BALLARD CITY
ORDINANCE 202403-001

AN ORDINANCE REPEALING, AMENDING AND ADOPTING THE BALLARD CITY TITLE 15 LAND USE CODE

WHEREAS, §10-9a-501 of Utah Code (as amended) authorizes the City's legislative body to weigh policy considerations and to enact land use regulations; and;

WHEREAS, pursuant to §10-8-84 of Utah Code (as amended) the City's legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the municipality and its inhabitants, and for the protection of property in the municipality; and

WHEREAS, the City Council and Planning Commission find that Title 15, Land Use, of the Ballard Municipal Code (BMC) are inconsistent with the laws of the State of Utah regarding municipal land use and development, as provided by §10-9a et. Seq. Utah Code Annotated, 1953, as amended; and

WHEREAS, the Planning Commission conducted a public hearing to review the proposed amendments on March 7, 2024, and made a positive recommendation to the City Council for adoption; and

WHEREAS, , the City Council has reviewed the Planning Commission's recommendation and has received the pertinent information regarding this proposal; and

WHEREAS, upon making the necessary reviews, the City Council finds it to be in the best interest of the health, safety, and welfare its citizens to make the proposed amendments to Title 15, Land Use, of the Ballard Municipal Code (BMC);

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

SECTION 1: **REPEAL** "15.03.020 Building Permits" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.020 Building Permits~~ *(Repealed)*

~~No person will erect, construct, reconstruct or alter any building or other structure with a floor space of more than 200 square feet or a height of more than twelve (12) feet in Ballard City without first obtaining a building permit from Ballard City. No building or structure will be erected or modified in violation of this Ordinance. In addition to all other requirements necessary to obtain a building permit, the building permit applicant will provide proof to the Building Inspector that the parcel of property which the building is to be erected has access to a dedicated Ballard City street, and complies with all requirements of the zone in which the parcel of property is located. In addition, unless the applicant is a subdivider who has a current bond not yet released and the bond is currently being held in escrow for the full cost of subdivision improvements, the building permit applicant will provide for the improvement of abutting street according to the specifications and procedures set forth in the Ballard City Subdivision Ordinance, in one of the following methods:~~

A. Upon application to Ballard City and upon express written approval by Ballard City, install all necessary improvements as required by and in accordance with the provisions of the Ballard City Subdivision Ordinance, upon completion of which the applicant will deposit cash or post a one year bond approved by Ballard City in the amount of 25% of the cost of the improvements, to cover possible latent defects. In the event the applicant defaults, Ballard City Council may declare his cash deposit or bond forfeited.
B. Deposit funds with Ballard City, in an amount to be determined by Ballard City, using the then-current cost to construct and install improvements as would be required under this Section. In the event the building permit applicant chooses this option, Ballard City will hold funds at its discretion until it deems necessary to improve the street, at which time the funds should be so used without further liability on the part of the applicant.

~~An approved building permit may be revoked by the City Council in accordance with the procedures set forth in this ordinance and the Uniform Building Code Section 106.4.5 if it is determined that the application, decision, permit or license was based on materially inaccurate, misleading, or incomplete information.If the Building Inspector/Official determines, based on inspection, and submits a formal complaint that there exist reasonable grounds for revocation of a building permit authorized by this ordinance; the Building Inspector/Official will set a public hearing before the City Council. This procedure is in addition to the procedures required in the Uniform Building Code, Section 106.4.~~

~~**Notice and Public Hearing**. At least fourteen days notice of a proceeding to reconsider or revoke the development permit, building permit or license will be given to the applicant. The Land Use Authority may revoke the development approval, building permit or license upon making one or more of the following findings:~~

A. That the development application or building permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant.
B. That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations applicable to the development have been violated.

~~**Decision and Notice**. Within five (5) days of the conclusion of the hearing, the City Council will render a decision and will notify the holder of the permit or license of the decision and any other person who has filed a written request for notice.~~

~~**Effect**. A decision to revoke a development permit or license will become final five days after the date notice of the decision was given. After the effective date, all activities under the permit will be in violation of this ordinance.~~

SECTION 2: **REPEAL** "15.03.030 Certificate Of Occupancy" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.030 Certificate Of Occupancy~~ *(Repealed)*

~~The Building Inspector will issue a certificate of occupancy to the effect that the use of a building or premises will conform to provisions of this Ordinance and related ordinances. A certificate of occupancy will constitute evidence that work covered in a building permit has been completed to the extent that occupancy is in compliance with this Ordinance. Occupancy or use of a building without obtaining an occupancy permit will constitute a violation of this Ordinance. No certificate of occupancy will be issued permitting the use or occupation of any structure or premises unless:~~

A. The construction of the approved building has been fully completed and accomplished; and
B. Payments of all applicable fees, charges and other requirements have been made and any conditions for the establishment of the use or structure have been met.

SECTION 3: **REPEAL** "15.03.040 Other Permits Or Licenses" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.040 Other Permits Or Licenses~~ *(Repealed)*

~~All officials and public employees of Ballard City who are vested with the duty or authority to issue permits or licenses will conform to the provisions of this Ordinance and will issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Ordinance. Any permits or licenses so issued will be null and void.~~

SECTION 4: **REPEAL** "15.03.050 Compliance With Title" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.050 Compliance With Title~~ *(Repealed)*

~~Any permit that is granted in violation of this Ordinance will be null and void. The issuance of a building permit by Ballard City does not permit the owner to violate restrictive covenants effective as to the property or lot. It will be the responsibility of the owner to adhere to restrictive covenants and any violation of covenants can be remedied as indicated in the restrictive covenants.~~

SECTION 5: **REPEAL** "15.03.060 Inspection" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.060 Inspection~~ *(Repealed)*

~~The Building Inspector is 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 Building Inspector or any authorized employee of Ballard City will have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; 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. The Building Inspector may order the construction, erection, reconstruction or alteration to cease immediately by issue of a stop order on a form to be approved by the City Council. Any person who willfully continues to construct, reconstruct, erect or alter after having received notice of the stop order, unless authorized by the Building Inspector, will, upon conviction, be guilty of a Class C misdemeanor, for each day that the person continues to construct, reconstruct, erect or alter on the premises.~~

SECTION 6: **REPEAL** "15.03.080 Penalty" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.080 Penalty~~ *(Repealed)*

~~Any person violating or causing or permitting the violation of the provisions of this Ordinance will be guilty of a Class C misdemeanor, and the person will be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, or continues by the person.~~

SECTION 7: **REPEAL** "15.03.090 Changes And Amendments" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.090 Changes And Amendments~~ *(Repealed)*

~~This Land Use Ordinance, including the Zoning Map, may be amended from time to time by the Ballard City Council, after the Ballard City Planning Commission gives a fifteen (15) day notice and a public hearing. Ballard City Council and the land use authority, schedules and conducts a public meeting. All proposed amendments should be first submitted to the Ballard City Planning Commission for its recommendation and public hearing. The Ballard City Council may overrule the Ballard City Planning Commission's recommendations by a majority vote of its members.~~

SECTION 8: **REPEAL** "15.03.120 Entrance Upon Land" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.03.120 Entrance Upon Land~~ *(Repealed)*

~~Ballard City municipality and Planning and Zoning Commission Members 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. Utah Code Section 10-9a-303.~~

SECTION 9: **REPEAL** "15.05.080 Quorum And Voting" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.05.080 Quorum And Voting~~ *(Repealed)*

~~A quorum will consist of two members and a chairperson or chairperson pro tem. Evidence will not be presented unless a quorum is present. A majority vote will consist of at least a majority of members present. The concurring vote of three members of the Board of Adjustment will be necessary to reverse any order, requirement or determination of the administrative official, or to decide in the favor of the application, any matter upon which it is required to pass under this Ordinance, or to effect any variation in the provisions of this Ordinance.~~

SECTION 10: **REPEAL** "15.06.200 Zone Changes" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.06.200 Zone Changes~~ *(Repealed)*

A. **Purpose**. All Zone changes will be in accordance with the General Land Use Plan of Ballard City. All properties making application for a Subdivision (either a Minor of Major Subdivision) must be have a Zoning designation which is consistent with the Subdivision application being made. No Subdivision Application will be considered unless the property being proposed to be subdivided is Zoned appropriately. All Planned Development Zones must be presented at a public hearing and approved by the Planning and Zoning Commission and by the Ballard City Council.
B. **Application and Fees**. The owner of any property wishing to be considered for a Zone Change will submit a completed and signed application to the Ballard City Office. The application must include the appropriate fee as set by the Ballard City Council. No Zone Change application will be scheduled for the required Public Hearing until all required Public Notice requirements have been met. The application will include a statement describing the purpose of the proposed Zone Change and that the proposed change is consistent with the Ballard City General Plan.
C. **Plan Submittals**. The applicant will submit one (1) exhibit showing the boundary of the property and Tax Identification Number being considered, together with a complete legal description, prepared by a licensed Land Surveyor. The application will include a statement describing the purpose of the proposed Zone Change and that the proposed change is consistent with the Ballard City General Plan. The completed application, fee and related information must be submitted at least fifteen (15) days prior to a regularly scheduled Planning and Zoning meeting, however, no Zone Change application will be scheduled for the required Public Hearing until all required Public Notice requirements have been met.

D. **Planning Commission and City Council Review**. Upon receipt of all required information the Planning Commission will review the application and related information at its regularly scheduled meeting. The Planning Commission may require additional information, data or studies to be provided before any recommendations to the City Council is given. After receiving appropriate public input and upon review of all related materials the Planning Commission may recommend approval, denial or table the matter for further consideration. If the Planning Commission denies the application it will state the reasons for denial as it relates to noncompliance with the City regulations or questionable or undesired effects on the City. Upon receipt of the Planning Commission's recommendations the Ballard City Council will hold an additional Public Hearing and will review all findings of the Planning Commission and will either approve, deny or table the application it additional information is required in order to determine the final decision regarding the application. For all approved Zone Change applications, the Ballard City Council will approve an Ordinance identifying the parcel by an approve legal description and related Tax Identification Number. The approved Ordinance will be noticed as outlined by State Code. A copy of the final signed Ordinance will be submitted to Uintah County Assessor's office and the Ballard City Zoning Maps and records will be update showing the approved Zone Change.

E. **Future Zones Changes of Split Zone Properties**. Future zoning district changes that do not involve split zoned parcels or property will not create split zoned parcels or property. Any zoning district changes involving split zoned parcels or property will seek to follow legal parcel boundaries when aligning new district boundaries when at all possible.

SECTION 11: **REPEAL** "15.08.010 Issuance And Purpose" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.010 Issuance And Purpose~~ *(Repealed)*

~~Conditional Use permits may be issued as provided by this Ordinance for any of the uses for which a Conditional Use permit is required as identified in the Table of Uses and the General Requirements and Property Development Standards. A Conditional Use Permit may also be issued for any Permitted Use which requires or has requested special considerations, waivers or exemptions by Ballard City. A conditional use permit will be approved if reasonable conditions are proposed or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed land use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use permit may be denied.~~

SECTION 12: **REPEAL** "15.08.020 Application Requirements" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.020 Application Requirements~~ *(Repealed)*

~~All requests for a Conditional Use permit will be made on the application form provided by Ballard City detailing the nature of the Conditional Use request. The applicant will also provide the necessary information identified for the submission and review of a plat, site plan and related site engineering plans or building permit whichever is applicable. The Site engineering plans must meet all requirements of the Standard Specifications and Plans as adopted by Ballard City and at a minimum show the site grading, drainage, utilities, fire protection plan, parking and access, sanitary sewer, culinary and secondary water systems, together with a Landscape Plan. The Ballard City Planning Commission will call a public hearing on any application for a conditional use permit after adequate notice has been given for such. Notice for Public Hearing will be published in the local paper and written notices will be certified mailed to each property owner within five hundred (500) feet of the property being considered for a conditional use at least fourteen (14) calendar days prior to such public hearing. Such notices will state the purpose of the hearing, address of property requesting conditional use, the type of use being considered, and the date, time and location of the hearing. The Planning Commission will take action on the application by the second regular meeting of the Ballard City Planning Commission after the application filing date. The Ballard City Council, following the receipt of a Ballard City Planning Commission recommendation is authorized to render a final decision on the issuance of a Conditional Use permit.~~

SECTION 13: **REPEAL** "15.08.030 Conditions For Approval" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.030 Conditions For Approval~~ *(Repealed)*

~~The Ballard City Planning Commission, in approving a Conditional Use Permit application may impose requirements, and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items for the Conditional Use Permit as deemed necessary for the protection of adjacent properties and the public interest. All Conditional Use applications will include the required Site Engineering drawings that adequately show the design for the required site improvements. The Ballard City Council may require guarantees or other evidence that such conditions will be met and complied with. The Planning Commission may set review dates and renewal dates for all Conditional Use Permits.~~

SECTION 14: **REPEAL** "15.08.040 Findings And Conditions" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.040 Findings And Conditions~~ *(Repealed)*

~~The Ballard City Planning Commission may recommend approval to a Conditional Use Permit in compliance with this Ordinance if, from the application and the facts presented at the public hearing, it finds:~~

A. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.
B. The proposed use will be located and conducted in compliance with the purposes of this Ordinance.
C. That the property on which the use, building or other structure is proposed is of

adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

D. All required site engineering plans have been submitted and reviewed and it has been determined that adequate site improvements have been made to meet the requirements of the conditional use and to eliminate any negative impacts to surrounding properties or the general public.
E. Does not propose any construction on any designated critical lands.

~~In approving a Conditional Use Permit, the Ballard City Planning Commission may impose conditions or restrictions as it deems reasonable and necessary to secure the purposes of the Ballard City General Plan and this Ordinance to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. These may include:~~

A. That the site will be suitably landscaped and maintained and that the design, setbacks fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.
B. That all buildings or other structures are designed to add to the quality of the area.
C. Provision of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.
D. The provision of required street and highway dedication and improvements and adequate water supply, sewage disposal and fire protection.
E. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.
F. The regulation of operating hours for activities affecting normal schedules and functions. Regulation of signs.
G. Identifying a time for regular review and monitoring as determined necessary by the Ballard City Council to ensure the use continues to operate in compliance with all conditions and requirements of approval.

SECTION 15: **REPEAL** "15.08.050 Revocation Of A Conditional Use Permit" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.050 Revocation Of A Conditional Use Permit~~ *(Repealed)*

~~If there is cause to believe that grounds exist for revocation of an approved Conditional Use permit due to the violation of the use permit, the Ballard City Council will hold a public hearing on the question of revocation of a Conditional Use Permit granted under the terms and the provisions of this Ordinance. A Conditional Use Permit may be revoked if the Ballard City Council finds that one or more of the following conditions exist:~~

A. The Conditional Use Permit was obtained in a fraudulent manner.
B. One or more of the conditions of the Conditional Use Permit have not been met.

SECTION 16: **REPEAL** "15.08.060 Expiration" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.08.060 Expiration~~ *(Repealed)*

~~Action authorized by a Conditional Use Permit must commence within one (1) year of the time the permit was issued. If the permit holder has not commenced action under the permit within this time, the permit will expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension will be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension. A conditional use runs with the land because it is an objective permit-it doesn't matter who owns it, but only that the conditions are fulfilled. There is nothing about a change in ownership that creates an objective change to the permit issues. That is not to say that a City must be indifferent to ownership. A condition of a permit for an environmentally challenging use, for example, could include a requirement that the permit holder demonstrate adequate financial responsibility to address any accidental hazardous condition that they may create. This might include proof of insurance; experience in the industry, a minimum capitalization ratio, or something along these lines. These conditions would then transfer to the new owner, who would also have to meet the same criteria in order to maintain the CUP.~~

SECTION 17: **REPEAL** "15.09 Development Applications And Procedures" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

15.09.010 Purpose

The development applications and procedures of this Ordinance are formulated and intended to protect the integrity and character of the residential and nonresidential areas of Ballard City through the application of the provisions of this Ordinance, consistent with the goals, policies and guidance of the Ballard City General Plan. Development applications and development review is structured to consider and determine if the development application should be approved by weighing the public need for and the benefit to be derived from the proposed use(s), building(s) or structure(s) against any associated negative impact(s).

15.09.020 Applicability

A development or building permit application will be required for all uses, intensification of uses, and construction or modifications for all properties located within Ballard City, as identified and attached in this ordinance. All development applications are to be presented to Ballard City on the application form(s) available from Ballard City. The type of development application to be presented to Ballard City for review and consideration is at the discretion of the applicant.

15.09.030 Application Forms

Ballard City will identify submittal requirements, instructions for completing forms and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications.

15.09.040 Permits Required

The standards and requirements of this Ordinance will apply to all uses or development activity located within Ballard City limits. No use or development activity may be commenced or undertaken unless all necessary approvals, permits and licenses have been issued in accordance with this Ordinance.

15.09.050 Development Applications; Initiation

An application for a required development approval, permit or license will be initiated by submitting the appropriate application(s) to Ballard City. All applications are to be processed in accordance with this Ordinance. All applications including:

A. Application for an Amendment to this Ordinance
B. Application for Preliminary and Final Site Plan Approval
C. Application for Preliminary and Final Subdivision Plat Approval
D. Application for Conditional Use Permit Approval
E. Application to the Board of Adjustment
F. and Application for Appeal

will be presented to Ballard City at least thirty (30) days prior to consideration by Ballard City Council, Planning Commission or Board of Adjustment, whichever is applicable.

15.09.060 Determination Of Application Completeness

After the receipt of an application, the Ballard City Administrator will determine whether the application is complete. If the Ballard City Administrator determines that the application is incomplete, the Ballard City Administrator will notify the applicant in writing, identifying the deficiencies of the application, including any additional information, which must be provided, and advising the applicant that no action will be taken by Ballard City until the deficiencies have been corrected. The Ballard City Council will review determinations of completeness made by the Ballard City Administrator if the applicant considers the determination to be in error.

15.09.070 Remedying Application Deficiencies

If the applicant fails to correct the specified deficiencies within thirty (30) days following notification of application deficiency by the Ballard City Administrator, the application for development approval, permit or license will be deemed withdrawn and will be returned to the applicant. All application fees will be refunded.

15.09.080 Payment Of Taxes And Charges Required

All development approvals may be conditioned so that no final plat or site plan document is recorded or building permit issued for the subject property until all delinquent taxes and charges have been paid to date of approval.

15.09.090 Scope Of Development Approvals

A. **Rights Conferred by a Development Permit**. Except as otherwise provided, the rights conferred by a development permit upon the filing of a complete application and approval by the Ballard City Council, Planning Commission, or Board of Adjustment will be limited to those rights granted in the applicable provisions of this Ordinance and any conditions attached to the development permit.
B. **Void Permits; Extensions**. A development permit will be considered void after one (1) year unless substantial construction or development has taken place; provided, however, that a longer period of time may be approved for a phased subdivision application or phased site plan application as set forth in the condition(s) attached to the preliminary plat or preliminary site plan or final plat or final site plan. A one (1)

year extension of a development permit may be granted by the Ballard City Council upon a finding that special circumstances exist that warrant an extension, including but not limited to a delay caused by a government review agency or a natural disaster.

15.09.100 Amendment To Development Permits

All proposed amendments to an approved application for a development approval, permit or license issued under the provisions of this Ordinance must be reviewed and approved again in accordance with the procedures established for the approval of the original development approval or development permit unless determined to be a minor revision under the provisions of this Ordinance.

15.09.110 Reapplication Following Denial

If an application for a development approval, permit or license is denied because of a failure to meet the requirements of this Ordinance and the denial is a final decision on the property, an application for all or a part of the same property will not be considered for a period of at least one (1) year from the date of denial unless the subsequent application is for a development that is materially different from the previously denied proposal, the prior denial was based upon a mistake of fact, or a motion is duly passed by the Ballard City Council to act immediately and identifies a valid public purpose.

15.09.120 Inspections

In order to review information relevant to an application, permit or license, the Ballard City Administrator, Planning Commission, Board of Adjustment or Ballard City Council may enter any public or private premises and make an inspection at any reasonable time, and for any proper purpose, and upon the permission of the owner.

15.09.130 Fee For Processing Development Applications

The Ballard City Council will establish, by resolution, a fee schedule for the processing and review of all applications, permits and licenses required by this Ordinance designed to recover the actual or anticipated costs of review and processing of the application. The fee schedule may be amended from time to time by a resolution of the Ballard City Council.

15.09.140 Applicant Notice

For each land use application, Ballard City will notify the applicant by certified mail of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

15.09.150 Minor Revisions To Development Permits And Construction Plans

These provisions are adopted to facilitate the review and approval by Ballard City of minor changes and revisions to an existing approved development permit, minor revisions to construction and improvement plans and the establishment of a new Permitted Use(s) within an existing building or structure already occupied by a Permitted Use. 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 Ballard City Administrator/Mayor 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
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 Ballard City Administrator/Mayor 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 Ballard City Administrator/Mayor 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 Ballard City Administrator/Mayor will notify the Ballard City Planning Commission and Ballard City Council at their next regular meeting of actions taken by the Ballard City Administrator in approving or denying minor revision applications. The Ballard City Administrator/Mayor's decision will be final upon the close of the Ballard City Planning Commission meeting at which notification occurred.

15.09.160 Appeal Of City Of Ballard Administrator/Mayor Decision For Minor Revisions

Any person aggrieved by a decision of the Ballard City Administrator/Mayor concerning a decision for a minor revision may file an appeal of the Ballard City Administrator's/Mayor's decision with the Board of Adjustment, with a minimum of seven (7) days notification provided by the Ballard City Administrator/Mayor to members of the Ballard City Planning Commission and Ballard City Council. The Ballard City Administrator/Mayor will forward all materials and records on the matter to the Board of Adjustment.

~~15.09 Development Applications And Procedures~~ *(Repealed)*

~~15.09.010 Purpose~~ *(Repealed)*

~~15.09.020 Applicability~~ *(Repealed)*

~~15.09.030 Application Forms~~ *(Repealed)*

~~15.09.040 Permits Required~~ *(Repealed)*

~~15.09.050 Development Applications; Initiation~~ *(Repealed)*

~~15.09.060 Determination Of Application Completeness~~ *(Repealed)*

~~15.09.070 Remedying Application Deficiencies~~ *(Repealed)*

~~15.09.080 Payment Of Taxes And Charges Required~~ *(Repealed)*

~~15.09.090 Scope Of Development Approvals~~ *(Repealed)*

~~15.09.100 Amendment To Development Permits~~ *(Repealed)*

~~15.09.110 Reapplication Following Denial~~ *(Repealed)*

~~15.09.120 Inspections~~ *(Repealed)*

~~15.09.130 Fee For Processing Development Applications~~ *(Repealed)*

~~15.09.140 Applicant Notice~~ *(Repealed)*

~~15.09.150 Minor Revisions To Development Permits And Construction Plans~~ *(Repealed)*

~~15.09.160 Appeal Of City Of Ballard Administrator/Mayor Decision For Minor Revisions~~ *(Repealed)*

SECTION 18: **REPEAL** "15.11.150 Fences Required Around All Swimming Pools And Pool Areas" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

~~15.11.150 Fences Required Around All Swimming Pools And Pool Areas~~ *(Repealed)*

~~All permanent swimming pools and pool areas must be completely surrounded by a fence or wall having a height of at least six (6) feet. No openings larger than thirty-six (36) square inches, except for gates, which will be equipped with self-closing and self-latching devices, will be provided.~~

SECTION 19: **REPEAL** "15.15 Moving Of Buildings" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

15.15.010 Purpose

These provisions are designed to facilitate and manage the moving of buildings and structures within Ballard City and to establish necessary requirements for the moving of buildings and structures.

15.15.020 Application Required

An application for the moving of buildings will be filed with Ballard City.

15.15.030 Approval Procedures

An application for the moving of buildings will be reviewed and approved by the Ballard City Administrator and Ballard City Building Official. In considering the request for the moving of buildings, the Ballard City Administrator and Ballard City Building Official will consider the following, among other items, and find:

A. That the building will have no material negative effect on the surrounding area and property values in the area to which the building is to be moved
B. The building is in conformity with the type and quality of the buildings existing in the area to which the building is to be moved
C. That the building and the property on which the building is proposed to be located comply fully with all the provisions of this Ordinance and all applicable Building Codes
D. The building and its proposed location does not in any way adversely affect existing buildings, uses or property in the area
E. That all approvals, dedications and improvements required by Ballard City are provided in conformity with the standards of this Ordinance and other applicable Ordinances

Upon finding of compliance with the items listed and any other items deemed necessary, the Ballard City Administrator and Ballard City Building Official may approve the application for the moving of buildings.

15.15.040 Permits And Guarantees Required

Before building permits can be issued, and as a condition of approval of the application for the moving of buildings, the Ballard City Administrator and Ballard City Building Official may require the applicant to post a bond as determined necessary to adequately cover the installation of all improvements required by Ballard City in approving the application.

15.15.050 Certificates Of Occupancy

Prior to the issuance of any certificate of occupancy, the Ballard City Building Official will ensure that the building complies with all requirements of this Ordinance, Ballard City's adopted Building Codes and other codes as adopted by Ballard City and will require that all conditions of approval of the application for the moving of buildings have been complied with.

15.15.060 Restoration Of Old Sites

When the site to be vacated by the moving building or structure is located within Ballard City, the Ballard City Administrator and Ballard City Building Official will require a bond, or all costs associated with the restoration of the vacated site to a safe and sightly condition.

~~15.15 Moving Of Buildings~~ *(Repealed)*

~~15.15.010 Purpose~~ *(Repealed)*

~~15.15.020 Application Required~~ *(Repealed)*

~~15.15.030 Approval Procedures~~ *(Repealed)*

~~15.15.040 Permits And Guarantees Required~~ *(Repealed)*

~~15.15.050 Certificates Of Occupancy~~ *(Repealed)*

~~15.15.060 Restoration Of Old Sites~~ *(Repealed)*

SECTION 20: **AMENDMENT** "15.01 Title, Purpose, Declaration Of Intent And Effective Date" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01 Title, ~~Purpose, Declaration Of Intent And Effective Date~~Authority

SECTION 21: **AMENDMENT** "15.01.010 Title" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.010 Title And Authority

A. This o~~O~~rdinance 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.

SECTION 22: **AMENDMENT** "15.01.020 Purpose" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.020 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 ~~Ballard~~ the City's residents. Also for promoting the prosperity, improving the morals, peace and good order, comfort, convenience and aesthetics of ~~Ballard~~ 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 ~~Ballard~~ 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 23: **AMENDMENT** "15.01.030 Authority" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.030 ~~Authority~~Effect Of Adopted Master And General Plans

~~The Ballard City Council, Ballard City, Utah adopts this Ordinance as the Municipal Land Use Development and Management Act, Title 10, Chapter 9a, of the Utah Code as required and other authorities and provisions of Utah statutory and common law that are applicable.~~ All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions. Amendments to the text of this ordinance shall be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plans or general plans of the City.

SECTION 24: **AMENDMENT** "15.01.040 Interpretation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.040 Enactment Of Ordinances, Resolutions And Development Agreements; Interpretation

A. To accomplish the purposes of this title, the City may enact all ordinances, resolutions,

and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

B. In interpreting and applying this Ordinance, the requirements in this document are minimum requirements.

SECTION 25: **AMENDMENT** "15.01.050 Conflict" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.050 Conflict

This Ordinance will not replace more restrictive requirements of covenants, agreements or other ordinances or laws, but will be used whenever other requirements are less restrictive. If a court of competent jurisdiction declares any section, requirement, sentence or clause of this ~~O~~ordinance unconstitutional, that decision will not impair the remainder of this Ordinance, which will remain in full force and effect.

SECTION 26: **AMENDMENT** "15.01.060 Repeal Of Previous Ordinances, Maps And Effective Date" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.01.060 Repeal Of Previous Ordinances, Maps And Effective Date

Existing ordinances dealing with zoning, in their entirety and including the maps are now replaced and amended to read as set forth in this document; provided however, that this ~~O~~ordinance, including the attached ~~M~~map, will be seen as a continuation of previous ordinances and not a new ordinance. This ~~O~~ordinance will be used to interpret all questions relating to construction, tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates when uses, buildings or structures became conforming or nonconforming.

SECTION 27: **ADOPTION** "15.01.070 Guidelines And Checklists" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.01.070 Guidelines And Checklists*(Added)*

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.

SECTION 28: **ADOPTION** "15.01.080 Issuance Of Licenses And Permits" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.01.080 Issuance Of Licenses And Permits*(Added)*

A. All departments, officials, and public employees of the City who are vested with the duty or authority to issue permits or licenses shall ensure conformance to the provisions of this ordinance. They shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance.

B. Any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

C. The issuance of any permits by the City does not permit holders of said permits to violate restrictive covenants which may affect the subject property or lot. It shall be the responsibility of the permit holder to adhere to restrictive covenants. Violation(s) of restrictive covenants shall not be the City's responsibility to enforce, and may be remedied as indicated in the specific restrictive covenants.

SECTION 29: **ADOPTION** "15.01.090 Violation A Misdemeanor" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.01.090 Violation A Misdemeanor*(Added)*

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.

SECTION 30: **ADOPTION** "15.01.100 Validity" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.01.100 Validity*(Added)*

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.

SECTION 31: **ADOPTION** "15.02.010 Generally" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.02.010 Generally*(Added)*

A. Definitions outlined in Title 14, Subdivision Regulations, of the City's Code (as amended) are hereby adopted by reference and shall be construed to apply herein.
B. The words "shall", "must", or "will" are mandatory. The words "should" and "may" are permissive.
C. Words used or defined in one (1) tense or form shall include other tenses or derivative forms.
D. Words used in the singular shall include the plural and words used in the plural shall include the singular.
E. Words referencing a gender shall extend and be applied to the other gender and shall be considered gender neutral.
F. The word "includes" shall not limit a term to the specified examples, but is intended to provide guidance to be illustrative only.
G. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
H. The word "or" indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.
I. The words "either or" indicates that the connected terms, conditions, provisions or events shall apply singly but not in combination.

SECTION 32: **AMENDMENT** "15.02.010 Definitions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.02.~~010~~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.

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 ~~Ballard~~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.

~~Co~~**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 ~~Ballard~~ 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 ~~Ballard~~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 ~~Ballard~~ Planning Commission and ~~Ballard~~ 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~~municipality~~, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Condominium 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 ~~Ballard~~ Planning Commission and the ~~Ballard~~ 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: ~~Means a~~ 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 ~~u.s.c~~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: ~~A building or portion designated or used as the living quarters for one (1) or more families.~~- 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, ~~the structure~~- 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 ~~building arranged or designed to be occupied by more than two (2) families, but less than eight (8) families.~~-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.

~~E~~**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 operati~~ng~~on 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 ~~Ballard~~ Planning Commission or ~~Ballard~~ 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 ~~Ballard~~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.

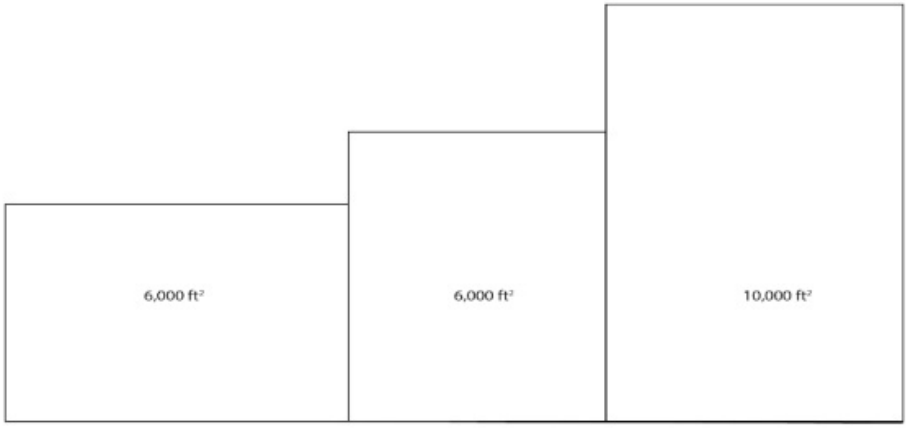
Lot Line, Side: The boundary of a lot, which is not, a front lot line or a rear lot line.

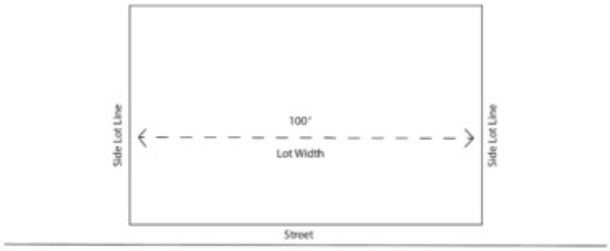
Lot of Record: A lot which is part of a legally created subdivision, the plat of which has been recorded in the office of the County Recorder of Uintah County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Uintah County prior to the enactment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

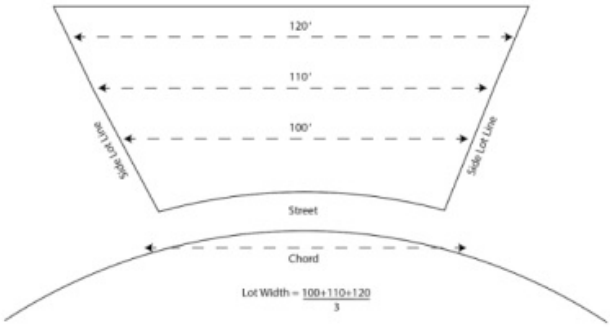
Lot, Through: A lot having a pair of opposite lines abutting two (2) streets and which is not a corner lot. On such lots, both lot lines are front lot lines.

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') ~~feet~~, 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 Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and when erected on site, the home must be at least 20 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Ballard City Building Codes, have a minimum roof pitch of 2:12, and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A Manufactured Home will be identified as real property on the property assessment rolls of Uintah County. All manufactured homes constructed on or after June 15, 1976, will be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.~~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 prior to June 15, 1976, in accordance with a state mobile home code, which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code). Also, is built on a permanent chassis, exceeds twelve feet (12') in width, and contains a flush toilet, sleeping accommodations, a tub or shower, kitchen facilities, plumbing and electrical connections for attachment to appropriate external systems. A mobile home is designed to be used as a year-round residence with or without a permanent foundation.The following are excluded from this definition:Travel trailers, motor homes, camping trailers, or other recreational vehicles; and Manufactured Homes.~~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.

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.

~~**Motor Home**: A vehicular unit, designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must contain permanently installed independent life support systems which meet the ANSI/NFPA 501C standard, and provide at least two (2) of the following facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply, 110/125 volt power, 12 volt power and/or LP gas supply.~~

Multiple-Family Residential: To provide appropriate locations for ~~apartment house neighborhoods. The regulations permit~~ 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-conforming Building or**~~**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 Trailer**: A vehicular unit which meets the following criteria: Built on a single chassis, mounted on wheels.Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances.Of such a construction as to permit persons without special skills using only hand tools which may include lifting, pulling and supporting devices to set up the unit.The gross trailer area of a single chassis when in the set-up mode is not to exceed four hundred (400) square feet.~~

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~~ of Ballard City~~.

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 type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, motorhome, fifth wheel, park trailer, and van.~~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 ~~f~~F~~or~~ Persons ~~w~~W~~ith~~ ~~a~~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 ~~Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.~~§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.

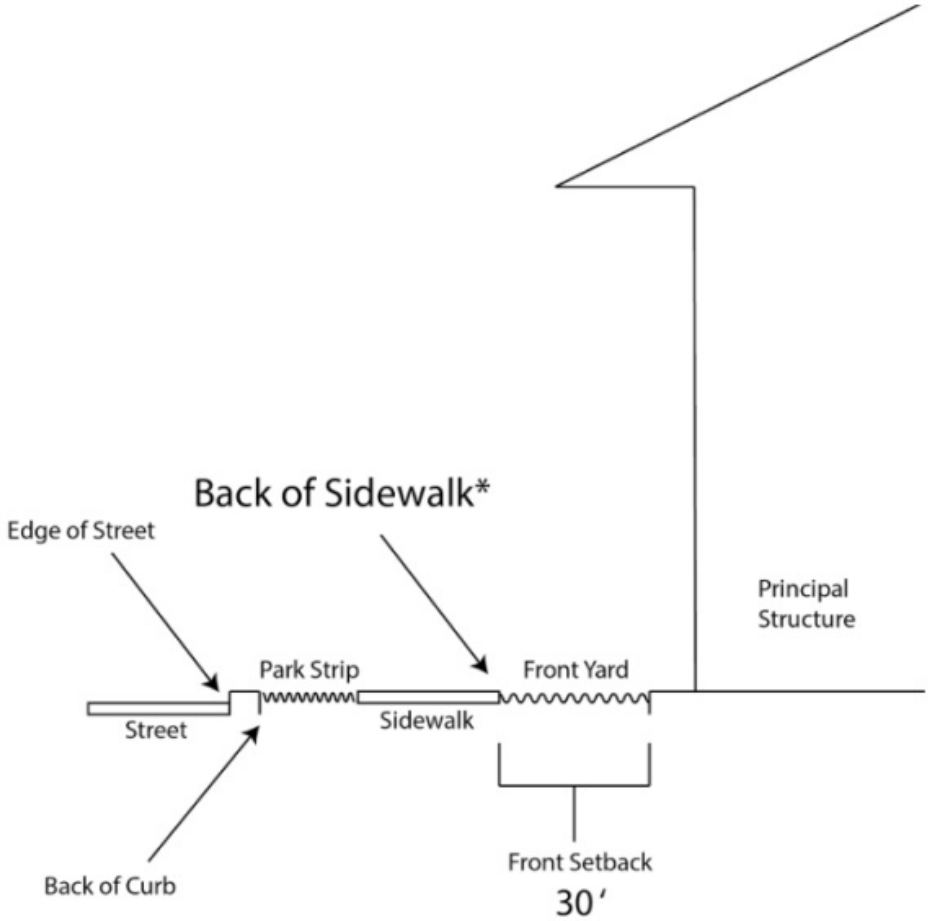
Retaining Wall: Will include any structure designed to resist the lateral displacement of soil or other materials, not including rockery walls. An example includes block walls, concrete walls, or a segmented wall designed and approved as a retaining wall.

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.

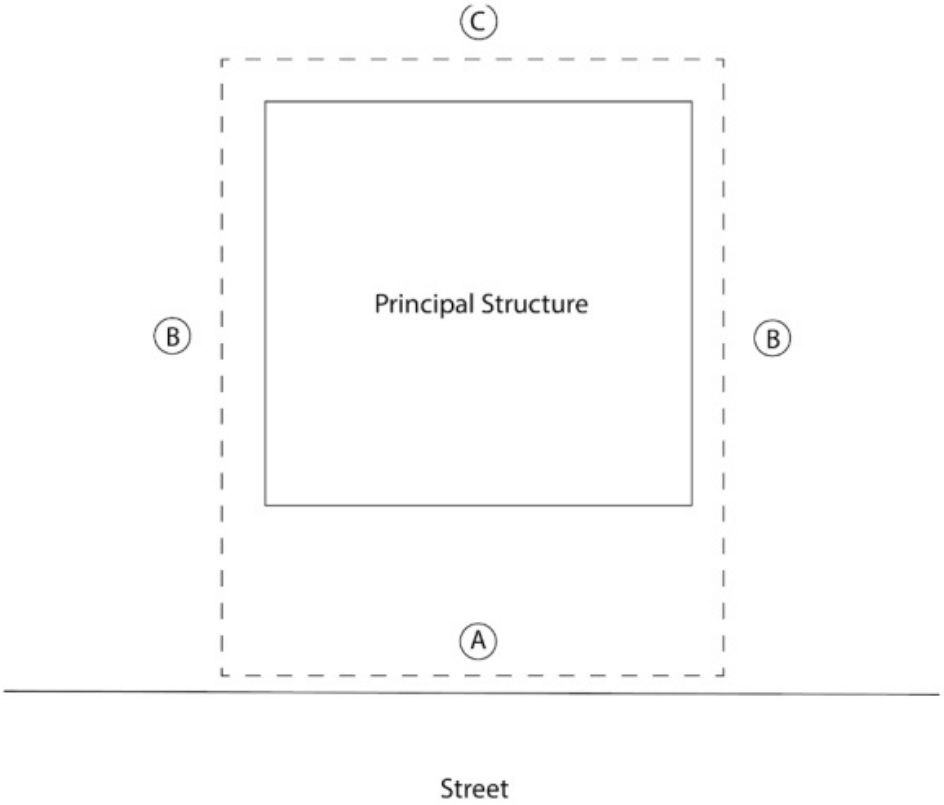
Road: A public or private thoroughfare, which affords a means of access to abutting property.

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.



* 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: ~~Nude or semi-nude entertainment business, adult theater, adult cabaret, adult motion picture theater, adult escort services, outcall services, adult bookstore or adult video store.~~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.

~~**Travel Trailer**: A vehicular portable unit, mounted on wheels of size or weight as not to require special highway movement permits when drawn by a motorized vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use and of a body width of no more than eight feet (8') and a body length of no more than forty feet (40') when factory equipped for the road.~~

~~**Travel Trailer Park**: Any parcel of land upon which three (3) or more travel trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation~~

Tiny House/Home: A dwelling that is four hundred square feet 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 tiny home constructed on a single chassis, mounted on axel(s) and wheels shall be considered a park model recreational vehicle.

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 ~~Ballard~~ City. 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 ~~Ballard~~ 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.

SECTION 33: **ADOPTION** "15.03.005 Designation Of Land Use Authority" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.005 Designation Of Land Use Authority*(Added)*

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	Land Use

Structures			Administrator	Hearing Officer
Variances / Appeals	N/A	N/A	City Council	District Court

SECTION 34: **ADOPTION** "15.03.010 Plain Language" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.010 Plain Language*(Added)*

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.

SECTION 35: **AMENDMENT** "15.03.010 Enforcement Official" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.03.~~010~~015 Enforcement Official

The ~~Ballard City Mayor~~Zoning Administrator is authorized as the enforcing officer for this o~~O~~rdinance 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. ~~Ballard~~The City Council may, by resolution or ordinance, from time to time give the responsibility of administration of this ~~O~~ordinance to another officer of ~~Ballard~~the City without amendment to this ~~O~~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 36: **ADOPTION** "15.03.020 General Application Requirements" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.020 General Application Requirements*(Added)*

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.

SECTION 37: **ADOPTION** "15.03.025 Abandoned Applications" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.025 Abandoned Applications*(Added)*

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.

SECTION 38: **ADOPTION** "15.03.030 Applicant Notice Required, Waiver Of Requirements" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.030 Applicant Notice Required, Waiver Of Requirements*(Added)*

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.

SECTION 39: **ADOPTION** "15.03.040 General Plan Amendments" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.040 General Plan Amendments*(Added)*

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.

SECTION 40: **ADOPTION** "15.03.050 Temporary Land Use Regulations" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.050 Temporary Land Use Regulations*(Added)*

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.

SECTION 41: **ADOPTION** "15.03.060 Zoning Map Changes And Zoning Text Amendments" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.060 Zoning Map Changes And Zoning Text Amendments*(Added)*

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.

SECTION 42: **ADOPTION** "15.03.070 Conditional Use Permits" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.070 Conditional Use Permits*(Added)*

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.

SECTION 43: **ADOPTION** "15.03.080 Site Plan Review" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.080 Site Plan Review*(Added)*

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 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 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.** 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 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 an 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. **City Council Adoption In Public Meeting**. The City Council shall review the proposed site plan application, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed site plan application. The City Council 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**. The applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this title, or as required by the Land Use Authority, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten percent (110%) of the estimated cost of all improvements. The guarantee shall assure the installation of improvements within one (1) year of the date of site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection.

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 15.3.070.

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.

SECTION 44: **ADOPTION** "15.03.090 Entrance Upon Land: Inspection" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.03.090 Entrance Upon Land: Inspection*(Added)*

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.

SECTION 45: **AMENDMENT** "15.03.070 Fees" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.03.~~070~~100 Fees

~~Fees may be charged for zone changes, building, occupancy and conditional use permits, design review and planned unit development approval, subdivision plat approval, Ballard City Planning Commission and Board of Adjustment hearings and other services as are required by this Ordinance to be performed by public officers or agencies.~~ 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 in amounts reasonably necessary to defray costs to the public.

~~Fees will be established by the City of Ballard Council by resolution and will be in amounts reasonably necessary to defray costs to the public~~.

SECTION 46: **AMENDMENT** "15.03.100 Exemptions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.03.~~100~~105 Exemptions

SECTION 47: **AMENDMENT** "15.03.110 City Council/Land Use Authority" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.03.110 City Council~~/~~ Responsibilities As A Land Use Authority

The ~~Ballard~~ City Council is appointed by this ordinance as ~~the~~a Land Use Authority and ~~will~~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~~of~~ the general plan, upon receiving the recommendations of the City's Planning Commission;
B. ~~To initiate amendments to the General Plan, and all elements of the general plan; T~~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 ~~Board of Adjustment~~ 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 48: **AMENDMENT** "15.04.010 Created" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.010 Created

~~There is now created a Ballard City Planning Commission per Utah Code Section 10-9a-301. The Ballard City Planning Commission will consist of five (5) members, and two (2) alternative members, each to be appointed by the Ballard City Mayor with the advice and consent of the Ballard City Council. The Ballard City Planning Commission should consist of members from various fields of expertise. The five members of the Ballard City Planning Commission will be residents of Ballard. Alternative members can only vote while filling the vacancy of a primary member~~

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 Mayor with the advice and consent of the City Council.
C. The Planning 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.~~.~~

SECTION 49: **AMENDMENT** "15.04.020 Terms Of Office" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.020 Terms Of Office

The terms of office for the ~~Ballard City~~ Planning Commission members will be four (4) years. The ~~Ballard City~~ Planning Commission members' terms will be staggered so that no more than two (2) members' terms will expire at the same time. Each member shall hold office until their successor is appointed and qualified.

SECTION 50: **AMENDMENT** "15.04.030 Compensation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.030 Compensation

The ~~legislative body~~City Council may fix per diem compensation for the members of the ~~p~~Planning ~~c~~Commission, based on necessary and reasonable expenses and on meetings actually attended.

SECTION 51: **AMENDMENT** "15.04.050 Rules Of Procedure" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.050 Rules Of Procedure

The ~~Ballard City~~ Planning Commission ~~can~~may adopt rules and procedures, as it may deem necessary for the proper conduct of its business. The ~~Ballard City~~ Mayor ~~will~~shall appoint a recording secretary to serve the ~~Ballard City~~ Planning Commission. The ~~Ballard City~~ Planning Commission ~~will~~shall keep a record of its proceedings~~;~~ andthe minutes will be the official record of all proceedings, attested to by a majority vote of the members of the ~~Ballard City~~ Planning Commission. This record ~~will~~shall be open to inspection by the public after ~~Ballard~~the City receives a written request and has an opportunity to schedule an appointment.

SECTION 52: **AMENDMENT** "15.04.060 Officers" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.060 Officers

A. The ~~Ballard City~~ Planning Commission ~~will~~shall elect a chairperson and chairperson or "chair" and vice chairperson or "vice chair" and such other officers as deemed necessary~~pro tem~~ 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. No member shall serve as Chair for more than two (2) consecutive terms. 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.

SECTION 53: **AMENDMENT** "15.04.070 Meetings" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.070 Meetings

The ~~Ballard City~~ Planning Commission ~~will~~shall conduct regularly scheduled meetings. ~~This~~These regularly scheduled meetings shall ~~will~~ be noticed on the City Administrative ~~b~~Building's bulletin board and during December of each year, the subsequent year's scheduled meetings ~~will~~shall be published in the local newspaper pursuant to State statutes.~~.~~ The ~~City Councilor and the chair of the~~ Planning Commission may call for special meetings. Special meetings may be requested by a majority vote of the Planning Commission or by the Chair. If a matter is postponed due to the lack of a quorum, the ~~c~~Chair ~~will~~shall reschedule the matter to the next available Planning Commission meeting. The Recording Secretary will notify interested parties and all members of the Planning Commission of the date of the continued meeting. All meetings of the ~~Ballard City~~ Planning Commission ~~will~~shall be open to the public.

SECTION 54: **AMENDMENT** "15.04.080 Quorum And Voting" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.080 Quorum And Voting

A. ~~A quorum will consist of two members and a chairperson or chairperson pro tem. Evidence will not be presented unless a quorum is present. A majority vote will consist of at least a majority of members present. If a quorum is lacking, the City Council Liaison to the planning commission may vote to make a quorum~~Three (3) members of the Planning Commission shall constitute a quorum. No meeting shall be called to order, nor may any business be transacted without a quorum being present. The Chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Planning Commission.
B. All actions of the Planning Commission shall require the vote of a majority of the total members of the Planning Commission. A majority vote of the Planning Commission shall consist of at least a majority of members present.
C. The Planning Commission shall transmit reports of its decisions and recommendations to the City Council. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council.
D. All decisions of the Planning Commission shall become effective on the date of the meeting when the decision is made, unless a different date is designated in the rules of the Planning Commission or the Planning Commission designates a different date when the decision is made.

SECTION 55: **AMENDMENT** "15.04.090 Employees" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.090 Employees

The ~~Ballard City~~ Planning Commission may, upon the approval of the ~~Ballard~~ City Council, employ experts and staff, including consultants and a secretary, and pay expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this ~~O~~ordinance; given, that expenditures may not exceed the amount appropriated for the operation of the ~~Ballard City~~ Planning Commission by the ~~Ballard~~ City Council.

SECTION 56: **AMENDMENT** "15.04.100 Vacancies And Removals For Cause" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~the Ballard City~~of the City Council. The Mayor with the consent of the ~~Ballard~~ City Council ~~will~~shall have the right to remove any member for nonperformance of duty. Nonperformance of duty will include a repeated failure to attend ~~Ballard City~~ Planning Commission meetings defined as an absence of three (3) consecutive meetings or twenty-five percent (25%) of meetings in a calendar year.

SECTION 57: **AMENDMENT** "15.05 Board Of Adjustment" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05 ~~Board Of Adjustment~~Land Use Hearing Officer

SECTION 58: **AMENDMENT** "15.05.010 Creation And Composition" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.010 Creation And Composition

There is hereby ~~now~~ created an appeal authority known and designed as the ~~Ballard City Board of Adjustment~~Land Use Hearing Officer (LUHO) of Ballard, Utah, to be appointed and to hold office as set forth hereunder, pursuant to ~~per Utah Code Section~~ §10-9a-701 of Utah State Code (as amended). The ~~Board of Adjustment~~LUHO shall ~~will~~ consist of one (1) member or a third party, to be appointed or contracted on an as-needed basis by the ~~Ballard~~ City Council~~;~~ T~~t~~he ~~Ballard~~ 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 ~~Ballard City~~ Planning Commission ~~can~~may serve ~~on the Board of Adjustment~~as the LUHO.~~.~~

SECTION 59: **AMENDMENT** "15.05.020 Compensation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.020 Compensation

The ~~Board of Adjustment~~LUHO will serve without compensation if a volunteer is appointed. If the ~~board~~ LUHO is a contracted third party the City Council ~~will~~shall approve and sign a contract that will determine compensation.

SECTION 60: **AMENDMENT** "15.05.040 Duties And Powers" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.040 Duties And Powers

The ~~Board of Adjustment~~LUHO shall have~~ has~~ the following powers:

A. **Appeals**. To hear and decide appeals where it is alleged that there was any type of error, requirement, decision or determination made by the administrative official in the enforcement of this ~~O~~ordinance.
B. **Exceptions**. To hear and decide special exceptions to the terms of this ~~O~~rdinance upon which the ~~Board of Adjustment~~LUHO is required to pass under this ~~O~~ordinance.
C. **Variances**. To authorize, upon appeal, a variance from the terms of this ~~O~~ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this ~~O~~ordinance will result in unnecessary hardship; provided that the spirit of this ~~O~~ordinance will be observed and substantial justice done. Before any variance may be authorized; however, it will be shown that:
    1. The variance will not substantially adversely affect the ~~Ballard~~ City's General Plan and that adherence to the strict letter of this ~~O~~ordinance will cause difficulties and hardship, the imposition of which is unnecessary in order to carry out the general purpose of the plan.
    2. Special circumstances are attached to the property covered by the application, which do not generally apply to other property in the same zone.
    3. That because of special circumstances, the property covered by application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right and that is possessed by other property in the same zone.
D. **No Authority.** The LUHO shall have no power, jurisdiction or authority to consider any of the following:
    1. To hear any amendments, waivers or modifications to any of the standards governing the approval of any general plan amendments, land use or subdivision amendments.
    2. To hear any amendments, waivers or modifications to the City's General Plan, any element, provision, or map thereof, or any provision or requirement of any land use or subdivision ordinance4, including zoning district maps and any other official maps.
    3. To make any decisions or determinations that would have the effect of authorizing a use which is not identified in the City's Tables of Land Uses as provided herein.
    4. To hear or decide on any matter or application not expressly identified herein.

SECTION 61: **AMENDMENT** "15.05.050 Rules Of Conduct" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.050 Rules Of Conduct

The ~~Board of Adjustment~~LUHO may adopt rules for the regulation of its procedures and the conduct of its duties not inconsistent with the provisions of this ~~O~~ordinance or of State law. Such rules, to become effective, will first be approved by the ~~Ballard~~ City Council.

SECTION 62: **AMENDMENT** "15.05.060 Meetings" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.060 Meetings

The ~~Board of Adjustment~~LUHO shall ~~will~~ conduct meetings as necessary. All meetings of the ~~Board of Adjustment~~LUHO are public hearings and will have a ~~fifteen~~ten (~~15~~10) day notice before the scheduled meeting.

SECTION 63: **AMENDMENT** "15.05.070 Appeals To Board" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.070 Appeals To Board

Appeals to the ~~Board of Adjustment~~LUHO may be taken by any person or by any officer; department, board or bureau of ~~Ballard~~ the City affected by any decision of the ~~Building Inspector or Ballard City Administrator regarding zoning.~~City and its officials or designees as outlined in this chapter. In exercising the above mentioned powers, the ~~Board of Adjustment~~LUHO may, in conformity with the requirements of this ~~C~~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.

SECTION 64: **AMENDMENT** "15.05.090 Judicial Review; Time Limitation" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.090 Judicial Review; Time Limitation

~~Ballard~~ The City or any person aggrieved by any decision of the ~~Board of Adjustment~~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, ~~in the office of the Board of Adjustment~~.

SECTION 65: **AMENDMENT** "15.05.100 Relief From Personal Liability" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.05.100 Relief From Personal Liability

Any City ~~Administrative~~ official, any member of the Planning Commission or the ~~Board of Adjustment~~LUHO who acts in good faith and without malice in their duties within the official capacity provided by ~~BMC 15.10~~this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the official will not be held liable for any costs in any action, suit, or proceedings that may be instituted by the official in the enforcement of this ordinance. Defense costs and insurance will be the responsibility of ~~Ballard~~ the City.

SECTION 66: **AMENDMENT** "15.06.010 Zoning By Districts" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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:

~~Agricultural A~~
~~Residential Agricultural RA~~
~~Single Family Residential R~~
~~Residential Multi-Family RM~~
~~Mobile Home MH~~
~~Planned Development PD~~
~~Commercial C~~
~~Industrial I~~
~~Open Space OpenSpace OS~~

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

SECTION 67: **AMENDMENT** "15.06.030 Uniform District Regulations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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~~BMC 15.08 Conditional Use Permits.

SECTION 68: **AMENDMENT** "15.06.080 Agricultural Zones (A-20, A-10, A-5)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 twelve (12) 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.

SECTION 69: **AMENDMENT** "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:

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.

SECTION 70: **<u>AMENDMENT</u>** "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:

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 ~~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.

SECTION 71: **AMENDMENT** "15.06.105 Accessory Dwelling Units" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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, ~~Title~~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 buil~~d~~t on a permanent foundation.
4. 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.
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 ~~Ballard~~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, ~~Ballard~~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. ~~Ballard~~The City will follow the process stated in ~~Utah State Code~~§10-9a-530 of the Utah State Code as amended.

SECTION 72: **<u>AMENDMENT</u>** "15.06.107 Residential Multi-Family Zones (RM-1, RM-2)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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.
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 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 ~~15.04.160~~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 73: **AMENDMENT** "15.06.110 Mobile Home Zone (MH)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.06.110 ~~Mobile Home~~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 ~~of mobile~~ home subdivisions, ~~mobile home parks,~~ recreational vehicle parks ~~and recreational vehicle subdivisions in a quality environment. Mobile home estates are not intended for isolated lots, but will be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as mobile homes only. The minimum zone site will be ten (10) acres~~.

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. ~~Mobile~~Tiny homes / tiny home subdivisions ~~parks.~~
7. ~~7.~~

~~Mobile home subdivisions.~~

8. Neighborhood / City park.
9. Public utilities and facilities.
10. Recreational vehicle parks.
11. School, public or charter.
12. Tiny home communities.
13. ~~Site built homes within a mobile home subdivision. The design, height, and size will be compatible with the existing units and will be approved by the community development department prior to obtaining a building permit.~~Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone.

~~14. 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~~6,000~~	5~~6~~0 ft.	~~2~~30 ft.	~~8 ft and~~ 10 ft.	10 ft.
Recreational Vehicle Parks	5 Acres	N/A	25 ft.	-10 ft.	10 ft.
Tiny Home Communities	5 Acres	N/A	25 ft.	10 ft.	10 ft.

F. **Modifying Regulations for Medium High Residential Zone (MH) ~~Mobile Home~~ 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~~The side yard setback on a street side yard will be the same as a front yard setback~~.
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 ~~residence~~dwelling may be built to the property line and may also be built in the side yard; provided, that:
   a. ~~1) t~~The roof will not project across the property line;
   b. ~~2) s~~Storm water runoff from the building will not run onto adjacent property; and
   c. ~~3) a~~All corner lots will maintain thirty foot (30') ~~front yard~~ setbacks on all

street sides; requirement on both streets.

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 private garages and accessory buildings will not exceed one thousand (1,000) square feet in size unless a larger building is approved by the planning commissionbe 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.**Distance of Homes**. No mobile homes on adjacent lots will be closer together than fifteen feet (15').

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').**Skirting**. All mobile homes will be skirted with a decorative masonry, block or brick skirting, or a continuation of the facing material of the home.

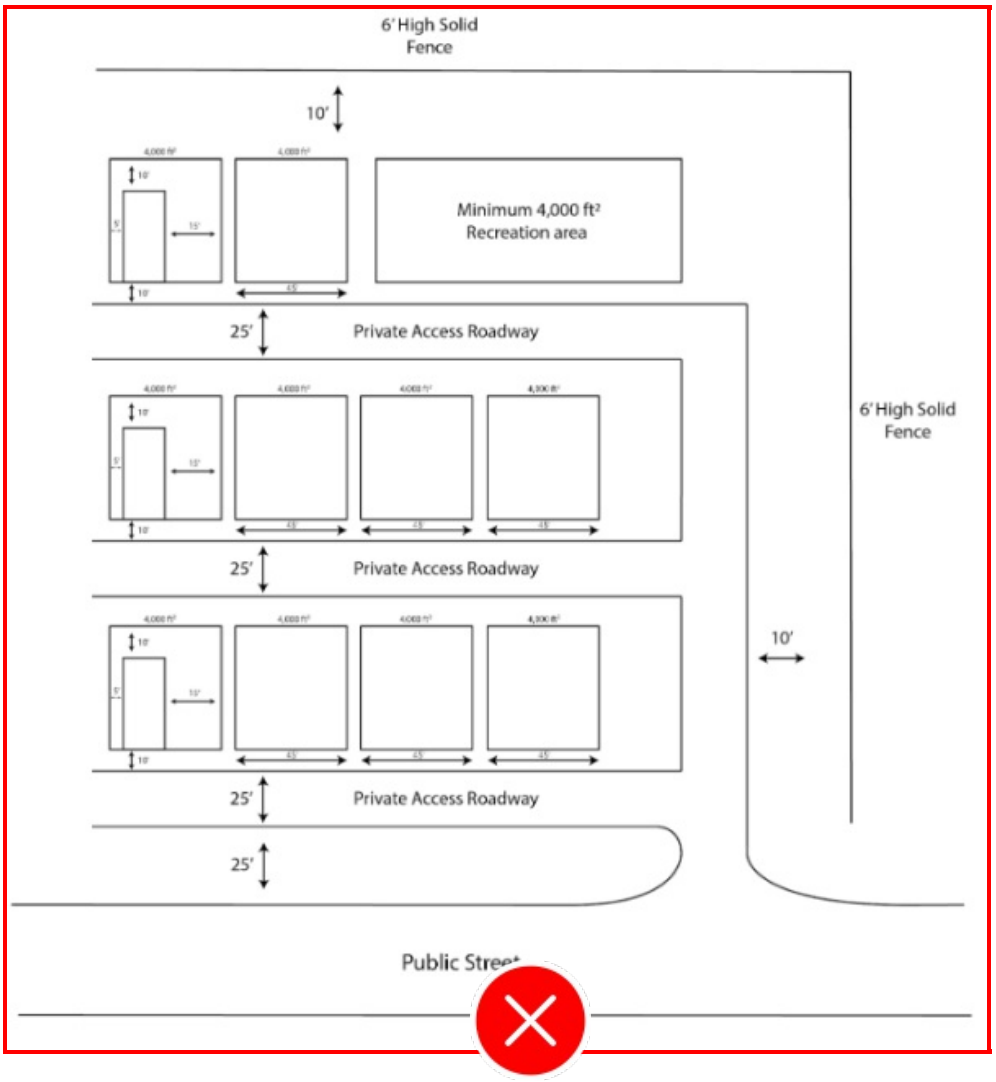
5. **Trash, Junk, Inoperable Vehicles, Vessels, and Similar Materials.** No trash, rubbish, weeds or other combustible material will be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar materials will be stored or allowed to remain on any lot in any residential zone.**Removal Of Wheels; Placement on Foundation**. Each home in the subdivision must have wheels removed and must be placed on a foundation to City standards.

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.**Building Standards**. Each mobile home located in a mobile home subdivision must be at least twelve feet (12') in width, must comply with the 1976 HUD manufactured housing standards, and will have affixed to it a metal tag certifying such compliance. No recreational vehicle or travel trailer will be used as a residence in a mobile home subdivision.

G. **Mobile Home Park Development Standards**

1. ~~**Minimum Size**. Each mobile home park will have a minimum size of five (5) acres~~.
2. ~~**Access Roads**. Each mobile home park will be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25') in width to serve each mobile home space and parking area. The paved access road material will be minimum of 4" for concrete and 2" for bituminous asphalt but in no case will 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 will be bounded by a concrete curb constructed to City specifications.~~
3. ~~**Access**. Access to all mobile home parks will be from a dedicated and approved public street at an approved access point or points. No mobile home space will have direct access from a public street. Any access road connecting two (2) or more public streets will be arranged to prohibit or discourage through traffic.~~
4. ~~**Off Street Parking**. Hard surfaced (asphalt or concrete) parking spaces will be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each mobile home space.~~
5. ~~**Recreation Space**. Recreation space will be provided for each mobile home park having ten (10) or more units and will be maintained for such use. A minimum usable area of four thousand (4,000) square feet will be set aside and developed for recreation in each mobile home park having at least ten (10) units with two hundred (200) square feet additional space for each unit above ten (10) units.~~
6. ~~**Mobile Home Space; Density**. Each mobile home space will have a minimum of four thousand (4,000) square feet and a minimum width of forty five feet (45'). No mobile home park will exceed a density of seven (7) units per acre.~~
7. ~~**Stands or Pads**. A mobile home stand or pad will be provided for each mobile home unit. Said pad will be free from weeds or debris, and soil will be sterilized prior to locating mobile home on pad.~~
8. ~~**Minimum Yard Clearance for Mobile Home Park**. Each mobile home will have the following minimum yard clearances~~
    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');~~

9. ~~**Minimum Yard Clearances for Mobile Home Space**. Each mobile home will have the following minimum yard clearances, which may also be included in and a part of the setbacks required in this section~~
    a. ~~Front yard on a private street or access road~~
    b. ~~Ten feet (10') to back of curb;~~
    c. ~~Side yard on main door side of mobile home: Fifteen feet (15');~~
    d. ~~Side yard on "no access" side of mobile home: Five feet (5');~~
    e. ~~Rear yard: Ten feet (10');~~
    f. ~~No two (2) mobile homes will be closer than fifteen feet (15');~~
    g. ~~A noncombustible awning may be installed in the side yard areas to within two feet (2') of the property line or rental space boundary line.~~
10. ~~**Utilities Required**. All sewage waste will be required to make connection with public sewer facilities. All utilities will be located underground. All buildings, electrical, plumbing and fire protection construction will comply with state and City construction standards and codes.~~
11. ~~**Walls and Fencing**. Properties within mobile home zones will comply with BMC 15.06.160, "Walls and Fences~~".


6' High Solid Fence
10'
Minimum 4,000 ft²
Recreation area
25'
Private Access Roadway
6' High Solid Fence
25'
Private Access Roadway
10'
25'
Private Access Roadway
25'

H. **Recreational Vehicle Park/Subdivision Development Standards**

1. **Minimum Size**. Each recreational vehicle park/subdivision wihtin the Medium High Residential Zone (MH) shall~~will~~ have a minimum size of five (5) acres.
2. **Access Roads**. Each recreational vehicle park~~/subdivision will~~shall be provided with a hard surface (concrete or hot bituminous asphalt) roadway of at least twenty five feet (25') in width (12') ~~feet~~ wide for one-way streets). to serve each recreational vehicle within the park ~~and~~including parking areas. The paved access road material shall~~will~~ be a minimum of four inches (4") for concrete and two inches (2") for bituminous asphalt but in no case shall~~will~~ be less than required by the Geotechnical study for the site or by the Standard Specifications and Plans as adopted by the~~Ballard~~ 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 parks~~/subdivisions will~~shall be from a dedicated and approved public street at an approved point or points. No Recreational Vehicle space shall~~will~~ 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 ~~parking spaces~~ which meets the adopted s~~S~~tandard s~~S~~pecifications ~~and Standards~~ for Ballard City, One (1) parking space shall ~~will~~ be provided for the parking of each recreational vehicle located in the ~~RV~~ park~~/subdivision~~ and at least one (1) parking space shall be provided for an associated ~~-~~automobile for each ~~R~~recreational ~~V~~vehicle space or lot.

5. **Recreation Space**. Recreation space shall~~will~~ be provided for each ~~RV~~recreational vehicle park~~/subdivision~~ having ten (10) or more units and shall~~will~~ be maintained for such use. A minimum usable area of four thousand (4,000) square feet shall~~will~~ be set aside and developed for recreation in each recreational vehicle park~~/subdivision~~ with an additional one hundred square feet (100) ~~square feet~~ provided for each unit in excess of ten (10) units.
6. **Density**. The maximum density for a recreational vehicle park~~/subdivision~~ within the Medium High Residential Zone (MH) zone shall ~~will~~ not exceed sixteen (16) units per gross acre.
7. **Spaces**. Each recreational vehicle parking space shall~~will~~ 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~~will~~ be able to park in designated spaces, and no portion of a recreational vehicle shall over hang into a required driveway or roadway ~~may be used for recreational vehicle parking~~.
8. **Permitted Vehicles**. Only ~~"~~recreational vehicles~~"~~, ~~"~~travel trailers~~"~~, ~~"~~motor homes~~"~~ and ~~"~~park model units~~trailers"~~, may be located in a~~n RV~~recreational vehicle park~~/subdivision, unless otherwise approved as a part of the conditional use permit for the development~~.
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~~RVs will maintain at least~~ ten foot (10') spacing between units when recreational vehicles are fully expanded.

10. **Utilities Required**. Each recreational vehicle parking space shall~~will~~ have connections available for water, sewer and electricity. All utility connections shall~~will~~ be located underground. All recreational vehicle parks~~/subdivisions will~~shall be required to connect~~ed~~ to ~~a~~ public sewer facilities ~~system~~ including~~for~~ 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. **Service Building**. All recreational vehicle parks/subdivisions will contain a service building containing all sanitary facilities required by the Utah state department of health code of recreational vehicle, camper or trailer court sanitation regulations and will provide a dump station for dependent recreational vehicles.~~

12. **Outdoor Living Space**. Each recreational vehicle parking space shall~~will~~ be provided with a minimum of three hundred square feet (300 sq. ft.) ~~square feet~~ of "outdoor living" space located adjacent to the recreational vehicle parking space. Said outdoor living space shall~~will~~ be maintained in a clean and weed free manner and shall~~will~~ 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.

~~13. **Additions and Awnings**. All room additions, awnings or exterior space covers will be regulated by the international building code in effect at the time of construction. All room additions will be structurally independent of the recreational vehicle itself, but may be attached to the recreational vehicle. In no case will the RV or the addition be closer to an adjacent RV than ten feet (10'), nor closer than five feet (5') to an interior property line. No addition or enclosure will exceed four hundred twenty five (425) square feet of total floor area. The maximum allowed size of a dwelling unit within an RV park will not exceed eight hundred twenty five feet (825') of total floor area.~~

14. **Walls and Fencing**. ~~Properties within mobile home zones will~~Recreational vehicle parks developed within the Medium High Residential Zone (MH) shall comply with BMC 15.06.160, "Walls and Fences".
15. **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.
16. **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.
17. **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.

I. **Tiny Home Community Development Standards**

1. **Minimum Size**. Each tiny home community within the Medium High Residential Zone (MH) shall have a minimum size of five (5) acres.
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 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**. 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. The owner shall notify the City in writing of any modification to the
    c. responsible agent within five (5) days of any such notification.

SECTION 74: **AMENDMENT** "15.06.120 Planned Development Zone (PD)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.06.120 Planned Development Zone (PD)

~~See BMC 15.06.070.~~

SECTION 75: **AMENDMENT** "15.06.130 Commercial Zones (C-1, C-2, C-3)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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~~C~~	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	~~P~~	N~~P~~
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 BMC 15.08.

D. **Area, Setback and Height Requirements**

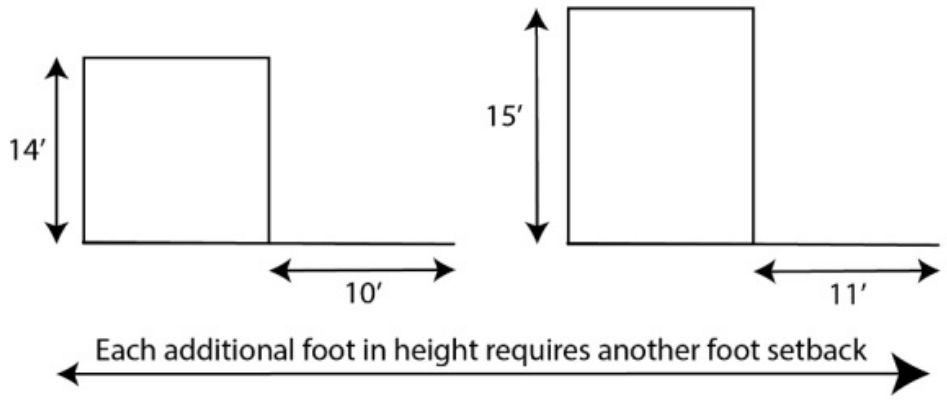
1. Lot Areas and Setbacks

	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.

2. **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.



3. **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.

4. **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

E. **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 employee's of the business. All paved areas will comply with the Standard Specifications and Plans as adopted by ~~Ballard~~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 ~~BMC t~~he subdivision ordinance ~~15.04.160~~(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.

F. **Landscaping**. Properties within commercial 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 15.06.1~~8~~70.
H. **Walls and Fencing**. Properties within commercial zones will comply with BMC 15.06.160, "Walls and Fences".

SECTION 76: **AMENDMENT** "15.06.140 Industrial Zones (I-1, I-2, I-3)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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	C	N	N

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
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 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 ~~Ballard~~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

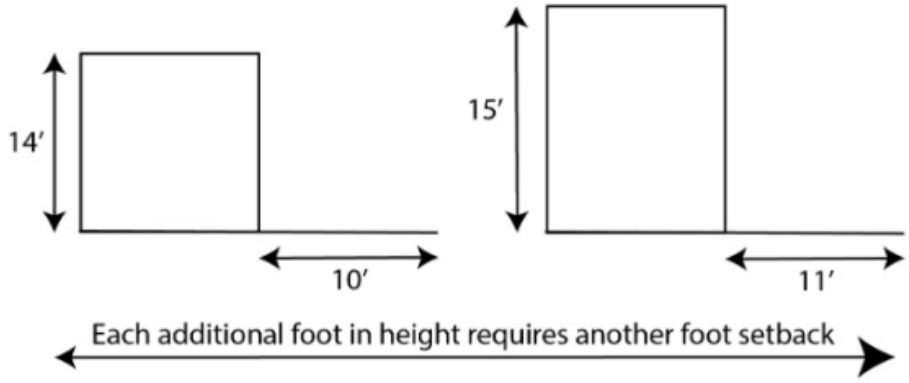
E. **Area and Setback Requirements**

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~~I~~ 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 15.06.178~~8~~0.
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.

SECTION 77: **AMENDMENT** "15.06.150 Open Space Zone (OS)" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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**

			Minimum	Minimum	Minimum

District	Area Minimum	Lot Width Minimum	Yard Setbacks Front	Yard Setbacks Sides	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 15.06.17~~8~~0.
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.

SECTION 78: **AMENDMENT** "15.06.155 Wildland Urban Interface Overlay Zone" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 11.0~~8.~~2. 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 ~~Ballard City~~ Building Official and the Ballard ~~City~~ Zoning Administrator to ensure that the standards of this zone are met.

SECTION 79: **AMENDMENT** "15.06.160 Walls And Fences" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~Ballard~~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**

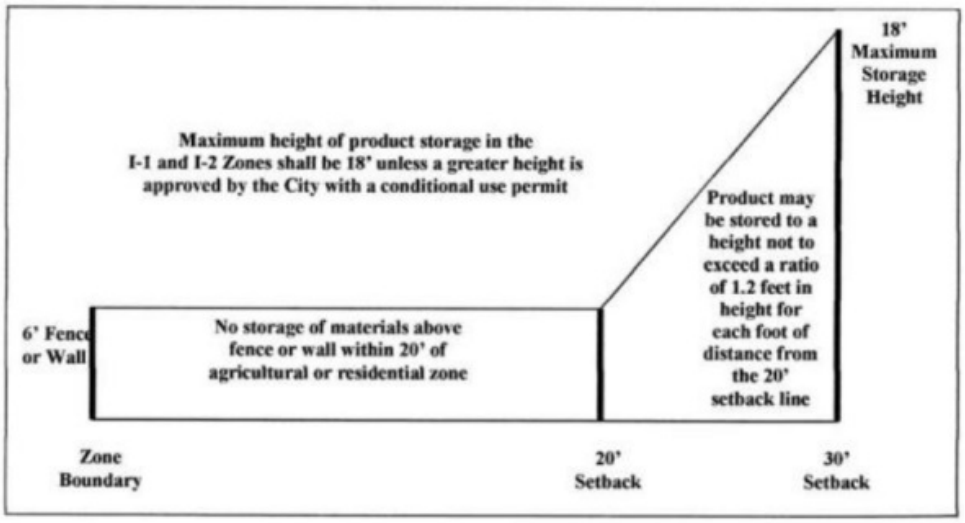
1. **Public Right Of Way**. No fence approved under this chapter will be erected beyond a property line or on the public right of way.
    a. No fence will be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant.
    b. Maintenance of the 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. **~~Mobile Home Parks~~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 ~~mobile home park~~tiny home community or a recreational vehicle park/subdivision is adjacent to any use or zone, except ~~mobile~~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 80: **AMENDMENT** "15.06.170 Off Street Parking Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~Ballard~~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. ~~I~~ 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:

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.
	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for each 35

Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	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, ~~mobile homes~~ 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**

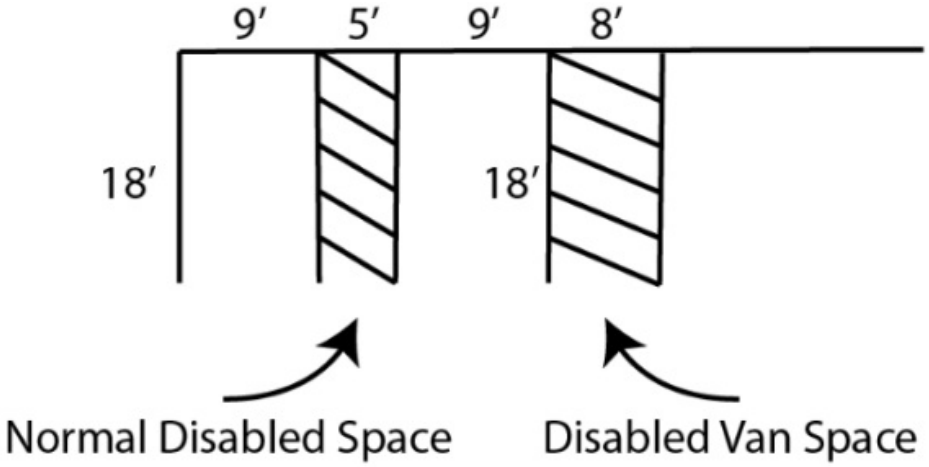
1. **Shared Facilities**. Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary.
2. **Requests; Guidelines**. Requests for shared parking and counting on street parking as required 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.

SECTION 81: **AMENDMENT** "15.06.180 Landscape Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~Ballard~~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 ~~Ballard~~ 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.

SECTION 82: **<u>AMENDMENT</u>** "15.06.190 Flag Lot Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~Ballard~~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 ~~14.04~~.

SECTION 83: **AMENDMENT** "15.07.010 Approval Required" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.07.010 Approval Required

All requests to establish a use, to construct any building, structure or improvement identified as a Permitted Use in the Table of Uses will submit a written application stating the address of the property and which of the permitted uses is being applied for as well as details about the nature of the Permitted Use. The construction of all improvements and/or buildings associated with the use must be shown on a set of site construction plans. These plans must meet all requirements of the Standard Specifications and Plans as adopted by ~~Ballard~~the City and at a minimum show the site grading, drainage, utilities, fire protection plan, parking and access, sanitary sewer, culinary and secondary water systems, together with a Landscape Plan.

SECTION 84: **AMENDMENT** "15.07.030 Review And Approval Procedures" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.07.030 Review And Approval Procedures

The ~~Ballard~~ 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 ~~Ballard~~ 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 ~~Ballard~~the City and provides the necessary infrastructure and plans, as required.
E. Complies with all applicable building codes, as adopted by ~~Ballard~~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 ~~Ballard~~ City's Administrator will advise the ~~Ballard~~ City's Council of all approved Permitted Uses. If the Permitted Use request does not comply with the requirements of this Ordinance and the ~~Ballard~~ 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.

SECTION 85: **AMENDMENT** "15.08.080 Additional Requirements For Specific Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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**

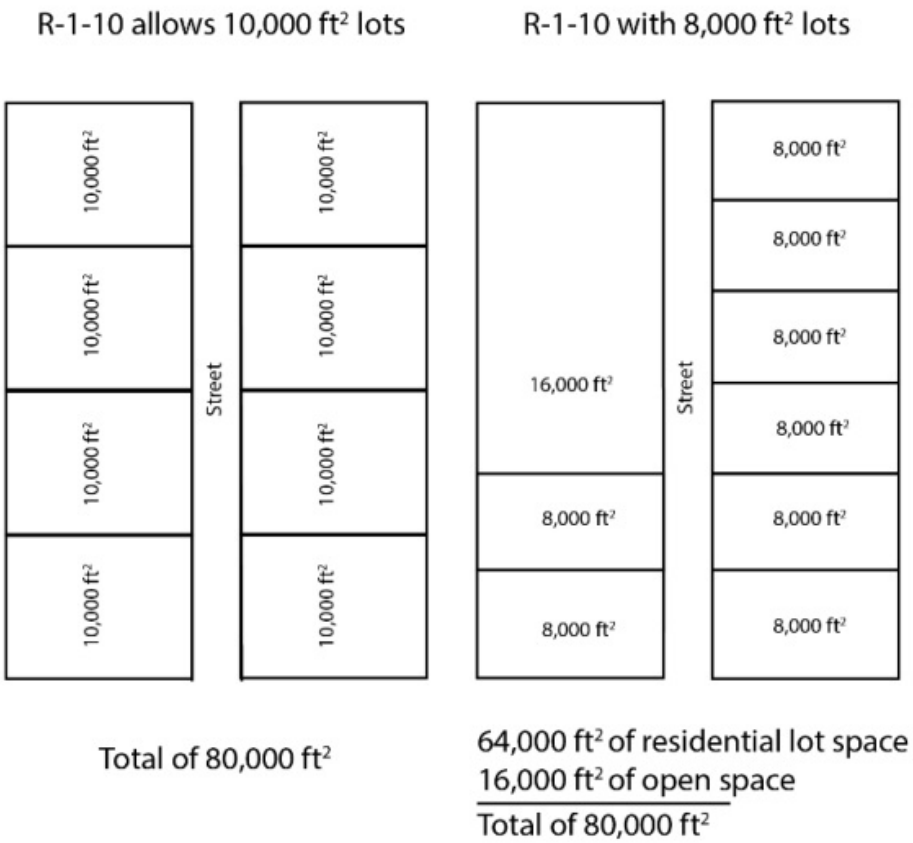
1. Conforms to all applicable health, safety, zoning and building codes;
2. Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
3. Is occupied on a twenty four (24) hour per day basis by 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 ~~section~~BMC 15.02~~.010~~; 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 ~~Ballard~~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 ~~e~~insure 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 ~~BMC Title 14~~ the subdivision ordinance BMC Title 14.
3. A subdivision of the property would make it so that minimum lot sizes of the desired~~s~~ 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 86: **REPEAL** "15.09 (Reserved)" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

15.09 (Reserved)*(Repealed)*

SECTION 87: **AMENDMENT** "15.10.010 Purpose" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.10.010 Purpose

The ~~p~~Planned ~~d~~Development (PD) zone is intended to be used in new developments to ensure compatibility of planned development type projects with existing development. Planned developments are intended to be used as a tool for developing centers of blocks in older areas of the City that have become difficult to develop by conventional subdivision methods and as an alternative to single-family lot subdivisions. Planned ~~d~~Developments are not intended to be used in single-family residential zones to allow multiple-family dwellings on vacant lots with street frontage, located between two (2) other single-family dwellings. Parcels of vacant property located in the centers of blocks will be combined together, using common access driveways to qualify as a planned development project.

SECTION 88: **AMENDMENT** "15.10.020 Permitted Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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. Mobile homes or recreational vehicle developments.~~
G. Multiple-family residential uses.
H. Parks.
I. School, public or charter.
J. Single-family residential uses.
K. Townhouse and condominiums (20,000 square foot lot and 4 units minimum).
L. 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 89: **AMENDMENT** "15.10.080 Other Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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.~~, i.e., mobile home or RV requirements for mobile home or RV planned developments, etc.~~

SECTION 90: **AMENDMENT** "15.11.010 Establishment Of Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.010 Establishment Of Development Standards

The purpose of development standards is to protect the general health, safety and welfare of the citizens and property owners within ~~Ballard~~ the City. Compliance with all provisions of this ~~O~~ ordinance will be required for the issuance of any required development approval, license or permit. All work and materials completed or installed within ~~Ballard~~the City will comply with all provisions of the Construction Standard Specifications and Plans as adopted by ~~Ballard~~the City. (APWA Standard Specifications and Plans, latest addition).

SECTION 91: **AMENDMENT** "15.11.020 General Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.020 General Requirements

A. **All Uses, Buildings and Structures to Comply with Ballard City Zoning District Requirements**. Every building or structure erected, reconstructed, structurally altered, enlarged or moved, and every building, structure, premises or land used, rearranged, designed or intended for any use will be built or used only as permitted in the district in which the building, structure, land or use is located. All uses allowed will either be classified as a permitted,~~or~~ conditional, prohibited or temporary use, as identified in the Table of Uses. All uses of land and other activities not specifically allowed as a permitted,~~or~~ conditional or temporary use as identified in the Table of Uses ~~are deemed prohibited.~~are deemed prohibited. All uses, buildings and structures must comply with the intensity, bulk requirements, site coverage standards and other requirements for uses identified in their respective zones. ~~All subdivision improvements, site improvements, utilities, grading, drainage, paving, concrete or any other improvements required for the construction of any residential, commercial or industrial site will comply with the Construction Standard Specifications and Plans as adopted by Ballard City.~~ Nothing in this ~~O~~ordinance requiring minimum lot area or lot width will be construed to prevent the use of a single-family dwelling on any lot or parcel of land, provided that the lot or parcel of land is located in a ~~Z~~ zoning ~~D~~district that permits single-family dwellings and was a legally divided lot that existed at the time the lot area and lot width requirements became effective by adoption of this ~~O~~ordinance, and provided further that all proposed construction can qualify for the issuance of a building permit as required by other provisions of this ~~O~~ordinance and ~~Ballard~~ the City's ~~B~~building ~~C~~codes. Additional requirements are set forth in ~~BMC~~ 15.06.

~~B. **Subdivision and Sale of Property**. No person will subdivide any parcel of land located completely or in part within Ballard City unless a plat is first created in compliance with the requirements of this Ordinance and all other applicable laws and requirements of Ballard City and the State of Utah. The plat will be recorded in the Office of the Uintah County Recorder. Additional requirements are set forth in BMC 15.120.~~

C. **Required Yard Areas for One (1) Building Only**. No required yard or setback area for any building or lot required for the purpose of complying with the requirements of this ~~O~~ordinance will be considered as providing the required yard or setback for any

other building or lot. Every dwelling, nonresidential building and all associated accessory structures will be on a deeded ~~L~~lot.

D. **Required Yards to be unobstructed - Exceptions**. All yard areas are required to be open to the sky and unobstructed except for permitted and approved accessory buildings and for projection of sills, cornices, and other ornamental features and unenclosed steps and unwalled stoops and porches, given that all buildings or parts comply with the required yard requirements of the District in which they are located. Underground structures, such as swimming pools, storage tanks, etc., may be located in a required yard area, given that the structures are not located closer than fifteen (15) feet to any property line. Walls and fences must comply with the requirements of this ~~O~~ordinance, ~~Ballard~~the City's~~B~~building ~~C~~codes, or the conditions of ~~a~~ development approval.

E. **Maximum Lot Coverage of Accessory Buildings**
   1. No accessory building will be located within any required front yard setback.
   2. No accessory building(s) will cover more than twenty (20%) percent of the required rear or side yards.

F. **Construction in Critical Areas Prohibited**. No building or structure (except for a required public utility and necessary roads) will be constructed on areas determined to be critical areas as identified, including:
   1. areas of steep slope of 30% grade or greater, and
   2. jurisdictional wetlands as identified by the U.S. Army Corps of Engineers.

SECTION 92: **AMENDMENT** "15.11.030 Sale Of Nonconforming Lots Prohibited" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.030 Sale Of Nonconforming Lots Prohibited

No parcel or lot which does not conform to the ~~Ballard~~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 ~~O~~ordinance. Additional requirements are set forth in ~~BMC~~ Title 14~~.04~~ of BMC.

SECTION 93: **AMENDMENT** "15.11.040 Sale Or Lease Of Required Space Prohibited" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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 ~~O~~ordinance for a lot or building may be sold or leased separate from such lot or building. Additional requirements are set forth in ~~BMC~~ BMC 15.06 and ~~BMC~~ Title 14.04 of BMC.

SECTION 94: **AMENDMENT** "15.11.050 Number Of Buildings On A Lot" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.050 Number Of Buildings On A Lot

Every dwelling or building must be on a "lot" as defined in this ~~O~~ordinance. Every dwelling or each nonresidential structure must face or front on a road or other approved access. The ~~S~~setbacks as established in ~~BMC~~ BMC 15.06 will apply to each property within each zone of the City.

SECTION 95: **AMENDMENT** "15.11.060 Frontage Required" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.060 Frontage Required

Every lot must have frontage on a dedicated or public road or street, or right- of-way providing access to a dedicated or public road or street or to a ~~Ballard~~ City approved private right-of-way. Additional requirements are set forth in ~~BMC~~ BMC 15.06.

SECTION 96: **AMENDMENT** "15.11.070 Fences, Walls And Hedges" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.070 Fences, Walls And Hedges

Fences, walls and hedges will be allowed in side and rear yards except for corner lots. A see through fence along frontage roads shall be allowed in the ~~F~~front ~~Y~~yard area of any property (the area between the building and the street or road right-of-way). ~~See BMC 15.06 Walls and Fences.~~ Additional requirements are set forth in BMC 15.06.

SECTION 97: **AMENDMENT** "15.11.080 Clear View Of Intersecting Streets" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.080 Clear View Of Intersecting Streets

In all ~~Ballard City Z~~zoning ~~D~~districts, no obstruction to view in excess of two (2) feet in height may be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned to permit unobstructed vision to automobile drivers and pumps at gasoline service stations. In no case will these requirements replace the requirements as set forth in the City's Construction Standard Specifications and Plans.

SECTION 98: **AMENDMENT** "15.11.090 Front Yards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.090 Front Yards

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. The ~~S~~setbacks as established in BMC 15.06 will apply to each property within each zone of the City.

SECTION 99: **AMENDMENT** "15.11.100 Side And Rear Yards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.100 Side And Rear Yards

Every part of the required side or rear yard must be open and unobstructed except for accessory buildings as permitted by this ~~O~~ordinance and the ordinary projection of window sills, cornices and other ornamental features projecting not more than twelve (12) inches. The ~~S~~setbacks as established in BMC 15.06 will apply to each property within each zone of the City. Open or lattice-enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers and ordinary projections of chimneys and flues may be allowed by the ~~Ballard City Building Official~~City to project into a required yard area up to a maximum distance of three (3) feet.

SECTION 100: **AMENDMENT** "15.11.110 Exceptions To Height Limitations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.110 Exceptions To Height Limitations

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, or similar structures may be erected above the height limits of thirty-five (35) feet as prescribed, but no space above the height limit will be allowed for the purpose of providing additional floor space. Public buildings may exceed the maximum height allowed in the ~~Ballard City Z~~zoning ~~D~~districts in which they are located provided approval is granted following the Conditional Use procedures contained in this ~~O~~ordinance. Additional requirements are set forth in BMC 15.06.

SECTION 101: **AMENDMENT** "15.11.130 Water And Sewage Requirements" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.130 Water And Sewage Requirements

As required by this ~~S~~section, all applications for development approval or building permits will be accompanied by the appropriate permits or letters of approval from the culinary water authority (Ballard Water and Sewer Improvement District) or the Utah Department of Environmental Quality, as applicable, prior to approval by ~~Ballar~~The~~d~~ City.

A. **Water Requirements**. In all cases where a proposed building or proposed use will require culinary water (drinking water) and the proposed building or proposed use will not be connected to an existing public water supply, approval for the new culinary water system must be obtained from the Tri-County Health Department or the Utah Department of Environmental Quality, as applicable. For any building or use with more than fourteen (14) culinary water connections, or where twenty-five (25) or more people will be served sixty (60) or more days a year, approval of the culinary water system must be obtained from the Utah Department of Environmental Quality. For any building or use with fewer than fourteen (14) culinary water connections, or where fewer than twenty-five (25) people will be served, or where twenty-five (25) or more people will be served fewer than sixty (60) days a year, approval of the culinary water system must be obtained from the Tri-County Health Department.
B. **Sewage Requirements**. Connection to a State-approved sewer system is required if sewer lines are within one thousand three hundred twenty (1,320) feet of any part of the property proposed for a major subdivision development. Properties proposed for residential development within three hundred (300) feet of the main sewer line are required to hook onto the main sewer. Connection to a State-approved sewer system is required if sewer lines are within three hundred (300) feet of any part of the property proposed for a minor subdivision development. An additional one hundred fifty (150) feet per lot will be added to the sewer requirements for each additional lot proposed beyond the first lot. In all cases where a proposed building or proposed use will generate wastewater, and the proposed building or proposed use will not be connected to an existing sewer, approval for wastewater disposal will be obtained from the Tri-County Health Department or the Utah Department of Environmental Quality, as applicable. For any building or use where an individual wastewater disposal system (septic system) is proposed, of less than five thousand (5,000) gallons of wastewater flow per day, approval must be obtained from the Tri-County Health Department. For any building or use where a large wastewater disposal system is proposed with greater than or equal to five thousand (5,000) gallons of wastewater flow per day, approval will be obtained from the Utah Department of Environmental Quality.

SECTION 102: **AMENDMENT** "15.11.140 Effect Of Official Map" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.140 Effect Of Official Map

Wherever a required front yard faces on a road or street for which an official map has been recorded in the office of the Uintah County Recorder, the depth of the front yard will be measured from the mapped street line/property line provided by the official map. ~~Minor Subdivisions cannot by definition dedicate any public roadways and are recorded in the Uintah County Surveyor's Office.~~

SECTION 103: **AMENDMENT** "15.11.160 Concessions In Public Parks And Playgrounds" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.160 Concessions In Public Parks And Playgrounds

Concessions, including but not limited to amusement devices, recreational buildings, caretakers' dwellings and refreshment stands will be permitted to be situated on a public park or playground when approved by the ~~Ballard~~ City Council, provided it can be shown that the concession use is in the interest of the public and is in harmony with the objectives and purposes of this ~~O~~ordinance and the characteristics of the ~~Ballard City~~ Zoning District in which it is located. All concessions providing the sale or serving of food and beverage must comply with the Department of Health Food Service Rules and must obtain a food service permit from the Tri-County Health Department.

SECTION 104: **AMENDMENT** "15.11.170 Setbacks From State And Federal Highways" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.170 Setbacks From State And Federal Highways

Notwithstanding any other regulation of this ~~O~~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.

SECTION 105: **AMENDMENT** "15.11.180 Landfills And Transfer Stations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.180 Landfills And Transfer Stations

All ~~L~~landfills and ~~T~~transfer ~~S~~stations ~~will~~shall be maintained in accordance with the standards of the State Department of Environmental Quality. Transfer ~~S~~stations will be in compliance with Utah Administrative Code R315-313-2. Landfills will be in compliance with Utah Administrative Code R315-302-1.

SECTION 106: **AMENDMENT** "15.11.190 Uses Which Create A Nuisance Prohibited" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.190 Uses Which Create A Nuisance Prohibited

Any use that emits or is likely to emit noise, smoke, dust, odor or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands or which substantially deprives the owners of adjoining property of the use of their lands will be prohibited. ~~Ballard~~The City has adopted a Noise and Nuisance Ordinance and all provisions of it will apply.

SECTION 107: **AMENDMENT** "15.11.220 Abandoned, Wrecked, Or Junked Vehicles" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.220 Abandoned, Wrecked, Or Junked Vehicles

It will be unlawful to park, store or leave or permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within ~~Ballard~~ theCity for a period of time in excess of one (1) week, except that five (5) or fewer vehicles or parts may be stored if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junk yard lawfully established pursuant to the provisions of this ~~O~~ordinance. For the purposes of this ~~O~~ordinance, any vehicle that is not currently licensed and insured to the minimum levels established by ~~s~~State law will be considered inoperable. The accumulation and storage of more than six (6) such vehicles or part(s), as defined above, on private property except as set forth above will constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of ~~Ballard~~the City. It will be the duty of the owner of such vehicle or part(s) or lessee or other person in possession of private property upon which such vehicle or part(s) is located, to remove the same from such property or take other remedial action as directed by the ~~Ballard~~ City Council. For the purpose of this ~~O~~ordinance, pre-existing storage of unlicensed or inoperative vehicles and junk yards have until July 1, 2009 to conform. No additional time or variance will be allowed for conformance. No provision of this ~~C~~chapter will replace any provision of the ~~Ballard~~ City's Garbage and Refuse Ordinance.

SECTION 108: **AMENDMENT** "15.13.020 Supplementary Requirements For Temporary Buildings And Temporary Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.13.020 Supplementary Requirements For Temporary Buildings And Temporary Uses

A. **Temporary Use Permits**. The ~~Ballard City Administrator/Mayor~~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. ~~To determine the compatibility of uses, the Ballard City Administrator/Mayor may call a public hearing.~~ Request for a temporary use permit will be submitted in writing on the application provided by Ballard City.
   In issuing the permit, the ~~Ballard City Administrator/Mayor~~ 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, ~~mobile homes~~ and travel trailers**. Temporary buildings, ~~mobile homes~~ 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, ~~mobile home~~ 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, ~~mobile home~~ 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.

SECTION 109: **AMENDMENT** "15.14.010 Applicability" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.14.010 Applicability

These provisions are adopted to facilitate the review and approval by ~~Ballard~~the City of minor changes and revisions to an existing approved development permit, minor revisions to construction and improvement plans and the establishment of ~~a~~ new ~~P~~permitted ~~U~~use(s) within an existing building or structure already occupied by a ~~P~~permitted ~~U~~use.

SECTION 110: **AMENDMENT** "15.14.020 Minor Revisions To Development Permits And Construction Plans" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.14.020 Minor Revisions To Development Permits And Construction Plans

~~These provisions are adopted to facilitate the review and approval by Ballard City of minor changes and revisions to an existing approved development permit, minor revisions to construction and improvement plans and the establishment of a new Permitted Use(s) within an existing building or structure already occupied by a Permitted Use.~~ 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 ~~Ballard City Administrator/Mayor~~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 ~~City ABallarddministrator/Mayor~~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 ~~Ballard City Administrator/Mayor~~ 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 ~~Ballard City Administrator/Mayor~~Zoning Administrator will notify the ~~Ballard City Planning Commission and Ballard City Council~~application Land Use Authority as outlined in 15.03.005 at their next regular meeting of actions taken by the ~~Ballard City~~ Zoning Administrator in approving or denying minor revision applications. The ~~Ballard City Administrator/Mayor's~~ Zoning Administrator's decision ~~will~~shall be final upon the close of the ~~Ballard City Planning Commission~~ Land Use Authority's meeting at which notification occurred.

SECTION 111: **AMENDMENT** "15.14.030 Appeal Of City Of Ballard Administrator/Mayor Decision For Minor Revisions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.14.030 Appeal Of ~~City Of Ballard Administrator/Mayor~~Zoning Administrator Decision For Minor Revisions

Any person aggrieved by a decision of the ~~Ballard City Administrator/Mayor~~Zoning Administrator concerning a decision for a minor revision may file an appeal of the ~~Ballard City Administrator's/Mayor's decision~~ with the LUHO. ~~Board of Adjustment, with a minimum of seven (7) days notification provided by the Ballard City Administrator/Mayor to members of the Ballard City Planning Commission and Ballard City Council. The Ballard City Administrator/Mayor will forward all materials and records on the matter to the Board of Adjustment.~~

SECTION 112: **AMENDMENT** "15.16.010 Purpose" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.16.010 Purpose

In order to increase safety and to reduce unnecessary distractions along public streets and rights-of-way, it is necessary to control and regulate the size, location and type of signs in ~~Ballard~~the City.

SECTION 113: **AMENDMENT** "15.18 Nonconforming Uses And Noncomplying Structures" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18 ~~Nonconforming~~Non-Conforming Uses And ~~Noncomplying~~Non-Complying Structures

SECTION 114: **AMENDMENT** "15.18.010 Continuing Existing Uses" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.010 Continuing Existing Uses

Any use of land, building, structure, or occupancy of a building or structure by use lawfully existing at the time of passage of this ~~O~~ordinance may be continued, even though the use or structure does not conform to the regulations of this ~~O~~ordinance for the zoning district in which it is located. The property owner will have the burden of establishing the legal existence of a non-complying structure or non-co~~mplying~~nforming use.

A. A non-conforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of extension.
B. For the purposes of this section, the addition of a solar energy device to a building shall not be considered a structural alteration.
C. The City may provide for the expansion of a nonconforming use upon the issuance of a conditional use permit.
D. The City shall not prohibit the reconstruction or restoration of a non-complying structure or terminate the non-conforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

SECTION 115: **ADOPTION** "15.18.015 Authority; Application Required; Process" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.18.015 Authority; Application Required; Process*(Added)*

A. The LUHO is hereby authorized as the Land Use Authority to review and render a decision determining the existence of a non-conforming use, a non-complying structure, or other legal non-conformity.
B. The LUHO is hereby authorized as the Land Use Authority to review and render a

decision concerning any disputes relating to the abandonment of structures associated with a non-conforming use or non-complying structure.

C. All requests for a determination of the existence of a non-conforming use, non-complying structure, or other non-conformity shall be initiated by filing the necessary application with the Zoning Administrator. Requests shall be made by an agent of the property owner, or a lessee of the property with property owner authorization, shall be accompanied with the fees as outlined in the City's fee schedule, and shall be accompanied with other information to clearly establish the existence of a non-conforming use, non-complying structure, lot, sign, or other non-conformity.

D. The LUHO shall review the application and evidence presented by the applicant.

1. If the LUHO finds that the use, structure, or other nonconformity which is the subject of the application legally existed on the date of adoption of this ordinance and all other ordinance requirements as applicable were complied with, the application shall be approved.
2. If the LUHO finds that the use, structure, or other non-conformity which is the subject of the application did not legally exist on the date of adoption of this ordinance including other ordinances and requirements as applicable and did not comply with prior enactments there, the application shall be denied and no other approvals, licenses, or permits shall be approved that are related to the use, structure, or other non-conformity.

SECTION 116: **AMENDMENT** "15.18.020 Expansion Of A Nonconforming Use/Structure" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.020 Expansion Of A Nonconforming Use/Structure

A nonconforming use, building or structure will not be enlarged, extended, reconstructed or structurally altered unless an enlargement, extension, reconstruction or structural alteration and further use of the property conforms to the requirements of this Ordinance for the zoning district the property is located in. A building or structure occupied by a nonconforming use, or a building or structure non-complying~~conforming~~ as to height and/or yard requirements, may be added to or enlarged or moved to a new location on the lot with a permit authorized by the ~~Board of Adjustment~~LUHO. After a public hearing, the ~~Board of Adjustment~~ LUHO may issue a permit if the following conditions are found to be met:

A. The addition to, enlargement of, or moving of the building ~~will~~ shallbe in harmony with one or more of the purposes of this Ordinance and will be in keeping with the intent of this ~~O~~ ordinance.
B. That the proposed change does not impose any unreasonable burden upon the lands and residents located or residing in the vicinity of the nonconforming uses or structure.

SECTION 117: **AMENDMENT** "15.18.030 Repairs And Alterations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.030 Repairs And Alterations

Repairs and structural alterations may be made to a non~~conforming~~-complying building or to a structure housing a nonconforming use.

SECTION 118: **AMENDMENT** "15.18.040 Alteration Where Off-Street Parking Is Insufficient" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.040 Alteration Where Off-Street Parking Is Insufficient

A non-complying building or structure lacking sufficient off-street parking space as required by this ~~O~~ordinance may be altered or enlarged provided additional ~~automobile~~ off-street parking space is supplied to meet the requirements of this ~~O~~ordinance for the alteration or enlargement.

SECTION 119: **AMENDMENT** "15.18.050 Restoration Of Damaged Buildings" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.050 Restoration Of Damaged Buildings

A non~~conforming~~-complying building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy may be restored and the occupancy or use of the building, structure or part that existed at the time of damage or destruction may be continued or resumed, provided that restoration is commenced within a period of six (6) months following the damage or destruction and is diligently pursued. The City may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

A. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
B. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

SECTION 120: **AMENDMENT** "15.18.060 Change Of Use" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.060 Change Of Use

A nonconforming use may only be changed to a use allowed in the zoning district in which the property is located by following the use permitting procedures as identified in this ~~O~~ordinance. An existing nonconforming lot or parcel will not be enlarged or modified except to create landscaping, fencing, curb, gutter, road widening, minimum off-street parking or other similar improvements that will provide a safer and more compatible facility.

SECTION 121: **AMENDMENT** "15.18.080 Abandonment" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.18.080 Abandonment

A nonconforming use will be deemed to be abandoned if:

A. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use;
B. The use has been discontinued for a minimum of one year; or
C. The primary structure associated with the nonconforming use remains vacant for a period of one (1) year.

The property owner may challenge the assumption of abandonment and will have the burden of establishing that any claimed abandonment has not in fact occurred.

SECTION 122: **AMENDMENT** "15.19.010 Policy Considerations" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.19.010 Policy Considerations

There is an underlying policy in ~~Ballard~~the City favoring the careful consideration of matters involving Constitutional Taking claims in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of ~~Ballard~~ the City in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, any owner of private real property who claims there has been a Constitutional Taking of private real property by application of this ~~O~~ordinance shall request a review of a final decision of ~~Ballard~~the City, pursuant to the procedures for the review of Constitutional Takings issues, as provided by the laws of the State of Utah and Ballard City.

SECTION 123: **ADOPTION** "15.19.020 Created" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.19.020 Created*(Added)*

There is hereby created a three (3) member Takings Appeal Board of the City. The Mayor upon the advice and consent of the City Council shall appoint three (3) members to serve on the Takings Appeal Board. If, at any time, the members cannot meet to satisfy the time requirements stated in this section, the Mayor shall appoint a member or sufficient members to fill the vacancy(ies).

SECTION 124: **ADOPTION** "15.19.030 Review Procedure" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.19.030 Review Procedure*(Added)*

To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the City Council and all commissions, boards, appointees and designees shall adhere to the following before authorizing the seizure or exaction of property:

A. Prior to any proposed action to exact or seize property, the City Attorney shall review the proposed action to determine if a constitutional taking requiring just compensation would occur.
B. The City Attorney shall review all such matters pursuant to the guidelines established in this section. Upon identifying a possible constitutional taking, the City Attorney shall, in confidential writing, protected by attorney-client relationship, inform the City Council, commission or board of the possible consequences of its actions. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.
C. **Guidelines.** The City Attorney shall review whether the action constitutes a taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand or limit the scope of the City's liability for a constitutional taking.

SECTION 125: **ADOPTION** "15.19.040 Appeals" of the Ballard Land Use Ordinances is hereby *added* as follows:

ADOPTION

15.19.040 Appeals*(Added)*

A. Any owner of private property who believes that their property is proposed to be taken by an otherwise final action of the City may appeal the City's decision to the Takings Appeal Board within ten (10) business days after the decision is made. The appeal shall be filed in writing with the City Recorder.
B. The Takings Appeal Board shall hear and approve and remand or reject the appeal within ten (10) business days after the appeal is filed. The Takings Appeal Board with the advice from the City Attorney, shall review the appeal pursuant to the guidelines of this section. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, commission or board that took the initial action. The Takings Appeal Board's rejection of an appeal constitutes exhaustion of administrative remedies, rendering the matter suitable for appeal to a court of competent jurisdiction.

SECTION 126: **<u>AMENDMENT</u>** "15.10.050 Residential Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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.

SECTION 127: **AMENDMENT** "15.10.060 Commercial/Industrial Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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.

SECTION 128: **AMENDMENT** "15.10.070 Mixed Use Development Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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~~(5) and BMC 15.06.130(6)~~ 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 15.06.180~~(2)~~B2, "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 129: **AMENDMENT** "15.10.100 Plan Review Conference" of the Ballard Land Use Ordinances is hereby *amended* as follows:

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. ~~as provided for in BMC 15.12.120.~~

SECTION 130: **REPEAL** "15.15 (Reserved)" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

15.15 (Reserved)*(Repealed)*

SECTION 131: **AMENDMENT** "15.17.010 General" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.17.010 General

Where the ~~Board of Adjustment~~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 ~~on Board of Adjustment~~.

SECTION 132: **AMENDMENT** "15.17.020 Standards" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.17.020 Standards

The ~~Board of Adjustment~~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 ~~Ballard~~ 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 the ~~Ballard~~ City's Zoning District or this Ordinance. The ~~Board of Adjustment~~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.

SECTION 133: **AMENDMENT** "15.17.030 Conditions" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.17.030 Conditions

In approving any variance, the ~~Board of Adjustment~~LUHO may require conditions as will, in its judgment, mitigate any negative effects of granting the variance and secure substantially the purposes of this Ordinance.

SECTION 134: **AMENDMENT** "15.17.060 Use Variance" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.17.060 Use Variance

The ~~Board of Adjustment~~ 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.

SECTION 135: **AMENDMENT** "15.17.070 Procedures" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.17.070 Procedures

A petition for a variance may be submitted in writing, on the approved application as provided by ~~Ballard~~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.

SECTION 136: **AMENDMENT** "15.11.210 Location Of Mobile Homes, Travel Trailers, Recreational Vehicles, Boats, Camping Trailers, Truck Campers And Motorhomes" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.11.210 Location Of ~~Mobile Homes,~~ Travel Trailers, Recreational Vehicles, Boats, Camping Trailers, Truck Campers And Motorhomes

Unless permitted as a use allowed by the zoning districts as defined in ~~Chapter~~BMC 15.06 of this title, the location or storage of ~~mobile homes,~~ travel trailers, ~~and mobile homes outside of mobile home parks,~~ travel trailer parks and campgrounds and the location or storage of recreational vehicles, boats, camping trailers and truck campers will be subject to the following:

A. **Placement of Travel Trailers, Tents, Recreational Coaches, Etc**. Travel trailers, tents, or recreational coaches ~~which do not include facilities necessary to be a "mobile home",~~ will not be used at any place in ~~Ballard~~the City, at any time, for permanent living quarters, except travel trailer parks as a conditional use in A-1 zone and C2 zones, limited camping areas or recreational ~~coach~~vehicle parks. Dwelling or sleeping in any parked recreational vehicle on private property within ~~Ballard~~the City and used exclusively by the owner or guest, is allowed as a temporary use not to exceed seven (7) days, provided they do not violate setbacks and health code requirements. All extenuating circumstances are subject to approval from ~~Ballard~~ City Council. Travel trailers, tents, or recreational coaches which include tents, will not be used at any place in ~~Ballard~~the City, at any time for the purpose of a storage facility. ~~It will be unlawful to place a mobile home constructed on or before June 15, 1976 on any parcel of land within the Ballard City limits.~~It will be unlawful to place a mobile home / travel trailer, on any lot or parcel of land in the City of Ballard and use the same for human habitation except in compliance with one of the following conditions:
    1. When temporarily (not to exceed one year) located on a lot for which a building permit has been issued and a building is being constructed. The ~~mobile home /~~ travel trailer must be connected to approved water and sewer facilities; or
    2. ~~When placed in a manufactured home zone in a licensed mobile home park as defined in this ordinance and after obtaining approval from the City Administrator; or~~
    3. ~~When placed on a lot in a recorded and manufactured home subdivision where the lot complies with all the regulations of the manufactured subdivision and after receiving approval of the City building inspector; or~~
    4. ~~When placed on a lot that complies with all the regulations of the zone in which the mobile home is located, provided:~~
        a. ~~The mobile home has a minimum of 700 square feet of usable living space not including garages, carports, or other areas not intended for permanent human habitation~~
        b. ~~The mobile home will be entered upon the tax rolls of the county as real property as evidenced by a letter or other proof from the County Assessor:~~
        c. ~~The towing hitch and running gear which includes tongues, axels, brackets, wheels, lights, and other parts of the chassis that operate only during transport are removed;~~
        d. ~~The mobile home is certified by the U.S. Department of Housing and Urban Development or the State and that it has attached to the mobile home a HUD or State inspection shield and complies in all respects~~

with the provisions of chapter 20, Title 41, Utah code Annotated 1953 as amended:

e. The placement of tires on the roof of mobile homes is prohibited and is declared to be a nuisance and unsightly object subject to abatement as provided in Chapter 11 of Title 10, Utah code Annotated as amended

No additions or alterations to a mobile home may be made without first obtaining a building permit from the City Administrator. All alterations, modifications, or additions to any mobile home located within the City of Ballard must be made in accordance with the applicable codes adopted by the City of Ballard. Any exterior additions must be completely self-supporting and may not rest upon or rely upon the structure of the mobile home for any weight bearing support.

B. **Travel Trailer Parks Ground Layout and Requirements**. Travel trailers parks need to adhere to the following requirements to accommodate all travel trailers which would include, motorized RVs, towable RVs, folding camp trailers, fifth-wheel trailers, and truck campers and could vary in size from 10 feet long to 40 feet long with side out features to extend living space.

1. Each trailer unit space, including the towing unit, will be at least 20 feet wide by 40 feet long and all spaces will have a minimum of 6 inch thick compacted road base with applicable markings.
2. The unit area spaces in each trailer camp will consist of a 12 foot x 25 foot concrete slab placed on top of 4 inch 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 trailer owner.
3. The unit area spaces in each trailer camp will be arranged in rows so that each trailer unit faces and abuts on a driveway or clear unobstructed space not less than 24 feet in width, which will have an unobstructed access to a public street or private way.
4. No trailer will be permitted to park closer than 4 feet to the side lines which define its area unit, neither will it be parked closer than 10 feet to any other trailer or building in the trailer camp.
5. Every trailer camp established will be located on a well drained area and be properly graded so as to prevent the accumulation of storm or casual water.
6. The grounds of every trailer camp will be adequately lighted at night by electric lights, properly spaced to enable patrons of the camp to easily find their way around and to facilitate inspection by the police.
7. All trailers will hook up to sewer or septic systems and water will be made available for each unit.
8. All roadways throughout the trailer court will be a minimum of 30' in width with curb and gutter, along with proper drainage for storm or casual water.
9. Tightly covered garbage receptacles of non-absorbent material must be provided by the trailer camp owner or lessee to take care of garbage in a sanitary manner.
10. The trailer 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%) percent of landscaping requirements. The selected combination of objects for landscaping purposes will be arranged in conformance with this Title.

C. **Inspection**. Mobile homes are considered by the City to be less durable and less resistant to deterioration than are conventional homes. All mobile homes that are used for human habitation, whether conforming or nonconforming, and whether located in mobile home parks, in mobile home subdivisions or on bona fide farms or ranches,

~~will be subject to the following special regulations:~~

1. ~~**Plumbing, Electrical Permit**. A permit is required for each plumbing and electrical hookup with a fee which will be established, and from time to time amended through resolution, by the City Council.~~

2. ~~**Certificate Of Compliance**. A certificate of compliance is required for all mobile homes within the City whether occupied or awaiting occupancy; and may be obtained from the building inspector for a fee to be set by the City Council, following an inspection wherein the mobile home is found to meet safety, sanitary and structural standards and is substantial, compared to new or original construction. The state inspection fee will be honored in lieu of the local fee for a certificate of compliance.~~

3. ~~**Authority for Inspection; Revocation of Certificate**. Each mobile home may be inspected upon evidence of need by the building inspector, to determine whether the structure is sound and being kept in a safe and sanitary condition for human habitation. During the inspection, the building inspector may revoke the certificate of compliance for cause, including, but not limited to, violation of the fire or sanitary codes, substantial deterioration of structure so as to adversely affect the health or safety of the occupants, or deterioration in appearance so as to be unsightly and adversely affect the value of neighboring properties.~~
4. ~~**Correction Of Deficiencies Ordered**. Upon the revoking of a certificate of compliance, or a finding of noncompliance, the building inspector will order the deficiencies corrected and a certificate of compliance obtained within thirty (30) days.~~
5. ~~**Failure to Comply**. If such deficiencies are not corrected or cannot be corrected, the mobile homes will be ordered vacated and removed from the premises upon which located, and will not thereafter be used for human habitation within the City unless all deficiencies are corrected and a certificate of compliance obtained.~~

~~D. **Nonconforming Units**. If a nonconforming mobile home is removed from the premises, it cannot be returned, except that the removal was upon order of the building inspector for correction of deficiencies or by decision of the owner for the purpose of correcting deficiencies, the mobile home may be replaced upon the premises upon correction of such deficiencies within sixty (60) days.~~

~~A new mobile home may be established on the premises if~~

1. ~~Accomplished within sixty (60) days; and~~
2. ~~The restored or new mobile home is owned by the same owner as the mobile home removed; and~~
3. ~~Said mobile home is to be occupied for a continuous period of at least six (6) months by the same occupant as the mobile home removed.~~

E. **Violation**. If at any time a ~~trailer camp~~recreational vehicle or recreational vehicle park is found to be violating any of the provision of this ~~O~~ordinance or other pertinent ordinances of ~~Ballard~~the City or the laws of the state of Utah, any duly constituted officer or agent of any department of ~~Ballard~~the City charged with the duty to inspect such ~~trailer camp~~recreational vehicle or recreational vehicle park or maintain order therein, will notify the licensee of such ~~trailer camp~~recreational vehicle or recreational vehicle park of such condition. If the violation is not corrected to the satisfaction of the department complaining, within a reasonable time after notification, not exceeding 30 days, the license for such ~~trailer camp~~recreational vehicle or recreational vehicle park may be revoked by the City Council on the recommendation of the department making the complaint.

SECTION 137: **AMENDMENT** "15.04.040 Duties And Responsibilities" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.04.040 Duties And Responsibilities

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

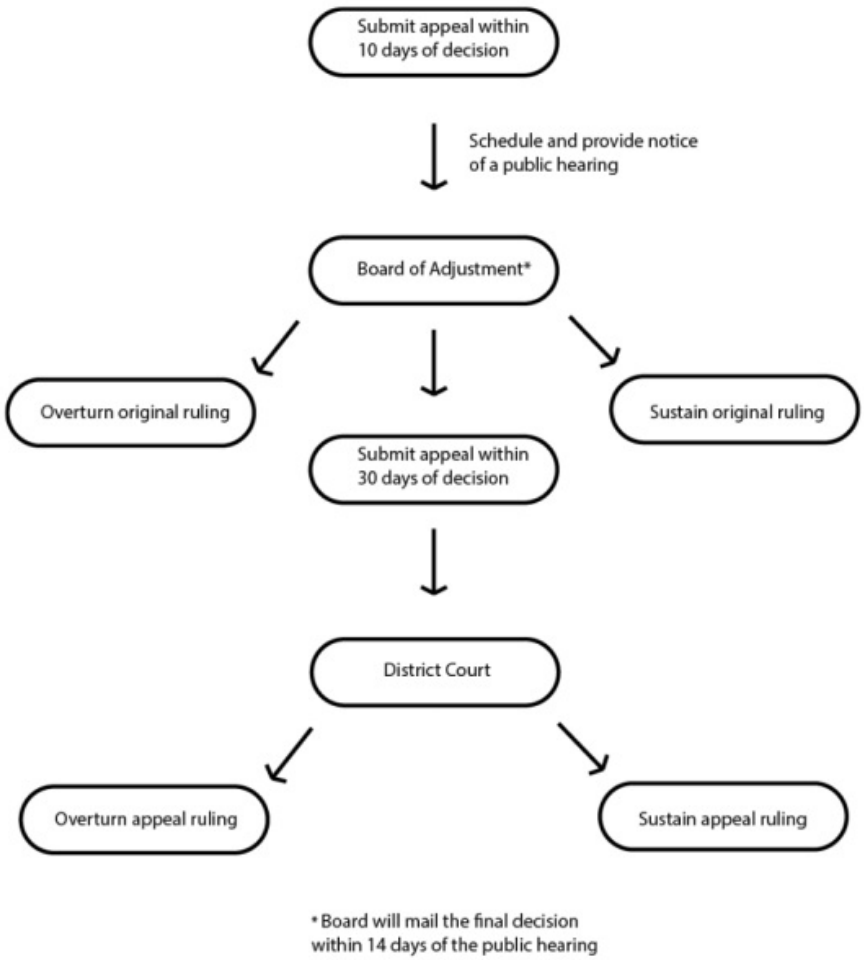
A. Prepare, or cause to be prepared, ~~and recommend a~~the ~~g~~General ~~p~~Plan all elements thereof, and amendments thereto, and to submit such plan, elements, or amendments to the City Council;
B. ~~Recommend~~Prepare or cause to be prepared all land use ordinances, ~~zoning maps, official maps, and amendments to the City Council;~~ 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. ~~Recommend subdivision regulations and amendments to the City Council;~~When indicated as the Land Use Authority, review and approve, approve with conditions or modifications, or deny all conditional use applications;
D. ~~Recommend approval or denial of final subdivision plat applications to the City Council;~~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. ~~Decide land use matters as directed by the City Council;~~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. ~~Recommend an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application, i.e., Board of Adjustment, City Council;~~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. Recommend an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of a the land use authority;~~
~~I. Recommend application processes that:~~
   ~~1. May include designation of routine land use matters that upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and~~
   ~~2. Protect the rights of each applicant to have their applications reviewed and to have their appeals heard by a third party.~~
J. Exercise any other powers that are necessary to enable it to perform its functions.

SECTION 138: **AMENDMENT** "15.20.030 Judicial Review" of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.20.030 Judicial Review

No petition for judicial review may be filed unless and until the applicant has exhausted all manner of relief and processes available as provided by this Ordinance.



SECTION 139: **<u>REPEAL</u>** "15.20 Appeals" of the Ballard Land Use Ordinances is hereby *repealed* as follows:

REPEAL

15.20.00 Board Of Adjustment

The Board of Adjustment will be a third party, appointed or contracted on an as-needed basis, by the City Council consisting of one (1) person or entity. The third party will not have been involved in the decision that is being appealed and will act as the appeal authority for the City Administrator, City Council, and Planning Commission.

15.20.010 Appeal Process

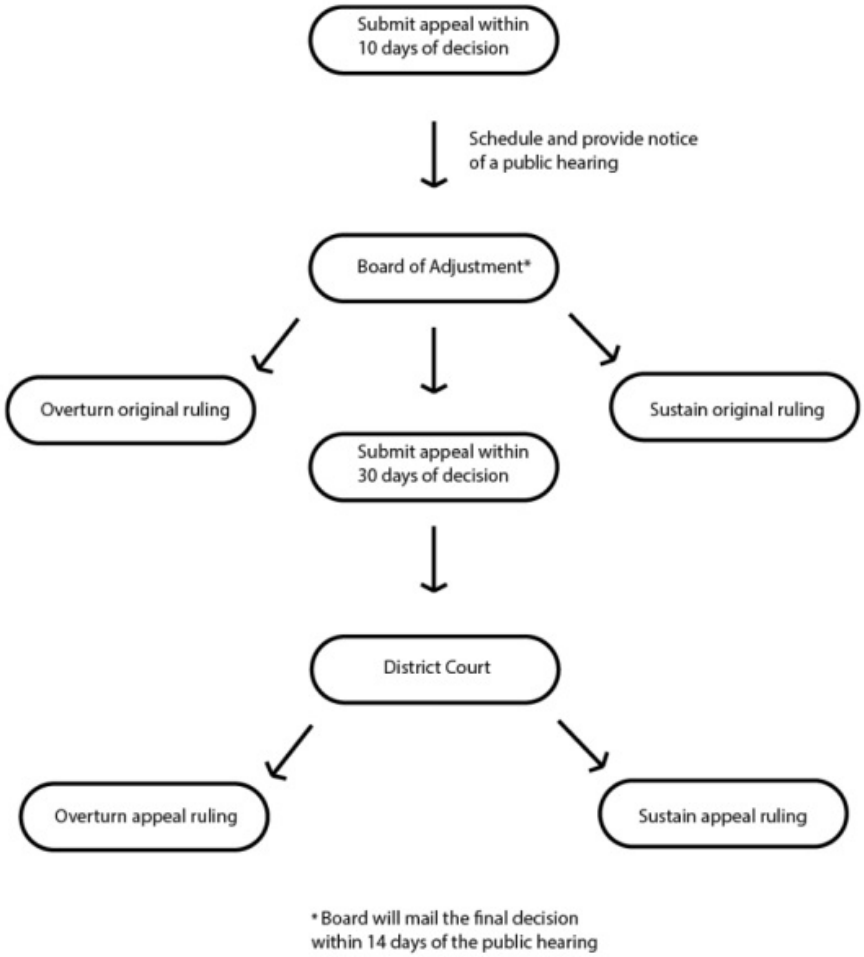
Decisions of relevant Ballard City land use authorities in applying the provisions of this Ordinance may be appealed to the Board of Adjustment by filing an application and all necessary materials within ten (10) days of the date of the land use authority's decision. The only person with standing to appeal are the applicant, a board or officer of the City or any person adversely affected by the decision of the land use authority. Following receipt by the Board of Adjustment of an appeal of a decision by the land use authority, the Board of Adjustment will give notice and schedule a public hearing. The appellant will present all theories of relied to the Board of Adjustment as failure to raise theories at this stage of appeal precludes presentation of theories to District Court. Following the hearing and the submission of all necessary and relevant information, the Board of Adjustment will render a decision on the appeal.The Board of Adjustment will provide a copy of the Board's decision by mail to all parties the appeal within fourteen (14) days of the Board of Adjustment decision.

15.20.020 Board Of Adjustment Decisions

Any person aggrieved by a decision of the Board of Adjustment may, within thirty (30) days after the decision is made, present to the District Court a petition specifying the nature of the appeal and the grounds on which they are adversely affected.

15.20.030 Judicial Review

No petition for judicial review may be filed unless and until the applicant has exhausted all manner of relief and processes available as provided by this Ordinance.



~~15.20 Appeals~~ *(Repealed)*

~~15.20.00 Board Of Adjustment~~ *(Repealed)*

~~15.20.010 Appeal Process~~ *(Repealed)*

~~15.20.020 Board Of Adjustment Decisions~~ *(Repealed)*

~~15.20.030 Judicial Review~~ *(Repealed)*

PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL
_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Robert Abercrombie	_____	_____	_____	_____
Councilmember Shaun Murray	_____	_____	_____	_____
Councilmember Ben Allred	_____	_____	_____	_____
Councilmember Al Kettle	_____	_____	_____	_____
Councilmember Nile Mathisen	_____	_____	_____	_____

Presiding Officer

_____
Robert Abercrombie, Mayor, Ballard City

Attest

_____
Kaelyn Meyers, City Recorder, Ballard City