

BOULDER TOWN, UTAH
ORDINANCE NO. 66

**AN ORDINANCE AMENDING THE BOULDER ZONING ORDINANCE;
ALLOWING BORROW PITS AS A CONDITIONAL USE IN THE GMU ZONE;
PROVIDING DEFINITION FOR BORROW PIT; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Boulder Town adopted on August 28, 2001, The Boulder Town Zoning Ordinance as allowed under§10-9 et. seq., Utah Code Annotated, 1953, as amended; and

WHEREAS, the Boulder Town Zoning Ordinance may be amended from time to time; and

WHEREAS, the Boulder Town Planning Commission and Boulder Town Council have now formulated, reviewed, and considered a proposed revision allowing borrow pits as a conditional use in the GMU Zone and providing a definition for borrow pit; and

WHEREAS, following the Public Hearing held by the Town Council and the receipt of all comment and input and after consideration, the Boulder Town Council has determined that it is in the best interests of the public health, safety and welfare of Boulder Town that the Boulder Town Zoning Ordinance be amended to allow borrow pit as a conditional use in the GMU Zone and to provide a definition for borrow,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOULDER TOWN, UTAH, AS FOLLOWS:

1: Added Use. The Boulder Town Zoning Ordinance, Chapter 6, Section 603, is hereby amended to allow borrow pits as a conditional use in the Greenbelt-Multiple Use District (GMU) Zone.

2: Additional Definition. The Boulder Town Zoning Ordinance, Chapter 6, Section 604, is hereby amended to include the following definition:

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.

3: Severability. If any section, part or provision of this ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this ordinance, and all provisions, clauses and words of this ordinance shall be severable. This Section shall become effective without codification.

4: Effective Date. This ordinance takes effect upon posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF BOULDER TOWN,
UTAH, THIS 1 DAY OF September , 2011.

ATTEST:

BOULDER TOWN

 /s/ Judith Davis
Judi Davis
Boulder Town Clerk

 /s/ Bill Muse
Bill Muse, Mayor

