BALLARD CITY
ORDINANCE 202605-002

AN ORDINANCE AMENDING TITLE 15, LAND USE ORDINANCE OF THE BALLARD CITY MUNICIPAL CODE; PROVIDING FOR REAPEALER SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, 67§ 10-20-501 of Utah State Code (as amended) allows the legislative body of the City to weigh policy considerations, enact land use regulations, and requires the legislative body to create or amend zoning districts including designating the general uses allowed in each zoning district; and

WHEREAS, §10-20-503 of Utah State Code (as amended) allows the legislative body of the City to amend the number, shape, boundaries, area, or general uses of any zoning district; any regulation of or within the zoning district; or any other provision of a land use regulation; and

WHEREAS, Ballard City desires to update its policies pertaining to land use and zoning found in Title 15, Land Use Ordinance of the Ballard City Municipal Code to ensure consistency and compliance with the Municipal Land Use, Development, and Management Act of Utah State Code (as amended); and

WHEREAS, Pursuant to the process described in §10-20-502 of Utah State Code (as amended), the Planning Commission provided notice and held a duly noticed public hearing as required by §10-20-205 Utah State Code (as amended) to consider objections and recommended approval of the proposed amendments of Title 15, Land Use Ordinance to the City Council for adoption; and

WHEREAS, after holding a duly noticed public meeting, and upon making its necessary reviews, the City Council found it to be in the best interest of the City to update the relevant policy statements found within Title 15, Land Use Ordinance of Ballard City Municipal Code.

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

SECTION 1: **<u>AMENDMENT</u>** "15.01.010 Title And Authority" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.01.010 Title And Authority

A. This ordinance shall be known and referred to as the "Land Use Ordinance of Ballard

City, Utah" or the "Land Use Ordinance" or "Zoning Ordinance" and can be cited and pleaded with this name.

B. The City Council of Ballard City, Utah, adopts this ordinance pursuant to the Municipal Land Use Development and Management Act, §10-9a, of Utah State Code Annotated and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

AFTER AMENDMENT

15.01.010 Title And Authority

A. This ordinance shall be known and referred to as the "Land Use Ordinance of Ballard City, Utah" or the "Land Use Ordinance" or "Zoning Ordinance" and can be cited and pleaded with this name.
B. The City Council of Ballard City, Utah, adopts this ordinance pursuant to the Municipal Land Use Development and Management Act, §10-~~9a~~20, of Utah State Code ~~Annotated~~(as amended) and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

SECTION 2: **AMENDMENT** "15.01.020 Purpose" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.01.020 Purpose

This title and the regulations and restrictions in this ordinance are adopted and enacted for the purpose of promoting the health, safety, welfare of the City's residents. Also for promoting the prosperity, improving the morals, peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses. As well as encouraging and facilitating the orderly use, growth and development of the land within the City; to protect the tax base and secure economy in municipal expenditures; to provide adequate provisions for open spaces, light, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, trees and landscaping; and to promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

AFTER AMENDMENT

15.01.020 Intent And Purpose

This T~~t~~itle and the regulations and restrictions in this ordinance are adopted and enacted for the purpose of promoting the health, safety, welfare of the City's residents. Also for promoting the prosperity, improving the morals, peace and good order, comfort, convenience and aesthetics

of the City and its present and future inhabitants and businesses. As well as encouraging and facilitating the orderly use, growth and development of the land within the City; to protect the tax base and secure economy in municipal expenditures; to provide adequate provisions for open spaces, light, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, trees and landscaping; and to promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

SECTION 3: **AMENDMENT** "15.01.070 Guidelines And Checklists" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.01.070 Guidelines And Checklists

A. The City is hereby authorized and empowered to promulgate by way of resolution certain guidelines and/or checklists relative to this title.
B. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule.
C. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor.
D. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval.

AFTER AMENDMENT

15.01.070 Guidelines And Checklists

A. The City is hereby authorized and empowered to promulgate by way of resolution certain guidelines and/or checklists relative to this T~~t~~itle.
B. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule.
C. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this T~~t~~itle. In the event any conflict arises between such guidelines and this T~~t~~itle or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor.
D. Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval.

SECTION 4: **AMENDMENT** "15.01.090 Violation A Misdemeanor" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.01.090 Violation A Misdemeanor

Where punishment for specific provisions is not specified in this ordinance, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or permitting the violation of any of the provisions of the ordinance shall be guilty of a Class C misdemeanor. Where punishment for the violated provision is specified, the violator shall be subject only to the fine or criminal charge set forth (and shall not necessarily be found guilty of a Class C misdemeanor). Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of State law. Such person, form, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

AFTER AMENDMENT

15.01.090 Penalties For Violation; Violation A Misdemeanor

A. A violation of any of the provisions of the ordinance, or any of the City's other land use ordinances is punishable as a Class C misdemeanor upon conviction either as a Class C misdemeanor or by imposing the appropriate civil penalty adopted the authority of §10-20 of Utah State Code (as amended).

B.Where punishment for specific provisions is not specified in this ordinance, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or permitting the violation of any of the provisions of the ordinance shall be guilty of a Class C misdemeanor.

C.Where punishment for the violated provision is specified, the violator shall be subject only to the fine or criminal charge set forth (and shall not necessarily be found guilty of a Class C misdemeanor). Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of State law.

D.Such person, fi~~o~~rm, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

SECTION 5: **AMENDMENT** "15.01.100 Validity" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.01.100 Validity

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part specifically so declared to be invalid.

AFTER AMENDMENT

15.01.100 ~~Validity~~Severability

A. If any~~Should any~~ section, clause, or provision of this ~~ordinance~~title is~~be~~ declared unconstitutional by a court of competent jurisdiction,~~to be invalid, the same~~ such determination shall not impair~~affect~~ the validity of ~~this ordinance as a whole or any part hereof other than the part specifically so declared to be invalid~~the remainder of this title which shall remain in full force and effect.

SECTION 6: **AMENDMENT** "15.02.020 Definitions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.02.020 Definitions

Unless the context requires otherwise, the following definitions will be used in the interpretation of this Ordinance.

Accessory Dwelling Unit: A habitable living unit added to, created within, or detached from a primary single family dwelling and constrained on one (1) lot.

Adjacent: Meeting or touching at some point, or across a street, alley or other public or private right-of-way.

Affected Entity: A county, municipality, independent special district under Title 17 A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
B. The entity has filed with the county a copy of the entity's general or long-range plan; or
C. The entity's boundaries or facilities are within one mile of land that is the subject of a general plan amendment or land use ordinance change.

Agricultural: To provide areas for small farms and agricultural development

Agricultural Business: A commercial activity providing retail or wholesale sales of supplies, services and equipment generally used or required for horticultural or livestock production. Includes indoor/outdoor-riding arenas for horses.

Alley: A public thoroughfare less than twenty-six (26) feet wide.

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.

Applicant: The owner of land or the owner's authorized representative.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building.

As-built Profile: A map or drawing which depicts a vertical section of a road, street, curb, conduit or other physical feature as it has been actually constructed.

Average Daily Traffic (ADT): The average of one-way vehicular trips that use a road or driveway during a 24-hour period.

Basement: A story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement will be counted as a story for purpose of height measurement.

Bed and Breakfast Inn: A building of residential design in which not fewer than three (3) but not more than nine (9) rooms are rented out by the day, offering overnight lodging to tourists, and where one (1) or more meals may be provided to overnight guests.

Billboard: A freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located.

Blanketing: The term blanketing or blanket when applied to signs or sign structure will mean the partial or complete shutting off of the face of one sign by another sign.

Boarding House: A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

Buildable Area: The portion of a lot, which is within the envelope formed by the required yards.

Building: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals or property of any kind.

Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of a main or principal building.

Building, Agricultural: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock and other horticultural products. This structure will not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; neither will it be a place used by the public.

Business Services: Any activities conducted for gain which render service primarily to other commercial and industrial enterprises, or which service and repair appliances and machines used in a home or business.

Building, Detached: A building surrounded by open space on the same lot.

Building, Facade: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building, Facade Facing: A rebuilding of an existing facade with approved material illuminated or non-illuminated.

Building Height: The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or the average height of the highest gable, hip or gambrel roof.

Building Inspector or Building Official: The official or other person charged with the administration and enforcement of this ordinance or their duly authorized deputy when it comes to the building code and structures. These services are provided by Uintah County Sheriff's Office as outlined in an interlocal agreement.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.

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 political subdivisions.

Bulk: The total volume of the structure, found by multiplying the square footage by the height.

Campground: A privately owned area of land with accommodations for temporary or transient occupancy are located or may be placed, including tents and recreational vehicles

with customary accessory uses.

Carport: A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport will be subject to all regulations prescribed for a private garage.

Car Wash: A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

Cellar: A story having more than one-half its height below the average level of the adjoining ground. A cellar will not be counted as a story for the purpose of height measurement.

Certificate of Occupancy: A certificate issued by the City after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable Ballard City codes, permits, and requirements and approved plans.

Charter School: An operating charter school; a charter school applicant that a charter school authorizer approves in accordance with §5G-5-3, Charter School Authorization, of Utah State Code (as amended); or an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. Charter school does not include a therapeutic school.

Church: A facility principally used for people to gather together for public worship, religious training, or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.

Cluster Subdivision: A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of the zoning district in which the subdivision is located and where equivalent common open space areas are provided to compensate for lot reductions. Given that the smallest lot size in any cluster development will be 8,000 square feet. Additionally street widths will not be compromised and will be held to city standards.

Commercial Plant Nursery: A use, wholly or partially contained within one or more greenhouses, where trees, shrubs, flower, or vegetable plants are grown and sold either wholesale or retail.

Community Location: A public or private kindergarten, elementary, middle, junior high, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; a public arcade; or a homeless shelter.

Common Open Space: The land area in a Planned Unit Development (PUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the PUD.

Common Open Space Easement: A required right-of-way granted to the City by the owner(s) of a PD, on and over land in a PD designated as common open space, which easement guarantees to the City that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open space purposes in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PD or as such plans are amended from time to time.

Concentrated Animal Feeding Operation: A lot or facility, as defined by the Administrative Rules of the State of Utah, R317-8-3.5 (5)(a) and (b) as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES).

Conditional Use: A land use that, because of its unique characteristics or potential impact on the City, 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 Projects: A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common areas and facilities of the property, is transferred, a plan or project where four (4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements or the Condominium Ownership Act of the State of Utah.

Constitutional Taking: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States; or Utah Constitution, Article I, Section 22.

Construction Standard Specifications and Plans: The Manual of Standard Specifications and Plans as adopted by the Utah Chapter of the American Public Works Association (APWA), latest addition.

Construction Plan: The maps or drawings accompanying an application which show the specific location and design specifications of improvements to be installed in accordance with the requirements of approval by the Planning Commission and the City Council.

Contractor's Shop/Office: A separate facility providing for general building repair, service, and maintenance such as, and including installation of plumbing, roofing, signs, electrical, air conditioning and heating including storage of materials and supplies.

Contiguous: The touching or overlap of two (2) or more use district boundaries or property lines.

Convenience Store: Any retail establishment selling consumer products including prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum

products.

Corral: A space other than a building less than 10,000 square feet in area and less than 100 feet in width used for the confinement of animals.

County: The unincorporated areas of Uintah County, Utah.

Court: A space open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) sides by walls of a building. Coverage, Lot: The percent of the lot area covered by the main and accessory buildings.

Critical Slope, 30% Slope: An area where the rise or fall is equal to or exceeds thirty (30%) percent (1:3) over a horizontal distance of 100 feet or greater.

Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Disabled Person: A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments that is likely to continue indefinitely and that results in a substantial functional limitation in one (1) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC. 802.

Dry Cleaner: An establishment, which has, as its sole purpose, the cleaning off fabrics with substantially no aqueous organic solvents. Laundry establishments with self-service, coin operated cleaning machines will not be classified as a dry cleaner.

Duplex: See Dwelling, Two-Family,

Dwelling: - Any building, or portion thereof, having one (1) or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one (1) or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, - and having one (1) dwelling unit.

Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families and having only two (2) dwelling units,

Dwelling, Multiple-Family: A-A dwelling having three (3) or more dwelling units.

Dwelling Unit: One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary, and kitchen facilities, all for exclusive use by a single family maintaining a household.

Easement: A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Educational Facility: A school district's building at which pupils assemble to receive instruction in a program from any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; a structure or facility located on the same property as a building described above and used in support of the use of that building; and a building to provide office and related space to a school district's administrative personnel. An educational facility does not include land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is not located on the same property as a building described above or used in support of the purposes of a building described above. An educational facility does not include a therapeutic school.

Educational Institution: A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

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

Facility: A structure or place, which is built, installed, or established to serve a particular purpose.

Factory Built Housing: A manufactured home or mobile home.

Family: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as defined in this document.

Family Food: The keeping of domestic animals and fowl for the production of food for a single family dwelling.

Farm: An area of not less than five (5) contiguous acres or larger which is used for commercial production of farm crops such as vegetables, fruit trees, hay, grain and other products and their storage, the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep, swine and fur bearing animals for commercial purposes and dairy farms. The term "farm" includes the operation of such an area for one (I) or more of the above uses with the necessary accessory uses for treating or storing the produce, and including accessory

farm employees housing which must be located on the farm and will not be divided or sold separately from the farm parcel. Farm does not include Concentrated Animal Feeding Operations.

Fence: A barrier intended to limit visibility, provide privacy, define a property line, and/or to prevent ingress or egress, made out of materials such as concrete or masonry block, wood, metal, stone, chain-link or vegetation such as shrubs or hedges. For the purpose of this section, a block wall is included in the term "fence". A retaining wall is not considered a fence.

Frontage: All the property fronting on one side of the street between intersection or intersecting streets or between a street and a right-of-way, waterway, end of dead-end street or political subdivision boundary, measured along the street line. An intercepting street will determine only the boundary of the frontage of the side of the street, which it intercepts.

General Industrial Activity: A manufacturing operation or processing and assembly of goods including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gasses, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. One (I) caretaker home allowed by conditional use permit.

Garage, Private: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage will be considered part of a dwelling if the garage and the dwelling have a roof or wall in common.

General Commercial: To provide appropriate locations for commercial, wholesale, and service activities . The regulations are intended to establish recognized location requirements and other needs of commercial, wholesale, and services uses. Oil field services, other than hazard materials storage, may be permitted in this area.

General Plan: A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

Geologic Hazard: A geologic condition, which may pose a significant threat to persons or property.

Grade: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading: Any excavating, filling or combination . Grading is regulated by the appendix chapter titled "Excavation And Grading" of the most current edition of the City of Ballard's

adopted Building Codes.

Guest: Means any person or persons staying, for a short period of time, within a dwelling unit.

Guest Home: A separate dwelling structure located on a lot with one (1) or more main dwelling structures and used for a housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main building.

Home Occupation: A home occupation will mean an accessory use consisting of a vocational activity conducted inside a dwelling unit and conducted only by the individuals who reside in the home.

Hotel: A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms and dwelling units, and which furnishes services customarily provided by hotels which may include reception and convention facilities.

Household Pets: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel.

HUD Code: The National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

Improvements: Street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities or other such installations designated by the Planning Commission or City Council.

Incombustible Material: Any material which will not ignite at or below a temperature of 1200 degrees during an exposure of five (5) minutes, and will not continue to bum or glow at that temperature. Tests will be made as specified in the Uniform Building Code.

Indoor Recreation: An entirely enclosed building or facility, which offers commercial indoor sports activities including but not limited to tennis, bowling, skating, but not including video game arcades. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Industrial: To provide appropriate locations for manufacturing, industrial, warehousing, oil field services, and other uses requiring outside storage. Outside storage may be allowed while not creating objectionable effects or impacts, or where any possible objectionable effects or impacts can be mitigated so as to protect the health, safety and welfare of the City's residents, and the rights of surrounding property owners.

Intensity: The concentration of activity, such as the combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

Junk: Means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old or scrap ferrous or nonferrous material. Utah Code 72-7-202 (2)

Junk Yard: The use of any parcel, portion of a parcel, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts ; provided that this definition will be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district

Kennel: The land or buildings used in the keeping of four (4) or more dogs or cats over four (4) months old.

Landscaping: Some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, landscaping may include rocks, gravel, and screens, walls, fences, or benches. The selected combination of objects for landscaping purposes will be arranged in a harmonious manner in conformance with this Title. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be maintained in a neat, clean and orderly fashion. Maintenance includes proper pruning, mowing lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings. If gravel is used an industrial grade weed fabric barrier must be placed under the gravel to control weed growth.

Land Use Application: An application required by a municipality's land use ordinance.

Land Use Authority: A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land Use Ordinance: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Large Trucks: These regulations will apply to all trucks licensed or actually used for gross lien weight in excess of 26,000 pounds or exceeding a total length of 40 feet or larger under standard practices of the State of Utah, and for all explosive, corrosive, hazardous materials, and flammable liquid and gas carriers and any vehicles required to display placards.

Light Industrial: Places for the conduct of any light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gasses, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Living Quarters: A structure, room, or space designed for human habitation that has at a minimum of a bedroom, bathroom, and kitchen.

Loading and Unloading Space: A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty feet (20) in length, and fourteen (14) feet in height.

Lot: A parcel of land occupied or to be occupied by a building or group of buildings, together with yards, open spaces, lot width and lot areas as are required by this Ordinance, having frontage upon a street or upon a right-of-way not less than sixteen (16) feet wide. Except for group dwellings and guesthouses and dwellings associated with agricultural uses and lands, not more than one (1) dwelling structure will occupy any one (1) lot.

Lot, Area: The area of a horizontal plane within the lot lines of a lot.

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 (135) degrees.

Lot, Interior: A lot other than a corner lot.

Lot, Coverage: The percentage of the area of a lot, which is occupied by all buildings, other impervious surfaces or other, covered structures.

Lot, Depth: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line having a length of not less than ten (10) feet.

Lot, Line: Any line bounding a lot.

Lot Line Adjustment: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Lot Line, Front: The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two lot lines separating the lot from the street, except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line, but not both.

Lot Line, Rear: The boundary of a lot which is most distant from, and is, or is most nearly, parallel with the front lot line; except that in the absence of a rear lot line, as is the case of the triangular-shaped lot, the rear lot line may be considered as a line within the lot parallel with and at a maximum distance from the front lot line having a length of not less than ten (10) feet.

Lot Line, Side: The boundary of a lot, which is not, a front lot line or a rear lot line.

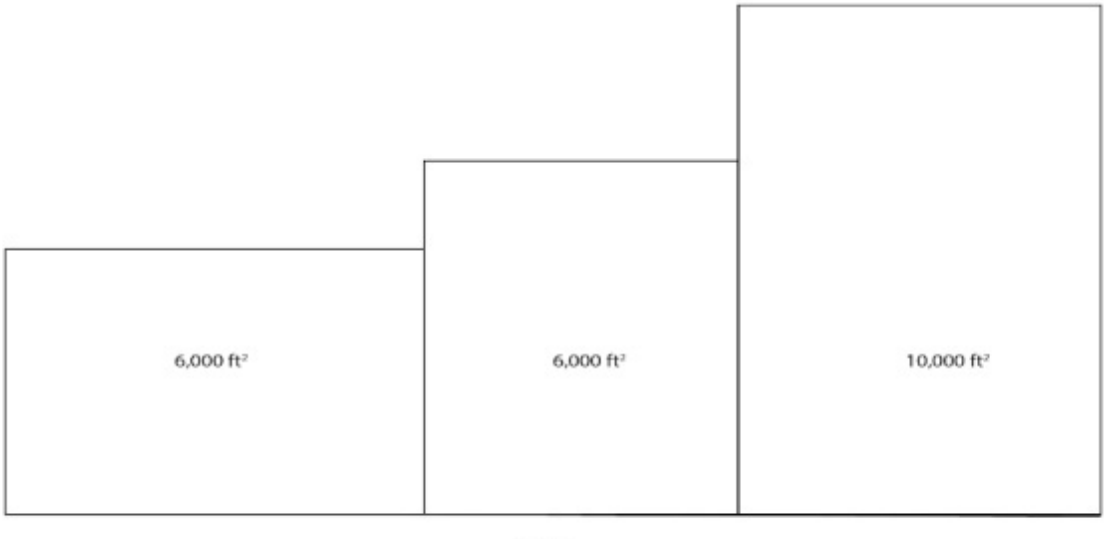
Lot of Record: A lot which is part of a legally created subdivision, the plat of which has been recorded in the office of the County Recorder of Uintah County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Uintah

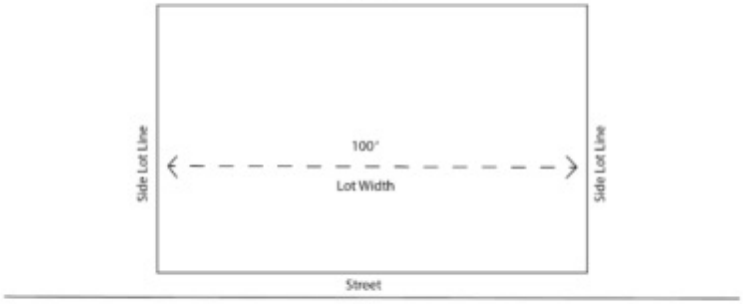
County prior to the enactment of this Ordinance.

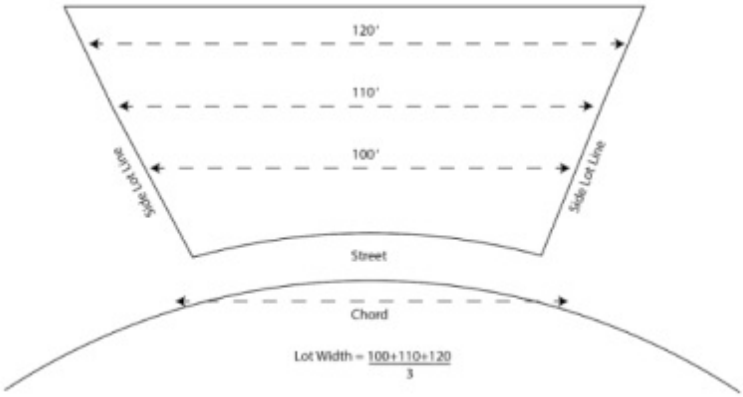
Lot, Through: A lot having a pair of opposite lines abutting two (2) streets and which is not a corner lot. On such lots, both lot lines are front lot lines.

Lot, Width: The lot width is measured by finding the distance between the two side lot lines. The measured line will be parallel to the street which the lot fronts. For lots that are on a curved street the width is determined by calculating the average width of the lot measured parallel to the chord of the arc over the depth of the lot, or the first one hundred fifty feet (150') , whichever is less.

Minimum Lot Size: Lots can be various shapes and sizes and can have the same minimum lot size. As long as the minimum width, yard, and lot size requirements have been met a legal lot can be any shape or size.







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 body feet or more in width or forty body feet or more in length, or when erected on site is four hundred 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.

Membership Club: A facility owned or operated by a group of people organized for a common educational, service or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

Mobile Home: A transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

Mobile Home Park: Any plot of ground upon which three or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

Mobile Home Space: A plot of ground within a mobile home park or travel trailer park designed for the accommodation of one mobile home or travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, patios, patio covers, awnings and similar appurtenances.

Mobile/Movable Structure: A mobile/movable structure refers to any structure designed and constructed to be mobile/movable rather than permanently located. Key characteristics of mobile/movable structures include the ability to be transported on wheels directly or via a trailer chassis from on location to another and not being affixed to a permanent foundation. Mobile/movable structures may include, but are not limited to: mobile homes, travel trailers, recreational vehicles (RVs), and other prefabricated or modular structures designed for temporary or semi-permanent residential, commercial, or recreational use.

Moderate Income Housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size within the County.

Modular Unit: A structure built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and the purpose of which is for human habitation, occupancy, or use.

Motel: A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Multiple-Family Residential: To provide appropriate locations for- a variety of multiple-family dwellings and necessary public services and activities.

Name Plates and Signs: "Name plates and signs" will include:

A. One nameplate for each dwelling unit, not exceeding two (2) square feet in area,

indicating the name of the occupant or a permitted home occupation.

B. One signboard not exceeding eight (8) square feet in area appertaining to the lease or sale of the property or the sale of products produced on the property or warning against trespassing.
C. One bulletin board not exceeding eight (8) square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted there.
D. One identification sign not exceeding eight (8) square feet in area for buildings other than dwellings.
E. All such bulletin boards and identification signs will be attached to and parallel with the front wall of the building. If any name plate, bulletin board or sign is illuminated, indirect lighting only will be used; no flashing or intermittent illumination will be employed.

Natural Waterways: Those areas varying in width along streams, creeks, gullies, springs, faults or washes which are natural drainage channels.

Neighborhood Commercial: This commercial zoning district is intended to provide an area where intense commercial activities particularly retail stores, offices, and professional businesses may be located.

Non-Complying 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.

Non-Conforming Use: A use of land that legally existed before its current land use designation and 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.

Nuisance: Any use or activity which emits noise, smoke, dust, odor or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right. Off-street Parking: An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

Oil Field Services: Means storage or warehousing chemicals, work-over rigs, fluids, bits, hot oil trucks, casing, drill pipe, service fleet business etc.

Outdoor Recreation: An area or facility, which offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes but is not limited to a golf driving range, rifle range, riding arena and corrals, outfitters and guide services, tennis facility or similar activities.

Park Model Recreational Vehicle: A unit that:

A. Is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
B. Is not permanently affixed to real property for use as a permanent dwelling;
C. Requires a special highway movement permit for transit; and
D. Is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet in the setup mode.

A park model recreational vehicle shall not be permitted as an accessory dwelling unit, and may only be allowed in a recreational vehicle park.

Parking Lot: An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than eight feet six (8'6") inches in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permitted Use: A use of land for which no Conditional Use permit is required.

Personal Service Facility: An establishment for the provision of personal services, including drive-through service. A retail facility including but not limited to barber or beauty shop, dry cleaners, optometrist shop, tanning salon, fitness center, reception center, photographic studio or travel bureau.

Personal Storage Facility (mini storage): A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Planned Development: To provide a flexible approach to zoning with the opportunity to shift density to developable portions of a property or to mix residential and commercial uses.

Planning Commission: The Ballard City Planning and Zoning Commission.

Portable storage container: Any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.

Principal Use: The primary purpose or function for which a parcel is used.

Produced Water Disposal Facility: A commercial disposal facility consisting of a lined pit or treatment facility whose owner(s) receives compensation from others for the temporary storage, and disposal of produced water, drilling fluids, drill cuttings, completion fluids, and any other exempt exploration and production wastes.

Professional Office: A building for the professions including but not limited to government,

physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.

Public Educational Facility: Buildings and uses for educational or research activities which are operated by a public entity and have curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education, including facilities for faculty, staff and students.

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 under Title 52, Chapter 4, Open and Public Meetings.

Public Improvement: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off-street parking area or other facility or amenity.

Public Use: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities, including water and sewer lines and facilities, gas and electricity lines and facilities, cable television lines and facilities and telecommunications facilities, but excluding prisons and animal control facilities.

Reception Hall/Reception Center: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings and group gatherings.

Recreational Vehicle: A vehicular unit other than a mobile home, primarily designed as temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle. Recreational vehicles include a travel trailer, a camping trailer, a motor home, a fifth wheel trailer and a van as those terms are defined in §13-14-102 of Utah State Code (as amended).

Recycling Collection Center: A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow. The operator of the collection center will remove products stored at the site at least once a week. The operator of the collection center will keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two (2) per site.

Residential Agricultural: To provide appropriate locations for hobby farms, home gardens and fruit trees, keeping of household pets, raising of domestic animals and fowl to animals primarily for home use. The regulations also permit the establishment of, with proper controls,

the public and semi-public uses

Residential Facility For Persons With A Disability: Means a residence in which more than one person with a disability resides; and is licensed or certified by the Department of Human Services under §26B-2-1, Human Services Programs and Facilities or §26B-2-2, Health Care Facility Licensing and Inspections, of Utah State Code (as amended)
Residential Facility for Elderly Persons: Means a single-family, multiple-family dwelling unit that meets the requirements of Part 4, General Plan, but does not include a health care facility as defined by Utah Code Section 26-21-2.

Residential Treatment and/or Secure Center: A 24-hour group living environment for two or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

Restaurant: A place of business where a variety of food and drink is prepared and served to the public for consumption on and off the premises.

Retail Store: An establishment for the retail sale of merchandise. A retail store includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting or toy stores.

Retail Tobacco Specialty Business: A commercial establishment in which:

A. Sales of tobacco products, electronic cigarette products, and nicotine products account for more than thirty-five percent (35%) of the total quarterly gross receipts for the establishment;
B. Twenty percent (20%) or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
C. Twenty percent (20%) or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
D. The commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business;
E. Any flavored electronic cigarette product is sold; or
F. The retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.

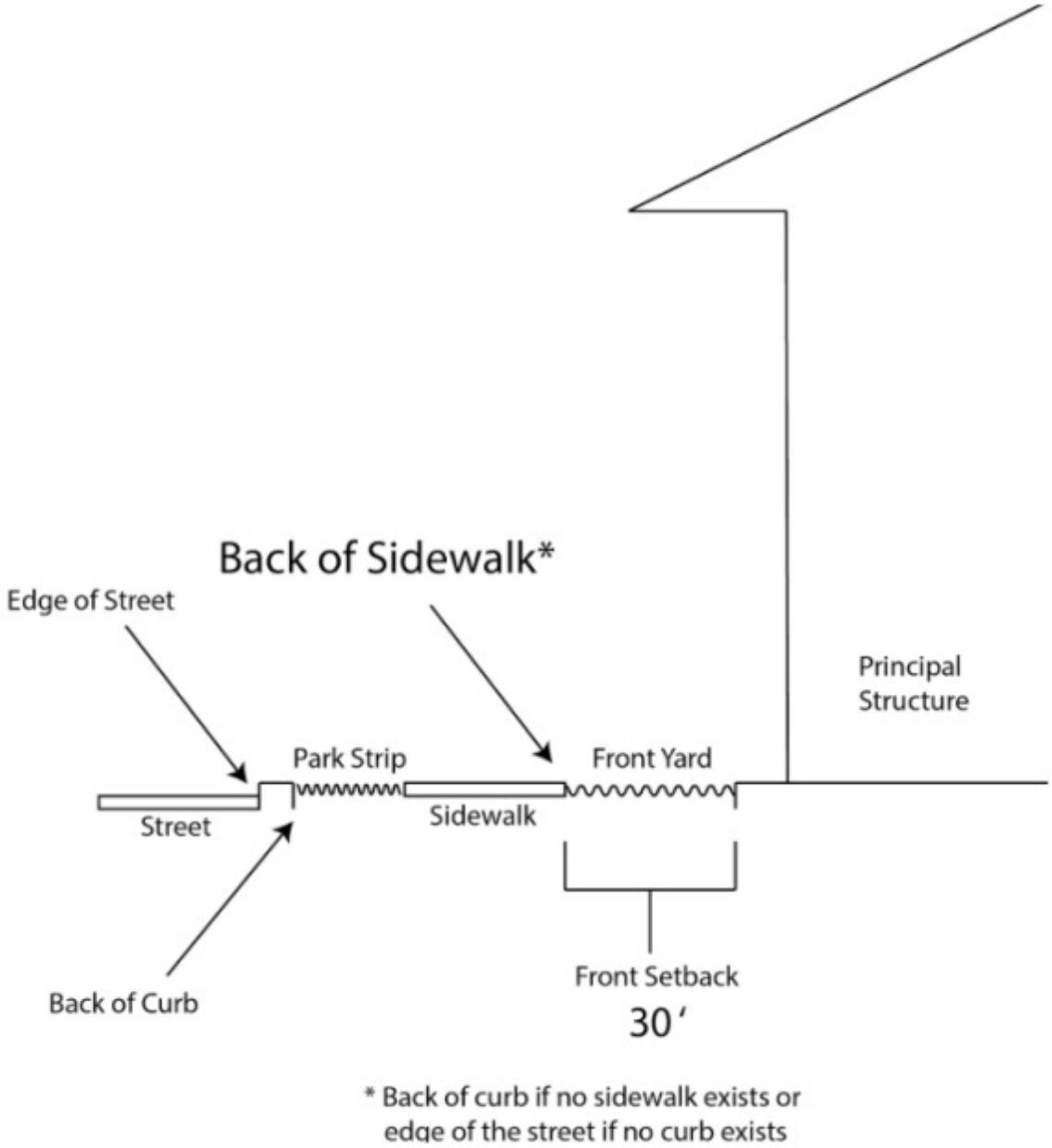
Retaining Wall: Will include any structure designed to resist the lateral displacement of soil or other materials, not including rockery walls. An example includes block walls, concrete walls, or a segmented wall designed and approved as a retaining wall.

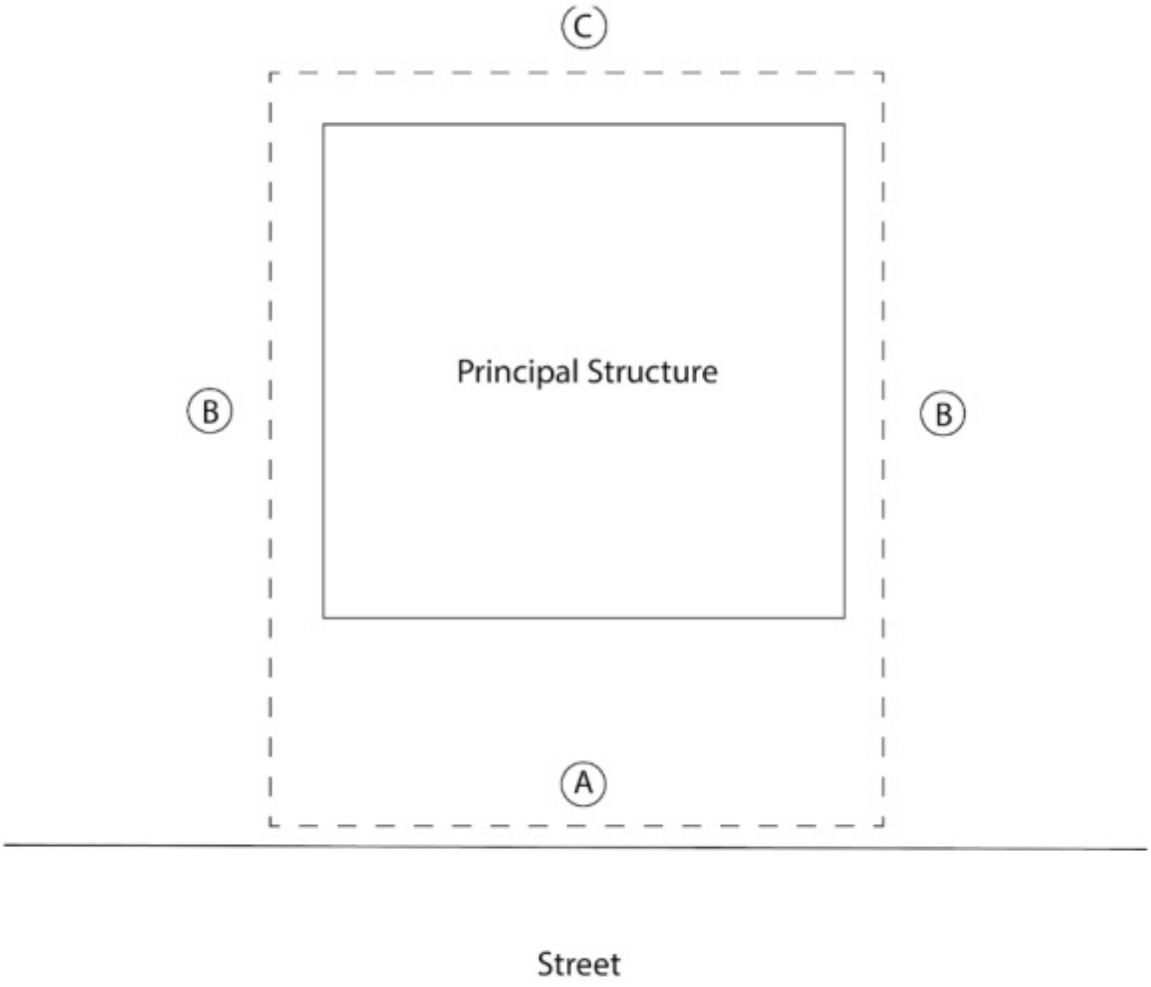
Right-of-Way: Land occupied or intended to be occupied by a public or private trail, road or other public transportation use or railroad, electric transmission line or other utility uses.

Road: A public or private thoroughfare, which affords a means of access to abutting property.

Sanitary Sewer Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Setback: The required minimum distance between the building and the related side or rear lot line, or in the case of front setbacks and corner lot side setbacks the required minimum distance between the building and the back of the sidewalk, or if there is no sidewalk the curb, of the street the property fronts or abuts, or if no curb exists the edge of the street.





A The front yard and setback starts at the back of the sidewalk of the street the property fronts, or if no Sidewalk exists the curb and goes to where the principal structure starts. If the property is on a corner lot either street can be used to determine the front setback. If sidewalk or curb does not exist use the edge of the street.

B The side setback is determined by the location of the front setback. It is measured from the side property line to the principal structure. On corner lots the side yard and setback that abuts a street starts at the back of the curb of that street, or if no curb exists the edge of the street.

C The rear setback is determined by the location of the front setback. It is measured from the rear property line to the back of the principal structure.

Sexually Oriented Business: A business at which any nude or partially denuded individual, regardless of whether the nude or partially denuded individual is an employee of the sexually oriented business or an independent contractor, performs any service for compensation. Sexually oriented business includes an escort service or an adult service as those terms are defined in §10-8-41.5 of Utah State Code (as amended).

Short Term Rental: A residential unit or any portion of a residential unit that the owner of

record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.
Sign: Any device for visual communication, including any structure or natural object or part that is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or any civic, charitable, religious, patriotic, fraternal or similar organization.

Single Family and Two Family Residential: To provide family housing choices to meet the needs of the city, to offer a balance of housing types and densities, and to preserve and provide safe and convenient places to live. Representative uses include but are not limited to: family dwellings, minor agriculture uses and public facilities necessary to meet the needs of residents.

Site Built Home: A housing unit constructed at a site in accordance with the Building Codes of Ballard City.

Solar Energy Device: A device which converts the sun's radiant energy into thermal, chemical, mechanical or electric energy.

Solar Access: The ability to receive sunlight across real property for any solar energy device.

Solid Waste: (as per Utah Code Annotated § 19-6-102(16)) means any garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

"Solid waste" does not include any of the following wastes unless the waste causes a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

A. certain large volume wastes, such as inert construction debris used as fill material;
B. drilling muds, produced waters and other wastes associated with the exploration, development or production of oil, gas or geothermal energy;
C. fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
D. solid wastes from the extraction, beneficiation and processing of ores and minerals; or cement kiln dust.

A solid waste is considered a hazardous waste if it is listed as hazardous or if it exhibits anyone of the hazardous characteristics set forth in this document. "Hazardous waste" (as per Utah Code Annotated § 19-6-102(9» means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to

human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Storage: The actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of such waste.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Street Line: The boundary, which separates the right-of-way of a street from the abutting property.

Street: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any rebuilding of the roof or exterior walls.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having location on the ground, but not including tents, vehicles, travel trailers or mobile homes.

Subdivision: The division of a tract or a lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose of sale or of building development, including associations, corporations or any circumstance of joint tenancy or tenants in common, provided that this definition will not include a bona fide division of agricultural purposes, neither will this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the Uintah County Recorder.

Substantial Modification: A change, which significantly alters the impacts and/or character of a structure, development or use.

Telecommunications Site Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment, which has an effective radiated power of 100 watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Temporary Use: Fireworks stands, Christmas tree sale lots and similar activities that are open to the public and scheduled to occur over a period not to exceed 40 days in any calendar year and including uses incidental to construction.

Therapeutic School: A residential group living facility:

A. For four (4) ore more individuals who are not related to the owner of the facility or the primary service provider of the facility;
B. That serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and
C. That offers room and board and an academic education integrated with specialized structure and supervision or services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

Tiny House/Home: A dwelling that is typically four hundred square feet (400 sq. ft.) or less in floor area excluding lofts, installed on a permanent foundation, designed and intended as a permanent, year-round residence for one (1) single family. For the purpose of this definition "lofts" shall be defined as a floor level located more than thirty inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than six feet eight inches (6' 8") and used as a living or sleeping space. For the purposes of this title:

A A a tiny home constructed on a single chassis, mounted on axel(s) and wheels shall be considered a park model recreational vehicle.

B. May be constructed within the Medium High (MH) Residential Zone to mean structures up to seven hundred square feet (700 sq. ft.) in floor area or less when certain conditions are met.

Use: The purpose or purposes, for which land or a building is occupied, maintained, arranged, designed or intended

Utility Service Facility: Any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines or other minor service facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Vehicle Service Center/Service Station: A building or use devoted to the retail sale of fuels, lubricants and other supplies for motor vehicles including minor repair activities which are subordinate to the sale of petroleum products and where all repairs are conducted wholly within a building.

Warehouse: A building used primarily for the inside storage of non hazardous goods and materials and including accessory office facilities.

Yard: The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided in this Ordinance.

Yard, Front: A yard extending across the front width of a lot and being the minimum horizontal distance between the back of the sidewalk, or if there is no sidewalk the curb, or if no curb exists the edge of the street and the principal building or any projection other than

steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

Yard, Rear: A yard extending between the side yards of a lot, or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection , other than steps, unenclosed balconies or unenclosed porches. On comer lots and interior lots, the rear yard is in all cases at the opposite end of the lot from the front yard.

Yard, Required: The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards as distinguished from any yard area in excess of the minimum required.

Yard, Side: A yard between the building and the side lot line and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line. On corner lots the side yard is measured from the back of the sidewalk, or if there is no sidewalk the curb, or if no curb exists the edge of the street to the principal building or any projection other than steps, unenclosed balconies or unenclosed porches.

Zoning Map: A map adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Zoning Map Amendment: A land use request that seeks to change the zoning designation of land with the The City Council is the land use authority for zoning map amendments, which involve a discretionary legislative decision after a recommendation by the Planning Commission.

Zoning Text Amendment: A land use request that seeks to change the text within the City Land Use Ordinance. The City Council is the land use authority for zoning text amendments, which involve a discretionary legislative decision after a recommendation by the Planning Commission.

Zoning Administrator: The official or other person charged with the administration and enforcement of this ordinance or their duly authorized deputy when it comes to the zoning ordinance and the use of land.

AFTER AMENDMENT

15.02.020 Definitions

~~Unless the context requires otherwise, the following definitions will be used in the interpretation of this Ordinance.~~ The following terms used in this title shall have the respective meanings set forth in this section:

Accessory Dwelling Unit: A habitable living unit added to, created within, or detached from a primary single family dwelling and constrained on one (1) lot.

A. **Accessory Dwelling Unit, Detached:** An accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.
B. **Accessory Dwelling Unit, Internal:** An accessory dwelling unit created within a primary dwelling, within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created, and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

Accessory Structure: A detached structure located on the same lot or parcel as a principal structure and is incidental and subordinate to the size and use of the principal structure.

Adjacent: Meeting or touching at some point, or across a street, alley or other public or private right-of-way.

~~**Affected Entity**: A county, municipality, independent special district under Title 17 A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:~~

~~A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;~~
~~B. The entity has filed with the county a copy of the entity's general or long-range plan; or~~
~~C. The entity's boundaries or facilities are within one mile of land that is the subject of a general plan amendment or land use ordinance change.~~

Agricultural: ~~To provide areas for small farms and agricultural development~~Includes the tilling of soil, raising of crops, or the keeping and raising of domestic animals (i.e., small farms and agricultural developments).

Agricultural Business: A commercial activity providing retail or wholesale sales of supplies, services and equipment generally used or required for horticultural or livestock production. Includes indoor/outdoor-riding arenas for horses.

~~**Alley**: A public thoroughfare less than twenty-six (26) feet wide.~~

~~**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.~~

Applicant: The owner of land or such ~~the~~ owner's duly authorized agent~~representative~~. Any agent must have written authorization from the owner.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building.

As-built Profile: A map or drawing which depicts a vertical section of a road, street, curb, conduit or other physical feature as it has been actually constructed.

Average Daily Traffic (ADT): The average of one-way vehicular trips that use a road or driveway during a 24-hour period.

Basement: A story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement will be counted as a story for purpose of height measurement.

Bed and Breakfast Inn: A building of residential design in which not fewer than three (3) but not more than nine (9) rooms are rented out by the day, offering overnight lodging to tourists, and where one (1) or more meals may be provided to overnight guests.

Billboard: A freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located.

Blanketing: The term blanketing or blanket when applied to signs or sign structure will mean the partial or complete shutting off of the face of one sign by another sign.

Boarding House: A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

Buildable Area: The portion of a lot, which is within the envelope formed by the required yards.

Building: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals or property of any kind.

Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of a main or principal building.

Building, Agricultural: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock and other horticultural products. This structure will not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; neither will it be a place used by the public.

Business Services: Any activities conducted for gain which render service primarily to other commercial and industrial enterprises, or which service and repair appliances and machines used in a home or business.

Building, Detached: A building surrounded by open space on the same lot.

Building, Facade: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building, Facade Facing: A rebuilding of an existing facade with approved material illuminated or non-illuminated.

Building Height: The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or the average height of the highest gable, hip or gambrel roof.

Building Inspector or Building Official: The official or other person charged with the administration and enforcement of this ordinance or their duly authorized deputy when it comes to the building code and structures. These services may be~~are~~ provided by Uintah County ~~Sheriff's Office~~ as outlined in an interlocal agreement or other qualified third party(ies) as outlined in agreements with the City.~~.~~

Building, Principal: A building in which is conducted the principal use of the lot on which it is located. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.

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 political subdivisions.

Bulk: The total volume of the structure, found by multiplying the square footage by the height.

Campground: A privately owned area of land with accommodations for temporary or transient occupancy are located or may be placed, including tents and recreational vehicles with customary accessory uses.

Carport: A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport will be subject to all regulations prescribed for a private garage.

Car Wash: A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

Cellar: A story having more than one-half its height below the average level of the adjoining ground. A cellar will not be counted as a story for the purpose of height measurement.

Certificate of Occupancy: A certificate issued by the City after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable requirements of the Ballard City Municipal Code~~codes~~, permits, ~~and requirements~~ and approved plans.

Charter School: An operating charter school; a charter school applicant that a charter school authorizer approves in accordance with §5G-5-3, Charter School Authorization, of Utah State Code (as amended); or an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. Charter school does not include a therapeutic school.

Church: A facility principally used for people to gather together for public worship, religious training, or other religious activities. One (1) accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.

Cluster Subdivision: A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of the zoning district in which the subdivision is located and where equivalent common open space areas are provided to compensate for lot reductions. Given that the smallest lot size in any cluster development will be eight thousand square feet (8,000 sq. ft.)~~uare feet.~~ Additionally street widths will not be compromised and will be held to C~~c~~ity standards.

Commercial Plant Nursery: A use, wholly or partially contained within one (1) or more greenhouses, where trees, shrubs, flower, or vegetable plants are grown and sold either wholesale or retail.

Community Location: A public or private kindergarten, elementary, middle, junior high, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; a public arcade; or a homeless shelter.

Common Open Space: The land area in a Planned Unit Development (PUD) reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the PUD.

Common Open Space Easement: A required right-of-way granted to the City by the owner(s) of a PUD, on and over land in a PUD designated as common open space, which easement guarantees to the City that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open space purposes in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PUD or as such plans are amended from time to time.

Concentrated Animal Feeding Operation: A lot or facility, as defined by the Administrative Rules of the State of Utah, R317-8-3.5 (5)(a) and (b) as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES).

Conditional Use: A land use that, because of its unique characteristics or potential impact on the City, 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 Projects: A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common areas and facilities of the property, is transferred, a plan or project where four (4) or more apartments, rooms, office spaces or other existing and proposed apartments or commercial or industrial buildings or

structures are separately offered or proposed to be offered for sale and meeting all requirements or the Condominium Ownership Act of the State of Utah.

Constitutional Taking: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States; or Utah Constitution, Article I, Section 22.

Construction Standard Specifications and Plans: The Manual of Standard Specifications and Plans as adopted by the City or the Utah Chapter of the American Public Works Association (APWA), latest addition in the instance no such Manual of Standard Specifications and Plans has been specifically adopted by the City.~~.~~

Construction Plan: The maps or drawings accompanying an application which show the specific location and design specifications of improvements to be installed in accordance with the requirements of approval by the Land Use Authority.~~Planning Commission and the City Council.~~

Contractor's Shop/Office: A separate facility providing for general building repair, service, and maintenance such as, and including installation of plumbing, roofing, signs, electrical, air conditioning and heating including storage of materials and supplies.

Contiguous: The touching or overlap of two (2) or more use district boundaries or property lines.

Convenience Store: Any retail establishment selling consumer products including prepackaged food and household items, having a gross floor area of less than five thousand square feet (5,000 sq. ft.)~~uare feet.~~ A convenience store may also have associated retail sale of gasoline and other petroleum products.

Corral: A space other than a building less than ten thousand square feet (10,000 sq. ft.)~~uare fee~~t in area and less than one hundred feet (100')~~ feet~~ in width used for the confinement of animals.

County: The unincorporated areas of Uintah County, Utah.

Court: A space open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) sides by walls of a building. Coverage, Lot:

Coverage, Lot: The percent of the lot area covered by the main and accessory buildings.

Critical Slope, 30% Slope: An area where the rise or fall is equal to or exceeds thirty (30%) percent (1:3) over a horizontal distance of one hundred feet (100')~~ feet~~ or greater.

Culinary Water Authority: Means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Disabled Person: A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments that is likely to continue indefinitely and that results in a substantial functional limitation in one (1) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC. 802.

Dry Cleaner: An establishment, which has, as its sole purpose, the cleaning off fabrics with substantially no aqueous organic solvents. Laundry establishments with self-service, coin operated cleaning machines will not be classified as a dry cleaner.

Duplex: See Dwelling, Two-Family,

Dwelling: ~~-~~Any building, or portion thereof, having one (1) or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one (1) or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

Dwelling, Primary: A single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, ~~-~~ and having one (1) dwelling unit.

Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families and having only two (2) dwelling units,

Dwelling, Multiple-Family: ~~A-~~A dwelling having three (3) or more dwelling units.

Dwelling Unit: One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary, and kitchen facilities, all for exclusive use by a single family maintaining a household.

~~**Easement**: A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.~~

Educational Facility: A school district's building at which pupils assemble to receive instruction in a program from any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; a structure or facility

located on the same property as a building described above and used in support of the use of that building; and a building to provide office and related space to a school district's administrative personnel. An educational facility does not include land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is not located on the same property as a building described above or used in support of the purposes of a building described above. An educational facility does not include a therapeutic school.

Educational Institution: A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

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

Facility: A structure or place, which is built, installed, or established to serve a particular purpose.

Factory Built Housing: A manufactured home or mobile home.

Family: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as defined in this document.

Family Food: The keeping of domestic animals and fowl for the production of food for a single family dwelling.

Farm: An area of not less than five (5) contiguous acres or larger which is used for commercial production of farm crops such as vegetables, fruit trees, hay, grain and other products and their storage, the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep, swine and fur bearing animals for commercial purposes and dairy farms. The term "farm" includes the operation of such an area for one (I) or more of the above uses with the necessary accessory uses for treating or storing the produce, and including accessory farm employees housing which must be located on the farm and will not be divided or sold separately from the farm parcel. Farm does not include Concentrated Animal Feeding Operations.

Fence: A barrier intended to limit visibility, provide privacy, define a property line, and/or to prevent ingress or egress, made out of materials such as concrete or masonry block, wood, metal, stone, chain-link or vegetation such as shrubs or hedges. For the purpose of this section, a block wall is included in the term "fence". A retaining wall is not considered a fence.

Frontage: All the property fronting on one side of the street between intersection or intersecting streets or between a street and a right-of-way, waterway, end of dead-end street or political subdivision boundary, measured along the street line. An intercepting street will determine only the boundary of the frontage of the side of the street, which it intercepts.

General Industrial Activity: A manufacturing operation or processing and assembly of goods

including personal hygiene products and cosmetics, drugs and pharmaceuticals, tools, equipment and products and which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gasses, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. One (1~~I~~) caretaker home allowed by conditional use permit.

Garage, Private: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage will be considered part of a dwelling if the garage and the dwelling have a roof or wall in common.

General Commercial: To provide appropriate locations for commercial, wholesale, and service activities . The regulations are intended to establish recognized location requirements and other needs of commercial, wholesale, and services uses. Oil field services, other than hazard materials storage, may be permitted in this area.

~~**General Plan**: A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.~~

~~**Geologic Hazard**: A geologic condition, which may pose a significant threat to persons or property.~~

Grade: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') ~~feet~~ from the building, between the building and a line five feet (5) ~~feet~~ from the building.

Grading: Any excavating, filling or combination . Grading is regulated by the appendix C~~c~~hapter titled "Excavation And Grading" of the most current edition of the City of Ballard's adopted Building Codes.

Guest: Means any person or persons staying, for a short period of time, within a dwelling unit.

Guest Home: A separate dwelling structure located on a lot with one (1) or more main dwelling structures and used for a housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main building.

Home-based Microschool: Shall mean the same as the term is defined in §53G-6-201 of Utah State Code (as amended).

Home Occupation: A home occupation will mean an accessory use consisting of a vocational activity conducted inside a dwelling unit and conducted only by the individuals who reside in the home.

Hotel: A building or group of buildings, other than a motel, boarding house or lodging house,

containing individual guest rooms, suites of guest rooms and dwelling units, and which furnishes services customarily provided by hotels which may include reception and convention facilities.

Household Pets: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel.

HUD Code: The National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

Improvements: Street grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities or other such installations designated by the Planning Commission or City Council. See also Infrastructure Improvement as the term is defined in Title 14, Subdivision Ordinance, of the City's Code.

Incombustible Material: Any material which will not ignite at or below a temperature of 1200 degrees during an exposure of five (5) minutes, and will not continue to bum or glow at that temperature. Tests will be made as specified in the adopted construction codes outlines in §15A of Utah State Code (as amended)).~~Uniform Building Code.~~

Indoor Recreation: An entirely enclosed building or facility, which offers commercial indoor sports activities including but not limited to tennis, bowling, skating, but not including video game arcades. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Industrial: To provide appropriate locations for manufacturing, industrial, warehousing, oil field services, and other uses requiring outside storage. Outside storage may be allowed while not creating objectionable effects or impacts, or where any possible objectionable effects or impacts can be mitigated so as to protect the health, safety and welfare of the City's residents, and the rights of surrounding property owners.

Intensity: The concentration of activity, such as the combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

Junk: Means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old or scrap ferrous or nonferrous material. See also ~~Utah Code~~ §72-7-202 (2) of Utah State Code (as amended).

Junk Yard: The use of any parcel, portion of a parcel, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts ; provided that this definition will be deemed not to include such uses which are clearly accessory and

incidental to any agricultural use permitted in the district

Kennel: The land or buildings used in the keeping of four (4) or more dogs or cats over four (4) months old.

Landscaping: Some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, landscaping may include rocks, gravel, and screens, walls, fences, or benches. The selected combination of objects for landscaping purposes will be arranged in a harmonious manner in conformance with this Title. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be maintained in a neat, clean and orderly fashion. Maintenance includes proper pruning, mowing lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings. If gravel is used an industrial grade weed fabric barrier must be placed under the gravel to control weed growth.

~~**Land Use Application**: An application required by a municipality's land use ordinance.~~

~~**Land Use Authority**: A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.~~

Land Use Ordinance: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the G~~g~~eneral P~~p~~lan.

Large Trucks: These regulations will apply to all trucks licensed or actually used for gross lien weight in excess of twenty six thousand pounds (26,000 lbs) ~~pounds~~ or exceeding a total length of forty feet (40') ~~feet or larger~~ under standard practices of the State of Utah, and for all explosive, corrosive, hazardous materials, and flammable liquid and gas carriers and any vehicles required to display placards.

Light Industrial: Places for the conduct of any light manufacturing and assembly activities which are compatible with existing and other uses allowed in the Zoning District and which will not be offensive by reason of emission of odor, dust, smoke, noxious gasses, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste, and where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Living Quarters: A structure, room, or space designed for human habitation that has at a minimum of a bedroom, bathroom, and kitchen.

Loading and Unloading Space: A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty feet (20) in length, and fourteen (14) feet in height.

~~**Lot**: A parcel of land occupied or to be occupied by a building or group of buildings, together with yards, open spaces, lot width and lot areas as are required by this Ordinance, having~~

~~frontage upon a street or upon a right-of-way not less than sixteen (16) feet wide. Except for group dwellings and guesthouses and dwellings associated with agricultural uses and lands, not more than one (1) dwelling structure will occupy any one (1) lot.~~

Lot, Area: The area of a horizontal plane within the lot lines of a lot.

~~**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 (135) degrees.~~

~~**Lot, Interior**: A lot other than a corner lot.~~

Lot, Coverage: The percentage of the area of a lot, which is occupied by all buildings, other impervious surfaces or other, covered structures.

~~**Lot, Depth**: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line having a length of not less than ten (10) feet.~~

Lot, Line: Any line bounding a lot.

~~**Lot Line Adjustment**: The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.~~

Lot Line, Front: The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two lot lines separating the lot from the street, except that where these lot lines are equal or within fifteen feet (15') ~~feet~~ of being equal, either lot line may be designated the front lot line, but not both.

Lot Line, Rear: The boundary of a lot which is most distant from, and is, or is most nearly, parallel with the front lot line; except that in the absence of a rear lot line, as is the case of the triangular-shaped lot, the rear lot line may be considered as a line within the lot parallel with and at a maximum distance from the front lot line having a length of not less than ten (10) feet.

Lot Line, Side: The boundary of a lot, which is not, a front lot line or a rear lot line.

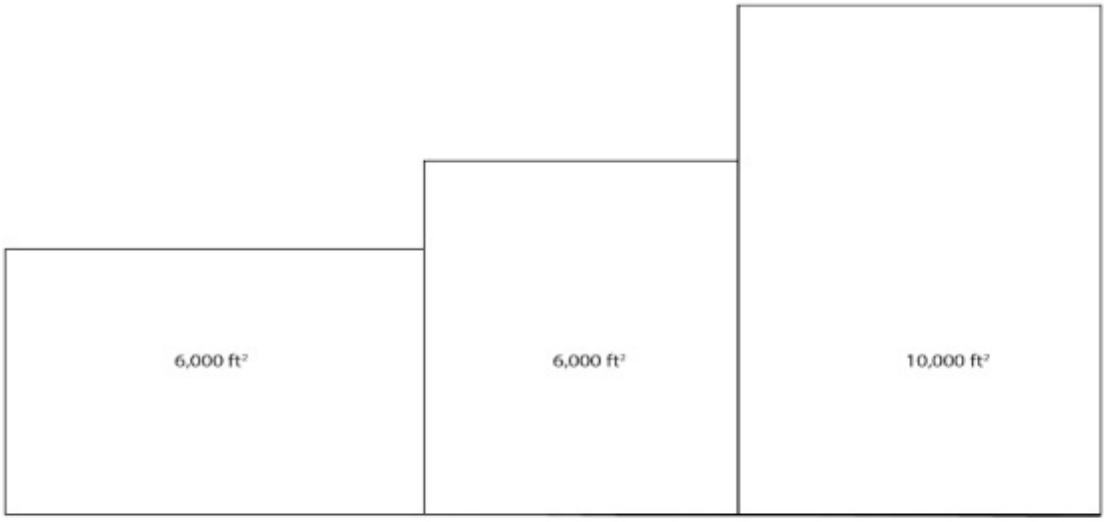
Lot of Record: A lot which is part of a legally created subdivision, the plat of which has been recorded in the office of the County Recorder of Uintah County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Uintah County prior to the enactment of this Ordinance.

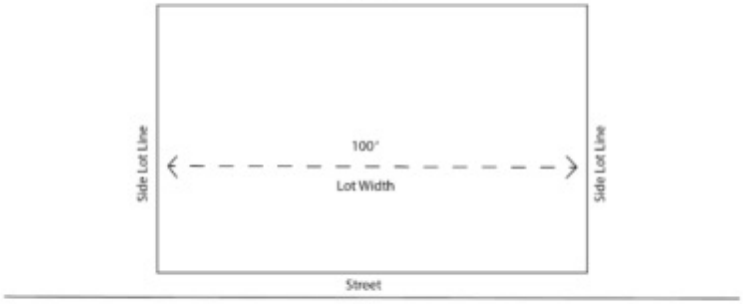
~~**Lot, Through**: A lot having a pair of opposite lines abutting two (2) streets and which is not a corner lot. On such lots, both lot lines are front lot lines.~~

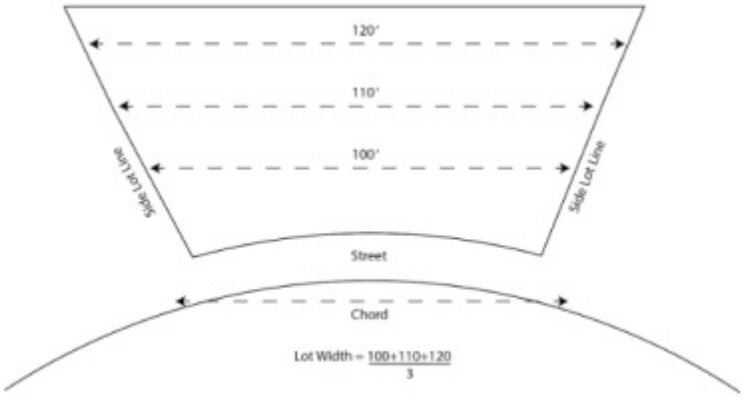
~~**Lot, Width**: The lot width is measured by finding the distance between the two side lot lines.~~

~~The measured line will be parallel to the street which the lot fronts. For lots that are on a curved street the width is determined by calculating the average width of the lot measured parallel to the chord of the arc over the depth of the lot, or the first one hundred fifty feet (150') , whichever is less.~~

~~**Minimum** ~~**Lot Size**, **Minimum**: Lots can be various shapes and sizes and can have the same minimum lot size. As long as the minimum width, yard, and lot size requirements have been met a legal lot can be any shape or size.







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 ~~body~~ feet (8') or more in width or forty ~~body~~ feet (40') or more in length, or when erected on site is four hundred 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.

Membership Club: A facility owned or operated by a group of people organized for a common educational, service or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

Micro-education Entity: Shall mean the same as the term is defined in §53G-6-201 of Utah State Code (as amended).

Mobile Home: A transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

Mobile Home Park: Any plot of ground upon which three or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

Mobile Home Space: A plot of ground within a mobile home park or travel trailer park designed for the accommodation of one mobile home or travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, patios, patio covers, awnings and similar appurtenances.

Mobile/Movable Structure: A mobile/movable structure refers to any structure designed and constructed to be mobile/movable rather than permanently located. Key characteristics of mobile/movable structures include the ability to be transported on wheels directly or via a trailer chassis from on location to another and not being affixed to a permanent foundation. Mobile/movable structures may include, but are not limited to: mobile homes, travel trailers, recreational vehicles (RVs), and other prefabricated or modular structures designed for temporary or semi-permanent residential, commercial, or recreational use.

Model Home: A single-family home that the homebuilder uses to promote the sale or lease of another single-family home or a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.

Moderate Income Housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size within the County.

Modular Unit: A structure built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and the purpose of which is for human habitation, occupancy, or use.

Motel: A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Multiple-Family Residential: To provide appropriate locations for- a variety of multiple-family dwellings and necessary public services and activities.

Name Plates and Signs: "Name plates and signs" will include:

A. One nameplate for each dwelling unit, not exceeding two square feet (2 sq. ft.)~~) square feet~~ in area, indicating the name of the occupant or a permitted home occupation.
B. One signboard not exceeding eight square feet (8 sq. ft.)~~ square feet~~ in area appertaining to the lease or sale of the property or the sale of products produced on the property or warning against trespassing.
C. One bulletin board not exceeding eight (8) square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted there.
D. One identification sign not exceeding eight (8) square feet in area for buildings other than dwellings.
E. All such bulletin boards and identification signs will be attached to and parallel with the front wall of the building. If any name plate, bulletin board or sign is illuminated, indirect lighting only will be used; no flashing or intermittent illumination will be employed.

Natural Waterways: Those areas varying in width along streams, creeks, gullies, springs, faults or washes which are natural drainage channels.

Neighborhood Commercial: This commercial zoning district is intended to provide an area where intense commercial activities particularly retail stores, offices, and professional businesses may be located.

Non-Complying 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.

Non-Conforming Use: A use of land that legally existed before its current land use designation and 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.

Nuisance: Any use or activity which emits noise, smoke, dust, odor or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

Off-street Parking: An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

Oil Field Services: Means storage or warehousing chemicals, work-over rigs, fluids, bits, hot oil trucks, casing, drill pipe, service fleet business etc.

Open House: An event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.

Outdoor Recreation: An area or facility, which offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes but is not limited to a golf driving range, rifle range, riding arena and corrals, outfitters and guide services, tennis facility or similar activities.

Park Model Recreational Vehicle: A unit that:

A. Is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
B. Is not permanently affixed to real property for use as a permanent dwelling;
C. Requires a special highway movement permit for transit; and
D. Is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet (400 sq. ft) in the setup mode.
E. A park model recreational vehicle shall not be permitted as an accessory dwelling unit, and may only be allowed in a recreational vehicle park.

A park model recreational vehicle shall not be permitted as an accessory dwelling unit, and may only be allowed in a recreational vehicle park.

Parking Lot: An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than eight feet six inches (8'6")~~ inches~~ in width and having an area of not less than one hundred eighty square feet (180 sq. ft.)~~) square feet~~, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permitted Use: A use of land for which no Conditional Use permit is required.

Personal Service Facility: An establishment for the provision of personal services, including drive-through service. A retail facility including but not limited to barber or beauty shop, dry cleaners, optometrist shop, tanning salon, fitness center, reception center, photographic studio or travel bureau.

Personal Storage Facility (M~~m~~ini S~~s~~torage): A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Planned Development: To provide a flexible approach to zoning with the opportunity to shift density to developable portions of a property or to mix residential and commercial uses.

~~**Planning Commission**: The Ballard City Planning and Zoning Commission.~~

Portable Sstorage Ceontainer: Any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.

Principal Use: The primary purpose or function for which a parcel is used.

Produced Water Disposal Facility: A commercial disposal facility consisting of a lined pit or treatment facility whose owner(s) receives compensation from others for the temporary storage, and disposal of produced water, drilling fluids, drill cuttings, completion fluids, and any other exempt exploration and production wastes.

Professional Office: A building for the professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.

Property Owner: A person that holds legal title in real property.

Public Educational Facility: Buildings and uses for educational or research activities which are operated by a public entity and have curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education, including facilities for faculty, staff and students.

~~**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 under Title 52, Chapter 4, Open and Public Meetings.~~

~~**Public Improvement**: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off-street parking area or other facility or amenity.~~

Public Use: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including recreational facilities, administrative and service facilities, and public utilities, including water and sewer lines and facilities, gas and electricity lines and facilities, cable television lines and facilities and telecommunications facilities, but excluding prisons and animal control facilities.

Reception Hall/Reception Center: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings and group gatherings.

Recreational Vehicle: A vehicular unit other than a mobile home, primarily designed as temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle. Recreational vehicles include a travel trailer, a camping trailer, a motor home, a fifth wheel trailer and a van as those terms are defined in §13-14-102 of Utah

State Code (as amended).

Recycling Collection Center: A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to forty 40 cubic yards in total size. Collection centers located in parking lots may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow. The operator of the collection center will remove products stored at the site at least once a week. The operator of the collection center will keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two (2) per site.

Residential Agricultural: To provide appropriate locations for hobby farms, home gardens and fruit trees, keeping of household pets, raising of domestic animals and fowl to animals primarily for home use. The regulations also permit the establishment of, with proper controls, the public and semi-public uses

Residential Facility For Persons With A Disability: Means a residence in which more than one person with a disability resides; and is licensed or certified by the Department of Human Services under §26B-2-1, Human Services Programs and Facilities or §26B-2-2, Health Care Facility Licensing and Inspections, of Utah State Code (as amended)
Residential Facility for Elderly Persons: Means a single-family, multiple-family dwelling unit that meets the requirements of Part 4, General Plan, but does not include a health care facility as defined by Utah Code Section 26-21-2.

Residential Treatment and/or Secure Center: A twenty four (24) -hour group living environment for two or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

Restaurant: A place of business where a variety of food and drink is prepared and served to the public for consumption on and off the premises.

Retail Store: An establishment for the retail sale of merchandise. A retail store includes but is not limited to antique or art shops, clothing, department, drug, dry goods, florist, furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting or toy stores.

Retail Tobacco Specialty Business: A commercial establishment in which:

A. Sales of tobacco products, electronic cigarette products, and nicotine products account for more than thirty-five percent (35%) of the total quarterly gross receipts for the establishment;
B. Twenty percent (20%) or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
C. Twenty percent (20%) or more of the total shelf space is allocated to the offer, display,

or storage of tobacco products, electronic cigarette products, or nicotine products;

D. The commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business;
E. Any flavored electronic cigarette product is sold; or
F. The retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.

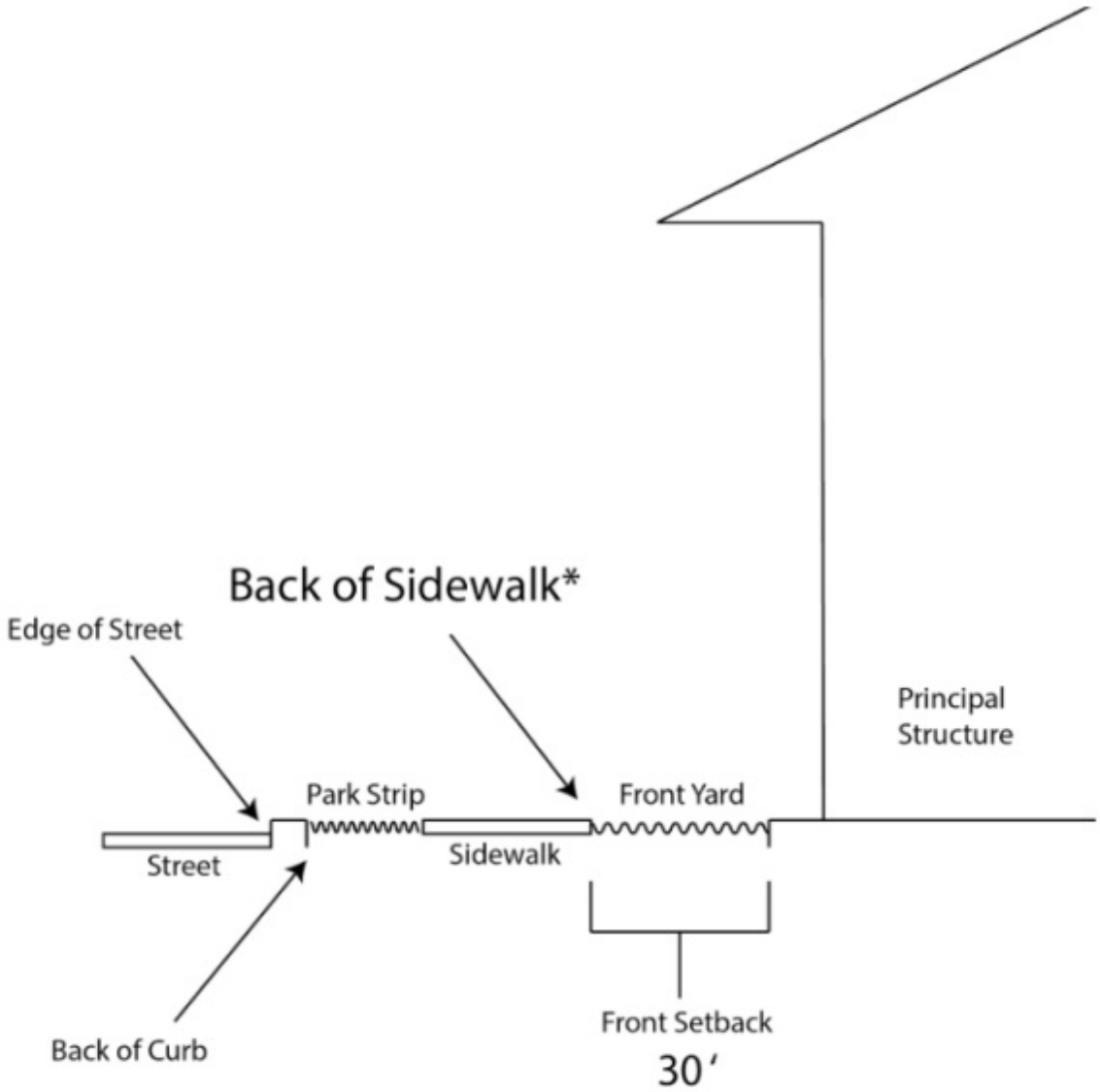
Retaining Wall: Will include any structure designed to resist the lateral displacement of soil or other materials, not including rockery walls. An example includes block walls, concrete walls, or a segmented wall designed and approved as a retaining wall.

Right-of-Way: Land occupied or intended to be occupied by a public or private trail, road or other public transportation use or railroad, electric transmission line or other utility uses.

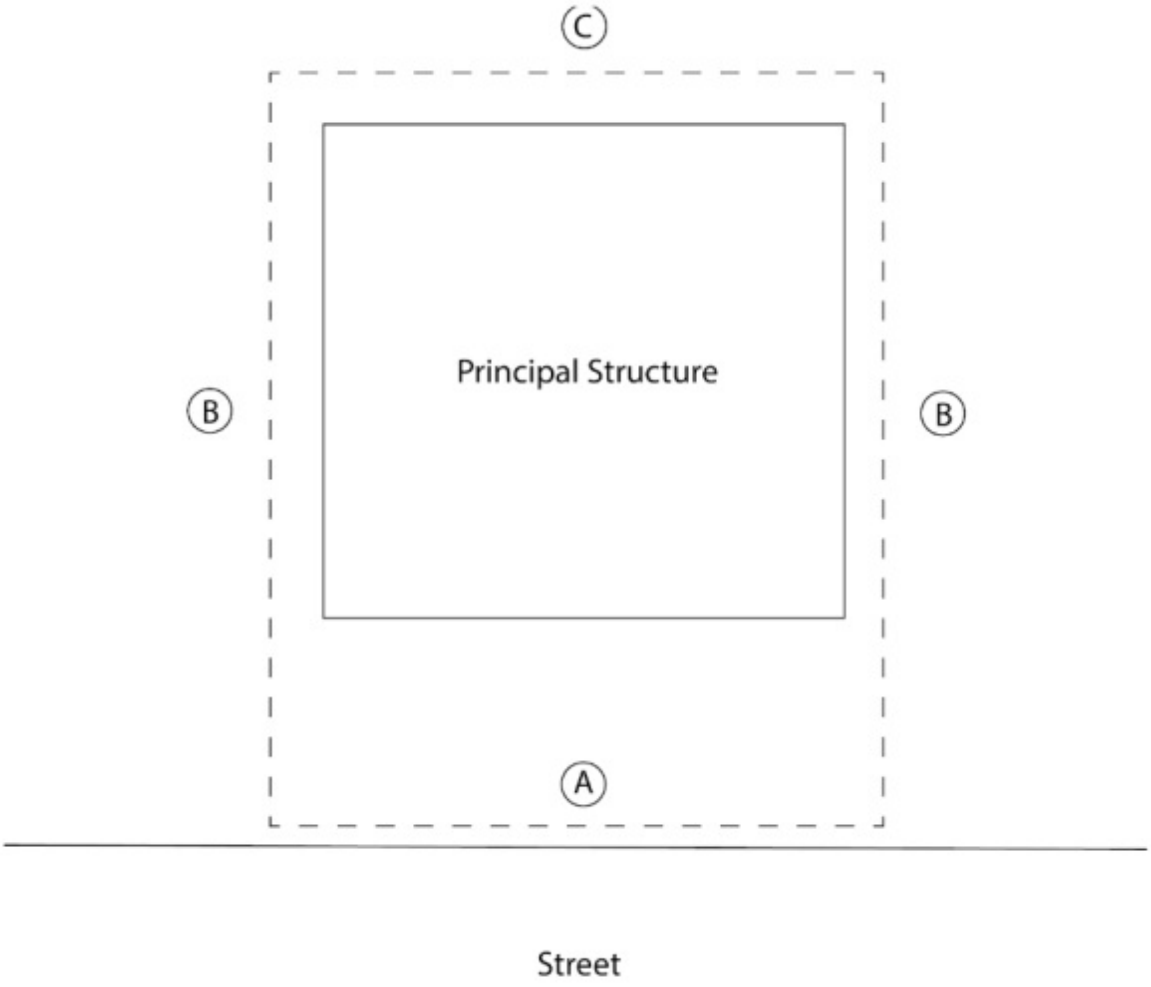
Road: A public or private thoroughfare, which affords a means of access to abutting property.

~~**Sanitary Sewer Authority**: Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.~~

Setback: The required minimum distance between the building and the related side or rear lot line, or in the case of front setbacks and corner lot side setbacks the required minimum distance between the building and the back of the sidewalk, or if there is no sidewalk the curb, of the street the property fronts or abuts, or if no curb exists the edge of the street.



* Back of curb if no sidewalk exists or edge of the street if no curb exists



A The front yard and setback starts at the back of the sidewalk of the street the property fronts, or if no Sidewalk exists the curb and goes to where the principal structure starts. If the property is on a corner lot either street can be used to determine the front setback. If sidewalk or curb does not exist use the edge of the street.

B The side setback is determined by the location of the front setback. It is measured from the side property line to the principal structure. On corner lots the side yard and setback that abuts a street starts at the back of the curb of that street, or if no curb exists the edge of the street.

C The rear setback is determined by the location of the front setback. It is measured from the rear property line to the back of the principal structure.

Sexually Oriented Business: A business at which any nude or partially denuded individual, regardless of whether the nude or partially denuded individual is an employee of the sexually oriented business or an independent contractor, performs any service for compensation. Sexually oriented business includes an escort service or an adult service as those terms are defined in §10-8-41.5 of Utah State Code (as amended).

Short Term Rental: A residential unit or any portion of a residential unit that the owner of

record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.

Sign: Any device for visual communication, including any structure or natural object or part that is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or any civic, charitable, religious, patriotic, fraternal or similar organization.

Single Family and Two Family Residential: To provide family housing choices to meet the needs of the C~~c~~ity, to offer a balance of housing types and densities, and to preserve and provide safe and convenient places to live. Representative uses include but are not limited to: family dwellings, minor agriculture uses and public facilities necessary to meet the needs of residents.

Site Built Home: A housing unit constructed at a site in accordance with the Building Codes of Ballard City.

Solar Energy Device: A device which converts the sun's radiant energy into thermal, chemical, mechanical or electric energy.

Solar Access: The ability to receive sunlight across real property for any solar energy device.

Solid Waste: (As defined in~~as per Utah Code Annotated~~ § 19-6-102(16)) of Utah State Codes (as amended) means any garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

"Solid waste" does not include any of the following wastes unless the waste causes a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

A. ~~c~~Certain large volume wastes, such as inert construction debris used as fill material;
B. ~~d~~Drilling muds, produced waters and other wastes associated with the exploration, development or production of oil, gas or geothermal energy;
C. ~~f~~Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
D. ~~s~~Solid wastes from the extraction, beneficiation and processing of ores and minerals; or cement kiln dust.

A solid waste is considered a hazardous waste if it is listed as hazardous or if it exhibits any~~one~~ of the hazardous characteristics set forth in this document. "Hazardous waste" (as defined in ~~per Utah Code Annotated~~ § 19-6-102(9) of Utah State Code (as amended) ~~»~~ means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical,

chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Storage: The actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of such waste.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Street Line: The boundary, which separates the right-of-way of a street from the abutting property.

~~**Street**: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.~~

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any rebuilding of the roof or exterior walls.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having location on the ground, but not including tents, vehicles, travel trailers or mobile homes.

~~**Subdivision**: The division of a tract or a lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose of sale or of building development, including associations, corporations or any circumstance of joint tenancy or tenants in common, provided that this definition will not include a bona fide division of agricultural purposes, neither will this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has been recorded in the office of the Uintah County Recorder.~~

Substantial Modification: A change, which significantly alters the impacts and/or character of a structure, development or use.

Telecommunications Site Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment, which has an effective radiated power of one hundred (100) watts or less. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Temporary Use: Fireworks stands, Christmas tree sale lots and similar activities that are open to the public and scheduled to occur over a period not to exceed forty (40) days in any calendar year and including uses incidental to construction.

Therapeutic School: A residential group living facility:

A. For four (4) or~~e~~ more individuals who are not related to the owner of the facility or the primary service provider of the facility;
B. That serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and
C. That offers room and board and an academic education integrated with specialized structure and supervision or services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

Tiny House/Home: A dwelling that is typically four hundred square feet (400 sq. ft.) or less in floor area excluding lofts, installed on a permanent foundation, designed and intended as a permanent, year-round residence for one (1) single family. For the purpose of this definition "lofts" shall be defined as a floor level located more than thirty inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than six feet eight inches (6' 8") and used as a living or sleeping space. For the purposes of this T~~t~~itle:

A A a tiny home constructed on a single chassis, mounted on axel(s) and wheels shall be considered a park model recreational vehicle.

B. May be constructed within the Medium High (MH) Residential Zone to mean structures up to seven hundred square feet (700 sq. ft.) in floor area or less when certain conditions are met.

Use: The purpose or purposes, for which land or a building is occupied, maintained, arranged, designed or intended

Utility Service Facility: Any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines or other minor service facilities. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

Vehicle Service Center/Service Station: A building or use devoted to the retail sale of fuels, lubricants and other supplies for motor vehicles including minor repair activities which are subordinate to the sale of petroleum products and where all repairs are conducted wholly within a building.

Warehouse: A building used primarily for the inside storage of non hazardous goods and materials and including accessory office facilities.

Yard: The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided in this Ordinance.

Yard, Front: A yard extending across the front width of a lot and being the minimum horizontal distance between the back of the sidewalk, or if there is no sidewalk the curb, or if

no curb exists the edge of the street and the principal building or any projection other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

Yard, Rear: A yard extending between the side yards of a lot, or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection , other than steps, unenclosed balconies or unenclosed porches. On comer lots and interior lots, the rear yard is in all cases at the opposite end of the lot from the front yard.

Yard, Required: The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards as distinguished from any yard area in excess of the minimum required.

Yard, Side: A yard between the building and the side lot line and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line. On corner lots the side yard is measured from the back of the sidewalk, or if there is no sidewalk the curb, or if no curb exists the edge of the street to the principal building or any projection other than steps, unenclosed balconies or unenclosed porches.

Zoning Map: A map adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Zoning Map Amendment: A land use request that seeks to change the zoning designation of land with the ~~The~~ City Council is the L~~l~~and U~~u~~se A~~a~~uthority for zoning map amendments, which involve a discretionary legislative decision after a recommendation by the Planning Commission.

Zoning Text Amendment: A land use request that seeks to change the text within the City's l~~L~~and u~~U~~se o~~O~~rdinances. The City Council is the L~~l~~and U~~u~~se A~~a~~uthority for zoning text amendments, which is a~~nvolve a discretionary~~ legislative decision after a recommendation by the Planning Commission.

Zoning Administrator: The official or other person charged with the administration and enforcement of this ordinance or their duly authorized deputy when it comes to the zoning ordinance and the use of land. When no Zoning Admistrator has been designated by the City Council shall mean City Staff as the term is defines in Title 14, Subdivision Ordinance, of the City's Code.

SECTION 7: **<u>AMENDMENT</u>** "15.03.005 Designation Of Land Use Authority" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.005 Designation Of Land Use Authority

The following chart designates the Land Use Authority for land use approvals within the City.

Type Of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
General Plan Amendment	City Staff	Planning Commission	City Council	District Court
Temporary Land Use Regulations	N/A	N/A	City Council	District Court
Zoning Ordinance Amendments	City Staff	Planning Commission	City Council	District Court
Zoning Map Amendments	City Staff	Planning Commission	City Council	District Court
Zoning District Boundary Interpretation	N/A	N/A	Zoning Administrator	Planning Commission
Development Agreement	City Staff	Planning Commission	City Council	District Court
Permitted (P) Uses Including Expansion / Modification	City Staff	City Staff	Zoning Administrator	Planning Commission
Conditional (C) Including Expansion / Modification	City Staff	Zoning Administrator	Planning Commission	Land Use Hearing Officer
Site Plan Review	City Staff	Zoning Administrator	Planning Commission	Land Use Hearing Officer
Nonconforming Uses / Noncomplying	N/A	N/A	Zoning Administrator	Land Use Hearing Officer

Structures				
Variances / Appeals	N/A	N/A	City Council	District Court

AFTER AMENDMENT

15.03.005 Designation Of Land Use Authority

The following chart designates the Land Use Authority for land use approvals within the City.

Type Of Land Use Application	**Reviewing Body**	**Recommending Body**	**Land Use Authority**	**Appeal Authority**
General Plan Amendment	City Staff	Planning Commission	City Council	District Court
Temporary Land Use Regulations	N/A	N/A	City Council	District Court
Land Use (i.e.; Zoning) Ordinance Amendments	City Staff	Planning Commission	City Council	District Court
Zoning Map Amendments	City Staff	Planning Commission	City Council	District Court
Zoning District Boundary Interpretation	N/A	N/A	~~Zoning Administrator~~ City Staff	Planning Commission
Development Agreement Administrative (i.e.; Those Which Require Implementation Of Existing Regulations) Legislative (i.e., Those Which Modify An Adopted Standard / Specification / Regulation)	City Staff City Staff	Planning Commission Planning Commission	City Council City Council	District Court District Court
Permitted (P)			~~Zoning~~	

Uses Including Expansion / Modification	City Staff	City Staff	~~Administrator~~City Staff	Planning Commission
Conditional (C) Including Expansion / Modification	City Staff	~~Zoning Administrator~~City Staff	Planning Commission	Land Use Hearing Officer
Site Plan Review	City Staff	~~Zoning Administrator~~Planning Commission	~~Planning Commission~~City Council	Land Use Hearing Officer
Nonconforming Uses / Noncomplying Structures	N/A	N/A	~~Zoning Administrator~~City Staff	Land Use Hearing Officer
Variances / Appeals	N/A	N/A	City Council	District Court

SECTION 8: **AMENDMENT** "15.03.010 Plain Language" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.010 Plain Language

Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

AFTER AMENDMENT

15.03.010 Plain Language

Pursuant to §10-20-901~~9a-306~~ of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

SECTION 9: **<u>AMENDMENT</u>** "15.03.015 Enforcement Official" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.015 Enforcement Official

The Zoning Administrator is authorized as the enforcing officer for this ordinance and will enforce all provisions, by actions in court if necessary, and by his failure to do so will not legalize any violations of this ordinance. The City Council may, by resolution or ordinance, from time to time give the responsibility of administration of this ordinance to another officer of the City without amendment to this ordinance.

A. **Duties**. The Zoning Administrator shall:

1. Ensure all procedures and provisions of the City's land use ordinances, including this ordinance and the subdivision ordinance are consistently and equitably applied. The Zoning Administrator shall administer rules and procedures established by the City Council for conducting the zoning and subdivision affairs of the City, including the issuing or related permits, collection of fees, coordinating with other officials, and development of necessary forms, checklists, and guides.
2. Intervene and participate, when deemed desirable, in public meetings and hearings on behalf of the City.
3. Determine and render a written determination of a zoning district boundary dispute.
4. Receive and review all applications for land use permits and approve or disapprove such applications as a basis for the issuance of permits by the Building Official.
5. Receive all applications for amendments to this title and to the zoning district map, refer such applications to other City Staff for comment and present such comments and applications to the Land Use Authority for final disposition.
6. Propose to the Planning Commission any changes to the land use ordinances or to the zoning district map that may be desirable or necessary.
7. Maintain a copy of current land use ordinances and official map depicting the current zoning classifications of all lands within the City.
8. Maintain a current register of all conditional uses, noncomplying structures and nonconforming uses.
9. Maintain such records and files as may be necessary in the conduct of the above duties.
10. Make any examinations or investigations relative to the use of land or structures to determine compliance with these regulations.
11. Carry out all other functions, duties, and actions as may be necessary to administer this ordinance, or the subdivision ordinance, and as may be

identified herein.

AFTER AMENDMENT

15.03.015 Enforcement Official

The Zoning Administrator is authorized as the enforcing officer for the City's land use (i.e., zoning and subdivision) ordinances ~~this ordinance~~ and will enforce all provisions, by actions in court if necessary, and by his failure to do so will not legalize any violations of this ordinance. The City Council may, by resolution or ordinance, from time to time give the responsibility of administration of this ordinance to another officer of the City without amendment to this ordinance.

A. **Duties**. The Zoning Administrator shall:

1. Ensure all procedures and provisions of the City's land use ordinances, including this ordinance and the subdivision ordinance are consistently and equitably applied. The Zoning Administrator shall administer rules and procedures established by the City Council for conducting the zoning and subdivision affairs of the City, including the issuing or related permits, collection of fees, coordinating with other officials, and development of necessary forms, checklists, and guides.
2. Intervene and participate, when deemed desirable, in public meetings and hearings on behalf of the City.
3. Determine and render a written determination of a zoning district boundary dispute.
4. Receive and review all applications for land use permits and approve or disapprove such applications as a basis for the issuance of permits by the Building Official.
5. Receive all applications for amendments to this title and to the zoning district map, refer such applications to other City Staff for comment and present such comments and applications to the Land Use Authority for final disposition.
6. Propose to the Planning Commission any changes to the land use ordinances or to the zoning district map that may be desirable or necessary.
7. Maintain a copy of current land use ordinances and official map depicting the current zoning classifications of all lands within the City.
8. Maintain a current register of all conditional uses, noncomplying structures and nonconforming uses.
9. Maintain such records and files as may be necessary in the conduct of the above duties.
10. Make any examinations or investigations relative to the use of land or structures to determine compliance with these regulations.
11. Carry out all other functions, duties, and actions as may be necessary to administer this ordinance, or the subdivision ordinance, and as may be identified herein.

SECTION 10: **<u>AMENDMENT</u>** "15.03.020 General Application Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.020 General Application Requirements

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title.

A. **Application Forms**. Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this title.
B. **City Initiated Applications**. The Zoning Administrator, Planning Commission, or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this title shall apply to an application initiated by the City.
C. **Accurate Information**. All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.
D. **Determination Of A Complete Application**. After receipt of an application the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
E. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon the application, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in this section. Applications initiated by the City shall not require fees.
F. **Validity**. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
G. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written

request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

AFTER AMENDMENT

15.03.020 General Application Requirements

The Land Use Authority shall review and approve submitted applications for land use and development as provided in this T~~t~~itle. The following general requirements shall apply to an application required by this T~~t~~itle.

A. **Application Forms**. Submitted applications shall be on forms provided by the Zoning Administrator, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator for review to ensure compliance with the requirements as outlined in this T~~t~~itle.
B. **City Initiated Applications**. The Zoning Administrator, Planning Commission, or City Council may initiate any action under this T~~t~~itle without an application. Notice, hearing, and other procedural requirements of this T~~t~~itle shall apply to an application initiated by the City.
C. **Accurate Information**. All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this T~~t~~itle shall be accurate and complete.
D. **Determination Of A Complete Application**. After receipt of an application the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.
E. **Fees.** The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon the application, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in this section. Applications initiated by the City shall not require fees.
F. **Validity**. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

G. **Extensions Of Time.** Unless otherwise prohibited or outlined in this title, upon written request for good cause shown, the Land Use Authority may without any notice or hearing, grant extension of any time limit imposed by this title on such application, its approval, or the applicant, provided that the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

SECTION 11: **AMENDMENT** "15.03.025 Abandoned Applications" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.025 Abandoned Applications

A. Any complete application for a land use as outlined in this title, including all fees paid, that has been filed with the City shall be allowed to comply with the zoning regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the land use application within three (3) months of the application date, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing and return the application and associated documents to the applicant.
B. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.
C. The applicant of an abandoned application may reapply to the City for land use approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
D. The reapplication, once accepted by the City, shall be subject to the provisions of the zoning ordinance in effect at the time the complete application was filed.

AFTER AMENDMENT

15.03.025 Abandoned Applications

A. Any complete application for a land use as outlined in this T~~t~~itle, including all fees paid, that has been filed with the City shall be allowed to comply with the zoning regulations in effect at the time that the complete application was filed. However, in the event the applicant does not move forward with the land use application within three (3) months of the application date, the application may be deemed to have been abandoned by the applicant and the Zoning Administrator may reject the application in writing and return the application and associated documents to the applicant.
B. If reviews have been performed by the City, no refund of fees shall be issued to the applicant.

C. The applicant of an abandoned application may reapply to the City for land use approval at a later date in time, but shall be required to complete a new application, including the payment of fees as outlined in the City's fee schedule.
D. The reapplication, once accepted by the City, shall be subject to the provisions of the zoning ordinance in effect at the time the complete application was filed.

SECTION 12: **AMENDMENT** "15.03.030 Applicant Notice Required, Waiver Of Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.030 Applicant Notice Required, Waiver Of Requirements

When required, for each land use application, the City shall:

A. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
B. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
C. Notify the applicant of any final action on a pending application.
D. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

AFTER AMENDMENT

15.03.030 Applicant Notice Required, Waiver Of Requirements

When required by §10-20 of Utah State Code (as amended) or this Title, for each land use application, the City shall:

A. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
B. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
C. Notify the applicant of any final action on a pending application.
D. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

SECTION 13: **<u>AMENDMENT</u>** "15.03.040 General Plan Amendments" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.040 General Plan Amendments

A. **Purpose.** The City has previously adopted a General Plan. For purposes of this section, general plan amendments shall include the addition of new elements to the General Plan as well as any comprehensive revisions to or adoption of the same.
B. **Authority**. The City may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan or as required in §10-9a-4 of Utah State Code (as amended). The Land Use Authority for General Plan amendments is outlined in 15.03.005.
C. **Initiation.** Anyone may propose amendments to the General Plan as provided in this section.
D. **Procedure.** The City shall process and consider General Plan amendments as provided in this section.
    1. **Application**. Anyone proposing an amendment to the General Plan shall do the survey and analysis work necessary to justify the proposed amendment. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. For map amendments:
            (1) One (1) 8 1/2 " x 11" map showing the area of the proposed amendment;
            (2) Current copy of the County Assessor's parcel map showing the area of the proposed amendment;
            (3) Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (½) mile beyond such area;
            (4) Correct property addresses of parcels included within the area of the proposed amendment;
            (5) Written statement specifying the potential use of property(ies) within the area of the proposed amendment;
            (6) Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and
            (7) Analysis of potential impacts of the proposed amendments on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require.
        b. For text amendments:

(1) Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible;
(2) Analysis of potential impacts of the proposed amendment; and
(3) Map showing affected geographic areas based on the proposed text changes.

2. **Determination Of Complete Application**. After the Zoning Administrator or designee determines the completeness of an application, or prior to a City initiated General Plan amendment, the City shall provide Class A notice of the intent to prepare a general plan or comprehensive general plan amendment in accordance with the provisions as outlined in §10-9a-203 and 10-9a-204 of Utah State Code (as amended). After providing the required notice, the Zoning Administrator or designee shall transmit the application to the City's Staff for review and preparation of a staff report evaluating the proposed amendment.
3. **Planning Commission Hearing**. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-404 of Utah State Code (as amended) and shall review the staff report prepared by City Staff and recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
4. **City Council Adoption**. The City Council shall review the proposed general plan amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
5. **Appeals.** Any person adversely affected by the final decision of the City Council to amend the General Plan may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
6. **Effect Of Approval**. No person shall deem approval of an application to amend the General Plan as an approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with the applicable provisions of this title.
7. **Effect Of Disapproval**. The City Council's denial of an application to amend the General Plan shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for six (6) months from the date of the disapproval. This section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating a General Plan amendment at any time.

AFTER AMENDMENT

15.03.040 General Plan Amendments

A. **Purpose.** The City has previously adopted a General Plan. For purposes of this

section, general plan amendments shall include the addition of new elements to the General Plan as well as any comprehensive revisions to or adoption of the same.

B. **Authority**. The City may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan or as required in §10-20~~9a-4~~ of Utah State Code (as amended). The Land Use Authority for General Plan amendments is outlined in section 15.03.005.

C. **Initiation.** Anyone may propose amendments to the General Plan as provided in this section.

D. **Procedure.** The City shall process and consider General Plan amendments as provided in this section.

1. **Application**. Anyone proposing an amendment to the General Plan shall do the survey and analysis work necessary to justify the proposed amendment. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

    a. For map amendments:

        (1) One (1) 8 1/2 " x 11" map showing the area of the proposed amendment;

        (2) Current copy of the County Assessor's parcel map showing the area of the proposed amendment;

        (3) Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (½) mile beyond such area;

        (4) Correct property addresses of parcels included within the area of the proposed amendment;

        (5) Written statement specifying the potential use of property(ies) within the area of the proposed amendment;

        (6) Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and

        (7) Analysis of potential impacts of the proposed amendments on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require.

    b. For text amendments:

        (1) Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible;

        (2) Analysis of potential impacts of the proposed amendment; and

        (3) Map showing affected geographic areas based on the proposed text changes.

2. **Determination Of Complete Application**. After the Zoning Administrator or designee determines the completeness of an application, or prior to a City

initiated General Plan amendment, the City shall provide ~~Class A~~ notice of the intent to prepare a general plan or comprehensive general plan amendment in accordance with the provisions as outlined in §10-20~~9a-203 and 10-9a-204~~ of Utah State Code (as amended). After providing the required notice, the Zoning Administrator or designee shall transmit the application to the City's Staff for review and preparation of a staff report evaluating the proposed amendment.

3. **Planning Commission Hearing**. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-20~~9a-404~~ of Utah State Code (as amended) and shall review the staff report prepared by City Staff and recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
4. **City Council Adoption**. The City Council shall review the proposed general plan amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
5. **Appeals.** Any person adversely affected by the final decision of the City Council to amend the General Plan may appeal that decision to the District Court as provided in §10-20-1109~~9a-801~~ of Utah State Code (as amended).
6. **Effect Of Approval**. No person shall deem approval of an application to amend the General Plan as an approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with the applicable provisions of this T~~t~~itle.
7. **Effect Of Disapproval**. The City Council's denial of an application to amend the General Plan shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for six (6) months from the date of the disapproval. This section shall not limit the City Council, Planning Commission, ~~DRC,~~ Zoning Administrator or other authorized City Staff from initiating a General Plan amendment at any time.

SECTION 14: **AMENDMENT** "15.03.050 Temporary Land Use Regulations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.050 Temporary Land Use Regulations

A. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
    1. The City Council makes a finding of compelling, countervailing public interest; or

2. The area is unregulated.

B. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
C. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
D. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
E. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
    1. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional period of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.

AFTER AMENDMENT

15.03.050 Temporary Land Use Regulations

A. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
    1. The City Council makes a finding of compelling, countervailing public interest; or
    2. The area is unregulated.
B. A temporary land use regulation under this section shall be in conformance with §10-20-504~~9a-504~~ of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
C. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
D. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
E. Unless otherwise provided by §10-20~~9a~~-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days.~~, but:~~
    ~~1. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional period of one-hundred eighty (180) days by ordinance enacted before the expiration of the previous regulation. However, the renewal regulation is effective only as long as the environmental impact statement or major investment study is in progress.~~

SECTION 15: **<u>AMENDMENT</u>** "15.03.060 Zoning Map Changes And Zoning Text Amendments" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.060 Zoning Map Changes And Zoning Text Amendments

A. **Purpose**. This section sets forth the procedures for amending the provisions of this title and the City's Official Zoning Map.
B. **Authority**. The Land Use Authority may, from time to time, amend the text of this title and the City's Official Zoning Map as provided by this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provisions of this title. The provisions set forth in this section shall not apply to temporary zoning regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended). The Land Use Authority for zoning map changes and zoning text amendments is outlined in 15.03.005.
C. **Initiation.** Anyone may propose amendments to the text of this title and the City's Official Zoning Map as provided in this section.
D. **Procedure.** The City shall process and consider amendments to the text of this title and the City's Official Zoning Map as provided in this section.
    1. **Application**. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. For amendments to the text of this title:
            (1) Name and address of every person or company the applicant represents;
            (2) Explanation of the proposed amendment and reasons supporting the request; and
            (3) Title, chapter, and section references of the affected sections, including a draft of the proposed text.
        b. For amendments to the City's Official Zoning Map:
            (1) An accurate map depicting present and proposed zoning classifications;
            (2) All abutting properties and their present zoning designations; and
            (3) An accurate legal description and an approximate common address of the area proposed for rezoning if one does not presently exist.
    2. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of an application, the Zoning Administrator or designee shall transmit the application to City Staff for

preparation of a staff report evaluating the application.

3. **Planning Commission Hearing**. Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended). The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall review the staff report prepared by City Staff and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.

4. **City Council Adoption**. The City Council shall review the proposed amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.
5. **Approval Standards**. A decision to amend the text of this title or the City's Official Zoning Map shall be consistent with the current General Plan including the future land use map. In making an amendment the Land Use Authority shall also consider:
    a. Whether the proposed amendment would be harmonious with the overall character of existing development in the vicinity of the subject property, or in cases of text amendments, in areas governed by the amended text;
    b. Whether the proposed amendment would be consistent with the standards of any applicable overlay zone(s) and, in cases of text amendments, harmonious with areas governed by the amended text;
    c. The extent to which the proposed amendment may adversely affect adjacent property; and
    d. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
6. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
7. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this title or the City's Official Zoning Map as an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with the applicable provisions of this title.
8. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this title or the City's Official Zoning Map shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different zone. This section shall not limit the

City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating an amendment to the text of this title or to the City's Official Zoning Map at any time.

AFTER AMENDMENT

15.03.060 Zoning Map Changes And Zoning Text Amendments

A. **Purpose**. This section sets forth the procedures for amending the provisions of this title and the City's Official Zoning Map.
B. **Authority**. The Land Use Authority may, from time to time, amend the text of this T~~t~~itle and the City's Official Zoning Map as provided by this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provisions of this title. The provisions set forth in this section shall not apply to temporary zoning regulations that the City Council may enact without a public hearing in accordance with §10-20~~9a~~-504 of Utah State Code (as amended). The Land Use Authority for zoning map changes and zoning text amendments is outlined in Section 15.03.005.
C. **Initiation.** Anyone may propose amendments to the text of this T~~t~~itle and the City's Official Zoning Map as provided in this section.
D. **Procedure.** The City shall process and consider amendments to the text of this T~~t~~itle and the City's Official Zoning Map as provided in this section.
    1. **Application**. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. For amendments to the text of this T~~t~~itle:
            (1) Name and address of every person or company the applicant represents;
            (2) Explanation of the proposed amendment and reasons supporting the request; and
            (3) Title, chapter, and section references of the affected sections, including a draft of the proposed text.
        b. For amendments to the City's Official Zoning Map:
            (1) An accurate map depicting present and proposed zoning classifications;
            (2) All abutting properties and their present zoning designations; and
            (3) An accurate legal description and an approximate common address of the area proposed for rezoning if one does not presently exist.
    2. **Determination Of Complete Application.** After the Zoning Administrator or designee determines the completeness of an application, the Zoning Administrator or designee shall transmit the application to City Staff for preparation of a staff report evaluating the application.
    3. **Planning Commission Hearing**. N~~Class B n~~otice shall be provided pursuant

to §10-20~~9a~~-205 of Utah State Code (as amended). The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-20~~9a~~-502 of Utah State Code (as amended) and shall review the staff report prepared by City Staff and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.

4. **City Council Land Use Authority Adoption**. The Land Use Authority~~City Council~~ shall review the proposed amendment, and the recommendation of the Planning Commission. The Land Use Authority~~City Council~~ may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority~~City Council~~ may also table the matter for further information or future consideration or action.
5. **Approval Standards**. A decision to amend the text of this T~~t~~itle or the City's Official Zoning Map shall be consistent with the current General Plan including the F~~f~~uture L~~l~~and U~~u~~se M~~m~~ap. In making an amendment the Land Use Authority shall also consider:
    a. Whether the proposed amendment would be harmonious with the overall character of existing development in the vicinity of the subject property, or in cases of text amendments, in areas governed by the amended text;
    b. Whether the proposed amendment would be consistent with the standards of any applicable overlay zone(s) and, in cases of text amendments, harmonious with areas governed by the amended text;
    c. The extent to which the proposed amendment may adversely affect adjacent property; and
    d. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
6. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-20-1109~~9a-801~~ of Utah State Code (as amended).
7. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this T~~t~~itle or the City's Official Zoning Map as an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with the applicable provisions of this T~~t~~itle.
8. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this T~~t~~itle or the City's Official Zoning Map shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different zone. This section shall not limit the City Council, Planning Commission,~~ DRC,~~ Zoning Administrator or other authorized City Staff from initiating an amendment to the text of this title or to

the City's Official Zoning Map at any time.

SECTION 16: **<u>AMENDMENT</u>** "15.03.070 Conditional Use Permits" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.070 Conditional Use Permits

A. **Purpose.** This section sets forth the procedures for considering and approving conditional use permits
B. **Authority.**The Land Use Authority for conditional use permits is outlined in 15.3.005.
C. **Initiation.** A property owner or their designated agent may request a conditional use permit as provided in this section.
D. **Procedure.** The City shall process and consider an application for a conditional use permit as provided in this section.
    1. **Application**. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. Address and lot/parcel identification of the subject property;
        b. Current zoning designation, zone district boundary, and present use of the subject property;
        c. Complete description of the proposed conditional use;
        d. A site plan depicting the following:
            (1) Applicant's name;
            (2) Subject property's address;
            (3) Subject property's boundaries and dimensions;
            (4) Subject property's layout of existing and proposed buildings and structures, parking, landscaping, utilities and easements;
            (5) Adjoining property lines and uses within one hundred feet (100') of the subject property; and
            (6) Any other information determined to be necessary by the Land Use Authority.
        e. Traffic study or other impact analysis reports, including but not limited to: utilities, school, soil and water, existing conditions, line-of-site and building massing, etc., if required by the Land Use Authority upon recommendation of the Zoning Administrator or other City Staff;
        f. A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this section; and
        g. A statement indicating whether the applicant will require any variances in connection with the proposed conditional use. Note: If the conditional use would require a variance, the applicant shall also submit a variance application concurrently with the proposed

conditional use application.

2. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application the Zoning Administrator shall transmit the application to City Staff for the preparation of a staff report evaluating the application.
3. The Land Use Authority shall provide Class A notice and hold a public meeting on the proposed application and shall review the staff report prepared by City Staff and approve, approve with modifications, or deny of the proposed application for a conditional use permit. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
4. After the Land Use Authority has rendered a decision, the Zoning Administrator shall give the applicant written notice of the decision.
5. Following the issuance of a conditional use permit, the Zoning Administrator shall inspect such conditional use to ensure the use is undertaken and completed in compliance with the conditional use permit. The Zoning Administrator shall maintain a record of all conditional use permits.
6. **Approval** Standards. The following standards shall apply to the issuance of conditional use permits.
    a. The Land Use Authority may:
        (1) Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use.
        (2) Impose conditions as necessary to prevent or minimize the adverse effects upon other property(ies) or improvements in the vicinity of the proposed conditional use, the City as a whole, or public facilities and services. These conditions may include but shall not be limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
        (3) Approve, approve with conditions, or deny a conditional use permit. But shall approve whenever the Land Use Authority can impose reasonable conditions to mitigate the reasonably anticipated detrimental impacts or effects of the proposed use in accordance with applicable standards. Only when insufficient reasonable conditions exist that the Land Use Authority could impose may the Land Use Authority deny the request.
        (4) Request additional information as needed to determine the potential for compliance with the requirements of this section.
    b. The Land Use Authority shall review and consider the following

factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:

(1) Compliance of the proposed use meets the intent of the City's General Plan and the regulations and conditions outlined in this title;

(2) The proposed use at the proposed location is necessary or desirable to provide a service or facility that will contribute positively the general well-being of the neighborhood and the community;

(3) Any reports and/or studies relating to impacts such as utilities, traffic, school, soil and water, existing conditions, line of sight and building massing, including any other additional information in order to render a proper decision;

(4) Safeguards proposed to ensure adequate utilities, transportation access, drainage, parking, loading spaces, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation, and the prevention of noxious or offensive omissions such as noise, glare, dust, pollutants, and order for the proposed use;

(5) Appropriate buffering of adjacent uses and buildings, including proper parking and traffic circulation and use of building materials and landscaping to ensure the proposed use is in harmony and compatible with adjoining uses; and

(6) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. When an applicant proposes a use that requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:

(1) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Authority shall consider the nature, characteristics and impacts of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors previously outlined in this section;

(2) The allowance of nonconformance with respect to building setbacks, building height, landscaping, and parking space requirements; and

(3) The ability to meet all current building, construction, engineering, fire, health and safety standards as a condition of approval.

E. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the City Council by filing a written notice of

appeal stating the grounds therefor within fifteen (15) days from the date of such final determination.

F. **Effect Of Approval**. A conditional use permit shall not relieve an applicant from obtaining any other authorizations or permits required under this title or any other title of the City's Code. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be on indefinite duration and shall run with the land.

G. **Amendments**. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

H. **Revocation Or Suspension**. On behalf of the Land Use Authority the Zoning Administrator may revoke or suspend a conditional use permit.

1. Any of the following shall be grounds for revocation or suspension:
    a. The use for which the City granted the permit has ceased for one (1) year or more;
    b. The holder or user of the conditional use permit failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
    c. The holder or user of the conditional use permit failed to construct or maintain the site as shown on the approved site plan or map; or
    d. The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
2. The Land Use Authority shall not revoke a conditional use permit without first holding a public hearing. The Zoning Administrator or designee shall notify the permittee in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Land Use Authority shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council within fifteen (15) days from the date of such final determination. Revocation or suspension of a conditional use permit shall not limit the City's ability to complete other legal proceedings against the holder or user of the conditional use permit.

I. **Expiration.**

1. Conditional use permit approval issued by the City shall expire if any of the following occur:
    a. The applicant does not implement the granted permit within one (1) year of the issued approval date.
    b. The conditional use of land or structure ceases for any reason for a period of more than one (1) year.

2. The holder of a conditional use permit may submit a written request to the Zoning Administrator, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority.

J. **Effect Of Disapproval.** The Land Use Authority's denial of an conditional use permit application shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different conditional use. This section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating a conditional use permit request any time.

AFTER AMENDMENT

15.03.070 Conditional Use Permits

A. **Purpose.** This section sets forth the procedures for considering and approving conditional use permits
B. **Authority.**The Land Use Authority for conditional use permits is outlined in Section 15.3.005.
C. **Initiation.** A property owner or their designated agent may request a conditional use permit as provided in this section.
D. **Procedure.** The City shall process and consider an application for a conditional use permit as provided in this section.
    1. **Application**. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. Address and lot/parcel identification of the subject property;
        b. Current zoning designation, zone district boundary, and present use of the subject property;
        c. Complete description of the proposed conditional use;
        d. A site plan depicting the following:
            (1) Applicant's name;
            (2) Subject property's address;
            (3) Subject property's boundaries and dimensions;
            (4) Subject property's layout of existing and proposed buildings and structures, parking, landscaping, utilities and easements;
            (5) Adjoining property lines and uses within one hundred feet (100') of the subject property; and
            (6) Any other information determined to be necessary by the Land Use Authority.
        e. Traffic study or other impact analysis reports, including but not limited to: utilities, school, soil and water, existing conditions, line-of-site and building massing, etc., if required by the Land Use Authority upon

recommendation of the Zoning Administrator or other City Staff;

f. A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this section; and

g. A statement indicating whether the applicant will require any variances in connection with the proposed conditional use. Note: If the conditional use would require a variance, the applicant shall also submit a variance application concurrently with the proposed conditional use application.

2. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application the Zoning Administrator shall transmit the application to City Staff for the preparation of a staff report evaluating the application.
3. The Land Use Authority shall provide ~~Class A~~ notice and hold a public meeting on the proposed application and shall review the staff report prepared by City Staff and approve, approve with modifications, or deny of the proposed application for a conditional use permit. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
4. After the Land Use Authority has rendered a decision, the Zoning Administrator shall give the applicant written notice of the decision.
5. Following the issuance of a conditional use permit, the Zoning Administrator shall inspect such conditional use to ensure the use is undertaken and completed in compliance with the conditional use permit. The Zoning Administrator shall maintain a record of all conditional use permits.
6. **Approval** Standards. The following standards shall apply to the issuance of conditional use permits.
    a. The Land Use Authority may:
        (1) Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use.
        (2) Impose conditions as necessary to prevent or minimize the adverse effects upon other property(ies) or improvements in the vicinity of the proposed conditional use, the City as a whole, or public facilities and services. These conditions may include but shall not be limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
        (3) Approve, approve with conditions, or deny a conditional use permit. But shall approve whenever the Land Use Authority can impose reasonable conditions to mitigate the reasonably anticipated detrimental impacts or effects of the proposed use

in accordance with applicable standards. Only when insufficient reasonable conditions exist that the Land Use Authority could impose may the Land Use Authority deny the request.

(4) Request additional information as needed to determine the potential for compliance with the requirements of this section.

b. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:

(1) Compliance of the proposed use meets the intent of the City's General Plan and the regulations and conditions outlined in this T~~t~~itle;

(2) The proposed use at the proposed location is necessary or desirable to provide a service or facility that will contribute positively the general well-being of the neighborhood and the community;

(3) Any reports and/or studies relating to impacts such as utilities, traffic, school, soil and water, existing conditions, line of sight and building massing, including any other additional information in order to render a proper decision;

(4) Safeguards proposed to ensure adequate utilities, transportation access, drainage, parking, loading spaces, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation, and the prevention of noxious or offensive omissions such as noise, glare, dust, pollutants, and order for the proposed use;

(5) Appropriate buffering of adjacent uses and buildings, including proper parking and traffic circulation and use of building materials and landscaping to ensure the proposed use is in harmony and compatible with adjoining uses; and

(6) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

c. When an applicant proposes a use that requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:

(1) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Authority shall consider the nature, characteristics and impacts of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors previously outlined in this section;

(2) The allowance of nonconformance with respect to building

setbacks, building height, landscaping, and parking space requirements; and

(3) The ability to meet all current building, construction, engineering, fire, health and safety standards as a condition of approval.

E. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the City Council by filing a written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination.

F. **Effect Of Approval**. A conditional use permit shall not relieve an applicant from obtaining any other authorizations or permits required under this T~~t~~itle or any other T~~t~~itle of the City's Code. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be on indefinite duration and shall run with the land.

G. **Amendments**. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

H. **Revocation Or Suspension**. On behalf of the Land Use Authority the Zoning Administrator may revoke or suspend a conditional use permit.

1. Any of the following shall be grounds for revocation or suspension:
    a. The use for which the City granted the permit has ceased for one (1) year or more;
    b. The holder or user of the conditional use permit failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
    c. The holder or user of the conditional use permit failed to construct or maintain the site as shown on the approved site plan or map; or
    d. The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
2. The Land Use Authority shall not revoke a conditional use permit without first holding a public hearing. The Zoning Administrator or designee shall notify the permittee in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Land Use Authority shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council within fifteen (15) days from the date of such final determination. Revocation or suspension of a conditional use permit shall not limit the City's ability to complete other legal proceedings against the holder or user of the conditional use permit.

I. **Expiration.**

1. Conditional use permit approval issued by the City shall expire if any of the following occur:
    a. The applicant does not implement the granted permit within one (1) year of the issued approval date.
    b. The conditional use of land or structure ceases for any reason for a period of more than one (1) year.

2. The holder of a conditional use permit may submit a written request to the Zoning Administrator, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority.

J. **Effect Of Disapproval.** The Land Use Authority's denial of a ~~n~~ conditional use permit application shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different conditional use. This section shall not limit the City Council, Planning Commission, ~~DRC,~~ Zoning Administrator or other authorized City Staff from initiating a conditional use permit request any time.

SECTION 17: **<u>AMENDMENT</u>** "15.03.080 Site Plan Review" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.080 Site Plan Review

A. **Purpose**. This section set forth the procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan and this title. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.

B. **Authority**. The Land Use Authority for site plan reviews is outlined in 15in15.3.005.

C. **Initiation**. A property owner or their designated agent may request approval of a site plan as provided in this section.

1. A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this title:

a. Any multifamily residential use;
b. Any commercial use;
c. Any professional use;
d. Any manufacturing use; and
e. Any institutional use

2. In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.

D. **Procedure.** City shall process and consider an application for site plan review as provided in this section.

1. Application. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

a. One (1) plan set, size 22"x34" drawings; one (1) plan set, size 11"x17" drawings; and one (1) PDF copy. The application and plan sets shall include at a minimum the following documents and information:

(1) A plan set cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.

(2) A detailed boundary survey sheet showing the following information:

(A) The location and width of existing and proposed abutting streets;
(B) All property and parcel/lot lines;
(C) Existing and proposed easements and dedications, adjacent property owners and holding strips;
(D) The location of all existing and proposed structures on the site, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
(E) The location of existing fencing and significant existing trees and shrubbery;
(F) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
(G) The location of existing and proposed curb, gutter,

sidewalk, and curb cuts. If the property abuts a State owned highway, the applicant must obtain approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances;

(H) The location of refuse container(s); and

(I) The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian, and road safety signs.

(3) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design standards approved by the City.

(4) A detailed landscaping plan that shows the following information:

(A) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;

(B) Irrigation sprinkler designs indicating the location and service size of secondary water connections;

(C) Location and design of all exterior lighting;

(D) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;

(5) Floor plans and elevations including exterior building finishes and colors.

(6) Required engineered drawings for on and off site improvements.

(7) Traffic study and geotechnical study unless waived by the Land Use Authority, Zoning Administrator or City's Engineer.

(8) Each sheet shall be signed and stamped by the relevant design professional registered in the State of Utah (i.e. engineer, professional landscape architect, etc.) as applicable.

E. **Determination Of Complete Application**. After the Zoning Administrator determines the completeness of a site plan application, the Zoning Administrator shall transmit the application to City staff for preparation of a staff report evaluating the application.

F. **Review By Planning Commission In Public Meeting**. The Planning Commission shall review the proposed site plan application including the staff report prepared by City staff and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority.

G. **Planning Commission Decision In Public Meeting**. The City Planning Commission

shall review the proposed site plan application. The City Planning Commission may either approve, approve with modifications, or reject the proposed site plan application. The City Planning Commission may also table the matter for further information or future consideration or action.

H. **Approval Standards.** City Staff may provide advisory comments to the applicant prior to the scheduling of the site plan application before the Land Use Authority. Staff comments or feedback shall not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan:

1. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.
2. A site plan shall conform to all applicable standards as set forth in the title and the City's Code. In addition, consideration shall also be given to the following:
    a. Considerations relating to buildings and general site layout.
        (1) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan; and
        (2) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
    b. Considerations relating to traffic safety and traffic congestion.
        (1) Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
        (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
        (3) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;
        (4) Locating, arrangement, and dimensions of truck loading and unloading spaces;
        (5) Vehicular and pedestrian circulation patterns within the boundaries of the development;
        (6) Surfacing and lighting of off-street parking facilities; and
        (7) Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
    c. Considerations relating to landscaping.
        (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations,

or other unsightly development;

(2) Planning of ground cover or other surfaces to prevent dust and erosion; and

(3) Unnecessary destruction of existing healthy trees.

d. Considerations relating to drainage and irrigation.

(1) The effect of the site development on the adequacy of the storm and surface water drainage; and

(2) The need for piping of irrigation ditches bordering or within the site.

e. Other considerations including, but not limited to:

(1) Buffering;

(2) Lighting;

(3) Placement of trash containers and disposal facilities;

(4) Location of surface, wall and roof-mounted equipment.

I. **Bonding**. Site plan bonding requirements are governed by Section 14.20.020. The applicant shall comply with all bonding requirements established in Section 14.20.020 prior to issuance of any building permits or the commencement of any work requiring site plan approval..

J. **Appeal Of Decision**. Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a site plan application may appeal to District Court in accordance with the provisions of §10-9a-801 of Utah State Code (as amended).

K. **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such plan.

1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.
2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

L. **Amendments.** Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Land Use Authority.

M. **Revocation.** A site plan approval may be revoked using the same process as outlined in 15in15.3.070.

N. **Expiration**. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new site plan application be submitted and approval obtained pursuant to this section. A written request may be submitted to the

Zoning Administrator prior to the expiration of the site plan for an extension of up to six (6) months. The Land Use Authority may grant such an extension where good cause can be shown.

AFTER AMENDMENT

15.03.080 Site Plan Review

A. **Purpose**. This section set forth the procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan and this T~~t~~itle. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.
B. **Authority**. The Land Use Authority for site plan reviews is outlined in Section~~15in~~15.3.005.
C. **Initiation**. A property owner or their designated agent may request approval of a site plan as provided in this section.
    1. A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this T~~t~~itle:
        a. Any multifamily residential use;
        b. Any commercial use;
        c. Any professional use;
        d. Any manufacturing use; and
        e. Any institutional use
    2. In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.
D. **Procedure.** The City shall process and consider an application for site plan review as provided in this section.
    1. **Application.** An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
        a. One (1) plan set, size 2~~2~~4"x36~~4~~" drawings; one (1) plan set, size 11"x17" drawings; and one (1) PDF copy. The application and plan sets shall include at a minimum the following documents and information:
            (1) A plan set cover sheet showing the entire site plan including a

title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.

(2) A detailed boundary survey sheet showing the following information:
    (A) The location and width of existing and proposed abutting streets;
    (B) All property and parcel/lot lines;
    (C) Existing and proposed easements and dedications, adjacent property owners and holding strips;
    (D) The location of all existing and proposed structures on the site, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
    (E) The location of existing fencing and significant existing trees and shrubbery;
    (F) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
    (G) The location of existing and proposed curb, gutter, sidewalk, and curb cuts. If the property abuts a State owned highway, the applicant must obtain approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances;
    (H) The location of refuse container(s); and
    (I) The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian, and road safety signs.

(3) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design standards approved by the City.

(4) A detailed landscaping plan that shows the following information:
    (A) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;
    (B) Irrigation sprinkler designs indicating the location and service size of secondary water connections;

(C) Location and design of all exterior lighting;
(D) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;

(5) Floor plans and elevations including exterior building finishes and colors.
(6) Required engineered drawings for on and off site improvements.

(7) Traffic study and geotechnical study unless waived by the Land Use Authority, Zoning Administrator or City's Engineer.
(8) Each sheet shall be signed and stamped by the relevant design professional registered in the State of Utah (i.e. engineer, professional landscape architect, etc.) as applicable.

E. **Determination Of Complete Application**. After the Zoning Administrator determines the completeness of a site plan application, the Zoning Administrator shall transmit the application to City S~~s~~taff (including Public Works, City Engineer, and affected entities such as the Water Board) for preparation of a staff report evaluating the application.

~~F. **Review By Planning Commission In Public Meeting**. The Planning Commission shall review the proposed site plan application including the staff report prepared by City staff and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority.~~

G. **Planning Commission Recommendation~~Decision~~ In Public Meeting**. The ~~City~~ Planning Commission shall review the proposed site plan application, staff report and comments received from affected entities in a public meeting.~~.~~ The ~~City~~ Planning Commission may either recommend approval~~e~~, approve with modifications, or reject the proposed site plan application. The ~~City~~ Planning Commission may also table the matter for further information or future consideration or recommended action.

H. **Land Use Authority Decision In Public Meeting**. After the Planning Commission makes a formal recommendation the Land Use Authority shall review the proposed site plan application, staff report, comments received from affected entities, and formal recommendation of the Planning Commission at their next regularly scheduled public meeting. The Land Use Authority may then either approve, approve with modifications or conditions, or reject the proposed site plan application. The Land Use Authority may also table the matter for further information or future consideration or action.

I. **Approval Standards.** City Staff and affected entities may provide advisory comments to the applicant prior to the scheduling of the site plan application before the Planning Commission and Land Use Authority. Staff or affected entity comments or feedback shall not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan:

1. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.

2. A site plan shall conform to all applicable standards as set forth in the T~~t~~itle and the City's Code. In addition, consideration shall also be given to the following:
    a. Considerations relating to buildings and general site layout.
        (1) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan; and
        (2) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
    b. Considerations relating to traffic safety and traffic congestion.
        (1) Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;
        (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
        (3) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;
        (4) Locating, arrangement, and dimensions of truck loading and unloading spaces;
        (5) Vehicular and pedestrian circulation patterns within the boundaries of the development;
        (6) Surfacing and lighting of off-street parking facilities; and
        (7) Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
    c. Considerations relating to landscaping.
        (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
        (2) Planning of ground cover or other surfaces to prevent dust and erosion; and
        (3) Unnecessary destruction of existing healthy trees.
    d. Considerations relating to drainage and irrigation.
        (1) The effect of the site development on the adequacy of the storm and surface water drainage; and
        (2) The need for piping of irrigation ditches bordering or within

the site.

e. Other considerations including, but not limited to:

(1) Buffering;

(2) Lighting;

(3) Placement of trash containers and disposal facilities;

(4) Location of surface, wall and roof-mounted equipment.

J. **Bonding**. Site plan bonding requirements are governed by Section 14.20.020. The applicant shall comply with all bonding requirements established in Section 14.20.020 prior to issuance of any building permits or the commencement of any work requiring site plan approval.~~.~~

K. **Appeal Of Decision**. Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a site plan application may appeal to District Court in accordance with the provisions of §10-20-1109 ~~9a-801~~ of Utah State Code (as amended).

L. **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such plan.

1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.
2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

M. **Amendments.** Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Land Use Authority.

N. **Revocation.** A site plan approval may be revoked using the same process as outlined in Section~~15in~~15.03.070.

O. **Expiration**. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new site plan application be submitted and approval obtained pursuant to this section. A written request may be submitted to the Zoning Administrator prior to the expiration of the site plan for an extension of up to six (6) months. The Land Use Authority may grant such an extension where good cause can be shown.

SECTION 18: **AMENDMENT** "15.03.090 Entrance Upon Land: Inspection" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.090 Entrance Upon Land: Inspection

A. The City and its designated officials are hereby authorized to inspect or cause to be inspected all buildings or structures in the course of erection, construction, reconstruction or alteration and to inspect land uses to determine compliance with the provisions of this Land Use Ordinance. The City and its designated officials or authorized employees shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance and other adopted ordinances of the City; provided, that right of entry will be exercised only at reasonable hours and that in no case will entry be made to any occupied building in the absence of the owner or a tenant without written permission of the owner or the written order of a court of competent jurisdiction.

B. Pursuant to §10-9a of Utah State Code (as amended), the City may enter upon any land at reasonable times to make examinations and surveys pertinent to the preparation of its general plan; or preparation or enforcement of its land use ordinances.

AFTER AMENDMENT

15.03.090 Entrance Upon Land: Inspection

A. The City and its designated officials are hereby authorized to inspect or cause to be inspected all buildings or structures in the course of erection, construction, reconstruction or alteration and to inspect land uses to determine compliance with the provisions of this Land Use Ordinance and Title 14, Subdivision Ordinance of the City's Code. The City and its designated officials or authorized employees shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance and other adopted ordinances of the City; provided, that right of entry will be exercised only at reasonable hours and that in no case will entry be made to any occupied building in the absence of the owner or a tenant without written permission of the owner or the written order of a court of competent jurisdiction.

B. Pursuant to §10-20~~9a~~ of Utah State Code (as amended), the City may enter upon any land at reasonable times to make examinations and surveys pertinent to the preparation of its G~~g~~eneral P~~p~~lan; or preparation or enforcement of its land use ordinances.

SECTION 19: **AMENDMENT** "15.03.100 Fees" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.100 Fees

Fees may be charged for the review and procession of various land use applications as required by this title. Fees shall be established and amended from time to time by the City Council by resolution amounts reasonably necessary to defray costs to the public.

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AFTER AMENDMENT

15.03.100 Fees

Fees may be charged for the review and procession of various land use applications as required by this T~~t~~itle. Fees shall be established and amended from time to time by the City Council by resolution amounts reasonably necessary to defray costs to the public.

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SECTION 20: **AMENDMENT** "15.03.105 Exemptions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.105 Exemptions

The following properties, uses and structures will, to the extent provided by law, be exempt from the provisions of this ordinance:

A. Properties owned and operated by the State of Utah or the federal government;
B. School Districts to the extent provided by Section 10-9a-305 of the Utah Code

Where state or federal law requires that the agency take steps to comply with all applicable local regulations, this exemption will not be construed to abrogate that requirement.

AFTER AMENDMENT

15.03.105 Exemptions

The following properties, uses and structures will, to the extent provided by law, be exempt from the provisions of this ordinance:

A. Properties owned and operated by the State of Utah or the federal government;
B. School Districts to the extent provided by ~~Section 10-9a-305 of the~~ Utah State Code (as amended).

Where state or federal law requires that the agency take steps to comply with all applicable local regulations, this exemption will not be construed to abrogate that requirement.

SECTION 21: **AMENDMENT** "15.03.110 City Council Responsibilities As A Land Use Authority" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.03.110 City Council Responsibilities As A Land Use Authority

The City Councilthis ordinance as a Land Use Authority and shall have the following powers and duties:

A. To consider the adoption, modification, or rejection of the City's General Plan and all elements contained within the general plan, upon receiving the recommendations of the City's Planning Commission;
B. To approve, deny, or to amend and approve applications for development approval and amendments to the land use ordinance and zoning map;
C. To act as the appeal authority to hear appeals of final decisions of the Planning Commission for Conditional Use Permits;
D. To designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustment;
E. To render, or to appoint a hearing officer(s) to render a determination pursuant to the provisions of this ordinance, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this ordinance;
F. To take other action not expressly delegated to the Planning Commission or the LUHO that may be desirable and necessary to implement the provisions of the Ballard City General Plan;
G. Revocation of building permits; and
H. To establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this ordinance.

AFTER AMENDMENT

15.03.110 City Council Responsibilities As A Land Use Authority

The City Council ~~this ordinance~~ as a Land Use Authority and shall have the following powers and duties:

A. To consider the adoption, modification, or rejection of the City's General Plan and all elements contained within the general plan, upon receiving the recommendations of the City's Planning Commission;
B. To approve, deny, or to amend and approve applications for development approval and amendments to the land use ordinance and zoning map;
C. To act as the A~~a~~ppeal A~~a~~uthority to hear appeals of final decisions of the Planning

Commission for Conditional Use Permits;

D. To designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustment;
E. To render, or to appoint a hearing officer(s) to render a determination pursuant to the provisions of this ordinance, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this ordinance;
F. To take other action not expressly delegated to the Planning Commission or the LUHO that may be desirable and necessary to implement the provisions of the Ballard City General Plan;
G. Revocation of building permits; and
H. To establish a fee schedule by resolution for applications for development approval, zone district amendments and all other approvals, permits and licenses required by this ordinance.

SECTION 22: **<u>AMENDMENT</u>** "15.04.010 Created" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.04.010 Created

A. There is hereby created a commission to be known and designated as the Planning Commission of Ballard, Utah, to be appointed and to hold office as is set forth hereunder, pursuant to §10-9a-301 of Utah State Code (as amended).
B. The Planning Commission shall consist of five (5) members, and two (2) alternative members, each to be appointed by the MayortheMayor with the advice and consent of the City Council.
C. The PlanningThePlanning Commission should consist of members from various fields of expertise.
D. The five members of the Planning Commission and two alternates shall be residents of the City. In making appointments to the Planning Commission the following criteria shall be considered by the City Council:
    1. Geographic location. An effort should be made to provide a reasonable geographic distribution of members throughout the City.
    2. Education, occupation, and expertise. While it is desirable to have members with a wide variety of background and training, consideration should also be given to skills, knowledge, expertise, and experience in the areas of land use planning, zoning, subdivision development, or related fields, the processes involved, and the members role therein.
E. Alternatives may fully participate in work meetings, but will only be allowed to participate in regular or special meetings of the Planning Commission when they are needed to fill a vacancy during the temporary absence of a regular member.

Alternatives may only vote while filling the vacancy of a primary member. Alternatives shall take turns when filling in for an absent member. It shall be the duty of the Chair of the Planning Commission to determine the order and turns of the alternatives.

AFTER AMENDMENT

15.04.010 Created

A. There is hereby created a commission to be known and designated as the Planning Commission of Ballard, Utah, to be appointed and to hold office as is set forth hereunder, pursuant to §10-209~~a-301~~ of Utah State Code (as amended).
B. The Planning Commission shall consist of five (5) members, and two (2) alternative members, each to be appointed by the Mayor~~theMayor~~ with the advice and consent of the City Council.
C. The Planning~~ThePlanning~~ Commission should consist of members from various fields of expertise.
D. The five (5) members of the Planning Commission and two (2) alternates shall be residents of the City. In making appointments to the Planning Commission the following criteria shall be considered by the City Council:
    1. **Geographic L~~l~~ocation**. An effort should be made to provide a reasonable geographic distribution of members throughout the City.
    2. **Education, O~~o~~ccupation, and E~~e~~xpertise.** While it is desirable to have members with a wide variety of background and training, consideration should also be given to skills, knowledge, expertise, and experience in the areas of land use planning, zoning, subdivision development, or related fields, the processes involved, and the members role therein.
E. Alternatives may fully participate in work meetings, but will only be allowed to participate in regular or special meetings of the Planning Commission when they are needed to fill a vacancy during the temporary absence of a regular member. Alternatives may only vote while filling the vacancy of a primary member. Alternatives shall take turns when filling in for an absent member. It shall be the duty of the Chair of the Planning Commission to determine the order and turns of the alternatives.

SECTION 23: **AMENDMENT** "15.04.040 Duties And Responsibilities" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.04.040 Duties And Responsibilities

The Planning Commission shall have the powers, duties and responsibilities provided by State law, by this ordinance, and as are from time to time lawfully delegated by the Ballard City

Council. Specifically, the Planning Commission's authority is to:

A. Prepare, or cause to be prepared, the General Plan all elements thereof, and amendments thereto, and to submit such plan, elements, or amendments to the City Council;
B. Prepare or cause to be prepared all land use ordinances, including the subdivision and zoning ordinance, official maps, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, official maps, standards, requirements, and all amendments zoning maps, official maps, and amendments to the City Council;

C. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all conditional use applications;
D. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny subdivision applications, and when indicated as a Reviewing Body recommend approval, approval with conditions or modifications, or denial of subdivision applications as authorized by the subdivision ordinance;
E. Act as an Appeal Authority when required by the subdivision or land use ordinances;
F. Advise the City Council on matters as the City Council may direct;
G. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Planning Commission, for the consideration of applications and for any other purposes deemed necessary by the Planning Commission, provided that such bylaws, policies, and procedures are approved by the City Council before taking effect.
H. Exercise any other powers that are necessary to enable it to perform its functions.

AFTER AMENDMENT

15.04.040 Duties And Responsibilities

The Planning Commission shall have the powers, duties and responsibilities provided by State law, by this ordinance, and as are from time to time lawfully delegated by the ~~Ballard~~ City Council. Specifically, the Planning Commission's authority is to:

A. Prepare, or cause to be prepared, the General Plan all elements thereof, and amendments thereto, and to submit such plan, elements, or amendments to the City Council;
B. Prepare or cause to be prepared all land use ordinances, including the subdivision and zoning ordinance, official maps, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, official maps, standards, requirements, and all amendments zoning maps, official maps, and amendments to the City Council;
C. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all site plan applications and conditional use applications;
D. When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny subdivision applications, and when indicated as a

Reviewing Body recommend approval, approval with conditions or modifications, or denial of subdivision applications as authorized by the subdivision ordinance;

E. Act as an Appeal Authority when required by the subdivision or land use ordinances;
F. Advise the City Council on matters as the City Council may direct;
G. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Planning Commission, for the consideration of applications and for any other purposes deemed necessary by the Planning Commission, provided that such bylaws, policies, and procedures are approved by the City Council before taking effect.
H. Exercise any other powers that are necessary to enable it to perform its functions.

SECTION 24: **AMENDMENT** "15.04.060 Officers" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.04.060 Officers

A. The Planning Commission shall elect a chairperson and chairperson or "chair" and vice chairperson or "vice chair" and such other officers as deemed necessary from among its members, whose terms will be for one year starting in January and ending in December.
B. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all powers of the Chair. The Chair, or in the Chair's absence, Vice Chair, shall be in charge of all proceedings before the Planning Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the planning commission.

AFTER AMENDMENT

15.04.060 Officers

A. The Planning Commission shall elect a chairperson and chairperson or "chair" and vice chairperson or "vice chair" and such other officers as deemed necessary from among its members, whose terms will be for one year starting in January and ending in December.
B. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all powers of the Chair. The Chair, or in the Chair's absence, Vice Chair, shall be in charge of all proceedings before the Planning Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the P~~p~~lanning C~~c~~ommission.

SECTION 25: **AMENDMENT** "15.04.100 Vacancies And Removals For Cause" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.04.100 Vacancies And Removals For Cause

Vacancies of appointed members occurring other than through the ending of terms will be filled for the remainder of the unexpired term by appointment from of the City Council. The Mayor with the consent of the City Council shall have the right to remove any member for nonperformance of duty. Nonperformance of duty will include a repeated failure to attend Planning Commission meetings defined as an absence of three (3) consecutive meetings or twenty-five percent (25%) of meetings in a calendar year.

AFTER AMENDMENT

15.04.100 Vacancies And Removals For Cause

Vacancies of appointed members occurring other than through the ending of terms will be filled for the remainder of the unexpired term by appointment ~~from~~ of the City Council. The Mayor with the consent of the City Council shall have the right to remove any member for nonperformance of duty. Nonperformance of duty will include a repeated failure to attend Planning Commission meetings defined as an absence of three (3) consecutive meetings or twenty-five percent (25%) of meetings in a calendar year.

SECTION 26: **AMENDMENT** "15.05.010 Creation And Composition" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.05.010 Creation And Composition

There is hereby created an appeal authority known and designed as the Land Use Hearing Officer (LUHO) of Ballard, Utah, to be appointed and to hold office as set forth hereunder, pursuant to §10-9a-701 of Utah State Code (as amended). The LUHO shall consist of one (1) member or a third party, to be appointed or contracted on an as-needed basis by the City Council The City Council upon written charge and after public hearing may remove any member or contracted entity with cause. No current member or alternative of the Planning Commission may serve as the LUHO

AFTER AMENDMENT

15.05.010 Creation And Composition

A. There is hereby created an A~~a~~ppeal A~~a~~uthority known and designed as the Land Use Hearing Officer (LUHO) of Ballard, Utah, to be appointed and to hold office as set forth hereunder, pursuant to §10-20~~9a-701~~ of Utah State Code (as amended).
B. The LUHO shall consist of one (1) member or a third party, to be appointed or contracted on an as-needed basis by the City Council.
C. The City Council upon written charge and after public hearing may remove any member or contracted entity with cause.
D. No current member or alternative of the Planning Commission may serve as the LUHO

SECTION 27: **AMENDMENT** "15.05.070 Appeals To Board" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.05.070 Appeals To Board

Appeals to the LUHO may be taken by any person or by any officer; department, board or bureau of the City affected by any decision of the City and its officials or designees as outlinedthisregarding zoning.chapter In exercising the above mentioned powers, the LUHO may, in conformity with the requirements of this chapter, reverse or affirm, or may modify the order, requirement, decision or determination appealed from and may make the order, requirement, decision or determination as ought to be made, and to that end will have all the powers of the officer from whom the appeal is taken.

AFTER AMENDMENT

15.05.070 Appeals To Board

Appeals to the LUHO may be taken by any person or by any officer;~~,~~ department, board or bureau of the City affected by any decision of the City and its officials or designees as outlined in this~~regarding zoning.c~~ Chapter. In exercising the above mentioned powers, the LUHO may, in conformity with the requirements of this C~~c~~hapter, reverse or affirm, or may modify the order, requirement, decision or determination appealed from and may make the order, requirement, decision or determination as ought to be made, and to that end will have all the powers of the officer from whom the appeal is taken.

SECTION 28: **AMENDMENT** "15.05.090 Judicial Review; Time Limitation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.05.090 Judicial Review; Time Limitation

The City or any person aggrieved by any decision of the LUHO may have and maintain a plenary action for relief in any court of competent jurisdiction, given petition for such relief is presented to the court within thirty (30) days after the filing of the decision. .

AFTER AMENDMENT

15.05.090 Judicial Review; Time Limitation

The City or any person aggrieved by any decision of the LUHO may have and maintain a plenary action for relief in any court of competent jurisdiction, given a petition for such relief is presented to the court within thirty (30) days after the filing of the decision. .

SECTION 29: **AMENDMENT** "15.06.010 Zoning By Districts" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.010 Zoning By Districts

The following basic zoning districts are created to be applied as necessary to regulate the development of Ballard City:

Zoning District Name	Abbreviation
Agricultural	A
Residential Agricultural	RA
Single Family Residential	R
Residential Multi-Family	RM
Medium High Residential	MH

Planned Development	PD
Commercial	C
Industrial	I
Open Space	OS

AFTER AMENDMENT

15.06.010 Zoning By Districts

The following basic zoning districts are created to be applied as necessary to regulate the development of Ballard City:

Zoning District Name	Abbreviation
Agricultural	A
Residential Agricultural	RA
Single Family Residential	R
Residential Multi-Family	RM
Medium High Residential	MH
Planned Development	PD
Commercial	C
Industrial	I
Open Space	OS
Wildland Urban Interface Overlay Zone	WUI

SECTION 30: **AMENDMENT** "15.06.020 Zoning District Map" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.020 Zoning District Map

The boundaries of these zoning districts are now and will be established as shown on maps entitled "Zoning District Map of Ballard City", which maps and all future official amendments will be part of this title. Unless otherwise defined on the zoning district maps, district boundary

lines are lot lines; the centerline of streets, alleys or lines extended; section lines; municipal corporate lines; the centerline of streambeds; or other lines drawn to scale on the zoning district map. Any land not inside a zoning district for any reason will not have permits issued for the use of land or erection or alteration of structures. This will hold until a zone is assigned to the land. If this is not accomplished in (120) days then any use in the RA-1 zone is allowed.

AFTER AMENDMENT

15.06.020 Zoning District Map

The boundaries of these zoning districts are now and will be established as shown on maps entitled "Zoning District Map of Ballard City", which maps and all future official amendments will be part of this T~~t~~itle.~~-~~Unless otherwise defined on the zoning district maps, district boundary lines are lot lines; the centerline of streets, alleys or lines extended; section lines; municipal corporate lines; the centerline of streambeds; or other lines drawn to scale on the zoning district map.~~-~~Any land not inside a zoning district for any reason will not have permits issued for the use of land or erection or alteration of structures. This will hold until a zone is assigned to the land. If this is not accomplished in (120) days then any use in the RA-1 zone is allowed.

SECTION 31: **AMENDMENT** "15.06.030 Uniform District Regulations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.030 Uniform District Regulations

The regulations of this title will apply uniformly to all geographical areas bearing the same zoning district.

A. **Split Zoned Properties**
    1. A property or parcel of single ownership that has multiple zoning designations at the time of passage of this ordinance may develop and be used according to the regulations of each zone dividing the property, provided that development projects and uses stay within approved zoning district boundaries and meet all applicable provisions of the zone.
    2. It is recommended that property owners subdivide the property so that lot lines follow zoning districts as mapped at the time of development or request a zone change to match current property lines.
    3. A development or use may cross zoning boundaries on split zone parcels, if the proposed use is a permitted use in all zoning districts being crossed. Projects that are both on a split zoned property and cross a zoning district will be required to obtain a conditional use permit as outlined in BMC 15.08 Conditional Use Permits.

AFTER AMENDMENT

15.06.030 Uniform District Regulations

The regulations of this T~~t~~itle will apply uniformly to all geographical areas bearing the same zoning district.

A. **Split Zoned Properties**

1. A property or parcel of single ownership that has multiple zoning designations at the time of passage of this ordinance may develop and be used according to the regulations of each zone dividing the property, provided that development projects and uses stay within approved zoning district boundaries and meet all applicable provisions of the zone.
2. It is recommended that property owners subdivide the property so that lot lines follow zoning districts as mapped at the time of development or request a zone change to match current property lines.
3. A development or use may cross zoning boundaries on split zone parcels, if the proposed use is a permitted use in all zoning districts being crossed. Projects that are both on a split zoned property and cross a zoning district will be required to obtain a conditional use permit as outlined in BMC 15.08 Conditional Use Permits.

SECTION 32: **AMENDMENT** "15.06.040 Zone Lot For Structures And Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.040 Zone Lot For Structures And Uses

The land area occupied by a use and/or the building site designated for a structure will be the zone lot for the purpose of this title, and will be provided and maintained for each use and/or structure in accordance with the regulations of the district in which the structure is located. The boundaries of a designated zone lot may be amended if all of the requirements of this title can be maintained. Where more than one structure or use is to be placed on a designated zone lot, the provisions of this chapter will apply.

AFTER AMENDMENT

15.06.040 Zone Lot For Structures And Uses

The land area occupied by a use and/or the building site designated for a structure will be the zone lot for the purpose of this T~~t~~itle, and will be provided and maintained for each use and/or structure in accordance with the regulations of the district in which the structure is located. The boundaries of a designated zone lot may be amended if all of the requirements of this T~~t~~itle can

be maintained. Where more than one (1) structure or use is to be placed on a designated zone lot, the provisions of this C~~c~~hapter will apply.

SECTION 33: **AMENDMENT** "15.06.050 Zoning Districts Purpose" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.050 Zoning Districts Purpose

Consistent with the goals and policies of the Ballard City General Plan the zoning districts are formulated to provide and achieve the purposes described in each zone.

AFTER AMENDMENT

15.06.050 Zoning Districts Purpose

~~Consistent with the goals and policies of the Ballard City General Plan the zoning districts are formulated to provide and achieve the purposes described in each zone.~~

A. As provided by §10-20 of Utah State Code (as amended), the City Council may divide the lands within the City into zoning districts of a number, shape, and area that it considers necessary and appropriate to carry out the purposes of this title and the City's General Plan.
B. Within those zoning districts, the City Council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
C. All uses, activities, and all approvals, permits, and licenses shall be found to conform to the standards and requirements of the zoning district as applicable.

SECTION 34: **AMENDMENT** "15.06.080 Agricultural Zones (A-20, A-10, A-5)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.080 Agricultural Zones (A-20, A-10, A-5)

A. **Purpose**. The establishment of an agricultural zone is intended to allow and protect agricultural uses within the City by controlling density and land coverage, and providing for compatible land uses. Its formulation is further intended to protect nearby residential uses from objectionable effects of certain agricultural operations.

B. **Permitted Uses**. The following uses are permitted:

1. Accessory buildings clearly incidental to and commonly associated with the operation of permitted uses.
2. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
3. Commercial kennels for the raising, boarding and training of small animals; given, that no portion of any structure or outdoor run or pen will be located closer than one hundred feet (100') to any dwelling.
4. Commercial or noncommercial agriculture, dairying, poultry, feeder pigs, not to exceed six (6) feeder pigs per acre, and livestock raising and feeding; given, that buildings and corrals used for housing fowl or animals, storing grain, feed or processing products will not be located closer than one hundred feet (100') to any dwelling (except for RA-5 districts where the distance is 50 feet).
5. Greenhouses or plant nurseries for growing purposes, but not including retail sales.
6. Home occupations
7. Household pets
8. Neighborhood / City park
9. Private country clubs, golf courses and parks.
10. Riding stables; provided, that any structure or corral housing animals will not be closer than one hundred feet (100') to any dwelling.
11. School, public or charter.
12. Second residences for hired help (A-20 only).
13. Signs
14. Single-family dwellings, a minimun of one thousand square feet (1,000 sq. ft.) in floor area or greater.
15. Small animals, more than otherwise allowed in the RA-5 zone, given that they are kept constantly indoors in a fully enclosed building constructed with soundproofing measures and containing adequate sanitary measures, and are raised for live resale or reproduction purposes and not for food purposes.
16. Veterinary clinics, including observation or holding pens (including large animal hospitals); provided that no part of any structure will be closer than one hundred feet (100') to any dwelling.
17. Other uses determined by the planning commission to be in harmony with the intent and purpose of the zone.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of BMC 15.08:

1. Businesses directly related to some form of commercial agriculture.
2. Child nursery
3. Public utilities and facilities.
4. Radio and TV transmission lines and/or substations.
5. Residential treatment facility in the A-5, A-10, A-20 zones only
6. Utility transmission lines and/or substations.
7. Cluster subdivision
8. Other uses determined by the planning commission to be in harmony with the

intent and purpose of the zone.

D. **Height Regulations.** Building: No building will be erected to a height greater than two and one-half (21/2) stories or thirty five feet (35').

E. **Area, Width and Yard Requirements**

District	Area Minimum	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear	Minimum Accessory Building Setbacks Side	Minimum Accessory Building Setbacks Rear
A-5	5 acres	100 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-10	10 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-20	20 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet

F. **Walls and Fencing**. Properties within agricultural zones will comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within agricultural zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Other Requirements Applicable**. Requirements of all other chapters of this title will apply as applicable.
2. **Conditional Uses on Smaller Parcels**. Conditional uses may be approved on parcels of property less than the size required by the zone, but meeting all other requirements of this chapter and all other applicable requirements of this title.
3. **Livestock**. In the agricultural district, the number of animals permitted for each forty thousand (40,000) square feet or proportionate number of animals for a lot more than forty thousand (40,000) square feet will be as follows:
    a. Twelve (12) large animals which may include horses, cattle, goats, sheep, feeder pigs or other animals judged by the planning commission to be compatible with this category of livestock animals.
    b. Not more than thirty (30) poultry or rabbits or other small animals on any lot (30 total small animals).
    c. No enclosure, pen or structure for raising of poultry, rabbits or livestock will be located within fifty feet (50') of any dwelling on the same or an adjacent lot.

AFTER AMENDMENT

15.06.080 Agricultural Zones (A-20, A-10, A-5)

A. **Purpose**. The establishment of an agricultural zone is intended to allow and protect agricultural uses within the City by controlling density and land coverage, and providing for compatible land uses. Its formulation is further intended to protect nearby residential uses from objectionable effects of certain agricultural operations.

B. **Permitted Uses**. The following uses are permitted:

1. Accessory buildings clearly incidental to and commonly associated with the operation of permitted uses.
2. Accessory dwelling unit.
3. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
4. Commercial kennels for the raising, boarding and training of small animals; given, that no portion of any structure or outdoor run or pen will be located closer than one hundred feet (100') to any dwelling.
5. Commercial or noncommercial agriculture, dairying, poultry, feeder pigs, not to exceed six (6) feeder pigs per acre, and livestock raising and feeding; given, that buildings and corrals used for housing fowl or animals, storing grain, feed or processing products will not be located closer than one hundred feet (100') to any dwelling (except for RA-5 districts where the distance is 50 feet).
6. Greenhouses or plant nurseries for growing purposes, but not including retail sales.
7. Home-based microschool.
8. Home occupations
9. Household pets
10. Micro-education entity.
11. Neighborhood / City park
12. Private country clubs, golf courses and parks.
13. Riding stables; provided, that any structure or corral housing animals will not be closer than one hundred feet (100') to any dwelling.
14. School, public or charter.
15. Second residences for hired help (A-20 only).
16. Signs
17. Single-family dwellings.~~, a minimun of one thousand square feet (1,000 sq. ft.) in floor area or greater.~~
18. Small animals, more than otherwise allowed in the RA-5 zone, given that they are kept constantly indoors in a fully enclosed building constructed with soundproofing measures and containing adequate sanitary measures, and are raised for live resale or reproduction purposes and not for food purposes.
19. Veterinary clinics, including observation or holding pens (including large animal hospitals); provided that no part of any structure will be closer than one hundred feet (100') to any dwelling.
20. Other uses determined by the Land Use Authority~~planning commission~~ to be in harmony with the intent and purpose of the zone.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08:

1. Businesses directly related to some form of commercial agriculture.

2. Child nursery
3. Public utilities and facilities.
4. Radio and TV transmission lines and/or substations.
5. Residential treatment facility in the A-5, A-10, A-20 zones only
6. Utility transmission lines and/or substations.
7. Cluster subdivision
8. Other uses determined by the Land Use Authority~~planning commission~~ to be in harmony with the intent and purpose of the zone.

D. **Height Regulations.** Building: No building will be erected to a height greater than two and one-half (21/2) stories or thirty five feet (35').

E. **Area, Width and Yard Requirements**

District	Area Minimum	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear	Minimum Accessory Building Setbacks Side	Minimum Accessory Building Setbacks Rear
A-5	5 acres	100 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-10	10 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-20	20 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet

F. **Walls and Fencing**. Properties within agricultural zones will comply with Section~~BMC~~ 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within agricultural zones will comply with Section~~BMC~~ 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Other Requirements Applicable**. Requirements of all other C~~c~~hapters of this T~~t~~itle will apply as applicable.
2. **Conditional Uses on Smaller Parcels**. Conditional uses may be approved on parcels of property less than the size required by the zone, but meeting all other requirements of this chapter and all other applicable requirements of this title.
3. **Livestock**. In the agricultural district, the number of animals permitted for each forty thousand (40,000) square feet or proportionate number of animals for a lot more than forty thousand square feet (40,000 sq. ft.) ~~square feet~~ will be as follows:
    a. Twelve (12) large animals which may include horses, cattle, goats, sheep, feeder pigs or other animals judged by the P~~p~~lanning C~~c~~ommission to be compatible with this category of livestock animals.
    b. Not more than thirty (30) poultry or rabbits or other small animals on

any lot (30 total small animals).

c. No enclosure, pen or structure for raising of poultry, rabbits or livestock will be located within fifty feet (50') of any dwelling on the same or an adjacent lot.

SECTION 35: **<u>AMENDMENT</u>** "15.06.090 Residential Agricultural Zones (RA-1/2, RA-1, RA-2, RA-5)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.090 Residential Agricultural Zones (RA-1/2, RA-1, RA-2, RA-5)

A. **Purpose**. The purpose of these zones is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use in connection with a residential dwelling. Agricultural development and keeping of animals will be for the exclusive use and benefit of the family residing on the subject property. The RA-5 zoning district and cluster housing provisions can be used to protect environmentally sensitive areas such as steep hillsides and floodplain areas while still allowing for residential development on the least sensitive land.

B. **Permitted Uses**. The following uses are permitted:

1. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
2. Guesthouses.
3. Home occupations
4. Household pets; provided that they are not kept, bred or maintained for any commercial purpose.
5. Keeping of animals and fowl, as an accessory use to a single-family dwelling, to produce food for the family residing on the subject property, but limited in any event to the following:
    a. One large animal for a minimum lot area of twelve thousand five hundred (12,500) square feet; two (2) large animals for a minimum lot area of twenty thousand (20,000) square feet; and one additional large animal for each ten thousand (10,000) square feet of lot area over twenty thousand (20,000) square feet. Large animals may include horses, cattle, goats, sheep or other animals judged by the planning commission to be compatible with this category of livestock.
    b. Not more than eight (8) poultry or rabbits or other small animals for every twelve thousand five hundred (12,500) square feet of area, not to exceed thirty (30) poultry or rabbits on any lot.
    c. No pigs will be kept on any lot within the RA zones.
6. Neighborhood / City Park.
7. Raising of crops, gardens and horticulture. Schools, public or charter.

8. Single-family dwellings a minimum of one thousand square feet (1,000 sq. ft.) in floor area or greater.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of BMC 15.08
   1. Caretaker dwelling, provided the unit is not rented out and is used solely for full time paid employees who work at the premises.
   2. Child nursery
   3. Cluster development
   4. Community park
   5. Public utilities and facilities.
   6. Any use similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

D. **Height Regulations**. No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless reviewed by the planning commission and approved by the City Council as a conditional use permit.

   No accessory building will be erected to a height greater than fifteen feet (15') unless reviewed by the planning commission and approved by the City Council as a conditional use permit.

E. **Area, Width and Yard Requirements**

District	Area Minimum	Minimum Lot Width	Minimum yard Setbacks Front	Minimum yard Setbacks Side	Minimum yard Setbacks Rear	Minimum Accessory Building Setbacks Side	Minimum Accessory Building Setbacks Rear
RA-5	5 acres	120 feet	40 feet	15 feet	30 feet	10 feet	10 feet
RA-2	2 acres	110 feet	35 feet	12 feet	30 feet	5 feet	5 feet
RA-1	40,000 square feet	100 feet	35 feet	12 feet	20 feet	5 feet	5 feet
RA-1/2	20,000 square feet	100 feet	30 feet	10 feet	10 feet	5 feet	5 feet

F. **Walls and Fencing**. Properties within residential agricultural zones will comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within residential agricultural zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**
   1. **Side Yards**. The side yard setback on a "street side" yard will be the same as

a front yard setback. Accessory buildings located at least ten feet (10') away from a main building may have two foot (2') side or rear property setback on interior lot lines, but no less.

2. **Distance between Buildings**. No two (2) accessory buildings on adjacent properties will be located closer together than ten feet (10'). No building, structure or run housing animals or fowl will be constructed closer than fifty feet (50') to a dwelling unit on the same or an adjacent lot.

AFTER AMENDMENT

15.06.090 Residential Agricultural Zones (RA-1/2, RA-1, RA-2, RA-5)

A. **Purpose**. The purpose of these zones is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use in connection with a residential dwelling. Agricultural development and keeping of animals will be for the exclusive use and benefit of the family residing on the subject property. The RA-5 zoning district and cluster housing provisions can be used to protect environmentally sensitive areas such as steep hillsides and floodplain areas while still allowing for residential development on the least sensitive land.

B. **Permitted Uses**. The following uses are permitted:

1. Accessory uses buildings.
2. Accessory dwelling unit.
3. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
4. Guesthouses.
5. Home-based microschool.
6. Home occupations
7. Household pets; provided that they are not kept, bred or maintained for any commercial purpose.
8. Keeping of animals and fowl, as an accessory use to a single-family dwelling, to produce food for the family residing on the subject property, but limited in any event to the following:
    a. One large animal for a minimum lot area of twelve thousand five hundred square feet (12,500 sq. ft.)~~ square feet~~; two (2) large animals for a minimum lot area of twenty thousand square feet (20,000 sq. ft.) ~~square feet~~; and one additional large animal for each ten thousand square feet (10,000 sq. ft.) ~~square feet~~ of lot area over twenty thousand square feet (20,000 sq. ft.)~~ square feet~~. Large animals may include horses, cattle, goats, sheep or other animals judged by the P~~p~~lanning C~~c~~ommission to be compatible with this category of livestock.
    b. Not more than eight (8) poultry or rabbits or other small animals for every twelve thousand five hundred square feet (12,500 sq. ft.)~~ square feet~~ of area, not to exceed thirty (30) poultry or rabbits on any lot.
    c. No pigs will be kept on any lot within the RA zones.

9. Micro-education entity.
10. Neighborhood / City Park.
11. Raising of crops, gardens and horticulture. Schools, public or charter.
12. Single-family dwellings.~~ a minimum of one thousand square feet (1,000 sq. ft.) in floor area or greater.~~

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08

1. Caretaker dwelling, provided the unit is not rented out and is used solely for full time paid employees who work at the premises.
2. Child nursery
3. Cluster development
4. Community park
5. Public utilities and facilities.
6. Any use similar to the above and judged by the Land Use Authority~~planning commission~~ to be in harmony with the character and intent of this zone.

D. **Height Regulations**. No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless reviewed by the P~~p~~lanning C~~c~~ommission and approved by the City Council as a conditional use permit.

No accessory building will be erected to a height greater than fifteen feet (15') unless reviewed by the P~~p~~lanning C~~c~~ommission and approved by the City Council as a conditional use permit.

E. **Area, Width and Yard Requirements**

District	Area Minimum	Minimum Lot Width	Minimum yard Setbacks Front	Minimum yard Setbacks Side	Minimum yard Setbacks Rear	Minimum Accessory Building Setbacks Side	Minimum Accessory Building Setbacks Rear
RA-5	5 acres	120 feet	40 feet	15 feet	30 feet	10 feet	10 feet
RA-2	2 acres	110 feet	35 feet	12 feet	30 feet	5 feet	5 feet
RA-1	40,000 square feet	100 feet	35 feet	12 feet	20 feet	5 feet	5 feet
RA-1/2	20,000 square feet	100 feet	30 feet	10 feet	10 feet	5 feet	5 feet

F. **Walls and Fencing**. Properties within residential agricultural zones will comply with

Section~~BMC~~ 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within residential agricultural zones will comply with Section ~~BMC~~ 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Side Yards**. The side yard setback on a "street side" yard will be the same as a front yard setback. Accessory buildings located at least ten feet (10') away from a main building may have two foot (2') side or rear property setback on interior lot lines, but no less.
2. **Distance between Buildings**. No two (2) accessory buildings on adjacent properties will be located closer together than ten feet (10'). No building, structure or run housing animals or fowl will be constructed closer than fifty feet (50') to a dwelling unit on the same or an adjacent lot.

SECTION 36: **AMENDMENT** "15.06.100 Single Family Residential Zones (R-1-6, R-1-8, R-1-12, R-1-15, R-1-30, R-1-40)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.100 Single Family Residential Zones (R-1-6, R-1-8, R-1-12, R-1-15, R-1-30, R-1-40)

A. **Purpose**. The purpose of these zones is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semi public uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

B. **Permitted Uses**. The following uses are permitted:

1. Accessory uses and buildings.
2. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
3. Guesthouses.
4. Home gardens and fruit trees, keeping of household pets, etc.
5. Home occupations
6. Neighborhood / City park.
7. School, public or charter.
8. Single-family dwellings a minimum of one thousand square feet (1,000 sq. ft.) in floor area or greater.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of BMC 15.08:

1. Child nursery
2. Community park
3. Public buildings.

4. Public utilities.
5. Residential facility for the elderly / persons with disabilities
6. Cluster Development
7. Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.

D. **Height Regulations**. No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless recommended by the planning commission and approved by the City Council as a conditional use permit. No accessory building will be erected to a height greater than fifteen feet (15').

E. **Area, Width and Yard Requirements**

District	Area Minimum In Square Feet	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear
R-1-6	6,000	70 ft.	30 ft.	16 ft. & 0 ft.*	10 ft.
R-1-6	6,000	70 ft.	30 ft.	8 ft. & 8 ft.	10 ft.
R-1-8	8,000	70 ft.	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-10	10,000	80 ft	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-12	12,000	90 ft.	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-15	15,000	90 ft.	35 ft.	8 ft. & 10 ft.	10 ft.
R-1-30	30,000	100 ft.	35 ft.	8 ft. & 10 ft.	10 ft.
R-1-40	40,000	200 ft.	35 ft.	8 ft. & 10 ft.	10 ft.

* R-1-6 side yard setback at 16 & 0 feet eligible only for developments which will build all homes.

F. **Walls and Fencing**. Properties within residential zones will comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within residential zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Side and Rear Yards**. The side and rear yard setback on a "street side" yard will be the same as a front yard setback. A "zero" side yard may be used for all lots in a planned subdivision or development. In such cases the opposite side yard will not be less than a combination of the two (2) side yards otherwise required.
2. **Detached Private Garages And Accessory Buildings**: Private garages and

accessory buildings located to the rear and at least ten feet (10') away from the main dwelling may be built to the property line and may also be built in the side yard; provided that:

a. The roof will not project across the property line;
b. Storm water runoff from the building will not run onto adjacent property;
c. All corner lots will maintain thirty foot (30') setbacks on all street sides;
d. Any no portable structure placed over a utility easement will require written approval from the City water and power department prior to obtaining a building permit;
e. Accessory buildings will not cover more than twenty five percent (25%) of the rear yard area unless a conditional use permit is granted for a larger building;
f. Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest the side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall):

Setback From Property Line	Height Of Building Wall
0 feet - 5 feet	8 feet
5 feet - 10 feet	10 feet

g. Detached garages and accessory buildings will be limited to an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), as measured from adjacent grade to highest point of roof, unless a conditional use permit is granted for a greater height.

3. **Detached garages and accessory buildings in a side yard**. Detached garages and accessory buildings may be located in a side yard, provided that it meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling. The exterior will look similar to the main structure by using the same building materials, colors, and design.
4. **Front Yard Setback Less Than Required**. If adjacent properties have smaller setbacks than required, new buildings can use that same smaller setback. If there are small setbacks of varying size on multiple adjacent properties the setback will be halfway between the two smaller setbacks. In no case will the setback be less than thirty feet (30').
5. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials**. No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials will be stored or allowed to remain on any lot

in any residential zone.

6. **R-1-6 Zone Requirements**. The purpose of the R-1-6 zone is to allow for smaller individual homes with front yards fully completed at the time of occupancy. So, the R-1-6 zone will only be allowed under the following criteria:
    a. Drawings showing subdivision layout, landscaping and fencing will be submitted to the planning commission for its recommendation to the City Council.
    b. In order to achieve a harmonious subdivision appearance and assure compliance, no certificate of occupancy will be issued in this zone for any structure until it has been completely finished on the exterior with all required front yard landscaping, driveways and fencing.
7. **Curb and Gutter on Streets**. Whenever a structure is erected, or the use of a structure is changed in any single family residential zone curb, gutter, and sidewalk will be required as per the city's subdivision ordinance Title 14 of BMC along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

AFTER AMENDMENT

15.06.100 Single Family Residential Zones (R-1-6, R-1-8, R-1-12, R-1-15, R-1-30, R-1-40)

A. **Purpose**. The purpose of these zones is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semi-public uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.
B. **Permitted Uses**. The following uses are permitted:
    1. Accessory uses and buildings.
    2. Accessory dwelling unit.
    3. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
    4. Guesthouses.
    5. Home-based microschool.
    6. Home gardens and fruit trees, keeping of household pets, etc.
    7. Home occupations.
    8. Micro-education entity.
    9. Neighborhood / City park.
    10. School, public or charter.
    11. Single-family dwellings. ~~a minimum of one thousand square feet (1,000 sq.~~

~~ft.) in floor area or greater.~~

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08:
   1. Child nursery
   2. Community park
   3. Public buildings.
   4. Public utilities.
   5. Residential facility for the elderly / persons with disabilities
   6. Cluster Development
   7. Other uses recommended by the Land Use Authority~~planning commission~~ as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.

D. **Height Regulations**. No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless recommended by the P~~p~~lanning C~~c~~ommission and approved by the City Council as a conditional use permit. No accessory building will be erected to a height greater than fifteen feet (15').

E. **Area, Width and Yard Requirements**

District	Area Minimum In Square Feet	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear
R-1-6	6,000	70 ft.	30 ft.	16 ft. & 0 ft.*	10 ft.
R-1-6	6,000	70 ft.	30 ft.	8 ft. & 8 ft.	10 ft.
R-1-8	8,000	70 ft.	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-10	10,000	80 ft	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-12	12,000	90 ft.	30 ft.	8 ft. & 10 ft.	10 ft.
R-1-15	15,000	90 ft.	35 ft.	8 ft. & 10 ft.	10 ft.
R-1-30	30,000	100 ft.	35 ft.	8 ft. & 10 ft.	10 ft.
R-1-40	40,000	200 ft.	35 ft.	8 ft. & 10 ft.	10 ft.

* R-1-6 side yard setback at 16 & 0 feet eligible only for developments which will build all homes.

F. **Walls and Fencing**. Properties within residential zones will comply with Section~~BMC~~ 15.06.160, "Walls and Fences".

G. **Off Street Parking**. Properties within residential zones will comply with Section~~BMC~~ 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Side and Rear Yards**. The side and rear yard setback on a "street side" yard will be the same as a front yard setback. A "zero" side yard may be used for all lots in a planned subdivision or development. In such cases the opposite side yard will not be less than a combination of the two (2) side yards otherwise required.
2. **Detached Private Garages And Accessory Buildings**: Private garages and accessory buildings located to the rear and at least ten feet (10') away from the main dwelling may be built to the property line and may also be built in the side yard; provided that:
    a. The roof will not project across the property line;
    b. Storm water runoff from the building will not run onto adjacent property;
    c. All corner lots will maintain thirty foot (30') setbacks on all street sides;
    d. Any no portable structure placed over a utility easement will require written approval from the City water and power department prior to obtaining a building permit;
    e. Accessory buildings will not cover more than twenty five percent (25%) of the rear yard area unless a conditional use permit is granted for a larger building;
    f. Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest the side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall):

Setback From Property Line	**Height Of Building Wall**
0 feet - 5 feet	8 feet
5 feet - 10 feet	10 feet

    g. Detached garages and accessory buildings will be limited to an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), as measured from adjacent grade to highest point of roof, unless a conditional use permit is granted for a greater height.
3. **Detached garages and accessory buildings in a side yard**. Detached garages and accessory buildings may be located in a side yard, provided that it meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling. The exterior will look similar to the main structure by using the same building materials, colors, and design.
4. **Front Yard Setback Less Than Required**. If adjacent properties have smaller setbacks than required, new buildings can use that same smaller setback. If there are small setbacks of varying size on multiple adjacent

properties the setback will be halfway between the two smaller setbacks. In no case will the setback be less than thirty feet (30').

5. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials**. No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials will be stored or allowed to remain on any lot in any residential zone.
6. **R-1-6 Zone Requirements**. The purpose of the R-1-6 zone is to allow for smaller individual homes with front yards fully completed at the time of occupancy. So, the R-1-6 zone will only be allowed under the following criteria:
    a. Drawings showing subdivision layout, landscaping and fencing will be submitted to the ~~p~~Planning C~~c~~ommission for its recommendation to the City Council.
    b. In order to achieve a harmonious subdivision appearance and assure compliance, no certificate of occupancy will be issued in this zone for any structure until it has been completely finished on the exterior with all required front yard landscaping, driveways and fencing.
7. **Curb and Gutter on Streets**. Whenever a structure is erected, or the use of a structure is changed in any single family residential zone curb, gutter, and sidewalk will be required as per ~~the city's subdivision ordinance~~ Title 14, Subdivision Ordinance, of BMC along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

SECTION 37: **AMENDMENT** "15.06.105 Accessory Dwelling Units" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.105 Accessory Dwelling Units

A. Purpose
    1. To establish regulations that govern the construction and use of Accessory Dwelling Units (ADU's).
    2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
    3. Provide for affordable housing opportunities;
    4. Make housing units available to moderate income households who might

otherwise have difficulty finding homes within the city;

5. Provide opportunities to homeowners for additional income to offset rising housing costs;
6. Develop additional housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
7. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

B. Definitions

1. Accessory Dwelling Unit (ADU): A residential dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is secondary to a primary dwelling, and is located on the same lot/parcel as the primary dwelling.
2. Accessory Dwelling Unit, Internal / Attached: An accessory dwelling unit (ADU) that is located within the footprint of the primary dwelling.
3. Accessory Dwelling Unit, Detached: An accessory dwelling unit that is separate from the primary dwelling.
4. Primary Dwelling: A single-family dwelling that is occupied as the primary residence by the registered owner.

C. Internal / Attached Accessory Dwelling Development Standards: (the following requirements shall apply to all Internal / Attached Accessory Dwelling Units)

1. An ADU building permit and inspection of the ADU will be required prior to construction and/or occupancy.
2. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the ADU as their permanent residence and at no time shall receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy.
3. Single-family dwellings with an internal / attached accessory dwelling unit shall retain the appearance of a single-family home. A secondary entrance shall be secondary in character/placement to the primary entrance with all materials used to match existing dwelling.
4. Only one ADU may be created per residential lot or property.
5. ADUs shall be allowed on properties zoned to allow single-family dwellings as a permitted use.
6. The ADU shall conform to all applicable standards i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.
7. Installing separate utility meters for the ADU is prohibited.
8. A separate entrance to the ADU
    a. shall not be allowed on the front or corner lot side yard
    b. shall be located to the side or rear of the primary dwelling.
9. The primary dwelling and ADU shall share the same physical address of the primary dwelling with different units specified.
10. In addition to the parking required for the primary dwelling, one (1) additional off street parking space shall be provided for the ADU as per our off street parking ordinance, BMC 15.06.170. Any additional occupant vehicles shall

be parked on site. On street parking shall be reserved for visitors only.

11. Any additions to an existing building shall not exceed the allowable lot coverage standard for the zoning district or encroach into the required setbacks.
12. Mobile homes, recreational vehicles including park model recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an internal / attached ADU.

D. Detached Accessory Dwelling Development Standards:

1. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the ADU as their permanent residence and at no time receive rental income for the owner occupied unit.
2. Application for an ADU shall include evidence of owner occupancy.
3. Only one ADU may be created per lot or property and must be built on a permanent foundation.
4. Recreational vehicles including park model recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an internal / attached ADU.
5. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
6. The ADU shall conform to all applicable standards i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.
7. The total floor area of the detached ADU shall be less than sixty six percent (66%) of the square footage of the primary residence and in no case shall exceed one thousand (1,200) square feet.
8. Detached ADUs shall not contain more than two (2) bedrooms.
9. In addition to the parking required for the primary dwelling, two (2) additional off street parking spaces shall be provided as per our off street parking ordinance, Title 15.06.170.
   Any additional occupant vehicles shall be parked on site.
10. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
11. Detached ADUs shall not be located in a front yard or corner lot side yard and shall meet the same setbacks as required for the primary dwelling in the zone and shall have adequate facilities for all discharge from roof and other drainage.
12. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
13. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
14. The maximum height for detached ADUs is limited to two stories.
15. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback

requirements for a primary dwelling in the zone and meets the applicable building code.

16. If residence is a multifamily dwelling, no ADU will be allowed.

E. Short Term Rentals (anything less than 30 days) Not Allowed:

1. By applying for an ADU permit, the property owner shall agree that the primary dwelling and the proposed ADU will not be used as a short-term rental.

F. Affidavit:

1. Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the City, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.

G. Inspection:

1. Following the issuance of an accessory dwelling unit permit, the City may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the City Building Inspector. Inspection of the project will be done to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued.

H. Enforcement and Termination:

1. Termination of ADU and Reversion to Non-ADU Single Family Residence: In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated.

I. Violations:

1. If a property owner violates any of the regulations in this chapter, Ballard City may file a lien with the Uintah County Recorder for up $100 per day per violation.
2. The City will follow the process stated in §10-9a-530 of the Utah State Code as amended.

AFTER AMENDMENT

15.06.105 Accessory Dwelling Units

A. Purpose

1. To establish regulations that govern the construction and use of a~~A~~ccessory d~~D~~welling u~~U~~nits (ADU's).
2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
3. Provide for affordable housing opportunities.~~;~~
4. Make housing units available to moderate income households who might otherwise have difficulty finding homes within the city.~~;~~
5. Provide opportunities to homeowners for additional income to offset rising

housing costs.~~;~~

6. Develop additional housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle.~~; and~~
7. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

~~B. Definitions~~

1. Accessory Dwelling Unit (ADU): A residential dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is secondary to a primary dwelling, and is located on the same lot/parcel as the primary dwelling.
2. Accessory Dwelling Unit, Internal / Attached: An accessory dwelling unit (ADU) that is located within the footprint of the primary dwelling.
3. Accessory Dwelling Unit, Detached: An accessory dwelling unit that is separate from the primary dwelling.
4. Primary Dwelling: A single-family dwelling that is occupied as the primary residence by the registered owner.

C. **Internal~~ / Attached~~ Accessory Dwelling Development Standards:** (the following requirements shall apply to all Internal~~ / Attached~~ Accessory Dwelling Units)

1. A~~n ADU~~ building permit and inspection of the internal ADU will be required prior to construction and/or occupancy.
2. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the internal ADU as their permanent residence and at no time shall receive rent for the owner occupied unit. Application for an internal ADU shall include evidence of owner occupancy.
3. Single-family dwellings with an internal ~~/ attached accessory dwelling unit~~ ADU shall retain the appearance of a single-family home. A secondary entrance shall be secondary in character/placement to the primary entrance with all materials used to match the existing dwelling.
4. Only one (1) internal ADU may be created per residential lot or property. An internal ADU shall not be permitted on a lot or property which already contains a detached ADU.
5. An internal ADU~~s~~ shall be allowed as a permitted use on properties zoned to allow single-family dwellings as a permitted use.
6. The internal ADU shall conform to all applicable standards i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.
7. Installing separate utility meters for the internal ADU is prohibited.
8. A separate entrance to the internal ADU:
    a. S~~s~~hall not be allowed on the front or corner lot side yard
    b. S~~s~~hall be located to the side or rear of the primary dwelling.
9. The primary dwelling and internal ADU shall share the same physical address of the primary dwelling with different units specified.
10. Unless otherwise prohibited by Utah State Code (as amended), i~~I~~n addition to the parking required for the primary dwelling, one (1) additional off street

parking space shall be provided for the internal ADU as per ~~our off street parking ordinance,~~Section ~~BMC~~ 15.06.170. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

11. Any additions to an existing building shall not exceed the allowable lot coverage standard for the zoning district or encroach into the required setbacks.
12. Mobile homes, recreational vehicles including park model recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an internal ~~/ attached~~ ADU~~.~~

D. **Detached Accessory Dwelling Development Standards:**

1. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the detached ADU as their permanent residence and at no time shall receive rental income for the owner occupied unit.
2. Application for a~~n~~ detached ADU shall include evidence of owner occupancy.
3. Only one (1) detached ADU may be created per lot or property and must be built on a permanent foundation. A detached ADU shall not be permitted on a lot or property which already contains an internal ADU.
4. Recreational vehicles including park model recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an ~~internal / attached~~detached ADU.
5. Detached ADUs are allowed on properties as a permitted use that are zoned to allow single-family dwellings as a permitted use.
6. The detached ADU shall conform to all applicable standards (i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.)
7. The total floor area of the detached ADU shall be less than sixty six percent (66%) of the square footage of the primary residence and in no case shall exceed one thousand (1,200) square feet.
8. Detached ADUs shall not contain more than two (2) bedrooms.
9. In addition to the parking required for the primary dwelling, two (2) additional off street parking spaces shall be provided as ~~per our off street parking ordinance,~~outlined in Section ~~Title~~ 15.06.170~~.~~ of the BMC.
   Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
10. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be eleven~~twelve~~ thousand (11~~2~~,000 sq. ft.) ~~square feet~~.
11. Detached ADUs shall not be located in a front yard or corner lot side yard and shall meet the same setbacks as required for the primary dwelling in the zone and shall have adequate facilities for all discharge from roof and other drainage.
12. Construction of a detached ADU shall not exceed the allowable lot or rear

yard coverage standard for the underlying zone or encroach into the required setbacks.

13. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
14. The maximum height for detached ADUs is limited to two (2) stories.
15. Conversion of existing accessory buildings or structures (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary dwelling in the zone and meets the applicable building code.
16. If residence is a multifamily dwelling, no detached ADU will be allowed.

E. **Short Term Rentals (anything less than 30 days) Not Allowed:**

1. By applying for either a~~n~~ detached or internal ADU permit, the property owner shall agree that the primary dwelling and the proposed ADU will not be used as a short-term rental.

F. **Affidavit**:

1. Applicants for all ADUs (detached or internal) shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the City, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.

G. **Inspection:**

1. Following the issuance of an ADU ~~accessory dwelling unit~~ permit, the City may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the Building Official~~City Building Inspector~~. Inspection of the project will be done to ensure that all required improvements meet the conditions of the permit and this C~~c~~hapter before a certificate of occupancy is issued.

H. **Enforcement and Termination:**

1. T**ermination of ADU and Reversion to Non-ADU Single Family Residence**: In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated.

I. **Violations**:

1. If a property owner violates any of the regulations in this C~~c~~hapter, ~~Ballard~~the City may file a lien with the Uintah County Recorder for up to one hundred ($100.00) per day per violation.
2. The City will follow the process stated in §10-20~~9a-530~~ of the Utah State Code as amended.

SECTION 38: **AMENDMENT** "15.06.107 Residential Multi-Family Zones (RM-1, RM-2)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.107 Residential Multi-Family Zones (RM-1, RM-2)

A. **Purpose:** The purpose of these zones is to provide well designed two-family dwellings (i.e. duplexes, twin homes) and multi-family dwellings (i.e. townhouses, apartments, etc.) at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
B. **Permitted Uses**: The following uses are permitted:
    1. Accessory uses and buildings. Note: Accessory dwelling units (ADUs) are not permitted.
    2. Churches: will be new construction and show on a recorded subdivision plat; or be outside of a recorded subdivision plat.
    3. Dwelling, Two-Family;
    4. Dwelling, Multi-Family;
    5. Home gardens and fruit trees, keeping of household pets, etc.
    6. Home occupations.
    7. Neighborhood / City park.
    8. School, public or charter.
C. **Conditional Uses**: The following uses are conditional and subject to the requirements of BMC 15.08:
    1. Community Park.
    2. Public Utilities.
    3. Residential facility for the elderly / persons with disabilities.
    4. Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.

D. **Height Regulations**: No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless recommended by the planning commission and approved by the City Council as a conditional use permit. No accessory building will be erected to a height greater than fifteen feet (15').
E. **Area, Width and Yard Requirements**

District	**Area Minimum in Square Feet for First Two (2) Dwelling Units**	**Area Minimum in Square Feet for Additional Dwelling Units**	**Minimum Lot Width**	**Minimum Yard Setbacks Front**	**Minimum Yard Setbacks Side**	**Minimum Yard Setbacks Rear**
RM-1	8,000	2,500	80 ft.	30 ft.	10 ft & 12 ft.	10 ft.
					10 ft. & 12	

RM-2	10,000	1,750	80 ft.	30 ft.	ft.	10 ft.

F. **Walls and Fencing:** Properties within residential zones shall comply with BMC 15.06.160, "Walls and Fences".
G. **Off Street Parking**: Properties within residential zones will comply with BMC 15.06.170, "Off Street Parking Requirements".
H. **Modifying Regulations:**
   1. **Side and Rear Yards**: The side and rear yard setback on a "street side" yard will be the same as the front yard setback.
   2. **Minimum Separation Between Principal Structures on same Lot:**
   3.

District	**RM-1**	**RM-2**
Minimum Separation Front to Front	50'	50'
Minimum Separation Side to Side	15'	15'
Minimum Separation Side to Front, Side to Rear, and Rear to Rear	25'	25'

   4. **Maximum Lot Coverage**: Maximum lot coverage shall be sixty percent (60%).
   5. **Detached Private Garages and Accessory Buildings:** Shall be the same required for single family residential zones. See 15.06.100 (H)(2).
   6. **Detached Garages and Accessory Buildings in a Side Yard:** Shall be the same required for single family residential zones. See 15.06.100 (H)(3).
   7. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials:** Shall be the same required for single residential zones. See 15.06.100 (H)(5).
   8. **Curb and Gutter on Streets:** Whenever a structure is erected in the residential multi-family zones, curb, gutter, and sidewalk will be required as per the city's subdivision ordinance, BMC 14.18 along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provisions of this ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

AFTER AMENDMENT

15.06.107 Residential Multi-Family Zones (RM-1, RM-2)

A. **Purpose:** The purpose of these zones is to provide well designed two-family dwellings (i.e. duplexes, twin homes) and multi-family dwellings (i.e. townhouses, apartments, etc.) at medium to high densities. Ancillary uses include churches, schools,

and parks to serve neighborhood areas.

B. **Permitted Uses**: The following uses are permitted:
   1. Accessory uses and buildings. Note: Accessory dwelling units (ADUs) are not permitted.
   2. Churches: will be new construction and show on a recorded subdivision plat; or be outside of a recorded subdivision plat.
   3. Dwelling, Two-Family~~;~~.
   4. Dwelling, Multi-Family~~;~~.
   5. Home-based microschool.
   6. Home gardens and fruit trees, keeping of household pets, etc.
   7. Home occupations~~-~~.
   8. Micro-education entity.
   9. Neighborhood / City park~~-~~.
   10. School, public or charter~~-~~.

C. **Conditional Uses**: The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08:
   1. Community Park.
   2. Public Utilities.
   3. Residential facility for the elderly / persons with disabilities.
   4. Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.

D. **Height Regulations**: No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless recommended by the P~~p~~lanning C~~c~~ommission and approved by the City Council as a conditional use permit. No accessory building will be erected to a height greater than fifteen feet (15').

E. **Area, Width and Yard Requirements**

District	**Area Minimum in Square Feet for First Two (2) Dwelling Units**	**Area Minimum in Square Feet for Additional Dwelling Units**	**Minimum Lot Width**	**Minimum Yard Setbacks Front**	**Minimum Yard Setbacks Side**	**Minimum Yard Setbacks Rear**
RM-1	8,000	2,500	80 ft.	30 ft.	10 ft & 12 ft.	10 ft.
RM-2	10,000	1,750	80 ft.	30 ft.	10 ft. & 12 ft.	10 ft.

F. **Walls and Fencing:** Properties within residential zones shall comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking**: Properties within residential zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations:**

1. **Side and Rear Yards**: The side and rear yard setback on a "street side" yard will be the same as the front yard setback.
2. **Minimum Separation Between Principal Structures on same Lot:**
3.

District	**RM-1**	**RM-2**
Minimum Separation Front to Front	50'	50'
Minimum Separation Side to Side	15'	15'
Minimum Separation Side to Front, Side to Rear, and Rear to Rear	25'	25'

4. **Maximum Lot Coverage**: Maximum lot coverage shall be sixty percent (60%).
5. **Detached Private Garages and Accessory Buildings:** Shall be the same required for single family residential zones. See Section 15.06.100 (H)(2).
6. **Detached Garages and Accessory Buildings in a Side Yard:** Shall be the same required for single family residential zones. See Section 15.06.100 (H)(3).

7. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials:** Shall be the same required for single residential zones. See Section 15.06.100 (H)(5).
8. **Curb and Gutter on Streets:** Whenever a structure is erected in the residential multi-family zones, curb, gutter, and sidewalk will be required as per the city's subdivision ordinance, ChapterBMC 14.18 along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provisions of this ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

SECTION 39: **AMENDMENT** "15.06.110 Medium High Residential Zone (MH)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.110 Medium High Residential Zone (MH)

A. **Purpose**. The purpose of this zone is to provide areas within the City which can

support medium to medium-high residential densities providing areas suitable for the development tiny home subdivisions, recreational vehicle parks .

B. **Permitted Uses**. The following uses are permitted:
    1. Accessory buildings and uses.
    2. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
    3. Community park.
    4. Home occupations.
    5. Household pets.
    6. Tiny homes / tiny home subdivisions
    7. Neighborhood / City park.
    8. Public utilities and facilities.
    9. Recreational vehicle parks.
    10. School, public or charter.
    11. Tiny home communities.
    12. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of BMC 15.08:
    1. Community park
    2. Public utilities and facilities.
    3. Recreational vehicle parks/subdivisions.
    4. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

D. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') or two and one-half (2 1/2) stories, whichever is lesser and no accessory building will be erected to a height greater than fifteen feet (15'). Accessory buildings are limited to one story.

E. **Area, Width and Yard Requirements**

District	Area Minimum In Square Feet	Minimum Lot Width	Minimum yard Setbacks Front	Minimum yard Setbacks Side	Minimum yard Setbacks Rear
Medium High Residential Zone (MH) Subdivisions	3,500	50 ft.	30 ft.	10 ft.	10 ft.
Recreational Vehicle Parks	5 Acres	N/A	25 ft.	10 ft.	10 ft.

Tiny Home Communities	3 Acres	N/A	25 ft.	10 ft.	10 ft.

F. **Modifying Regulations for Medium High Residential Zone (MH) Subdivisions**

1. **Side and Rear Yards**. The side and rear yard setback on a "street side" yard will be the same as the front yard setback. A "zero" side yard may be used for all lots in a planned subdivision or development. In such cases the opposite side yard will not be less than a combination of the two (2) side yards otherwise required.
2. **Detached Private Garages And Accessory Buildings**. Private garages and accessory buildings located to the rear and at least ten feet (10') away from the main dwelling may be built to the property line and may also be built in the side yard; provided, that:
    a. The roof will not project across the property line;
    b. Storm water runoff from the building will not run onto adjacent property; and
    c. All corner lots will maintain thirty foot (30') setbacks on all street sides;
    d. Any no portable structure placed over a utility easement will require written approval from the City water and power department prior to obtaining a building permit.
    e. Accessory buildings will not cover more than twenty five percent (25%) of the rear yard area unless a conditional use permit is granted for a larger building.

    f. Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest the side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall;

Setback From Property Line	Height Of Building Wall
0 feet - 5 feet	8 feet
5 feet - 10 feet	10 feet

    g. Detached garages and accessory buildings will be limited to an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), as measured from adjacent grade to highest point of roof, unless a conditional use permit is granted for a greater height.
3. **Detached Garages and Accessory Buildings in a Side Yard.** Detached garages and accessory buildings may be located in a side yard, provided that it

meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling. The exterior will look similar to the main structure by using the same building materials, colors, and design.

4. **Front Yard Setback Less Than Required.** If adjacent properties have smaller setbacks than required, new buildings can use that same smaller setback. If there are small setbacks of varying size on multiple adjacent properties the setback will be halfway between the two smaller setbacks. In no case will the setback be less than thirty feet (30').
5. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials.** No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials will be stored or allowed to remain on any lot in any residential zone.
6. **Curb and Gutter on Streets.** Whenever a structure is erected, or the use of a structure is changed in any Medium High Residential Zone (MH) curb, gutter, and sidewalk will be required as per the city's subdivision ordinance (Title 14 of BMC) 15.04.160 along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.
7. Tiny Homes/Tiny Home Subdivision. When proposed as the primary or principal use of a lot within a tiny home subdivision, a tiny home may not exceed twenty percent (20%) of the lot size, or seven hundred square feet (700 sq. ft.) in floor area excluding lofts.

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G. **Recreational Vehicle Park/Subdivision Development Standards**

1. **Minimum Size**. Each recreational vehicle park/subdivision with in the Medium High Residential Zone (MH) shall have a minimum size of five (5) acres.
2. **Access Roads**. Each recreational vehicle parkshall be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25') in width (12') wide for one-way streets). to serve each recreational vehicle within the park including parking areas. The paved access road material shall be a minimum of four inches (4") for concrete and two inches (2") for bituminous asphalt but in no case shall be less than required by the Geotechnical study for the site or by the Standard Specifications and Plans as adopted by the City. Said pavement will be bounded by a concrete curb constructed to City specifications. All roadways throughout the recreational vehicle park will be a minimum of thirty feet (30') in width with curb and gutter, along with proper drainage for storm or casual water.
3. **Access**. Access to all recreational, vehicle parksshall be from a dedicated and approved public street at an approved point or points. No Recreational Vehicle space shall have direct access from a public street.

4. **Off Street Parking**. All parking spaces within a recreational vechile park shall have a paved hard surface which meets the adopted standard specifications for Ballard City, One (1) parking space shall be provided for the parking of each recreational vehicle located in the park and at least one (1) parking space shall be provided for an associated automobile for each recreational vehicle space or lot.
5. **Recreation Space**. Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of four thousand (4,000) square feet shall be set aside and developed for recreation in each recreational vehicle park with an additional one hundred square feet (100) provided for each unit in excess of ten (10) units.
6. **Density**. The maximum density for a recreational vehicle park within the Medium High Residential Zone (MH) zone shall not exceed sixteen (16) units per gross acre.
7. **Spaces**. Each recreational vehicle parking space shall have a minimum width of twenty feet (20') and a minimum length of forth (40') feet. All spaces will have a minimum of six inches (6") thick compacted road base with applicable markings. All recreational vehicles shall be able to park in designated spaces, and no portion of a recreational vehicle shall over hang into a required driveway or roadway.
8. **Permitted Vehicles**. Only recreational vehicles, travel trailers, motor homes and park model units, may be located in a recreational vehicle park.
9. **Minimum Yard Clearances for Recreational Vehicle Park Subdivision**
    a. Front or side yard on a public street: Twenty five feet (25');
    b. Side yard bordering adjacent property: Ten feet (10);
    c. Rear yard bordering adjacent property: Ten feet (10');
    d. All recreational vehicle parking spaces shall be sited so as to maintain a minimum ten foot (10') spacing between units when recreational vehicles are fully expanded.
10. **Utilities Required**. Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. All recreational vehicle parks shall be required to connect to public sewer facilities including all individual sewer connections or dump stations. No recreational vehicle park shall be permitted when connected to a septic system. All park owned buildings, electrical, pluming, and fire protection construction shall comply with all adopted construction standards and codes.
11. **Outdoor Living Space**. Each recreational vehicle parking space shall be provided with a minimum of three hundred square feet (300 sq. ft.) of "outdoor living" space located adjacent to the recreational vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from the accumulation of garbage or debris of any kind.

a. The outdoor living spaces in each recreational vehicle park will consist of a twelve foot (12') by twenty five foot (25') concrete slab placed on top of four inch (4") compacted road base to extend to the roadway just to the side of the compacted road base, for the purpose of parking vehicles and or for the personal use of the recreational vehicle owner.
b. The outdoor living spaces in each recreational vehicle park will be arranged in rows so that each recreational vehicle faces and abuts on a driveway or clear unobstructed space not less than twenty four feet (24') in width, which shall have an unobstructed access to a public street or private way.
c. No recreational vehicle will be permitted to park closer than four feet (4') to the side lines which define its outdoor living space, nor will it be parked closer than ten feet (10') to any other recreational vehicle or building in the recreational vehicle park.
d. Every recreational vehicle park established will be located on a well drained area and be properly graded so as to prevent the accumulation of storm or casual water.

12. **Walls and Fencing**. Recreational vehicle parks developed within the Medium High Residential Zone (MH) shall comply with BMC 15.06.160, "Walls and Fences".
13. **Lighting**. The grounds of every recreational vehicle park will be adequately lighted at night by electric lights, properly spaced to enable patrons of the recreational vehicle park to easily find their way around and to facilities inspection by the the police.
14. **Garbage**. Tightly covered garbage receptacles of non-absorbent material must be provided by the recreational vehicle park owner or lessee to take care of garbage in a sanitary manner.
15. **Landscaping**. The recreational vehicle park will be landscaped with paved streets to accommodate all patrons. Landscaping will consist of some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, landscaping may include rocks and screens, walls, fences, or benches, but these objects alone will not exceed seventy-five (75%) of landscaping requirements. The selected combination of objects for landscaping purposes will be arranged in conformance with this title.

H. **Tiny Home Community Development Standards**

1. **Minimum Size**. When proposed as the primary or principal use of a lot within a tiny home community, a tiny home may not exceed twenty percent (20%) of the lot size, or seven hundred square feet (700 sq. ft.) in floor area excluding lofts.
2. **Density**. The maximum density for a tiny home community within the Medium High Residential Zone (MH) shall not exceed sixteen (16) dwelling units per acre.
3. **Minimum Yard Clearances For Tiny Homes In Tiny Home Communities**

a. Front or side yard on a public street: Twenty five feet (25’);
b. Side yard bordering adjacent property: Ten feet (10’);
c. Rear yard bordering adjacent property: Ten feet (10’);
d. All tiny homes within a tiny home community shall be sited so as to maintain a minimum ten foot (10’) spacing between homes including non-habitable spaces such as decks/porches, garages, etc.
e. A noncombustible awning may be installed in the side yard areas to within two feet (2’) of another portion of another tiny home within the community.

4. **Access Roads**. Each tiny home community shall be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25’) in width (twelve feet (12’) wide for one-way streets) to serve each tiny home within the community or property line including parking areas. The paved access road material shall be a minimum of four inch (4”) for concrete and two inch (2”) for bituminous asphalt but in no case shall be less than required by the Geotechnical study for the site or by the Standard Specifications and Plans as adopted by Ballard City. Said pavement shall be bounded by a concrete curb constructed to City specifications.
5. **Access**. Access to all tiny home communities shall be from a dedicated and approved public street at an approved point or points. No tiny home within the community shall have direct access from a public street. Tiny home communities shall provide for a system of pedestrian circulation within the community. The system shall connect with existing sidewalks, if any are adjacent to the property, and shall be designed to link residents within recreation facilities, school bus stops, etc. Pedestrian ways may take the form of sidewalks or walking paths with a minimum width of five feet (5’), and shall be constructed to the standard specifications and plans adopted by Ballard City.

6. **Off Street Parking**. All parking spaces with a tiny home community shall have a paved hard surface which meets the adopted standard specifications for Ballard City. Two (2) 9’x20’ parking spaces shall be required for each tiny house located within the tiny home community. One (1) 9’x20’ visitor parking space shall be required for every five (5) tiny homes located within the tiny home community. Attached garages or carports shall not be required.
7. **Designated Areas For Storage**. Designated areas for storage (i.e. boats, recreational vehicles, trailers, vehicles, etc.) within the tiny home community shall be provided for the sole use of the residents of the tiny home community. Storage areas shall be completely screened by a six foot (6’) decorative fence.
8. **Recreation Space**. Recreation space shall be provided for each tiny home within the community having ten (10) or more homes and shall be maintained for such use. A minimum usable area of four thousand square feet (4,000 sq. ft.) shall be set aside and developed for recreation in each tiny home community with an additional one hundred square feet (100 sq. ft.) provided for each home in excess of ten (10) homes.

9. **Outdoor Living Space**. Each tiny home within a tiny home community shall be provided with a minimum of three hundred square feet (300 sq. ft.) of "outdoor living" space located adjacent to the home. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from the accumulation of garbage or debris of any kind.
10. **Utilities Required**. Each tiny home within a tiny home community shall have connections for water, sewer, and electricity. All utility connections shall be located underground. All tiny homes within a tiny home community shall be required to connect to public sewer facilities. No tiny home within a tiny home community, or tiny home community shall be permitted when connected to a septic system. All community owned buildings, electrical, plumbing, and fire protection construction shall comply with all adopted construction standards and codes.
11. **Walls And Fencing**. Tiny home communities developed within the Medium High Residential Zone (MH) shall comply with BMC 15.06.160, "Walls and Fences".
12. **Refuse Collection Areas**. All refuse collection areas shall be completely enclosed via a solid six-foot (6') wall and view obstructing gate and located on a paved surface. If the refuse collection area can be viewed directly for the exterior of the tiny home community, the enclosure shall also be screened with landscaping and plantings on its viewable sides. Refuse collection areas shall be readily accessible to refuse collection vehicles without substantial encumbering of adjacent parking and vehicular access.
13. **Mechanical Equipment**. Mechanical equipment on tiny homes within a tiny home community shall be incorporated into the structure of the tiny home, or if placed on the ground, shall be screened from view by solid fencing and/or decorative plantings. Mechanical equipment shall not be located on the roof.
14. **Responsible Agent Required**. Parcels or lots within each tiny home community shall be in single/common ownership. Each owner of a tiny home community shall designate a person or company to serve as the responsible agent. The responsible agent shall:
    a. Have access and authority to assume management of the community and take remedial measures.

    b. Always be available to respond to potential issues and violations to these regulations in a timely manner. For the purposes of this section, a "timely manner" shall mean within twenty four (24) hours of notification by the City.
    c. The owner shall notify the City in writing of any modification to the responsible agent within five (5) days of any such notification.

AFTER AMENDMENT

15.06.110 Medium High Residential Zone (MH)

A. **Purpose**. The purpose of this zone is to provide areas within the City which can

support medium to medium-high residential densities providing areas suitable for the development of tiny home subdivisions, recreational vehicle parks .

B. **Permitted Uses**. The following uses are permitted:
   1. Accessory buildings and uses.
   2. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
   3. Community park.
   4. Home occupations.
   5. Home-based microschool.
   6. Household pets.
   7. Tiny homes / tiny home subdivisions. Note: Accessory dwelling units (ADUs) are not permitted.
   8. Micro-education entity.
   9. Neighborhood / City park.
   10. Public utilities and facilities.
   11. Recreational vehicle parks.
   12. School, public or charter.
   13. Tiny home communities.
   14. Other uses similar to the above and judged by the Land Use Authority~~planning commission~~ to be in harmony with the intent and character of this zone.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08:
   1. Community park
   2. Public utilities and facilities.
   3. Recreational vehicle parks/subdivisions.
   4. Other uses approved by the Land Use Authority~~planning commission~~ as being in harmony with the intent of the zone and similar in nature to the above listed uses.

D. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') or two and one-half (2 1/2) stories, whichever is lesser and no accessory building will be erected to a height greater than fifteen feet (15'). Accessory buildings are limited to one story.

E. **Area, Width and Yard Requirements**

District	Area Minimum In Square Feet	Minimum Lot Width	Minimum yard Setbacks Front	Minimum yard Setbacks Side	Minimum yard Setbacks Rear
Medium High Residential Zone (MH) Subdivisions	3,500	50 ft.	30 ft.	10 ft.	10 ft.

Recreational Vehicle Parks	5 Acres	N/A	25 ft.	10 ft.	10 ft.
Tiny Home Communities	3 Acres	N/A	25 ft.	10 ft.	10 ft.

F. **Modifying Regulations for Medium High Residential Zone (MH) Subdivisions**

1. **Side and Rear Yards**. The side and rear yard setback on a "street side" yard will be the same as the front yard setback. A "zero" side yard may be used for all lots in a planned subdivision or development. In such cases the opposite side yard will not be less than a combination of the two (2) side yards otherwise required.
2. **Detached Private Garages And Accessory Buildings**. Private garages and accessory buildings located to the rear and at least ten feet (10') away from the main dwelling may be built to the property line and may also be built in the side yard; provided, that:
    a. The roof will not project across the property line;
    b. Storm water runoff from the building will not run onto adjacent property; and
    c. All corner lots will maintain thirty foot (30') setbacks on all street sides;
    d. Any ~~no~~ portable structure placed over a utility easement will require written approval from the City water and power department prior to obtaining a building permit.
    e. Accessory buildings will not cover more than twenty five percent (25%) of the rear yard area unless a conditional use permit is granted for a larger building.
    f. Building setbacks from rear and side property lines vary depending on the height of the vertical wall nearest the side or rear property line according to the following table (unless a conditional use permit is granted for a higher wall;

Setback From Property Line	Height Of Building Wall
0 feet - 5 feet	8 feet
5 feet - 10 feet	10 feet

    g. Detached garages and accessory buildings will be limited to an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), as measured from adjacent grade to highest point of roof, unless a conditional use permit is

granted for a greater height.

3. **Detached Garages and Accessory Buildings in a Side Yard.** Detached garages and accessory buildings may be located in a side yard, provided that it meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling. The exterior will look similar to the main structure by using the same building materials, colors, and design.
4. **Front Yard Setback Less Than Required.** If adjacent properties have smaller setbacks than required, new buildings can use that same smaller setback. If there are small setbacks of varying size on multiple adjacent properties the setback will be halfway between the two smaller setbacks. In no case will the setback be less than thirty feet (30').
5. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials.** No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials will be stored or allowed to remain on any lot in any residential zone.
6. **Curb and Gutter on Streets.** Whenever a structure is erected, or the use of a structure is changed in any Medium High Residential Zone (MH) curb, gutter, and sidewalk will be required as per ~~the city's subdivision ordinance (~~Title 14 Subdivision Ordinance and Section ~~of BMC)~~ 15.04.160 BMC along streets the property abuts and fronts and along all roads being created by development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.
7. **Tiny Homes/Tiny Home Subdivision.** When proposed as the primary or principal use of a lot within a tiny home subdivision, a tiny home may not exceed twenty percent (20%) of the lot size, or seven hundred square feet (700 sq. ft.) in floor area excluding lofts.

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G. **Recreational Vehicle Park/Subdivision Development Standards**

1. **Minimum Size**. Each recreational vehicle park/subdivision with in the Medium High Residential Zone (MH) shall have a minimum size of five (5) acres.
2. **Access Roads**. Each recreational vehicle park shall be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25') in width (12') wide for one-way streets). to serve each recreational vehicle within the park including parking areas. The paved access road material shall be a minimum of four inches (4") for concrete and two inches (2") for bituminous asphalt but in no case shall be less than required by the Geotechnical study for the site or by the Standard Specifications and Plans as adopted by the City. Said pavement will be bounded by a concrete curb constructed to City specifications. All roadways throughout the recreational

vehicle park will be a minimum of thirty feet (30') in width with curb and gutter, along with proper drainage for storm or casual water.

3. **Access**. Access to all recreational, vehicle park ~~s~~shall be from a dedicated and approved public street at an approved point or points. No Recreational Vehicle space shall have direct access from a public street.
4. **Off Street Parking**. All parking spaces within a recreational ve~~e~~hicle park shall have a paved hard surface which meets the adopted standard specifications for the ~~Ballard~~ City, One (1) parking space shall be provided for the parking of each recreational vehicle located in the park and at least one (1) parking space shall be provided for an associated automobile for each recreational vehicle space or lot.
5. **Recreation Space**. Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of four thousand square feet (4,000 sq. ft.) ~~square feet~~ shall be set aside and developed for recreation in each recreational vehicle park with an additional one hundred square feet (100 sq. ft.) provided for each unit in excess of ten (10) units.
6. **Density**. The maximum density for a recreational vehicle park within the Medium High Residential Zone (MH) zone shall not exceed sixteen (16) units per gross acre.
7. **Spaces**. Each recreational vehicle parking space shall have a minimum width of twenty feet (20') and a minimum length of forty~~h~~ feet (40') ~~feet~~. All spaces will have a minimum of six inches (6") thick compacted road base with applicable markings. All recreational vehicles shall be able to park in designated spaces, and no portion of a recreational vehicle shall over hang into a required driveway or roadway.
8. **Permitted Vehicles**. Only recreational vehicles, travel trailers, motor homes and park model units, may be located in a recreational vehicle park.
9. **Minimum Yard Clearances for Recreational Vehicle Park Subdivision**
    a. Front or side yard on a public street: Twenty five feet (25');

    b. Side yard bordering adjacent property: Ten feet (10);
    c. Rear yard bordering adjacent property: Ten feet (10');
    d. All recreational vehicle parking spaces shall be sited so as to maintain a minimum ten foot (10') spacing between units when recreational vehicles are fully expanded.

10. **Utilities Required**. Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. All recreational vehicle parks shall be required to connect to public sewer facilities including all individual sewer connections or dump stations. No recreational vehicle park shall be permitted when connected to a septic system. All park owned buildings, electrical, pluming, and fire protection construction shall comply with all adopted construction standards and codes.
11. **Outdoor Living Space**. Each recreational vehicle parking space shall be

provided with a minimum of three hundred square feet (300 sq. ft.) of "outdoor living" space located adjacent to the recreational vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from the accumulation of garbage or debris of any kind.

a. The outdoor living spaces in each recreational vehicle park will consist of a twelve foot (12') by twenty five foot (25') concrete slab placed on top of four inch (4") compacted road base to extend to the roadway just to the side of the compacted road base, for the purpose of parking vehicles and or for the personal use of the recreational vehicle owner.
b. The outdoor living spaces in each recreational vehicle park will be arranged in rows so that each recreational vehicle faces and abuts on a driveway or clear unobstructed space not less than twenty four feet (24') in width, which shall have an unobstructed access to a public street or private way.
c. No recreational vehicle will be permitted to park closer than four feet (4') to the side lines which define its outdoor living space, nor will it be parked closer than ten feet (10') to any other recreational vehicle or building in the recreational vehicle park.
d. Every recreational vehicle park established will be located on a well drained area and be properly graded so as to prevent the accumulation of storm or casual water.

12. **Walls and Fencing**. Recreational vehicle parks developed within the Medium High Residential Zone (MH) shall comply with Section ~~BMC~~ 15.06.160, "Walls and Fences".
13. **Lighting**. The grounds of every recreational vehicle park will be adequately lighted at night by electric lights, properly spaced to enable patrons of the recreational vehicle park to easily find their way around and to facilities inspection by ~~the~~ the police.
14. **Garbage**. Tightly covered garbage receptacles of non-absorbent material must be provided by the recreational vehicle park owner or lessee to take care of garbage in a sanitary manner.
15. **Landscaping**. The recreational vehicle park will be landscaped with paved streets to accommodate all patrons. Landscaping will consist of some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, landscaping may include rocks and screens, walls, fences, or benches, but these objects alone will not exceed seventy-five (75%) of landscaping requirements. The selected combination of objects for landscaping purposes will be arranged in conformance with this T~~t~~itle.

H. **Tiny Home Community Development Standards**

1. **Minimum Size**. When proposed as the primary or principal use of a lot within a tiny home community, a tiny home may not exceed twenty percent (20%) of the lot size, or seven hundred square feet (700 sq. ft.) in floor area excluding

lofts.

2. **Density**. The maximum density for a tiny home community within the Medium High Residential Zone (MH) shall not exceed sixteen (16) dwelling units per acre.
3. **Minimum Yard Clearances For Tiny Homes In Tiny Home Communities**
    a. Front or side yard on a public street: Twenty five feet (25');
    b. Side yard bordering adjacent property: Ten feet (10');
    c. Rear yard bordering adjacent property: Ten feet (10');
    d. All tiny homes within a tiny home community shall be sited so as to maintain a minimum ten foot (10') spacing between homes including non-habitable spaces such as decks/porches, garages, etc.
    e. A noncombustible awning may be installed in the side yard areas to within two feet (2') of another portion of another tiny home within the community.
4. **Access Roads**. Each tiny home community shall be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25') in width (twelve feet (12') wide for one-way streets) to serve each tiny home within the community or property line including parking areas. The paved access road material shall be a minimum of four inch (4") for concrete and two inch (2") for bituminous asphalt but in no case shall be less than required by the Geotechnical study for the site or by the Standard Specifications and Plans as adopted by Ballard City. Said pavement shall be bounded by a concrete curb constructed to City specifications.
5. **Access**. Access to all tiny home communities shall be from a dedicated and approved public street at an approved point or points. No tiny home within the community shall have direct access from a public street. Tiny home communities shall provide for a system of pedestrian circulation within the community. The system shall connect with existing sidewalks, if any are adjacent to the property, and shall be designed to link residents within recreation facilities, school bus stops, etc. Pedestrian ways may take the form of sidewalks or walking paths with a minimum width of five feet (5'), and shall be constructed to the standard specifications and plans adopted by Ballard City.

6. **Off Street Parking**. All parking spaces with a tiny home community shall have a paved hard surface which meets the adopted standard specifications for Ballard City. Two (2) nine feet by twenty feet (9'x20') parking spaces shall be required for each tiny house located within the tiny home community. One (1) nine foot by twenty foot (9'x20') visitor parking space shall be required for every five (5) tiny homes located within the tiny home community. Attached garages or carports shall not be required.
7. **Designated Areas For Storage**. Designated areas for storage (i.e. boats, recreational vehicles, trailers, vehicles, etc.) within the tiny home community shall be provided for the sole use of the residents of the tiny home community. Storage areas shall be completely screened by a six foot (6') decorative fence.

8. **Recreation Space**. Recreation space shall be provided for each tiny home within the community having ten (10) or more homes and shall be maintained for such use. A minimum usable area of four thousand square feet (4,000 sq. ft.) shall be set aside and developed for recreation in each tiny home community with an additional one hundred square feet (100 sq. ft.) provided for each home in excess of ten (10) homes.
9. **Outdoor Living Space**. Each tiny home within a tiny home community shall be provided with a minimum of three hundred square feet (300 sq. ft.) of "outdoor living" space located adjacent to the home. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from the accumulation of garbage or debris of any kind.
10. **Utilities Required**. Each tiny home within a tiny home community shall have connections for water, sewer, and electricity. All utility connections shall be located underground. All tiny homes within a tiny home community shall be required to connect to public sewer facilities. No tiny home within a tiny home community, or tiny home community shall be permitted when connected to a septic system. All community owned buildings, electrical, plumbing, and fire protection construction shall comply with all adopted construction standards and codes.
11. **Walls And Fencing**. Tiny home communities developed within the Medium High Residential Zone (MH) shall comply with Section BMC 15.06.160, "Walls and Fences".
12. **Refuse Collection Areas**. All refuse collection areas shall be completely enclosed via a solid six-foot (6') wall and view obstructing gate and located on a paved surface. If the refuse collection area can be viewed directly for the exterior of the tiny home community, the enclosure shall also be screened with landscaping and plantings on its viewable sides. Refuse collection areas shall be readily accessible to refuse collection vehicles without substantial encumbering of adjacent parking and vehicular access.
13. **Mechanical Equipment**. Mechanical equipment on tiny homes within a tiny home community shall be incorporated into the structure of the tiny home, or if placed on the ground, shall be screened from view by solid fencing and/or decorative plantings. Mechanical equipment shall not be located on the roof.
14. **Responsible Agent Required**. Parcels or lots within each tiny home community shall be in single/common ownership. Each owner of a tiny home community shall designate a person or company to serve as the responsible agent. The responsible agent shall:
    a. Have access and authority to assume management of the community and take remedial measures.
    b. Always be available to respond to potential issues and violations to these regulations in a timely manner. For the purposes of this section, a "timely manner" shall mean within twenty four (24) hours of notification by the City.
    c. The owner shall notify the City in writing of any modification to the responsible agent within five (5) days of any such notification.

SECTION 40: **<u>AMENDMENT</u>** "15.06.130 Commercial Zones (C-1, C-2, C-3)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.130 Commercial Zones (C-1, C-2, C-3)

A. **Purpose**

1. **C-1 Neighborhood Convenience Commercial Zone**. The C-1 neighborhood convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the City, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone will not exceed five (5) acres.

   Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Stores, shops or businesses will be retail establishments only and will be permitted only under the following conditions:

   a. Such businesses will be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.

   b. No entertainment except music will be permitted in any C-1 zone.
   c. All uses will be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. **C-2 Highway Commercial Zone**. The principal objective in establishing the C-2 highway commercial zone is to provide space within the City where facilities that serve the traveling public can be most appropriately located. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the City and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public.In general, this zone is located close to intersections of

important transportation routes.

3. **C-3 General Commercial Zone**. The objective of the general commercial zone is to provide space within the City where nearly all types of commercial goods and services may be provided. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition of this.

   The C-3 general commercial zone is located principally along major highways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major highways.

B. **Permitted Uses**. In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated with the letter "N" will not be allowed in that zone. The following listing is not intended to be all inclusive, but rather, indicative of uses permitted in the zone:

Table of Uses	C-1	C-2	C-3
Alcohol establishments and similar uses			
Bar, beer parlor, tavern, lounge, sale of draft beer	N	C	C
Liquor store	N	P	P
Microbrewery with restaurant	N	P	P
Nightclub, dance hall (with alcohol)	N	P	P
Amusement centers, recreation and entertainment facilities and similar uses			
Ball fields, lighted	N	C	C
Ball fields, unlighted	N	P	P

Billiard hall, pool hall	N	N	P
Bowling alley	N	P	P
Circus, carnival, or other transient amusement	N	P	P
Dance studio, martial arts studio	P	P	P
Golf course (miniature)	N	P	P
Health club/spa, fitness center	P	P	P
Indoor entertainment activities such as paintball, miniature golf, arcade	N	P	P
Nightclub, dance hall (without alcohol)	N	P	P
Outdoor entertainment activities such as miniature golf, go-carts, skating, bowling	N	C	C
Park, playground, public open space, visitor center	P	P	P
Recreation center, gymnasium	N	P	P
Roller Skating rink	N	P	P
Skateboard park	N	C	C
Stadium, amphitheater, indoor arena, sports	N	C	C

complex			
Swimming pool, commercial indoor or outdoor	N	P	P
Theater, motion picture or live performance	N	P	P
Water park (water slides, etc.)	N	P	P
Animal services and similar uses			
Animal boarding for large animals	N	N	N
Animal boarding for small animals only and boarded for less than 30 days a year, provided conducted completely within enclosed building	N	P	P
Animal hospital and veterinary clinic, including overnight care of large animals	N	C	C
Animal hospital and veterinary clinic, including overnight care for small animals, provided conducted completely within enclosed building	N	P	P
Animal shelter (non government) for small animals only, provided conducted completely within	N	P	P

enclosed building and houses no more than 30 animals			
Animal shelter (non government) for small animals only, provided conducted completely within enclosed building and houses more than 30 animals	N	C	C
Kennels for commercial breeders	N	N	N
Automobile and vehicle services and similar uses			
Automobile, new or used sales and service	N	P	P
Automobile parts sales (new parts only)	N	P	
Automobile parts sales (used parts)	N	C	
Automobile rental	N	P	
Automobile repair, storage, including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building	N	P	P
Car wash, manual or automatic spray (without	C	C	C

recirculation)			
Car wash, recirculating water system manual or auto spray	C	P	P
Tire recapping or retreading	N	N	C
Tire sales and service	N	P	P
Business and financial services, including the following and similar uses:			
Bank or financial institution	P	P	P
Professional or business office only, no merchandise on premises (employment, real estate, travel, accounting, attorney, etc.)	N	P	P
Telemarketing or call centers	N	P	P
Food service establishments and similar uses			
Bakery	P	P	P
Catering establishment	N	P	P
Delicatessen	P	P	P
Ice cream parlor	P	P	P
Restaurant, drive-in	N	P	P
Restaurant, sit	N	P	P

down			
Lodging, temporary and similar uses			
Bed and breakfast	N	P	P
Boarding house	N	N	N
Hotel/motel	N	P	P
RV parks, long and short term	N	N	N
Timeshare units	N	C	C
Manufacturing, fabrication, storage, and distribution of goods and similar products			
Candy manufacture	N	N	P
Sign manufacture or sign painting (indoor only)	N	P	P
Sign manufacture or sign painting (outdoor only)	N	C	C
Medical, dental, counseling services and similar uses			
Ambulance service	N	P	P
Counseling center, mental health, alcohol, drugs	N	P	P
Hospitals	N	N	P
Laboratory, dental or medical	N	P	P
Medical/dental office or clinic	N	P	P

Mental health treatment center, with overnight stay	N	C	C
Nursing home	N	P	P
Optometrist, optician	N	P	P
Meeting and assembly uses, including the following and similar uses			
Church	P	P	P
Lodge, fraternal organization, senior center, meeting room, or social hall	N	P	P
Reception center, conference center or wedding chapel	N	P	P
Residential and similar uses			
Living quarters for manager or security personnel for business which requires 24 hour assistance or security	N	C	C
Residential units - college student housing	N	N	N
Retail sale of goods with all operations conducted in an enclosed building and similar uses			

Athletic and sporting goods store	N	N	P
Bookstore	N	P	P
Department store	N	P	P
Drive-through sales (pharmacy, dairy products, etc.)	N	P	P
Florist shop	P	P	P
Furniture sales and repair	N	P	P
Household appliance sales and service	N	P	P
Office supply, office machines sales and service	N	P	P
Paint or wallpaper store	N	P	P
Pawn Shop/second hand stores	N	P	P
Pet and pet supply store, groomer	P	P	P
Pharmacy	P	P	P
Retail goods establishments (predominantly indoor sales)	N	P	P
Seed and feed store, retail	N	N	P
Supermarket/grocery store	P	P	P
Vegetable stand	N	P	P
Wholesale business	N	P	P
Retail sale of goods with some			

operations outdoors and similar uses			
Auction establishment (retail goods only), swap meets	N	C	C
Building materials sales	N	P	P
Cabinet shop	N	P	P
Christmas tree sales	P	P	P
Convenience markets with gas pumps	P	P	P
Farm implement sales	N	P	P
Fence, sales and service	N	P	P
Garden supplies and plant material sales	N	P	P
Gas station	N	P	P
Greenhouse and nursery; soil and lawn service	N	N	P
Junk dealers and junkyards	N	N	N
Landscape rock sales yard	N	N	C
Lumberyard	N	N	P
Mobile home sales lot and service	N		N
Mobile home Parks or Subdivisions	N	N	N
Monument works and sales	N	N	P

Motorcycle or boat sales and service	N	P	P
Nursery, plants	N	P	P
Rental agency for home and garden equipment	N	P	P
Trailer sales and service	N	P	P
Service businesses and similar uses			
Barbershop/beauty shop	P	P	P
Body piercing, incidental to a permitted use	N	P	P
Carpet and rug cleaning	N	P	P
Child nursery, daycare, preschool	P	P	P
Construction trade services, plumbing shop, electrical shop, etc.	N	N	P
Crematorium, independent human	N	N	C
Educational institutions, schools, college, learning centers, trade schools (no residential or 24 hour facilities)	N	P	P
Gunsmith	N	P	P
Janitor service and supply	N	P	P
Laundry or dry cleaners,	P	P	P

Laundromat			
Locksmith	N	P	P
Mail service	P	P	P
Massage establishment	P	P	P
Mortuary	N	P	P
Moving and storage company	N	N	P
Newsstand	P	P	P
Permanent cosmetics, a secondary use to an establishment employing cosmetologist/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations	P	P	P
Pest control and extermination	N	P	P
Pet grooming	N	P	P
Printing, lithographing, publishing or reproduction sales and service	N	N	P
Psychic, tarot card reader, fortune teller, occult art			

practitioners, hypnotist	N	P	P
RV storage	N	C	C
Retail services establishments	N	P	P
Septic tank pumper	N	N	N
Sexually oriented businesses	N	N	N
Sign sales	N	P	P
Storage rental units	N	C	C
Tattoo establishment	N	N	C
Taxidermist	N	C	C
Towing	N	P	P
Welding shop	N	N	C
Transportation and similar uses			
Bus terminal	N	P	P
Taxi	N	P	P
Truck terminal	N	N	N
Utility, government, public services and facilities and similar uses			
Cable television and satellite dish provider	N	P	P
Electrical substation, power stations	N	C	C
Government			

buildings or uses, nonindustrial	N	P	P
Library	N	P	P
Materials recycling facility	N	N	N
Museum	N	P	P
Post office	P	P	P
Television or radio station	N	P	P
Water disposal	N	N	N

C. **Conditional Uses**. A more detailed explanation of these requirements is outlined in BMC 15.08.

D. **Area, Setback and Height Requirements**

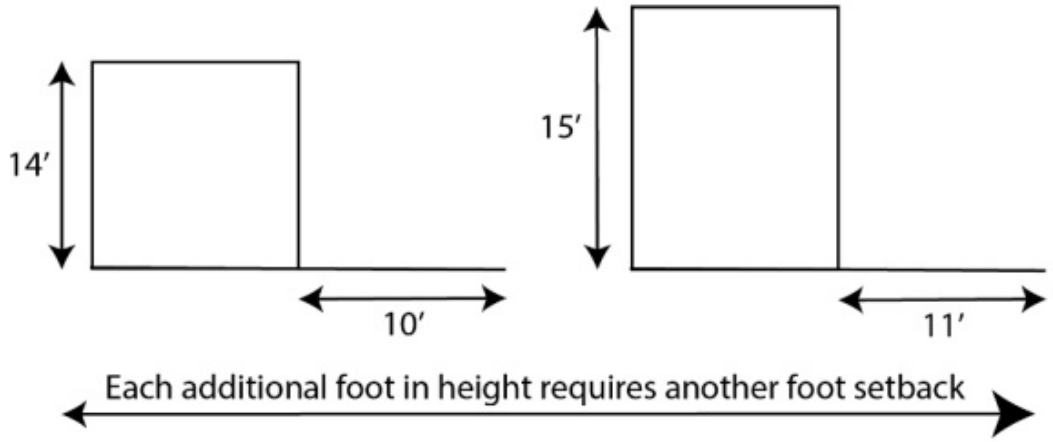
Lot Areas and Setbacks

	C-1	C-2	C-3
Minimum lot area	None	None	None
Maximum zoned area	5 acres	None	None
Front*	20* feet	20* feet	20* feet
Side**	10 feet	10 feet	10 feet
Side facing a street on corner lot	20 feet	20 feet	20 feet
Rear	10 feet	10 feet	10 feet

- Notes:
  - Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty (50) feet from the highway right-of-way line.
  - Side and rear yard setbacks in the C-2 and C-3 zones may be reduced or eliminated where the planning commission determines such setback is unnecessary.
  - Storage rental units in C-2 and C-3 zones shall reduce side setbacks to 3 feet.

A. **Additional Setbacks Abutting Residential Zones**. When abutting a residential zone there will be a minimum setback of ten feet (10') with an additional setback for buildings or structures over fifteen feet (15') in height based on a one to one (1:1) ratio.

So each additional foot in height requires an additional setback foot from the property line.



B. **Height**

	C-1	C-1	C-2
Minimum	10 feet	10 feet	10 feet
Maximum	35 feet	35 feet	35 feet

Unless a greater height is approved by the City Council after recommendation by the planning commission.

C. **Lot Coverage**

	C-1	C-2	C-3
Maximum lot coverage	40 percent	None	None
Maximum building size (single use building)	10,000 square feet (up to 15,000 square feet with a conditional use permit)	None	None

A. **Special Provisions**

1. **Trash, Junk, Inoperable Vehicles, Vessels and Similar Items**. No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar material will be stored or allowed to remain on any lot in any

commercial zone.

2. **Solid Waste Storage Facilities**. All solid waste storage facilities will be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
3. **Sales Lots for Automobiles and Similar Vehicles**. Sales lots for automobiles, RVs, boats, trailers and similar vehicles will be fully improved to comply with current City standards, including fully paved display area, permanent sales office built to the current building code, landscaping, streetlights and permanent signage. Display vehicles will not be located within the public right of way or on the required landscape area, unless part of the landscape and site plan.
4. **Buildings with A Large Ground Floor Area**. Buildings with a ground floor (footprint) area of twenty thousand (20,000) square feet or more or a site with an aggregate ground floor (footprint) square footage of twenty thousand (20,000) square feet or more will be subject to design review and approval by the City Council. A site plan along with colored building elevations of all sides of the building and a three-dimensional rendering will be submitted for review by the planning commission which will make a recommendation to the City Council. The City Council will review the building design and conceptual site plan in order to achieve the following desired objectives:
    a. Vehicle access and parking lots properly designed for safety, efficiency and beauty. Parking lots should be landscaped with shade trees throughout the lot to avoid major heat islands, and to break up large asphalt areas.
    b. Landscaping of the project site to promote community appearance.
    c. Building facade articulation will include a variation in base, middle, and top of a building created by variations in color and materials. Articulated tops should consist of pitch dormers, gable ends, cornice detailing, or similar details. The base of a building will include elements that relate to human scale such as doors, windows, texture, projections, awnings and canopies, ornament, etc. Buildings will provide visual interest through articulation of the facade. This can be achieved through
        (1) combinations of stepping back or extending a portion of the facade (pop outs),
        (2) vertical divisions using different textures and materials,
        (3) divisions into storefronts, with separate display windows and entrances, variation in rooflines by alternating dormers, stepped roofs, gables, or other roof elements, and arcades, awnings, window bays, arched windows, and balconies at intervals.

    d. Building colors will be earth tones that blend with the predominant colors of the natural surrounding area and will not be of high contrast. Bright, white or contrasting colors will be limited to trim. A materials

and color sample board will be provided.

5. **Access and Paved Areas**. All commercial establishments must provide paved ingress, egress, parking and pedestrian access facilities for both the general public and the employees of the business. All paved areas will comply with the Standard Specifications and Plans as adopted by the City.
6. **Curb and Gutter on Streets**. Whenever a structure is improved, erected, or the use of the structure is changed in any commercial zone curb, gutter, and sidewalk will be required as per he subdivision ordinance (Title 14 of BMC) along streets the property abuts and fronts and along all roads being created by the development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

B. **Landscaping**. Properties within commercial zones will comply with BMC 15.06.180, "Landscape Standards".
C. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in BMC 15.06.170.
D. **Walls and Fencing**. Properties within commercial zones will comply with BMC 15.06.160, "Walls and Fences".

AFTER AMENDMENT

15.06.130 Commercial Zones (C-1, C-2, C-3)

A. **Purpose**

1. **C-1 Neighborhood Convenience Commercial Zone**. The C-1 neighborhood convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the City, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone will not exceed five (5) acres.

   Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Stores, shops or businesses will be retail establishments only and will be permitted only under the following conditions:

   a. Such businesses will be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.

b. No entertainment except music will be permitted in any C-1 zone.
c. All uses will be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. **C-2 Highway Commercial Zone**. The principal objective in establishing the C-2 highway commercial zone is to provide space within the City where facilities that serve the traveling public can be most appropriately located. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the City and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public.In general, this zone is located close to intersections of important transportation routes.
3. **C-3 General Commercial Zone**. The objective of the general commercial zone is to provide space within the City where nearly all types of commercial goods and services may be provided. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition of this.

   The C-3 general commercial zone is located principally along major highways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major highways.

B. **Permitted Uses**. In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated with the letter "N" will not be allowed in that zone. The following listing is not intended to be all inclusive, but rather, indicative of uses permitted in the zone:

Table of Uses	**C-1**	C-2	**C-3**
Alcohol establishments and similar uses			
Bar, beer parlor, tavern, lounge, sale of draft beer	N	C	C
Liquor store	N	P	P
Microbrewery with restaurant	N	P	P

Nightclub, dance hall (with alcohol)	N	P	P
Amusement centers, recreation and entertainment facilities and similar uses			
Ball fields, lighted	N	C	C
Ball fields, unlighted	N	P	P
Billiard hall, pool hall	N	N	P
Bowling alley	N	P	P
Circus, carnival, or other transient amusement	N	P	P
Dance studio, martial arts studio	P	P	P
Golf course (miniature)	N	P	P
Health club/spa, fitness center	P	P	P
Indoor entertainment activities such as paintball, miniature golf, arcade	N	P	P
Nightclub, dance hall (without alcohol)	N	P	P
Outdoor entertainment activities such as miniature golf, go-carts, skating, bowling	N	C	C
Park, playground,			

public open space, visitor center	P	P	P
Recreation center, gymnasium	N	P	P
Roller Skating rink	N	P	P
Skateboard park	N	C	C
Stadium, amphitheater, indoor arena, sports complex	N	C	C
Swimming pool, commercial indoor or outdoor	N	P	P
Theater, motion picture or live performance	N	P	P
Water park (water slides, etc.)	N	P	P
Animal services and similar uses			
Animal boarding for large animals	N	N	N
Animal boarding for small animals only and boarded for less than 30 days a year, provided conducted completely within enclosed building	N	P	P
Animal hospital and veterinary clinic, including overnight care of large animals	N	C	C
Animal hospital and veterinary clinic,			

including overnight care for small animals, provided conducted completely within enclosed building	N	P	P
Animal shelter (non government) for small animals only, provided conducted completely within enclosed building and houses no more than 30 animals	N	P	P
Animal shelter (non government) for small animals only, provided conducted completely within enclosed building and houses more than 30 animals	N	C	C
Kennels for commercial breeders	N	N	N
Automobile and vehicle services and similar uses			
Automobile, new or used sales and service	N	P	P
Automobile parts sales (new parts only)	N	P	
Automobile parts sales (used parts)	N	C	
Automobile rental	N	P	
Automobile repair, storage, including			

paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building	N	P	P
Car wash, manual or automatic spray (without recirculation)	C	C	C
Car wash, recirculating water system manual or auto spray	C	P	P
Tire recapping or retreading	N	N	C
Tire sales and service	N	P	P
Business and financial services, including the following and similar uses:			
Bank or financial institution	P	P	P
Professional or business office only, no merchandise on premises (employment, real estate, travel, accounting, attorney, etc.)	N	P	P
Telemarketing or call centers	N	P	P

Food service establishments and similar uses			
Bakery	P	P	P
Catering establishment	N	P	P
Delicatessen	P	P	P
Ice cream parlor	P	P	P
Restaurant, drive-in	N	P	P
Restaurant, sit down	N	P	P
Lodging, temporary and similar uses			
Bed and breakfast	N	P	P
Boarding house	N	N	N
Hotel/motel	N	P	P
RV parks, long and short term	N	N	N
Timeshare units	N	C	C
Manufacturing, fabrication, storage, and distribution of goods and similar products			
Candy manufacture	N	N	P
Sign manufacture or sign painting (indoor only)	N	P	P
Sign manufacture or sign painting (outdoor only)	N	C	C
Medical, dental, counseling services			

and similar uses			
Ambulance service	N	P	P
Counseling center, mental health, alcohol, drugs	N	P	P
Hospitals	N	N	P
Laboratory, dental or medical	N	P	P
Medical/dental office or clinic	N	P	P
Mental health treatment center, with overnight stay	N	C	C
Nursing home	N	P	P
Optometrist, optician	N	P	P
Meeting and assembly uses, including the following and similar uses			
Church	P	P	P
Lodge, fraternal organization, senior center, meeting room, or social hall	N	P	P
Reception center, conference center or wedding chapel	N	P	P
Residential and similar uses			
Living quarters for manager or security personnel for business which requires 24 hour assistance or	N	C	C

security			
Residential units - college student housing	N	N	N
Retail sale of goods with all operations conducted in an enclosed building and similar uses			
Athletic and sporting goods store	N	N	P
Bookstore	N	P	P
Department store	N	P	P
Drive-through sales (pharmacy, dairy products, etc.)	N	P	P
Florist shop	P	P	P
Furniture sales and repair	N	P	P
Household appliance sales and service	N	P	P
Office supply, office machines sales and service	N	P	P
Paint or wallpaper store	N	P	P
Pawn Shop/second hand stores	N	P	P
Pet and pet supply store, groomer	P	P	P
Pharmacy	P	P	P
Retail goods establishments (predominantly	N	P	P

indoor sales)			
Seed and feed store, retail	N	N	P
Supermarket/grocery store	P	P	P
Vegetable stand	N	P	P
Wholesale business	N	P	P
Retail sale of goods with some operations outdoors and similar uses			
Auction establishment (retail goods only), swap meets	N	C	C
Building materials sales	N	P	P
Cabinet shop	N	P	P
Christmas tree sales	P	P	P
Convenience markets with gas pumps	P	P	P
Farm implement sales	N	P	P
Fence, sales and service	N	P	P
Garden supplies and plant material sales	N	P	P
Gas station	N	P	P
Greenhouse and nursery; soil and lawn service	N	N	P
Junk dealers and	N	N	N

junkyards			
Landscape rock sales yard	N	N	C
Lumberyard	N	N	P
Mobile home sales lot and service	N		N
Mobile home Parks or Subdivisions	N	N	N
Monument works and sales	N	N	P
Motorcycle or boat sales and service	N	P	P
Nursery, plants	N	P	P
Rental agency for home and garden equipment	N	P	P
Trailer sales and service	N	P	P
Service businesses and similar uses			
Barbershop/beauty shop	P	P	P
Body piercing, incidental to a permitted use	N	P	P
Carpet and rug cleaning	N	P	P
Child nursery, daycare, preschool	P	P	P
Construction trade services, plumbing shop, electrical shop, etc.	N	N	P
Crematorium, independent human	N	N	C

Educational institutions, schools, college, learning centers, trade schools (no residential or 24 hour facilities)	N	P	P
Gunsmith	N	P	P
Janitor service and supply	N	P	P
Laundry or dry cleaners, Laundromat	P	P	P
Locksmith	N	P	P
Mail service	P	P	P
Massage establishment	P	P	P
Mortuary	N	P	P
Moving and storage company	N	N	P
Newsstand	P	P	P
Permanent cosmetics, a secondary use to an establishment employing cosmetologist/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations	P	P	P

Pest control and extermination	N	P	P
Pet grooming	N	P	P
Printing, lithographing, publishing or reproduction sales and service	N	N	P
Psychic, tarot card reader, fortune teller, occult art practitioners, hypnotist	N	P	P
RV storage	N	C	C
Retail services establishments	N	P	P
Septic tank pumper	N	N	N
Sexually oriented businesses	N	N	N
Sign sales	N	P	P
Storage rental units	N	C	C
Tattoo establishment	N	N	C
Taxidermist	N	C	C
Towing	N	P	P
Welding shop	N	N	C
Transportation and similar uses			
Bus terminal	N	P	P
Taxi	N	P	P
Truck terminal	N	N	N
Utility, government, public services			

and facilities and similar uses			
Cable television and satellite dish provider	N	P	P
Electrical substation, power stations	N	C	C
Government buildings or uses, nonindustrial	N	P	P
Library	N	P	P
Materials recycling facility	N	N	N
Museum	N	P	P
Post office	P	P	P
Television or radio station	N	P	P
Water disposal	N	N	N

C. **Conditional Uses**. A more detailed explanation of these requirements is outlined in Chapter~~BMC~~ 15.08.

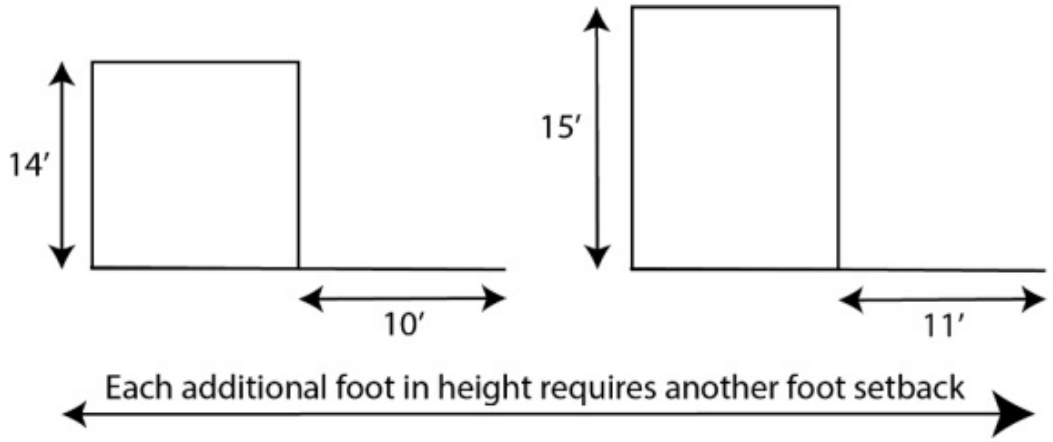
D. **Area, Setback and Height Requirements**

Lot Areas and Setbacks

	C-1	**C-2**	**C-3**
Minimum lot area	None	None	None
Maximum zoned area	5 acres	None	None
Front*	20* feet	20* feet	20* feet
Side**	10 feet	10 feet	10 feet
Side facing a street on corner lot	20 feet	20 feet	20 feet
Rear	10 feet	10 feet	10 feet

- Notes:
    - Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty feet (50') ~~feet~~ from the highway right-of-way line.
    - Side and rear yard setbacks in the C-2 and C-3 zones may be reduced or eliminated where the P~~p~~lanning C~~c~~ommission determines such setback is unnecessary.
    - Storage rental units in C-2 and C-3 zones shall reduce side setbacks to three feet (3"). ~~feet.~~

A. **Additional Setbacks Abutting Residential Zones**. When abutting a residential zone there will be a minimum setback of ten feet (10') with an additional setback for buildings or structures over fifteen feet (15') in height based on a one to one (1:1) ratio. So each additional foot in height requires an additional setback foot from the property line.



B. **Height**

	C-1	C-1	C-2
Minimum	10 feet	10 feet	10 feet
Maximum	35 feet	35 feet	35 feet

Unless a greater height is approved by the City Council after recommendation by the P~~p~~lanning C~~c~~ommission.

C. **Lot Coverage**

	C-1	C-2	C-3
Maximum lot coverage	40 percent	None	None
	10,000 square feet		

Maximum building size (single use building)	(up to 15,000 square feet with a conditional use permit)	None	None

A. **Special Provisions**

1. **Trash, Junk, Inoperable Vehicles, Vessels and Similar Items**. No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar material will be stored or allowed to remain on any lot in any commercial zone.
2. **Solid Waste Storage Facilities**. All solid waste storage facilities will be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
3. **Sales Lots for Automobiles and Similar Vehicles**. Sales lots for automobiles, RVs, boats, trailers and similar vehicles will be fully improved to comply with current City standards, including fully paved display area, permanent sales office built to the current building code, landscaping, streetlights and permanent signage. Display vehicles will not be located within the public right of way or on the required landscape area, unless part of the landscape and site plan.
4. **Buildings with A Large Ground Floor Area**. Buildings with a ground floor (footprint) area of twenty thousand square feet (20,000 sq. ft.) ~~square feet~~ or more or a site with an aggregate ground floor (footprint) square footage of twenty thousand square feet (20,000 sq. ft.) ~~square feet~~ or more will be subject to design review and approval by the City Council. A site plan along with colored building elevations of all sides of the building and a three-dimensional rendering will be submitted for review by the P~~p~~lanning C~~c~~ommission which will make a recommendation to the City Council. The City Council will review the building design and conceptual site plan in order to achieve the following desired objectives:
    a. Vehicle access and parking lots properly designed for safety, efficiency and beauty. Parking lots should be landscaped with shade trees throughout the lot to avoid major heat islands, and to break up large asphalt areas.
    b. Landscaping of the project site to promote community appearance.
    c. Building facade articulation will include a variation in base, middle, and top of a building created by variations in color and materials. Articulated tops should consist of pitch dormers, gable ends, cornice detailing, or similar details. The base of a building will include elements that relate to human scale such as doors, windows, texture, projections, awnings and canopies, ornament, etc. Buildings will provide visual interest through articulation of the facade. This can be

achieved through

(1) combinations of stepping back or extending a portion of the facade (pop outs),
(2) vertical divisions using different textures and materials,
(3) divisions into storefronts, with separate display windows and entrances, variation in rooflines by alternating dormers, stepped roofs, gables, or other roof elements, and arcades, awnings, window bays, arched windows, and balconies at intervals.

d. Building colors will be earth tones that blend with the predominant colors of the natural surrounding area and will not be of high contrast. Bright, white or contrasting colors will be limited to trim. A materials and color sample board will be provided.

5. **Access and Paved Areas**. All commercial establishments must provide paved ingress, egress, parking and pedestrian access facilities for both the general public and the employees of the business. All paved areas will comply with the Standard Specifications and Plans as adopted by the City.
6. **Curb and Gutter on Streets**. Whenever a structure is improved, erected, or the use of the structure is changed in any commercial zone curb, gutter, and sidewalk will be required as per he subdivision ordinance (Title 14 of BMC) along streets the property abuts and fronts and along all roads being created by the development. Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation will not be required to provide curb and gutter along that highway unless required by the owning jurisdiction.

B. **Landscaping**. Properties within commercial zones will comply with Section ~~BMC~~ 15.06.180, "Landscape Standards".
C. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in Section ~~BMC~~ 15.06.170.
D. **Walls and Fencing**. Properties within commercial zones will comply with Section ~~BMC~~ 15.06.160, "Walls and Fences".

SECTION 41: **AMENDMENT** "15.06.140 Industrial Zones (I-1, I-2, I-3)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.140 Industrial Zones (I-1, I-2, I-3)

A. **Purpose**

1. **I-1 Zone**. The objective in establishing the light industrial zone (I-1) is to provide appropriate space for the development and operation of research and development, light manufacturing, and the fabrication of goods in a controlled

and aesthetically desirable environment. The intent is that these activities may be established and operate without creating smoke, gas, odor, dust, sound, vibration or lighting to any degree which would be offensive to residents of the City or surrounding areas. The zone is characterized by attractively designed buildings, landscape areas and parking lots in a campus like setting.

2. **I-2 Zone**. The objective in establishing the medium industrial (I-2) zone is to provide appropriate space for the development and operation of warehousing, wholesaling, other services permitted in the I-1 zone and other similar commercial establishments, which are necessary and beneficial to the area economy, in locations where uses are compatible with one another. The intent is that these activities may be established and operate without creating smoke, gas, odor, dust, sound, vibration or lighting to any degree which would be offensive to residents of the City or surrounding areas.
3. **I-3 Zone**. The objective in establishing the I-3 manufacturing zone is for the purpose of providing space for light manufacturing and fabrication of goods in a controlled and aesthetically desirable environment, and to provide areas for the promotion of new industry for the City and to protect property values. The emphasis of this zone is to accommodate basic industries which tend to increase the employment and economic base of the City and which market their products on a wholesale basis, primarily outside of the local economy. The zone is characterized by attractively designed buildings, landscaping and off street parking. Developments in these areas will have a park like appearance which blends the buildings and manufacturing areas into the landscaped area.

B. **Use Regulations**

1. **Permitted Uses**. Principal uses that are designated as permitted uses may be allowed in new or existing structures and associated outside areas which have received site development plan approval and have obtained occupancy approval from the zoning administrator.
2. **Conditional Uses**. Uses that are designated as conditional uses are subject to the conditional use approval process outlined in BMC 15.08 governing conditional uses.
3. **Prohibited Uses**. The following uses will be excluded from the City: animal byproduct plants; blast furnaces; garbage; offal and animal reduction; incineration or processing refuse dumps; commercial hog farms; manufacturing, compounding or processing of chlorine gas, acid, cement, lime, gypsum, plaster of Paris, creosote, fertilizer from animal byproducts, pyroxylin products; rubber reduction; processing or treatment of fish; smelters and ore reduction; and similar uses which give rise to excessive or offensive odor, noise, fumes, dust, radiation or danger of explosion.
4. **List of Uses**. In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

Tables of Uses	I-1	I-2	I-3
Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use	C	C	C
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use	P	P	P
Appliance, electric and electronic equipment maintenance and repair	N	P	P
Assembly and fabrication of goods (bookbinding, electric appliance and/or electronic instrument assembly, printing, engraving and similar type uses)	P	P	P
Automobile fuel stations with or without convenience stores and/or automobile wash facilities (fully automatic only)	C	N	N

Batching and mixing plants	N	N	C
Building material sales	N	P	N
Bulk plants (class 1 and 2 flammable liquids and gases)	N	C	C
Cabinet, laminating and woodworking shops	N	C	P
Caretakers' quarters, incidental to the use of the land	C	C	C
Child daycare or preschool facilities which meet all state and local regulations pertaining to such facilities	C	C	N
Construction and farm equipment rental yards	N	C	P
Construction and farm equipment repair	N	C	P
Construction and farm equipment sales	N	P	N
Contractors' shops and storage yards	N	C	P
Crematoriums, independent animal or human, which meet all			

state and local regulations pertaining to crematoriums	N	C	C
Dry cleaning plants	N	C	P
Farm supply sales	N	P	N
Fertilizer and soil conditioner manufacturing, processing and sales (non animal products)	N	C	C
Food processing, wholesale (excluding mills, the processing of fat, vinegar and yeast, and the slaughter of animals)	N	P	P
Foundries, light weight casting and nonferrous without causing noxious fumes or odors	N	C	C
Furniture upholstery	N	C	P
Government/public buildings and offices (not otherwise listed)	P	P	P
Government/public maintenance and service facilities	N	C	P
Honey extraction and processing	N	P	P

Hospitals, animal	N	C	N
Hospitals, human	C	N	N
Ice manufacturing and storage	N	P	P
Insulation sales and service	N	C	P
Laboratories	P	P	P
Laundry and linen service facilities	N	C	P
Livestock feed processing and storage without causing odors	N	N	C
Machine shops and storage yards	N	C	P
Maintenance and repair of goods not otherwise listed	N	C	P
Manufacturing of abrasives, acids, aluminum, batteries, asphalt products, bone products, cellophane products, cement products, cloth products excluding mills, concrete products, electronic instrument products, food processing excluding mills	N	N	C

and the slaughter of animals, furniture products, glass products, ironworks, leather products, metal finishing or plating products, optical goods, plastics, sheet metal products, tools and wood products excluding mills			
Mills (cereal, feed, flour, knitting, planting, etc.)	N	N	C
Motor vehicle (automobile, recreational and truck) impound yards which meet all state and local regulations pertaining to impound yards	N	N	C
Motor vehicle (automobile, recreational and truck) storage facilities (indoor or outdoor) for operable vehicles	N	C	P
Motor vehicle (automobile, recreational and truck) repair (body, maintenance,	N	C	P

paint, rebuild, tire, upholstery, etc.)			
Motor vehicle (automobile, recreational and truck) salvage and storage yards for dismantled (completely or partially) or wrecked vehicles which meet all state and local regulations pertaining to such yards	N	N	C
Motor vehicle (automobile, recreational and truck) wash facilities	N	C	P
Other uses not listed as permitted or conditional uses in other zones, determined by the planning commission to be compatible and in harmony with the character and intent of these zones, according to their designated and approved development plans	C	C	C
Packaging, processing and			

treating of goods not otherwise listed	C	C	C
Pest control and extermination establishments	N	C	P
Portable restroom rental establishments	N	N	C
Public parks	P	P	N
Public utility maintenance and service facilities	N	C	P
Research and development facilities, excluding manufacturing processes	P	P	P
Research and development facilities, including manufacturing processes	C	C	C
Restaurants	C	N	N
Sandblasting facilities	N	C	P
Schools, business	P	N	N
Schools, colleges and universities	C	N	N
Schools, medical	C	N	N
Schools, technical	C	C	C
Septic tank cleaning/pumping establishments	N	N	C

Sexually oriented businesses which meet all state and local regulations pertaining to such businesses	N	P	P
Sheet metal shops (including retinning)	N	C	P
Sign shops (manufacture, maintenance, paint, etc.)	N	C	P
Solid waste service providers (including dumpster rentals)	N	N	C
Storage units	N	C	P
Telemarketing centers	C	N	N
Tire recapping or retreading facilities	N	C	P
Truck fuel stations without convenience stores	N	C	C
Truck terminals	N	C	P
Welding shops	N	C	P
Wholesale distributing and warehousing	N	C	P

C. **Site Design Regulations**. All uses are subject to the following site design regulations and the chapters of this code governing land use supplementary and qualifying regulations, off street parking requirements, and any affected overlay zone.

1. **Distance to Specific Zone Boundary**. No building or buildings which house processing or assembly activities that are fully contained within buildings will be located less than fifty feet (50') from any residential or agricultural zone

boundary.

2. **Outdoor Activities**. In the I-2 and I-3 zones, no outdoor assembly, construction, repair or manufacturing activities will be located within fifty feet (50') from any agricultural or residential zone boundary.
3. **Storage and Activities in I-1 Zone**. In the I-1 zone, storage, assembly, construction, repair or manufacturing activities must take place within an enclosed building. Outdoor storage and activities are prohibited.
4. **Parking Area Lighting**. All outside parking areas will be lighted during evening business hours. All lights will be designed to direct light away from adjacent properties.
5. **Access and Paved Areas**. All Industrial establishments must provide paved ingress, egress, parking and pedestrian access facilities for both the general public and the employee's of the business. All paved areas will comply with the Standard Specifications and Plans as adopted by the City. Industrial sites may request non-paved storage areas, however these areas cannot access onto any public street or private lane not owned by the party requesting the non-paved area. The request to waive the paving of a site would constitute a Conditional Use Permit and all requirements of BMC 15.08 would apply.

D. **Height Regulations**. No building or structure will be erected to a height greater than thirty five feet (35') unless otherwise approved with a conditional use permit.

Height	I-1	I-2	I-3
Minimum	10 feet	10 feet	10 feet
Maximum	35 feet	35 feet	35 feet

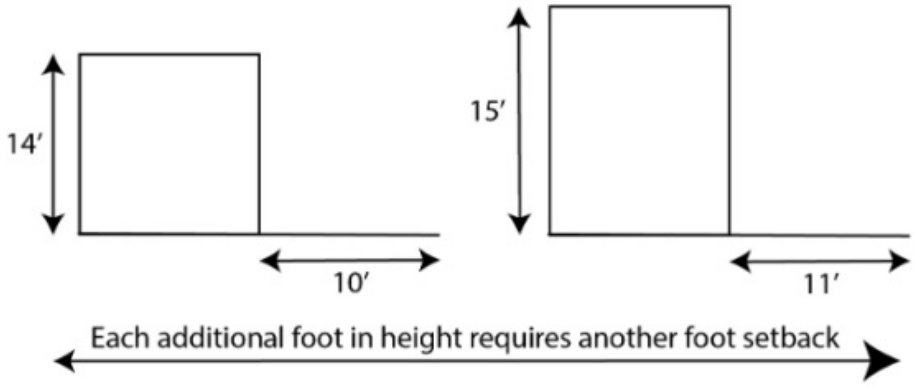
E. **Area and Setback Requirements**

Lot Areas & Setbacks	I-1	I-2	I-3
Minimum lot area	None	None	None
Minimum setbacks			
Front*	30 feet*	20 feet*	20 feet*
Side**	10 feet	10 feet	10 feet
Street side*	30 feet	20 feet	20 feet
Rear**	10 feet	10 feet	10 feet
Minimum zone area	5 acres	3 acres	3 acres

Notes:

* Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty (50) feet from the highway right-of-way line.
** When not adjacent to an agricultural or residential zone boundary, and if approved by the City with a conditional use permit, the interior side yard and rear yard setbacks may be reduced or eliminated.

1. **Additional Setbacks Abutting Residential or Agricultural Zones**. When abutting a residential zone there will be a minimum setback of ten feet (10') with an additional setback for buildings or structures over fifteen feet (15') in height based on a one to one (1:1) ratio; whereas, for each additional foot in height requires an additional setback foot from the property line.



F. **Landscaping**. Properties within Industrial zones will comply with BMC 15.06.180, "Landscape Standards".
G. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in BMC 15.06.170.
H. **Walls and Fencing**. Properties within Industrial zones will comply with BMC 15.06.160, "Walls and Fences".
I. **Building Elevation Regulations**. Roof mounted mechanical equipment will be screened on all sides. The materials and colors of the screening surfaces will be compatible with their associated buildings.

When visible from an adjacent public street, the building elevations will include recessed or articulated surfaces (beyond the wall material itself), columns and beams to help visually segment the walls. A variation in materials, colors, textures and rooflines that convey a sense of order is encouraged. Narrow parapet sections that extend beyond the main roofline and the adjoining parapet sections for the purpose of focusing on an entrance or other portion of a building will be topped with a roof section that extends back over the main roof of the building.

AFTER AMENDMENT

15.06.140 Industrial Zones (I-1, I-2, I-3)

A. **Purpose**

1. **I-1 Zone**. The objective in establishing the light industrial zone (I-1) is to provide appropriate space for the development and operation of research and development, light manufacturing, and the fabrication of goods in a controlled and aesthetically desirable environment. The intent is that these activities may be established and operate without creating smoke, gas, odor, dust, sound, vibration or lighting to any degree which would be offensive to residents of the City or surrounding areas. The zone is characterized by attractively designed buildings, landscape areas and parking lots in a campus like setting.
2. **I-2 Zone**. The objective in establishing the medium industrial (I-2) zone is to provide appropriate space for the development and operation of warehousing, wholesaling, other services permitted in the I-1 zone and other similar commercial establishments, which are necessary and beneficial to the area economy, in locations where uses are compatible with one another. The intent is that these activities may be established and operate without creating smoke, gas, odor, dust, sound, vibration or lighting to any degree which would be offensive to residents of the City or surrounding areas.
3. **I-3 Zone**. The objective in establishing the I-3 manufacturing zone is for the purpose of providing space for light manufacturing and fabrication of goods in a controlled and aesthetically desirable environment, and to provide areas for the promotion of new industry for the City and to protect property values. The emphasis of this zone is to accommodate basic industries which tend to increase the employment and economic base of the City and which market their products on a wholesale basis, primarily outside of the local economy. The zone is characterized by attractively designed buildings, landscaping and off street parking. Developments in these areas will have a park like appearance which blends the buildings and manufacturing areas into the landscaped area.

B. **Use Regulations**

1. **Permitted Uses**. Principal uses that are designated as permitted uses may be allowed in new or existing structures and associated outside areas which have received site development plan approval and have obtained occupancy approval from the Z~~z~~oning A~~a~~dministrator.
2. **Conditional Uses**. Uses that are designated as conditional uses are subject to the conditional use approval process outlined in Chapter~~BMC~~ 15.08 governing conditional uses.
3. **Prohibited Uses**. The following uses will be excluded from the City: animal byproduct plants; blast furnaces; garbage; offal and animal reduction; incineration or processing refuse dumps; commercial hog farms; manufacturing, compounding or processing of chlorine gas, acid, cement, lime, gypsum, plaster of Paris, creosote, fertilizer from animal byproducts, pyroxylin products; rubber reduction; processing or treatment of fish; smelters and ore reduction; and similar uses which give rise to excessive or offensive odor, noise, fumes, dust, radiation or danger of explosion.
4. **List of Uses**. In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are

allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

Tables of Uses	**I-1**	**I-2**	**I-3**
Accessory uses and buildings, customarily incidental and subordinate to an approved conditional use	C	C	C
Accessory uses and buildings, customarily incidental and subordinate to an approved permitted use	P	P	P
Appliance, electric and electronic equipment maintenance and repair	N	P	P
Assembly and fabrication of goods (bookbinding, electric appliance and/or electronic instrument assembly, printing, engraving and similar type uses)	P	P	P
Automobile fuel stations with or without convenience stores and/or automobile wash	C	N	N

facilities (fully automatic only)			
Batching and mixing plants	N	N	C
Building material sales	N	P	N
Bulk plants (class 1 and 2 flammable liquids and gases)	N	C	C
Cabinet, laminating and woodworking shops	N	C	P
Caretakers' quarters, incidental to the use of the land	C	C	C
Child daycare or preschool facilities which meet all state and local regulations pertaining to such facilities	C	C	N
Construction and farm equipment rental yards	N	C	P
Construction and farm equipment repair	N	C	P
Construction and farm equipment sales	N	P	N
Contractors' shops and storage yards	N	C	P
Crematoriums, independent			

animal or human, which meet all state and local regulations pertaining to crematoriums	N	C	C
Dry cleaning plants	N	C	P
Farm supply sales	N	P	N
Fertilizer and soil conditioner manufacturing, processing and sales (non animal products)	N	C	C
Food processing, wholesale (excluding mills, the processing of fat, vinegar and yeast, and the slaughter of animals)	N	P	P
Foundries, light weight casting and nonferrous without causing noxious fumes or odors	N	C	C
Furniture upholstery	N	C	P
Government/public buildings and offices (not otherwise listed)	P	P	P
Government/public maintenance and service facilities	N	C	P

Honey extraction and processing	N	P	P
Hospitals, animal	N	C	N
Hospitals, human	C	N	N
Ice manufacturing and storage	N	P	P
Insulation sales and service	N	C	P
Laboratories	P	P	P
Laundry and linen service facilities	N	C	P
Livestock feed processing and storage without causing odors	N	N	C
Machine shops and storage yards	N	C	P
Maintenance and repair of goods not otherwise listed	N	C	P
Manufacturing of abrasives, acids, aluminum, batteries, asphalt products, bone products, cellophane products, cement products, cloth products excluding mills, concrete products, electronic instrument products, food			

processing excluding mills and the slaughter of animals, furniture products, glass products, ironworks, leather products, metal finishing or plating products, optical goods, plastics, sheet metal products, tools and wood products excluding mills	N	N	C
Micro-education entities	P	P	P
Mills (cereal, feed, flour, knitting, planting, etc.)	N	N	C
Motor vehicle (automobile, recreational and truck) impound yards which meet all state and local regulations pertaining to impound yards	N	N	C
Motor vehicle (automobile, recreational and truck) storage facilities (indoor or outdoor) for operable vehicles	N	C	P
Motor vehicle (automobile,			

recreational and truck) repair (body, maintenance, paint, rebuild, tire, upholstery, etc.)	N	C	P
Motor vehicle (automobile, recreational and truck) salvage and storage yards for dismantled (completely or partially) or wrecked vehicles which meet all state and local regulations pertaining to such yards	N	N	C
Motor vehicle (automobile, recreational and truck) wash facilities	N	C	P
Other uses not listed as permitted or conditional uses in other zones, determined by the planning commission to be compatible and in harmony with the character and intent of these zones, according to their designated and approved development	C	C	C

plans			
Packaging, processing and treating of goods not otherwise listed	C	C	C
Pest control and extermination establishments	N	C	P
Portable restroom rental establishments	N	N	C
Public parks	P	P	N
Public utility maintenance and service facilities	N	C	P
Research and development facilities, excluding manufacturing processes	P	P	P
Research and development facilities, including manufacturing processes	C	C	C
Restaurants	C	N	N
Sandblasting facilities	N	C	P
Schools, business	P	N	N
Schools, colleges and universities	C	N	N
Schools, medical	C	N	N
Schools, technical	C	C	C
Septic tank			

cleaning/pumping establishments	N	N	C
Sexually oriented businesses which meet all state and local regulations pertaining to such businesses	N	P	P
Sheet metal shops (including retinning)	N	C	P
Sign shops (manufacture, maintenance, paint, etc.)	N	C	P
Solid waste service providers (including dumpster rentals)	N	N	C
Storage units	N	C	P
Telemarketing centers	C	N	N
Tire recapping or retreading facilities	N	C	P
Truck fuel stations without convenience stores	N	C	C
Truck terminals	N	C	P
Welding shops	N	C	P
Wholesale distributing and warehousing	N	C	P

C. **Site Design Regulations**. All uses are subject to the following site design regulations and the chapters of this code governing land use supplementary and qualifying regulations, off street parking requirements, and any affected overlay zone.

1. **Distance to Specific Zone Boundary**. No building or buildings which house

processing or assembly activities that are fully contained within buildings will be located less than fifty feet (50') from any residential or agricultural zone boundary.

2. **Outdoor Activities**. In the I-2 and I-3 zones, no outdoor assembly, construction, repair or manufacturing activities will be located within fifty feet (50') from any agricultural or residential zone boundary.
3. **Storage and Activities in I-1 Zone**. In the I-1 zone, storage, assembly, construction, repair or manufacturing activities must take place within an enclosed building. Outdoor storage and activities are prohibited.
4. **Parking Area Lighting**. All outside parking areas will be lighted during evening business hours. All lights will be designed to direct light away from adjacent properties.
5. **Access and Paved Areas**. All Industrial establishments must provide paved ingress, egress, parking and pedestrian access facilities for both the general public and the employee's of the business. All paved areas will comply with the Standard Specifications and Plans as adopted by the City. Industrial sites may request non-paved storage areas, however these areas cannot access onto any public street or private lane not owned by the party requesting the non-paved area. The request to waive the paving of a site would constitute a Conditional Use Permit and all requirements of Chapter~~BMC~~ 15.08 would apply.

D. Height Regulations. No building or structure will be erected to a height greater than thirty five feet (35') unless otherwise approved with a conditional use permit.

Height	**I-1**	**I-2**	**I-3**
Minimum	10 feet	10 feet	10 feet
Maximum	35 feet	35 feet	35 feet

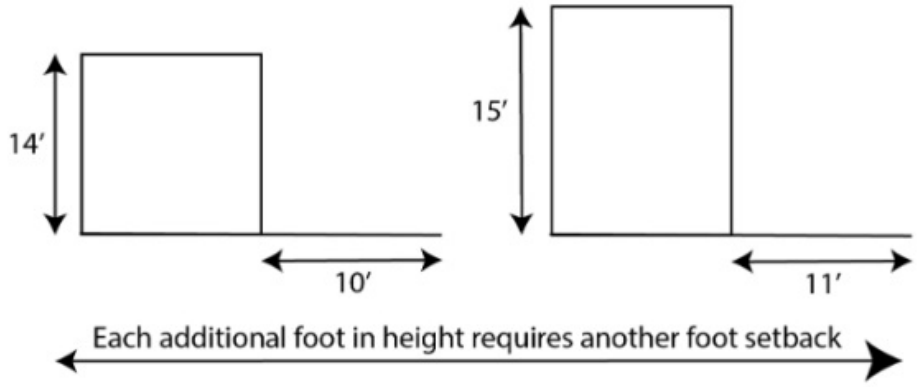
E. **Area and Setback Requirements**

Lot Areas & Setbacks	**I-1**	**I-2**	**I-3**
Minimum lot area	None	None	None
Minimum setbacks			
Front*	30 feet*	20 feet*	20 feet*
Side**	10 feet	10 feet	10 feet
Street side*	30 feet	20 feet	20 feet
Rear**	10 feet	10 feet	10 feet
Minimum zone area	5 acres	3 acres	3 acres

Notes:

* Notwithstanding any other provision of this Ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty feet (50") ~~feet~~ from the highway right-of-way line.
** When not adjacent to an agricultural or residential zone boundary, and if approved by the City with a conditional use permit, the interior side yard and rear yard setbacks may be reduced or eliminated.

1. **Additional Setbacks Abutting Residential or Agricultural Zones**. When abutting a residential zone there will be a minimum setback of ten feet (10') with an additional setback for buildings or structures over fifteen feet (15') in height based on a one to one (1:1) ratio; whereas, for each additional foot in height requires an additional setback foot from the property line.



F. **Landscaping**. Properties within Industrial zones will comply with Section~~BMC~~ 15.06.180, "Landscape Standards".
G. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in Section~~BMC~~ 15.06.170.
H. **Walls and Fencing**. Properties within Industrial zones will comply with Section~~BMC~~ 15.06.160, "Walls and Fences".
I. **Building Elevation Regulations**. Roof mounted mechanical equipment will be screened on all sides. The materials and colors of the screening surfaces will be compatible with their associated buildings.

When visible from an adjacent public street, the building elevations will include recessed or articulated surfaces (beyond the wall material itself), columns and beams to help visually segment the walls. A variation in materials, colors, textures and rooflines that convey a sense of order is encouraged. Narrow parapet sections that extend beyond the main roofline and the adjoining parapet sections for the purpose of focusing on an entrance or other portion of a building will be topped with a roof section that extends back over the main roof of the building.

SECTION 42: **<u>AMENDMENT</u>** "15.06.150 Open Space Zone (OS)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.150 Open Space Zone (OS)

A. **Purpose**. The purpose of this zone is to permit the use of open space land within the City for uses compatible with the protection of the natural and scenic resources of the City for the benefit of present and future generations.
B. **Permitted Uses**
    1. Livestock grazing, including incidental corrals, barns or pens.
    2. Public and private recreation grounds and facilities, including public and private park site development.
    3. Raising of crops, horticulture and gardening.
    4. Undeveloped land.
C. **Conditional Uses**. The following uses are conditional and subject to the requirements of BMC 15.08:
    1. Airports.
    2. Animals, more than the limits prescribed herein.
    3. Cemeteries.
    4. Golf courses.
    5. Mineral and fill dirt extraction (no hot mix operations).
    6. Public utilities and transmission lines.
    7. Schools, churches and public buildings.
    8. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.
D. **Height Regulations**. No building will be erected to a height greater than two and one-half (21/2) stories or thirty five feet (35'), whichever is less, unless otherwise recommended by the planning commission and approved by the City Council as a conditional use permit.
E. **Area, Width and Yard Requirements**

District	Area Minimum	Lot Width Minimum	Minimum Yard Setbacks Front	Minimum Yard Setbacks Sides	Minimum Yard Setbacks Rear
OS	None	None	30 ft.	10 ft. (25 ft. on corner)	10 ft.

F. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in BMC 15.06.170.

G. **Walls and Fencing**. Properties within open space zones will comply with BMC 15.06.160, "Walls and Fences".

H. **Modifying Regulations**

1. **Distance of Livestock to Residential Zone**. Livestock kept in a corral, barn or pen within the open space zone must be at least one hundred feet (100') from any residential zone which prohibits the keeping of livestock.
2. **Grazing; Density; Feedlots; Exception**
    a. Livestock grazing (i.e., horses, cattle, goats or sheep) will be limited to four (4) animals per acre, except that for a maximum period of thirty (30) days per year, the limit will be eight (8) animals per acre. In addition, offspring may remain with their mothers until weaned and both the mother and offspring will be counted as one animal during the weaning period.
    b. Commercial feedlot operations are not permitted within the open space zone.
    c. Upon request, the City Council after considering the recommendation of the planning commission, may allow more animals than the limits prescribed above through approval of a conditional use permit.

AFTER AMENDMENT

15.06.150 Open Space Zone (OS)

A. **Purpose**. The purpose of this zone is to permit the use of open space land within the City for uses compatible with the protection of the natural and scenic resources of the City for the benefit of present and future generations.

B. **Permitted Uses**

1. Livestock grazing, including incidental corrals, barns or pens.
2. Public and private recreation grounds and facilities, including public and private park site development.
3. Raising of crops, horticulture and gardening.
4. Undeveloped land.

C. **Conditional Uses**. The following uses are conditional and subject to the requirements of Chapter~~BMC~~ 15.08:

1. Airports.
2. Animals, more than the limits prescribed herein.
3. Cemeteries.
4. Golf courses.
5. Micro-education entities.
6. Mineral and fill dirt extraction (no hot mix operations).
7. Public utilities and transmission lines.
8. Schools, churches and public buildings.
9. Other uses similar to the above and judged by the Land Use Authority~~planning commission~~ to be in harmony with the character and intent of this zone.

D. **Height Regulations**. No building will be erected to a height greater than two and one-half (21/2) stories or thirty five feet (35'), whichever is less, unless otherwise recommended by the planning commission and approved by the City Council as a conditional use permit.

E. **Area, Width and Yard Requirements**

District	**Area Minimum**	**Lot Width Minimum**	**Minimum Yard Setbacks Front**	**Minimum Yard Setbacks Sides**	**Minimum Yard Setbacks Rear**
OS	None	None	30 ft.	10 ft. (25 ft. on corner)	10 ft.

F. **Off Street Parking Requirements**. All sites will meet the requirements as outlined in Section~~BMC~~ 15.06.170.

G. **Walls and Fencing**. Properties within open space zones will comply with Section ~~BMC~~ 15.06.160, "Walls and Fences".

H. **Modifying Regulations**

1. **Distance of Livestock to Residential Zone**. Livestock kept in a corral, barn or pen within the open space zone must be at least one hundred feet (100') from any residential zone which prohibits the keeping of livestock.
2. **Grazing; Density; Feedlots; Exception**
   a. Livestock grazing (i.e., horses, cattle, goats or sheep) will be limited to four (4) animals per acre, except that for a maximum period of thirty (30) days per year, the limit will be eight (8) animals per acre. In addition, offspring may remain with their mothers until weaned and both the mother and offspring will be counted as one animal during the weaning period.
   b. Commercial feedlot operations are not permitted within the open space zone.
   c. Upon request, the City Council after considering the recommendation of the P~~p~~lanning C~~c~~ommission, may allow more animals than the limits prescribed above through approval of a conditional use permit.

SECTION 43: **AMENDMENT** "15.06.155 Wildland Urban Interface Overlay Zone" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.155 Wildland Urban Interface Overlay Zone

A. **Purpose**. The purpose of this zone is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this zone are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The development and use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting effects. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this zone.
B. **General Regulations**. The supplementary regulations of this zone will be as outlined in the 2006 Wildland Urban Interface code as adopted in BMC 11.02. The provisions of this zone shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the Urban-Wildland Interface Overlay Zone.
C. **Buildings or Conditions in Existence at the Time of Adoption**. Buildings or conditions in existence at the time of the adoption of this zone are allowed to have their use or occupancy continued, if the condition, use or occupancy was legal at the time of the adoption of this zone, provided that continued uses do not constitute a distinct danger to life or property.
D. **Location of Overlay**. This zone will only be overlayed and shown on existing zoning districts on the Ballard City Zoning Map. The requirements of this zone will be additional to the requirements of the base zone on which the overlay has been placed.
E. **Conflict**. In cases where the standards of the base zone and the overlay zone conflict, the stricter of the two requirements will stand and be upheld.
F. **Administration and Enforcement**. It will be the responsibility of the Building Official and the Ballard Zoning Administrator to ensure that the standards of this zone are met.

AFTER AMENDMENT

15.06.155 Wildland Urban Interface Overlay Zone

A. **Purpose**. The purpose of this zone is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this zone are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The development and use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting effects. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this zone.
B. **General Regulations**. The supplementary regulations of this zone will be as outlined in the 2006 Wildland Urban Interface C~~c~~ode as adopted in Chapter~~BMC~~ 11.02. The provisions of this zone shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the Urban-Wildland

Interface Overlay Zone.

C. **Buildings or Conditions in Existence at the Time of Adoption**. Buildings or conditions in existence at the time of the adoption of this zone are allowed to have their use or occupancy continued, if the condition, use or occupancy was legal at the time of the adoption of this zone, provided that continued uses do not constitute a distinct danger to life or property.

D. **Location of Overlay**. This zone will only be overlayed and shown on existing zoning districts on the Ballard City ~~Zoning~~ Wildland Urban Interface Map. The requirements of this zone will be additional to the requirements of the base zone on which the overlay has been placed.

E. **Conflict**. In cases where the standards of the base zone and the overlay zone conflict, the stricter of the two requirements will stand and be upheld.

F. **Administration and Enforcement**. It will be the responsibility of the Building Official and the Ballard Zoning Administrator to ensure that the standards of this zone are met.

SECTION 44: **AMENDMENT** "15.06.156 Portable Storage Containers" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.156 Portable Storage Containers

A. **Portable Storage Container Regulations**. Except as stated in this ordinance, a portable storage container will be considered as an allowed use in the A-l, RA-l, C-2 and I-1 zones with the following limitations:

1. Permitting for all portable storage containers will be processed and approved through the City's building official unless the combined number of containers on any parcel exceeds 1000 square feet. In such case, the use of storage containers will be approved by the City's Planning Commission with a submitted site plan and with applicable development standards of the City.
2. The use of portable storage containers will be considered only as a secondary use, requiring that a primary, permanent structure be located on the same parcel of property where business is transacted. The total square footage of portable storage containers on any one parcel of property will not exceed 25% of the total square footage.
3. A portable storage container will be used for storage or uses incidental to storage purposes only. No occupancy or other use of the storage container will be allowed. The sale of portable storage containers will only be allowed in an industrial zone.
4. A portable storage container may be temporarily used in any zone for no more than seven (7) consecutive calendar days for the purpose of storing items to be moved from that specific premise. The storage container may not be placed on

any public street.

5. A portable storage container on any property will not utilize any parking spaces that are required.
6. All portable storage containers will be set back from the front property line a minimum of thirty (30) feet unless set back requirements for the particular zone in which the storage container is placed requires a deeper set back. Any side or rear set back requirements for the particular zone in which the storage container is placed will be enforced.
7. No stacking of portable storage containers will be allowed unless in an industrial zone. Stacking of portable storage containers in an industrial zone will be limited to 2 high.
8. All portable storage containers will be painted in a neutral color in such a way as to match the primary building or structure, or will be behind a six (6) foot high, sight-obscuring fence, maintained by the property owner.
9. There can only be one portable storage container per building lot, unless the property is in an industrial zone.

B. **Violation—Penalty**. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title will be guilty of a Class B misdemeanor. Such person, firm or corporation will be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed.

AFTER AMENDMENT

15.06.156 Portable Storage Containers

A. **Portable Storage Container Regulations**. Except as stated in this ordinance, a portable storage container will be considered as an allowed use in the A-l, RA-l, C-2 and I-1 zones with the following limitations:

1. Permitting for all portable storage containers will be processed and approved through the City's building official unless the combined number of containers on any parcel exceeds one thousand square feet (1000 sq. ft.) ~~square feet~~. In such case, the use of storage containers will be approved by the City's Planning Commission with a submitted site plan and with applicable development standards of the City.
2. The use of portable storage containers will be considered only as a secondary use, requiring that a primary, permanent structure be located on the same parcel of property where business is transacted. The total square footage of portable storage containers on any one parcel of property will not exceed twenty five percent (25%) of the total square footage.
3. A portable storage container will be used for storage or uses incidental to storage purposes only. No occupancy or other use of the storage container will be allowed. The sale of portable storage containers will only be allowed in an industrial zone.
4. A portable storage container may be temporarily used in any zone for no more

than seven (7) consecutive calendar days for the purpose of storing items to be moved from that specific premise. The storage container may not be placed on any public street.

5. A portable storage container on any property will not utilize any parking spaces that are required.
6. All portable storage containers will be set back from the front property line a minimum of thirty (30") ~~feet~~ unless set back requirements for the particular zone in which the storage container is placed requires a deeper set back. Any side or rear set back requirements for the particular zone in which the storage container is placed will be enforced.
7. No stacking of portable storage containers will be allowed unless in an industrial zone. Stacking of portable storage containers in an industrial zone will be limited to two (~~-~~2) high.
8. All portable storage containers will be painted in a neutral color in such a way as to match the primary building or structure, or will be behind a six foot (6") ~~foot~~ high, sight-obscuring fence, maintained by the property owner.
9. There can only be one portable storage container per building lot, unless the property is in an industrial zone.

B. **Violation—Penalty**. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title will be guilty of a Class B misdemeanor. Such person, firm or corporation will be deemed guilty of a separate offense for each and every day during any portion of which any violation of this T~~t~~itle is committed.

SECTION 45: **AMENDMENT** "15.06.160 Walls And Fences" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.160 Walls And Fences

A. **Interior Lot Requirements**. On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines, but not in the front setback area. In any front setback area, no rock wall, retaining wall, or fence will exceed four feet (4') in height. Within the front ten feet (10') behind the sidewalk, or property line where no sidewalk exists, only decorative fences such as picket fences or wrought iron fences with at least fifty percent (50%) of the fence open (up to 50 percent may be solid, or non see through) will be allowed with a maximum height of four feet (4'). Where a fence is located along an interior property line separating two (2) properties; the maximum height of the fence will not exceed six feet (6') above grade, at any single point, measured from finish grade on the shortest side of the fence. Fences may not have a berm for the purpose of increasing the allowable height.

B. **Corner Lot Requirements**

1. **Height Of Fencing Permitted**. On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot line, but a fence will not be erected in the front or street side setback areas to a height in excess of four feet (4'), except when a side setback fronts on a public street a height up to six feet (6') is allowed provided the fence is a minimum of ten feet (10') behind the front line of the dwelling and provided that the fence is set back at least ten feet (10') from the sidewalk.
2. **Obstructions In Front Setback**. In all zones requiring a front setback, no obstruction to view in excess of three feet (3') in height will be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines.

C. **Retaining Walls**. The height of any single retaining wall will not exceed eight feet (8'). Industrial zones may exceed eight feet (8') in height with a maximum height of twelve feet (12'), subject to approval by the City. Terraced retaining walls will be constructed out of one type of material. If a different type of material is used for additional terraced walls, those walls will be constructed out of material that is similar in look, color, and texture and be separated a minimum of the height of the lower wall. Retaining walls will be measured from the top of the exposed face to finish grade. Where a solid fence is placed on top of a retaining wall or rock wall, the combined exposed face will not exceed eight feet (8') in height at any point, measured from the finished grade of the adjacent retaining wall to the top of the solid fence. Fences at least fifty percent (50%) open (up to 50 percent may be solid, or non see through) may be placed on top of a retaining wall with a combined maximum height of thirteen feet (13') Retaining walls over eight feet (8') in height, including combinations of solid fences on retaining walls that exceed eight feet (8'), will be stepped to form benches which will be a minimum distance of one-half (1/2) the height of the lower retaining wall and be landscaped. Benches will be measured from the top back of the lower retaining wall to bottom face of the terraced retaining wall.

D. **Fences and Decorative/Masonry Walls**
1. **Public Right Of Way**. No fence approved under this chapter will be erected beyond a property line or on the public right of way.
    a. No fence will be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant.
    b. Maintenance of the landscape area between the curb and the property line will be the responsibility of the property owner or homeowners' association as applicable.
2. **Controlled Access Streets**. On streets designated by the City Engineer as controlled access streets, fences or retaining walls may be erected to a height of six feet (6') in the front setback area with permission from the planning commission.
3. **Fences and Retaining Walls Adjacent to a Public Street**. Where a fence or retaining wall is adjacent to a public street, the fence, or retaining wall, or combination of a fence on top of a retaining wall, will not exceed six feet (6') above the curb or sidewalk grade. Retaining walls may be terraced to achieve

greater overall height; provided, that no one vertical plane exceeds six feet (6') in height, and walls are offset a minimum of three feet (3'). The retaining wall will be set back from the sidewalk a minimum of ten feet (10') as required.

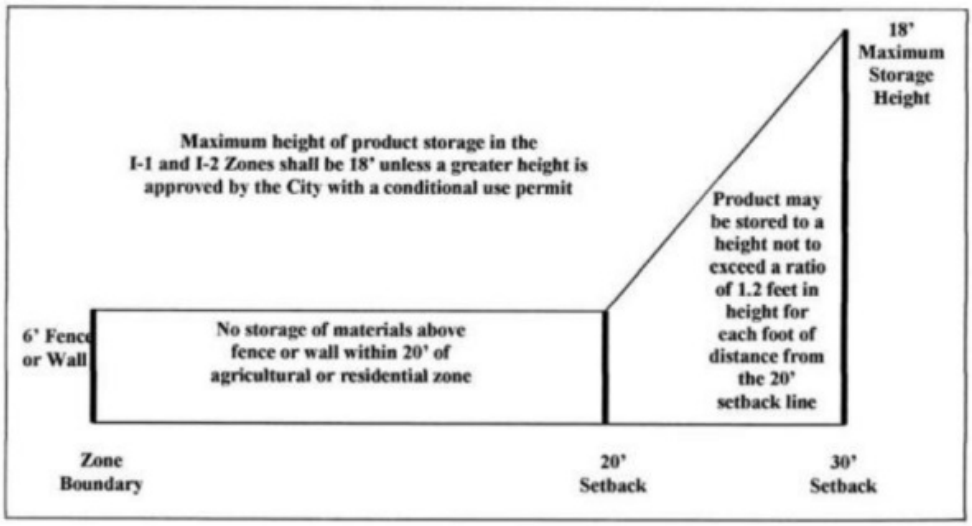
4. **Recreation Use**. On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. The fence may not be located within the setback area of yards abutting a front or street side yard.

   A fence, not less than five feet (5') in height, will be erected around all swimming pools, jacuzzis or other similar pools not otherwise enclosed (or covered for jacuzzis) and in accordance to the provisions of the current international residential code and international building code.

   Safety nets are permitted along side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed twelve feet (12') in height require a permit issued by the building department.
5. **Requirements In Certain Areas**. In all commercial and industrial zones having a common lot line with a residential zone of any type, or planned development zones having a common lot line with a single-family residential zone, a six foot (6') high solid fence will be required, but will be reduced to four feet (4') in height inside the front setback area (chain-link with slats will not be considered a solid fence for the purpose of this section).
6. **Surrounding Developments**. Fences surrounding developments having no individual residential lots that front on a public street, such as RV parks, subdivisions on limited access streets, planned developments, and also commercial and industrial developments, may have a solid fence in the front setback area to a height of six feet (6') except that such fence will be reduced to three feet (3') at driveway entrances in the same manner as required for intersections in BMC 15.06.160. The fence will be set back from the sidewalk a minimum of ten feet (10') as required. Landscaping required for commercial and manufacturing developments will be located on the street side of the fence.
7. **Tiny Home Communities and Recreational Vehicle Park/Subdivision; Fences**. A six foot (6') high solid fence will be erected along all side and rear yard property lines when a tiny home community or a recreational vehicle park/subdivision is adjacent to any use or zone, except tiny homes and recreational vehicles.
8. **Enclosure Of Merchandise And Materials**. All materials and merchandise, except vehicles in running order, will be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise will be stored to a height of more than the height of the fence or wall (chain link fencing with slats is not be considered a solid fence for purposes of this section).
9. **Protection Of Residential Property**. Where a commercial development is next to any lot or parcel of ground in any residential zone, there will be

provided along the abutting property line a solid masonry wall and a minimum ten foot (10') wide planting strip. The landscape requirements will be determined by the City planning department to make sure the buffer area adequately protects the adjoining residential property. This requirement shall also apply to two-family and multi-family dwelling developments adjacent to single family residential zoning districts.

10. **Industrial Zones; Fence Required**. Where any I-1, I-2 or I-3 zone adjoins any agricultural or residential zone boundary, there will be along the property line a sight obscuring fence or wall (not chain link with slats) not less than six feet (6') in height. Fence or wall materials will be compatible with the building.
11. **Industrial Zones; Screening**. Except for the I-3 zone, loading dock areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. In the I-1, I-2 and I-3 zones garbage collection areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. Fence or wall materials will be compatible with the building.
12. **Storage; Fencing**. In the I-1 and I-2 zones all storage will be located in an enclosed building or behind a sight obscuring fence or wall (not chain link with slats) at least six feet (6') in height. Fence or wall materials will be compatible with the building. Additionally, no material may be stored higher than eighteen feet (18') without a conditional use permit. Materials cannot go above a fence or wall according to the following graphic:



13. **Barbed Wire**. Barbed wire, razor ribbon and similar fencing material will be prohibited in all zones except agricultural, industrial and certain commercial zones. In agricultural, industrial and commercial zones where permitted and for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material will conform to the following restrictions:
    a. Barbed wire, razor ribbon or similar material will be pulled straight

and not rolled or coiled.

b. Straight strands of barbed wire and similar material on top of fences or walls will not exceed a combined fence and barbed wire height of seven feet (7').

c. In commercial zones, barbed wire or similar material will not be used within the twenty foot (20') front setback area, nor along any common lot line with a residential zone or residential development.

d. Barbed wire and similar material is prohibited in C-1 commercial zones.

AFTER AMENDMENT

15.06.160 Walls And Fences

A. **Interior Lot Requirements**. On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines, but not in the front setback area. In any front setback area, no rock wall, retaining wall, or fence will exceed four feet (4') in height. Within the front ten feet (10') behind the sidewalk, or property line where no sidewalk exists, only decorative fences such as picket fences or wrought iron fences with at least fifty percent (50%) of the fence open (up to fifty percent (50%) ~~percent~~ may be solid, or non see through) will be allowed with a maximum height of four feet (4'). Where a fence is located along an interior property line separating two (2) properties; the maximum height of the fence will not exceed six feet (6') above grade, at any single point, measured from finish grade on the shortest side of the fence. Fences may not have a berm for the purpose of increasing the allowable height.

B. **Corner Lot Requirements**

1. **Height Of Fencing Permitted**. On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot line, but a fence will not be erected in the front or street side setback areas to a height in excess of four feet (4'), except when a side setback fronts on a public street a height up to six feet (6') is allowed provided the fence is a minimum of ten feet (10') behind the front line of the dwelling and provided that the fence is set back at least ten feet (10') from the sidewalk.
2. **Obstructions In Front Setback**. In all zones requiring a front setback, no obstruction to view in excess of three feet (3') in height will be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines.

C. **Retaining Walls**. The height of any single retaining wall will not exceed eight feet (8'). Industrial zones may exceed eight feet (8') in height with a maximum height of twelve feet (12'), subject to approval by the City. Terraced retaining walls will be constructed out of one type of material. If a different type of material is used for additional terraced walls, those walls will be constructed out of material that is similar in look, color, and texture and be separated a minimum of the height of the lower wall.

Retaining walls will be measured from the top of the exposed face to finish grade. Where a solid fence is placed on top of a retaining wall or rock wall, the combined exposed face will not exceed eight feet (8') in height at any point, measured from the finished grade of the adjacent retaining wall to the top of the solid fence. Fences at least fifty percent (50%) open (up to 50 percent may be solid, or non see through) may be placed on top of a retaining wall with a combined maximum height of thirteen feet (13') Retaining walls over eight feet (8') in height, including combinations of solid fences on retaining walls that exceed eight feet (8'), will be stepped to form benches which will be a minimum distance of one-half (1/2) the height of the lower retaining wall and be landscaped. Benches will be measured from the top back of the lower retaining wall to bottom face of the terraced retaining wall.

D. **Fences and Decorative/Masonry Walls**

1. **Public Right Of Way**. No fence approved under this chapter will be erected beyond a property line or on the public right of way.
    a. No fence will be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant.
    b. Maintenance of the landscape area between the curb and the property line will be the responsibility of the property owner or homeowners' association as applicable.
2. **Controlled Access Streets**. On streets designated by the City Engineer as controlled access streets, fences or retaining walls may be erected to a height of six feet (6') in the front setback area with permission from the P~~p~~lanning C~~c~~ommission.
3. **Fences and Retaining Walls Adjacent to a Public Street**. Where a fence or retaining wall is adjacent to a public street, the fence, or retaining wall, or combination of a fence on top of a retaining wall, will not exceed six feet (6') above the curb or sidewalk grade. Retaining walls may be terraced to achieve greater overall height; provided, that no one vertical plane exceeds six feet (6') in height, and walls are offset a minimum of three feet (3'). The retaining wall will be set back from the sidewalk a minimum of ten feet (10') as required.
4. **Recreation Use**. On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. The fence may not be located within the setback area of yards abutting a front or street side yard.

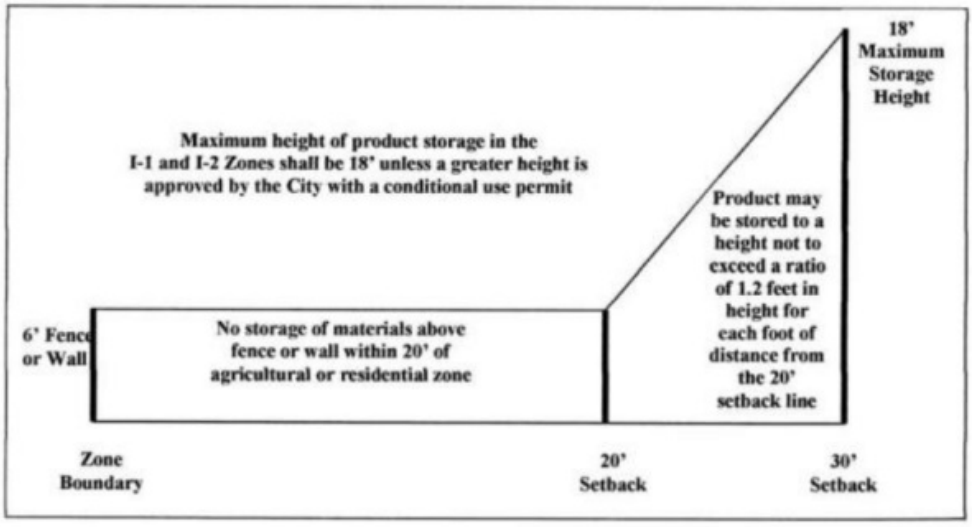
    A fence, not less than five feet (5') in height, will be erected around all swimming pools, jacuzzis or other similar pools not otherwise enclosed (or covered for jacuzzis) and in accordance with~~to~~ the provisions of the current international residential code and international building code.

    Safety nets are permitted along side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed twelve feet (12') in height require a permit issued by the building department.
5. **Requirements In Certain Areas**. In all commercial and industrial zones having a common lot line with a residential zone of any type, or planned

development zones having a common lot line with a single-family residential zone, a six foot (6') high solid fence will be required, but will be reduced to four feet (4') in height inside the front setback area (chain-link with slats will not be considered a solid fence for the purpose of this section).

6. **Surrounding Developments**. Fences surrounding developments having no individual residential lots that front on a public street, such as RV parks, subdivisions on limited access streets, planned developments, and also commercial and industrial developments, may have a solid fence in the front setback area to a height of six feet (6') except that such fence will be reduced to three feet (3') at driveway entrances in the same manner as required for intersections in BMC 15.06.160. The fence will be set back from the sidewalk a minimum of ten feet (10') as required. Landscaping required for commercial and manufacturing developments will be located on the street side of the fence.
7. **Tiny Home Communities and Recreational Vehicle Park/Subdivision; Fences**. A six foot (6') high solid fence will be erected along all side and rear yard property lines when a tiny home community or a recreational vehicle park/subdivision is adjacent to any use or zone, except tiny homes and recreational vehicles.
8. **Enclosure Of Merchandise And Materials**. All materials and merchandise, except vehicles in running order, will be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise will be stored to a height of more than the height of the fence or wall (chain link fencing with slats is not be considered a solid fence for purposes of this section).
9. **Protection Of Residential Property**. Where a commercial development is next to any lot or parcel of ground in any residential zone, there will be provided along the abutting property line a solid masonry wall and a minimum ten foot (10') wide planting strip. The landscape requirements will be determined by the City planning department to make sure the buffer area adequately protects the adjoining residential property. This requirement shall also apply to two-family and multi-family dwelling developments adjacent to single family residential zoning districts.
10. **Industrial Zones; Fence Required**. Where any I-1, I-2 or I-3 zone adjoins any agricultural or residential zone boundary, there will be along the property line a sight obscuring fence or wall (not chain link with slats) not less than six feet (6') in height. Fence or wall materials will be compatible with the building.
11. **Industrial Zones; Screening**. Except for the I-3 zone, loading dock areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. In the I-1, I-2 and I-3 zones garbage collection areas will be screened from public view with a sight obscuring fence or wall (not chain link with slats) of sufficient height to provide the required screening. Fence or wall materials will be compatible with the building.

12. **Storage; Fencing**. In the I-1 and I-2 zones all storage will be located in an enclosed building or behind a sight obscuring fence or wall (not chain link with slats) at least six feet (6') in height. Fence or wall materials will be compatible with the building. Additionally, no material may be stored higher than eighteen feet (18') without a conditional use permit. Materials cannot go above a fence or wall according to the following graphic:



13. **Barbed Wire**. Barbed wire, razor ribbon and similar fencing material will be prohibited in all zones except agricultural, industrial and certain commercial zones. In agricultural, industrial and commercial zones where permitted and for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material will conform to the following restrictions:
    a. Barbed wire, razor ribbon or similar material will be pulled straight and not rolled or coiled.
    b. Straight strands of barbed wire and similar material on top of fences or walls will not exceed a combined fence and barbed wire height of seven feet (7').
    c. In commercial zones, barbed wire or similar material will not be used within the twenty foot (20') front setback area, nor along any common lot line with a residential zone or residential development.
    d. Barbed wire and similar material is prohibited in C-1 commercial zones.

SECTION 46: **<u>AMENDMENT</u>** "15.06.170 Off Street Parking Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.170 Off Street Parking Requirements

A. **Off Street Parking Required**. At the time any building or structure is erected, enlarged or increased in capacity, or the use is changed to a more parking intensive use, there will be provided off street parking spaces on private property for automobiles in accordance with the following requirements. Subject to approval of a conditional use permit, an existing building within the historic district may be changed to a restaurant use even though the number of off street parking spaces is nonconforming. Buildings will not be enlarged unless current parking requirements are met.
B. **Dimensions**. The dimensions of each off street parking space or stall will be at least nine feet by eighteen feet (10' x 18') for diagonal or ninety degree (90°) spaces; or nine feet by twenty two feet (10' x 22') for parallel spaces, exclusive of access drives or aisles.
C. **Reduction**. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved will be landscaped.
D. **Access to Individual Parking Spaces**. Except for single-family and two-family dwellings, access to each parking space will be from a private driveway and not from a public street.
E. **One-Way Driveway Width**. One-way driveways will be a minimum of twelve feet (12') in width.
F. **Two-Way Driveway Width**. Two-way driveways will be of a minimum width as follows:
    1. Twelve feet (12') for a single-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
    2. Sixteen feet (16') for a single-family or a two-family dwelling that must go past another building to access parking spaces, with a minimum unobstructed two foot (2') width on both sides of the driveway; or a two-family dwelling, providing access to parking spaces directly off of a street without having to go past another building. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
    3. Eighteen feet (18') for a single-family or a two-family dwelling that must go past another building to access parking spaces where there are obstructions (i.e., walls, trees, etc.) adjacent to one or both sides of the driveway. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
    4. Twenty five feet (25') for commercial, manufacturing and all other residential developments.
    5. Additionally, a minimum of twenty feet (20') is required for any dwelling or building when any portion of an exterior wall of the first story is located more than one hundred fifty feet (150') from fire department vehicle access. Vertical clearance, surface, turnarounds and other requirements contained in the international fire code will apply. Exceptions and modifications may apply as

approved by the fire chief responsible for the City.

6. Garages accessed by a twenty foot (20') wide paved rear alley will have a minimum five foot (5') setback from the alley, provided the dwelling fronts on a public street. A twenty foot (20') garage setback will be required when the dwelling fronts on a private street, unless the private street is built to City standards for public street pavement width, in which case a garage may have a five foot (5') setback from the alley.

G. **Garage and Carport Spaces**. All garage and carport spaces will be set back a minimum of eighteen feet (18') from the private access drive serving them. Garage and carport spaces will be counted as one parking space unless the garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case the parking areas will count as two (2) spaces.

H. **Residential Area Requirements**

1. **Single-Family Dwelling**. Two (2) parking spaces per single-family dwelling. Tandem parking will be allowed in single-family subdivisions only.
2. **All Other Dwellings**. All other dwellings, including two-family and multi-family dwellings, will have two (2) parking spaces per dwelling unit Covered parking may be located within the side and rear setback areas. For projects with more than fifty (50) dwelling units, the planning commission may reduce the requirement to one and one-half (1.5) spaces per unit where it can be shown that two (2) spaces per unit is an excessive amount of parking. No street parking will be counted toward meeting the parking requirement. Tandem parking will not count toward the parking requirement. No parking area will be located within the required front setback facing a public street, and it will in no case be more than four hundred feet (400') away from the premises it is intended to serve. All parking will be on site.
3. **Front Yard Setback**. Front yard setback from private streets will be ten feet (10') minimum from back of curb for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where there is no sidewalk and street where there is no curb) for garages or carports. The planning commission may allow a ten foot (10') front setback on hillside developments where it is determined that adequate off street parking is provided and the reduced setback will reduce the overall amount of hillside excavation.
4. **Recreational Vehicles**. In residential zones, no motor home, travel trailer, boat or similar recreational vehicle will be parked within the required front yard setback area adjacent to a public street for a period longer than two (2) weeks. (Corner lots are considered to have 2 front yard areas.)
5. **Parking Vehicles On Front Lawns Or Setback Areas**. Parking vehicles on front lawns or in the front setback or street side setback areas is prohibited, except on approved paved (concrete or asphalt) driveways.

I. **Nonresidential Area Requirements.** The number of off street parking spaces required for all nonresidential developments will be as follows:

	1 space for each 400 square feet of gross

Automotive repair and supply	floor area.
Bowling alleys and billiard halls	5 spaces for each alley, plus 2 spaces for each billiard table contained therein.
Business or professional offices	1 space for each 250 square feet of gross floor area.
Call centers or telemarketing business	1 space per employee on the highest shift, or 1 space per 100 square feet of gross floor area, whichever is greater; except that call centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, will provide at least 1 space per 250 square feet of gross floor area.
Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench will be considered a fixed seat.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Day nurseries in commercial zones, including preschools and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.
Educational uses:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Furniture stores, appliance stores and	1 space for each 600 square feet of floor area.
Lumberyards	

Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed.
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area.
Nursing homes, care centers and assisted living	1 parking space for each 3 beds, except where skilled care (long term care) is provided, the requirement is 1 parking space for each 2 beds.
Outdoor sales lots for autos,and RVs	1 space for each 7 vehicles or items of equipment to be displayed, plus 2 spaces for manager and employee parking.
Restaurants and other establishments where food or beverages are consumed	10 spaces minimum or 1 space for each 100 square feet of gross floor area, whichever is greater, plus 1 space for each 100 square feet of outdoor seating or 1 space per 4 chairs of outdoor seating.
Retail stores and shops, commercial banks, savings and loan offices, and other financial institutions, general retail stores, food stores, supermarkets, drugstores and other similar commercial businesses	1 space for each 250 square feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 will be calculated on the basis of 1 space for each 500 square feet of gross floor area.
Service commercial businesses; businesses such as electrical, plumbing, cabinets, printing and other similar shops	1 space for each 250 square feet of retail or office area and 1 space for each 500 square feet of additional building area.

Skating rinks, ice or roller	1 space for each 300 square feet of gross floor area.
Swimming pools (commercial)	1 space for each 100 square feet of water surface or 10 stalls, whichever is greater.
Tennis, handball and racquetball courts (commercial)	6 spaces minimum or 3 spaces per court, whichever is greater.
Veterinary hospitals	5 spaces for each doctor.

Notwithstanding all provisions of this section, the planning commission will take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and it will recommend to the City Council a requirement of that number of spaces that it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

J. **Lighting**. Parking lots used during hours of darkness will be lighted by standards using hooded light sources which direct the light downward and away from residential property.

K. **Development Standards**. Every parcel of land used as a parking lot will be paved with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the planning commission and will have appropriate bumper guards where needed as determined by the building inspector. Lights used to illuminate the lot will be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.

L. **Optional Provisions**

1. **Shared Facilities**. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
2. **Requests; Guidelines**. Requests for shared parking and counting on street parking as required parking is subject to the approval of the planning commission. Requests for shared parking will be subject to the following guidelines:
    a. Sufficient evidence will be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
    b. shared parking stalls will not be more than what is required for either of the uses.
    c. Parking facilities should not be located farther than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
    d. A written agreement will be executed by all parties concerned assuring the continued availability of shared parking facilities in the

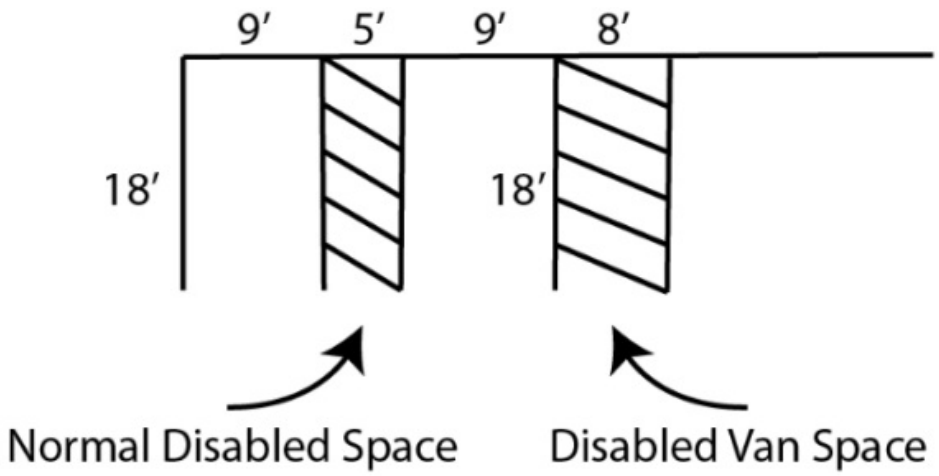
event that one of the uses will be sold or otherwise change ownership or management.

M. **Parking for Disabled**

1. **Required; Number**. Any parking area to be used by the general public will provide parking spaces designated and located to adequately accommodate the disabled, and these will be clearly marked. Parking spaces for the disabled will be located in close proximity to the principal building. The designation of parking spaces for the disabled will constitute consent by the property owner to enforce the restricted use of the spaces to disabled motorists by the City. Parking spaces for the disabled will conform to the standards of the Americans with disabilities act. The number of required parking spaces accessible to the disabled will be as follows:

Total In Parking Lot Spaces	Required Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
401 to 500	10
501 to 1,000	20, plus 1 for each 100 spaces over 1,000

2. **Dimensions; Van Space, Access Isle**. In addition, for every eight (8) accessible parking spaces, one accessible van space must be provided. The dimensions of a standard accessible parking space will be at least nine feet by eighteen feet (9' x 18') with a five foot (5') wide access aisle (total of 14 feet x 18 feet). The dimensions of an accessible van space will be at least nine feet by eighteen feet (9' x 18') with an eight foot (8') wide access aisle (total of 17 feet x 18 feet). The following graphic shows and example:



N. **Uses Not Specifically Identified**. For all parking uses not listed above, the planning commission will determine the number of spaces required based upon the nearest comparable use standard available.

AFTER AMENDMENT

15.06.170 Off Street Parking Requirements

A. **Off Street Parking Required**. At the time any building or structure is erected, enlarged or increased in capacity, or the use is changed to a more parking intensive use, there will be provided off street parking spaces on private property for automobiles in accordance with the following requirements. Subject to approval of a conditional use permit, an existing building within the historic district may be changed to a restaurant use even though the number of off street parking spaces is nonconforming. Buildings will not be enlarged unless current parking requirements are met.
B. **Dimensions**. The dimensions of each off street parking space or stall will be at least nine feet by eighteen feet (9~~10~~' x 18') for diagonal or ninety degree (90°) spaces; or nine feet by twenty two feet (9~~10~~' x 22') for parallel spaces, exclusive of access drives or aisles.
C. **Reduction**. A parking stall may be reduced by two feet (2') lengthwise if landscaping separated from the paved area of the parking stall by a curb or tire bumper guard is provided in the remaining two feet (2') of the parking stall. All areas within the parking area not paved will be landscaped.
D. **Access to Individual Parking Spaces**. Except for single-family and two-family dwellings, access to each parking space will be from a private driveway and not from a public street.

E. **One-Way Driveway Width**. One-way driveways will be a minimum of twelve feet (12') in width.

F. **Two-Way Driveway Width**. Two-way driveways will be of a minimum width as follows:

1. Twelve feet (12') for a single-family dwelling, providing access to parking spaces directly off of a street without having to go past another building.
2. Sixteen feet (16') for a single-family or a two-family dwelling that must go past another building to access parking spaces, with a minimum unobstructed two foot (2') width on both sides of the driveway; or a two-family dwelling, providing access to parking spaces directly off of a street without having to go past another building. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
3. Eighteen feet (18') for a single-family or a two-family dwelling that must go past another building to access parking spaces where there are obstructions (i.e., walls, trees, etc.) adjacent to one or both sides of the driveway. The driveway width may be reduced for a single-family dwelling if the City Engineer determines that a lesser width is adequate.
4. Twenty five feet (25') for commercial, manufacturing and all other residential developments.
5. Additionally, a minimum of twenty feet (20') is required for any dwelling or building when any portion of an exterior wall of the first story is located more than one hundred fifty feet (150') from fire department vehicle access. Vertical clearance, surface, turnarounds and other requirements contained in the international fire code will apply. Exceptions and modifications may apply as approved by the fire chief responsible for the City.
6. Garages accessed by a twenty foot (20') wide paved rear alley will have a minimum five foot (5') setback from the alley, provided the dwelling fronts on a public street. A twenty foot (20') garage setback will be required when the dwelling fronts on a private street, unless the private street is built to City standards for public street pavement width, in which case a garage may have a five foot (5') setback from the alley.

G. **Garage and Carport Spaces**. All garage and carport spaces will be set back a minimum of eighteen feet (18') from the private access drive serving them. Garage and carport spaces will be counted as one parking space unless the garage or carport is a minimum of four hundred eighty (480) square feet with a minimum width of twenty feet (20'); or the individual driveway to the garage or carport is at least twenty feet (20') in length, in which case the parking areas will count as two (2) spaces.

H. **Residential Area Requirements**

1. **Single-Family Dwelling**. Two (2) parking spaces per single-family dwelling. Tandem parking will be allowed in single-family subdivisions only.
2. **All Other Dwellings**. All other dwellings, including two-family and multi-family dwellings, will have two (2) parking spaces per dwelling unit Covered parking may be located within the side and rear setback areas. For projects with more than fifty (50) dwelling units, the P~~p~~lanning C~~c~~ommission may reduce the requirement to one and one-half (1.5) spaces per unit where it can

be shown that two (2) spaces per unit is an excessive amount of parking. No street parking will be counted toward meeting the parking requirement. Tandem parking will not count toward the parking requirement. No parking area will be located within the required front setback facing a public street, and it will in no case be more than four hundred feet (400') away from the premises it is intended to serve. All parking will be on site.

3. **Front Yard Setback**. Front yard setback from private streets will be ten feet (10') minimum from back of curb for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where there is no sidewalk and street where there is no curb) for garages or carports. The P~~p~~lanning C~~c~~ommission may allow a ten foot (10') front setback on hillside developments where it is determined that adequate off street parking is provided and the reduced setback will reduce the overall amount of hillside excavation.
4. **Recreational Vehicles**. In residential zones, no motor home, travel trailer, boat or similar recreational vehicle will be parked within the required front yard setback area adjacent to a public street for a period longer than two (2) weeks. (Corner lots are considered to have 2 front yard areas.)
5. **Parking Vehicles On Front Lawns Or Setback Areas**. Parking vehicles on front lawns or in the front setback or street side setback areas is prohibited, except on approved paved (concrete or asphalt) driveways.

I. **Nonresidential Area Requirements.** The number of off street parking spaces required for all nonresidential developments will be as follows:

Automotive repair and supply	1 space for each 400 square feet of gross floor area.
Bowling alleys and billiard halls	5 spaces for each alley, plus 2 spaces for each billiard table contained therein.
Business or professional offices	1 space for each 250 square feet of gross floor area.
Call centers or telemarketing business	1 space per employee on the highest shift, or 1 space per 100 square feet of gross floor area, whichever is greater; except that call centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, will provide at least 1 space per 250 square feet of gross floor area.
Churches, sports arenas, auditoriums,	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for

theaters, assembly halls, lodge halls or other meeting rooms	each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench will be considered a fixed seat.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Day nurseries in commercial zones, including preschools and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.
Educational uses including micro-education entities:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Furniture stores, appliance stores and	1 space for each 600 square feet of floor area.
Lumberyards	
Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed.
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area.

Nursing homes, care centers and assisted living	1 parking space for each 3 beds, except where skilled care (long term care) is provided, the requirement is 1 parking space for each 2 beds.
Outdoor sales lots for autos, and RVs	1 space for each 7 vehicles or items of equipment to be displayed, plus 2 spaces for manager and employee parking.
Restaurants and other establishments where food or beverages are consumed	10 spaces minimum or 1 space for each 100 square feet of gross floor area, whichever is greater, plus 1 space for each 100 square feet of outdoor seating or 1 space per 4 chairs of outdoor seating.
Retail stores and shops, commercial banks, savings and loan offices, and other financial institutions, general retail stores, food stores, supermarkets, drugstores and other similar commercial businesses	1 space for each 250 square feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 will be calculated on the basis of 1 space for each 500 square feet of gross floor area.
Service commercial businesses; businesses such as electrical, plumbing, cabinets, printing and other similar shops	1 space for each 250 square feet of retail or office area and 1 space for each 500 square feet of additional building area.
Skating rinks, ice or roller	1 space for each 300 square feet of gross floor area.
Swimming pools (commercial)	1 space for each 100 square feet of water surface or 10 stalls, whichever is greater.
Tennis, handball and racquetball courts (commercial)	6 spaces minimum or 3 spaces per court, whichever is greater.
Veterinary hospitals	5 spaces for each doctor.

Notwithstanding all provisions of this section, the planning commission will take into account in each instance of nonresidential parking the type of development, use, location, adjoining uses and possible future uses in setting parking requirements, and it will recommend to the City Council a requirement of that number of spaces that it deems reasonably necessary in each instance for all employees, business vehicles and equipment, customers, clients and patients of such nonresidential property.

J. **Lighting**. Parking lots used during hours of darkness will be lighted by standards using hooded light sources which direct the light downward and away from residential property.

K. **Development Standards**. Every parcel of land used as a parking lot will be paved

with an approved surfacing material of asphalt or concrete composition or some other all weather surfacing material approved by the planning commission and will have appropriate bumper guards where needed as determined by the building inspector. Lights used to illuminate the lot will be so arranged as to reflect the light away from the adjoining premises wherever those premises are used for residence or sleeping purposes.

L. **Optional Provisions**

1. **Shared Facilities**. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
2. **Requests; Guidelines**. Requests for shared parking and counting on street parking as required parking is subject to the approval of the planning commission. Requests for shared parking will be subject to the following guidelines:
    a. Sufficient evidence will be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
    b. shared parking stalls will not be more than what is required for either of the uses.
    c. Parking facilities should not be located farther than two hundred fifty feet (250') from any use proposing to use such parking and should be contiguous to the businesses sharing the lot.
    d. A written agreement will be executed by all parties concerned assuring the continued availability of shared parking facilities in the event that one of the uses will be sold or otherwise change ownership or management.

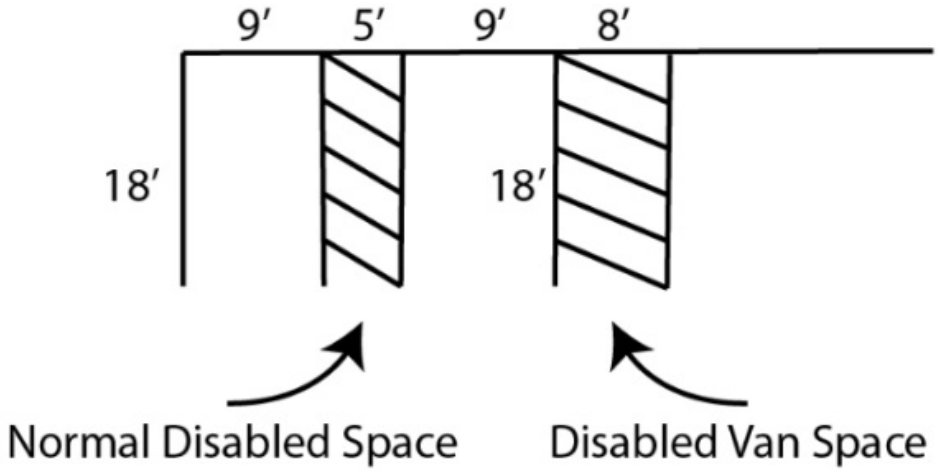
M. **Parking for Disabled**

1. **Required; Number**. Any parking area to be used by the general public will provide parking spaces designated and located to adequately accommodate the disabled, and these will be clearly marked. Parking spaces for the disabled will be located in close proximity to the principal building. The designation of parking spaces for the disabled will constitute consent by the property owner to enforce the restricted use of the spaces to disabled motorists by the City. Parking spaces for the disabled will conform to the standards of the Americans with disabilities act. The number of required parking spaces accessible to the disabled will be as follows:

Total In Parking Lot Spaces	**Required Minimum Number Of Accessible Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
401 to 500	10
501 to 1,000	20, plus 1 for each 100 spaces over 1,000

2. **Dimensions; Van Space, Access Isle**. In addition, for every eight (8) accessible parking spaces, one accessible van space must be provided. The dimensions of a standard accessible parking space will be at least nine feet by eighteen feet (9' x 18') with a five foot (5') wide access aisle (total of fourteen feet by eighteen feet (14' x 18'~~ feet x 18 feet).~~). The dimensions of an accessible van space will be at least nine feet by eighteen feet (9' x 18') with an eight foot (8') wide access aisle (total of seventeen feet by eighteen feet (17' x 18')~~17 feet x 18 feet~~). The following graphic shows and example:



N. **Uses Not Specifically Identified**. For all parking uses not listed above, the P~~p~~lanning C~~c~~ommission will determine the number of spaces required based upon the nearest comparable use standard available.

SECTION 47: **AMENDMENT** "15.06.180 Landscape Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.180 Landscape Standards

A. **Minimum landscaping standards for the following zones: PD, C-1, C-2, C-3, I-1 and I-2**
    1. **Design**. Landscape plans will make provisions for erosion control on all graded sites. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials in accordance with the site plan approved by the Zoning Board. All landscaped areas shall have sprinkling or irrigation systems. A landscape and irrigation plan will be submitted to the City for review at the same time as the drawings and plans are submitted for development of the site. Plants that are well adapted to the City area climate zone will be used. Stormwater detention and retention basins will be landscaped.
    2. **Installation**. Landscaping and irrigation installation will be completed prior to the issuance of a certificate of occupancy. Landscape and irrigation installers will follow the plans that have been signed and approved by the City. The Planning Board may grant an extension in the event a situation arises that prevents the completion of the required landscaping, provided that a suitable guarantee is filed with the City ensuring the completion of such improvements.
    3. **Maintenance**. It shall be the responsibility of the property owner to properly maintain all landscaped areas in accordance with the approved site plan and associated landscape plan. Such landscaping shall be maintained and kept alive and free from weeds and debris. Removed vegetation shall be replaced with equal or better-quality plant materials. Trees that are necessarily removed shall be replaced in accordance with the approved site plan. Owners are required to maintain all common areas including park strips between the street and any privacy walls. If a homeowners' association is dissolved maintenance becomes the individual property owner's responsibility.

B. **Additional Requirements for Commercial Developments**. The front yard areas and side yard areas adjacent to a public street, except those portions devoted to driveways and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. Landscaping within all commercial parking and driveway areas will comprise a minimum of 5% of the total square footage of those areas, in addition to the required front, side and rear landscaping. Landscaped areas shall generally not be less than five feet wide. A reduction in landscaped area width may be granted by the planning and zoning commission if the applicant provides acceptable mitigation to vegetate the development area. Parking areas will be defined to include all asphalt areas with parking spaces and driveways. All traffic channelization islands will be fully landscaped and will be considered as a portion of the required 5% parking lot landscaping. All landscaped areas abutting any paved area will be curbed with a six (6) inch high continuous concrete curb. When necessary a rolled back curb can be substituted if approved in Planning and Zoning. At intersections of streets, driveways, sidewalks, etc., landscaping will be limited to a

height of not more than four (4) feet above street level within the area required for minimum site distance.

1. **Additional Requirements for Industrial Developments**. In the I-2 and I-3 zones, a minimum ten foot (10') wide landscape strip will be installed along all street frontages. Where a wall is installed along a street frontage, the landscape strip will be increased to a minimum of thirty feet (30'). In the I-1 zone, a minimum thirty foot (30') wide landscape strip will be installed along all street frontages. Additional landscaping will be required, in types and quantities to be determined by the City, if landscaping is determined necessary to adequately screen and protect adjoining residential property from industrial uses identified in the development plan.
2. Minimum requirement for tree planting in Commercial and Industrial Zones.
    a. A minimum ration of two (2) trees or shrubbery per every 500 square feet of landscaping shall be provided on the overall site plan. For example: Commercial C2 one (1) acre site shows 10% greenspace; 10% = 8 trees or shrubbery for the 1-acre site.
3. Locations of Trees.
    a. Trees shall be located and maintained within the landscaping so as not to impact public sidewalks or rights-of-way with roots, branches, or other debris. The retention of existing healthy, desirable tree species on-site is preferred. Buildings and parking areas should be designed around existing trees wherever possible.

AFTER AMENDMENT

15.06.180 Landscape Standards

A. **Minimum landscaping standards for the following zones: PD, C-1, C-2, C-3, I-1 and I-2**
    1. **Design**. Landscape plans will make provisions for erosion control on all graded sites. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials in accordance with the site plan approved by the Zoning Board. All landscaped areas shall have sprinkling or irrigation systems. A landscape and irrigation plan will be submitted to the City for review at the same time as the drawings and plans are submitted for development of the site. Plants that are well adapted to the City area climate zone will be used. Stormwater detention and retention basins will be landscaped.
    2. **Installation**. Landscaping and irrigation installation will be completed prior to the issuance of a certificate of occupancy. Landscape and irrigation installers will follow the plans that have been signed and approved by the City. The Planning Board may grant an extension in the event a situation arises that prevents the completion of the required landscaping, provided that a suitable guarantee is filed with the City ensuring the completion of such

improvements.

3. **Maintenance**. It shall be the responsibility of the property owner to properly maintain all landscaped areas in accordance with the approved site plan and associated landscape plan. Such landscaping shall be maintained and kept alive and free from weeds and debris. Removed vegetation shall be replaced with equal or better-quality plant materials. Trees that are necessarily removed shall be replaced in accordance with the approved site plan. Owners are required to maintain all common areas including park strips between the street and any privacy walls. If a homeowners' association is dissolved maintenance shall become~~s~~ the individual property owner's responsibility.

B. **Additional Requirements for Commercial Developments**. The front yard areas and side yard areas adjacent to a public street, except those portions devoted to driveways and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. Landscaping within all commercial parking and driveway areas will comprise a minimum of five percent (5%) of the total square footage of those areas, in addition to the required front, side and rear landscaping. Landscaped areas shall generally not be less than five feet wide. A reduction in landscaped area width may be granted by the planning and zoning commission if the applicant provides acceptable mitigation to vegetate the development area. Parking areas will be defined to include all asphalt areas with parking spaces and driveways. All traffic channelization islands will be fully landscaped and will be considered as a portion of the required five percent (5%) parking lot landscaping. All landscaped areas abutting any paved area will be curbed with a six (6") ~~inch~~ high continuous concrete curb. When necessary a rolled back curb can be substituted if approved ~~in Planning and Zoning.~~by the Land Use Authority. At intersections of streets, driveways, sidewalks, etc., landscaping will be limited to a height of not more than four (4') ~~feet~~ above street level within the area required for minimum site distance.

1. **Additional Requirements for Industrial Developments**. In the I-2 and I-3 zones, a minimum ten foot (10') wide landscape strip will be installed along all street frontages. Where a wall is installed along a street frontage, the landscape strip will be increased to a minimum of thirty feet (30'). In the I-1 zone, a minimum thirty foot (30') wide landscape strip will be installed along all street frontages. Additional landscaping will be required, in types and quantities to be determined by the City, if landscaping is determined necessary to adequately screen and protect adjoining residential property from industrial uses identified in the development plan.
2. **Minimum requirement for tree planting in Commercial and Industrial Zones.**
    a. A minimum ration of two (2) trees or shrubbery per every five hundred square feet (500 sq. ft.) ~~square feet~~ of landscaping shall be provided on the overall site plan. For example: Commercial C2 one (1) acre site shows 10% greenspace; 10% = 8 trees or shrubbery for the 1-acre site.
3. **Locations of Trees.**
    a. Trees shall be located and maintained within the landscaping so as not

to impact public sidewalks or rights-of-way with roots, branches, or other debris. The retention of existing healthy, desirable tree species on-site is preferred. Buildings and parking areas should be designed around existing trees wherever possible.

SECTION 48: **AMENDMENT** "15.06.190 Flag Lot Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.06.190 Flag Lot Requirements

A. **Flag Lot Permits, subject to following conditions**. Flag lots are discouraged in Ballard. After determination by the Planning Commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
    1. The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.
    2. The staff portion of said lot will front on a dedicated public street.
    3. No building or construction, except for driveways, will be allowed on the staff portion of said lot.
    4. All lot size and setback requirements will be the same as may be required by the zone in which the lot is located. The staff portion of the lot will not be used to calculate the minimum lot size. Setbacks will be shown on the plat and approved by the planning commission and City Council.
    5. No more than two (2) flag lots or four (4) dwelling units may be served
    6. The staff portion of the flag lot will be paved as per the Standard Specifications and Plans as adopted by the City.
    7. An easement may be required, giving the city access to the staff portion of the lot.
    8. The staff portion of the lot will be sufficiently wide to give access to emergency vehicles and have sufficient turnaround space for emergency vehicles. If the property is determined not to have enough room for emergency vehicle access by the planning commission a flag lot will not be permitted.
B. **Approvals**. All flag lots must be submitted, reviewed and approved under the Subdivision Process as outlined in Title 14 of BMC.

AFTER AMENDMENT

15.06.190 ~~Flag Lot Requirements~~(Reserved)

A. ~~**Flag Lot Permits, subject to following conditions**. Flag lots are discouraged in Ballard. After determination by the Planning Commission that standard lots are not~~

~~feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:~~

1. ~~The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.~~
2. ~~The staff portion of said lot will front on a dedicated public street.~~
3. ~~No building or construction, except for driveways, will be allowed on the staff portion of said lot.~~
4. ~~All lot size and setback requirements will be the same as may be required by the zone in which the lot is located. The staff portion of the lot will not be used to calculate the minimum lot size. Setbacks will be shown on the plat and approved by the planning commission and City Council.~~
5. ~~No more than two (2) flag lots or four (4) dwelling units may be served The staff portion of the flag lot will be paved as per the Standard Specifications and Plans as adopted by the City.~~
6. ~~An easement may be required, giving the city access to the staff portion of the lot. The staff portion of the lot will be sufficiently wide to give access to emergency vehicles and have sufficient turnaround space for emergency vehicles. If the property is determined not to have enough room for emergency vehicle access by the planning commission a flag lot will not be permitted.~~

~~B. **Approvals**. All flag lots must be submitted, reviewed and approved under the Subdivision Process as outlined in Title 14 of BMC.~~

SECTION 49: **<u>AMENDMENT</u>** "15.07.030 Review And Approval Procedures" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.07.030 Review And Approval Procedures

The City Administrator and Building Official will review the Permitted Use request and determine if the request;

A. Is for a Permitted Use within the district and does not require any special consideration, waiver or exception by the City.
B. Complies with the requirements for the district with respect to area requirements, yard requirements, setback requirements, height, buffer and landscape standards, coverage requirements, parking and unloading requirements and all other requirements applicable to the district.
C. Does not propose any construction on any critical lands as defined.
D. Complies with all dedication and subdivision requirements of the City and provides the necessary infrastructure and plans, as required.
E. Complies with all applicable building codes, as adopted by the City.
F. Has provided the required Site Construction Plans which show a minimum of the

following: (All Plans to meet the Standard Specifications and Plans as adopted)

1. Site Grading
2. Site Drainage Calculation and Proposed Detention and/or Retention areas
3. Site Access and Parking with Pavement Details etc.
4. Site Utilities
5. Water and Sewer Plans
6. Landscape Plans
7. Other Plans and details which may be required

Upon finding that the proposed use, building or structure complies with the standards and requirements of this Ordinance and the provisions of the Ballard City's adopted Building Codes, the Permitted Use may be authorized and a building permit issued. The 's Administrator will advise theCity's Council of all approved Permitted Uses. If the Permitted Use request does not comply with the requirements of this Ordinance and the City's adopted Building Codes, the Ballard City Administrator will notify the applicant, identifying what requirements were not satisfied and whether the applicant should submit a different development application or Conditional Use Permit.

AFTER AMENDMENT

15.07.030 Review And Approval Procedures

The Zoning~~City~~ Administrator and Building Official will review ~~the~~ a Permitted Use request and determine if the request;

A. Is for a p~~P~~ermitted u~~U~~se within the district and does not require any special consideration, waiver or exception by the City.
B. Complies with the requirements for the zoning district with respect to area requirements, yard requirements, setback requirements, height, buffer and landscape standards, coverage requirements, parking and unloading requirements and all other requirements applicable to the district.
C. Does not propose any construction on any critical lands as defined.
D. Complies with all dedication and subdivision requirements of the City and provides the necessary infrastructure and plans, as required.
E. Complies with all applicable building codes, as adopted by the City.
F. Has provided the required s~~S~~ite c~~C~~onstruction p~~P~~lans which show a minimum of the following: (Note: All p~~P~~lans to meet the Standard Specifications and Plans as adopted by the City.)
    1. Site g~~G~~rading
    2. Site d~~D~~rainage c~~C~~alculation and p~~P~~roposed d~~D~~etention and/or r~~R~~etention areas
    3. Site a~~A~~ccess and p~~P~~arking with p~~P~~avement d~~D~~etails etc.
    4. Site u~~U~~tilities
    5. Water and s~~S~~ewer p~~P~~lans
    6. Landscape p~~P~~lans
    7. Other p~~P~~lans and details which may be required

Upon finding that the proposed use, building or structure complies with the standards and requirements of this Ordinance and the provisions of the Ballard City's adopted Building Codes, the p~~P~~ermitted u~~U~~se may be authorized and a building permit issued. The Zoning~~'s~~ Administrator will advise the City~~'s~~ Council of all approved p~~P~~ermitted u~~U~~ses. If the ~~P~~permitted u~~U~~se request does not comply with the requirements of this Ordinance and the City's adopted Building Codes, the ~~Ballard City~~ Zoning Administrator will notify the applicant, identifying what requirements were not satisfied and whether the applicant should submit a different development application or Conditional Use Permit.

SECTION 50: **AMENDMENT** "15.08.080 Additional Requirements For Specific Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.08.080 Additional Requirements For Specific Uses

A. **Residential Treatment Center Requirements**
   1. Facility is licensed by the Utah Department of Human Services.
   2. The police department will be notified prior to placement of convicted felons in such facility.
   3. A minimum lot size of five (5) acres is provided and a minimum six hundred foot (600') separation will be maintained between residential treatment
   4. facilities, schools, and establishments licensed to sell beer or alcoholic beverages.
   5. The applicant will pay the applicable business license fees as set by the City Council and will also provide a statement demonstrating the capability of the applicant, through insurance, bonds, financial reserves or an immediately available line of credit to ensure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.
   6. A community impact study will be provided by the applicant as part of the application for the conditional use permit. The community impact study will specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the City's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study will be prepared by an independent, professional firm qualified to objectively analyze the potential impacts to the community.
   7. A residential treatment facility must provide at least thirty percent (30%) of the area as open green space or playground and one parking space per staff on the

highest shift plus one parking space for each five (5) persons housed in the facility.

8. Any conditional use granted will be for a specified number of individuals. The number of residents will not be increased without first obtaining approval from the City as an amendment to the conditional use. The request to increase the number of residents will be accompanied by the study required under subsection.
9. Any conditional use granted will be personal to the business licensee at such location, will not be transferable, and will expire upon the expiration, revocation or surrender of any City business license, state license, or other regulatory license of the facility.

B. **Residential Facility for the Elderly**

1. Conforms to all applicable health, safety, zoning and building codes;
2. Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
3. Is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement;
4. Is not occupied by any person who is being treated for alcoholism or drug abuse;
5. Placement is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution;
6. Is not located within three-fourths (3/4) mile of another existing residential facility for elderly persons or residential facility for persons with a disability;
7. Is owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and
8. Is not operated as a "business services" as defined in BMC 15.02; provided, that any fee charged for food or for actual and necessary costs of operation and maintenance of the facility will not by themselves cause it to be considered a business.

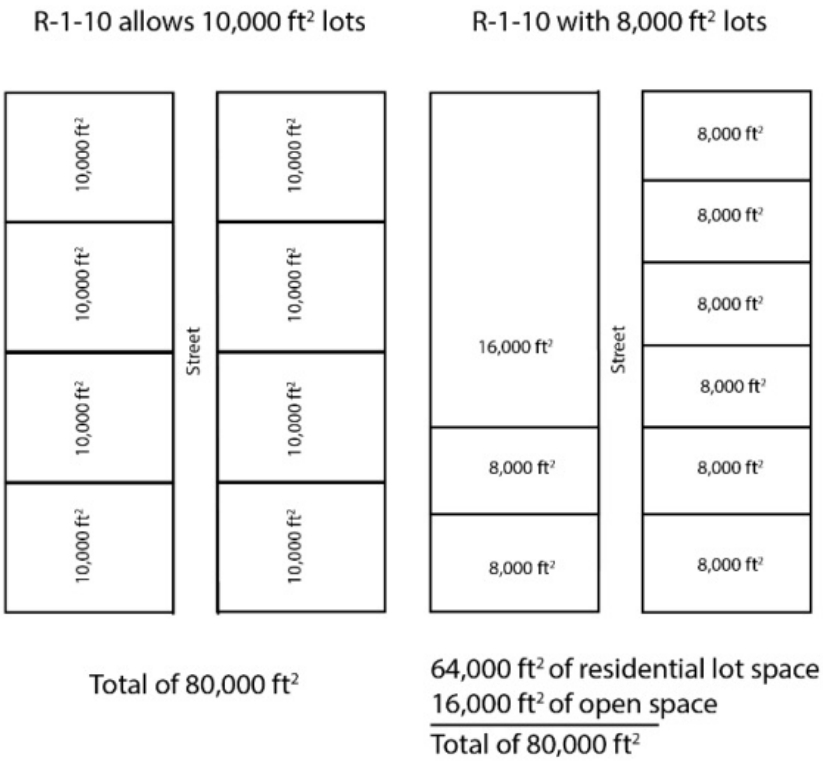
C. **Child Nursery.** When conducted in a residential zone a child nursery will be a conditional use. The dwelling will be the permanent residence of the operator. The planning commission will determine the maximum number of children to be allowed depending upon specific conditions relating to the request. Parking will be as required by the planning commission. All other requirements of the zone will be complied with.

D. **Cluster Subdivisions**

1. Overall density will not exceed the density of the zone it is in.
2. Lot sizes may be reduced to eight thousand (8,000) square feet, provided the balance of property is set aside as permanent open space.
3. Prior to approval of a cluster development, a public hearing will be held by the City Council to consider neighborhood opinion on the proposal.
4. Open space may be used for playground and recreation space, but no buildings may be constructed in the open space area unless approved as part of the conditional use permit.

5. Clustered lots will meet the width and setback standards of the R-1-30 zone unless reductions are granted as part of the conditional use permit approval process.
6. Street widths will not be compromised to accommodate lots or open space requirements and will be constructed to the City standards.
7. The open space provided through clustering will be permanently preserved and maintained by:
    a. noting on the recorded plat that such open space land is to be preserved as common area;
    b. dedicating the land to the City as open space;
    c. or granting a conservation easement to a public land trust to keep the land for open space. If the open space is to be preserved by designating it as common area or through a conservation easement, the plat, covenants, conditions and restrictions, and easement, will require that the land be maintained by the property owners and/or the public land trust granted the easement.

Cluster Subdivisions



E. **Bed And Breakfast Inn**. A Bed and Breakfast Inn, when allowed as a Conditional Use, will be approved only in accordance with this Ordinance and the following:
    1. The lot will have at least fifty (50) feet of frontage on a dedicated street.
    2. One (1) off-street parking space will be provided per employee plus one (1) space per guest room. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per fifty (50) feet of lot frontage.

3. Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities will be allowed in guest rooms.
4. Such use will conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.
5. No alcoholic beverages will be sold on the premises.
6. No receptions, banquets, or catering will be permitted other than for registered lodgers.
7. No long-term rental of rooms will be permitted. The maximum stay for lodgers will be seven (7) days.
8. A City business license will be obtained as a condition of approval.
9. Supervision by an on-site manager or owner will be required on a 24-hour per day basis.
10. Care will be taken to ensure that no exterior lighting shines directly into adjoining properties.

F. **Sexually Oriented Business As A Conditional Use**. A sexually oriented business, when allowed as a Conditional Use, will be approved only in accordance with this Ordinance and the following:
    1. Sexually Oriented Business will be at a minimum of 1,320 feet from a place of religious assembly, church, public park, or public or private school accredited by the State of Utah, public libraries, public buildings, day care centers, and bars or taverns or businesses which sell alcoholic beverages.
    2. Adequate off-street parking will be provided.
    3. Such use will conform to all applicable health, safety, and commercial building codes.
    4. No alcoholic beverages will be sold on the premises.
    5. Supervision by an on-site manager will be required, at all times, during open business hours.
    6. A Ballard City business license will be obtained as a condition of approval.

G. **Split Zone Properties**. As part of the conditional use permit application process, the Planning Commission will first decide if requiring the property owner to subdivide and create a new lot with a single zoning designation is reasonable. If subdivision is not a reasonable option, the permit may be granted with any other conditions determined necessary. The criteria for determining whether subdivision is reasonable is as follows:
    1. The subdivision will only be required if the cost of subdividing is proportional to the cost of the proposed project.
    2. A subdivision of the property will cause no issues with access and will be able to meet all requirements of the subdivision ordinance BMC Title 14.
    3. A subdivision of the property would make it so that minimum lot sizes of the desired zone or use could not be met.
    4. Any other adverse effect or outcome for the property owner caused by a subdivision as determined by the planning commission to merit requirement unreasonable.

AFTER AMENDMENT

15.08.080 Additional Requirements For Specific Uses

A. **Residential Treatment Center Requirements**

1. Facility is licensed by the Utah Department of Human Services.
2. The police department will be notified prior to placement of convicted felons in such facility.
3. A minimum lot size of five (5) acres is provided and a minimum six hundred foot (600') separation will be maintained between residential treatment facilities, schools, and establishments licensed to sell beer or alcoholic beverages.
4. ~~facilities, schools, and establishments licensed to sell beer or alcoholic beverages.~~
5. The applicant will pay the applicable business license fees as set by the City Council and will also provide a statement demonstrating the capability of the applicant, through insurance, bonds, financial reserves or an immediately available line of credit to ensure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.
6. A community impact study will be provided by the applicant as part of the application for the conditional use permit. The community impact study will specifically describe the programs provided and evaluate the impact of the residential treatment facility on local schools, the City's economy and economic resources, public safety and law enforcement, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of any other uses within or proposed to be used within the same building or facility to be used as a residential treatment facility. The community impact study will be prepared by an independent, professional firm qualified to objectively analyze the potential impacts to the community.
7. A residential treatment facility must provide at least thirty percent (30%) of the area as open green space or playground and one parking space per staff on the highest shift plus one parking space for each five (5) persons housed in the facility.
8. Any conditional use granted will be for a specified number of individuals. The number of residents will not be increased without first obtaining approval from the City as an amendment to the conditional use. The request to increase the number of residents will be accompanied by the study required under subsection.
9. Any conditional use granted will be personal to the business licensee at such location, will not be transferable, and will expire upon the expiration, revocation or surrender of any City business license, state license, or other regulatory license of the facility.

B. **Residential Facility for the Elderly**

1. Conforms to all applicable health, safety, zoning and building codes;
2. Is capable of use as a residential facility for elderly persons without structural

or landscaping alterations that would change the structure's residential character;

3. Is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement;
4. Is not occupied by any person who is being treated for alcoholism or drug abuse;
5. Placement is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution;
6. Is not located within three-fourths (3/4) mile of another existing residential facility for elderly persons or residential facility for persons with a disability;
7. Is owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and
8. Is not operated as a "business services" as defined in BMC 15.02; provided, that any fee charged for food or for actual and necessary costs of operation and maintenance of the facility will not by themselves cause it to be considered a business.

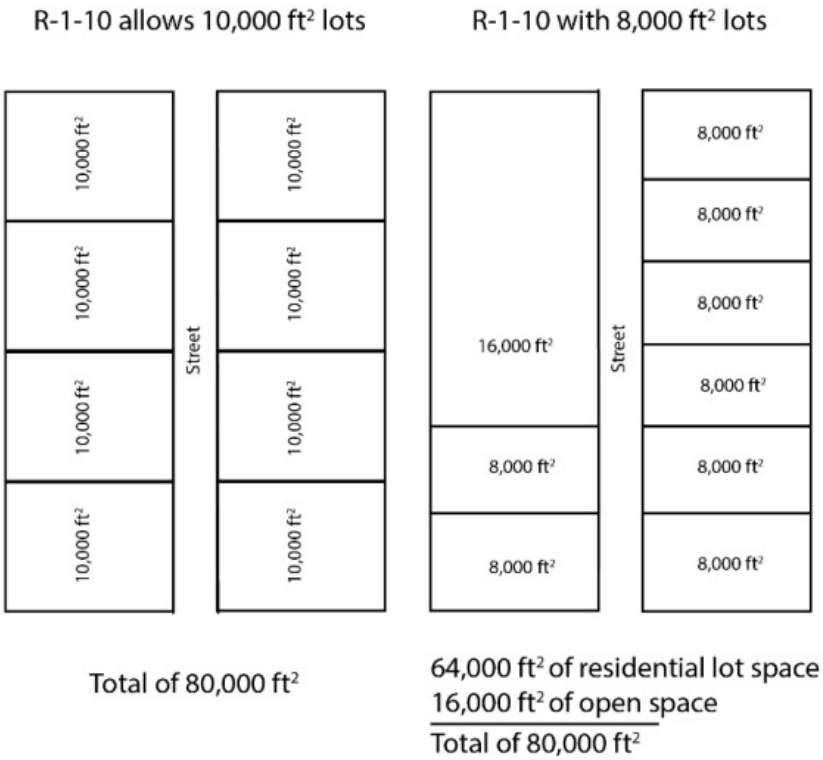
C. **Child Nursery.** When conducted in a residential zone a child nursery will be a conditional use. The dwelling will be the permanent residence of the operator. The P~~p~~lanning C~~c~~ommission will determine the maximum number of children to be allowed depending upon specific conditions relating to the request. Parking will be as required by the P~~p~~lanning C~~c~~ommission. All other requirements of the zone will be complied with.

D. **Cluster Subdivisions**

1. Overall density will not exceed the density of the zone it is in.
2. Lot sizes may be reduced to eight thousand (8,000) square feet, provided the balance of property is set aside as permanent open space.
3. Prior to approval of a cluster development, a public hearing will be held by the City Council to consider neighborhood opinion on the proposal.
4. Open space may be used for playground and recreation space, but no buildings may be constructed in the open space area unless approved as part of the conditional use permit.
5. Clustered lots will meet the width and setback standards of the R-1-30 zone unless reductions are granted as part of the conditional use permit approval process.
6. Street widths will not be compromised to accommodate lots or open space requirements and will be constructed to the City standards.
7. The open space provided through clustering will be permanently preserved and maintained by:
    a. N~~n~~oting on the recorded plat that such open space land is to be preserved as common area;
    b. D~~d~~edicating the land to the City as open space;
    c. G~~or g~~ranting a conservation easement to a public land trust to keep the land for open space. If the open space is to be preserved by designating it as common area or through a conservation easement,

the plat, covenants, conditions and restrictions, and easement, will require that the land be maintained by the property owners and/or the public land trust granted the easement.

Cluster Subdivisions



E. **Bed And Breakfast Inn**. A Bed and Breakfast Inn, when allowed as a Conditional Use, will be approved only in accordance with this Ordinance and the following:

1. The lot will have at least fifty (50) feet of frontage on a dedicated street.
2. One (1) off-street parking space will be provided per employee plus one (1) space per guest room. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per fifty (50) feet of lot frontage.
3. Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities will be allowed in guest rooms.
4. Such use will conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.
5. No alcoholic beverages will be sold on the premises.
6. No receptions, banquets, or catering will be permitted other than for registered lodgers.
7. No long-term rental of rooms will be permitted. The maximum stay for lodgers will be seven (7) days.
8. A City business license will be obtained as a condition of approval.
9. Supervision by an on-site manager or owner will be required on a 24-hour per day basis.

10. Care will be taken to ensure that no exterior lighting shines directly into adjoining properties.

F. **Sexually Oriented Business As A Conditional Use**. A sexually oriented business, when allowed as a Conditional Use, will be approved only in accordance with this Ordinance and the following:
    1. Sexually Oriented Business will be at a minimum of 1,320 feet from a place of religious assembly, church, public park, or public or private school accredited by the State of Utah, public libraries, public buildings, day care centers, and bars or taverns or businesses which sell alcoholic beverages.
    2. Adequate off-street parking will be provided.
    3. Such use will conform to all applicable health, safety, and commercial building codes.
    4. No alcoholic beverages will be sold on the premises.
    5. Supervision by an on-site manager will be required, at all times, during open business hours.
    6. A Ballard City business license from the City will be obtained as a condition of approval.

G. **Split Zone Properties**. As part of the conditional use permit application process, the Planning Commission will first decide if requiring the property owner to subdivide and create a new lot with a single zoning designation is reasonable. If subdivision is not a reasonable option, the permit may be granted with any other conditions determined necessary. The criteria for determining whether subdivision is reasonable is as follows:
    1. The subdivision will only be required if the cost of subdividing is proportional to the cost of the proposed project.
    2. A subdivision of the property will cause no issues with access and will be able to meet all requirements of the subdivision ordinance BMC Title 14.
    3. A subdivision of the property would make it so that minimum lot sizes of the desired zone or use could not be met.
    4. Any other adverse effect or outcome for the property owner caused by a subdivision as determined by the planning commission to merit requirement unreasonable.

SECTION 51: **AMENDMENT** "15.10.020 Permitted Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.020 Permitted Uses

The following uses are permitted:

A. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.

B. General commercial businesses of a retail trade nature, including office and professional use. Guesthouse.
C. Home occupations.
D. Household pets.
E. Light manufacturing business.
F. Multiple-family residential uses.
G. Parks.
H. School, public or charter.
I. Single-family residential uses.
J. Townhouse and condominiums (20,000 square foot lot and 4 units minimum).
K. Any combination of the above uses, or other uses that may be determined by the planning commission to be compatible and in harmony with each other according to the designated and approved development plan.

AFTER AMENDMENT

15.10.020 Permitted Uses

The following uses are permitted:

A. Accessory building or structures.
B. Accessory dwelling unit.
C. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
D. General commercial businesses of a retail trade nature, including office and professional use. ~~Guesthouse.~~
E. Home-based microschool.
F. Home occupations.
G. Household pets.
H. Light manufacturing business.
I. Multiple-family residential uses.
J. Parks.
K. School, public or charter.
L. Single-family residential uses.
M. Townhouse and condominiums (20,000 square foot lot and 4 units minimum).
N. Any combination of the above uses, or other uses that may be determined by the planning commission to be compatible and in harmony with each other according to the designated and approved development plan.

SECTION 52: **AMENDMENT** "15.10.040 Contents Of Written Text" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.040 Contents Of Written Text

The written text will include the following:

A. **Use of Land**: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
B. **Height and Elevations**: The text will indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the planning commission and City Council to better understand the proposal.
C. **Density**: The density in terms of dwelling units per gross acre of land will be indicated.
D. **Schools, Churches And Open Spaces**: The location of any proposed school sites, churches, parks or other common or open spaces will be identified.
E. **Phasing Plan**: A phasing plan, if the development is proposed to be developed in phases, will be submitted.
F. **Topography**: Topography at contour intervals of two feet (2') will be submitted unless waived by the planning staff.
G. **Landscape Plan**: A landscape plan showing the general location of lawn area and trees will be submitted (this may be a part of the site or plot plan).
H. **Area Reserved For Landscaping**: The amount of land area reserved for landscaping will be indicated.
I. **Utilities**: All utilities will be underground unless otherwise approved by the City Council and upon recommendation of the water and power director. Transformer equipment will be screened from streets and from adjacent properties.
J. **Refuse Storage Areas**: Refuse storage areas will be screened so that materials stored within these areas will not be visible from access streets and adjacent properties.
K. **Lighting Plan**: The plans submitted will include a general lighting plan indicating location of lights to be installed on the site.
L. **Turning Space**: Safe and convenient turning space will be provided for cars, sewer vehicles, refuse collection vehicles, firefighting equipment, etc., at the end of private drives and dead end streets.
M. **Signs**: Overall sign program if proposed signage differs from what is allowed as outlined in the sign ordinance set forth in BMC 15.16.

AFTER AMENDMENT

15.10.040 Contents Of Written Text

The written text will include the following:

A. **Use of Land**: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
B. **Height and Elevations**: The text will indicate the type, character and proposed height

of all buildings. The plot plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the Pplanning Ceommission and City Council to better understand the proposal.

C. **Density**: The density in terms of dwelling units per gross acre of land will be indicated.
D. **Schools, Churches And Open Spaces**: The location of any proposed school sites, churches, parks or other common or open spaces will be identified.
E. **Phasing Plan**: A phasing plan, if the development is proposed to be developed in phases, will be submitted.
F. **Topography**: Topography at contour intervals of two feet (2') will be submitted unless waived by the planning staff.
G. **Landscape Plan**: A landscape plan showing the general location of lawn area and trees will be submitted (this may be a part of the site or plot plan).
H. **Area Reserved For Landscaping**: The amount of land area reserved for landscaping will be indicated.
I. **Utilities**: All utilities will be underground unless otherwise approved by the City Council and upon recommendation of the water and power director. Transformer equipment will be screened from streets and from adjacent properties.
J. **Refuse Storage Areas**: Refuse storage areas will be screened so that materials stored within these areas will not be visible from access streets and adjacent properties.
K. **Lighting Plan**: The plans submitted will include a general lighting plan indicating location of lights to be installed on the site.
L. **Turning Space**: Safe and convenient turning space will be provided for cars, sewer vehicles, refuse collection vehicles, firefighting equipment, etc., at the end of private drives and dead end streets.
M. **Signs**: Overall sign program if proposed signage differs from what is allowed as outlined in the sign ordinance set forth in BMC 15.16.

SECTION 53: **AMENDMENT** "15.10.050 Residential Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.050 Residential Development Standards

A. **Land Coverage**. The land coverage by all buildings will not exceed fifty percent (50%) of the net lot or parcel acreage.
B. **Lot Size**. The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) and private streets is five thousand (5,000) square feet; provided, that at least twenty percent (20%) of the total project area is developed and maintained as common open landscape or recreation area.
C. **Density**. The density of a planned residential development will conform to the density limitations of the general plan, except that the City Council upon recommendation of

the planning commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed development is considered an infill development where the surrounding land is already developed, and
2. The proposed dwellings are platted for individual ownership of the dwelling units, and
3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case will exceed twelve (12) dwelling units per acre.

D. **Setbacks**

1. **Front Yard**. Front yard setback from a public street will be a minimum of thirty feet (30').
2. **Exceptions**. Exceptions to a thirty foot (30') front yard setback from a public street are as follows:
    a. Adjacent to residential property where one or both sides have less than a twenty five foot (25') setback, the front yard setback may be the average of the adjacent residential property or twenty feet (20'), whichever is greater. If one or both sides are undeveloped, the front yard setback for the undeveloped residential property will be deemed to be twenty five feet (25') for purposes of this exception.
    b. Subject to the recommendation of the planning commission and approval of the City Council as part of the planned development approval, a reduced setback may be approved, however in no case will a garage be setback less than twenty feet (20’) from the property line or back of sidewalk, whichever is greater.
    c. Front yard setback from private streets will be ten feet (10') minimum from back of curb (edge of street if no curb) for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where no sidewalk and edge of street if no curb) for garages or carports.
    d. A garage design to allow a side entrance with an appropriate off street parking area may be located less than the twenty foot (20') minimum setback requirement where the planning commission determines such off street parking (the driveway) meets the intent of the ordinance. In no case will the garage have a setback reduction less than ten feet (10') in order to comply with the building setback of ten feet (10') from the back of curb. The driveway will have an appropriate radius, width and length to provide off street parking outside of the garage. Garage doors fronting the street will have a twenty foot (20') minimum setback from the sidewalk (curb where no sidewalk).
    e. The front yard setback area will not be used for the location of any building or parking of any motor vehicles required as a part of the parking requirement or for additional visitor parking.
3. **Side and Rear Yard Setback/Building Separation**

Side Yard Setbacks

	$1^{1/2}$ Stories	$2^{1/2}$ Stories	3 Stories
Where there is common or limited common area between structures and no fence, retaining wall over 3 feet exists between units or building offsets (see notes 1 through 3)	10 feet	10 feet	20 feet
Where a property line, fence, retaining wall over 3 feet or similar boundary line separates units (any ownership designation other than "common area")	8 feet to property line 16 feet between units	9 feet to property line 18 feet between units	10 feet to property line 20 feet between units

Notes:

a. Rear yard fences that do not block fire access may be allowed.
b. Structures shall be built in accordance to the provisions of the current international residential building code.
c. Yards shall not have window wells or walk out basements without the approval of the building and fire departments.

Rear Yard Setbacks

	$1 - 1^{1/2}$	$2 - 2^{1/2}$	3 Stories
From property line	10 feet	20 feet	20 feet
Minimum building separation for 2 adjoining rear lot properties	20 feet	40 feet	40 feet

Exceptions:

a. Adjacent to a public street, twenty five feet (25') or twenty feet (20') with a six foot (6') privacy wall along street right of way.
b. Adjacent to a single-family zone, the setback for two- to three-story units shall be a minimum of thirty feet (30').

E. **Parking Requirements**. The requirements of BMC 15.06 will apply.
F. **Signs And Advertising**. The requirements of the sign ordinance set forth in BMC 15.16.170 will apply, except that in large residential planned developments (those containing more than 200 dwelling units), the planning commission may approve an overall sign scheme for the project which may exceed the restrictions contained in the sign ordinance.
G. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.
H. **Size Requirements**. Each planned development zone will contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.
I. **Landscaping**
    1. **Compliance of Residential Properties**. Residential properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards".
    2. **Landscape Requirement**. All planned residential developments will have a minimum of thirty percent (30%) of the site area, including front setback area, developed and maintained as landscaped or open green space.
J. **Time Limitation**. Building permits for construction within planned development residential zones must be obtained within eighteen (18) months of the approval of a zone change to planned development. If eighteen (18) months elapses without the issuance of building permits for the construction of the approved plans within the planned development zone, the zone will revert back to the previous zone of the property before the zone change to planned development was approved.
K. **Recreation Or Playground Areas**. In developments with five (5) or more units, there will be provided usable recreation or playground areas outside of the front yard setback, with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. The average width and length of each usable recreation or playground area will not be less than twenty feet (20') or as approved by the planning commission. At least fifty percent (50%) of the usable area will be in the form of open playground or green space.

AFTER AMENDMENT

15.10.050 Residential Development Standards

A. **Land Coverage**. The land coverage by all buildings will not exceed fifty percent (50%) of the net lot or parcel acreage.
B. **Lot Size**. The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) and private streets is five thousand

(5,000) square feet; provided, that at least twenty percent (20%) of the total project area is developed and maintained as common open landscape or recreation area.

C. **Density**. The density of a planned residential development will conform to the density limitations of the Ggeneral Pplan, except that the City Council upon recommendation of the Pplanning Ceommission may approve a density greater than the Ggeneral Pplan designation where the following findings are made:
    1. The proposed development is considered an infill development where the surrounding land is already developed, and
    2. The proposed dwellings are platted for individual ownership of the dwelling units, and
    3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case will exceed twelve (12) dwelling units per acre.

D. **Setbacks**
    1. **Front Yard**. Front yard setback from a public street will be a minimum of thirty feet (30').
    2. **Exceptions**. Exceptions to a thirty foot (30') front yard setback from a public street are as follows:
        a. Adjacent to residential property where one or both sides have less than a twenty five foot (25') setback, the front yard setback may be the average of the adjacent residential property or twenty feet (20'), whichever is greater. If one or both sides are undeveloped, the front yard setback for the undeveloped residential property will be deemed to be twenty five feet (25') for purposes of this exception.
        b. Subject to the recommendation of the planning commission and approval of the City Council as part of the planned development approval, a reduced setback may be approved, however in no case will a garage be setback less than twenty feet (20’) from the property line or back of sidewalk, whichever is greater.
        c. Front yard setback from private streets will be ten feet (10') minimum from back of curb (edge of street if no curb) for all buildings, and there will be twenty feet (20') minimum from back of sidewalk (curb where no sidewalk and edge of street if no curb) for garages or carports.
        d. A garage design to allow a side entrance with an appropriate off street parking area may be located less than the twenty foot (20') minimum setback requirement where the Pplanning Ceommission determines such off street parking (the driveway) meets the intent of the ordinance. In no case will the garage have a setback reduction less than ten feet (10') in order to comply with the building setback of ten feet (10') from the back of curb. The driveway will have an appropriate radius, width and length to provide off street parking outside of the garage. Garage doors fronting the street will have a twenty foot (20') minimum setback from the sidewalk (curb where no

sidewalk).

e. The front yard setback area will not be used for the location of any building or parking of any motor vehicles required as a part of the parking requirement or for additional visitor parking.

3. **Side and Rear Yard Setback/Building Separation**

Side Yard Setbacks

	$1^{1/2}$ Stories	$2^{1/2}$ Stories	3 Stories
Where there is common or limited common area between structures and no fence, retaining wall over 3 feet exists between units or building offsets (see notes 1 through 3)	10 feet	10 feet	20 feet
Where a property line, fence, retaining wall over 3 feet or similar boundary line separates units (any ownership designation other than "common area")	8 feet to property line 16 feet between units	9 feet to property line 18 feet between units	10 feet to property line 20 feet between units

Notes:

a. Rear yard fences that do not block fire access may be allowed.
b. Structures shall be built in accordance to the provisions of the current international residential building code.
c. Yards shall not have window wells or walk out basements without the approval of the building and fire departments.

Rear Yard Setbacks

	1 - $1^{1/2}$	2 - $2^{1/2}$	3 Stories
From property line	10 feet	20 feet	20 feet

Minimum building separation for 2 adjoining rear lot properties	20 feet	40 feet	40 feet

Exceptions:

a. Adjacent to a public street, twenty five feet (25') or twenty feet (20') with a six foot (6') privacy wall along street right of way.
b. Adjacent to a single-family zone, the setback for two- to three-story units shall be a minimum of thirty feet (30').

E. **Parking Requirements**. The requirements of BMC 15.06 will apply.

F. **Signs And Advertising**. The requirements of the sign ordinance set forth in BMC 15.16.170 will apply, except that in large residential planned developments (those containing more than two hundred (200) dwelling units), the P~~p~~lanning C~~c~~ommission may approve an overall sign scheme for the project which may exceed the restrictions contained in the sign ordinance.

G. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.

H. **Size Requirements**. Each planned development zone will contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

I. **Landscaping**

1. **Compliance of Residential Properties**. Residential properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards".
2. **Landscape Requirement**. All planned residential developments will have a minimum of thirty percent (30%) of the site area, including front setback area, developed and maintained as landscaped or open green space.

J. **Time Limitation**. Building permits for construction within planned development residential zones must be obtained within eighteen (18) months of the approval of a zone change to planned development. If eighteen (18) months elapses without the issuance of building permits for the construction of the approved plans within the planned development zone, the zone will revert back to the previous zone of the property before the zone change to planned development was approved.

K. **Recreation Or Playground Areas**. In developments with five (5) or more units, there will be provided usable recreation or playground areas outside of the front yard setback, with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. The average width and length of each usable recreation or playground area will not be less than twenty feet (20') or as approved by the P~~p~~lanning C~~c~~ommission. At least fifty percent (50%) of the usable area will be in the form of open playground or green space.

SECTION 54: **<u>AMENDMENT</u>** "15.10.060 Commercial/Industrial Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.060 Commercial/Industrial Development Standards

A. **Land Coverage**. The land coverage by all buildings will not exceed fifty percent (50%) of the net lot or parcel acreage.
B. **Setbacks**
    1. **Front Yard**
        a. The front yard setback will be twenty five feet (25') for commercial developments and twenty feet (20') for industrial developments, unless the project is adjacent to an existing residential zone requiring greater than the twenty five foot (25') or twenty foot (20') setback in which case the setback will be the same as for the adjacent residential use.
        b. For commercial developments, the front yard will not be used for the location of any building or parking area for motor vehicles, except as provided for in subsection (7)(b) of this section.
        c. Parking is allowed in the front yard setback of industrial developments.
    2. **Side Yard**. The requirement for the street side will be the same as for the front yard. Interior side yard setbacks will be a minimum of ten feet (10') with the following exceptions:
        a. No setback will be required between a planned development zone and an adjacent commercial or industrial zone, unless setbacks are specifically required by the planning commission.
        b. No setback is required between adjacent PD commercial/industrial buildings located in the planned development zone.
        c. The interior side yard setbacks will be increased to twenty feet (20') for buildings with two (2) or more stories when adjacent to a residential zone.
    3. **Rear Yard**. Ten feet (10') for commercial developments and zero feet (0') for industrial developments, unless a different setback is required by the planning commission. (Street side setback is the same as for front yard.)
C. **Parking Requirements**. The requirements of BMC 15.06.170 will apply.
D. **Signs and Advertising**. The requirements of the sign ordinance set forth in BMC 15.16 will apply. Off premises signs will not be allowed in a PD commercial/industrial zone unless such sign is part of the approved development plan.
E. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.
F. **Fences and Walls**. The requirements of BMC 15.06.160 will apply.

G. **Landscaping**. Commercial properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards". Where it otherwise creates a hardship, the City Council, upon recommendation of the planning commission, may allow adjustments in the landscaped setback area for driveway lanes and uncovered parking spaces; provided, that any reduction in one area will be made up by additional landscaping in another area adjacent to the road right of way, so there is no overall reduction in required landscaped area. For industrial developments, there will be a minimum five foot (5') wide landscaped area on the private lot adjacent to all public streets. A landscape plan will be submitted to the planning department for review of all commercial/industrial developments and receive approval prior to issuance of building permits.

H. **Outside Storage**. There will be no outside storage of materials used in sales or in business operation. All businesses will be completely enclosed.

I. **Maintenance**. All structures, permitted signs, parking area, landscaping, etc., will be maintained in a neat, clean and orderly manner. All refuse will be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent property.

J. **Permitted Uses Designated**. The City Council, upon recommendation from the planning commission, may designate any planned commercial zone as permitting certain of those uses allowed in the C-1, C-2, or C-3 zone, and any planned industrial zone as permitting certain of those uses allowed in the I-1 or I-2 zone, and only that specific type, or types, of businesses are to be permitted in the zone.

AFTER AMENDMENT

15.10.060 Commercial/Industrial Development Standards

A. **Land Coverage**. The land coverage by all buildings will not exceed fifty percent (50%) of the net lot or parcel acreage.

B. **Setbacks**

1. **Front Yard**
    a. The front yard setback will be twenty five feet (25') for commercial developments and twenty feet (20') for industrial developments, unless the project is adjacent to an existing residential zone requiring greater than the twenty five foot (25') or twenty foot (20') setback in which case the setback will be the same as for the adjacent residential use.
    b. For commercial developments, the front yard will not be used for the location of any building or parking area for motor vehicles, except as provided for in subsection (7)(b) of this section.
    c. Parking is allowed in the front yard setback of industrial developments.
2. **Side Yard**. The requirement for the street side will be the same as for the front yard. Interior side yard setbacks will be a minimum of ten feet (10') with the following exceptions:

a. No setback will be required between a planned development zone and an adjacent commercial or industrial zone, unless setbacks are specifically required by the P~~p~~lanning C~~c~~ommission.

b. No setback is required between adjacent PD commercial/industrial buildings located in the planned development zone.

c. The interior side yard setbacks will be increased to twenty feet (20') for buildings with two (2) or more stories when adjacent to a residential zone.

3. **Rear Yard**. Ten feet (10') for commercial developments and zero feet (0') for industrial developments, unless a different setback is required by the planning commission. (Street side setback is the same as for front yard.)

C. **Parking Requirements**. The requirements of BMC 15.06.170 will apply.

D. **Signs and Advertising**. The requirements of the sign ordinance set forth in BMC 15.16 will apply. Off premises signs will not be allowed in a PD commercial/industrial zone unless such sign is part of the approved development plan.

E. **Height Regulations**. No building will be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.

F. **Fences and Walls**. The requirements of BMC 15.06.160 will apply.

G. **Landscaping**. Commercial properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards". Where it otherwise creates a hardship, the City Council, upon recommendation of the planning commission, may allow adjustments in the landscaped setback area for driveway lanes and uncovered parking spaces; provided, that any reduction in one area will be made up by additional landscaping in another area adjacent to the road right of way, so there is no overall reduction in required landscaped area. For industrial developments, there will be a minimum five foot (5') wide landscaped area on the private lot adjacent to all public streets. A landscape plan will be submitted to the planning department for review of all commercial/industrial developments and receive approval prior to issuance of building permits.

H. **Outside Storage**. There will be no outside storage of materials used in sales or in business operation. All businesses will be completely enclosed.

I. **Maintenance**. All structures, permitted signs, parking area, landscaping, etc., will be maintained in a neat, clean and orderly manner. All refuse will be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent property.

J. **Permitted Uses Designated**. The City Council, upon recommendation from the P~~p~~lanning C~~c~~ommission, may designate any planned commercial zone as permitting certain of those uses allowed in the C-1, C-2, or C-3 zone, and any planned industrial zone as permitting certain of those uses allowed in the I-1 or I-2 zone, and only that specific type, or types, of businesses are to be permitted in the zone.

SECTION 55: **<u>AMENDMENT</u>** "15.10.070 Mixed Use Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.070 Mixed Use Development Standards

The following provisions apply for projects which combine commercial and residential uses within the same building. Projects which combine residential and commercial uses within the same project but in distinct separate areas or separate buildings are subject to the provisions in BMC 15.06.130 as applicable.

A. **Land Coverage**. For mixed use projects, building coverage may exceed fifty percent (50%) of the lot or parcel acreage provided that a minimum of twenty five percent (25%) of the lot or parcel area is maintained in landscaped area.
B. **Density**. Density will conform to the limitations set forth in the general plan land use map. Areas designated as commercial on the land use map will be considered as high density residential.
C. **Building Setbacks**
    1. Buildings will front the public street (or principal street in the case of private streets) unless an exception to this requirement is granted by the City Council upon recommendation of the planning commission.
    2. For buildings fronting the public street the front setback will be a minimum of ten feet (10') from property line. The maximum front building setback is twenty feet (20') behind back of curb, unless otherwise approved by the City Council.
    3. The front setback area will consist of a combination of landscaped areas and sidewalk. Sidewalks will have a minimum width of ten feet (10') and may consist of concrete, stone or brick pavers or a combination of these materials as may be approved by the City Engineer. Landscaping will consist of trees and shrubs, and ground covers.
D. **Building Height**. Building height for mixed use buildings will not exceed forty five feet (45') unless a greater height is approved as part of the planned development zone approval.
E. **Landscaping and Open Space**
    1. Compliance of Mixed Use Properties. Mixed use properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards", and BMC 15.06.180B2, "Additional Requirements for Commercial Developments".
    2. Landscaped Open Space. Minimum landscaped open space will not be less than twenty five percent (25%) of the lot or parcel area, and will consist of trees, shrubs and ground cover.
F. **Minimum Ground Floor Glass**. The ground floor of the building elevation fronting

the street on all mixed use buildings will contain not less than forty percent (40%) no reflective glass surface (i.e., windows).

G. **Ground Floor Uses**. The ground floor uses will consist of office, retail, restaurant or a combination of such uses, as approved by the City Council as part of the planned development zone approval.

H. **Upper Floors**. Floor area above the ground floor area will be used for residential dwellings, unless otherwise approved by the City Council after considering the recommendation of the planning commission.

I. **Standards**. The standards set forth in BMC 15.10.060, "Commercial/Industrial Development Standards", will also apply unless a different standard is set forth in this section, in which case this section will apply.

J. **Mixed Use**. Mixed use developments are not intended for small parcels unless adjacent to an existing mixed use development. Therefore, the minimum lot or parcel size for a mixed use development is five (5) acres. An exception may be approved by the City Council where the Council determines that a proposed mixed use development on less than five (5) acres is compatible with and integrates into the surrounding area in a harmonious manner.Further, mixed use developments combining both commercial and residential uses within the same building are generally intended to be located within the urban core area, or part of a larger commercial project.

AFTER AMENDMENT

15.10.070 Mixed Use Development Standards

The following provisions apply for projects which combine commercial and residential uses within the same building. Projects which combine residential and commercial uses within the same project but in distinct separate areas or separate buildings are subject to the provisions in BMC 15.06.130 as applicable.

A. **Land Coverage**. For mixed use projects, building coverage may exceed fifty percent (50%) of the lot or parcel acreage provided that a minimum of twenty five percent (25%) of the lot or parcel area is maintained in landscaped area.

B. **Density**. Density will conform to the limitations set forth in the G~~g~~eneral P~~p~~lan Future Land Use Map. ~~land use map.~~ Areas designated as commercial on the Future L~~l~~and U~~u~~se M~~m~~ap will be considered as high density residential.

C. **Building Setbacks**
    1. Buildings will front the public street (or principal street in the case of private streets) unless an exception to this requirement is granted by the City Council upon recommendation of the ~~p~~Planning C~~c~~ommission.
    2. For buildings fronting the public street the front setback will be a minimum of ten feet (10') from property line. The maximum front building setback is twenty feet (20') behind back of curb, unless otherwise approved by the City Council.
    3. The front setback area will consist of a combination of landscaped areas and sidewalk. Sidewalks will have a minimum width of ten feet (10') and may

consist of concrete, stone or brick pavers or a combination of these materials as may be approved by the City Engineer. Landscaping will consist of trees and shrubs, and ground covers.

D. **Building Height**. Building height for mixed use buildings will not exceed forty five feet (45') unless a greater height is approved as part of the planned development zone approval.

E. **Landscaping and Open Space**
   1. **Compliance of Mixed Use Properties**. Mixed use properties within the planned development zone will comply with BMC 15.06.180, "Landscape Standards", and BMC 15.06.180B2, "Additional Requirements for Commercial Developments".
   2. **Landscaped Open Space.** Minimum landscaped open space will not be less than twenty five percent (25%) of the lot or parcel area, and will consist of trees, shrubs and ground cover.

F. **Minimum Ground Floor Glass**. The ground floor of the building elevation fronting the street on all mixed use buildings will contain not less than forty percent (40%) no reflective glass surface (i.e., windows).

G. **Ground Floor Uses**. The ground floor uses will consist of office, retail, restaurant or a combination of such uses, as approved by the City Council as part of the planned development zone approval.

H. **Upper Floors**. Floor area above the ground floor area will be used for residential dwellings, unless otherwise approved by the City Council after considering the recommendation of the planning commission.

I. **Standards**. The standards set forth in BMC 15.10.060, "Commercial/Industrial Development Standards", will also apply unless a different standard is set forth in this section, in which case this section will apply.

J. **Mixed Use**. Mixed use developments are not intended for small parcels unless adjacent to an existing mixed use development. Therefore, the minimum lot or parcel size for a mixed use development is five (5) acres. An exception may be approved by the City Council where the Council determines that a proposed mixed use development on less than five (5) acres is compatible with and integrates into the surrounding area in a harmonious manner.Further, mixed use developments combining both commercial and residential uses within the same building are generally intended to be located within the urban core area, or part of a larger commercial project.

SECTION 56: **<u>AMENDMENT</u>** "15.10.080 Other Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.080 Other Requirements

A. **Public Hearing**. Subsequent to review and approval by the planning commission, the

proposed planned development zone change request will be forwarded to the City Council for a public hearing.

B. **Planning Commission Recommendation**. The planning commission will also forward any recommendations for approval, disapproval or modification of the planned development request as reviewed by them to the City Council to be considered as a part of the zone change hearing.
C. **Advertising**. The zone change request will be advertised and heard according to the same requirements as any other zone change request submitted to the City Council.
D. **Approval; Findings**. The City Council may approve a planned development zone change request only after finding that the requirements of this title and any other ordinances or restrictions affecting the property have been satisfied. In granting such approval, the City Council may impose and enforce such specific conditions as to site development, phasing and building construction or maintenance and operation as it deems necessary to protect the health, safety and welfare of the residents of the City.
E. **Development Plan Compliance**. All development within the planned development zone will comply with the development plan as approved and adopted by the City Council.
F. **Filing of Materials**. The development plan and supplementary text materials, after adoption, will be filed in the offices of the City and all development within the zone will comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.
G. **Applicability of Title**. All other applicable provisions of this title will apply.

AFTER AMENDMENT

15.10.080 Other Requirements

A. **Public Hearing**. Subsequent to review and approval by the P~~p~~lanning C~~c~~ommission, the proposed planned development zone change request will be forwarded to the City Council for a public hearing.
B. **Planning Commission Recommendation**. The P~~p~~lanning C~~c~~ommission will also forward any recommendations for approval, disapproval or modification of the planned development request as reviewed by them to the City Council to be considered as a part of the zone change hearing.
C. **Advertising**. The zone change request will be advertised and heard according to the same requirements as any other zone change request submitted to the City Council.
D. **Approval; Findings**. The City Council may approve a planned development zone change request only after finding that the requirements of this title and any other ordinances or restrictions affecting the property have been satisfied. In granting such approval, the City Council may impose and enforce such specific conditions as to site development, phasing and building construction or maintenance and operation as it deems necessary to protect the health, safety and welfare of the residents of the City.
E. **Development Plan Compliance**. All development within the planned development zone will comply with the development plan as approved and adopted by the City Council.

F. **Filing of Materials**. The development plan and supplementary text materials, after adoption, will be filed in the offices of the City and all development within the zone will comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.

G. **Applicability of Title**. All other applicable provisions of this title will apply.

SECTION 57: **AMENDMENT** "15.10.100 Plan Review Conference" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.100 Plan Review Conference

A. **Required**. Following the approval of the planned development zone change and upon request for issuance of any building permit therein, the developer and contractor, and the planning staff, will meet together to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.
B. **Official Plan**. At the plan review conference, the plans will be stamped by the staff and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.
C. **Changes Or Modifications**. Any changes or modifications to the approved plan of development during the period of construction will be submitted to planning staff for approval, and, if deemed significant and at the discretion of the staff, returned to the planning commission for their review and recommendations and to the City Council for a hearing to amend the zone.

AFTER AMENDMENT

15.10.100 Plan Review Conference

A. **Required**. Following the approval of the planned development zone change and upon request for issuance of any building permit therein, the developer and contractor, and the planning staff, will meet together to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.
B. **Official Plan**. At the plan review conference, the plans will be stamped by the staff and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.
C. **Changes Or Modifications**. Any changes or modifications to the approved plan of development during the period of construction will be submitted to planning staff for approval, and, if deemed significant and at the discretion of the staff, returned to the P~~p~~lanning C~~c~~ommission for their review and recommendations and to the City

Council for a hearing to amend the zone.

SECTION 58: **AMENDMENT** "15.11.030 Sale Of Nonconforming Lots Prohibited" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.11.030 Sale Of Nonconforming Lots Prohibited

No parcel or lot which does not conform to thethe City's Zoning District requirements in which it is located may be created for the purpose, whether immediate or future, of any building, use or development allowed by this ordinance. Additional requirements are set forth in Title of BMC14.04.

AFTER AMENDMENT

15.11.030 Sale Of Nonconforming Lots Prohibited

No parcel or lot which does not conform to the~~the~~ City's Zoning District requirements in which it is located may be created for the purpose, whether immediate or future, of any building, use or development allowed by this ordinance. Additional requirements are set forth in ~~Title of~~ BMC 14.04.

SECTION 59: **AMENDMENT** "15.11.040 Sale Or Lease Of Required Space Prohibited" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.11.040 Sale Or Lease Of Required Space Prohibited

No area needed to meet the lot width, yard, area, setback, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased separate from such lot or building. Additional requirements are set forth in BMC 15.06 and Title 14.04 of BMC.

AFTER AMENDMENT

15.11.040 Sale Or Lease Of Required Space Prohibited

No area needed to meet the lot width, yard, area, setback, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased separate from such lot or building. Additional requirements are set forth in BMC 15.06 and Title 14.04~~ of BMC~~.

SECTION 60: **AMENDMENT** "15.11.170 Setbacks From State And Federal Highways" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.11.170 Setbacks From State And Federal Highways

Notwithstanding any other regulation of this ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty (50) feet from the highway right-of-way line.

AFTER AMENDMENT

15.11.170 Setbacks From State And Federal Highways

Notwithstanding any other regulation of this ordinance, all buildings abutting a highway having a state or federal designation (except non-access highways), will be set back at least fifty feet (50) ~~feet~~ from the highway right-of-way line.

SECTION 61: **ADOPTION** "15.11.230 (Reserve) Accessory Dwelling Units" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.230 (Reserve) Accessory Dwelling Units (Non-existent)

AFTER ADOPTION

15.11.230 (Reserve) Accessory Dwelling Units*(Added)*

SECTION 62: **ADOPTION** "15.11.240 (Reserve) Portable Storage Containers" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.240 (Reserve) Portable Storage Containers (Non-existent)

AFTER ADOPTION

15.11.240 (Reserve) Portable Storage Containers*(Added)*

SECTION 63: **<u>ADOPTION</u>** "15.11.250 (Reserve) Walls And Fences" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.250 (Reserve) Walls And Fences (Non-existent)

AFTER ADOPTION

15.11.250 (Reserve) Walls And Fences*(Added)*

SECTION 64: **<u>ADOPTION</u>** "15.11.260 (Reserve) Off Street Parking Requirements" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.260 (Reserve) Off Street Parking Requirements (Non-existent)

AFTER ADOPTION

15.11.260 (Reserve) Off Street Parking Requirements*(Added)*

SECTION 65: **<u>ADOPTION</u>** "15.11.270 (Reserve) Landscape Standards" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.270 (Reserve) Landscape Standards (Non-existent)

AFTER ADOPTION

15.11.270 (Reserve) Landscape Standards*(Added)*

SECTION 66: **<u>ADOPTION</u>** "15.11.280 Home-Based Microschool And Micro-Education Entities" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.11.280 Home-Based Microschool And Micro-Education Entities (Non-existent)

AFTER ADOPTION

15.11.280 Home-Based Microschool And Micro-Education Entities*(Added)*

A. **Purpose.** The purpose of this section is to establish requirements, in addition to those listed in Utah State Code (as amended), for home-based microschools and micro-education entities regarding:
    1. Business license.
    2. Applicable zoning land use regulations.
    3. Parking
    4. Traffic.
    5. Hours of operations; and
    6. Regulations for the location of a project that are necessary to avoid risks to the general public's health, safety, or welfare.
B. **Business License Required.** The applicant for a home-based microschool or micro-education entity shall fill out and file with the City a business license application as required by the City. A building/fire safety inspection shall be required with the initial business license approval and annually, prior to the business license renewal
C. **Applicable Zoning And Land Use Regulations.**
    1. A home-based microschool shall comply with the regulations for the zoning district in which it is located as required by this title.
    2. A micro-education entity may operate in a facility that meets Group E Occupancy or Class B Occupancy requirements as defined by the International Building Code as adopted by §15A of Utah State Code (as amended), and shall comply with the regulations for the zoning district in which it is located as required by this title.
    3. **Off-street Parking Shall Be Required.** The applicant for a home-based microschool or a micro-education entity shall provide a parking plan to the City for its review. A home-based microschool or a micro-education entity shall provide sufficient off-street parking for employees and customers.
    4. **Traffic Plan.** The applicant for a home-based microschool or a micro-education entity shall provide a traffic plan depicting the desired routes for all modes of transportation.
    5. **Hours Of Operation.** The hours of operation shall be between the hours of 6:00 A.M. and 10:00 P.M. The applicant for a home-based microschool or a micro-education entity shall include the normal hours of operation on the application for a business license.
    6. **Regulations on the Location Of Projects That Are Necessary To Avoid Risks To Health Or Safety.** While a home-based microschool or micro-education entity is considered a permitted use in all zoning districts within the City, some locations may have risks to the public's health, safety or welfare.
        a. **Areas Of Geologic Hazard, Potential Geologic Hazard, Or Sensitive Lands.** A home-based microschool or micro-education

entity may not be allowed in areas of geologic hazard, potential geologic hazard, or sensitive lands, as those terms are defined in Title 14, Subdivision Ordinance of the BMC.

b. A home-based microschool and micro-education entity are prohibited from a location in the City which would otherwise defeat the purpose for the zoning district unless the home-based microschool or micro-education entity provide a waiver (i.e., zones which allow for sexually oriented businesses or businesses which sell alcohol, etc.)

SECTION 67: **AMENDMENT** "15.13.010 Construction In Flood Channels" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.13.010 Construction In Flood Channels

No building or structure (except those constructed for flood control purposes by a governmental agency) will be constructed within a flood channel or within one hundred (100) feet from the banks of a flood channel.

AFTER AMENDMENT

15.13.010 Construction In Flood Channels

No building or structure (except those constructed for flood control purposes by a governmental agency) will be constructed within a flood channel or within one hundred feet (100') ~~feet~~ from the banks of a flood channel.

SECTION 68: **AMENDMENT** "15.13.020 Supplementary Requirements For Temporary Buildings And Temporary Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.13.020 Supplementary Requirements For Temporary Buildings And Temporary Uses

A. **Temporary Use Permits**. The Zoning Administrator may issue a temporary use permit for a temporary building or use not to exceed sixty- (60) days in duration, with a finding that the use will not conflict with the uses in the vicinity of the subject property. Request for a temporary use permit will be submitted in writing on the application provided by Ballard City.
In issuing the permit, the Zoning Administrator may:

1. Identify the length of the time the temporary use permit will be valid.
2. Identify hours of operation of the temporary use.
3. Identify and establish any other requirements determined necessary for the protection of the health, safety and welfare.

B. **Temporary Use Types**.

1. **Temporary buildings, and travel trailers**. Temporary buildings, and travel trailers used in conjunction with construction work only during the period of construction, subject to securing a temporary use permit and the following:
    a. Any permit approved for a temporary building, or travel trailer will be limited to a period of time not to exceed one (1) year from the date of approval.
    b. Any temporary building, or travel trailer will be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.
2. **Temporary Storage**. Temporary uses such as the cutting or storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:
    a. Any use permit approved for such temporary use will be limited to a period of time not to exceed one (1) year from the date of such approval.
    b. Such temporary use will be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the activity, whichever occurs first.
3. **Temporary real estate offices**.
    a. The office will be located on the property being subdivided or sold, and its use will be limited to the sale of lots or property.
    b. The office will be subject to the height, yard, intensity of use and parking regulations for the zoning district in which it is located and will meet minimum water and sanitary standards as required by the Tri-County Health Department.
    c. Any use permit approved for such office will be limited to a period not to exceed two (2) years from the date of approval.
    d. The office will be removed from the property upon the expiration of the use permit.

AFTER AMENDMENT

15.13.020 Supplementary Requirements For Temporary Buildings And Temporary Uses

A. **Temporary Use Permits**. The Zoning Administrator may issue a temporary use permit for a temporary building or use ~~not to exceed sixty- (60) days in duration,~~ with a finding that the use will not conflict with the uses in the vicinity of the subject property. Request for a temporary use permit will be submitted in writing on the

application provided by Ballard City.

In issuing the permit, the Zoning Administrator may:

1. Identify the length of the time the temporary use permit will be valid.
2. Identify hours of operation of the temporary use.
3. Identify and establish any other requirements determined necessary for the protection of the health, safety and welfare.

B. **Temporary Use Types**.

1. **Temporary buildings, and travel trailers**. Temporary buildings, and travel trailers used in conjunction with construction work only during the period of construction, subject to securing a temporary use permit and the following:
    a. Any permit approved for a temporary building, or travel trailer will be limited to a period of time not to exceed one (1) year from the date of approval.
    b. Any temporary building, or travel trailer will be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.
2. **Temporary Storage**. Temporary uses such as the cutting or storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:
    a. Any use permit approved for such temporary use will be limited to a period of time not to exceed one (1) year from the date of such approval.
    b. Such temporary use will be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the activity, whichever occurs first.
3. **Temporary R~~r~~eal E~~e~~state O~~o~~ffices, Model Homes, Open Houses**.
    a. ~~The office~~Temporary real estate offices, model homes, or open houses ~~will~~ shall be located on the property being subdivided or sold, and its use will be limited to the sale of lots or property.
    b. ~~The office~~Temporary real estate offices and model homes will be subject to the height, yard, intensity of use and parking regulations typical for a residential use for the zoning district in which it is located,~~and will~~ including meeting the minimum water and sanitary standards as required by the Tri-County Health Department.
    c. Any use permit approved for such ~~office~~ uses will be limited to ~~a~~ the period ~~not to exceed two (2) years from the date of approval~~of time that the property is being subdivided or sold..
    d. These ~~office will be removed from the property~~uses shall be removed from the property upon the expiration of the use permit.

SECTION 69: **<u>AMENDMENT</u>** "15.14.020 Minor Revisions To Development Permits And Construction Plans" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.14.020 Minor Revisions To Development Permits And Construction Plans

Upon receipt of an application for a minor revision to an approved development permit, or minor revision to approved construction plans and/or required improvement plans, the Zoning Administrator may approve the minor revision with a finding that the revision does not:

A. Increase vehicular traffic
B. Increase the demand for parking or parking area(s)
C. Increase the development site, number of lots or building size
D. Increase noise or odor levels, lighting, dust or dirt
E. Create any unsightly conditions
F. Decrease privacy to adjacent property owners or landscaping, screening or buffering treatments, and
G. Change the general layout of the development area or site

In reviewing an application for a minor revision to an approved development permit or minor revision to approved construction plans and required improvement plans, the Zoning Administrator may schedule a review and consideration of the application by the Ballard City Planning Commission prior to making a final decision on an application. The Zoning Administrator may approve the minor revision as requested by the applicant, approve the minor revision with conditions, or deny the request for a minor revision. The Zoning Administrator will notify the application Land Use Authority as outlined in 15.03.005 at their next regular meeting of actions taken by the Zoning Administrator in approving or denying minor revision applications. The Zoning Administrator's decision shall be final upon the close of the Land Use Authority's meeting at which notification occurred.

AFTER AMENDMENT

15.14.020 Minor Revisions To Development Permits And Construction Plans

Upon receipt of an application for a minor revision to an approved development permit, or minor revision to approved construction plans and/or required improvement plans, the Zoning Administrator may approve the minor revision with a finding that the revision does not:

A. Increase vehicular traffic
B. Increase the demand for parking or parking area(s)
C. Increase the development site, number of lots or building size
D. Increase noise or odor levels, lighting, dust or dirt

E. Create any unsightly conditions
F. Decrease privacy to adjacent property owners or landscaping, screening or buffering treatments, and
G. Change the general layout of the development area or site

In reviewing an application for a minor revision to an approved development permit or minor revision to approved construction plans and required improvement plans, the Zoning Administrator may schedule a review and consideration of the application by the ~~Ballard City~~ Planning Commission prior to making a final decision on an application. The Zoning Administrator may approve the minor revision as requested by the applicant, approve the minor revision with conditions, or deny the request for a minor revision. The Zoning Administrator will notify the application Land Use Authority as outlined in 15.03.005 at their next regular meeting of actions taken by the Zoning Administrator in approving or denying minor revision applications. The Zoning Administrator's decision shall be final upon the close of the Land Use Authority's meeting at which notification occurred.

SECTION 70: **AMENDMENT** "15.14.030 Appeal Of Zoning Administrator Decision For Minor Revisions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.14.030 Appeal Of Zoning Administrator Decision For Minor Revisions

Any person aggrieved by a decision of the Ballard the City Administrator concerning a decision for a minor revision may file an appeal of the with the LUHO.

AFTER AMENDMENT

15.14.030 Appeal Of Zoning Administrator Decision For Minor Revisions

Any person aggrieved by a decision of the ~~Ballard the City~~ Zoning Administrator concerning a decision for a minor revision may file an appeal of the with the LUHO.

SECTION 71: **AMENDMENT** "15.16.020 Maximum Allowed Signage" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.16.020 Maximum Allowed Signage

A. **Identification Signs located in Residential Districts**. Signs identifying the name of

the occupant of a residence, the occupant's profession or title, and the address of the dwelling are permitted, subject to the following requirements:

1. Signs will not exceed six (6) square feet in area.
2. Signs will not be illuminated.
3. Signs will be located on the property to which they pertain, and the number will be limited to one (1) sign for each dwelling.

No other signs are permitted within residential zones except for necessary warning and public information signs or signs identifying churches, schools, public utility buildings or publicly owned or operated properties and buildings.

B. **Identification Signs in Commercial and Industrial Zones**. All Identification signs in the Commercial and Industrial Zones will be either a "monument" type sign not exceeding six (6) feet in height above finished grade, a “Freestanding” pole sign a minimum (10) feet above road grade and a maximum of twenty (20) feet, the billboard area not to exceed 100 square feet, or a building sign attached directly to a building, which will not extend beyond the corner of the building or above the roofline of the building. An example of each type of sign is shown here.

Monument Sign

Freestanding Pole Sign

Building Sign

Signs will not exceed an area of one (1) square foot for each linear foot of street frontage, but in no case will the sign be larger than one hundred (100) square feet. Where there is more than one (1) sign located on the property, the aggregate sign area will not exceed one (1) square foot for each linear foot of street frontage or one hundred (100) square feet, whichever is less; however, nothing contained in this ordinance will require the aggregate sign area for anyone establishment on the property to be less than fifty (50) square feet.

1. Signs may be illuminated, but the source of illumination will not be visible, and no flashing or intermittent illumination will be employed.
2. Signs will not be moving, animated or audible in any manner.
3. All signs will be located on the property to which they pertain, and the number will be limited to one (1) for each separate establishment on the property.

C. **Permanent Directional Signs**

1. Signs will not exceed twelve (12) square feet in area.
2. Signs may be double faced.
3. Signs may be illuminated, but the source of illumination will not be visible, and no flashing or intermittent illumination will be employed.
4. Signs may be placed flat against a wall of a building, or signs may be freestanding, but placement against a wall of a building will be no higher than eight (8) feet above grade. The height of a freestanding sign will not exceed twelve (12) feet above grade.
5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.
6. Signs may be used to designate entrances or exits to or from a parking area if necessary, but the number will be limited to one (1) for each entrance or exit.
7. Signs will contain no advertising copy.

D. **Temporary Directional Signs**

1. Signs will not exceed twelve (12) square feet in area.
2. Signs may be double faced.
3. Signs will not be illuminated.
4. Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building will be no higher than eight (8) feet above grade. The height of a freestanding sign will not exceed twelve (12) feet above grade.
5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.
6. Signs will contain no advertising copy.
7. A Temporary Directional Sign will be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

E. **Temporary Signs Pertaining to the Sale, Lease, Hire or Rental of Property**

1. Signs will not exceed one hundred (100) square feet in area.
2. Signs may be double faced.
3. Signs will not be illuminated.

4. Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building will be no higher than twenty-four (24) feet neither above grade nor above the roofline. The height of a freestanding sign will not exceed twenty-four (24) feet above grade.
5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.
6. Signs will not be moving, animated or audible in any manner.
7. Signs will be located on the property to which they pertain, and the number will be limited to one (1) for each property.
8. Signs will be removed from the property within ten (10) days after the purpose of the signs is fulfilled.

F. **Off-Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign**. All Off-Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign are prohibited within the City.

AFTER AMENDMENT

15.16.020 Maximum Allowed Signage

A. **Identification Signs located in Residential Districts**. Signs identifying the name of the occupant of a residence, the occupant's profession or title, and the address of the dwelling are permitted, subject to the following requirements:
   1. Signs will not exceed six (6) square feet in area.
   2. Signs will not be illuminated.
   3. Signs will be located on the property to which they pertain, and the number will be limited to one (1) sign for each dwelling.

   No other signs are permitted within residential zones except for necessary warning and public information signs or signs identifying churches, schools, public utility buildings or publicly owned or operated properties and buildings.
B. **Identification Signs in Commercial and Industrial Zones**. All Identification signs in the Commercial and Industrial Zones will be either a "monument" type sign not exceeding six feet (6') ~~feet~~ in height above finished grade, a “Freestanding” pole sign a minimum ten feet (10') ~~feet~~ above road grade and a maximum of twenty feet (20') ~~feet~~, the billboard area not to exceed one hundred square feet (100 sq. ft.) ~~square feet~~, or a building sign attached directly to a building, which will not extend beyond the corner of the building or above the roofline of the building. An example of each type of sign is shown here.

   Monument Sign

Freestanding Pole Sign

Building Sign

Signs will not exceed an area of one square foot (1 sq. ft.) ~~square foot~~ for each linear foot of street frontage, but in no case will the sign be larger than one hundred square feet (100 sq. ft.) ~~square feet~~. Where there is more than one (1) sign located on the property, the aggregate sign area will not exceed one square foot (1 sq. ft.) ~~square foot~~ for each linear foot of street frontage or one hundred square feet (100 sq. ft.) ~~square feet~~, whichever is less; however, nothing contained in this ordinance will require the aggregate sign area for anyone establishment on the property to be less than fifty square feet (50 sq. ft.) ~~square feet~~.

1. Signs may be illuminated, but the source of illumination will not be visible, and no flashing or intermittent illumination will be employed.
2. Signs will not be moving, animated or audible in any manner.
3. All signs will be located on the property to which they pertain, and the number will be limited to one (1) for each separate establishment on the property.

C. **Permanent Directional Signs**

1. Signs will not exceed twelve square feet (12 sq. ft.) ~~square feet~~ in area.
2. Signs may be double faced.
3. Signs may be illuminated, but the source of illumination will not be visible, and no flashing or intermittent illumination will be employed.
4. Signs may be placed flat against a wall of a building, or signs may be freestanding, but placement against a wall of a building will be no higher than eight feet (8') ~~feet~~ above grade. The height of a freestanding sign will not

exceed twelve feet (12') ~~feet~~ above grade.

5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.

6. Signs may be used to designate entrances or exits to or from a parking area if necessary, but the number will be limited to one (1) for each entrance or exit.
7. Signs will contain no advertising copy.

D. **Temporary Directional Signs**

1. Signs will not exceed twelve square feet (12 sq. ft.) ~~square feet~~ in area.
2. Signs may be double faced.
3. Signs will not be illuminated.
4. Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building will be no higher than eight feet (8') ~~feet~~ above grade. The height of a freestanding sign will not exceed twelve feet (12') ~~feet~~ above grade.
5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.
6. Signs will contain no advertising copy.
7. A Temporary Directional Sign will be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

E. **Temporary Signs Pertaining to the Sale, Lease, Hire or Rental of Property**

1. Signs will not exceed one hundred square feet (100 sq. ft.) ~~square feet~~ in area.
2. Signs may be double faced.
3. Signs will not be illuminated.
4. Signs may be placed flat against a wall of a building or may be freestanding, but placement against a wall of a building will be no higher than twenty-four feet (24') ~~feet~~ neither above grade nor above the roofline. The height of a freestanding sign will not exceed twenty-four feet (24') ~~feet~~ above grade.
5. Signs may be located in or project into required yards, but signs will not be located in or project into any street or alley.
6. Signs will not be moving, animated or audible in any manner.
7. Signs will be located on the property to which they pertain, and the number will be limited to one (1) for each property.
8. Signs will be removed from the property within ten (10) days after the purpose of the signs is fulfilled.

F. **Off-Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign**. All Off-Premise Advertising Signs, advertising Goods or Services offered at a place other than the location of the sign are prohibited within the City.

SECTION 72: **AMENDMENT** "15.17.010 General" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.17.010 General

Where the Land Use Hearing Officer (LUHO) finds that an unreasonable hardship may result from strict compliance with the provisions of this Ordinance, the Board of Adjustment may approve variances to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided that the variance will not have the effect of nullifying in any way the intent and purpose of this Ordinance. See BMC 15.05.

AFTER AMENDMENT

15.17.010 General

Where the Land Use Hearing Officer (LUHO) finds that an unreasonable hardship may result from strict compliance with the provisions of this Ordinance, the ~~Board of Adjustment~~LUHO may approve variances to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided that the variance will not have the effect of nullifying in any way the intent and purpose of this Ordinance. See BMC 15.05 for additional information about the LUHO.

SECTION 73: **AMENDMENT** "15.17.020 Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.17.020 Standards

The LUHO will not approve a variance unless, based upon the evidence presented, it finds that all of the following provisions apply:

A. Literal enforcement of the City's Zoning District provisions of this Ordinance would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of theCity's Zoning District or this Ordinance. The LUHO will not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought and is peculiar to the property rather than conditions general to the immediate area. No finding of unreasonable hardship will be made if the alleged hardship is self imposed or solely economic.
B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances will be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.
C. The variance is essential to the enjoyment of a substantial property right possessed by

other property in the district.

D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the Ballard City General Plan and will not be contrary to the public interest.

E. The spirit of the requirements and provisions of this Ordinance will be observed and substantial justice done.

AFTER AMENDMENT

15.17.020 Standards

The LUHO will not approve a variance unless, based upon the evidence presented, it finds that all of the following provisions apply:

A. Literal enforcement of the City's ~~Zoning District provisions of this~~Land Use or Subdivision Ordinance would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the City's ~~Zoning District or this~~Land Use or Subdivision Ordinance. The LUHO will not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought and is peculiar to the property rather than conditions general to the immediate area. No finding of unreasonable hardship will be made if the alleged hardship is self imposed or solely economic.
B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances will be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.
C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the district.
D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the Ballard City General Plan and will not be contrary to the public interest.
E. The spirit of the requirements and provisions of th~~is~~e City's Land Use and Subdivision Ordinance will be observed and substantial justice done.

SECTION 74: **AMENDMENT** "15.17.050 Time Limitation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.17.050 Time Limitation

No variance will be valid for a period of longer than six (6) months unless a building permit is

issued within that period and construction diligently pursued, unless an extension of time is granted by the Building Inspector. Variances run with the land.

AFTER AMENDMENT

15.17.050 Time Limitation

No variance will be valid for a period of longer than six (6) months unless a building permit is issued within that period and construction diligently pursued, unless an extension of time is granted by the Building ~~Inspector~~Official. Variances shall run with the land.

SECTION 75: **AMENDMENT** "15.17.060 Use Variance" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.17.060 Use Variance

The LUHO and any other body may not grant use variances. Only through an amendment to the land use ordinance or zoning map can use and supplementary regulation changes be considered.

AFTER AMENDMENT

15.17.060 Use Variance

The LUHO ~~and any other body~~ may not grant use variances. Only through an amendment to the land use or subdivision ordinance or zoning map can use and supplementary regulation changes be considered.

SECTION 76: **AMENDMENT** "15.17.070 Procedures" of the Ballard Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

15.17.070 Procedures

A petition for a variance may be submitted in writing, on the approved application as provided by the City, by the property-owner. The application will state fully the grounds for the variance requested and all of the facts relied upon by the owner. The applicant will bear the burden of proving that all of the conditions justifying a variance have been met.

AFTER AMENDMENT

15.17.070 Procedures

A petition for a variance may be submitted in writing, on the approved application as provided by the City, by the property-owner. The application will state fully the grounds for the variance requested and all of the facts relied upon by the property owner. The applicant will bear the burden of proving that all of the conditions justifying a variance have been met.

SECTION 77: **ADOPTION** "15.18.090 Amortization" of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.18.090 Amortization (Non-existent)

AFTER ADOPTION

15.18.090 Amortization*(Added)*

A. The provisions of this chapter are not intended to restrict the City Council's authority under §10-20-1003 of Utah State Code (as amended) to terminate all non-conforming uses, except billboards, by providing a formula establishing a reasonable time period during which the property owner can recover or amortize the amount of their investment in teh non-conforming use, if any.
B. The City Council may initiate a review for amortization of non-conforming uses upon a petition filed by the Planning Commission or City Staff in accordance with the following standards and procedures consistent with §10-20 of Utah State Code (as amended), and shall mail written notice to the owner and occupant of the property.
    1. **Initiation Of Termination Procedure.** The City Council's review of a use determined to be non-conforming pursuant to the provisions of this chapter, for the purposes of establishing an amortization plan for termination of the use, shall first require a report from the Planning Commission or City Staff. The report shall determine the non-conforming use, provide a history of the affected property and outline the standards for determining the amortization period. In developing the report, the Planning Commission or City Staff may consult with the City's Attorney.
    2. **Notice To Property Owner And/Or Lessee Of Non-Conforming Use.** Upon receipt of the required report written by the Planning Commission or City Staff which recomments the City Council establish an amortization plan for a non-conforming use, the City shall mail a copy of the report and proposed amortization plan to the property owner or lessee(s) of the non-conforming use, and give notice to the property owner and/or lessee(s) of the City Council's intent to hold a public hearing to consider the Planning

Commission or City Staff's request, including the date, time , and place of the public hearing. Such notice shall be provided to the property owner and/or lessee(s) a minimum of ten (10) days prior to the public hearing.

3. **City Council Review.** The City Council shall hold a public hearing within a reasonable time on the receipt from the Planning Commission or City Staff's request for amortization of a non-conforming use. Upon the conclusion of the public hearing, the City Council shall determine whether the non-conforming use should be amortized within a definite period of time. If the non-conforming use is to be amortized, a written copy of the City Council's findings shall be mailed to the property owner and/or lessee(s) of the non-conforming use within three (3) business days of the date of the City Council's findings.

4. **Standards For Determining Amortization Period.** The City Council shall determine the appropriate amortization period upon the consideration of evidence presented by the Planning Commission or City Staff and the owner of the non-conforming use that is sufficient to make findings regarding the following factors:
    a. The general character of the area surrounding the non-conforming use;
    b. The zoning classification and use(s) of nearby properties;
    c. The extent to which property values are adversely affected by the non-conforming;
    d. The owner's actual amount of investment in the property on the effective date of non-conformance, less any investment required by other applicable laws and regulations;
    e. The amount of loss, if any, that would be suffered by the owner upon termination of the use; and
    f. The extent to which the amortization period will further the public health safety and welfare.
5. **Appeal**. Any person adversely affected by a final decision of the City Council may file a petition for review of the decision with the district court as outlined in §10-20-1109 of Utah State Code (as amended) within ten (10) days after the decision is rendered.

PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL MAY 05, 2026.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Nile L. Mathisen	X			
Councilmember Shaun Murray	X			

Councilmember Ben Allred	X			
Councilmember Al Kettle	X			
Councilmember Steve Secrest	X			

Presiding Officer

Nile L. Mathisen, Mayor, Ballard City

Attest

Tasha Crum, City Recorder, Ballard City

BALLARD CITY

CORPORATE

Seal

STATE OF UTAH