

**BALLARD CITY  
ORDINANCE 202302-002**

**AN ORDINANCE ADOPTING AND AMENDING THE BALLARD CITY LAND USE CODE TO  
INCLUDE A RESIDENTIAL MULTI-FAMILY ZONE (RM-1, RM-2).**

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

**WHEREAS**, §10-9a-501 of Utah State Code (as amended) also allows a City's legislative body to adopt a land use regulation which creates or amends a zoning district, and designate general uses allowed in that zoning district; and it is in the best interest of Ballard City and to its residents to review our Land Use Regulations and to provide well designed areas in our City for Residential Multi-Family Dwellings; and

**WHEREAS**, On February 7, 2023, the Planning Commission of Ballard City held a public hearing and recommended approval to the Ballard City Council of the creation of a Residential Multi-Family Zone (RM-1 and RM-2).

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

**SECTION 1:**        **AMENDMENT** “15.02.010 Definitions” of the Ballard Land Use Ordinances is hereby *amended* as follows:

**A M E N D M E N T**

**15.02.010 Definitions**

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

**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 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.

**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.

**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 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 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 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.

**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 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. 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 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.

**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 operating of such an area for one (1) 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 gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product or waste. One (1) 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 guest 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.

**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 burn 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 City residents, and the rights of surrounding property owners.

**Intensity:** The concentration of activity, such as 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 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 gases, 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.

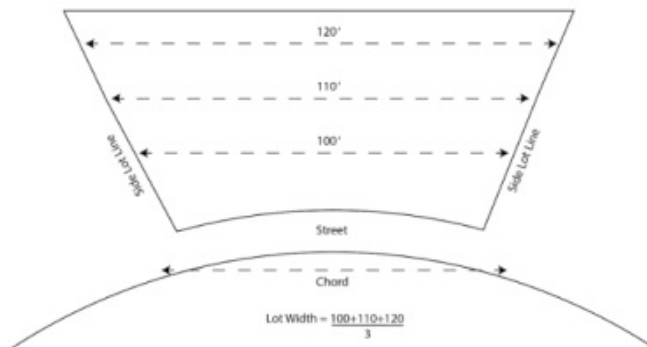
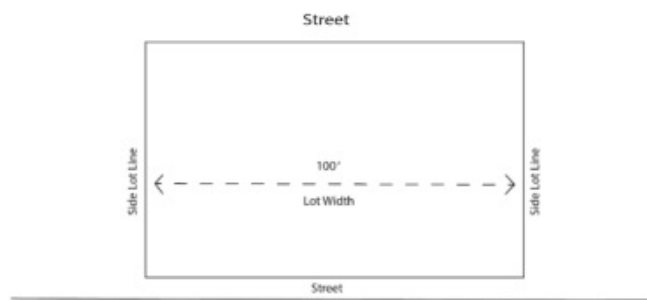
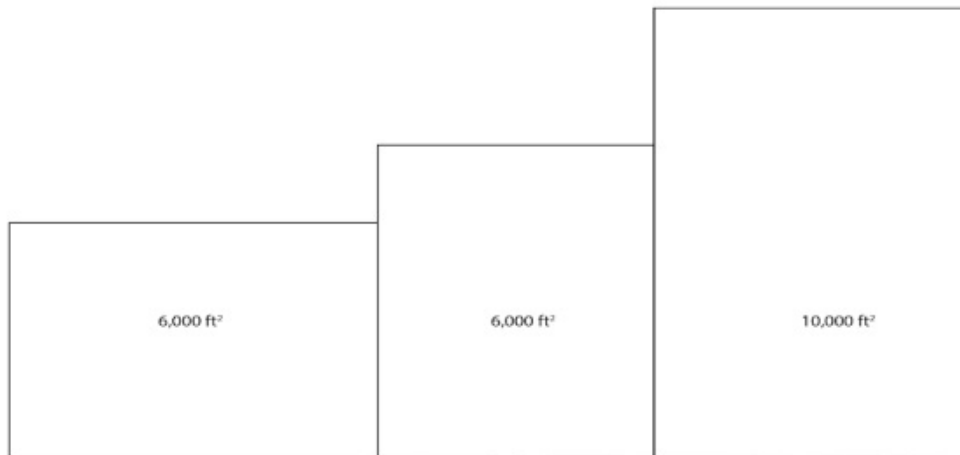
**Lot Line, Side:** The boundary of a lot, which is not, a front lot line or a rear lot line.

**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 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 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.

**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:

- A. Travel trailers, motor homes, camping trailers, or other recreational vehicles; and Manufactured Homes.

**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.

**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 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:

- A. Built on a single chassis, mounted on wheels.
- B. Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances.
- C. 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.
- D. The gross trailer area of a single chassis when in the set-up mode is not to exceed four hundred (400) square feet.

**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.

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

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

**Residential Facility for Persons with a Disability:** Means a residence in which more than one person with a disability resides; and is licensed or certified by the Department of Human Services under 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.

**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.

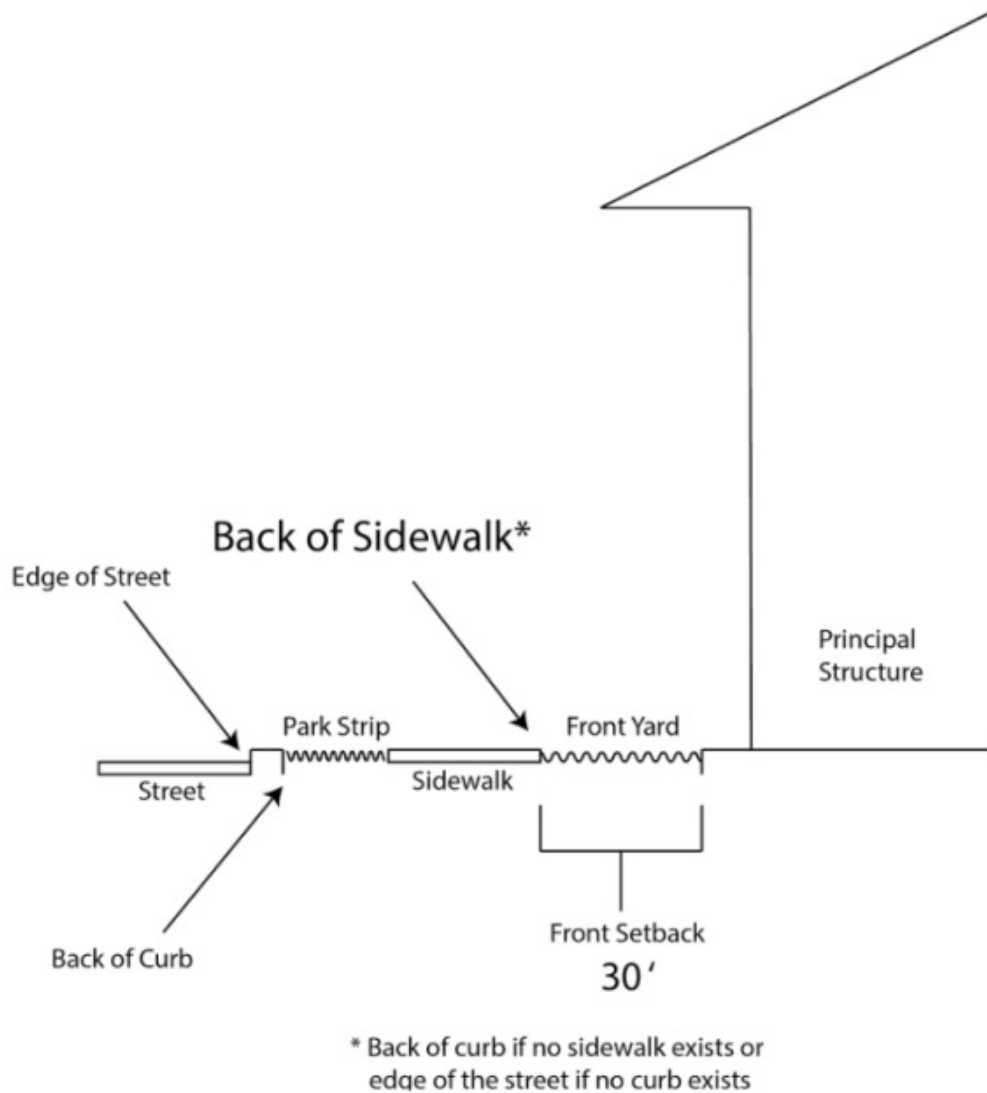
**Retaining Wall:** Will include any structure designed to resist the lateral displacement of soil or other materials, not including rockery walls. An example includes block walls, concrete walls, or a segmented wall designed and approved as a retaining wall.

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

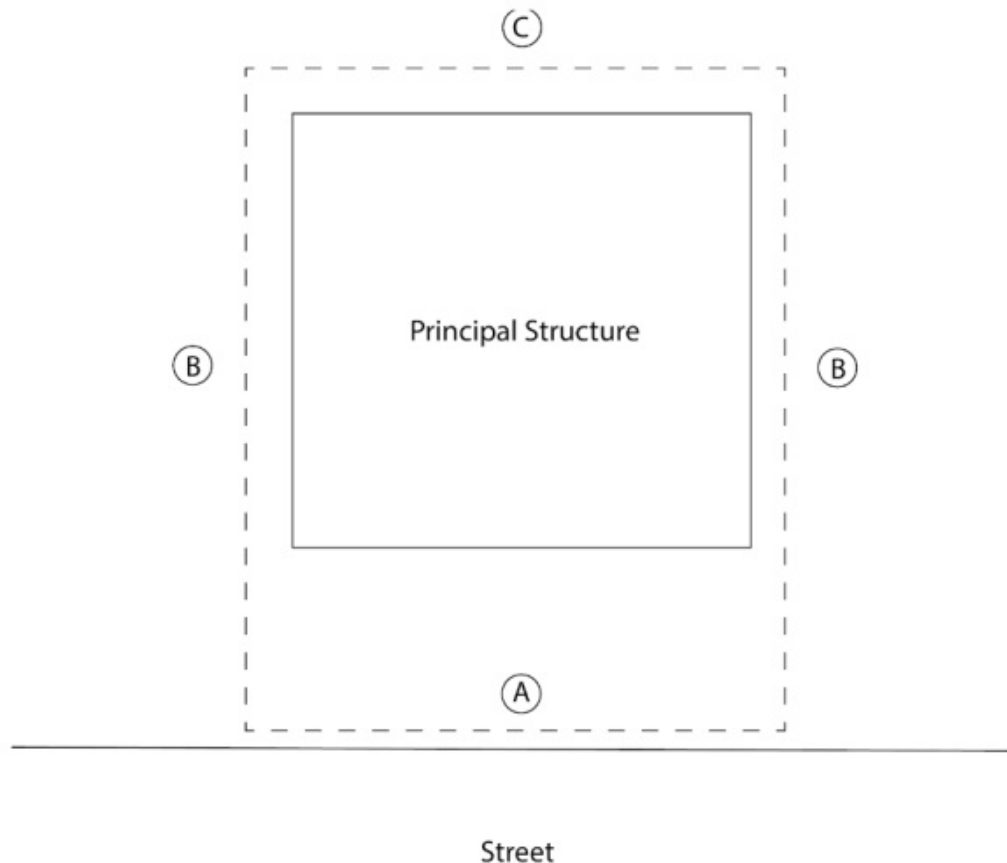
**Road:** A public or private thoroughfare, which affords a means of access to abutting property.

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

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







- (A) The front yard and setback starts at the back of the sidewalk of the street the property fronts, or if no Sidewalk exists the curb and goes to where the principal structure starts. If the property is on a corner lot either street can be used to determine the front setback. If sidewalk or curb does not exist use the edge of the street.
- (B) The side setback is determined by the location of the front setback. It is measured from the side property line to the principal structure. On corner lots the side yard and setback that abuts a street starts at the back of the curb of that street, or if no curb exists the edge of the street.
- (C) The rear setback is determined by the location of the front setback. It is measured from the rear property line to the back of the principal structure.

**Sexually Oriented Business:** 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.

**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 any 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

**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

**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 corner 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 2:        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 OS

**SECTION 3:           ADOPTION** “15.06.107 Residential Multi-Family Zones (RM-1, RM-2)” of the Ballard Land Use Ordinances is hereby *added* as follows:

### ADOPTION

#### 15.06.107 Residential Multi-Family Zones (RM-1, RM-2)(*Added*)

- 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:**

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 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 4:**        **AMENDMENT** “15.06.160 Walls And Fences” of the Ballard Land Use Ordinances is hereby *amended* as follows:

A M E N D M E N T

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 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.

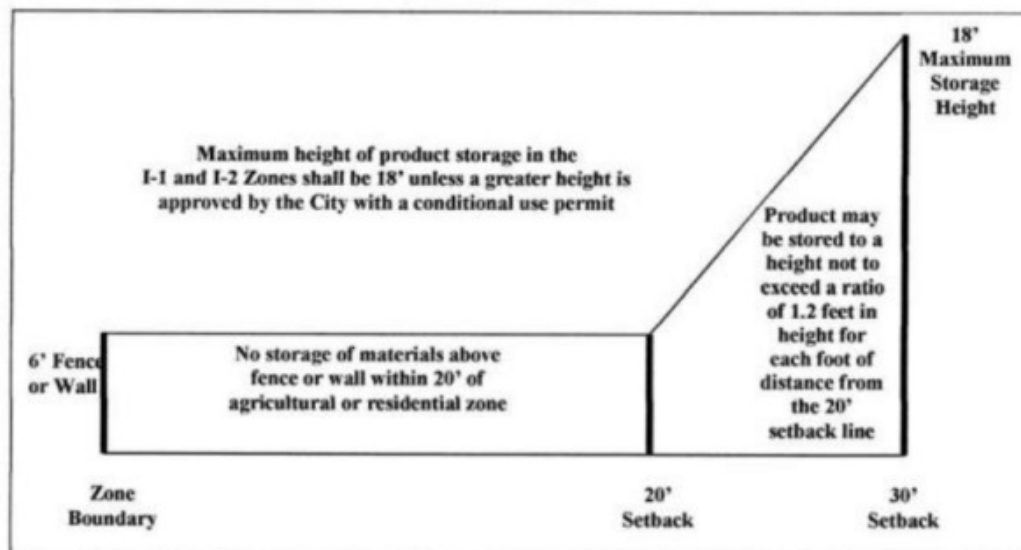
Safety nets are permitted along side and rear property lines, where a property is adjacent to a golf course. Safety nets that exceed twelve feet (12') in height require a permit issued by the building department.

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 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 or a recreational vehicle park/subdivision is adjacent to any use or zone, except mobile 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 5:        AMENDMENT “15.06.170 Off Street Parking Requirements”**  
of the Ballard Land Use Ordinances is hereby *amended* as follows:

A M E N D M E N T

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 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, one of which will be covered. Tandem parking will be allowed in single-family subdivisions only.
2. **All Other Dwellings.** All other dwellings, including ~~townhouses and condominiums;~~ two-family and multi-family dwellings, will have two (2) parking spaces per dwelling unit, at least one of which will be covered. 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.
	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

Call centers or telemarketing business	centers occupying no more than 15 percent of a building's total floor area (or 15 percent of an office park's cumulative floor area), up to 3,000 square feet maximum, will provide at least 1 space per 250 square feet of gross floor area.
Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls or other meeting rooms	1 space for each 3.5 fixed seats of maximum seating capacity, or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench will be considered a fixed seat.
Dance facilities	1 space for every 3.5 people of maximum capacity allowed in the facility.
Day nurseries in commercial zones, including preschools and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed.
Educational uses:	
Elementary	2.5 spaces per classroom/teaching station.
Intermediate (6th and 7th) and middle (8th and 9th)	4.5 spaces per classroom/teaching station.
High school (10th through 12th)	12 spaces per classroom/teaching station.
College, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students.
Furniture stores, appliance stores and	1 space for each 600 square feet of floor area.
Lumberyards	
Golf courses	6 spaces per hole.
Golf driving ranges	1 space per tee.
Health studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater.
Hospitals	2 parking spaces for each bed.
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner.
Libraries	1 space for each 300 square feet of gross floor area.
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area.
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area.

Nursing homes, care centers and assisted living	1 parking space for each 3 beds, except where skilled care (long term care) is provided, the requirement is 1 parking space for each 2 beds.
Outdoor sales lots for autos, 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:

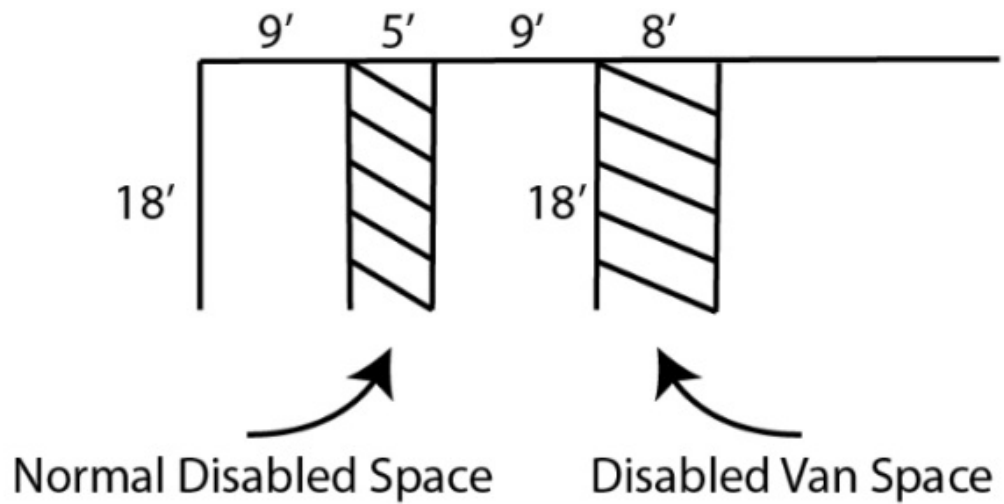
- a. Sufficient evidence will be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.
- b. shared parking stalls will not be more than what is required for either of the uses.
- c. Parking facilities should not be located 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 an 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.

PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL

\_\_\_\_\_.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Robert Abercrombie	_____	_____	_____	_____
Councilmember Mark Reidhead	_____	_____	_____	_____
Councilmember Ben Allred	_____	_____	_____	_____
Councilmember Al Kettle	_____	_____	_____	_____
Councilmember Nile Mathisen	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Abercrombie, Mayor, Ballard City

\_\_\_\_\_  
Kaelyn Meyers, City Recorder, Ballard City