**ORDINANCE NO. 15-1**

**AN ORDINANCE AMENDING THE BOULDER ZONING ORDINANCE**

**AND FURTHER DEFINING ACCEPTABLE TEMPORARY USES**

**OF LAND IN THE TOWN**

 **WHEREAS**, the Town and the public have an interest in further clarifying the Town’s zoning ordinance and to make changes regarding use in the various zones;

 **WHEREAS**, the Boulder Town Council finds good cause to change the regulations applicable to temporary uses in the town; and

 **WHEREAS**, the Boulder Town Council desires to have its written ordinances reflect such language in order to make said requirements easy to find;

 **NOW THEREFORE,** be it ordained by the Boulder Town Council as follows:

 1. That the Boulder Town Zoning Ordinance, Section 604, Temporary Use, is hereby amended as follows:

**. . .**

**~~Temporary use~~**~~: A use established for a maximum period of 120 days, such use being~~

~~discontinued after the expiration of 120 days. Such use may include, but is not limited to,~~

~~construction offices or the storage of materials and equipment necessary for construction and seasonal activities such as a corn maze, pumpkin patch/stand, fireworks stand, and Christmas tree lot~~. ~~(Amended by the Adoption of Ord.. # 46A – passed 1/10/2003).~~

**Long-term Temporary use**: A use established for a maximum period of 120 days, such use being discontinued after the expiration of 120 days.

Long Term temporary uses may include:

Temporary signs, Farm or Produce stands; Temporary Commercial Sales such as Mobile Food Concessions, Christmas Tree Lots, Fireworks Stands; Farmer’s Markets; Construction Offices; Materials and/or Equipment Storage; Seasonal Activities such as Corn Mazes and Pumpkin Patches.

Other long term temporary uses will be allowed if approved by the enforcement officer. The enforcement officer is a member of the Town Council who is appointed by the mayor to serve that function. Any denial of permission from the enforcement officer may be appealed to the entire Town Council.

(Modified by Ord. #15-1- passed 02-05-15).

**. . .**

**Special Events:** An event advertised to the general public and established for a maximum period of seven (7) consecutive days per event, and limited to six (6) such events per property or applicant, per calendar year.

Special Events may include, but are not limited to: Non-profit fund-raising activities conducted by a registered non-profit organization; organized events such as educational, historic, religious, and patriotic displays or exhibits; concerts; athletic or recreational events; festivals; street fairs; arts and crafts fairs.

(Modified by Ord. #15-1- passed 02-05-15).

**. . .**

 2. That Section 903, Allowed Temporary Uses, is hereby amended as follows:

**Section 903: Allowed Temporary Uses**:

The following uses and activities may be permitted by the Zoning Administrator (with right of appeal to the Town Council) with a finding that the Temporary Use will be conducted in compliance with all the requirements of this Ordinance:

~~1. A use proposed to be established for a maximum period of 120 days, such use being~~

~~discontinued after the expiration of 120 days. (Amended by the Adoption of Ord. # 46A –~~

~~passed 1/10/2003).~~

~~2. Special Events, for a period not to exceed 45 days, including;~~

 ~~a) Non-Profit Fund-raising Activities conducted by a registered Non-Profit~~ ~~Organization.~~

 ~~b) Organized Events, Educational, Historic, Religious and Patriotic Displays or~~ ~~Exhibits, including concerts, athletic or recreational events, festivals, street fairs,~~ ~~arts and crafts fairs, and other organized events.~~

1. Long-Term Temporary Uses: To include, but not limited to:

 Temporary Signs; Farm or Produce Stands; Temporary Commercial Sales such as Mobile Food Concessions, Christmas Tree Lots, Fireworks Stands; Farmers Markets; Construction Offices; Materials and/or Equipment Storage; Seasonal Activities, such as Corn Mazes or Pumpkin Patches.

 Such uses listed above are to be established for a maximum period of 120 days, such use being discontinued after the expiration of 120 days. Such permits are limited to one (1) 120 day permit per calendar year.

2. Special Events, including:

 a) Non-profit fund-raising activities conducted by a registered nonprofit organization.

 b) Organized Events, including but not limited to: Educational, Historic, Religious and Patriotic displays or exhibits, Concerts, Athletic, Recreational, Festivals, Street Fairs, Arts and Crafts Fairs.

 Duration: A Temporary Use Permit for a Special Event shall be issued for a period not to exceed seven (7) consecutive days per event, and limited to six (6) such events per property or applicant, per calendar year.

 Safety and health considerations: Each Special Event shall provide adequate parking and sanitation for the attendees. For the purpose of this section, adequate parking shall be defined as one (1) parking place for every four (4) persons. For the purpose of this section, adequate sanitation shall be defined as one (1) bathroom facility for every twenty (20) persons.

(Modified by Ord. #15-1- passed 02-05-15).

 3. That Section 904, Exemptions, is hereby amended as follows:

**Section 904 Exemptions:**

~~All family gatherings shall be exempt from the requirements of a Temporary Use permit and shall not require a Temporary Use permit.~~

The following gatherings shall be exempt and shall not require a temporary use permit:

 A. Family gatherings;

 B. All gatherings under 20 people;

 C. Church sponsored gatherings;

 D. Government sponsored gatherings;

 E. School sponsored gatherings; and

 F. Private gatherings conducted on private property and not advertised for the general public.

(Modified by Ord. #15-1- passed 02-05-15).

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4. That Section 603, Table of Uses, is hereby amended as follows:

**Table 1**

**Table of Uses**

| **Use** | **Zoning District** |
| --- | --- |
|  | GMU | LDR | MDR | HDR | C |
| Accessory Dwelling Unit for Employees | C |  |  |  | C |
| Accessory Use or Building | P | P | P | P | P |
| Agriculture | P | P | P | P | P |
| Agricultural Building | P | P | P | P | P |
| Automotive Care |  |  |  |  | C |
| Bed and Breakfast Inn | C | C | C | C | C |
| Campground | C | C |  |  | C |
| Cemetery | C | C |  |  |  |
| Church | C | C | C | C | C |
| Commercial Sales and Services |  |  |  |  | C |
| Concrete Plant associated with an existing Gravel Pit (Added by the Adoption of Ord. #48 – passed 8/8/2002). | C |  |  |  |  |
| Day Care/Preschool Center |  |  |  |  | C |
| Day Treatment Facility/Program |  |  |  |  |  |
| Group Child Care | C | C | C | C | C |
| Guest Ranch | C | C |  |  |  |
| Home Child Care | P | P | P | P | P |
| Home Occupation, Minor (Modified by Ord. #72- passed 11-7-13). | P | P | P | P | P |
| Home Preschool | P | P | P | P | P |
| Hotel |  |  |  |  | C |
| Intermediate Secure Treatment Facility/Program for Minors |  |  |  |  |  |
| Light Manufacturing |  |  |  |  | C |
| Long-term Temporary Use (Modified by Ord. #15-1- passed 02-05-15). | T | T | T | T | T |
| Motel |  |  |  |  | C |
| Outpatient Treatment Facility/Program |  |  |  |  |  |
| Professional Office~~s~~ (Modified by Ord. #72- passed 11-7-13). |  |  |  |  | C |
| Public Uses and Utilities | C | C | C | C | C |
| Recreational Facility | C |  |  |  | C |
| RV and Campground Parks (Added by the Adoption of Ord. #51 – passed 11/5/2003). (Modified by Ord. #72- passed 11-7-13). | C |  |  |  | C |
| Recreational Vehicle or Mobile Home as Interim Residence During Construction (Added by the Adoption of Ord. # 46B – passed 12/3/2003). | C | C | C | C | C |
| Residential Facility for Elderly Persons (Modified by Ord. #72- passed 11-7-13). | P  | P  | P  | P  |  |
| Residential Facility for Persons with a Disability | C | C | C | C |  |
| Residential Support Facility/Program |  |  |  |  |  |
| Residential Treatment Facility/Program |  |  |  |  |  |
| Resort | C |  |  |  |  |
| Restaurant |  |  |  |  | C |
| Retail Sales and Services |  |  |  |  | C |
| School | C | C | C | C |  |
| Single Family Dwelling on a legal lot of record | P | P | P | P |  |
| Social Detoxification Facility/Program |  |  |  |  |  |
| Special Events (Modified by Ord. #15-1- passed 02-05-15). | T | T | T | T | T |
| ~~Temporary Use~~ | ~~T~~ | ~~T~~ | ~~T~~ | ~~T~~ | ~~T~~ |
| Veterinary Clinic | C |  |  |  | C |
| Wholesale Business and Storage |  |  |  |  | C |

Table of Uses Notes:

P = Permitted Use; C = Conditional Use; T = Temporary Use, Cell Blank or Use not Identified = Prohibited Use

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5. That the Town Clerk or Recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

A. Cause a copy of this ordinance to be deposited in the office of the Town Recorder; and

B. Either:

(b1) Cause a short summary of this ordinance to be published for at least one publication in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a newspaper of general circulation within Boulder Town;

 **Or**

(b2) Cause to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

**APPROVED** and **PASSED** this \_\_\_\_\_ day of , 2015.

**ATTEST:** **BOULDER TOWN**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judith Davis Bill Muse, Mayor

Boulder Town Clerk

 **VOTE**

Gladys LeFevre, Councilwoman \_\_\_\_\_\_\_\_\_

Steve Cox, Councilman \_\_\_\_\_\_\_\_\_

Tom Jerome, Councilman \_\_\_\_\_\_\_\_\_

Cindy Wilson, Councilwoman \_\_\_\_\_\_\_\_\_

**ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)**

STATE OF UTAH )

 : ss.

COUNTY OF GARFIELD )

 I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

[ ] (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

**Either**

 [ ] (a1) Causing a short summary of this ordinance to be published for at least one publication in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a newspaper of general circulation within Boulder Town;

 **or**

[ ] (a2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

 IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Seal] Judith Davis

 Boulder Town Clerk