

ORDINANCE NO.2018-13

AN ORDINANCE AMENDING CHAPTER 11-2 "DEFINITIONS" AND CHAPTER 11-18 "TEMPORARY USES" OF THE BLUFFDALE CITY CODE TO PROVIDE A DEFINITION FOR AND TO PERMIT SNOW SHACKS/SHAVE ICE STANDS AS A TEMPORARY USE.

WHEREAS the City of Bluffdale received a request to allow the operation of snow shacks and shave ice stands as a temporary use in its ordinances; and

WHEREAS the definition of "snow shack/shave ice stand" set forth in these amendments and the provisions in Chapter 11-18 of the Bluffdale City Land Use Code have been established to protect the health, safety and welfare of the public; 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.

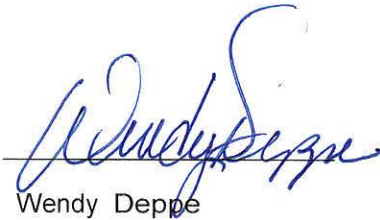
APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 13 Day of June 2018.

CITY OF BLUFFDALE


Mayor

ATTEST:




Wendy Deppe

Bluffdale City Recorder

Council members	Voting:	
	AYE	NAY
Wendy Aston	X	
Travis Higbee	X	
Dave Kallas	X	
Ty Nielsen	X	
Boyd Preece	X	

Chapter 2 DEFINITIONS

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.

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SNOW SHACK/SHAVE ICE STAND: a seasonal business selling ice-based desserts which may operate between May 1 and September 30 and shall follow all standards and regulations as set forth by the Salt Lake County Health Department.

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Chapter 18 TEMPORARY USES

11-18-1: PURPOSE AND INTENT:

11-18-2: PERMITTED TEMPORARY USES:

11-18-3: APPLICATION FOR TEMPORARY USE:

11-18-4: APPROVAL PROCESS:

11-18-5: ENFORCEMENT AND REMOVAL:

11-18-6: APPEAL:

11-18-1: PURPOSE AND INTENT:

The following regulations are provided to accommodate certain uses that are temporary or seasonal in nature.

11-18-2: PERMITTED TEMPORARY USES:

Permitted temporary uses include:

A. Carnivals and circuses.

B. Christmas tree sales lots.

C. Flower stands.

D. Rummage sales.

E. Promotional displays.

F. Tents for religious services.

G. Political rallies.

H. Music festivals.

I. Seasonal fruit and vegetable stands.

J. Occupancy of a temporary or existing dwelling during the remodeling of an existing or construction of new detached single-family home (allowed only in the A-5, R-1-87, R-1-43, and R-1-10 Zones and Cluster Residential and Infill Overlays).

K. Snow shacks/shave ice stands.

11-18-3: APPLICATION FOR TEMPORARY USE:

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Land Use Authority. The Zoning Administrator, or his/her designee, shall act as the Land Use Authority for this chapter. The application shall contain the following information:

A. A description of the proposed use.

B. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.

C. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.

D. For occupancy of a temporary or existing dwelling during renovation or construction of a new

detached single family home the following will also be required:

1. A copy of the building permit issued for the remodel of an existing home or for a new home under construction.
2. Permits to temporarily connect the temporary dwelling to utility services. These permits shall be issued and inspected in accordance with all adopted building and fire codes. All utilities must be connected in accordance with adopted city standards.
3. A cash bond in the amount of \$3,000 which will be returned upon passage of an inspection by city staff to confirm the temporary or existing dwelling has been disconnected from public utilities or demolished.
4. A site plan of the property drawn to scale showing the location and footprint of the proposed home, the locations of the proposed and existing utilities, the property setbacks, and the proposed location of the temporary dwelling or the current location of the existing dwelling. Temporary dwellings shall not be located in the required front, side, or rear setback and must not encroach on the public right of way or onto adjacent properties.
5. An instrument, in a form acceptable to the City Attorney, containing the following:
 - a. an acknowledgement that only one dwelling unit is permitted on the property, and;
 - b. an agreement that the temporary dwelling will no longer be inhabited and all utilities will be permanently disconnected after the new or renovated home passes its final inspection and prior to the issuance of a certificate of occupancy, if applicable, or;
 - c. an agreement that the existing dwelling unit will be disconnected from utility service and demolished within ten (10) calendar days of the issuance of the certificate of occupancy of the newly-constructed or renovated home, if applicable.

The City of Bluffdale may record this instrument against the property in question.

E. Proof of all other applicable permits (e.g. mass gathering permit, food handlers permit, health department permits, etc.) when required.

11-18-4: APPROVAL PROCESS:

- A. Findings For Approval: The Land Use Authority may approve the application, provided the Land Use Authority finds that:
1. The proposed use is a permitted temporary use.
 2. The proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
 3. The proposed use shall occupy the site for a period not to exceed thirty (30) calendar days, except for Christmas tree lots, which shall not exceed forty (40) calendar days, and snow shacks/shave ice stands which may operate between May 1 and September 30. The transitory occupation of an existing or temporary dwelling during a remodel of an existing home or construction of a new home must be tied to a current building permit and shall not exceed eighteen (18) months.

4. The applicant will have sufficient liability insurance in the amount of at least \$200,000 for the requested use or event. The City of Bluffdale must be listed as an insured party on this policy. Applications for temporary dwellings are not required to provide this liability insurance.

5. The applicant shall provide for, at their expense, the restoration of the site to its original condition, including clean up and replacement of facilities as may be necessary.

B. Land Use Authority: The Land Use Authority may authorize staff to issue temporary use permits for permitted temporary uses on their behalf. Where the characteristics of the proposed use are not in compliance with the above standards, the Land Use Authority or their designee shall halt the processing of the application until the proposed use meets the requirements herein.

C. Conditions Attached: In granting approval, the Land Use Authority may attach additional conditions as they deem appropriate to ensure that the use will not pose any detriment to persons or property. The Land Use Authority may also require a bond to ensure that necessary clean up or restoration work will be performed.

11-18-5: ENFORCEMENT AND REMOVAL:

- A. Enforcement Authority: The city code enforcement officer and city building official shall have the authority to enforce the provisions herein.
- B. Penalty and Continuing Violation: Individuals found in violation of this ordinance may be penalized in accordance with Chapter 1-4. In all instances where the violation of this code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur beginning from ten (10) calendar days after a notice of violation is sent.
- C. City Removal:
 - a. Temporary dwellings shall have their bonds forfeited to the city and the city may remove or abate the temporary dwelling upon any finding of the following:
 - i. No construction activity has occurred on the property for a period of more than forty-five (45) calendar days;
 - ii. No construction inspections have been requested or conducted for a period of more than one hundred eighty (180) calendar days;
 - iii. The owner has not responded to a request for information or a written notification of the expiration of a permit from the city within forty-five (45) calendar days;
 - iv. The owner has not reapplied for a temporary use permit within forty-five (45) calendar days of the original temporary use permit's date of expiration; or
 - v. The building permit for the home being remodeled or the new home under construction has expired and the owner has not reapplied within forty-five (45) calendar days.
- D. Extension of Deadline:
 - a. The City Council may enter into a development agreement with a property owner to extend the deadline for when a permit for a temporary dwelling expires. The City may record this agreement against the property in question.

11-18-6: APPEALS:

- A. Any person adversely affected by a decision of the Land Use Authority may appeal such decision to the Appeals and Variance Hearing Officer in accordance with section 11-3-4(B) of this title within ten (10) calendar days from the date of such decision.