

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, AMENDING BLUFFDALE CITY CODE SECTIONS 11.90 and 11.350 AMENDING ALLOWED USES AND DEVELOPMENT STANDARDS FOR THE DESTINATION RETAIL ZONE

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”); and

WHEREAS the text amendment modifies provisions of the Destination Retail Zone chapter of the Bluffdale City Code 11.90 and the Table of allowed uses for non-residential zones in 11.350 to facilitate economic development near the Bangerter and Redwood commercial node; and

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

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

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

Section 1. Text Amendments. The City Council hereby amends BCC 11.90 and 11.350 as indicated in Exhibit ‘A’:

See Exhibit ‘A’

SECTION 1. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 23rd DAY OF AUGUST, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Gaston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Hales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Kallas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor: *Natalie C. Hall*
 Natalie C. Hall

Attest: *Jamie J. Smith*
 City Recorder

Approved as to form:
Anna K. [Signature]
 City Attorney



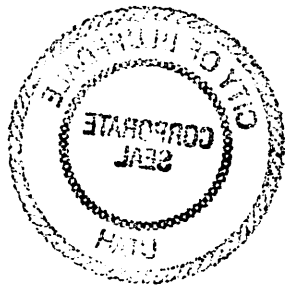


Exhibit A
Text Changes

The following text changes are proposed for the proposed rule. The changes are indicated by a double underline. The text to be deleted is indicated by a single underline. The text to be added is indicated by a double underline. The text to be replaced is indicated by a double underline and a double underline.

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Exhibit A - Destination Retail Zoning Text Amendments

11.90.060 DR DESTINATION RETAIL ZONE

11.90.060.010 Purpose And Zone Characteristics

11.90.060.020 Permitted, Conditional, And Accessory Uses

11.90.060.030 Lot Area

11.90.060.040 Lot Width

11.90.060.050 Lot Frontage

11.90.060.060 Setback Requirements

11.90.060.070 Building Height Requirements

11.90.060.080 Distance Between Buildings

11.90.060.090 Lot Coverage

11.90.060.100 Parking, Loading And Access

11.90.060.110 Other Requirements

11.90.060.010 Purpose And Zone Characteristics

This district is composed of certain land with excellent transportation access and locations identified with a primarily retail focus. Allowed uses are limited to general retail, restaurant, lodging, office, service uses, and indoor recreation and entertainment. The intent is to create and support commercial retail activity in specific areas without more intensive heavy commercial, manufacturing, contracting, warehousing, distribution, open outside storage, and similar uses allowed. High quality commercial design standards are required to increase overall attractiveness and property values. (Ord. 2018-24, 9-26-2018)

11.90.060.020 Permitted, Conditional, And Accessory Uses

1. Permitted And Conditional Uses: Permitted and conditional uses allowed within the DR Zone are set forth in section 11-35-2 of this title.
2. Accessory Uses: Accessory uses allowed within the DR Zone are set forth in section 11-35-2 of this title. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses shall not be allowed on a lot or parcel without the establishment of an approved permitted or conditional use. (Ord. 2018-24, 9-26-2018)

11.90.060.030 Lot Area

There is no minimum lot area required in the DR Zone. (Ord. 2018-24, 9-26-2018)

11.90.060.040 Lot Width

There is no minimum lot width required in the DR Zone. (Ord. 2018-24, 9-26-2018)

11.90.060.050 Lot Frontage

All parcels in the DR Zone shall abut a public street or approved private street or right-of-way or have acceptable access to a public street through cross access or private right-of-way provided through an adjacent lot or parcel. (Ord. 2018-24, 9-26-2018)

11.90.060.060 Setback Requirements

Setbacks shall be determined during site plan review, based on required site design requirements and adopted Building Codes. The width and location of public utility easements may be modified as approved by the City Engineer. (Ord. 2018-24, 9-26-2018)

11.90.060.070 Building Height Requirements

A primary building or structure may not exceed forty five feet (45') in height, nor be lower than ten feet (10') in height. A hotel may not exceed one hundred ten feet (110') in height. All buildings and structures must adhere to adopted Building and Fire Codes. (Ord. 2018-24, 9-26-2018)

11.90.060.080 Distance Between Buildings

The distance between any building or structure and any other building or structure shall satisfy the Building and Fire Codes in place at the time of site plan approval. (Ord. 2018-24, 9-26-2018)

11.90.060.090 Lot Coverage

The sum total of all buildings, structures and parking on any parcel or project in the DR Zone shall not exceed eighty five percent (85%) of the total area of the parcel or project. (Ord. 2018-24, 9-26-2018)

11.90.060.100 Parking, Loading And Access

1. Requirements: Each project in the DR Zone shall satisfy the off street parking requirements found in chapter 12 of this title. The spaces shall be hard surfaced with asphalt or concrete and be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.
2. Loading And Unloading Area: Loading and unloading areas shall be located in an area that can be secured from public access and screened from view. Further, loading and unloading shall not occur on a public street. (Ord. 2018-24, 9-26-2018)

11.90.160.110 Allowed Uses

The following exhibit created two distinct areas within the DR zone (A and B) with specific land uses allowed in each area. Exhibit 1 depicts areas A and B:

Exhibit 1. DR Zone Land Use Areas

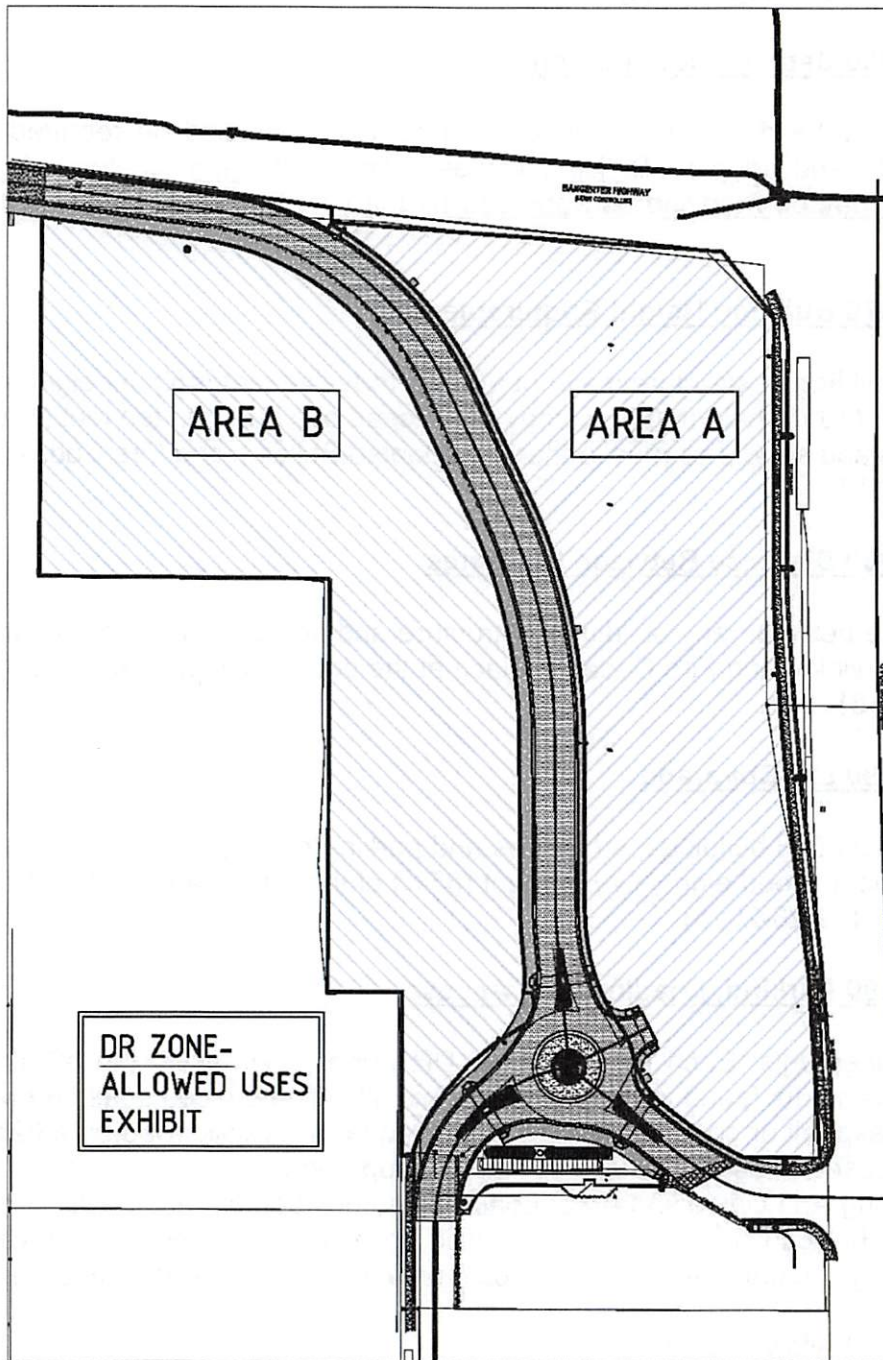


Table 1 shows the permitted uses in each land use area. Uses not listed below are not permitted within the DR zone. "N" = not permitted; "P" = permitted use

Table 1

<u>Land Use</u>	<u>Area A</u>	<u>Area B</u>
<u>Bank or financial institution</u>	<u>N</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>	<u>P</u>
<u>Medical Service Urgent Care Clinic</u>	<u>N</u>	<u>P</u>
<u>Preschool/Daycare Center</u>	<u>N</u>	<u>P</u>
<u>Office, General</u>	<u>N</u>	<u>P</u>
<u>Personal Instruction Service</u>	<u>N</u>	<u>P</u>
<u>Personal Service Establishment</u>	<u>N</u>	<u>P</u>
<u>Recreation and Entertainment, Indoor</u>	<u>N</u>	<u>P</u>
<u>Restaurant</u>	<u>P</u>	<u>P</u>
<u>Retail, General</u>	<u>N</u>	<u>P</u>

11.90.060.110 Other Requirements

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

1. Signs: Signs are allowed in the DR Zone in accordance with chapter 22 of this title.
2. Landscaping: Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. A minimum of fifteen percent (15%) of the total area of the lot or parcel shall be landscaped. Individual lots or parcels located in a development consisting of a landscaped common area may contain less than fifteen percent (15%) landscaping so long as fifteen percent (15%) of the total developed project area is landscaped. All landscaping shall comply with the landscaping requirements in section 11-15-5 of this title.
3. Trash, Junk, Storage 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.
4. Design Guidelines: All development shall comply with the City's Design Standards found in sectionChapter 11.150-15-6 of this title as well as the standards found in this Chapter. (Ord. 2018-24, 9-26-2018)
5. .
 1. In addition to City design requirements for windows, transparency and glazing found in Chapter 11.150 of the BCC, primary building elevations along Redwood Road and 1780 West shall have a minimum of forty percent (40%) transparency or window glazing within the first nine (9) feet of the structure; above that, the remaining facade area shall have a minimum of 15% windows or glazing. Other facades in the DR zone shall have a

minimum fifteen percent (15%) window requirement, which can include the use of clerestory windows where high ceilings exist. Mirrored glass shall not be allowed on the ground floor. Spandrel glass or faux windows may be utilized to meet this requirement where not feasible due to building structural design limitations to be transparent. Where spandrel glass or faux windows are not feasible due to architectural or structural limitations, an applicant may apply for a deviation from strict compliance pursuant to BCC 11.150.060(E).

1. Glass garage doors, including opaque glass, may be used to calculate and qualify for this requirement.
2. Where a facade is not visible from any public street or highway, based on a site specific visual analysis of before and post construction conditions, submitted by the applicant and reviewed by Staff, no minimum window percentage is required. However, provision of natural light into the building is strongly encouraged.
2. The term brick, when used in this Title and Chapter, is as defined as brick in 11.20 of the BCC, which is a kiln-fired product. Brick shall not be painted.
3. Brick shall be utilized as a primary visible exterior material in building construction within the DR zone. Brick or thin brick veneers applied may qualify, and shall be constructed with a minimum of fifty percent (50%) brick on each street facing façade in these areas. Windows shall be excluded from the calculation of exterior building material requirements. Manufactured (not kiln-fired), Nichiha patterned brick composite material, or imprinted dry-vit, eifs, or similar stucco type, patterned or stenciled as brick do not meet the definition of brick.
4. Other facades within the DR zone not specifically identified in this section, brick materials shall make up a minimum of 25% of each facade. Brick shall be utilized as wainscot, window lintels and sills, quoins, columns, decorative features, and/or emphasizing building entrances.
 1. When utilized as an exterior material, concrete masonry units (CMU) must be colored and feature decorative or architectural finishes such as honed, scored, offset, split faced, or exposed aggregate. Gray CMU block is not an acceptable finished material and shall not be permitted on any finished building elevation with the exception of minimal foundation exposure. CMU shall not be painted.
 2. When CMU is utilized as the primary exterior material, brick may be reduced to a secondary material required to be placed on 10% of the exterior surfaces of the facades.
 3. Pre-engineered metal buildings shall meet all general design requirements found in section 11.150 of this Title along with all requirements of this section in the DR zone.
 4. Where a facade is not visible from any public street or highway, based on a site specific visual analysis of before and post construction conditions, submitted by the applicant and reviewed by Staff, no minimum brick percentage is required on that facade.

5. Additional secondary building materials may include: brick, stone, fiber/cement composite siding, architectural metal panels with reveals, CMU, exposed and patterned concrete, wood or similar material in composition and of a complementary hue and shade to the brick. A maximum of two (2) accent colors may be allowed for secondary materials. Stucco/EIFS/Dry-Vit type systems may be used to accent building design and for wall signage areas in a percentage not to exceed 10% of any one building façade.
6. Primary color tones shall be complimentary in hue and shade to the brick or CMU included in the primary or secondary façade material and shall generally be subtle, subdued, low reflectance, neutral, or earth tones. White is not allowed as a primary building color.
7. Brick, rock, CMU, and stone elements of a building shall not be painted to create compliance with the color palette of the site.
8. Four-sided architectural design is required. The design of a building shall be considered on all sides of the building with each facade being required to meet the terms of this section and Title.
9. Overhead and garage doors, truck bays, loading areas, and truck bays shall not face Redwood Road, 1780 West, or Bangerter Highway and shall have architectural treatment or painting which includes colors complimentary to the building design (not white) and which include glass and windows. Overhead and garage doors and truck bays shall be substantially screened from view from public streets and adjacent residential areas through the use of architectural concrete block walls, concrete panel walls, sight obscuring landscaped berms, and enhanced landscaping materials and plant types, such as clustered plantings, additional evergreen trees, and installation of materials of larger stature.
10. Architectural variations and relief in building walls and rooflines is required every 50 feet. Variations should imply an undulation in wall surface or additional architectural elements that break up the large surface into smaller sections.
11. Buildings shall have a pronounced relationship to the public street and any public spaces.
12. Building entrances shall orient toward the streets and shall be accessed from a public sidewalk. Where a public sidewalk is not adjacent, the site plan shall clearly delineate a safe pedestrian walkway from the closest public sidewalk to the building entrance. The entrance shall be designed to be clearly visible, and functional.
13. Building Placement: Building placement is integral to the site design and the overall effect any development has on surrounding properties. Building placement shall be carefully considered as part of the overall development review.
 1. All buildings shall be located with the main facade facing the principal street to which it has access.

2. Buildings located on corner lots shall orient main facades to each street and give architectural treatment to each consistent with this Chapter.
3. Buildings located on corner lots should include a prominent architectural feature of greater height or emphasis at the corner where the two (2) public streets meet.
4. Buildings should be located as close to the front property line as possible considering site, use, parking, landscaping requirements, and other constraints or requirements.
5. Main entrances shall be oriented toward the street rather than parking where feasible.
14. The following are encouraged brick features for all commercial buildings identified in this section:
 1. Decorative brick quoins
 2. Brick columns
 3. Brick accent walls or wainscot
15. Design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, walkways, and lighting.
16. Street trees with an emphasis on deciduous shade providing species, rather than ornamental, shall be placed in all parkstrips by developer in spacing recommended for the individual species. Where parkstrips do not exist, shade tree species shall be placed as close to the sidewalk as practicable to provide a street tree appearance.
17. Lighting should be designed to minimize the number of poles used within the parking area with preferred methods being building mounted lights or bollard type lighting. Pedestrian pathways shall be illuminated using bollard lighting, when lit separately from other approved site or building lighting.
18. Outdoor amenities are required for every development on a site with a combined building floor area totaling thirty thousand (30,000) square feet or greater. Outdoor amenities, which can be designed within required landscaping plans are designed for employees and customers. Amenities shall at least create outside seating areas, and may include plazas or other focal points that are inviting to site patrons. These amenities shall be located near focal points and areas where employees may congregate within the development where they will be convenient and comfortable for users.
6. Large Buildings: Any building larger than forty thousand (40,000) square feet in the DR Zone shall be designed to have main entrances on at least two (2) prominently visible sides of the building, preferably front and back.

11.350.020 Table of Permitted, Conditional, and Accessory Uses

Delete entire column of DR Zone allowed use as shown below: