

ORDINANCE NO. 72

AN ORDINANCE AMENDING THE BOULDER ZONING ORDINANCE, CHANGING REQUIREMENTS FOR RESIDENTIAL FACILITIES, DISALLOWING RV AND CAMPGROUND USE OUTSIDE THE GMU AND COMMERCIAL ZONES, RENAMING HOME OCCUPATION AND PROFESSIONAL OFFICE PROVISIONS, AND OTHERWISE

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 requirements for the residential facilities for elderly persons and also to disallow RV and campground use outside of the GMU and Commercial zones ; 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Zoning Ordinance, Section 1013 (2) Supplementary Requirements for Residential Facilities for Elderly Persons, is hereby repealed and replaced with the following :

Section 1013(2)—Residential Facilities for Elderly Persons:

The approval of a Residential Facility for Elderly Persons is nontransferable and automatically terminates if the structure is devoted to a use other than a Residential Facility for Elderly Persons, or if the structure fails to comply with the requirements of this Section.

- 1) A Residential Facility for Elderly Persons shall not:
 - a) Operate as a business (Section 10-9a-516(1), UCA, as amended).
 - b) Be considered as a business because a fee is charged for food or actual and necessary costs of operation and maintenance of the facility (Section 10-9a-516(3), UCA, as amended).
 - c) Provide housing for a person being treated for alcoholism or drug abuse (Section 10-9a-518, UCA, as amended).
- 2) A Residential Facility for Elderly Persons shall:
 - a) Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been

- placed in trust for a resident (Section 10-9a-516(2)(a), UCA, as amended).
- b) Be consistent with all existing, applicable land use ordinance requirements affecting the location (Section 10-9a-516(2)(b), UCA, as amended).
 - c) Be occupied on a 24-hour basis by eight or fewer elderly persons in a family-type arrangement (Section 10-9a-516(2)(c), UCA, as amended).
 - d) Be capable of use as a Residential Facility for Elderly Persons without structural or landscaping alterations that would change the structure's residential character (Section 10-9a-517(2)(c), UCA, as amended).
 - e) Shall meet all Land Use Ordinances, Building Code(s), and Health Codes as adopted, as applicable to similar dwellings (Section 10-9a-517(2)(a), UCA, as amended).
 - f) Provide adequate off-street parking (Section 10-9a-517(2)(b), UCA, as amended).
- 3) Placement in a Residential Facility for Elderly Persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility (Section 10-9a-517(2)(f), UCA, as amended).

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

2. 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

Use	Zoning District				
	GMU	LDR	MDR	HDR	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
Motel					C
Outpatient Treatment Facility/Program					
Professional Offices (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

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Residential Facility for Elderly Persons (Modified by Ord. #72- passed 11-7-13).	<u>P</u> €	<u>P</u> €	<u>P</u> €	<u>P</u> €	
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					
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

3. That the following portions of Section 604, Use Definitions, are hereby amended as follows:

. . . .

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.

. . .

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).

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:

(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 _____, 2013.

ATTEST:

BOULDER TOWN

Judith Davis
Boulder Town Clerk

Bill Muse, Mayor

VOTE

Gladys LeFevre, Councilwoman	_____
Steve Cox, Councilman	_____
Tom Jerome, Councilman	_____
Sue Inman, Councilwoman	_____

