor lighting shall be exempt from the provision of this Section:

1. Holiday lighting during the months of November, December and January. Such lighting shall not create dangerous glare on adjacent streets or properties.
2. Temporary lighting, including but not limited to circuses, fairs, carnivals and civic uses, for a period not to exceed thirty (30) days unless otherwise approved by the Planning Commission.
3. Lighting associated with agricultural operations.
4. Construction or emergency lighting, provided that such lighting is temporary and is discontinued immediately upon the completion of the construction work or abatement of the emergency circumstances necessitating such lighting.
5. Roadway lighting.

12.9.20.5 Parking Lot Lighting

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

1. Parking lot lighting shall be installed at a maximum height of twenty (20) feet in residential zones and twenty-five (25) feet in commercial, office and industrial zones. Height shall be measured from the ground surface being illuminated to the bottom of the lighting fixture.
2. Parking lot lighting fixtures designed to portray an historic period or architectural style are encouraged. If such fixtures are not "cut-off" or shielded fixtures, the maximum initial lumens generated by each fixture shall not exceed 200 (equivalent to a 150 watt incandescent bulb). The light of such lighting fixtures shall not exceed fifteen (15) feet.
3. Parking lot lighting shall be designed so the minimum illumination at grade level is between two-tenths (0.2) and three-tenths (0.3) in residential zones and between three-tenths (0.3) and five-tenths (0.5) foot-candles in commercial, office and industrial zones. The ratio of average parking lot illumination to minimum parking lot illumination shall not exceed four to one (4:1).

12.9.20.6 Lighting of Gasoline Station/Convenience Store Canopies

Gasoline station and convenience store canopies shall provide adequate lighting for customers but lighting shall not be so intense as to be an attention device for the business, as provided in this section.

1. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.
2. Light fixtures shall not be mounted on the top or fascia of such canopies.
3. The fascia of such canopies shall not be illuminated, except for approved signage.

- 4.Areas around gasoline pump islands and under canopies shall have a minimum illumination at grade level between one (1) and five and one-half (5 ½) foot-candles. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1)..

12.9.20.7 Lighting of Exterior Sales/Display Areas

The following provisions apply to businesses such as automobile, heavy equipment and recreational vehicle dealerships and other businesses, such as material stores, which rely on outdoor display of merchandise.

- 1.Areas designed for parking or passive display of merchandise shall be lighted in accordance with the standards for parking lots in subsection 12.9.20.5 above.
- 2.Light fixtures shall be shielded, cut off type fixtures located, mounted and aimed so that direct light is not cast onto adjoining streets or properties.
- 3.Light fixtures shall be installed at a height not to exceed twenty-five (25) feet.
- 4.Exterior display/sales areas shall be designed so that the minimum illumination at grade level is between one (1) and five (5) foot-candles. The ration of average display/sales area lighting to minimum display/sales area lighting shall not exceed four to one (4:1).

12.9.20.8 Lighting of Outdoor Sports or Performance Facilities

- 1.The lighting plans to be submitted with the development plan shall be prepared by a qualified lighting designer, experienced in lighting such facilities. The plan shall demonstrate that the location, selection, and aiming of the lighting fixtures will focus light on the playing or performing areas, minimize glare and visibility from neighboring areas, minimize sky glow and promote energy efficiency.
- 2.A dual lighting system shall be provided. The primary system shall be adequate for the sports or performing event. The primary system shall be shut off within forty-five (45) minutes of the conclusion of the event. The secondary system shall be designed to facilitate the exiting of patrons, clean up and maintenance.

12.9.20.9 Security Lighting

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

- 1.A security lighting plan shall utilize shielded fixtures. Floodlights shall not be permitted.
- 2.Vertical features, such as walls of a building, may be illuminated for security to a height of eight (8) feet above grade.
- 3.Security lighting poles shall not exceed twenty (20) feet in height in residential zones and twenty-five (25) feet in commercial, office and industrial zones.
- 4.Security lights intended to illuminate a perimeter, such as a fence line, shall be allowed only if regulated by a motion detection system that triggers the lighting when an intruder moves

to within five feet of the perimeter.

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

12.9.20.10 Lighting of Building Facades

1. Lighting of building facades is discouraged, except for approved security lighting. Government buildings, church buildings, historic buildings and significant or contributing buildings within historic areas shall be exempt from this requirement.
2. Lighted facades shall not exceed an illumination of five (5) foot-candles on a vertical surface.
3. Light fixtures shall be shielded and directed downward.

12.9.20.11 Illumination of Signage

1. Externally illuminated signs shall be served by light fixtures that are shielded and directed downward. The average level of illumination on the sign face shall not exceed three (3) foot-candles and the ratio of average to minimum illumination shall not exceed two to one (2:1).
2. Internally illuminated signs shall be designed with light lettering or symbols on a darker background. If fluorescent lighting tubes are utilized, they shall be spaced on at least twelve (12) inch centers and be mounted at least three and one-half ($3\frac{1}{2}$) inches from the sign face.

Section 12. Chapter 12.8 of Title 12 is hereby amended to read:

Chapter 12.8

Commercial Development, Site Plans

- 12.8.1 Purpose and Intent
- 12.8.2 Relationship to Other Sections Herein
- 12.8.3 Application and Approval Process
- 12.8.4 Large Scale Development Review
- 12.8.5 Parcel Improvements
- 12.8.6 Landscaping Requirements
- 12.8.7 Design Standards
- 12.8.8 Consideration in Review of Applications
- 12.8.9 Assurances for Completion of Improvements
- 12.8.10 Appeal Procedure

12.8.1 Purpose and Intent

The purpose of this Chapter is to define the requirements, approval process, and appeals process for commercial, industrial, manufacturing, research and development projects and site plans. It is the

intention of this Chapter to provide an efficient, yet thorough development review and allow the applicant to obtain approval of a building permit in a timely manner.

The purposes of architectural and site plan approval are:

- a. to determine compliance with this ordinance;
- b. to promote the orderly and safe development of land in Bluffdale City;
- c. to promote the general welfare by the construction of structures or additions or alterations which are accorded proper attention to site planning, attractive appearance, and harmony with their environments.

12.8.2 Relationship to Other Sections Herein

Each commercial, industrial, manufacturing, or research and development project reviewed under this Chapter is also subject to the requirements of the zone in which the proposed project is located.

12.8.3 Application and Approval Process

A. Application. The applicant for a site plan review shall submit a completed application form and a site plan with the required information in Subsection B of this Section. The applicant shall also pay a fee in an amount established by resolution of the City Council with the application.

B. Required Maps and Drawings.

Maps and drawings shall be prepared and drawn to a standard, engineer scale large enough to show details clearly with dimensions thereof. Said maps and drawings shall be stamped by a Registered Architect or Engineer in accordance with the laws of the State of Utah. The following shall be shown on said maps and drawings as a minimum:

1. For Preliminary Review:

- a. a vicinity map showing site orientation and location in relation to streets and arterial roads.
- b. statement of building use, occupancy, area tabulations, parking and landscaping tabulations.
- c. the location of all proposed and existing structures on the subject property and within fifty (50) feet on immediately adjoining properties to show that light and air are preserved, and to show that the development will not be detrimental to the orderly and harmonious development of the City.
- d. location and types of landscaping and/or fencing and screening within yards and setback areas, including proposed sprinkling and irrigation systems in compliance with Section 12.8.6 of this Chapter.
- e. location of existing and proposed utilities (i.e., power, water, sewer, gas, telephone, storm drains) and other public infrastructure improvements (i.e., curb, gutter, sidewalk, streets) together with existing easements and rights-of-way.
- f. design of ingress and egress to provide a functional on-site traffic flow and to prevent

- interference with traffic on adjacent streets.
- g. off-street parking and loading facilities in compliance with the off-street parking and loading standards as set for in Chapter 12.4 of this Ordinance, including provisions for pedestrians and the disabled.
- h. Existing and proposed contours at 2 foot intervals and spot elevations.
- i. preliminary drainage plan.
- j. preliminary building elevations and sections.

2. For Final Review:

- a. detailed development of all items required for Preliminary Review.
- b. modifications required by conditions of the Preliminary Review and further optional modifications by the applicant.
- c. landscape plan including plant materials list and detail of installation, including the sprinkler and irrigation plan.

3. For Building Permit:

- a. all final construction documents including detailed development of all items required for Preliminary and Final Review.
- b. documentation showing compliance with County Flood Control requirements.
- c. surface and subsurface drainage, including catch basins, piping and detention basins.
- d. landscaping and sprinkler plans and details of installation.

C. Review Process.

Any proposed commercial, industrial, manufacturing, or research and development building or site plan that does not require more than fifty (50) parking spaces in accordance with Section 12.4 herein and/or does not contain more than fifteen thousand (15,000) square feet of floor space shall be approved administratively by City staff. Approval shall be in accordance with all of the laws, ordinances, and resolutions of Bluffdale City, the State of Utah, and the United States. On large commercial projects, staff will provide information to the Planning Commission and City Council, at their regular meetings, regarding the proposed site plan, building locations and, if known, types of businesses.

Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents shall be submitted to the Planning Commission and City Council for their review. The Planning Commission may recommend and the City Council may hold a public hearing on any proposed Site Plan.

The following list represents development approvals that will not be processed administratively. These developments must receive a recommendation from the Planning Commission following a public hearing with at least a fourteen (14) day notice, and approval from the City Council following a public hearing with at least a fourteen (14) day notice.

4. Subdivisions of land. All subdivisions are approved by the City Council in accordance with the Subdivision Ordinance.
5. Commercial, industrial, manufacturing, or research and development site plans which are required to provide fifty (50) or more parking spaces in accordance with Section 12.4 herein.
6. Commercial, industrial, manufacturing, or research and development buildings that contain more than fifteen thousand (15,000) square feet of floor space.
7. Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents.
 - a. Any project determined by staff likely to have significant impact on the surrounding properties, property values, or residents shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission recommendation will be presented to the City Council for final approval.
 - b. The City Council may choose to have a public hearing on any project likely have significant impact on the surrounding properties, property values, or residents.

12.8.4 Large Scale Development Review

Any proposed commercial, industrial, manufacturing, or research and development building or site plan that can not be approved administratively by City staff in accordance with Section 12.8.3 herein shall be submitted to the Planning Commission for their recommendation. The Planning Commission shall recommend approval, approval with conditions or denial of the application. The City Council shall approve, approve with conditions, or deny the proposed commercial, industrial, manufacturing, or research and development building or Site Plan. The City Council may choose to have a public hearing on any project likely have significant impact on the surrounding properties, property values, or residents.

12.8.5 Parcel Improvements

Each parcel approved in accordance with this Section shall satisfy all applicable requirements of this Ordinance, the Subdivision Ordinance, as well as any applicable requirements of the Design Guidelines and Standard Specifications of the City.

12.8.6 Landscaping Requirements

All areas not covered by approved buildings and structures or required parking, must be completely landscaped and maintained using an automatic irrigation system. A complete landscaping plan is considered part of the application. Each landscaping plan shall include the types and sizes of all planting materials along with plans for an automatic irrigation system. All landscaping plans shall meet or exceed the following standards.

1. There shall be a minimum of one evergreen no less than eight (8) feet in height or deciduous tree with no less than one and one half (1 ½) inch caliper for every two hundred (200) square feet of land not covered by an approved building or required parking.
2. There shall be a minimum of one five gallon or larger shrub for every two hundred (200) square feet of land not covered by an approved building or required parking.
3. All area not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, clean gravel, or rocks.

Dirt, weeds and similar materials are not considered acceptable ground cover.

4. Planting areas shall be attractively landscaped with shrubs, flowers, and other plant materials. Weeds, wild grass, garbage and other distracting materials shall be eliminated from planting areas on a regular basis.

12.8.7 Design Standards

If enacted in a particular zone, all developments shall satisfy the design standards adopted by the City. Design requirements may include restrictions on building size, materials, colors, styles, lighting, and other design criteria.

If specific design standards have not been adopted, all developments shall be reviewed for compatibility with recent or new development in the general area in respect to building size, traffic circulation, massing, uses, colors, lighting and any other appropriate design review. An exterior surface of painted metal shall not be acceptable.

12.8.8 Considerations in Review of Applications

The following matters, and others when applicable, shall be considered by those reviewing site plans, and may refer the plans to one or more experts consultants for large scale developments if the Planning Commission deems it necessary.

A. Considerations relating to traffic, safety and traffic congestion:

- 1.the effect of the site development on traffic conditions on abutting streets.
- 2.the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
- 3.the arrangement and adequacy of off-street parking facilities to prevent traffic congestion, and compliance with the provisions of Chapter 12.4 of this Ordinance.
- 4.the location, arrangement and dimensions of truck loading and unloading facilities.
- 5.the circulation patterns within the boundaries of the development.
- 6.the surfacing and lighting of off-street parking facilities.

B. Considerations relating to signs:

- 1.signs that are integral to the architectural design of the buildings and are in compliance with the provisions of Chapter 12.15 of this Ordinance.
- 2.directional and/or informational signs are in compliance with the provisions of Chapter 12.15 of this Ordinance and are in locations and of such dimensions to not cause poor visibility for traffic.

C. Considerations relating to landscaping:

- 1.the location, height, and materials of walls, fences, hedges, and screen plantings concealing storage areas, utility installations, or other unsightly development insure harmony with adjacent development.

- 2.the planting of ground cover and other surfacing is designed to prevent dust and erosion.
- 3.the design keeps the destruction of existing healthy trees to a minimum.

D. Considerations relating to buildings and site layout:

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

E. Considerations relating to drainage:

- 1.the effect of the site development plan on the adequacy of the storm and surface water drainage facilities.

12.8.9 Assurances for Completion of Improvements

Landscaping, sprinkling systems, walls, fences and or screening structures, walks, parking areas, and other on-site improvements shall be installed in accordance with a final site plan prior to issuance of any occupancy permit. If the installation of any of these improvements cannot be completed due to weather or other circumstances beyond the control of the owner or developer, a Conditional Certificate of Occupancy may be issued if a Performance Security and Deferral Agreement is signed by the developer or owner which shall guarantee completion of all unfinished improvements. Such agreement shall be reviewed and approved by the City Attorney.

The Performance Security and Deferral Agreement shall consist of:

- 1.A signed statement by the owner or developer that such improvements will be completed by the earliest possible date to be determined by mutual agreement between the owner or developer, the City Planner and/or City Engineer. An extension beyond this date may be granted if the owner or developer contacts the City fourteen (14) days prior to the original completion date, the City Planner and/or City Engineer agree to such an extension, and the agreement is amended.
- 2.A performance security, in favor of Bluffdale City and in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of installation of the unfinished improvements, is received in the form of either a security bond by a surety company duly authorized to do business in the State of Utah, or a letter of credit by a bank or savings and loan institution, or a cash deposit. The performance security shall be refunded upon inspection and acceptance of the improvements by Bluffdale City.
- 3.A signed agreement by the owner or developer that the bond will be forfeited to the City in the event the improvements are not installed by the agreed date, including a statement the City will have the right to take legal action to compel the completion of such improvements

and a statement that the owner will not allow the building to be occupied prior to the completion of such improvements.

12.8.10 Appeal Procedure

Any applicant or person aggrieved by any application processed under this Chapter shall appeal the decision, within fourteen (14) days of the decision, to the City Council.

Section 13. The Multi-Use (MU-1) Zone is hereby renamed to the Heavy Commercial (HC) Zone.

Section 14. Section 12.4.6 of Title 12 is hereby amended to read:

12.4.6 Design and Construction Standards

All parking lots or structures shall satisfy the following minimum standards for design of parking stalls and construction standards.

1. All parking lots and parking structures shall be hard surfaced with asphalt or concrete. The materials shall be approved by the City Engineer and be capable of handling the anticipated size and weight of vehicles, including public safety vehicles.
2. Each parking lot shall be surrounded by a concrete curb, or other border approved by the City Engineer to ensure the life of the surface and to limit the access to approved ingress and egress.
3. All parking spaces shall have minimum dimensions of eight and one half (8 ½) feet by eighteen (18) feet.
4. Backing Space in parking areas shall have a minimum depth of twenty four (24) feet.
5. Parking stalls designed at less than a ninety (90) degree angle shall be allowed for one way traffic only.
6. Parking shall be designed to avoid backing onto a public street. If an applicant is unable to do so, the City Council may approve parking that backs onto a public street.
7. Sub-grade parking shall be reviewed for access and safety and must be approved by the City Council following recommendations from the staff.
8. A parking structure shall not be located within thirty feet of any property line, or in any clear view area required by this ordinance.

Section 15. The Regional Commercial Zone in Title 12 is hereby renumbered to be Chapter 12.19.

Section 16. 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 section, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

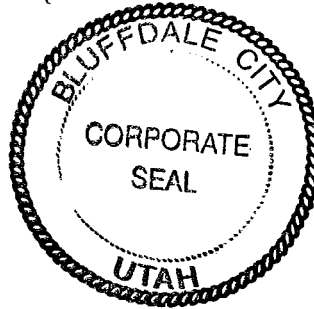
PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 12th DAY OF JULY, 2005.

BLUFFDALE CITY

By: *Hayden Mortimer*
Mayor

ATTEST:

Jeddie K. Bee



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Briggs	<u>Absent</u>	_____
Councilmember Clark	<u>x</u>	_____
Councilmember Kelley	<u>x</u>	_____
Councilmember Maxfield	<u>Absent</u>	_____
Councilmember Speed	<u>x</u>	_____