

BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, October 3, 2017
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room at City Hall, 790 South 100 East, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Approval of the minutes for September 19, 2017.
3. **PUBLIC HEARING** – Consider changing the zoning designation of approx. 44.3 acres, from RM-19 (Multi-Family Residential-19 units to the acre) to R-4 (Single Family Residential-4 units per acre). The properties are located roughly between 400 North and 500 South and between 100 West and 200 West.
4. **PUBLIC HEARING - Continued from September 19, 2017** – Consider approval of a Zoning Text Amendment to the standards of the Downtown Zone (DN) found in Chapter 7 of the Bountiful City Land Use Ordinance.
5. Planning Director's report, review of pending applications and miscellaneous business.



Chad Wilkinson, City Planner

Bountiful City
Planning Commission Minutes
September 19, 2017
6:30 P.M.

Present: Chair – Sean Monson; Vice Chair – Von Hill; Planning Commission Members – Jesse Bell, Tom Smith and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Clint Drake; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

1. Welcome and Introductions.

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for September 5, 2017.

Sharon Spratley made a motion to approve the minutes for August 1, 2017 with 2 corrections made on page 9. Mr. Smith's comments #2 was corrected from 100 North to 100 West and Ms. Spratley's comment #1 was corrected from single family homes to read "accommodate small commercial and mixed use needs". Tom Smith seconded the motion. Voting passed 6-0 with Commission members Bell, Higginson, Hill, Monson, Smith and Spratley voting aye.

3. PUBLIC HEARING – Consider approval of Zoning Text Amendment to the standards of the Downtown Zone (DN) found in Chapter 7 of the Bountiful City Land Use Ordinance.

Chad Wilkinson presented the staff report.

At the Planning Commission work session for the Plat A neighborhood held on September 5, 2017 staff recommended changes to the DN (Downtown) Zoning Standards found in Chapter 7 of the Bountiful Land Use Ordinance. In addition to these changes, staff recommended a zone change for the RM-19 zoning area located between 100 West and 200 West. The potential RM-19 Zone change will be considered at a future Planning Commission meeting. The purpose of this public hearing is to review potential changes to the DN zoning standards, receive public input and provide additional direction on the changes to staff. This direction will be used to further refine the proposed ordinance changes.

The proposed changes include the following:

- Changes to the building height requirements
- Changes to the minimum lot size
- Addition of standards regulating location of parking
- Revisions to the architectural design standards for multifamily developments located along 100 West and 100 East
- Other changes to correct inconsistencies and provide clarification

The draft ordinance contains the proposed revisions with changes to the ordinance indicated with strikethrough text (showing deletions) and underline text indicating new text.

It is recommended that the Planning Commission review the proposed changes to the Downtown Ordinance and hold a public hearing. After receiving public input it is recommended that the Commission give staff direction on the proposed changes and schedule an additional public hearing for

October 3, 2017.

Proposed Changes to Chapter 7 Downtown Ordinance Text Amendment 2017 Version:

Mr. Wilkinson discussed changes to the use table found in Section 14-7-103.

Clarifications to the uses of the downtown zone uses.

Comments from Commission members:

1. Mr. Monson stated that he agrees with the mixed use on Main Street.

Mr. Wilkinson discussed changes to the use table found in Section 14-7-104.

The minimum lot size was suggested to be 8250 lot size. The minimum lot size of 8250 was considered to be rounded up to 8500 but also could be changed with Commission direction.

Commission Comments:

1. Mr. Higginson requested that the minimum be 8000 lot size.
2. Ms. Spratley asked if there are many lots that won't meet the proposed 8000 minimum lot size
3. Mr. Bell wanted clarification for single family home front onto Main St.

Staff Comments:

1. Mr. Wilkinson answered that there are a few lots that won't meet the proposed minimum lot size and that the single family homes cannot front onto Main St.

Mr. Wilkinson discussed changes to the use table found in Section 14-7-105.

The single family and two-family dwellings were separated out to keep them separate for the two subzones. This included clarification to the street setbacks for 100 W and 100 E and addition of language 500 S and 400 N for building setback.

There were no comments from Commission members.

Mr. Wilkinson discussed changes to the use table found in Section 14-7-107.

The proposed additions and changes were taken from the historic form planning from 2006 and 2008 meetings, recent surveys and general clarifications. These standards were proposed to allow smaller building footprints and lower height. The changes are an effort to transition the height changes from residential to the east and west and the downtown zone. This would provide comparable height across 100 West and 100 East from the single family homes in the event of the approval of the rezone.

Commission and Staff Comments:

1. Ms. Spratley asked for clarification about the maximum height. She would like to see a limitation on the height limit.
2. Mr. Higginson stated the Utah Land Use would like us to move away from granting

Conditional Use Permits. If an item can be approved conditionally meaning that you can mitigate the impact than it should to be allowed with the code and conditions.

3. Mr. Smith stated that he would like to see a set height limit.

Commission Members gave direction to staff:

1. To create a new section for steeples, towers, flagpoles.
2. Include a 55 foot height limit.
3. Setback for mechanical equipment 1 foot setback for every foot of height with a maximum of 10 foot.
4. The 20 % of the roof area could remain in the code.

Mr. Wilkinson discussed changes to the use table found in Section 14-7-108 through 14-7-111.

Cleanup and Clarification to the Language of the Code.

There were no comments from Commission members.

Mr. Wilkinson discussed changes to the use table found in Section 14-7-112C related to structure size and architecture.

These changes and additions would work toward a pedestrian oriented neighborhood clarifying the architectural features and building sizes.

Commission Comments:

1. Mr. Higginson asked for clarification of the pitch roof measurements included in the building height. He stated that the pitch roofs would allow for home to get living space in the attic.

Staff Comments:

1. Mr. Wilkinson stated that the height measurement is the average of the midpoint of the pitch roof and clarified that pitch roofs allowing living space in the attic would increase the roof structure/height of the home.

Commission direction to Staff:

1. The code should not make the homes shorter than the residential zone code but should fit in architectural in the downtown area for pitch roofs.

Mr. Wilkinson concluded his presentation. Staff recommends that the Commission members open the Public Hearing and at the end of the Public Hearing this item be continued to the next meeting.

Chairman Monson opened the PUBLIC HEARING at 7:21 p.m.

Nick Gilson resides at 305 N 100 E. Mr. Gilson reaffirmed the goals of the meeting as is to protect the neighborhood feel of this area. He also stated the Commission approved IHC building and feels that it doesn't fit the neighborhood feel. He feels that staff should not leave any ambiguity in the code language and should place a hard cap on the height.

Ms. Horn resides at 47 S 300 East. Ms. Horn is concerned about the height that the roof needs to be to allow living space in the attic. Commission Members described that there are trusses that can be used. Mr. Wilkinson added that the code language could add this as a third floor.

Eric Egnoff is an Architect for Process Studio in Salt Lake City Utah. Mr. Egnoff is currently working on a project on 100 West and understands the intent of the new language. He would like Commission members to look at the height of the building with an mixed use, elevator, and parking options.

Lori McGarry resides at 232 E 200 South. Ms. McGarry stated that she likes the hometown feel of this area and doesn't like the idea of have large apartments.

Sandy Inman resides at 183 W 3375 South. Ms. Inman doesn't live in this area but is involved with the Museum Board and Historic Commission. She wanted to give some input to the Commission members about the Historic District. The area called The Fort District area originally had 62% historic homes and was able to be considered a Historic District. If the City continues to allow the demo and rebuilding of apartments and we reach 50% or less of historic homes then this area will no longer be called a Historic District.

Larry Dupaix resides at 145 W 300 South. Mr. Dupaix spoke about the tall buildings in the downtown area. He stated that the developers would like to have taller buildings, but we should keep the height lower in the neighborhoods.

Alan Arbuckle resides at 120 E 550 North. Mr. Arbuckle is concerned about the complication of the proposed code, the height of the buildings, and the possible density in this area. He would like to see managed growth in the downtown area.

Chair Monson proposed that we continue this item to the next Planning Commission meeting.

Richard Higginson made a motion that the Planning Commission continue this item to the next Planning Commission to consider approval of Zoning Text Amendment to the standards of the Downtown Zone (DN) found in Chapter 7 of the Bountiful City Land Use Ordinance. Von Hill seconded the motion.

Voting passed 6-0 with Commission members Bell, Higginson, Hill, Monson, Smith and Spratley voting aye.

Commission Members and Staff comments:

1. Mr. Higginson feels that we haven't changed the vision of the development to make Main Street grow. He would like the code to allow living space to be used without adding height to the building.
2. Ms. Spratley is concerned about the need for developments to have enough guest parking in a multi-family area and should be addressed in the code.
3. Mr. Wilkinson suggested that we address this change to the parking code to the driveway parking, perhaps to this section.
4. Chair Monson discussed that we take the approach of taking the old ideas of rejuvenation of the downtown area. He would like the architectural standards in 14-7-112 C5 to be used on new buildings to look like single family homes and feels that this would be a good compromise to allow the structures to fit in with the rest of downtown.

Thanks to the public for all their comments.

5. **Planning Director's report, review of pending applications and miscellaneous business.**

APA Conference – Oct 5 & 6 in Park City.

Upcoming Meetings:

Planning Commission meeting:

October 3, 2017 – Public Hearing for Zone Ordinance Amendment for Downtown Zoning and Public Hearing for the text amendment for Downtown Zoning

City Council meeting:

October 10, 2017 – Ordinance Amendment for Downtown Zoning and Public Hearing for the text amendment for Downtown Zoning

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:53 p.m.

Chad Wilkinson, Bountiful City Planner

Commission Staff Report

Item #3

Subject: Public Hearing- Zone Map Amendment from RM-19 (Multi Family Residential 19 units per acre) to R-4 (Single Family Residential 4 units per acre)
Property Addresses: Multiple; located roughly between 400 North and 500 South and between 100 West and 200 West
Author: Chad Wilkinson, Planning Director
Department: Planning
Date: October 3, 2017



Background

The proposal is to amend the zoning designation of 155 parcels totaling approximately 44.3 acres from RM-19 (Multi Family Residential 19 units per acre) to R-4 (Single Family Residential 4 units per acre). The proposed zone change involves the western portion of the Plat A/Bountiful Historic Fort Neighborhood from approximately 100 West to 200 West and running from 400 North to 500 South. The proposed change does not include any properties currently zoned commercial or professional office located within that boundary. The area is surrounded by commercial zoning on the south and west and Downtown Zoning on the east. The Bountiful City Park adjoins the site to the north.

Analysis:

This zone change proposal represents the next portion of the recommendations presented to the Planning Commission at their September 5, 2017 meeting. Several factors have influenced the recommendation to rezone the area to a single family zoning designation. First, the Historic Fort Planning process and documents identified this area as a residential neighborhood along with the area east of 100 East. While the area east of 100 East was changed to Single Family zoning, the area on the west side has maintained a multifamily designation. Second, the development pattern of the area has remained predominantly single family in nature with single family homes currently existing on 113 of the 155 properties currently zoned RM-19. While there have been a few multi-family developments in the past several years, the neighborhood has remained, for the most part, a single family residential neighborhood. Third, recent decisions by the Planning Commission and City Council have indicated a desire to preserve the single family character of the neighborhood, even on the edges of the neighborhood where commercial development has encroached over the years.

Fourth, the development characteristics of the neighborhood and existing codes have not facilitated the redevelopment of the area as a multifamily neighborhood, in spite of being zoned for multifamily housing for more than 60 years. One of the challenges with the current multifamily designation relates to the size of the lots. Current zoning standards

restrict densities for properties that are less than an acre to 7 units to the acre. The current zoning further restricts the development of properties that are less than .25 acre in area to a single family residence. In order for a lot to have adequate square footage for a duplex, a minimum of .29 acres is required. However, the Code restricts converting an existing single family home to a duplex. This means that in order to construct a duplex on a lot, an existing home must be removed and replaced with a new duplex. Many of the lots that are currently developed as single family homes are less than the minimum size required for a duplex meaning that in order for multifamily development to occur, multiple parcels must be obtained, consolidated, structures removed, and new development approved. Because of the high costs of obtaining multiple properties, this has pushed development in the area to large scale multifamily structures that are not compatible with a single family neighborhood, rather than smaller scale multifamily development that may have originally been envisioned.

Based on these factors, staff is recommending that the area be rezoned to single family residential. With that recommendation comes the recognition that many of the properties in the area, especially along the edges of the neighborhood on 500 South and 200 West, have developed as commercial or multifamily residential over the years. These areas deserve additional consideration. The area along 200 West was specifically identified in the Historic Fort Planning process as an area that should “become more walkable” over time. Recommended policies focused on making the commercial area a pedestrian oriented commercial district. This area should be considered in the future for adoption of mixed use standards that would accomplish the goals and policies of the Historic Fort plan. In the area immediately adjacent to 200 West, single family zoning should be viewed as a temporary zoning designation that would regulate the area while adequate standards for development are considered and adopted.

Standard of Review

As a matter of procedure, whenever the Planning Commission considers a request for a rezone (zone map amendment), it shall review it in accordance with the provisions of 14-2-205 AMENDMENTS TO ORDINANCE AND MAP, which are as follows:

- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to the Bountiful City Land Use Ordinance or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

Department Review

This item has been reviewed by the City Planner and City Engineer, and City Attorney.

Significant Impacts

The proposed zone change will facilitate the recommendations of the Historic Fort Planning process by formalizing the area as a single family residential neighborhood.

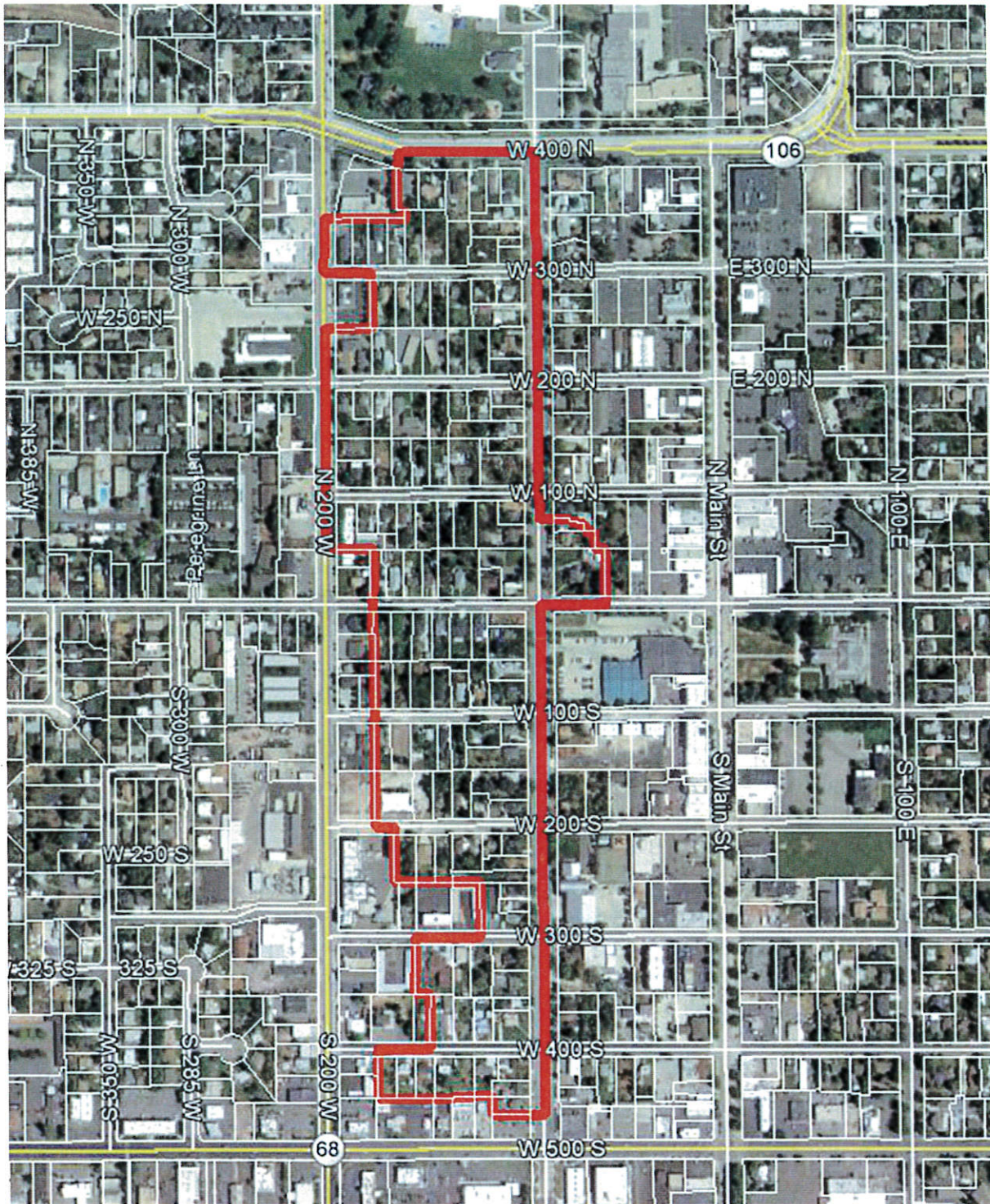
Recommendation:

It is recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendment for approximately 155 parcels totaling ± 44.3 acres (see the attached legal description) from RM-19 (Multi Family Residential 19 units per acre) to R-4 (Single Family Residential 4 units per acre).

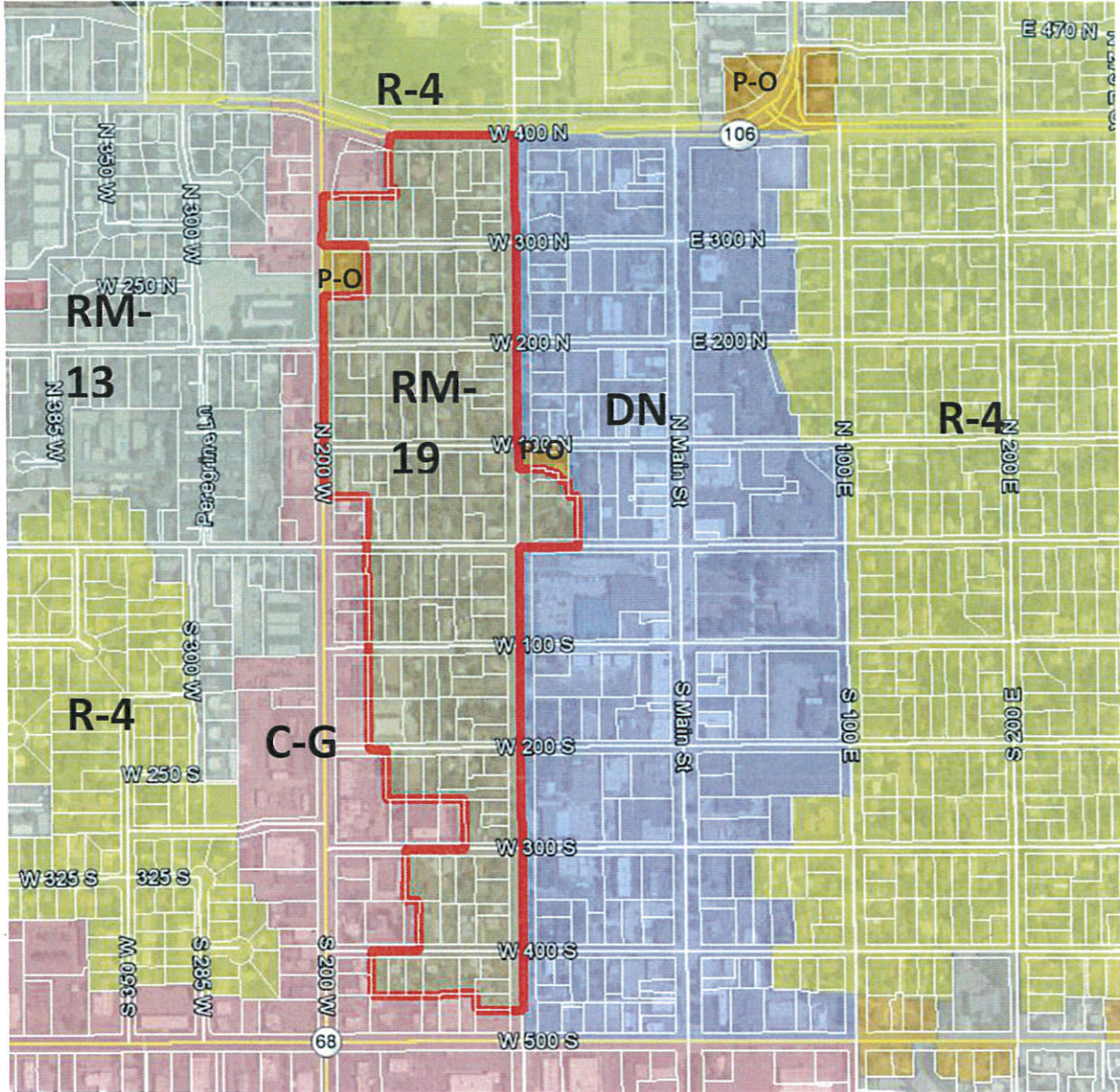
Attachments

1. Aerial photo
2. Existing Zoning Map
3. Legal Description

Aerial Photo



Existing Zoning



Description of the Proposed Rezone for the area between 100
West and 200 West; and 500 South and 400 North Streets in
Bountiful, Utah
September, 2017

Beginning at a point on the centerline of 100 West Street which is north along said centerline 132.5 ft. more or less from the monument marking the intersection of 500 South Street and 100 West Street in Bountiful City, Davis County, Utah;
Thence North along the centerline of 100 West Street 1,741.0 ft. mol to the intersection with Center Street;

Thence East along the centerline of Center Street 225.5 ft. mol to the extension of the east line of the Benard property;

Thence along property lines in the following 10 courses:

North along the said east property line 189.8 ft. mol;

West 35.75 ft. mol;

North 60.0 ft mol;

West 36.8 ft. mol;

North 25.65 ft. mol;

West 21.75 ft. mol;

North 7.4 ft. mol;

West 26.65 ft mol;

North 10.6 ft. mol;

West 104.5 ft. mol. to the centerline of 100 West Street;

Thence North along said centerline 1,270.8 ft. mol. to the intersection with the centerline of 400 North Street;

Thence West along said centerline 488.5 ft. mol;

Thence along property lines in the following 4 courses:

South 206.0 ft mol;

East 27.5 ft. mol;

South 25.0 ft. mol;

West 276.5 ft. mol. to the monument line of 200 West Street;

Thence South along said monument line 189.7 ft. mol to the intersection with the centerline of 300 North ;

Thence East along said centerline 153.5 ft. mol;

Thence along property lines in the following 2 courses:

South 189.75 ft. mol;

West 153.5 ft. mol to the monument line of 200 West St.;

Thence South along said monument line 762.2 ft. mol;

Thence along property lines the following 2 courses:

East 147.0 ft. mol;

South 165.0 ft. mol to the North R.O.W. line of Center Street;

Thence southeasterly across Center Street to a point on the south ROW line of Center Street at a point which is East 128.8 ft. mol. from the NW corner of lot 6 Block 30, Plat A, Bountiful Townsite Survey;

Thence along property lines in the following 3 courses:

Southerly 71 ft. mol;
East 4.75 ft. mol;
South 665.4 ft. mol. to the centerline of 200 South Street;
Thence East along the centerline of 200 South Street 62.0 ft. mol;
Thence along property lines in the following 3 courses:
South 189.3 ft. mol;
East 299.3 ft. mol;
South 189.3 ft. mol to the centerline of 300 South Street;
Thence West along the said centerline 229.3 ft. mol;
Thence along property lines in the following 3 courses:
South 190.5 ft. mol;
East 48.7 ft. mol;
South 190.5 ft. mol to the centerline of 400 South Street;
Thence West along said centerline 181.5 ft. mol;
Thence along property lines in the following 6 courses:
South 166.75 ft. mol;
East 263.0 ft. mol;
North 4.3 ft. mol;
East 132.0 ft mol;
South 60.0 ft. mol;
East 181.5 ft. mol to the point of beginning.

Commission Staff Report

Item #4

Subject: Public Hearing-Potential Changes to DN Zoning District Standards found in Chapter 7 of the Bountiful Land Use Ordinance

Applicant: Bountiful City

Author: Chad Wilkinson

Date: October 3, 2017



Background and Analysis

This item is a continuation of the hearing held on September 19, 2017. After receiving feedback from the Planning Commission at the initial public hearing, staff has made the following changes to the proposed Downtown zoning ordinance amendment.

The major components of the proposed changes include the following:

- Changed minimum lot size to 8,000 sf. for mixed use and commercial lots
- Added regulatory language related to guest parking spaces
- Eliminated “whichever is less” language from building height calculations
- Provided additional text related to mechanical equipment.
- Provided additional clarification in table of permitted uses

Again, the attached draft ordinance contains the proposed revisions to the existing DN zoning standards, with changes to the existing ordinance indicated with strikethrough text (showing deletions) and underline text indicating new text. At the public hearing, staff will provide a detailed discussion of each of the changes along with the reasoning behind the proposed change.

Recommendation:

It is recommended that the Planning Commission review the proposed changes to the Downtown Ordinance and hold a public hearing to allow for additional public comment. After receiving public input the Commission may take one of the following actions:

1. Request additional revisions and continue the item to a future meeting for further discussion
2. Forward the item to the City Council with a recommendation to approve the changes to the DN Zoning standards.
3. Forward the item to City Council with a recommendation of denial for the proposed changes.

Attachments

Proposed changes to the DN (Downtown) Zoning Standards (Version 2)

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CHAPTER 7

DN – DOWNTOWN

- 14-7-101 PURPOSE AND OBJECTIVES**
- 14-7-102 PERMITTED, CONDITIONAL, AND PROHIBITED USES**
- 14-7-103 MINIMUM LOT STANDARDS**
- 14-7-104 AREA OF ZONE**
- 14-7-105 YARD REQUIREMENTS**
- 14-7-106 PROJECTIONS INTO YARDS**
- 14-7-107 BUILDING HEIGHT**
- 14-7-108 DISTANCE BETWEEN BUILDINGS**
- 14-7-109 PERMISSIBLE LOT COVERAGE**
- 14-7-110 PARKING, LOADING, AND ACCESS**
- 14-7-111 SITE PLAN APPROVAL**
- 14-7-112 OTHER REQUIREMENTS**
- 14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING**

14-7-101 PURPOSE AND OBJECTIVES

The Downtown (DN) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area, consistent with the provisions of the adopted Bountiful Historic Downtown Plan.

14-7-102 AREA OF ZONE

Each area of Downtown zoning shall be at least four (4) acres in size.

14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

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

Table 14-7-103

| <u>Use</u> | <u>DN</u> |
|--|-----------|
| Assisted Living Center | C |
| Bail Bonds | N |
| Banks, Credit Unions | P |
| Bar, Tavern, Drinking Establishment | N |
| Bottling, Canning, Food Production | C |
| Building/Construction Materials and Supplies w/ outside storage | N |
| Building/Construction Materials and Supplies w/o outside storage | C |

| Use | DN |
|---|-----------|
| 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 |
| 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, <u>with frontage on Main Street</u> | N |
| Multi-Family Residential – Stand alone; <u>lot or parcel fronting on 100 West or 100 East without frontage on Main Street</u> | C |
| Multi-Family Residential w/ Commercial Use <u>on ground floor</u> | C |
| Municipal Facility | P |
| Non-motorized Recreation, Pool, Gymnasium – Public or Private | P |
| Pawnshop, Secondhand Merchandise | N |
| Personal Services | P |
| 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 <u>Family Dwelling, -or Two Family Dwelling – Existing</u> <u>Single Family Dwelling property fronting on Main Street</u> | <u>N</u> |
| <u>Single or Two Family Dwelling – New</u> | <u>NC</u> |
| Small engine/appliance repair | C |
| Tailor, Seamstress, Shoe repair | P |

| Use | DN |
|---|----|
| Tattoo Parlor | N |
| Tutoring, Dance, Preschool, Daycare | P |
| Vehicle Part Sales | N |
| Vehicle Repair | N |
| Vehicle Sales | N |
| Vehicle Salvage/Wrecking | N |
| Vehicle Service and Wash | N |
| Vehicle Storage – Indoor | C |
| Warehouse w/ office | N |
| Welding, Autobody, Machine Shop, Fiberglass, Painting | N |

Accessory uses and structures shall be permitted in the Downtown Zone provided that they are incidental to and do not substantially alter the character of the permitted principal use of a main structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (DN) Zone.
- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-7-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Downtown Zone shall be as follows:

Table 14-7-104

| Use | Min. Lot Size | Min. Frontage and Width |
|---|---------------|-------------------------|
| Commercial | 20,000/8,000 | 50 |
| Mixed-Use | 20,000/8,000 | 50 |
| Single Family (Existing only) | 8,000 | 70 |
| Two-Family and Multi-Family (Existing only) | 10,000/12,000 | 50/80 |
| Multi-Family | 20,000 | 80 |

- A. Lots with more than one (1) street frontage shall meet the minimum requirements along all frontages.
- B. An existing lot or parcel that does not meet the minimum requirements shall be considered a non-complying lot, and all proposed development on such lot or parcel requiring site plan review shall follow the process for non-complying sites and structures.

- C. A multi-family residential development that is not part of a vertical mixed use development shall meet the density requirements and development standards of the RM-13 subzone, except as set forth in this Chapter.

14-7-105 YARD REQUIREMENTS

A lot or parcel with a single family ~~or two family dwelling~~ shall conform to the minimum setbacks of the R-4 subzone. Two-family dwellings and mMulti-family dwellings shall meet the setback criteria of the RM-13 subzone. All other uses, including mixed uses, shall meet the following requirements:

A. ~~A.~~ Front and Street Setbacks.

~~1. Each lot or parcel Along 100 West and 100 East shall have any building shall have minimum a minimum building setback of 20 feet and a maximum setback of of twenty-five (2025) feet from any front property line and/or any property line abutting a public street, with the following exceptions:~~

~~1.2.~~ Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities shall be considered part of the building for setback purposes.

~~2.3.~~ Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line.

~~4.~~ Along Center Street, any building shall be setback at least five (5) feet and not more than ten (10) feet from the street property line.

~~3. Each lot or parcel that fronts onto Main Street shall have a minimum on-site parking setback of fifty feet (50') from the Main Street right-of-way line, or be located completely behind the principal structure.~~

~~4.~~

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

C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from a rear property line.

D. Yard Abutting Residential Lots. Where property abuts an existing single family residential dwelling zone, the minimum building setback shall be ten (10) feet on the abutting side.

E. Accessory Structures. An accessory structure shall meet all of the setback requirements of a principal structure. An accessory structure that does not require a building permit, according to the International Building Code (IBC), may be located in a side or rear setback area only if all of the following conditions are met:

1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.
2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said building which are adjacent to the property line have a fire retardant rating as specified by the IBC.
3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.

F. Residential Uses.

It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units, and not to others, is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

14-7-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. A fence or wall in conformance with this Ordinance.
 2. Landscape elements, including: trees, shrubs, and other plants.
 3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 2. Stairways, balconies, door stoops, fire escapes, awnings
 3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 4. A covered entry or porch used for the protection of pedestrians entering or leaving a building, provided said structure is not more than one story in height and is entirely open on at least three (3) sides.

- C. Buildings that front onto Main Street and that are built within ten (10) feet of the front property line may have canopies with business identification sign area if the following criteria is met:
1. The canopy may protrude a maximum of six feet (6') into the Main Street right-of-way, over areas of sidewalk.
 2. The canopy shall not come within seven feet (7') of any parking stall, drive lane, or other portion of the right-of-way used for vehicle access.
 3. The total combined length of the canopy or canopies shall not exceed two thirds (2/3) of the building width.
 4. The maximum height of the canopy shall not exceed five feet (5').
 5. Off-premise signs are expressly prohibited.
 6. Canopy sign copy area shall be a maximum of thirty-two (32) sq ft per property.

14-7-107 STRUCTURE HEIGHT

Any lot or parcel with a single family or two family dwellings shall conform to the maximum height requirements of the R-4 subzone. ~~Multi-family dwellings shall conform to the maximum height criteria of the RM-12 subzone. All other uses, including mixed-uses, shall not exceed three (3) stories or forty five (45) feet in height, whichever is shorter, as measured at the average grade shall comply with the following height standards:-~~

- A. ~~A.——~~ For buildings located within 100 feet of the street property line on 100 West and 100 East: Building height shall not exceed 35 feet or 2 stories in height measured at the average grade. Buildings ~~A mixed commercial and residential building~~ may be constructed one (1) additional ~~story~~ foot in height as long as the additional story is set back an additional one (1) foot for each additional ~~one ten (10) feet~~ feet of height setback from 100 East and 100 West as measured from the street -property line.
- B. Buildings located at least 100 feet from the street property line of 100 West and 100 East shall not exceed three (3) stories or 45 feet in height, measured at the average grade. Buildings may be constructed one (1) additional foot in height for each additional ten (10) feet of setback from 100 East and 100 West as measured from the right of way.
- C. Buildings located at least 200 feet from 100 West and 100 East shall not exceed 55 feet or 4 stories in height, measured at the average grade, up to a maximum building height of four stories or fifty five (55) feet, whichever is shorter, as measured at the average grade. The additional horizontal setback does not apply to interior side yard setbacks.
- D. Maximum height for public and quasi-public buildings shall be approved through the sit plan approval process by the land use authority.
- E. Chimneys, flagpoles, towers, steeples, and similar accessory and architectural elements not used for human occupancy are excluded in determining height, however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance. For the purpose of
- F. In no case shall the area covered by roof mounted equipment exceed twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height. If mechanical equipment is located within roofed and enclosed structures, these structures shall not exceed the maximum height for the zone whether or not these areas are designed for human occupancy.

~~B. — Chimneys, flagpoles, church towers, steeples, and similar accessory elements not used for human occupancy are excluded in determining height, however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance. twenty (20%)~~

14-7-108 DISTANCE BETWEEN STRUCTURES

A lot or parcel with a single family ~~or two family~~ dwelling shall conform to the minimum building separation requirements of the R-4 subzone. A ~~two-family dwelling or~~ multi-family dwelling shall meet the minimum building separation criteria of the RM-13 subzone. For all other uses, the minimum separation between structures shall be ~~ten (10) feet or~~ as required by the International Building Code, ~~whichever is greater. This separation may be reduced through the site plan approval process if the reduced setback is consistent with the adopted Historic Downtown Plan except that it shall never be less than the distance required by the International Building Code.~~

14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE

- A. A lot or parcel with a single family ~~or two family~~ dwelling shall follow the lot coverage requirements of the R-4 subzone. A lot or parcel with a ~~two-family or~~ multi-family dwelling shall conform to the lot coverage criteria of the RM-~~12-13~~ subzone. All others, including mixed-use developments, shall conform to the following criteria, in addition to any other requirements of this Title:
1. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening, and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
 2. ~~With the exception of properties fronting on Main Street a~~ A minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
 3. A minimum ten (10) feet wide landscape buffer shall be established adjacent to residential property.
 4. Parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except for landscape buffering required between residential uses.
 5. Parking areas shall be landscaped as set forth in this Ordinance.
 6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in a public right-of-way.
 7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, rocks, gravel, and other non-vegetative material is not allowed in the parkstrip area between the curb and sidewalk.
- B. During the site plan approval process, the City may require more or less landscaping consistent with the provisions of the adopted Historic Downtown Plan.

14-7-110 PARKING, LOADING, AND ACCESS

A. Each lot or parcel in the (DN) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Ordinance. In addition to the standards of Chapter 18 of the Land Use Ordinance, the following shall apply to properties in the DN Zoning district.

a. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building.

b. Parking for buildings fronting on Main Street shall be ~~or be~~ located completely behind the principal structure.

5-c. Required guest parking spaces shall be located in dedicated off-street parking spaces. Driveway areas and areas located in front of garage doors (for example in townhome style developments) shall not be used to satisfy minimum guest parking requirements.

14-7-111 SITE PLAN APPROVAL

Except for single family ~~and two family~~ dwellings, site plan approval shall be required for any development in the (DN) Zone as set forth in this Title.

14-7-112 OTHER REQUIREMENTS

A. Signs. Any sign erected in the (DN) Zone shall conform to the sign provisions of this Title. Single family and two family dwellings shall conform to the criteria for the R-4 subzone, and multi-family uses shall conform to the criteria for the RM-~~12-13~~ subzone. All others shall conform to the criteria for the ~~C-GDN~~ subzone, ~~except that~~ Pole signs shall not be permitted.

B. Uses Within Buildings. Any commercial use permitted in the (DN) Zone shall be conducted entirely within a fully enclosed building, except as provided in subsections 1 and 2 below.

1. Outdoor Display of merchandise for sale in the downtown area. Businesses located in buildings in the (DN) Zone that have setbacks less than three (3) feet from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:

- a. Any display of merchandise on the sidewalk may not exceed three (3) feet into the public right-of-way from the property line of the business, except during the annual "Sidewalk Days" celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
- b. During the winter months, a display may not impede snow removal from the sidewalk.

- c. The display shall not exceed twenty-five percent (25%) of the width of the lot, parcel, or business. However, businesses with less than forty (40) feet of width may have a display not to exceed ten (10) feet in width.
 - d. Only merchandise sold inside the business may be displayed outside.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.
 - g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
 - h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign, or device.
2. Any business not listed in subsection 1 may include the outdoor display of merchandise for sale only if all of the following conditions are met:
- a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway, or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.
 - c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
 - d. The aggregate outdoor display area shall not exceed twenty-five (25) percent of the linear frontage of the store front or 10 linear feet, whichever is greater. A business located on a corner shall be considered as having two (2) store fronts.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. A maximum of fifty (50) percent of the aggregate outdoor display area may be located in any required landscaping.
 - g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
 - h. Additional signs, beyond those allowed by this Title, shall not be allowed as part of the outdoor display and sales area.

- i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access, or traffic hazards.

C. Structure Design and Materials.

Any structure, except for single and two family dwellings, shall meet the minimum design criteria as set forth in this Title. In addition, the following shall apply.

1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
2. Each residential units shall have some private outdoor space in the form of a balcony or patio.
3. ~~The primary entrance of a building must be oriented to face a street, plaza or approved pedestrian-way. Ground floor residential units shall have the primary entrance oriented toward the street.~~
4. ~~Multifamily residential buildings shall not exceed a 2:1 building width/depth to building height ratio.~~
5. ~~Multifamily residential buildings located along 100 East and 100 West shall incorporate architectural features consistent with single family residential design such as pitched roofs, gable roofs, dormers, overhanging eaves, etc., into the design of the structures.~~

D. Neighborhood Compatibility.

Each structure, except for existing single and two family dwellings, shall shall be designed consistent with the adopted Historic Downtown Bountiful Master Plan, particularly with regard to building height, architecture, landscaping, and building mass.

- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles, or equipment shall be stored in an open area. With the exception of single family and two family dwellings, each development in the (DN) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.

F. Walls and Fences.

Any wall or fence erected around a commercial development or mixed use development shall comply with the requirements of the (C-G) zone. Any multi-family development shall comply with the requirements for the RM-13 subzone. Any single family and two family developments shall comply with the provisions of the R-4 subzone.

14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING

- A. Downtown Parking District Defined. The Downtown Parking District consists of those properties located within the (DN) Zone.
- B. Proximity of Parking to Use. Required parking spaces for residential uses must be located on site. Required parking spaces for nonresidential uses must be located on site or in parking areas within five hundred feet (500') of the development site property boundary. Off-site nonresidential parking is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:
1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 2. The location and number of parking spaces that are being shared;
 3. An analysis showing that the parking area will be large enough for the anticipated demands of both uses; and
 4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. Joint Use Parking. Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:
1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 2. The location and number of parking spaces that are being shared;
 3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- D. No parking calculation which includes the parking areas owned by the Bountiful Redevelopment Agency gives any right of possession, any real estate interest, or contract right or right of way on any Redevelopment Agency property.