

ORDINANCE NO. 2018-4

**AN ORDINANCE AMENDING THE BOULDER TOWN ZONING
ORDINANCE TO ALLOW ACCESSORY DWELLING UNITS (ADU)
AS RENTALS OR AS GUEST HOUSES IN ALL RESIDENTIAL
ZONES**

WHEREAS the Town of Boulder finds it beneficial to diversify the rental housing options available in the town;

WHEREAS lot owners have expressed a desire to, in addition to their Principal Dwelling Unit (PDU), have an ADU in single family residential zones to serve as a rental to generate income, or function as a guest house, help with assisted living, or serve any or all of these purposes at different times of year or in different years;

WHEREAS the town finds it beneficial to allow ADU rentals only when one or the other dwelling on a lot is occupied by the owner as their primary residence;

WHEREAS the town finds it beneficial to allow only one ADU per lot and owners must be granted a Conditional Use Permit (CUP) to designate and use either dwelling as an ADU Rental.

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

Chapter 10, and Chapter 6, Section 603 and Section 604 of the Boulder Town Zoning Ordinance are hereby amended and supplemented as follows:

1. Chapter 10 is hereby amended and Section 1019 is added as follows:

1. Accessory Dwelling Units Defined: An Accessory Dwelling Unit (ADU) is a second dwelling unit, in addition to the Primary Dwelling Unit (PDU), sited upon a single-family legal lot of record, which is classified into two (2) categories: (1) "ADU Rental" in which the Owner is compensated in a tenancy agreement, or (2) "ADU Guest", which is not a tenancy, but used for family and guests.

2. Allowed Zones: ADUs are allowed in the HDR zone, the MDR zone, the LDR zone and the GMU zone. ADUs are not allowed in the Commercial zone, except ADUs for Employees as specified in Sections 603 and 604, Table of Uses and Use Definitions.

3. ADU Rentals: A Conditional Use Permit (CUP) is required and the Boulder Town Planning Commission will consider all applications for said conditional use permits and issue the same for a period of one (1) calendar year, under the following terms and conditions:
 - a. The Lot must be the primary residence of the Lot Owner;
 - b. The Owner must occupy either the PDU or the ADU and may designate and apply for a CUP for either as an ADU Rental;
 - c. Proof of ownership and occupancy shall be part of the CUP application;
 - d. Any applicant shall be limited to one CUP for one ADU Rental within the Boulder Town limits;
 - e. Rental tenancy includes any occupancy where the Owner is compensated by the occupant for a rental term of 30 days or more through a term lease or a month to month tenancy;
 - f. The Owner is responsible for any nuisance created by the tenants, which can constitute grounds for revocation or non-renewal of the CUP;
 - g. Standards: ADU Rentals must conform to the following: ^{L}_{SEP}
 - i. Must contain complete cooking and bathroom facilities that are separate from the facilities located in the PDU.
 - ii. The cooking facility must contain:
 1. A sink and water faucet, ^{L}_{SEP}
 2. A place for food refrigeration, and ^{L}_{SEP}
 3. A stovetop, range, or other similar device for cooking food. ^{L}_{SEP}
 - iii. The bathroom facility must contain:
 1. A sink and water faucet, ^{L}_{SEP}
 2. A toilet, and ^{L}_{SEP}
 3. A shower or bathtub.
 - iv. Space for a sleeping accommodation.
 - h. Must have a separate entrance from the PDU; ^{L}_{SEP}
 - i. And two additional parking spaces for tenant vehicles.

4. The following terms and conditions apply to both ADU Rentals and ADU Guest:

- a. New construction must meet all applicable health, fire and building codes, including a culinary water source and wastewater facilities;
 - b. Existing structures must comply with Sec. 4(a) or be legal non-conforming/non-complying as defined by Boulder Town Zoning Ordinance;
 - c. Should use the existing septic and drain field on the lot unless Southwest Health Department deems it inadequate;
 - d. One ADU per legal lot of record is permitted;
 - e. An ADU shall be limited in size and proximity to the Principal Dwelling, excepting existing structures, as follows:
 - i. 1,000 sq. ft. maximum ADU on any Lot in LDR or GMU zones and sited within 100 feet of the Principal Dwelling;
 - ii. 800 sq. ft. maximum ADU on any lot in MDR zone and sited within 100 feet of the Principal Dwelling;
 - iii. 600 sq. ft. maximum ADU in HDR zone; however, the ADU in a HDR zone must be “attached” to the Principal Dwelling;
 - 1. “Attached” means by common wall, a hallway, or by a roof structure over a walkway.
 - iv. Any structure existing in any form as of the date of this ordinance is not subject to this Section 4(e).
5. An ADU Guest may be used as a guest house, family quarters, or assisted living and 3rd party help with assisted living, in which case none of the restrictions on ADU Rentals found in Section 3 hereof shall apply. (Living space in exchange for assisted living services shall not be considered compensation or tenancy for purposes of this ordinance.)
6. Nothing herein shall prevent an ADU Guest from being converted into an ADU Rental upon qualifying for and being issued a CUP. Conversely, nothing herein shall prevent an ADU Rental from use as an ADU Guest. The two uses can alternate depending upon circumstances and the needs of the Owner, in the same year or not, so long as all the terms and conditions of this ordinance are met.
7. An ADU may not be used as a Residential Short Term Rental or any form of transient lodging where the occupancy is less than 30 days, unless said short-term use is authorized by subsequent ordinance, in

which case those terms and conditions shall apply as supplemental to, and not in lieu of, this ordinance.

(Modified by Ord. #2018-4, passed 01-03-19.)

2. **Section 603, Table 1, Table of Uses**, is hereby amended as follows:
(See attached Table 1, incorporated herein by this reference.)

(Modified by Ord. #2018-4, passed 01-03-19.)

3. **Section 604, Use Definitions**, is hereby amended as follows:
(See attached Use Definitions, incorporated herein by this reference.)

(Modified by Ord. #2018-4, passed 01-03-19.)

4. 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:

(1) 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

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

APPROVED and PASSED this 3rd day of January, 2019.

ATTEST:

BOULDER TOWN

Judith Davis
Boulder Town Clerk

Steven Cox, Mayor

VOTE

_____	, Councilperson	_____
_____	, Councilperson	_____
_____	, Councilperson	_____
_____	, Councilperson	_____

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:

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

Either

[] (b1) 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

[X] (b2) 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 3rd day of January, 2019.

[Seal]

Judith Davis
Boulder Town Clerk

Section 603, Table 1, Table of Uses: (as amended, Ord. #2018-4, passed 01-03-19)

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Accessory Dwelling Unit for Employees	C				C
<u>Accessory Dwelling Unit – Rental (Added by Adoption of Ord. #2018-4, passed 01-03-19, which amends Chapter 10, by adding Section 1019.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Accessory Dwelling Unit – Guest (Added by Adoption of Ord. #2018-4, passed 01-03-19, which amends Chapter 10, by adding Section 1019.)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
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
Borrow Pit (Added by Ord. #66 passed 09-01-11)	C				
Campground	C	C			C
Cemetery	C	C			
Church	C	C	C	C	C
Commercial Sales and Services					C
Community Market (Added by Ord. #15- 2 – passed 05-07-15)					P
Concrete Plant associated with an existing Gravel Pit (Added by Adoption of Ord. #48, passed 8/8/2002).	C				
Day Care/Preschool Center					C
Day Treatment Facility/Program					
Farmstand (Added by Ord. #15-2, passed 05-07-15)	C	C	C	C	P
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					

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Light Manufacturing					C
Long-term Temporary Use (Modified by Ord. #15-1- passed 02-05-15).	T	T	T	T	T
Mobile Food Business (Added by Ord. #15-2 – passed 05-07-15)					C
Motel					C
Outpatient Treatment Facility/Program					
Professional Offices (Modified by Ord. #72- passed 11-7-13).					C
Public Uses and Utilities (Modified by Ord. #16-1- passed 01-07-16).	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
Veterinary Clinic	C				C
Wholesale Business and Storage					C

Table of Uses Notes:

P = Permitted Use; C = Conditional Use; T = Temporary Use. Blank cell or use not listed = Prohibited Use.

Section 604, Use Definitions: (as amended, Ord. #2018-4, passed 01-03-19)

For the purpose of applying the Table of Uses and rendering other decisions required by this Ordinance, the Uses identified in the Table of Uses (Table 1) are hereby defined as follows:

Accessory Building: A subordinate building detached from but located on the same lot as the principal use, the use of which is incidental and accessory to that of the principal use. An Accessory Building shall be no larger than 1000 square feet and shall contain no living facilities, including cooking facilities, and shall not be used as a dwelling unit.

Accessory Dwelling Unit for Employees: A Dwelling Unit for an employee of the owner of the principal structure and which is located on the same lot as the principal structure.

Accessory Dwelling Unit – Rental: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used as a rental for a term or month to month tenancy pursuant to a CUP, and that meets the criteria found in Ordinance 2018-4, passed 01-03-19, which amends Chapter 10 by adding Section 1019.

Accessory Dwelling Unit – Guest: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used for family, invitees, caretaking, and otherwise which meets the criteria found in Ordinance 2018-4, passed 01-03-19, which amends Chapter 10 by adding Section 1019.

Accessory Use: A use clearly subordinate and customarily incidental to, and located on the same parcel as an authorized permitted or conditional use. Accessory Use may include the parking of one (1) vehicle or piece of equipment owned by the owner of the parcel and used in the conduct of a business or activity, as allowed and licensed by the Town. (Amended by the Adoption of Ord. #47 – passed 6/19/2002).

Agriculture: The production, keeping, or maintenance for sale of plants and animals useful to man, including crops and products such as vegetables, fruit trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage, the raising thereon of farm poultry and farm livestock and animals, such as cattle, sheep, goats, or animals of the Bovinae family; all horses, mules, or animals of the Equine family; all pigs, swine, or animals of the Suinae family; fur bearing animals, bees, and ostriches, rhea, and emu; trees and forest products; wholesale fruits of all kinds, including grapes, nuts, and berries; wholesale vegetables; wholesale nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agriculture does not include Concentrated Animal Feeding Operations, 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)

Agricultural Building: A structure used solely in conjunction with agriculture use, and not for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must be

located outside of a residential area, as defined by §58-56-4(1), Utah Code Annotated, 1953, as amended.

Automotive Care. An establishment providing motor vehicle repair or maintenance services. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

Bed and Breakfast Inn: A residential structure offering transient lodging accommodations where meals may be provided. A Bed and Breakfast Inn shall have no more than five guest rooms and shall meet all applicable health, safety and building codes.

Borrow Pit: An area used for excavating sand or fill material for transport to another location. Considerations for approving a conditional use permit should include, but are not limited to, the following general concerns: hours of operation, noise levels, traffic issues, blowing soil or sand, wind speed during operation, watering, restoration/revegetation, viewshed, and neighbor comments. The permit will be issued for a period of one year, with conditions reviewed annually. Any non-emergency, fee-based transfer of fill dirt from one property to another owner's property will be considered a commercial venture and require appropriate business licensing. . (Added by Ord. #66 passed 09-01-11).

Campground: An area of land upon which two or more campsites are located, established, or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit for recreational or vacation purposes.

Cemetery: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums and meeting all applicable Local, State and Federal requirements and regulations.

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

Commercial Sales and Services: An activity involving the sale of goods and services, including the sale of personal or household goods, for profit. Commercial Sales and Services include tradesman's shops and construction and contractor services. No Commercial Sales and Services establishment shall include or provide "Drive-up" windows or "Drive through" facilities.

Community Market: A community market provides a venue for local growers, and food, craft, and service artisans to display and sell items to the public. (Added by Ord. #15-2- passed 05-07-15).

Concrete Plant associated with an existing Gravel Pit: A facility, with associated loading and unloading areas, materials, storage areas and equipment, for the manufacture, transfer, storage and distribution of concrete and concrete related products and located within the boundaries of a gravel pit. (Added by the Adoption of Ord. #48 – passed 8/8/2002).

Day Care/Preschool Center: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.

Day Treatment Facility/Program: Specialized treatment for less than 24 hours a day, for four (4) or more persons who are unrelated to the owner or provider and is established and operated as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Day Treatment Programs. A Day Treatment Facility/Program provides services to individuals who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day Treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service in accordance with §62A-2-101,5, Utah Code Annotated, 1953, as amended.

Existing Gravel Pit: An open excavation or pit from which gravel or other stones or earthen materials have been obtained by digging, cutting, crushing, or blasting, and which existed prior to the adoption of the Zoning Ordinance, as a legally authorized use. (Added by the Adoption of Ord. #48 – passed 8/8/2002).

Farmstand: Farmstands should be accessory to onsite agriculture operations. The intent is to encourage the sale of locally grown fresh produce, not the establishment of traditional retail stores or convenience markets in agricultural and residential zones. Food sales at a farm stand must be limited to the following: a) Produce and shell eggs, and b) value added and farm products that were grown or produced in close proximity to the farm stand. (Added by Ord. #15-2- passed 05-07-15).

Group Child Care: The care of children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than seventeen (17) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the childcare is provided. There shall be at least two (2) care givers at all times when there are nine (9) or more children present.

Guest Ranch: A facility, including either a single building or resort cabins, which serves as a destination point for visitors and generally has accessory recreational facilities for the use of guests.

Home Day Care: The care for children who are family and non-family members in an occupied dwelling, and complying with all State standards and licensing, by the resident of that dwelling at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).

Home Occupation, Minor: An activity carried out for gain by a resident and conducted entirely within the resident's home and/or a separate building of no more than 750 square feet and is clearly incidental and accessory to the residential use of the dwelling or property and provided that the home occupation does not change the residential character of the residence and does not result in noise, vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line, does not include any outside storage of goods, materials, or equipment, has no signage, complies with all required Federal and State licensing requirements, complies with all required Local licensing requirements. (Modified by Ord. #72- passed 11-7-13).

Home Preschool: A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

Hotel: A building offering transient lodging accommodations to the public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall have no more than 30 guest rooms.

Intermediate Secure Treatment Facility/Program for Minors: A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider, and is established and operated as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Intermediate Secure Treatment Programs, in a facility designed to physically restrict minors' ability to leave the program at their own free will. An Intermediate Secure Treatment Facility/Program offers room and board and provides for or arranges for the provision of specialized treatment, rehabilitation, or habilitation services for children and youth. In secure treatment, each consumer is assisted in acquiring the social and behavioral skills necessary for living in the community.

Legal Lot of Record: Any land parcel that existed, as recorded in the Office of the County Recorder, and with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to September 11, 1998, and all parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the Town and the laws of the State of Utah after

September 11, 1998, but excluding those parcels that were created only for the purposes of transfer of ownership or for agricultural purposes created under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

Light Manufacturing: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty- five percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes that do not require extensive floor areas or land areas.

Mobile Food Business: A “mobile food business” serves food and/or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operation on premises other than its own and is readily movable, without disassembling, for transport to another location. (Added by Ord. #15-2- passed 05-07-15).

Mobile home: A transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

Motel: A building or group of buildings containing guest rooms, 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. A motel shall have no more than 30 guest rooms.

Outpatient Treatment Facility/Program: Individual, family, or group therapy or counseling designed to improve and enhance social or psychological functioning of those consumers whose physical or emotional status allows them to continue functioning in their usual living environment in accordance with §62A-2-101,15, Utah Code Annotated, 1953, as amended, and as required by the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Outpatient Treatment Programs. An Outpatient Treatment Facility/Program shall serve consumers who require less structure than offered in Day Treatment Facility/Program. Consumers are provided treatment as often as determined and noted in the treatment plan.

Professional Offices: 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. (Modified by Ord. #72- passed 11-7-13).

Public Uses and Utilities: 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 facilities, gas and electricity facilities, recycling and waste management, cable television facilities and telecommunications facilities, but excluding airports, prisons and animal control facilities. (Modified by Ord. #16-1-passed 01-07-16).

Recreational Facility: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle or RV: A motor coach or a travel trailer in working condition and capable of locomotion under its own power or by being towed and able to move from location to location. Any trailer of any type or motor coach incapable of movement does not qualify as an RV for purposes of this Ordinance. (Added by the Adoption of Ord. #46D – passed on 8/4/2005).

Residential Facility for Elderly Persons: A facility as defined by Sec.10-9a-103; Utah Code Annotated, as amended.

Residential Facility for Persons with a Disability: A residential dwelling (for four (4) or more persons) as licensed by the Department of Human Services, Division of Services for People with Disabilities. 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 impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). 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. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.

Residential Treatment Facility/Program: A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider and operated in accordance with the requirements of §62A-2-101,17, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Residential Treatment Programs. A Residential Treatment Facility/Program offers room and board and provides for or arranges for the provision of specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In a Residential Treatment Facility/Program consumers are assisted in acquiring the social and behavioral skills necessary for living in the community in accordance with §62A-2-101,17, Utah Code Annotated, 1953, as amended.

Residential Support Facility/Program: A 24-hour group living environment, providing room and board for four (4) or more consumers unrelated to the owner or provider in accordance with §62A-2-101,16, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services,

governing the licensure of Residential Support Programs. A Residential Support Facility provides the necessities of life as a protective service to individuals or families who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of Residential Support; however, treatment shall be made available on request.

Resort: A facility that serves as a destination point for visitors and generally has recreational facilities for the use of guests and may include residential accommodations for guests. Guest residency is limited to no more than 90 days.

Restaurant: An establishment where food and drink is prepared, served, and consumed within the building. "Restaurant" does not include uses that are identified as Take-out or Drive-in restaurants; where food is served primarily in paper, plastic or other disposable containers; where customers may remove such food or beverage products from the food service establishment for consumption; and the establishment is required by contractual or other arrangements to operate with standardized menus, ingredients, architecture, decor, uniforms or similar standardized features.

School: Any building or part thereof that is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool center.

Single-Family Dwelling: A building arranged or designed to be used for and containing one dwelling unit.

Social Detoxification Facility/Program: A short-term non-medical treatment service for consumers unrelated to the owner or provider in accordance with §62A-2-101,19, Utah Code Annotated, 1953, as amended, and the standards and rules, as adopted by the Utah State Department of Human Services, governing the licensure of Social Detoxification Programs. A Social Detoxification Facility/Program offers room, board, and specialized rehabilitation services to persons who are in an intoxicated state. In a Social Detoxification Facility, consumers are assisted in acquiring the sobriety and drug-free condition necessary for living in the community and places emphasis on helping the consumer obtain further care after detoxification.

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).

Subdivision: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision

includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

Temporary Use - Long-term: 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 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. #16-2- passed 4-07-16).

Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals that may include indoor and outdoor animal holding facilities.

Wholesale Business and Storage: Establishments or places of business primarily engaged in selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.