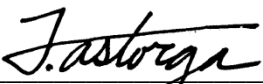


BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, January 21, 2020
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room, **South Davis Metro Fire Station, 255 S 100 W, Bountiful, Utah, 84010**, 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 December 17, 2019.
3. Consider approval of a request for a preliminary architectural & site plan review of 12 multiple-family dwellings (four triplexes) located at 1265 North Main St, Douglas Bangerter Holdings LLC represented by Ivory Development, applicant.
4. **PUBLIC HEARING** - Consider approval of a request for a preliminary subdivision of a 34-lot residential subdivision consisting of 22 single-family lots and 12 multiple-family dwellings (four triplexes) located at 1265 North Main St, Douglas Bangerter Holdings LLC represented by Ivory Development, applicant.
5. **PUBLIC HEARING** – Consider approval of Omnibus Amendments to the Bountiful City Land Use Ordinance.
6. Planning Director’s report, review of pending applications and miscellaneous business.



Francisco Astorga, Planning Director

Bountiful City
Planning Commission Minutes
December 17, 2019

Present: Chair – Sean Monson; Vice Chair – Von Hill; Planning Commission Members – Sam Bawden, Jesse Bell, Jim Clark, and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Clint Drake; City Planner – Francisco Astorga; 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. He thanked Von Hill for all his time and effort that he put into the Planning Commission and wished him well in his next adventure.

2. Approval of the minutes for November 19, 2019.

Jim Clark made a motion to approve the minutes for November 19, 2019 as written. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson, and Spratley voting aye.

Sam Bawden arrived.

3. Consider approval of the 2020 Planning Commission Meeting Calendar.

Sharon Spratley made a motion to approve the 2020 Planning Commission Meeting Calendar. Jesse Bell seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Higginson, Hill, Monson, and Spratley voting aye.

4. Election of Chairman and Vice Chairman of the Planning Commission for 2020.

Sharon Spratley made a motion to elect Sean Monson as the 2020 Chairman.

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

Sharon Spratley made a motion to elect Jesse Bell as the 2020 Vice Chairman.

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

5. Discussion of Planning Commission Rules and Procedures.

Francisco Astorga presented the proposed adopted Planning Commission Rules and Procedures.

In accordance with Utah State Code §10-9a-301, the Planning Commission may adopt rules and procedures which govern how it conducts business. Such rules shall follow State law regarding the Open and Public Meetings Act and authority granted by Bountiful City Code. These rules may be

amended by successive Planning Commissions as needs may dictate. Staff has found the Planning Commission last adopted rules of procedure in 2007.

The Commission may benefit from reviewing the following proposed procedures and discuss the rules and procedures to guide how to conduct its meetings. These serve only as discussion points and not an official recommendation from Staff.

Covered Items Include:

1. Proposed Procedures for Conducting Business
 - a. Commencing and Adjourning a Meeting
 - b. Agenda Items
 - c. Public Hearings
 - d. Temporary Vice Chair
2. Significant Impacts
3. Miscellaneous-Sample Motions
 - a. Positive or Modified Positive Recommendation
 - b. Approval/Granting or Modified Approval/Granting
 - c. Negative Recommendation/Denial
4. Attachments

Chair Monson asked for guidance about directing comments from the audience during public hearings. Mr. Astorga stated that he appreciated the way that Chair Monson stated the expectations for the public comments and especially that comments be directed to the Commission members. He also stated that Bountiful City is going beyond the current State regulations for noticing meetings and Public Hearings. Mr. Higginson appreciated how the Chairman balances the public needs to have information and the structure that the meeting should have. Chair Monson asked if the Commission should have any discussion in between the motion and the second. It was stated that the discussion should be either before the motion or after the second.

Ms. Spratley asked for direction for comments from the public that are not for items on the Planning Commission agenda. Mr. Higginson stated the Planning Commission should not be taking comments from the public outside of agenda items and that the public should be in contact with City Councilmembers for comments. Mr. Drake stated that the public should utilize the public comment time at the City Council meetings.

Mr. Bell appreciated that the staff have been going beyond the regulated noticing for the City meetings.

Adoption will be brought back to Planning Commission in January for recommendation to the City Council.

6. PUBLIC HEARING – Preliminary Subdivision Plat at 1265 North and 1295 North Main Street.

Francisco Astorga stated that this item will be postponed to a future date.

Mr. Hill asked for clarification on Public Hearing for Subdivision Plat. Mr. Astorga stated that Bountiful City follows state code and Subdivision Plat requires a Public Hearing. He stated that this agenda item will be noticed again.

Chair Monson opens **Public Hearing** at 6:54 p.m.

Berlin Duncan 1330 N 200 East. Mr. Duncan asked what has changed from the previous meeting. Mr. Astorga stated that the previous meetings were for an approval of a rezone and this meeting is an approval of the next phase of this project.

Chair Monson closed the **Public Hearing** meeting at 6:56 p.m.

Richard Higginson made a motion to continue this item to a date uncertain. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 6:57 p.m.

Francisco Astorga, Bountiful City Planner

Commission Staff Report

Subject: Preliminary Architectural and Site Plan Review for 12 Unit Multi-Family Townhome Residential Development
Author: Curtis Poole, Assistant City Planner
Address: 1265 and 1295 North Main Street
Date: January 21, 2020



Description of Request

The Applicant, Ivory Development, is requesting Preliminary Architectural and Site Plan approval for a 12 Unit Multi-Family Townhome Residential Development.

Background and Analysis

On September 3, 2019, the Planning Commission forwarded a positive recommendation to the City Council and on October 8, 2019, the City Council held a Public Hearing to receive comments regarding a zone change, submitted by the Applicant, from the C-G (General Commercial) Zone to the RM-13 (Multiple Family Residential) Zone at 1265 and 1295 North Main Street. The Council voted unanimously to approve the zone change and the Applicant is now requesting Preliminary Architectural and Site Plan approval for a 12 Unit Multi-Family Townhome which will accompany a 22 Lot Single-Family Residential development. Ivory presented to the Council and Commission a conceptual plan of the development as part of the zone change.

The proposed development is located on three (3) parcels which total 3.94 acres, and is the current location of Bountiful RV. These three (3) parcels will need to be re-subdivided and recorded with Davis County prior to applying for building permits. A Preliminary Planned Unit Development subdivision plat amendment has been submitted concurrently with this application. The subject property has the R-4 (Single-Family Residential) Zone to the north, west and east. It has the RM-13 (Multiple Family Residential) Zone to the south and northeast and has the C-G (General Commercial) Zone to the north.

The proposal submitted by the Applicant shows the 12 Unit Townhomes located adjacent to Main Street with the Single-Family homes located behind. There will be two (2) access points from Main Street and the Applicant will need to receive approvals from UDOT prior to any construction or alteration of the drive approaches. The proposal also shows a horseshoe shaped road that will be owned and maintained by the Homeowners Association. This private road will loop the development from one approach to the other, with a connecting road behind the townhomes.

A central feature in the proposal is open space for the future residents. The open space provides an appropriate buffer between the townhomes and the Single-Family homes. Prior to submitting for Final Site Plan approval, the Applicant shall provide a detailed landscaping plan for all common areas surrounding the townhomes and the open space.

The parking plan submitted shows the Applicant meet the standards of the Code. The townhomes will each have a rear loaded two-car garage with six (6) additional parking spaces behind the townhomes. Each future Single-Family home will provide for its own parking.

The RM-13 Zone would permit the Applicant a residential development up to 51 Residential Units. The Applicant proposed to decrease the density of the Planned Unit Development by providing mixed residential housing types, known as life-cycle housing. In exchange of such community benefits, the Applicant seeks some relief from some of the development standards of the Code, particularly the front and side yard setbacks of the townhomes, the setback requirements of the Single-Family homes and lot coverage. The planned unit development gives the Applicant an ability to mitigate a potentially undesirable element, in this case the impact of density, by reducing its effects in exchange for flexibility with some development standards. Staff has researched the effects of the proposed reductions as well as the benefits of the proposal and finds the effects are mitigated based upon best planning practices.

The Applicant has provided a product lineup for the townhomes; however, prior to Final Site Plan approval the Applicant will need to provide renderings of the actual townhomes to be built at this location consisting of building elevations and applicable sections. Each Single-Family home will be required to submit a separate building permit to be reviewed and approved by Staff.

Department Review

This proposal has been reviewed by the Engineering, Power, and Planning Departments and by the Fire Marshall.

Significant Impacts

The proposed development is in an area which has anticipated Multi-Family uses and the current infrastructure is adequate to handle the additional townhomes and Single-Family residences proposed.

Recommended Action

Staff recommends that the Planning Commission forward to the City Council and positive recommendation of approval the Preliminary Site Plan for 12 Unit Multi-Family Townhome and 22 Lot Single-Family Residential Development subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to the issuance of building permits, the three (3) parcels will need to be re-subdivided.
3. The drive approaches shall receive approvals from UDOT prior to applying for a building permit.
4. All damaged curb, gutter and sidewalk along Main Street shall be replaced.

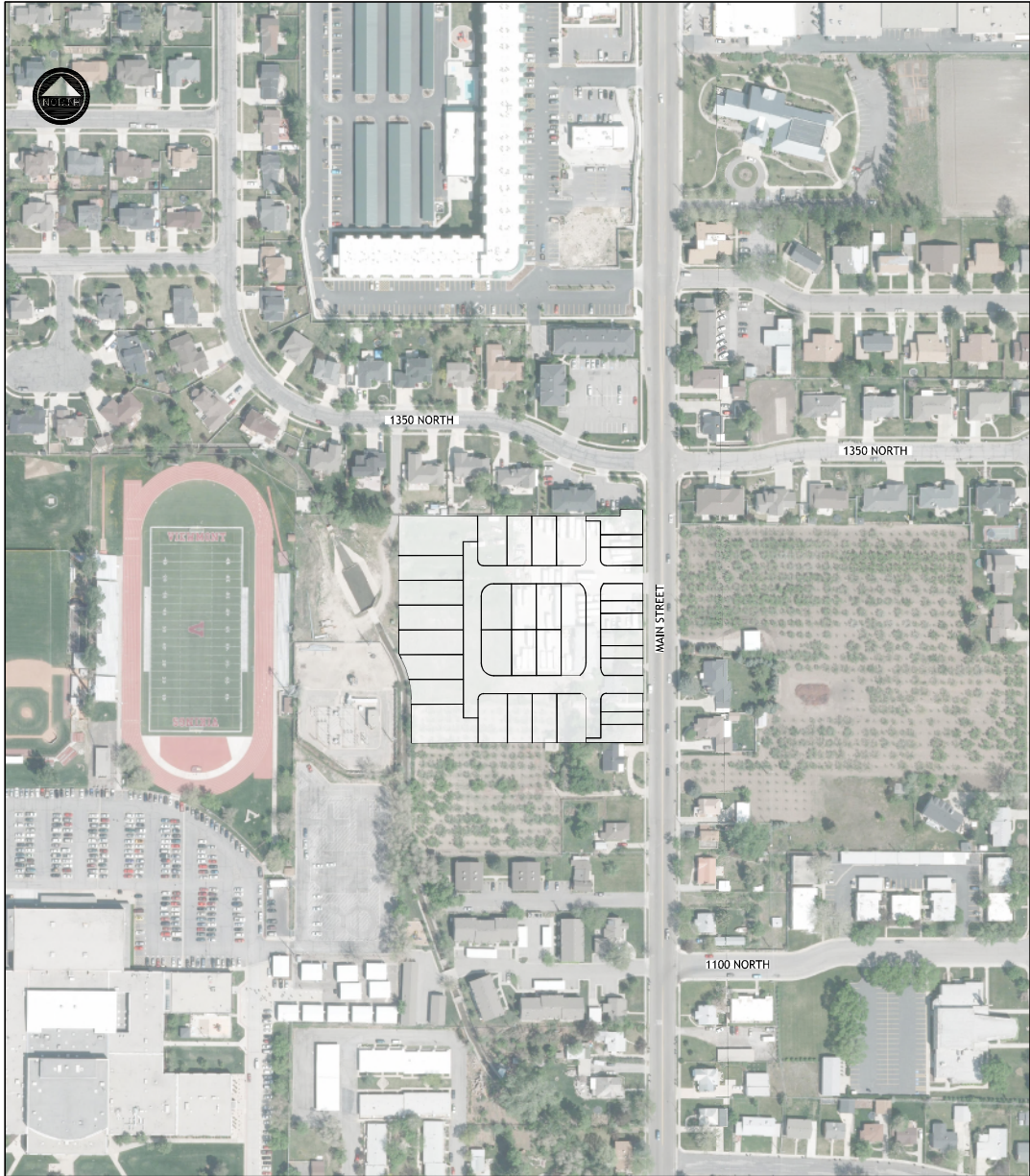
5. Submit a Landscape Plan meeting the standards of the Code prior to Final Site Plan approval.
6. Provide renderings, including elevations and building materials, of the Townhomes prior to Final Architectural and Site Plan approval.
7. Sign a Development Agreement.

Attachments

1. Aerial photo
2. Site and Utility Plans
3. ALTA/ACSM Land Title Survey
4. Conceptual Elevations

Aerial Photo





VICINITY MAP
1" = 100'

BOUNTIFUL CHASE

BOUNTIFUL CITY

PRELIMINARY PLANS

3980 S. 700 E., # 22, Salt Lake City, UT 84107
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodbrook Lane
Salt Lake City, UT 84117
801-747-7000

Utah's Number One Homebuilder

- NOTES:
- All sanitary sewer improvements shall conform with the standards and specifications of South Davis Sewer District.
 - All pressurized irrigation improvements shall conform with the standards and specifications of Bountiful Irrigation.
 - All culinary water improvements shall conform with the standards and specifications of Bountiful City.
 - All improvements in the public right of way shall conform with the standards and specifications of Bountiful City.
 - All private improvements shall conform to APWA standards and specifications.
 - Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
 - The project benchmark is a brass cap marking the East Quarter Corner of Section 22, Township 3 South, Range 1 West, 58&M. Elevation = 4399.29

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED SEPTEMBER 30, 2019, AND WAS PREPARED BY ERIC FJELDSTED, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02098-102. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

- 0-1 TITLE SHEET
- PHASE 1 SUBDIVISION PLAT
- PHASE 2 SUBDIVISION PLAT
- 0-2 DEMOLITION PLAN
- 0-3 SITE PLAN
- 0-4 UTILITY PLAN
- 0-5 GRADING & DRAINAGE PLAN

LEGEND

	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	SANITARY SEWER MANHOLE
	PROPOSED CULINARY WATER LINE
	EXISTING CULINARY WATER LINE
	CULINARY WATER FIXTURES
	PROPOSED FIRE HYDRANT
	EXISTING FIRE HYDRANT
	PROPOSED PRESSURIZED IRRIGATION
	EXISTING PRESSURIZED IRRIGATION
	SECONDARY WATER FIXTURES
	PROPOSED LIGHT POLE
	EXISTING OVERHEAD UTILITY
	RCP CL III STORM DRAIN
	EXISTING STORM DRAIN
	SD COMBOBOX, CB & CO
	PROPOSED UNDER DRAIN
	EXISTING UNDER DRAIN
	UNDER DRAIN CLEANOUT
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR

Bountiful Chase

Title Sheet

PROJECT: _____
DRAWN BY: _____ KMW
REVIEWED BY: _____ NMM
REVISIONS: _____
No. DATE REMARKS

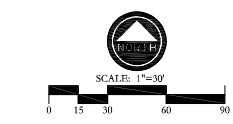
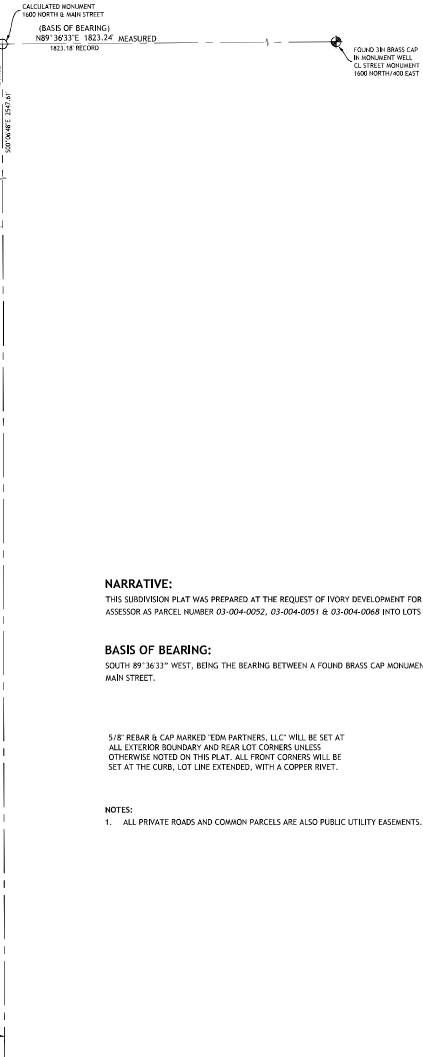
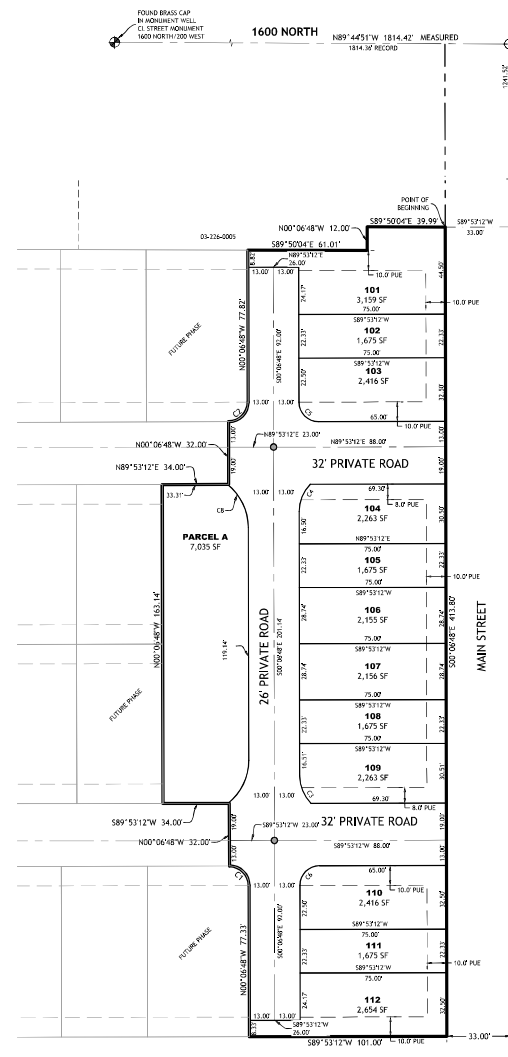
DATE: November 22, 2019

SHEET NUMBER: **O-1**

© L. Lynn, Inc. (Designer) EDM Partners (Normal) Cedar Development, LLC (Title) Bountiful Chase

BOUNTIFUL CHASE PUD PHASE 1

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH



LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY THE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING CONCRETE & ASPHALT
- EXISTING BUILDING
- FENCE LINE
- SECTION CORNER (FOUND)
- SECTION CORNER (NOT FOUND)
- ROAD MONUMENT
- PROPERTY MARKER (SET OR FOUND AS NOTED)
- ROAD MONUMENT SET

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	15.71	10.00	N45°06'48"W	14.14
C2	15.71	10.00	N44°53'12"E	14.14
C3	15.51	20.00	S22°19'37"E	15.12
C4	15.51	20.00	S22°00'01"W	15.12
C5	15.71	10.00	S45°06'48"E	14.14
C6	15.71	10.00	S44°53'12"W	14.14
C8	25.32	28.00	N26°01'03"W	24.46

NARRATIVE:
THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE DAVIS COUNTY ASSESSOR AS PARCEL NUMBER 03-004-0052, 03-004-0051 & 03-004-0068 INTO LOTS AND STREETS AS SHOWN HEREON.

BASIS OF BEARING:
SOUTH 89°36'33" WEST, BEING THE BEARING BETWEEN A FOUND BRASS CAP MONUMENTING AT 1600 NORTH & 400 EAST AND A CALCULATED MONUMENT AT 1600 NORTH & MAIN STREET.

5/8" REBAR & CAP MARKED "EDM PARTNERS, LLC" WILL BE SET AT ALL EXTERIOR BOUNDARY AND REAR LOT CORNERS UNLESS OTHERWISE NOTED ON THIS PLAT. ALL FRONT CORNERS WILL BE SET AT THE CURB, LOT LINE EXTENDED, WITH A COPPER RIVET.

- NOTES:**
- ALL PRIVATE ROADS AND COMMON PARCELS ARE ALSO PUBLIC UTILITY EASEMENTS.

SURVEYOR'S CERTIFICATE
I, TYLER E. JENKINS DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 493870 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:
BOUNTIFUL CHASE PUD PHASE 1
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.



BOUNDARY DESCRIPTION
THAT PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BOUNTIFUL CITY, DAVIS COUNTY, UTAH AND DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MAIN STREET, SAID POINT BEING S89°36'33"W 1823.18 FEET ALONG THE 1600 NORTH STREET CENTERLINE AND S00°06'48"E 1241.52 FEET ALONG MAIN STREET CENTERLINE AND S89°53'12"W 33.00 FEET TO SAID WESTERLY RIGHT OF WAY LINE; AND RUNNING THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°06'48"E 413.80 FEET; THENCE S89°53'12"W 101.00 FEET; THENCE N00°06'48"W 77.33 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A DISTANCE OF 15.71 FEET, A CHORD DIRECTION OF N45°06'48"W AND A CHORD DISTANCE OF 14.14 FEET; N00°06'48"W 32.00 FEET; THENCE S89°53'12"W 14.00 FEET; THENCE N00°06'48"W 163.14 FEET; THENCE S89°53'12"E 24.00 FEET; THENCE N00°06'48"W 32.00 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A DISTANCE OF 15.71 FEET, A CHORD DIRECTION OF N44°53'12"E AND A CHORD DISTANCE OF 14.14 FEET; THENCE N00°06'48"W 77.33 FEET TO THE SOUTHERLY BOUNDARY LINE OF BOUNTIFUL SHADOWS NO. 2 SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE S89°50'04"E 61.01 FEET; THENCE N00°06'48"W 32.00 FEET; THENCE S89°50'04"E 39.99 FEET TO SAID WESTERLY RIGHT OF WAY LINE AND THE POINT OF BEGINNING.
CONTAINS 1.12 ACRES OR 48,948.06 SQFT IN AREA

OWNER'S DEDICATION
I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:
BOUNTIFUL CHASE PUD PHASE 1
AND DO HEREBY DEDICATE TO THE BOUNTIFUL CHASE PUD HOA ALL PRIVATE ROADS, AND COMMON PARCELS, AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL, NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT
IVORY DEVELOPMENT, LLC

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT
ON THIS _____ DAY OF _____, 2019, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT, LLC, AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.
NOTARY PUBLIC: _____ COMMISSION NUMBER: _____ SIGNATURE: _____
A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES: _____

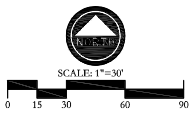
BOUNTIFUL CHASE PUD PHASE 1
PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH

SHEET 1 OF 1
DAVIS COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, DAVIS COUNTY, RECORDED AND FILED AT THE REQUEST
OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ DAVIS COUNTY RECORDER

CITY ENGINEER APPROVED BY THE BOUNTIFUL CITY ENGINEER: THIS _____ DAY OF _____, 20____	PUBLIC UTILITY APPROVAL CENTURY LINK: _____ DATE: _____ BOUNTIFUL POWER: _____ DATE: _____ DOMINION ENERGY: _____ DATE: _____ BOUNTIFUL IRRIGATION: _____ DATE: _____ SD. DAVID SEWER DIST.: _____ DATE: _____	CITY COUNCIL'S APPROVAL PRESENTED TO THE CITY COUNCIL OF BOUNTIFUL CITY, UTAH ON THIS _____ DAY OF _____, 20____ CITY RECORDER ATTEST: _____ MAYOR: _____	PLANNING COMMISSION APPROVED THIS _____ DAY OF _____, 20____ BY THE BOUNTIFUL CITY PLANNING COMMISSION. PLANNING DIRECTOR: _____ DATE: _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ BOUNTIFUL CITY ATTORNEY: _____	DEVELOPER IVORY DEVELOPMENT 978 WOODWAY LANE SALT LAKE CITY, UT 84117 801-747-7000	EDM Partners LLC 3980 S. 700 E., #22 Salt Lake City, UT 84107 (801) 305-4670 www.edmpartners.com
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BOUNTIFUL CHASE PUD PHASE 2

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH



SURVEYOR'S CERTIFICATE
I, TYLER E. JENKINS DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 493870 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:
BOUNTIFUL CHASE PUD PHASE 2
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

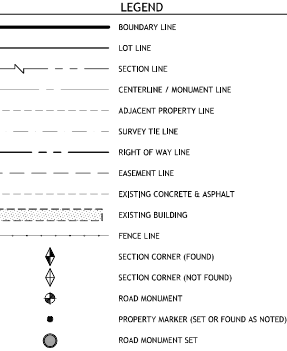


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CONTAINS 2.83 ACRES OR 123,270.79 SQFT IN AREA



VICINITY MAP
NOT TO SCALE



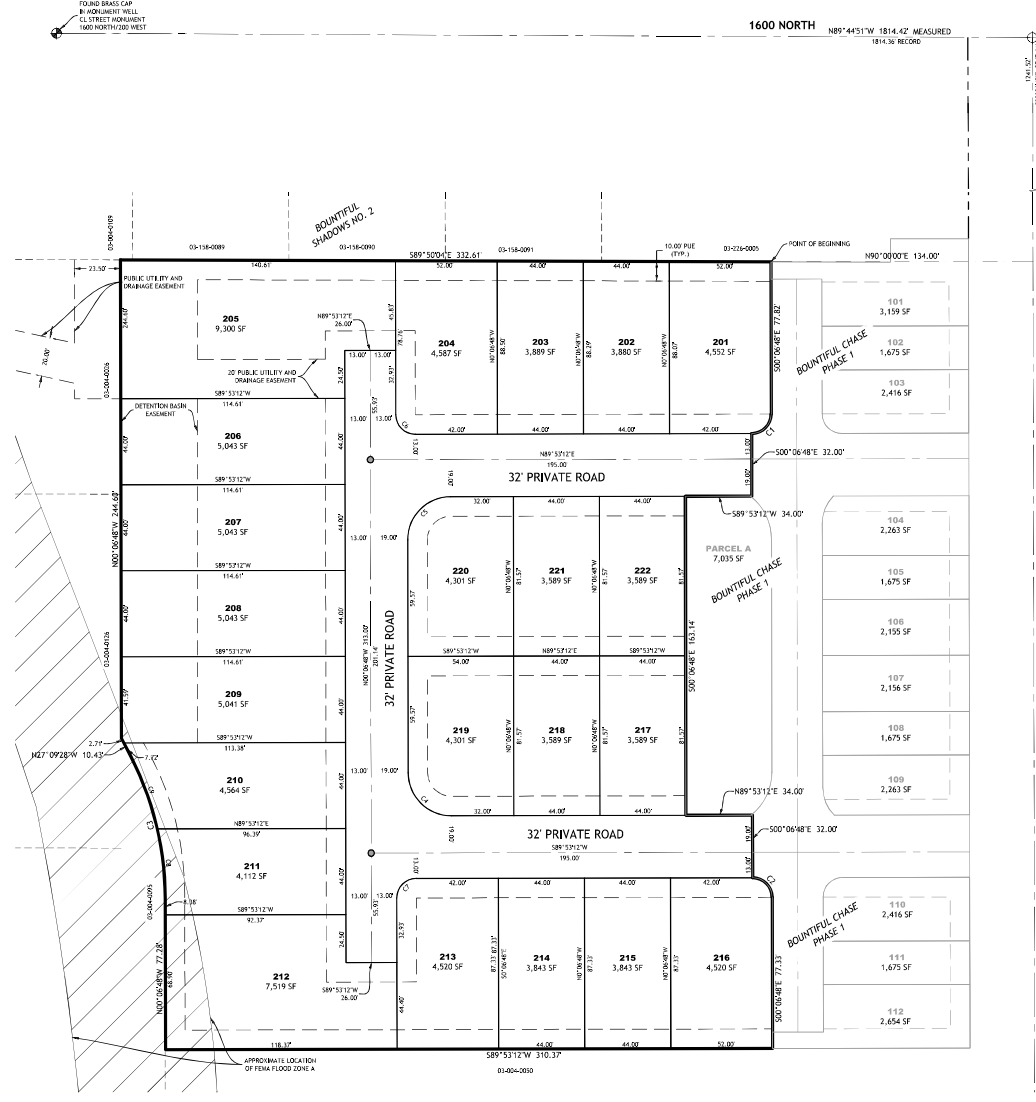
NOTES:
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C2	15.71	10.00	S45°06'48" E	14.14
C3	75.52	160.00	N13°38'09" W	74.82
C4	34.56	22.00	S45°06'48" E	31.11
C5	34.56	22.00	S44°53'12" W	31.11
C6	15.71	10.00	S45°06'48" E	14.14
C7	15.71	10.00	S44°53'12" W	14.14
C8	35.92	160.00	S6°32'47" E	35.85
C9	39.60	160.00	S20°04'06" E	39.49



OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:
BOUNTIFUL CHASE PUD PHASE 2
AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AND RIGHTS-OF-WAY AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTANANCES THERETO SERVING THIS PROJECT.

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT
ON THE _____ DAY OF _____, 2019, CHRISTOPHER P. GAWRULIUS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT, LLC, AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NAME: CHRISTOPHER P. GAWRULIUS
TITLE: PRESIDENT OF IVORY DEVELOPMENT
IVORY DEVELOPMENT, LLC
NOTARY PUBLIC _____ COMMISSION NUMBER _____ SIGNATURE _____
A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES _____

BOUNTIFUL CHASE PUD PHASE 2
PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH

SHEET 1 OF 1

DATE	REVISIONS	BY	SIGNED	DATE

CITY ENGINEER
APPROVED BY THE BOUNTIFUL CITY ENGINEER:
THIS _____ DAY OF _____, 20____

PUBLIC UTILITY APPROVAL
CENTURY LINK _____ DATE: _____
BOUNTIFUL POWER _____ DATE: _____
DOMINION ENERGY _____ DATE: _____
BOUNTIFUL IRRIGATION _____ DATE: _____
SD. DAVIS SEWER DIST. _____ DATE: _____

CITY COUNCIL'S APPROVAL
PRESENTED TO THE CITY COUNCIL OF BOUNTIFUL CITY, UTAH ON THIS _____ DAY OF _____, 20____
CITY RECORDER ATTEST: _____ MAYOR: _____

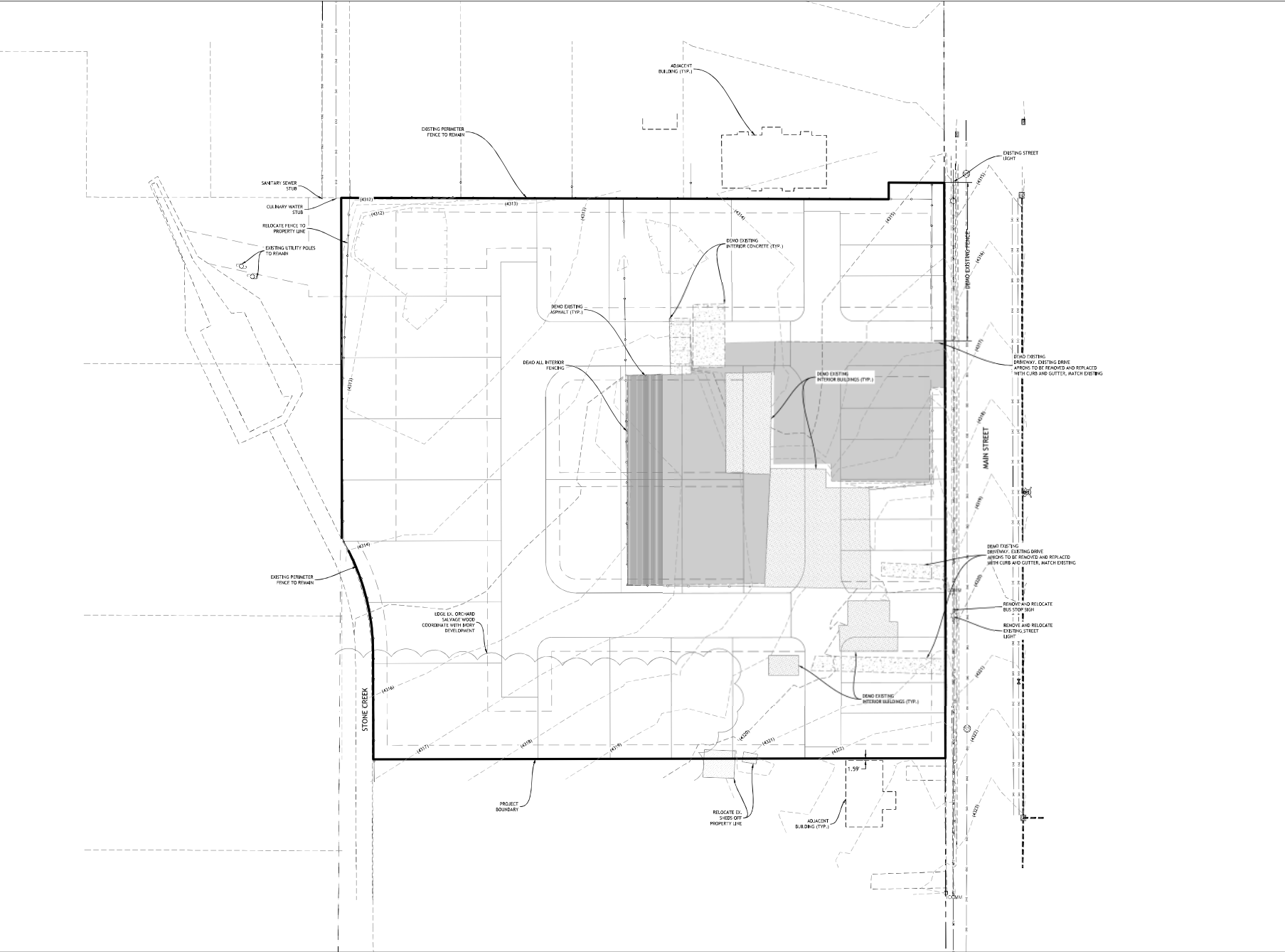
PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____, 20____
BY THE BOUNTIFUL CITY PLANNING COMMISSION.
PLANNING DIRECTOR _____ DATE _____

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 20____
BOUNTIFUL CITY ATTORNEY _____

DEVELOPER
IVORY DEVELOPMENT
978 WOODMOOR LANE
SALT LAKE CITY, UT 84117
801-747-7000

3980 S. 700 E., #22 Salt Lake City, UT 84107
(801) 305-6670 www.edmpartners.com

DAVIS COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, DAVIS COUNTY, RECORDED AND FILED AT THE REQUEST
OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE _____ DAVIS COUNTY RECORDER



EDM Partners
 3980 S. 700 E., # 22, Salt Lake City, UT 84107
 (801) 305-4670 www.edmpartners.com

NGS, P.E.
 SCALE: 1" = 30'
 0 15 30 60 90

OWNER:
 Ivory Development
 978 East Woodstock Lane
 Salt Lake City, UT 84117
 801-747-7000



- NOTES:**
- All sanitary sewer improvements shall conform with the standards and specifications of South Davis Sewer District.
 - All pressurized irrigation improvements shall conform with the standards and specifications of Bountiful Irrigation.
 - All culinary water improvements shall conform with the standards and specifications of Bountiful City.
 - All improvements in the public right of way shall conform with the standards and specifications of Bountiful City.
 - All private improvements shall conform to APWA standards and specifications.
 - Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
 - The project benchmark is a brass cap marking the East Quarter Corner of Section 22, Township 3 South, Range 1 West, 5886M. Elevation = 4390.29



Bountiful Chase

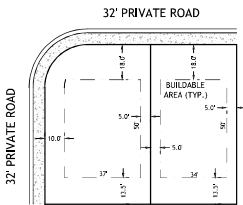
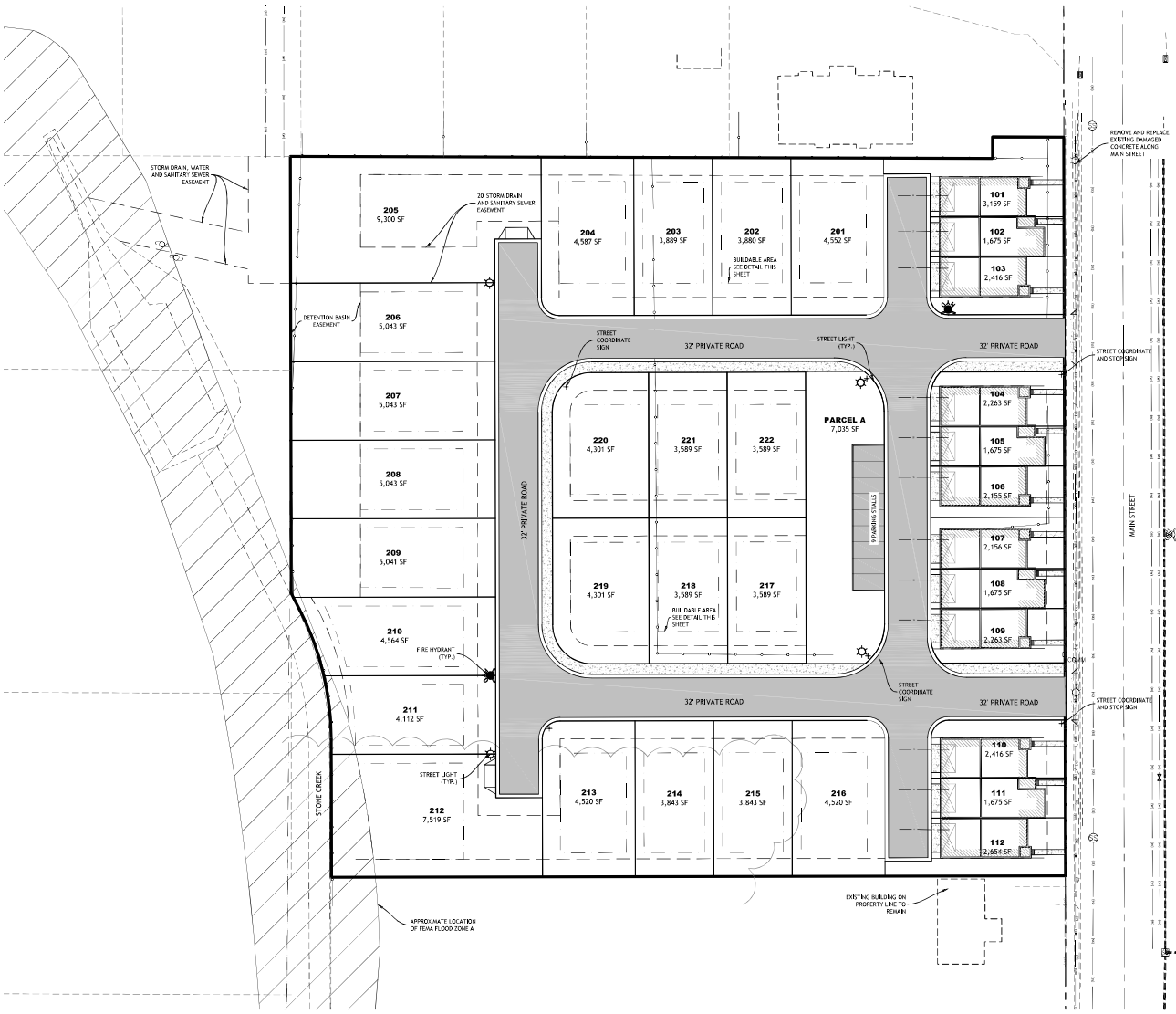
Demolition Plan

PROJECT:		
DRAWN BY:	KMW	
REVIEWED BY:	NMM	
REVISIONS:		
No.	DATE	REMARKS

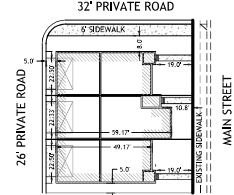
DATE: November 22, 2019

SHEET NUMBER: **O-2**

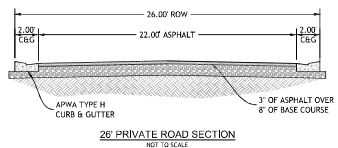
© L. Lynn (owner) Developer EDM Partners Bountiful Chase Drawing 11 - Demolition Plan.dwg



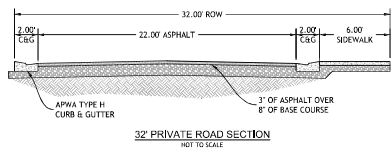
TYPICAL COTTAGE LOT SETBACKS
NOT TO SCALE



TYPICAL TOWN HOME DIMENSIONS
NOT TO SCALE



26' PRIVATE ROAD SECTION
NOT TO SCALE



32' PRIVATE ROAD SECTION
NOT TO SCALE

3980 S. 700 E., # 22, Salt Lake City, UT 84107
(801) 305-4670 www.edmpartners.com

SCALE: 1" = 30'

OWNER:
Ivory Development
978 East Woodbrook Lane
Salt Lake City, UT 84117
801-747-7000

Utah's Number One Homebuilder

NOTES:

- All sanitary sewer improvements shall conform with the standards and specifications of South Davis Sewer District.
- All pressurized irrigation improvements shall conform with the standards and specifications of Bountiful Irrigation.
- All culinary water improvements shall conform with the standards and specifications of Bountiful City.
- All improvements in the public right of way shall conform with the standards and specifications of Bountiful City.
- All private improvements shall conform to APWA standards and specifications.
- Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
- The project benchmark is a brass cap marking the East Quarter Corner of Section 22, Township 2 South, Range 1 West, 588M. Elevation = 4399.29

PROJECT STATISTICS:

TOTAL PROJECT AREA	3.94 ACRES
TOWN HOMES	12
COTTAGE LOTS	22
TOTAL LOTS	34
DENSITY	8.63 UNITS/ACRE
PARKING STALLS	131 (3.85 STALLS/UNIT)

Bountiful Chase

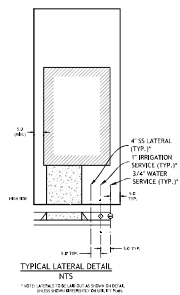
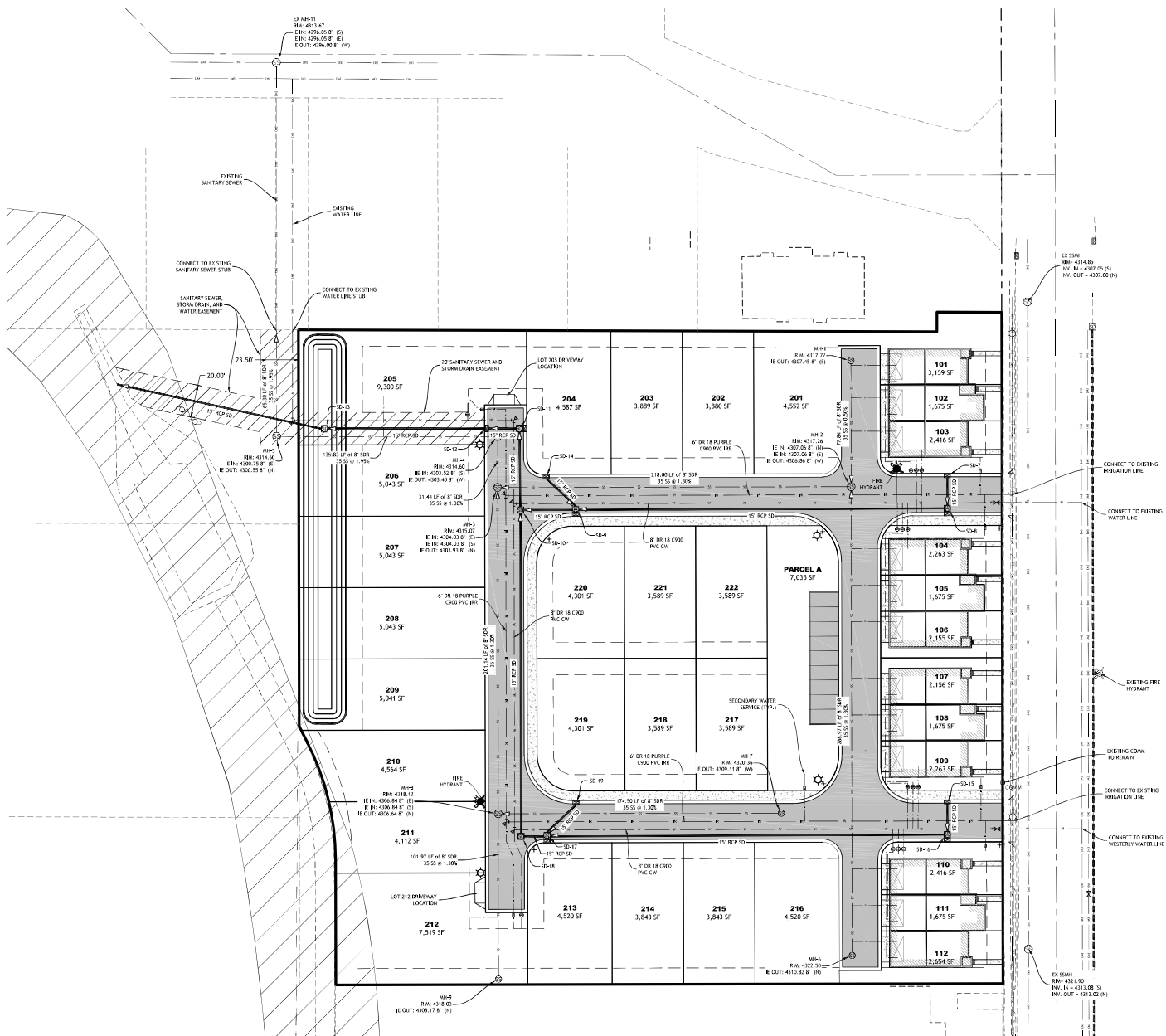
Site Plan

PROJECT: _____
DRAWN BY: _____ KMW
REVIEWED BY: _____ NMM
REVISIONS: _____
No. DATE REMARKS

DATE: November 22, 2019

SHEET NUMBER:
O-3

© 2019 Ivory Homes (Developer) EDM Partners (Design) Bountiful Chase (Owner) 11/22/19



EDM Partners
 3980 S. 700 E., # 22, Salt Lake City, UT 84107
 (801) 305-4670 www.edmpartners.com

SCALE: 1" = 30'
 0 15 30 60 90

OWNER:
 Ivory Development
 978 East Woodstock Lane
 Salt Lake City, UT 84117
 801-747-7000



- NOTES:
- All sanitary sewer improvements shall conform with the standards and specifications of South Davis Sewer District.
 - All pressurized irrigation improvements shall conform with the standards and specifications of Bountiful Irrigation.
 - All culinary water improvements shall conform with the standards and specifications of Bountiful City.
 - All improvements in the public right of way shall conform with the standards and specifications of Bountiful City.
 - All private improvements shall conform to APWA standards and specifications.
 - Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
 - The project benchmark is a brass cap marking the East Quarter Corner of Section 22, Township 3 South, Range 1 West, S.83&M. Elevation = 4399.29



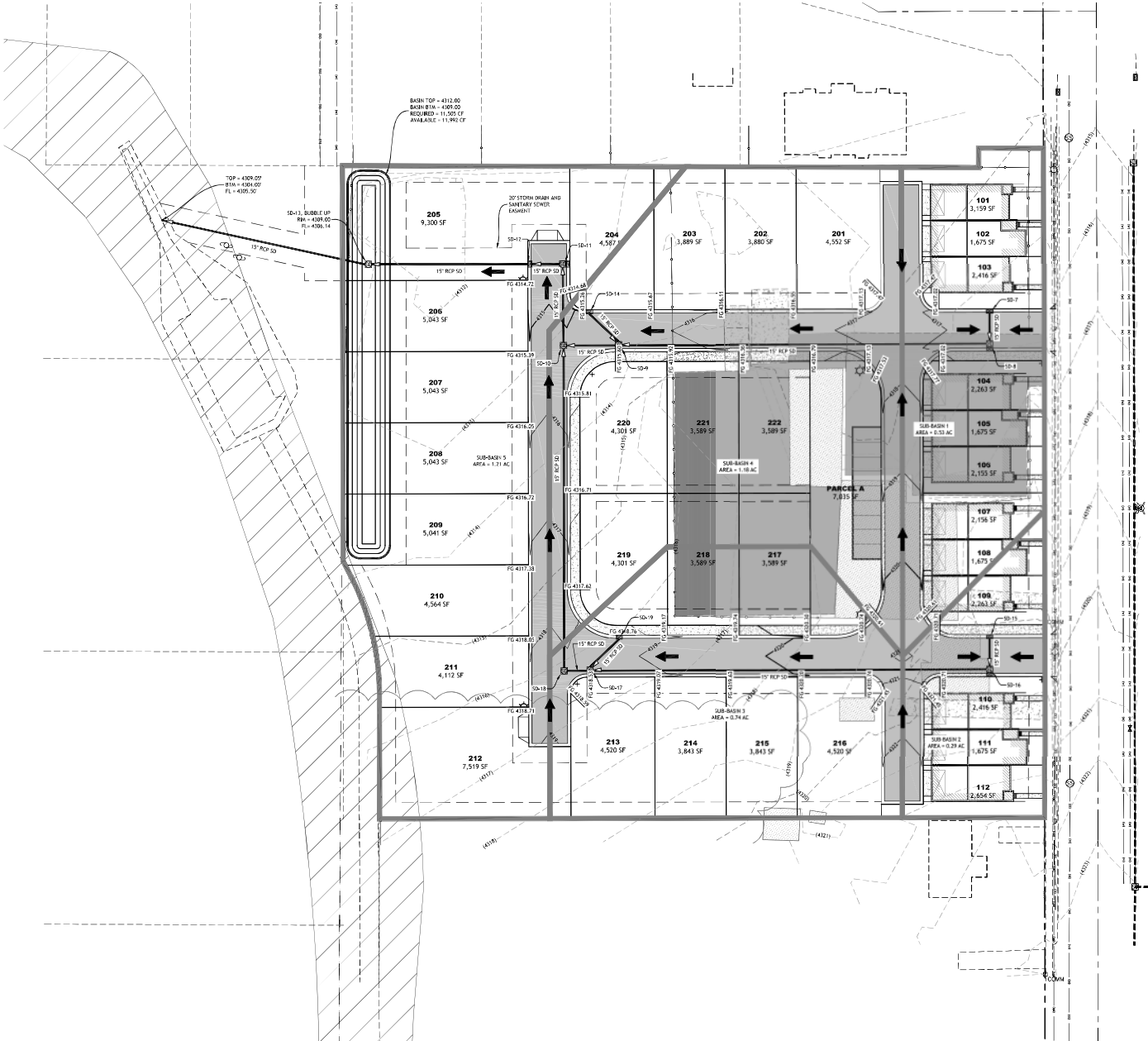
Bountiful Chase


Utility Plan

PROJECT:	
DRAWN BY:	KMW
REVIEWED BY:	NMM
REVISIONS:	
No. DATE	REMARKS


DATE: November 22, 2019
 SHEET NUMBER: O-4

© L. Lynn (owner) Designer EDM Partners Bountiful Chase (Drawing) S. Utility Planning

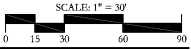





EDM Partners
3980 S. 700 E., # 22, Salt Lake City, UT 84107
(801) 305-4670 www.edmpartners.com



SCALE: 1" = 30'




OWNER:
Ivory Development
978 East Woodlark Lane
Salt Lake City, UT 84117
801-747-7000



IVORY HOMES
Utah's Number One Homebuilder

NOTES:

- All sanitary sewer improvements shall conform with the standards and specifications of South Davis Sewer District.
- All pressurized irrigation improvements shall conform with the standards and specifications of Bountiful Irrigation.
- All culinary water improvements shall conform with the standards and specifications of Bountiful City.
- All improvements in the public right of way shall conform with the standards and specifications of Bountiful City.
- All private improvements shall conform to APWA standards and specifications.
- Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
- The project benchmark is a brass cap marking the East Quarter Corner of Section 22, Township 3 South, Range 1 West, 58&M. Elevation = 4399.29



Bountiful Chase

Grading and Drainage Plan

PROJECT: _____
DRAWN BY: _____ KMW
REVIEWED BY: _____ NMM
REVISIONS: _____
No. DATE REMARKS

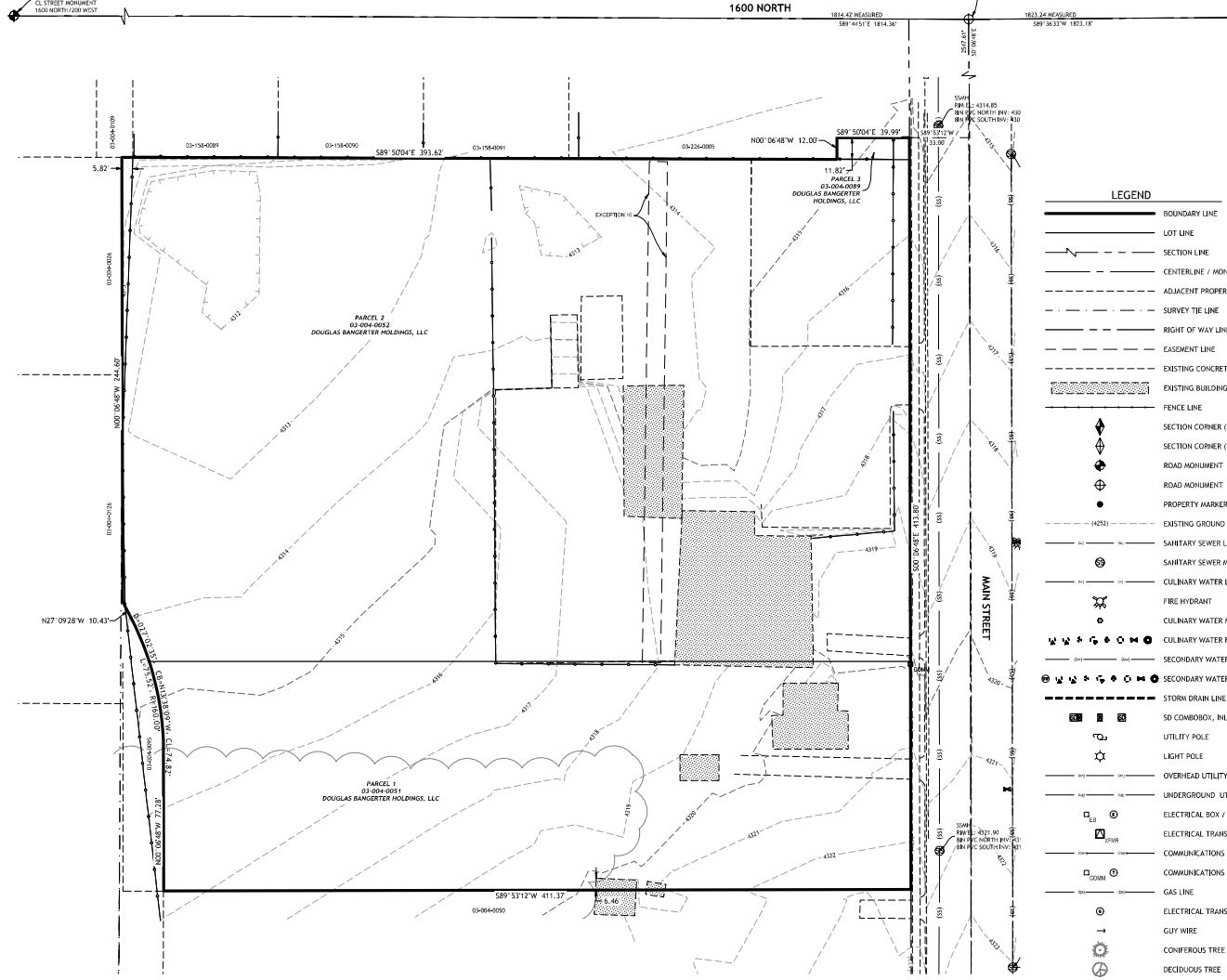
DATE: November 22, 2019
SHEET NUMBER: **O-5**

© L. Lynn (owner) Developer (EDM) Project: Bountiful Chase (Drawing) - Grading and Drainage Planning

ALTA/ASCM LAND TITLE SURVEY
PARCEL NUMBERS 03-004-0052, 03-004-0051 & 03-004-0068
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF
SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
BOUNTIFUL CITY, DAVIS COUNTY, UTAH
SEPTEMBER 2019

TO: IVORY DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY, COTTONWOOD TITLE AND FIRST AMERICAN TITLE INSURANCE COMPANY.
GENERAL NOTES:
1. THIS SURVEY IS BASED UPON A TITLE REPORT, COMMITMENT FOR TITLE INSURANCE REBID BY COTTONWOOD TITLE, JULY 30, 2019 - COTTONWOOD TITLE FILE: 191849-RFP.
2. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE 8 OF REFERENCED TITLE REPORT 1 - EXCEPTION 1 THROUGH 16 AND 18 ARE NOT ADDRESSED BY THIS SURVEY.
GENERAL NOTES CONTINUED:
3. DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS FOLLOWS:
81) COTTONWOOD TITLE, JULY 30, 2019 - COTTONWOOD TITLE FILE: 191849-RFP.
82) BOUNTIFUL SHADOWS NO. 2 SUBDIVISION MAP, ENTRY #27581 DAVIS COUNTY RECORD.
83) BOUNTIFUL CITY STREET INTERSECTION ADJUSTMENT SYSTEM-NORTHWEST AREA DAVIS COUNTY SURVEY MAP #596.
84) FINAL MAP PANEL - KRISTOFONE - EFFECTIVE ON 06/01/2007.
4. UTILITIES AS SHOWN HEREON WERE LOCATED BASED UPON VISIBLE IMPROVEMENTS AT THE TIME OF THE SURVEY.
NOT ALL UTILITIES MAY BE SHOWN HEREON.
5. SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" OF SAID PANEL.

EDM Partners logo and contact information: 3980 S 700 E, Suite 22 Salt Lake City, UT 84107. Includes a scale bar (1" = 30') and a table for 'BOUNDARY AND TOPO' with columns for 'PROFESSOR', 'DRAWN BY', 'REVIEWED BY', 'REVISIONS', 'No. DATE', 'REMARKS', 'DATE', 'SHEET NUMBER', and '1 OF 1'.



LEGEND table listing symbols for Boundary Line, Lot Line, Section Line, Centerline / Monument Line, Adjacent Property Line, Survey Tie Line, Right of Way Line, Easement Line, Existing Concrete & Asphalt, Existing Building, Fence Line, Section Corner (Found), Road Monument, Property Marker, Existing Ground Contour, Sanitary Sewer Line, Culinary Water Line, Fire Hydrant, Culinary Water Meter, Storm Drain Line, SD Combo, Inlet & Cleanout, Utility Pole, Light Pole, Overhead Utility, Underground Utility, Electrical Box / Manhole, Communications Line, Gas Line, Electrical Transformer, Guy Wire, Coniferous Tree, Deciduous Tree, Sign, and Irrigation Control Valve.

OVERALL AS-SURVEYED LEGAL DESCRIPTION
THAT PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BOUNTIFUL CITY, DAVIS COUNTY, UTAH AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MAIN STREET, SAID POINT BEING 589' 30.33"W 1823.18 FEET ALONG THE 1200 NORTH STREET CENTERLINE AND 500' 06.48"E 2.47' 61 FEET ALONG MAIN STREET CENTERLINE AND 589' 53.12"W 33.00 FEET TO SAID WESTERLY RIGHT OF WAY LINE, AND RUNNING THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE 500' 06.48"E 413.80 FEET, THENCE 589' 53.12"W 411.37 FEET, THENCE N00' 06.48"W 77.28 FEET, THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 100' 00.00 FEET, A DISTANCE OF 75.52 FEET, A CHORD BEARING OF N13' 28.00"W AND A CHORD DISTANCE OF 74.82 FEET; N07' 09.28"W 10.43 FEET, THENCE N00' 06.48"W 244.60 FEET TO THE SOUTHERLY BOUNDARY LINE OF BOUNTIFUL SHADOWS NO. 2 SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE 589' 50.04"E 244.60 FEET, THENCE 589' 50.04"E 147.54 FEET; THENCE N00' 06.48"W 12.00 FEET, THENCE 589' 50.04"E 39.99 FEET TO SAID WESTERLY RIGHT OF WAY LINE AND THE POINT OF BEGINNING.
CONTAINS 3.95 ACRES IN AREA.

NARRATIVE
EDM PARTNERS, LLC WAS RETAINED BY IVORY DEVELOPMENT TO SURVEY THE SUBJECT PROPERTY. I CALCULATED THE BOUNDARY ON THE NORTH BY BOUNTIFUL SHADOWS NO. 2 SUBDIVISION, ON THE EAST BY BOUNTIFUL MAIN STREET RIGHT OF WAY, THE RECORD DESCRIPTIONS OF THE TWO SUBJECT PARCELS DO NOT MATCH THE ADJOINING PARCELS AND THE OCCUPATION ON THE GROUND. I PLACED THE BOUNDARY ACCORDING TO THE DEED DESCRIPTIONS ON THE SOUTH AND WEST SIDES OF THE PROPERTY.

BASES OF BEARING
SOUTH BY 36.33' WEST; BEING THE BEARING BETWEEN A FOUND BRASS CAP MONUMENTING AT 1600 NORTH & 400 EAST AND A CALCULATED MONUMENT AT 1600 NORTH & MAIN STREET.

RECORD LEGAL DESCRIPTIONS
PARCEL 1:
COMMENCING AT A POINT 6.888 CHAINS SOUTH FROM THE NORTHWEST CORNER OF LOT 9, OF JOHN ALLEN SURVEY OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN WHICH POINT IS 6.35 CHAINS EAST AND NORTH 00' 20.00" EAST 10.262 CHAINS FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 18, AND RUNNING THENCE NORTH 00' 20.00" EAST ALONG THE WEST LINE OF SAID LOT 9, 1.902 CHAINS; THENCE EAST 6.57 CHAINS TO THE WEST LINE OF HIGHWAY NO. 12, DAVIS COUNTY; THENCE SOUTH ALONG SAID WEST LINE OF HIGHWAY 1.902 CHAINS; THENCE WEST 6.57 CHAINS TO THE WEST LINE OF SAID LOT 9, OR TO THE POINT OF COMMENCEMENT.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING ON THE SOUTHERLY PROPERTY LINE OF THE GRANTOR'S LAND AT A POINT SOUTH 89' 47.88" WEST 1752.87 FEET ALONG THE SECTION LINE; THENCE SOUTH 00' 06.42" EAST 318.63 FEET TO THE MONUMENT MARKING THE INTERSECTION OF 1600 NORTH STREET AND MAIN STREET; THENCE SOUTH 00' 06.42" EAST 1855.34 FEET ALONG THE CENTERLINE OF SAID MAIN STREET AND SOUTH 89' 53.18" WEST 444.37 FEET ALONG SAID SOUTHERLY PROPERTY LINE FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89' 53.18" WEST 22.23 FEET ALONG SAID SOUTHERLY BOUNDARY LINE; THENCE NORTH 00' 06.42" WEST 140.58 FEET ALONG THE WESTERLY LINE OF SAID GRANTOR'S LAND; THENCE SOUTH 26' 58.15" EAST 11.60 FEET TO THE POINT OF TANGENCY WITH A 160.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 75.52 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27' 02.40"; THENCE SOUTH 00' 04.25" WEST 77.41 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
COMMENCING AT A POINT 3.044 CHAINS SOUTH OF THE NORTHWEST CORNER OF LOT 9, JOHN ALLEN SURVEY OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WHICH POINT IS 6.35 CHAINS EAST AND NORTH 00' 20.00" EAST 13.206 CHAINS FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, AND RUNNING THENCE NORTH 00' 20.00" EAST 3.044 CHAINS; THENCE EAST 6.57 CHAINS TO THE WEST LINE OF HIGHWAY NO. 12; THENCE SOUTH ALONG SAID HIGHWAY 4.186 CHAINS; THENCE WEST 6.57 CHAINS TO THE WEST BOUNDARY LINE OF SAID LOT 9; THENCE ALONG SAID WEST LINE OF LOT 9, NORTH 00' 20.00" EAST 1.142 CHAINS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING ON THE SOUTHERLY PROPERTY LINE OF THE GRANTOR'S LAND AT A POINT SOUTH 89' 47.88" WEST 1752.87 FEET ALONG THE SECTION LINE; THENCE SOUTH 00' 06.42" EAST 318.63 FEET TO THE MONUMENT MARKING THE INTERSECTION OF 1600 NORTH STREET AND MAIN STREET; THENCE SOUTH 00' 06.42" EAST 1855.34 FEET ALONG THE CENTERLINE OF SAID MAIN STREET AND SOUTH 89' 53.18" WEST 444.37 FEET ALONG SAID SOUTHERLY PROPERTY LINE FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89' 53.18" WEST 22.23 FEET ALONG SAID SOUTHERLY BOUNDARY LINE; THENCE NORTH 00' 06.42" WEST 160.56 FEET ALONG THE WESTERLY LINE OF SAID GRANTOR'S LAND; THENCE SOUTH 26' 58.15" EAST 11.60 FEET TO THE POINT OF TANGENCY WITH A 160.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 75.52 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27' 02.40"; THENCE SOUTH 00' 04.25" WEST 77.41 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
BEGINNING 16.35 CHAINS NORTH AND 13.09 CHAINS EAST FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 12 FEET; THENCE WEST 40 FEET; THENCE SOUTH 12 FEET; THENCE EAST 40 FEET TO THE POINT OF BEGINNING.
EXCEPTION 10: EASEMENT IN FAVOR OF BOUNTIFUL, A MUNICIPAL CORPORATION TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRIC AND COMMUNICATION LINES AND INCIDENTAL PURPOSES BY INSTRUMENT DATED FEBRUARY 16, 1989 AND RECORDED APRIL 21, 1989, AS ENTRY NO.85304, BK BOOK 1288, AT PAGE 335.

Exterior Color Scheme

Greige, Revision 5 - Oct. 2019



 White Duck SW7010 Board & Batten	 Acessible Beige SW7036 Lapsiding	 Mega Greige SW7031 Stucco
 Snowbound SW7004 Trim - Board & Batten	 Snowbound SW7004 Trim - Lapsiding	 Snowbound SW7004 Trim - Stucco
 Terra Bronze Soffit/Fascia/Drip Edge	 Runskin Room Green SW0042 Shutters	 Runskin Room Green SW0042 Front Door

Materials / Options *

Corbels	Snowbound, SW 7004
Drip Edge	Terra Bronze JS by Mastic
Exterior Stairs & Stair Rails	Powder Coat Black
Faux Gable Vent Siding	To Match Exterior
Front Door	Runskin Room Green, SW0042
Front Door Style	Masonite Fiberglass; 2 Panel Square (If with Lite Clear)
Gable Ornaments	Only on Board & Batten Match Siding Color : White Duck, SW7010
Garage Door	White
Garage Door Style	Solid Core 20-min (2 panel Square)
Man Door	N/A
Post	Snowbound, SW 7004
Roof	Moire Black - Certain Teed
Shutters	Runskin Room Green, SW0042
Siding - Board & Batten	White Duck, SW7010
Siding - Lapsiding	Acessible Beige, SW7036
Siding - Stone / Brick	N/A
Siding - Stucco	Mega Greige SW7031 Finish; Smooth
Soffit/Fascia	Terra Bronze JS by Mastic
Trim - Board & Batten	Snowbound, SW 7004
Trim - Lapsiding	Snowbound, SW 7004
Trim - Stone/Brick Ledger	N/A
Trim - Stucco	Snowbound, SW 7004



Exterior Color Scheme

White, Revision 5 - Oct. 2019



Snowbound SW7004 Board & Batten	Snowbound SW7004 Lapsiding	Repose Gray SW7015 Stucco
Snowbound SW7004 Trim - Board & Batten	Snowbound SW7004 Trim - Lapsiding	Snowbound SW7004 Trim - Stucco
Dark Bronze Soffit/Fascia/Drip Edge	Peppercorn SW7674 Shutters	Grey Harber SW6236 Front Door

Materials / Options *

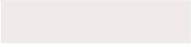



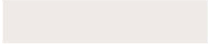
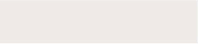



Corbels	Snowbound, SW 7004
Drip Edge	Dark Bronze JS by Mastic
Exterior Stairs & Stair Rails	Powder Coat Black
Faux Gable Vent Siding	To Match Exterior
Front Door	Grey Harber, SW6236
Front Door Style	Masonite Fiberglass; 2 Panel Square (If with Lite Clear)
Gable Ornaments	Only on Board & Batten Siding Color: Snowbound, SW7004
Garage Door	White
Garage Door Style	Solid Core 20-min (2 panel Square)
Man Door	N/A
Posts	Snowbound, SW 7004
Roof	Moire Black - Certain Teed
Shutters	Peppercorn, SW7674
Siding - Board & Batten	Snowbound, SW 7004
Siding - Lapsiding	Snowbound, SW 7004
Siding - Stone / Brick	N/A
Siding - Stucco	Repose Gray SW7015; Finish Smooth
Soffit/Fascia	Dark Bronze JS by Mastic
Trim - Board & Batten	Snowbound, SW 7004
Trim - Lapsiding	Snowbound, SW 7004
Trim - Stone/Brick Ledger	N/A
Trim - Stucco	Snowbound, SW 7004



Exterior Color Scheme

Blue , Revision 5 - Oct. 2019



 Snowbound SW7004 Board & Batten	 Grey Harbor SW6236 Lapsiding	 Whirlpool SW9135 Stucco
 Snowbound SW7004 Trim - Board & Batten	 Snowbound SW7004 Trim - Lapsiding	 Snowbound SW7004 Trim - Stucco
 30 Degree White Soffit/Fascia/Drip Edge	 Snowbound SW7004 Shutters	 Snowbound SW7004 Front Door

Materials / Options *

Corbels	Snowbound, SW 7004
Drip Edge	30 Degree White JB by Mastic
Exterior Stairs & Stair Rails	Powder Coat Black
Faux Gable Vent Siding	To Match Exterior
Front Door	Snowbound, SW 7004
Front Door Style	Masonite Fiberglass; 2 Panel Square (If with Lite Clear)
Gable Ornaments	Only on Board & Batten Siding Color: Snowbound, SW7004
Garage Door	White
Garage Door Style	Solid Core 20-min (2 panel Square)
Man Door	N/A
Posts	Snowbound, SW 7004
Roof	Moire Black - Certain Teed
Shutters	Snowbound, SW 7004
Siding - Board & Batten	Snowbound, SW 7004
Siding - Lapsiding	Grey Harbor, SW 6236
Siding - Stone / Brick	N/A
Siding - Stucco	Whirlpool, SW 9135; Finish - Smooth
Soffit/Fascia	30 Degree White JB by Mastic
Trim - Board & Batten	Snowbound, SW 7004
Trim - Lapsiding	Snowbound, SW 7004
Trim - Stone/Brick Ledger	N/A
Trim - Stucco	Snowbound, SW 7004



Commission Staff Report

Subject: Preliminary Approval for the Bountiful Chase P.U.D.
Author: City Engineer
Address: 1265 N, 1295 N Main Street
Date: January 21, 2020



Background

Ivory Development is requesting preliminary approval of a 34 unit Planned Unit Development (PUD) located on the Bangertter RV site at 1295 N Main Street. The development will also include the property which is associated with the single family home at 1265 N Main Street. This project site was rezoned from C-G (General Commercial) to RM-13 in September 2019. The surrounding properties consist of offices and single family residences to the north; single family residences and an orchard to the east and south; a sedimentation removal structure on Stone Creek and an electrical substation on the west side of the development. The Village on Main (mixed use) site is located approximately 1,000 ft north of the site.

Analysis

General:

Ivory Homes is proposing to build 12 townhomes in the first phase, followed by a second phase which will include 22 single family units. The overall development proposal is the same as the concept which was presented to the Planning Commission and the City Council at the time the property was re-zoned. The townhomes which are proposed in the first phase of the project will be divided into 4 separate structures of 3 units each. The second phase will include the 22 single family residences on the western portion of the property. The interior streets will be dedicated as private streets owned and maintained by the PUD's Homeowners Association. The streets will be constructed in two configurations, each of which having a 22 foot wide pavement, and a 2 foot wide curb and gutter section on each side. The wider street configuration is proposed to have a 6 foot wide sidewalk constructed on one side of the street for pedestrian access. This wider street section is proposed as the width for the primary access route from Main Street which forms the "loop" through the development. Main Street is a UDOT facility, and the improvements that are proposed within the Main Street Right of Way (including the access points to the development) will require UDOT approval and must meet UDOT standards for construction.

The site generally slopes from SE to NW, with approximately 10 ft of fall across the site. Minimal amounts of grading will be required for construction of roadways and building pads.

Utilities:

All necessary utilities are available to serve the site. Sewer will connect to the development from an existing sewer main near the Northwest corner of the PUD. This stub line was installed as part of the construction of the Bountiful Shadows Subdivision. The sewer will be installed so that it can potentially serve future development of the properties to the south. The proposed storm drain system will include a detention basin on the west side of the single family units. The system will discharge to Stone Creek through a piped connection on the north side of the sedimentation basin. Ivory will be required to obtain the necessary permits from Davis County Public Works to connect to the channel. Overflow from the detention basin will be directed to the creek channel. Culinary Water is also available from the Bountiful Shadows subdivision via a stub line which was installed at the same time as the sewer. In order to create a looped system, a connection to the existing culinary main on the east side of Main Street will be required. The current plans indicate 2 planned crossings of Main Street for connection to the culinary water line, but only one connection is necessary to create the looped water system. Each utility crossing on Main Street crossing will require UDOT approval and permits. The townhomes will be served by culinary and sewer services from the west side (rear) of the buildings to minimize utility cuts on Main Street. As with the sewer, the culinary water system should be installed with a stub which could serve the future development of the properties to the south of this development. Overhead power currently serves the site, and the existing homes to the south.

Traffic:

During the period of 2016-2019, traffic counts have shown a range of traffic volume between 12,000-13,000 cars per day. The expected increase in traffic from the site (340± vpd) represents approximately 2.6% of the current volume on Main St., and should not significantly decrease the current Level of Service on Main St.

Miscellaneous:

The existing site survey has identified a minor issue with the fencing along the west portion of the property. The existing fence alignment has accommodated access by Davis County Public Works for access to the sedimentation basin and for Bountiful Light and Power's access to the substation for more than twenty years, so it is well established as a prescriptive easement. This item could be addressed by Ivory in the following ways:

1. Grant fee ownership or an easement for access to Davis County and Bountiful City.
2. Adjust the west property line to follow the existing fence line.
3. Fence to the west property line as shown.

One of these options should be a condition of approval.

Department Review

This memo has been reviewed by the City Engineer and the Planning Director.

Significant Impacts

The existing infrastructure has adequate capacity to serve this development

Recommendation

- It is recommended that the Planning Commission forward a positive recommendation to the City Council for the preliminary approval of the Bountiful Chase PUD with the following recommendations:
 1. Complete the redline corrections for minor issues on the plat.
 2. Complete the redline corrections for the required utility adjustments.
 3. Obtain UDOT approval and permits for access and construction.
 4. Obtain Davis County approval and permits for connection of the storm drain system to the Stone Creek channel.
 5. Resolve the access/fencing/property boundary issue to provide access to the existing creek channel and power substation.

Attachments

Preliminary Plat and Plans (as found on this packet as Attachment 2 of the Site Plan Review)

Planning Commission Staff



Subject: Proposed Amendments to the Land Use Ordinance (Code)
Applicant: Bountiful City
Author: Francisco Astorga, AICP, Planning Director
Clint Drake, City Attorney
Date: January 28, 2019

Description of Request

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

Background and Analysis

On a regular basis, usually annually, the Planning Department will bring up various amendments that need to be made to the Land Use Code in order to provide order, accuracy, and clarifications that need to be made. The current Code is 266 pages and consists of the work, research, analysis, etc. of current and former City Planners, Planning Commissions, and City Councils. Given the ever changing nature of land use development it is necessary to periodically revise and amend the Code. The proposed amendments include the following:

- Adding a definition of “plaza”
- Restricting eminent domain for trails (already prohibited in the Utah State Code but restricting the City’s ability of the law were changed), as directed by City Council
- Amending the current definition of a “Planned Unit Development”
- Removing the Planned Development Overlay (PDO) Zone chapter
- Amending the term “Land Use Ordinance” to “Land Use Code”
- Amending sections of the parking Code for clarity
- Clarifying the role the administrative review process of Conditional Use review

Department Review

The proposed Land Use Code text amendments have been reviewed by the Planning Director and the City Attorney.

Significant Impacts

Staff does not identify any impacts with the proposed Land Use Code text amendments.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendments, hold a public hearing, and consider forwarding a positive recommendation for the City Council, based on the findings drafted on the attached proposed Ordinance.

Attachments

1. Proposed Ordinance and text Amendment



BOUNTIFUL
Bountiful City
Draft Ordinance No. 2020-XX

MAYOR
Randy C. Lewis

CITY COUNCIL
Millie Segura Bahr
Kendalyn Harris
Richard Higginson
Beth Holbrook
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

**An ordinance amending various omnibus Sections
of the Bountiful City Land Use Ordinance (Code).**

It is the finding of the Bountiful City Council that:

1. The Bountiful City Council is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The Planning Department recommends that various changes takes place to provide order, accuracy, and clarifications for consideration; and
3. Amending sections throughout the Code allows for clarity and intent; and
4. After a public hearing on January 21, 2019 the Bountiful City Planning Commission recommended in _____ of approving this amendment to the Land Use Ordinance (Code);
5. The Bountiful City Council held a public hearing on this Ordinance on January 28, 2020.

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

SECTION 1. Sections shown in Exhibit A, of the Bountiful City Land Use Ordinance (Code), Title 14 of the Bountiful City Code) are hereby amended as shown in Exhibit A.

SECTION 2. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this 28thth day of January 2020.

Randy C. Lewis, Mayor

ATTEST:

Shawna Andrus, City Recorder

Bountiful City Land Use Code
Table of Contents
 Compiled ~~November 06, 2012~~ January 2020

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CH 5	(RM) Residential Multiple Family Zone
CH 6	(C) Commercial Zone
CH 7	(DN) Downtown Zone
CH 8	(PO) Professional Office Zone
CH 9	(H) Hospital Zone
CH 10	(MXD) Mixed Use Zone
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CH 12	(MWP) Mountain Development Watershed Protection Zone
CH 13	(PDO) Planned Development Overlay Zone <u>[Reserved]</u>
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CHAPTER 1

GENERAL PROVISIONS

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14-1-103	APPLICATIONS
14-1-104	LICENSES TO CONFORM
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10-1-106	CERTIFICATE OF OCCUPANCY AND USE COMPLIANCE
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14-1-101 TITLE

~~This Ordinance shall be known and may be cited as the Land Use Ordinance or Zoning Ordinance of the City of Bountiful. These zoning, land use, development, subdivision, and sign ordinances, etc., shall be known and may be cited as "Land Use Code" or "Zoning Code" of the City of Bountiful.~~

14-1-102 DECLARATION OF PURPOSE

This Title and the regulations and restrictions contained herein are adopted and enacted for the following purpose:

1. To promote the health, safety, convenience and general welfare of the present and future inhabitants of the community.
2. To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the General Plan.
3. To provide adequate open space for light and air; to prevent overcrowding of the land.
4. To secure economy in municipal expenditures and to encourage adequate provisions for transportation, water sewage, schools, parks and other public facilities.
5. To increase the security of home life and to preserve and create a more favorable environment for the citizens and visitors of the community.
6. To ensure safety from fire and other dangers.
7. To place compatible uses together in the community.
8. To enhance the economic, historical, and cultural well being of the inhabitants

of the community.

9. To promote the development of a more wholesome, serviceable and attractive community resulting from an orderly, planned use of resources.
10. To establish proper zoning regulations, to ensure the suitability of the land for particular uses, and to encourage the most appropriate use of land throughout the community, as determined by the City Council.
11. To further the purpose of this Title and to promote the objectives and qualities of the respective zones.

14-1-103 APPLICATIONS

- A. An application is complete when the appropriate City-provided form has been completely filled out, signed by the appropriate applicant, fees have been paid, and all supplemental information required in this Title (such as maps, reports, etc.) are submitted to the Planning Director, and the Planning Director has determined that the application is complete.
- B. If it is determined that the application is not complete, the applicant shall be notified in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- C. If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, or within the timeline specifically set forth in other chapters of this Title, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- D. The Planning Director, or any body acting pursuant to this title, may upon written request and for good cause shown, and without any notice or hearing, grant in writing extensions of any time limit imposed on an applicant or permittee by this title, unless specifically stated otherwise in this Title.

14-1-104 LICENSES TO CONFORM

All departments, officials and employees of the City of Bountiful which are vested with duty or authority to issue permits and licenses shall conform to the provisions of this OrdinanceCode and shall issue no permit or license for a use or building where the same would be in conflict with the provisions of this OrdinanceCode. Any permit or license issued in violation of this OrdinanceCode is voidable at the option of the City.

14-1-105 BUILDING PERMITS REQUIRED

- A. No building or structure shall be constructed, reconstructed, altered or moved, nor shall the use of the land be changed, except after the issuance of a permit for the same by the Engineering and Building Department and approved by the Planning Department, unless excluded by the currently adopted version of the International Building Code and as provided in this Title. Furthermore, no building lot or parcel of ground shall be filled, excavated, or otherwise structurally altered without an excavation permit from the Engineering and Building Department. Activities that do not require a building permit are

not exempt from the provisions of this Title.

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- B. Permits shall not be granted for the construction or alteration of any building or structure, or for moving of a building onto a lot, or for the change of the use in any land, building, or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of this OrdinanceCode. No sewer service line, water service line or electrical utilities shall be installed to serve such premises if such use will be in violation of this OrdinanceCode.
- C. All applications for building permits shall be accompanied by a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and setbacks of existing buildings, proposed buildings and existing buildings on adjacent property or such other information as may be deemed necessary by the Building Official, City Engineer, or the Planning Director for the enforcement of this OrdinanceCode.

14-1-106 CERTIFICATE OF OCCUPANCY AND USE COMPLIANCE

- A. Certificate Required. It is unlawful to use or occupy, or to permit the use or occupancy of any building or premises prior to issuance of a Certificate of Occupancy for the premises and/or building by the City. It is unlawful to occupy, or to allow to be occupied, any building which has a greater intensity of use or different occupancy than specifically provided for in the Certificate of Occupancy as permitted by this Title.
- B. Issuance of Certificate. A Certificate of Occupancy or a final occupancy approval, hereinafter referred to as "Certificate" shall be issued by the Engineering and Building Department of the City at the time a building is completed and final inspection conducted. A new Certificate shall be required any time the occupancy of the building changes to a more intensive use.
- C. Penalty for Violations. Failure to obtain a Certificate of Occupancy for occupying, or allowing to be occupied, any structure regulated by the International Building Code or the International Residential Code, or for changing the intensity of use beyond that approved by the Certificate of Occupancy issued under this ordinanceCode is a Class "C" misdemeanor for each such offense.
- D. Nuisance. The occupancy of any building for which a Certificate of Occupancy has not been issued is hereby declared to be a nuisance and may be abated as such. It shall also be a nuisance for any building to be occupied with greater intensity than authorized herein, or for any other occupancy than is authorized in the certificate or required under this Title.
- E. Illegal Use. The occupancy or use of any property or structure for a purpose not permitted by this Title shall be deemed an illegal use and may be prosecuted to the extent allowed by law.
- F. Illegal Change of Use. Any person, individual, corporation, or other party that changes the use of a structure or property to a use not permitted by current City ordinances, without first obtaining required re-zoning, variance or other use approvals from the City, is guilty of a class C misdemeanor.
- G. False Representation. Any person, individual, corporation, or other party that, for purpose of selling or leasing real property, represents either orally or in writing that a

property or structure has a lawful use when in fact that use is unlawful under current City ordinances, is guilty of a Class C misdemeanor. This includes real estate agents and any other persons engaged in the marketing of a property.

- H. Zoning Disclosure Required. Any seller, lessor, or any person representing a seller or lessor of real property, shall disclose in a prominent location on any listing or other promotional material (not including signs), the zoning designation of the subject property given on the current official zoning map of the City. This disclosure shall include both the zone map classification and the zone name, i.e., R-4, Single Family Residential.

14-1-107 CONSTRUCTION AND USE TO CONFORM TO PLANS

- A. A building permit or Certificate of Occupancy issued on the basis of plans and specifications approved by the City in accordance with the terms of this Title and adopted building codes authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized in said plans and specifications may be deemed a violation of this [OrdinanceCode](#).
- B. At the time of footing and foundation inspection, the building permit applicant or his agent shall provide the City Building inspector a signed and stamped surveyor's certificate stating that the foundation location and elevation conforms to the approved plans.

14-1-108 EXEMPTION OF STATE AND FEDERAL PROPERTY

Unless otherwise provided by law, nothing contained in this Title may be construed as giving the Planning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States Government, unless specifically granted by those entities.

14-1-109 ENFORCEMENT AND ABATEMENT

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this [ordinanceCode](#), and any land, building, or premises used contrary to the provisions of this Title is hereby declared to be unlawful and a public nuisance.

The City Attorney may immediately commence action or proceedings for the abatement and removal and enjoinders thereof in the manner provided by law. The City Attorney may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Title. The remedies provided for herein shall be cumulative and not exclusive.

14-1-110 INSPECTION

The Chief Building Inspector, Planning Director, and City Engineer, or their authorized representatives, are hereby authorized to inspect or cause to be inspected, all buildings and structures in the course of construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Title. Said persons are authorized to enter upon private property at reasonable times and/or after reasonable notice has been given to the property owner or occupant.

14-1-111 PENALTIES

Any person, partnership, corporation, or other body, whether acting as principal agent, employee, or otherwise, who violates or causes the violation of any of the provisions of this Title, or fails or refuses to do some act required under this Title, shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment not to exceed the limit set forth in State law. Such person, firm, or corporation shall be deemed to be guilty of a separate offense each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

14-1-112 CONFLICTING PROVISIONS

In cases where regulations within this Ordinance conflict, the most restrictive of the conflicting regulations shall supersede the less restrictive.

14-1-113 FINAL DECISIONS AND APPEALS

- A. A “final decision” is “rendered” when a vote is taken on the merits of the proposal by the Administrative Committee, Planning Commission, or City Council, or when an administrative decision is issued in written form by the Planning Director or other City official.
- B. Any person, organization, corporation or governmental unit shall have the right to appeal as set forth in the Administration and Procedures chapter of this Title.
- C. An appeal body may affirm, reverse, or alter any determination, or may postpone a determination until further study can be conducted. This may include referring the matter back to the original decision making body for additional review.

14-1-114 SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Title are severable and, if any phrase, clause, sentence, paragraph or section of this Title shall be declared invalid by the final judgment of decree of any court of competent jurisdiction, or deleted through amendment or repeal, such invalidation, or deletion shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Title.

CHAPTER 2
ADMINISTRATION AND PROCEDURES

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CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 1 - DECISION MAKING BODIES AND OFFICIALS

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14-2-101 PURPOSE

The purpose of this Chapter is to establish the authority of decision making bodies and officials responsible for administering the provisions of the Bountiful Land Use [Ordinance Code](#).

14-2-102 CITY COUNCIL

- A. Powers Not Enumerated in this Title. The Bountiful City Council has powers and duties which are not set forth in this Title or Chapter, and those stated here are not an exclusive or an exhaustive list. For other powers and duties, see the Bountiful City Code and the Utah Code.
- B. Powers and Duties Related to this Title. In administering this Title, the City Council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other applicable provisions of the Utah Code and of this Title.
 1. Adopt, modify, or reject a General Plan or any amendment thereto;
 2. Adopt, modify, or reject amendments to the text of the Land Use [Ordinance Code](#) and to the zoning map;
 3. Hear and decide appeals from Planning Commission decisions as provided in this Title;
 4. Establish a fee schedule for applications required by provisions of this Title; and
 5. Perform any other power or duty set forth in this Land Use [Ordinance Code](#) or in State law.

C. Restriction on Eminent Domain for Trail Use. Eminent domain may not be used for trails.

14-2-103 PLANNING COMMISSION

- A. Established. A Planning Commission, consisting of seven (7) members is hereby established to exercise the powers and duties specified herein.
- B. Appointment and Terms of Office.
1. Planning Commission members shall be residents of Bountiful City and shall be appointed by the Mayor with the advice and consent of the City Council.
 2. The terms of Planning Commission members shall be staggered. Each member of the Planning Commission shall serve for a term of four (4) years and until a successor is appointed, provided that members may be appointed for terms shorter than three (3) years when necessary to provide staggered terms.
 3. Terms of Planning Commission members shall begin on July 1st of each year.
 4. Planning Commission members may be reappointed for successive terms.
 5. The Mayor, with the advice and consent of the City Council, may remove any member of the Planning Commission at any time with or without cause.
 6. A vacancy occurring on the Planning Commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.
 7. The Mayor may appoint one person from the City Council as a full member of the Planning Commission.
- C. Organization and Procedure. The Planning Commission shall be organized and exercise its powers and duties as follows:
1. Members of the Planning Commission shall select one (1) of its members as chair to oversee the proceedings and activities of the Planning Commission.
 - a. The chairperson shall serve for a term of one (1) year.
 - b. Members of the Planning Commission shall select one (1) of its members as vice-chair to act in the absence of the chair. The chair and vice-chair may be re-elected for successive terms.
 2. The Planning Commission may adopt policies and procedures, consistent with the provisions of this Title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered

necessary for the functioning of the Planning Commission. All such policies and procedures shall be submitted to the City Council for review and approval.

3. The Planning Commission shall meet on a regular basis, as determined by a vote of the Commission members, and at such other times as the Commission members may determine. All meetings shall be properly noticed as required by law, and held in accordance with the open meetings law set forth in Utah Code Ann. ' 52-4-1, et seq., as amended. At the beginning of each calendar year the Bountiful City Planning Department shall create and post in its office a schedule of Planning Commission meetings and application deadlines.
4. No official business shall be conducted by the Planning Commission unless a quorum of its members is present. Four (4) members of the Planning Commission shall constitute a quorum. Any action taken shall require a minimum of four (4) yes votes from members of the Planning Commission, unless otherwise prescribed by law.
5. Any person desiring to appear before the Planning Commission shall complete an application and submit all required materials and fees to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant.
6. After an applicant has submitted a completed application to the Planning Department, the item shall be placed on the next available Planning Commission agenda, unless the applicant and the Commission Chair agree to postpone placing the item on the agenda or agree to continue the item to a subsequent meeting.
7. An applicant may request that an item be postponed or continued a maximum of one (1) meeting (i.e. once) or for forty five (45) days from the date of application, whichever is longer. If the matter is not heard within this deadline, the application is deemed to have expired or been withdrawn, and must be resubmitted if the applicant desires the Commission to act on the item. This shall not apply to completed applications that have been placed on an agenda, reviewed and discussed by the Planning Commission, and then continued for reasons determined by the Commission.
8. The Planning Commission shall not reconsider a previous action or change a recorded vote, and once an action is taken, the matter shall not be considered again for twelve (12) months from the date of decision.
9. Decisions of the Planning Commission shall take effect on the date of the meeting or hearing where the decision is made, unless a different date is designated in the Commission's rules or at the time the decision is made. The approval of written findings shall relate back to the date of decision.
10. The Planning Commission shall keep written minutes of its proceedings, showing the vote upon each question, or if absent or failing to vote, indicating that fact,

and keep records of all its official actions. The Planning Commission may, but is not required to, have its proceedings transcribed by a secretary, a court reporter, a tape recorder, or other recording device.

- a. The Planning Commission shall report, either verbally or in writing, its official acts and recommendations to the City Council. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council.
- b. The minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the Planning Director, under the direction of the City Recorder. All such records are public records and shall be available for public review and access in accordance with the Government Records and Access Management Act, Utah Code Ann., 63-2-101, et seq., as amended.

D. Powers and Duties. The Planning Commission shall have all the powers and duties, explicit or implied, given planning commissions by Utah State law and the Bountiful City Land Use ~~Ordinance Code~~, including but not limited to the following. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this Title and of State law.

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;
2. Recommend Land Use Ordinances and maps, and/or amendments to Land Use ~~Ordinances Code~~ and maps, to the City Council;
3. Administer applicable provisions of this Title and of State law;
4. Recommend approval or denial of subdivision applications;
5. Advise the City Council on matters requested by the City Council;
6. Hear and decide the approval or denial of conditional use permits;
7. Hear and decide variances from this title;
8. Hear and/or decide any other matter that the City Council designates;
9. Exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council; and
10. Perform any other power or duty set forth in this Land Use ~~Ordinance Code~~ or in State law relating to Planning Commissions.

E. Appeals. Any person adversely affected by a final decision of the Planning Commission may appeal that decision as set forth in Section 14-2-108 of this Title. Any

recommendation of the Planning Commission to another approval body is not a final decision and therefore cannot be appealed.

- F. Examinations and Surveys. The Planning Commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote City planning, development, and enforcement of the provisions of this Title.

14-2-104 ADMINISTRATIVE COMMITTEE

- A. Established. In order to provide for just and fair treatment in the administration of this Title, and to ensure that items of a routine nature are processed expeditiously and in a public forum, an Administrative Committee consisting of three (3) members is hereby established to exercise the powers and duties specified herein.
- B. Appointment and Terms of Office.
 - 1. The Planning Director and City Engineer, or their designees, shall each serve as members of the Board. The third member and an alternate shall be appointed by the Mayor with the advice and consent of the City Council.
 - a. An appointed member of the Administrative Committee shall serve a term of two (2) years and until a successor is appointed. Terms shall commence July 1st of every odd year.
 - b. An appointed Administrative Committee member may be reappointed for successive terms.
 - c. The Mayor, with the advice and consent of the City Council, may remove an appointed member of the Administrative Committee at any time with or without cause.
 - d. A vacancy occurring on the Administrative Committee by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.
 - 2. The Mayor, with the advice and consent of the City Council, may approve an alternate to the Administrative Committee.
- C. Organization and Procedure. The Administrative Committee shall be organized and exercise its powers and duties as follows:
 - 1. The Planning Director shall oversee the proceedings and activities of the Administrative Committee, and shall act as the Committee Chair.
 - 2. The Planning Director or acting Chair may vote.

3. The Administrative Committee shall not meet in the absence of the Planning Director, City Engineer, or their designees, and no official business shall be conducted by the Administrative Committee unless a quorum of its members is present.
 4. The Administrative Committee may adopt policies and procedures, consistent with the provisions of this Title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Committee.
 5. The Administrative Committee shall meet as necessary to consider matters within its jurisdiction. All meetings shall be properly noticed as required by law, and held in accordance with the open meetings law set forth in Utah Code Ann. ' 52-4-1, et seq., as amended.
 6. Public comment shall be allowed on all items brought before the Administrative Committee. If an item brought before the Administrative Committee requires a public hearing and/or public notice, the noticing requirement shall be an on-site posting in a prominent location of the meeting date, location, and time, at least ten (10) days prior to the meeting, unless otherwise required by State Law. This noticing requirement shall supersede all other noticing provisions of this Title.
 7. Decisions of the Administrative Committee shall take effect on the date of the meeting or hearing where the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.
 8. The Administrative Committee shall keep written minutes of its proceedings, showing the vote upon each matter, and keep records of its examinations and other official actions.
 - a. The Administrative Committee shall provide a copy of each agenda and the outcome of each item to the City Council and Planning Commission.
 - b. The minutes of all meetings of the Administrative Committee shall be prepared and filed in the office of the Planning Director, under the direction of the City Recorder. All such records are public records and shall be available for public review and access in accordance with the Government Records and Access Management Act, Utah Code Ann., 63-2-101, et seq., as amended.
- D. Powers and Duties. The Administrative Committee shall have the power and duty to review and decide those matters designated by the City Council and/or Planning Commission. The Administrative Committee Chairman may assign any item designated for Administrative Committee review to the Planning Commission, in which case any power or review authority granted to the Administrative Committee shall also be afforded to the Planning Commission. Each of such powers and duties shall be exercised pursuant to the procedural rules and other provisions of this Title and of State law. Items specifically designated to the Administrative Committee are as follows:

1. Conditional use permits for home occupation licenses and for commercial business operations that do not require a new and/or amended site plan.
 2. Variances from the terms of this Title, as designated by OrdinanceCode.
 3. The expansion or modification of a non-complying single-family dwelling or structure where the non-complying aspect is continued.
 4. Lot-line adjustments.
 5. Any other matter designated by the City Council or Planning Commission.
 6. Beer License violations short of suspension or revocation.
- E. Appeals. Any person adversely affected by a final decision of the Administrative Committee may appeal that decision as set forth in Section 14-2-108 of this Title. Any recommendation of the Administrative Committee to another approval body is not a final decision and therefore cannot be appealed.

14-2-105 OTHER COMMITTEES

The Mayor and/or Planning Director may organize other, non-binding committees as necessary to facilitate planning objectives.

14-2-106 LAND USE ADMINISTRATION

- A. Appointment. The Planning Director shall be responsible for administering and enforcing this Title.
- B. Interpretation. When necessary, the Planning Director shall interpret the provisions of this Title, subject to general and specific policies established by the Planning Commission and City Council. These interpretive decisions may be appealed as set forth in Section 14-2-108 of the Bountiful City Land Use OrdinanceCode.
- C. Administrative Duties. The Planning Director shall accomplish or cause to be accomplished all administrative actions required by this Title, including the giving of notice, holding of hearings, preparation of staff reports, and receiving and processing of appeals.

14-2-107 ADA AND FFHA ACCOMMODATIONS

None of the requirements of this Title shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

- A. Application. Any person or entity wanting a reasonable accommodation shall make application therefore to the Bountiful City Planning Director and shall articulate in writing the nature of the requested accommodation and the basis for the request.

- B. Decision. The Bountiful City Planning Director shall render a decision on each application for a reasonable accommodation. The decision shall be based on evidence of record. The Planning Director may approve a reasonable accommodation request, in whole or in part, if he/she finds all of the following:
1. That the requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability; and
 2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and
 3. That the accommodation is the minimum amount necessary to provide one or more persons with a disability an equal opportunity to enjoy housing of their choice.
- C. Appeal. The decision of the Planning Director on the request for reasonable accommodation may be appealed in the manner set forth in 14-2-108 of the Bountiful City Land Use ~~Ordinance~~Code.

14-2-108 APPEALS

- A. 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 code 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.
- B. 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.
- C. The Appeal Authority shall hold a public meeting within forty-five days after an appeal has been filed, unless a longer period has been agreed to in writing by the parties involved. A decision of the Appeal Authority takes effect when the written decision is issued, unless the Appeal Authority otherwise states.
- D. The Appeal Authority shall hold a de novo hearing. The requirements of State law and City ordinances shall be applied.
- E. A decision of the Appeal Authority is subject to a petition for review in the District Court as provided by State law.

14-2-109 APPEAL AUTHORITY

- A. The Appeal Authority for Bountiful City shall consist of an administrative law judge. The Appeal Authority shall hear and decide appeals from:

1. Decisions on variance requests from the terms of the land use ordinances code, and
 2. Decisions interpreting and applying land use ordinances code.
- B. The City Council may designate separate appeal authorities to hear each of the two types of appeals described above.
- C. The administrative law judge shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve for two years. An alternate judge may also be appointed by the same process. The City Council may remove an administrative law judge for cause and after a public hearing if the judge so requests.
- D. The Appeal Authority shall act in a quasi-judicial manner and its decisions on issues within its jurisdiction are final.

14-2-110 PROPERTY IN GOOD STANDING

Any land use authority may postpone deliberation of any application or approval until such time that any unlawful nonconformity or unlawful noncompliance associated with the subject property, structure, site, or entity is remedied. Furthermore, any land use authority may deny any application or approval if it is found that the subject property, structure, site, or entity is in violation of any provision of the City Code.

14-2-111 APPROVAL/REVIEW BODIES

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

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

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

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

AC = Administrative Committee; As currently composed.

PC = Planning Commission; As currently composed.

CC = City Council; As currently composed.

CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 2 - ZONE ESTABLISHMENT

14-2-201	ZONE ESTABLISHMENT
14-2-202	OFFICIAL ZONING MAP
14-2-203	LOCATION OF ZONE BOUNDARIES
14-2-204	NEWLY ANNEXED TERRITORIES
14-2-205	AMENDMENTS TO ORDINANCE <u>LAND USE CODE</u> AND MAP
14-2-206	VARIANCES
14-2-207	ESTABLISHMENT OF USES NOT SPECIFIED
14-2-208	CLARIFICATION OF ZONING
14-2-209	CLARIFICATION OF AMBIGUITY

14-2-201 ZONE ESTABLISHMENT

In order to accomplish the purpose of this Ordinance, Bountiful City is hereby divided into zones as follows:

R	Single Family Residential Zone
RM	Multiple Family Residential Zone
C	Commercial Zone
DN	Downtown Zone
PO	Professional Office Zone
H	Hospital Zone
MXD	Mixed Use Zone
PF	Public Facilities Zone
MWP	Mountain Development and Watershed Protection Zone
PDO	Planned Development Overlay Zone

14-2-202 OFFICIAL ZONING MAP

- A. The location and boundaries of all zoning districts as contained herein, including subsequent amendments, are shown on the map entitled BOUNTIFUL CITY ZONING MAP. The territory within the City shall be subject to the land use restrictions set forth for such zoning districts, as shown upon the maps.
- B. Amendments to the boundaries of a specific zoning district shown on the BOUNTIFUL CITY ZONING MAP shall be accomplished in accordance with the provisions set forth in this Title.
- C. The Planning Director shall update the zoning district map as soon as possible after amendments are adopted by the City Council. Upon entering any such amendment on the map or maps, the Planning Director shall change the date of the map or maps to indicate the latest revision. New prints of the updated map may then be issued.

14-2-203 LOCATION OF ZONE BOUNDARIES

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the boundaries on the zone map approximate street lines, the centerline of said street shall be construed to be the zone boundary.
- B. Where the boundaries approximate lot lines, said lot lines shall be construed to be the zone boundary, unless otherwise indicated.
- C. Where the boundaries approximate rivers or streams, the centerline of said, river or stream, shall be construed to be the zone boundary.
- D. In the absence of any street, lot line, river, or stream, the zone boundary shall be determined by the legal description contained in the ordinance adopting the zoning classification for the subject property.
- E. Absent any of the above indicators, the zone boundary shall be determined by the use of the scale of measurement shown on the zoning map.
- F. In all instances, the Planning Director shall interpret the zoning map.

14-2-204 NEWLY ANNEXED TERRITORIES

- A. Territories which the City annexes shall be assigned a zoning designation by the City Council at the time the annexation ordinance is adopted. The Planning Director shall recommend a zone designation for the area to the City Council.
- B. In order to ensure due process and to protect the right of the citizens of the City, property shall be zoned as indicated in the most recently adopted version of the General Plan unless it can be demonstrated to the City Council that some other zoning designation is appropriate. No official of the City shall utilize zoning designation commitments as a means of bargaining for the annexation of property into the City.

14-2-205 AMENDMENTS TO ~~ORDINANCE~~ LAND USE CODE AND MAP

- A. This Title, including the official zoning map, may be amended by the City Council after the Planning Commission has reviewed the proposed amendments and made an official recommendation to the Council.
- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to the Bountiful City Land Use ~~Ordinance Code~~ or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

- C. Any person or organization seeking an amendment to the Land Use ~~Ordinance Code~~ or any property owner or authorized agent of any property owner seeking an amendment to the Zoning Map shall submit to the Bountiful City Planning Department a completed application containing the following information:
1. Designation of the specific zone change or ~~Land Use Code Ordinance~~ amendment desired.
 2. The reason and justification for such zone change or ~~Ordinance Land Use Code text~~ amendment, and a statement setting forth the manner in which a proposed amendment or Zone would further promote the objectives and purposes of this ~~Ordinance Code~~.
 3. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed ~~Ordinance Land Use Code text~~ amendment.
 4. An accurate plat, drawn to scale with appropriate dimensions, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject to the petition, and properties immediately adjacent thereto.
 5. A list of all property owners within a radius of five hundred (500) feet of the boundaries of the property to be rezoned, as currently shown in the records of the Davis County Recorder, on self-adhesive labels ready for mailing to all names on the list.
 6. A filing fee for a zone change or text amendment, as set by the City Council, paid at the time of application. This fee is non-refundable. An application initiated by the City shall be exempt from paying the required filing fee. The purpose of this fee is to offset the cost of legal publications, notification of property owners, and the staff time involved in researching the appropriateness of said request and its effect on the general welfare of the City.
- D. Upon receipt of a completed application, the Planning Director shall forward a copy of all material to the Planning Commission for consideration at the next regularly scheduled meeting that satisfies all of the noticing requirements.
- E. The Planning Commission and/or City Council shall not hear a petition to rezone a parcel of land, or portion of a parcel of land, that was considered for rezone within the previous twelve (12) months, except that the City Council may reconsider a previous action to deny a request sooner than the expiration of the twelve (12) month period, if:
1. At least one (1) City Council member, who voted with the prevailing majority on the earlier City Council action, moves to have the City Council reconsider the matter and a quorum of the City Council approves the reconsideration; and
 2. The appropriate notices are published and a public hearing held, as required by law. Referral to and reconsideration of the rezone by the Planning Commission shall be at the discretion of the City Council.

- F. Once an item has been properly noticed and placed on an agenda, the Planning Commission shall consider the request and shall approve, disapprove or continue the petition for future consideration. After taking final action on such petition, the Planning Commission shall certify its recommendation to the City Council as approval or disapproval of the proposed amendment. Before recommending a text amendment to this OrdinanceCode or a change to the Zoning Map, it must be found that such amendment is necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this OrdinanceCode. 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.
- G. The City Council shall determine if a public hearing should be scheduled to consider the Zone Map amendment or Land Use OrdinanceCode text amendment. Concurrence by the City Council with an unfavorable recommendation of the Planning Commission shall constitute a denial of the application, and no public hearing shall be held. If the recommendation is favorable or if the City Council determines the proposed amendment to be desirable despite an unfavorable recommendation, a public hearing shall be held.
- H. The public noticing requirement for a zone map amendment or Land Use OrdinanceCode text amendment shall be as required by State Law. In addition, the following shall apply for a zone map amendment:
 - 1. Notice shall be sent to all property owners within five hundred (500) feet radius of the subject property at least fourteen (14) days prior to the first scheduled public hearing.
 - 2. A sign shall be posted on the site or adjacent to the closest section of public right-of-way, at least ten (10) days in advance of the scheduled meeting.
- I. After the public hearing, the City Council may adopt, amend and adopt, or reject the zone change or OrdinanceLand Use Code text amendment.
- J. Resubmission of any application for the same amendment shall not be allowed for a period of one (1) year from the date of final decision or from the date when the application was withdrawn.

14-2-206 VARIANCES

- A. Variances from the terms of this OrdinanceCode may be granted by the Planning Commission or the Administrative Committee, according to the provisions of this Title and State Law. An application for a variance shall be filed with the Planning Department. Said application shall contain the following:
 - 1. A description of the requested variance, together with a description of that OrdinanceLand Use Code provision for which relief is being requested and why such provision causes undue hardship or need for variance.

2. An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.
 3. A filing fee as set by the City Council.
 4. If required, mailing addresses of all of the property owners within three hundred (300) feet of the subject property, as per current County records, printed on self adhesive labels.
- B. Any request for variance shall be heard and decided by the Planning Commission unless the item falls within a category designated for Administrative Committee review. When considering the request, the Planning Commission or Administrative Committee shall hold a public hearing to review the request and other concerns and take appropriate action upon the request.
- C. The noticing requirement for a variance heard by the Planning Commission shall be as follows:
1. Notice sent to all property owners within a three hundred (300) feet radius of the subject property fourteen (14) days prior to the hearing date.
 2. Posted with notification signage on the subject property by the City and shall be posted by the City at least ten (10) days in advance of the scheduled meeting.
- D. The noticing requirement for a variance request heard by the Administrative Committee shall be the same as required for any public hearing held by the Administrative Committee, as set forth in 14-2-104.
- E. The Planning Commission or Administrative Committee, after hearing necessary testimony, information and citizen input, shall then make a finding conforming to this Title and Section 10-9a-702 of the Utah State Code, which is as follows:

10-9a-702 Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
- (2) (a) The appeal authority may grant a variance only if:
 - (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

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

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

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

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

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

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

(i) relate to the hardship complained of; and

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

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

(4) Variances run with the land.

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

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

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

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

F. In granting a variance, the Planning Commission or Administrative Committee may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties

14-2-207 ESTABLISHMENT OF USES NOT SPECIFIED

When a use is not specifically contained in the list of permitted or conditional uses in a particular zone, it is considered a non-permitted use and therefore is not allowed. The City Council may amend the Land Use ~~Ordinance Code~~ to allow additional uses through the ~~ordinance~~ Land Use Code text amendment process set forth in 14-2-205.

14-2-208 CLARIFICATION OF ZONING

Any property which, for any reason, is not clearly zoned on the City's official Zoning Map, or is determined not to be subject to the requirements of a zone classification as provided by this ~~Ordinance Code~~, is hereby declared to be in the Mountain Development and Watershed Protection (MWP) Zone, and shall be subject to the requirements of that Zone.

14-2-209 CLARIFICATION OF AMBIGUITY

If ambiguity arises concerning appropriate classification of a particular use within the meaning and intent of this OrdinanceCode, or with respect to matters of height, yard requirements, area requirements, zone boundaries, or any other provision of this Title as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, the Planning Director shall ascertain all pertinent facts and shall make a decision in writing as appropriate. The decision of the Planning Director may be appealed in the manner provided for appeals of decisions of the Planning Director in administering the Land Use Ordinance, as set forth in 14-2-108 of the Bountiful City Land Use OrdinanceCode.

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CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 3 - ARCHITECTURAL AND SITE PLAN APPROVAL

14-2-301	PURPOSE
14-2-302	APPROVAL REQUIRED
14-2-303	APPLICATION
14-2-304	ACCOMPANYING MAPS AND DRAWINGS REQUIRED
14-2-305	REVIEW AND APPROVAL
14-2-306	CONSIDERATIONS IN REVIEW OF APPLICATIONS
14-2-307	INSTALLATION OF IMPROVEMENTS

14-2-301 PURPOSE

The purpose of the architectural and site plan review and approval process is:

- A. To determine compliance with this [Ordinance Code](#);
- B. To promote the orderly and safe development of land in the City;
- C. To implement the policies and goals established in the Bountiful City General Plan; and
- D. To promote the orderly layout of buildings, landscaping, walkways, lighting, and other site improvements.

14-2-302 APPROVAL REQUIRED

- A. The following uses shall require site plan approval from the Planning Commission and the City Council:
 - 1. Any industrial use.
 - 2. Any commercial use.
 - 3. Any institutional use.
 - 4. Any multiple-family use, including apartments, condominiums, and two family units (duplexes).
 - 5. Any combination of residential and non-residential uses, except for home occupations.
 - 6. Any other non single-family residential use.

- B. The Bountiful City Planning and Engineering Departments are the bodies designated to review and approve single-family residential site plans.

14-2-303 APPLICATION

The property owner or an authorized agent shall submit a completed application, including all required materials and fees, to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant.

14-2-304 ACCOMPANYING MAPS AND DRAWINGS REQUIRED

All maps, drawings, and illustrations shall conform to Chapter 15 - *Design Standards for Non-Single Family Development*, and to all other provisions of this title, and shall be prepared and drawn to a standard scale large enough to show details clearly with dimensions thereof. Said maps and drawings shall be stamped by a Registered Architect, Engineer, Landscape Architect, or Land Surveyor in accordance with the laws of the State of Utah and the provisions of this Title. The following shall be included:

A. For Preliminary Review:

1. A vicinity map showing site orientation and location in relation to streets and arterial roads.
2. Statement of building use, occupancy, area tabulations, parking, and landscaping tabulations.
3. The location of all proposed and existing structures on the subject property and within fifty (50) feet on immediately adjoining properties to show that light and air are preserved, and to show that the development will not be detrimental to the orderly and harmonious development of the City.
4. Location and types of landscaping and/or fencing and screening within yards and setback areas, including proposed sprinkling and irrigation systems.
5. Location of existing and proposed utilities (i.e., power, water, sewer, gas, telephone, storm drains) and other public infrastructure improvements (i.e., curb, gutter, sidewalk, streets) together with existing easements and rights-of-way.
6. Design of ingress and egress to provide a functional on-site traffic flow and to prevent interference with traffic on adjacent streets.
7. Off-street parking and loading facilities in compliance with the off-street parking and loading standards as set forth in Chapter 18 of this [Ordinance Code](#), including provisions for pedestrians and the disabled.
8. Existing and proposed contours and spot elevations.
9. Preliminary drainage plan.

10. Preliminary building elevations and sections.
 11. Architectural drawings, sketches, or perspective drawings of the exterior elevations of proposed buildings, structures, signs, including types, textures, and colors of materials to be used.
 12. Other pertinent building features.
- B. For Final Review:
1. Detailed development of all items required for Preliminary Review.
 2. Modifications required by conditions of the Planning Commission for Preliminary Approval and further optional modifications by owner/developer.
 3. Landscape plan including plant materials list and details of installation prepared by a landscape architect or licensed landscape installer.
- C. For Building Permit:
1. All final construction documents including detailed development of all items required for Preliminary and Final Review.
 2. Documentation showing compliance with County Flood Control requirements.
 3. Surface and subsurface drainage, including catch basins, piping and detention basins.
 4. Landscaping and sprinkler plans and details of installation prepared by a landscape architect or licensed landscape installer.

14-2-305 REVIEW AND APPROVAL

- A. The Planning Commission shall determine if the proposed architectural and site development plans submitted are consistent with this Chapter and with the purpose and objectives of this Ordinance Code. Upon a finding that the application meets the intent of this Chapter, the Planning Commission shall recommend to the City Council to approve, approve with conditions, or deny the architectural and site development plans as submitted. The Planning Commission recommendation shall expire within six months from the time of recommendation.
- B. The final decision by the City Council shall expire within one year of the final decision. If an entire project is not to be built simultaneously, a phasing plan must be approved at the time of final approval, and construction commenced within one year of the approved phasing dates. One extension of up to six months may be approved by the City Council.

14-2-306 CONSIDERATIONS IN REVIEW OF APPLICATIONS

The Planning Commission shall consider the following matters, and others when applicable, in their review of architectural and site development plans, and may refer the plans to one or more expert consultants if the Planning Commission deems it necessary.

- A. Considerations relating to traffic safety and traffic congestion:
1. The effect of the site development on traffic conditions on abutting streets.
 2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 3. The arrangement and adequacy of off-street parking areas and other vehicular facilities.
 4. The location, arrangement, and dimensions of truck loading and unloading facilities.
 5. The transportation patterns within the boundaries of the development, and the impact on transportation patterns within the general vicinity of the development.
 6. The design, construction, and durability of all site plan elements.
- B. Considerations relating to signs:
1. That all signs are compatible with the architectural design of the buildings and are in compliance with the provisions of Chapter 19 of this Title.
 2. That directional and/or informational signs are in compliance with the provisions of Chapter 19 this [Ordinance Code](#) and are in locations and of such dimensions so as to not cause poor visibility for traffic.
- C. Considerations relating to landscaping and other site improvements:
1. That the location, height, and materials of walls, fences, hedges, and screen plantings concealing storage areas, utility installations, or other unsightly development are harmonious with adjacent development.
 2. That the planting of ground cover or other surfacing is designed to prevent dust and erosion.
 3. That the design keeps the destruction of existing healthy trees to a minimum.
 4. That the design, construction, and durability of all site plan elements meets the standards set forth in this Title.
- D. Considerations relating to buildings and site layout:

1. That the general building silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, is in appropriate and harmonious relationship to the character of the neighborhood.
2. That the exterior design is appropriate and harmonious in relation to adjoining structures in height, bulk, area openings, breaks in facade facing the street (or streets), line and pitch of roofs, and arrangement of structures on the parcel.

E. Considerations relating to drainage:

1. The effect of the site development plan on the adequacy of the storm and surface water drainage facilities.

14-2-307 INSTALLATION OF IMPROVEMENTS

Landscaping, sprinkling systems, walls, fences and/or screening structures, walks, parking areas, and other on-site improvements shall be installed in accordance with approved final site plan prior to issuance of any occupancy permit. If the installation of any of these improvements cannot be completed due to weather or other circumstances beyond the control of the owner or developer, a Conditional Certificate of Occupancy may be issued if a Performance Security and Deferral Agreement are signed by the developer or owner which shall guarantee completion of all unfinished improvements. Such agreement shall be reviewed and approved by the City Attorney.

The Performance Security and Deferral Agreement shall consist of:

- A. A signed statement by the owner or developer that such improvements will be completed by the earliest possible date to be determined by mutual agreement between the owner or developer, the Planning Director and/or City Engineer. An extension beyond this date may be granted if the owner or developer contacts the City fourteen (14) days prior to the original completion date, the Planning Director and/or City Engineer agree to such an extension, and the agreement is so amended.
- B. A performance security, in favor of Bountiful City and in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of installation of the unfinished improvements, is received in the form of either a security bond by a surety company duly authorized to do business in the State of Utah, or a letter of credit by a bank or savings and loan institution, or a cash deposit. The performance security shall be refunded upon inspection and acceptance of the improvements by the City of Bountiful.
- C. A signed agreement by the owner or developer that the bond will be forfeited to the City in the event the improvements are not installed by the agreed date, including a statement the City will have the right to take legal action to compel the completion of such improvements.

CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 4 - NONCONFORMING USES AND NON-COMPLYING SITES/BUILDINGS

14-2-401	DEFINITIONS
14-2-402	GENERAL PROVISIONS
14-2-403	ABANDONMENT OF NONCONFORMING USE
14-2-404	CHANGE OF STATUS
14-2-405	TERMINATION OF NONCONFORMING USES AND NONCOMPLYING STRUCTURES
14-2-406	DETERMINATION OF NONCONFORMING STATUS
14-2-407	SCHOOLS

14-2-401 DEFINITIONS

See Chapter 3 of this Title for the following definitions:

NONCOMPLYING STRUCTURE (also **NONCONFORMING STRUCTURE**)
NONCONFORMING LOT
NONCONFORMING SIGN
NONCONFORMING USE
NONCONFORMITY
OTHER NONCONFORMITY

14-2-402 GENERAL PROVISIONS

- A. Continuation. A nonconformity in any zone may be continued as provided so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as provided in this Chapter or as may be required by law. If any nonconformity is removed from the property on which it was located, it shall not be replaced unless it conforms to the current provisions of this Title.
- B. Maintenance and Repair. Repairs and structural alterations may be made to any nonconformity within the existing footprint thereof provided that the degree of nonconformity is not increased.
- C. Expansion and Enlargement. Any expansion of a nonconformity that increases the degree of nonconformance is prohibited except as provided in this Title or as may be required by law. For purposes of this Section, the addition of a solar energy device to a building is not an expansion.
- D. Relocation. Only noncomplying structures may be relocated. If a noncomplying structure is relocated within the City, it shall be located in a manner which fully conforms to the applicable requirements of this Title.

- E. Restoration. A noncomplying structure or a nonconforming sign damaged by fire, wind, tornado, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one (1) year.

14-2-403 ABANDONMENT OF NONCONFORMING USE

- A. Abandonment of a nonconforming use shall be presumed to have occurred if:
 - 1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use; or
 - 2. The use has been discontinued for a minimum of one (1) year; or
 - 3. The primary structure associated with the nonconforming use remains vacant for a period of one (1) year; or
 - 4. The property is subdivided or otherwise diminished, whether through metes and bounds deed exchange, subdivision plat, or any other means.
- B. Burden of Proof. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- C. Rebutting Presumption of Abandonment - Burden of Proof. The property owner may rebut the presumption of abandonment and shall have the burden of establishing that any claimed abandonment has not in fact occurred.

14-2-404 CHANGE OF STATUS

- A. Any nonconformity shall not be changed except in conformance with the provisions of this Title.
- B. Whenever any nonconforming use is changed to a less intensive nonconforming use, such use shall not be changed back to a more intensive nonconforming use.
- C. Whenever any nonconforming use is changed to a conforming use, the nonconforming use status is immediately abandoned and it is unlawful to revert back to that nonconforming use.

14-2-405 TERMINATION OF NONCONFORMING USES AND NONCOMPLYING STRUCTURES

- A. Illegal Use. An illegal nonconforming use shall be terminated immediately without regard to this Section.

- B. Reconstruction or restoration of a noncomplying structure is prohibited, or the nonconforming use of a structure is terminated, if:
 - 1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner from the Building Official or the Planning Director that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
 - 2. The property owner or his/her agent has voluntarily demolished a majority of the noncomplying structure; or
 - 3. The property owner or his/her agent has voluntarily demolished a majority of the structure that contains the nonconforming use.

14-2-406 DETERMINATION OF NONCONFORMING STATUS

Burden of Proof. In all cases, the property owner shall have the burden of proving by a preponderance of evidence that a lot, structure, use or other circumstance which does not conform to the provisions of this Title was legally established.

- A. A preponderance of evidence is evidence which is more credible and convincing than evidence offered in opposition to it.
- B. Evidence offered to prove a lot, structure, use, or other circumstance was legally established may include, but is not limited to:
 - a. The date when the circumstance was created;
 - b. Copies of applicable zoning, building, or other code provisions in effect at the time of creation;
 - c. Documents showing the nonconforming circumstance was authorized, such as building permits, letters, and meeting minutes of governmental bodies where the circumstance was discussed and/or authorized;
 - d. Property inspection reports which indicate the degree that the nonconforming circumstance complies with applicable codes in effect at the time of creation; and
 - e. Affidavits of persons with personal knowledge of the circumstances of creation.
- C. If a previously existing land use ~~ordinance code~~ is applied to a claimed nonconforming circumstance, and no provision of such ~~ordinance code~~ would have allowed such circumstance, it shall be prima facie evidence that the nonconforming circumstance was not legally established.

- D. If when established, a lot, structure, use, or other circumstance did not conform to the provisions of applicable land use ~~ordinance provisions code~~, the fact that it has been occupied, used, or existed for a considerable period of time shall not be a factor in determining whether the circumstance should be deemed legally established.
- E. Abatement or Compliance. If a property owner is unable to demonstrate that a nonconformity was legally established, it shall be deemed illegal and shall be abated or brought into conformance with applicable provisions of this Title. Abatement or compliance shall be achieved within thirty (30) days, unless the work which must be undertaken to achieve compliance cannot be accomplished in that time period. In such case the owner of the property shall enter into a legally binding agreement wherein the owner agrees to a schedule to achieve conformity as soon as reasonably practicable, so long as compliance is achieved within six (6) months.

14-2-407 SCHOOLS

The nonconforming status of a school district or charter school use or structure is terminated when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period of one (1) year or longer.

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CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 5 - CONDITIONAL USES

14-2-501	PURPOSE OF CONDITIONAL USE PROVISIONS
14-2-502	PERMIT REQUIRED
14-2-503	APPLICATION
14-2-504	FEE
14-2-505	PUBLIC COMMENT AND NOTICE
14-2-506	DETERMINATION
14-2-507	INSPECTION
14-2-508	REVOCATION
14-2-509	TIME LIMIT
14-2-510	RE-APPLICATION AFTER DENIAL OR REVOCATION
14-2-511	CONTINUING EFFECT

14-2-501 PURPOSE OF CONDITIONAL USE PROVISIONS

Certain uses which necessitate special conditions in order to make them compatible with permitted uses within a zone designation, are classified as conditional uses and require approval of a Conditional Use Permit.

14-2-502 PERMIT REQUIRED

A Conditional Use Permit shall be required for any use listed as a conditional use in any zoning designation and/or as set forth elsewhere in this Title. A Conditional Use Permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit, or as otherwise provided in the Bountiful City Code.

14-2-503 APPLICATION

- A. Conditional Use Permit application shall be filed with the Planning Department as provided in this Title. Conditional uses shall be heard and decided by the Planning Commission or the Administrative Committee as set forth in this Title.
- B. Applications for Conditional Use Permits shall be accompanied by: maps, drawings, statements, reports, studies, or other documents, as required by the approval body and/or City staff. If applicable, the applicant shall also provide mailing addresses of all of the property owners within three hundred (300) feet of the subject property, per current County records, printed on self-adhesive labels.

14-2-504 FEE

The applications for any Conditional Use Permit shall be accompanied by an appropriate fee set by the City Council.

14-2-505 PUBLIC COMMENT AND NOTICE

- A. Any request for a conditional use permit shall be heard and decided by the Planning Commission unless the item falls within a category designated for Administrative Committee review. When considering the request, the Planning Commission or Administrative Committee shall hold a public hearing to review the request and other concerns, and then take appropriate action upon the request.
- B. The noticing requirement for a Conditional Use Permit heard by the Planning Commission shall be as follows:
 - 1. Sent to all property owners within a three hundred (300) feet radius around the subject property at least fourteen (14) days prior to the meeting.
 - 2. Posted with notification signage on the subject property by the applicant/agent. The signage shall be provided to the applicant/agent by the City and shall be posted by the applicant/agent ten (10) days in advance of the scheduled meeting.
- C. The noticing requirement for a conditional use permit request heard by the Administrative Committee shall be the same as required for any public hearing held by the Administrative Committee, as set forth in 14-2-104.

14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:
 - 1. The location of the proposed use in relationship to other existing uses in the general vicinity.
 - 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;
 - 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.

- D. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

14-2-507 INSPECTION

Following the issuance of a Conditional Use Permit, the Planning Department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the Planning Commission. Representatives of the Planning Department shall inspect the project to insure that all required improvements meet the conditions of the Conditional Use Permit and this ~~Ordinance Code~~ before a certificate of occupancy is issued by the Engineering Department and before an application for permanent power for the property may be approved by the Bountiful City Power Department.

14-2-508 REVOCATION

- A. Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a Conditional Use Permit, the Planning Department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the Planning Department:
 - 1. May place the complaint on the agenda of a regularly scheduled meeting of the approving body, provided that the permittee shall have at least fourteen (14) days notice of the meeting.
- B. Permittee shall be given written notice by personal service or by certified mail of the exact nature of the complaint and the date and time of the hearing before the Land Use Authority. An informal hearing may be conducted to determine the current status of the Conditional Use Permit prior to any public hearing, without notification to surrounding owners.
- C. The Land Use Authority, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, may modify or rescind any condition or requirement of the Conditional Use Permit as it deems necessary, or may take no action and dismiss the complaint.
- D. If, after review at the informal hearing the Land Use Authority finds that evidence of failure to comply with the provisions of the Conditional Use Permit is substantial enough to consider revocation, it shall schedule a formal hearing for purposes of considering revocation of the Conditional Use Permit. The notice for the revocation hearing shall be the same noticing procedure used for considering a new petition.
- E. The Land Use Authority, after hearing final evidence and testimony on the status of the Conditional Use Permit, may revoke the Conditional Use Permit or modify the conditions as deemed necessary.
- F. Any permittee aggrieved by an order may appeal such decision as set forth in 14-2-108.

14-2-509 TIME LIMIT

- A. A temporary Conditional Use Permit for a use which is incidental or directly related to an intended permanent use or is intended to become a permanent use may be issued by the Administrative Committee for a period of six (6) months. This permit may be renewed by the Planning Department for a total of three (3) successive six (6) month periods allowing a total of two (2) years for the temporary Conditional Use Permit. Where hardship or unusual circumstances exist, the Administrative Committee may extend the temporary permit for one (1) additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary Conditional Use Permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.
1. Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the Administrative Committee. The Administrative Committee may extend the time period for the temporary structure up to one (1) additional year providing that the Planning Commission and City Council have granted final site plan approval and construction has commenced.
 2. Temporary structures shall be removed from the property upon occupancy of the permanent structure. Any pre-manufactured structure which meets all building code regulations and which is part of the approved site plan, and any construction trailer which is removed at the end of construction, shall be exempt from this regulation.
- B. Bountiful City does not issue temporary Conditional Use Occupancy Permits, and any document purporting to be a temporary conditional use occupancy permit is void.
- C. Unless there is substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Bountiful City Planning Director may grant a maximum extension of six (6) months, when deemed in the public interest. Substantial action under this section shall mean:
1. For new construction or a remodel, at least twenty five percent (25%) of the proposed construction has been completed
 2. For a use located in an existing or completed structure, at least twenty five percent (25%) of the approved area is continuously occupied and utilized for the conditional use.

14-2-510 RE-APPLICATION AFTER DENIAL OR REVOCATION

It is unlawful to apply or reapply for a Conditional Use Permit within one (1) year of the date of denial or revocation of a Conditional Use Permit regarding any parcel of property or any portion thereof.

14-2-511 CONTINUING EFFECT

- A. A Conditional Use Permit applies to a specific parcel of property, or portion of a parcel of property, and may not be transferred to another parcel of property.
- B. A Conditional Use Permit for the operation of a business does not run with the land unless the approving body specifies otherwise. A Conditional Use Permit for the construction of improvements to a property will run with the land unless the Planning Commission sets conditions that limit it to a specific individual and/or for a finite period of time. If any aspect of the conditional use becomes a legal nonconforming element due to a later amendment to this ~~Ordinance Code~~, the provisions of Part 4 of this Chapter relating to nonconformities shall apply.

D R A F F E T

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE
14-3-102 DEFINITIONS

14-3-101 PURPOSE

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this [Code Ordinance](#). Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.

14-3-102 DEFINITIONS

1. **ABANDONED VEHICLE:** Any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked, or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is "abandoned" includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
2. **ABANDONED SIGN:** A sign, sign frame, sign pole, or any part of a sign structure which remains on a property which has been vacant or which remains unused for a period of time in excess of 45 days, or which carries no message.
3. **ACCESSORY USE OR STRUCTURE:** A use or structure that:
 - a. is clearly incidental to and customarily found in connection with a principal building or use;
 - b. is subordinate to and serves a principal building or use;
 - c. is subordinate in area, extent, or purpose to the principal building or principal use served;
 - d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
 - e. is located on the same lot as the principal building or principal use served.
4. **ACCESSORY DWELLING UNIT (also "Accessory In-Law Apartment"):** A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the

single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

5. **ADULT DAYCARE FACILITY:** Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.
6. **ADVERTISING OR BUSINESS SIGN:** A sign which directs attention to a business use, product, commodity, or service.
7. **AGENT OF OWNER:** Any person with written authority to act for the property owner.
8. **A-FRAME SIGN:** A freestanding, temporary, and/or movable device constructed of two (2) separate panels and/or sign faces hinged at the top.
9. **AISLE SPACE:** The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.
10. **ALTERATION:** Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
11. **ALTERATION (Sign):** Changing or rearranging any structural part or design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.
12. **AMUSEMENT DEVICE:** Any machine or device whether mechanically or electronically operated, for the purpose of amusement or skill and for the play of which a fee is charged. The term does not include ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.
13. **ANIMATED SIGN:** A sign which
 - a. involves actual motion or rotation of any part of the sign itself by mechanical, electrical, or artificial means, or
 - b. is designed to be moved or is moved by the wind or other natural means, or
 - c. displays motion or the appearance of motion, animation, motion-picture type movement, movement of still images across a screen, flashing or intermittent lighting, color changes, copy changes, changing lighting intensity, or messages through a sequence of progressive changes in lighting; or
 - d. contains an electronic message center, reader board or panel.
14. **ANIMATION:** Simulated movement of shapes, text and other illustrations.
15. **APARTMENT:** A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.

16. **APPEAL OF A FINAL DECISION:** A written request made to the appropriate appeal authority, including all required fees, forms, signatures, and exhibits, submitted within the statutory appeal period.
17. **APPEAL PERIOD:** The statutory time frame in which an appeal of a final decision shall be submitted, commencing at the moment the successful vote to approve or deny a land use petition is made by the land use authority.
18. **ARCADE:** Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.
19. **AREA:** The aggregate of the maximum horizontal cross section within given boundaries.
20. **ARTS AND CRAFTS SHOW:** The display and sale of painting, sculpture, handcrafts, and similar objects.
21. **ASSISTED LIVING FACILITY:** Commonly referred to as "residential care", "assistive living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available.
22. **AUTOMOBILE BODY OR FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
23. **AUTOMOBILE LAUNDRY OR AUTOMATIC CAR WASH:** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
24. **AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.
25. **AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor or generator service, muffler shop, but not including body or fender work or painting.
26. **AUTOMOBILE SERVICE CENTER:** A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting, or upholstery.
27. **AUTOMOBILE SERVICE STATION:** A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and

fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include self-service, mini-market, and live-in service as accessory uses.

28. **AUTOMOBILE TIRE SERVICE CENTER:** A place which sells, repairs, and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.
29. **AUTOMOBILE OR TRUCK PAINT SHOP:** A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
30. **AUTOMOBILE OR TRAILER SALES AREA:** An open area used for display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
31. **AUTOMOBILE WRECKING YARD:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.
32. **AVERAGE GRADE:** (See "Grade Plane")
33. **AVERAGE SLOPE:** The words "average slope" shall mean and be determined by the use of the following formula:
$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope of the entire subdivision or lot, as the case may be, before development or construction.

A = Total area in the subdivision or lot, in acres.

L = Sum of the length of all contour lines, in feet.

I = Contour interval in feet.
34. **AWNING:** A roof-like structure constructed of fabric, metal, or other material that extends outward with supports extending back to the building, providing a functional protective shield.
35. **AWNING OR CANOPY SIGN:** A sign painted on, printed on, or otherwise attached to the surface of an awning. (also "Electric Awning Sign")
36. **BACKLIGHTING:** Illumination positioned inside or behind a sign face such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.
37. **BANNER:** A sign made of fabric or any non-rigid material with no enclosing framework.
38. **BASEMENT:** Any floor level below the first story in a building, except that a floor level in a building have only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

39. BEACON: Any light with one or more beams directed into the sky or directed at one or more points not on the same parcel of land as the light source; also, any light with one or more beams that rotate or move.
40. BED AND BREAKFAST INN: (See Hotel)
41. BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.
42. BEGINNING OF CONSTRUCTION: The time of first excavation for construction.
43. BILLBOARD, OUTDOOR ADVERTISING, and/or OFF-PREMISES SIGN: Any sign which advertises or directs attention to a business, commodity, or service, that is conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
44. BLADE SIGN: (see "Ground Sign")
45. BLOCK FACE: All property fronting upon one side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, City Boundary, public park or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.
46. BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.
47. BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective, or other similar services to the occupants.
48. BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
49. BUFFERING DEVICE: A specific application of a wall, fence, landscaping, or any other permitted device to mitigate the impact of another structure or use.
50. BUILDABLE AREA, (BUILDING ENVELOPE): The portion of a lot remaining after required yards have been provided, except that in the Residential Foothill Zone (R-F) land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.
51. BUILDABLE LAND, (USABLE LAND): Any portion of a property that is not encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include a portion of a property that is less than thirty percent (30%) slope.

52. **BUILDING:** (a) A permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building. The term building shall not include any form of vehicle, even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding and enclosed on all sides. (b) The act of altering an existing structure or existing terrain. It includes excavating, modifying, or in any way altering unimproved ground for any purposes.
53. **BUILDING, ATTACHED:** A building or buildings connected by any two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roof line. Walls or fences, patios, porches, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.
54. **BUILDING DIRECTORY SIGN:** A pedestrian scale sign which displays the tenant names within a multi-tenant project.
55. **BUILDING FACE, (FACADE):** The vertical portion of any exterior wall of a building including windows, doors, parapet, and mansard, but not including a flat or pitched roof., In a multi-tenant building this shall be defined only as the portion of the exterior wall that directly corresponds to the unit for which the sign is intended.
56. **BUILDING FOOTPRINT:** The portion of a parcel covered by a building or structure at the surface level, measured on a horizontal plane.
57. **BUILDING, HEIGHT OF:** The vertical distance from the grade plane to the highest point of the roof. (See Figures 3-1 and 3-2 at the end of this Chapter)
58. **BUILDING LINE:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot.
59. **BUILDING MARKER or HISTORICAL MARKER:** Any marker indicating the name of a building and its construction date, which may or may not include incidental information about its construction or history, and which is embedded or otherwise permanently affixed to the building. Such a marker shall not be defined as a sign.
60. **BUILDING, PRINCIPAL OR MAIN:** The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this [OrdinanceCode](#) shall be construed as constituting a principal building.
61. **BUILDING, PUBLIC:** A public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A

public building referred to as with immunity under the provisions of this Title includes:

- a. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
 - b. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.
62. CANDELA: A measure for luminous intensity established by The International System of Units.
 63. CANOPY: A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and support extending to the ground directly under the canopy.
 64. CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this [OrdinanceCode](#), a carport shall be subject to all the regulations prescribed for a private garage.
 65. CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.
 66. CHANGEABLE COPY SIGN: A sign with information or content which can be changed or rearranged by manual or electric, electro-mechanical, or electronic means. A sign, or portion thereof, on which the message changes more than one (1) time each twenty four (24) hours shall be considered an animated sign and not a changeable copy sign for purposes of this [ordinanceCode](#).
 67. CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.
 68. CITY COUNCIL: The duly elected City Council of Bountiful City.
 69. CLEARANCE (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, sidewalk or street curb and the lowest point on any sign, including framework and embellishments, extending over that grade.
 70. CLINIC, DENTAL OR MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and a pharmacy, but it shall not include in-patient care.
 71. COLLECTOR STREET: An existing or proposed street which is at least sixty (60) feet wide and which is of considerable continuity, and which serves or is intended to serve as the principal traffic way between large separated areas or districts, and which is the means of access to the major street system.
 72. COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
 73. COMMERCIAL SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.

74. **COMMERCIAL STORAGE FACILITY:** A building or facility having one or more tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.
75. **CONDITIONAL USE:** A use of land for which a Conditional Use Permit is required pursuant to this [OrdinanceCode](#).
76. **CONDOMINIUM:** A residential structure consisting of two (2) or more units, each under individual ownership, subject to Section 57-8-1, Utah Code Annotate, 1953, as amended.
77. **CONSTRUCTION:** On-site erection, fabrication, installation, alteration, reconstruction, demolition, or removal of any structure, facility, or addition thereto, including all related activities, such as clearing of land, earth moving, excavation, fill, paving, drainage, and landscaping. Also includes the placement, installation, or relocation onto a property of any structure fabricated off-site.
78. **CONSTRUCTION SIGN:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
79. **CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential facility that provides different levels of care ranging from independent living units to skilled nursing care in an affiliated nursing home, based on the residents' needs. The objective is to allow residents the maximum amount of independence as they age while meeting their changing housing, social, and medical needs. Residents may move from one setting to another, but continue to remain part of the overall development.
80. **CONTRACTOR'S LOT:** A fenced, landscaped, illuminated open area used to store, repair, or rebuild heavy duty construction equipment and construction material.
81. **COPY:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
82. **CORNER BUSINESS:** A building or business fronting onto two public streets.
83. **COURT:** A space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls or a building.
84. **COVENANT:** A written agreement between the Buyer and Seller of a parcel of land, or between Bountiful City and a property owner, to protect the interest of the neighborhood and the community.
85. **COVERAGE, LOT:** The percent of the total lot area covered by buildings, structures, and roofed areas.
86. **DAY CARE, CHILD:** Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision, (regardless of educational emphasis) to children under fourteen years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child day care.
87. **DAY CARE CENTERS (COMMERCIAL):** Persons, associations, institutions or agencies, which provide day care for thirteen (13) or more children and/or

educational opportunities for children for periods of more than four (4) hours in any one day.

88. **DEVELOPMENT SITE:** The area within the perimeter of a subdivision or a planned unit development, or in the absence of such, the area within the perimeter of a tract, lot, or parcel of land.
89. **DIRECTIONAL SIGN:** An on-premises sign for traffic direction or for designation of, or direction to, any building or location.
90. **DISABILITY:** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
 - a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
 - b. A physical or mental impairment includes the following:
 - i. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - ii. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
91. **DISMANTLED VEHICLE:** Any motor vehicle partially or wholly disassembled.
92. **DISSOLVE:** An image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with gradual appearance and legibility of the subsequent image.
93. **DOMESTIC EMPLOYEE OR HELP:** a person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, working within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for himself or his family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, unattached, or within the single family residence

structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

94. DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
95. DOUBLE-FACED SIGN: A single sign structure with two sign faces, essentially back-to-back, but which are parallel (no greater than 1 foot apart) or diverge from a common edge by an angle not greater than 30 degrees.
96. DRIVE-APPROACH (Also CURB-CUT or DRIVE-ACCESS): The portion of a right-of-way located between the outside edge of a street travel-way and an adjacent property and which is used or designated for vehicular passage.
97. DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.
98. DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.
99. DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.
100. DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.
101. DWELLING, MULTIPLE FAMILY: A building arranged, designed, and intended to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
102. DWELLING, UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units unless a second kitchen has been approved pursuant to Section 14-4-120 of this title.
103. EASEMENT, PRIVATE UTILITY: A legal interest in land for the stated purpose of access to or placement of utilities serving a specific property or individual.
104. EASEMENT, PUBLIC UTILITY (P.U.E.): A legal interest in land for the stated purpose of access to or placement of utilities serving the general public.
105. ELECTRONIC MESSAGE CENTER (Also Electronic Reader Board or Electronic Panel): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means, but does not include a digital electronic gasoline price sign that shows numbers only, and does not flash, change colors, show pictures, video or words, or exceed the brightness allowed for electronic message centers.
106. ELDERLY HOUSING: A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: Senior living units, independent living facility, assisted living facility, nursing home, and continuing care retirement community.

107. ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
108. ELECTRIC AWNING SIGN: An awning sign which is internally illuminated or "back lit".
109. ELECTRONIC MESSAGE CENTER (Also Electronic Reader Board or Electronic Panel): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means.
110. FACE OF A SIGN: The area of a sign on which the copy is placed.
111. FADE: Means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increase intensity to the point of legibility.
112. FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.
113. FENCE, PERFORATED (NONSOLID or OPEN STYLE): A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
114. FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass, or masonry, being no more than ten percent (10%) open.
115. FINAL DECISION: A successful motion made by the City Council, Planning Commission, or Administrative Committee to approve or deny a land-use item, effective the moment the vote is taken.
116. FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
117. FLAG LOT: A building lot whose access to a public road is through a section of property that is longer than the minimum required front yard setback, and narrower than the minimum required lot width.
118. FLASHING SIGN: (see "Animated Sign")
119. FLAT SIGN (see also "Wall Sign"): Any sign erected parallel to and attached to an exterior wall of a building with messages or copy on one side only
120. FLOODLIGHTED SIGN: Any sign made legible in the absence of daylight by devices which reflect or project light upon it.
121. FLOOR AREA: The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this [OrdinanceCode](#), or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

122. FOOTCANDLE: An English unit of measurement for luminance, which is equal to one lumen, incident upon an area of one foot.
123. FREESTANDING SIGN (also "Pole Sign"): Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
124. FRONTAGE: The length of the property line of any one premises along a public right-of-way on which it borders.
125. GARAGE AND/OR YARD SALE: An occasional sale conducted by a property owner at the owner's place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.
126. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, designed and/or used primarily for the shelter or storage of vehicles owned and/or operated by the occupants of the principal building, and in which no business for profit is conducted.
127. GARAGE, PUBLIC: Any premises, except those described as private garages, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation repairs, or kept for remuneration, hire, or sale.
128. GARAGE, REPAIR: A structure or portion thereof other than a private garage, use for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.
129. REGULATORY SIGN: A temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility as authorized by the City Engineer or Planning Director.
130. GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk measured as follows:
 - a. For buildings abutting one street only, the elevation of the sidewalk at the center of that wall abutting the street.
 - b. For buildings abutting more than one street, the average of elevations of the sidewalk at the centers of all walls abutting streets.
 - c. For buildings having no walls abutting a street, the average level of the ground adjacent to the exterior walls of the building measured at a line parallel to the wall within six (6) feet of the wall.
131. GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

132. GROUND SIGN (also "Blade Sign"): A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.
133. GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.
134. HANGING SIGN: A sign which hangs from the eve of a roof or from an approved architectural feature of a building.
135. HARD SURFACE: A dust-free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the City Engineer.
136. HARDSCAPE: Sidewalks, urban trails, plazas, and other pedestrian-oriented non-vegetative landscaping elements.
137. HEIGHT OF ANTENNA: The distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.
138. HEIGHT OF WALLS AND FENCES: Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to an alley or street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the alley or street where there is no curb.
139. HISTORIC BUILDINGS: Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.
140. HOME OCCUPATION: Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Bountiful City.
141. HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.
142. HOTEL (INCLUDES MOTELS AND BED AND BREAKFAST): A building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation.
143. HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and/or kept for company or pleasure, not for profit. Household pets shall not include chickens, ducks or geese or other domestic farm variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall

be limited to that allowed by the provisions of each respective zone as set forth in this [Ordinance Code](#).

144. ILLUMINANCE: The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.
145. ILLUMINATED SIGN: Any sign which has characters, letters, logos, figures, designs, or outlines illuminated by internal or external lights, luminous tubes, neon, or similar devices.
146. ILLUMINATION, EXTERNAL: Lighting which is mounted so as to illuminate a sign from a remote position or from outside of the sign structure.
147. ILLUMINATION, INTERNAL: Lighting which is mounted inside or behind a sign.
148. IMAGE: The display of text, numbers or the likeness of an object or living thing of any time on an EMC.
149. IMAGE DISPLAY DURATION: Means the period of time that an image remains static.
150. IMAGE TRANSITION DURATION: Means the period of time in which one image changes to another on an electronic message center.
151. IMPERVIOUS MATERIAL: Any surface material which does not allow for the natural percolation of water into the soil, including but not limited to roofs, concrete patios, concrete or asphalt driveways, tennis and play courts of concrete or similar material.
152. INCIDENTAL SIGN: Any sign of two (2) square feet or less.
153. INDEPENDENT LIVING FACILITY: An age restricted residential facility with common area, which may be comprised of houses, townhouses, or stacked units. A-la-carte services such as housekeeping, meals, recreational programs, etc., are provided based on the desires of the occupants. Some incidental medical services may be provided. Residents typically do not require assistance with everyday tasks.
154. INFLATABLE OR INFLATED SIGN: Any advertising device which is supported by heated or forced air, or lighter-than-air gases.
155. INOPERATIVE VEHICLE: Any motor vehicle that cannot be moved under its own power.
156. INTEGRAL ROOF SIGN: Any sign erected or constructed as an integral or essentially integral part of a roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
157. INTERIOR SIGN: Any sign located within a building so as to be visible only from within the building in which the sign is located.
158. JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

159. KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.
160. KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking or the preparation of food that is at a minimum comprised of a set of fixed cooking facilities other than hot plates or other portable cooking units.
161. LANDSCAPING: The addition of lawns, trees, plants, and other natural decorative features to land.
162. LOGO: An image or design which serves to represent a business or company's identity.
163. LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located. (See Figure 3-4)
164. LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
165. LOT, CORNER: A lot situated at the intersection of two streets; or a lot located on a street which does not continue in a straight line and where the angle of departure from the straight line exceeds forty-five (45) degrees. (See Figure 3-4)
166. LOT, DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines. (See Figure 3-4)
167. LOT, FLAG: A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow private right-of-way (the pole). (See Figure 3-4)
168. LOT, FRONTAGE: Lot width measured at the required front setback line. When a lot has more than one street lot line, lot frontage shall be measured, and the minimum frontage required by this [Ordinance Code](#) shall be provided, at each such line. (See Figure 3-4)
169. LOT, INTERIOR: A lot other than a corner lot. (See Figure 3-4)
170. LOT LINE, FRONT: A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant. (See Figure 3-3)
171. LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore-shaped lot, it shall be a straight line ten (10) feet in length which is parallel to the front lot line or its chord and intercepts the two side lot line at points most distant from the front lot line. (See Figure 3-3)
172. LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line. (See Figure 3-3)
173. LOT, STORAGE: A hard surfaced, dust free, landscaped open area, not a street, used to store new or used (not damaged or dismantled), machinery, tools, boats, motor vehicles or trailers, and building materials.

174. LOT, SUBSTANDARD: A lot or parcel that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was legally recorded in a deed or plat on the effective date of this [Ordinance Code](#).
175. LOT, VACANT (UNDEVELOPED): A platted lot or parcel of land upon which no structure exists.
176. LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line. (See Figure 3-3)
177. LOW MAINTENANCE: Materials which do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.
178. LOW PROFILE SIGN: (see "Monument Sign")
179. LUMINANCE: A photometric measure of the luminous intensity per unit area of light traveling in a given direction.
180. MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
181. MAJOR STREET: An existing or proposed street which serves or is intended to serve as a major traffic way, and is so designated on the Master Street Plan.
182. MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
183. MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.
184. MASTER STREET PLAN: The map and documentation which has been approved by the Bountiful Planning Commission and the Bountiful City Council as a plan for the development of the major and collector street system of the City.
185. MINOR SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which is three (3) feet in diameter or less.
186. MINOR STREET: An existing or proposed street which is fifty four (54) feet wide or less, is supplementary to a collector street, is of limited continuity, and which serves or is intended to serve the local needs of a neighborhood.
187. MOBILE HOME: A vehicular, portable structure built on a chassis and intended to be drawn by a motor vehicle, designed to be used with or without a permanent foundation when connected to utilities and which meets the Department of Housing and Urban Development (HUD) Federal construction and safety standards for mobile homes and is used for permanent or semi-permanent housing or human occupancy, or as an office, a classroom, a laboratory or for processing, manufacturing, retail sales.
188. MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

189. MODULAR HOME: A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.
190. MONUMENT SIGN (also "Low Profile Sign"): Any on-premises or identification sign incorporated into some form of landscape scheme or planter box.
191. MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.
192. MOVABLE SIGN: (also "Portable Sign")
193. MULTIPLE-FACED SIGN: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.
194. NATURAL VEGETATION: This term includes orchards, trees, shrubs, lawns, grass, and perennial growth.
195. NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.
196. NIT: A unit of measurement for luminance, which is equal to one candela per square meter, (nit = 1 cd/m²).
197. NONCOMPLYING STRUCTURE: (Also "NONCONFORMING STRUCTURE" or "NONCONFORMING BUILDING") A structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance code changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
198. NONCONFORMING SIGN: (Also "NONCOMPLYING SIGN") A sign or sign structure that legally existed before its current land use (zoning) designation; and because of subsequent changes to the land use ordinance code, does not conform to the regulations that now govern the use of the sign.
199. NONCONFORMING LOT: (Also "NONCOMPLYING LOT") A parcel that legally existed before its current land use (zoning) designation. Shown continuously on the records of the Davis County Recorder as an independently existing piece of property and because of one (1) or more subsequent land use ordinance code changes does not conform to the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.
200. NONCONFORMING USE: A use of land that legally existed before its current land use designation that has been maintained continuously since the time the land use ordinance code governing the land changed; and because of one or more subsequent land use ordinance code changes, does not conform to the regulations that now govern the use of the land.
201. NONCONFORMITY: Is a general term to collectively describe a noncomplying structure, nonconforming lot, nonconforming sign, nonconforming use, and/or any other item that legally existed before the current land use (zoning) designation of the property where the said item is located, and that, because of subsequent land use ordinance code changes does not conform to the regulations that now govern the use of the land.

202. NON-PLANAR: Any object that has more than two substantial surfaces; including a sphere, cube, pyramid, freeform, sculpture, or similar shape.
203. NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
204. NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
205. OFFICES: A building, room, or department wherein a business or service for others is transacted, but does not include the storage or sale of merchandise on the premises.
206. OFF-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development, located on another parcel of property and not on the site intended for such residential development.
207. OFF-PREMISES DIRECTIONAL SIGN: A sign which provides directional assistance to access an establishment on a site other than the parcel on which the sign is located.
208. OFF-PREMISES SIGN: A sign which pertains to the use of a premises and/or property other than the property on which it is located.
209. ON-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development and located on the parcel of property intended for such residential development.
210. ON-PREMISES SIGN: A sign which pertains to the use of the premises and/or property on which it is located.
211. OPEN SPACE, REQUIRED: The area reserved in parks, courts, playgrounds, swimming pools, and other similar open areas to meet the density requirements ~~of Planned Unit Development or bonus increases in density.~~
212. OPEN SPACE, USABLE: Any portion of a lot or building which meets all the following conditions:
 - a. The space shall be open to the sky or shall be open to view on at least two sides.
 - b. The space shall be readily accessible by foot traffic from dwelling units to which it is accessory.
 - c. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonable safe usage by children and/or adults.

- d. The space shall not be provided in any required front or side yard, parking area, or driveway space.
213. OPEN-STYLE FENCE: A fence that is at least seventy-five (75) percent open and which does not create a visual hazard for pedestrians and drivers.
214. OTHER NONCONFORMITY: A circumstance governed by this Title other than a noncomplying structure, nonconforming lot, nonconforming sign, or nonconforming use that legally existed before the current land use (zoning) designation of the lot where the nonconformity is located, and because of subsequent land use ~~ordinance code~~ changes does not conform to the regulations that now govern the use of the land.
215. OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.
216. PACKAGE AGENCY (STATE LIQUOR STORE): Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.
217. PARKING LOT: A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
218. PARKING SPACE: A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.
219. PARK STRIP: That part of public property which lies between the curb and sidewalk.
220. PAWN BROKER: A person who owns and/or operates a pawnshop, and as further defined by State Law.
221. PAWNSHOP: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
222. PEDESTAL SIGN: A movable sign supported by a column or columns and a base.
223. PENNANT: Any lightweight plastic, fabric, or other material, with or without a message, suspended from a rope, wire, or string, designed to move in the wind.
224. PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this ~~OrdinanceCode~~ without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.

225. PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
226. PLANNER: Having the characteristics of a flat surface or plane; including an object with not more than two identical, flat, parallel surfaces facing opposite directions.
227. PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, ~~in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.~~
228. PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State Law and this Ordinance Code.
- ~~228-229.~~ PLAZA: An area open to the public on a controlled basis and used for recreation activities and relaxation. Plazas are paved areas which contain a number of substantial amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping.
- ~~229-230.~~ PRESCHOOL: An educational facility operated on a residential premise, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children less than six (6) years of age, at any one time. Class shall include not more than twelve (12) children for more than four (4) hours a day and shall be operated between the hours of eight (8) a.m. and six (6) p.m. Instructors shall be licensed by the State of Utah and provide at least thirty-five (35) square feet of interior floor area and at least one hundred (100) square feet of secured outdoor play area per child. Such use shall be defined as a home occupation, conditional use for purposes of this Code Ordinance and be in compliance with all city codes and regulations of such.
- ~~230-231.~~ POLE SIGN: See FREESTANDING SIGN
- ~~231-232.~~ PORTABLE READER BOARD OR TRAILER SIGN: A reader board sign which is mounted on a portable framework or trailer and intended for temporary use.
- ~~232-233.~~ PORTABLE SIGN (*also "Movable Sign"*): Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frames; menu and sandwich board signs; balloons or other inflatable figures used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- ~~233-234.~~ PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio, or television signals from a transmitter or a transmitter relay located in planetary orbit.
- ~~234-235.~~ PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

~~235-236.~~ 236. **PROMOTIONAL EVENTS:** Includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.

~~236-237.~~ 237. **PROMOTIONAL SIGNAGE:** Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs, and inflated signs.

~~237-238.~~ 238. **PROPERTY:** A lot or parcel of land together with all structures located thereon.

~~238-239.~~ 239. **PROTECTIVE HOUSING FACILITY:** A facility either: a) operated, licensed, or contracted by a governmental entity, or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children awaiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.

~~239-240.~~ 240. **PUBLIC:** That which is under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Davis County, or the City of Bountiful (or any departments or agencies thereof).

~~240-241.~~ 241. **PUBLIC UTILITY EASEMENT:** The area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

~~241-242.~~ 242. **READER BOARD SIGN:** See CHANGEABLE COPY SIGN

~~242-243.~~ 243. **REASONABLE ACCOMMODATION:** A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

- a. **Reasonable:** A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
- b. **Necessary:** The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
- c. **Equal Opportunity:** Achieving equal results as between a person with a disability and a nondisabled person.

~~243-244.~~ 244. **RECORD OF IMPAIRMENT:** Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

~~244-245.~~ 245. **RECREATIONAL VEHICLE PARK:** Any area where one or more travel trailer lots are rented for a relatively short term of occupancy to users of such items as travel trailers, tents, motor homes, etc.

~~245-246.~~ 246. **REGARDED AS HAVING AN IMPAIRMENT:** A person is regarded as having an impairment when:

- a. The person has a physical or mental impairment that does not substantially limit one (1) or more major life activities but is treated by another person as having such a limitation;

- b. The person has a physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others towards such an impairment; or
- c. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.

~~246-247.~~ 246-247. REHABILITATION/TREATMENT FACILITY: A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

~~247-248.~~ 247-248. RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

~~248-249.~~ 248-249. RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

~~249-250.~~ 249-250. RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

- a. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
- b. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.

~~250-251.~~ 250-251. RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single-family or multiple-family dwelling that meets the requirements of Sections 10-9-601 through 604, Utah Code Annotated, 1953, as amended, and the provisions of this ~~Code Ordinance~~.

~~251-252.~~ 251-252. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

- a. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or

- b. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.

~~252-253.~~ RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this [Ordinance Code](#).

~~253-254.~~ RETAIL WAREHOUSE SALE: The sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal element of its business operation.

~~254-255.~~ RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

~~255-256.~~ RETIREMENT HOME or RETIREMENT FACILITY: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping, and sanitation. For purposes of calculating density, three (3) beds shall constitute one (1) dwelling unit.

~~256-257.~~ ROOF SIGN: Any sign erected or constructed on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

~~257-258.~~ ROOF, HIGHEST POINT: The coping or parapet on a flat roof, the deck of a mansard roof, or the mean level between the eaves and the ridge for a gable, hip, or gambrel roof.

~~258-259.~~ ROTATING SIGN (also "Animated Sign")

~~259-260.~~ SCINTILLATE or SCINTILLATING: Light flashes, light sparkling, light starbursts, light twinkling, light pulsating, or any other image transition effect or animation in which an image instantly and repeatedly changes.

~~260-261.~~ SCREENING DEVICE: A specific application of a wall or fence to conceal areas used for refuse, mechanical equipment, parking, service or loading bays or lanes, multi-family habitation, and commercial and industrial activities from adjacent residential districts or from street views.

~~261-262.~~ SCULPTURED SIGN: A free-form or three-dimensional sign which has a depth greater than two (2) feet.

~~262-263.~~ SEASONAL USE: A specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.

~~263-264.~~ SECONDHAND MERCHANDISE: The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law.

~~264-265.~~ SECONDHAND MERCHANDISE DEALER: An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.

~~265-266.~~ SENIOR LIVING UNIT: Commonly referred to as "senior apartments", "senior condominiums", or "retirement community". An age restricted residential

development where residents live independently and do not require assistance with day-to-day activities.

~~266-267.~~ SEPARATION: The horizontal distance between signs measured parallel with the street or curb.

~~267-268.~~ SETBACK: The shortest horizontal distance between the property line of a lot and the structure or part thereof.

~~268-269.~~ SETBACK (sign): The horizontal distance between a property line and the closest edge of the sign structure.

~~269-270.~~ SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary, or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

~~270-271.~~ SHELTERED WORKSHOP: An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

~~271-272.~~ SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

~~272-273.~~ SIGN AREA: The total area of all faces and decorative elements of a sign or sign structure, excluding the minimum frame and supports. The exception is that for area calculation purposes, the sign area of a double-faced sign shall be the total area of all face and decorative elements on only one side of the structure. For signs which do not have defined display areas or are irregular in shape, the sign area shall be the area of the smallest rectangle or square which will frame the display.

~~273-274.~~ SIGN CONSTRUCTION: The materials, architecture, assembly, and installation of a sign.

~~274-275.~~ SIGN DESIGN: The form, features, colors, and overall appearance of a sign structure.

~~275-276.~~ SIGN HEIGHT: The vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street where there is no curb or sidewalk.

~~276-277.~~ SIGN LOCATION: The position on a property where a sign is to be placed.

~~277-278.~~ SIGN MAINTENANCE: The maintenance of a sign in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign. Sign maintenance does not imply that a sign may be altered in any way without a sign permit.

~~278-279.~~ SIGN SETBACK: The horizontal distance between a property line and the closest edge of a sign structure.

~~279-280.~~ SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent

parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences or other features of existing or proposed construction or land use.

~~280-281.~~ 281. SNIPE SIGN: A sign for which a permit has not been issued and which is attached to a public utility fixture or other outdoor structure located within a public right-of-way or easement, or located on public property.

~~281-282.~~ 282. SOFTSCAPE: Landscaping consisting of living plants and organic materials.

~~282-283.~~ 283. STATIC: Having no motion of any type or form.

~~283-284.~~ 284. STORAGE CONTAINER (also "CARGO CONTAINER" or "FREIGHT CONTAINER"): A pre-manufactured receptacle or vessel that is or appears to be designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.

~~284-285.~~ 285. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

~~285-286.~~ 286. STORY, FIRST: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

~~286-287.~~ 287. STREET: A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

~~287-288.~~ 288. STREET, ARTERIAL - MAJOR AND MINOR: A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.

~~288-289.~~ 289. STREET, COLLECTOR - MAJOR AND MINOR: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property.

~~289-290.~~ 290. STREET, LOCAL: A street providing for direct access to abutting land, and for local traffic movements.

~~290-291.~~ 291. STREET, PRIVATE: A thoroughfare which is designated for private travel and is in private or public agency ownership over which access is legally denied to the public.

- 291-292. STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.
- 292-293. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
- 293-294. STRUCTURAL ALTERATION: Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
- 294-295. SUBDIVIDER: The party owning the land that is to be subdivided, or its agent, whether it is an individual, corporation of any form, partnership, or other form of operation.
- 295-296. SWAP MEET: The retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours; includes flea markets.
- 296-297. SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, which is designed for swimming, wading or bathing. Hot tubs with hard covers and a capacity of less than one thousand (1,000) gallons are not included in this definition.
- 297-298. TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted or fixed to the ground.
- 298-299. TEMPORARY CARNIVALS AND FAIRS: A specific type of temporary use that includes the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.
- 299-300. TEMPORARY SALES ACTIVITIES: A specific type of temporary use that includes the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.
- 300-301. TEMPORARY SALES OFFICE: A specific type of temporary use that includes a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.
- 301-302. TEMPORARY USE: A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.
- 302-303. THRIFT STORE: A retail operation that deals in secondhand merchandize that is exempt from the provisions of the "Pawnshop and Secondhand Merchandise Transaction Information Act", set forth in Utah Code 13-32a-101, et seq., and as amended.

- ~~303-304.~~ 303-304. TOWN-HOUSE (Also TOWN-HOME or ROW-HOUSE): A series of three or more single-family dwelling units designed and constructed with at least two-stories of above ground habitable space, and which are attached horizontally at the foundation, roof, and side wall in a linear arrangement, and which have a private ground level entrance and a totally exposed front and rear wall to be used for access, light, and ventilation.
- ~~304-305.~~ 304-305. TRADE OR VOCATIONAL SCHOOL: A post high school educational or vocational training facility.
- ~~305-306.~~ 305-306. TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
- ~~306-307.~~ 306-307. TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.
- ~~307-308.~~ 307-308. UNBUILDABLE LAND, (UNUSABLE LAND): Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
- ~~308-309.~~ 308-309. UNINHABITABLE: (Also “Unlivable”) A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
- ~~309-310.~~ 309-310. UNREGISTERED VEHICLE: Any motor vehicle not currently registered and licensed in accordance with Utah State law.
- ~~310-311.~~ 310-311. UNSIGHTLY: Blighted condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.
- ~~311-312.~~ 311-312. USE: The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.
- ~~312-313.~~ 312-313. USE, PRINCIPAL: The principal use of land or structures, as distinguished from a secondary or accessory use.
- ~~313-314.~~ 313-314. UTILITIES: Gas, culinary water, irrigation water, sewer, storm drain, electric power, and telephone lines, including all poles, wires, pipes, boxes, guy wires and bracing associated therewith.

- ~~314-315.~~ 315. VARIANCE: A waiver or modification of the requirements of a land use ordinance code as applied to a parcel of property, as set forth in this Title and State Law.
- ~~315-316.~~ 316. VEHICLE PART(S): Any items that can be attached to or included as part of or within any motor vehicle.
- ~~316-317.~~ 317. VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.
- ~~317-318.~~ 318. VIDEO: Simulated movement created by the display of a series of images, creating the illusion of continuous movement.
- ~~318-319.~~ 319. WALL OR FENCE: Any structure or device used for confinement, prevention of intrusion, boundary identification, or screening of an activity.
- ~~319-320.~~ 320. WALL SIGN: Any sign mounted flush against the facade of a building, painted on a building facade, or that is painted in such a way that it gives the visual appearance of being painted on a wall or building facade but not having a frame or separation from the wall or building facade.
- ~~320-321.~~ 321. WIND SIGN: A sign inflated by, or displayed by wind or air.
- ~~321-322.~~ 322. WINDOW SIGN: A sign attached to interior or exterior of either a window or door, or located within a building so as to be visible through a window or door from the outside of the building.
- ~~322-323.~~ 323. WRECKED VEHICLE: Any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.
- ~~323-324.~~ 324. XERISCAPE: A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape.
- ~~324-325.~~ 325. YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this CodeOrdinance.
- ~~325-326.~~ 326. YARD, FRONT: A space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the front of the building to the property line shall also be considered a Front Yard.
- ~~326-327.~~ 327. YARD, REAR: A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall also be considered a Rear Yard.
- ~~327-328.~~ 328. YARD, SIDE: A space in the same lot with a building, between the side lot line of the building and the side lot line and extending from the front yard to

the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area adjacent to the ends/sides of the building do not become the Side Yard.

| ~~328.329.~~ 329. ZERO LOT LINE DEVELOPMENT: Single-family dwellings arranged on lots with one side wall of the building located on the property line.

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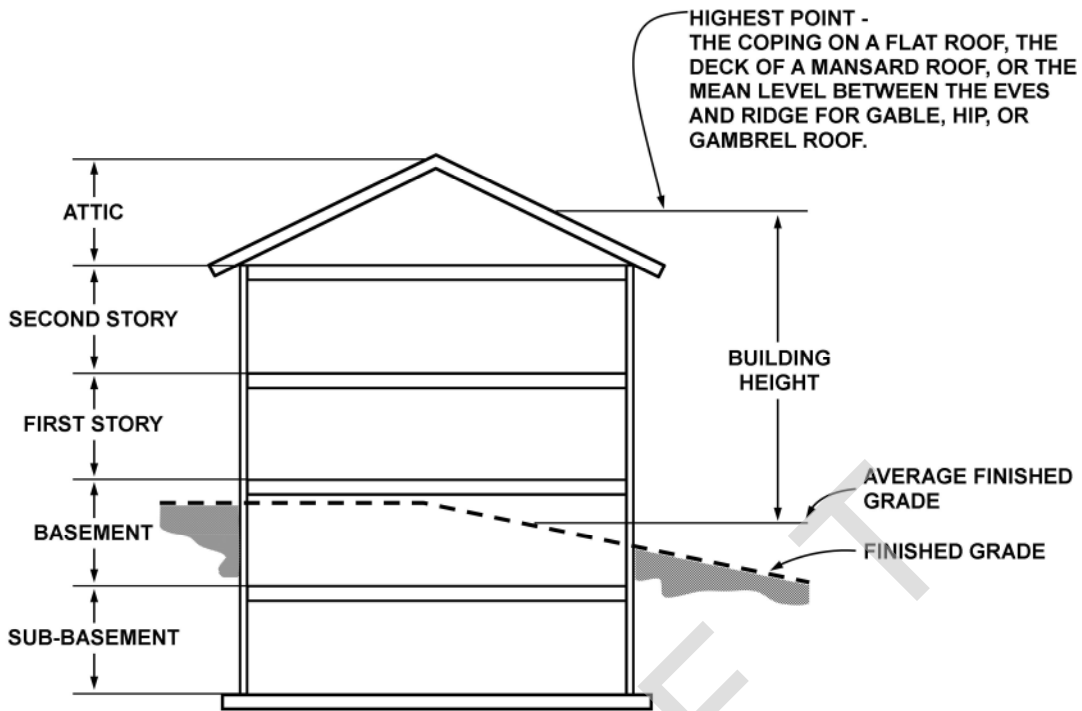


FIGURE 3-1

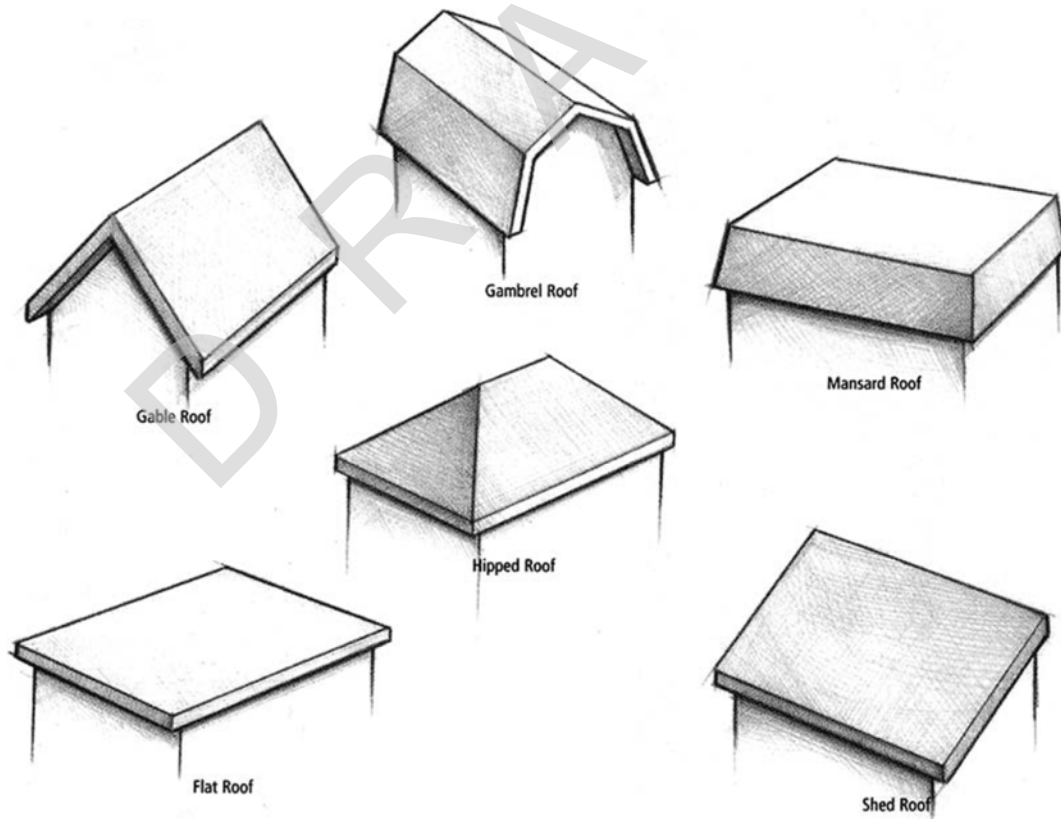


FIGURE 3-2
ROOF TYPES

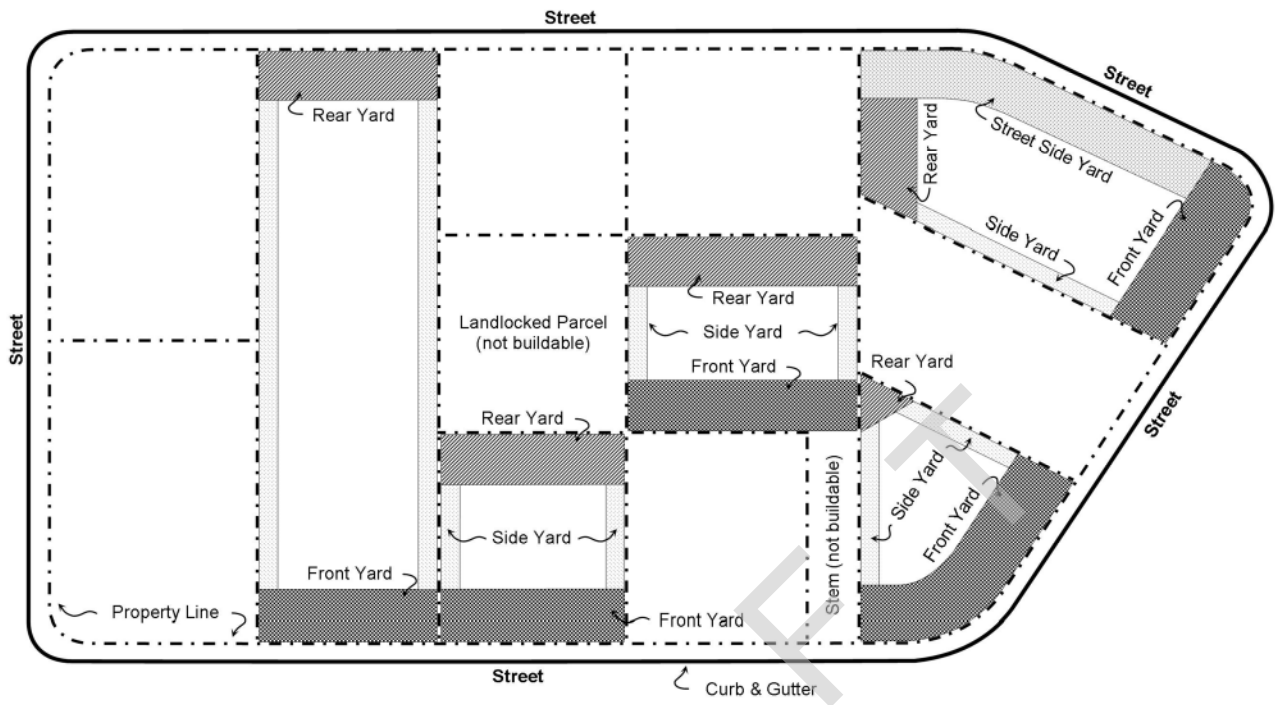


FIGURE 3-3

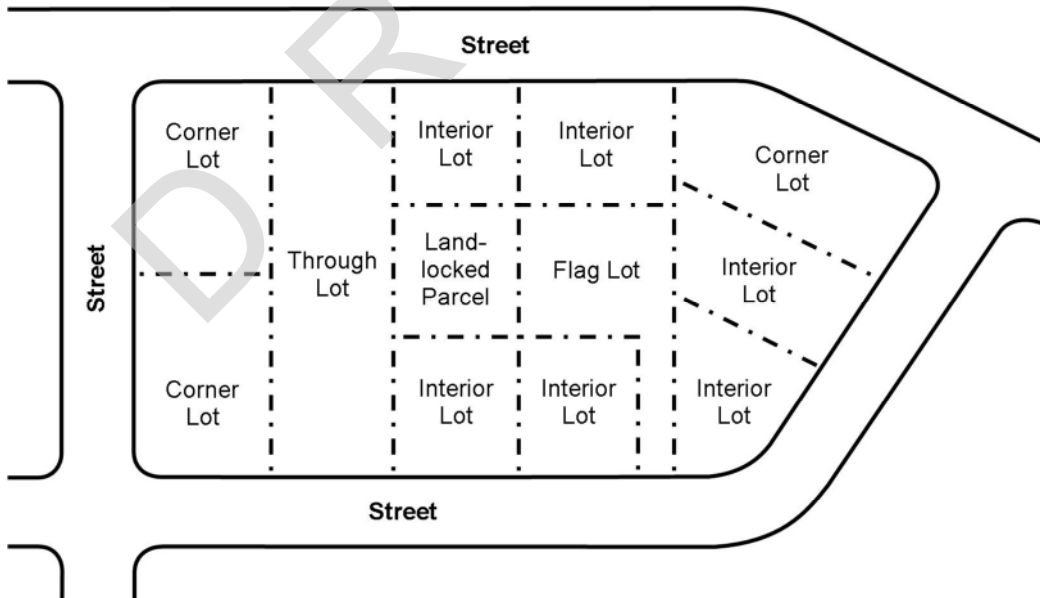


FIGURE 3-4

CHAPTER 4

(R) SINGLE-FAMILY RESIDENTIAL

14-4-101	PURPOSE AND OBJECTIVES
14-4-102	DEFINITIONS
14-4-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
14-4-104	MAXIMUM DENSITY AND MINIMUM LOT STANDARDS
14-4-105	YARD AND SETBACK REQUIREMENTS
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14-4-101 PURPOSE AND OBJECTIVES

The Single-Family Residential Zone (R) is established to provide areas for single-family, detached dwellings on individual lots. Within the Single-Family Residential Zone are various subzones with individual criteria that have been created to address specific needs pertinent to the areas these subzones encompass.

- A. The Residential Foothill subzone is created to provide standards, guidelines, and criteria which permit reasonable development of private property while minimizing flooding, erosion, and other environmental hazards, and which protect the natural scenic character of the foothill areas, and which ensure the efficient expenditure of public funds.
- B. The goals to be achieved by the Residential Foothill subzone include but are not limited to the following:
 1. The protection of the public from natural hazards of storm water runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation while still allowing reasonable use of the land.
 2. The minimizing of the threat and damages of fire in foothill areas by establishing fire protection measures.
 3. The preservation of natural features, wildlife habitat, and open space consistent with the provisions of this Title and State Law.

4. The preservation of legal public access to mountain areas, trails, and natural drainage channels.
5. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing.
6. The establishment of traffic circulation facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time of the year with minimal cuts, fills, or visible scars.
7. The encouragement of a variety of 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.
8. The establishment of land use management criteria which will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
9. Encouragement of regard for the view of the foothills as well as a view from the foothills.
10. Public and individual personal safety.
11. To assure that the taxpayers of Bountiful are not burdened by extraordinary costs for services attributable solely to the development of hillside areas.

C. It is the intention of the City Council that every subdivision, lot, or parcel within the Residential Foothill subzone be developed with as little disturbance to the natural ground, with the most harmony with natural conditions, and with the greatest conformity with the purposes and requirements of this [ordinanceCode](#), as possible under individual circumstances. It is the finding of the City Council that all possible circumstances, and the best means of dealing with them, cannot be anticipated in the preparation of these regulations. Therefore, the City Council may, unless expressly stated to the contrary in this chapter, grant a reasonable use exception to the provisions of this chapter to implement its purposes by modifying requirements in the R-F subzone as individual circumstances may merit subject to the criteria set forth below. The provisions set forth in this chapter regarding the R-F subzone shall be the standard, but when conditions merit a reasonable exception, discretion may be exercised, even where the term "shall" is used in the regulation, in accordance with such criteria. The following findings and conclusions may justify a reasonable exception and shall be included in the record of the proceedings.

1. The proposed development is located on a lot or parcel that was legally created.
2. There is no other reasonable use or feasible alternative to the proposed development with less impact on sensitive land areas including phasing or project implementation, change in timing of activities, setback or other variance, driveway relocation or placement of any structure.

3. The development cannot be located outside sensitive land areas due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of sensitive land areas and a building setback, street width, or other possible variances have been reviewed, analyzed, and rejected as feasible alternatives.
4. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site, including degradation of groundwater or surface water quality, nor is it anticipated that it will damage nearby public or private property.
5. Any alteration of sensitive land areas is the minimum necessary to allow for reasonable use of the property; and the proposal reasonably mitigates impacts on sensitive land areas while still allowing reasonable use of the site.
6. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in unlawfully subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this Title.

14-4-102 DEFINITIONS

See Chapter 3 of this Title for the following definitions:

- AVERAGE SLOPE
- DEVELOPMENT SITE
- IMPERVIOUS MATERIAL
- NATURAL VEGETATION
- USABLE AND UNUSABLE LAND

14-4-103 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 Residential zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-4-103

<u>Use</u>	<u>R-3, R-4 & R-F</u>	<u>R-1</u>
Accessory Dwelling Unit, as set forth in the Supplementary Development Standards chapter of this Title	C	C
Chickens and related structures as set forth in this Title	P	P
Churches, Synagogues, and Temples	P	P
Coops, barns, stalls, pens, and any other animal housing as set forth in this Title	N	P
Denominational and Private School	C	C
Domesticated Farm Animals, as set forth in this Chapter	N	P
Home Occupation, Temporary, and Seasonal Uses as set forth in this Title	P/C	P/C

<u>Use</u>	<u>R-3, R-4 & R-F</u>	<u>R-1</u>
Household Pets as set forth in this Title	P	P
Library	C	C
Multi-Family Residential Dwelling	N	N
Municipal Facility	P	P
Preschool, Group Instruction, or Daycare with eight (8) or less children, including those residing in the home	P	P
Preschool, Group Instruction, or Daycare with nine (9) to twelve (12) children, as set forth in this Title and State Licensing Requirements	C	C
Private Recreational Facility	C	C
Public or Private Cemetery	C	C
Public or Private Utility Facility	C	C
Public Recreational Facility	P	P
Public Schools	P	P
Residence for Persons with Disability as set forth in 10-9a-504 of the Utah Code	P	P
Residential Accessory Structure	P/C	P/C
Residential Facility for Elderly Persons as set forth in 10-9a-519 of the Utah Code	P	P
Schools for the Disabled	C	C
Single or Two-Family Dwelling – Existing	P	P
Single-Family Dwelling – New	P	P
Telecommunication Facility not on City Property	C	C
Telecommunication Facility on City property	P	P
Two Family Dwelling – New	N	N
Utility Lines and Rights-of-Way	P	P

14-4-104 MAXIMUM DENSITY AND MINIMUM LOT STANDARDS

Areas within the (R) Residential Zone are divided into subzones based on the maximum permitted density. The maximum density is indicated by the number following the Zone designation. For example, R-4 means Single-Family Residential with a maximum of four (4) units per acre. In addition to the maximum density requirement, each subzone has a standard for minimum lot size and buildable area. The R-F subzone (Residential - Foothill) has varying standards based on the average slope within the development or development phase, and therefore has no density marker.

- A. All structures and all other site improvements of whatever description shall be located only upon areas constituting usable land. Furthermore, all lots or parcels that are designated or zoned for residential development shall have a minimum rectangular buildable area with a length to width ratio between 2:1 and 1:2, that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section. The minimum building pad may not be modified by Council discretion. The exact location of the minimum building pad shall be designated by the developer or owner during the approval process and shown on the subdivision plat or site plan, as applicable.

Table 14-4-104a

<u>Subzone</u>	<u>Max. Density (Units/Acre)</u>	<u>Min. Lot Size (Sq Ft)</u>	<u>Min. Buildable Area (Sq Ft)</u>	<u>Min. Lot Width (Ln. Ft)</u>
R-4	4	8,000	2,000	70
R-3	3	11,000	3,000	80
R-1	1	40,000	5,000	100

Table 14-4-104b

<u>Subzone</u>	<u>Avg. Slope</u>	<u>Max. Density (Units/Acre)</u>	<u>Min. Lot Size (Sq Ft)</u>	<u>Min. Buildable Area (Sq Ft)</u>	<u>Min. Lot Width (Ln. Ft)</u>
R-F	0 -15%	2	20,000 sq ft	6,000	100
R-F	15 - 20%	1	40,000 sq ft	6,000	120
R-F	20 - 25%	0.50	2 acres	6,000	120
R-F	25 - 30%	0.20	5 acres	6,000	120
R-F	30 - 35%	0.10	10 acres	6,000	120
R-F	35% +	0.025	40 acres	6,000	120

- B. Each lot or parcel in the (R) Zone shall have a minimum width, measured at the minimum front yard setback line, as outlined in this Title. Each lot or parcel shall also abut a public street for a minimum distance of fifty (50) feet, as measured along a line parallel to the center of the street or along the circumference of a cul-de-sac improved to City standards. For property fronting on a cul-de-sac not improved to City standards, frontage shall be calculated by measuring the linear distance between the side property lines at the tangential point of the arc.
- C. Each corner lot or parcel in the (R) Zone shall be ten (10) feet wider and ten percent (10%) larger than the minimum requirement for interior lots in the sub-zone in which it is located, except for the R-F subzone. Also, each corner lot shall meet the minimum width and frontage requirements along both street frontages. A parcel of land on a street corner may not be subdivided diagonally from the corner in order to avoid the provisions of this section.
- D. Not more than one single-family dwelling or primary building may be placed on a lot or parcel in the (R) Zone.
- E. It is unlawful to subdivide, modify, or otherwise create a residential lot that does not have the minimum required width, except for legally existing non-conforming lots. Furthermore, no residential lot may be narrower than the minimum required width at any point between the front property line and the closest point of the primary dwelling and/or the approved buildable area.
- F. A building permit shall not be issued for any type of construction on a flag lot or landlocked parcel that has not been approved by the City as a developed lot.

14-4-105 YARD AND SETBACK REQUIREMENTS

The following minimum yard requirements shall apply in the (R) Zone:

- A. Front Yard - Each lot or parcel shall have a front yard setback of not less than twenty-five (25) feet from the front lot line. Except for corner lots, where the elevation of the ground differs ten (10) feet or more from the curb level, as measured at a point fifty (50) feet from the front lot line and midway between the side lot lines, said front yard setback may be reduced to twenty (20) feet.
- B. Side Yard; Interior Lot - Each interior lot or parcel of land shall have two (2) side yards as indicated below for the sub-zone in which the lot or parcel is located:

<u>Subzone</u>	<u>Minimum Side Yard (ft)</u>	<u>Total Combined (ft)</u>
R-3, R-4, R-1	8	16
R-F	8	20

- C. Side Yard; Corner Lot - On each corner lot or parcel of land, the side yard setback contiguous to the street shall not be less than twenty (20) feet, and shall not be paved or used for vehicle parking, except for a legally constructed driveway or parking area. The interior side yard setback shall be the same as the side yard setback for an interior lot. The twenty (20) foot street side yard extends from the minimum front yard setback to the rear property line.
- D. Side Yard; Flag Lot – A flag lot shall have a minimum side yard setback equal to the minimum required rear yard setback.
- E. Side Yard; Deep Setback – Any home that is located more than one hundred (100) feet from the front property line shall have a minimum side yard setback equal to the minimum required rear yard setback.
- F. Side Yard; Driveway -- When used for vehicle access to a garage, carport, or parking area in the rear yard, an interior side yard setback shall include at least eight (8) feet of unobstructed paved surface exclusive of window wells, stairs, door stoops, chimneys and other obstructions. Vehicle access to rear yards shall be in accordance with the minimum dimensions shown on Figure 14-4-1.
- G. Side Yard; Accessory Structure – No accessory structures shall be allowed in any required side yard setback.
- H. Rear Yard - Each lot or parcel shall have a rear yard setback of not less than twenty (20) feet.
- I. Rear Yard; Irregular Lot - On any lot which is not generally rectangular in shape, the required minimum rear yard setback may be an average of the distances measured from the rear corners of the main building directly to the rear property line(s). However, at no point may the main building be closer than fifteen (15) feet to the rear property line(s).
- J. Accessory Structure, Primary Use Required – An accessory structure shall not be permitted on any lot or parcel of land unless a primary structure is first constructed on the site. If the primary structure is removed and not immediately replaced, any accessory structure must also be removed. A lot or parcel shall not be subdivided such that an accessory structure is located on a lot or parcel without a primary structure.

1. Accessory Structure, Permitted Use – An accessory structure allowed as a permitted use shall meet all of the following:
 - a. The total footprint of any and all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
 - b. An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line.
 - c. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys, and any other protrusion on either the accessory building or the primary structure.
 - d. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any primary dwelling on an adjacent property.
 - e. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
 - f. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
 - g. An accessory structure shall meet all applicable provisions of the International Building Code.
 - h. An accessory structure shall not encroach on any easements, recorded or otherwise.
 - i. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet, or similar feature.
 - j. The height of an accessory structure shall not exceed twenty (20) feet.
 - k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.
2. Accessory Structure, Conditional Use – An accessory structure may be allowed as a conditional use in accordance with the following:
 - a. The approval body shall consider the following when reviewing the proposed accessory structure:

- i. The extent that sunlight, air, and viewsheds are obstructed/disturbed,
 - ii. The proximity to adjoining structures,
 - iii. The contour of the land, both existing and proposed,
 - iv. Features peculiar to the site and the immediately adjoining properties.
 - v. The location of windows, doors, balconies, and other openings that may intrude on the privacy of adjoining property owners,
 - vi. The proposed and potential uses based on the size, configuration, and other aspects of the structure.
- b. The total building footprint of any and all accessory structures shall not exceed fifteen percent (15%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
 - c. An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line. The approving body may require an increased setback based on the criteria of 14-4-106(C.)(1.).
 - d. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys, and any other protrusion on either the accessory building or the primary structure.
 - e. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any dwelling on an adjacent property.
 - f. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
 - g. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
 - h. An accessory structure shall meet all applicable provisions of the International Building Code.
 - i. An accessory structure shall not encroach on any easements, recorded or otherwise.
 - j. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet, or similar feature.
 - k. The height of an accessory structure shall not exceed twenty (20) feet.

- I. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.

14-4-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard:
 1. Fences and walls in conformance with City codes or ordinances.
 2. Landscape elements, including trees, shrubs, agricultural crops and other plants.
 3. Necessary appurtenances for utility service.
- 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:
 1. Cornices, eaves, awnings, belt courses, sills, buttresses, or other similar architectural features.
 2. Fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part.
 3. Stairways, balconies, door stoops, fire escapes, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
- C. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard set-back distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 1. The roof or canopy is not more than one (1) story in height.
 2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features
 4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.
- D. None of the above structures or additions may project into any side yard abutting a street on a corner lot.

14-4-107 BUILDING LOCATION AND HEIGHT

- A. No building or structure in the (R) Zone shall exceed two (2) stories or thirty-five (35) feet in height as measured at the average grade. Chimneys, flagpoles, church towers, and similar accessory elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.
- B. No building or structure in the R-F Zone may extend above the closest ridgeline of the ground, as measured on a level line perpendicular to the ridgeline. If for any reason this is not possible, then the building or structure shall be located as far away from the ridgeline as feasible.

14-4-108 DISTANCE BETWEEN BUILDINGS

The horizontal distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet, excluding permitted eave extensions. The horizontal distance between any accessory building and any dwelling shall not be less than five (5) feet, as measured at any point. The horizontal distance between any accessory building or structure and any primary dwelling on an adjacent property shall not be less than twelve (12) feet, as measured at any point.

14-4-109 PERMISSIBLE LOT COVERAGE

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

14-4-110 PARKING, LOADING, AND ACCESS

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

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

14-4-111 NON-RESIDENTIAL SITE PLAN APPROVAL

Site plan approval is required for any non-residential use in the (R) Zone per the procedures set forth in Chapter 2 of this Title.

14-4-112 LANDSCAPING

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

- A. All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grass, and similar landscaping materials.
- B. Landscaping shall also be installed in each adjacent parkstrip to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the parkstrip area between the curb and sidewalk. Xeriscaping is permitted in accordance with the Landscaping and Fencing chapter of this Title.

14-4-113 STORAGE OF COMMERCIAL ITEMS

The storage of commercial goods, commercial materials, or construction related items is expressly prohibited. No property in the (R) zone may be used to display or proffer items for sale except for personal items belonging to the residents of the property, and which meet the criteria for a “garage and yard sale” as set forth in the Temporary Use section of this Title.

14-4-114 WALLS AND FENCES

All walls and fences erected or maintained in the (R) Zone shall comply with the provisions of Chapter 16 of this [Ordinance Code](#).

14-4-115 LOT ACCESS AND SITE LAYOUT

- A. Each proposal to construct a primary structure more than one hundred fifty (150) feet from a public street shall be reviewed and approved by the Administrative Committee and Fire Marshall prior to receiving a building permit. Furthermore, all proposals must adhere to Section 503 of the International Fire Code, as adopted by the South Davis Metro Fire Agency and all other criteria as set forth below.

All of the following must be met before the Administrative Committee may grant approval:

1. Surface. An all-weather surface capable of supporting the imposed load of fire apparatus shall be provided. If constructed of asphalt, the access road or driveway shall be a minimum of two and one-half (2 1/2) inches of asphalt over a minimum of six (6) inches of compacted road base. If constructed of concrete, the access road or driveway shall have a minimum of five (5) inches of concrete over a compacted road base.

The access road or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow removal so as to provide free and uninhibited access by emergency service vehicles.

2. The access road or driveway shall be a minimum of twenty (20) feet wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of twenty-six (26) feet within twenty (20) feet in either direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of thirteen (13) feet six (6) inches.
3. A turn-around shall be provided at the end of the access road or driveway in accordance with the standards and specifications of Article 10 of the International Fire Code and in accordance with the minimum requirements of Figure 4-1. The minimum turning radii for all turns and/or curves shall conform to the forty-five (45) foot radius single unit truck or bus contemplated in Figure 4-4. If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 4-2.
4. An access road or driveway shall be extended to within one hundred fifty (150) feet of all portions of the exterior walls of the first story of any building.
5. The maximum grade for access roads or driveways shall not exceed fifteen (15) percent at any point as measured along the centerline of the access road or driveway.
6. Each property owner shall identify and mark fire lanes to the satisfaction and approval of the Fire Chief. Signs shall be posted near the entrances of access roadways and driveways. Spacing and placing of signs shall be subject to the approval of the Fire Chief. Signs shall be a minimum of twelve (12) inches by eighteen (18) inches in two and one-half (2.5) inch block lettering with one-half (.5) inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".
7. The property owner or possessor of the premises shall establish the base grade of the access road or driveway before the water system is installed. The property owner or possessor shall clear the right-of-way for the water system and establish the proposed fire hydrant locations and grades by use of an offset stake. The City shall install the water system and set the fire hydrant to the grade established by the owner. If there are any changes to the access road or

driveway or right-of-way areas which do not allow for a minimum of forty-two (42) inches of cover over the water line or not more than four (4) inch vertical difference between the flange of the fire hydrant and the finished surface of the access road or driveway, the owner shall be responsible for all expenses associated with the relocation or adjustment to the water system. No building lot shall be allowed or approved where the static water pressure from the City water system serving the proposed lot or lots is less than forty (40) pounds per square inch.

8. Fire Hydrants. A fire hydrant shall be installed by Bountiful City at the expense of the property owner and shall be connected by a six (6) inch water line from the water main. The hydrant shall be located in accordance with Article 10 of the International Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by City Code and shall be located within five (5) feet of the required access road or driveway.

If, in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three (3) feet working area of each fire hydrant. Required crash posts shall be a four (4) inch concrete filled pipe, having a minimum of three (3) feet in height above grade, with two (2) feet of pipe below grade set in concrete. Hydrant shut-off valves shall be located no closer than five (5) feet from the hydrant and no further than twenty (20) feet.

9. Easements. The fire hydrant, water line, and access road or driveway shall be located within a public utility easement of at least twenty (20) feet in width such that emergency and utility service vehicles and personnel have unimpeded access to the improvements. (Figure 4-3)
10. All of the required improvements shall be installed at the lot or property owner's expense.
11. As an alternative to the access requirements described above, the Fire Marshall may approve the installation of a pressurized interior fire protection sprinkling system that complies with the minimum standards of the IRC and/or IBC, and that receives the Fire Marshall's approval.

- B. All new residential structures shall comply with the requirements of the IBC for foundation elevation on graded sites (1805.3.4 and 1805.3.5). For most approved lots, the "approved drainage facility" is the street R.O.W. On these sites, the finished grading shall direct runoff from the front yard setback to the street R.O.W. by means of the driveway or front yard grading, or as approved by the City Engineer. Driveway slopes shall have a minimum slope of two percent (2%), and a maximum slope of fifteen percent (15%), as measured along the centerline of the driveway.
- C. Downhill or reverse grade driveways must be reviewed and approved by the City Engineer. Approvals will be considered based on proximity of the lot to storm drain facilities or natural draining features such as creeks, swales or other features that convey runoff water directly to the storm drain system. Approval shall be conditional upon inclusion of the following requirements:

1. The driveway shall provide a minimum length of ten (10) feet of positive slope (two percent (2%) minimum) to the street R.O.W.
2. The maximum grade of the driveway shall be seven percent (7%).
3. The approved site plan shall include any additions or modifications to the existing storm drain system necessary to prevent erosion or impact to adjacent properties, or impact to the storm drain system.
4. Other requirements as determined by the City Engineer based on conditions specific to the property.

14-4-116 PARCELS OF LAND NOT IN SUBDIVISIONS WITHIN THE R-F SUBZONE

No dwelling shall be constructed on a parcel of land not included as part of an approved subdivision without City Council approval of the parcel of land as a legal building lot. In order to be approved as a legal building lot, the Council must determine that the parcel meets the lot, yard, and other requirements of this Title. As part of the review process, the City Council and Planning Commission may request any information typically required for subdivision review. Also, the City Council may require that the applicant record a one lot subdivision plat for the purpose of establishing utility easements and fulfilling other provisions of this Title.

14-4-117 REQUIREMENTS FOR BUILDING IN THE R-F SUBZONE

No construction, excavation, or removal of vegetation may occur on any lot or parcel in the R-F subzone until a permit has been issued, and no permit may be issued until the proposed plans have been approved by the appropriate land use authority. The following rules apply to all building and construction in the Residential Foothill Zone.

A. Drainage and Erosion.

1. Lots shall be arranged so as to ensure required setbacks from drainage channels as defined by the Army Corps of Engineers on official Flood Insurance Rate Maps.
2. Facilities for the collection of storm water runoff shall be required to be constructed on development sites and according to the following requirements:
 - a. Such facilities shall be the first improvement constructed on the hillside.
 - b. Such facilities shall be designed to retain safely and adequately the maximum expected storm water runoff for a twenty-five-year storm, as determined by Technical Paper No. 28, prepared by the U. S. Department of Commerce - Weather Bureau, for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods.
 - c. Such facilities shall be so designed to divert surface water away from cut surfaces or sloping surfaces of a fill.

3. Construction on a development site that may disturb vegetative cover shall be minimized between December 1 of any year and April 15 of the following year.

B. Vegetation and Re-vegetation.

1. Any area on a development site cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with vegetation which, when established, shall have characteristics of erosion control equal to or exceeding the original vegetation.
2. New plantings shall be protected with organic cover.
3. The use of persons or firms having expertise in the practice of re-vegetation (i.e., licensed landscape architects or nurserymen) shall be employed to supervise the planning and installation of re-vegetation cover.
4. Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.
5. Vegetation shall be planted in all disturbed areas within three (3) weeks of the completion of off-site improvements or as directed by the City Engineer. Such vegetation shall be of a perennial and low combustibility nature and which, when established, shall be sufficient to stabilize the soil.

- C. Spark arresters shall be installed in every fireplace constructed indoors or outdoors. Screen openings in such arresters shall not be in excess of one-quarter (1/4) inch in diameter.

D. Grading, Cuts and Fills

1. Exposed unstable surfaces of an excavation or fill shall not be steeper than one (1) vertical to two (2) horizontal.
2. Permanent fill shall be located so that settlement, sliding, or erosion shall not damage or cover any street, curb, gutter, sidewalk, or building.
3. All fill and degrees of compaction shall comply with the standards established by the Bountiful City Engineer in accordance with applicable codes and standards adopted by the City.
4. The top or bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least three (3) horizontal feet from the property line and/or street right-of-way lines. Cut and/or fills greater than ten (10) feet shall be setback an appropriate distance as determined by the City Engineer.
5. The maximum vertical height of any cut or fill shall be ten (10) feet, except for existing, naturally occurring, and/or man-made site anomalies. An anomaly shall mean any abnormal deviation from the natural contours of a property encompassing less than ten (10) percent of the entire parcel area or one thousand (1,000) square feet, whichever is less.

6. Any structure except a retaining wall or soil stabilization improvement shall have a setback from the crest of the cut or base of the fill of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be a part of a dwelling unit.
 7. The distance from any structure to the toe of a slope shall be at least the height of the slope divided by two ($H/2$), up to fifteen (15) feet.
 8. No cut, fill, or other area of disturbance may have a finished grade exceeding two (2) horizontal feet for every one (1) vertical (a 2:1 slope). Retaining walls shall be required in any area of disturbance where the grade exceeds a 2:1 slope. Any retaining wall that is (4) feet in height or taller shall be designed by a licensed engineer and approved by the Bountiful City Engineer in accordance with applicable codes adopted by the City.
 9. No retaining wall shall exceed ten (10) feet in height.
- E. Streets, roadways, and private access ways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:
1. At least two (2) ingress and egress routes shall be provided for each subdivision.
 2. Points of access shall be provided to all developed and undeveloped areas for emergency and firefighting equipment. Any driveway located upon a lot extending from a public street shall have at any point a maximum grade of fifteen (15) percent as measured along the centerline of the driveway, and a minimum width of twenty feet, and shall be of a sufficient width and design to admit and accommodate firefighting equipment. Any driveway to an accessory building or secondary garage may be reduced to a minimum width of ten (10) feet if the Planning Director or Building Official determines that it is not necessary for providing emergency access.
 3. No cul-de-sac shall exceed six hundred (600) feet in length, and each cul-de-sac shall have a turnaround with a radius of fifty-four (54) feet. A stub street that is longer than the width or length of any adjacent single lot or that is longer than two hundred (200) feet, whichever is less, shall have a temporary turnaround at the end thereof.
 4. Centerline curvatures shall not be less than one hundred (100) feet radius on any curved street pattern. Depending on the slope of the street and other site specific conditions, the City Engineer may require a larger curvature in accordance with AASHTO and other applicable standards adopted by the City.
 5. Variations of street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for consideration. Examples of such variations may be the use of split roadways to avoid deep cuts, modifications of surface drainage treatments, or sidewalk design.

6. Any road or right-of-way for vehicular access dedicated for public use shall be subject to the following limitations:
 - a. The maximum grade of such road or right-of-ways shall be twelve (12) percent except as hereafter provided.
 - b. The City Council, after receiving a recommendation from the Planning Commission, may grant approval for the construction of a straight section of road or right-of-way having a grade exceeding twelve (12) percent, but the grade of such streets shall not, in any event, exceed fifteen (15) percent.

F. Architectural Design and Site Orientation

1. Any building proposed for construction in the Residential Foothill subzone shall use building materials and colors that blend harmoniously with the natural settings of the site. Materials such as natural woods, brick (earth colors), and stone are considered to be most appropriate.
 2. The Planning Commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.
 3. Landscaping shall be designed and installed to maintain the natural character of foliage in the area consistent with the proposed development.
 4. Any primary structure and its accompanying site improvements and accessory structures shall be located on the building pad defined and approved for the lot, but may be located outside of the minimum building pad area only if the ground is considered usable as set forth in this Title.
- G. In addition to the provisions requiring posting of an acceptable bond as set forth in the Ordinances of Bountiful, Utah, as amended, a corporate surety bond or cash bond or a letter of credit supported by a guarantee of a state or federally chartered bank or other financial institution shall be required by the City Council to guarantee the completion of public improvements such as streets, sidewalks, curb, gutter, utilities, re-vegetation projects, the stabilization of gradings, cuts, and fills and constructions of storm water runoff facilities as required in this Title. The bond shall be in an amount equal to the cost of construction of such projects and shall continue in effect for one (1) year after the completion date of such projects, improvements, or facilities.
- H. Exceptions to the requirements and provisions set forth in this Title may be approved by the City Council, provided that the developer or owner of such development can demonstrate that the requested exception:
1. Is not detrimental or injurious to the property or improvements adjacent thereto,
 2. Is not detrimental to the general well-being of the neighborhood,

3. Is minor in its overall scope and not a major departure from the purposes and objectives of this Chapter,
4. Does not require undue public expense for maintenance, and
5. Does not impose an undue burden upon the public or the City.

I. Lot Access and Site Layout

Each proposal to construct a primary structure more than one hundred fifty (150) feet from a public street shall be reviewed and approved by the Administrative Committee and Fire Marshall prior to receiving a building permit. Furthermore, any proposal to construct a primary structure more than one hundred fifty (150) feet from a public street shall also include a residential fire suppression system (sprinklers), and all other criteria as set forth below. No primary residential structure may be located more than five hundred (500) feet from a public street, without exception. All measurements shall be taken from the edge of the public R.O.W. along the centerline of the driveway or private access road to the nearest point of the primary structure. All of the following must be met before the Administrative Committee may grant approval:

1. An access road or driveway shall be provided which meets the standards outlined in Section 14-4-115. In addition, all dwelling structures shall have installed at the time of construction, and keep continuously maintained, a pressurized interior fire protection sprinkling system that complies with the minimum standards of the IRC and/or IBC, and meeting the Fire Marshall's approval.

14-4-118 SUBDIVISION AND PLANNED DEVELOPMENT REVIEW AND APPROVAL PROCEDURE FOR THE R-F SUBZONE

- A. Any proposed subdivision ~~except for a development within an approved Planned Development Overlay (PDO) zone~~ shall require conditional use approval from the Planning Commission.
- B. Any subdivision application, including planned developments, shall include plats and/or site plans drawn to a scale of not less than one inch equals one hundred feet (1" = 100') with topographical contours drawn at two (2) foot intervals. Furthermore, all subdivision plats and site plans shall be drawn to scale by a registered land surveyor licensed to practice in the State of Utah. Said plans and plats shall provide the following information:
 1. Location of the proposed subdivision, with identification of abutting streets.
 2. Topographic contours.
 3. An estimate of the average slope of the proposed subdivision and of each individual lot within the subdivision.
 4. The number of lots.
 5. The location and size of proposed lots.

6. Location, width, and grade of all proposed streets, and radii of any cul-de-sacs.
7. Location of existing or proposed schools, churches, or parks.

C. The following information, in addition to any other information required by City Ordinance Code, shall be provided. For a project of less than five (5) total acres, the City Council may accept reports conducted on adjacent properties, if the City Engineer determines that they are applicable to the subject area.

1. Report of Soil Characteristics. The term “soil characteristics” refers to data regarding the nature, distribution, and strength of soils within the project area. A Soils Report shall include:
 - a. Unified classification of all soils with an estimate of susceptibility to erosion, plasticity index, liquid limit, shrink-swell potential, and general suitability for development.
 - b. Estimate of the normal highest elevation of the seasonal high water table.
 - c. Flood history and potential including proximity to known floor plain areas and drainage channels.
 - d. Topographic contours.
2. Report of Geologic Conditions. A Geologic Conditions Report shall include the following information:
 - a. Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock.
 - b. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.
 - c. Determination of ground water characteristics.
 - d. Written recommendation for construction of proposed improvements to avoid impact of any potential geologic hazard.
3. Grading and Drainage Report.
 - a. The application for preliminary approval shall include a plan for grading and a report on the method by which surface water and natural drainage will be accompanied. The plan shall be prepared by a professional engineer licensed to practice in the State of Utah, and shall include the following information:
 - i. Indication of existing and proposed contours.
 - ii. Indication of the present and proposed slope of each graded area.

- iii. Location and identification (by species) of existing vegetation, and an indication of vegetation proposed for removal and re-vegetation proposal.
 - iv. Existing and proposed drainage patterns. Location of any drainage channels on the proposed site that have been identified by the State Geologist.
 - v. Location and depth of all proposed fills and cuts.
 - vi. Description of the methods to be employed to achieve stabilization and compaction.
 - vii. Location and capacities of proposed drainage, structures, and erosion control measures.
 - viii. Computation of maximum runoff for a twenty-five year storm before and after development.
 - ix. Location of existing buildings or structures on the site and location of existing buildings and structures on adjacent properties within one hundred (100) feet of the site, or which may be affected by any proposed grading or construction operations.
 - x. Verification of the existence and location of a six thousand (6,000) square foot building pad with required access to it.
4. The City Council and Planning Commission may attach such conditions as deemed necessary to secure the purposes as set forth in this Chapter.
- D. No construction, excavation, grading, or removal of vegetation may occur until final subdivision approval has been granted by the City Council and specific site developments have been approved by the City Engineer. Furthermore, individual lots or parcels may not be disturbed until a building permit has been issued for that lot or parcel.

14-4-119 DOMESTIC FARM ANIMALS

- A. The City recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the City also recognizes the importance of maintaining its agricultural heritage and the traditional values associated with that heritage. It is with this purpose, to preserve the agricultural heritage of the community, that this section is enacted.
- B. Where permitted, the quantity of animals permitted on a property shall be determined on the basis of one hundred (100) animal points per vacant acre, (e.g., 0.50 acres x 100 = 50 animal points, 1.45 acres x 100 = 145 animal points).
- C. Vacant acreage is determined by the following. At a minimum, a residential property shall deduct 0.20 acres (approx. 8700 sq ft) per unit from the total acreage before

calculating the animal allowance; (e.g., (0.50 acres – 0.20 acres) x 100 = 30 animal points; (1.45 acres – 0.20 acres) x 100 = 125 points). For a residential property where more than .20 acres is occupied by driveway, residential building footprint, garage, and areas of human occupancy and use, the actual vacant acreage available for animals shall be calculated by survey. A front yard and any minimum required yard setbacks shall not be considered vacant acreage or for animal habitat.

- D. The animals allowed in Table 14-4-119 below, and no other animals except household pets, are allowed in a permitted residential zone.

Table 14-4-119

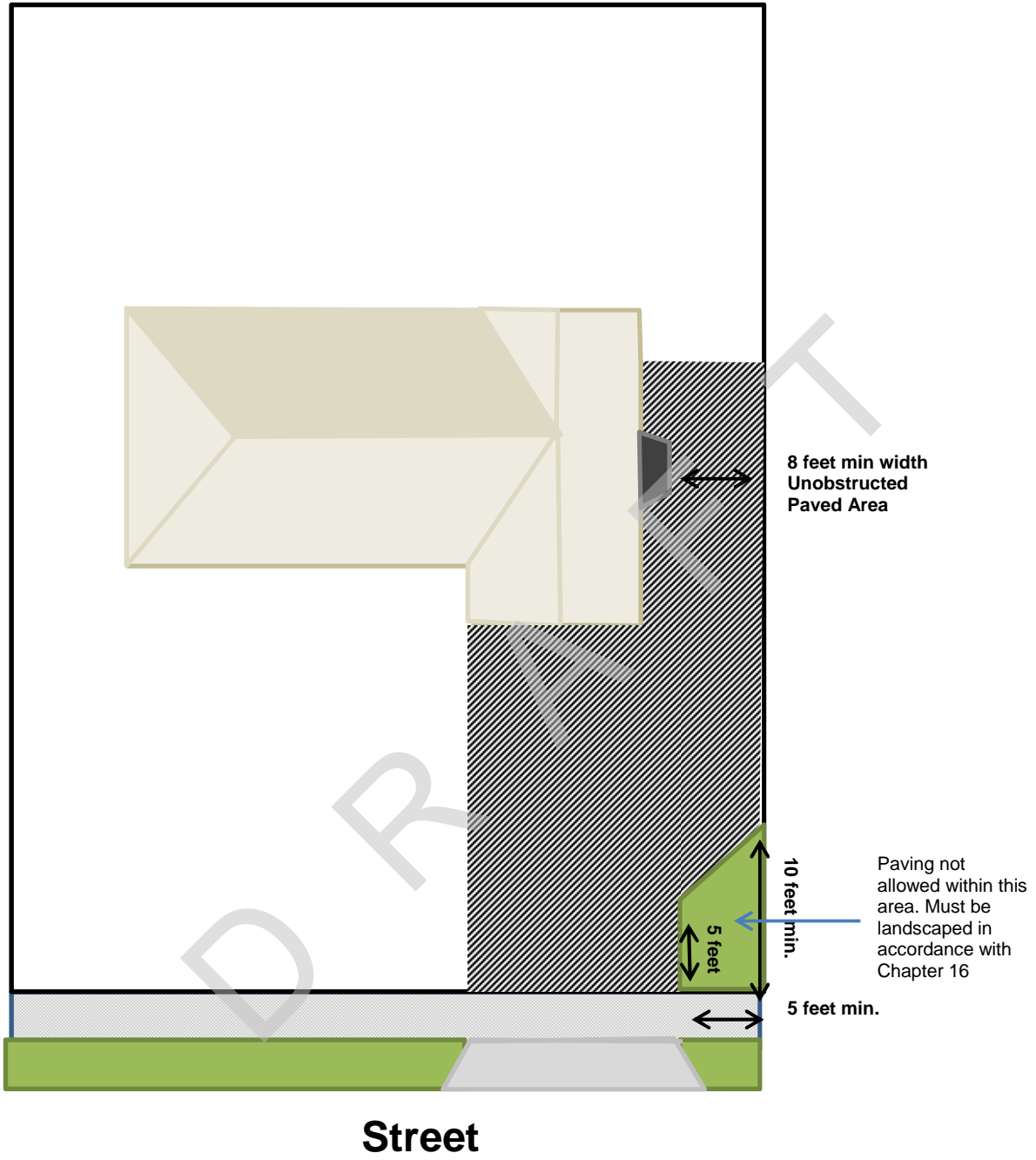
Type of Animal	# of Points per Animal
Pigs, Cattle	Not allowed
Horses	40
Sheep, goats, llamas	25
Fowl, pigeons, rabbits	5
Raccoons, skunks, roosters, and any other nuisance animal	Not allowed
Any non-domestic animal, and any animal regulated by the State of Utah, the United States, or any of their agents	Not allowed

- E. A commercial agricultural operation is not permitted anywhere within the City of Bountiful.
- F. Coops, barns, stalls, pens, and any other animal housing structure, shall be located in conformance with the provisions of *Title 8 - Public Health* of the Bountiful City Code.

14-4-120 DWELLING UNITS CONTAINING SECOND KITCHENS

- A. Except as provided below, or in conjunction with an approved accessory dwelling unit, any dwelling in a Residential Zone shall contain only one (1) kitchen.
- B. A dwelling unit in a Residential Zone may have a second kitchen if the owners of the property have signed a Deed Restriction on the property prepared and signed by the Bountiful City Planning Director, explicitly stating that the dwelling unit shall be used only as a single family residence. A permit shall not be granted allowing a second kitchen or an existing second kitchen shall not be deemed to be authorized until the Deed Restriction has been recorded at the Davis County Recorder's office and a copy showing recording information has been filed with the Bountiful City Planning Director.
- C. A dwelling unit shall have no more than two (2) kitchens. This shall be specified in the Deed Restriction.
- D. Second kitchens shall not be allowed in dwelling units that are part of a multi-family dwelling.

Figure 14-4-1



**CHAPTER 5
(RM) - RESIDENTIAL MULTIPLE FAMILY**

- 14-5-101 PURPOSE AND OBJECTIVES**
- 14-5-102 PERMITTED, CONDITIONAL, AND PROHIBITED USES**
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14-5-101 PURPOSE AND OBJECTIVES

The Residential Multiple Family Zone (RM) is established to provide areas of the community which shall be characterized by attractively landscaped condominiums, apartments, two family and single family dwellings and institutional uses which may be harmoniously blended into each neighborhood. Apartment developments should be of sufficient size and number of units in order to allow for on-site management. Condominium developments should be of a sufficient size and number of units so as to create a permanent, stable, homeowner’s association (HOA).

14-5-102 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 Residential Multiple Family zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-5-102a

<u>Use</u>	<u>(RM) Zone</u>
Accessory Dwelling Unit, as set forth in the Supplementary Development Standards chapter of this Title	N
Assisted Living Center (Less than two acres in size)	N
Assisted Living Center (Two acres or more in size)	C
Churches, Synagogues, and Temples	P
Denominational and Private School	C
Home Occupation, Temporary, and Seasonal Uses as set forth in this Title	P/C

<u>Use</u>	<u>(RM) Zone</u>
Household Pets as set forth in this Title	P
Independent Living Center (Two acres or more in size)	C
Library	C
Multi-Family Residential Dwelling	P
Municipal Facility	P
Preschool, Group Instruction, or Daycare with eight (8) or less children, including those residing in the home	P
Preschool, Group Instruction, or Daycare with nine (9) to twelve (12) children, as set forth in this Title and State Licensing Requirements	C
Private Recreational Facility	C
Public or Private Cemetery	C
Public or Private Utility Facility	C
Public Recreational Facility	P
Public Schools	P
Residence for Persons with Disability as set forth in 10-9a-504 of the Utah Code	P
Residential Accessory Structure	P
Residential Facility for Elderly Persons as set forth in 10-9a-519 of the Utah Code	P
Schools for the Disabled	C
Single Family Dwelling – Existing	P
Single Family Dwelling – New	C
Telecommunication Facility not on City Property	C
Telecommunication Facility on City property	P
Two Family Dwelling	P
Utility Lines and Rights-of-Way	P

14-5-103 MAXIMUM DENSITY AND MINIMUM LOT STANDARDS

- A. Areas within the (RM) Residential Multiple Family Zone are divided into subzones based on the maximum permitted density and the minimum lot size. The maximum density is indicated by the number following the Zone designation. For example, RM-13 means Single Family Residential with a maximum of thirteen (13) units per acre on a minimum lot size of one (1) acre. Any lot or parcel that is smaller than the minimum required lot size and that is at least one-quarter (0.25) acre in area shall have a maximum density of seven (7) units per acre, regardless of the subzone in which it is located. Density and minimum lot size are based on the net buildable area. Areas within floodplains or with slopes steeper than thirty percent (30%), and/or areas that are otherwise encumbered such that they cannot be used for project improvements are considered unbuildable. In addition to the maximum density requirement, each subzone has a standard for minimum lot size and width. Any lot or parcel smaller than one-quarter (0.25) acre in size shall be developed and used in accordance with the standards for the (R-4) subzone.
- B. Any structure and any other site improvement shall be located only upon an area constituting buildable land. In addition, each corner lot or parcel in the (RM) Zone shall

meet the minimum width requirements along both frontages. Legally existing lots created prior to this [ordinanceCode](#) and that are improved with a single family residence shall be considered legally conforming if they have a minimum sixty five (65) feet frontage and six thousand five hundred (6,500) square foot lot area.

Table 14-5-103 B.

<u>Subzone</u>	<u>Max. Density (Units/Acre)</u>	<u>Min. Lot Size (Net Acres)</u>	<u>Min. Lot Width (Ln. Ft)</u>
RM-7	7	1.0	80
RM-13	13	1.0	80
RM-19	19	1.0	90
RM-25	25	2.0	100
All subzones - less than the minimum lot size	7	0.25	80

- C. Each lot or parcel of land in the (RM) Zone shall have a minimum width, measured at the minimum front yard setback line, as set forth in this [ordinanceCode](#). Each lot or parcel shall also abut a public street for a minimum distance of fifty (50) feet, as measured along a line parallel to the center of the street or along the circumference of a cul-de-sac improved to City standards. For property fronting on a cul-de-sac not improved to City standards, frontage shall be calculated by measuring the linear distance between the side property lines at the tangential point of the arc.
- D. Any existing lot or parcel that is smaller than the minimum lot size requirement and that has been approved as a buildable lot may have only one (1) single family dwelling unit.
- E. Any existing single family or two family dwelling unit(s) may not be converted, added to, or otherwise modified to accommodate additional units.
- F. No additional units may be added to any lot or parcel containing an existing single family or two family dwelling.
- G. No additional units may be added to an existing development situated on a lot or parcel smaller than the minimum requirement for the subzone in which it is located.
- H. For the purpose of determining density within an independent living facility or an assisted living facility, the conversion rates in Table 14-5-103 H. shall apply.

Table 14-5-103 H. – Density Conversion Table

<u>Assisted Living</u>	
All units	3 occupants = 1 multi-family unit
<u>Independent Living</u>	
Single occupancy units w/o kitchen	3 units = 1 multi-family unit
Two occupant units w/o kitchens	2 units = 1 multi-family unit
Single or two occupancy units with kitchens	1.5 units = 1 multi-family unit

- I. For the purpose of determining density within an independent living facility or an assisted living facility, the term “kitchen” shall be defined as a room, or portion of a

room that is at least fifty (50) sq ft in size and that contains a sink, oven, range, and refrigerator greater than ten (10) cu ft, or utility service connections for such. The term “kitchenette” shall be defined as a portion of a room that is less than fifty (50) sq. ft. in size and that is designed and furnished for occasional cooking use, and that does not include all of the aspects of a *kitchen* as defined in this Title. A unit with just a kitchenette shall be deemed to be without a kitchen.

14-5-104 PROPORTIONALITY REQUIREMENT

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.

14-5-105 YARD AND SETBACK REQUIREMENTS

The following minimum yard requirements shall apply in the (RM) Zone, except for single family dwellings which shall meet the setback requirements for the (R-4) Subzone:

- A. The minimum setback along any public street at any point shall be twenty-five (25) feet. No dwellings, parking spaces, or other site elements other than sidewalks, landscaping, and approved driveways may be allowed in the front setback.
- B. The minimum interior side yard setback shall be ten (10) feet or one-half (½) the height of the adjacent structure, whichever is greater.
- C. The minimum side building separation shall be ten (10) feet or two-thirds (2/3) the height of the tallest adjacent structure, whichever is greater.
- D. The minimum separation between the rear of a building and a property line shall be twenty (20) feet. The rear of a building shall be any side opposite a primary entrance. The minimum separation between the rear of a building and any portion of another building shall be thirty (30) feet.
- F. The minimum separation between the front of a building and a property line shall be twenty-five (25) feet. The front of a building shall be any side with a primary entrance.
- G. Accessory Structure – Each accessory structure shall be located within the minimum setbacks required for principal structures. The exception is that an accessory building may be located within three (3) feet of a rear or interior side property line if the following criteria are met:

1. The entire structure is located more than five (5) feet to the rear of any main building on the same lot on which the building is being placed.
2. No part of the structure is closer than twelve (12) feet to any dwelling on an adjacent property.
3. The eaves are at least one (1) foot from the property line.
4. The structure is designed to prevent roof runoff from impacting the adjacent property.
5. The structure meets all applicable provisions of the International Building Code.
6. The structure does not encroach on any easements, recorded or otherwise.

14-5-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard:
 1. Fences and walls in conformance with City ordinances.
 2. Landscape elements, including trees, shrubs, agricultural crops and other plants in conformance with City ordinances.
 3. Necessary appurtenances for utility service.
- 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:
 1. Cornices, eaves, awnings, belt courses, sills, buttresses, or other similar architectural features.
 2. Fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part.
 3. Stairways, balconies, door stoops, fire escapes, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
- C. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half (.5) the required rear yard set-back distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 1. The roof or canopy is not more than one (1) story in height.
 2. The roof or canopy is not longer than one-half (1/2) the width of the main dwelling on which it is located.

3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty feet (20') of a front or street side yard property line, or to within less than ten feet (10') of a rear property line.

D. None of the above structures or additions may project into any side yard abutting a street on a corner lot.

14-5-107 BUILDING HEIGHT

No building or structure in the (R) Zone shall exceed two (2) stories or thirty-five (35) feet in height as measured at the average grade. Chimneys, flagpoles, church towers, and similar accessory elements not used for human occupancy are excluded in determining height, however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.

14-5-108 DISTANCE BETWEEN BUILDINGS

The horizontal distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet, excluding permitted yard encroachments. The horizontal distance between any accessory building and any dwelling shall not be less than five (5) feet, as measured at any point. The horizontal distance between any accessory building and any dwelling on an adjacent property shall not be less than twelve (12) feet, as measured at any point.

14-5-109 PERMISSIBLE LOT COVERAGE

In the (RM) Zone, all buildings, including accessory buildings and structures, and all impervious surfaces such as driveways, sidewalks, patios, parking areas, sports courts and pools shall not cover a total of more than sixty percent (60%) of the area of the lot or parcel of land. Furthermore, at least fifty percent (50%) of all required front and rear yard areas shall be landscaped. For institutional uses, such as churches, private schools, and public buildings, the approving authority may increase the amount of impervious surface area to up to seventy percent (70%), if the additional hard surfacing is used to provide parking spaces beyond the minimum required.

14-5-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (RM) Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 18 of this [Ordinance Code](#). Said spaces shall be paved with asphalt concrete, or similar impervious surface, and shall include a paved driveway accessing a public street. Required parking spaces shall not be provided within a required front yard or street side yard, including driveways.

14-5-111 NON-RESIDENTIAL SITE PLAN APPROVAL

Site plan approval is required for any non-residential permitted or conditional use in the (RM) Zone as per Chapter 2 of this Title.

14-5-112 SIGN STANDARDS

Any sign erected in the (RM) zone shall conform to the sign provisions of this Title. In addition, the following shall be allowed:

- A. A permanent sign of up to two (2) square feet for each unit.
- B. A temporary sign of up to six (6) square feet, which may be located on the property a maximum of ninety (90) total days out of the year.
- C. Project/Development signs as permitted by the Sign ~~ordinance~~Code.
- D. Signs or monuments identifying points of interest or sites of historic significance. The size and location of said signs or monuments shall be specifically approved by the City Council by ordinance.

14-5-113 LANDSCAPING

The following landscaping provisions shall apply to each developed lot or parcel in the (RM) Zone:

- A. All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grass, and similar succulent landscaping materials.
- B. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the parkstrip area between the curb and sidewalk. Xeriscaping is permitted in accordance with the Landscaping and Fencing chapter of this Title.
- C. 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 and/or occupants.
- D. There shall be a minimum ten (10) feet wide landscape buffer around the perimeter of all non-single family sites, and a minimum five (5) feet wide landscape buffer around all structures except for approved walkways, driveways, garages, and carports.
- E. Landscaping shall cover at least forty (40) percent of the development site.

14-5-114 STORAGE OF COMMERCIAL ITEMS

The storage of commercial goods, commercial materials, or construction related items is expressly prohibited on any residential lot or parcel. No residential lot or parcel in the (RM) zone may be used to display or proffer items for sale except for personal items belonging to the residents of the thereof, and which meet the criteria for a “garage and yard sale” as set forth in Chapter 17 - Temporary, Seasonal, and Home Occupation Uses, of this Title.

14-5-115 WALLS AND FENCES

Any wall or fence erected or maintained in the (RM) Zone shall comply with the fencing provisions of this Title.

14-5-116 VEHICLE ACCESS

Each multi-family projects shall have a circulatory-type driveway system with two (2) vehicle accesses, one of which may be shared with an adjoining development. Driveway and parking areas in multi-family projects shall be designed so that vehicles do not back onto a public street.

14-5-117 SITE PLAN APPROVAL

Commercial site plan review and approval is required for any multi-family and non-residential permitted or conditional use. In addition to the requirements for commercial site plans, the following criteria shall apply:

- A. Structure Design and Materials.
 - 1. Exteriors shall be essentially maintenance free wall material such as high quality brick, natural stone, weather resistant stucco, masonite type materials, or non-wood siding. Stucco, masonite clapboard, or siding may not exceed fifty (50) percent of the exterior.
 - 2. Each dwelling unit shall have at least fifty (50) square feet of private, fenced outdoor space in the form of balconies or patios.
- B. Each dumpster pad or trash receptacle area shall be enclosed by a solid fence or masonry wall between four (4) and six (6) feet in height, with gates of sufficient width to provide access to the trash receptacles. The enclosures shall be designed as an integral part of the site and all trash receptacles and other items of disposal shall be kept within the enclosed areas.

CHAPTER 6

(C) COMMERCIAL ZONE

14-6-101	PURPOSE AND OBJECTIVES
14-6-102	AREA OF ZONE
14-6-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
14-6-104	MINIMUM LOT STANDARDS
14-6-105	YARD REQUIREMENTS
14-6-106	PROJECTIONS INTO YARDS
14-6-107	BUILDING HEIGHT
14-6-108	DISTANCE BETWEEN BUILDINGS
14-6-109	LANDSCAPING
14-6-110	PARKING, LOADING, AND ACCESS
14-6-111	SITE PLAN APPROVAL
14-6-112	OTHER REQUIREMENTS
14-6-113	SEXUALLY ORIENTED BUSINESSES

14-6-101 PURPOSE AND OBJECTIVES

The Commercial Zone (C) is established to provide areas dedicated primarily to retail, office, and service related uses. Within the Commercial zone are various subzones with individual criteria that have been created to address specific needs pertinent to the areas these subzones encompass.

- A. The Heavy Commercial (C-H) subzone is intended for uses which involve heavy automobile and semi-truck traffic, and/or that are regional in nature. Areas zoned C-H should be near or immediately adjacent to major arterials. Typical uses in the C-H subzone include: Big-box retail, light manufacturing, planned commercial developments, office towers, automobile repair and service, outside storage yards, and office/warehouse buildings.
- B. The General Commercial (C-G) subzone is intended for uses which involve medium automobile and semi-truck traffic, and/or that are sub-regional in nature. Areas zoned C-G should be near or immediately adjacent to major collector streets. Typical uses in the C-G subzone include: Small retail centers, supermarkets, restaurants, offices, and general services.
- C. The Neighborhood Commercial (C-N) subzone is intended for uses which involve light vehicle traffic and/or that are local in nature. Areas zoned C-N should be near or immediately adjacent to collector roads.

14-6-102 AREA OF ZONE

Each area of commercial zoning shall meet the following minimum size:

Table 14-14-102

<u>Subzone</u>	<u>Min. Zone Area (Acres)</u>
C-H	3.0
C-G	2.0
C-N	0.5

14-6-103 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 Commercial zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-6-103

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

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

Accessory uses and structures are permitted in the Commercial Zone provided they are incidental to and do not substantially alter the character of the permitted principal use of the 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 (C) 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.

14-6-104 MINIMUM LOT STANDARDS

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

Table 14-6-104

<u>Subzone</u>	<u>Min. Lot Size (Acres)</u>	<u>Min. Frontage and Width</u>
C-H	0.50	50
C-G	0.50	50
C-N	0.25	70

A corner lot shall meet the minimum frontage and width requirements along both streets.

14-6-105 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the (C) Zone, except that the minimum front, rear, and side yards listed below shall be increased by one foot (1') for each foot in height the structure extends above thirty-five (35) feet, or the portion of the building extending above thirty-five (35) feet may be set back the equivalent horizontal distance. An interior side or rear yard setback may be reduced during the site plan approval process if the land use authority determines that there is no need for a landscape buffer along that portion of the site, and that the public interest is better served by reducing the setback. However, no setback may be less than required by the International Building Code.

- A. Front and Street Yards. Any lot or parcel within the (C) Zone shall have a minimum building setback of twenty (20) feet from any front property line and/or any property line abutting a public street.
- B. Side Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a side property line.
- C. Rear Yard. Except as provided otherwise in this chapter, any lot or parcel of land in the (C) Zone shall have a minimum building setback of ten (10) feet from a rear property line.
- D. Yard Abutting Residential Lots. Where property in the (C) Zone abuts a residential lot or parcel, the minimum building setback shall be twenty (20) feet on the abutting side.
- E. Accessory Structure. Each accessory structure shall meet all of the setback requirements of principal structures on the same lot or parcel. An accessory structure that does not require a building permit, as per the International Building Code, 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 structure 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.

14-6-106 PROJECTIONS INTO YARDS

- A. The following items may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. Fences and walls in conformance with this Title.
 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:
- Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 - Stairways, balconies, door stoops, fire escapes, awnings.
 - Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - A covered entry or porch used for the protection of pedestrians entering or leaving a structure provided said structure is not more than one (1) story in height and is entirely open on at least three (3) sides.

14-6-107 STRUCTURE HEIGHT

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

14-6-108 DISTANCE BETWEEN STRUCTURES

The minimum separation between structures shall be ten (10) feet or as required by the International Building Code, whichever is greater. This separation may be reduced through the site plan approval process, except that it shall never be less than distance required by the IBC.

14-6-109 LANDSCAPING

The following landscaping provisions shall apply in the (C) Zone in addition to other requirements of this Title.

1. The minimum amount of landscaping required within each subzone shall be as follows:

Table 14-14-109

<u>Subzone</u>	<u>Min. Percent Landscaping</u>
C-H	15%
C-G	15%
C-N	25%

2. Required landscaping shall be located onsite and shall not include required landscaping within a public right-of-way or any other location not within the property boundaries.
3. 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.
4. A minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
5. A minimum ten (10) feet wide landscape buffer shall be established adjacent to all residential properties.
6. All 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 as noted for buffering between residential uses.
7. Parking areas shall be landscaped as set forth in this Title.
8. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the parkstrip area between the curb and sidewalk. Xeriscaping is permitted in accordance with the *Landscaping and Fencing* chapter of this Title.
9. Any area that is not landscaped shall be improved consistent with uses permitted in the (C) zone.

14-6-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (C) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this [Ordinance Code](#).

14-6-111 SITE PLAN APPROVAL

Site plan approval shall be required for any new construction or change in use in the (C) Zone.

14-6-112 OTHER REQUIREMENTS

- A. Signs. Each sign erected in the (C) Zone shall conform to the sign provisions of this Title.
- B. Uses Within Buildings. Each use permitted in the (C) Zone shall be conducted entirely within a fully enclosed building. The exception is that a permitted use may include the outdoor display of merchandise for sale only if all of the following conditions are met:
1. 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.
 2. 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.
 3. 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.
 4. The aggregate outdoor display area shall not exceed twenty-five percent (25%) of the linear frontage of the store front or ten (10) linear feet, whichever is greater. Businesses located on a corner shall be considered as having two (2) store fronts.
 5. No outdoor display shall exceed six (6) feet in height.
 6. A maximum of fifty percent (50%) of the aggregate outdoor display area may be located in any required landscaping.
 7. Items shall be displayed outdoors only during the hours when the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
 8. Additional signs, beyond those normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.
 9. 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. Trash Storage. No trash, used materials, wrecked or abandoned vehicles, or equipment shall be stored in an open area.

Each development in the (C) Zone shall have adequate on-site, screened refuse containers maintained in a location approved as part of the site plan.

14-6-113 SEXUALLY ORIENTED BUSINESSES

- A. Sexually oriented businesses, as defined in the Bountiful City Code, shall be allowed only as

a conditional use and only in the Heavy Commercial (C-H) subzone provided that all of the following criteria are met:

1. The sexually oriented business may not be operated within six hundred (600) feet of a church, synagogue or regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption, or another sexually oriented business.
 2. For the purpose of this ~~ordinance~~ Code, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of religious worship, a public or private elementary or secondary school, or the boundary of a public park, a licensed day-care center, an existing entertainment business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption.
 3. The sexually oriented business shall apply for and meet all of the criteria for a sexually oriented businesses license and shall continuously maintain current such business license.
- B. It is unlawful for any sexually oriented business to deliver any services whatsoever off premises from the business location in the heavy commercial zone. No delivery or products, maid service, or any other personal service, may be rendered in any other zone, or to any other location in the heavy commercial zone.

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

<u>Use</u>	<u>DN</u>
Assisted Living Center	C
Bail Bonds	N
Banks, Credit Unions	P

Use	DN
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 (Mixed-Use)	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P

<u>Use</u>	<u>DN</u>
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Private Schools	C
Professional Services	P
Public/Private Assembly	C
Restaurant	P
Security Services	C
Self Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single Family Dwelling,	P
Single Family Dwelling- property fronting on Main Street	N
Two Family Dwelling – New	C
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.

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. All other uses, including multi-family and mixed-use, 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
 - 2. Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities, including but not limited to, seating, drinking and ornamental fountains, art, trees, landscaping, for use by pedestrians, shall be considered part of the building for setback purposes, as determined by the approving Land Use Authority.
 - 3. Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line.

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

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 [OrdinanceCode](#).
 - 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. Buildings located within 50 feet of the street property line on 100 West and 100 East shall not exceed 35 feet in height as measured at the average grade.
- B. Buildings located between 50 and 200 feet from the street property line on 100 West and 100 East shall not exceed 45 feet in height as measured at the average grade.
- C. Buildings located at least 200 feet from 100 West and 100 East street property line shall not exceed 55 feet in height measured at the average grade.
- D. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.
- E. Chimneys, flagpoles, towers, steeples, and similar accessory and architectural elements not used for human occupancy are excluded in determining height, however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.
- F. In no case shall the area covered by roof mounted equipment exceed twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height. If mechanical equipment is located within roofed and enclosed structures, these structures shall not exceed the maximum height for the zone whether or not these areas are designed for human occupancy.

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. 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. All others, including multi-family 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 [OrdinanceCode](#).
 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 multi-family 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 Code~~. In addition to the standards of Chapter 18 of the Land Use ~~Ordinance Code~~, the following shall apply to properties in the DN Zoning district.
 1. 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.
 2. Parking for buildings fronting on Main Street shall be located completely behind the principal structure.
 3. 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.

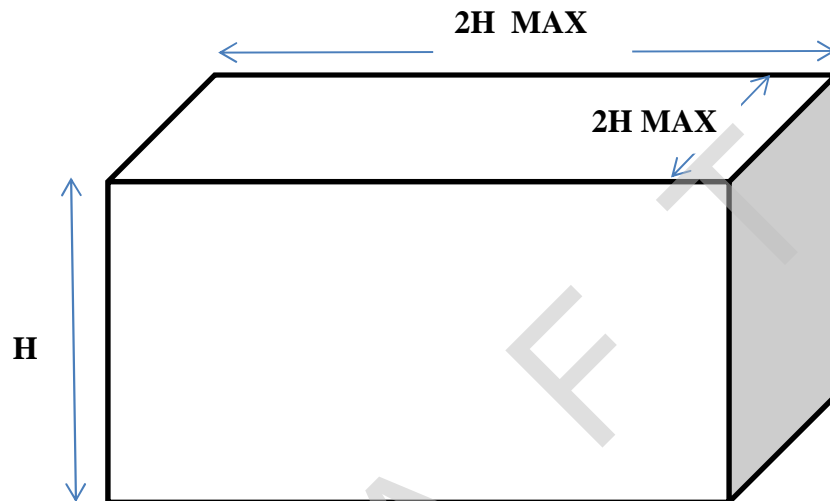
- 1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
- 2. Each residential unit shall have some private outdoor 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 located adjacent to the street shall have the primary entrance oriented toward the street.
4. 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:
 - a. Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
 - b. Extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or

- c. Offsets or breaks in roof elevations of three (3) or more feet in height.
8. 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.
9. Ground Floor Use Requirement: For buildings located at least 200 feet from 100 West and 100 East the ground floor story of structures located adjacent to the street 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 and shall be a minimum horizontal depth of 25 feet as measured from the front face of the building. With the exception of buildings fronting on Main Street, 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').
10. 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



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.

DRAFT

CHAPTER 8

(PO) PROFESSIONAL OFFICE ZONE

14-8-101	PURPOSE AND OBJECTIVES
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14-8-103	PERMITTED, CONDITIONAL, AND PROHIBITED USES
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14-8-101 PURPOSE AND OBJECTIVES

The Professional Office Zone (PO) and the Professional Office Neighborhood Subzone (PO-N) are established to provide areas with a variety of general office uses in an attractive office environment. The zones may be used in buffer or transition areas separating commercial/industrial uses from residential uses or may be assigned to areas of existing professional office areas which are not attached to any large commercial zones. Any property within the (PO-N) Subzone shall meet the requirements of the PO Zone unless specifically stated otherwise.

14-8-102 AREA OF ZONE

Each area of Professional Office zoning shall meet the following minimum criteria:

Table 14-8-102

<u>Min. Zone Area (Acres)</u>
0.25 – if not adjacent to any residential zone
0.50 – if adjacent to any residential zone

14-8-103 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 Professional Office zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-8-103

<u>Use</u>	<u>PO</u>	<u>PO - N</u>
Banks, Credit Unions	P	N
Bar, Tavern, Drinking Establishment	N	N
Beauty Salon, Nail Salon	N	N

Use	PO	PO - N
Chiropractor, Massage Therapy	P	P
Construction/Contracting – Office only	P	N
Daycare/Preschool	N	N
Mail Order/Online Distribution office w/ onsite storage	C	N
Medical/Dental Laboratory	P	N
Medical/Dental Office	P	N
Motorized and/or Non-Motorized Recreation	N	N
Municipal Facility	P	P
Non-Depository Financial Institutions (Check cashing/advance)	N	N
Optometrist with Ancillary Retail Sales	P	P
Pawnbroker, Bail Bonds, Tattoo Parlor, Second Hand Merchandise	N	N
Pharmacy with Ancillary Retail Sales	C	N
Private School (Pre-K through 12 th Grade)	N	N
Professional Office	P	P
Professional Services	P	N
Public/Private Assembly	C	C
Residential – New	N	N
Residential Duplex and Multi-family – Existing only	P	P
Residential Single Family – Existing only	P	P
Security Services – Office only	P	C
Sexually Oriented Business, Escort Service	N	N
Tutoring and Educational Services	P	C
Utility Lines	P	P
Utility Substations and Control Facilities	P	P

Accessory uses and structures shall be permitted in the Professional Office Zone provided they are incidental to and do not substantially alter the character of the permitted principal use of a main structure. An accessory structure shall be lower in height and smaller in size than any primary structure(s) on the site. 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 (PO) 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.

14-8-104 MINIMUM LOT STANDARDS

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

Table 14-8-104

<u>Min. Lot Size (Acres)</u>	<u>Min. Frontage and Width</u>
0.25	70

Corner lots shall meet the minimum frontage and width requirements along both streets.

14-8-105 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the (PO) Zone, except that the minimum front, rear, and side yards listed below shall be increased by one (1) foot for each one (1) foot in height the structure extends above twenty-five (25) feet. Required setbacks, except for front and street yards, may be reduced during the site approval process at the discretion of the City, but only if the setback is not adjacent to a residential property and the approving authority determines that the full setback is not necessary to allow for access, landscaping, light and air, or for aesthetic reasons. No building or structure shall be constructed closer to a property line or to another structure than allowed by the IBC (International Building Code) or any other adopted codes.

- A. Front and Street Yards. Any lot or parcel within the (PO) Zone or (PO-N) Subzone shall have a minimum building setback of twenty (20) feet from any front property line and/or any property line abutting a public street.
- B. Side Yard. Except as provided otherwise in this chapter, any lot or parcel in the (PO) Zone shall have a minimum building setback of ten (10) feet from a side property line, and each lot or parcel in the (PO-N) Subzone shall have a minimum building setback of eight (8) feet from a side property line.
- C. Rear Yard. Except as provided otherwise in this chapter, any lot or parcel in the (PO) Zone shall have a minimum building setback of ten (10) feet from a rear property line, and any lot or parcel in the (PO-N) Subzone shall have a minimum building setback of twenty (20) feet from a rear property line.
- D. Yard Abutting Residential Lots. Where a property in the (PO) Zone abuts a residential lot or residential zone designation, the minimum rear yard building setback shall be at least twenty (20) feet on the abutting side.
- E. Accessory Building. 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. Any existing residential structure constructed prior to October 20, 1982, that does not meet the setback and separation standards of this Title may be converted to a use allowed in this zone as long as the other requirements of this Title are met.

14-8-106 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~~Code.
 2. Landscape elements, including: trees, shrubs, and other plants.
 3. Necessary appurtenances for utility service.
- B. The structures listed below may project into a minimum front or rear yard not more than five (5) 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, including the pillars, 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.

14-8-107 STRUCTURE HEIGHT

No structure in the (PO) Zone shall exceed three (3) stories or forty-five (45) feet in height as measured at the average finished grade, and no building or structure in the (PO-N) Zone shall exceed twenty-five (25) feet in height as measured at the average finished grade. Chimneys, flagpoles, church towers, and similar accessory elements not used for human occupancy and that are less than thirty-six (36) square feet in horizontal surface area, 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.

14-8-108 DISTANCE BETWEEN STRUCTURES

The minimum separation between structures shall be sixteen (16) feet or as required by the International Building Code, whichever is greater.

14-8-109 LANDSCAPING

The following landscaping provisions, in addition to other requirements of this Title, shall apply in the (PO) Zone.

1. Approved landscaping shall cover a minimum of fifteen (15) percent of the development site and does not include required landscaping within public rights-of-way or any other location not within the property boundaries.

2. 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 shall be permanently maintained by the owner or occupants.
3. In the PO zone, a minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by approved drive accesses. In the PO-N subzone, the entire minimum front yard setback shall be landscaped, except for the area occupied by approved drive accesses and/or walkways.
4. A minimum ten (10) feet wide landscape buffer shall be established adjacent to any residential property, except for approved parking, loading, and drive areas.
5. All 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.
6. Parking areas shall be landscaped as set forth in this [Ordinance Code](#).
7. Landscaping shall 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 are not allowed in the parkstrip area between the curb and sidewalk.
8. Any area that is not landscaped shall be improved consistent with uses permitted in this zone.

14-8-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (PO) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this [Ordinance Code](#). In the (PO-N) Subzone, the following shall apply:

- A. Parking areas shall be located in the rear of the lot.
- B. Parking may be shared between adjacent properties as long as the minimum required number of stalls for all properties collectively is met.
- C. Cross access between parking areas on the same or adjacent properties may be required anytime a project requires site plan approval or anytime the vehicle circulation or parking pattern is modified.

14-8-111 SITE PLAN APPROVAL

Site plan approval shall be required for all uses in the (PO) Zone.

14-8-112 OTHER REQUIREMENTS

- A. Signs. Any sign erected in the (PO) Zone shall be in conformance with the sign provisions of this Title.

- B. The following permanent signs, and no others, are allowed within the PO-N subzone:
1. One (1) sign of up to ten (10) square feet shall be allowed on each structure. Such sign shall be illuminated only by exterior, floodlight-style fixtures, shall be attached to the primary structure, and shall not protrude above the roof eave line. Neon lights, interior sign lights, and other similar methods of lighting are expressly prohibited. The design and color of the sign shall be consistent with the *Architectural Design* provisions of this Chapter.
 2. A maximum of one (1) monument sign per street frontage shall be allowed. The sign structure shall not exceed four (4) feet in height as measured at the highest point of the structure to the average finished grade. The width of the sign structure shall not exceed six (6) feet as measured at the widest point of the sign structure. The sign depth shall not exceed one (1) foot at the deepest point of the sign structure. The sign shall be located at least five (5) feet from any property line and shall not be located within a clear-view area. The sign shall be illuminated only by exterior, floodlight-style fixtures. Neon lights, interior sign lights, and other similar methods of lighting are expressly prohibited. The design and color of the sign shall be consistent with the design provisions of this Chapter.
- C. Address Marker. For the purposes of public safety, an address marker, three (3) feet in height and between one (1) and (2) feet in width, shall be placed in front of every principal structure. Said marker shall be located between five (5) and ten (10) feet behind the sidewalk or front property line if there is no sidewalk, and between ten (10) and twenty (20) feet of the principal driveway entrance to the property. The numeric characters shall be between eight (8) and ten (10) inches in size and shall be colored in high contrast to the remainder of the marker. The design and color of the address marker shall be consistent with the *Architectural Design* provisions of this Chapter. No other characters or images are permitted on an address marker. An address marker is not required if the address is included on a monument sign and meets the height and size requirements of this section.
- D. Uses Within Buildings. All uses permitted in the (PO) Zone shall be conducted entirely within a fully enclosed building.
- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles, or equipment shall be stored in an open area. Each development in the (PO) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.
- F. Fences. Chain-link fencing material is not permitted.
- G. Building Scale and Size. All structures shall be constructed of a size and scale similar to the typical single family homes in the area and shall be oriented toward the public street. The maximum width of a structure shall be sixty (60) feet, and the minimum width shall be thirty (30) feet. The maximum footprint of a structure shall be two-thousand (2,000) square feet. A series of two or more structures meeting these criteria may be linked by a common corridor or interior connection forming a structure greater than (60) feet in width, but only if the approval authority determines that such structure will meet the intent of the *Architectural Design* criteria set forth in this Chapter.

H. Architectural Design. In the PO-N subzone, any structure shall be designed to appear as a single-family dwelling or as an accessory element of a single-family dwelling. The approving authority shall compare any proposed development with the style and appearance of surrounding residential properties, and shall not approve any design that is not consistent with the general design and style of the area. The following standards and/or design features are considered typical of the area and are required elements of any project:

1. There shall be a covered front porch on any main structure.
2. The minimum roof pitch of any structure shall be 5/12.
3. There shall be brick and/or stone exterior treatments on any structure.
4. Any exterior building surface shall be constructed of natural wood, fibrous cement board, brick, or stone. Vinyl siding, aluminum siding, T-111, and similar materials are not allowed, except for aluminum soffit, fascia, and rain gutters.
5. Any roof shall be covered with architectural asphalt shingles or cement/slate shingles.
6. There shall be no flat, gambrel, mansard, or "barn-style" roof on any structure.
7. The roof on any main structure shall be gabled.
8. All exterior mechanical equipment shall be screened and located at grade.
9. Exterior building colors shall be muted earth tones, with no pink, purple, or derivative shades allowed anywhere.
10. Window trim, soffets, fascias, and other exterior details may be painted with bold earth tones.
11. The color black shall not be permitted on any exterior surface except shingles, signs, and wrought iron fences.

CHAPTER 9

(H) HOSPITAL ZONE

- 14-9-101 PURPOSE AND OBJECTIVES**
- 14-9-102 AREA OF ZONE**
- 14-9-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES**
- 14-9-104 MINIMUM LOT STANDARDS**
- 14-9-105 YARD REQUIREMENTS**
- 14-9-106 PROJECTIONS INTO YARDS**
- 14-9-107 BUILDING HEIGHT**
- 14-9-108 DISTANCE BETWEEN BUILDINGS**
- 14-9-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE**
- 14-9-110 PARKING, LOADING, AND ACCESS**
- 14-9-111 SITE PLAN APPROVAL**
- 14-9-112 OTHER REQUIREMENTS**

14-9-101 PURPOSE AND OBJECTIVES

The Hospital Zone (H) is specifically designed for the area encompassed by the Lakeview Hospital and surrounding properties. The purpose of the Hospital Zone is to provide an area for medical uses, professional offices, and professional services within close proximity to one another.

14-9-102 AREA OF ZONE

Each area of Hospital zoning shall meet the following minimum size:

Table 14-9-102a

<u>Min. Zone Area (Acres)</u>
1.0

14-9-103 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 Hospital zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-9-103a

<u>Use</u>	<u>H</u>
Assisted Living, Rest Homes, and Convalescent Facilities	C
Helipad	C
Hospital	P
Medical/Dental Laboratory	P
Medical/Dental Office	P
Municipal Facility	P
Pharmacy and/or Optical Shop – accessory use only	C

<u>Use</u>	<u>H</u>
Professional Services	P
Residential – existing only	P
Sexually Oriented Business, Escort Service	N
Utility Lines	P
Utility Substations and Control Facilities	C

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

- A. Accessory buildings 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 (H) 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.

14-9-104 MINIMUM LOT STANDARDS

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

Table 14-9-104a

<u>Min. Lot Size (Acres)</u>	<u>Min. Frontage and Width</u>
0.50	70

Corner lots shall meet the minimum frontage and width requirements along both streets.

14-9-105 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the (H) Zone, except that the minimum front, rear, and side yards listed below shall be increased by one foot (1') for each foot in height a structure extends above thirty (30) feet.

- A. Front and Street Yards. Each lot or parcel within the (H) Zone shall have a minimum building setback of thirty (30) feet from any front property line and/or any property line abutting a public street.
- B. Side Yard. Except as provided otherwise in this chapter, each lot or parcel in the (H) Zone shall have a minimum building setback of ten (10) feet from a side property line, except for hospitals which shall have a minimum setback of twenty (20) feet.
- C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel in the (H) Zone shall have a minimum building setback of thirty (30) feet from a rear property line.

- D. Yard Abutting Residential Lots. Where property in the (H) Zone abuts a residential lot, the minimum building setback shall be twenty (20) feet on the abutting side.
- E. Accessory Building. An accessory building or structure shall meet all of the setback requirements of a principal structure. An accessory building or 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 building or 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 building or 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 building or structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.

14-9-106 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 Title.
 - 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.

14-9-107 BUILDING HEIGHT

No hospital building or structure in the (H) Zone shall exceed seven (7) stories or one hundred (100) feet in height as measured at the average grade. No other building or accessory structure in the (H) Zone shall exceed four (4) stories or forty-eight (48) feet in height as measured at the average grade. Chimneys, flagpoles, church towers, and similar accessory elements not used for human occupancy are excluded in determining height, however, the City may limit the height

of any protrusion that is found by the City Council to be a public nuisance.

14-9-108 DISTANCE BETWEEN BUILDINGS

The minimum separation between structures shall be ten feet or as required by the International Building Code, whichever is greater.

14-9-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE

The following landscaping provisions shall apply in the (H) Zone in addition to other requirements of this [OrdinanceCode](#):

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. 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 any 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 as required for buffering between residential uses.
5. Parking areas shall be landscaped as set forth in this Title.
6. Approved landscaping shall cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in the public right-of-way.
7. Landscaping shall 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.
8. Areas not in landscaping shall consist of uses permitted in this zone.

14-9-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (H) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this [OrdinanceCode](#).

14-9-111 SITE PLAN APPROVAL

Site plan approval shall be required for all new or amended uses and sites in the (H) Zone, as set forth in the Administration and Procedures chapter of this Title.

14-9-112 OTHER REQUIREMENTS

- A. Signs. All signs erected in the (H) Zone shall be in conformance with the sign provisions of this ~~Ordinance~~Code.
- B. Trash Storage. No trash, used materials, wrecked or abandoned vehicles, or equipment shall be stored in an open area. Each development in the (H) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.

D R A F T

CHAPTER 10

(MXD) MIXED-USE ZONE

14-10-101	PURPOSE
14-10-102	ZONE/PROJECT EVALUATION
14-10-103	SITE CHARACTERISTICS
14-10-104	SUB-ZONE STANDARDS
14-10-105a	PERMITTED USES
14-10-105b	PROHIBITED USES
14-10-106	DEVELOPMENT PLAN
14-10-107	DEFAULT SETBACKS AND HEIGHT LIMITATIONS
14-10-108	DEVELOPMENT CHARACTERISTICS
14-10-109	DEVELOPMENT PROCEDURES

14-10-101 PURPOSE.

The purpose of the *Mixed-Use (MXD)* zoning classification is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

14-10-102 ZONE/PROJECT EVALUATION

All proposals to include a property within an MXD zone, and all development proposals within an existing MXD zone, shall at a minimum be evaluated based on their compatibility with:

1. The Bountiful City General Plan
2. The Bountiful City Code and Zoning [Ordinance Code](#)
3. The purpose and characteristics of the MXD Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other City-approved studies

The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.

14-10-103 SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five (5) acres; however, smaller projects that demonstrate outstanding characteristics may also be considered. Sites zoned MXD should be adjacent to major automobile and public transit corridors, and should have direct access to both.

14-10-104 SUB-ZONE STANDARDS

Each sub-zone shall have an emphasis toward a particular category of land-use. Percentages

are based on the total square footage of floor area within a project and include areas within a structure (floors of a building) and areas on the surface of the land (sidewalks, parks, etc.) Parking, landscaping, and similar ancillary uses are calculated on a pro-rated basis for each use category.

MXD-R	50% - 75% sq ft in residential uses
MXD-C	50% - 75% sq ft in commercial uses
MXD-PO	50% - 75% sq ft in professional office uses
MXD-PF	50% - 75% sq ft in public facilities
MXD-E	50% - 75% sq ft in entertainment/hotel uses
MXD-M	No one category of uses may exceed 33% of the total sq ft.

14-10-105a PERMITTED USES

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

Residential

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

Office

Professional offices
Banks and credit unions
Medical clinics
Artist studios

Commercial

Convenience stores – with or without fuel sales
Grocery stores – maximum 50,000 square feet per tenant
Retail – maximum 50,000 square feet per tenant/floor, no single tenant to exceed 100,000 square feet total across multiple floors

Institutional/Public

Medical clinics
Colleges/Universities/Educational Services
Museums
Open space/Park
Convention center/Assembly/Auditorium
Government offices
Places of worship
Municipal Facilities

Hotel/Entertainment

Hotels – Rooms off interior corridors (no motor lodges)

Recreation – Indoor/Outdoor
 Restaurants and private clubs – without drive-up window
Fast-food restaurant
Movie Theaters - Indoor
 Convention center/Assembly/Auditorium
 Health clubs

14-10-105b PROHIBITED USES

Motor lodges (drive-up motel units)
 Pawn shops
 Check cashing/Title loan stores
 Sexually oriented businesses
 Tattoo parlors
 Self storage units
 Body piercing (earrings permitted)

14-10-106 DEVELOPMENT PLAN

1. The property owner (or his agent) shall prepare and submit a proposed Development Plan for the subject property.
2. The Development Plan guides all development within a particular project and at a minimum shall include a site plan, a pedestrian connection/trails plan, conceptual building elevations and design schemes, streetscape and building setback diagrams, a current survey and legal description, plus any other information typically required for site plan approval.
3. The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the City Council. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage, or exterior building surface or any change in use greater than five percent (5%) of the total project floor area. All modifications must meet the minimum standards required by this [ordinanceCode](#).

14-10-107 DEFAULT SETBACKS AND HEIGHT LIMITATIONS

The location, height, and separation between buildings shall be established as part of the Development Plan. Unless otherwise stated in the Development Plan, the default standards shall be as follows:

Minimum building setback	30 feet
Maximum building setback	50 feet

Minimum building separation	20 feet
Maximum building separation	40 feet
Minimum building height	20 feet
Maximum building height	35 feet

14-10-108 DEVELOPMENT CHARACTERISTICS

1. Uses may be mixed within a building or within an overall development, or both. However, the City encourages mixing uses within a building as much as possible. Furthermore, the subdividing of land for stand alone parcels is discouraged, and the City may deny the subdivision of land within the MXD zone if the Planning Commission or City Council determines that the subdivision is contrary to the purpose and intent of this [ordinanceCode](#).
2. Developments within an MXD zone shall exhibit urban characteristics such as:
 - A. Wide sidewalks
 - B. Street trees and street furniture
 - C. Community gathering spaces
 - D. Shared parking
 - E. Integrated public transit (where available and/or anticipated)
 - F. Diverse and distinctive design features
3. All developments shall provide at least fifteen (15) percent of the gross floor area or fifteen (15) percent of the gross site area, whichever is greater, as open space. Open space shall typically include the following elements: cultivated landscaping, plazas, parks, urban trails/sidewalks, wetlands/indigenous landscaping, and community recreation space. A maximum of fifty (50) percent of all open space may be hard surfaced. Streets, parking lots, driveways, and private yards are not considered open space.
4. All lighting and signs shall be pedestrian scale, with a maximum sign height of twenty (20) feet. Lights or signs on building facades may be higher than the twenty (20) feet maximum. Sign standards shall be the same as for the downtown (DN) zone, although for buildings larger than those normally allowed in the downtown (DN) zone, the City may approve larger scale lighting and/or signs proportional to the size of the buildings approved. Projects ten (10) acres or larger with at least one hundred thousand (100,000) sq. ft. of non-residential uses may have one pole sign per frontage on an arterial street, evaluated using the standards for pole signs in the CH zone. The pole or structural support element of the sign may exceed the maximum pole width allowed if the structure itself incorporates specific site design elements, at the discretion of the approving body.
5. Parking requirements shall be determined per existing City standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable alternative. The City reserves the right to dictate the amount of parking and/or

the location of parking spaces within a project to achieve the objectives of this [ordinanceCode](#).

6. Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit, (where available and/or anticipated), is to be integrated into the site.
7. An additional site plan shall illustrate pedestrian movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

14-10-109 DEVELOPMENT PROCEDURES

Upon approval of the Development Plan and zone change to MXD, all uses allowed in the development shall be processed as if they were permitted uses.

CHAPTER 12

(MWP) MOUNTAIN DEVELOPMENT AND WATERSHED PROTECTION ZONE

- 14-12-101 PURPOSE AND OBJECTIVES
- 14-12-102 PERMITTED USES
- 14-12-103 SPECIAL USE PERMITS
- 14-12-104 CONDITIONAL USE PERMITS
- 14-12-105 CONDITIONS FOR SPECIAL AND CONDITIONAL USE PERMITS
- 14-12-106 SITE PLAN REVIEW

14-12-101 PURPOSE AND OBJECTIVES

The purpose of the Mountain Development and Watershed Protection Zone is to provide for the controlled development of the mountains and protection of the watershed areas east of Bountiful City. It is deemed in the public interest that unnecessary and scattered conversion of open space to developed uses be controlled and the resultant adverse impacts of development, conversion, and destruction of natural habitats be prevented and mitigated, including:

- A. despoliation of the area's natural environmental quality by air, water and noise pollution;
- B. destruction of scenic beauty;
- C. disturbance of the ecology and natural habitat;
- D. unnecessary roads;
- E. hazards related to geology, fire and flood;
- F. loss of lands which provide watershed for the urban areas; and
- G. excessive costs of providing the necessary public services and infrastructure to accommodate isolated and dispersed pockets of development.

14-12-102 PERMITTED USES

For each parcel within the Mountain Development and Watershed Protection Zone, the following uses are permitted to the extent otherwise permitted by law or [ordinanceCode](#):

- A. Continuation of the existing uses actually being made of each parcel as of the effective date of this [OrdinanceCode](#), as well as any uses made of such parcel of a substantial basis during the immediately preceding period of five (5) years, at the same general level of intensity and density of such uses.
- B. Crops, grazing, and other agricultural uses.
- C. Management for watershed, and for fish and wildlife habitat, hunting, and fishing.

- D. Accessory uses that are customarily incidental or subordinate to, or are reasonably necessary in order to continue and maintain, any of the foregoing principal uses that are actually being made.
- E. Any other uses, including recreational uses, that (a) are compatible with one or more of the foregoing uses actually being made or to which the parcel is suited, and (b) do not require substantial new construction, grading, fill, improvements, road-cutting, clear-cutting, draining, dredging, or other modifications of the existing surface features of the parcel.
- F. Municipal Facility
- G. No use.

14-12-103 SPECIAL USE PERMITS

For a period of five (5) years from the effective date of this [Code Ordinance](#), the City Council may, upon appeal and after review and recommendation from the Planning Commission, authorize special use permits for additional uses, or greater intensities or densities of use, of particular parcel within the Mountain Development and Watershed Protection Zone, provided that such special use permits will not be contrary to the public interest and, owing to special conditions unique to the parcel, a literal enforcement of the use limitations applicable to the parcel would cause extreme hardship to the owner. Any such special use permit which is granted shall thereafter expire unless the additional use, or greater intensity or density of use, permitted thereby is substantially commenced within one (1) year of the granting of the variance.

Extreme hardship shall be found to exist only if the permitted uses leave the owner no worthwhile use, no means of obtaining an appreciable economic return, and only a bare residual value under applicable market conditions. Hardship shall not include owner-created hardship, nor shall hardship include any condition that results from prior use or abuse of the land by any current or prior owner of an interest in it, including prior extraction or destruction of the land's natural resources. Hardship resulting from voluntary subdivisions may be considered only (a) to the extent the subdivisions were approved and completed prior to the effective date of this [Ordinance Code](#) or (b) if a finding is made that the original subdivided tract cannot be reconsolidated, in whole or in part, on an economically viable basis.

No special use permit shall be authorized merely because the permitted uses, or intensities or densities of use, (a) result in practical difficulty, (b) provide less than the highest or best return to the owner, or (c) prevent a return proportionate to the current owner's investment in the parcel if, under applicable market conditions, the amount of such investment exceeds the fair market value which the parcel had in light of its use, adaptations for use, intensity or density of use or surface features at the time that the investment was made.

14-12-104 CONDITIONAL USE PERMITS

The City Council may, upon application by the owner and after review and recommendation by the Planning Commission, grant conditional use permits authorizing otherwise prohibited additional uses, or greater intensities or densities of use, of particular parcels within the Mountain Development and Watershed Protection Zone, including new construction, residential structures, grading, fill, improvements, road-cutting, clear-cutting, draining, dredging, or other modifications of

the existing surface features of the parcel, if the applicant makes an affirmative showing that:

- A. the public interest would be served by permitting such additional use, or greater intensity or density of use, at the proposed location;
- B. the same public interest cannot be reasonably served by the currently lawful use of other lands within or outside the Mountain Development and Watershed Protection Zone.

14-12-105 CONDITIONS ON SPECIAL AND CONDITIONAL USE PERMITS

Every special use permit or conditional use permit shall include such conditions as the City council shall determine to be necessary to ensure that any additional use, or greater intensity or density of use, authorized thereunder will be accomplished with the minimum possible modification of and impact on the existing surface features of the particular parcel, and without impairment of the uses for which the neighboring lands are reasonably adapted.

14-12-106 SITE PLAN REVIEW

All locations of buildings, accessory structures, roads and other improvements in the Mountain Development and Watershed Protection Zone shall be determined by site plan review at the time a special or conditional use permit is considered and authorized by the City Council.

CHAPTER 13

(PDO) PLANNED DEVELOPMENT OVERLAY ZONE

[RESERVED]

- ~~14-13-101 — PURPOSE AND OBJECTIVES~~
- ~~14-13-102 — AREA OF ZONE~~
- ~~14-13-103 — PERMITTED, CONDITIONAL, AND PROHIBITED USES~~
- ~~14-13-104 — DEVELOPMENT REQUIREMENTS~~
- ~~14-13-105 — RESIDENTIAL DENSITY~~
- ~~14-13-106 — DEVELOPMENT PLAN~~
- ~~14-13-107 — DEVELOPMENT PROCEDURES~~

~~14-13-101 — PURPOSE AND OBJECTIVES~~

- ~~A. — The Planned Development Overlay Zone (PDO) is established to promote the comprehensive development and design of specific areas within the City. The PDO zone is not a substitute for existing, underlying zones, nor shall it be applied for the purpose of avoiding undesirable provisions of this Title.~~
- ~~B. — Any proposal for development utilizing the provisions of the PDO Zone, and any development proposal within an existing PDO zone, shall at a minimum be evaluated based on their compatibility with:

 - ~~1. — The Bountiful City General Plan~~
 - ~~2. — The Bountiful City Code and Zoning Ordinance~~
 - ~~3. — The purpose and characteristics of the PDO Zone~~
 - ~~4. — Sound planning practices~~
 - ~~5. — Surrounding land uses~~
 - ~~6. — Any other City approved studies~~~~
- ~~C. — The City may deny any zone map amendment or development plan if the land use authority finds that it does not comply with any or all of these criteria.~~
- ~~D. — The PDO Zone applies only if specifically designated by ordinance to apply to an area.~~

~~14-13-102 — AREA OF ZONE~~

~~Each area of Planned Development Overlay zone shall meet the following minimum size:~~

Table 14-13-102

<u>Underlying Zone</u>	<u>Min. Zone Area (Acres)</u>
R-3, R-4, RM	4.0
C-H, C-G, H, PO	3.0
C-N, DN	1.0
R-F	10
MWP	40

The PDO Zone may not be applied to the MXD Zone.

14-13-103 — PERMITTED, CONDITIONAL, AND PROHIBITED USES

The PDO Zone may restrict the uses allowed, but may not permit additional uses above and beyond those allowed in the underlying zone.

14-13-104 — DEVELOPMENT REQUIREMENTS

The provisions of the PDO Zone shall be supplementary to the provisions of the underlying zone with which it is combined and shall not be applied as an independent zone. Areas that have this zoning designation shall be indicated on the official zoning map as the underlying zone plus the PDO suffix. For example: R-4-PDO.

The standards of the underlying zone shall be applied unless specifically stated otherwise in this Title or within the approved development plan.

14-13-105 — RESIDENTIAL DENSITY

Table 14-5-105

Subzone	Max. Density (Units/Acre)
R-3	No density increase
R-4	No density increase
R-F	No density increase
RM	No density increase
All others	No density increase

14-13-106 — DEVELOPMENT PLAN

1. The property owner shall prepare and submit a proposed Development Plan for the subject property as set forth in this Chapter.
2. The Development Plan shall guide all development within a particular project and at a minimum shall consist of a site plan, a pedestrian connection/trails plan, conceptual building elevations and design schemes, streetscape and building setback diagrams, a current survey and legal description, plus any other information required for conceptual site plan approval.
3. The development standards to be established within a particular project shall be specified and enumerated in the Development Plan. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan shall require review and recommendation from the Planning Commission and approval from the City Council, and a new public hearing. "Substantial variation" means any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage, or exterior building surface or any change in use greater than five percent (5%) of

~~the total project floor area. All modifications must meet the minimum standards required by this Title.~~

~~**14-13-107 — DEVELOPMENT PROCEDURES**~~

~~Upon approval of the Development Plan and zone map amendment, all approved uses shall be processed as if they were permitted uses.~~

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CHAPTER 14

SUPPLEMENTARY DEVELOPMENT STANDARDS

14-14-101	PURPOSE
14-14-102	LOT STANDARDS
14-14-103	YARD SPACE FOR ONE BUILDING ONLY
14-14-104	FRONT YARD MODIFICATION - DEVELOPED AREAS
14-14-105	COMBINED LOTS - RESTRICTIONS
14-14-106	SPECIAL PROVISIONS FOR EXISTING SINGLE AND TWO-FAMILY RESIDENTIAL DWELLINGS
14-14-107	LOCATION OF TRAILERS, BOATS, RECREATIONAL VEHICLES, AND STORAGE CONTAINERS
14-14-108	USE OF MOBILE HOMES, RECREATIONAL VEHICLES, CAMPER TRAILERS, AND STORAGE CONTAINERS
14-14-109	ABANDONED, WRECKED, OR JUNKED VEHICLES
14-14-110	TRASH, DEBRIS, WEEDS, AND SIMILAR HAZARDS
14-14-111	REFUSE SITING STANDARDS
14-14-112	HEIGHT LIMITATIONS - EXCEPTIONS
14-14-113	ADDITIONAL HEIGHT ALLOWED
14-14-114	STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL ZONES
14-14-115	SWIMMING POOLS
14-14-116	SATELLITE TELEVISION ANTENNAS
14-14-117	SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES
14-14-118	TELECOMMUNICATIONS TOWER SITES
14-14-119	SIGHT CLEARANCES ON CORNER LOTS
14-14-120	RESERVED
14-14-121	RESERVED
14-14-122	TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS
14-14-123	FILLING, GRADING, AND EXCAVATING
14-14-124	ACCESSORY DWELLING UNIT
14-14-125	PUBLIC UTILITY EASEMENTS ON PRIVATE PROPERTY
14-14-126	PRIVATE POWER PLANTS

14-14-101 PURPOSE

The purpose of this Chapter is to establish miscellaneous land development standards which are generally applicable to more than one (1) zone. The requirements of this Chapter shall be in addition to and in some circumstances may supersede the requirements contained within the provisions of each respective zone and/or other chapters of this Title.

14-14-102 LOT STANDARDS

- A. Newly Created Lots to Conform to Parcel Requirements. Except for more flexible requirements, such as those pertaining to planned developments, every lot or parcel created within the city shall conform to the minimum requirements of this Title regarding width, yard, area, coverage, parking, and frontage upon a dedicated public street or upon an approved private street or right-of-way before a building permit may be issued.

- B. Transfer of Required Yard Space Prohibited. No space needed to meet the width, yard, area, parking, frontage or other requirements of this Title for a lot, parcel, or building may be transferred, sold, bequeathed or leased apart from such lot, parcel, or building unless other space so complying is provided and approved by the City. No land shall be sold or transferred which will result in a lot or parcel being created for building purposes that does not comply with the provisions of this OrdinanceCode.
- C. Minimum Buildable Area - Any lot or parcel designated or zoned for residential development shall have a rectangular buildable area with a length to width ratio between 2:1 and 1:2, that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the following criteria:

R-4	2,000 sq ft
R-3	3,000 sq ft
RF	6,000 sq ft
All other zones	5,000 sq ft

14-14-103 YARD SPACE FOR ONE BUILDING ONLY

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot or parcel where on a building is to be erected or established.

14-14-104 FRONT YARD MODIFICATION - DEVELOPED AREAS

In instances where at least seventy-five (75) percent of the lots within a subdivision and/or at least fifty percent (50%) of the lots along the side of a street have front yard setbacks which are less than that required for the zone in which they are located, the minimum front yard setback requirement for vacant lots shall be equal to the average of the existing front yards. However, in no case shall the front yard setback be less than twenty (20) feet.

14-14-105 COMBINED LOTS - RESTRICTIONS

A combined lot may be created from two (2) or more contiguous lots or parcels that are undeveloped. The side, front, and rear yard requirements of this OrdinanceCode shall apply only to the external boundaries of the combined lot. However, once a combined lot has been created, it shall not be divided except through a new subdivision plat meeting current City Codeordinance. Prior to receiving a building permit and/or commencing any development activity, the property owner shall record at the Office of the Davis County Recorder a deed restriction memorializing the creation of the combined lot, and shall amend any easements in conflict with the utilization of the combined lot. Failure to produce or record the required deed restriction shall not void any provision of this ordinanceCode, and no part of this ordinanceCode shall abrogate any use restriction provided by deed or other written recorded instrument affecting or otherwise restricting the use of the real property in question.

14-14-106 SPECIAL PROVISIONS FOR EXISTING SINGLE AND TWO-FAMILY RESIDENTIAL DWELLINGS

In order to encourage the revitalization of older homes and neighborhoods within Bountiful City, the following provisions shall apply to single family and two family residential dwellings:

- A. Any dwelling built prior to January 1, 1965, that does not meet the current setback standards may be expanded consistent with the setbacks approved at the time of initial construction, as determined by the location of the original building foundation in relationship to the property lines, with the condition that the new construction shall meet the provisions of the current International Building Code or International Residential Construction Code (IBC/IRCC) and does not violate provisions of this title regarding maximum lot or parcel coverage.
- B. Any dwelling built prior to January 1, 1965, that does not have an attached two (2) car garage, may be allowed the following actions, upon the condition that all new construction shall meet the provisions of the current IBC/IRCC and does not violate provisions regarding maximum lot or parcel coverage:
 - 1. Construct an attached two car garage within five (5) feet of a side property line as long as the opposite side yard is at least eight (8) feet wide. A single story of living space may be constructed directly above and/or below the garage addition, but no additional horizontal living space may encroach into the minimum required side yard setback. Maximum garage width shall not exceed twenty-four (24) feet. This shall not apply to situations where there is sufficient space to construct a two car garage but the home has been, or is proposed to be, modified from its original configuration, thus creating the need for a reduced setback.
 - 2. Attach an existing detached garage to a dwelling without an attached garage. The garage shall be located at least three (3) feet from the nearest side property line and at least twenty (20) feet from the rear property line. No additional living space may be constructed above or beneath the garage unless the new space is setback at least five (5) feet from a side property line and the opposite side yard is at least eight (8) feet wide. The existing garage shall have been constructed prior to the adoption of this section, and the new construction tying the structures together shall meet all of the minimum required yard setbacks.
- C. Any existing dwelling may expand vertically within the original foundation boundaries to the maximum height allowed by this Title or the IBC/IRCC, whichever is more restrictive, unless otherwise limited. All new construction shall meet all provisions of the IBC/IRCC.
- D. The Building Official may require any structural upgrades to an existing building or structure as necessary to accomplish a requested addition or modification. Such upgrades may be required during plan review or during construction if the existing conditions deviate from approved plans.

14-14-107 LOCATION OF TRAILERS, BOATS, RECREATIONAL VEHICLES, AND STORAGE CONTAINERS

- A. Any boat, boat trailer, camper, travel trailer, utility trailer, storage container, or other similar device shall not be placed, kept, stored, or maintained on any property in Bountiful City except in accordance with the following:

1. In a residential zone, no boat trailer, camper, travel trailer, utility trailer, storage container, or other similar device shall be located within a front yard or street side yard except on legally established driveways. A minimum setback of ten (10) feet from the street property line is required so as to preserve adequate visibility for pedestrian and traffic safety.
2. In a non-residential zone, storage containers shall be located in screened areas that have been designated for storage in an approved site plan.
3. In any zone, no boat trailer, camper, travel trailer, utility trailer, storage container, or other similar device shall be located in a clear-view area or vacant lot as defined in this Title.

14-14-108 USE OF MOBILE HOMES, RECREATIONAL VEHICLES, CAMPER TRAILERS, AND STORAGE CONTAINERS

- A. It is unlawful for any person to place, keep, occupy, or maintain a mobile home upon any lot or parcel of land within the City except in a mobile home park or mobile home subdivision. Mobile offices that are part of a construction site or development project may be permitted as a temporary use as provided in this Title.
- B. It is unlawful for any person to reside in or otherwise utilize a recreational vehicle, camper trailer, or similar device, whether temporarily or permanently, except in an approved recreational vehicle park.
- C. It is unlawful to park, place, or otherwise locate a storage container on any fire access lane, public street, public easement, or public right-of-way without the express, written permission of the Bountiful City Public Works Director. The City may abate any unlawful situation without notice and at the expense of the owner of the container.
- D. A storage container is not allowed in any residential zone, professional office zone, downtown zone, mixed use zone, watershed protection zone, hospital zone, or any other non-commercial zone, except as a temporary use associated with construction, renovation, or moving. In such instances, the storage container shall be located on a concrete or asphalt surface, and shall meet all of the following criteria:
 1. A storage container shall not be placed on a site more than thirty (30) days prior to the permitted activity
 2. A storage container shall be removed within thirty (30) days after a permitted activity is substantially completed
 3. Only one (1) storage container may be located on a lot or parcel except for in a commercial zone.
- E. A storage container in a commercial zone shall be used in accordance with the following criteria:
 1. A storage container shall be used solely for the transportation or shipment of

goods and products, and

2. It is unlawful to use a storage container for business operations, and
 3. A storage container not being actively used for transportation or shipment shall not be stored within Bountiful City.
- F. A storage container shall not be located on any property for more than six (6) months in any twelve (12) month period, measured continuously from the day the container is first placed. The Bountiful City Planning Director may grant extensions of up to six (6) months, but only if he/she determines that:
1. The storage container is located on a site with an active building permit, and
 2. The storage container is a necessary part of the construction process, and
 3. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.
- G. It is unlawful to use a storage container as a permanent structure or as an appendage to a permanent structure.
- H. It is unlawful, in any zone, to vertically stack two (2) or more storage containers or stack/place any other materials or items on top of or around a storage container.

14-14-109 ABANDONED, WRECKED, OR JUNKED VEHICLES

See Chapter 3 of this Title for the following definitions:

“UNREGISTERED VEHICLE”
“INOPERATIVE VEHICLE”
“DISMANTLED VEHICLE”
“WRECKED VEHICLE”
“ABANDONED VEHICLE”
“VEHICLE PART(S)”

- A. Unlawful Conduct. It is unlawful and a public nuisance for any owner or tenant to cause or permit any unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) to be parked, stored, or remain on any property or premises, unless within an enclosed garage or in connection with a lawfully situated and licensed business engaged in the repair of motor vehicles. Violations of this section may be prosecuted by criminal prosecution or by abatement provision for public nuisances.
- B. Exception Permit. A permit may be granted by the Planning Director for an exception to Section 14-14-109(B) if the owner of an unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle and/or vehicle part(s) submits written application to the Bountiful Planning Director providing:
1. Proof that the applicant is the owner of the motor vehicle;

2. Proof that the applicant is the owner of or has permission of the owner of the property upon which the motor vehicle and/or vehicle part(s) will be parked, stored, or remain;
 3. A description of the condition of the motor vehicle, i.e., that the motor vehicle is unregistered, inoperative, dismantled, wrecked, and/or abandoned;
 4. A description of the plan by which the condition of the motor vehicle will be changed, i.e., the date upon which the vehicle will be registered, repaired, removed from the property, etc.;
 5. The address at which the motor vehicle and/or vehicle part(s) will be parked, stored, or remain while its/their condition is being changed;
 6. The location upon the property, at the address set forth in condition 3), above, where the motor vehicle and/or vehicle part(s) will be parked, stored, or remain while its/their condition is being changed; and,
 7. That a nuisance or health hazard will not be created while the motor vehicle and/or vehicle part(s) are parked, stored, or retained.
- C. An exception permit is valid for only one (1) vehicle. Only one (1) permit may be issued per year per property, and for a period not to exceed six (6) months. When the permit expires, the vehicle shall either be repaired and lawfully registered or removed from the property along with all vehicle parts.
- D. Any vehicle maintained on a property under an exception permit shall be otherwise kept in compliance with all applicable laws, shall not be parked or kept in the public right-of-way or on landscaped areas, shall not constitute a hazard in any way, and shall not constitute a public nuisance. A permit may be revoked by the Planning Director for failure to comply with these terms, and a permit may be denied for failure to comply with these terms for earlier vehicles. The denial or revocation of a permit may be appealed as set forth in the Administration and Procedures chapter of this Title.
- E. Penalty. Any violation of this section is hereby declared to be a public nuisance and a class B misdemeanor.

14-14-110 TRASH, DEBRIS, WEEDS, AND SIMILAR HAZARDS

- A. No yard or other open space shall be used for the storage of trash, debris, junk, outdoor storage, or abandoned equipment, except as specifically authorized by and in compliance with the provisions of this [OrdinanceCode](#).
- B. It is unlawful to allow weeds, grass, or similar growth to exceed six (6) inches in height on an improved property.
- C. It is unlawful and deemed a public safety hazard for a property owner or tenant to cause or allow the following conditions:

1. The storage or accumulation of flammable materials, yard clippings, tree trimmings, and similar items outside of a structure, except for permanent propane/natural gas tanks meeting the approval of the Fire Marshall, and firewood stacked in accordance with the Fire Code.
 2. The existence of a vacant lot, open field, or other undeveloped parcel adjacent to a developed property without a firebreak at least twenty (20) feet wide.
- D. Whenever an “Extreme Conditions” or “Red Flag” warning is issued by the Fire Department or other fire management agency with jurisdiction over lands within the South Davis County Metro area, the City or its agent may abate high risk fire hazards without notice. If a situation abated was also in violation of City Codes and/or ordinances, the City may recuperate full costs, including administrative expenses, through any legal means necessary. A high risk fire hazard shall be:
1. Any item deemed a public safety hazard under this Section.
 2. Any vacant lot within a developed subdivision that has weeds, grass, or similar growth higher than six (6) inches, or that does not have a firebreak at least ten (10) feet wide around the perimeter of the property.
 3. Any item deemed by the City or its agents to be in immediate peril.

14-14-111 REFUSE SITING STANDARDS

- A. When refuse storage containers are used or otherwise required by this Title, the containers shall be of sufficient size and numbers to provide suitable capacity to contain the refuse generated at the site. Containers shall be closed by an attached cover at all times.
- B. All containers shall be kept at a location easily accessible by collection vehicles and refuse producers. Refuse containers shall be kept away from overhead utility lines and structures with projections to facilitate pickup. Container sites shall also comply with the International Fire and International Building Codes.
- C. Outdoor refuse containers, except for individual residential containers, shall be completely encompassed by a solid enclosure that is: architecturally compatible with the main structure(s), equipped with a solid barrier access gate, and located on a paved surface.
- D. Outdoor refuse containers in industrial or commercial areas located within an area completely encompassed by a site obscuring wall or fence and not visible from the street shall not need a separate barrier enclosure unless it is a specific requirement of conditional use or site plan approval.
- E. In cases where a refuse container enclosure is required, the container shall be enclosed by a six (6) foot high enclosure or solid barrier fence with a minimum gate opening of nine (9) feet wide. The fence or enclosure shall have a minimum clearance of two (2) feet from the refuse container to be stored within it.

- F. No refuse collection areas shall be permitted between the street and the front building line except as shown on an approved site plan.
- G. Temporary refuse collection containers on construction sites or other related uses shall be exempt from barrier fencing.

14-14-112 HEIGHT LIMITATIONS - EXCEPTIONS

- A. Where doubt exists as to the height of fences, hedges, buildings, and other items regulated by this Title, height limitations shall be measured from the averaged finished grade of the front yard of a building or from the average finished grade of the yard in which the fence, hedge, or other such item is located.
- B. The height limitations of this [OrdinanceCode](#) shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, ventilators, fire or parapet walls, flag poles, sky lights, water tanks, silos, cornices without windows, antennas, radio towers, or properly screened mechanical appurtenances usually carried above the roof level of a building unless otherwise stated in this Title; except in no case shall it be lawful to construct, build, or establish a building, tree, smoke stack, chimney, flag pole, wire, tower, or other structures or appurtenances thereto which may constitute a hazard or obstruction to navigation or landing and take-off of aircraft at a publicly used airport. Regulations established by the Federal Aviation Agency shall be considered to be the minimum acceptable standards for facilities in such an area.
- C. A private power plant is not exempt from the height requirements of the Zone in which it is located, and shall be considered an occupied structure for the purposes of calculating height.

14-14-113 ADDITIONAL HEIGHT ALLOWED

Public and quasi-public buildings, when authorized in a zone, may be erected to a height greater than the required height limit by conditional use permit if it is found that the additional height is necessary for the operation of the facility and if the impact has been reasonably mitigated.

14-14-114 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL ZONES

- A. No truck, motor vehicle, or commercial trailer having a gross weight of twelve thousand (12,000) pounds or more shall be stored or parked on any lot or parcel within any residential zone.
- B. No contracting and/or earth moving equipment shall be stored or parked on any lot or parcel in any residential zone except as follows:
 1. The equipment shall be completely stored within an enclosed structure,
 2. The equipment shall not be used wholly or in part for any commercial activity or enterprise,
 3. Equipment may be parked on-site and outside of a structure if there is a current building permit issued for the property and the equipment relates to the actual work being performed. Any equipment allowed by this provision shall be removed immediately if it is not actively used, if the permit expires, or upon final

permit approval.

- C. Any vehicle parked or stored in violation of this section is hereby declared to be a public nuisance, and may be removed summarily from public property by the City by towing, and may be prosecuted criminally and/or civilly. The owner of any towed vehicle shall have the right of a post-towing hearing as provided in Section 13-1-121 of the City Code.

14-14-115 SWIMMING POOLS

Any swimming pool in a single family residential zone shall be set back at least five (5) feet from any property line and shall have at least five (5) feet of unobstructed area around the entire perimeter. A pool located in any other zone may only be constructed after receiving site plan approval, and the land use authority may require an increased setback depending upon the size and occupancy of the pool. Each pool shall be surrounded by a substantial fence or wall meeting the requirements of the Davis County Health Department and the IBC or IRCC. In addition, any required fence or wall shall be equipped with a self-closing, self-latching device on each gate. Any swimming pool in a multi-family development, motel, or hotel shall require conditional use permit approval in addition to site plan approval.

14-14-116 SATELLITE TELEVISION ANTENNAS

- A. Definitions. See Chapter 3 of this Title for the following definitions:

COMMERCIAL SATELLITE ANTENNA
MINOR SATELLITE ANTENNA
HEIGHT OF ANTENNA

- B. Permit Required.

1. It shall be unlawful for any individual, firm, partnership, or corporation to install, construct, reconstruct, or materially alter a commercial satellite television antenna without first obtaining a building permit from the City of Bountiful.
2. Application for a building permit for a commercial antenna structure shall be accompanied by construction drawings showing the proposed method of installation, and a plot plan showing the proposed location of the antenna upon the lot or property.

- C. Standards for Residential and Institutional Districts.

1. All commercial satellite antennas shall be subject to the following provisions:
 - a. On interior lots, a commercial satellite television antenna:
 - (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.
 - (2) Shall be located in the rear or side yard.
 - (3) Shall be located no closer to a public street than the main building

on a lot or parcel that has a reduced front yard setback.

- (4) Shall be located at least five (5) feet from any rear or side property line.

b. On corner lots, a satellite antenna:

- (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.
- (2) Shall not be permitted within the front yard, or the side yard that fronts upon a public street.
- (3) Shall be located at least five (5) feet from any rear or side property line that is adjacent to the adjoining lot.

D. Standards for Commercial and Industrial Districts. Any commercial satellite antenna installed, located, constructed, reconstructed, or materially altered as provided in this Section, shall be subject to the following provisions:

1. The antenna shall not exceed a height of twenty (20) feet if mounted on the ground.
2. The antenna shall not be located closer than fifteen (15) feet to any public street.
3. The antenna shall not be located closer than ten (10) feet to any residential property line.
4. If used for advertising purposes, the antenna shall not be installed on any floor and shall be deemed a sign governed by the sign regulations as provided in this Title.
5. If an antenna is proposed to be mounted on the roof of a building the antenna shall:
 - a. Not exceed the height limit established for the zone in which it is located.
 - b. Not be used for any advertising purposes.
 - c. Be screened from public view as per the requirements of this Title.
6. If an antenna is proposed to be located in any landscaped area, the antenna shall:
 - a. Be located so as not to create any traffic safety or vision problems.
 - b. Be screened by shrubs and/or other landscaping features.

14-14-117 SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES

The Planning Commission may permit the use of land in any residential zone for semi-private swimming clubs or recreational facilities provided all of the following are met:

- A. The facilities shall be owned and maintained by members with a minimum of seventy-five percent (75%) of the membership being residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- B. The property or proposed project area shall be of sufficient size to accommodate all proposed facilities and still maintain all of the minimum yard setbacks for a principal structure for the zone in which it is located.
- C. The area to be developed into a recreational area shall be of such size and shape as not to cause undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. The use of the property shall be for private recreational use by members, their families, and guests. Under no condition may any admission fee be charged nor any type of retail or business facility, vending machine, or other commercial use be allowed except as specifically approved by the Planning Commission and listed on the conditional use permit.
- E. Accessory facilities other than standard shower and changing rooms (i.e., clubhouses) shall not be allowed.
- F. Any nighttime indoor or outdoor activity shall conform to the Bountiful City Noise Ordinance. The facility shall close for any activity at 11:00 p.m.
- G. A solid masonry or concrete block wall, or substitute as approved by the Planning Commission, shall be required around the entire recreational area to a height of not less than six (6) feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front yard setback for the zone in which it is located.
- H. At least ten percent (10%) of the site area shall be landscaped, including any front yard, side yard, and at least ten (10) feet depth at side and rear yard lines abutting a residential zone or property. Landscaping of park strips shall be required in addition to the on-site landscaping required.
- I. The facility shall include an on-site parking area, and shall provide on-site parking spaces equal to twenty percent (20%) of the capacity of the proposed recreational facility, as determined by the Fire Marshall and/or Building Official.
- J. Approval of any recreational facility by the Planning Commission under this section shall be by Conditional Use Permit and any and all conditions as required by the Planning Commission must be complied with by the owners of the facility or the approval may be revoked.

14-14-118 TELECOMMUNICATIONS TOWER SITES

- A. It is the finding of the City Council that:
1. It is in the best interests of the citizens of the City to have quality cellular wireless telephone service available. This necessarily entails the erection of telecommunications towers within the City limits.
 2. It is the right of private enterprise to do business within the City, subject only to reasonable regulation by the City. This includes the telecommunications business.
 3. It is in the best interests of the citizens that the telecommunications towers which are constructed are:
 - a. as unobtrusive as possible in their location, size, and construction;
 - b. as few in number as possible;
 - c. subject to such reasonable restrictions as may best minimize the impact upon surrounding properties and the City as a whole; and
 - d. not placed in residential areas unless there is no other alternative.
 4. It is in the best interests of telecommunications businesses to have access to towers which are of the appropriate height and location to serve their reasonable needs.
 5. It is the policy of the City of Bountiful to make available to telecommunications companies such sites as the City owns and which can reasonably serve the needs of the companies, the citizens, and the City.
 6. The visual burden of towers is borne by the public, and it would be appropriate for the revenues of those towers go to the public. Therefore, telecommunication towers shall be located on publicly owned sites (i.e. lands owned by governmental entities such as the City, schools, etc) where possible, and on private property only when public properties serving the same area are not available.
- B. In order to serve current and reasonably foreseeable needs, any site approved by the City, regardless of location, shall be subject to all of the following requirements:
1. The applicant shall consent in the lease to two co-locations (in addition to applicant) on the same tower
 2. The tower shall be constructed in such a manner as to accommodate three (3) different services, meaning the original company's equipment and two co-locations on the same tower.
- C. Any tower shall be located, designed, and constructed in such a manner that it is:
1. As unobtrusive as possible in its location,

2. Necessary for the telecom system to function properly,
 3. subject to such reasonable restrictions as may best minimize the impact upon surrounding properties and the City as a whole, and
 4. not placed in residential areas unless there is no other alternative.
- D. When later applications for towers are received, the applicants shall be required to:
1. co-locate on an existing tower, unless it can be shown by a preponderance of the evidence that all existing sites are inadequate to serve that company's reasonable needs due to location, height or other reason, and
 2. pay reasonable compensation to the original tower company to fairly share past and future costs.

14-14-119 SIGHT CLEARANCES ON CORNER LOTS

This section has been moved to, and consolidated with, the provisions for clear-view areas found in Chapter 16 of this Title.

14-14-120 RESERVED

14-14-121 RESERVED

14-14-122 TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS

The Administrative Committee may issue a temporary use permit to allow the placement or use of temporary classroom facilities on private school property. The time limit for the temporary use shall be established at the time of approval. Any permit without an approved time limit or that exceeds the approved limit may be revoked by the City immediately.

14-14-123 FILLING, GRADING, AND EXCAVATING

No lot or parcel may be filled, excavated, graded, or otherwise disturbed without an excavation or building permit issued by Bountiful City, except for the following:

- A. Soil disturbance that occurs during the natural course of bona fide agricultural production.
- B. Landscaping that involves the disturbance of a total of ten (10) cubic yards of material or less.

14-14-124 ACCESSORY DWELLING UNIT

- A. Purpose:
The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
 2. Provide for affordable housing opportunities;
 3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
 4. Provide opportunities for additional income to offset rising housing costs;
 5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
 6. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.
- B. An accessory dwelling unit shall only be approved as a conditional use.
- C. An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:
1. An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other zone.
 2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.
 3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.
 4. A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.
 5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.
 6. A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.
 7. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

8. Separate utility meters shall not be permitted for the accessory dwelling unit.
 9. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
 10. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.
 11. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.
- D. An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:
1. Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure,
 2. Shall not exceed ten percent (10%) of the buildable land of the lot,
 3. Shall be at least three hundred fifty (350) sq ft in size,
 4. Shall meet all of the requirements of the International Building Code relating to dwelling units,
 5. An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.
 6. Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,
- E. A detached accessory dwelling unit shall meet all of the above criteria, plus the following:
1. Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.
 2. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
 3. Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.

4. Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.

14-14-125 PUBLIC UTILITY EASEMENTS ON PRIVATE PROPERTY

A public utility easement located on private property shall not be used for a private service lateral without the permission of the affected property owner. A private service lateral is any utility connection beyond the trunk line, meter box, transformer, manhole, service riser, or other main transmission line, that serves a single property, residence, or user.

14-14-126 PRIVATE POWER PLANTS

- A. A "Private Power Plant" is any device or combination of devices not owned and operated by a regulated utility company, which convert mechanical or chemical energy into electricity, or solar energy into any other form of energy. A private power plant with a peak power generation capacity of 10 Watts/12v/500mAmp (or less) is exempt from the provisions of this Section. A private power plant, including a windmill or wind turbine, shall not be permitted within Bountiful City limits, with the following exceptions:
 1. A back-up power generator running on unleaded gasoline, diesel, natural gas, propane, or hydrogen fuel cell, rated for a single structure or building lot, located in accordance with the requirements of the zone in which it is located.
 2. A photovoltaic cell array or other passive solar energy system located in accordance with the requirements for occupied structures for the zone in which it is located.
- B. A private power plant is not exempt from the height requirements of the Zone in which it is located, and shall be considered an occupied structure for the purposes of calculating height.
- C. Solar energy design standards and requirements
 1. Solar energy panels or collectors that are mounted to the roof shall:
 - a. Not extend beyond the roofline.
 - b. Not reflect sunlight onto neighboring windows or rights-of-way.
 - c. Not exceed fifty (50) percent of the total roof area.
 - d. Shall be maintained in good condition.
 2. Prior to installation, use, and connection to the grid, the following shall be required:
 - a. A Building Permit issued by the City for the proposed installation
 - b. Power Department approval of the application for net metering
 - c. Power Department approval of the physical installation

CHAPTER 15

DESIGN STANDARDS FOR NON-SINGLE FAMILY DEVELOPMENT

- 14-15-101 PURPOSE
- 14-15-102 SCOPE
- 14-15-103 DEFINITIONS
- 14-15-104 ARCHITECTURE
- 14-15-105 SITE DESIGN
- 14-15-106 OFF-STREET PARKING - LAYOUT
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14-15-101 PURPOSE

The purpose of these design standards and regulations is to preserve property values, enhance the economic viability and aesthetic value of commercial and investment properties, to provide a quality environment for both citizens and visitors, and to maintain Bountiful City as the ACity of Beautiful Homes and Gardens@.

14-15-102 SCOPE

Any commercial development and/or any other type of development that requires site plan review shall be subject to the standards and regulations of this Chapter. Such standards and regulations are intended to be in addition to existing standards and regulations of the underlying zone of the property and other applicable regulations of this Title.

- A. This Chapter establishes two kinds of design criteria: design standards and design guidelines.
1. Design standards are required in addition to other standards set forth in this Title and are indicated by the verb Ashall." In the event of conflict between this section and other applicable provisions of this Title, the more restrictive provision shall apply.
 2. It is the intent of the City that every development subject to this section be designed in conformity to the purpose and requirements of this ordinanceCode. However, the City also recognizes that it cannot anticipate all possible circumstances, nor the best means for dealing with them, in the preparation and adoption of these regulations. For example, criteria established herein may be more germane to larger projects than to smaller ones, depending on the individual characteristics of the site, such as size, configuration, topography and location. Therefore, the approving authority, unless expressly stated to the contrary in this chapter, shall have reasonable discretion in implementing the purpose of this chapter by

modifying both mandatory and recommended criteria as individual circumstances may merit. In deviating from the adopted standards, it shall be the responsibility of the applicant to show why the requirements would be an unreasonable burden, and how the project would still meet the purpose and intent of the **ordinanceCode**. In the same vein, the approving authority may also require that certain provisions of this **ordinanceCode**, which are not mandatory, be included in a project based on individual circumstances.

14-15-103 DEFINITIONS

See Chapter 3 of this Title for the following definitions:

“Hardscape”
“Softscape”

14-15-104 ARCHITECTURE

A. Articulation

1. A building should reflect a human scale and be inviting to the public. Large buildings should be stepped, both vertically and horizontally, to break-up the building mass and provide aesthetic relief.
2. Buildings shall be accessible for pedestrians and public transit users, not just for people driving private automobiles.
 - a. Building entrances shall be identifiable and directly accessible from public sidewalks via on-site pedestrian walkways. (Drive aisles and other vehicular accesses shall not be considered pedestrian walkways).
 - b. Pedestrian walkways shall have at least five (5) feet of unobstructed width, and shall be part of an approved pedestrian circulation plan.
3. All buildings shall have proper security lighting, and developers should consider other security measures such as security hardware, surveillance equipment, and security-oriented building designs.

B. Public Amenities.

1. Overhangs and canopies should be integrated into the building design so as to enhance pedestrian walkways.

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2. Comfortable and attractive amenities such as benches, tables, drinking fountains, trash receptacles, information kiosks, plazas, fountains, etc., should be provided for public enjoyment and comfort.
3. Where necessary, bus shelters should be incorporated into the building and/or site design and meet the criteria of the applicable transit authority.
4. All building access and site amenities should be accessible to the physically disabled and shall comply with applicable provisions of the Americans with Disabilities Act.

C. Colors and Materials.

1. All applications for non-single family residential site plan review or construction within the Bountiful City shall include a Astoryboard® or architectural renderings indicating the colors and materials to be used on-site. Proposed materials should harmonize with existing, surrounding development.
2. Building exteriors shall consist primarily of decorative cement block, brick, glass, stucco, stone, or similar maintenance-free materials.
 - a. At least twenty-five percent (25%) of the primary façade shall have upgraded architectural features such as canopies, pillars, archways, and other treatments.
 - b. At least fifteen percent (15%) of a secondary facade (the façade facing a non-primary frontage) shall be of upgraded architectural features.
 - c. At least five percent (5%) of all other facades shall be of upgraded architectural features.
3. Fencing for storage or sales areas shall be of wrought iron, wood, vinyl, cement block, or similar construction up to six (6) feet in height.
 - a. For non-residential areas, fence height may be extended beyond six (6) feet for areas which require additional security subject to the issuance of a conditional use permit or through the site plan approval process. The additional fencing shall use the same materials or be chain link covered with screen-fabric.
 - b. In fence runs longer than fifty (50) linear feet, pillars and/or similar architectural features shall be constructed at periodic intervals to provide visual relief.

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D. Screening.

1. All rooftop equipment and satellite dishes shall be screened so as to not be visible from the nearest public street and shall be integrated with the building design. Screening should be part of the articulation of the building and should not appear to be an afterthought. All screening shall be architecturally compatible with the primary structure.
2. Screening devices and landscaping shall be used to mitigate the visual impact of utility equipment and service areas. All service areas shall be screened to conceal trash containers, loading docks, transformers, backflow preventers, and other mechanical and/or electrical equipment.
3. Service areas and other screened areas shall have proper security lighting.

14-15-105 SITE DESIGN

A. Overall Design Concepts

1. Dedicated walkways, plazas, and other pedestrian oriented hardscape areas may be included as landscaping, provided that they do not exceed thirty percent (30%) of the required minimum landscaping requirement.
2. The landscaping plan of each site shall be unified both internally and externally, and relate to the larger context of the surrounding community.
3. The landscaping plan shall include a pedestrian circulation element that shows interconnectivity with surrounding sidewalks, urban trails, and surrounding uses. The city encourages appropriate pedestrian connections to adjacent neighborhoods.
4. The size and spacing of landscape elements should be consistent with the size of the project and should relate to the structures and the streetscape. No landscape element may be constructed, erected, or otherwise placed on a site without City approval.
5. Proper landscape design shall be utilized to mitigate the visual impact of all site utility elements such as overhead power lines, transformers, meter boxes, backflow preventers, fire protection devices, etc.
6. Trees overhanging pedestrian walkways shall be pruned to have a general canopy clearance of at least seven (7) feet.
7. Trees overhanging drive areas shall be pruned to have a general canopy clearance of at least eleven (11) feet.

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B. Site Grading

1. Site design should minimize the removal of mature trees and other existing mature vegetation. Where removal is necessary, mature trees should be salvaged or replaced on a three (3) for one (1) basis. Any trees prohibited by resolution, Code, ordinance, or statute shall be removed and not be replaced
2. Abrupt or unnatural changes in grade may create barriers or disrupt drainage patterns. Proposed grading should be designed to take advantage of the natural grade and land features.
3. Steep slopes, generally 3:1 or greater, shall be stabilized with vegetation, retaining walls, or other appropriate measures. Sites shall be designed to minimize erosion.
4. Landscape plans should preserve and incorporate natural land features such as streams, washes, springs, etc., into the overall site plan.

C. Drainage

1. Surface water, site drainage, and storm water detention should be integrated with overall landscape design. Whenever possible, detention areas should be designed as usable open space.
2. Drainage requirements shall be assessed based on City drainage standards and individual site characteristics.

D. Groundcover (Living and Nonliving).

1. Future development sites should receive temporary landscaping treatments to provide dust and weed control, and to prevent erosion.
2. Less than seventy-five (75) percent of softscaped areas should be planted in turf or high water-use plants. Functional turf areas in schools, multiple-family residential developments, golf courses, and other recreational areas shall be exempt from this requirement.

E. Plant Materials.

1. Plant materials shall be selected according to the criteria set forth in Title 14 Chapter 16.
2. Pedestrian safety and comfort should be considered when selecting trees and plant material.

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3. Water conservation and community image should be important criteria for plant material selection.

F. Water Elements.

1. Fountains and other water features should be sited and designed so that they are efficient users of water.
2. Filtered backwash effluent should be discharged into landscaped areas whenever possible.

G. Art and Furnishings.

1. If public art is used, it should be integrated into the overall design of a project.
2. Lighting fixtures and illumination should compliment a structure and be of similar design and character as the project's building components.
3. Street furniture and related features are encouraged.

H. Maintenance.

1. Projects should demonstrate that maintenance factors have been considered in the landscape design.
2. Irrigation systems should be designed to minimize maintenance and water consumption.
3. Phased developments shall indicate a mechanism for dust, weed, and debris control on undeveloped portions of the site and shall ensure continuing compliance.

14-15-106 OFF-STREET PARKING - LAYOUT

A. Surface Parking Design.

1. Five percent (5%) of the gross parking surface area shall be of dispersed interior landscaping, designed so as to reduce the heat island effect and to enhance the aesthetics of a parking area. The following are acceptable interior landscaping designs. See Figure 14-15-106 (Conceptual parking layout).
 - a. Five (5) feet by five (5) feet tree diamonds placed not more than six (6) parking spaces apart and located at the intersection of parking

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space striping. Tree diamonds shall be used only with ninety (90) degree parking spaces.

- b. Minimum five (5) foot wide landscaped medians with trees planted forty (40) feet apart; or
 - c. Other similar designs that disperse landscaping throughout a parking area, to be determined by the Planning Commission.
2. Parking areas should be buffered from adjacent residential property and screened from streets so automobiles are not visible below the average headlight height. Screening methods may include landscaped berms, low walls, and hedges.
 3. Access drives, internal circulation drives, parking areas, and pedestrian walkways shall be designed to provide safety and convenience for both motorists and pedestrians and to ensure access for the physically disabled. Areas where pedestrian walkways cross driveways shall be constructed of stamped and/or raised concrete, or of other material and design so as to differentiate the area as a pedestrian/vehicle interface.
 4. In projects greater than 1 acre, every parking space should be no greater than one hundred fifty (150) feet from a sidewalk leading to a building entrance. In projects less than 1 acre, every stall should be within fifty (50) feet of a sidewalk leading to building entrance.
 5. Joint use of parking is encouraged in order to reduce trips. Access to, and the location of, new parking areas should relate to adopted area plans, planned parking in the area, or to existing area parking schemes. The Planning Commission may increase or reduce the minimum required number of parking spaces required in Title 14 Chapter 18 based on city approved parking studies.
 6. The number of curb cuts (street accesses) should be minimized and pedestrian access enhanced.
 7. Site lighting should be aesthetically attractive, of pedestrian scale, and provide pedestrians with a sense of security.
 8. All sites shall meet the requirements of the Americans with Disabilities Act ("ADA").

B. Overall Design Concepts.

1. Parking lot design shall consider development on adjacent sites. The City may require cross access connections/easements to improve traffic

circulation and to enhance public safety.

2. Traffic circulation patterns should direct commercial traffic onto arterial streets and not local/neighborhood streets. Multiple-family residential traffic should be directed onto collector streets. The City may deny access onto a local/residential street if access to a collector or arterial street is available.
3. A site plan should include landscaped buffers that separate pedestrian and vehicular traffic.

14-15-107 OFF-STREET PARKING - LIGHTING

- A. Lighting used to illuminate any off-street parking spaces, vehicle maneuvering areas, or loading/unloading areas shall conform to the following standards:
1. Lighting shall be provided at all driveway entrances.
 2. Light poles shall be set on pillars or placed in landscaped areas to minimize direct contact with vehicles.
 2. To reduce light pollution, lighting systems shall obscure the lamp image to direct light where needed.
 3. Luminaire mounting height shall reasonably match the scale of the surrounding buildings.
 5. Noise created by electromagnetic ballasts shall be kept to a minimum and shall not be noticeable above ambient background levels.
 6. All parking and drive areas shall have minimum illuminance levels as follows:
 - (a) Commercial uses: 0.5 horizontal footcandles, 0.25 vertical footcandles.
 - (b) Residential, public facility, and industrial uses: 0.2 horizontal footcandles, 0.1 vertical footcandles.
 - (8) Lighting shall be arranged or directed so as to reflect the light away from adjacent properties and to prevent glare for street traffic. The intensity of light at adjoining residential property shall not exceed 0.1 footcandles.
- (b) Lighting Plans.
- (1) Lighting plans submitted for review shall include the location and height of

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all light poles

(2) Designers of lighting plans shall consider:

- (A) Shadow effects of trees, signs, buildings, screen walls or other fixed objects.
- (B) Sufficiently illuminating the entire off-street parking area to allow pedestrians and motorists to see potential danger in their peripheral vision, to promote pedestrian and vehicle safety, and to prevent assault, theft and vandalism.

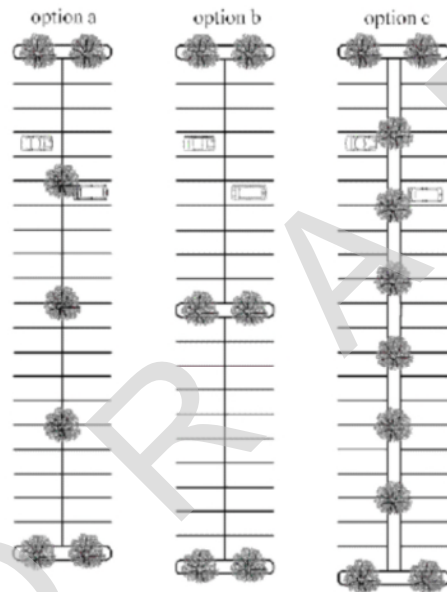


Figure 14-15-106

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CHAPTER 17

TEMPORARY, SEASONAL, AND HOME OCCUPATION USES

- 14-17-101 PURPOSE
- 14-17-102 DEFINITIONS
- 14-17-103 LICENSE REQUIRED
- 14-17-104 APPLICATION AND FEE
- 14-17-105 HOME OCCUPATION REQUIREMENTS
- 14-17-106 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION
- 14-17-107 PROHIBITED HOME OCCUPATION USES
- 14-17-108 HOME OCCUPATION CONDITIONAL USES
- 14-17-109 REQUIRED INFORMATION AND PLANS
- 14-17-110 ADMINISTRATIVE REVIEW PROCESS FOR TEMPORARY USES
- 14-17-111 ADMINISTRATIVE COMMITTEE REVIEW OF TEMPORARY AND SEASONAL USES
- 14-17-112 SEASONAL PERMITS
- 14-17-113 GENERAL STANDARDS FOR TEMPORARY AND SEASONAL USES
- 14-17-114 USES, SPECIFIC STANDARDS, AND TIME LIMITS
- 14-17-115 TIME BETWEEN ACTIVITIES
- 14-17-116 EXEMPT USES
- 14-17-117 CONDITIONS OF APPROVAL AND DENIAL

14-17-101 PURPOSE

The purpose of this Chapter is to establish standards regulating the time, place, and manner in which temporary, seasonal, and home occupation uses may occur.

14-17-102 DEFINITIONS

See Chapter 3 of this Title for the following definitions:

- “ARTS AND CRAFTS SHOW”
- “GARAGE AND/OR YARD SALE”
- “PROMOTIONAL EVENTS”
- “RETAIL WAREHOUSE SALE”
- “SEASONAL USE”
- “SWAP MEET”
- “TEMPORARY CARNIVALS AND FAIRS”
- “TEMPORARY SALES ACTIVITIES”
- “TEMPORARY SALES OFFICE”
- “TEMPORARY USE”

14-17-103 LICENSE REQUIRED

A Bountiful City Business License is required for any entity engaged in a seasonal or home occupation use, and for some temporary uses as set forth in this Title. In addition, certain uses

may also require a conditional use permit. The Planning Director shall review the application and may approve the license or forward it to the Administrative Committee or the Planning Commission for review and approval, as required by this Title. Any application for Residential Day Care or Group Instruction facilities with more than eight (8) people shall first make application for and receive a Conditional Use Permit before applying for a Home Occupation License.

14-17-104 APPLICATION AND FEE

- A. An application for a temporary use permit shall be reviewed for approval by the Planning Director, and shall be submitted at least thirty (30) calendar days prior to the proposed event. The application shall be made by the owner of the affected property or the owner's duly authorized agent.
- B. An application for a seasonal use permit shall be reviewed for approval by the Administrative Committee following the procedures for a conditional use permit, prior to issuing a business license.
- C. An application for a home occupation license shall be reviewed for approval by the Planning Department. A home occupation use that requires a conditional use permit shall be reviewed for approval by the Administrative Committee prior to receiving a home occupation business license.
- B. Each application shall be accompanied by a non-refundable fee as established by the City Council. An application is not complete until the fee is paid.
- C. After approval of a temporary, seasonal, or conditional use permit, an applicant shall also obtain any required business license for the proposed use.
- D. An approved temporary use permit shall be effective only on the approved dates. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Planning Director effective immediately upon verbal or written notice for violation of the permit. Verbal notice shall be confirmed by written notice mailed within a reasonable time to the permit holder.

14-17-105 HOME OCCUPATION REQUIREMENTS

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for: one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
- B. The use shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may

be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.

- C. The use shall not involve more than 50% of the entire dwelling.
- D. The use shall not involve the area of required, covered, off-street parking.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the premises.
- G. The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- I. The use shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. The use shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- L. The residence and property may be inspected from time to time to determine continued compliance with the provisions of this [OrdinanceCode](#) and other applicable codes.

14-17-106 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION

The following conditions shall apply only to Home Occupation Business Licenses for Residential Day Care or Group Instruction, as defined by State Code:

- A. The rear yard may be used for outside play area, or instruction where a swimming pool is involved.
- B. Residential day care facilities shall comply with all regulations of the State of Utah and shall be licensed by the State. One additional person not residing in the dwelling may be

employed in the residential day care or group instruction where seven eight (7) or more children or people are involved.

- C. Residential group instruction (preschools) shall be limited to no more than twelve (12) people in each session who are not residents of the home. There shall be no more than two (2) sessions per day and each session may not exceed four (4) hours. No child or student may attend more than one (1) session per day. Instruction of more than eight (8) individuals requires issuance of a Conditional Use Permit.
- D. A minimum interior floor area of thirty-five (35) square feet and a minimum secured outdoor play area of forty (40) square feet per child shall be provided for residential day care facilities.
- E. Total floor area used for residential day care or group instruction may be no more than fifty percent (50%) of the ground floor area of the residence.
- F. An annual inspection for continued compliance will be required for license renewal of all residential day care and group instruction facilities.
- G. A criminal background check is required for any person who operates or is employed at a daycare or a residential group instruction business.
- H. A criminal background check is required for any adult who resides at a dwelling used for a daycare or group instruction business.
- I. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a daycare or group instruction business.

14-17-107 PROHIBITED HOME OCCUPATION USES

The following uses, by their nature, involve operations not suited to a residential area and have a pronounced tendency to grow rapidly beyond the limits for a home occupation and thereby impair the use and value of a residentially zoned area. Therefore, the uses specified below shall not be permitted as home occupations:

- A. Auto, truck, or motorcycle repair at the residence.
- B. Furniture or cabinet making.
- C. Major appliance repair (washers, dryers, refrigerators, etc.)
- D. Small engine and lawn mower repair.
- E. Auto body or fender work.
- F. Trailer or boat repair.

- G. Photo developing and processing beyond a hobby darkroom.
- H. Sexually oriented businesses.

14-17-108 HOME OCCUPATION CONDITIONAL USES

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing:

- A. Lawn care and/or landscaping,
- B. Construction and/or contracting,
- C. Snow removal,
- D. Residential day care or group instruction facilities with more than eight (8) people,
- E. A home occupation office use may be allowed in a detached accessory structure in accordance with the following:
 - 1. The total office area, including a restroom and any storage space, shall not exceed three hundred (300) square feet.
 - 2. The office shall not be located in an area of required, covered, off-street parking.
 - 3. No part of the office space shall be utilized if the required, covered, off-street parking is being utilized for a purpose other than parking.
 - 4. The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.
 - 5. A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be occupied unless the owner has recorded a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the office space shall only be used in accordance with the provisions of the Bountiful City Land Use [OrdinanceCode](#) as it may be amended from time to time.

14-17-109 REQUIRED INFORMATION AND PLANS

All applications for a temporary or seasonal use shall include the following:

- A. A concise statement describing the proposed use or event, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved,

provisions for on-site security, provision for on-site parking, and other pertinent information necessary to adequately evaluate the application.

- B. A copy of a site plan drawn to a standard scale which is no greater than 1" = 20', which accurately represents the proposed use of the site, including existing buildings, entrances, exits, parking areas, driveways, utilities, and the location of any proposed temporary structures such as tents, stand or signs. Depending upon the size and scope of the proposed use, the Planning Director or approving authority may require that the site plan be prepared by a licensed Engineer, Surveyor, Architect, or Landscape Architect.

14-17-110 ADMINISTRATIVE REVIEW PROCESS FOR TEMPORARY USES

The following shall apply to the review and approval of specific temporary uses:

- A. The following temporary uses may be reviewed and approved by the Planning Director:
 - 1. Christmas tree lots;
 - 2. Construction trailers;
 - 3. Fireworks stands;
 - 4. Model homes and model home shows;
 - 5. Warehouse sales;
 - 6. Other retail sales;
- B. The Planning Director shall review the application and related materials and shall determine whether or not the proposal is in compliance with all applicable codes, ordinances, and specific standards for temporary uses as set forth herein. The Planning Director may request that the City Engineer, Police Chief, and Fire Chief review and comment on applications where traffic control may be a significant issues. The Planning Director may also evaluate the application and request review and comments from the County Board of Health and/or other Health related agencies.
- C. A written permit shall be issued to the applicant after a determination of compliance has been made. Reasonable, specific conditions to assure compliance may be attached to the permit to assure compliance or to deal with circumstances related to neighboring uses, geography, etc.
- D. An application may be denied if the Planning Director determines that the proposal does not comply with the standards established herein or that the public health, safety, or welfare may be impaired by issuance of a permit. Denial of the application shall be communicated to the applicant in writing and shall state the reasons for denial.
- E. An appeal of any determination of the Planning Director may be made to the Planning Commission. Such appeal shall be filed with the Planning Department within ten (10) working days after a final determination by the Planner Director, stating the specific reason why the determination should be reversed or modified.

14-17-111 ADMINISTRATIVE COMMITTEE REVIEW OF TEMPORARY AND SEASONAL USES

The following temporary and seasonal uses require Administrative Committee approval and a public hearing:

- A. Fairs, carnivals, rodeos, live entertainment, etc.
- B. Promotional events
- C. Swap meets
- D. Trailers intended for temporary offices or sales
- E. All seasonal use permits
- F. Other uses which due to unusual circumstances the Planning Director deems necessary for special review.

14-17-112 SEASONAL PERMITS

A seasonal use permit may be issued instead of a temporary use permit for temporary uses that reoccur each year for a definite period and which occupy the same location and configuration. The permit may be issued for a maximum of six (6) months, which may be divided into two equal or unequal periods. A seasonal use permit may be issued for a maximum of five (5) years, however, any change in location, ownership, or operation shall render the permit void. A seasonal use must obtain/renew a Bountiful Business License each year.

14-17-113 GENERAL STANDARDS FOR TEMPORARY AND SEASONAL USES

The following regulations establish the time, place, and manner in which uses that are temporary or seasonal in nature may occur. A temporary or seasonal use has no inherent rights within the zone in which it may be located, other than the terms and conditions of an approved permit, and the City may deny a proposed temporary or seasonal use for non-compliance with this Title. Temporary and seasonal uses are not permitted or conditional uses, although the City may follow the same public hearing or noticing process. Temporary uses shall not exceed one hundred twenty (120) continuous days in length and shall not involve the erection of any substantial structure or require any other permanent commitment of the land, except as specifically set forth in this chapter. All temporary and seasonal uses shall comply with the following:

- A. The nature and intensity of the proposed use and the size and location of any temporary structures shall be planned so as to be compatible with existing development and uses in the area.
- B. Permanent changes to the site are prohibited, except that seasonal uses may install underground utility lines with the approval of the Building Department. When the use ends, the applicant shall restore the site to its original condition, including such clean up, washing, and replacement of facilities as may be necessary, or, if applicable, shall complete site improvements according to the approved site development plan.
- C. Tents, stands, trailers, mobile equipment, and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan and it is determined by

the Planning Director that they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian and vehicular traffic on or off the site.

- D. Temporary buildings or structures shall conform to all area and setback requirements established for permanent buildings or structures for the zoning district in which the use is proposed. Temporary buildings or structures shall not be located in landscaped areas unless approved by the Administrative Committee and shall be located in a manner that minimizes traffic impacts.
- E. Temporary uses which do not include buildings or structures may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation, or emergency vehicle access.
- F. Parking Standards:
 - 1. Temporary parking areas may be allowed only during construction on a site. They must be removed, and the land restored to its original condition, prior to the issuance of a certificate of occupancy for the construction.
 - 2. Adequate off-street parking for the proposed event shall be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Planning Director who shall consider the nature of the event and the applicable parking standards of this [Ordinance Code](#). Consideration shall be given to the parking needs and requirements of permanent occupants of the site.
 - 3. Temporary uses shall not reduce required parking spaces below the minimum required for the permanent uses existing on the site.
 - 4. Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the Planning Director.
- G. Permanent signs are prohibited. The size and location of signs shall be shown on the site plan and approved by the Planning Director as part of the application approval. All signs shall be removed when the activity ends.
- H. No loudspeakers or other amplifying sound devices shall be used in conjunction with a temporary use unless specifically approved by the Planning Director.
- I. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
- J. Temporary uses on sites where the primary use is a conditional use shall not violate the conditions of approval for the primary use.
- K. The applicant shall provide to the Planning Director proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application.

- L. These provisions shall not be construed to exempt the operator from complying with applicable Building Codes, Health Codes, or permit requirements established by other regulatory agencies or departments.

14-17-114 USES, SPECIFIC STANDARDS, AND TIME LIMITS

- A. Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the general standards, and are limited to the uses specified below:
 - 1. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
 - 2. Temporary sales offices shall be located in the subdivision where lots are being sold or in the apartment complex or planned unit development where units are being sold or leased.
 - 3. Temporary sales offices in trailers. Temporary sales offices located in a trailer or other portable structure for the sale or lease of property in a subdivision, an apartment complex, or planned unit development is prohibited.
 - 4. Temporary sales offices in a model home or unit for the sale or lease of property in a subdivision, apartment complex, or planned unit development may be used until the last lot or unit in the development is sold and closed. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to the function as a garage upon termination of the temporary office.
 - 5. Construction trailers incidental to a specific construction project may be located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way. Temporary offices housed within construction trailers wherein a business or service for others is transacted are prohibited. Examples of such uses are Accountant, Architect, Insurance Sales, Medical and Dental, Real Estate Sales, etc.
 - 6. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.
- B. Commercial Zones. A temporary use in a commercial zone shall comply with the general standards set forth for the zone in which it is located, and shall be restricted to the uses and standards specified below:
 - 1. Hours of Operation for temporary uses shall be established at the time the use is approved.

2. Christmas Tree Lots. A temporary use permit and business license shall be obtained for the display and open lot sales of Christmas trees except where such display and sales occurs within a permanent outdoor sales area which is incidental and accessory to an approved conditional or approved use. Christmas tree sales may occur only between Thanksgiving and Christmas Day. All unsold trees shall be removed from the property, and the property returned to its original condition, by December 31 of each calendar year. A cash bond may be required to insure performance of this requirement.
3. Construction trailers. Construction trailers incidental to a specific construction project may be located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way.
4. Fairs, carnivals, and other major public gatherings. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.
5. Fireworks Sales. Retail sales of fireworks are permitted subject to provisions of the Bountiful City Business Regulations and State Law. Duration of the fireworks stands shall be specified and approved by the Planning Director.
6. Promotional events. Promotional events shall not exceed five (5) consecutive days per event, two (2) of which shall be a Saturday and Sunday. There shall be no more than two promotional events per calendar year per property.
7. Seasonal Produce Stands Offering Produce and Plants not grown on the Premises. Stands selling produce and plants which are not grown on the premises may be permitted for up to two (2) consecutive weeks as a temporary use, or for the maximum allowed under a seasonal use. This category includes "Farmers Markets".
8. Swap meets. Swap meets shall not be permitted for more than three (3) consecutive days, and not more than four (4) times per year. If an applicant proposes such events more frequently, the swap meet shall be considered a permanent use which shall require conditional use approval and site plan approval prior to issuance of a business license.
9. Temporary office. A temporary office for a business for which a permanent building is being constructed on a site may be approved and occupied until an occupancy permit is issued for the permanent building or for six (6) months, whichever comes first. The temporary office shall be located on the same site as the future permanent building but shall not be moved onto the site until a building permit is issued for the permanent building. The Planning Director may renew a permit for a temporary office if the size and scope of the building requires a building construction schedule longer than the six (6) month period allowed.

10. Warehouse sales. Retail warehouse sales are allowed for up to five (5) consecutive days at any one time.

14-17-115 TIME BETWEEN ACTIVITIES

Except for construction trailers, temporary offices, and seasonal uses, the time between temporary activities shall be a minimum of five (5) times as long as the duration of the last event.

14-17-116 EXEMPT USES

The following uses are exempt from the provisions of this chapter:

- A. Fund-raising events conducted by non-profit organizations which are a maximum of three (3) consecutive days; including such things as bake sales or car washes but not including larger events such as outdoor carnivals, swap meets, or arts and crafts sales.
- B. Onsite temporary sales activities involving the display of new retail products, provided the display area is within ten (10) feet of the main building and does not extend into a public right-of-way or occupy required parking spaces or landscaped areas.
- C. Temporary businesses licensed under the Temporary Business Licensing provisions of the Bountiful City Code.
- D. Garage or yard sales that occur not more than four (4) times a year per property with each event lasting not more than seventy-two (72) hours. The sale of products brought to the site is prohibited.
- E. Seasonal fruit and vegetable stands selling produce grown on the premises are permitted subject to compliance with other applicable provisions of the City Code.
- F. Community events which are sponsored and/or approved by the City.
- G. Other exemptions as specifically approved in writing by the Bountiful City Council.

14-17-117 CONDITIONS OF APPROVAL AND DENIAL

The land use authority may approve a use which meets the above requirements, may deny a use which does not meet said requirements, or may approve a use with such additional conditions as necessary to meet the requirements of this Title and to assure that the use will be compatible and will not pose any unreasonable detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter.

CHAPTER 18

MOTOR VEHICLE PARKING AND ACCESS STANDARDS

14-18-101	PURPOSE
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14-18-109	ACCESS REQUIREMENTS
14-18-110	OFF-STREET LOADING AREAS
14-18-111	DISPLAY OF VEHICLES OR OTHER MERCHANDISE FOR SALE OR RENT

14-18-101 PURPOSE

The purpose of this chapter is to protect the public health, safety, and welfare by establishing motor vehicle parking and access standards.

14-18-102 OFF-STREET PARKING REQUIRED

An off-street parking area and access plan meeting the minimum requirements of this Title shall be provided with any proposal to erect, enlarge, or increase the capacity of any building, any time a change in use occurs, or any time that site plan review is required by this Title.

Any application for a building permit shall be accompanied by a plot plan showing required parking spaces with ingress and egress. Said plan shall be reviewed and approved by the Planning and Engineering Departments.

14-18-103 CONTINUING OBLIGATION

Required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner or tenant of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this Chapter and is approved by the appropriate land-use authority.

14-18-104 CALCULATING PARKING REQUIREMENTS

- A. Whenever parking requirements are based on square footages, calculations shall be based on the gross square footage of the structure.
- B. When a structure or parcel contains multiple uses, more than one (1) parking standard may apply.
- C. Available on-street parking spaces shall not be used to meet the requirements of this Title, unless specifically permitted and regulated by the zone in which the property is

located. And no development plan shall be based on the assumption that excess vehicles can be parked on a public street, unless specifically permitted and regulated by the zone in which the property is located.

- D. When parking regulations are based on the number of employees, parking calculations shall use the largest number of employees who work on any one (1) shift. Where shift changes may cause substantial overcrowding of parking facilities, the approving authority may require additional spaces as needed in order to accommodate the overlap period or peak parking period.
- E. When parking use intensities vary during the course of a day because of mixed uses or staggered operational shifts, the approving authority may permit reduced parking standards based upon accepted professional standards. The approving authority may also require a shared parking analysis performed by a traffic engineer.

14-18-105 GENERAL REQUIREMENTS FOR PARKING AREAS

- A. Each off-street parking area shall be surfaced with asphalt, concrete pavement, or comparable material, and shall be graded to dispose of all surface water. The perimeter of the paved surface shall be finished with concrete curb and gutter. Surfacing may be installed in stages as approved by the approving authority. All parking and grading plans shall be reviewed and approved by the City Engineer.
- B. Parking areas shall be designed to provide orderly and safe circulation, loading, unloading, parking, and storage of vehicles. All parking areas shall be landscaped, striped, marked, and maintained according to approved plans.
- C. Lighting provided in off-street parking areas shall be directed away from adjoining premises and streets in accordance with the design standards of this Title. The type and location of luminaries shall be approved by the approving authority.
- D. Off-street parking areas shall allow vehicles to enter and exit from a public street by forward motion only. This regulation shall not apply to single-family and two-family residential units, or to town-home style residential units approved and constructed after December 31, 2006, that front onto a public street that is not designated on the Street Master Plan as a collector or arterial street and that does not exceed an average daily traffic volume of one thousand (1,000) vehicles.
- E. Pavement, striping, landscaping, paintings, lighting, and all other parking area components shall be maintained to prevent deterioration and safety hazards.
- F. No off-street parking shall be permitted in any required residential front yard or street side yard other than in approved, paved driveways. And no vehicle, trailer, or similar device may be parked on a lawn, park strip, or any other non-paved surface.
- G. No tandem parking (one space behind another) shall be allowed, except for conventional single-family dwellings. Duplexes, apartments, townhouses and condominiums may have tandem parking providing that both spaces are assigned to the same dwelling unit and the plan is approved by the approving authority.

- H. Off-street parking spaces shall be located at least ten (10) feet from any street property line except for driveways serving one and two-family dwellings. For single family and two-family residential uses, at least one (1) of the required on-site parking spaces per unit shall be provided behind the minimum front yard setback. No driveways or paved vehicle areas of any kind are allowed in a street side yard setback unless they provide access to a garage, carport, or other approved parking area located beyond the minimum setback area.
- I. Landscaping of all commercial and industrial parking areas is required and shall meet the requirements and standards of this Title.

14-18-106 TRANSITIONAL AREAS

Multi-family, commercial, institutional, or industrial off-street parking areas which are adjacent to residential uses or residential zoning districts shall be effectively screened on the abutting sides by a solid barrier fence which is in compliance with the provisions of this Title and which has been approved by the approving authority. Such wall or fence shall be six (6) feet in height and shall be permanently maintained with no advertising thereon.

14-18-107 PARKING SPACES REQUIRED

- A. Except as otherwise provided in this Chapter, the number of off-street parking spaces for various uses will be as follows:
 1. Automobile Service and Repair Center. Three (3) exterior parking spaces for each stall, service bay or work station. Such spaces shall be for customer parking only and are not intended for storage or parking of vehicles under repair. Adequate parking for vehicles under repair or impound must be provided in addition to the required customer parking spaces.
 2. Banks, Business Offices or Professional Offices Providing Customer Services or Sales (Excluding Medical and Dental Offices). One (1) space for each two hundred (200) square of floor area.
 3. Bowling Alleys. Four (4) spaces for each alley plus parking space for all accessory uses (i.e., coffee shop, restaurant, bar) as herein defined.
 4. Car Wash. Three (3) spaces in approach lane to each hand wash bay, or 6 stacking spaces for each automated wash facility.
 5. Churches. One (1) parking space for every four (4) seats for fixed, individual seating; one parking space for each six (6) feet of linear pew; or one (1) parking space for every twenty (20) square feet of floor area where temporary seating can be located.
 6. Dwellings, Multiple Family. Parking for multiple family developments shall be based on the following ~~standards guidelines and an approved parking plan as specified in Subsection B of this Section:~~

Bedrooms	Required Spaces	Visitor Spaces
1	1.5/Unit	.25/unit
2	2.0/Unit	.25/unit
3 or more	2.5/ Unit	.25/unit

At least one (1) of the required parking spaces above shall be a designated, covered parking stall for each dwelling unit. Visitor parking spaces shall be distributed throughout the project for convenient access from all units.

7. Dwellings, Single Family. Four (4) parking spaces for each single family dwelling unit. At least two (2) spaces shall be in a garage.
8. Funeral Homes, Mortuaries. One (1) parking space for each forty (40) square feet of floor area located in the assembly chapel and viewing room(s).
9. Furniture and Appliance Store, Hardware Stores or Other Similar Uses Which Require Large Display Areas But Generate Light Traffic Demands. One (1) parking space for each five hundred (500) square feet of floor area.
10. General Business/Retail Not Specifically Described. One (1) parking space for each two hundred (200) square feet of floor area.
11. Handicapped/Disabled Persons Parking. Parking spaces shall be provided in conformance with the following:

Handicap Stall Calculation Table

Number of Spaces in Lot	Minimum # of Spaces for Disabled
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent (2%) of total plus 1 for each 100 over 1,000 spaces

In addition, one (1) in every eight (8) spaces for the disabled, but not less than one (1) shall be made accessible for vans. (See Section 14-18-108 for special space requirements.

All parking spaces for the disabled shall be designated as reserved by a sign showing the symbol of accessibility for the disabled. Spaces designated for accessibility for vans shall have an additional sign reading "Van Accessible" mounted below the symbol sign.

12. Hospitals. One (1) parking space for each four hundred (400) square feet of floor area.
13. Hotels, Motels and Motor Hotels. One (1) parking space for each living or sleeping unit, plus one (1) parking space for every two hundred (200) square feet of assembly, banquet, or restaurant area, and one (1) space for each employee on the highest employment shift.
14. Libraries. One (1) parking space for each three hundred (300) square feet of floor area.
15. Manufacturing/Industrial Uses, Research and Testing Laboratories, Bottling Plants. One (1) parking space for every one thousand (1,000) square feet of floor area, or one (1) space for each person employed on the highest employment shift, whichever is greater.
16. Medical/Dental Clinics. One (1) parking space for each two hundred fifty (250) square feet of floor area or five (5) spaces for each practitioner, whichever is greater.
17. Nursing, Convalescent and Other Similar Type Facilities. One (1) parking space for every three (3) persons the home is licensed or designed to care for, plus .25 stalls guest parking per bed or unit.
18. Offices not Providing Customer Services or Sales on the Premises. One (1) parking space for every three hundred (300) square feet of floor area.
19. Professional Offices for Attorneys, C.P.A.s, Architects, Engineers, etc. One (1) parking space for every three hundred (300) square feet of floor area.
20. Retirement Facility/Assisted Living Center (where occupants do not drive). Off-street parking shall be provided at the rate of .50 parking stalls per living unit or per occupant at maximum occupancy, whichever is greater.
21. Retirement Facility/Independent Living Center (where some occupants may still drive). Off-street parking shall be provided at the rate of one (1) parking stall per living unit, plus .25 stalls guest parking per unit. Common use facility areas will not be used in calculating parking requirements. At least half of the off-street parking stalls must be covered.
22. Restaurants. One (1) parking space for each two and one half (2.5) seats.

23. Restaurants, Fast Food. One (1) parking space for each two (2) seats or one (1) parking space for each one hundred (100) square feet of floor area when the number of seats is unknown.
 24. Schools. One (1) parking space for each administrator and faculty member, plus one (1) space for each four (4) seats in an auditorium or assembly area.
 25. Shopping Centers. One (1) parking space for every two hundred (200) square feet of net floor area or as determined by the approving authority.
 26. Sports Arenas, Auditoriums, Theaters or Other Similar Places of Public Assembly. One (1) parking space for each four (4) seats of maximum of seating capacity.
 27. Taverns, Private Clubs, Lodges, Fraternal Organizations and All Other Similar Dining and/or Drinking Establishments. As determined by Conditional Use Permit procedure by the Planning Commission, but not less than one (1) parking space for each two (2) seats or one (1) parking space for each one hundred (100) square feet of floor area when the number of seats is unknown.
 28. Wholesale Establishments and Warehouses. One (1) parking space for every one thousand (1,000) square feet of gross floor area or one (1) space for each person employed on the highest employment shift, whichever is greater.
 29. All Other Uses Not Listed Above. As determined by the approving authority based on the recommendation of the City Planner, City Engineer, and/or nearest comparable use standards.
- B. In calculating the requirements of this Section, any fractional parking spaces shall be rounded up to the next whole number.
- C. **Parking Spaces for the Disabled.** All spaces for the disabled shall be located as near as possible to the main public or primary entrance of a single building. In parking lots that do not serve a single building, parking for the disabled shall be located on the shortest accessible route of travel to an entrance designed for the disabled. In building with multiple entrances for the disabled, such parking spaces shall be dispersed and located closest to those entrances. Said parking stalls shall be designated as reserved by a sign showing the symbol designating them for disabled persons. Such signs shall be located so they cannot be obscured by a vehicle parking in the space.

14-18-108 SIZE OF PARKING STALLS

- A. The dimensions of each off-street parking space for passenger vehicles shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety degree spaces; or nine (9) by twenty-four (24) feet for parallel spaces, exclusive of access drives or aisles. Parking stalls that front onto a dedicated, improved landscape area or onto a sidewalk of minimum six (6) foot width may be reduced in depth by a maximum of two (2) feet if the City Engineer determines that a vehicle of standard clearance could protrude into the area, as shown in Figure 18-1. In limited circumstances the approving authority may

reduce the parking depth of interior lot spaces to nineteen (19) feet if recommended by the City Engineer.

- B. The dimension of parking spaces for commercial vehicles shall be determined by the approving authority.
- C. Twenty-four (24) feet of on-site aisle space shall be located behind every parking space which is accessed by a two-way aisle.
- D. The following aisle widths shall be required where the parking spaces are accessed from a one-way aisle:
 - 1. Twenty-four (24) feet behind every ninety degree (90°) parking space.
 - 2. Sixteen (16) feet behind every sixty degree (60°) parking space.
 - 3. Fifteen (15) feet behind every forty-five degree (45°) parking space.
 - 4. Fifteen (15) feet behind every thirty degree (30°) parking space.
- E. Parking spaces for the disabled shall be at least nine (9) feet wide with a sixty (60) inch aisle space adjacent to them. Spaces accessible to vans must have a ninety-six (96) inch minimum aisle space.

14-18-109 ACCESS REQUIREMENTS

- A. Any property, regardless of its use or zone designation, shall be subject to the following.
 - 1. Any off-street parking area shall be accessed through an approved drive-approach, also referred to as a “drive-access” or “curb-cut”, meeting city construction standards. It is unlawful to drive a motor vehicle on any sidewalk, park strip, or any other area behind the curb within a public right-of-way, with the exception of an approved drive-approach.
 - 2. The combined area of drive-approaches along any public street frontage shall not exceed fifty-percent (50%) of the linear length of the street curb immediately adjacent to a property, including required curb returns. A legal, non-conforming flag lot shall be limited to one drive-approach which shall be the narrowest width possible to comply with the minimum access requirements of this Title and the Fire Code.
 - 3. No off-street parking area shall be approved or constructed without a drive-approach meeting city standards. Any drive-approach shall be located at least five (5) feet from a side or rear property line, with the exception of approved, shared drive-approaches.
 - 4. Each drive-approach, drive access, or driveway, shall be surfaced with asphalt, concrete pavement, or comparable material, and shall be graded to dispose of all

surface water. All parking, driveways, and grading plans shall be reviewed and approved by the City Engineer.

B. Single Family and Two Family Residential Lots

1. Each residential lot shall be allowed not more than two drive accesses (curb cuts), each of which shall have a minimum width of twelve (12) feet and a maximum width of thirty (30) feet, as measured at the street property line. There shall also be a minimum of thirty-five (35) feet between any drive access located on the same property, as measured at the property line.
2. Circular drives shall meet all of the minimum width and separation standards that apply to drive accesses, and shall be constructed in conformance with the requirements set forth in *Figure 18-5 Minimum Circular Drive Design Standards for All Single and Two Family Residential*. Areas between the minimum interior arc and the front property line shall be landscaped at all times, and shall not be filled with cement, asphalt or any other paving material. In limited circumstances, the City Engineer may allow a reduced circular driveway, as shown in *Figure 18-6 Minimum Circular Drive Design Standards for Limited Situations*. Before approving the construction of a reduced circular driveway, the City Engineer shall determine that all of the following criteria are met:
 - a. It is not physically possible to construct a standard size circular driveway.
 - b. There is a clear safety hazard created by the configuration of the road, sidewalk, or other element that is beyond the control of the property owner.
 - c. The property owner has not created the safety hazard or need for the reduced circular driveway by his action or the action of previous property owners.
 - d. There is no other reasonable solution to the safety hazard.
3. No drive access shall be closer than thirty (30) feet to any street intersection as measured at the property line. In any instance where a dwelling has a drive access on to a collector or arterial street, or in any instance where existing conditions restrict visibility, the City Engineer may require that the drive access be located further from the intersection, however, the location shall be the minimum necessary to mitigate the hazard.
4. In any instance where a dwelling has a drive access on to a collector or arterial street, or in any instance where existing conditions restrict visibility, the City Engineer may prohibit vehicles from backing onto a public street. In addition, the City Engineer may require that onsite improvements be made to allow a vehicle to turn around and drive forward out on to a public street.

C. Multiple-Family Residential Developments

1. Length and Width of Driveways.
 - a. No driveway shall exceed six hundred (600) feet without providing a second access.

- b. Driveways which are one hundred fifty (150) feet or less in length shall have a minimum width of twenty (20) feet with no parking allowed along the driveway.
 - c. Driveways which are greater than one hundred fifty (150) feet in length shall have a minimum width of thirty (30) feet. Driveways with only one access and which are in excess of one hundred fifty (150) feet shall also have a seventy (70) foot diameter turnaround.
 - d. No more than twenty (20) units shall be allowed on any dead-end driveway regardless of length.
 - e. A shared driveway and/or shared drive access between adjoining properties may be allowed by the approving authority only if it is a secondary access and only if each development has another access and driveway that is unique to that development. Both property owners must sign and record a cross access agreement benefiting both parties.
- 2. Number of Driveways Permitted. Not more than two (2) drive-accesses (curb cuts) shall be allowed for each one hundred (100) feet of street frontage, except for town-home style residential units approved and constructed after December 31, 2006, that front onto a public street that is not designated on the Street Master Plan as a collector or arterial street and that does not exceed an average daily traffic volume of one thousand (1,000) vehicles.
 - 3. Intersection Proximity. No drive access shall be closer than fifty (50) feet to any street intersection as measured at the property line. Any proposed drive access that is located within one hundred (100) feet of a State road, arterial street, or collector street, shall also be reviewed and approved according to AASHTO and other professional standards.
- D. Non-Residential and Mixed-use Developments. In non-residential and mixed-use developments, access shall be provided to meet the following requirements:
- 1. Width of Driveways. Each drive access shall not be less than fifteen (15) feet or more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by the permissible curb return radii. The drive access flare may not encroach upon a designated travel lane within the public right-of-way and shall be designed according to standards approved by Bountiful City.
 - 2. Spacing of Drive Accesses. There shall be a minimum of twelve (12) feet between each drive access, and no drive access shall be closer than six feet to a side property line unless there is a cross access agreement and it is approved by the approving authority.
 - 3. Intersection Proximity. No drive access shall be closer than fifty (50) feet to any street intersection as measured at the property line. Any proposed drive access

that is located within one hundred (100) feet of a State road, arterial street, or collector street, shall also be reviewed and approved according to AASHTO and other professional standards.

4. Landscaping Required. Landscaping shall be provided along the entire frontage of the property to a minimum depth of ten (10) feet, except for permitted driveways. Sprinkling systems shall be installed and permanently maintained within the landscaped area. The landscaped area shall be surrounded by a poured concrete curb extending six (6) inches above the paved surface.
 5. Mixed-use developments that incorporate residential uses shall also meet the access and driveway criteria for multiple-family residential development. Any conflicting provisions between the two standards shall be resolved by the approving authority.
- E. Curb Radius Requirements. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street shall be built to Bountiful City standards. Any part of a curb radius shall be located within the portion of right-of-way immediately adjacent to the property for which it is serving, as determined by extending the side property line into the right-of-way at an angle perpendicular to, or tangent to, the front property line. A curb radius shall not be located in such a way that it encroaches on an adjoining property or the portion of the right-of-way that an adjoining property is responsible for maintaining.
- F. Location of Gasoline Pumps. Gasoline dispensing devices at automotive service stations, convenience stores, or other similar businesses, shall be located a minimum distance of ten (10) feet from a property line and so located that all parts of a vehicle being serviced will be on the premises of the service pad. In addition, the location of dispensing devices shall be in accordance with the following:
1. Dispensing devices shall be located not less than ten (10) feet from any building which is less than one-hour fire resistive construction. Such dispensing devices shall also be located so that the nozzle, when hose is fully extended, shall not reach within five (5) feet of any building opening.
 2. Dispensing devices shall be at least twenty (20) feet from all fixed sources of ignition.
 3. All dispensing devices shall be protected against physical damage from vehicles by mounting them on a concrete island a minimum of six (6) inches in height. Alternate methods of providing equivalent protection may be permitted when approved by the Fire Marshal.
 4. Apparatus dispensing Class I or Class II liquids into the fuel tanks of motor vehicles of the public shall not be located in a bulk plan unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

- 5. Dispensing devices shall be secured to the island in an approved manner other than piping and conduit.

14-18-110 OFF-STREET LOADING AREAS

- A. Space Requirement. Every building or part thereof having a gross floor area of at least five thousand (5,000) square feet and that is designed or used for a commercial or industrial use that entails the delivery of materials or merchandise by motor vehicles, shall provide and maintain on-site loading areas meeting the following minimum requirements:

Gross Floor Area	Number of Loading Spaces Required
Less than 5,000 sq. ft.	None
5,001 to 30,000 sq. ft.	1
30,001 to 70,000 sq. ft.	2
70,001 to 120,000 sq. ft.	3
Each additional 100,000 sq. ft. over 120,000 sq. ft.	+1

- B. Dimensions. Each loading space shall be not less than fourteen (14) feet in width and twenty-five (25) feet in length.
- C. Turning and Maneuvering Space. Sufficient room for turning and maneuvering of trucks and other vehicles shall be provided on the site. Loading spaces shall be arranged on the site in such a way as to allow normal movement of traffic in and around the loading area.
- D. Access and Location. Each loading space shall have unobstructed access from a street or from an aisle or drive connecting with a street. No loading space may be located within the minimum front or street yard setback, neither shall it be allowed to encroach upon any public right-of-way, pedestrian walkway, minimum required landscape area, or any required parking area.
- E. Screening. Such loading space may occupy any required side or rear yard and shall be enclosed by a masonry wall matching the architecture of the structure to which it is attached, or a solid landscaping barrier not less than six (6) feet in height, or both. If the loading area is illuminated, lighting shall be deflected away from abutting residential lots so as not to cause annoying glare.
- F. All semi-trucks, commercial trailers, and all delivery vehicles in excess of twelve thousand (12,000) pounds G.V.W, shall be parked and/or serviced only within an approved loading area. Short term deliveries such as UPS, FedEx, etc, where the vehicle is parked for less than thirty (30) minutes, may use general parking facilities.

14-18-111 DISPLAY OF VEHICLES OR OTHER MERCHANDISE FOR SALE OR RENT

Minimum setback for display of vehicles or other merchandise for sale or rent shall be ten (10) feet. The ten (10) foot area shall be comprised of approved landscaping and shall not be used for the display of merchandise.

14-18-112 STACKING LANES FOR DRIVE-UP WINDOWS

Uses which have drive-up service windows or devices shall provide on-site space for stacking of vehicles waiting to reach the drive-up window or device in accordance with the following:

- A. Restaurants and Fast Food Establishments: Six (6) stacking spaces for each service window or device.
- B. Banks: Four (4) stacking spaces for each service window or device.
- C. All Other: Three (3) stacking spaces for each service window or device.
- D. Each space shall measure nine (9) feet by twenty (20) feet and have a height clearance of fourteen (14) feet or as determined by the Fire Marshal. Such spaces shall not interfere with other required off-street parking or traffic circulation.

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FIGURE 18-1
Parking Stalls And Drive Aisles

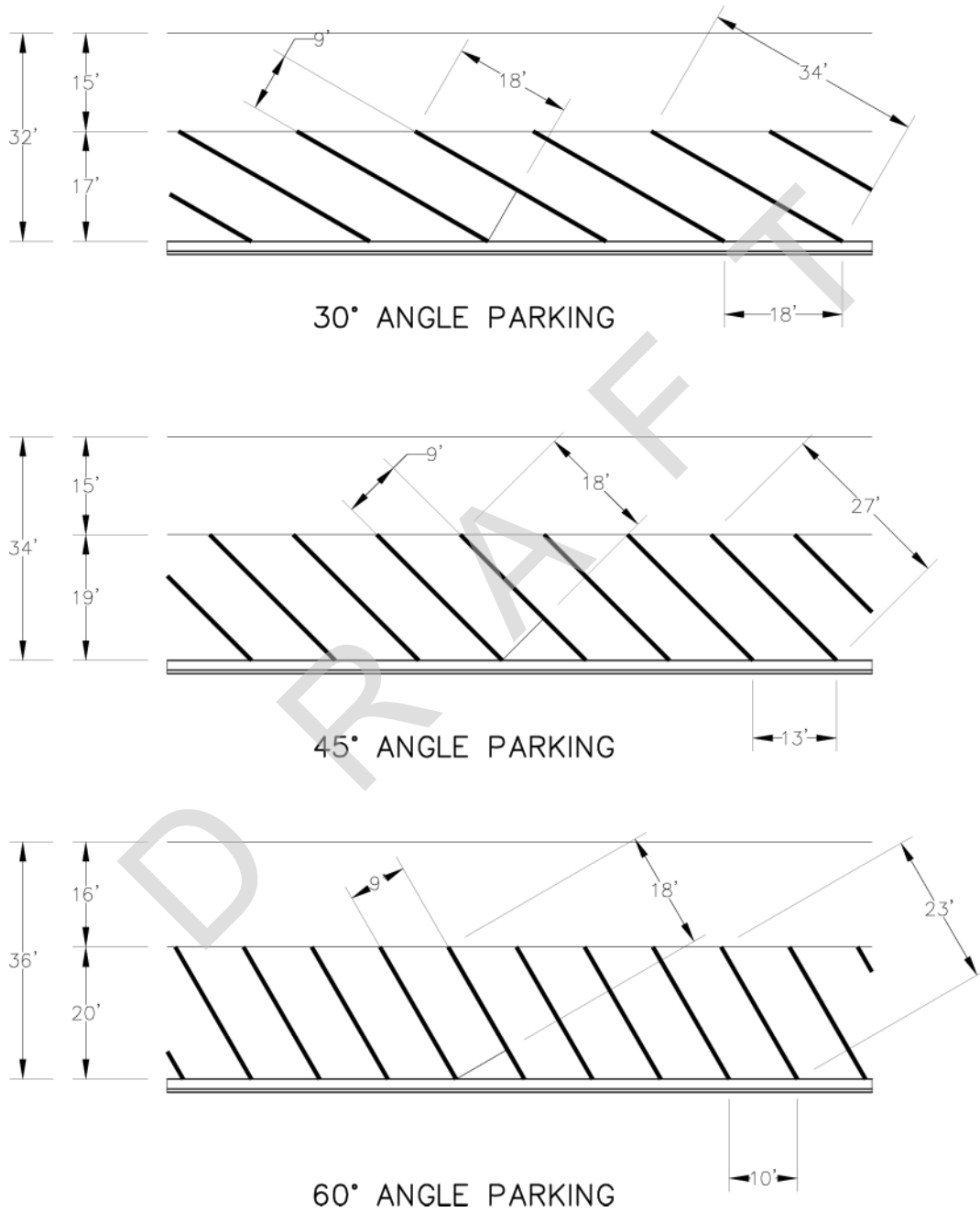


FIGURE 18-1 (Continued)
Parking Stalls And Drive Aisles

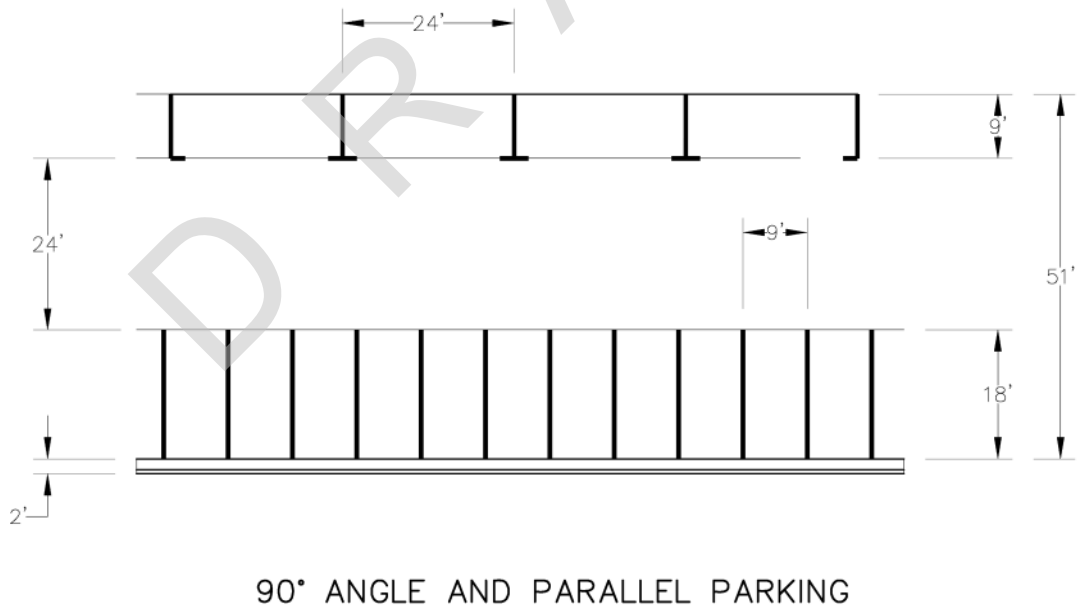
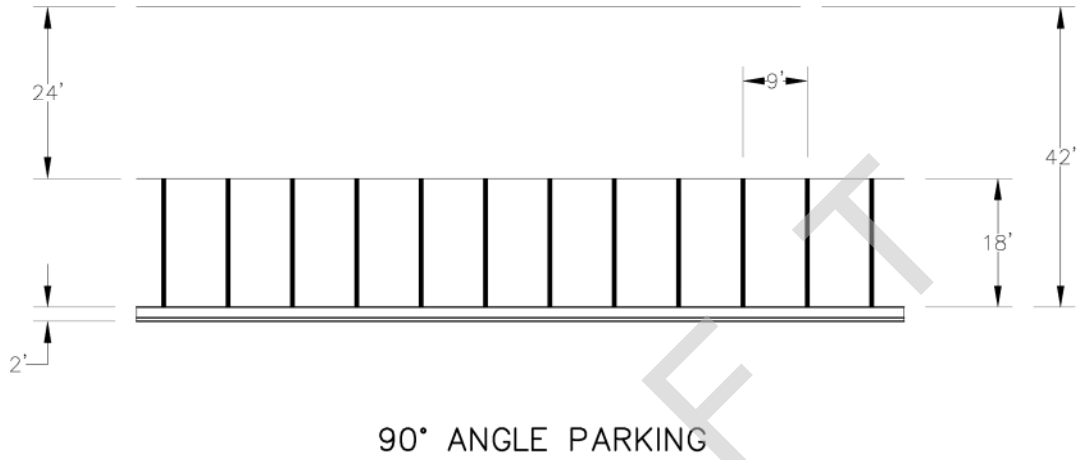
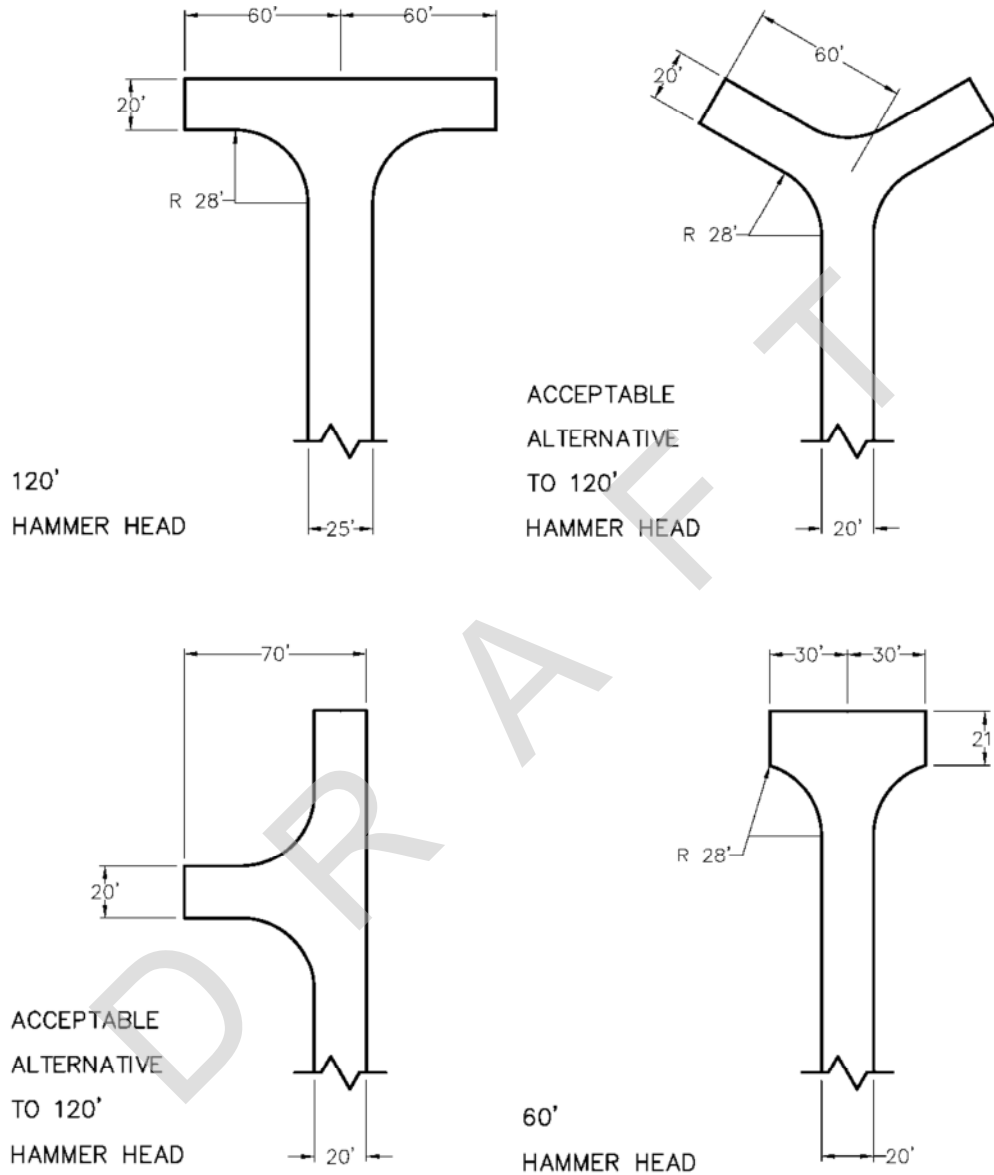


FIGURE 18-2
Requirements For Dead-End Access Ways



LENGTH	WIDTH	TURNAROUNDS REQUIRED
0 TO 150 FT.	20 FT.	NONE REQUIRED
150 TO 500 FT.	20 FT.	70 FT. DIA. CUL-DE-SAC/60 FT. HAMMER HEAD
500 FT. AND UP	26 FT.	70 FT. DIA. CUL-DE-SAC/120 FT. HAMMER HEAD

CURVES AND TOPOGRAPHICAL CONDITIONS COULD ALTER THE REQUIREMENTS FOR TURNAROUNDS AND THE WIDTH OF ACCESSWAYS.

FIGURE 18-2 (Continued)
Requirements For Dead-End Access Ways

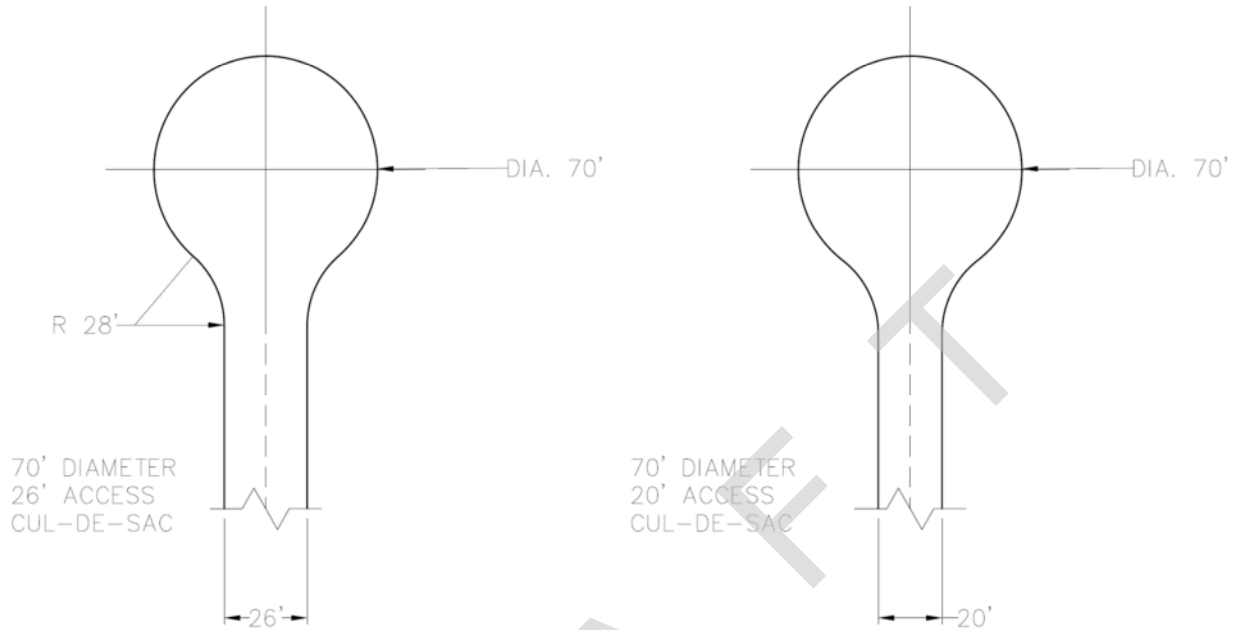


FIGURE 18-3
Minimum
Clearance Around
A Fire Hydrant

FIGURE 18-3 Minimum Turning Paths

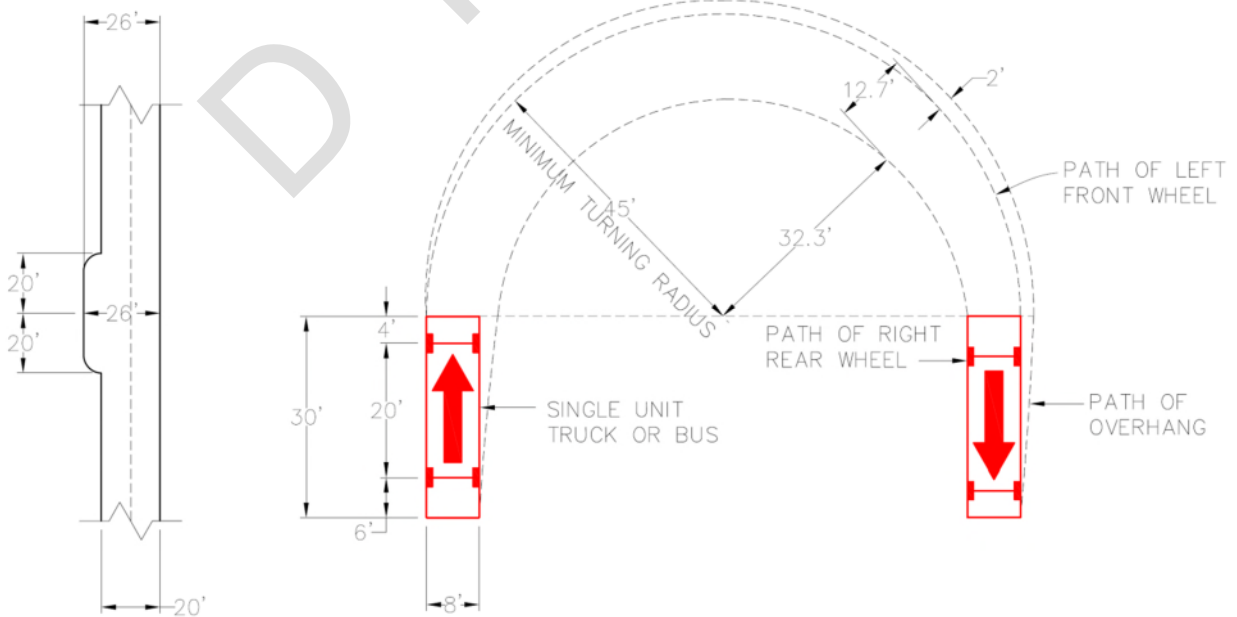


Figure 18-5 Minimum Circular Drive Design Standards For All Single and Two Family Residential

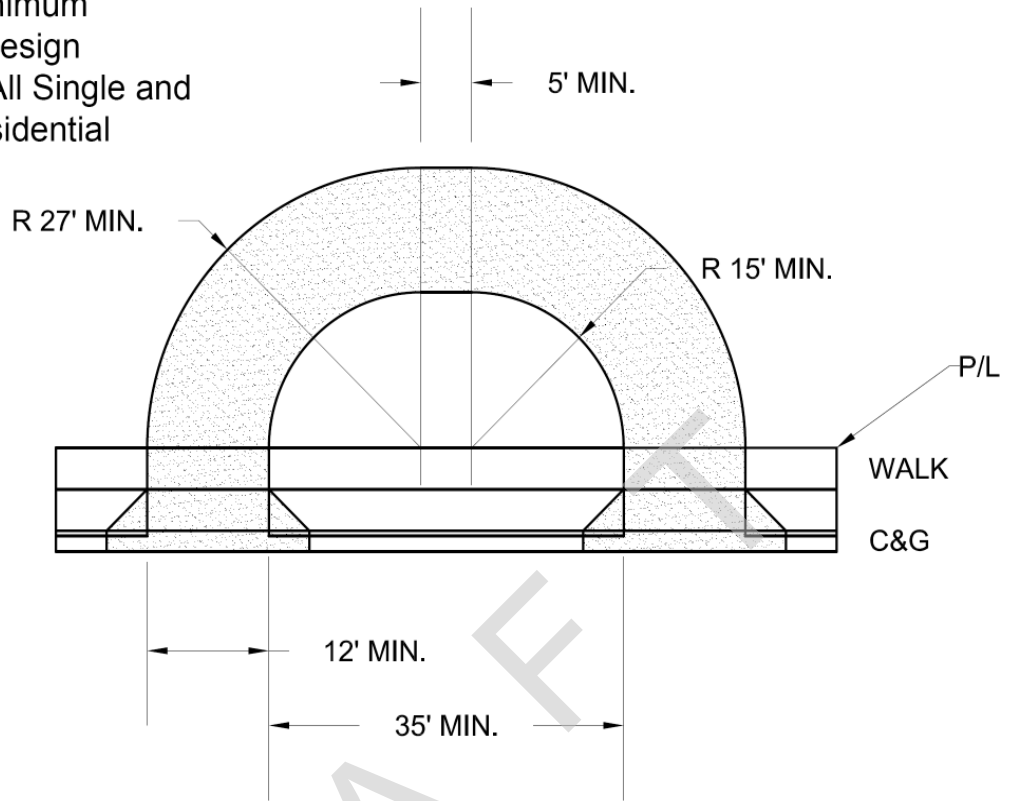
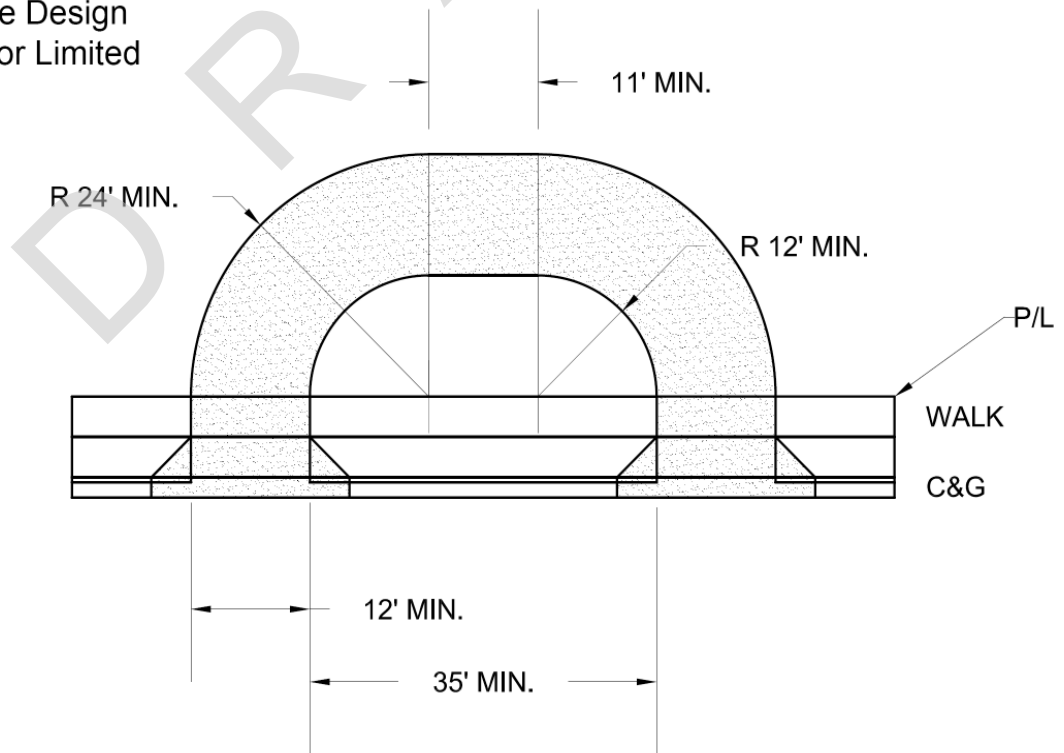


Figure 18-6 Minimum Circular Drive Design Standards For Limited Situations



CHAPTER 19

SIGN REGULATIONS

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14-19-102	APPLICABILITY AND EFFECT
14-19-103	DEFINITIONS
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14-19-107	NONCOMPLYING SIGNS
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14-19-121	ELECTRONIC MESSAGE CENTER STANDARDS

14-19-101 PURPOSE AND SCOPE

- A. The type, location, and design of signs can either enhance or degrade a community, and therefore the City has a compelling interest to regulate the time, place, and manner in which signs are erected. The purpose of this sign [ordinancecode](#) is to:
1. Encourage the effective and innovative use and design of signs as a means of communication.
 2. Maintain and enhance the aesthetic environment in order to attract sources of economic and business development and growth.
 3. Coordinate the type, placement, scale, compatibility, and aesthetics of signs within the different zones by recognizing the commercial communication requirements of the business community.
 4. Improve pedestrian and traffic safety through the prevention of visual obstructions and distractions.
 5. Minimize the possible adverse effect of signs on nearby public and private property.

- 6. Promote both renovation and proper maintenance of signs.
- 7. Enable the fair and consistent enforcement of these sign regulations.

B. This ordinanceCode does not regulate official traffic or government signs; the copy and message of permitted signs; window signs and displays not intended to be viewed from a public right-of-way; religious symbols; commemorative plaques; display of street numbers; or any display or construction not defined as a sign.

C. It is not the intent of this Codeordinance to regulate the content of political speech.

14-19-102 APPLICABILITY AND EFFECT

A. A sign shall be erected, placed, established, painted, created, or maintained in Bountiful City only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.

B. The effect of this Chapter as more specifically set forth herein, is:

- 1. To establish a regulatory process addressing the time, place, and manner in which signs are permitted.
- 2. To provide standards for temporary signs.
- 3. To prohibit all signs not expressly permitted by this Chapter.
- 4. To provide for enforcement of the provisions of this Chapter.

14-19-103 DEFINITIONS

All definitions have been moved to Chapter 3

14-19-104 INTERPRETATION

When interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth.

14-19-105 ENFORCEMENT

A. Any sign not expressly allowed by this ordinanceCode is prohibited.

B. The erection of a prohibited sign, or permitting the continued existence of a prohibited sign in violation of this ordinanceCode, is a class C misdemeanor. Each day of violation is a separate offense.

C. There are certain situations where a sign poses or may pose an immediate public safety hazard. The following signs shall be deemed unlawful and hazardous to the public safety, and are declared to be a public nuisance. Any employee of the City is authorized to immediately abate, remove, or otherwise remedy the following signs:

1. Any sign or related structure which interferes with the safe view of drivers entering a public right-of-way from any driveway or property.
 2. Any sign that extends over any pedestrian or vehicular travel area, unless specifically authorized by the City.
 3. Any sign which interferes with the use of any fire escape, exit, required stairway, door ventilator, or window.
 4. Any sign which has less horizontal or vertical clearance from communication lines and/or energized electrical power lines than required by adopted safety standards, according to the provisions of City Code and the Bountiful Light and Power Department.
 5. Any sign that is located on or that encroaches upon publicly owned land, a public right-of-way, or a public easement, except signs owned and erected by permission of an authorized public agency or that are specifically authorized herein.
- D. Any sign placed in the public right-of-way without City approval is declared to be a public nuisance and may be summarily removed by any employee of the City.
- E. The Planning Director and any designated representatives shall be vested with the duty of enforcing this title, and in performance of such duty shall be empowered and directed to:
1. Issue a permit to construct, alter, or repair a sign which conforms to the provisions of this Chapter. The expiration date of such permit shall be one hundred eighty (180) days.
 2. Ascertain that a sign is constructed and maintained in conformance with the provisions of this Title, which includes the following actions:
 - a. Initial Inspection After Construction. The Planning Director or the Building Official may make an initial inspection upon the completion of construction, erection, re-erection, or remodeling of any sign for which a permit has been issued and an inspection request is made. This shall include the inspection of temporary signs using electrical connection.
 - b. Re-Inspection (when necessary). The Planning Director or an authorized representative may re-inspect any sign for which a permit was issued but which did not pass a previous inspection.
 3. Institute any appropriate action or proceeding where any sign is unlawfully erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of this Title or any other City Ordinance s and Codes. Such actions include, but are not limited to, the following:
 - a. Issuance of Notices of Violations and Information. The Planning Director or authorized representative may issue a written notice of violation to the

person having charge or control over, or that benefit from any sign found to be unsafe or dangerous or in violation of this Chapter. Such official may swear to information against violators.

- b. Abatement and Removal of Unsafe or Dangerous Signs. If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the Planning Director may at once abate and remove said sign, or in the alternative, use all available legal means to have the sign removed. If the City or its agent removes the sign, the person having charge or control over, or that benefits from the sign shall pay to Bountiful City the costs incurred in such removal within 30 calendar days after written notice is provided.
 - c. Abatement and Removal of Unlawful Signs.
 - i. If a permanent sign is installed without a permit or is otherwise unlawful or prohibited as defined by this chapter, and is not made conforming within thirty (30) calendar days after written notice has been given, the Planning Director may at once abate and remove said sign, or in the alternative, use all available legal means to have the sign removed, including but not limited to criminal or civil court action with the appropriate court. The person responsible for and/or property owner allowing any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost from them.
 - ii. If a temporary sign posted upon private property has been installed without a permit or is otherwise unlawful as defined by this Title, it shall be removed or made conforming within seventy two (72) hours of written notice of the violation. If it has not been made conforming within seventy two (72) hours, either through removal of the temporary sign or by obtaining a temporary sign permit, the Planning Director may at once abate and remove said temporary sign, or in the alternative, use all available legal means to have the sign removed, including but not limited to criminal or civil court action with the appropriate court. The person responsible for and/or property owner allowing any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost from them.
 - iii. Any sign that the City removes for encroachment into a public right-of-way or easement, or that is located on public property without the City's permission shall be held for a maximum period of fourteen (14) days before being destroyed. In no case shall the failure to remove a sign constitute an approval by the City of the unlawful placement of the sign.
 - d. Legal Action. Initiate legal action through the City Attorney's Office.
4. Abate and Remove Non-Maintained or Abandoned Sign or Sign Identifying a Discontinued Use. The Planning Director may require that each non-maintained

or abandoned sign, or sign identifying a discontinued use be removed from the building or premises within forty-five (45) calendar days after providing written notice to the owner or persons benefiting from the sign.

14-19-106 RIGHT OF APPEAL

Any person who has been ordered to alter or remove any permanent sign, or any person whose application for a sign permit has been denied because of a conflict with any regulation stated herein, may appeal the decision as set forth in section 14-2-106 of this Title.

14-19-107 NONCOMPLYING SIGNS

- A. Regulation, containment, and elimination. In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current sign ~~ordinance~~Code standards, the City intends to apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with this Chapter. The following exceptions shall be permitted:
1. A face change in a noncomplying sign that does not encroach onto a public right-of-way or easement, and that is not deemed a public safety hazard by the Planning Director or City Engineer.
 2. A copy change in a noncomplying permanent sign which was originally approved by the City with a changeable copy feature.
- B. Abandonment. Within forty-five (45) calendar days after vacation of an existing business, a noncomplying sign shall be removed unless the property owner informs the City in writing of his intention to re-use the sign. The property owner shall be allowed one (1) year to establish a new use on the site. If the property owner does not take action within fourteen (14) days of written notice of violation, or if the signs are not re-used within the one (1) year period, the City may abate the signs and recover any and all costs. An abandoned sign shall not regain any legal noncomplying status later, even if the original business reoccupies the property.

14-19-108 PROHIBITED SIGNS

- A. Prohibited Sign Devices. Any sign not specifically allowed by this Chapter is prohibited. In addition, the following sign devices are prohibited anywhere in the City, unless specifically permitted herein:
1. A hot or cold air balloon, or inflatable, with the following exceptions:
 - a. Temporary signs, as allowed by this Title,
 - b. As part of a grand opening period, not to exceed thirty (30) days.

2. Animated signs are prohibited throughout the City, except in the Heavy Commercial (C-H) Subzone where they are allowed subject to the restrictions set forth in Section 14-19-113.
3. Any statuary bearing the likeness or suggestion of any product or logo.
4. Any roof sign.
5. Any snipe sign.
6. Any temporary sign except as allowed in this Title.
7. Any bus bench sign.
8. Any truck, trailer, or other vehicle, conspicuously, or regularly parked on-premises or off-premises with an advertising message or logo displayed to attract attention to a business, product or promotion. The Planning Director or representative may require a business to remove such truck, trailer, or other vehicle if in his opinion the vehicle is being utilized for advertising purposes.
9. Any Graffiti.
10. Any beacon or spotlight directed into the night sky except as part of an approved promotional period as a temporary sign.
11. Any off-premises sign (includes billboards), off-premises directional sign, or off-premises development sign, except as allowed herein.

B. Hand-bills, signs on public places and objects.

1. No person shall place or maintain any hand-bill, sign, or other depiction in or upon any City owned real or personal property.
2. Any hand-bill, sign, or other depiction found posted upon any public property contrary to the provisions of this section is hereby declared to be a public nuisance and may be summarily removed by the City. The person responsible for any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to recover said cost by any legal means.
3. Nothing in this section shall apply to the installation of a sign for which the City has granted a written permit.

C. Unsafe Signs. No sign shall be permitted which is for any reason a threat to public safety in the reasonable opinion of the City Engineer, or which by its location impairs the view of a driver traveling on, exiting from, or entering upon, a public street, or which is otherwise unsafe for vehicular or pedestrian traffic. Any such sign is hereby declared to be a public nuisance and may be summarily removed by the City.

14-19-109 SIGNS ALLOWED IN ALL ZONES WITHOUT A PERMIT

The following signs are allowed in any zone, except on public property, without a sign permit:

- A. One (1) on-premises directional sign whose sole purpose is to provide direction or instruction, and which does not exceed five (5) square feet in area or four (4) feet in height.
- B. The flag of any nation or political subdivision. No flag shall exceed thirty two (32) square feet in size. Not more than one (1) flag of each entity shall be flown at a time. Large flags flown in high wind may be deemed a noise and/or public safety nuisance and are subject to removal.
- C. Any regulatory sign.
- D. Any sign of twelve (12) square feet or less located in a residential single-family zone, located in accordance with the provisions of the particular zone.
- E. Any sign of twenty-four (24) square feet or less located in a residential multi-family zone, located in accordance with the provisions of the particular zone.
- F. Any holiday decoration that does not bear any commercial logo or message shall not be considered a sign.
- G. An approved sign with changeable copy area shall not require a permit to change the copy area.
- H. A political sign may be posted on any private property at any time, in accordance with provisions of this section and the temporary sign provisions of this Title.

14-19-110 FLAGS AND FLAGPOLES

- 1. Flags greater than 32 square feet in size, and flagpoles greater than 50 feet in height, are prohibited in all zones except as provided in this section.
- 2. In Commercial-General (C-G) and Commercial-Heavy (C-H) zones only, and on municipal property in all zones, flags more than 32 square feet and up to 1800 square feet in size, and flagpoles more than 50 feet and up to 120 feet in height, may be granted as a conditional use.
 - a. A conditional use permit under subsection (b) may be granted if the following conditions are met:
 - i. The property or business where it is located must be three acres or greater in size;
 - ii. The property or business where it is located must have a minimum total street frontage of at least five hundred (500) feet; and
 - iii. A second flagpole cannot be located within one thousand feet (1,000) feet of an existing flagpole.
 - b. Every conditional use permit granted hereunder is subject to the following regulations:
 - i. only be the flag of the United States shall be flown except that a second

- flag up to 375 square feet in size may be flown on the same pole, subordinate to the American Flag;
 - ii. the flag must be maintained in good condition or it cannot be flown;
 - iii. in the event of a high wind the City Engineer may, in the reasonable exercise of discretion, order that the flag be taken down immediately until the wind subsides;
 - iv. the flagpole is subject to the abandoned sign **Codeordinance** of Title 14;
 - v. The second flag authorized herein shall not be flown without the flag of the United States. The second flag shall be only the Utah state flag or an on-premise business identification flag. If the American flag is flown at half staff the second flag shall not be flown.
 - vi. There may only be one flagpole per property or business;
 - vii. Lighting shall be restricted as much as possible and shall not create a light problem for traffic, other businesses, or residents;
 - viii. The flagpole shall be maintained in such a manner that it does not create an unreasonable noise from the flag, chain, rope or other mechanisms or parts.
3. Additional conditions may be imposed to mitigate any adverse affects relating to the viewscape, noise, location upon the property, lighting, traffic, visibility, and other issues related to the flag and flagpole.
 4. A sign permit and a building permit are required for any such flagpole.

14-19-111 SIGNS PERMITTED IN PROFESSIONAL OFFICE (P-O) AND HOSPITAL (H) ZONES

- A. The following sign types are permitted in Professional Office (P-O) and Hospital (H) Zones with a permit:
 1. Signs allowed. Each lot or parcel shall be allowed a permit for one (1) monument sign per street frontage, and any wall and accessory signs as permitted.
 2. Monument Sign. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 3. Freestanding or Pole Sign. A pole sign or other free-standing sign shall be expressly prohibited.
 4. Wall signs. Sign area of up to ten percent (10%) of the primary facade with a maximum of sixty-four (64) square feet, with secondary signs allowed on two (2) additional faces not to exceed five percent (5%) of that wall surface with a maximum of thirty-two (32) square feet. No sign shall extend above the roof line of the building. Sign permit required.

5. Canopy or awning signs. Sign copy, including logo, shall not exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less. No flashing or intermittent illumination permitted. Awning signs shall be considered wall signs for area calculation and location purposes.
6. Changeable copy signs. Any changeable copy sign is expressly prohibited except on parcels of ground three (3) acres or larger within the Hospital (H) zone. Where permitted, one (1) changeable copy sign, not to exceed thirty-two (32) square feet, shall be allowed along each frontage of one hundred (100) linear feet or greater.
7. On-Premises Development Identification Signs. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than Two (2) acres: Sixty four (64) square feet.

Two (2) acres or larger: One hundred twenty eight (128) square feet.

B. Other Approvals.

1. Any site plan application for a new multi-tenant center or building shall include a proposal for all on-premises signs.
2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-112 SIGNS PERMITTED IN THE GENERAL COMMERCIAL (C-G) ZONE

A. The following sign types are allowed in the General Commercial (C-G) Zones with a permit:

1. Each parcel of property shall be allowed either monument signs or one (1) freestanding (pole) sign on each street frontage, and any wall and accessory signs as permitted.
2. Monument Sign. Monument signs shall meet the following requirements:

- a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one (1) monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal to or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
3. Freestanding or Pole Signs. Freestanding or pole signs shall meet the following requirements:
- a. Minimum one hundred (100) linear feet of street frontage for pole signs.
 - b. Maximum height of fifteen (15) feet.
 - c. Minimum ground clearance of eight (8) feet from street grade to bottom of sign.
 - d. Minimum setback of five (5) feet from any public right-of-way or any property line.
 - e. Maximum pole width of two (2) feet.
 - f. Minimum setback of ten (10) feet from any residential use or zone.
 - g. Signs shall be engineered to withstand one hundred (100) mph wind loads.
 - h. Sign structure, excluding pole and base, shall not exceed sixty four (64) sq ft for each side of a double faced sign, or sixty four (64) sq ft total sign area on multi-faced signs.
4. Wall signs. Wall signs shall meet the following requirements:
- a. Maximum sign area of twenty percent (20%) of the primary facade of the building. Secondary signs allowed on three (3) additional facades not to exceed five percent (5%) of those facades.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof.
 - c. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.

5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
 - a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.

6. Projecting signs. Projecting signs shall meet the following requirements:
 - a. Project not more than two (2) feet from the face of a wall and shall not project over any public right of way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than Ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.

7. Changeable copy signs. Changeable copy signs shall meet the following requirements:
 - a. Manual changeable copy signs are allowed but are limited to not more than fifty percent (50%) of any sign area.
 - b. Electronic reader boards and panels are prohibited.

8. Window Signs. Window signs shall meet the following requirements:
 - a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five (25%) of the entire surface area of a group of windows and,
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within 18 inches of the window surface. No sign permit required. All window signs will be counted as part of the total allowed sign area for wall signs.

10. Gas Stations Signs. Signs for canopies over gas islands are allowed and shall meet the following requirements:

- a. Sign copy shall be a maximum of thirty (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
11. Menu Boards. Menu boards shall meet the following requirements:
- a. For drive-in restaurants, they shall be reviewed and approved by the Planning Department. The following shall apply although the Planning Commission may approve them at different locations depending upon circumstances:
 - b. Only two (2) menu boards are allowed per site and must be located outside of the front landscaped setback area.
 - c. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
12. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:
- a. Each lot or parcel of commercial or industrial property shall have no more than one (1) sign per public or private street frontage identifying future site development.
 - b. The sign shall not be erected before the proposed development has been submitted for site plan review
 - c. The sign shall be removed before final inspection or before permanent signs are installed.
 - d. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:
- Less than two (2) acres: Sixty four (64) square feet
Two (2) acres or larger: One hundred twenty eight (128) square feet

B. Other Approvals.

- 1. All new multi-tenant centers/ buildings must submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.
- 2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects,

or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title, rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-113 SIGNS PERMITTED IN THE HEAVY COMMERCIAL (C-H) ZONE

- A. The following sign types are allowed in the Heavy Commercial (C-H) Zones with a permit:
 - 1. Each parcel of property shall be allowed either monument signs or one (1) freestanding (pole) sign on each street frontage, and any wall and accessory signs as permitted.
 - 2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one (1) monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal to or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 - 3. Freestanding or Pole Signs. Freestanding or pole signs shall meet the following requirements:
 - a. A lot or parcel with at least one hundred (100) linear feet of frontage shall be allowed one (1) freestanding sign of up to Sixty (60) square feet for the first one hundred (100) feet of lineal street frontage plus one (1) square foot for each lineal foot of frontage over one hundred (100), to a maximum of one hundred twenty (120) square feet total.
 - b. Double faced signs shall be allowed the maximum area on each side.
 - c. Multi-faced signs shall be allowed only a combined sign face total equal to the maximum area allowed.
 - d. Maximum height of thirty (30) feet.

- e. Minimum ground clearance of seven (7) feet from sign grade to bottom of sign.
 - f. Maximum pole width of two (2) feet.
 - g. Minimum setback of five (5) feet from any public right-of-way and/or street property line.
 - h. Minimum setback of ten (10) feet from any residential use or zone.
 - i. Signs shall be engineered to the standards of the adopted version of the International Building Code.
- 1) Freestanding Freeway-Oriented Signs. A freestanding sign located immediately adjacent to the I-15 corridor or Frontage Road shall meet all the criteria of this section except that it shall not exceed forty (40) feet in height nor have a pole and/or pole cover that exceed four (4) feet in width.
4. Wall signs. Wall signs shall meet the following requirements:
- a. Maximum sign area of twenty percent (20%) of the facade of the building facing the main public street with secondary signs allowed on two (2) additional faces not to exceed five percent (5%) of that wall surface.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.
5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
- a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
6. Projecting signs. Projecting signs shall meet the following requirements:
- a. Project not more than two (2) feet from the face of a wall and shall not project over a public right-of-way.
 - b. Be mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.

- c. Be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted as measured under Section 14-19-117 of this Chapter.
7. Changeable copy signs. Manual changeable copy signs shall meet the following requirements:
- a. Manual changeable copy signs shall be limited to fifty (50%) of the total sign area.
 - b. Electronic changeable copy signs shall be limited to fifty (50%) or thirty-two (32) square feet of the total sign area, whichever is less.
 - c. Electronic changeable copy signs located on properties immediately abutting the I-15 corridor or frontage road shall be limited to fifty (50%) or sixty four (64) square feet of the total sign area, whichever is less, and that the sign shall be reduced in brightness by fifty percent (50%) between the hours of eleven (11) p.m. and six (6) a.m.
8. Window Signs. Window signs shall meet the following requirements:
- a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows.
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within eighteen (18) inches of the window surface. No sign permit required.
 - d. All window signs will be counted as part of the total allowed sign area for wall signs.
9. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
- a. Sign copy shall be a maximum of thirty percent (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
10. Menu Boards. Menu boards for drive-in restaurants shall be reviewed and approved by the Planning Department at site plan review. The following shall

apply although the Planning Commission may approve them at different locations depending upon circumstances:

- a. Only two (2) menu boards are allowed per site and shall be located outside of the front landscaped setback area.
- b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.

11. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:

- a. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development.
- b. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed.
- c. The sign shall not exceed fifteen (15) feet in height, and
- d. The maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet.

Two (2) acres or larger: One hundred twenty eight (128) square feet.

12. Animated Sign. The only type of animated sign permitted is an electronic reader board or panel, subject to the height, area, and other restrictions of this Chapter.

B. Other Approvals.

1. All new multi-tenant centers/ buildings shall submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.
2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-114 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE

- A. The following sign types are allowed in the Neighborhood Commercial (C-N) Zones with a permit:
1. Each parcel of property shall be limited to monument signs and any wall and accessory signs as permitted.
 2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 3. Wall signs. Wall signs shall meet the following requirements:
 - a. Maximum sign area of fifteen (15%) of the primary facade of the building.
 - b. A corner property may have signs on the facade facing the secondary street, with a maximum sign area of five (5%) of that facade.
 - c. No portion of the sign shall extend more than two (2) feet above the highest point of a flat roof or mansard roof.
 4. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
 - a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
 5. Projecting signs. Projecting signs shall meet the following requirements:
 - a. Project not more than Two (2) feet from the face of a wall and shall not project over any public right-of-way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.

- c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.
6. Changeable copy signs. Changeable copy or electric message center signs are not permitted.
7. Window Signs. Window signs shall meet the following requirements:
 - a. Signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. Neon and other illuminated signs are not permitted in windows.
8. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
 - a. Sign copy shall be a maximum of thirty percent (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
9. Menu Boards. Menu boards for drive-up windows are to be reviewed and approved by the Planning Department. The following shall apply:
 - a. Only two (2) menu boards are allowed per site and shall be located behind the front landscaped setback area.
 - b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
10. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:
 - a. Each lot or parcel of commercial or industrial property shall not have more than one (1) sign per public or private street frontage identifying future site development.
 - b. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed.

- c. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet.

Two (2) acres or larger: One hundred twenty eight (128) square feet.

14-19-115 SIGNS PERMITTED IN THE DOWNTOWN (DN) ZONE

A. The following sign types are allowed in the Downtown (DN) Zones with a permit:

1. Each parcel of property shall be allowed monument signs and any wall and accessory signs as permitted.
2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
3. Block Directory Signs.
 - a. The City may erect, or permit to be erected, a sign or sign structure at each corner of Main Street within the Downtown Zone that indicates the businesses located within the physical block on which the sign is located.
 - b. The design, size, and location of these signs shall be determined by the Planning Commission.
 - c. The City Council, or its agent, may charge a fee to recover only the cost of installing, maintaining, and updating the signs.
4. Wall signs. Wall signs shall meet the following requirements:
 - a. Maximum sign area of twenty percent (20%) of the primary facade of the building with secondary signs allowed on two (2) additional facades not to exceed five percent (5%) of those facades.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.

5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
 - a. Sign copy, including logo, not to exceed fifty percent (50%) of the awning face area.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
 - d. Properties fronting on Main Street may have an awning and/or awning sign that projects up to six (6) feet over the Main Street right-of-way, as long as all of the following are met:
 - i. The awning is at least five (5) feet horizontally from the improved edge of any vehicle traffic lane or parking stall.
 - ii. There is a minimum clearance of at least seven (7) feet between the sidewalk and any part of the awning.
6. Projecting signs on Main Street. Properties fronting on Main Street may have awnings and/or awning signs that project up to six (6) feet over the Main Street right-of-way, as long as all of the following are met:
 - a. Any part of the sign is at least five (5) feet horizontally from the improved edge of any vehicle traffic lane or parking stall
 - b. There is a minimum vertical clearance of at least ten (10) feet between the sidewalk and any part of the sign.
 - c. The awnings are maintained in a safe manner. Any awning that is deemed unsafe by the City Engineer is declared to be a public nuisance and may be summarily removed.
7. Projecting signs not on Main Street. Projecting signs not along Main Street shall be allowed and shall meet the following requirements:
 - a. Project not more than four (4) feet from the face of a wall and shall not project over any public right of way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.
8. Changeable copy signs. Manual changeable copy signs are allowed but are limited to not more than fifty percent (50%) of any sign area. Electronic reader boards and panels are prohibited.

9. Window Signs. Window signs shall meet the following requirements:
 - a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows.
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within eighteen (18) inches of the window surface.
 - d. No sign permit required.
 - e. All window signs will be counted as part of the total allowed sign area for wall signs.

10. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
 - a. Sign copy, corporate logos, etc. shall be a maximum of ten percent (10%) of one (1) face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.

11. Menu Boards. Menu boards for drive-up windows are to be reviewed and approved by the Planning Department. The following shall apply:
 - a. Only two (2) menu boards are allowed per site and must be located behind the front landscaped setback area.
 - b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.

12. On-Premises Development Identification Signs. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet.
Two (2) acres or larger: One hundred twenty eight (128) square feet.

B. Other Approvals.

1. All new multi-tenant centers/buildings shall submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.
2. In cases with parcels of land of three (3) acres or larger, and with frontage of two hundred (200) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-116 SIGNS PERMITTED IN ALL RESIDENTIAL ZONES

Allowable Signs. The following signs are permitted in Residential Zones. Home occupation signs shall be in conformance with the standards set forth in section 14-17-105 Home Occupation Requirements.

- A. Temporary Sign: One temporary sign not to exceed twelve (12) square feet.
- B. Identification Signs for Institutional Uses such as Public Buildings, Private Schools and Churches: One monument or one wall mounted identification sign will be allowed for public buildings, private schools and churches. Monument identification signs shall not exceed 40 square feet in area and shall not exceed 6 feet in height including a maximum 3 foot high base (not included in the sign area). Monument signs shall be placed a minimum of 5 feet from all property lines on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb and shall not be located in a vision clearance area as defined in this title. There shall be at least 2 square feet of landscaped area for each square foot of sign area. Wall mounted signs shall not exceed 24 square feet and shall not be located higher than the eave of the building.
- C. Parks and Publicly Owned Golf Courses: May have signs as approved by the Bountiful City Council.

14-19-117 TEMPORARY SIGNAGE

- A. PURPOSE. Permanent signs permitted by this Chapter are intended to allow adequate and reasonable location of signs for local businesses. However, the City realizes that from time to time it is necessary for a business to advertise special events and other commercial messages. To help businesses address this issue, the following regulations have been established for temporary banners and signs.
- B. Any temporary sign shall be subject to the following:

1. A temporary sign shall be located on-premises only, except for an A-Frame sign which may be located in a parkstrip immediately in front of the premises in accordance with the provisions of this Title.
2. A temporary sign shall not be located within five (5) feet of any public sidewalk or any public right-of-way, except for an A-Frame sign which may be located in a parkstrip immediately in front of the premises in accordance with the provisions of this Title.
3. A temporary sign shall not shall not be illuminated, flash, blink, spin, rotate, block traffic visibility of vehicles entering onto a public street, or cause a public nuisance of any kind.
4. A temporary sign shall not be located closer than twenty-five (25) feet to any residential zone or use.
5. A temporary sign shall not be located within a clear-view area as set forth in this Title.
6. For any single or two tenant property, the following shall apply:
 - a. Any tenant with less than ten thousand (10,000) sq ft of building area shall not display more than one (1) temporary sign at any time. The maximum area of any temporary sign shall be thirty-two (32) sq ft.
 - b. Any tenant with greater than ten thousand (10,000) sq ft of building area shall not display more than two (2) temporary signs at any time. The maximum combined area of the two (2) signs shall be forty-eight (48) sq ft.
 - c. Where a property abuts two (2) streets, one (1) additional sign, oriented to the other abutting street, shall be permitted.
7. For any multi-tenant property, the following shall apply:
 - a. Any business with less than ten thousand (10,000) sq ft of building area shall not display more than one temporary sign at any time. The maximum area of any sign shall be twenty-four (24) sq ft. However, in no instance shall there be displayed more than three (3) temporary signs per one hundred (100) linear feet of frontage.
8. A temporary sign shall be a banner, wall sign, A-Frame sign, or a pedestal type sign. No other type of sign is permitted.
9. The following items are not lawful temporary signs: a portable reader board, any type of electric sign, a sign attached to another sign or sign structure, a balloon, a streamer, an inflatable device, and/or a vehicle or trailer with any graphics or advertisements.
10. A temporary sign shall be substantially constructed and adequately weighted, anchored, or attached to the ground to protect the public and property.

11. No permit shall be required for a temporary A-Frame sign that is removed at the end of each business day.
12. An A-Frame sign shall be designed, constructed, and installed such that it will lay flat if it is contacted by any object.
13. Any temporary sign, other than an A-Frame sign, shall be posted not more than one (1) time each business quarter, for a maximum of thirty (30) concurrent days.
14. No temporary sign shall be taller than six (6) feet in height.
15. Zones
16. Permit required

14-19-118 SIGN PERMIT PROCESS

- A. No person shall erect, install, or paint any sign, or change the face of any sign, whether it be temporary or permanent in nature, without obtaining a sign permit from the Planning Department except as outlined in this [Ordinance Code](#). This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or otherwise altered.
- B. Any sign shall be constructed of low maintenance, weather resistant materials.
- C. The approval for a sign or sign application shall be based on the following criteria and standards:
 1. Conformance to the provisions of this Chapter and all other ordinances and standards of the City.
 2. The impact upon the health, safety, and welfare, of community.
 3. The effect of the sign upon ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways.
 4. Compatibility with surrounding structures and signs.
 5. Concealment of all mechanical equipment, appurtenances, and utilities, from view. Electrical boxes, wires, or switches, and other related devices shall be an integral part to the sign design.
 6. The location of the sign upon the premises.
 7. The location of existing signs, if any, upon the premises, or in the immediate area.
- D. The Planning Department, Administrative Committee, Planning Commission, or City Council shall have the function, duty, and power to approve, disapprove, or approve a sign permit with conditions, as dictated by this Title.

- E. A sign permit shall be reviewed and approved as follows:
1. New Developments. Preliminary plans for signs in new developments must first be approved by the Planning Commission during the site plan approval process. A sign permit shall be issued only after it is determined that the proposed sign complies with the approved sign plan and with the provisions of this Chapter.
 2. Existing Developments. Issuance of any sign permit for an existing development or where ownership of a legal existing business changes and necessitates a new sign, the permit may be approved by the Planning Department provided that the sign meets the requirements of this Chapter.
- F. An application for a sign permit shall be filed with the Planning Department on a form provided. It shall include:
1. All required fees.
 2. Clear and complete graphics and written information adequate to show compliance with all applicable requirements of this Chapter.
- G. The Planning Director or his designee shall review any permit application submittal for compliance. If any part of the submittal requires review and/or approval by any land use authority other than the Planning Director, the applicant shall submit the plans to that body and receive its approval prior to the issuance of a sign permit. Any permit which meets the requirements and criteria of this Title shall be approved. A permit which does not meet the requirements and criteria of this Title shall be returned to the applicant.
- H. The decision of the Planning Director may be appealed as set forth in Section 14-2-106 of this Title.
- I. At least two (2) copies of the following specific information shall be provided in writing for the sign types indicated:
1. Monument and Freestanding or Pole Signs.
 - a. A site plan showing the location of any and all signs, including existing and proposed. The site plan shall include:
 - i. The location of any buildings on the property and within fifty (50) feet on adjacent properties,
 - ii. Property lines and dimensions,
 - iii. The required setback from property lines, public-rights of-way, intersections, easements, and driveways,
 - iv. Any required landscaping.
 - b. An accurately dimensioned, scaled drawing showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street.

- c. Details of sign construction including an electrical plan and foundation scheme. If the sign constitutes a structure or otherwise falls under the jurisdiction of the International Building Code, then the foundation plan shall be stamped and signed by a Licensed Utah Professional Engineer.

2. Wall Signs.

- a. A scaled drawing showing square foot dimensions of the building and the sign, the sign composition, and the type of illumination (if applicable).
- b. A profile drawing of how the sign will appear from the street/parking area and on the building.
- c. Details of sign construction and attachment, including an electrical plan (if applicable).

3. Temporary signs requiring permits.

- a. A site plan showing the location of any and all signs, including existing and proposed. The site plan shall include:
 - i. The location of any buildings on the property and within fifty (50) feet on adjacent properties,
 - ii. Property lines and dimensions,
 - iii. The required setback from property lines, public rights-of-way, intersections, easements, and driveways,
 - iv. Any required landscaping.
- b. Length of period for display and the type of request.

J. **ADDITIONAL INFORMATION REQUIRED.** The following additional information shall be required with all sign permit applications:

- 1. A current Bountiful City business license or a completed business license application, where applicable.
- 2. Business address and phone number.
- 3. Property owner address of and phone number.
- 4. General and/or electrical contractor's license number.
- 5. Value of the sign.

14-19-119 SAFETY AND LOCATION STANDARDS FOR PERMANENT SIGNS

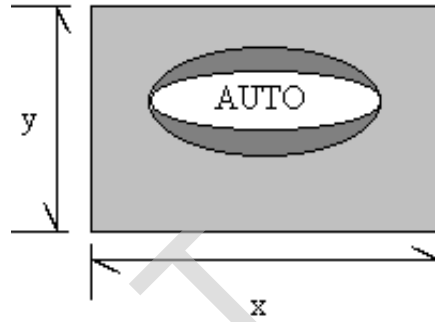
- A. Any sign erected in Bountiful City shall comply with the provisions of the current National Electrical Code, International Building Code, the Bountiful City Code, and this OrdinanceCode effective at the time the permit is issued.
- B. Any permanent sign shall be engineered to demonstrate conformance with the applicable provisions of the current International Building Code and, where required by this ordinanceCode or by the Chief Building Official, shall be accompanied by a drawing stamped by a structural engineer licensed by the State of Utah attesting to the adequacy of the proposed construction of the sign and any supporting device.
- C. No sign, fixture, or device involving electrical wiring or connections shall be erected or installed in Bountiful City except by a licensed and bonded contractor.
- D. All permanent signs must be built of durable and permanent materials.
- E. Permanent power sources for signs must be concealed underground or within a structure and away from public view and immediate access.
- F. No sign or other advertising structure shall be erected which in any manner may be confused with a public necessity sign, official traffic sign or signal, or which bears words normally used in such signs, i.e., stop, go slow, caution, danger, warning, turn here, turn, etc.
- G. No sign or any advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device.
- H. No sign shall have lighting which impairs the vision of anyone traveling upon a public right-of-way or distracts any driver or pedestrian so as to create a public nuisance.
- I. No sign, except for a regulatory sign, shall be located within a clear-view area, as set forth in section 14-16-108 of this Title.
- J. There are certain situations where a sign poses or may pose an immediate public safety hazard. The following signs are deemed unlawful and hazardous to the public safety, and any employee of the City is authorized to immediately abate, remove, or otherwise remedy them:
 - 1. Any sign or related structure which interferes with the safe view of drivers entering a public right-of-way from any driveway or property.
 - 2. Any sign that extends over any pedestrian or vehicular access area, unless specifically authorized by the City.
 - 3. Any sign which interferes with the use of any fire escape, exit, required stairway, door ventilator, or window.
 - 4. Any sign which has less horizontal or vertical clearance from communication lines and/or energized electrical power lines, according the provisions of this Title and the standards of the Bountiful Light and Power Department.

5. Any sign that is located on publicly owned land, inside street rights-of-way, or on public easements, except signs owned and erected by an authorized public agency or that are specifically authorized herein.
- K. Every sign shall be maintained and kept in good repair, including without limitation, the repair of glass, plastic, or other sign face material which is missing, broken, damaged, or deteriorated and the repair of any pole, frame, support, or similar structure which is broken, damaged, or deteriorated.
 - L. Every sign shall be maintained as originally approved in its sign permit. This applies to all components of the sign including the sign copy, except:
 1. Portions of changeable copy on approved signs.
 2. Changes of copy area only on legally conforming signs. All non-complying signs, and any change to the cabinet, pole, structure, or any other sign element requires a sign permit.
 - M. The maintenance, renovation, or repair of a sign may require a building permit under the current International Building Code.
 - N. Whenever the use of any sign, as determined by the discontinuance of the permitted use for which the sign was used, or the use of the sign frame or sign supporting structure has been discontinued for a period of 45 consecutive days, such sign, sign frame, or sign supporting structure shall be removed immediately.
 - O. All free-standing or monument signs installed in Bountiful City must be incorporated into a landscape design or planter box. Exceptions to this rule must be approved by the Planning Commission.
 - P. All on-premises freestanding signs shall have the structural supports covered or concealed with pole covers (pylon covers). The actual structural supports shall not be exposed for the safety and welfare of any person near the said sign.
 - Q. All permanent signs shall be permanently mounted on foundations and footings which conform to the International Building Code.
 - R. The light from the illumination of any sign shall be carefully directed so that the light is not obtrusive or a nuisance to traffic or adjacent properties; particularly in residential neighborhoods.
 - S. All buildings shall be identified with a numbered or lettered street address in addition to optional business identification. The letters or numbers shall be at least four (4) inches in height as required by the Fire Marshall.
 - T. Any internally illuminated pole or wall sign, including any electronic reader board or panel, shall be installed with an automatic shutoff timer.

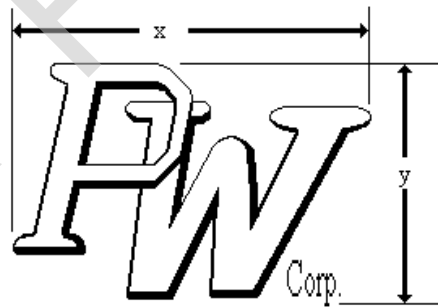
14-19-120 MEASUREMENT OF REGULATED SIGN AREA

A. Flat or Wall Signs

- 1. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface.



- 2. Sign area for copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

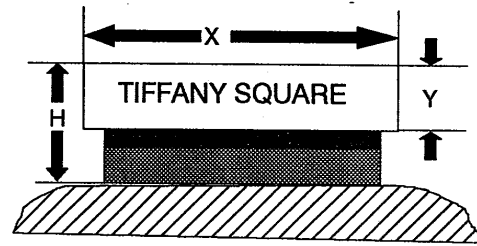


- 3. For sign copy mounted or painted on an illuminated sign or architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.



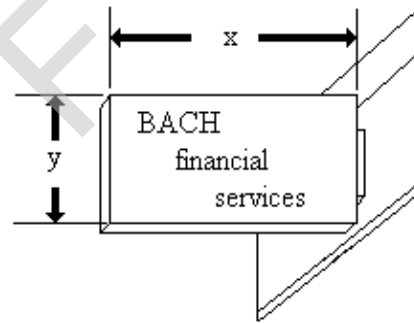
B. Monument Signs.

1. The regulated area of a monument sign shall include all parts of the sign or structure that contains identification (words or symbols) and information.
2. The height of a ground sign shall be the distance from the highest point of the sign to the height of the street or sidewalk.

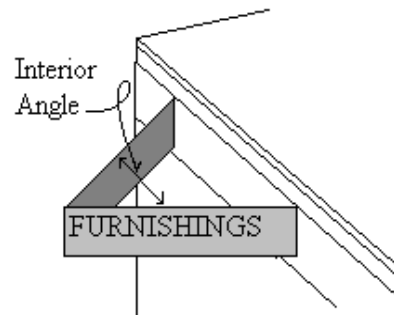


C. Multiple Face Signs. (including but not limited to freestanding or monument signs):

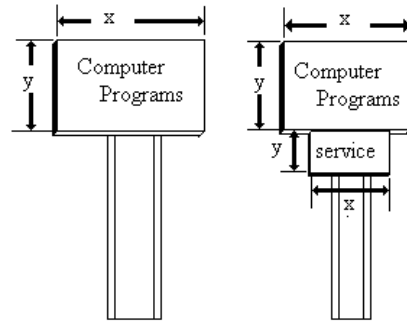
1. Single Panel. Measure the area of the single face only.



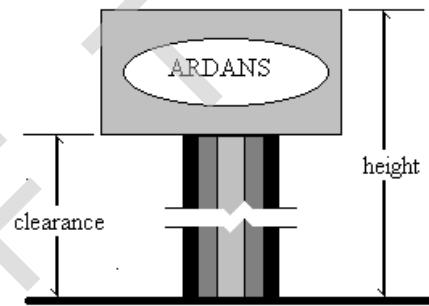
2. Double Panel. If the interior angle between the top two (2) faces is thirty (30) degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than thirty (30) degrees, the sign area to be measured will be the sum of the areas of the two (2) faces.



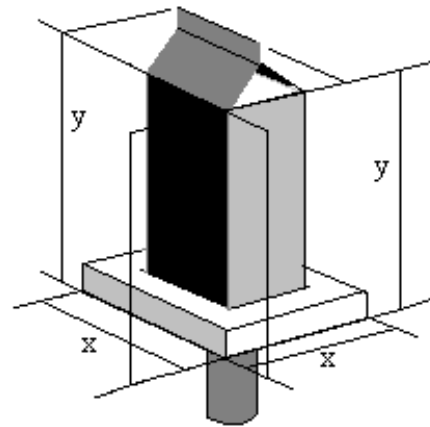
- D. The regulated area of freestanding signs shall include all parts of the sign or structure that contains identification (words or symbols) and information.



1. The height of a freestanding sign shall be the vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street when there is no curb or sidewalk.



2. For spherical, freeform, sculptural, or other non-planer signs, the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.



14-19-121 ELECTRONIC MESSAGE CENTER STANDARDS

- A. An electronic message center is not allowed in any zone except as set forth in this Chapter.
- B. An electronic message center in any zone shall meet the following criteria:
 - 1. An electronic message center shall not exceed thirty-two (32) square feet.
 - 2. An electronic message center is prohibited if it exceeds more than 50% of the total sign area.
 - 3. An electronic message center shall only be constructed as part of a permitted freestanding (pole), wall, or monument sign.
 - 4. An electronic message center shall be located only on a single or double-sided planer sign, and not on a multiple face or other non-planer sign.
 - 5. An electronic message center shall not be constructed in a location that interferes with a regulatory device, as determined by the City Engineer.
 - 6. An electronic message center shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions.
 - 7. Where allowed as a conditional use, conditions may be imposed by the planning commission regarding hours of sign operation, sign height, sign size, and/or setbacks from property lines to mitigate impacts on nearby residential properties, to protect critical viewsheds as established in the General Plan, or to prevent potential traffic hazards.
 - 8. An electronic message center shall only be constructed in a location and in a manner permitted by this Title.
- C. An electronic message center in any zone, with the exception of an electronic message center located on Hwy 89, shall be operated at all times in accordance with the following:
 - 1. An electronic message center shall only display static images or scrolling text.
 - 2. An electronic message center shall not display video images, or scintillating images.
 - 3. The minimum display duration shall be four (4) seconds.
 - 4. The maximum image transition duration shall be three (3) seconds.
 - 5. A transition shall be from one image to another either by fading or dissolving to the next image, without the use of flashing, animation, or movement.
 - 6. No image shall be shown on, or with, a white background.

7. The illuminance of an electronic message center shall not increase ambient lighting conditions by more than 0.3 footcandles when measured perpendicular to the electronic message center face at a distance set forth below:

Area of Sign (sq ft.)	Measurement Distance (In ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

8. An electronic message center shall not exceed 7,000 nits during daylight hours.
9. An electronic message center shall not exceed 18,000 nits during evening and nighttime hours.

- D. An electronic message center is allowed only on a commercial property in the following locations within the Heavy Commercial (CH), General Commercial (CG), Mixed-Use (MXD), and Downtown (DN) zoning designations:

Table 14-19-121 D. Electronic Message Center Location, Style, and Approval Process

P = Permitted Use. C = Conditional Use. X = Not Allowed

Zone	Location	Pole	Monument	Wall
CH, CG	Hwy 89	P	P	P
CG, DN	500 South Street – West of 100 East St.	C	P	C
CH, CG, DN	400 North St. – West of Main St.	C	C	C
CH, CG	2600 South – West of 500 West St.	C	P	C
CG, MXD	Orchard Drive	X	C	X

- E. An electronic message center shall not be located on any property that does not directly front on a street or public right-of-way set forth in section D. above.

- F. An electronic message center shall only be oriented toward a street or public right-of-way set forth in Section D., above, and in no other direction.
- G. An electronic message center, and any sign containing an electronic message center, shall be constructed or modified without a permit, unless specifically exempted by this title.
- H. A temporary sign of any kind is not allowed on any parcel or lot with an electronic message center.
- I. If otherwise permitted under §14-19-121, and subject to such conditions that may be established in the conditional use permit process, pole signs legally existing in the Downtown (DN) zone on November 30, 2011, may incorporate an electronic message center, if the entire sign and supporting structure are brought into compliance with the standards for a pole sig within the General Commercial (CG) zone.

D R A F T

CHAPTER 20

SUBDIVISIONS

- PART 1 GENERAL PROVISIONS
- PART 2 SUBDIVISION APPROVAL PROCEDURE
- PART 3 SUBDIVISION IMPROVEMENT REQUIREMENTS
- PART 4 AMENDING OR VACATING A SUBDIVISION PLAT
- PART 5 COMMERCIAL, CONDOMINIUM, AND PUD PLATS

PART 1 GENERAL PROVISIONS

- 14-20-101 GENERAL PROVISIONS
- 14-20-102 APPLICABILITY OF THIS TITLE
- 14-20-103 DEFINITIONS

14-20-101 GENERAL PROVISIONS

- A. The underlying purpose and intent of this Subdivision OrdinanceCode is to promote the health, safety, convenience, good order, aesthetics and general welfare of the present and future inhabitants of the City. Any proposed subdivision and its ultimate use shall be in the best interest of the public and shall be in harmony with good neighborhood development of the area concerned and of the City as a whole.
- B. In cases where unusual topographical or other exceptional conditions exist, variations from this Subdivision OrdinanceCode may be made by the City Council, after recommendation from the City Planning Commission.
- C. The most recent copy of the Bountiful Street Master Plan, as approved by the Bountiful City Council, is hereby adopted by reference as a part of this ordinanceCode. No subdivision that conflicts with the Bountiful Street Master Plan shall be approved by the City unless the subdivision or the Plan is amended in such a manner that they are brought into harmony.
- D. It is unlawful to:
 - 1. Record in the office of the Davis County Recorder a subdivision plat which includes land wholly or partially located within the city limits of Bountiful prior to its having obtained final approval from the City Council and being fully executed as required herein;
 - 2. Record a deed or other instrument dividing or subdividing, or purporting to divide or subdivide, land within Bountiful City when the division or subdivision of land has not been approved by Bountiful City in accordance with the Bountiful Land Use OrdinanceCode.
 - 3. Sell lots contained within a subdivision prior to the time it is recorded in the office of the Davis County Recorder; or

4. Represent to another that a subdivision is either recorded with the Davis County Recorder or approved by the Bountiful City Council when it is not recorded or approved; or
5. Violate any of the provisions of this Subdivision OrdinanceCode.

14-20-102 APPLICABILITY OF THIS TITLE

- A. Unless exempted from subdivision requirements by State law, this Subdivision OrdinanceCode applies to any property that is divided or proposed to be divided into two or more lots which are located wholly or partially within the city limits of Bountiful, Utah.
- B. No person shall subdivide property except in compliance with this chapter, Bountiful City zoning-ordinancesLand Use Code, and any other applicable law.

14-20-103 DEFINITIONS

- A. The definitions of terms set forth in the Utah Municipal Land Use Development and Management Act (§10-9a-101, et seq, of the Utah Code) are hereby adopted.
- B. See Chapter 3 of this Title for the following definitions:

SUBDIVIDER
 PROPERTY
 MASTER STREET PLAN
 MAJOR STREET
 COLLECTOR STREET
 MINOR STREET
 UTILITIES
 PUBLIC UTILITY EASEMENT

PART 2 SUBDIVISION APPROVAL PROCEDURE

- 14-20-201 APPROVAL WITHIN THE RESIDENTIAL FOOTHILL SUBZONE**
- 14-20-202 SUBMISSION OF A PRELIMINARY PLAT**
- 14-20-203 SUBDIVISION PLAN APPROVAL PROCEDURE**
- 14-20-204 SUBMISSION OF FINAL SUBDIVISION PLAT**

14-20-201 APPROVAL WITHIN THE RESIDENTIAL FOOTHILL ZONE

Subdivisions which are proposed within the Residential Foothill Subzone of the City must comply with the approval requirements of the Bountiful Land Use [OrdinanceCode](#). Such subdivisions must also comply with other requirements stated therein for preliminary and final approval, in addition to the requirements set forth in this Subdivision [OrdinanceCode](#).

14-20-202 SUBMISSION OF A PRELIMINARY PLAT

- A. The subdivider of a proposed subdivision shall submit to the Bountiful City Engineer a preliminary subdivision plan containing the following information:
 - 1. The name and address of the subdivider and the engineer or surveyor preparing the plat.
 - 2. The proposed name of the subdivision.
 - 3. The legal description of the proposed subdivision.
 - 4. A scaled drawing (not smaller than one hundred (100) feet to one (1) inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plan.
 - 5. The location, width, and other dimensions of all existing or platted streets, and other important features actually existing within the subdivision, such as water courses, buildings, power lines, storm drains, water and sewer lines, exceptional topography and any other notable features.
 - 6. Existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision, if any, shall be shown on the plat.
 - 7. A north point and date.
 - 8. The plat shall show existing and proposed contours of the entire proposed development at two (2)-foot intervals for average slopes less than ten percent (10%) grade, and five (5)-foot intervals for averages slopes over ten percent (10%) grade.
 - 9. For developments in the Residential Foothill Subzone, the subdivider shall submit a plat or detail drawings of each lot, drawn at a scale no greater than

1"=10', with contours at two (2) foot intervals, showing precisely for each lot the following:

- (i) The "usable land" as defined in this Title, and
- (ii) The "minimum building pad" as defined in this Title.

- 10. All information required by §10-9a-603 of the Utah State Code.
- B. The subdivision plat shall be furnished to the City Engineer by the subdivider in such a number of copies as the City Engineer shall reasonably require.
- C. If the subdivision being submitted is only one phase of a larger development, then the entire intended subdivision shall be submitted to the City Engineer. It shall illustrate the total subdivision intended, including the street system envisioned for the entire area.

14-20-203 SUBDIVISION PLAN APPROVAL PROCEDURE

- A. The approval process for subdivisions shall consist of review by the City Engineer, preliminary review by the Planning Commission and preliminary approval by the City Council, and final review by the Planning Commission and final approval by the City Council.
- B. Upon receipt of a preliminary subdivision plan, the City Engineer shall review it for compliance with this [ordinanceCode](#). When all requirements have been met, the City Engineer shall place the proposed subdivision for consideration of preliminary approval by the Planning Commission. The City Engineer shall make a recommendation to the Planning Commission for preliminary approval, for approval with stated conditions, or for disapproval for stated reasons.
- C. The City Engineer shall distribute copies of the preliminary plan of the proposed subdivision to the Planning, Fire, Power and Water Departments of the City for their review and recommendations.
- D. The Planning Commission shall review the subdivision and make a recommendation to the City Council for preliminary approval, approval with stated conditions, or for disapproval for stated reasons.
- E. The City Council shall review the subdivision for preliminary approval and shall approve it, approve it with stated conditions, or disapprove it with stated reasons.

14-20-204 SUBMISSION OF FINAL SUBDIVISION PLAT

- A. After receiving preliminary approval, the subdivider shall prepare and submit to the City Engineer a final subdivision plat, and in such a number of copies as the City Engineer shall reasonably require.
- B. A final subdivision plat shall meet the following requirements:
 - 1. It shall consist of a sheet of approved tracing linen or Mylar, to the outside or trim line dimension of nineteen (19) by thirty (30) inches.

2. The borderline of the plan shall be drawn in heavy lines, leaving a space of at least one-half inch margin on all four sides.
3. The top of the drawing must face either north or west, whichever best accommodates the drawing.
4. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black India drawing ink.
5. The plat shall be made to a scale large enough to clearly show all detail, and in any case not smaller than one hundred feet to the inch.
6. Workmanship on the drawings shall be neat, clean-cut and readable.
7. The plat shall contain all of the information and signature blocks required in this [ordinanceCode](#).

C. A final subdivision plat shall contain the following information:

1. The proposed name of the subdivision.
2. The legal description of the proposed subdivision.
3. A scaled drawing (not smaller than one hundred (100) feet to one inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, usable land and minimum building pad locations, when required, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plat.
4. A north point and date.
5. Signature blocks for every owner of an interest in the property, utilities supervisors, the City Planning Director (who shall sign for the Planning Commission), the City Engineer, the City Attorney, and the Mayor and City Recorder. All signatures by owners or other holders of interest in the property shall be notarized, in the following or similar language: "This instrument was acknowledged before me this (date) by (person acknowledging, title or representative, capacity, if any)."
6. An owner's dedication to the public of all public ways and rights given in the subdivision, in the following or similar language: "We, the undersigned owners of the above-described land, having caused the same to be subdivided into lots and streets to be known as _____ subdivision, do hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant to the City that the same are free of all encumbrances that could interfere with their use as herein dedicated."

7. A consent to dedication signed by all other holders of an interest in the property, including trust deed holders, in the following or similar language: "We, the undersigned holders of a trust deed on the above-described land, which is dated _____ and recorded at Book _____ on Page _____ of the records of Davis County, do hereby consent to the creation of this subdivision, and do hereby consent to the Owner's Dedication stated on this plat, and do hereby join in the dedication to the perpetual use of the public all parcels shown as intended for public use."
 8. A Certificate of Survey from a registered land surveyor.
 9. For subdivisions within the Residential Foothill Zone:
 - (i) A statement on the face of the plat by the subdivider certifying to the City and to the public that all lots within the subdivision contain a minimum building pad as defined in the Bountiful City Code, and
 - (ii) A statement on the face of the plat that slopes of thirty percent (30%) or greater are not usable and may not be disturbed excavated or used for construction.
 10. A six (6) inch by three (3) inch space in the lower right corner of the drawing for recording information.
- D. In order to obtain final approval, the subdivider must:
1. Submit a subdivision plat as described herein;
 2. Comply with any stated conditions attached to the preliminary approval;
 3. Submit to the City a reliable title report reflecting the exact description of the subdivision, and stating all matters of record affecting title to that land;
 4. Submit finished engineering construction drawing for all site improvements including, but not limited to, streets, sewer, water, irrigation, storm drainage, erosion and landscaping.
 5. Pay all required fees as shall be required by resolution of the City Council.
- E. After receiving from the subdivider the information necessary for final approval, the City Engineer shall review it for compliance with this [ordinanceCode](#). When all requirements have been met, the City Engineer shall place the proposed subdivision for consideration of final approval by the Planning Commission. The City Engineer shall make a recommendation to the Planning Commission for final approval, for approval with stated conditions, or for disapproval for stated reasons.
- F. The Planning Commission shall review the subdivision and make a recommendation to the City Council for final approval, approval with stated conditions, or for disapproval for stated reasons. These are recommendations only to the City Council, which may adopt, reject or modify any recommendation from the Planning Commission.

- G. The City Council shall review the subdivision for final approval and shall approve, approve with stated conditions, or disapprove with stated reasons.
- H. No conditionally approved subdivision shall be recorded at the office of the Davis County Recorder until all the conditions upon which approval was granted, which are intended to be accomplished prior to recording, have been fulfilled.
- I. Unless a subdivision shall receive final approval from the City Council within one (1) year after obtaining preliminary approval, the preliminary approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.
- J. A subdivision which has been granted final approval by the City Council must be delivered to the office of the Davis County Recorder for recording within one year of the date of approval unless extended by the City Council, for good cause shown, for an additional period of time of up to one (1) year. If it is not so delivered within one year or within any additional period of time approved by the City Council, the approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.

D R A F T

PART 3 SUBDIVISION IMPROVEMENT REQUIREMENTS

- 14-20-301 RELATION TO ADJOINING STREET SYSTEM**
- 14-20-306 LENGTH AND WIDTH OF BLOCKS**
- 14-20-307 LOTS**
- 14-20-308 IMPROVEMENTS**
- 14-20-310 NATURAL HAZARDS**
- 14-20-311 NATURAL VEGETATION**
- 14-20-312 UTILITIES**

14-20-301 RELATION TO ADJOINING STREET SYSTEM

- A. All subdivisions must be in compliance with the Master Street Plan.
- B. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), and shall be constructed to the standards set forth in Title 6, Public Works and Property.

14-20-306 LENGTH AND WIDTH OF BLOCKS

The maximum length of blocks shall be eight hundred (800) feet, and the width shall be sufficient to allow two tier lots where physically possible.

14-20-307 LOTS

- A. The meaning of the term "Lot" is set forth in Chapter 3, *Definitions*, of this Title.
- B. Any lot, regardless of how it is created, shall meet all of the following:
 - 1. The arrangement, design and shape of a lot shall provide a satisfactory site for building a structure, shall be properly related to topography, and shall conform to the requirements of this Title.
 - 2. A lot shall be generally rectangular in shape and shall not contain peculiarly or irregularly shaped elongations, except where dictated by existing, physical constraints of the land.
 - 3. A lot shall conform to the minimum requirements of the Bountiful City Land Use [Ordinance Code](#) for the zone in which it is located.
 - 4. Each lot shall abut a public street meeting the minimum requirements of Bountiful City. Interior lots having frontage on two streets are prohibited. An approved planned unit development [plat](#) is exempt from these provisions.
 - 5. Any remnant of land remaining after subdividing shall be added to an approved, adjacent lot, rather than becoming an outstanding parcel of land.
 - 6. A lot shall not be created by any means that does not meet the minimum requirements for a building lot according to the provisions of this Title.

14-20-308 IMPROVEMENTS

- A. The owner of any land and his agent shall be required to install or guarantee the installation of all public improvements as set forth in Title 6 *Public Works and Property*.

14-20-310 NATURAL HAZARDS

Construction of permanent structures shall not be permitted in areas subject to hazards such as floods, landslides, etc.

14-20-311 NATURAL VEGETATION AND GRADING

No property shall be grubbed, cleared, or otherwise disturbed except in accordance with an approved landscaping permit, excavation permit, or building permit. Natural vegetation shall be removed only when absolutely necessary for the construction of buildings, streets, and filled areas. A landscaping permit, excavation permit, or building permit shall not be issued until the final plans for development are approved by the Land Use Authority.

14-20-312 UTILITIES

All utilities shall be placed underground.

D R A F T

PART 4 AMENDING OR VACATING A SUBDIVISION PLAT

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

14-20-502 NOTICE REQUIREMENTS

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

- A. No subdivision, planned unit development or condominium plat which has been recorded with the Davis County Recorder according to law may be altered, amended or vacated, in whole or in part, until the proposed alteration, amendment or vacation has been approved in an ordinance adopted by the City Council.
- B. Vacating or amending existing single family residential subdivision plats for the purpose of re-subdividing existing subdivision lots into more lots is prohibited where the lot size in the original subdivision is determined by the average slope, with steeper ground requiring larger lots, and the re-subdivision will have the effect of evading the original slope and size requirements.
1. A petition, which may be in letter form, stating that an amendment, vacation, or other alteration to an existing subdivision, planned unit development or condominium plat is being requested. The petition shall include the following information:
- (i) The name and address of all owners of record of the land contained in the entire original plat;
 - (ii) The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended, whether in or out of the original subdivision;
 - (iii) The signature of each of those owners who consents to the petition; and
 - (iv) Any other information that may be required by State or City law.
2. A plat showing the proposed amendment or vacation, which shall:
- (i) Be titled as an amended plat of the original subdivision;
 - (ii) Describe and illustrate all proposed changes;
 - (iii) Show a tie in to the unchanged portion of the original plat;

- (iv) Contain all necessary signature blocks, including one (1) for every owner of property who has any interest in the land being amended or vacated; and
 - (v) Such other information or items as shall reasonably be required by the City.
3. A reliable title report reflecting the exact description of the land being amended or vacated, and stating all matters of record affecting title to that land.
- C. Prior to consideration by the City Council, the proposed alteration, amendment or vacation shall be reviewed by the Bountiful Planning Commission for their recommendation of approval, approval with stated conditions, or disapproval for reasons stated.
- D. The hearing concerning the proposed amendment or vacation shall be considered upon the criteria set forth in the Utah Code and in City ordinances.

14-20-502 NOTICE REQUIREMENTS

Notice of the proposed amendment or vacation shall be given as provided by State law.

D R A F T

PART 5 COMMERCIAL, CONDOMINIUM, AND PUD PLATS

- 14-20-601 MINIMUM NUMBER OF UNITS**
- 14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION**
- 14-20-603 CONDOMINIUM SUBDIVISION PLAT**
- 14-20-604 PUD SUBDIVISION PLAT**
- 14-20-605 COMMERCIAL SUBDIVISION PLAT**

14-20-601 MINIMUM NUMBER OF UNITS

Any condominium or planned unit development (PUD) ~~subdivision plat~~ shall have a minimum of four (4) legal units or lots.

14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION

It is the duty of the owners who sign a commercial, condominium, or PUD subdivision plat to establish a property owners association responsible for the maintenance and ownership of any common area and any shared easement area, and to record all necessary documents to effectuate such property owners association with the Davis County Recorder.

14-20-603 CONDOMINIUM SUBDIVISION PLAT

Any legally existing multi-family development that meets the minimum requirements of this Chapter may be platted as a condominium development. One (1) or more single-family detached dwellings shall not be platted as a condominium development.

14-20-604 PUD SUBDIVISION PLAT

- A. Any legally existing multi-family development that meets the minimum requirements of this Chapter and that does not have vertically stacked units may be platted as a PUD ~~subdivision plat development regardless of whether or not it was developed under current or previous iterations of the Planned Development Overlay Zone.~~
- B. Any legally existing development, except for multi-family developments, located within a single-family, commercial, professional office, hospital, mixed-use, or downtown zone may be platted as a PUD ~~subdivision plat development~~ only if the development meets the minimum requirements of this Chapter ~~and the minimum size requirements of the current iteration of the Planned Development Overlay Zone.~~

14-20-605 COMMERCIAL SUBDIVISION PLAT

Any legally existing, non-residential development may be subdivided in conformance with the requirements of the zone in which it is located. A lot within a development in a Commercial Zone (C), or within a Professional Office Zone (PO), may meet the minimum public street frontage requirement through a cross-access easement or dedicated common area, if all of the following criteria are met:

- A. Any proposed lot, and any cross-access easement or dedicated common area providing the minimum required frontage for said lot, shall be located within the same plat or within an existing, recorded plat from another phase of the same development. Furthermore,

the proposed easement or access shall be recorded on the plat, shall specifically state that it is for the benefit of said lot, and shall be acknowledged by all signatories.

- B. The cross-access easement or dedicated common area shall be at least twenty-four feet wide, free of obstructions, and shall meet all the requirements of this Title regarding vehicle and pedestrian access.
- C. No cross-access agreement over or with a property outside of a development or subdivision can satisfy the minimum frontage requirements of this Title.
- D. Each lot within a meets and bounds subdivision shall be required to have the minimum frontage along a public street.

D R A F F E T