


BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, February 20, 2018
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 February 6, 2018.
3. **PUBLIC HEARING** (*Continued from February 6, 2018*) – Consider amending the standards of the Downtown (DN) Zoning District found in Chapter 7 of the Bountiful Land Use Ordinance.
4. Planning Director's report, review of pending applications and miscellaneous business.



Chad Wilkinson, City Planner

Bountiful City
Planning Commission Minutes
February 6, 2018
6:30 P.M.

Present: Chair – Sean Monson; Vice Chair – Von Hill; Planning Commission Members – Jesse Bell, Jim Clark, 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 January 16, 2018.

Richard Higginson made a motion to approve the minutes for January 16, 2018 as written. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

3. Consider plat approval for Lewis Park Subdivision Phase 6 Amended located at 2905 and 2933 Lewis Park Cove, Rudy Larsen, applicant.

Paul Rowland presented staff report. Rudy Larsen was present.

Mr. Rudy Larsen has purchased two adjacent lots in the Lewis Park Subdivision Phase 6 and wishes to utilize them as one single lot. He is requesting that the two lots be combined by amending the subdivision plat. Lot 614 is currently occupied by a single family home while lot 615 is vacant. Mr. Larsen wants to construct a pool with some retaining walls and a pool shelter on the now vacant lot 615. The two lots need to be combined to comply with the zoning ordinance requirement that accessory uses such as this pool can only be built on a lot with a primary structure (home). North Canyon Creek runs between the two properties in a thirty foot wide easement. With the creek on the property, there is a small area of FEMA regulated Special Flood Hazard Area, primarily just the creek channel. No construction will be allowed in the SFHA. A new easement has been provided on the amended plat to cover the creek and flood control access.

We recommend that the Planning Commission pass a recommendation for Preliminary and Final Approval of the Lewis Park Subdivision Phase 6 Amended to the full City Council with the conditions listed below.

1. Payment of all required fees.
2. Provide a current Title Report.
3. No building will be allowed in the mapped Special Flood Hazard Area.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a recommendation of plat approval for Lewis Park Subdivision Phase 6 Amended located at 2905 and 2933 Lewis Park Cove with the 3 conditions outlined by staff. Richard Higginson seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye and Hill abstained.

4. Consider plat approval for Quail Brook Subdivision Plat A Amended located at 1332 and 1324 E 500 North, Jackie Kingston, applicant.

Paul Rowland presented the staff report. Jackie Kingston was present.

The owners of the undeveloped lots in the Quailbrook Subdivision Plat A are proposing to build houses on a couple of lots in the 500 No. cul de sac. A desire to build homes which don't quite fit the current configuration of the lots and modifications to the subdivision caused by the construction of the 400 No. Street extension requires that an amendment to the plat be made to cover all of the changes.

The Quailbrook Subdivision, north and east of the intersection of 400 North and 1300 East, was originally subdivided and improved in 1978. Soon thereafter most of the lots were built upon with the exception of a couple of lots fronting 1300 East, and the lots surrounding the 500 North cul de sac. When 400 North St. was extended to Bountiful Blvd. in 1994, the city purchased all of Lot 1 and portions of three other lots for the construction of the new road. Lot 1 was totally eliminated and three other lots were reduced in size to accommodate the new road. As a result of the 400 North/Bountiful Blvd. construction, the previous lot 2 was reduced in size to the point it was a less than desirable lot. This amendment combines lot 2 with lot 3 to create a single lot which is bounded on three sides by 400 North, 1300 East, and 500 North. Lot 4 and lot 5 also lost ground to the road construction and were turned into double fronting lots with 400 North in their rear yard. That configuration was approved in '94 when the ground was purchased. The new Lot 104 and Lot 105 will need to be granted an exception to allow for double fronting lots. The proposed lots all exceed the minimums required by the current R-3 Zone for frontage and total lot area. All of the lots still have the utilities that were installed in '78 and the road and improvements are still in fairly good shape.

We recommend that the Planning Commission pass a recommendation for Preliminary and Final Approval of the Quailbrook Subdivision Plat A Amended to the full City Council with the conditions and exception listed below.

Conditions:

1. Payment of all required fees.
2. Provide a current Title Report.

Exception:

1. Lots 103, 104 and 105 be granted the exception allowing them to continue to exist as double fronting lots.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of plat approval for Quail Brook Subdivision Plat A Amended located at 1332 and 1324 E 500 North with the 2 conditions outlined by staff with the addition of a third condition, "3. No access to any lots from 400 North/Bountiful Blvd". Sharon Spratley seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye and Hill abstained.

5. Consider preliminary and final site plan approval for the construction of a Culver's restaurant located at 620 N 500 W, Young Advantage, applicant.

Chad Wilkinson presented the staff report. Jered Plouzek and Mark Young were present.

The applicant, Matt Young representing Young Advantage, is requesting amended preliminary and final site plan approval for a new Culver's Restaurant and accompanying property improvements. The

property is located within the C-H (Heavy Commercial) zone on the former J and L Garden Center site. The application includes the construction of a 4,300 square foot restaurant. The property received preliminary approval from the Planning Commission on December 5, 2017. Subsequently, the plan has been modified to reflect the requirements of the Utah Department of Transportation. Most notably, the driveway has been relocated and is now shared with the property to the north. In conjunction with the driveway, UDOT has also required a deceleration lane on 500 West. These two changes have required modifications to the site plan that are discussed below.

Access to project is now from a 37-foot wide shared driveway on the north of the property. The applicant has applied to the Utah Department of Transportation (UDOT) for the proposed access and received approval of a variance for the location of the driveway. A copy of the access permit from UDOT will be required as a condition of final approval. The proposed plan still shows adequate parking based on the square footage shown and has adequate stacking spaces for the drive-through. The plan has been revised to show additional parking on the south side of the building not previously shown. Because of the potential for conflicts between the drive through aisle and these parking spaces it is recommended that the spaces along the south of the property be designated for employees only.

The proposed building is substantially the same design and materials as the previous submittal. The landscape plan has been changed and no longer meets the minimum required number of trees based on the size of the property. The Code requires street trees at an interval of 35 feet and internal trees based on the amount of required landscaping. The plan will need to be revised prior to building permit to show the minimum number of trees required by Code.

Storm water will be collected on site and conveyed to the creek north of the property through a proposed storm drain system that will cross the intervening property outside of the street. The applicant has obtained an easement from the neighboring property for conveyance of storm water to the creek. Water and sewer will be provided from existing lines in 500 West and will include the extension of an 8-inch water line and onsite fire hydrant. Plans have been reviewed by the City Engineer with redline changes required in order to meet City standards and obtain final approval.

The development is occurring in an area with urban levels of infrastructure already in place. Impacts from the development of this property have been anticipated in the design of the existing storm water, sewer, and water and transportation system.

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval for preliminary and final site plan review for the proposed fast food restaurant subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to final site plan approval by the City Council, obtain proper permits from the Utah Department of Transportation for the shared access proposed on 500 West. A copy of permits shall be filed with the City.
3. Obtain permits from Davis County Flood Control for all storm water discharges into Barton Creek. Prior to Building permit provide copies of permits to the City.
4. Prior to issuance of a building permit, revise the final landscape plan to show the minimum required number of trees. Based on frontage and area the Code requires a total of 24 trees seven of which must be evenly spaced along the frontage of the property.
5. All damaged curb and gutter and sidewalk along 500 W. shall be replaced.
6. Provide a 20 foot wide Public Utility Easement for the proposed 8 inch fire hydrant line.

Von Hill made a motion that the Planning Commission forward to the City Council a recommendation of preliminary and final site plan approval for the construction of a Culver's restaurant located at 620 N 500 West with the 6 conditions outlined by staff. Richard Higginson seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

6. Consider preliminary and final site plan approval for a medical office located at 65 and 55 W 400 North, 400 North Partners, LLC, applicant.

Chad Wilkinson presented the staff report. Phil Winston representing 400 North Partners, LLC was present.

The applicant, 400 North Partners, LLC, is requesting preliminary and final site plan approval for a new medical office building. The property is located within the DN (Downtown) zone on two properties currently occupied by single family residences. The application includes the construction of an approximately 8,200 square foot medical office building. The property is zoned DN (Downtown) and is surrounded by commercial development on the east (Fizz), multifamily residential to the south and office and residential to the west. The property is located across 400 North from Bountiful Junior High School.

The proposed development is the first to be reviewed under the new DN standards adopted in October. The proposed development is located on two parcels totaling approximately half an acre. Access to the project will be via a single driveway on 400 North. This section of 400 North is a State Highway and the applicant has received an access permit from UDOT and provided a copy of the permit to the City. The applicant will close three existing driveway approaches and replace them with a single access on the west side of the property. The proposed plan shows adequate parking based on the square footage shown. The parking has been placed to the side and rear of the building consistent with the DN standards. The proposed building meets the required setbacks and height standards for the DN Zone. Finish materials for the proposed building will consist of brick with a significant percentage of fenestration on the street facing facades. Color renderings of the buildings are attached to this report. The submitted landscape plan meets the requirements of the Code including the minimum number of street trees, ornamental trees and shrubs.

Storm water will be collected on site and conveyed to an onsite detention system which will then flow to existing storm drain facilities in 400 North. Water and sewer will be provided from existing lines in 400 North. Plans have been reviewed by the City Engineer.

The development is occurring in an area with urban levels of infrastructure already in place. Impacts from the development of this property have been anticipated in the design of the existing storm water, sewer, and water and transportation system.

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval for preliminary and final site plan review for the proposed medical office subject to the following conditions:

1. Complete any and all redline corrections.
2. All damaged curb and gutter and sidewalk along 400 North shall be replaced.
3. Provide Public Utility Easements as required by Bountiful Power.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a

recommendation of preliminary and final site plan approval for a medical office located at 65 and 55 W 400 North. Richard Higginson seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye with Hill abstained.

7. PUBLIC HEARING - Zoning Map Amendment from R-3 (Single Family Residential 3 units to the acre) and R-F (Residential Foothill) and MWP (Mountain Development and Watershed Protection) to O-S (Open Space) for seven properties totaling ±679.8 acres at approximately Bountiful Boulevard and Holbrook Canyon, roughly between 800 South and 1000 South and between the eastern Bountiful City limits and Brentwood Lane, Bountiful City, applicant.

Browne Sebright presented the staff report.

The proposal is to amend the zoning designation of seven (7) parcels owned by Bountiful City with varying zoning designations that total approximately 679.56 acres. The proposed zoning change will be from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development and Watershed Protection) to O-S (Open Space). In late 2015, City Council directed staff to begin the process of creating a new Open Space zoning designation as a result of a proposed land swap between the U.S. Forest Service and a private land owner. This proposal is a continuation of the process to amend the zoning of identified open space areas in the City. The area in this proposal is surrounded with properties zoned R-F to the east, and R-3 to the west. Bountiful Boulevard is the border between the two zone designations. There is one parcel that is zoned MWP that is located bordering the eastern Bountiful City limits, bisected by Holbrook Canyon.

Bountiful is blessed with beautiful open space areas in the mountains and foothills to the east. These areas in and around the City provide opportunities for hiking, biking and other forms of recreation. In addition, Bountiful City maintains a network of parks and recreation areas including the Bountiful Ridge Golf Course that provide facilities for sports, recreation, relaxation, and venues for public gatherings and events. The 2009 Bountiful City General Plan calls for the identification and preservation of open space areas throughout and surrounding the City.

The adopted Open Space Zoning standards restrict development on open space properties to public facilities and recreation facilities. Examples of public facilities which could be allowed would include trail head parking lots and restrooms, utility buildings and facilities, and utility lines and appurtenances. The zoning standards are restrictive in nature and do not allow for residential or commercial development. Because some of the properties along the foothills of Bountiful are ideal for placement of wireless telecommunications facilities (cell towers) these facilities have also been included as permitted and conditional uses.

The current proposal for a zoning map amendment includes seven (7) Bountiful City properties in the vicinity of Holbrook Canyon and Bountiful Boulevard. As the Planning Commission has discussed the potential Open Space zone, a desire has been expressed to extend the designation not only to undeveloped open space surrounding the City, but also to public parks and public recreation facilities. Therefore, the proposed zone map amendment includes the Eggett Park property.

The subject properties included in the current proposal include areas with steep slopes and/or public works infrastructure located on the parcels. These parcels provide an excellent gateway to connecting with the natural areas of Eastern Bountiful City and a great connection with the Holbrook Trailhead. The location and characteristics of the properties make them excellent candidates for inclusion in the Open Space zone.

As mentioned in a previous Planning Commission meeting, it is anticipated that additional future zone map amendments will be brought forward which will rezone all public park areas and other publicly owned properties (including the golf course), as open space through a series of public hearings rather than one all-encompassing amendment. This will provide focused discussions of individual properties and allow for effective management of public noticing. The current amendment is limited to only the properties in the Holbrook Canyon vicinity. The proposed adoption of the Open Space Zoning District and zone map amendment will have a positive impact on residents of Bountiful by identifying and preserving open space areas for use and enjoyment by the public.

It is recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendment of seven (7) parcels totaling 679.56 acres from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development and Watershed Protection) to O-S (Open Space) zoning.

Mr. Wilkinson stated that the Mountain Development and Watershed Protection zone is already somewhat a protection zone but the Open Space zoning seems to be more restrictive.

Chair Monson opened the Public Hearing at 7:04 p.m.

Alan Hill resides at 1581 E 1000 South. Mr. Hill asked for clarification about the use of the 6 parcels and the ownership of the parcel to the north of parcel number 04-059-0001. Mr. Wilkinson stated that all 6 parcels will be rezoned to Open Space and no development will be allowed on the properties. The parcels to the north of #04-059-0001 are owned by the Forest Service and private owners.

Chair Monson closed the Public Hearing at 7:06 p.m.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of approval for Zone Map Amendment from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development And Watershed Protection) to O-S (Open Space). Sharon Spratley seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

8. **ITEM POSTPONED - PUBLIC HEARING – Consider a zoning text amendment of the Single Family Residential Zoning District (R) found in Chapter 4 of the Bountiful Land Use Ordinance related to updating subzone names.**
9. **PUBLIC HEARING – Consider amending the standards of the Downtown (DN) Zoning District found in Chapter 7 of the Bountiful Land Use Ordinance. Remanded to Planning Commission from City Council.**

Chad Wilkinson presented the staff report.

The Planning Commission reviewed the proposed amendments to the Downtown zone at their January 16, 2018 meeting. After holding a public hearing and receiving input, two separate motions were made to send a recommendation of approval to the City Council. The first motion included leaving the height along 100 West and 100 East at 35 feet with additional height allowed consistent with the setback provisions in the current Code. This motion failed with a vote of 2-2. A second motion to adopt changes with a 40 foot maximum height along 100 West was also made and failed with a vote of 2-2. A third motion was made to forward the item onto the City Council with the minutes of the public hearing but without a formal recommendation. This motion passed with a vote of 4-0.

Section 14-2-205 (F) stipulates that failure on the part of the Planning Commission to make recommendation to the City Council within thirty (30) days after hearing the petition shall be deemed to constitute approval of such proposed amendment or change which shall then be passed on to the City Council for appropriate action. The City Council, after holding a public hearing and discussion determined that a recommendation from the Planning Commission was critical in order for the Council to make a decision on the potential changes to the Downtown standards. Since the Code gives the Planning Commission 30 days to make a recommendation, the City Council has remanded the item to the Commission and has requested that the Commission make a recommendation to the Council on the proposed changes. The Council also specifically asked that a public hearing be held at the Planning Commission. A copy of the proposed changes is attached to this report.

As was stated in the original report, the proposed changes deal primarily with building height and architectural standards. The major components of the proposed changes include the following:

- The maximum building height standards for properties along 100 West and 100 East have been increased to 45 feet. Maximum numbers of stories have been removed.
- Minimum landscape standards for multifamily developments have been reduced from 40 percent to 10 percent consistent with the remainder of the zone. The proposed revisions include additional landscaping on a per unit basis for multi-family residential and mixed use developments.
- Architectural standards have been revised. Instead of requiring “architectural feature consistent with single family residential” the proposed standards include required articulation at certain intervals and give minimum standards for depth and height of architectural features. The standards include articulation requirements for all buildings in the zone, as well as specific standards for multi-family development. As directed by the Council and Commission, the standards have been drafted with flexibility in mind. Standards provide a framework without prescribing a specific style or architectural theme.

An additional issue which has surfaced during discussion of the DN standards is the issue of what constitutes a mixed use development. Under the ordinance adopted in October, mixed use developments are subject to different standards than standalone multifamily developments. Notably, the 2:1 building height to width ratio does not apply to mixed use development and mixed use developments are exempted from the maximum density standard of the RM-13 zone, which under current code applies to stand alone multifamily development.

The subject of mixed use development was discussed during the adoption of the current standards in October 2017. As a part of the previous amendment, Section 14-7-104 was changed to specify that the density requirements of the RM-13 ordinance would apply unless a multifamily project was part of a “vertical mixed use” project. Since a different standard exists for mixed use it is important to carefully define what the City considers to be vertical mixed use development. One of the reasons that the code was changed to specify vertical mixed use was the concern related to the development of horizontal mixed use developments which benefited from the higher densities allowed for mixed use projects without providing the integration of uses originally envisioned.

One option for defining mixed use was presented at the last City Council meeting. This option would define a certain percentage of the ground floor of a vertical mixed use development that must be developed as commercial square footage and not used for other uses such as parking or accessory uses for the multifamily residential portion of the development. The following is one possible way to define mixed use:

In order to be considered vertical mixed use at least 75 percent of ground floor square footage shall be developed as commercial use. Areas within the building footprint used for parking, or accessory uses commonly associated with multi-family residential uses such as sales and management offices, storage space, laundry facilities, or interior recreational or meeting space intended for use by the residents of the development shall not be counted toward meeting the 75 percent requirement.

Other options include simply removing the density maximums for standalone multifamily development and applying the development standards to all buildings regardless of use.

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.

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.

Commission members asked for clarification on building height and vertical mixed use. Mr. Wilkinson stated that one way to define mixed use was to define that to be considered for vertical mixed use the 75% of the ground floor to be developed as commercial use.

Commission members and staff discussed the possible definitions code language for density, height and 2:1 ratio.

Chair Monson opened **Public Hearing** at 7:33 p.m.

Eric Egenolf with Process Studio PLLC in SLC is working on a project in Bountiful. Mr. Egenolf spoke about the vertical mixed use with a parking concern with number of units needed for residential and commercial.

Todd Willey reside at 66 E 1200 South. Mr. Willey spoke about the possible common ground with the proposed residents and developers. He does not agree with the 75% commercial businesses.

Brian Knowlton is a developer in Bountiful. Mr. Knowlton also was comfortable with the proposed revisions but would like to see a change in the 75% commercial on the bottom floor. He spoke about the availability of commercial loans on Main Street.

Kenny Knighton is a business owner on Main Street. Mr. Knighton is concerned with 75% of the commercial on the bottom floor of the mixed use projects.

Larry DuPaix resides at 145 W 300 S. Mr. DuPaix spoke about the height of the apartment buildings and the possible foot traffic with the possible increase in height.

Ryan Downer resides at 125 W 400 South. Mr. Downer does agree with the possible apartments and the

35 foot height and expressed his concern for the possible 45 ft height in this area.

Chair Monson closed the Public Hearing at 7:54 p.m.

Mr. Drake stated that the Planning Commission's responsibility depends on the type of application, with many application their role is mostly administrative decision. For Public Hearings on zoning amendments they are activity in a legislative role and they consider the standards and listen to and take comment from the public. This item about the Downtown standards is considered a legislative decision and will take comments from the public making decisions for the entire city.

Mr. Wilkinson clarifies that this is a policy decision.

Mr. Bell stated he had found that this meeting was very informative. He asked for clarification on the size of building that was created in Mr. Sebright's rendering. Would like to have a commercial option for the mixed use buildings.

Mr. Smith would like to see commercial on Main St and would like to eliminate the commercial requirement.

Mr. Higginson proposed that the frontage on 100 W and 100 E be 35 ft façade and get more aggressive with the setting up of the height and allow the owners/developers to determine the 2:1 ratio of the building based on the tallest height allowed in the footprint and to still be in compliance with the 2:1 ratio.

Von Hill made a motion to table this item and propose that staff change language for:

1. The building height on 100 W and 100 E be 35 ht stepping up at 50 ft.
2. With the maximum of 25 foot interval for articulation instead of 20 foot.
3. Standards the same for Mixed Use and residential.
4. Landscaping as proposed.

Sharon Spratley seconded the motion. Voting passed 7-0 with Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

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

1. February 20, 2018 agenda items.
2. Wasatch Front Regional Council at 6:00 on February 7, 2018 at the Centerville City Hall.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 8:39 p.m.

Chad Wilkinson, Bountiful City Planner

Commission Staff Report

Item #3

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: February 20, 2018



Background and Analysis

The attached changes to the DN ordinance include the revisions requested by the Planning Commission at the last meeting. The following summarizes the proposed changes:

- Modifying the ordinance to include a “step up” provision for building heights along 100 West (and East) at 50 feet instead of 100 feet.
- A change to the proposed architectural standards to require changes in horizontal and vertical articulation at intervals of 25 feet instead of 20 feet.
- Modifications that remove distinctions between multifamily and mixed use developments related to development standards.
- A change that requires ground floor development standards in order to facilitate future commercial uses including 12 foot floor to floor heights on ground floor residential.

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 as written or with changes recommended by the Commission.
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

CHAPTER 7

DN – DOWNTOWN

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

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

| Use | DN |
|------------------------|----|
| Assisted Living Center | C |
| Bail Bonds | N |
| Banks, Credit Unions | P |

| <u>Use</u> | <u>DN</u> |
|--|-----------|
| 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 |
| 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, 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 | C |
| Municipal Facility | P |
| Non-motorized Recreation, Pool, Gymnasium – Public or Private | P |

| Use | DN |
|--|----|
| 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 Family Dwelling, | P |
| Single Family Dwelling- property fronting on Main Street | N |
| Two Family Dwelling – New | C |
| Small engine/appliance repair | C |
| Tailor, Seamstress, Shoe repair | P |
| 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

| <u>Use</u> | <u>Min. Lot Size</u> | <u>Min. Frontage and Width</u> |
|-----------------------------|----------------------|--------------------------------|
| Commercial | 8,000 | 50 |
| Mixed-Use | 8,000 | 50 |
| Single Family | 8,000 | 70 |
| Two-Family and Multi-Family | 10,000 | 50 |

- 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 multi-family dwellings shall meet the setback criteria of the RM-13 subzone.~~ All other uses, including multifamily and mixed uses, shall meet the following requirements:

- A. Front and Street Setbacks.
 - 1. Along 100 West and 100 East any building shall have a minimum building setback of 20 feet and a maximum setback of twenty-five (25) feet from any front property line and/or any property line abutting a public street
 - 1.2. _____
 - 2.3. _____ 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.

3.4. _____ 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.

4.5. _____ 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.

- 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 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 dwelling shall conform to the maximum height requirements of the R-4 subzone. All other uses, shall comply with the following height standards:

- A. ~~For b~~ Buildings located within 100-50 feet of the street property line on 100 West and 100 East: ~~Building height shall not exceed 35 feet in height as measured at the average grade.~~
- B. Buildings located between 50 and 200 feet of the street property line on 100 West and 100 East shall not exceed 45 feet in height as measured at the average grade. or 2 stories in height measured at the average grade. Buildings may be constructed one (1) additional foot in height for each additional ten (10) feet t of setback from 100 East and 100 West ,as measured from the street property line.
~~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.~~
- B. Buildings located at least 200 feet from 100 West and 100 East street property line shall not exceed 55 feet ~~or 4 stories~~ in height measured at the average grade.
- C. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.
- D. Chimneys, ~~flagpoles, towers~~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.
- E. 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.

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 as 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-13 subzone.~~ All others, including multifamily and 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 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 a 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. In addition to the minimum 10 percent required for all development, mixed use and multifamily uses shall provide an additional 50 square feet of landscaping per residential unit.
 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 located completely behind the principal structure.
 - c. Required guest parking stalls shall be located in dedicated off-street parking spaces. Driveways 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 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-13 subzone. All others shall conform to the criteria for the DN zone. 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, public plaza or approved pedestrian-way. Ground floor residential units shall have the primary entrance oriented toward the street.
4. Primary Entrance Design: Primary entrance design shall consist of at least two (2) of the following design elements, or a comparable substitute, at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street.

 - a. Architectural details such as arches, friezes, tile work, canopies, or awnings
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Recessed entrances that include a minimum step back of two feet (2') from the primary facade and that include glass on the sidewalls.
5. All buildings must meet the ground with some form of base element or detailing to visually connect the building to the landscape. The base element may be smooth concrete (architectural grade), masonry, or stone.
6. Blank walls shall be prohibited on street-facing facades. At least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant, or lobby space. All development shall provide ground floor windows on the building facade and adjacent to a public or private street. Darkly tinted windows and mirrored windows are prohibited as ground floor windows.
7. To preclude large expanses of uninterrupted building surfaces, exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or public plaza. Along the vertical face of the structure, offsets shall occur at a minimum of every 25 feet by providing any two of the following:

 - (1) Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
 - (2) Extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or
 - (3) Offsets or breaks in roof elevations of three (3) or more feet in height.
- 3.—6. Buildings with parking located on the ground floor within the footprint of the structure shall incorporate design features into street facing facades that are consistent with the remainder of the building design and that are pedestrian oriented. Features shall include elements typical of a front façade, including doors, false windows, planters, and/or architectural details providing articulation. False windows shall be integrated into the framing of the building and shall not consist of surface mounted features

such as tacked on display cases. Required venting for parking areas, including louvered openings, shall not be located along a street facing façade.

7. Ground Floor Use Requirement: At least 50 percent of the ground floor story shall be built to accommodate an allowed commercial, institutional, or public use. Required ground floor use shall be located along and oriented toward street frontages. Residential uses may be permitted within the required area in lieu of the required use, if the ground floor is designed so that it can be converted to an allowed commercial use in the future. To accommodate this conversion, the shell space of the ground floor shall be built to an occupancy standard required by the adopted Building Code that can accommodate conversion of the interior of the space to a future permitted commercial use. The following additional requirements shall apply to the ground floor space if used for residential uses:

(A) The shell space shall be at least twelve feet (12') in height measured from floor deck to floor deck;

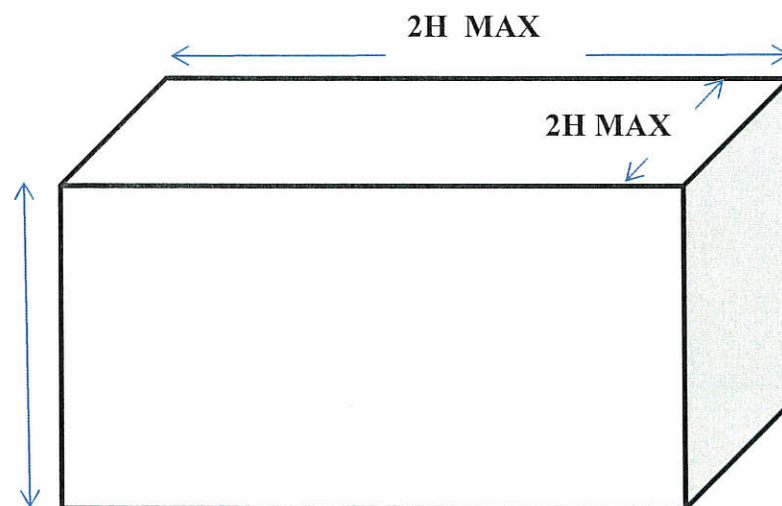
(B) Each ground floor unit shall have a direct entrance from the sidewalk to the unit;

(C) Each ground floor unit shall be ADA accessible; and

(D) Each ground floor unit shall include a porch, patio, stoop or other entrance feature that is a minimum depth of at least five feet (5').

4.8. The overall width or depth of a mixed use or multi-family residential building shall not exceed twice the maximum building height allowed. In cases where two building height standards apply based on setbacks, the 2:1 ratio shall be calculated from the highest possible height allowed for the building. See Figure 14-7-112-C.

Figure 14-7-112-C



H

~~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 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.