

**BOUNTIFUL CITY**  
**PLANNING COMMISSION AGENDA**  
**Tuesday, March 5, 2019**  
**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 19, 2019.
3. **CONTINUED – PUBLIC HEARING** - Consider a request for a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments. The property is located at 2720 Orchard Dr, Becki Scymczak, applicant.
4. **PUBLIC HEARING** – Consider a request for a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% located at 1269 Canyon Creek Dr, Chad and Jen Nielsen, applicant.
5. **PUBLIC HEARING** – Consider a proposal to change the zoning designation of approximately 19.66 acres of Bountiful City owned property which is currently zoned R-3 and R-4 Single Family Residential to Open Space. The properties in the proposed amendment are the Tolman Memorial and Hannah Holbrook Parks, Bountiful City, applicant.
6. Planning Director’s report, review of pending applications and miscellaneous business.

  
Chad Wilkinson, City Planner

**Bountiful City**  
**Planning Commission Minutes**  
**February 19, 2019**  
**6:30 P.M.**

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

Excused: City Engineer – Lloyd Cheney

**1. Welcome and Introductions.**

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

**2. Approval of the minutes for February 5, 2018.**

Sharon Spratley made a motion to approve the minutes for February 5 with one correction on page 2 of a duplicate sentence. Von Hill seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Spratley and Smith voting aye.

**3. Consider preliminary site plan approval for Kurtz Townhomes a 11 townhome development at approximately 393 W 200 North, Brad Kurtz, applicant.**

Brad Kurtz and Brian Zaitz were present. Chad Wilkinson presented the staff report.

The applicant, Brad Kurtz, is requesting preliminary site plan approval for construction of 11 new multifamily units in combination with an existing 12 apartment units. The property consists of multiple parcels addressed from 393 to 441 W. 200 North in the RM-13 zoning district. The proposed development site consists of four separate properties which will be consolidated into one in order to construct an additional 11 multifamily units. The properties currently contain 12 multifamily units along with a couple of single family residential units which will be removed as a part of the development. The property is zoned RM-13 and is almost completely surrounded by multifamily residential zoning and use with the exception of one single family residence located to the center/north of the property which is not a part of this development.

The development is located on four existing parcels totaling approximately 1.8 acres. Prior to issuance of building permit, these four parcels will need to be consolidated to avoid structures crossing property lines. A number of easements cross the property which will need to be released in order to build the proposed structures. This easement release will have to be approved by the City Council prior to final approval for the development.

Access to the project will be via two driveways on 200 North. The first access is an existing drive approach at the east entrance to the property and the second is a new driveway on the west of the property. The proposed access to the existing building on the south west portion of the development will need to be revised to meet the 20 foot minimum of paved width required by Code. The development meets the minimum parking standards based on all of the units being two bedroom units. It is understood that four of the existing units are 3 bedroom units which require an additional half space per unit. However the applicant has provided enough spaces to cover the additional parking needed for these units. The plan also provides at least one covered parking space for each unit as

and match the older building's façade. Mr. Higginson asked for clarification about the fire truck access for the southwest area. Mr. Smith asked about the grass detention areas at the rear side and also stated that he would like to see more windows on the street facing side of the building. Mr. Bell stated that it may be worth it to use more grass for play area for the residents in the landscape areas.

Mr. Wilkinson stated that there will be no displacement of existing tenants and the Fire Marshall has reviewed and approved the plans as they have been submitted for this meeting.

Mr. Monson asked that condition 2a have some additional language be added. "Consolidate the parcels and obtain approval of an easement release from the City Council *and any other third parties as applicable.*"

Ms. Spratley discussed the separate individual sidewalk that was shown on the plans and the additional windows on the north side of the street side building.

Mr. Wilkinson discussed the code requirements for this RM-13 zone. The RM-13 zone has requirements for brick on the façade.

Von Hill made a motion to recommend approve to the City Council for preliminary site plan for Kurtz Townhomes a 11 townhome development at approximately 393 W 200 North with the conditions outlined by staff and the addition of condition 2a as described by Mr. Monson and 1ci "*The proposed building on the north west portion of the site shall be revised to show a separate sidewalk connection leading to the front entrance and an additional window on the street facing (north) side.*"

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

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

1. The Planning Commission addressed Legislative issues.
2. Next Planning Commission meeting will be March 5, 2019.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:17p.m.

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Chad Wilkinson, Bountiful City Planner



# Commission Staff Report

Item # 3



**Item:** PUBLIC HEARING – Continued-Request for a variance in order to allow for paving a corner lot not providing direct access to a garage or carport.  
**Address:** 2720 S. Orchard Drive  
**Author:** Chad Wilkinson, Planning Director  
**Date:** March 5, 2019

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## Description of Request

The applicant, Orchard Drive Associates LLC, has requested a variance to Section 14-5-105 related to minimum setbacks from public streets for proposed carports to be constructed at Orchard Gardens Apartments. The applicant proposes to reduce the required setback from 25 feet to 5 feet. The property for which the variance is requested is located at approximately 2720 Orchard Drive.

**Note:** The item was continued from the January 19, 2019 meeting in order to give the applicant opportunity to address concerns expressed by the Commission. The applicant has indicated they will come prepared to address the concerns expressed at the previous meeting, but as of the date of this report they have not submitted any additional information for review. The following staff report is identical to the previous staff report and is included for your convenience.

## Authority

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to setbacks.

## Appeal Procedure

Bountiful City Land Use Ordinance section 14-2-108 states that an applicant, board or officer of the City, or any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.

The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.

## Background and Analysis:

The applicant has requested a variance to allow for construction of carports over existing parking spaces within the Orchard Gardens Apartment development. The requested setback variance would allow for a reduction in the required structural setback from 25 feet to 5 feet. The Orchard Garden Apartments were constructed in the mid 1970's while

the property was located in unincorporated Davis County. Because the property was originally developed in the County, it is considered to be legal nonconforming related to parking lot setback standards. Current code standards would require that all parking along a public street be setback a minimum of 25 feet from the street-side property line. The original approval of the development included a widening of Orchard Drive which is not present in other sections of the roadway. This “bump-out” reduces the landscaping and places the parking closer to the street than in other areas of the City, although this may have met the standard in the County at the time of development. Another unique circumstance on the property is related to the difference in grade between the street and the parking area. The parking area sits between four and six feet below the adjacent street and is screened by a landscape area located between the side walk and parking area. At the time of development in the County, none of the units were provided with covered parking. Current Bountiful Code requires at least one covered parking space per unit. Because the provision of covered parking on site is desirable, this presents an interesting challenge in a case where parking setbacks do not meet current standards.

### **Variance Findings**

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

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

**Staff Response:** The development was constructed around 1975 and as a requirement of development a portion of Orchard Drive was widened. It is unclear if the purpose was to provide for on-street parking or for future widening of the street. But in any case the resulting parking lot setback is less than the current code standard of 25 feet. At the time of the development of the property, no covered parking was provided for any of the units. The applicant will be providing other covered parking throughout the site but there is no good opportunity for providing convenient covered parking for the units along Orchard Drive without the approval of a variance. The parking location and configuration has not been changed since the original approval by the County and changing the configuration to meet the Code would require a total redesign of an existing site. Since the application involves covering existing legal nonconforming parking spaces, a variance in this case is appropriate and would avoid an unreasonable hardship of not being able to provide covered parking for the development.

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

**Staff Response:** Besides the unique conditions related to the widening of Orchard Drive, the proposed carports cover parking spaces that are several feet below the grade of the adjacent street, especially on the north east side of the parking lot. The grade difference varies from approximately four feet to almost six feet. This will create a situation where the

structures will be partially obscured by the retaining wall and vegetation along Orchard Drive. There may be a need to include some additional vegetation to provide for better screening of the parking structures, but this difference in grade and the ability to screen the parking with additional vegetation constitutes a unique circumstance.

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

**Staff Response:** The proposed variance will allow for the residents of the development to have conveniently located covered parking which is a property right provided by current code standards.

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

**Staff Response:** Because the development was legally constructed in the County, the nonconformity is not a self-imposed violation of the current ordinance. Providing the carports will support the public interest of providing covered parking for individuals residing in multifamily developments.

*(v) The spirit of the land use ordinance is observed and substantial justice done*

**Staff Response:** While a structural setback is an important component of the land use ordinance, the need for conveniently located covered parking and other amenities is also a concern and is outlined in several places in the multifamily ordinance, and is a requirement of current Code. Allowing construction of carports within the front yard to cover existing parking spaces will allow for the spirit of the ordinance to be observed for the residents of this development.

### **Department Review**

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

### **Recommended Action**

Staff recommends approval of the requested variance related to minimum setbacks from public streets for proposed carports to be constructed for the Orchard Gardens Apartments subject to the following condition:

1. Any dead and dying trees and/or shrubs along the frontage on Orchard Drive shall be replaced in order to provide screening for the proposed carports.
2. Constructed carports near the drive approach onto Orchard Drive shall meet the clear-view standards of the Code

**Attachments**

1. Aerial Photo
2. Applicant's Narrative



Aerial Photo







# Commission Staff Report

Item # 4

**Item:** PUBLIC HEARING – Request for a variance to allow for encroachments on slopes exceeding 30 percent  
**Address:** 1269 E Canyon Creek Drive  
**Author:** Chad Wilkinson, Planning Director  
**Date:** March 5, 2019



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## Description of Request

The applicants, Chad and Jen Nielsen, have requested a variance to allow for encroachments on slopes greater than 30 percent for the property located at 1269 E. Canyon Creek Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site.

## Authority

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests within the R-F zone related to disturbance of slopes exceeding 30 percent and retaining walls and cuts and fills exceeding 10 feet in height.

## Background and Analysis:

The application for variance is submitted in conjunction with a proposal for a new single family residence. The lot is 1.36 acres in size and the proposed development is located predominantly on slopes that are less than 30 percent. The applicant has modified development plans in order to minimize the encroachments on 30 percent slopes. Some of these modifications include sliding the home to the front of the lot as much as possible and obtaining access from an easement across the adjacent property in order to reduce driveway slopes.

## Variance Findings

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

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

**Staff Response:** The “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30

percent areas have been kept to a minimum. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height.

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

**Staff Response:** The property is similar to other lots in the R-F Zone with areas of slope greater than 30 percent. However, the applicant has made a special effort to preserve the vegetation and slopes along the roadway by obtaining an easement for access across the property to the east. The applicant has kept the encroachments on 30 percent slopes on other parts of the property to the minimum necessary to provide for reasonable development.

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

**Staff Response:** Almost all lots in the R-F zone require some type of variance in order to develop. In recognition of this, the standards of the R-F zone include guidance for granting exceptions. The Code indicates that disturbances should be the minimum required to allow for reasonable development of the property. In this case, the applicant has designed their home to minimize encroachments into 30 percent. The requested variance will allow the owners to build a reasonably sized home on the site.

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

**Staff Response:** The public interest is preserved by retaining as much vegetation as possible on the front of the lot and minimizing the disturbance on the upper portions of the lot.

(v) *The spirit of the land use ordinance is observed and substantial justice done*

**Staff Response:** Again, the standards of the ordinance recognize that many lots in the R-F zone will require a variance in order to construct a home. The applicant has made an effort to place the home in a location that will minimize disturbance to slope areas and vegetation and has obtained an easement from an adjacent property owner for access to avoid a driveway that exceeds 15 percent slope. These items are in keeping with the spirit of the land use ordinance.

**Department Review**  
City Planner, City Engineer

### **Recommended Action**

Based on analysis of the required review criteria from State law included in the findings

above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance with the following condition:

1. The disturbance of the property shall be limited to areas noted on the approved site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

**Attachments**

1. Aerial Photo
2. Applicant's Narrative
3. Proposed Plan



Aerial Photo-1269 E Canyon Creek Drive



To whom it may concern,

As property owners of the parcel of land located at 1269 Canyon Creek Drive in Bountiful Utah, we are requesting a variance. A very small portion of our home (to be built) encroaches on an area of the property that is greater than 30% grade.

The original plat of this development was recorded nearly 40 years ago, in which time, homes and yards have long been established in the neighborhood. As we worked towards purchasing the lot, we worked carefully through scenarios with the property owner to the east (seller of the lot) who has granted a legal easement for a driveway to our lot. This tedious effort allows the existing grade of the front yard with it's existing natural scrub oak to remain undisturbed. This 30' wide easement has allowed for a more recently adopted code requirement to provide a drive access of no greater than 15% slope and a minimum of 20' wide.

In addition to meeting this requirement, our design efforts centered around the driveway access and careful siting of a home that would be in harmony with the grade of the hillside. The orientation of the home would follow the natural curvature of the hillside contours with a footprint that respects the existing slopes exceeding 30% as much as possible while still protecting a good portion of naturally growing scrub oak. Our intent is to strike a balance between the usable area of the site, provide a code compliant driveway and consider the requirement to enhance the visual and environmental quality of the site without excessive excavation and terracing. Please also consider as part of your deliberations the following statement from the city guidelines. "The encouragement of a variety of a development designs and concepts which are compatible with the natural terrain of the foothill areas and which will preserve open space and natural landscape and that allow a reasonable use of the land".

We respectfully submit our request for a variance Ordinance 14-4-101 B. 3., 5., and 7.

Sincerely,

Chad and Jennifer Nielsen

To whom it may concern,

As property owners of the parcel of land located at 1269 Canyon Creek Drive in Bountiful Utah, we are requesting a variance city ordinance 14-4-104.

A small portion of our home (to be built) encroaches on an area of the property that is 30% grade. (See plan)

2 (a)

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.*

Ordinance 14-4-101 B. 3., 5., and 7. stress the importance of “preservation of natural features, wildlife habitat and open space.... visual and environmental quality by use of natural vegetation and preservation of open space and natural landscape”.

In an effort to meet these requirements and preserve the natural vegetation we are asking that the home be allowed to sit in the space that requires the least amount of removal of natural vegetation and excavation.

- (ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*

Driveway access within the 15% slope could not be achieved on the purchased property. Therefore, the property was bought with an easement that allowed us to use the neighboring property to the east to build a shared driveway. This would allow us to comply with the slope ordinance related to driveways. This requires the home to be placed further up the mountain to allow for a gradual incline of the driveway.

- (iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone*

The design of this house is thoughtfully planned and placed to enhance the natural surroundings.

- (iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest.*

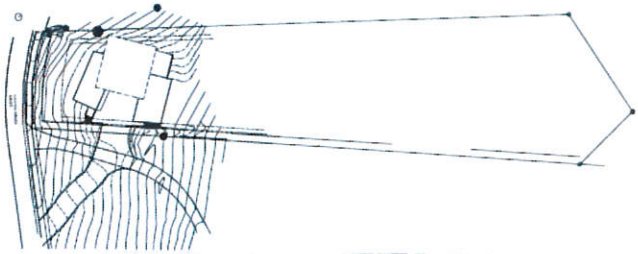
Granting this variance will allow an existing screen of natural landscape to remain between the street view and neighboring homes.

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

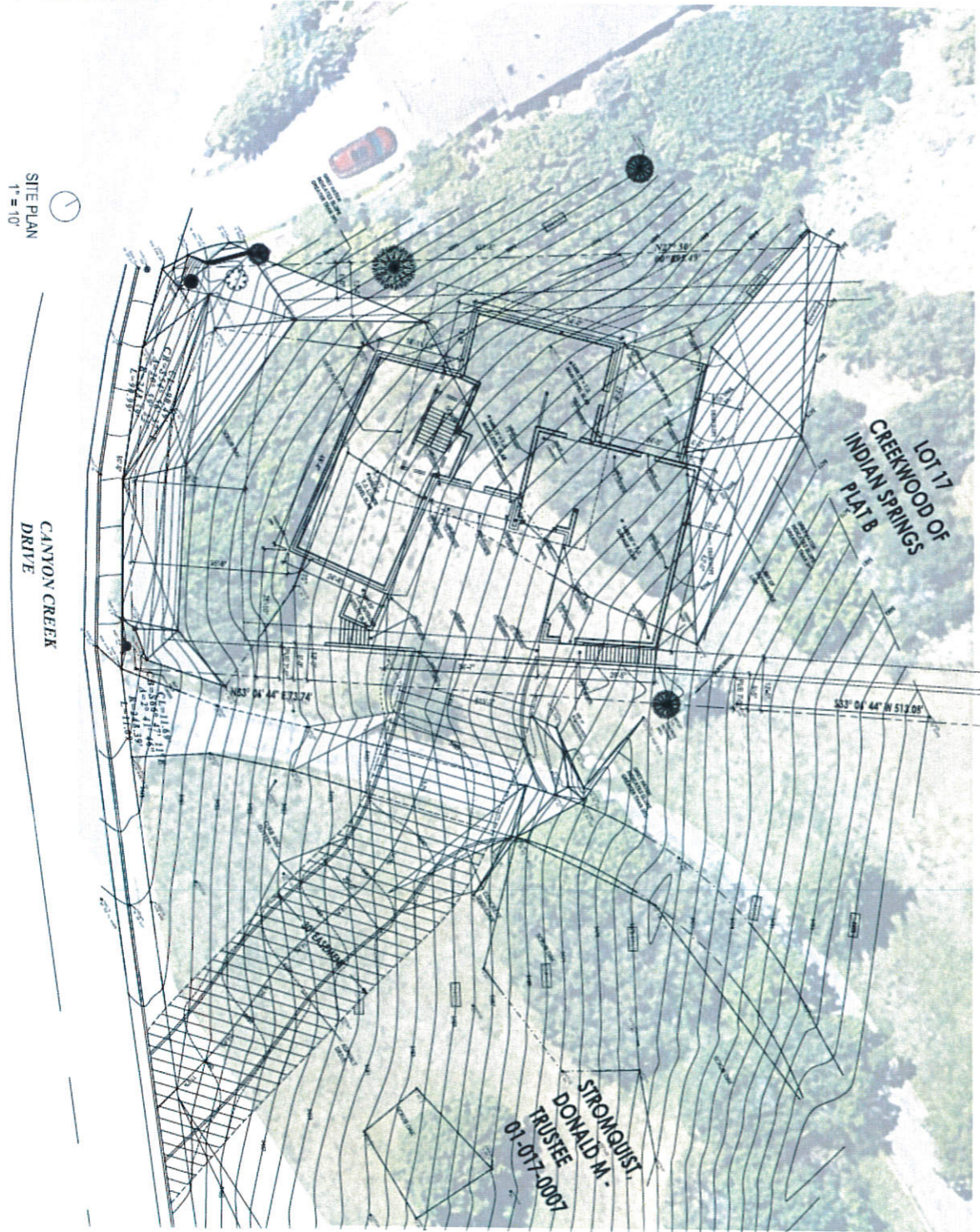
All other requirements outlined in the single-family residential ordinances are followed.



2 REFERENCE SITE PLAN  
SCALE: 1" = 30'



1 SITE PLAN  
SCALE: 1" = 10'



PERMIT SET  
TITLE  
NUMBER  
**A1.0**  
SHEET  
NO.  
SITE PLAN

PROJECT NO. 0000  
DATE: Feb. 12, 2019  
PREPARED BY

# NIELSEN RESIDENCE

LOT 17 CREEK WOOD CD  
INDIAN SPRINGS PLAT B  
1269 E CANYON CREEK DR BOUNTIFUL  
DAVIS COUNTY, UTAH 84010

THIS PLAN IS THE PROPERTY OF CHAD NIELSEN ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CHAD NIELSEN ARCHITECTS, INC.

DESIGNED BY  
**CHAD NIELSEN**



# Commission Staff Report

Item #5

**Item:** PUBLIC HEARING – Zoning Map Amendment from R-3 and R-4 Single-Family Residential zones to OS Open Space zone.  
**Address:** 1300 East Center Street and 950 East 200 North  
**Author:** Curtis W. Poole, Assistant Planner  
**Date:** February 25, 2019



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## Background

The proposal is to amend the zoning map designation of two parcels owned by Bountiful City with current residential zoning designations which total approximately 19.66 acres combined. The proposed zoning map amendment will be from R-3 and R-4 Single-Family Residential to OS Open Space. On November 17, 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 two parcels in this proposal are surrounded by R-3 and R-4 Single-Family Residential zoned neighborhoods.

## Review Authority

The Planning Commission has authority to review requests for amendments to the zoning map and forward its recommendation to the City Council for final action. The Commission shall review the request according to the provisions contained within the Administrative chapter of the Bountiful City Land Use Ordinance particularly, 14-2-205.

## Analysis

Designated open spaces provide opportunities for hiking, biking and other forms of recreation. In addition, Bountiful City maintains a network of parks, trails and recreation areas, such as Bountiful Ridge Golf Course, which provide facilities for sports, recreation, relaxation, and venues for public gatherings and events. The 2009 Bountiful City General Plan explains the City's commitment to improving the quality of life for its residents by providing diverse recreational opportunities throughout the City. Identification and preservation of these open spaces will allow the City to achieve this goal.

The adopted Open Space Zoning standards restrict development on open space properties to public and recreational facilities. Public facilities would include items such as trail head parking lots and restrooms, utility buildings and utility lines. The zoning standards are written to be restrictive in nature and do not allow for residential or commercial development. As locations along the foothills of Bountiful are ideal for placement of wireless telecommunication facilities, it should be noted these uses have been included as

permitted and conditional uses.

The current proposal for amendments to the zoning map includes two properties owned by Bountiful City. The first is 1300 East Center Street, or Tolman Memorial Park (Rocket Park), which is approximately 15.13 acres. The second is 950 East 750 North, or Hannah Holbrook Park; which is to the west of Holbrook Elementary and is the site of a buried water tank maintained by the City, and is approximately 3.21 acres. As the Planning Commission has discussed the potential for the Open Space zone, a desire was expressed to extend the designation not only to undeveloped parcels, but also public parks and public recreational facilities. Therefore, the proposed zoning map amendment includes these properties. The location and characteristics of these properties are ideal for inclusion into the Open Space zone.

As mentioned in a previous Planning Commission meeting, it was anticipated additional future zoning map amendments would be brought forward in stages which would eventually rezone all public parks, the golf course and similar City owned properties. This will provide focused citizen discussions of individual properties and allow for effective management of public noticing.

The proposal to add these properties to the Open Space Zone will have a positive impact on residents of Bountiful by preserving open space areas for the use and enjoyment by the public as a whole.

### **Department Review**

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

### **Recommendation**

Based upon the above analysis, Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the properties located at 1300 East Center Street (Tolman Memorial Park) and 950 East 750 North (Hannah Holbrook Park) to be rezoned from R-3 and R-4 Single-Family Residential to the OS Open Space zone.

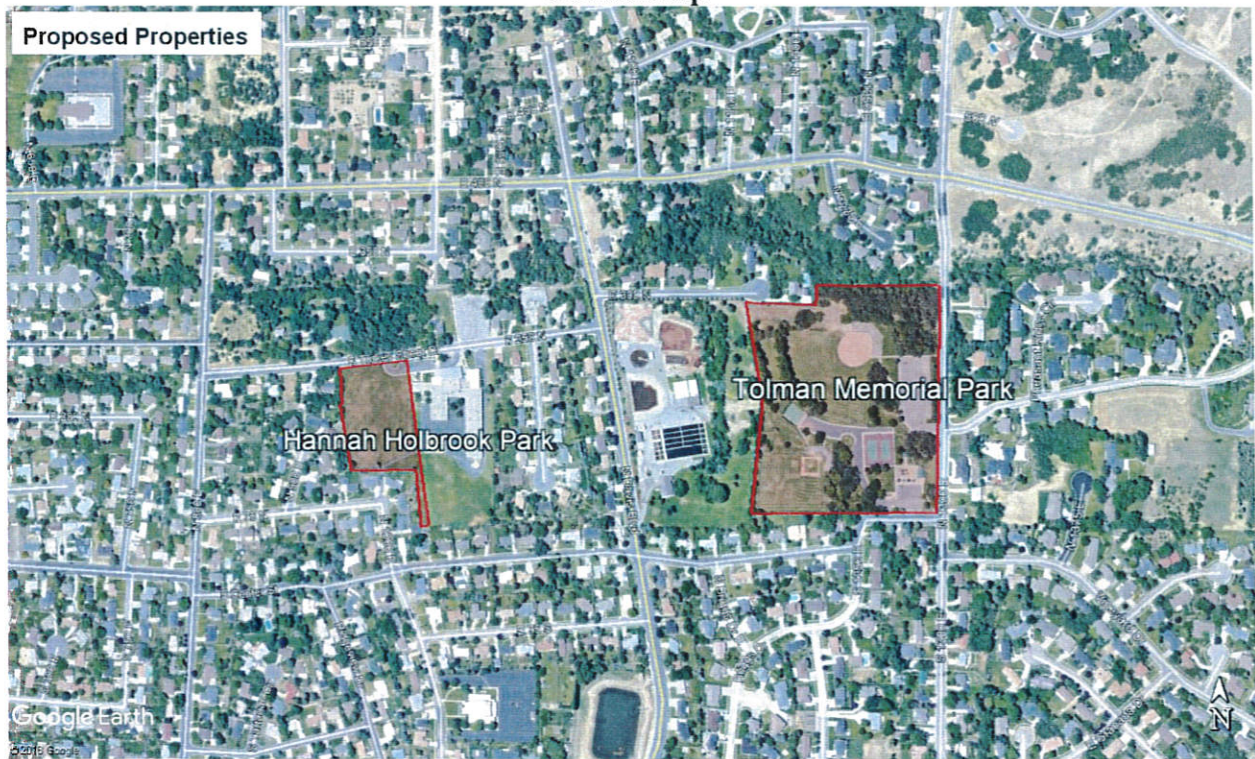
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### **Attachments**

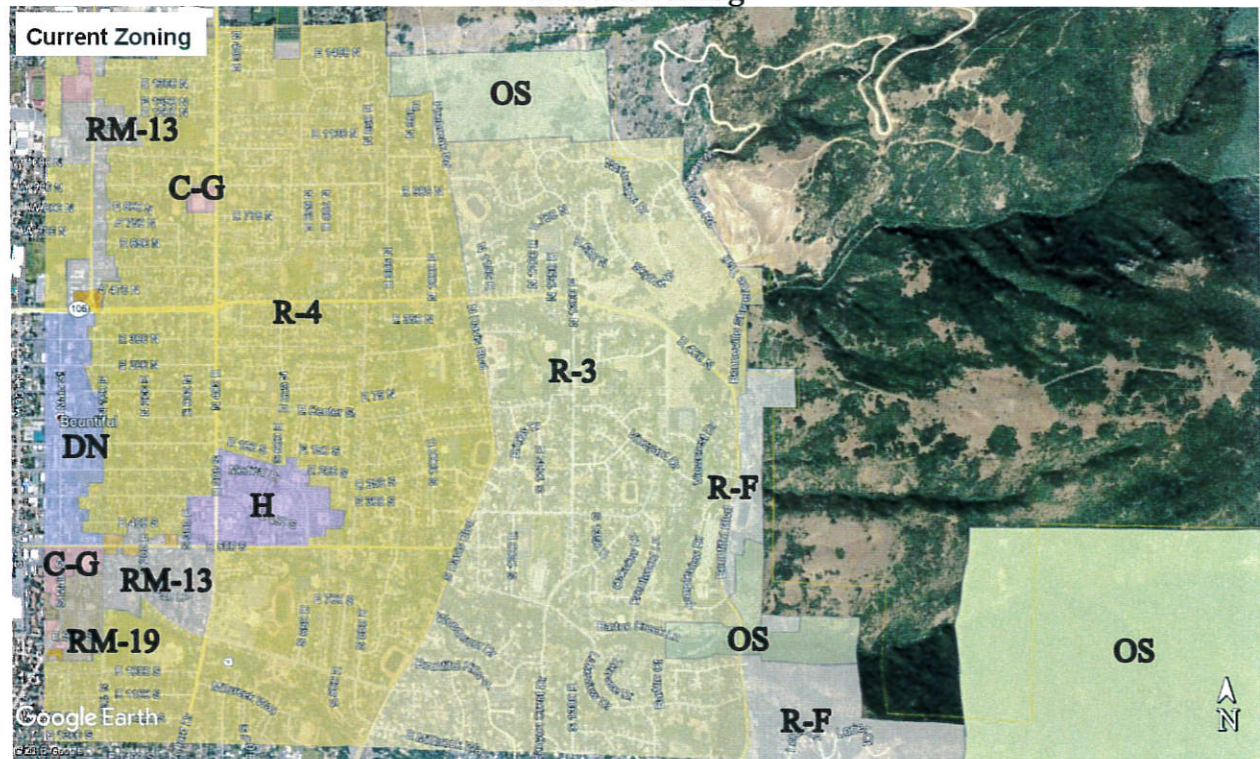
1. Aerial Map
2. Current Zoning Map
3. Proposed Zoning Map
4. Legal Descriptions of Affected Parcels
5. Open Space Zoning Standards



### Aerial Map

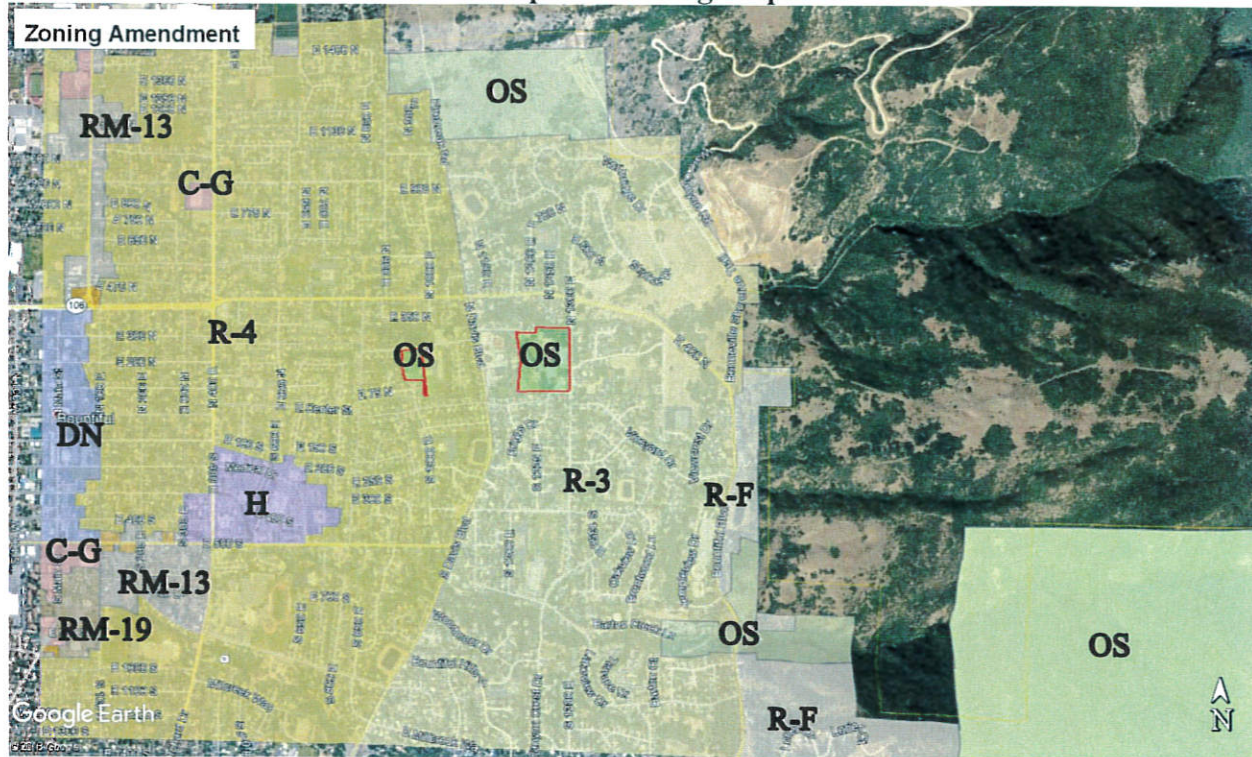


### Current Zoning





## Proposed Zoning Map



## Legal Descriptions of Affected Parcels

Tolman Memorial Park and Hannah Holbrook Park:

**\*Note that both properties share the same parcel ID number**

### Parcel #04-004-0003

BEG AT NE COR OF SE 1/4 SEC 20-T2N-R1E, SLM; TH S 899.48 FT; TH S 89°42' W 777.71 FT; TH N 6°01' E 439.74 FT; TH N 9°16' W 410.28 FT; TH N 89°45' W 551 FT; TH S 9°36' E 59.73 FT; TH S 80°24' W 25 FT; TH S 9°36' E 832 FT, M/L, TO PT S 89°30' W OF A PT 1705.5 FT N 0°59' E ALG SEC LINE FR SE COR SD SEC 20; TH S 89°30' W 65 FT, M/L, TO A PT N 0°59' E 1705.5 FT & S 89°30' W 1288.34 FT FR SE COR SEC SD 20; TH S 83°28' W 27.06 FT; TH N 6°32' W 16.5 FT; TH S 83°28' W 497.17 FT, M/L, TO SE COR OF PPTY CONV IN 115-266; TH N 0°20' E 740.6 FT; TH S 81°05' W 373.94 FT; TH S 7°35' E TO N LINE OF PPTY CONV IN 204-176; TH S 88°39' W 300.04 FT, M/L, TO SE COR LOT 61, MOUNTAIN PARK D; TH N 9°40' W 307.72 FT; TH N 5°07' W 113.48 FT ALG REMAINS OF OLD FENCE TO S LINE OF TURKEY SHOOT DRIVE; TH N 82°38'30" E ALG S LINE SD STR TO A PT 1661.8 FT W & S 3°33' W OF BEG; TH N 3°33' E TO THE LINE OF THE SE 1/4; TH E 1661.8 FT TO THE POB. LESS TO 277-313 & LESS TO 308-493 CONT. 19.666 ACRES



**Chapter 14  
OPEN SPACE DISTRICT O-S**

**14-23-101 PURPOSE AND OBJECTIVES**

To establish areas in open and generally underdeveloped lands where only developments compatible with open space character would be permitted in order to preserve, maintain and protect open space resources; and to encourage development of a comprehensive network of permanent, multifunctional publicly and privately owned open spaces in the city. Regulations of this district are prohibitive and designed to protect these open spaces from encroachment of residential, commercial and industrial uses.

**14-23-102 PERMITTED, CONDITIONAL, AND PROHIBITED USES**

Subject to the provisions and restrictions of this Title, 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 Open Space zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

**Table 14-23-102a**

Use

Municipal Facility	P
Public or Private Cemetery	C
Public or Private Utility Facility	P
Public Recreational Facility (including for example parks, trailheads, trails, golf course, gun range)	P
Telecommunication Facility not on City Property	C
Telecommunication Facility on City property	P
Utility Lines and Rights-of-Way	P

**14-23-103 YARD AND SETBACK REQUIREMENTS**

- A. Minimum width of any side yard for main or accessory buildings shall be ten feet (10') and the total width of the two (2) required side yards shall be not less than twenty five feet (25'). On corner lots, the side yard facing a street shall be not less than twenty feet (20') for any building.
- B. Minimum depth of the front yard for all buildings shall be twenty five feet (25'). All accessory buildings shall be located at the rear of and at least six feet (6') from the main building.
- C. Minimum rear yard for all main buildings shall be twenty five feet (25'), and for all accessory buildings ten feet (10').