

**BLUFFDALE CITY
ORDINANCE 2021-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE,
UTAH, AMENDING VARIOUS WATER EFFICIENCY AND RESIDENTIAL
LANDSCAPING REQUIREMENTS**

WHEREAS, Utah Code § 10-9a-102 grants the Bluffdale City Council (the “City Council”) authority to enact or amend ordinances that it considers necessary or appropriate for the use and development of land in the City of Bluffdale (the “City”);

WHEREAS, the State of Utah is experiencing significant drought conditions;

WHEREAS, the City of Bluffdale finds it necessary to adopt water efficiency requirements and modify existing residential landscaping requirements in order to conserve the City's water supply and consolidate administrative provisions regarding required front yard residential landscaping;

WHEREAS, the Bluffdale Planning Commission has held a public hearing and forwarded its positive recommendation to the City Council; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendment and finds that the subject text amendment will enhance the public health, safety, and welfare.

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

SECTION 1: AMENDMENT “9.10.050 Certificate Of Occupancy” of the Bluffdale Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.10.050 Certificate Of Occupancy

- A. Certificate Of Occupancy Required: Except as otherwise specifically provided in the building codes, no building or structure shall be used or occupied, in whole or in part, for any purpose, nor shall a change in the existing occupancy classification of a building or structure, or portion thereof, be made until the building official has issued a certificate of occupancy.
- B. Improvements And Repairs Required: No certificate of occupancy shall be issued for any building or structure until all required improvements, such as asphalt, curbs, gutters, water meter boxes and sidewalks are completed and operable. If any required improvements are damaged during construction, no certificate of occupancy shall be issued until such improvements are repaired.

- C. Issuance Of Certificate: After the building official or building inspector performs the final inspection of a building or structure and finds no violations of the building codes or any other applicable laws, provisions of the Bluffdale City Code, and Adopted Standards, the building official shall issue a certificate of occupancy, containing the date of inspection, the date of issuance and the information required by the building codes.
- D. Notice Of Disapproval: After the building official or building inspector performs the final inspection of a building or structure and finds that such building or structure does not conform to the building codes or other pertinent law, the building official shall issue a written notice of disapproval to the applicant stating the reasons for such disapproval.
- E. Temporary Certificate:
1. Generally: The building official is empowered, at his or her discretion, to issue a temporary certificate of occupancy for any building or structure, or portion thereof, for which any on site or off site improvements, or portion thereof, needs to be completed, repaired and/or replaced.
 2. Limitations: No temporary certificates of occupancy shall be issued for any incomplete code requirements which would result in substantial hazard or be injurious to the health, safety or welfare of any person. No temporary certificate of occupancy shall be issued which would violate any ordinance of the city.
 3. Procedures: In order to obtain a temporary certificate of occupancy, the applicant must:
 - a. Execute a written agreement to fully complete, repair and/or replace said improvements within the time prescribed by the building official, not to exceed one hundred eighty (180) days from the date of issuance of the certificate;
 - b. Deposit with the city a cash bond in the amount equal to one hundred fifty percent (150%) of the cost of such improvements as determined by the building official to ensure the completion, repair and/or replacement of said improvements; and (Ord. 2002-03, 1-22-2002)
 - c. Pay an application fee in the amount specified in the fee schedule.
 4. Extension: An applicant holding an unexpired temporary certificate of occupancy may apply in writing for an extension of time within which work may be completed showing that circumstances beyond the control of the applicant have prevented action from being taken within the time required. Upon sufficient showing, and payment by the applicant of an extension fee as specified in the fee schedule, the building official may extend the time for completion. Such extension shall only be permitted once and shall not exceed a period of one hundred eighty (180) days. (Ord. 2002-03, 1-22-2002; amd. 2013 Code)
 5. Breach: In the event the applicant fails to timely and fully complete, repair and/or replace said improvements in a satisfactory manner, the city may thereafter use the funds comprising the cash bond to cause the improvement to be completed, repaired and/or replaced. Any funds not expended in connection with the completion of the repair and/or replacement of the

improvements shall be refunded to the applicant upon completion of the work, less fifteen percent (15%) of the total cost to complete, repair and/or replace the improvements to cover overhead and administrative costs of the city. If the funds received from the cash bond are not sufficient to pay the total cost of completion, repair and/or replacement of the improvements and the fifteen percent (15%) overhead fee, the applicant shall be obligated to pay the city, upon demand, all deficiency amounts.

6. Compliance: Upon timely and satisfactory completion, repair and/or replacement of said improvements, and compliance with all other building code provisions and applicable laws, the building official shall issue a certificate of occupancy and any unexpended portion of the cash bond retained by the city shall be refunded to the applicant.
- F. Posting Of Certificate: The building official shall post the certificate of occupancy, notice of disapproval or temporary certificate of occupancy in a conspicuous place on the premises.
- G. Revocation Of Certificate: The building official may, in writing, suspend or revoke any certificate of occupancy whenever the certificate is issued in error, or on the basis of incorrect information supplied, or where conditions or requirements contained within the certificate have not been met, or when it is determined that the building or structure, or portion thereof, is in violation of any provision of the building codes or any other applicable law. (Ord. 2002-03, 1-22-2002)
- H. Violation Of Certificate Requirement:
1. Use Or Occupation: Any and all persons, firms or corporations using or occupying any building or structure prior to obtaining a certificate of occupancy shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in BCC 10.40.010 of this code, and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.
 2. Permitting Use Or Occupation: Any and all persons, firms or corporations permitting any person to use or occupy a building or structure prior to the issuance of a certificate of occupancy shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code, and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.
 3. Furnishing Utility Services: Any and all persons, firms or corporations furnishing utility or garbage collection services (excluding construction related garbage service) to any building or structure prior to the issuance of a certificate of occupancy shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code, and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues. (Ord. 2002-03, 1-22-2002; amd. 2013 Code)
- I. Validity Of Certificate: The issuance of a certificate of occupancy shall not be construed to be an approval of a violation of any of the provisions of the building codes or other pertinent law. Certificates presuming to give such authority shall not be valid. (Ord. 2002-03, 1-22-2002)

SECTION 2: AMENDMENT “11.80.010.140 Other Requirements” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.80.010.140 Other Requirements

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

- A. Signs: Signs are permitted in accordance with chapter 22 of this title. (Ord. 10-24-00-1, 10-24-2000)
- ~~B. Landscaping: Each dwelling unit shall landscape the lot or parcel from the front of the unit to the public street prior to issuance of a certificate of occupancy, or post a bond in the amount of three thousand dollars (\$3,000.00) for parcels less than one and one-half (1 1/2) acres or larger. If a bond is posted, landscaping shall be completed by one year from the issuance of the certificate of occupancy. The landscaping bond shall run with the land and inure to the benefit of the owner who causes the landscaping to be installed. (Ord. 2010-15, 10-12-2010)~~
- C. Trash, Junk And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, by a sight obscuring fence. (Ord. 10-24-00-1, 10-24-2000)

SECTION 3: AMENDMENT “11.70.140 Other Requirements” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.70.140 Other Requirements

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

- A. Signs: The following signs, and no others, are allowed in the A-5 Agricultural Zone:
 - 1. Nameplates not exceeding two (2) square feet in area to identify the name and address of the occupant.
 - 2. One sign advertising the sale of agricultural projects produced on the parcel not to exceed four (4) square feet in area. (Ord. 10-24-00-1, 10-24-2000)
- ~~B. Landscaping: Each dwelling unit shall landscape the lot or parcel from the front of the unit to the public street prior to issuance of a certificate of occupancy, or post a bond in the amount of three thousand dollars (\$3,000.00) for parcels less than one and one-half~~

~~(1 1/2) acres or larger. If a bond is posted, landscaping shall be completed by one year from the issuance of the certificate of occupancy. The landscaping bond shall run with the land and inure to the benefit of the owner who causes the landscaping to be installed. (Ord. 2010-15, 10-12-2010)~~

- C. Trash, Junk And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, by a sight obscuring fence. (Ord. 10-24-00-1, 10-24-2000)

SECTION 4: AMENDMENT “11.80.020.140 Other Requirements” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.80.020.140 Other Requirements

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

- A. Signs: Signs are permitted in accordance with chapter 22 of this title. (Ord. 10-24-00-1, 10-24-2000)
- ~~B. Landscaping: Each dwelling unit shall landscape the lot or parcel from the front of the unit to the public street prior to issuance of a certificate of occupancy, or post a bond in the amount of three thousand dollars (\$3,000.00) for parcels less than one and one-half (1 1/2) acres or larger. If a bond is posted, landscaping shall be completed by one year from the issuance of the certificate of occupancy. The landscaping bond shall run with the land and inure to the benefit of the owner who causes the landscaping to be installed. (Ord. 2010-15, 10-12-2010)~~
- C. Trash, Junk And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, by a sight obscuring fence. (Ord. 10-24-00-1, 10-24-2000)

SECTION 5: AMENDMENT “11.80.050.140 Other Requirements” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

11.80.050.140 Other Requirements

The following requirements are in addition to the requirements found in this article, the general provisions or supplementary provisions of this title, or any other applicable resolution or

ordinance:

- A. Signs: The following signs, and no others, are allowed in the R-MF Zone:
1. Development entrance signs not exceeding thirty six (36) square feet in area to identify the project. The entrance signs are limited in height to eight feet (8') and must be approved at the time of development approval.
 2. As part of a conditional use permit, signs advertising on site ground level retail or commercial businesses, not to exceed thirty six (36) square feet in area and eight feet (8') in height. Each project is limited to one such sign per project and the sign must be approved at the time of development approval.
- B. Landscaping: All open areas not covered by residential buildings or structures, parking or permitted accessory structures shall be attractively landscaped and maintained. Each multi-family project shall submit a complete landscaping and irrigation system plan. The initial landscaping plan shall include at least one tree for every two (2) dwelling units, half of which shall be coniferous evergreen trees. The coniferous trees shall be at least eight feet (8') in height and the deciduous trees shall be at least two inches (2") in caliper. Additionally, there shall be no less than one shrub of five (5) gallon size for each two (2) dwelling units. All other landscaped grounds must contain ~~grass or other~~ ground cover approved on the landscaping plan which meets the City's Adopted Standards. The landscaping plan is an essential part of the project and the project shall not be approved prior to approval of the landscaping plan.
- C. Project Amenities:
1. Each development approved in the R-MF Zone shall include appropriate amenities for the residents of the project. Because each project will be different in nature, the amenities are likely to be different. As a general rule, there shall be picnic areas with tables and barbecue areas, active recreation areas with sport courts, shuffleboard, swimming pools, tennis courts, playgrounds, clubhouses, etc., and passive recreation (lawn) areas. The amount of amenities required shall be in proportion to the proposed number of units in the development.
 2. Projects with less than ten (10) units shall furnish picnic areas with tables and barbecue areas. Projects with ten (10) to twenty (20) units shall furnish picnic areas with tables and barbecue areas, a sport court with at least five hundred (500) square feet or shuffleboard for retirement facilities, and a playground complete with equipment. Projects with twenty (20) to fifty (50) units shall furnish picnic areas with tables and barbecue areas, a sport court with at least five hundred (500) square feet or shuffleboard for retirement facilities, two (2) playgrounds complete with equipment, and a clubhouse used for gatherings of residents not less than seven hundred fifty (750) square feet in size, complete with restrooms. Developments with more than fifty (50) units shall furnish picnic areas with tables and barbecue areas, a sport court with at least five hundred (500) square feet or shuffleboard deck for retirement facilities, three (3) playgrounds complete with equipment, a clubhouse used for gatherings of residents not less than seven hundred fifty (750) square feet in size, complete with restrooms, and either a regulation size lighted tennis court or a subsurface swimming pool no less than twenty feet by forty feet (20'x40') in size.

- D. Trash, Junk And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and deemed appropriate by the city, by a sight obscuring fence. (Ord. 10-24-00-1, 10-24-2000)
- E. Fencing Standards: Multi-family projects shall be fenced on at least three (3) sides by a six foot (6') sight obscuring fence, or other fencing, as determined necessary by the planning commission and city council, necessary to make the proposed project compatible with the surrounding area. (Ord. 2001-14, 12-11-2001)

SECTION 6: AMENDMENT “11.80.040.140 Other Requirements” of the Bluffdale Municipal Code is hereby *amended* as follows:

A M E N D M E N T

11.80.040.140 Other Requirements

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

- A. Signs: Signs are permitted in accordance with chapter 22 of this title. (Ord. 2010-12, 9-28-2010)
- ~~B. Landscaping: Each dwelling unit shall landscape the lot or parcel from the front of the unit to the public street prior to issuance of a certificate of occupancy, or post a bond in the amount of three thousand dollars (\$3,000.00) for parcels less than one and one-half (1 1/2) acres or larger. If a bond is posted, landscaping shall be completed by one year from the issuance of the certificate of occupancy. The landscaping bond shall run with the land and inure to the benefit of the owner who causes the landscaping to be installed. (Ord. 2010-15, 10-12-2010)~~
- C. Trash, Junk And Other Debris: No trash, used materials, unsightly storage of any kind, or nonlicensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, by a sight obscuring fence. (Ord. 2010-12, 9-28-2010)

SECTION 7: AMENDMENT “11.20.020 General Definitions” of the Bluffdale Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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.

BEE COLONY: A group of bees made up of a queen, drones, and workers.

BRICK: A solid masonry unit of clay or shale, formed into a rectangular prism while plastic and burned or fired in a kiln.

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 four inches (4") 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 and 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, ground cover, etc., shall not meet the requirements of this title. All landscaping shall adhere to the City's Adopted Standards.

LARGE ANIMALS: Cows, horses, sheep, goats, pigs or hogs, and other similar animals for agricultural or domesticated purposes.

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.

PYGMY GOATS: Pygmy goats include dwarf and pygmy breed goats as well as miniature goats (a standard goat bred to a dwarf or pygmy goat).

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.

SIGNS: See Chapter 11.220 for additional definitions pertaining to signs and sign permit administration.

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, 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.

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 8: **ADOPTION** “11.160.290 Landscaping” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

11.160.290 Landscaping(*Added*)

- A. Each single family dwelling unit shall landscape the lot or parcel from the front of the unit to the street prior to the issuance of a certificate of occupancy, or post a bond in the amount required by the City's Consolidated Fee Schedule. When a bond is posted, landscaping shall be completed within one year from the date of the certificate of occupancy. The landscaping bond shall run with the land.
- B. All landscaping shall adhere to the City's Adopted Standards.

SECTION 9: **AMENDMENT** “8.10.180 Waste Of Water” of the Bluffdale Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.180 Waste Of Water

- A. Prohibited Acts: It shall be unlawful for any water user to:
 - 1. Waste water.

2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
3. Wastefully run water from hydrants, faucets or stops, or through basins, water closets, urinals, sinks or other apparatus.
4. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

B. All water use shall be subject to applicable water efficiency standards found in the City's Adopted Standards.

- C. Refer To Governing Body: Users of water from the city water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or any of the officers of the city, a user of city water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the water superintendent or any officer may refer the matter to the governing body.
- D. Termination Of Service; Meeting: The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting of and the charges which lead to the consideration of

the termination.

- E. Appearance By Water User: A water user whose right to utilize city water is being reviewed shall have opportunity to appear with or without counsel and present the reasons why his water service should not be discontinued.
- F. Determination: After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, the governing body shall notify him of the decision and of the period during which the service will remain discontinued. (Ord. 5-27-80-1, 5-27-1980, eff. 5-28-1980)

SECTION 10: ADOPTION “8.10.015 Definitions” of the Bluffdale Municipal Code is hereby *added* as follows:

ADOPTION

8.10.015 Definitions(*Added*)

A. The following definitions shall apply to this ordinance:

- 1. Active Recreation Area: An area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.**
- 2. Bubblers: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.**


3. Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.
4. Planting Plan: A Planting Plan shall clearly and accurately identify the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
5. Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.
6. Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.
7. Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.
8. Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.
9. Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.
10. Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.
11. Spray Sprinkler: An irrigation head that sprays water through a nozzle.
12. Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.
13. Turf: A surface layer of earth containing mowed grass with its roots.
14. Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.


PASSED AND ADOPTED BY THE BLUFFDALE CITY COUNCIL JULY 14, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Aston	_____	_____	X _____	_____
Councilmember Crockett	X _____	_____	_____	_____
Councilmember Gaston	X _____	_____	_____	_____
Councilmember Hales	X _____	_____	_____	_____
Councilmember Kallas	X _____	_____	_____	_____

Attest

Presiding Officer


Derk P. Timothy, Mayor, Bluffdale
City


Wendy Deppe, City Recorder
Bluffdale City

