

**BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
TUESDAY, FEBRUARY 04, 2025
6:30 P.M.**



Notice is hereby given that the Bountiful City Planning Commission will hold a meeting in the Council Chambers, Bountiful City Hall, located at 795 South Main Street, Bountiful, Utah, 84010, on the date and time provided. The public is invited to attend.

1. Welcome
2. Planning Commission Training – Chapter 6 of Ground Rules: Your Handbook to Utah Land Use Regulation, by Craig M. Call, J.D.
Senior Planner Corbridge
3. Meeting Minutes from January 21, 2025
 - Review
 - Action
4. Land Use Code Text Amendment: Omnibus
Senior Planner Corbridge
 - Review
 - Public Hearing
 - Recommendation to City Council
5. Land Use Code Text Amendment: Paved Parking Surfaces
Planning Director Astorga
 - Review
 - Public Hearing
 - Recommendation to City Council
6. Planning Director’s report, update, and miscellaneous items
7. Adjourn

Administrative Issues and How They are Resolved

CHAPTER 6

Once the community has hammered out the general plan and the land use ordinances, it is time to get down to the basic work of controlling land use and enforcing the rules. While much of the process is case-specific and community-defined, there are some general observations that may be made about some different types of decisions and procedures.

Again, it is important to remember that each municipality or county that has decided to manage land use has its own ordinances and procedures. When discussing ordinances, it is important to remember three things:

1. You must read the ordinance.
2. You must read the ordinance.
3. You must read the ordinance.

There is no way that a general description of Utah land use can possibly anticipate or cover all the variations that are present in individual local ordinances. The general rules and procedures established in this book relate to the general minimal standards in state statutes and case law. If you just review this chapter and fail to review the local ordinance, you will likely misunderstand the local process.

In discussing local land use procedure, municipal staff are often willing to help describe the process to you. Even though such persons may be well-intentioned, they may not understand your question, or may even misinterpret the law. While such help can often be beneficial, you should still take the time to read the ordinance, because the municipality is not bound by its employee's promises or commitments. The only law that the municipality is bound by are ordinances properly passed by a majority vote of the legislative body or land use authority. If you are misled or the person assisting you did not really understand the question you asked, you cannot fix your misunderstanding by bringing a lawsuit. Governmental entities have immunity and are usually not bound by or liable for the representations of their employees and administrators.

Which Ordinance Applies? – Vested Rights

Unique to Utah is what land use planners around the nation refer to as “early vesting”. In most states, a local government can adjust the land use regulations to respond to an application that is deemed in need of some adjustments in the public interest. In those states, an applicant is subject to changes in the zoning ordinance, map, and general plan that are made *after* the application is submitted. Not so in Utah.

In the landmark case *Western Land Equities v. Logan City*, the Utah Supreme Court declared that, in the interest of equity and fairness, a subdivision application must be reviewed under the regulations which were in place when the complete application is filed, and the relevant fees paid.¹ This rule has now been codified into state law with some embellishments.²

In *Western Land Equities*, the Supreme Court stated that “a property owner should be able to plan for developing his property in a manner permitted by existing zoning regulations with some degree of assurance that the basic ground rules will not be changed in midstream. Clearly it is desirable to reduce the necessity for a developer to resort to the courts. An applicant for approval of a planned and permitted use should not be subject to shifting policies that do not reflect serious public concerns.”³

The “vesting rule” applies to all administrative applications, but not to legislative changes. The purpose of a legislative amendment is to change the law – the zoning ordinance, the map, the general plan, or the city boundaries. Since the goal is to change the regulations, it is a given that the current regulations are on the table for amendment. The changes would not apply to applications which are already vested, of course, but would apply to development plans which have not yet been submitted with the appropriate fees paid.

But in the administrative setting – whether the land use authority appointed to make the decision on the application is the staff, the planning commission, the appeal authority, or the legislative body, the vesting rules apply. Once the application has been filed and the application fees paid, the issue before the land use authority is simply whether the application complies with the rules in place when it was filed or not. If it complies, it must be approved. It is too late to wish that the laws were

different. Changes can be made to the ordinances and other regulations before the next application is filed, but the current law applies to this one.

There are two narrow exceptions, outlined in both *Western Land Equities* and in the current statute, which allow new regulations to be applied to a “vested” application: (1) the compelling public interest exception, and (2) the pending ordinances exception.

Compelling Public Interests

The first exception to the vesting rule applies if the land use authority finds that a “compelling, countervailing public interest” would be jeopardized by approving the application as filed.

The term “compelling, countervailing public interest” is a term defined by case law. “There may be instances when an application would for the first time draw attention to a serious problem that calls for an immediate amendment to a zoning ordinance, and such an amendment would be entitled to valid retroactive effect. It is incumbent upon a city, however, to act in good faith and not to reject an application because the application itself triggers zoning reconsiderations that result in a substitution of the judgment of current city officials for that of their predecessors.”⁴

A compelling, countervailing public interest might arise when newly discovered geological hazard issues exist on the property where development is planned⁵ or where a citizen referendum has been formally initiated, as provided in the Utah Constitution, so the public can vote on a project⁶. The public interest, as stated in *Western Land Equities*, must be compelling. This requirement requires a higher public interest than changing political preferences.⁷

Pending Ordinances

The second exception applies if an ordinance was under formal consideration at the time that the application was filed and the application fees were paid. If that pending ordinance would prohibit the approval of the application as filed, then the town, city, or county may apply the pending ordinance to the application (Note the word “may”). The local government entity is not obligated to utilize the “pending ordinance rule”, but it may do so.⁸

We do not have firm case law on what “pending” means, but it is safe to state that the pending ordinance (1) must be an ordinance, and (2) It must also be “pending,”

meaning that it is in the process of formal review for adoption. It is not sufficient if the pending ordinance is a vague concept in the mind of the city planner or was discussed at the last meeting of the Chamber of Commerce.

It is sufficient, I am sure, if a draft ordinance has been on the agenda of the planning commission or council or county commission and has been discussed. It is not certain whether posting the issue on the agenda alone is sufficient for the ordinance to be “pending”. The safest way for the local entity to support an argument that it has a pending ordinance is to place a draft of the ordinance on the agenda for discussion and circulate a written form to those receiving the agenda.

The maximum time that a proposed ordinance may be applied to development applications without formal adoption is six months.⁹ A pending ordinance may not be used in conjunction with a temporary land use regulation (moratorium) to delay processing an application for more than six months.¹⁰

It is worth noting that the vesting rule does not mean that an application must be approved, but only that it must be approved if it meets the requirements in the relevant land use regulations. Where there is discretion vested in the land use authority, that discretion is not eliminated by this rule. If there are subjective considerations that must be taken into account when reviewing an application, there is no vested entitlement to approval with regard to those considerations.¹¹

1. Routine Development Applications—Staff Review

Nature of the decision

This category includes all the run-of-the-mill approvals given by the building inspector, the zoning administrator, and other staff. The Utah Legislature, in a recent major revision of the land use codes, specifically charged the planning commission in each jurisdiction to propose streamlined methods of dealing with routine administrative matters.¹²

This was envisioned to include even subdivision approvals (to the extent allowed by state statute), variances, conditional use permits, and other land use decisions. The concept is to allow uncontested matters to be handled without formality. The options chosen by the legislative body could allow any affected party, whether the city, applicant, or neighbors, to trigger a more formal review if desired of more complex or important applications. The state code only requires the appointment of a land

use authority to handle each type of application. It does not preclude the type of creativity and situation-sensitive flexibility that local governments may utilize if they wish to do so.¹³

Who makes the decision?

Each different type of routine review will be outlined in the local ordinance and may involve different decision-makers depending on the nature of the application. The building code which is adopted statewide indicates that the chief building official or his designee will issue building permits, but the land use authority who is to review other applications is not specified. Usually, in every town or county of any size, there are many routine matters that need not be considered by the municipal council or county council or commission.

For example, a site plan review is often done by a committee of staff, appointed by the legislative body. Even subdivisions and conditional use permits could be approved by staff if the local government chose to set up such a procedure. The staff might be the default land use authority for many applications, with the local code providing that the applicant, the municipal staff, or perhaps even third parties (such as the neighbors) could request that the planning commission hear the matter.

What notice is required?

Other than the standard 24-hour notice required before a public body convenes¹⁴, no notice of administrative application review is required in state law.¹⁵ The long-term policy questions have been settled on these matters, so the issuing of permits and approvals by staff should be relatively mundane and standardized. The neighbors are not legally entitled to notice of any part of the process if there is no decision-making body involved or no notice provision in the local ordinance.¹⁶

What public input is required?

None, unless a means to contest the administrative decision is provided in the local ordinance as described above.¹⁷

What are the issues?

Does the application comply with the appropriate ordinances, rules, standards, and codes? If so, it should be approved. According to statute, [an] applicant is entitled to approval of a land use application if the application conforms to the requirements

of an applicable land use ordinance in effect when a complete application is submitted,” except for narrow exceptions provided in state law.¹⁸

How is the decision appealed?

It depends on the specific issue involved. Building permit issues can be appealed to a board of appeals that is provided for in the applicable building code. Health departments also have a board of health that is designated as an appeals body for relevant staff decisions. Appeals of other land use decisions are provided for in state statute (see Chapter 15: Appealing Land Use Decisions) or local ordinances.

Tips for participants

Read the local ordinances. There are many variations on how staff decisions are to be made and how they are appealed. Those who do not agree with staff decisions must comply with the terms of the ordinance with specificity. For example, a case in Draper involved a property owner who had been given building approval. Like many cities along the Wasatch Front, Draper regulates development on steep slopes. A property owner appeared before the planning commission to get permission to build on a slope that exceeded 30 percent. Both the planning commission and the city council turned him down, much to the relief of affected neighbors.

The developer/seller of the lot suggested that the property owner give it another try, however, and so a new application was made to the planning commission. According to the statement of facts in the Court of Appeals decision, the commission was informed that the neighbors no longer opposed the construction. Taking that at face value, the commission blessed the plan. No one appealed the approval within the very short 14-day period provided for in local ordinance.

Naturally, the next step was to pour concrete. This caused an immediate uproar and the neighbors complained that the house was illegally located on the lot. The problem? The 14-day appeal period had run out before the concrete ran in. The Court of Appeals ruled that since the ordinance stated any appeals “shall” be filed within 14 days and no appeal was, in fact, filed within 14 days of the first notice the neighbors had of the issue, there was no opportunity to challenge the approval. The door for appeal was shut. Subsequent deliberations by the planning commission and city council were conducted without any ability to reconsider the matter, said the court.



Residents living in the foothills of Draper challenged the issuance of a permit for a new home on slopes greater than 30 percent. The city council heard their appeal and attempted to revoke the building permit that had been issued. Since neither the residents nor the council had filed the necessary appeal to the city's own appeal authority within the short time allowed by the local ordinance, the Utah Court of Appeals reinstated the permit and the house was completed.

According to the opinion, if the City of Draper wanted to allow more flexibility in such appeals, it could do so. But since the local ordinance said any appeal *shall* be made within 14 days, failure to do so (even by the entity which wrote the law in the first place), was fatal to such an appeal. The property owners built the house.¹⁹

2. Conditional Use Permits

Nature of the decision

In most zoning ordinances, some “permitted” uses are allowed in each zone with no more review than that required by the building code, health code, or other specific regulations. Staff can review and approve permits for permitted uses without any further input from citizen planners.

Other uses are designated as “conditional” uses, which in state statute are defined as being subject to special case-by-case scrutiny.²⁰ The conditional use may be allowed, allowed with conditions, or in narrow circumstances, denied.

Conditional uses must be approved if reasonable conditions are proposed, or can be imposed, to mitigate the potential negatives involved. Conditions must relate to applicable standards in the ordinance adopted by the local city or county to regulate conditional uses. A conditional use may not be denied unless it is shown with documented findings of fact and conclusions of law that “the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.”²¹

Who makes the decision?

Usually, the local ordinance provides that the planning commission or the council or county commission considers conditional use permits. State statute does not impose that duty on any particular body, so local ordinances rule. Conditional use permit applications could be handled by staff, a hearing officer, or other land use authority.²²

What notice is required?

The local ordinance may provide for hearings, but state statute does not. If the decision is made by a public body, however, an agenda and public meeting would be required.²³

What public input is required?

None is required by state law. If the decision is made by a hearing officer or staff, no public notice or participation in the decision might occur. Local ordinance could allow for notice to the public or neighbors, could provide for an optional protest procedure that would trigger a public process, or otherwise deal with such issues with or without public or neighborhood participation.

Of course, the applicant must be notified of any meeting or hearing where the application is considered.²⁴

What are the issues?

Such a review is usually about what conditions to apply to the property, not whether the use will be approved or denied. What reasonable conditions should be imposed on the proposed use so that the negative aspects of the use make it more acceptable in the proposed location and under the proposed method of operation?



All of the commercial and manufacturing zones on the map above have been designated "C-D-C" or "M-G-C". This means, according to the local code, that every use in that zone is a conditional use. Some cities have dramatically increased their detailed management of development by such a strategy, and every proposed use must go through the process of getting a conditional use permit.

The presumption is that the use should be allowed since the ordinance would not provide for a use if the use were not deemed desirable in the first place. The decision as to whether the use is appropriate in the zoned area has already been made by the municipal council or county legislative body. When an application is filed for the permit, the time has passed to determine whether the proposed conditional use is appropriate in that zone.²⁵

If the use can be conditioned in a manner that mitigates the negative aspects of the use, then it must be so conditioned and approved. The conditions need only mitigate those negative aspects. There is no duty of the applicant to eliminate them.²⁶ If no conditions can be imposed to mitigate the negative aspects, then the conditional

use may be denied, but only based on a record including findings of fact based on substantial evidence supporting the denial.²⁷

The major issue is the conditions, so the central issue is: what conditions would be appropriate and what conditions might not? For a more thorough discussion, see “Burdens on Development” in Chapter 8. It may be helpful to consider a specific case to illustrate these points.

The significant case of *Davis County v. Clearfield City* involved a battle which was typical of the type of war that goes on when someone proposes to build group homes for the treatment of those with special challenges near a neighborhood or school.

Standards for a Conditional Use

Case Law: Davis County v. Clearfield City

Davis County proposed using a remodeled home as a center for the treatment of those suffering from substance abuse. The house was adjacent to another older home used by the Addiction Recovery Center at the time and across the street from a junior high school. Neighbors appeared and protested. The citizen planners voted to deny the required conditional use permit in response to “public clamor.”

In stating that the denial was arbitrary, capricious, and illegal, the Court of Appeals stated:

Nowhere in the transcripts . . . is there believable information or evidence on which the Clearfield City Council could have rationally believed that the proposed mental health facility would pose any special threat to Clearfield City’s legitimate interest.

The court also found that the maps presented and relied upon . . . were arbitrarily drawn and were not presented or explained to the public.

With regard to concern over real estate values . . . no studies were made and no opinions were given by professional real estate appraisers



This is one of the homes that Davis County wanted to use as treatment facilities in Clearfield. Local residents objected strenuously to the idea. Although the city council denied the conditional use permit, the Utah Court of Appeals overturned the decision since it was only supported by public clamor.

nor was any credible evidence of reduced property values produced at the hearings.

[The opposition] did not have factual support in the vague reservations expressed by either the single family owners or the commission members . . . [The] reasons did not justify denial of the permit *'even though they would have been legally sufficient had the record demonstrated a factual basis for them.'*²⁸ (*emphasis added*)

. . . [T]he denial of a permit is arbitrary when the reasons are without sufficient factual basis

. . . [T]he consent of neighboring landowners may not be made a criterion for the issuance or denial of a conditional use permit.²⁹

[T]he opposition of neighbors is not one of the considerations to be taken into account when determining whether to issue a development permit.³⁰

[Local government] must rely on facts, and not mere emotion or local opinion, in making such a decision.³¹

How is the decision appealed?

Under statute, the local council or county commission can appoint itself or some other body to hear appeals involving conditional use permits.³² Check the local ordinance to see what the appeal process is. There is no access to district court until the local appeals process has been completed.³³

Tips for participants

Conditional uses are often used, but not often understood. There is a tendency by members of a planning commission or legislative body, once a matter of some discretion is before them, to attempt to act as if they had legislative discretion and, therefore, that they may impose any decision they consider desirable. As shown in the *Clearfield* case, that is not true.

As an applicant that wants your application for a conditional use permit to be approved, come prepared with factual evidence supporting the application. Be prepared to respond to the evidence you anticipate that those against the idea will use to oppose it.

If you want a conditional use application denied or conditioned, clamor all you wish, but while you are clamoring, provide some substantial evidence that can be placed on the record to justify your opposition. The citizen planners cannot legally support your position if you fail to complete your homework and provide the evidence they need to support a vote in your favor.

If you are among the citizen planners involved, don't deny an application unless you have evidence to support your denial. With a conditional use permit application, the question you are addressing is not "Why?"—it's "Why Not?". In other words, if you intend to deny a conditional use application, make sure that you have evidence to support that you cannot mitigate the "significant anticipated detrimental effects."³⁴

Remember that substantial evidence means (1) "beyond a scintilla of evidence" and, (2) "that a reasonable mind would accept [the evidence] as adequate to support a conclusion."³⁵ While the decision does not have to be based on a majority of the evidence, it still must be based on credible evidence.

3. Subdivision Review and Approval

Nature of the decision

It is not unusual, for a subdivision application to be accompanied by a petition to rezone the property to the desired density. *If a rezone is requested at the same time a subdivision approval, the subdivision application and the rezoning request are considered separate issues, one administrative and one legislative. The two decisions to be made should each be handled according to the rules for that issue.* The information in Chapter 5 about zoning changes for individual parcels would apply just as this discussion about subdivision processes would, and both processes would have to be completed successfully if the development is to proceed.

Before proceeding with a subdivision application, there are a couple of threshold questions to consider; (1) does the proposed change in the configuration of land fall into what the state law defines as a “subdivision”, and (2), is this subdivision exempt from the requirement that it be shown on a subdivision “plat”?

Such questions matter because state law makes exceptions to the definition of “subdivision”. For example, the definition does not include changes involving two or more parcels of agricultural land where the changes are made for agricultural purposes.³⁶ Further, boundary line adjustments also are not considered subdivisions, nor are lot consolidations, so long as the resulting parcel is legal.³⁷

The local ordinance must provide for subdivisions of land.³⁸ It can also provide for some subdivisions to be exempt from a platting requirement if they include 10 or fewer lots or involve land which will remain in agricultural use.³⁹ Be sure to check the state statute if this may apply to a proposed subdivision. The consequences of creating a separate parcel of property with no building rights can be significant to a future owner and the original subdivider as well.⁴⁰ A claim that an exempt agricultural parcel is a buildable lot can result in civil liability years later when some future owner buys land and thinks it can be used for nonagricultural purpose only to find out it cannot.

In 2023, the Utah Legislature attempted to make the process of subdivision review simpler, more efficient, and more predictable for low density residential development. Every municipality and county in the state must now follow specific rules in considering most residential subdivision applications.⁴¹

Who makes the decision?

According to the new law, which takes effect in either February (larger cities and counties) or December (smaller cities and counties) of 2024, applications for preliminary subdivision approval for homes, townhomes and duplexes are reviewed by an “Administrative Land Use Authority”, which may be any number of individuals or even one individual, but may not be the legislative body or a member of the legislative body.⁴² The final plat review is deemed technical only and cannot be performed by either the planning commission or the legislative body.⁴³ For specific guidance, check the local ordinance.

What notice is required?

State law requires no public notice and no public hearing to approve a new subdivision unless a public street is to be vacated or changed as part of the subdivision approval. When a subdivision plat is amended, however, notice must be provided.⁴⁴

The local government entity must either mail, email, or otherwise notify each “affected entity” that provides a service to the owner of record of the portion of the plat which is being amended. Such notice must be provided at least ten calendar days before the amendment might be approved.⁴⁵ Notice must also be provided of at least one public meeting where the plat amendment is to be discussed. This notice may be mailed to the record owner of each parcel within specified parameters of the affected property or by means of a sign posted on the property in a visible location.⁴⁶

A public hearing must also be held within 45 days after the proposed amendment is filed if any owner of land within the affected subdivision plat objects to the amendment in writing or if all the owners in the entire platted subdivision have not signed the revised plat.⁴⁷

A hearing must also be held if the subdivision amendment would vacate or abandon a public street or public utility easement. In this instance, the notice must be

1. mailed to the record owner of each parcel accessed by the street or easement;
2. mailed to “affected entities” as defined in statute; *and*
3. posted on or near the public street or easement; *and*
4. posted on the government entity’s website and at *www.pmn.utah.gov*.⁴⁸

As with other notice requirements, local ordinance can require more notice and hearings. Be sure to check the ordinance to verify. Local governments are encouraged by the state land use statutes to develop streamlined approval processes, so while a hearing may be required for subdivision approval, that hearing may only relate to approval of a preliminary plat and cannot be before the city council or county commission. Only one public hearing is allowed and that hearing is optional based on the local ordinance. It must be conducted by the appointed “Administrative Land Use Authority.”⁴⁹

What public input is required?

No public hearing is required by state law before the appointed Administrative Land Use Authority that considers a new subdivision application. Proposed subdivision amendments may require a hearing.⁵⁰ But local ordinances may provide for the time, place, manner and format of a public hearing if the town, city, or county wishes to require a public hearing on subdivision plat applications.

What are the issues?

In the process of preliminary review of proposed low-density residential subdivisions, there will typically be only one public hearing but there may be several public meetings. (See appendix A – Open and Public Meetings). The issue in preliminary review is forthright: Does the proposed subdivision meet the requirements of the ordinance? If it does, it must be approved.⁵¹

The preliminary plat review is designed to determine generally that the subdivision concept complies with all the relevant regulations and codes. Once preliminary approval is granted, the applicant will prepare a final plat that will be reviewed by local staff or an appointed group, but not by the planning commission or legislative body.⁵²

There is no substitute for reading the local subdivision ordinance to understand how each county or municipality handles subdivision applications. Remember – the 2024 simplified subdivision review process might only apply to low-density residential subdivisions. Commercial, industrial, and multi-family subdivisions may be reviewed in another process as the local ordinances provide.”

As with other administrative decisions, the issues are defined by the local ordinance and the search for substantial evidence to support a land use decision. The applicant

proposes a division of the property that he wants approved. The staff is usually involved before the citizen planners hear the matter, but the applicant does not have to agree with staff or adopt all the suggestions made. When the Administrative Land Use Authority hears the proposal, it reviews it in light of the provisions of the applicable local ordinances. It then responds with comments and ultimately a motion to approve or deny.

At any stage, the administrative land use authority may consider the application incomplete, out of compliance with the local ordinances, or otherwise not approvable. At this point, it may simply agree to continue the item so the applicant can revise the proposal. If applicants ask for a vote, however, they are entitled to it. If the subdivision request does not comply with the ordinance, the administrative land use authority must deny it. It must be remembered, however, that under Utah law, if a subdivision application meets the conditions of the land use ordinance it must be approved.⁵³

A common issue in subdivision approval is the imposition of conditions on development. For a thorough discussion of what conditions can be legally imposed in subdivision approval, see “Burdens on Development” in Chapter 8.

Remember, the state-mandated process for subdivision review applies only to single-family, duplex and townhome subdivisions. Apartment and commercial subdivisions are reviewed in whatever manner the local jurisdiction provides by ordinance. These reviews are also administrative, of course, and if any proposed subdivision, residential or commercial, meets the requirements of local ordinance it must be approved.

At times an applicant for subdivision approval or for any other local administrative approval may conclude that the process is taking too long. The applicant has the option, for any land use administrative application, to “pull the rip cord” and demand that the application be acted upon within 45 calendar days.⁵⁴

How is the decision appealed?

An administrative appeal is first heard by the local appeal authority.⁵⁵ After the local administrative processes are “exhausted,” those who disagree with the resulting vote can appeal the matter to district court.⁵⁶ Property owners also can appeal decisions that raise constitutional issues to the Property Rights Ombudsman for mediation or arbitration. See Chapter 13.

Tips for participants

Subdivision reviews are common administrative land use issues which most local governments deal with, especially if they are booming bedroom communities. Once the subdivision is finished, the staff usually reviews and approves the construction of homes and commercial buildings without public input or notice.

Superficially, the first issue of density and suitability is resolved at the rezoning phase. The subdivision review involves a lot of technical detail from a variety of codes and regulations, but it is not about density or land use unless combined with a request for a legislative approval to change the zoning of the affected land.

There are some issues that are almost always involved in subdivision review, and appropriately so. These may include:

- Road and sidewalk standards and circulation patterns, as well as street names.
- Public utilities, including storm water management, and the manner in which they are provided and installed
- Minimum lot sizes, dimensions, setbacks, and property addresses.
- Open spaces, trails, greenways, and other amenities.
- Slopes, vistas, sensitive lands, and environmental issues.
- Covenants and restrictions, along with the nature of any homeowners association involved and common area maintenance.
- Clustering, architectural design, and density bonuses allowed in return for project enhancements.
- Completion guarantees and bonding.

Those applying for subdivision approval need to be prepared for an extended, somewhat unpredictable, process. Land use decisions can be routine, but they are notoriously hard to manage since there are many people involved and final approval is usually given with a fair degree of caution because of the finality involved. Once approval is granted, it usually cannot be revoked.⁵⁷

The less development going on in a community, the more unpredictable the process can be. It is common for a first-time, small developer to be naive about the time and cost involved. Remember that no one government official is in charge here, and no

staffer or elected official will usually be able to control the variables even if they are inclined to try. More and more control is imposed beyond the local planning department as the fire department, health department, federal Corps of Engineers, utilities, and others must sign off before development occurs. Talk to someone familiar with the process in your community before embarking on your own to do development.

For neighbors seeking to influence subdivision approval, remember earlier is better. There is a gradual “vesting” that occurs in the process, and the community may not legally roll back decisions after a property owner has expended funds and commenced development under approvals granted.

1 *Western Land Equities v. Logan City*, 617 P.2d 388 (Utah 1980).

2 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

3 *Western Land Equities*, 617 P.2d 388 at 396.

4 *Id.*

5 *Gardner v. Bd. of Cty. Comm'rs of Wasatch Cty.*, 2008 UT 6, ¶ 3, 178 P.3d 893, 897, *abrogated by Utah Res. Int'l, Inc. v. Mark Techs. Corp.*, 2014 UT 59, ¶ 3, 342 P.3d 761 2008 UT 6 ¶12.

6 *Mouty v. The Sandy City Recorder*, 2005 UT 41, ¶ 15, 122 P.3d 521, 526 (Holding that the referendum right is so important that it overrides individual economic interests).

7 *Western Land Equities*, 617 P.2d 388 at 396.

8 Utah Code Ann. §10-9a-509(1)(a)(ii)(B) (municipalities); Utah Code Ann. §17-27a-508(1)(a)(ii)(B) (counties).

9 Utah Code Ann. §10-9a-509(1)(b) (municipalities); Utah Code Ann. §17-27a-508(1)(b) (counties).

10 Utah Code Ann. § 10-9a-509(1)(b)(ii)(B). (2023 General Session)

11 *Farley v. Utah Cty.*, 2019 UT App 45, ¶ 28, 440 P.3d 856, 863 (Holding that where the criteria for an application may be subjective, no protectable property interest is created).

12 Utah Code Ann. §§10-9a-302(1)(c) and (5) (municipalities); Utah Code Ann. §§17-27a-302(1)(c) and (5) (counties)(These sections allow the legislative body, with the advice of the planning commission, to designate a separate administrative person or body to act on each type of application).

13 *Id.*

14 Utah Code Ann. §52-4-202(1)(a); See also Utah Code Ann. §52-4-103(9)(a) (A staff committee designated as a land use authority is subject to the Open and Public Meetings Act since they are public bodies which make decisions regarding the public's business. Such an entity would be required to post an agenda and conduct their business in public under the Act).

15 Utah Code Ann. §10-9a-201 et seq (municipalities) and Utah Code Ann. §17-27a-201 et seq (counties) (describing the notice requirements for land use regulations and decisions. While there are specific requirements for public notice of pending legislative issues such as modifying the general plan or changing the zoning map, there are no public notice requirements provided there for any administrative decisions except for the cases where approval of the application would involve an amendment to a subdivision (section 207 in both chapters); vacation of a public street (section 208 in both chapters); or certain changes to sign regulations (section 213 in both chapters)).

16 *Brendle v. City of Draper*, 937 P.2d 1044, 1048 (Utah Ct. App. 1997) (While the City of Draper would be within its rights to require notice to the public or neighbors before approving an application, it was not obligated to do so. Since there was no such notice requirement in local ordinance, the neighbors were not entitled to notice).

17 *Id.*

18 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

19 *Brendle*, supra n. 15.

20 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties).

21 Utah Code Ann. §10-9a-507(2) (municipalities); Utah Code Ann. §17-27a-506(2) (counties) (“A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” The code specifically states that the reasonable conditions are to mitigate the detrimental effects, not eliminate them).

22 Utah Code Ann. §§10-9a-302(1)(c) and (5) (municipalities); Utah Code Ann. §§17-27a-302(1)(c) and (5) (counties) (The legislative body, with the advice of the planning commission, may designate a separate administrative person or body to act on each type of application).

23 Utah Code Ann. §52-4-202(1)(a).

24 Utah Code Ann. §10-9a-202 (municipalities); Utah Code Ann. §17-27a-202 (counties).

25 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties). See also *McElhaney v. City of Moab*, 2017 UT 65, ¶ 39, 423 P.3d 1284, 1293, (The Supreme Court holding that the City of Moab could not deem a bed and breakfast use incompatible with the general plan because the use is specifically allowed by ordinance).

26 Utah Code Ann. §10-9a-507(2) (municipalities); Utah Code Ann. §17-27a-506(2) (counties) See f. 20, supra.

27 *McElhaney v. Moab*, 2017 UT 65, at ¶¶39-41.

28 *Davis County v. Clearfield*, 756 P.2d 704, 711 (Utah Ct. App. 1988), citing *C.R. Invs., Inc. v. Village of Shoreview*, 304 N.W.2d 320 (Minn. 1981) (emphasis added).

29 *Id.*, citing *Thurston v. Cache County*, 626 P.2d 440 (Utah 1981).

30 *Id.*, citing *Bd. of County Comm’rs v. Teton County Youth Services, Inc.*, 652 P.2d 400, 411 (Wyo. 1982).

31 *Id.*

32 Utah Code Ann. §10-9a-701 (municipalities); Utah Code Ann. §17-27a-701 (counties).

33 Utah Code Ann. §§10-9a-701(2) and 10-9a-801(1) (municipalities); Utah Code Ann. §§17-27a-701(2) and 17-27a-801(1) (counties).

34 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties). See, generally, *Staker v. Town of Springdale*, 2020 UT App 174, where the Utah Court of Appeals, with dissent, determined that substantial evidence supported the denial of a conditional use permit for parking. An extended discussion of what constitutes substantial evidence is provided. Be sure to read the dissent considering the same subject.

35 Utah Code Ann. §10-9a-103(67) (municipalities); Utah Code Ann. §17-27a-103(72) (counties).

36 Utah Code Ann. §10-9a-103(65)(c)(i) (municipalities); Utah Code Ann. §17-27a-103(70)(c)(i) (counties).

37 Utah Code Ann. §§10-9a-103(65)(c)(ii) and 10-9a-524 (municipalities); Utah Code Ann. §§17-27a-103(70)(c)(ii) and 17-27a-523 (counties).

38 Utah Code Ann. §10-9a-602 (municipalities); Utah Code Ann. §17-27a-602 (counties).

39 Utah Code Ann. §10-9a-605 (municipalities); Utah Code Ann. §17-27a-605 (counties).

40 Utah Code Ann. §10-9a-605(3) (municipalities); Utah Code Ann. §17-27a-605(3) (counties). (A metes and bounds description of a parcel, recorded at the county recorder's office, does not create a new lot for which a building permit can be obtained. Those looking to purchase property to build a home on, for example, must be sure that the lot involved is in an approved subdivision. If it is not, the local government may not be obligated to allow construction on the lot unless the parcel is an antiquated lot which was created before any subdivision laws were in effect or a nonconforming lot which was legal when it was created but would not be approved under the current law. If not exempted by local ordinance, every lot split must go through the entire formal process).

41 Senate Bill 174, 2023 General Session. The relevant language for municipalities is at lines 377-512 of the bill and enacts new Sections 10-9a-604.1 and 604.2 as well as 604.9. The relevant language for counties is at lines 911- and enacts new Sections 17-27a-604.1 and 604.2 as well as 604.9.

42 Utah Code Ann. § 10-9a-604.1(1) and (3) (municipalities) and Utah Code Ann. § 17-27a-604.1(1) and (3) (counties). The effective date is February 1, 2024 for municipalities large enough to file moderate income housing plans (Utah Code Ann. § 10-9a-604.9 and for counties within the Wasatch Front Regional Council or Mountainlands Association of Governments areas (Utah Code Ann. § 17-27a-604.9). For others, the deadline is December 31, 2024.

43 Utah Code Ann. § 10-9a-604.1(9) (municipalities) and Utah Code Ann. § 17-27a-604.1(9) (counties).

44 Utah Code Ann. §10-9a-608(1)(c) (municipalities); Utah Code Ann. §17-27a-608(1)(c) (counties). See also Utah Code Ann 10-9a-103(3) (municipalities) and Utah Code Ann. 17-27a-103(3) (counties) (The term "Affected Entity" includes other governmental agencies such as sewer districts, water districts, school districts, the county (if a city or town is making the general plan changes), and public utilities. Private property owners who have provided notice to the county or municipality that they wish to be notified of proposed changes to the land use regulations are also entitled to notice as affected entities).

45 *Id.*

46 Utah Code Ann. §10-9a-207 (municipalities); Utah Code Ann. §17-27a-207 (counties).

47 Utah Code Ann. §10-9a-608(1)(d) (municipalities); Utah Code Ann. §17-27a-608(1)(d) (counties).

48 Utah Code Ann. §10-9a-208 (municipalities); Utah Code Ann. §17-27a-208 (counties). See also Utah Code Ann 10-9a-103(3) (municipalities) and Utah Code Ann. 17-27a-103(3) (counties) (The term "Affected Entity" includes other governmental agencies such as sewer districts, water districts, school districts, the county (if a city or town is making the general plan changes), and public utilities. Private property owners who have provided notice to the county or municipality that they wish to be notified of proposed changes to the land use regulations are also entitled to notice as affected entities).

49 Utah Code Ann. § 10-9a-604.1(7) (municipalities) and Utah Code Ann. § 17-27a-604.1(7) (counties).

50 See f. 30 – 32, above

51 Utah Code Ann. § 10-9a-604.1(8) (municipalities) and Utah Code Ann. § 17-27a-604.1(8) (counties).

52 Utah Code Ann. § 10-9a-604.1(9) (municipalities) and Utah Code Ann. § 17-27a-604.1(9) (counties).

53 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

54 Utah Code Ann. §10-9a-509.5(2) (municipalities); Utah Code Ann. §17-27a-509.5(2) (counties).

55 Utah Code Ann. §10-9a-701(2) (municipalities); Utah Code Ann. §17-27a-701(2) (counties).

56 Utah Code Ann. §10-9a-801(1) (municipalities); Utah Code Ann. §17-27a-801(1) (counties).

57 *Brendle*, 937 P.2d 1044 at 1047 (After approving a lot as buildable, the time to appeal that decision to the local appeal authority ran before an appeal was filed. Since the deadline passed, even the city itself could not undo the approval).

1 **DRAFT Minutes of the**
2 **BOUNTIFUL CITY PLANNING COMMISSION**
3 **Tuesday, January 21, 2025 – 6:30 p.m.**
4

5 Official notice of the Planning Commission Meeting was given by posting an agenda at City
6 Hall, and on the Bountiful City Website and the Utah Public Notice Website.
7

8 **City Council Chambers**
9 795 South Main Street, Bountiful, Utah 84010
10

11 Present: Planning Commission Chair Lynn Jacobs, Krissy Gilmore,
12 Beverly Ward, Jim Clark, Sean Monson, and
13 Richard Higginson
14
15 Planning Director Francisco Astorga
16 Senior Planner Amber Corbridge
17 City Engineer Lloyd Cheney
18 City Attorney Bradley Jeppson
19 Recording Secretary Sam Harris
20
21 Excused: Planning Commission Alan Bott
22

23 **1. Welcome**
24

25 Chair Jacobs called the meeting to order at 6:30 p.m. and welcomed everyone.
26

27 **2. Planning Commission Training – Chapter 6 of Ground Rules: Your Handbook to Utah**
28 **Land Use Regulation**
29

30 Senior Planner Corbridge provided the training.
31

32 Francisco explained to the Commission the Administrative Committee and why they plan to
33 eliminate the Administrative Committee.
34

35 Chair Jacobs asked if the “homework” hours of training can be done all in one as some get this
36 training professionally. Senior Planner Corbridge explained that it is acceptable but make sure to
37 report it to Recording Secretary Harris.
38

39 **3. Meeting Minutes from November 19, 2024**
40

41 Commissioner Gilmore motioned to approve the minutes with correction on line 102 from
42 agreement to disagreement from November 19, 2024. Commissioner Higginson seconded the
43 motion. The motion was approved with Commissioners Jacobs, Gilmore, Ward, Clark, Monson,
44 and Higginson voting “aye.”
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4. Meeting Minutes from December 03, 2024

Commissioner Gilmore motioned to approve the minutes from December 03, 2024. Commissioner Higginson seconded the motion. The motion was approved with Commissioners Jacobs, Gilmore, Ward, Clark, Monson, and Higginson voting “aye.”

5. Land Use Text Amendment for Drive-Up Height Clearance

Senior Planner Corbridge presented the item as outlined in the packet.

Commissioner Ward asked why there are many throughout the City, has this not been addressed in the past. Planning Director Astorga explained that we are not allowed to provide such exception. The other sites were before his time, and he cannot say as to why before now it has not been brought to the attention of the Planning Commission.

Commissioner Monson asked Staff why the code originally set it at fourteen (14) feet. Also asking what other cities or counties have done regarding this particular issue and why do not we leave it as at the Fire Marshall’s discretion. Planning Director Astorga explained that there was no set explanation. Senior Planner Corbridge explained that Staff did not research surrounding cities but that the cities she has worked for in the past have not mentioned anything about clearance height. Planning Director Astorga explained that the Fire Marshall stated that they review their ability to fight a fire, finding that this is not a big deal to reduce this standard.

Chair Jacobs asked about the existing language covering the topic, at the Fire Marshall’s discretion. Commissioner Monson agreed with Chair Jacobs. Planning Director Astorga explained that the Fire Marshall could even require higher clearance.

City Attorney Jeppson stated that the interpretation of the code, as determined by the Fire Marshall, was misleading. He further explained that after speaking with the Fire Marshall, there is no reason to make it lower, the default would be fourteen (14) feet, unless the Fire Marshall determines a lower height.

Commissioner Ward asked if it is helpful to have a number when an applicant comes to apply or asks. Chair Jacobs asked if it would be better to have all drive-thru’s at a minimum of nine (9) feet. Commissioner Gilmore said that leaving the language as is, helps alleviate the need to contact staff.

Chair Jacobs opened the Public Hearing at 6:52 p.m. No comments were made. Chair Jacobs closed the Public Hearing at 6:53 p.m.

Commissioner Higginson motioned to forward a positive recommendation to City Council. Commissioner Gilmore seconded the motion. The motion was approved with Commissioners Jacobs, Gilmore, Ward, Clark, Monson, and Higginson voting “aye.”

92 **6. Final Architectural and Site Plan for Drive-Thru Coffee Shop at 638 North 500 West**

93
94 Senior Planner Corbridge presented the item as outlined in the packet.

95
96 Commissioner Ward had a question about pedestrian access from the vacant lot, asking if there
97 are plans for the vacant lot. Senior Planner Corbridge stated that a hotel proposal is in review and
98 that the applicant stated that they are in active communication with the engineer of the hotel to
99 coordinate the pedestrian access with their proposal. Chair Jacobs questioned if the hotel doesn't
100 go in there, do they want pedestrian access to direct pedestrians to a vacant lot. Commissioner
101 Gilmore asked if the Commission could delegate to Staff for final approval to prevent having to
102 come back to move the pedestrian access. Planning Director Astorga mentioned that in this type
103 of improvement the applicant has the option to bond.

104
105 Commissioner Gilmore motioned to forward a positive recommendation to the City Council with
106 modification to condition two (2), that final approval is delegated to Staff with all other
107 conditions apply. Commissioner Ward seconded the motion. The motion was approved with
108 Commissioners Jacobs, Gilmore, Ward, Clark, Monson, and Higginson voting "aye."

109
110 **7. Land Use Text Amendment for Tattoo Parlors/Body Art Facilities in the Commercial**
111 **Zone**

112
113 Senior Planner Corbridge presented the item as outlined in the packet.

114
115 Commissioner Monson asked to clarify that this is talking about two different topics, Permanent
116 Makeup, and the zoning of Tattoo Parlors. Senior Planner Corbridge clarified the two different
117 topics and the need to separate them.

118
119 Commissioner Gilmore commented on the practicality of the name including Tattoo Parlors,
120 based on the provided clarity.

121
122 Commissioner Monson asked about the rationale of putting services that the City may be
123 uncomfortable with, such as Tattooing and Adult Entertainment in the Heavy Commercial (CH)
124 Zone. Planning Director Astorga confirmed the reason that they are placed within the Heavy
125 Commercial Zone.

126
127 Applicant, Ian Schwarting explained why he applied for the Amendment, stating that only being
128 permitted in the Heavy Commercial (CH) Zone makes it feel derogatory towards tattoo artists.

129
130 Chair Jacobs opened the Public Hearing at 7:19 p.m. Gary Davis commented regarding the
131 phrase body modification; however, was in support of the proposed Amendment. Val Gregory
132 presented a packet to the Commission, explaining the difference in permanent makeup being
133 restorative and tattoos being expressive. Val Gregory advocated permanent makeup by quoting
134 customers and cancer survivors. Also stating the clientele and hours of operation are different.
135 Carmen Felt (Manager, Indie Studios) read testimonials from business owner, Monica Agular
136 (business owner), made comments, and read testimonials from clients, and Michelle Seage

137 (client) made comments, all advocating permanent makeup. Chair Jacobs closed the Public
138 Hearing at 7:41 p.m.

139
140 Commissioner Monson stated to have permanent makeup in a separate category as it is a
141 different service. Also making comments regarding the stigma of tattoo parlors and the hope of
142 the stigma to be eliminated.

143
144 Commissioner Clark agreed with having two (2) classifications, to clarify the description of what
145 occurs with each classification.

146
147 Chair Jacobs stated that tattoos do not have the stigma that they did when the code was originally
148 written. Chair Jacobs agreed with the two (2) classifications and that permanent makeup be
149 included in beauty services. Also asked if that is far enough, should it be Conditional Use in
150 Neighborhood Commercial (C-N) Zone as well. Commissioner Ward asked which areas
151 Neighborhood Commercial (C-N) Zone would include. Planning Director Astorga stated that the
152 only area zoned Neighborhood Commercial (C-N) is the zone change we had last year at the
153 corner of 1500 South Orchard Drive. Chair Jacobs stated that it does not matter since it is only
154 that small area.

155
156 Commissioner Gilmore stated that she does not have any issues with Tattoo Parlors and
157 questioned why it is Conditional Use in the Heavy Commercial (C-H) Zone, and even General
158 Commercial (C-G) Zone. Planning Director Astorga stated that the benefits of a Conditional Use
159 Permit are that the City can limit the hours of operation, also that you can remove that mitigation
160 by placing the hours of operation in the code. Commissioner Monson stated that he prefers to
161 keep it as a Conditional Use Permit. Commissioner Higginson agreed that he also prefers to keep
162 it as a Conditional Use Permit. Planning Director Astorga stated that the other benefit is that as it
163 currently is in code, a Conditional Use Permit requires a Public Hearing, as permitted use does
164 not. Commissioner Monson stated that he prefers to keep Tattoo Parlors as a Conditional Use
165 Permit and expand it to General Commercial (C-G) Zone.

166
167 Commissioner Higginson asked to address the name of Tattoo Parlors/Body Art Establishment.
168 Commissioner Ward stated that it makes it clearer to add Body Art Establishment to Tattoo Parlor
169 verses replace Tattoo Parlor, similar to Bank/Credit Union. Commissioner Gilmore agreed with
170 Commissioner Ward. Chair Jacobs also agreed and said that they are interchangeable, similar to
171 Bank/Credit Union. Commissioner Higginson agreed with the name change, he stated that he
172 feels that the two names are not equal, Body Art Establishment is not descriptive enough for the
173 public. Commissioner Monson said that is the benefit of having the two names.

174
175 Commissioner Higginson stated that there is no longer a societal issue with the term Tattoo
176 Parlor along with the stigma. Commissioner Ward asked if the hours of operation are still an
177 issue. Commissioner Gilmore said that depends on where you are at.

178
179 Commissioner Higginson asked if Tattoo Parlor/Body Art Establishment will be a Conditional
180 Use Permit in the Heavy Commercial (C-H) Zone as well, clarifying that it will be a Conditional

181 Use Permit for both Heavy Commercial (C-H) Zone and General Commercial (C-G) Zone.
182 Planning Director Astorga confirmed that it will be a Conditional Use Permit in both.
183

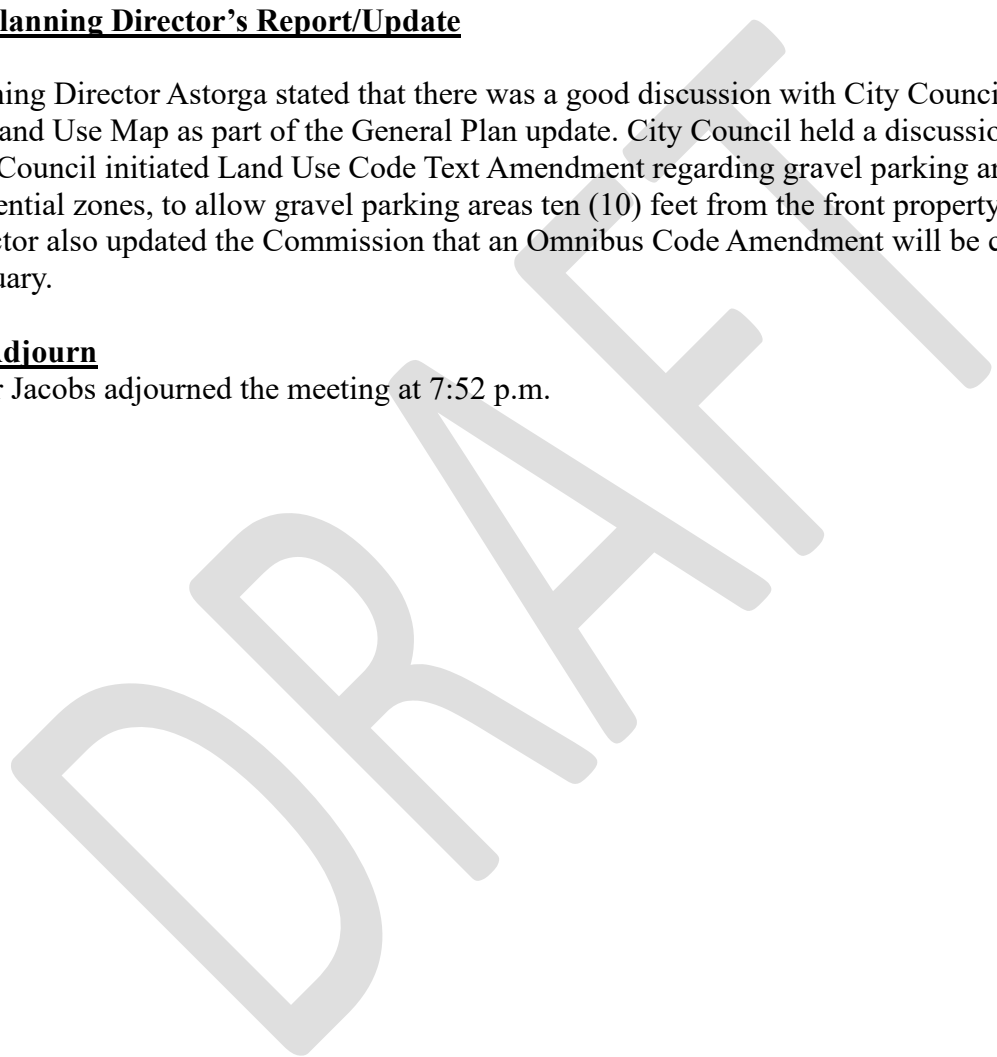
184 Commissioner Gilmore motioned to forward a positive recommendation to City Council for
185 option one (1) as outlined in the packet. Commissioner Monson seconded the motion. The
186 motion was approved with Commissioners Jacobs, Gilmore, Ward, Clark, Monson, and
187 Higginson voting “aye.”
188

189 **8. Planning Director’s Report/Update**
190

191 Planning Director Astorga stated that there was a good discussion with City Council regarding
192 the Land Use Map as part of the General Plan update. City Council held a discussion regarding a
193 City Council initiated Land Use Code Text Amendment regarding gravel parking areas in the
194 residential zones, to allow gravel parking areas ten (10) feet from the front property line. The
195 Director also updated the Commission that an Omnibus Code Amendment will be coming in
196 February.
197

198 **9. Adjourn**

199 Chair Jacobs adjourned the meeting at 7:52 p.m.



Planning Commission Staff Report



Subject: Omnibus Land Use Code Text Amendment
Author: Amber Corbridge, Senior Planner
Date: February 4, 2025

Background

Consideration of omnibus amendments to various sections of the Land Use Code.

Analysis

On a regular basis, usually annually, the Planning Department will bring up various amendments that need to be made to the Land Use Code to provide order, accuracy, and clarifications, etc., that need to be addressed. The current Code is several hundred pages and consists of the work, research, analysis, etc. of current and former City Planners, Planning Commissions, and City Councils. Given the ever-changing nature of land use development, it is necessary to periodically revise and amend the Code.

The proposed amendments include the following sections:

Section I:

Update the language in the Land Use Code removing the Administrative Committee as the approval/review body for certain types of variances which would follow practice as allowed in the Code. This would formally designate the Planning Commission as the only Variance review body. Currently some types of Variances fall under the purview of the Administrative Committee; however, the Administrative Committee Chair may assign any item designated for Administrative Committee review to the Planning Commission. This has been the administered practice for quite some time now as the Administrative Committee has not reviewed a Variance since 2017.

Section II:

Creates a Lot Line Adjustment process in Chapter 20 Subdivisions. The current Land Use Code does not have a process for Lot Line Adjustments.

Section III:

Create an inactive application deadline. This is necessary to handle Land Use Applications which are not deemed complete by Staff due to the missing components when they are submitted and yet remain idle before being able to be reviewed by the Staff in preparation for Planning Commission and/or final action by the Planning Dept.

Section IV:

Update the Residential Foothill Zone exceptions granted by the Land Use Authority to match the State Code and Bountiful Subdivision Code for Single-Family Development. This is intended to align the Land Use Code with past amendments to the State

Legislature which removed the City Council as subdivision review authority. This amendment also clarifies fence requirements for single-family residential parking on a corner lot and concisely explain exceptions to parking in the front and street setbacks.

Section V

Clarification of how to measure structure maximum height in the Commercial Zone.

Section VI

Clarifies the Downtown (DN) Zone setback requirement for lots facing Main Street.

Section VII

Updates access requirements for single-family dwellings to match the Master Streets Plan.

Section VIII

Updates unnecessary language used in the Single-Family Residential Zone.

Section IX

Updates unnecessary language used in the Commercial Zone.

Section X

Updates unnecessary language used in the Downtown Zone and recently adopted changes regarding beaty services and tattoos.

Section XI

Updates recently adopted changes regarding beaty services and tattoos in the Mixed Use Zone.

Section XII

Clarification to the Sign Code regarding sign permit approval bodies.

Department Review

This staff report was written by the Senior Planner and has been reviewed by the Planning Director and City Attorney.

Significant Impacts

There are no significant impacts related to the proposed amendments.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendment, hold a public hearing, and forward a recommendation to the City Council based on the findings drafted on the attached proposed Ordinance.

Attachments

1. Proposed Ordinance Text Amendment



BOUNTIFUL

Bountiful City Draft Ordinance No. 2025-XX

MAYOR
Kendalyn Harris

CITY COUNCIL
Kate Bradshaw
Beth Child
Richard Higginson
Matt Murri
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

An Ordinance Amending Various Omnibus Sections of the Land Use Code, Title 14 of the Bountiful City Code:

- I. Section 14-2-104 Administrative Committee, Section 14-2-111 Approval/Review Bodies, and Section 14-2-206 Variances of Chapter 2 – Administration and Procedures.
- II. Part 6 Parcel Boundary and Lot Line Adjustments, Sections 14-20-601 – 14-20-606 of Chapter 20 - Subdivisions.
- III. Section 14-2-106 Land Use Administration of Chapter 2 – Administration and Procedures.
- IV. Section 14-4-101 Purpose and Objectives and Section 14-4-110 Parking, Loading, and Access of Chapter 4 – (R) Single Family Residential
- V. Section 14-6-107 Structure Height of Chapter 6 – (C) Commercial Zone.
- VI. Section 14-7-105 Yard Requirements of Chapter 7 – (DN) Downtown.
- VII. Section 14-18-105 General Requirements for Parking Areas and Section 14-18-109 Access Requirements of Chapter 18 – Motor Vehicle Parking and Access Standards.
- VIII. Section 14-4-103 Permitted, Conditional, and Prohibited Uses of Chapter 4 – (R) Single Family Residential.
- IX. Section 14-6-103 Permitted, Conditional, and Prohibited Uses of Chapter 6 – (C) Commercial Zone.
- X. Section 14-7-103 Permitted, Conditional, and Prohibited Uses of Chapter 7 – (DN) Downtown.
- XI. Section 14-10-105a Permitted Uses of Chapter 10 – (MXD) Mixed-Use Zone.

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The Planning Department recommends that various changes take place to provide order, accuracy, and clarifications for consideration; and

3. After review and a public hearing on **February 4, 2025**, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
4. The City Council of Bountiful City held a public hearing on this Ordinance on **February 25, 2025**, and considered the statements made from the public as well as the recommendations from the Planning Commission and the Staff.
5. The City Council of Bountiful City finds that these amendments are necessary and are in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and
6. The City Council of Bountiful City reviewed the proposed ordinance and finds that the proposed amendments are in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION I. Section 14-2-104 Administrative Committee, Section 14-2-111 Approval/Review Bodies, and Section 14-2-206 Variances of Chapter 2 – Administration and Procedures of the Land Use Code, Title 14 of the Bountiful City Code; are hereby amended as shown on Exhibit A.

SECTION II. Part 6 Parcel Boundary and Lot Line Adjustments, Sections 14-20-601 – 14-20-606, of Chapter 20 - Subdivisions of the Land Use Code Title 14 of the Bountiful City Code; is hereby added shown on Exhibit B.

SECTION III. Section 14-2-106 Land Use Administration of Chapter 2 – Administration and Procedures of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit C.

SECTION IV. Section 14-4-101 Purpose and Objectives and Section 14-4-110 Parking, Loading, and Access of Chapter 4 – (R) Single Family Residential of the Land Use Code, Title 14 of the Bountiful City Code; are hereby amended as shown on Exhibit D.

SECTION V. Section 14-6-107 Structure Height of Chapter 6 – (C) Commercial Zone of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit E.

SECTION VI. Section 14-7-105 Yard Requirements of Chapter 7 – (DN) Downtown of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit F.

SECTION VII. Section 14-18-105 General Requirements for Parking Areas and Section 14-

18-109 Access Requirements of Chapter 18 – Motor Vehicle Parking and Access Standards of the Land Use Code, Title 14 of the Bountiful City Code; are hereby amended as shown on Exhibit G.

SECTION VIII. Section 14-4-103 Permitted, Conditional, and Prohibited Uses of Chapter 4 – (R) Single Family Residential of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit H.

SECTION IX. Section 14-6-103 Permitted, Conditional, and Prohibited Uses of Chapter 6 – (C) Commercial Zone of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit I.

SECTION X. Section 14-7-103 Permitted, Conditional, and Prohibited Uses of Chapter 7 – (DN) Downtown of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit J.

SECTION XI. Section 14-10-105a Permitted Uses of Chapter 10 – (MXD) Mixed-Use Zone of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit K.

SECTION XII. Section 14-19-118 Sign Permit Process of Chapter 19 – Sign Regulations of the Land Use Code, Title 14 of the Bountiful City Code; is hereby amended as shown on Exhibit K.

SECTION XII. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this ___th day of _____ 2025.

Kendalyn Harris, Mayor

ATTEST:

Sophia Ward, City Recorder

1 **Exhibit A**
2 **Section I**

3
4 **CHAPTER 2 ADMINISTRATION AND PROCEDURES**

5
6 **14-2-104 ADMINISTRATIVE COMMITTEE**

- 7
8 A. Established. In order to provide for just and fair treatment in the administration of
9 this Title, and to ensure that items of a routine nature are processed expeditiously
10 and in a public forum, an Administrative Committee consisting of three (3) members
11 is hereby established to exercise the powers and duties specified herein.
12
- 13 B. Appointment and Terms of Office.
- 14
- 15 1. The Planning Director and City Engineer, or their designees, shall each serve
16 as members of the Board. The third member and an alternate shall be
17 appointed by the Mayor with the advice and consent of the City Council.
18
- 19 a. An appointed member of the Administrative Committee shall serve a term of
20 two (2) years and until a successor is appointed. Terms shall commence July
21 1st of every odd year.
22
- 23 b. An appointed Administrative Committee member may be reappointed for
24 successive terms.
25
- 26 c. The Mayor, with the advice and consent of the City Council, may remove an
27 appointed member of the Administrative Committee at any time with or
28 without cause.
29
- 30 d. A vacancy occurring on the Administrative Committee by reason of death,
31 resignation, removal, disqualification or any other reason shall be promptly
32 filled by a replacement appointed in the same manner as the original
33 appointment for the remainder of the unexpired term of the replaced
34 member.
35
- 36 2. The Mayor, with the advice and consent of the City Council, may approve an
37 alternate to the Administrative Committee.
38
- 39 C. Organization and Procedure. The Administrative Committee shall be organized and
40 exercise its powers and duties as follows:
41
- 42 1. The Planning Director shall oversee the proceedings and activities of the
43 Administrative Committee, and shall act as the Committee Chair.
44
- 45 2. The Planning Director or acting Chair may vote.
46

- 47 3. The Administrative Committee shall not meet in the absence of the Planning
48 Director, City Engineer, or their designees, and no official business shall be
49 conducted by the Administrative Committee unless a quorum of its members is
50 present.
51
- 52 4. The Administrative Committee may adopt policies and procedures, consistent
53 with the provisions of this Title and applicable law, to govern the conduct of its
54 meetings, the processing of applications, and for any other purposes considered
55 necessary for the functioning of the Committee.
56
- 57 5. The Administrative Committee shall meet as necessary to consider matters
58 within its jurisdiction. All meetings shall be properly noticed as required by law,
59 and held in accordance with the open meetings law set forth in Utah Code Ann.
60 '52-4-1, et seq., as amended.
61
- 62 6. Public comment shall be allowed on all items brought before the Administrative
63 Committee. If an item brought before the Administrative Committee requires a
64 public hearing and/or public notice, the noticing requirement shall be an on-site
65 posting in a prominent location of the meeting date, location, and time, at least
66 ten (10) days prior to the meeting, unless otherwise required by State Law. This
67 noticing requirement shall supersede all other noticing provisions of this Title.
68
- 69 7. Decisions of the Administrative Committee shall take effect on the date of the
70 meeting or hearing where the decision is made, unless a different time is
71 designated in the Board's rules or at the time the decision is made.
72
- 73 8. The Administrative Committee shall keep written minutes of its proceedings,
74 showing the vote upon each matter, and keep records of its examinations and
75 other official actions.
76
- 77 a. The Administrative Committee shall provide a copy of each agenda and the
78 outcome of each item to the City Council and Planning Commission.
79
- 80 b. The minutes of all meetings of the Administrative Committee shall be
81 prepared and filed in the office of the Planning Director, under the direction
82 of the City Recorder. All such records are public records and shall be
83 available for public review and access in accordance with the Government
84 Records and Access Management Act, Utah Code Ann., 63-2-101, et seq., as
85 amended.
86
- 87 D. Powers and Duties. The Administrative Committee shall have the power and duty to
88 review and decide those matters designated by the City Council and/or Planning
89 Commission. The Administrative Committee Chairman may assign any item
90 designated for Administrative Committee review to the Planning Commission, in
91 which case any power or review authority granted to the Administrative Committee
92 shall also be afforded to the Planning Commission. Each of such powers and duties

93 shall be exercised pursuant to the procedural rules and other provisions of this Title
94 and of State law. Items specifically designated to the Administrative Committee are
95 as follows:

96
97 1. Conditional use permits for home occupation licenses and for commercial
98 business operations that do not require a new and/or amended site plan.

99
100 ~~2. Variances from the terms of this Title, as designated by Code.~~

101
102 3. The expansion or modification of a non-complying single-family dwelling or
103 structure where the non-complying aspect is continued.

104
105 ~~4. Lot-line adjustments.~~

106
107 5. Any other matter designated by the City Council or Planning Commission.

108
109 6. Beer License violations short of suspension or revocation.

110
111 E. Appeals. Any person adversely affected by a final decision of the Administrative
112 Committee may appeal that decision as set forth in Section 14-2-108 of this Title.
113 Any recommendation of the Administrative Committee to another approval body is
114 not a final decision and therefore cannot be appealed.

115
116 [...]

117
118

14-2-111 APPROVAL/REVIEW BODIES

Item	Subcategory	Approval/Review Bodies			
		Staff	AC	PC	CC
Conditional Use Permit	Home Occupation Licenses & Commercial Business Operation	No	Final	No	No
	Detached Accessory Dwelling Units	No	Final	No	No
	All Others	No	No	Final	No
Internal Accessory Dwelling Units	All	Final	No	No	No
Subdivision	All	No	No	Recommend	Final
Re-Zone	All	No	No	Recommend	Final
Land Use Code Text Amendment	All	No	No	Recommend	Final
Combine Lots/Lot Line Adjustment	All	No Final	Final No	No	No
Land Use Code/Map Interpretation	All	Planning Director	No	No	No
General Plan	All	No	No	Recommend	Final
Site Plan	Residential SFD	Final	No	Appeal	No
	Res SFD 200/150+ feet from street	No	Final	No	No
	All other Residential	No	No	Recommend	Final
	Res. SFD Accessory Structure	Final	No	No	No
	All other Res. Accessory Structure	Final	No	No	No
	Non-Residential	No	No	Recommend	Final
	Non-Residential Accessory Structure	Final	No	No	No
	All Non-SFD Residential Amend	No	No	Recommend	Final
	All Non-Residential Amend	No	No	Recommend	Final
Alteration and Modification of Non-Complying Site or Structure	Residential SFD	As Designated	All Others	No	No
	All Others	No	As Designated	All Others	No
Alteration and Modification of Non-Conforming Use	All	No	As Designated	All Others	No

119
120

121
122

14-2-111 APPROVAL/REVIEW BODIES (CONTINUED)

Item	Subcategory	Approval/Review Bodies			
		Staff	AC	PC	CC
Easement Release	All	No	No	No	Final
Variance	Slopes > 30%	No	Final	No	No
	Cuts and Fills (includes retaining walls) > 10 feet	No	Final	No	No
	Setbacks	No	No	Final	No
	All others	No	No	Final	No
Variance	All	No	No	Final	No
Drive Approach	Residential SFD	Final	No	No	No
	All Non-SFD (without site plan review)	Final	No	No	No
	All Non-SFD (with site plan review)	No	No	Recommend	Final
Interior Remodel	All	Final	No	No	No
Retaining Wall	All	Final	No	No	No
Signs	Commercial Pole/Monument – New Developments	No	No	Recommend	Final
	All Others	Final	No	No	No
Utility Connections	All	Final	No	No	No
Vacate/Abandon Public Property	All	No	No	Recommend	Final
Improve Public Property	All	No	No	Recommend	Final
ADA and FFHA Accommodations	All	Planning Director	No	No	No

Staff = The Planning, Engineering, and/or Building Department employees as assigned.

AC = Administrative Committee; As currently composed.

PC = Planning Commission; As currently composed.

CC = City Council; As currently composed.

123 [...]]

124 **14-2-206 VARIANCES**

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A. Variances from the terms of this Code may be granted by the Planning Commission ~~or the Administrative Committee~~, according to the provisions of this Title and State Law. An application for a variance shall be filed with the Planning Department. Said application shall contain the following:

1. A description of the requested variance, together with a description of that Land Use Code provision for which relief is being requested and why such provision causes undue hardship or need for variance.
2. An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.
3. A filing fee as set by the City Council.
4. If required, mailing addresses of all of the property owners within three hundred (300) feet of the subject property, as per current County records, printed on self-adhesive labels.

B. Any request for variance shall be heard and decided by the Planning Commission ~~unless the item falls within a category designated for Administrative Committee review~~. When considering the request, the Planning Commission ~~or Administrative Committee~~ shall hold a public hearing to review the request and other concerns and take appropriate action upon the request.

C. The noticing requirement for a variance heard by the Planning Commission shall be as follows:

1. Notice sent to all property owners within a three hundred (300) feet radius of the subject property fourteen (14) days prior to the hearing date.
2. Posted with notification signage on the subject property by the City and shall be posted by the City at least ten (10) days in advance of the scheduled meeting.

~~D. The noticing requirement for a variance request heard by the Administrative Committee shall be the same as required for any public hearing held by the Administrative Committee, as set forth in 14-2-104.~~

~~E. The Planning Commission or Administrative Committee, after hearing necessary testimony, information and citizen input, shall then make a finding conforming to this Title and Section 10-9a-702 of the Utah State Code, which is as follows:~~

~~**10-9a-702 — Variances.**~~

~~(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.~~

~~(2) (a) The appeal authority may grant a variance only if:~~

~~(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;~~

~~(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;~~

~~(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;~~

~~(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and~~

~~(v) the spirit of the land use ordinance is observed and substantial justice done.~~

~~(b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:~~

~~(A) is located on or associated with the property for which the variance is sought; and~~

~~(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~

~~(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.~~

~~(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:~~

~~(i) relate to the hardship complained of; and~~

~~(ii) deprive the property of privileges granted to other properties in the same zone.~~

~~(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~

~~(4) Variances run with the land.~~

~~(5) The appeal authority may not grant a use variance.~~

~~(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:~~

~~(a) mitigate any harmful affects of the variance; or~~

~~(b) serve the purpose of the standard or requirement that is waived or modified.~~

F. In granting a variance, the Planning Commission ~~or Administrative Committee~~ may impose such reasonable conditions as will ensure that the use of the property to

216 which the variance applies will be as compatible as practicable with the surrounding
217 properties.

218 **Exhibit B**
219 **Section II.**

220
221 **CHAPTER 20**

222
223 **SUBDIVISIONS**

- 224
225 **PART 1 GENERAL PROVISIONS**
226 **PART 2 SUBDIVISION APPROVAL PROCEDURE**
227 **PART 3 SUBDIVISION IMPROVEMENT REQUIREMENTS**
228 **PART 4 AMENDING OR VACATING A SUBDIVISION PLAT**
229 **PART 5 COMMERCIAL, CONDOMINIUM, AND PUD PLATS**
230 **PART 6 PARCEL BOUNDARY AND LOT LINE ADJUSTMENTS**

231
232 [...]

233
234 **PART 6 – PARCEL BOUNDARY AND LOT LINE ADJUSTMENTS**

- 235
236 **14-20-601 PURPOSE**
237 **14-20-602 APPLICABILITY**
238 **14-20-603 APPLICATION PROCESS**
239 **14-20-604 REVIEW AND APPROVAL**
240 **14-20-605 RECORDING REQUIREMENTS**
241 **14-20-606 GENERAL PROVISIONS**

242
243
244 **14-20-601 PURPOSE**

245
246 The purpose of this section is to establish a process for adjusting property lines between
247 adjoining lots or parcels that do not involve creating a new lot or reducing a lot below the
248 minimum requirements of the zoning ordinance.

249
250 **14-20-602 APPLICABILITY**

251
252 This section applies to all lot line adjustments provided the adjustments
253 meet all of the following:

- 254
255 **A. No additional lots or parcels are created.**
256
257 **B. The resulting lots or parcels comply with all applicable codes including, but not**
258 **limited to, minimum lot standards, subdivision standards, etc.**
259
260 **C. Does not result in a remnant or remainder parcel of land.**
261
262 **D. The adjustment does not adversely affect existing easements, utilities, or access.**
263

264 As an alternative to this section, property owners may apply to adjust the boundaries of
265 lots through a subdivision plat or subdivision plat amendment.

266
267 **14-20-603 APPLICATION PROCESS**

268
269 A. An applicant requesting a lot line adjustment shall submit the following to
270 the Planning Department:

- 271
- 272 1. A completed application form including the application fee, as
273 established on the adopted fee schedule, which shall be paid at the
274 time of application submission.
 - 275
 - 276 2. A written statement describing the proposed adjustments.
 - 277
 - 278 3. A certified topographical boundary survey (24" by 36" of the existing
279 site prepared by a licensed surveyor at an approved scale with two-
280 foot (2') contours which includes the following:
281
 - 282 a. Reflect current conditions.
 - 283
 - 284 b. Existing grades referenced to USGS elevations.
 - 285
 - 286 c. Existing utility locations, improvements, and drainage facilities.
 - 287
 - 288 d. Existing structures
 - 289
 - 290 4. A drawing or map of the proposed lot line adjustment prepared by a
291 licensed surveyor, showing:
292
 - 293 a. Existing and proposed property lines;
 - 294
 - 295 b. Lot dimensions and areas; and
 - 296
 - 297 c. Locations of structures, easements, utilities, and rights-of-way.
 - 298
 - 299 5. Legal descriptions of the parcels and lots as they exist prior to and
300 after the combination.
 - 301
 - 302 6. Written consent from all property owners involved in the adjustment.
 - 303
 - 304 7. Any additional information deemed necessary by the Planning
305 Director and City Engineer.
 - 306

307 **14-20-604 REVIEW AND APPROVAL**

308

- 309 1. Lot line adjustments shall be reviewed and approved administratively by the
310 City Engineer and Planning Director, or their designee, provided the proposal
311 meets the requirements of this section.
312
- 313 2. The City Engineer or Planning Director, or their designee, may impose
314 conditions of approval to ensure compliance with applicable codes, including,
315 but not limited to, the relocation of easements, etc.
316

317 **14-20-604 RECORDING REQUIREMENTS**

- 318 1. Upon approval, the applicant shall prepare and submit:
319
320 a. A final drawing or map of the proposed lot line adjustment
321 prepared by a licensed surveyor; and
322
323 b. A boundary line agreement or deed for each affected lot or parcel,
324 signed by all property owners and notarized.
325
326
- 327 2. The approved documents must be recorded with the County Recorder within
328 ninety (90) days of approval. Failure to record within this timeframe will
329 render the approval null and void.
330

331 **14-20-605 GENERAL PROVISIONS**

- 332
- 333 1. All lot line adjustments must comply with state statutes, including the Utah
334 Code governing land use and subdivision regulations.
335
- 336 a. Lot line adjustments shall not violate existing subdivision agreements
337 and shall not result in nonconforming lots or parcels.
338
- 339 2. Appeals of administrative decisions shall follow the appeal process outlined
340 in Section 14-2-108.

341 **Exhibit C**
342 **Section III.**

343
344 **CHAPTER 2 ADMINISTRATION AND PROCEDURES**

345
346 **14-2-106 LAND USE ADMINISTRATION**

- 347
- 348 A. Appointment. The Planning Director shall be responsible for administering and
349 enforcing this Title.
- 350
- 351 B. Interpretation. When necessary, the Planning Director shall interpret the
352 provisions of this Title, subject to general and specific policies established by the
353 Planning Commission and City Council. These interpretive decisions may be
354 appealed as set forth in Section 14-2-108 of the Bountiful City Land Use Code.
- 355
- 356 C. Administrative Duties. The Planning Director shall accomplish or cause to be
357 accomplished all administrative actions required by this Title, including the
358 giving of notice, holding of hearings, preparation of staff reports, and receiving
359 and processing of appeals.
- 360
- 361 D. **Inactive Land Use Applications Process. The Planning Department will be**
362 **responsible for monitoring the progress of all active land use applications. If an**
363 **application remains inactive for a period of more than 180 days, with no**
364 **communication from the applicant and no substantive progress in the**
365 **application process, the Planning Department will deem the application inactive**
366 **and will consider the application withdrawn. Paid application fees shall not be**
367 **refunded.**
- 368

369 Exhibit D
370 Section IV

371
372 **CHAPTER 4 (R) SINGLE-FAMILY RESIDENTIAL**

373
374 **14-4-101 PURPOSE AND OBJECTIVES**

375
376 [...]

377
378 C. ~~It is the intention of the City Council that every~~Every subdivision, lot, or parcel
379 within the Residential Foothill subzone be developed with as little disturbance to
380 the natural ground, with the most harmony with natural conditions, and with the
381 greatest conformity with the purposes and requirements of this Code, as possible
382 under individual circumstances. It is the finding of the City Council that all possible
383 circumstances, and the best means of dealing with them, cannot be anticipated in
384 the preparation of these regulations. Therefore, the Land Use Authority ~~City Council~~
385 may, unless expressly stated to the contrary in this chapter, grant a reasonable use
386 exception to the provisions of this chapter to implement its purposes by modifying
387 requirements in the R-F subzone as individual circumstances may merit subject to
388 the criteria set forth below. The provisions set forth in this chapter regarding the R-
389 F subzone shall be the standard, but when conditions merit a reasonable exception,
390 discretion may be exercised, even where the term "shall" is used in the regulation, in
391 accordance with such criteria. The following findings and conclusions may justify a
392 reasonable exception and shall be included in the record of the proceedings.

393
394 [...]

395
396 **14-4-110 PARKING, LOADING, AND ACCESS**

397
398 Each lot or parcel in the (R) Zone shall have on the same lot or parcel off-street parking
399 sufficient to comply with Chapter 18 of this Code. Said spaces shall be paved with asphalt,
400 concrete, or similar material, and shall include a paved driveway accessing a public street.
401 For single family and two-family residential uses, at least two (2) of the required on-site
402 parking spaces per unit shall be provided behind the minimum front yard setback.

- 403
404 A. Front and Street Side (Corner Lot): Parking spaces shall not be permitted
405 between the residence and the street in either the front yard or street side
406 yard except for the following:
407
408 1. ~~Street Side Yard (Corner Lot):~~ Parking ~~is only allowed on approved~~
409 ~~parking areas either within an approved garage or carport or located~~ may
410 ~~be allowed~~ at least 10 feet from the street side property line (corner lot).
411 ~~and behind a six foot screening fence. Fencing adjacent to driveways on~~
412 ~~corner lots shall be subject to required clear view requirements of Section~~
413 ~~14-16-108.~~

415
416

2. Parking may be allowed on an approved circular driveway.

417 **Exhibit E**
418 **Section V**

419

420

CHAPTER 6 (C) COMMERCIAL ZONE

421

422 **14-6-107 STRUCTURE HEIGHT**

423

424 No building or structure in the (C) Zone shall exceed ~~three (3) stories or~~ forty-five (45) feet
425 in height as measured at the average grade. Chimneys, flagpoles, church towers and similar
426 accessory elements not used for human occupancy are excluded in determining height;
427 however, the City may limit the height of any protrusion that is found by the City Council to
428 be a public nuisance.

429 **Exhibit F**
430 **Section VI**

431
432 **CHAPTER 7 DN – DOWNTOWN**

433
434 **14-7-105 YARD REQUIREMENTS**
435

436 A lot or parcel with a single family or two family dwelling shall conform to the minimum
437 setbacks of the R-4 subzone. All other uses, including multi-family and mixed-use, shall
438 meet the following requirements:

439
440 A. **FRONT AND STREET SETBACKS**
441

- 442
- 443 1. Along 100 West and 100 East any building shall have a minimum building setback of
444 20 feet and a maximum setback of twenty-five (25) feet from any front property line
445 and/or any property line abutting a public street.
446
 - 447 2. Along Main Street any building shall be located within ten (10) feet of the street
448 property line. Plazas, outdoor eating areas, and other pedestrian oriented site
449 amenities, including but not limited to, seating, drinking and ornamental fountains,
450 art, trees, and landscaping, for use by pedestrians, shall be considered part of the
451 building for setback purposes, as determined by the approving Land Use Authority.
452
 - 453 3. Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200
454 North, or 300 North and 400 North any building shall be setback at least ten (10)
455 feet and not more than twenty (20) feet from the street property line. **When any**
456 **building faces Main Street, the street side yard shall be located within ten (10) feet**
457 **of the street property line.**
458
 - 459 4. Along Center Street, any building shall be setback at least five (5) feet and not more
460 than ten (10) feet from the street property line.

461
462 B. **Side Yard**. Except as provided otherwise in this chapter, each lot or parcel shall have a
463 minimum building setback of ten (10) feet from an interior side property line. Any lot
464 or parcel that fronts onto Main Street shall have no interior side yard setback except as
465 required by the International Building Code.

466
467 [...]
468

469 **Exhibit G**
470 **Section VII**

471
472 **CHAPTER 18 MOTOR VEHICLE PARKING AND ACCESS STANDARDS**

473
474 **14-18-105 GENERAL REQUIREMENTS FOR PARKING AREAS**

475
476 [...]

477
478 D. Off-street parking areas shall allow vehicles to enter and exit from a public street by
479 forward motion only. This regulation shall not apply to single-family and two-family
480 residential units, or to town-home style residential units approved and constructed
481 after December 31, 2006, that front onto a public street that is not designated on the
482 Street Master Plan as a collector or **major arterial** street and that does not exceed an
483 average daily traffic volume of one thousand (1,000) vehicles.

484
485 [...]

486
487 H. Off-street parking spaces shall be located at least ten (10) feet from any street
488 property line except for driveways serving one and two-family dwellings. For single
489 family and two-family residential uses, at least two (2) of the required on-site
490 parking spaces per unit shall be provided behind the minimum front yard setback.
491 No driveways or paved vehicle areas of any kind are allowed in a street side yard
492 (corner lot) setback unless they provide access to an approved parking area located
493 within an approved garage or carport or a paved area located at least 10 feet from
494 the street side property line. ~~and behind a six foot screening fence as required in~~
495 ~~Section 14-4-110.~~

496
497 [...]

498
499 **14-18-109 ACCESS REQUIREMENTS**

500
501 [...]

502
503 B. **Single-Family and Two-Family Residential Lots**

- 504
505 1. Each residential lot shall be allowed not more than two drive accesses (curb cuts),
506 each of which shall have a minimum width of twelve (12) feet and a maximum width
507 of thirty (30) feet, as measured at the street property line. There shall also be a
508 minimum of thirty-five (35) feet between any drive access located on the same
509 property, as measured at the property line. Lots exceeding one (1) acre in size with
510 more than 150 feet of frontage on a public street may be allowed one (1) additional
511 curb cut provided the curb cut meets all other standards related to size, maximum
512 lot coverage and open space standards, minimum separation from other lots,
513 driveways and intersections.

514

- 515 2. Circular drives shall meet all of the minimum width and separation standards that
516 apply to drive accesses and shall be constructed in conformance with the
517 requirements set forth in Figure 18-5 Minimum Circular Drive Design Standards for
518 All Single and Two Family Residential. Areas between the minimum interior arc and
519 the front property line shall be landscaped at all times, and shall not be filled with
520 cement, asphalt or any other paving material. In limited circumstances, the City
521 Engineer may allow a reduced circular driveway, as shown in Figure 18-6 Minimum
522 Circular Drive Design Standards for Limited Situations. Before approving the
523 construction of a reduced circular driveway, the City Engineer shall determine that
524 all of the following criteria are met:
525
- 526 a. It is not physically possible to construct a standard size circular driveway.
 - 527
 - 528 b. There is a clear safety hazard created by the configuration of the road,
529 sidewalk, or other element that is beyond the control of the property owner.
 - 530
 - 531 c. The property owner has not created the safety hazard or need for the
532 reduced circular driveway by his action or the action of previous property
533 owners.
 - 534
 - 535 d. There is no other reasonable solution to the safety hazard.
 - 536
- 537 3. No drive access shall be closer than thirty (30) feet to any street intersection as
538 measured at the property line. In any instance where a dwelling has a drive access
539 on to a collector or arterial street, or in any instance where existing conditions
540 restrict visibility, the City Engineer may require that the drive access be located
541 further from the intersection; however, the location shall be the minimum necessary
542 to mitigate the hazard.
543
- 544 4. In any instance where a dwelling has a drive access on to a collector or **major**
545 **arterial** street **as indicated on the Bountiful Master Street Plan**, or in any instance
546 where existing conditions restrict visibility, the City Engineer may prohibit vehicles
547 from backing onto a public street. In addition, the City Engineer may require that
548 onsite improvements be made to allow a vehicle to turn around and drive forward
549 out on to a public street.
550

551 **Exhibit H**
 552 **Section VII**

553
 554 **CHAPTER 4 (R) SINGLE-FAMILY RESIDENTIAL**

555
 556 **14-4-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES**

557
 558 Subject to the provisions and restrictions of this Title, the following principal uses and
 559 structures, and no others, are allowed either as a permitted use (P) or by Conditional Use
 560 Permit (C) in the Residential zone. Some uses may be expressly prohibited (N) in this zone.
 561 Any use not listed herein is also expressly prohibited.

562
 563 **Table 14-4-103**

<u>Use</u>	<u>R-3, R-4 & R-F</u>	<u>R-1</u>
Detached Accessory Dwelling Unit, detached, as set forth in the Supplementary Development Standards chapter of this Title	C	C
Internal Accessory Dwelling Unit, internal, as set forth in the Supplementary Development Standards chapter of this Title	P	P
Chickens and related structures as set forth in this Title	P	P
Churches, Synagogues, and Temples	P	P
Coops, barns, stalls, pens, and any other animal housing as set forth in this Title	N	P
Denominational and Private School	C	C
Domesticated Farm Animals, as set forth in this Chapter	N	P
Home Occupation, Temporary, and Seasonal Uses as set forth in this Title	P/C	P/C
Household Pets as set forth in this Title	P	P
Library	C	C
Multi-Family Residential Dwelling	N	N
Municipal Facility	P	P
Preschool, Group Instruction, or Daycare with eight (8) or less children, including those residing in the home	P	P
Preschool, Group Instruction, or Daycare with nine (9) to twelve (12) children, as set forth in this Title and State Licensing Requirements	C	C
Private Recreational Facility	C	C
Public or Private Cemetery	C	C
Funeral Home or Mortuary*	C	C
Public or Private Utility Facility	C	C
Public Recreational Facility	P	P
Public Schools	P	P
Residence for Persons with Disability as set forth in 10-9a-504 of the Utah Code	P	P

Use

R-3, R-4
& R-F

R-1

<u>Use</u>	<u>R-3, R-4 & R-F</u>	<u>R-1</u>
Residential Accessory Structure	P/C	P/C
Residential Facility for Elderly Persons as set forth in 10-9a-519 of the Utah Code	P	P
Schools for the Disabled	C	C
Single or Two-Family Dwelling – Existing	P	P
Single-Family Dwelling – New	P	P
Telecommunication Facility not on City Property	C	C
Telecommunication Facility on City property	P	P
Two Family Dwelling – New	N	N
Utility Lines and Rights-of-Way	P	P

565

566 **Exhibit I**
 567 **Section IX**

568 **CHAPTER 6 (C) COMMERCIAL ZONE**

570 **14-6-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES**

571 Subject to the provisions and restrictions of this Title, the following principal uses and
 572 structures, and no others, are allowed either as a permitted use (P) or by Conditional Use
 573 Permit (C) in the Commercial zone. Some uses may be expressly prohibited (N) in this zone.
 574 Any use not listed herein is also expressly prohibited.
 575
 576
 577
 578

Table 14-6-103

<u>Use</u>	<u>C-H</u>	<u>C-G</u>	<u>C-N</u>
Assisted Living Center	N	N	N
ATV and Snowmobile Sales w/o Outside Storage and/or Display	P	C	N
ATV and Snowmobile Sales with Outside Display	P	N	N
Bail Bonds	C	N	N
Banks, Credit Unions	P	P	N
Bar, Tavern, Drinking Establishment	C	N	N
<i>Beauty Services, Permanent Makeup and Cosmetics</i>	<i>P</i>	<i>P</i>	<i>P</i>
Bottling, Canning, Food Production	P	C	N
Building/Construction Materials and Supplies w/ Outside Storage	C	C	N
Building/Construction Materials and Supplies w/o Outside Storage	P	C	N
Check Cashing, Title Loans	P	C	N
Construction Services w/ Outside Storage	C	N	N
Construction Services w/o Outside Storage	P	C	N
Convenience Stores	P	C	C
Dry Cleaner, Laundry Service	P	C	C
Fast Food Restaurant w/ or w/o Drive-up	P	C	N
Feed Lots, Animal Rendering, Animal Raising	N	N	N
Fire Arm/Shooting Range - Indoor	C	C	N
Fire Arm/Shooting Range - Outdoor	N	N	N
Food Preparation, Bakery	P	P	C
Funeral Parlor, Cemeteries, and Crematory Services	P	C	N
Gasoline Sales	P	P	C
General Retail w/ Outside Storage	C	C	N
General Retail w/o Outside Storage	P	P	C
Grocery Store	P	P	C
Hotels (Interior room access)	P	C	N

<u>Use</u>	<u>C-H</u>	<u>C-G</u>	<u>C-N</u>
Industrial Manufacturing	N	N	N
Kennels, Animal Boarding	N	N	N
Laundromat (Self-operated)	P	P	C
Mail Order/Online Distribution Office w/ Onsite Indoor Storage	P	C	N
Mail Order/Online Distribution Office w/ Onsite Outdoor Storage	C	N	N
Medical/Dental Laboratory	P	C	N
Medical/Dental Office	P	P	C
Millwork, Cabinetry	P	C	C
Motels (Drive-up/ exterior room access)	N	N	N
Motorized Recreation	C	N	N
Municipal Facility	P	P	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P	P	C
Pawnshop, Secondhand Merchandise,	C	N	N
Personal Services	P	P	C
Professional Services	P	P	C
Public/Private Assembly	P	P	C
Residential	N	N	N
Restaurant	P	P	C
Security Services	P	N	N
Self-Storage Units or Warehouse w/o Office	N	N	N
Sexually Oriented Business, Escort Service	C	N	N
Small Engine/Appliance Repair	P	P	N
Tailor, Seamstress, Shoe Repair	P	P	C
<i>Tattoo Parlor, Body Art Establishment</i>	<i>C</i>	<i>NC</i>	<i>N</i>
Telecommunication Facility not on City Property	C	C	C
Telecommunication Facility on City property	P	P	P
Thrift Store	P	C	C
Tutoring, Dance, Preschool, Daycare	P	P	C
Vehicle Part Sales	P	P	N
Vehicle Repair	P	N	N
Vehicle Sales	P	N	N
Vehicle Salvage/Wrecking	N	N	N
Vehicle Service and Wash	P	C	N
Vehicle Storage – Indoor	P	P	C
Vehicle Storage – Outdoor	C	N	N
Warehouse w/ Office	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting – indoor	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting - Outdoor	C	N	N

580 **Exhibit J**
 581 **Section X**

582
 583 **CHAPTER 7 DN – DOWNTOWN**

584
 585 **14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES**

586
 587 The following principal uses and structures, and no others, are allowed either as a
 588 permitted use (P) or by Conditional Use Permit (C) in the Downtown zone. Some uses may
 589 be expressly prohibited (N) in this zone. Any use not listed herein is also expressly
 590 prohibited. Properties fronting on 100 West or 100 East shall be limited to the residential
 591 uses allowed in the (DN) zone.

592 **Table 14-7-103**

Use	DN
Detached Accessory Dwelling Unit, detached, as set forth in the Supplementary Development Standards chapter of this Title	C
Internal Accessory Dwelling Unit, internal, as set forth in the Supplementary Development Standards chapter of this Title	P
Assisted Living Center	C
Bail Bonds	N
Banks, Credit Unions	P
Bar, Tavern, Drinking Establishment	N
Beauty Services, Permanent Makeup and Cosmetics	P
Bottling, Canning, Food Production	C
Building/Construction Materials and Supplies w/ outside storage	N
Building/Construction Materials and Supplies w/o outside storage	C
Check Cashing, Title Loans	N
Construction Services w/ outside storage	N
Construction Services w/o outside storage	C
Convenience Stores	C
Dry Cleaner, Laundry Service	P
Fast Food Restaurant w/ drive-thru window	N
Fast Food Restaurant w/ pick-up	C
Fast Food Restaurant w/o drive-thru	P
Feed Lots, Animal Rendering, Animal Raising	N
Fire Arm/Shooting Range – Indoor	N
Fire Arm/Shooting Range – Outdoor	N
Food Preparation, Bakery	C
Funeral Parlor, Cemeteries, and Crematory Services	C
Gasoline Sales	N

<u>Use</u>	<u>DN</u>
General retail w/ outside storage	N
General retail w/o outside storage	P
Grocery Store	P
Hotels (Interior rooms)	P
Industrial Manufacturing	N
Kennels, Animal Boarding	N
Laundromat (Self-operated)	P
Mail Order/Online Distribution office w/ onsite storage	C
Medical/Dental Laboratory	N
Medical/Dental Office	P
Millwork, Cabinetry	P
Motels (Drive-up/exterior rooms)	N
Motorized Recreation	N
Multi-Family Residential – Stand alone, with frontage on Main Street	N
Multi-Family Residential – Stand alone without frontage on Main Street	C
Multi-Family Residential w/ Commercial Use on ground floor (Mixed-Use)	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Private Schools	C
Professional Services	P
Public/Private Assembly	C
Restaurant	P
Security Services	C
Self-Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single-Family Dwelling	P
Single-Family Dwelling- property fronting on Main Street	N
Two-Family Dwelling— New	C
Two-Family Dwelling – property front on Main Street	N
Small engine/appliance repair	C
Tailor, Seamstress, Shoe repair	P
Tattoo Parlor, Body Art Establishment	N
Tutoring, Dance, Preschool, Daycare	P
Vehicle Part Sales	N
Vehicle Repair	N
Vehicle Sales	N
Vehicle Salvage/Wrecking	N

<u>Use</u>	<u>DN</u>
Vehicle Service and Wash	N
Vehicle Storage - Indoor	C
Warehouse w/ office	N
Welding, Autobody, Machine Shop, Fiberglass, Painting	N

594

595 **Exhibit K**
596 **Section XI**

597
598 **CHAPTER 10 MIXED-USE ZONE**

599
600 **14-10-105a PERMITTED USES**

601
602 Underlined uses may not be located on individual pad sites or parcels. They must be part of
603 a larger building or physically connected and integrated into the complex. Residential uses
604 may not exceed twenty five percent (25%) of the total project floor area, except as
605 indicated by the sub-zone designation.

606
607 **Residential**

608 Multi-family - minimum one (1) covered space per unit. Underground and/or
609 structured parking recommended; carports are not permitted without specific City
610 Council approval.

611
612 **Office**

613 Professional offices
614 Banks and credit unions
615 Medical clinics
616 Artist studios

617
618 **Commercial**

619 Convenience stores – without fuel sales
620 Grocery stores – maximum 50,000 square feet per tenant
621 Retail – maximum 50,000 square feet per tenant/floor, no single tenant to exceed
622 100,000 square feet total across multiple floors
623 Personal services and improvements
624 Health Clubs
625 **Beauty Services, Permanent Makeup and Cosmetics**

626
627 **Institutional/Public**

628 Medical clinics
629 Colleges/Universities/Educational Services
630 Museums
631 Open space/Park
632 Convention center/Assembly/Auditorium
633 Government offices
634 Places of worship
635 Municipal Facilities

636
637 **Hotel/Entertainment**

638 Hotels – Rooms off interior corridors (no motor lodges)
639 Recreation – Indoor/Outdoor
640 Restaurants and private clubs – without drive-up window

- 641 Fast-food restaurant
- 642 Movie Theaters - Indoor
- 643 Convention center/Assembly/Auditorium

644

645 **14-10-105b PROHIBITED USES**

646

647 Motor lodges (drive-up motel units)

648 Pawn shops

649 Check cashing/Title loan stores

650 Sexually oriented businesses

651 **Body Art Establishments**/Tattoo parlors

652 Self-storage units

653 Body piercing (earrings permitted)

656 **CHAPTER 19 SIGN REGULATIONS**

657
658 **14-19-118 SIGN PERMIT PROCESS**

- 659
660 A. No person shall erect, install, or paint any sign, or change the face of any sign,
661 whether it be temporary or permanent in nature, without obtaining a sign permit
662 from the Planning Department except as outlined in this Code. This includes new
663 signs, signs to be added to existing buildings or uses, and existing signs that are to
664 be enlarged, changed, or otherwise altered.
665
666 B. Any sign shall be constructed of low maintenance, weather resistant materials.
667
668 C. The approval for a sign or sign application shall be based on the following criteria
669 and standards:
670
671 1. Conformance to the provisions of this Chapter and all other ordinances and
672 standards of the City.
673
674 2. The impact upon the health, safety, and welfare, of community.
675
676 3. The effect of the sign upon ingress, egress, internal traffic circulation, off-
677 street parking facilities, loading and service areas and pedestrian ways.
678
679 4. Compatibility with surrounding structures and signs.
680
681 5. Concealment of all mechanical equipment, appurtenances, and utilities, from
682 view. Electrical boxes, wires, or switches, and other related devices shall be
683 an integral part to the sign design.
684
685 6. The location of the sign upon the premises.
686
687 7. The location of existing signs, if any, upon the premises, or in the immediate
688 area.
689
690 D. The Planning Department, ~~Administrative Committee, Planning Commission or City~~
691 ~~Council~~ shall have the function, duty, and power to approve, disapprove, or approve
692 a sign permit with conditions, as dictated by this Title.
693

694 [...]

City Council Staff Report



Subject: Land Use Code Text Amendment: Paved Parking Surfaces
Author: Francisco Astorga, AICP, Planning Director
Date: February 04, 2025

Background

At the request of the City Council, Staff has been reviewing and researching paved parking surfaces in the Residential Zone (R-1, R-3, R-4, and R-F). Several sections of the Land Use Code indicate that parking spaces are to be paved with asphalt, concrete, or similar materials. The Planning and the Engineering Depts. have not interpreted and/or approved gravel as “a similar material” for paved parking surfaces.

During the [November 12, 2024, City Council work session](#), Staff led a discussion regarding paved parking surfaces. The City Engineer outlined the use of gravel for landscaping and general use. The Planning Director provided an overview of driveway, parking, and landscaping regulations found throughout the Land Use Code. The Council showed interest in further exploring changes to the City Code to allow gravel parking areas in specific areas:

- 1) Consider gravel parking behind the front yard setback.
- 2) Consider gravel parking ten feet (10’) behind the front property line.

During the [January 14, 2025, City Council work session](#), Staff presented language for the Council’s consideration based on the direction that they requested which would require amending several sections of the Land Use Code relating to Permeable Parking Surfaces / Permissible Lot Coverage / Parking, Loading, and Access / Landscaping / Definitions / General Requirements for Parking Areas / Access Requirements / Clear-view Areas. The Council directed staff to initiate a Land Use Code text amendment to allow gravel parking ten feet (10’) behind the front property line.

Analysis

Staff has prepared on Ordinance for the Planning Commission to review with the language that was reviewed by Council with minor edits prepared by the Planning Director, the City Engineer, and the City Attorney, see Attachment 1. The prepared language includes several amendments to the Land Use Code that:

- a) clarifies that gravel is not a comparable material to asphalt or concrete (City-wide); and
- b) allows in the Residential Zone gravel parking areas if placed a minimum of ten feet (10’) from the property line.

Regarding the direction provided by the Council of gravel parking areas in the Residential Zone, this change in policy may affect the City’s storm water collection system based on how each property owner maintains their gravel in its desired location. Staff recognizes that the City may increase the number of code enforcement cases received based on the new regulation. The new

policy may also affect the aesthetic look of the residential neighborhood as gravel parking is more so associated with rural development instead of suburban/urban neighborhoods. The Council recognized the benefit of allowing an additional material for residential parking that is a less expensive option than laying asphalt or concrete (or pavers, etc.). The Council agreed with Staff with the importance of delineating gravel parking areas from landscaped areas (xeriscape) as well as that access to gravel parking areas would require vehicle travel over a hard surface intended for vehicular traffic (the driveway).

Department Review

This Staff Report was reviewed by the City Engineer and City Attorney.

Significant Impacts

Positive impacts include the less expensive financial cost of gravel parking areas over the typical option of laying asphalt or concrete, etc. Negative impacts include the higher possibility of gravel being transferred to a City road based on its parking use being a minimum of ten feet (10') from the property line.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendment, hold a public hearing, and forward a recommendation to the City Council based on the findings drafted on the attached proposed Ordinance.

Attachments

1. Proposed Draft Ordinance 2025-02



BOUNTIFUL

Bountiful City Draft Ordinance No. 2025-02

MAYOR
Kendalyn Harris

CITY COUNCIL
Kate Bradshaw
Beth Child
Richard Higginson
Matt Murri
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

An Ordinance Amending Various Sections of the Bountiful Land Use Code regarding Paved Parking Surfaces:

- I. Section 14-4-109 Permissible Lot Coverage, Section 14-4-110 Parking, Loading, and Access, and Section 14-4-112 Landscaping of Chapter 4 - (R) Single-Family Residential.
- II. Section 14-3-102 of Chapter 3 - Definitions.
- III. Section 14-18-105 General Parking Requirements for Parking Areas and Section 14-18-109 Access Requirements of Chapter 18 - Motor Vehicle Parking and Access Standards.
- IV. Section 14-16-107 General Provisions and Section 14-16-108 Clear-View Areas of Chapter 16 - Landscaping and Fencing.

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The Planning Department recommends that various changes take place to provide order, accuracy, and clarifications for consideration; and
3. After review and a public hearing on **February 4, 2025**, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
4. The City Council of Bountiful City held a public hearing on this Ordinance on **February 25, 2025**, and considered the statements made from the public as well as the recommendations from the Planning Commission and the Staff.
5. The City Council of Bountiful City finds that these amendments are necessary and are in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and

6. The City Council of Bountiful City reviewed the proposed ordinance and finds that the proposed amendments are in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION I. Section 14-4-109 Permissible Lot Coverage, Section 14-4-110 Parking, Loading, and Access, and Section 14-4-112 Landscaping of Chapter 4 - (R) Single-Family Residential of the Land Use Code, Title 14 of the Bountiful City Code, are hereby amended as shown on Exhibit A.

SECTION II. Section 14-3-102 of Chapter 3 - Definitions of the Land Use Code, Title 14 of the Bountiful City Code, is hereby amended as shown on Exhibit B.

SECTION III. Section 14-18-105 General Parking Requirements for Parking Areas and Section 14-18-109 Access Requirements of Chapter 18 - Motor Vehicle Parking and Access Standards of the Land Use Code, Title 14 of the Bountiful City Code, are hereby amended as shown on Exhibit C.

SECTION IV. Section 14-16-107 General Provisions and Section 14-16-108 Clear-View Areas of Chapter 16 - Landscaping and Fencing of the Land Use Code, Title 14 of the Bountiful City Code, are hereby amended as shown on Exhibit D.

SECTION V. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this ___th day of _____ 2025.

Kendalyn Harris, Mayor

ATTEST:

Sophia Ward, City Recorder

1 **Exhibit A**

2
3 **Section I**

4
5 **Code Sections found in Chapter 4 (R) Single-Family Residential (R-1, R-3, R-4, and R-F):**

6
7
8 **14-4-109 PERMISSIBLE LOT COVERAGE**

- 9
10 A. In the (R) Zone, all structures, including accessory structures, and all impervious surfaces
11 such as driveways, sidewalks, patios, parking areas, sports courts and pools shall not
12 cover a total of more than sixty percent (60%) of the area of the lot or parcel of land.
13
14 B. At least fifty percent (50%) of all required front yard areas shall be landscaped.
15
16 C. At least fifty percent (50%) of all required side yard areas shall be landscaped.
17
18 D. At least fifty percent (50%) of all required street side yard (corner lot) areas shall be
19 landscaped.
20
21 E. At least fifty percent (50%) of all required rear yard areas shall be landscaped.
22
23 F. For institutional uses, such as churches, private schools and public buildings, the
24 approving authority may increase the amount of impervious surface area to up to seventy
25 percent (70%), if the additional hard surfacing is used to provide parking spaces beyond
26 the minimum required.
27
28

29 **14-4-110 PARKING, LOADING, AND ACCESS**

30
31 Each lot or parcel in the (R) Zone shall have on the same lot or parcel off-street parking
32 sufficient to comply with Chapter 18 of this Code. ~~Said spaces shall be paved with asphalt,
33 concrete, or similar material, and shall include a paved driveway accessing a public street.~~
34

- 35 A. Parking and driveway areas shall be constructed with a Hard Surface made of Impervious
36 Material as defined in section 14-3-102 of this Title.
37
38 B. A Permeable Parking Surface shall be allowed as a parking area -constructed at a
39 minimum distance of ten (10) feet from the front or streetside property line.
40
41 1. All permeable parking surfaces shall have a physical barrier constructed to
42 contain the surfacing material on all sides, consistent with the landscaping
43 requirement of 14-4-112.
44
45 2. All permeable parking surfaces shall be kept free of debris vegetation and organic
46 material at all times.

47
48 A.C. For ~~single-single~~-family and two-family residential uses, at least two (2) of the required
49 on-site parking spaces per unit shall be provided behind the minimum front yard setback.
50

51 B.D. Front and Street Side (Corner Lot): Parking spaces shall not be permitted between the
52 residence and the street in either the front yard or street side yard except for the
53 following:
54

55 1. Street Side Yard (Corner Lot): Parking is only allowed on approved parking areas
56 either within an approved garage or carport or located at least 10 feet from the
57 street side property line and behind a six foot screening fence. Fencing adjacent to
58 driveways on corner lots shall be subject to required clear view requirements of
59 Section 14-16-108.
60

61 [...]
62

63
64 **14-4-112 LANDSCAPING**
65

66 The following landscaping provisions shall apply to any developed lot or parcel in the (R) Zone:
67

68 A. All portions of the lot not improved with structures or other impervious surfaces shall be
69 maintained with suitable landscaping of plants, trees, shrubs, grass and similar
70 landscaping materials. Xeriscape is a type of landscaping employing a mix of drought
71 tolerant plants and grasses.
72

73 B. Landscaping shall also be installed in each adjacent park-strip ~~to the same standards as~~
74 ~~other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other~~
75 ~~nonvegetative material are not allowed in the parkstrip area between the curb and~~
76 ~~sidewalk in compliance with Section 14-16-115.~~ Xeriscaping is permitted in accordance
77 with the Landscaping and Fencing Chapter of this Title.
78

79 C. Permeable Parking Surfaces allowed under section 14-4-110 of this Title shall be
80 separated from landscape areas with a physical barrier that exceeds the height of the
81 Permeable Parking Surfaces, such as edging, pavers, bricks, curbing, or similar material,
82 in order to keep the surface material in place.
83

84 B.D. Parking Surfaces shall not be considered as landscaping.

85 **Exhibit B**

86

87 **Section II**

88

89 **Code Sections found in Chapter 3 Definitions (related to the entire City):**

90

91 **14-3-102 DEFINITIONS**

92

93 93. DRIVE-APPROACH (Also CURB-CUT or DRIVE-ACCESS): The portion of a right-of-
94 way located between the outside edge of a street travel-way and an adjacent property and which
95 is used or designated for vehicular passage.

96

97 94. DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed,
98 or otherwise using or visiting the parcel on which it is located.

99

100 [...]

101

102 130. HARD SURFACE: A dust-free paved surface intended for vehicular use, made of any of the
103 following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable
104 substitutes as determined by the City Engineer.

105

106 131. HARDSCAPE: Sidewalks, urban trails, plazas, and other pedestrian-oriented non-
107 vegetative landscaping elements.

108

109 [...]

110

111 142. IMPERVIOUS MATERIAL: Any surface material which does not allow for the natural
112 percolation of water into the soil, including but not limited to roofs, concrete patios, Hard
113 Surface such as concrete or asphalt driveways, tennis and play courts of concrete or similar
114 material.

115

116 [...]

117

118 152. LANDSCAPING: The addition of lawns, trees, plants, and other natural decorative features
119 to land. Permeable parking surfaces are not considered landscaping.

120

121 [...]

122

123 267. SOFTSCAPE: Landscaping consisting of living plants and organic materials. Permeable
124 parking surfaces are not considered landscaping.

125

126 206. PARKING SPACE: A ~~permanently surfaced area~~ Hard Surface, enclosed or unenclosed for
127 the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen
128 (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as
129 temporary storage space for one private motor vehicle. Permeable parking surfaces as allowed in
130 section 14-4-110 of this Title area also parking spaces.

131
132 xxx. PERMEABLE PARKING SURFACE: A parking surface that allows water to pass through
133 to underlying soils. Surfacing materials should generally consist of a well graded mixture of
134 crushed rock and sand which is free from organic materials, or any other reasonable substitute as
135 determined by the City Engineer. Generally acceptable materials should comply with the
136 gradation requirements for Group Classifications A1, A3, A-2-4, or A-2-5 of the American
137 Association of State Highway and Transportation Officials (AASHTO) Soil Classification
138 System with a maximum particle size of 1.5". Permeable Parking Surfaces must be constructed
139 with a minimum compacted thickness of four (4) inches and be maintained such that it is free of
140 plants and organic material.

141
142 [...]

143
144 326. XERISCAPE: A type of landscaping that employs a mix of drought tolerant plants and
145 organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not
146 considered xeriscape. Parking areas are not considered landscaping.

147 **Exhibit C**

148

149 **Section III**

150

151 **Code Sections found in Chapter 18 Motor Vehicle Parking and Access Standards (related to**
152 **the entire City):**

153

154 **14-18-105 GENERAL REQUIREMENTS FOR PARKING AREAS**

155

156 A. ~~Each off-street parking area shall be surfaced with asphalt, concrete pavement, or~~
157 ~~comparable material, and shall be graded to dispose of all surface water.~~

158 Each off-street parking area shall be constructed from a Hard Surface or Permeable
159 Parking Surface material as defined as in 14-3-102 and shall be graded to dispose of all
160 surface water except as allowed in section 14-4-110 of this Title specifically in the
161 Single-Family Residential Zone.

162

163 1. The perimeter of the ~~paved surface~~Hard Surface shall be finished with concrete
164 curb and gutter except for single-family and two-family residential uses.

165

166 2. Surfacing Parking Surfaces may be installed in stages as approved by the
167 approving applicable authority.

168

169 3. Parking areas constructed as a Permeable Parking Surface shall only be accessible
170 from a Hard Surface such as a driveway and must be located on the property in
171 accordance with the requirements of Section 14-4-110 of this Title.

172

173 ~~1.4.~~ 4. All parking and grading plans shall be reviewed and approved by the City
174 Engineer.

175

176 B. Parking areas shall be designed to provide orderly and safe circulation, loading,
177 unloading, parking, and storage of vehicles. All parking areas shall be landscaped,
178 striped, marked, and maintained according to approved plans.

179

180 C. Lighting provided in off-street parking areas shall be directed away from adjoining
181 premises and streets in accordance with the design standards of this Title. The type and
182 location of luminaries shall be approved by the approving authority.

183

184 D. Off-street parking areas shall allow vehicles to enter and exit from a public street by
185 forward motion only. This regulation shall not apply to single-family and two-family
186 residential units, or to town-~~home-house~~ style residential units approved and constructed
187 after December 31, 2006, that front onto a public street that is not designated on the
188 Street Master Plan as a collector or arterial street and that does not exceed an average
189 daily traffic volume of one thousand (1,000) vehicles.

190

191 E. Pavement, striping, landscaping, paintings, lighting, and all other parking area
192 components shall be maintained to prevent deterioration and safety hazards.

- 193
- 194 F. No off-street parking shall be permitted in any required residential front yard or street
 195 side yard except as allowed in Section 14-4-110 of this Title. ~~And no vehicle, trailer or~~
 196 ~~similar device may be parked on a lawn, park strip or any other non-paved surface.~~
 197 Vehicles, trailers, or similar devices shall not be parked on lawns, landscaping areas
 198 including xeriscape, park strips, or any other non-paved paved surfaces/areas except as
 199 allowed in section 14-4-110 of this Title, specifically in the Single-Family Residential
 200 Zone.
- 201
- 202 G. No tandem parking (one space behind another) shall be allowed, except for conventional
 203 single-family dwellings. Duplexes, apartments, townhouses and condominiums may have
 204 tandem parking providing that both spaces are assigned to the same dwelling unit and the
 205 plan is approved by the ~~approving~~applicable authority.
- 206
- 207 H. Off-street parking spaces shall be located at least ten (10) feet from any street property
 208 line except for driveways serving one and two-family dwellings. For single-family and
 209 two-family residential uses, at least two (2) of the required on-site parking spaces per unit
 210 shall be provided behind the minimum front yard setback. No driveways or paved vehicle
 211 areas of any kind are allowed in a street side yard (corner lot) setback unless they provide
 212 access to an approved parking area located within an approved garage or carport or a
 213 paved area located at least 10 feet from the street side property line and behind a six foot
 214 screening fence as required in Section 14-4-110.
- 215
- 216 I. Landscaping of all ~~commercial and industrial~~ parking areas is required and shall meet the
 217 requirements and standards of this Title.

218

219 [...]

220

221

222 **14-18-109 ACCESS REQUIREMENTS**

- 223
- 224 A. Any property, regardless of its use or zone designation, shall be subject to the following.
- 225
- 226 1. Any off-street parking area shall be accessed through an approved drive-approach,
 227 also referred to as a “drive-access” or “curb-cut”, meeting ~~city~~City construction
 228 standards. It is unlawful to drive a motor vehicle on any sidewalk, park strip, or
 229 any other area behind the curb within a public right-of-way, with the exception of
 230 an approved drive-approach.
- 231
- 232 2. The combined area of drive-approaches along any public street frontage shall not
 233 exceed fifty-percent (50%) of the linear length of the street curb immediately
 234 adjacent to a property, including required curb returns. A ~~legal non-~~legal, non-conforming
 235 flag lot shall be limited to one (1) drive-
 236 approach which shall be the narrowest width possible to comply with the
 237 minimum access requirements of this Title and the Fire Code.
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3. No off-street parking area shall be approved or constructed without a drive-approach meeting City standards. Any drive-approach shall be located at least five (5) feet from a side or rear property line, with the exception of approved, shared drive-approaches.
 4. Each drive-approach, ~~or drive access or driveway,~~ shall be ~~surfaced with asphalt, concrete pavement or comparable material~~ constructed from materials consistent with the City's construction standards for drive approaches or other improvements constructed within the public right-of-way. Driveway(s) shall be constructed from Hard Surface as defined in 14-3-102 and shall be graded to dispose of all surface water. All parking, driveways, and grading plans shall be reviewed and approved by the City Engineer.
 5. Existing drive approaches (drive accesses or curb-cuts) which are abandoned by non-use or which are relocated as part of an approved development project shall be removed and replaced with standard curb, gutter, park strip, and sidewalk withing one (1) year, as required by the City Engineer.

256 **Exhibit D**

257

258 **Section IV**

259

260 **Code Sections found in Chapter 16 Landscaping and Fencing (related to the entire City):**

261

262

263 **14-16-107 GENERAL PROVISIONS**

264

265 The following shall apply to all property within the City of Bountiful:

266

267 A. Each property owner and/or occupant shall provide and continuously maintain on-site
268 landscaping, fencing, walls, and other required improvements equal to the minimum
269 requirements of this Title and as shown on an approved site plan.

270

271 B. Any dead vegetation or growth shall be removed immediately and shall not be allowed to
272 accumulate on the property.

273

274 C. Each property owner and/or occupant shall provide and continuously maintain
275 landscaping within park strip areas (~~between the curb and sidewalk~~), except for approved
276 driveways, walkways, and utility service areas. Asphalt or concrete paving in place of
277 landscaping between the sidewalk and curb is prohibited.

278

279 D. Any developed property shall have a pressurized irrigation system that shall be installed
280 and continuously maintained in all landscape areas.

281

282 E. It is unlawful to strip, excavate, or otherwise remove top soil from a site unless a permit
283 allowing the activity has been issued by the Engineering Department.

284

285 F. Any required improvement, including landscaping, shall be installed within six (6)
286 months of the date of the occupancy permit or of the equivalent final inspection.

287

288

289 **14-16-108 CLEAR-VIEW AREAS**

290

291 A. ~~For the purpose of providing adequate vision of vehicular and pedestrian traffic, a~~ clear-
292 view area shall be maintained at the intersection of every street, whether public or
293 private, and at the intersection of every driveway with a public or private street. The
294 clear-view provisions are considered as life-safety standards and shall supersede any
295 conflicting provisions of this Title.

296

297 B. No provision of this section shall be construed to allow the continuance of any
298 nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or
299 other obstruction which interferes with the safety of pedestrians or vehicle traffic.

300

301 C. The clear-view area for a street intersection is the area of land determined by measuring
302 forty (40) feet from the point of juncture of street curb lines, and then connecting the
303 termini of those lines forming a triangle that encompasses a portion of the street right-of-
304 way and the adjoining lot. Within that clear-view area, the following shall apply:
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- 306 1. Solid fences, walls, signs, sight obscuring vegetation, and/or other sight obscuring
307 devices shall not exceed two (2) feet in height above the level of the curb.
308
- 309 2. Open style fences shall not exceed four (4) feet in height above the level of the
310 curb.
311
- 312 3. Tree trunks shall not be located within the clear-view area; however, tree canopies
313 may extend into the ~~clear-clear~~-view area if they are trimmed at least seven (7)
314 feet above the elevation of the sidewalk and eleven (11) feet above the elevation
315 of the street. It is unlawful to allow any vegetation or other growth to block any
316 traffic sign, traffic signal, street light, or other public safety device, regardless of
317 whether it is located in a clear-view area or not.
318
- 319 4. No sign shall be allowed in the clear-view area unless it is specifically permitted
320 by this Title and it is determined by the City Engineer that it is not a safety hazard.
321
- 322 5. No obstruction of any sort which interferes with the safety of pedestrians or traffic
323 shall be allowed within the clear-view area unless it is specifically permitted by
324 this Title and it is determined by the City Engineer that it is not a safety hazard.
325

326 D. The clear-view area for the intersection of a driveway and a street shall be determined by
327 first establishing the point of intersection of the driveway edge and the street property
328 line, then measuring ten (10) feet along the property line away from the driveway, and ten
329 (10) feet along the edge of the driveway in toward the property. A line is then drawn from
330 the termini of the two lines, forming a triangle. This is accomplished on both sides of the
331 driveway. Within the triangles and the area between them, the following shall apply:
332

- 333 1. An open style fence shall be a maximum of four (4) feet in height.
334
- 335 2. Any wall or other type of solid fence or sight obscuring growth shall be a
336 maximum of three (3) feet in height.
337
- 338 3. Tree trunks shall not be located within this clear view triangle; however, tree
339 canopies may extend into the clear view area if they are trimmed at least seven (7)
340 feet above the sidewalk and eleven (11) feet above the street.
341
- 342 4. Tree canopies or other growth shall not block signs or signals.
343
- 344 5. Sight obscuring growth shall be a maximum of three (3) feet in height in the park
345 strip.
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6. The driveway clear-view fencing provisions may not be required on corner and double frontage lots for a secondary drive access that is gated, locked and that accesses the rear yard, if it is determined by the Planning Director that the drive access is not a primary access.