

**BLUFFDALE CITY
ORDINANCE 12**

**AN ORDINANCE OF THE CITY COUNCIL OF BLUFFDALE CITY, UTAH,
REPEALING TITLE 11, CHAPTER 27 (RESIDENTIAL FACILITIES FOR ELDERLY
OR DISABLED PERSONS) OF THE BLUFFDALE CITY CODE AND ENACTING
TITLE 14 (RESIDENTIAL FACILITY FOR THE HANDICAPPED)**

WHEREAS, the City recognizes, through its observation, study, and experience, as the United States Supreme Court recognized in *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9 (1974), that group living, including "[t]he regimes of boarding houses, fraternity houses, and the like present urban problems." Among other things, "[m]ore people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds." *Id.*

WHEREAS, the U.S. Supreme Court, in an attempt to help clarify the appropriate role of local government with respect to community planning noted: "The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled." *Berman v. Parker*, 348 U.S. 26, 33 (1954). The Supreme Court subsequently commented further in *Boraas* with respect to the right of a community in the preservation of residential areas: "A quiet place where yards are wide, people are few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs. The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people."

WHEREAS, the United States Supreme Court and federal appellate courts continue to recognize that "[l]and use planning and the adoption of land use restrictions constitute some of the most important functions performed by local government." *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 603 (4th Cir. 1997) (citing to *FERC v. Mississippi*, 456 U.S. 742, 768 n. 30 (1982) ("regulation of land use is perhaps the quintessential state activity")). These courts continue to recognize that local land use ordinances may legitimately be utilized "to preserve the character of neighborhoods, securing zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people." *Id.* (internal citations omitted).

WHEREAS, the City found the following based on the latest U.S. Census data for the City: the average household size is 4.01 persons per household; about 84.7% of individuals living in the City lived in the same house for one year or more; the owner-occupied housing unit rate is 79.2%; and the City has a very low population density of 743.4 population per square mile.

WHEREAS, among other things, Group Living Arrangements tend to introduce transiency, congestion, increased traffic, increased parking, and other urban problems and challenges into communities.

WHEREAS, regulation of Group Living Arrangements serves to preserve housing densities consistent with both reality (in terms of the average composition of single-family households in the City) and the goals and objectives of the General Plan. It also promotes permanence and stability in neighborhood composition.

WHEREAS, regulating Group Living Arrangements is an essential aspect of fostering the goals of the General Plan and the City's zoning scheme, which seeks uncrowded, stable (nontransitory) single-family neighborhoods.

WHEREAS, the City also recognizes the need, in certain demonstrable circumstances, for individuals with handicaps or disabilities to live in a Group Living Arrangements. For example, one of the most common types of group living arrangements for individuals with handicaps or disabilities is a residential treatment facility for recovering addicts. The City has consulted experts in the field, expert reports, and testimony submitted in other jurisdictions, and considered the scholarly literature on these type of facilities and recognizes the need to provide some type of accommodation to them.

WHEREAS, in order to fulfill the purposes of the General Plan while accommodating the demonstrable needs of individuals with handicaps or disabilities to live in Group Living Arrangements, which are generally prohibited for individuals without disabilities or handicaps, the City desires to clarify its ordinances and define its practices and policies with regard to these issues.

NOW THEREFORE, be it ordained by the Council of Bluffdale City, in the State of Utah, as follows:

SECTION 1: REPEAL "11.270 RESIDENTIAL FACILITIES FOR ELDERLY OR DISABLED PERSONS" of the Bluffdale Municipal Code is hereby *repealed* as follows:

REPEAL

11.27.010 Purpose

The purpose of this chapter is to comply with Utah Code §§ 10-9a-516 through -520 and to avoid discrimination in housing against persons with disabilities pursuant to the Utah fair housing act and the federal fair housing act. (Ord. 2008-13, 8-12-2008)

11.27.020 Scope

If any facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability, or other facility as set forth in this title, the requirements of this chapter shall govern the same notwithstanding any conflicting provision of this title or the city code. Except as provided herein, the requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, the city code, or other local, state or federal law. (Ord. 2008-13, 8-12-2008)

11.27.030 Definitions

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by guardian for periods of less than twenty four (24) hours per day.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated support personnel and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under the Utah department of health or the Utah department of human services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

- A. Specified services of intermediate nursing care;
- B. Administration of medication; and
- C. Support services promoting residence independence and self-sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in section 102 of the controlled substances act, 21 USC 802, or as defined under Utah Code 58-37.

ELDERLY PERSON: A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

FAMILY: See definition in BCC 11.02.020.

NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

PROTECTIVE HOUSING FACILITY: A facility either: a) operated, licensed or contracted by a governmental entity; or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children waiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4)

victims of domestic abuse.

REASONABLE ACCOMMODATION: A change in any rule, policy, practice or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Necessary: The applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.

Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing land use regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.

RELATED: By blood, marriage or adoption within the definition of "family". Related persons mean a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

RESIDENTIAL CARE FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement and which is:

- A. Licensed or certified by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities; or
- B. Licensed or certified by the department of human health under Utah Code Annotated title 26, chapter 21, healthcare facilities licensing and inspection act; and
- C. Intended to provide care or treatment to persons with disabilities.

RESIDENTIAL CARE FACILITY FOR PERSONS WITH DISABILITIES: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities; or
- B. Licensed or certified by the department of human health under Utah Code Annotated title 26, chapter 21, healthcare facilities licensing and inspection act; and
- C. Intended to provide care or treatment to persons with disabilities.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

- A. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;

- B. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Utah Code Annotated section 26-21-201 et seq., as amended; or a facility which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH DISABILITIES: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities; or
- B. Licensed or certified by the department of human health under Utah Code Annotated title 26, chapter 21, healthcare facilities licensing and inspection act; and
- C. Not intended to provide care or treatment to persons with disabilities. (Ord. 2008-13, 8-12-2008)

11.27.040 Permitted Uses

- A. Notwithstanding any contrary provision of this title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted use, subject to the provisions of this chapter.
- B. A use permitted by this chapter is nontransferable and shall terminate if:
 - 1. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
 - 2. Any license or certification issued by the state department of health or the state department of human services for such facility terminates or is revoked.
 - 3. The facility fails to comply with requirements set forth in this chapter. (Ord. 2008-13, 8-12-2008)

11.27.050 Development Standards

The development standards set forth in this section shall apply to any residential facility for elderly persons or residential facility for persons with a disability:

- A. Building, Safety And Health Regulations: All facilities shall comply with any building, safety and health regulations applicable to similar structures:
 - 1. Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.
 - 2. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.
- B. No Dangerous Persons Permitted: No facility may be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - 1. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
 - 2. Has or may engage in conduct resulting in substantial physical damage to the

property of others.

C. License And Certification:

1. Prior to occupancy of any facility or the issuance of a business license, building permit or conditional use permit, the person or entity operating the facility shall:
 - a. Provide to the city a copy of any license or certification required by the state department of health or the state department of human services.
 - b. Certify in a sworn statement that no person will reside or remain in the facility whose tendency would:
 - (1) Constitute a direct threat to the health or safety of other individuals.
 - (2) Result in substantial physical damage to the property of others.
2. If, after a reasonable investigation, the staff or the city council determines that a residential facility for persons with a disability might create a fundamental change in the character of a neighborhood, the item shall be scheduled for a public hearing before the city council. The city council, acting as the land use authority, may exclude the facility from a zone if it finds that the proposed residential facility for persons with a disability would likely create a fundamental change in the character of a residential neighborhood. The factors to be analyzed in determining whether a fundamental change in the character of a residential neighborhood might be caused include, but are not limited to, the following:
 - a. Impact on traffic congestion;
 - b. Availability of adequate parking;
 - c. The business nature of a proposed facility in an area zoned for exclusively residential uses, including whether the proposed facility will offer outpatient services;
 - d. Hours of operation;
 - e. Safety and security measures for the proposed facility; and
 - f. Other similar concerns. (Ord. 2008-13, 8-12-2008)

11.27.060 Residential Facilities For Elderly Persons And Residential Care Facilities For Elderly Persons

- A. Purpose: The purpose of this section is to comply with Utah Code §§ 10-9a-516 through -519.
- B. Requirements: Residential facilities for elderly persons and residential care facilities for elderly persons shall comply with all requirements of Utah Code §§ 10-9a-516 through -519, and also the following requirements:
 1. The facility shall meet all applicable building codes, safety codes, land use regulations, the Americans with disabilities act, and health ordinance applicable to single-family or similar dwellings, except as may be modified by the provisions of this chapter.
- C. Prohibited Residents: No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 1. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or

- 2. Has or may engage in conduct resulting in substantial physical damage to the property of others.
- D. Site Development Standards: Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located.
- E. Residential Character Maintained: The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.
- F. Nontransferable: The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, land use and building codes.
- G. Distance To Similar Facility: No residential facility for elderly persons or residential care facility for elderly persons shall be established or maintained within one-fourth (1/4) mile (1,320 feet) measured in a straight line between the closest property lines of the lots or parcels of another facility regulated by the state department of human services. (Ord. 2008-13, 8-12-2008)

11.27.070 Residential Facilities For Persons With A Disability And Residential Care Facilities For Persons With A Disability

- A. Purpose: The purpose of this section is to comply with Utah Code § 10-9a-520.
- B. Requirements: Residential facilities for persons with a disability and residential care facilities for persons with a disability shall comply with all requirements of Utah Code § 10-9a-520 and also the following requirements:
 - 1. The facility shall meet all applicable building codes, safety codes, land use regulations, the Americans with disabilities act, and health ordinance applicable to single-family or similar dwellings, except as may be modified by the provisions of this chapter.
- C. Prohibited Residents: No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - 1. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - 2. Has or may engage in conduct resulting in substantial physical damage to the property of others.
- D. Site Development Standards: Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located.
- E. Residential Character Maintained: The facility shall be capable of being used as a residential facility for persons with a disability or a residential care facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.
- F. Nontransferable: The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for persons with a disability or a residential care facility for persons with a disability or if the structure fails to comply with the applicable health, safety, land use and building codes.
- G. Distance To Similar Facilities: No residential facility for persons with a disability or

residential care facility for persons with a disability shall be established or maintained within one-fourth (1/4) mile (1,320 feet) measured in a straight line between the closest property lines of the lots or parcels of another facility regulated by the state department of human services.

- H. Substance Abuse Facilities: For residential facilities for persons with a disability or residential care facilities for persons with a disability that are substance abuse facilities and are located within five hundred feet (500') of a school, the facility shall provide, in accordance with rules established by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities:
1. A security plan satisfactory to local law enforcement authorities;
 2. Twenty four (24) hour supervision for residents; and
 3. Other twenty four (24) hour security measures.
- I. Maximum Occupancy: In zones that allow residential uses, no residential facility for persons with a disability or residential care facility for persons with a disability may exceed eight (8) residents. A maximum of eighteen (18) total persons is permitted (including staff and the family that owns the residence). (Ord. 2008-13, 8-12-2008)

11.27.080 Nonresidential Treatment Facilities

Nonresidential treatment facilities shall not be built within the city, except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in chapters 7 through 11 of this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:

- A. Code Compliance: The facility shall comply with all building, safety, land use and health regulations, the Americans with disabilities act, fire regulations, and all applicable state code standards and licensing requirements, and any standards set forth in any contract with a state agency.
- B. Site Development Standards; Parking: The following site development standards and parking standards shall be applicable:
1. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and
 2. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy and density in the same zone.
- C. Requirements Prior To Occupancy: Prior to occupancy of the facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:
1. Provide a certified copy of such license with the city recorder;
 2. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with disabilities act.
- D. Nontransferable: The use permitted by this section is nontransferable and shall terminate if:
1. A facility is devoted to or used as other than a nonresidential facility; or
 2. The license or certification issued by the department of human services, department of health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.

- E. Distance To Similar Facility: No nonresidential treatment facility shall be established or maintained within one-fourth (1/4) mile (1,320 feet) measured in a straight line between the closest property lines of the lots or parcels of another facility regulated by the state department of human services.
- F. Applicability Of Similar Requirements: To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing land use regulations, subject to the conflicts resolution provisions of this title. (Ord. 2008-13, 8-12-2008)

11.27.090 Reasonable Accommodation

None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability. Any person or entity wanting a reasonable accommodation shall make application therefor to the city and shall articulate in writing the nature of the requested accommodation and the basis for the request. The city council shall render a decision on each application for a reasonable accommodation within thirty (30) days. If a reasonable accommodation request is denied, the decision may be appealed to the board of adjustment in the manner provided for appeals of administrative decisions set forth in this title. (Ord. 2008-13, 8-12-2008)

~~11.270 RESIDENTIAL FACILITIES FOR ELDERLY OR DISABLED PERSONS (Repealed)~~

~~11.27.010 Purpose (Repealed)~~

~~11.27.020 Scope (Repealed)~~

~~11.27.030 Definitions (Repealed)~~

~~11.27.040 Permitted Uses (Repealed)~~

~~11.27.050 Development Standards (Repealed)~~

~~11.27.060 Residential Facilities For Elderly Persons And Residential Care Facilities For Elderly Persons (Repealed)~~

~~11.27.070 Residential Facilities For Persons With A Disability And Residential Care Facilities For Persons With A Disability (Repealed)~~

~~11.27.080 Nonresidential Treatment Facilities (Repealed)~~

~~11.27.090 Reasonable Accommodation (Repealed)~~

SECTION 2: AMENDMENT “11.20.020 General Definitions” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.20.020 General Definitions

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

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

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

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

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

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

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

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

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

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

ASSISTED LIVING FACILITY:

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

have a service plan based on the assessment, which may include:

1. Specified services of intermittent nursing care;
 2. Administration of medication; and
 3. Support services promoting resident's independence and self-sufficiency.
- B. An assisted living facility does not include a residential facility for persons with a disability or an adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

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

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

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

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

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

BUILD-TO LINE: The minimum distance a primary structure must be constructed from a property line measured to the foundation wall of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONAL USES: A use which has been specifically permitted by the terms of this title and which requires special consideration by the Planning Commission before a permit therefor may be

issued. Conditional use means a land use that, because of its unique characteristics or potential impact on the Municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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

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

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

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

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

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

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

DAYCARE CENTER: See definition of "preschool/daycare center".

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

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

structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.

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

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

DISABLED OR HANDICAP PERSON: A person with a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment; a person with a "Disability" under Utah Code 57-21; a person with a "Disability" under 42 USC § 12102(1); and a person with a "Handicap" under 42 USC § 3602(h). A disabled or handicap person does not include a person engaged in the current illegal use of, or addiction to, any federally-controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 USC § 802.

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

DORMITORY: A dwelling that primarily provides sleeping and residential quarters to unrelated people.

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

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

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

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

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

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

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

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

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

FAMILY:

- A. One person living alone;
- B. Two (2) or more persons related by blood, marriage, adoption, or factual and functional equivalent living together in a single dwelling unit and maintaining a common household;
or
- C. Not more than four (4) unrelated persons residing together as a single, nonprofit housekeeping unit.

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

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

FINAL PLAT; RECORD OF SURVEY MAP: A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable City standards and/or State Statutes for the purposes of recording in the Office of the County Recorder.

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

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

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

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

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

FOSTER CARE HOME: A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the State Division of Social Services or other placement agency licensed by the State to provide for children who are unrelated to the resident.

FRATERNITY OR SORORITY HOUSE: A dwelling in which the members of a fraternity or sorority reside.

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

FUNERAL HOME: An establishment engaged in preparation of funeral services. Uses may include the preparation of the deceased for burial, for the display of the deceased and/or for ceremonies or services related thereto. A funeral home may include facilities for embalming, but not for cremation. It may also include facilities for the storage of caskets, funeral supplies, and funeral vehicles. A funeral home may also be known as a funeral parlor or a mortuary.

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

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

GRADE OF BUILDING:

- A. For buildings fronting one street only, the elevation of the sidewalk or centerline of street, whichever is higher, at right angles to the midpoint of the fronting walls.
- B. For buildings fronting on more than one street, the average of the elevations of the sidewalk or centerline of surrounding streets, whichever is higher.

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

GROUP LIVING ARRANGEMENTS (GLAs): A group living or congregate living arrangement where groups of more than four (4) unrelated persons live together in a single dwelling or housekeeping unit, including, but not limited to, assisted living unit, boarding house, lodging house, nursing home, senior housing, assisted living facility, nursing care facility, residential facility for the handicapped, dormitory, student housing, fraternity, club, institutional group, halfway house, convent, monastery, or other similar group living or congregate living arrangement of unrelated persons. A group living arrangement does not include clinics, medical or dental; hospital(s) or hospital/clinic.

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

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

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

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

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

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

HOUSEHOLD PETS: Cats and dogs and other domestic animals ordinarily permitted in the house and kept for company or pleasure and not for profit. "Household pets" shall not include chickens, ducks, geese or other domestic farm variety animals, nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property.

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

- A. Is located on land zoned the same as the land on which the building described in the previously approved plans is located;
- B. Is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
- C. Has a floor plan identical to the building plan previously submitted to and reviewed and approved by the City; and
- D. Does not require any additional engineering or analysis.

IMPACT FEE: A payment of money imposed under Utah Code 11-36a, Impact Fees Act.

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

- A. Recording a subdivision plat; or
- B. Development of a commercial, industrial, mixed use, or multifamily project.

IMPROVEMENT WARRANTY: An applicant's unconditional warranty that the applicant's

installed and accepted landscaping or infrastructure improvement:

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

IMPROVEMENT WARRANTY PERIOD: A period:

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

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

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that an applicant must install:

- A. Pursuant to published installation and inspection specifications for public improvements; and
- B. As a condition of:
 - 1. Recording a subdivision plat; or
 - 2. Development of a commercial, industrial, mixed use, condominium, or multifamily project.

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

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

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

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

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

LAND USE AUTHORITY:

- A. A person, board, commission, agency, or body, including the local legislative body, designated by the City Council, to act upon a land use application; or
- B. If the City Council has not designated a person, board, commission, agency, or body, the City Council acts as the Land Use Authority by default.

LAND USE DECISION: An administrative decision of a Land Use Authority or Appeal Authority regarding: a land use permit; a land use application; or the enforcement of a land use regulation, land use permit, or development agreement.

LAND USE PERMIT: A permit issued by a Land Use Authority.

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

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

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

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

LEGISLATIVE BODY: The Bluffdale City Council.

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

LIQUOR STORE: A retail outlet for the sale of packaged liquor located on premises owned or

leased by the State of Utah.

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

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

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

- A. Public or private street rights-of-way or the right-of-way width of any shared driveway, except for an approved lot of record which meets City requirements for that determination.

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

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

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

LOT LINE ADJUSTMENT: The relocation of the property boundary line in a subdivision between two (2) adjoining lots with the consent of the owners of record.

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

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

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

LOT, ZONING: A parcel of land which:

- A. Complies with all existing area, frontage, width, setback and supplementary requirements of the zone in which it is located.
- B. Has frontage on a City street, which street: 1) has been accepted by the City Council and has been improved in accordance with City standards and is in use by the public; or 2) has frontage on a private right-of-way within an approved large-scale development.
- C. Is shown as a separate lot in an approved subdivision plat or large-scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.

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

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

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

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

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

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

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

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

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

MOBILE HOME: A dwelling unit which complies with the Mobile Home Building Code as adopted by the State of Utah, and which is designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is ready for occupancy as an independent dwelling unit, except for connection to utilities. The term "mobile home" shall also include any vehicle meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales or other such use, but shall not include a recreation vehicle or a mobile appearing house which complies with the City adopted Building, Mechanical, Electrical and Plumbing Codes.

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

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

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

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

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

NONCONFORMING USE: A use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

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

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

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

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the

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

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

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

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

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

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

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

PARKING SPACE: A space, not less than eighteen feet (18') in length and not less than eight and five-tenths feet (8.5') in width for the parking of a mobile vehicle, exclusive of driveways and ramps.

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

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

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

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

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

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

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

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

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

PORTABLE HOME: A mobile dwelling unit which is less than four hundred (400) square feet, but not less than two hundred (200) square feet, in floor area and is permanently attached to a towable trailer.

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

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

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

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

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

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

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

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

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

RECEPTION CENTER: A facility rented for private social gatherings.

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

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

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

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

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

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

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

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

RESIDENTIAL FACILITY FOR THE HANDICAPPED: Any facility that provides, or seeks to provide, housing or treatment to five (5) or more persons with a handicap.

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

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

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

RETIREMENT CENTER: See definition of "nursing home".

SALVAGE YARD: See definition of junkyard; salvage yard.

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

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

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

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business or service, whether placed on the ground, rocks, trees, stumps or other natural objects, or on a building, wall, roof frame, support,

fence or other manmade structure, which are visible from any public street, public highway or public road right-of-way. For the purpose of this title, the word sign does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of a nonprofit organization. Further, it shall not include any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

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

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

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

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

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

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

SIGN, CANOPY: See definition of sign, marquee.

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

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

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

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

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

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

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

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

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

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

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

SIGN, OFF PREMISES: See definition of sign, non-appurtenant.

SIGN, ON PREMISES: See definition of sign, appurtenant.

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

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

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

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

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.

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

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

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

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

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

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

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

STREET, PUBLIC: A roadway that has been designated as a Federal or State highway, or which has been designated as a City street.

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

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes: the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and except as provided in Utah Code § 10-9A-103(57)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial

purposes.

"Subdivision" does not include: a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if: no new lot is created; and the adjustment does not violate applicable land use ordinances; a recorded document, executed by the owner of record: revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances; mutual boundary if: no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance; a bona fide division or partition of land by deed or other instrument where the Land Use Authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or, a parcel boundary adjustment. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Utah Code § 10-9A-103(57) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the City's subdivision ordinance.

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

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

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

TEMPORARY DWELLING: A recreational vehicle or portable home that is mobile and non-permanent in nature which may be connected to utilities and temporarily occupied during the construction of a new detached single family home.

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

TENDER: An offer or proposal made for acceptance.

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

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

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

TRADE OR TECHNICAL SCHOOLS: An establishment, for profit or not, conducting a course of instruction, training, or retraining to prepare individuals to follow an occupation or trade offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

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

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

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

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

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

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

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

ZONING MAP, OFFICIAL: The map adopted by the City Council depicting the geographic scope of the City's land use designations. (Ord. 2018-24, 9-26-2018)

SECTION 3: AMENDMENT “11.350.020 Table Of Permitted, Conditional, And Accessory Uses For Nonresidential Zones” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.350.020 Table Of Permitted, Conditional, And Accessory Uses For Nonresidential Zones

Proposed Uses	P O- 1	G C- 1	H C	R C	N C	I- 1	I- 2	S G -1	D R	C I
Agriculture	N	N	N	N	N	P	P	P	N	N
Assisted living facility	N	N	N	N	C	N	N	N	N	N
Automobile and recreational vehicle sales	N	P	P	P	N	N	N	N	N	N
Automotive service	N	P	P	P	N	P	N	N	N	N
Bank or financial institution	N	P	P	P	P	N	N	N	P	N
Business services	P	P	P	P	P	N	N	N	N	N
Car wash	N	P	P	P	N	N	N	N	N	N
Caretaker dwellings in association with storage unit facilities	N	N	N	N	N	P	N	N	N	N
Cemetery grounds and facilities	N	N	N	N	N	N	N	N	N	P
Commercial vehicle and equipment rental or sale	N	P	N	N	N	N	N	N	N	N
Community buildings	N	N	N	N	N	N	N	N	N	P
Construction sales and service	N	N	P	N	N	P	N	N	N	N
Convenience store/gas station	N	P	P	P	P	N	N	N	P	N
Convention facility	N	N	N	P	N	N	N	N	N	N
Data center	N	N	P	P	N	P	P	N	N	N
Drive-through facilities	P	P	P	P	P	N	N	N	N	N
Group Living Arrangments (GLAs) ¹	N	N	N	N	N	N	N	N	N	N
Fish hatchery	N	N	C	N	N	N	N	N	N	N
Funeral home	N	P	P	P	P	N	N	N	N	N

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

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

1. GLAs which are not expressly permitted within a zone or by the zoning ordinance are expressly prohibited.

(Ord. 2018-24, 9-26-2018)

SECTION 4: AMENDMENT “11.350.030 Table Of Permitted, Conditional, And Accessory Uses For Residential Zones” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.350.030 Table Of Permitted, Conditional, And Accessory Uses For Residential Zones

Use	A-5	R-1-43	R-1-10	R-1-87	R-MF
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Accessory dwelling units in accordance with chapter 34 of this title	P	P	P	P	P
Agricultural support facilities	P	N	N	N	N
Agriculture and forestry	P	N	N	P	N
Buildings for the confinement or protection of animals	A	A	N	A	N
Canine hobby license	C	C	N	C	N
Caretaker's dwelling incidental to equine veterinary services only (no larger than 500 square feet)	N	A	N	N	N
Cemetery grounds and facilities	P	P	N	P	N
Childcare facilities (less than 6 children)	N	P	P	P	P
Detached accessory buildings	A	A	A	A	N
Equestrian facilities (4.0 acres minimum lot required)	C	C	N	C	N
Golf courses	C	C	N	C	N
Ground level retail and commercial businesses	N	N	N	N	C
Group Living Arrangements (GLAs) ²	N	N	N	N	N
Home occupations in accordance with chapter 23 of this title	A	A	A	A	A
Multi-family dwellings	N	N	N	N	P
Parks and recreation facilities	P	P	P	P	P
Public or private rights-of-way	N	P	P	P	P
Public or private utilities and maintenance facilities	P	P	P	P	P
Public uses	N	P	P	P	P
Religious building and structures	P	P	P	P	P
Residential facility for the handicapped	P	P	P	P	P
Retirement centers	N	N	N	N	P
Sale of "agricultural products" as defined in section 11-2-2 of this title	P	C	N	C	N
Single-family dwellings, detached	P	P	P	P	P
Small wind power facilities as provided in chapter 33 of this title	A	A	A	A	A
Stands under 200 square feet in size for selling goods or products produced on the premises as a permitted or conditional use in the zone	A	A	N	A	N

Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone	A	A	A	A	A
The keeping of 2 cows, 2 horses, 5 sheep, 5 goats, or 2 pigs/hogs per 1/2 acre. 25 chickens or 25 pheasants or similar fowl are equal to 1 large animal	P1	P	N	P	N
Water storage facilities (culinary or irrigation)	P	P	P	P	P

Note:

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

2. GLAs which are not expressly permitted within a zone or by the zoning ordinance are expressly prohibited.

(Ord. 2018-24, 9-26-2018; amd. Ord. 2019-05, 3-27-2019)

SECTION 5: **ADOPTION** “14 Residential Treatment For The Handicapped” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14 Residential Treatment For The Handicapped(*Added*)

SECTION 6: **ADOPTION** “14.10 General Provisions” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.10 General Provisions(*Added*)

SECTION 7: **ADOPTION** “14.10.010 Intent And Purpose” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.10.010 Intent And Purpose(*Added*)

- A. The intent of this Title is to provide flexibility in the application of City Code requirements for the handicapped when flexibility is necessary to eliminate barriers to equal housing opportunities. This Title will facilitate compliance with Federal and State fair housing laws and promote housing opportunities for residents of the City.
- B. The purpose of this Title is to establish a procedure whereby handicap persons seeking equal access to housing to make requests for reasonable accommodations in policies, regulations, and practices when these accommodations are necessary to afford the handicapped equal opportunity to use and enjoy a dwelling.

SECTION 8: **ADOPTION** “14.10.020 Findings” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.10.020 Findings(*Added*)

- A. The City finds that increasing the number of unrelated persons who may live together in a single dwelling from four unrelated persons to five unrelated handicapped persons in a residential dwelling is reasonable and necessary to help ameliorate the most common handicaps encountered by the City's residents.
- B. The City further finds that it is reasonable and necessary to provide a mechanism whereby the handicapped can request further accommodations through the processes outlined in this Title.

SECTION 9: **ADOPTION** “14.10.030 Scope” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.10.030 Scope(*Added*)

If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for the handicapped in this Title, this Title shall govern and shall supersede any other conflicting provision of City Code. Except as provided herein, if other provisions of City Code do not conflict, the regulations for similar structures and uses shall apply.

SECTION 10: **ADOPTION** “14.10.040 Definitions” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.10.040 Definitions(*Added*)

For the purpose of this Title, the below-defined terms shall apply. Any conflict between this Section and Federal or State definitions, Federal and State definitions shall control.

BUSINESS LICENSE OFFICIAL: Is defined in BCC 3.10.010.

FHAA: Means the Fair Housing Amendments Act of 1988, codified as 42 USC § 3601, *et seq.*

RESIDENTIAL FACILITY FOR THE HANDICAPPED OR FACILITY: Is defined in BCC 11.20.020.

SECTION 11: **ADOPTION** “14.20 Provisions Applicable To Residential Facilities For The Handicapped” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.20 Provisions Applicable To Residential Facilities For The Handicapped(*Added*)

SECTION 12: **ADOPTION** “14.20.010 General Regulations” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.20.010 General Regulations(*Added*)

Each facility shall comply with the following:

Conform to Applicable State and Local Requirements. Conformance with all State and local building, safety, health, and zoning requirements applicable to other similar situated structures in the zone in which it is located. Conform to Relevant State Standards and Have Appropriate Licensure. Conformance with all applicable Federal and State, laws, standards, and requirements, including State licensures to operate such a facility. Provide Adequate Parking. Provide the same number of off-street parking as required for similar structures and uses to serve the needs of residents, visitors, staff members, and others. Additional parking may be required based on the number of residents occupying the facility, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors, number of staff

members who will be serving the residents, the number of vendors that will serve the facility, and any other factors that may increase or impact parking demands for the facility.No Tenants Who Constitute Direct Threat to Health or Safety. The facility shall not be made available to or occupied by any person whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

SECTION 13: **ADOPTION** “14.20.020 Residential Zone Regulations” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.20.020 Residential Zone Regulations(*Added*)

- A. Permitted Uses. The table of permitted, conditional, or not permitted uses for residential zones is found in BCC 11.35.030. A facility shall be a permitted use in any zone where a Group Living Arrangement is allowed as a permitted or conditional use, subject to the same development standards as are applied to Group Living Arrangements in this Title and Title 11. In determining whether a Group Living Arrangement is allowed, only those uses currently and presently allowed by ordinance shall be considered; variances, prior accommodations, pre-existing nonconforming buildings, or pre-existing nonconforming uses shall not be considered.
- B. Maintain Residential Character of Facility. A facility located in a residential zone shall be capable of use as a facility without structural or landscaping alterations that would change the structure's residential character or appearance. Any new or remodeled structure constructed for use as a facility shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity and shall not create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
- C. Occupying Restrictions. The facility shall not house more than five (5) persons with a handicap.
- D. Voluntary Residency. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in either a correctional facility or a condition of probation or parole. A facility shall not include any persons referred by the Utah state department of corrections or any adult or juvenile court.
- E. Distance Restrictions. No Group Living Arrangement shall be located within one-half (1/2) mile of another Group Living Arrangement. Measurement shall be in a straight line between the closest property lines of the lots/parcels, whether located in the City, County, State, or a surrounding municipality.

SECTION 14: **ADOPTION** “14.30 Business License” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.30 Business License(*Added*)

SECTION 15: **ADOPTION** “14.30.010 Business License Required” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.30.010 Business License Required(*Added*)

An applicant shall comply with and apply for a business license in accordance with Title 3 before a facility can operate and house the handicapped.

SECTION 16: **ADOPTION** “14.30.020 Review Authority And Decision” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.30.020 Review Authority And Decision(*Added*)

- A. Incomplete Applications. If an applicant submits an incomplete application, the Business License Official shall not approve the application and shall send notice to the applicant that the application was incomplete.
- B. Complete Applications. Once an applicant submits a complete application and payment of its associated fee, the Business License Official shall provide written approval (or denial) of the business license within a reasonable amount of time but no longer than 30 days. Applications shall be approved if it meets the requirements of this Title and Title 3.

SECTION 17: **ADOPTION** “14.30.030 License Change, Transferability, And Revocation” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.30.030 License Change, Transferability, And Revocation(*Added*)

A business license or facility regulated under this Title:

- A. is not transferable; and
- B. maybusinessbelicense denied, suspended, or revoked in accordance with BCC 3.10.080.

SECTION 18: **ADOPTION** “14.40 Reasonable Accommodation” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.40 Reasonable Accommodation(*Added*)

SECTION 19: **ADOPTION** “14.40.010 Requesting A Reasonable Accommodation” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.40.010 Requesting A Reasonable Accommodation(*Added*)

An applicant may request a reasonable accommodation pursuant to Federal and State law and this Chapter. A requested accommodation may be made concurrently with a complete business license application (BCC 14.30).

SECTION 20: **ADOPTION** “14.40.020 Application Process And Hearing” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.40.020 Application Process And Hearing(*Added*)

- A. Application Process. A person requesting a reasonable accommodation shall submit the following to the City Recorder by certified mail:
 - 1. A complete application that includes:
 - a. Property Information. Address, parcel number, current zoning, and name of the property owner.
 - b. Application Information. Name, address, phone number, and email address,
 - c. Supporting Information.
 - (1) The specific regulation, policy, or procedure for which deviation or waiver is requested.
 - (2) A document that provides a detailed explanation of why the requested accommodation is warranted under Federal and State law, including a description how the person(s) is handicapped under the FHAA, and that the accommodation is reasonable and

necessary to afford the handicapped person(s) with an equal opportunity to use and enjoy the residential dwelling.

(3) The number of residents and employees will have vehicles at the property and a site plan showing where the vehicles will be parked at the property.

(4) Whether the owner of the facility has other treatment facilities for the handicapped and, if so, a description of any complaints from neighbors, incident reports from a local police department, investigations from Federal or State agencies, etc.

d. Payment of applicable fees.

e. The facility's business license application.

f. Any additional evidence, including witness statements, the applicant will rely on at the reasonable accommodation hearing.

B. Hearing.

1. Once an applicant submits a complete application and payment of its associated fee to the City Recorder by certified mail, the City Recorder shall submit the complete application to a Hearing Officer and the Hearing Officer shall schedule a hearing date.
2. At least five (5) days before the hearing, the City may, at its discretion, file a responsive brief regarding the City's position on whether the requested accommodation should be granted or denied, in whole or in part.
3. The hearing will not be open to the public but the applicant and the City may bring its attorneys or witnesses, if so desired. A witness may only speak at the hearing if a witness statement was submitted in the application (if by the applicant) or responsive brief (if by the City).
4. The Hearing Officer may ask additional questions related to the requested accommodation to the applicant, witnesses, or the City.

SECTION 21: ADOPTION "14.40.030 Review Authority" of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.40.030 Review Authority(*Added*)

- A. The City may contract with a Hearing Officer before or at the time a reasonable accommodation request is made.
- B. A Hearing Officer shall:
 1. have sufficient knowledge in housing discrimination laws;
 2. act in a quasi-judicial manner and make a decision on whether the applicant shall receive a reasonable accommodation;
 3. consider the reasonable accommodation application and the City's responsive briefing;

4. conduct and oversee an informal hearing on the application; and
5. issue a written decision, including detailed findings and conclusions, that affirms, affirms in part, denies, denies in part the request for accommodation.

SECTION 22: **ADOPTION** “14.40.040 Burden, Findings, And Decision” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.40.040 Burden, Findings, And Decision(*Added*)

- A. Burden. The applicant bears the burden of proving that its residents are handicap and that the reasonable accommodation is necessary and reasonable for the handicapped to enjoy an equal opportunity to use the dwelling.
- B. Findings. The Hearing Officer's written decision shall be based on, at minimum, consideration of the following:
 1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by one or more persons with a handicap.
 2. Whether the requested accommodation is necessary to afford such persons an equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups without a handicap.
 3. Whether the requested accommodation is reasonable.
 4. Whether the accommodation would impose an undue financial or administrative burden on the city.
 5. Whether the requested accommodation would require a fundamental alteration in the nature of a city program, including the City's land use and zoning program or building programs.
 6. Whether the requested accommodation would result in a fundamental alteration to the residential character of the neighborhood.
 7. Whether tenancy of the property proposed to be occupied by such persons would constitute a direct threat to the health or safety of other persons or result in substantial physical damage to the property of others.
- C. Decision. The written decision shall be made within 14 days of the hearing date. A decision of a Hearing Officer takes effect on the date when the Hearing Officers issues a written decision.

SECTION 23: **ADOPTION** “14.50 Appeals” of the Bluffdale Municipal Code is hereby *added* as follows:

A D O P T I O N

14.50 Appeals(*Added*)

SECTION 24: **ADOPTION** “14.50.010 Business License Appeal” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.50.010 Business License Appeal(*Added*)

A person may appeal a business license approval, approval with conditions, or denial in accordance with Title 3.

SECTION 25: **ADOPTION** “14.50.020 Reasonable Accommodation Appeal” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

14.50.020 Reasonable Accommodation Appeal(*Added*)

A person with standing who is aggrieved by the Hearing Officer’s decision in BCC 14.40.040 may file for relief in any court of competent jurisdiction within thirty (30) days of the Hearing Officer’s decision.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


SECTION 27: **EFFECTIVE DATE** This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE BLUFFDALE CITY COUNCIL AUGUST 26, 2020.


	AYE	NAY	ABSENT	ABSTAIN
Councilmember Aston	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Crockett	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Gaston	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Hales	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Kallas	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Derk P. Timothy, Mayor, Bluffdale
City



Wendy Deppe, City Recorder
Bluffdale City

