ZONING ORDINANCE

OF

BOUNTIFUL CITY

Adopted by the
Bountiful City Council
August 4, 1993

Ordinance No. 93-10
(As Amended)

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ZONING ORDINANCE AMENDMENTS

DATE	ORDINANCE NO.	DESCRIPTION
2/23/94	94-3	AN ORDINANCE AMENDING SECTIONS 14-5-105 AND 14-6-105 OF THE BOUNTIFUL CITY CODE TO ALLOW FOR 70 FOOT FRONTAGES FOR SINGLE FAMILY DWELLINGS IN R-2 AND R-3 ZONES
4/6/94	94-5	AN ORDINANCE AMENDING SECTION 14-13-105 E. OF THE BOUNTIFUL CITY CODE REGARDING LOT ACCESS AND DESIGN FOR SINGLE FAMILY DWELLINGS BEYOND 150 FEET FROM A PUBLIC STREET AND SECTION 14-16-106 REGARDING FLAG LOTS
4/6/94	94-7	AN ORDINANCE AMENDING SECTION 14-4-109 OF THE BOUNTIFUL CITY CODE BY DELETING THE 15 FOOT SIDE YARD REQUIREMENT ABOVE BOUNTIFUL BOULEVARD; AMENDING SECTION 14-13-104 REGARDING LOTS APPROVED PRIOR TO APRIL 6, 1977; AMENDING SECTION 14- 13-108 REGARDING CENTERLINE CURVATURE OF STREETS; AND AMENDING SECTION 14-13-108 REGARDING ACCESS ROADS IN THE FOOTHILL OVERLAY ZONE
6/1/94	94-11	AN ORDINANCE DELETING SECTION 14-8-103 F. OF THE BOUNTIFUL CITY CODE AND AMENDING SECTIONS 14-7-105 AND 14-8-105 D. BY REMOVING ANY REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS FROM THE DENSITY INCENTIVE BONUS CHAPTER AND AMENDING THE LANDSCAPING REQUIREMENTS FOR DENSITY INCENTIVE BONUS
10/5/94	94-16	AN ORDINANCE MAKING MINOR CORRECTIONS TO SECTIONS 14-13-108, 14-10-103, 14-4-106, 14-5-106 AND 14-6-106 OF THE BOUNTIFUL CITY CODE
10/5/94	94-17	AN ORDINANCE ADOPTING A NEW SECTION 14-2-308 AND AMENDING SECTION 14-16-105 OF THE BOUNTIFUL CITY CODE TO PROVIDE FOR PERFORMANCE SECURITY FOR COMPLETION OF SITE IMPROVEMENTS

11/9/94	94-19	AN ORDINANCE AMENDING SECTIONS 14-15-101, 14-15-102, AND 14-15-103 B. OF THE BOUNTIFUL CITY CODE RELATING TO TEMPORARY BUSINESSES AND USES
4/12/95	95-8	AN ORDINANCE AMENDING SECTIONS 11-8024 AND 11-10041 OF THE BOUNTIFUL CITY SIGN ORDINANCE BY LIMITING HOLIDAY RELATED DECORATIONS AND SIGNS AND BETTER DEFINING TYPE AND USE OF GROUND SIGNS
6/7/95	95-11	AN ORDINANCE AMENDING SECTION 14-14-106 OF THE BOUNTIFUL CITY CODE TO ALLOW THE CREATION OF FLAG LOTS FOR SINGLE FAMILY RESIDENCES ONLY
7/19/95	95-16	AN ORDINANCE AMENDING SECTIONS 14-18-109 B. OF THE BOUNTIFUL CITY CODE AMENDING THE REQUIREMENTS FOR ACCESS TO MULTIPLE FAMILY RESIDENTIAL LOTS
8/23/95	95-19	AN ORDINANCE AMENDING SECTIONS 14-4-109 E., 14-5-109 E. 14-5-109 E. 14-4-109 H. 14-5-109 H. AND 14-6-109 H. OF THE BOUNTIFUL CITY CODE BY CHANGING THE SIDE YARD REQUIREMENTS FOR ACCESSORY BUILDING IN ALL RESIDENTIAL ZONES, AMENDING THE DEFINITION OF SWIMMING POOL IN SECTION 14-3-102, AND ADDING A NEW SECTION 14-14-117 PROVIDING FOR SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES
11/15/95	95-23	AN ORDINANCE AMENDING SECTION 14-3-102 OF THE BOUNTIFUL CITY CODE BY ADDING A DEFINITION OF LANDSCAPING AND AMENDING SECTION 14-3-102, 14-4-116 B.2., 14-5-116 B.2., 14-6-116 B.5., 14-9-116 C.6., 14-10-116 C., AND 14-11-112 A. OF THE BOUNTIFUL CITY CODE REGARDING LANDSCAPING IN PARKSTRIPS
4/3/96	96-3	AN ORDINANCE ADOPTING THE COMMERCIAL/RESIDENTIAL MIXED USE (C-R) ZONE AND AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED APPROXIMATELY BETWEEN 400 NORTH AND 500 SOUTH AND 100 EAST AND 100 WEST FROM C-G TO C-R

8/7/96	96-11	AN ORDINANCE AMENDING CHAPTER 14 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY ADDING A NEW SECTION 14-14-118 PROVIDING FOR TELECOMMUNICATIONS TOWERS AND THEIR LOCATION
10/16/96	96-13	AN ORDINANCE AMENDING SECTIONS 14-4-109 E., 14-5-109 E., 14-6-109 E., 14-4-109 H., 14-5-109 H., and 14-6-109 H. OF THE BOUNTIFUL CITY CODE REGARDING SIDE AND REAR YARDS FOR ACCESSORY BUILDINGS IN R-1, R-2, AND R-3 ZONES
12/4/97	96-17	AN ORDINANCE AMENDING SECTION 6-2-118 OF THE BOUNTIFUL CITY CODE AND SECTIONS 14-17-104 OF THE ZONING ORDINANCE AND ADDING A NEW SECTION 14-14-118 TO THE ZONING ORDINANCE RELATING TO SIGHT CLEARANCES ON CORNER LOTS
1/22/97	97-4	AN ORDINANCE ADDING SECTION 14-6-118 REGARDING THE COMBINING OF SINGLE FAMILY AND DUPLEX USES WITH MULTI-FAMILY USES ON THE SAME PARCEL IN R-3 ZONES
3/5/97	97-5	AN ORDINANCE AMENDING SECTIONS 14-4-110 B., 14-5-110 B., 14-5-110 B. REGARDING REAR SETBACKS FOR ROOFS AND CANOPIES AND SECTION 14-2-607 REGARDING APPEALS TO THE BOARD OF ADJUSTMENT
4/16/97	97-7	AN ORDINANCE AMENDING SECTION 14-18-102 REGARDING OFF-SITE COMMERCIAL PARKING AND SECTIONS 14-14-106 AND 14-3-102 REGARDING FLAG LOTS

8/6/97	97-23	AN ORDINANCE AMENDING SECTION 14-9-114 REGARDING PARKING IN REQUIRED FRONT AND SIDE YARDS IN THE C-G ZONE, VARIOUS SECTIONS OF CHAPTER 6 OF THE ZONING ORDINANCE REGARDING DENSITY FOR MULTIPLE FAMILY UNITS AND SITE PLAN REQUIREMENTS FOR MULTIPLE FAMILY DEVELOPMENTS, VARIOUS SECTIONS OF CHAPTER 9A OF THE ZONING ORDINANCE REGARDING DENSITY FOR MULTIPLE FAMILY UNITS, PARKING REQUIREMENTS, SITE PLAN REQUIREMENTS FOR MULTIPLE FAMILY DEVELOPMENTS AND SPECIAL PROVISIONS FOR MULTIPLE FAMILY DEVELOPMENT OF LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX STRUCTURES, REPEALING CHAPTER 7 OF THE ZONING ORDINANCE AND RENUMBERING CHAPTERS 8, 9 AND 9A OF THE ZONING ORDINANCE TO CHAPTER 7, 8 AND 9 RESPECTIVELY
9/24/97	97-27	AN ORDINANCE AMENDING SECTION 14-4-111, 14-5-111, 14-6-111 AND 14-9-112 REGARDING BUILDING HEIGHT
10/22/97	97-31	AN ORDINANCE AMENDING THE BOUNTIFUL ZONING ORDINANCE TO PROVIDE GUIDELINES FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND RESIDENCES FOR PERSONS WITH A DISABILITY
11/12/97	97-32	AN ORDINANCE AMENDING SECTIONS 14-8-102, 14-10-102, AND 14-11-102 TO ALLOW EXISTING RESIDENTIAL USES AS PERMITTED USES IN C-G, C-H AND H ZONES
2/25/98	98-2	AN ORDINANCE AMENDING SECTIONS 11-801 AND 11-9031 OF CHAPTER 29 OF THE BOUNTIFUL CITY ZONING ORDINANCE REGARDING IDENTIFICATION SIGNS FOR INSTITUTIONAL AND MULTI-FAMILY USES IN RESIDENTIAL ZONES
5/27/98	98-6	AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE BY ADDING A NEW ZONE TO BE KNOWN AS THE PROFESSIONAL OFFICE (P-O) ZONE

8/26/98	98-15	AN ORDINANCE REPEALING SECTION 14-17-103 OF THE BOUNTIFUL CITY ZONING ORDINANCE REQUIRING A FENCING PERMIT, RENUMBERING SECTIONS 14-17-104 THROUGH 14-17-11, AND AMENDING NEWLY NUMBERED SECTION 14-17-104, 14-17-105 AND 14-17-107 OF THE BOUNTIFUL CITY ZONING ORDINANCE AS THEY RELATED TO THE HEIGHT AND LOCATION OF FENCING
9/9/98	98-16	AN ORDINANCE REPEALING SECTION 14-14-106 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO FLAG LOTS
9/9/98	98-17	AN ORDINANCE AMENDING SECTION 14-6-118 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO THE DEVELOPMENT OF SINGLE FAMILY AND MULTIPLE FAMILY MIXED USES ON A SINGLE PARCEL OF LAND
11/18/98	98-22	AN ORDINANCE AMENDING SECTIONS 14-8-102, 14-9-102, AND 14-10-102 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY MAKING ARCADES A PERMITTED USE IN C-G, C-R AND C-H ZONES, AMENDING CHAPTER 3 OF THE BOUNTIFUL CITY ZONING ORDINANCE TO ADD A DEFINITION FOR ACCESSORY IN-LAW APARTMENTS, AND AMENDING SECTIONS 14-4-102, 14-5-102, 14-6-102 AND 14-9-102 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY INCLUDING SPECIAL PROVISIONS FOR THE CREATION OF ACCESSORY IN-LAW APARTMENTS IN ZONES ALLOWING SINGLE FAMILY DWELLINGS
5/19/99	99-11	AN ORDINANCE AMENDING SECTION 14-4-102, 14-5-102, AND 14-6-102 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO THE NUMBER OF CHILDREN IN A PERMITTED IN-HOME DAY CARE AND SECTION 14-4-103, 14-5-103, AND 14-6-103 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO THE NUMBER OF CHILDREN IN A CONDITIONAL USE IN-HOME DAY CARE

6/16/99	99-15	AN ORDINANCE AMENDING SECTIONS 14-4-103, 14-5-103, AND 14-6-103 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY REMOVING CHURCHES AS CONDITIONAL USES IN RESIDENTIAL ZONES AND AMENDING SECTIONS 14-4-102, 14-5-102, AND 14-6-102 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY MAKING CHURCHES PERMITTED USES IN RESIDENTIAL ZONES
12/8/99	99-21	AN ORDINANCE AMENDING CHAPTER 15 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO TEMPORARY AND SEASONAL USES
1/26/2000	2000-01	AN ORDINANCE AMENDING CHAPTER 7 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO COMMERCIAL PLANNED UNIT DEVELOPMENTS
6/28/2000	2000-10	AN ORDINANCE REGULATING AND ESTABLISHING A LICENSING PROCEDURE FOR SEXUALLY ORIENTED BUSINESSES
9/6/2000	2000-14	AN ORDINANCE AMENDING CHAPTER 7 OF THE BOUNTIFUL CITY ZONING ORDINANCE RELATING TO PLANNED UNIT DEVELOPMENTS BY AMENDING SECTION 14-7-101 AND ADDING A NEW SECTION 14-7-109
12/13/2000	2000-17	AN ORDINANCE AMENDING SECTION 14-2-106 OF THE BOUNTIFUL CITY ZONING ORDINANCE REGARDING THE ESTABLISHMENT OF USES NOT SPECIFIED TO ALLOW THE CITY COUNCIL AND THE PLANNING COMMISSION TO CONSIDER USES NOT SPECIFIED IN RESIDENTIAL ZONES
1/3/2001	2001-01	AN ORDINANCE GENERALLY AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE AND AMENDING SECTION 5-12-13 OF THE BOUNTIFUL CITY CODE RELATING TO TEMPORARY BUSINESSES
6/26/2001	2001-10	AN ORDINANCE AMENDING SECTIONS 14-3-102, 14-13-102, 14-13-103, 14-13-104, 14-13-106 AND 14-13-108 OF THE BOUNTIFUL CITY ZONING ORDINANCE PERTAINING TO THE FOOTHILL OVERLAY ZONE

10/9/2001	2001-15	AN ORDINANCE REPEALING CHAPTER 11 OF THE 1982 ZONING ORDINANCE RELATING TO SIGNS AND ADOPTING A NEW SIGN ORDINANCE AS CHAPTER 19 OF THE BOUNTIFUL CITY ZONING ORDINANCE
1/8/02	2002-01	AN ORDINANCE AMENDING SECTION 14-17-104C.2. OF THE BOUNTIFUL CITY ZONING ORDINANCE TO PROVIDE SPECIAL PROVISIONS FOR FENCING ADJACENT TO SECONDARY DRIVEWAYS
1/22/2002	2002-02	AN ORDINANCE AMENDING CHAPTERS 8, 9 AND 10 OF THE BOUNTIFUL CITY ZONING ORDINANCE TO ALLOW FOR THE OUTDOOR DISPLAY OF MERCHANDISE IN THE C-G, C-R AND C-H ZONES
5/14/2002	2002-08	AN ORDINANCE AMENDING SECTIONS 14-18-107, 14-18-108 OF THE BOUNTIFUL CITY ZONING ORDINANCE AND CHANGING REFERENCES TO THE UNIFORM BUILDING CODE, UNIFORM FIRE CODE AND OTHER BUILDING AND ELECTRICAL CODES TO REFLECT THE ADOPTION OF THE INTERNATIONAL BUILDING CODE AND OTHER CODES RELATING TO SAID CODE

CHAPTER 1

GENERAL PROVISIONS

14-1-101 TITLE
14-1-102 DECLARATION OF PURPOSE
14-1-103 LICENSES TO CONFORM
14-1-104 BUILDING PERMITS REQUIRED
14-1-105 CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE
14-1-106 CONSTRUCTION AND USE TO CONFORM TO PLANS
14-1-107 EXEMPTION OF STATE AND FEDERAL PROPERTY
14-1-108 ENFORCEMENT AND ABATEMENT
14-1-109 PENALTIES
14-1-110 CONFLICTING PROVISIONS
14-1-111 APPEAL
14-1-112 SEVERABILITY OF PARTS OF ORDINANCE

14-1-101 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Bountiful.

14-1-102 DECLARATION OF PURPOSE

This Ordinance and the regulations and restrictions contained herein are adopted and enacted for the following purposes;

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 Comprehensive 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.

11. To further the purpose of this Ordinance and to promote the objectives and qualities of the respective zones.

14-1-103 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 Ordinance and shall issue no permit or license for a use or building where the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in violation of this Ordinance is voidable at the option of the City.

14-1-104 BUILDING PERMITS REQUIRED

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 International[1] Building Code adopted by the City.

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 Ordinance. 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 Ordinance.

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[1]Amended 5/14/2002 Ordinance No. 2002-08

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, or the Planning Department for the enforcement of this Ordinance.

10-1-105 CERTIFICATE OF OCCUPANCY AND ZONING 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 and Zoning Compliance 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 and Zoning Compliance.

B. Issuance of Certificate. A Certificate of Occupancy and Zoning Compliance, hereinafter referred to as "Certificate" will 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 and Zoning Compliance for occupying, or allowing to be occupied, any residential, commercial, industrial or institutional building, or premises or for changing the intensity of use as provided for in the Certificate of Zoning Compliance issued under this ordinance is a Class "C" misdemeanor for each such offense.

D. Nuisance. The occupancy of any building for which a certificate of Zoning Compliance 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 section.

14-1-106 CONSTRUCTION AND USE TO CONFORM TO PLANS

Building permits or Certificates of Occupancy and Zoning Compliance, issued on the basis of plans and specifications approved by the Engineering and Building Department and the Planning Department, authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized in said plans and specifications may be deemed a violation of this Ordinance.

14-1-107 EXEMPTION OF STATE AND FEDERAL PROPERTY

Unless otherwise provided by law, nothing contained in this Ordinance may be construed as giving the Planning and Zoning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States Government.

14-1-108 ENFORCEMENT AND ABATEMENT

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained; or any land, building, or premises used contrary to the provisions of this Ordinance 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 enjoinments 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 Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

14-1-109 PENALTIES

It is unlawful and punishable as a Class "C" misdemeanor for any person, corporation or other entity to violate the provisions of this Ordinance, which conduct or omission is designated as "unlawful" or "illegal" or which is designated as a misdemeanor. Each day of violation is a separate offense.

14-1-110 CONFLICTING PROVISIONS

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

14-1-111 APPEAL

A. Any person, organization, corporation or governmental unit shall have the right to appeal to the City Council decisions rendered by the Planning and Zoning Commission dealing with Conditional Use Permits and decisions alleged to have been made contrary to adopted ordinances, by filing in writing the reasons for said appeal with the City Recorder within fifteen (15) days following the date on which the Planning and Zoning Commission rendered said decision.

B. The City Recorder shall notify in writing the members of the Planning and Zoning Commission at least five (5) days prior to the scheduled date of the hearing for said appeal.

C. The City Council, after reviewing the decision of the Planning and Zoning Commission, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the Planning and Zoning Commission for additional review.

D. The Board of Adjustment shall hear appeals of zoning decisions allegedly made in error by the Planning Director in accordance with Section 14-2-606.

14-1-112 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 Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by the final judgement 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 Ordinance.

CHAPTER 2

ADMINISTRATION AND PROCEDURES

PART 1 - ZONE ESTABLISHMENT

14-2-101 ZONE ESTABLISHMENT
14-2-102 OFFICIAL ZONING MAP
14-2-103 DETERMINING ZONE BOUNDARIES
14-2-104 NEWLY ANNEXED TERRITORIES
14-2-105 AMENDMENTS TO ORDINANCE AND MAP
14-2-106 ESTABLISHMENT OF USES NOT SPECIFIED
14-2-107 CLARIFICATION OF ZONING
14-2-108 CLARIFICATION OF AMBIGUITY

14-2-101 ZONE ESTABLISHMENT

In order to accomplish the purpose of this Ordinance, Bountiful City is hereby divided into zones in accordance with the adopted comprehensive plan of the City as follows:

R-1	Single Family Residential Zone
R-2	Two Family Residential Zone
R-3	Multiple Family Residential Zone
C-G	General Commercial Zone
C-R	Commercial Residential Mixed Use Zone
C-H	Heavy Commercial Zone
P-O	Professional Office Zone
H	Hospital Zone
MWP	Mountain Development and Watershed Protection Zone
MXD	Mixed Use Zone
RF	Residential - Foothill Zone

14-2-102 OFFICIAL ZONING MAP

A. The location and boundaries of all zoning districts as contained herein, including subsequent amendments, are shown on the zoning map entitled ZONING MAP OF BOUNTIFUL CITY, UTAH dated August 10, 1993. This map is hereby adopted as set forth in its entirety. All boundaries, notations, and other data shown thereon, are hereby adopted as though set forth in their entirety. 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 ZONING MAP OF BOUNTIFUL CITY, UTAH shall be accomplished in accordance with the provisions found in Section 14-2-105 of this Chapter.

C. The Planning Director shall update the zoning district map, entitled ZONING MAP OF BOUNTIFUL CITY, UTAH 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.

D. A print of any updated zoning maps shall be given to the City Recorder to be filed and kept for historical reference.

14-2-103 LOCATION OF ZONE BOUNDARIES

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

1. Where the intended boundaries on the zone map are approximately street lines, the centerline of said street shall be construed to be the zone boundary.

2. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundary, unless otherwise indicated.

3. Where the indicated boundaries are approximately rivers or streams, the centerline of said, river or stream, shall be construed to be the zone boundary.

4. In the absence of any street, lot line, river, or stream, the zone boundary shall be determined by use of the scale of measurement shown on the zoning district map.

Where other uncertainty exists, the Planning and Zoning Commission or City Council may interpret the zoning map.

14-2-104 NEWLY ANNEXED TERRITORIES

A. Territories which the City annexes shall be assigned a zoning designation at the time the annexation ordinance is adopted. The Planning Director shall recommend a zone designation for the area petitioning for annexation and forward that recommendation for zoning 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 comprehensive plan unless it can be demonstrated to the City Council that some other zoning designation is appropriate and compatible with the comprehensive plan. No official of the City shall utilize zoning designation commitments as a means of bargaining for the annexation of property into the City.

14-2-105 AMENDMENTS TO ORDINANCE AND MAP

A. This Ordinance, including the official zoning map, may be amended by the City Council after said amendments shall have first been submitted for recommendation to the Planning and Zoning

Commission. The recommendation of the Planning and Zoning Commission shall be submitted to the City Council within thirty (30) days after the presentation of the rezoning proposal or petition for amendment at a regularly scheduled Planning and Zoning Commission meeting.

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 shall not be made to this Ordinance or Map except to promote more fully the objectives and purpose of this Ordinance or to correct manifest errors.

C. Any person or organization seeking an amendment to the Zoning Ordinance or any property owner or authorized agent of any property owner seeking an amendment to the Zoning Map shall submit to the City Planning Office a written petition containing the following information:

1. Designation of the specific zone change or Ordinance amendment desired.

2. The reason and justification for such zone change or Ordinance 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.

3. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed Ordinance 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.[1] 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. This fee shall be applied to the General Fund 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 written petition, the Planning Director shall forward a copy of all material to the Planning and Zoning Commission for consideration at the next regularly scheduled meeting.

E. No application for rezoning shall be accepted by the Planning and Zoning Commission or City Council for a parcel for which an action of denial or approval of rezoning occurred within the last six

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[1]Amended 1/3/2001 Ordinance No. 2001-01

(6) months, except the City Council may reconsider a rezoning request sooner than the expiration of the six (6) month period, if:

1. At least one 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 and Zoning Commission shall be at the discretion of the City Council.

F. The Planning and Zoning Commission shall consider the request and shall approve, disapprove or hold the petition for future consideration. After taking final action on such petition, the Planning and Zoning Commission shall certify its recommendation to the City Council as approval or disapproval of the proposed amendment. Before recommending an amendment to this Ordinance or a zone change to the 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 Ordinance. Failure on the part of the Planning and Zoning 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 change or Ordinance 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 scheduled. Notice of said public hearing shall be:

1. Published in a newspaper of general circulation at least fourteen (14) days before the date of the hearing.

2. Sent to all property owners within a five hundred (500) feet radius around the subject property in the case of a zone change at least fourteen (14) days prior to the meeting.

3. 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. The City shall inspect the property to verify the posting of the signage.

H. After the public hearing, the City Council may adopt, amend and adopt, or reject the zone change or Ordinance amendment.

I. Resubmission of any application for the same amendment shall not be allowed for a period of one (1) year.

14-2-106 ESTABLISHMENT OF USES NOT SPECIFIED[2]

A. When a use is not specifically contained in the list of permitted or conditional uses in a particular zone, but is of similar character and intensity as such permitted or conditional uses so listed, the City Council may allow the establishment of that use upon request. The person proposing to establish such use shall apply to the City Council for that permission.

B. The following criteria, in addition to any other criteria the City Council deems pertinent, shall be considered in evaluating the proposed use:

1. The establishment of the use will be in accordance with the purposes of the zoning district in which that use is proposed.

2. The use will be an appropriate addition to the zone because it has the same basic characteristic as the other uses permitted in the district.

3 The use will not be detrimental to the public health, safety, or welfare.

4 The use shall not adversely affect the character of that zoning district in which it is proposed to be established.

5 The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in the zoning district.

6 The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

C. Prior to acting on the application, the City Council may refer the matter to the Planning and Zoning Commission for a recommendation.

1. For any application for consideration of a use not specified in any residential zone, the matter shall first be referred to the Planning Commission for a recommendation.

2. For any application for consideration of a use not specified in any professional, hospital or commercial zone, the City Council may, at its discretion, refer the matter to the Planning Commission for consideration and recommendation or may consider the matter without referral to the Planning Commission,

D. Any approval of a use not specified is considered a clarification of the zoning ordinance and not an amendment. Any approval applies only to the specific application ant not generally through any given district.

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[2]Amended 12/13/2000 Ordinance No. 2000-17

E. Upon receipt of a recommendation from the Planning Commission, the City Council shall hold a public hearing for any use to be considered as an exception in any residential zone. All landowners within five hundred (500) feet of the proposed use shall be notified of the public hearing and a notice of the public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing.

F. Upon receipt of a recommendation from the Planning Commission for any use to be considered as an exception in any professional office, hospital or commercial zone, the City Council may, at its discretion, hold a public hearing or consider the use without a public hearing. If the City Council determines that a public hearing should be held, all landowners within five hundred (500) feet of the proposed use shall be notified of the public hearing and a notice of the public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing.

H. Where a public hearing is to be held, the applicant shall be responsible for all publication and mailing costs and shall provide a list of all property owners within a radius of five hundred (500) feet of the boundaries of the property to be considered, as currently shown in the records of the Davis County Recorder, accompanied by addressed, self-adhesive labels ready for mailing to all names on the list.

14-2-107 CLARIFICATION OF ZONING

Any property which, for any reason, is not clearly zoned on the City's official zone map, or is determined not to be subject to the requirements of a zone classification as provided by this Ordinance, is hereby declared to be in the Single Family Residential (R-1) Zone, and shall be subject to the requirements of the R-1 Zone.

14-2-108 CLARIFICATION OF AMBIGUITY

If ambiguity arises concerning appropriate classification of a particular use within the meaning and intent of this Ordinance, or with respect to matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, the Planning Commission shall ascertain all pertinent facts and small make decisions as are appropriate.

PART 2

CONDITIONAL USES

14-2-201 PURPOSE OF CONDITIONAL USE PROVISIONS
14-2-202 PERMIT REQUIRED
14-2-203 APPLICATION
14-2-204 FEE
14-2-205 PUBLIC HEARINGS AND NOTICES
14-2-206 DETERMINATION
14-2-207 APPEALS OF DECISIONS
14-2-208 INSPECTION
14-2-209 REVOCATION
14-2-210 TIME LIMIT
14-2-211 REAPPLICATION AFTER DENIAL OR REVOCATION
14-2-212 CONTINUING EFFECT

14-2-201 PURPOSE OF CONDITIONAL USE PROVISIONS

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may not be suitable and desirable in other locations, are classed as conditional uses within the various districts and require Conditional Use Permits for approval as authorized by the Planning Commission.

14-2-202 PERMIT REQUIRED

A Conditional Use Permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. 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.

14-2-203 APPLICATION

A Conditional Use Permit application shall be filed with the Planning Department as provided in this Ordinance. The completed application shall be submitted to the Planning Commission at one of their regularly scheduled meetings. The Planning Commission may authorize members of the Planning Department to grant or deny Conditional Use Permits, subject to such limitations or qualifications as are deemed necessary.

Applications for Conditional Use Permits shall be accompanied by: maps, drawings, statements, reports, studies, or other documents, as required by the Planning Commission and Planning staff.

14-2-204 FEE

The applications for any Conditional Use Permit shall be accompanied by an appropriate fee set by

the City Council.

14-2-205 PUBLIC HEARINGS AND NOTICES

The Planning Commission shall schedule and hold a hearing on any application for a Conditional Use Permit at the next regularly scheduled Planning Commission meeting upon submission of a properly completed and filed application form. Any appeals of a Planning Commission decision shall be held as a hearing before the City Council as provided by law.

Notices for such hearings shall be:

A. Published in a newspaper of general circulation at least fourteen (14) days before the date of the hearing.

B. Sent to all property owners within five hundred (500) feet radius around the subject property at least fourteen (14) days prior to the meeting.

C. 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. The City will inspect the property to verify the posting of the signage.

14-2-206 DETERMINATION

The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a Conditional Use Permit unless the evidence establishes:

A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.

B. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, and impacts on schools, utilities and streets.

C. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support, and other information which may be needed in order to render a proper decision.

14-2-207 APPEALS OF DECISIONS

Any person for which an application for approval of a Conditional Use Permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the Planning Commission to the City Council. An appeal with accompanying reasons must be presented in writing within thirty (30) days after the date of decision of the Planning Commission to the City Council.

A. The City Council shall notify the Planning Department of the date of said review in writing at least seven (7) days preceding said date set for hearing so that the Planning Department may prepare the record for said hearing.

B. The City Council, after proper review of the decision of the Planning Commission, may affirm, reverse, alter or remand for further review and consideration any action taken by said Planning Commission and shall make such decision within thirty (30) days of the hearing of the appeal.

14-2-208 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 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.

14-2-209 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 Planning Commission, provided that the permittee shall have at least fourteen (14)days notice of the meeting.

2. if the Conditional Use Permit was issued by the City Council upon appeal, request the complaint be placed on the earliest possible City Council agenda for review with the permittee having 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 Planning Commission or City Council. An informal hearing to determine the current status of the Conditional Use Permit shall be held in accordance with customary administrative hearings and procedures. No notice to

surrounding owners will be required.

C. The Planning Commission or City Council, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the Conditional Use Permit as it deems necessary, or take no action and dismiss the complaint.

D. If, after review at the informal hearing, the Planning Commission or City Council find 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. Notice to surrounding owners within five hundred (500) feet of the property will be required for the formal hearing.

E. The Planning Commission or City Council, 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 entered by the Planning Commission may appeal such decision to the City Council by filing a written Notice of Appeal to the City Council within fifteen (15) days of decision by the Planning Commission. The City Council shall hold a second hearing to consider the appeal using the procedure described above in this Section.

G. Any permittee aggrieved by an order entered by the City Council may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

H. This section shall apply to all Conditional Use Permits issued after the effective date of this Ordinance, regardless of change in ownership or occupancy.

14-2-210 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 Planning Commission 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 Planning Commission 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.

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 Planning Commission. The Planning Commission may extend the time period for the temporary structure up to one (1) additional year providing that plans for a permanent structure have received Planning Commission approval and construction has

commenced.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary Conditional Use Occupancy Permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer and electrical permits have been issued and all appropriate inspections performed.

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 Planning Commission may grant a maximum extension of six (6) months, when deemed in the public interest. Substantial action under this section shall mean the footings and foundation of the main building are in place.

14-2-211 REAPPLICATION AFTER DENIAL OR REVOCATION

Denial of an application for or revocation of a Conditional Use Permit regarding any parcel of property shall prohibit the filing of another application for a Conditional Use Permit for the same parcel of property or any portion thereof, within one (1) year of the date of the final denial of the application or revocation of the permit unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one (1) year time period.

14-2-212 CONTINUING EFFECT

A Conditional Use Permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this Ordinance, the provisions of Part 4 of this Chapter relating to nonconforming buildings and uses shall apply.

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 APPEAL OF PLANNING COMMISSION DECISION
14-3-308 INSTALLATION OF IMPROVEMENTS

14-2-301 PURPOSE

The purposes of the architectural and site plan approval are:

A. to determine compliance with this Ordinance;

B. to promote the orderly and safe development of land in the City;

C. to establish satisfaction of the recommendations of the Bountiful Comprehensive Plan relating to the visual quality of the City; and

D. to promote the general welfare by the erection of structures or additions or alterations which are accorded proper attention to site planning, attractive appearance, and harmony with their environments.

In carrying out the purposes of this Chapter with respect to the external design of buildings, the following principles should apply:

A. Good architectural character is based upon the suitability of a building for its purpose, upon the appropriate use of sound materials, and upon the principle of harmony and proportion in the elements of the building.

B. Good architectural character is not, in itself, more expensive than poor architectural character and is not dependent upon the particular style of architecture selected.

14-2-302 APPROVAL REQUIRED

Architectural and site plan approval shall be required as set forth in the respective zoning districts for all of the following uses:

A. Any industrial use.

B. Any commercial use.

C. Any institutional use.

D. Any multiple-family use, including apartments and condominiums.

14-2-303 APPLICATION

Application for architectural and site plan review shall be made by the property owner or an authorized agent on a form prescribed for this purpose by the City and presented to the Planning Department. There shall be no fee required for architectural and site plan reviews.

14-2-304 ACCOMPANYING MAPS AND DRAWINGS REQUIRED

Maps and drawings 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 or Engineer in accordance with the laws of the State of Utah. The following shall be shown on said maps and drawings as a minimum:

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, 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[1]

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. 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

[1] Amended 8/10/2004 Ordinance No. 2004-13

within six months from the time of recommendation.

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 facilities to prevent traffic congestion, and compliance with the provisions of Chapter 18 of this Ordinance.

4. The location, arrangement, and dimensions of truck loading and unloading facilities.

5. The circulation patterns within the boundaries of the development.

6. The surfacing and lighting of off-street parking facilities.

B. Considerations relating to signs:

1. Signs that are integral to the architectural design of the buildings and are in compliance with the provisions of Chapter 19 of this Ordinance.

2. Directional and/or informational signs are in compliance with the provisions of Chapter 19 this Ordinance and are in locations and of such dimensions to not cause poor visibility for traffic.

C. Considerations relating to landscaping:

1. The location, height, and materials of walls, fences, hedges, and screen plantings concealing storage areas, utility installations, or other unsightly development insure harmony with adjacent development.

2. The planting of ground cover or other surfacing is designed to prevent dust and erosion.

3. The design keeps the destruction of existing healthy trees to a minimum.

D. Considerations relating to buildings and site layout:

1. 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. 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 APPEAL OF THE PLANNING COMMISSION DECISION

Any person has the right to appeal a Planning Commission decision regarding approval or rejection of an architectural and site development plan to the City Council using the procedure in Section 14-2-505 of this Ordinance.

14-2-308 INSTALLATION OF IMPROVEMENTS[2]

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 is 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:

1. 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

[2] Amended 1/5/94 Ordinance No. 94-17

original completion date, the Planning Director and/or City Engineer agree to such an extension, and the agreement is so amended.

2. 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.

3. 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.

PART 4[1]

NONCONFORMING USES AND BUILDINGS

14-2-401 INTENT
14-2-402 DEFINITIONS
14-2-403 NONCONFORMING USES
14-2-404 NONCONFORMING BUILDINGS
14-2-405 EXPANSION OR STRUCTURAL ALTERATION OF A NONCONFORMING USE OR BUILDING
14-2-406 NATURAL EXPANSION OF A NONCONFORMING BUSINESS USE
14-2-407 CHANGE IN STATUS OF NONCONFORMING USE OR BUILDING DUE TO INTENTIONAL DEMOLITION
14-2-408 RECONSTRUCTION OF NONCONFORMING USE OR BUILDING DESTROYED BY FIRE, EXPLOSION, OR OTHER CASUALTY OR ACT OF GOD
14-2-409 NONCONFORMING USES DETRIMENTAL TO HEALTH AND SAFETY
14-2-410 NONCONFORMING STATUS NOT AUTOMATICALLY GRANTED

14-2-401 INTENT

Generally, it is the intent of this Ordinance that buildings, structures or uses of land in existence at the time of the effective date of this Ordinance, but not in conformance therewith, not be increased or expanded. However, under unusual circumstances such nonconforming buildings and uses may be expanded or increased as provided in this Ordinance.

14-2-402 DEFINITIONS

As used in this Ordinance, a nonconforming building or structure and a nonconforming use are defined as follows:

Conforming use: a use that lawfully exists at its location, and which is in conformity with current zoning requirements. However, a residential use which lawfully existed and was in conformity with then-current zoning requirements, but which would be rendered non-conforming under new zoning laws, shall nonetheless be considered a conforming use so long as the use is continuous from the period of legality.

Nonconforming building or structure: a building or structure, or portion thereof, which lawfully existed before the effective date of this Ordinance or an amendment to the Zoning Ordinance, which does not now conform to the height, floor area, yard, International[2] Building

[1]Amended 1/13/99 Ordinance No. 99-1

[2]Amended 5/14/2002 Ordinance No. 2002-08

Code or other current requirements of this Ordinance for the zone in which it is located.

Nonconforming use: a use which was lawfully established and maintained before the effective date of this Ordinance or an amendment to the Zoning Ordinance and which may be continued despite changes in the ordinance which would prohibit or limit such uses if introduced after the date of this Ordinance.

14-2-403 NONCONFORMING USES

A nonconforming use of land lawfully existing on the effective date of this Ordinance may be continued provided such nonconforming use shall not be expanded, extended into any other portion of a conforming building or open land, and no structures, additions, alterations, or enlargements thereto shall be made thereon, except those required by law. If said nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such land shall conform to the provisions of the zone in which it is located.

14-2-404 NONCONFORMING BUILDINGS

A nonconforming building in any zone may be continued provided no additions or enlargements are made thereto and no structural alterations are made therein, except those prescribed by law, are necessary for the strengthening or restoring to a safe condition any part of the building declared unsafe by proper authority or are granted a special permit by the Board of Adjustment for expansion or structural alteration as provided in Section 14-2-405 of this Chapter.

14-2-405 EXPANSION OR STRUCTURAL ALTERATION OF A NONCONFORMING USE OR BUILDING

A special permit for expansion or structural alteration of a nonconforming use or building may be granted by the Board of Adjustment. Application for such expansion or structural alteration shall be made and considered in the manner set forth in Chapter 2, Part 2 of this Ordinance for Conditional Uses.

14-2-406 NATURAL EXPANSION OF A NONCONFORMING BUSINESS USE

Notwithstanding Sections 14-2-405 and 14-2-406 of this Chapter, where the original nature and purpose of a business remain the same and a nonconforming use is not changed in character, a mere increase in the volume of business by natural expansion and growth of trade cannot be considered an unlawful extension of the nonconforming use. Such natural expansion and growth may occur by application for and the granting of a Conditional Use Permit and site plan approval by the Planning Commission.

14-2-407 CHANGE IN STATUS OF NONCONFORMING USE OR BUILDING DUE TO INTENTIONAL DEMOLITION

A nonconforming building or use of land intentionally demolished by the owner of said use or

building may not be changed to any other nonconforming building or use. Any new use or building shall be in conformity with the current provisions of this Ordinance. After a change to a conforming use is in effect, that change shall be evidence that the nonconforming building or use has been abandoned and thereupon loses any vested right as such. Subsequently, any newly conforming building or use shall not be changed back to a nonconforming building or use.

14-2-408 RECONSTRUCTION OF NONCONFORMING USE OR BUILDING DESTROYED BY FIRE, EXPLOSION, OR OTHER CASUALTY OR ACT OF GOD

A nonconforming building destroyed by fire, explosion, or other casualty or act of God, or public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued subject to all of the provisions of this Ordinance.

14-2-409 NONCONFORMING USES DETRIMENTAL TO HEALTH AND SAFETY

No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use when such use is detrimental to the health, safety, and welfare of the general public.

14-2-410 NONCONFORMING STATUS NOT AUTOMATICALLY GRANTED

Any building, structure, or use of land or any construction thereon which was not authorized by or allowed under the pre-existing zoning ordinance(s), as amended, or which is illegal under such ordinance, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Ordinance. The burden of proof of the legal nonconforming status of any property or use shall be the responsibility of the landowner.

PART 5

PLANNING COMMISSION[1]

14-2-501 PLANNING COMMISSION ESTABLISHED
14-2-502 TERM OF OFFICE
14-2-503 ORGANIZATION
14-2-504 DUTIES AND POWERS
14-2-505 APPLICATIONS TO APPEAR BEFORE THE PLANNING COMMISSION
14-2-506 APPEALS OF PLANNING COMMISSION DECISIONS

14-2-501 PLANNING COMMISSION ESTABLISHED

There is hereby created a Planning Commission to be composed of not less than five (5) and not more than nine (9) members. Members of the Planning Commission shall be appointed by the Mayor with the advice and consent of the City Council and shall serve without compensation. One (1) member of the City Council may be appointed to the Planning Commission.

14-2-502 TERM OF OFFICE

The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of four (4) years and until their successor is appointed, provided that the term of the first members shall be such that the term of one member shall expire each year. Terms of members of the Planning Commission shall begin on the first day of July of each year. The City Council may remove any member of the Planning Commission for cause.

14-2-503 ORGANIZATION

The members of the Planning Commission shall select from their own members a Chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings. Reports of official acts and recommendations of the Planning Commission shall be public. The Chairman shall cause such reports to be made in writing to the City Council and indicating how each member of the Planning Commission voted with respect to each act or recommendation. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council. The Planning Commission shall meet monthly and at such other times as the Planning Commission may determine.

14-2-504 DUTIES AND POWERS

It shall be the function and duty of the Planning Commission to:

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[1] Amended 11/09/2004 Ordinance No. 2004-20

A. prepare and recommend a general plan, or amendments to an adopted general plan, to the City Council, which plan shall include at least the following:

1. a land use element

2. a transportation and circulation element

3. an environmental element

4. a public services and facilities element

5. a rehabilitation, redevelopment and conservation element

6. an economic development element

7. recommendations for implementing the plan.

B. recommend a zoning ordinance and map, or amendment to a zoning ordinance and map, to the City Council.

C. administer provisions of this Ordinance where specifically provided for by the City Council.

D. recommend subdivision regulations, or amendments to adopted subdivision regulations, to the City Council.

E. recommend approval or denial of subdivision applications.

F. advise the City Council on matters directed to them by the City Council.

G. hear and decide any matters that the City Council designates, including the approval or denial of Conditional Use permits and architectural and site development plans.

H. exercise any other powers necessary to the Planning Commission performing its function or as delegated by the City Council.

14-2-505 APPLICATIONS TO APPEAR BEFORE THE PLANNING COMMISSION[2]

At the beginning of each year the Bountiful City Planning Department shall create and post a schedule of Planning Commission meetings and application deadlines. 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

[2] Amended 11/09/2004 Ordinance No. 2004-20

required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant for resubmittal.

After an applicant has submitted a complete application to the Planning Department, they will be placed on the next available Planning Commission agenda, unless the applicant and the Commission Chairman agree to postpone placing the item on the agenda or agree to continue the item to a subsequent meeting. An applicant may request that an item be postponed or continued a maximum of one meeting (i.e, once) or for 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. This shall not apply to complete applications that have been placed on an agenda, reviewed and discussed by the Planning Commission, and then continued for reasons determined by the Commission.

14-2-506 APPEALS OF PLANNING COMMISSION DECISIONS

Any person has the right to appeal a Planning Commission decision to the City Council. An appeal with accompanying reasons must be presented in writing within thirty (30) days after the date of decision of the Planning Commission to the Planning Department.

The Planning Department shall notify the City Council of the appeal and the City Council shall set a date to hear the appeal. The Planning Department shall prepare and transmit the record of the Planning Commission decision to the City Council for their information and review.

The City Council, after a hearing and proper review of the Planning Commission decision, may affirm, reverse, alter or remand for further consideration any action taken by the Planning Commission and shall make such decision within thirty (30) days of the hearing of the appeal.

PART 6

BOARD OF ADJUSTMENT

14-2-601 BOARD OF ADJUSTMENT CREATED
14-2-602 REMOVAL FROM OFFICE
14-2-603 VACANCIES TO BE FILLED
14-2-604 ORGANIZATION OF BOARD OF ADJUSTMENT
14-2-605 RULES GOVERNING ALTERNATE MEMBERS OF THE BOARD
14-2-606 VARIANCES - PROCEDURES
14-2-607 APPEALS TO BOARD OF ADJUSTMENT
14-2-608 APPEALS FROM THE BOARD OF ADJUSTMENT
14-2-609 DUTIES AND POWERS OF THE BOARD OF ADJUSTMENT

14-2-601 BOARD OF ADJUSTMENT CREATED

There is hereby created a Board of Adjustment which shall consist of five (5) members and two (2) alternate members, each to be appointed by the City Council for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. One member, but only one, of the Planning and Zoning Commission may be a member of the Board of Adjustment.

14-2-602 REMOVAL FROM OFFICE

Members of the Board of Adjustment may be removed for cause by the City Council upon written charges and after public hearing if a public hearing is requested by the member being removed.

14-2-603 VACANCIES TO BE FILLED

Any vacancy on the Board of Adjustment occurring by reason of death, resignation, removal or expiration of term shall be filled by the Mayor with the advice and consent of the City Council. Vacancies shall be filled within forty-five (45) days after the date of the vacancy.

14-2-604 ORGANIZATION OF BOARD OF ADJUSTMENT

The Board of Adjustment shall organize and annually elect a Chairman and Vice-Chairman and adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or the Vice-Chairman in the absence of the Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Secretary of the Board in the Planning Department, and shall be a public record.

14-2-605 RULES GOVERNING ALTERNATE MEMBERS OF THE BOARD

Alternate members of the Board of Adjustment shall serve in the absence of members of the board. When the absence of a member or members of the board for any meeting is known in advance, alternate members shall be called upon to fill such vacancies for that meeting. When filling such vacancies, alternate members shall have full voting powers to decide matters before the board on that specific meeting's agenda.

14-2-606 VARIANCES - PROCEDURE

The Board of Adjustment may authorize, upon application, such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to the special conditions the literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of the Ordinance shall be observed and substantial justice done.

Applications for variance shall be filed with the Planning Department. Said application shall contain the following information:

A. A description of the requested variance, together with a description of that Ordinance provision for which relief is being requested and why such provision causes undue hardship or need for variance.

B. An accurate plot plan, where appropriate, indicating the manner in which the variance will be applied and its effect on adjacent properties.

C. A filing fee as set by the City Council.

Upon receipt of the application by the Planning Department, a copy with all accompanying materials shall be forwarded to the Board of Adjustment for their action. The Board of Adjustment shall hold a hearing to review the request and other concerns and take appropriate action upon the request.

Notices for variance hearings shall be:

1. Published in a newspaper of general circulation at least fourteen (14) days before the date of the hearing.

2. Sent to all property owners within a five hundred (500) feet radius around the subject property fourteen (14) days prior to the hearing date.

3. 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. The City will inspect the property to verify the posting of the signage.

The Board of Adjustment, after hearing necessary testimony, information and citizen input, shall

then make a finding conforming to Section 14-2-609 of this Chapter. In granting a variance, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of property to which the variance applies will be as compatible as practicable with the surrounding properties.

14-2-607[1] APPEALS TO THE BOARD OF ADJUSTMENT

A. Appeals of Zoning Enforcement Orders, Requirements or Decisions. Appeals to the Board of Adjustment may be taken by persons aggrieved by an order, requirement, or decision or determination made by the Planning Department in the enforcement of this Ordinance.

B. Appeals of Administrative Hearing Officer. Appeals to the Board of Adjustment may be taken by persons aggrieved by final decisions of the Administrative Hearing Officer.

C. Procedure. Appeals to the Board of Adjustment must be made within fifteen (15) days of the date of any order, requirement, decision or determination by the Planning Department or the date of the Administrative Hearing Officer's decision. A Notice of Appeal shall be filed in writing with the Planning Director specifying the grounds of the appeal and circumstances related thereto. The Planning Director shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the Planning Director certifies to the Board of Adjustment, after the Notice of Appeal shall have been filed with the Planning Department, that by reason of facts stated in the Certificate a stay would, in the Director's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the District Court on application and notice and on due cause shown.

The Board of Adjustment shall set a hearing on the appeal. In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Planning Department, or Administrative Hearing Officer as ought to be made, and to that end shall have all of the powers of the enforcement of this Ordinance. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination or to decide in favor of the appellant on any matter upon which it is required to pass under such ordinance.

14-2-608 APPEALS FROM THE BOARD OF ADJUSTMENT

Bountiful City or any person directly aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the date of such decision.

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[1]Amended 3/5/97 Ordinance 97-5

14-2-609 DUTIES AND POWERS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers:

A. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under provisions of this Ordinance.

B. To authorize upon appeal such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

1. literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

2. there are special circumstances attached to the property that do not generally apply to other properties in the same district;

3. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

4. the variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. the spirit of the zoning ordinance is observed and substantial justice is done.

In determining whether or not a variance should be granted the Board of Adjustment shall strictly adhere to the provisions of Section 10-9-707, Utah Code Annotated, 1953, as amended.

C. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Ordinance or of any ordinance adopted pursuant thereto.

D. To review and authorize those routine and uncontested matters which the Administrative Hearing Officer shall hear.

PART 7

ADMINISTRATIVE HEARING OFFICER

14-2-701 ADMINISTRATIVE HEARING OFFICER DESIGNATED
14-2-702 DUTIES AND POWERS
14-2-703 PROCEDURE
14-2-704 APPEALS FROM THE ADMINISTRATIVE HEARING OFFICER

14-2-701 ADMINISTRATIVE HEARING OFFICER DESIGNATED

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, the Mayor, with consent of the City Council, herewith designates and appoints the Planning Director of Bountiful City as the Administrative Hearing Officer to decide routine and uncontested matters before the Board of Adjustment related to this Ordinance.

14-2-702 DUTIES AND POWERS

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, the Board of Adjustment shall review and authorize those routine and uncontested matters which the Administrative Hearing Officer shall hear. The Board of Adjustment shall make such review and authorization at the first meeting in January of each year.

14-2-703 PROCEDURE

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, and with concurrence of the Board of Adjustment,
the following procedure is established for hearings before the Administrative Hearing Officer:

A. The Administrative Hearing Officer, upon receipt of any application for a variance, shall review said application to verify if it requires a hearing before the Board of Adjustment or will qualify for an administrative hearing.

B. If the application qualifies for an administrative hearing, the Administrative Hearing Officer shall notify the Chairman of the Board of Adjustment for concurrence that said application may be heard by the Administrative Hearing Officer.

C. Upon the concurrence of the Chairman of the Board of Adjustment, the Administrative Hearing Officer shall schedule a hearing with the applicant.

D. A notice to all property owners within five hundred (500) feet shall be sent indicating the nature of the variance request. All property owners shall be invited to submit any objections in writing within ten (10) days of the date of said notice. If any objections are received, the administrative hearing shall be cancelled and the application sent to the Board of Adjustment for a full hearing. If no objections are received, the administrative

hearing shall be held.

E. At the administrative hearing the following process shall be followed:

1. The Administrative Hearing Officer shall allow the applicant sufficient time to present their request.

2. The Administrative Hearing Officer shall ask any and all pertinent and necessary questions to answer the required findings in Section 14-2-608 of this Ordinance.

3. Upon receiving all information, the Administrative Hearing Officer may grant the variance, grant the variance with conditions, or deny the variance.

14-2-705 APPEALS FROM THE ADMINISTRATIVE HEARING OFFICER

Any person directly aggrieved by any decision of the Administrative Hearing Officer may appeal such decision to the Board of Adjustment within fifteen (15) days of the date of such decision. A Notice of Appeal shall be filed with Administrative Hearing Officer specifying the grounds of the appeal and circumstances related thereto. The Administrative Hearing Officer shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.

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 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.[1]

14-3-102 DEFINITIONS

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.

ACCESSORY IN-LAW APARTMENT[2]: A self-contained unit within a single-family dwelling to be occupied by a relative or relatives (as defined) of the principal occupant of the dwelling providing common access between units.

AGENT OF OWNER: Any person with written authority to act for the property owner.

AISLE SPACE: The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.

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.

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[1]Amended 5/14/2002 Ordinance No. 2002-08

[2]Amended 11/18/98 Ordinance No. 98-22

AMUSEMENT DEVICE: Any amusement machine or device whether mechanically or electronically operated, by means of the insertion of a coin, token, or similar object, for the purpose of amusement or skill and for the play of which a fee is charged, or a device similar to any such machine or device but which has been manufactured, altered, or modified so that operation is controlled without the insertion of coin, token or similar object. The term does not include coin operated phonographs, ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.

APARTMENT: A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.

AREA: The aggregate of the maximum horizontal cross section within given boundaries.

ARCADE: Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.

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 (½) tons capacity.

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 ½) tons capacity.

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 ½) 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.

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.

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.

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.

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.

AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

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.

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.

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.

BED AND BREAKFAST INN: (See Hotel)

BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.

BEGINNING OF CONSTRUCTION: The time of first excavation for construction.

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.

BUFFER AREA: A landscaped area intended to separate and

partially obstruct the view of two adjacent land uses or properties from one another.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.

BUILDING:[3] (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.

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.

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean level between eaves and ridge for gable, hip or gambrel roofs. *(See Figures 3-1 and 3-2 at the end of this chapter)*

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.

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 Ordinance shall be construed as constituting a principal building.

BUILDING, PUBLIC: A building owner and operated, or owned and intended to be operated by any subdivision of the Federal, State or local governments.

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.

CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.

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[3]Amended 6/26/1001 Ordinance No. 2001-10

CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

CITY COUNCIL: The duly elected City Council of Bountiful City.

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.

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.

CONDITIONAL USE: A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.

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.

CONTRACTOR'S LOT: A fenced, landscaped, illuminated open area used to store, repair or rebuild heavy duty construction equipment and construction material.

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.

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.

COVERAGE, LOT: The percent of the total lot area covered by buildings, structures and roofed areas.

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.

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.

DOMESTIC EMPLOYEE OR HELP[4]: 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 therefor, 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 themself or their 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.

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.

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.

DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.

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.

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), but not more than one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, and/or a group of not more than three (3) 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.

FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass or masonry, being no more than ten percent (10%) open.

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

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[4]Amended 4/5/2000 Ordinance No. 2000-02

motor vehicles in order to meet the parking requirements of this Ordinance, 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.

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.

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.

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.

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 five (5) feet from the wall.

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.

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.

HISTORIC BUILDINGS: Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.

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.

HOSPITAL: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

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.

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.

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.

KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.

KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking for the preparation of food.

LANDSCAPING:[5] The addition of lawns, trees, plants, and other natural decorative features to land.

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)*

LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.

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)*

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)*

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[5]Amended 11/15/95 Ordinance No. 95-23

LOT, FLAG:[6] 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)*

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 shall be provided, at each such line. *(See Figure 3-4)*

LOT, INTERIOR: A lot other than a corner lot. *(See Figure 3-4)*

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)*

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)*

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)*

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.

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.

LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line. *(See Figure 3-3)*

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.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied

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[6]Amended 4/16/97 Ordinance No. 97-7

for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

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[7] Building Code.

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.

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time this Ordinance became effective, which does not now conform to all the height, area, and yard regulations herein prescribed in the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not now conform with the use regulations of the district in which it is located.

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.

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.

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.

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[7]Amended 5/14/2002 Ordinance No. 2002-08

OUTDOOR DISPLAY:[8] 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.

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.

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, noninspected or unlicensed automobiles is prohibited except on lots approved for such purposes.

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.

PARK STRIP: That part of public property which lies between the curb and sidewalk.

PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this Ordinance without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.

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.

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.

PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State law and this Ordinance.

PRESCHOOL: An educational facility operated on a residential premises, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children under six 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,

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[8]Amended 1/22/2002 Ordinance No. 2002-02

conditional use for purposes of this Ordinance and be in compliance with all city codes and regulations of such.

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.

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).

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..

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 Ordinance.

RESIDENTIAL FACILITY FOR THE ELDERLY: A single family or multiple family dwelling that meets the requirements of Sections 10-9-501 through 504, Utah Code Annotated, 1953, as amended, and the provision of this Ordinance.

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

RETIREMENT FACILITY: A facility designed for permanent residents who are ambulatory and require no nursing care for healthy retirement age singles and couples. These facilities are not intended to provide for any in-patient care of human illness or infirmity. These facilities customarily provide recreational, educational support services, and lifestyle amenities on site for the convenience of the occupants. These facilities will be designed with a strong architectural residential character when located in residential areas. These uses generally provide their own transportation system to provide regularly scheduled service to health care facilities, shopping, church, etc.. For purposes of determining density, every three (3) beds shall constitute one (1) unit.

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

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.

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.

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.

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.

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.

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

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

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.

STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.

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.

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.

SWIMMING POOL:[9] 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.

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[9]Amended 8/23/95 Ordinance 95-19

TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.

USE: The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.

USE, PRINCIPAL: The principal use of land or structures, as distinguished from a secondary or accessory use.

VARIANCE: A minor variation in the required terms of this Ordinance, as permitted by the Board of Adjustment where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Use variances are not permitted under the terms of this Ordinance or under Utah State law.

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.

YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

YARD, FRONT[10]: 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.

YARD, REAR[11]: 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.

YARD, SIDE[12]: 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

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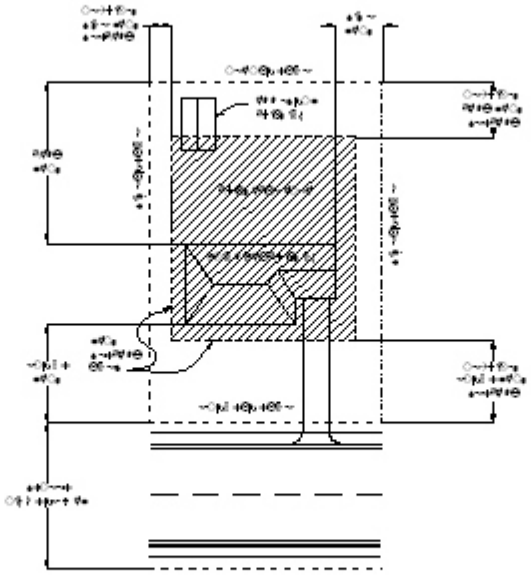
[10] Amended 3/23/04, Ordinance No. 2004-03

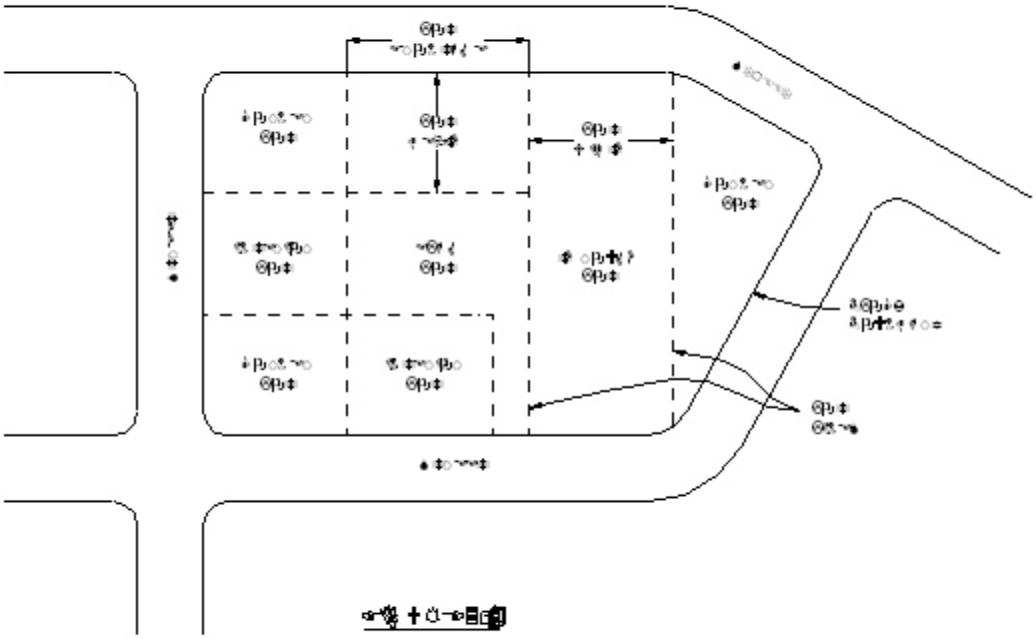
[11] Amended 3/23/04, Ordinance No. 2004-03

[12] Amended 3/23/04, Ordinance No. 2004-03

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.

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





CHAPTER 4

R-1 SINGLE FAMILY RESIDENTIAL

14-4-101 PURPOSE AND OBJECTIVES
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14-4-117 SPECIAL DUPLEX OVERLAY ZONE

14-4-101 PURPOSE AND OBJECTIVES

The Single Family Residential Zone (R-1) is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one-family detached dwellings on individual lots. This zone is characterized by attractively landscaped lots and open spaces with lawns, shrubs, and small orchards.

14-4-102 PERMITTED USES

All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached
1290[1]	Residences for persons with a disability, subject to the requirements of Section 10-9-605 of the Utah Code and Section 14-14-121 of the Bountiful Zoning Ordinance

[1]Amended 10/22/97 Ordinance No.97-31

USE NO.	USE CLASSIFICATION
4800	Utilities (lines and right-of-ways only) (Except 4850)
6730	Postal services
6811	Kindergarten schools
6812	Elementary schools
6813	Junior high schools
6814	Senior high schools
6815	Preschool Group Instruction/Day Care - In single family dwellings only with no more than eight (8) children including those residing in the dwelling.[2]
6911	Churches, synagogues, temples[3]

Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

A. Accessory buildings such as garages, carports, bath houses, private satellite antennas, private greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with the principal use or structure.

B. Private swimming pools, tennis courts, sports courts, and other similar private recreational uses.

C. Vegetable/flower gardens and noncommercial orchards.

D. Home occupations subject to the regulations of the Business Licensing procedures of Bountiful City.

E. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such use shall be permitted only during the

[2]Amended 5/19/99 Ordinance No. 99-11

[3]Amended 6/16/99 Ordinance No. 99-15

construction period and thirty (30) days thereafter.

F. Household pets as provided by the Animal Control Ordinance of Bountiful City.

G.[4] An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International[5] Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

3. Separate utility service connections shall not be allowed.

4. Common access between units shall be provided.

5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.

6. Water and sewer systems must be adequate to handle the additional unit.

7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and shall be in compliance with Chapter 18 of this ordinance.

8. A deed restriction must be filed with the County Recorder which states:

   A permit for an accessory in-law apartment was issued to _____, the current owner of this property on _____ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

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[4]Amended 11/18/98 Ordinance No. 98-22

[5]Amended 5/14/2002 Ordinance No. 2002-08

14-4-103 CONDITIONAL USES

The following uses and structures are permitted in the R-1 Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1112	Single family dwellings - attached (In approved Planned Unit Developments only)
1241[6]	Residential facility for elderly persons, subject to the conditions found in Section 10-9-501, et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance.
4711	Telephone exchange stations
4712	Telephone relay towers, microwave or other
4719	Other telephone communication
4722	Telegraph transmitting and receiving stations (only)
4729	Other telegraph communications
4732	Radio transmitting stations and relay towers
4739	Other radio communication
4742	Television transmitting stations and relay towers
4749	Other television communication
4790	Other communication
4800	Utilities (except lines and right-of-ways)
6242	Cemeteries
6720	Protective functions and related activities
6815	Preschool Group Instruction/Day Care - In single family dwellings only

[6]Amended 10/22/97 Ordinance No. 97-31

USE NO.	USE CLASSIFICATION
	with not more than twelve (12) children as per Utah State Department of Health licensing requirements, or where not more than twelve (12) children will be receiving instruction at any given time. For preschools, there shall be no more than two (2) sessions per day lasting no more than four (4) hours with no child attending more than one (1) session per day.[7]
6816	Denominational and sectarian schools
6817	Schools for handicapped
7111	Libraries
7411	Golf Courses - Public
7412	Golf Courses - Private
7413	Tennis courts - public (as part of a public park only)
7420	Playgrounds and athletic areas
7432	Swimming pools - public (as part of a public park only)
7492	Picnicking areas - public
7600	Parks

Accessory uses and buildings customarily associated with and incidental to the above (such as restrooms, concession stands, etc.).

14-4-104 LOT AREA[8]

The minimum area of any lot or parcel of land in the R-1 Zone shall be as indicated by the sub-zone in conjunction with the R-1 Zone designation. Sub-zones are designated by adding a suffix number to the R-1 Zoning symbol. Such suffix number define the minimum lot area for the sub-zone, stated in thousands of square feet. For example, a sub-zone for the R-1 Zone requiring lots or parcels to be a minimum of 8,000 square feet would be designated on the Zoning Map as "R-1-8".

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[7]Amended 5/19/99 Ordinance No. 99-11

[8]Amended 9/9/2003 Ordinance No. 2003-24

The minimum area for any lot or parcel of land in the R-1 Zone shall be as indicated below for the sub-zone in which the lot or parcel is situated:

R-1-6.5	6,500 square feet
R-1-8	8,000 square feet
R-1-10	10,00 square feet
R-1-12	12,000 square feet

14-4-105 LOT WIDTH[9]

Each lot or parcel of land in the R-1 Zone, except corner lots shall have a minimum width at the building setback line as indicated below for the sub-zone in which the lot or parcel is situated:

R-1-6.5	70 feet
R-1-8	80 feet
R-1-10	80 feet
R-1-12	80 feet

Each corner lot or parcel in the R-1 Zone shall be ten (10) feet wider than the minimum required for interior lots in the sub-zone in which it is located.

14-4-106 LOT FRONTAGE[10]

Each lot or parcel of land in the R-1 Zone shall abut a public street for a minimum distance of fifty (50) feet on a line parallel to the center of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

14-4-107 REPEALED[11]

14-4-108 LOT AREA PER DWELLING

Not more than one single family dwelling may be placed on a lot or parcel of land in the R-1 Zone.

14-4-109 YARD REQUIREMENTS[12]

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[9]Amended 9/9/2003 Ordinance No. 2003-14

[10]Amended 10/5/94 Ordinance No. 94-16

[11]Amended 8/10/2004 Ordinance No. 2004-13

[12]Amended 4/6/94 Ordinance No. 94-7

The following minimum yard requirements shall apply in the R-1 Zone:

A. Front Yard. Each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the front lot line. Except for corner lots, 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 Lots. Each interior lot or parcel of land shall have side yards as indicated below for the sub-zone in which the lot or parcel is located:

Sub-Zone	Minimum Side Yard	Total Combined Side Yards
R-1-6.5	8 feet	16 feet
R-1-8	8 feet	18 feet
R-1-10[13]	8 feet	18 feet
R-1-12	8 feet	18 feet

C. Side Yard - Corner Lots. On each corner lot or parcel of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

D. Side Yard - Driveway. When used for access to a garage, carport, or parking area, a side yard shall be wide enough to provide an unobstructed twelve (12) foot paved driveway.

E.[14] Side Yard - Accessory Building. No accessory buildings shall be allowed in any required side yard.

F. Rear Yard. Each lot or parcel shall have a rear yard of no less than twenty (20) feet.

G. Rear Yard - Irregular Lots. On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.

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[13]Amended 9/9/2003 Ordinance No. 2003-14

[14]Amended 8/23/95 Ordinance No. 95-19,10/16/96 Ordinance No. 96-13, and 1/3/2001 Ordinance No. 2001-01

H.[15] Rear Yard - Accessory Building. An accessory building may be located within three (3) feet of ~~on~~ the rear property line if:

1. It is located more than five (5) feet to the rear of any main building on the same lot on which said building is being placed.

2. It is no closer than twelve (12) feet to any dwelling on adjacent property.

3. It meets all of the provision of the International [16]Building Code.

4. It does not encroach on any easements, recorded or otherwise.

14-4-110 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, 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, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

4.[17] 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 no farther than one-half the required rear yard set-back distances, if the roof or canopy:

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[15]Amended 8/23/95 Ordinance No. 95-19 and 10/16/96 Ordinance No. 96-13

[16]Amended 5/14/2002 Ordinance No. 2002-08

[17]Amended 3/5/97 Ordinance 97-5

a. Is not more than one (1) story in height.

b. Is no longer than the width or depth of the side of the main dwelling on which it is located.

c. Is entirely open on three (3) sides except for supporting columns and customary architectural features.

Such attached structures are not allowed to project into any side yard abutting a street on a corner lot.

14-4-111 BUILDING HEIGHT[18]

No lot or parcel of land in the R-1 Zone shall have a building or structure used for dwelling which has more than two (2) stories and which exceeds a height of thirty-five (35) feet. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-4-112 DISTANCE BETWEEN BUILDINGS

The distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet. The distance between any accessory building and any dwelling shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than twelve (12) feet.

14-4-113 PERMISSIBLE LOT COVERAGE[19]

In an R-1 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. 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%), but only if the additional area provides a direct public benefit.

14-4-114 PARKING, LOADING AND ACCESS

Each lot or parcel in the R-1 Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 18 of this Ordinance. Said spaces shall be paved with asphaltic cement or concrete, and shall be provided with a paved access from a public street. Required parking spaces

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[18]Amended 9/24/97 Ordinance 97-27

[19]Amended 6/08/04 Ordinance 2004-09

shall not be provided within a required front yard, including driveways.

14-4-115 SITE PLAN APPROVAL

Site plan approval is required for any non-residential permitted or conditional use in the R-1 Zone as per Chapter 2, Part 3 of this Ordinance.

14-4-116 OTHER REQUIREMENTS

A. Signs. Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained in the R-1 Zone.

1. Signs or name plates not exceeding one (1) square foot in size and displaying only the name and address of the occupant.

2. One flat or wall sign placed on the dwelling which does not exceed one and one-half (1 ½) square feet identifying a home occupation.

3. Two temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of a particular building, property, or premises upon which displayed, and no others.

4. Signs or monuments identifying points of interest or sites of historic significance. The size of said signs or monuments shall be specifically approved by the City Council.

B. Landscaping. The following landscaping provisions shall apply in the R-1 Zone:

1. All open areas between the front line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.

2.[20] Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

C. Trash Storage.[21] No trash, garbage, refuse, unsightly or deleterious objects or structures, or use materials, shall be allowed or permitted upon any property. Storage of commercial goods or

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[20]Amended 11/15/95 Ordinance No. 95-23

[21]Amended 8/13/2002 Ordinance No. 2002-15

materials is expressly prohibited.

D. Walls and Fences. All walls and fences erected or maintained in the R-1 Zone shall comply with the provisions of Chapter 17 of this Ordinance.

E. Lot and Access Design. Single family dwelling structures located such that any part of the structure is farther than one hundred fifty (150) feet from the street as measured along the center line of a driveway or access road to the nearest point of and around the perimeter of the structure, must be approved by the Bountiful Fire Chief prior to a building permit being issued. Single family structures, located farther than two hundred (200) feet from the nearest public street as measured from the public street along the centerline of the driveway or access road to the nearest point of the structure, must be granted an exception from the City Council prior to a building permit being issued. In no event shall such exception be granted beyond five hundred (500) feet from the public street as measured along the center line of the driveway or access road to the nearest point of the structure. The following conditions are conditions precedent to the granting of such an exception:

1. A recommendation from the Planning Commission that such an exception be granted.

2. An access road or driveway shall be provided which meets the following standards:

    a. 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 ½) 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.

    b. Width. 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.

    c. Turn-arounds, Curves and Turns. 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[22] Fire Code and in accordance with the minimum requirements of Figure 13-1.

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 13-4.

If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 13-2.

d. Distance to Buildings. Any 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.

e. Maximum Grade. The maximum grade for access roads or driveways shall be fifteen (15) percent as measured along the centerline of the access road or driveway.

f. Signs. Property owners shall be required to 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 ½) inch block lettering with one-half (½) inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".

g. Water System for Fire Protection. The property owner or possessor of the premises shall be responsible for establishing 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.

Lots shall not 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.

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[22]Amended 5/14/2002 Ordinance No. 2002-08

h. 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[23] Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Bountiful City 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.

i. Easements. The property owner shall grant unto the City an easement along the court and full width of the access road or driveway permitting access to City emergency and service vehicles and inspection personnel. In addition, the property owner shall grant unto the City a utility easement extending from the public street to the fire hydrant and having a minimum width of twenty (20) feet for the purpose of use, operation, maintenance and repair of such hydrants and water line. (Figure 13-3)

3. All of the required improvements shall be installed at the lot or property owner's expense.

4. All single-family dwelling structures shall have installed at the time of construction and continuously maintained, a pressure interior fire protection sprinkling system that complies with the minimum standards of the Uniform Building Code and the Uniform Fire Code.

14-4-117 REPEALED[24]

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[23]Amended 5/14/2002 Ordinance No. 2002-08

[24]Amended 3/23/2004 Ordinance No. 2004-03

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CHAPTER 5

R-2 TWO-FAMILY RESIDENTIAL

14-5-101 PURPOSE AND OBJECTIVES
14-5-102 PERMITTED USES
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14-5-101 PURPOSE AND OBJECTIVES

The Two-Family Residential Zone (R-2) is established to provide a residential environment within the City which is characterized by attractively landscaped single-family and two-family residential lots and structures. This zone is intended to have a residential density slightly higher than the R-1 Zone, but to maintain a residential character comparable to that of a single-family residential area with large landscaped front yards. Representative uses in this zone are one and two family dwellings, home occupations, parks, playgrounds, schools, and churches.

14-5-102 PERMITTED USES

All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached
1121	Two Family Dwelling (Duplex)

USE NO.	USE CLASSIFICATION
1241[1]	Residential facility for elderly persons, subject to the conditions of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance.
1290[2]	Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance.
4800	Utilities (lines and right-of-ways only) (Except 4850)
6730	Postal services
6811	Kindergarten schools
6812	Elementary schools
6813	Junior high schools
6814	Senior high schools
6815	Preschool Group Instruction/Day Care - In single family dwelling units or duplex units with adequate, accessible outside play areas with no more than eight (8) children including those residing in the dwelling.[3]
6911	Churches, synagogues, temples[4]

Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

A. Accessory buildings such as garages, carports, bath houses, private satellite antennas, private greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with the principal use or structure.

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[1]Amended 10/22/97 Ordinance No. 97-31

[2]Amended 10/22/97 Ordinance No. 97-31

[3]Amended 5/19/99 Ordinance No. 99-11

[4]Amended 6/16/99 Ordinance No. 99-15

B. Private swimming pools, tennis courts, sports courts, and other similar private recreational uses.

C. Vegetable/flower gardens and noncommercial orchards.

D. Home occupations subject to the regulations of the business licensing procedures of Bountiful City.

E. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is 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.

F. Household pets as provided by the Animal Control Ordinance of Bountiful City.

G.[5] An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International[6] Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

3. Separate utility service connections shall not be allowed.

4. Common access between units shall be provided.

5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.

6. Water and sewer systems must be adequate to handle the additional unit.

7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and

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[5]Amended 11/19/98 Ordinance No. 98-22

[6]Amended 5/14/2002 Ordinance No. 2002-08

shall be in compliance with Chapter 18 of this ordinance.

8. A deed restriction must be filed with the County Recorder which states:

   A permit for an accessory in-law apartment was issued to _____, the current owner of this property on _____ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

14-5-103 CONDITIONAL USES

The following uses and structures are permitted in the R-2 Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1112	Single family dwellings - attached (In approved Planned Unit Developments only)
4711	Telephone exchange stations
4712	Telephone relay towers, microwave or other
4719	Other telephone communication
4722	Telegraph transmitting and receiving stations (only)
4729	Other telegraph communications
4732	Radio transmitting stations and relay towers
4739	Other radio communication
4742	Television transmitting stations and relay towers
4749	Other television communication
4790	Other communication
4800	Utilities (except lines and right-of-ways)
6242	Cemeteries

USE NO.	USE CLASSIFICATION
6720	Protective functions and related activities
6815	Preschool Group Instruction/Day Care - In single family dwellings only with not more than twelve (12) children as per Utah State Department of Health licensing requirements, or where not more than twelve (12) children will be receiving instruction at any given time. For preschools, there shall be no more than two (2) sessions per day lasting no more than four (4) hours with no child attending more than one (1) session per day.[7]
6816	Denominational and sectarian schools
6817	Schools for handicapped
7111	Libraries
7411	Golf Courses - Public
7412	Golf Courses - Private
7413	Tennis courts - public (as part of a public park only)
7420	Playgrounds and athletic areas
7432	Swimming pools - public (as part of a public park only)
7492	Picnicking areas - public
7600	Parks

Accessory uses and buildings customarily associated with and incidental to the above (such as restrooms, concession stands, etc.).

14-5-104 LOT AREA

The minimum area of any lot or parcel of land in the R-2 Zone shall be six thousand five hundred (6,500) square feet for single family dwellings and ten thousand (10,000) square feet for two-family dwellings.

[7]Amended 5/19/99 Ordinance No. 99-11

14-5-10 LOT WIDTH[8]

Each lot or parcel of land in the R-2 Zone, except corner lots, shall have a minimum width of seventy (70) feet for single family dwellings and eighty (80) feet for two family dwellings at the building setback line.

Each corner lot or parcel shall be ten (10) feet wider than the minimum required for interior lots.

14-5-106 LOT FRONTAGE[9]

Each lot or parcel of land in the R-2 Zone shall abut a public street for a minimum distance of forty-five (45) feet on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

14-5-107 REPEALED[10]

14-5-108 LOT AREA PER DWELLING

Not more than one detached single family dwelling, or one two-family dwelling (duplex) shall be placed upon each lot or parcel of land in the R-2 Zone.

14-5-109 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the R-2 Zone:

A. Front Yard. Each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the front lot line.

B. Side Yard - Interior Lots. Each interior lot or parcel of land shall have a minimum side yard of eight (8) feet with a total combined of sixteen (16) feet.

C. Side Yard - Corner Lots. On each corner lot or parcel of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

D. Side Yard - Driveway. When used for access to a garage, carport, or parking area, a side

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[8]Amended 2/23/94 Ordinance No. 94-3

[9]Amended 10/5/94 Ordinance No. 94-16

[10]Amended 8/10/2004 Ordinance No. 2004-13

yard shall be wide enough to provide an unobstructed twelve (12) foot paved driveway.

E.[11] Side Yard - Accessory Building. No accessory buildings shall be allowed in any required side yard.

F. Rear Yard. Each lot or parcel shall have a rear yard of no less than twenty (20) feet.

G. Rear Yard - Irregular Lots. On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corner of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.

H.[12] Rear Yard - Accessory Building. An accessory building may be located within three (3) feet of ~~on~~ the rear property line if:

1. It is located more than five (5) feet to the rear of any main building on the same lot on which said building is being placed.

2. It is no closer than twelve (12) feet to any dwelling on an adjacent property.

3. It meets all of the provision of the International[13] Building Code.

4. It does not encroach on any easements, recorded or otherwise.

14-5-110 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:

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[11]Amended 8/23/95 Ordinance No. 95-19,10/16/96 Ordinance No. 96-13, and 1/3/2001 Ordinance No. 2001-01

[12]Amended 8/23/95 Ordinance No. 95-19 and 10/16/96 Ordinance No. 96-13

[13]Amended 5/14/2002 Ordinance No. 2002-08

1. Cornices, eaves, 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, awnings, and planter boxes or masonry planters exceeding twenty-four (24) inches in height.

4.[14] 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 farther than one-half the required rear yard set-back distances, if the roof or canopy:

   a. Is not more than one story in height.

   b. Is no longer than the width or depth of the side of the main dwelling on which it is located.

   c. Is entirely open on three sides except supporting columns and customary architectural features.

   Such attached structures are not allowed to project into any side yard abutting a street on a corner lot.

14-5-111 BUILDING HEIGHT[15]

No lot or parcel of land in the R-2 Zone shall have a building or structure used for dwelling which has more than two (2) stories and which exceeds a height thirty-five (35) feet. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-5-112 DISTANCE BETWEEN BUILDINGS

The distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet. The distance between any accessory building and any dwelling shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than twelve (12) feet.

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[14]Amended 3/5/97 Ordinance 97-5

[15]Amended 9/24/97 Ordinance 97-27

14-5-113 PERMISSIBLE LOT COVERAGE[16]

In an R-2 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. 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%), but only if the additional area provides a direct public benefit.

14-5-114 PARKING, LOADING AND ACCESS

Each lot or parcel in the R-2 Zone shall have on the same lot or parcel offstreet parking sufficient to comply with Chapter 18 of this Ordinance. Said spaces shall be paved with asphaltic cement or concrete, and shall be provided with a paved access from a public street. Required parking spaces shall not be provided within a required front yard, including driveways.

14-5-115 SITE PLAN APPROVAL

Site plan approval is required for any non-residential permitted or conditional use in the R-2 Zone as per Chapter 2, Part 3 of this Ordinance.

14-5-116 OTHER REQUIREMENTS

A. Signs. Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained in the R-2 Zone.

1. Signs or name plates not exceeding one (1) square in size and displaying only the name and address of the occupant.

2. One flat or wall sign placed on the dwelling which does not exceed one and one-half (1 ½) square feet identifying a home occupation.

3. Two temporary signs with a maximum area of six square feet each, pertaining to the sale, lease, or of the particular building, property, or premises which displayed, and no others.

4. Signs or monuments identifying points of interest or sites of historic significance. The size of said or monuments shall be specifically approved by the City Council.

B. Landscaping. The following landscaping provisions shall apply in the R-2 Zone:

1. All open areas between the front line and the rear of the main building, except driveways, parking walkways, utility areas, improved decks, patios, porches, etc., shall

[16]Amended 6/08/2004 Ordinance 2004-09

be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.

2.[17] Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

C. Trash Storage.[18] No trash, garbage, refuse, unsightly or deleterious objects or structures, or use materials, shall be allowed or permitted upon any property. Storage of commercial goods or materials is expressly prohibited.

D. Walls and Fences. All walls and fences erected or maintained in the R-2 Zone shall comply with the provisions of Chapter 17 of this Ordinance.

E.[19] Lot and Access Design. Single family dwelling structures located such that any part of the structure is farther than one hundred fifty (150) feet from the street as measured along the center line of a driveway or access road to the nearest point of and around the perimeter of the structure, must be approved by the Bountiful Fire Chief prior to a building permit being issued. Single family structures, located farther than two hundred (200) feet from the nearest public street as measured from the public street along the centerline of the driveway or access road to the nearest point of the structure, must be granted an exception from the City Council prior to a building permit being issued. In no event shall such exception be granted beyond five hundred (500) feet from the public street as measured along the center line of the driveway or access road to the nearest point of the structure. The following conditions are conditions precedent to the granting of such an exception:

1. A recommendation from the Planning Commission that such an exception be granted.

2. An access road or driveway shall be provided which meets the following standards:

   a. 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 ½) 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

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[17]Amended 11/15/95 Ordinance No. 95-23

[18]Amended 8/13/2002 Ordinance No. 2002-15

[19]Amended 1/3/2001 Ordinance 2001-01

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.

b. Width. 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.

c. Turn-arounds, Curves and Turns. 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[20] Fire Code and in accordance with the minimum requirements of Figure 13-1.

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 13-4.

If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 13-2.

d. Distance to Buildings. Any 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.

e. Maximum Grade. The maximum grade for access roads or driveways shall be fifteen (15) percent as measured along the centerline of the access road or driveway.

f. Signs. Property owners shall be required to 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 ½) inch block lettering with one-half (½) inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".

g. Water System for Fire Protection. The property owner or possessor of the premises shall be responsible for establishing 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

[20]Amended 5/14/2002 Ordinance No. 2002-08

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.

Lots shall not 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.

h. 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[21] Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Bountiful City 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.

i. Easements. The property owner shall grant unto the City an easement along the court and full width of the access road or driveway permitting access to City emergency and service vehicles and inspection personnel. In addition, the property owner shall grant unto the City a utility easement extending from the public street to the fire hydrant and having a minimum width of twenty (20) feet for the purpose of use, operation, maintenance and repair of such hydrants and water line. (Figure 13-3)

3. All of the required improvements shall be installed at the lot or property owner's expense.

4. All single-family dwelling structures shall have installed at the time of construction and continuously maintained, a pressure interior fire protection sprinkling system that complies with the minimum standards of the International Building Code and the

[21]Amended 5/14/2002 Ordinance No. 2002-08

International Fire Code.[22]

14-5-117 ZERO LOT LINE DEVELOPMENT AND CONVERSIONS

Zero lot line developments or conversions may be permitted by a Conditional Use Permit granted by the Planning Commission in the R-2 Zone under the following provisions:

A. Lots in New Subdivisions. In new subdivisions of more than ten (10) lots, not more than fifty percent (50%) of the total lots may be developed as zero lot line dwellings.

B. Lots not in Subdivisions. Platted, approved, undeveloped lots not in new subdivisions may be developed singly as zero lot line dwellings.

C. Existing Duplex Conversions. Existing duplexes may be converted to separate ownership for zero lot line dwellings, provided both sides of the conversion meet minimal lot size requirements. All appropriate building code requirements for condominium construction shall apply.

D. Development Standards.

1. Lot Frontage and Width. Each zero lot line dwelling lot shall have a minimum frontage on a public street and a minimum width at the front setback line of forty (40) feet.

2. Minimum Lot Size. The minimum lot size for each zero lot line dwelling in the R-2 Zone shall be five thousand (5,000) square feet.

3. Yard Regulations.

a. Front Yard. The front yard setback shall be the same as is required for the R-2 Zone.

b. Side Yard. The side yard setback shall be at least twenty percent (20%) of the lot frontage, or ten (10) feet, whichever is greater. On corner lots, the zero side yard shall never occur on the street side.

c. Rear Yard. The rear yard setback shall be the same as is required for the R-2 Zone.

4. Lot Coverage. No more than fifty percent (50%) of the lot may be occupied by a zero lot line dwelling and any accessory buildings.

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[22]Amended 5/14/2002 Ordinance No. 2002-08

5. Building Height. Zero lot line dwellings shall have a maximum building height of thirty-five (35) feet.

6. Openings on the Zero Lot Side. On detached buildings, no windows, doors, or other openings shall be allowed on the zero lot line side.

7. Parking. A minimum of two (2) off-street parking spaces shall be provided for each zero lot line dwelling.

8. Lots Bordering Standard Lots. Where a zero lot line lot borders a standard, non-zero lot line lot, the zero lot line side shall be opposite the abutting lot line.

CHAPTER 6
R-3 MULTIPLE FAMILY RESIDENTIAL

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14-6-101 PURPOSE AND OBJECTIVES[1]

The Multiple Family Residential Zone (R-3) 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.

14-6-102 PERMITTED USES

All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached
1121	Two Family Dwelling (Duplex)

[1]Amended 3/23/2004 Ordinance No. 2004-03

USE NO.	USE CLASSIFICATION
1131	Multiple Family Dwelling
1141	Apartments (low-rise)
1241	Residential facility for elderly persons, subject to the conditions found in Section 10-9-504, Utah Code Annotated, 1953 as amended.
1290	Residential facility for handicapped persons, subject to the conditions found in Section 10-9-604, Utah Code Annotated, 1953 as amended.
4800	Utilities (lines and right-of-ways only) (Except 4850)
6730	Postal services
6811	Kindergarten schools
6812	Elementary schools
6813	Junior high schools
6814	Senior high schools
6815	Preschool Group Instruction/Day Care - In single family dwelling units or multiple family dwellings units with adequate, accessible play areas with no more than eight (8) children, including those residing in the dwelling.[2]
6911	Churches, synagogues, temples[3]

Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

A. Accessory buildings such as garages, carports, bath houses, private satellite antennas, private greenhouses, gardening sheds, recreation rooms and similar which are customarily used in conjunction with the principal use or structure.

B. Private swimming pools, tennis courts, sports and other similar private recreational uses.

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[2]Amended 5/9/99 Ordinance No. 99-11

[3]Amended 6/16/99 Ordinance No. 99-15

C. Vegetable/flower gardens and noncommercial orchards.

D. Home occupations subject to the regulations of the Business Licensing procedures of Bountiful City.

E. Storage of materials used for construction of building, including the contractor's temporary office, provided that such use is 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.

F Household pets as provided by the Animal Control Ordinance of Bountiful City.

G.[4] An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International[5] Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

3. Separate utility service connections shall not be allowed.

4. Common access between units shall be provided.

5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.

6. Water and sewer systems must be adequate to handle the additional unit.

7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and shall be in compliance with Chapter 18 of this ordinance.

8. A deed restriction must be filed with the County Recorder which states:

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[4]Amended 11/19/98 Ordinance No. 98-22

[5]Amended 5/14/2002 Ordinance No. 2002-08

A permit for an accessory in-law apartment was issued to _____, the current owner of this property on _____ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

14-6-103 CONDITIONAL USES

The following uses and structures are permitted in the R-3 Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1112	Single family dwellings - attached (In approved Planned Unit Developments only)
4711	Telephone exchange stations
4712	Telephone relay towers, microwave or other
4719	Other telephone communication
4722	Telegraph transmitting and receiving stations (only)
4729	Other telegraph communications
4732	Radio transmitting stations and relay towers
4739	Other radio communication
4742	Television transmitting stations and relay towers
4749	Other television communication
4790	Other communication
4800	Utilities (except lines and right-of-ways)
6242	Cemeteries
6516	Convalescent and rest home services (Lodging and meals offered with full time medical staff. Does not include sanitariums or asylums.)

USE NO.	USE CLASSIFICATION
6815	Preschool Group Instruction/Day Care - In single family dwellings only with not more than twelve (12) children as per Utah State Department of Health licensing requirements, or where not more than twelve (12) children will be receiving instruction at any given time. For preschools, there shall be no more than two (2) sessions per day lasting no more than four(4) hours with no child attending more than one(1) session per day.[6]
6720	Protective functions and related activities
6816	Denominational and sectarian schools
6817	Schools for handicapped
7111	Libraries
7413	Tennis courts - public (as part of a public park only)
7420	Playgrounds and athletic areas
7432	Swimming pools - public (as part of a public park only)
7492	Picnicking areas - public
7600	Parks

Accessory uses and buildings customarily associated with and incidental to the above (such as restrooms, concession stands, etc.).

14-6-104 LOT AREA[7]

The minimum area for any lot or parcel of land in the R-3 Zone be as follows:

1. Six thousand five hundred (6,500) square feet for each single family dwelling.

2. Ten thousand (10,000) square feet for each duplex.

3. For structures with three (3) or more units, a minimum lot size of 10,000 square feet, with

[6]Amended 5/19/99 Ordinance No. 99-11

[7]Amended 8/10/2004 Ordinance No. 2004-13

an overall density as outlined in Section 14-6-107 of this Chapter.

14-6-105 LOT WIDTH[8]

Each lot or parcel of land in the R-3 Zone, except corner lots, shall have a minimum width of seventy (70) feet at the building setback line for each single family dwelling. For multiple family dwellings, the lot width shall be as indicated below for the sub-zone in which it is situated.

R-3-13	80 foot minimum
R-3-16	80 foot minimum
R-3-25	90 foot minimum

For each single family dwelling or duplex, each corner lot or parcel shall be ten (10) feet wider than the minimum required for interior lots.

14-6-106 LOT FRONTAGE[9]

Each lot or parcel of land in the R-3 Zone shall abut a public street for a minimum distance of forty-five (45) feet on a line parallel to the center of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

14-6-107 LOT AREA PER DWELLING[10,11]

Density for more than two units on any lot or parcel in the R-3 Zone shall be as indicated by the sub-zone used in conjunction with the R-3 Zone designation. Sub-zones are designated by adding a suffix number to the R-3 Zoning symbol indicating units per acre of density. Where the calculation results in a fraction, the number of units will be rounded downward to the next whole number below .49 and rounded upward to the next whole number at .50 or above.

Allowable densities for any lot or parcel in the R-3 Zone are as indicated below by the sub-zone in which it is situated:

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[8]Amended 2/23/94 Ordinance No. 94-3

[9]Amended 10/5/94 Ordinance No. 94-16

[10]Amended 3/23/04 Ordinance No. 2004-03

[11]Amended 8/10/04 Ordinance No. 2004-13

Sub-Zone	Allowable Density
All R-3 Sub Zones	9 units per acre on lots less than one acre in size.
R-3-13	13 units per acre upon a one acre minimum lot.
R-3-16	16 units per acre upon a one acre minimum lot.
R-3-25	25 units per acre upon a two acre minimum lot.

14-6-108 VEHICLE ACCESS[12]

Projects less than one acre in size may have only one vehicle access onto a public street, unless otherwise restricted. Projects of one acre or larger must have a circulatory type driveway system with two vehicle accesses, one of which may be shared with an adjoining development. All driveway systems in multi-family projects must be designed so that vehicles do not back onto a public street. All driveway areas shall comply with Chapter 18, Off-Street Parking and Vehicle Access Standards.

14-6-109 YARD REQUIREMENTS[13]

(a) 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 site dimensions and configuration, it is possible that proportionality and yard requirements may prevent the utilization to the maximum number of units that may otherwise be permitted by this ordinance in Section 14-6-107 or elsewhere.

The yard requirements set forth in this section are intended to create proportionality, and they set the standard requirements. However, taking into account the individual dimensions and configurations of the site, the Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement to vary somewhat from the standard, but only upon a showing by the applicant that the proportionality requirement is fulfilled even with the requested variation.

(b) The following minimum yard requirements shall apply in the R-3 Zone:

A. Front Yard.[14] For each single family dwelling or each lot or parcel shall have a front yard setback of not less than thirty feet from the from lot line. Front yards for all

[12]Amended 8/10/2004 Ordinance No. 2004-13

[13]Amended 3/23/2004 Ordinance No. 2004-03

[14]Amended 3/23/2004 Ordinance No. 2004-03

multiple family unit developments shall have a front yard setback of not less than thirty feet unless the City Council permits a different setback to conform with the neighborhood. Parking for multi-family units cannot be located in the front yard setback.

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 and must meet Front Yard requirements.

B. Side Yard - Interior Lots.[15] For each single dwelling or duplex, each interior lot or parcel of land shall have a minimum side yard of eight feet with a total combined measurement of at least sixteen feet. Side yards for all multiple family unit developments shall have a minimum side yard of eight feet with a total combined measurement of at least sixteen feet.

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

(a) the Front Yard requirement measured from the lot line adjacent to the public right of way remains in effect;
(b) the area from the front of the building to any property line shall also be considered a Front Yard and must meet the setback requirements of a Front Yard;
(c) the Rear Yard requirement measured from the back of the lot remains in effect, and
(d) the ends/sides of the building do not become sideyards.

C. Side Yard - Corner Lots. On each corner lot or of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

D. Side Yard - Driveway. When used for access to a garage, carport, or parking area, a side yard shall be wide enough to provide an unobstructed twelve (12) foot driveway.

E.[16] Side Yard - Accessory Building. No accessory buildings shall be allowed in any required side yard.

F. Rear Yard.[17] For each single family dwelling or each lot or parcel shall have a rear yard of no less than twenty feet. Rear yards for all multiple family unit development shall be

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[15]Amended 3/23/2004 Ordinance No. 2004-03

[16]Amended 1/3/2001 superseding Ordinance No. 96-13

[17]Amended 3/23/2004 Ordinance No. 2004-03

no less than twenty feet.

G. Rear Yard- Irregular Lots. On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.

H.[18] Rear Yard - Accessory Building. An accessory building may be located within three (3) feet of the rear property line if:

1. It is located more than five (5) feet to the rear of any main building on the same lot on which said building is being placed.

2. It is no closer than twelve (12) feet to any dwelling on adjacent property.

3. It meets all of the provision of the International[19] Building Code.

4. It does not encroach on any easements, recorded or otherwise.

14-6-110 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, belt courses, sills, buttresses, other similar architectural features.

2. Fireplace structures and bays, provided that they not wider than eight (8) feet, measured generally parallel to the wall of which they are a part.

3. Stairways, balconies, door stoops, fire awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

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[18]Amended 10/15/96 Ordinance No. 96-13 superseding Ordinance No. 95-19

[19]Amended 5/14/2002 Ordinance No. 2002-08

4. 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 farther than one-half the required rear yard set-back distances, if the roof or canopy:

   a. Is not more than one (1) story in height.

   b. Is no longer than the width or depth of the side of the main dwelling on which it is located.

   c. Is entirely open on three (3) sides except supporting columns and customary architectural features.

   Such structures are not allowed to project into any side yard abutting a street on a corner lot.

14-6-111 BUILDING HEIGHT

No lot or parcel of land in the R-3 Zone shall have a building or structure used for dwelling which exceeds a height of two (2) stories or thirty-five (35) feet whichever is greater. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-6-112 DISTANCE BETWEEN BUILDINGS

For single family dwellings and duplexes, the distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet. The distance between any accessory building and any dwelling shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than twelve (12) feet.

For multiple family unit developments, the distance between structures on the same lot or project shall not be less than twenty (20) feet.

14-6-113 PERMISSIBLE LOT COVERAGE[20]

In an R-3 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. 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%), but only if the additional area provides a direct public benefit.

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[20]Amended 6/08/2004 Ordinance 2004-09

14-6-114 PARKING, LOADING AND ACCESS[21]

Except as otherwise provided in Chapter 18, the number of paved off-street parking spaces for multiple family residential developments will be as follows:

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 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.

At least one of the parking spaces required above shall be a designated covered parking stall for each dwelling unit.

The Planning Commission may require more off-street parking to accommodate parking for recreational vehicles. This additional requirement must be based upon, but not limited to, the following criteria:

A. Size of development
B. Size of individual units
C. Number of individual units
D. Market value of individual units
E. Occupancy mix of individual units.

Parking areas shall be designed so as to provide adequate buffering from dwelling units both on the subject property and adjacent properties. Such buffering shall be accomplished by: (1) distributing parking areas around the site to create smaller areas of off-street parking; (2) providing landscaped berms at appropriate locations; and (3) providing landscaped island areas to break up large asphalt areas.

14-6-115 SITE PLAN APPROVAL

Site plan approval is required for any multiple family developments, non-residential permitted or conditional uses in the R-3 Zone as per Chapter 2, Part 3 of this Ordinance.

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[21]Amended 8/6/97 Ordinance No. 97-23 and 5/14/2002 Ordinance No. 2002-08

14-6-116 OTHER REQUIREMENTS[22]

A Signs. Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained in the R-3 Zone.

1. Signs or name plates not exceeding one (1) square in size and displaying only the name and address of the occupant.

2. One flat or wall sign placed on the dwelling which does not exceed one and one-half (1 ½) square feet identifying a home occupation.

3. One sign or name plate not exceeding twenty (20) feet placed upon the building or ornamental masonry wall which identifies the name and/or address of an apartment structure or complex.

4. Two temporary signs with a maximum area of six square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no others.

5. Signs or monuments identifying points of interest sites of historic significance. The size of said signs or monuments shall be specifically approved by the City Council.

B. Landscaping. The following landscaping provisions shall apply in the R-3 Zone:

1. All open areas between the front line and the rear of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.

2. All landscaping must be sprinkled and planted 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.

3. Landscaping adjacent to R-1 or R-2 zoning will require minimum buffer of ten (10) feet.

4. Landscaping adjacent to off-street parking within yard area will require a minimum landscaped area of five (5) feet providing it does not abut R-1 or R-2 zoning.

5. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick,

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[22]Amended 8/6/97 Ordinance No. 97-23

stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

6. Landscaping must cover at least forty (40)) percent the development site.

C. Structure Design and Materials.

1. Exteriors shall be essentially 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. All units shall have some private outdoor space in the form of balconies or patios.

D. Neighborhood Compatibility.

1. Buildings shall be designed with compatibility to adjacent residential development, particularly with regard to building height, architecture, landscaping, and building mass.

2. All perimeter setbacks shall be equal to or greater than the average of the surrounding setbacks.

3. All perimeter buildings shall be equal to the average height of the adjacent structures. Such perimeter buildings may increase one (1) foot in height for each one (1) foot of extra setback beyond the average of the surrounding setbacks to a maximum of thirty-five (35) feet.

E. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the R-3 Zone:

1.[23] No trash, garbage, refuse, unsightly or deleterious objects or structures, or use materials, shall be allowed or permitted upon any property. Storage of commercial goods or materials is expressly prohibited.

2. A screened or otherwise enclosed area will be as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area.

F. Walls and Fences.

1. All walls and fences erected and maintained in the R-3 Zone shall be of a maintenance free material and shall comply with the provisions of Chapter 17 of this Ordinance.

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[23]Amended 8/13/2002 Ordinance 2002-15

G.[24] Lot and Access Design. Single family dwelling structures located such that any part of the structure is farther than one hundred fifty (150) feet from the street as measured along the center line of a driveway or access road to the nearest point of and around the perimeter of the structure, must be approved by the Bountiful Fire Chief prior to a building permit being issued. Single family structures, located farther than two hundred (200) feet from the nearest public street as measured from the public street along the centerline of the driveway or access road to the nearest point of the structure, must be granted an exception from the City Council prior to a building permit being issued. In no event shall such exception be granted beyond five hundred (500) feet from the public street as measured along the center line of the driveway or access road to the nearest point of the structure. The following conditions are conditions precedent to the granting of such an exception:

1. A recommendation from the Planning Commission that such an exception be granted.

2. An access road or driveway shall be provided which meets the following standards:

   a. 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 ½) 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.

   b. Width. 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.

   c. Turn-arounds, Curves and Turns. 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[25] Fire Code and in accordance with the minimum requirements of Figure 13-1.

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[24]Amended 1/3/2001 Ordinance 2001-01

[25]Amended 5/14/2002 Ordinance No. 2002-08

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 13-4.

If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 13-2.

d. Distance to Buildings. Any 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.

e. Maximum Grade. The maximum grade for access roads or driveways shall be fifteen (15) percent as measured along the centerline of the access road or driveway.

f. Signs. Property owners shall be required to 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 ½) inch block lettering with one-half (½) inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".

g. Water System for Fire Protection. The property owner or possessor of the premises shall be responsible for establishing 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.

Lots shall not 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.

h. 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[26] Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Bountiful City 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.

i. Easements. The property owner shall grant unto the City an easement along the court and full width of the access road or driveway permitting access to City emergency and service vehicles and inspection personnel. In addition, the property owner shall grant unto the City a utility easement extending from the public street to the fire hydrant and having a minimum width of twenty (20) feet for the purpose of use, operation, maintenance and repair of such hydrants and water line. (Figure 13-3)

3. All of the required improvements shall be installed at the lot or property owner's expense.

4. All single-family dwelling structures shall have installed at the time of construction and continuously maintained, a pressure interior fire protection sprinkling system that complies with the minimum standards of the International Building Code and the International[27] Fire Code.

14-6-117 ZERO LOT LINE DEVELOPMENT AND CONVERSIONS

Zero lot line development or conversions may be permitted by Conditional Use Permit granted by the Planning Commission in the R-3 Zone under the following provisions:

A. Lots in New Subdivisions. In new subdivisions of more than ten (10) lots, not more than fifty percent (50%) of the total lots may be developed as zero lot line dwellings.

B. Lots not in Subdivisions. Platted, approved, undeveloped lots not in new subdivisions may be developed singly as zero lot line dwellings.

C. Existing Duplex Conversions. Existing duplexes may be converted to separate

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[26]Amended 5/14/2002 Ordinance No. 2002-08

[27]Amended 5/14/2002 Ordinance No. 2002-08

ownership for zero lot line dwellings, provided both sides of the conversion meet minimal lot size requirements. All appropriate building code requirements for condominium construction shall apply.

D. Development Standards.

1. Lot Frontage and Width. Each zero lot line dwelling lot shall have frontage on a public street and a minimum width at the front setback line of forty (40) feet.

2. Minimum Lot Size. The minimum lot size for each zero lot line dwelling in the R-3 Zone shave be five thousand (5,000) square feet.

3. Yard Regulations.

   a. Front Yard. The front yard setback shall be the same as is required for the R-3 Zone.

   b. Side Yard. The side yard setback shall be at least twenty percent (20%) of the lot frontage, or ten (10) feet, whichever is greater. On corner lots, the zero side yard shall never occur on the street side.

   c. Rear Yard. The rear yard setback shall be the same as is required for the R-3 Zone.

4. Lot Coverage. No more than fifty percent (50%) of the lot may be occupied by a zero lot line dwelling and any accessory buildings.

5. Building Height. Zero lot line dwellings shall have a maximum building height of thirty-five (35) feet.

6. Openings on the Zero Lot Side. On detached buildings, no windows, doors, or other openings shall be allowed on the zero lot line side.

7. Parking. A minimum of two (2) off-street parking spaces shall be provided for each zero lot line dwelling.

8. Lots Bordering Standard Lots. Where a zero lot line lot borders a standard, non-zero lot line lot, the zero lot line side of any dwelling shall be opposite the abutting lot line.

14-6-118 SPECIAL PROVISIONS FOR DEVELOPMENT OF MULTIPLE-FAMILY UNITS ON LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX

STRUCTURES[28]

A. The combining of existing single family or duplex residential structures with new multi-family residential structures on the same parcel of land is prohibited on parcels of land smaller than two acres in size.

B. The combining of existing single family or duplex residential structures with new multi-family residential structures on the same parcel of land two (2) acres or larger in size is a conditional use. In addition to conditional use permit requirements, any such development is subject to the following restrictions:

1. The existing single family or duplex structure must have a side yard of sufficient width for the installation of the necessary driveway and landscape buffer as required by Section 14-6-116 (B) and 14-18-109 (B) of this Ordinance and by the Uniform Fire Code.

2. A new multi-family site plan shall be developed and submitted for review and approval by the Planning Commission and City Council under the provisions of Part 3 of Chapter 2 of this Ordinance. The new site plan shall be appropriate and proportional to the entire parcel and shall meet one of the following circumstances:

   a.[29] If the owner/developer wishes to maintain the existing single family or duplex structure in a single family or duplex residential use, the existing structure must first either meet all applicable standards of the International Building Code and other ordinances and codes, or be brought up to those standards. If this cannot be accomplished for any reason, then the structure must be demolished prior to the construction of any multi-family units. If this can be accomplished, the existing structure may remain, and the following requirements shall apply to the project:

      (1) In calculating the multi-family residential requirements of this Chapter, the lot area required for a single family dwelling or for a duplex (as the case may be) as specified in Section 14-6-104 of this Chapter shall be deducted from the area of the total parcel to be developed.

      (2) Required front, side and rear yards for the existing single family or duplex structure, as specified in Section 14-6-109, shall be used as the minimum separation requirements between the multi-family units and the existing structure.

      (3) Parking for the multi-family units shall not be provided in any front, side or rear yard maintained for the existing single family or duplex structure.

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[28]Amended 9/9/98 Ordinance No. 98-17

[29]Amended 5/14/2002 Ordinance No. 2002-08

(4) Landscaping for the entire project shall be proportional to all of the units, so that all of the units may benefit from the landscaping. No front, side or rear yard maintained for the existing single family or duplex structure may be counted towards meeting the minimum landscaping percentage required under this Chapter for the new multi-family units.

(5) Except for the front yard setback (which shall be twenty (20) feet from any existing single family or duplex structure), all requirements of this Chapter for multi-family development shall be applied to the remaining area of the parcel.

b. If the owner/developer wishes to maintain the existing single family or duplex structure and add to and remodel it in order to the develop the parcel to the maximum allowable density, the following requirements shall apply to the project:

(1) The existing single family or duplex structure must be converted to a minimum of three (3) units so as to constitute a multi-family use.

(2) The structure shall be remodeled and upgraded so as to be architecturally similar to and compatible with any new multi-family structures to be placed on the property.

(3) The existing, remodeled structure shall meet all applicable standards of the International[30] Building Code and other ordinances and codes.

(4) Landscaping for the entire project shall be proportional to all of the units so that all of the units may benefit from landscaping. It is not permitted that a disproportionate amount of landscaping benefit the existing, remodeled structure and that the new multi-family units enjoy relatively little landscaping.

(5) The multi-family development requirements of this Chapter shall apply to the entire property, and all existing on-site improvements such as driveways, parking, landscaping, etc., shall comply with or be brought up to standards of the requirements of this Chapter.

[30]Amended 5/14/2002 Ordinance No. 2002-08

CHAPTER 7[1]

PLANNED UNIT DEVELOPMENT

14-7-101 PURPOSE
14-7-102 CONDITIONAL USE PERMIT REQUIRED
14-7-103 DEVELOPMENT REQUIREMENTS
14-7-104 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS
14-7-105 REVIEW BY THE PLANNING COMMISSION
14-7-106 SCOPE OF PLANNING COMMISSION ACTION
14-7-107 SUBDIVISION APPROVAL REQUIRED
14-7-108 CONSTRUCTION LIMITATIONS

14-7-101 PURPOSE

The purpose of planned unit developments is to allow diversification in the relationship of commercial, office and/or residential uses and structures to their sites and to permit a more flexible development of such sites through large-scale site planning. The application of planned unit development concepts is intended to encourage good architectural and site design, to use public facilities efficiently, to avoid development of environmentally sensitive areas, and to insure substantial compliance with the intent of zoning regulations and other provisions of this Ordinance related to public health, safety and general welfare.

A planned unit development shall mean an integrated design for commercial, office and/or residential development or combination thereof in which one or more of the regulations, other than use regulations of the zoning district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan in compliance with the provisions and requirements of this Chapter.

Planned unit developments are not to be used solely for the purpose of increasing the residential density of a development or avoiding compliance with the requirements of the Subdivision Ordinance. Any planned unit development proposed and approved under this Chapter must show an overall benefit to the environment through the consolidation of open spaces and preservation of environmentally sensitive lands through the clustering dwelling units, the efficient use of public facilities, and any other measures which make the most efficient use of the site and enhance the quality of the development.

Planned unit developments shall be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

14-7-102 CONDITIONAL USE PERMIT REQUIRED

Commercial planned unit development may be allowed in C-G, C-R, C-H, and Hospital

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[1]Amended 2/17/2004 Ordinance No. 2004-02

zones. Commercial and office planned unit developments may be allowed in C-G, C-R, and Hospital zones only. Mixed use developments of commercial, office and residential uses may be allowed in C-R zones only. Residential planned unit developments may be allowed in all R-1, R-2, and R-3 zones. All planned unit developments shall be considered as conditional uses requiring a conditional use permit. A Conditional Use Permit for a planned unit development shall not be granted unless the planned unit development meets the use limitations, density, and other limitations of the zoning district in which it is to be located, except as such requirements as may be modified as provided by this Chapter or by zoning district regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the Subdivision and Zoning Ordinance, except as modifications thereof are specifically authorized in the approval of the application for a planned unit development.

The Conditional Use Permit shall be considered in three parts:

1. Conceptual approval to determine the overall desirability and/or compatibility of the Planned Unit Development.

2. Preliminary approval subject to the conditions of notification of surrounding property owners in the normal conditional use process.

3. Final approval based on detailed drawings and specifications in general accord with the preliminary approval and any attached conditions.

14-7-103 DEVELOPMENT REQUIREMENTS

A The minimum land area required for development of a planned unit development shall be as follows:

PUD Type	Minimum Acres
Commercial (in C-R, C-G, C-H and Hospital Zones)	8
Commercial/Office Mixed Use (in C-G, C-R and Hospital Zones)	6
Commercial/Office/Residential Mixed Use (in C-R Zone only)	4
Residential (in all R-1, R-2, R-3 and R-F Zones)	6

B. A planned unit development proposed to contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment. For the purposes of this Chapter, single-family attached dwellings such as townhouses and row houses or zero lot line lots, shall be considered single-family dwellings and may be permitted in a planned unit development in the R-1-6.5 zones. In R-1-8, R-1-10, R-1-12 and R-F single-family residential zones, only detached, single-family dwellings shall be allowed in any planned unit development. Hotels, motels, lodges, mobile home parks, boarding

houses or Bed and Breakfast facilities shall not be considered residential uses for the purposes of this Chapter.

C. The development site shall be in single, partnership, or corporate ownership, or under option to purchase by an individual, partnership, or corporate entity at the time of application or the application shall be filed jointly by all owners of the property.

D. The Planning Commission may require such arrangements of structures and open spaces within the site development plan, as necessary, to assure that adjacent properties will not be adversely affected.

E. Density allowed for a residential planned unit development shall be as follows:

1 . 2.5 units per acre in the R-F zone where the minimum lot size as determined by slope is 20,000 square feet; 0.5 units per acre where the minimum lot size as determined by slope is 2 acres; and 0.2 units per acre where the minimum lot size as determined by slope is 5 acres.

2 . 6 units per acre in R-1-8 zones.

3 . 7 units per acre in R-1-6.5 zones.

4 . 9 units per acre in R-2 zones.

5 . 13 units per acre in R-3-13 zones.

6 . 16 units per acre in R-3-16 zones.

7 . 25 units per acre in R-3-25 zones.

F. Lot area, lot width, setback, and coverage regulations shall be determined by the Conditional Use Permit and approval of the site plan.

G. Landscaping, fencing and screening related to the uses within the site shall be used as a means of integrating the proposed development into its surroundings and shall be planned and presented to the Planning Commission for approval together with other required plans for the development. Every effort shall be made to preserve all existing trees and substantial shrubs on a development site.

H. A planting plan, showing proposed tree and shrubbery plantings, shall be prepared for the entire site as part of the landscaping and fencing plans.

I. 1. Common open space, accessible to all lots or units, equal to a minimum of forty percent (40%) of the gross area of the development site shall be provided in all residential planned unit developments. No streets, driveways, or parking areas

may be included as part of the required open space.

2. Open space and landscaping equal to a minimum of fifteen percent (15%) of the gross area of the development site shall be provided in all commercial and commercial/office mixed use planned unit developments.

J. Preservation, maintenance and ownership of required open space within a residential planned unit development shall be accomplished by:

1. Dedication of the land as a public park or parkway system.

2. Granting to Bountiful City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a Homeowner's Association established with articles of association and by-laws which are satisfactory to Bountiful City.

3. Creation of a separate corporation for home owners by which common area shall be owned and maintained.

4. Compliance with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.

K. A grading and drainage plan shall be submitted with the application.

L. An overall signage and lighting plan shall be submitted for commercial and mixed use planned unit developments to include all free standing, ground, wall, identification and directional signs and all lighting proposed for the parking lot and outdoor pedestrian areas.

M. An overall traffic circulation and parking plan shall be submitted to include all points of ingress and egress to the site, the traffic circulation pattern and its effects on adjoining streets, and parking stalls meeting the requirements of Chapter 18 of this Ordinance.

14-7-104 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS

The applicant shall submit a planned unit development site plan for the total area within the proposed development. The application shall be accompanied by a planned unit development site plan showing, where pertinent:

A. The use or uses, dimensions, sketch elevations, building materials and locations of proposed structures.

B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, and public uses such as playgrounds, landscaped open areas, and other open spaces.

C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses.

D. An analysis of potential impacts on traffic and public utilities shall be provided.

E. Such other pertinent information including, but not limited to, residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

F. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting shall be described in the application. Final approval for signs may be granted as part of the Conditional Use Permit. Any changes to the approved signage and lighting plan must be reviewed and approved by the Planning Commission.

G. A landscaping plan showing proposed trees, shrubbery and other plantings.

H. Building materials and colors.

14-7-105 REVIEW BY THE PLANNING COMMISSION

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it may deem appropriate) be met by the applicant:

A. That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed development.

B. That the proponents intend to start construction within one (1) year of the approval of the project and intend to complete said construction within two (2) years from the date construction begins for residential planned unit development and within three (3) years from the date construction begins for commercial and commercial/office mixed use developments.

C. That application for the planned unit development conforms to the provisions of this Ordinance and the Bountiful General Plan in terms of general location, use of land, and in standards of development.

D. That the planned unit development will constitute a commercial, mixed use or

residential environment of sustained desirability and stability through the use of creative design, landscaping which exceeds minimum requirements in Chapter 16 of this Ordinance, high quality building materials, improved off-street parking facilities, energy efficient construction methods and is in harmony with the character of the neighborhood and the community.

14-7-106 SCOPE OF PLANNING COMMISSION ACTION

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

A. Site and building plans for a planned unit development shall be prepared by a licensed architect or engineer duly licensed to do such work in the State of Utah.

B. Control of the design of a planned unit development by the Planning Commission should not be so rigidly exercised that individual initiative is stifled and substantial additional expense is incurred by the developer; rather, minimum control should be exercised as necessary to achieve the purpose of this Chapter.

C. The Planning Commission shall also observe those principles stated in Chapter 2, Part 3 of this Ordinance, Architectural and Site Plan Review, as are appropriate to the review of a planned unit development.

D. The Planning Commission may approve, approve with conditions, or disapprove an application for a planned unit development. In approving an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes of this Chapter. The denial of an application for a planned unit development by the Planning Commission may be appealed to the City Council under the provisions of appeal under Conditional Use Permits in Section 14-2-207 of this Ordinance. All planned unit developments require approval by the City Council. However, no additional public hearing shall be required for such City Council approval.

14-7-107 SUBDIVISION APPROVAL REQUIRED

A subdivision plat shall be reviewed and approved for planned unit developments in which parts thereof are intended for transfer of fee title. In such cases, the granting of a Conditional Use Permit does not constitute final approval of a planned unit development. Following such conditional use approval, the planned unit development must be submitted for and given preliminary and final subdivision approvals by the Planning Commission and City Council. Such approvals, however, may be done simultaneously with the granting of the Conditional Use Permit.

14-7-108 CONSTRUCTION LIMITATIONS

A. Upon approval of a planned unit development, construction shall proceed only in

accordance with the plans and specifications approved by the Planning Commission and City Council and in conformity with any conditions attached by them in their approvals.

B. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedure herein outlined for initial approval of a planned unit development.

C. The Building Inspector, Planning Director, and any other City departments authorized to issue permits, shall not issue any permit for any proposed building, structure, activity or use with the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

14-7-109 EXCEPTION

For purposes of name only, condominium developments that grant fee title ownership of the ground may use the name of "planned unit development" even if it does not meet the requirements of this chapter. However, the use of the name does not make such a project a planned unit development as defined by this chapter or under State law.

CHAPTER 8[1]

C-G GENERAL COMMERCIAL

14-8-101 PURPOSE AND OBJECTIVES
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14-8-103 CONDITIONAL USES
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14-8-105 LOT WIDTH
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14-8-115 SITE PLAN APPROVAL
14-8-116 OTHER REQUIREMENTS

14-8-101 PURPOSE AND OBJECTIVES

The General Commercial (C-G) Zone is established to provide a district primarily for the accommodation of commercial uses and commercial areas throughout the City where a combination of businesses, commercial, entertainment and related activities may be established and maintained.

14-8-102 PERMITTED USES

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the C-G Zone:

USE NO.	USE CLASSIFICATION
1111[2]	Single Family Dwelling - Detached (Existing units only)

[1]Amended 8/6/97 Ordinance No. 97-23

[2]Amended 11/12/97 Ordinance No. 97-32

USE NO.	USE CLASSIFICATION
1121[3]	Two Family Dwelling (Duplex) (Existing units only)
1131[4]	Multiple Family Dwelling (Existing units only)
1141[5]	Apartments (low-rise)(Existing units only)
4700	Communications
4800	Utilities (lines and right-of-way only)
5220	Heating and plumbing equipment
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance materials
5256	Swimming pool supplies
5310	Shopping centers/department stores
5320	Mail order houses
5330	Variety stores
5390	Retail trade - general merchandise
5400	Food stores (except 5412)
5600	Apparel and accessories

[3]Amended 11/12/97 Ordinance No. 97-32

[4]Amended 11/12/97 Ordinance No. 97-32

[5]Amended 11/12/97 Ordinance No. 97-32

USE NO.	USE CLASSIFICATION
5700	Furniture, home furnishings, and equipment
5810	Eating places
5910	Drug and proprietary
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5970	Jewelry
5984	Ice dealers (automated machines or pick up stations only)
5990	Miscellaneous retail trade
6100	Finance, insurance, and real estate. (Except 6123, 6124, 6141)
6213	Dry cleaning
6216	Self-service laundries
6218	Rug cleaning and repair
6220	Photographic services
6230	Beauty and barber services
6250	Apparel repair, alteration, and cleaning
6291	Clothing rental
6292	Costume rental
6299	Other personal services
6310	Advertising services
6320	Consumer credit reporting services
6330	Duplicating, mailing, stenographic, and office services
6340	Dwelling and building services (except 6342, 6345 - office only)

USE NO.	USE CLASSIFICATION
6350	News syndicate services
6360	Employment services
6493	Watch, clock, jewelry repair, engraving
6496	Locksmiths and key shops
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6500	Professional services (except 6513,6516)
6600	Contract construction services (office only)
6700	Governmental services (except 6714, 6740, 6750, 6770)
6900	Miscellaneous service organizations
7391[6]	Arcades

Accessory buildings which are customarily used in conjunction with and are incidental to the principal uses and structures allowed in the C-G Zone.

14-8-103 CONDITIONAL USES[7]

The following uses and structures are permitted in the C-G Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1511	Hotels
1512	Motels
2710	Newspaper publishing and printing

[6]Amended 11/18/98 Ordinance No. 98-22

[7]Amended 8/10/2004 Ordinance No. 2004-13

2742	Commercial printing (only related to retail sales of printed products)

USE NO.	USE CLASSIFICATION
4210	Bus transportation (except 4214)
4290	Motor vehicle transportation
4600	Automobile parking (lots not associated with a specific business)
4800	Utilities (except lines and rights-of-way)
5120	Drugs, chemicals, and allied products (except 5123, 5129)
5130	Dry goods and apparel
5140	Groceries and related products
5160	Electrical goods
5170	Hardware, plumbing, heating equipment and supplies
5181	Commercial and industrial machinery, equipment and supplies
5183	Professional equipment and supplies
5184	Equipment and supplies for service establishments
5186	Office machinery, equipment and accessories
5189	Other machinery, equipment and accessories
5196	Paper, paper products, and kindred supplies
5197	Furniture - commercial home furnishings
5198	Lumber and construction materials (no outside storage)
5199	Other wholesale trade
5211	Lumberyards (no outside storage)
5212	Building materials (no outside storage)
5313	Surplus stores (no outside storage)

5340	Merchandise vending machine operators

USE NO.	USE CLASSIFICATION
5350	Direct selling organizations
5412	Convenience stores (7-11, Circle K type facilities)
5510	Motor vehicle sales
5520	Automobile accessories (except tire re-capping and vulcanizing)
5530	Service stations
5590	Automotive, marine crafts, and accessories
5820	Drinking places
5920	Liquor, package (State stores)
5930	Antiques and secondhand merchandise (except 5935, 5939)
5960	Garden supplies
6123	Pawnbrokers
6124	Bail bonds
6141	Surety bail bond
6241	Funeral home
6256	Locker clubs
6296	Massage establishments (must meet all the requirements of Chapter 8, Title 5, Bountiful City Code)
6299	Personal services (wedding chapels and reception center only)
6381	Auction house
6394	Equipment rental and leasing services
6397	Automobile, truck and trailer rentals

USE NO.	USE CLASSIFICATION
6410	Automobile repair services (except 6412)
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths
6800	Educational services
7100	Cultural activities and nature exhibits
7211	Amphitheaters
7212	Motion picture theaters (indoors)
7214	Legitimate theaters
7219	Other entertainment assembly
7220	Sports assembly (except 7223, 7224)
7230	Public assembly
7392	Miniature golf
7395	Card rooms
7396	Dance halls, ballrooms
7397	Billiard and pool halls
7398	Auto racing, miniature (slot cars)
7414	Ice skating
7415	Roller skating
7417	Bowling alleys
7419	Other sports activities (indoor only)
7425	Gyms, athletic clubs, spas

USE NO.	USE CLASSIFICATION
7490	Recreation
7606	Parks
8221	Veterinarian services (providing operation is completely enclosed within an air-conditioned building; no outside kennels)
8222	Animal hospital services

14-8-104 LOT AREA

There shall be no minimum lot area requirements in the C-G Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

14-8-105 LOT WIDTH

There shall be no minimum lot area requirements in the C-G Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

14-8-106 LOT FRONTAGE

Each lot or parcel of land in the C-G Zone shall have frontage on a public street for a minimum distance of fifty (50) feet.

14-8-107 REPEALED[8]

14-8-108 AREA OF ZONE

Each single C-G Zone zoning district shall contain a minimum of two (2) acres except those existing, previously developed commercial facilities and areas to which the C-G Zone is applied at the time of application of this zone.

14-8-109 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the C-G Zone:

A. Front Yard. Each lot or parcel of land shall have front yard of not less than twenty (20) feet, except in areas developed prior to the establishment of this zone, the front yard shall be equal to the average existing front yards on all parcels of property along the block face in which a building or structure is to be located, except that no commercial building

[8]Amended 8/10/2004 Ordinance No. 2004-13

shall be located closer than twenty-five (25) feet to any residential district boundary line or to any street line that continues as a frontage into a residential district. The first ten (10) feet of property except for drive approaches shall be landscaped as herein described.

B. Side Yard. Except as provided in subsections "C" "D", each lot or parcel of land shall have a side yard of at least twenty-five (25) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the side property line abuts a commercial or industrial zone.

C. Side Yard - Corner Lots. On corner lots, the side contiguous with the street shall be treated the same as a front yard.

D. Side Yard - Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

1. An accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire retardant rating.

2. The accessory building has facilities for discharge of all roof drainage onto the lot or parcel on which it is erected.

E. Rear Yard. There shall be no rear yard except as may be dictated by provisions on the International[9] Building Code.

F. Rear Yard - Accessory Building. Same requirements for Side Yard - Accessory Building.

14-8-110 PROJECTIONS INTO YARDS

A. The following structures may be erected on, or project into any required yard, except into a required driveway:

1. Fences and walls in conformance with City codes ordinances.

2. Landscaping elements, including trees, shrubs, and 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, except that required driveways shall remain unobstructed from the ground upward:

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[9]Amended 5/14/2002 Ordinance No. 2002-08

1. Cornices, eaves, belt courses, sills, buttresses, 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. Carports and loading docks in a side yard or rear provided that such a structure is not more than one (1) story in height and is entirely open on at least (3) sides, except for necessary supporting columns and customary architectural features.

14-8-111 BUILDING HEIGHT

In the C-G Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall not exceed forty-five (45) feet except for towers, chimneys, and other structures not intended for human occupancy.

14-8-112 DISTANCE BETWEEN BUILDINGS

No requirements except as may be dictated by the International[10] Building Code and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.

14-8-113 PERMISSIBLE LOT COVERAGE

No requirements except as may be dictated by yard requirements, landscaping requirements, compliance with off-street parking provisions, and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.

14-8-114 PARKING, LOADING, AND ACCESS

Each lot or parcel in the C-G Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 18 of this Ordinance. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage as approved by the City Engineer.

Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.

14-8-115 SITE PLAN APPROVAL

Site plan approval shall be required for any permitted or conditional use in the C-G Zone as per

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[10]Amended 5/14/2002 Ordinance No. 2002-08

Chapter 2, Part 3 of this Ordinance.

14-8-116 OTHER REQUIREMENTS

A. Signs. All signs erected in the C-G Zone shall be in conformance with the sign provisions of Chapter 19 of this Ordinance.

B. Uses Within Buildings.[11] All permitted and conditional uses established in the C-G Zone shall be conducted entirely within a fully enclosed building except for the outdoor display of merchandise for sale subject to the following conditions:

1. Outdoor Display of merchandise for sale. Outdoor display of merchandise for sale shall be allowed as an accessory use for all permitted and approved conditional uses in the C-G Zone where the display of such items does not impede the flow of pedestrian or vehicular traffic, or create an unsafe condition. The display of goods shall meet all of the following conditions:

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. This shall not include hazardous and flammable materials, such as antifreeze, kerosene, poisons, pesticides and other similar items.

d. The aggregate outdoor display area shall not exceed 25 percent of the linear frontage of the store front or 10 linear feet, whichever is greater. Businesses located on a corner shall be considered as having two store fronts.

e. No outdoor display shall exceed six feet in height.

f. A maximum of 50% 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 normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.

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[11]Amended 1/22/2002 Ordinance No. 2002-02

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 14 days provided such special displays do not create parking, access or traffic hazards.

C. Landscaping. The following landscaping provisions shall apply in the C-G Zone as may be appropriate under the requirements of Chapter 15 of this Ordinance:

1. Ten (10) feet of landscaping shall be required along frontage areas not occupied by drive accesses.

2. All landscaping must be sprinkled and planted 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.

3. Landscaping adjacent to residential zoning will a minimum buffer of ten (10) feet.

4. Landscaping adjacent to off-street parking within yard area will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.

5. Parking areas shall be landscaped where possible the periphery and at the ends of parking rows.

6.[12] Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between the sidewalk and curb is prohibited.

7. Approved landscaping must cover a minimum of ten percent of the development site exclusive of any parkstrips in the public right-of-way.

D. Trash Storage. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.

Each development in the C-G Zone shall be required to have adequate on-site, screened refuse and trash containers maintained in a location approved as part of the site plan.

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[12]Amended 11/15/95 Ordinance No. 95-23

CHAPTER 9[1]

C-R COMMERCIAL/RESIDENTIAL MIXED USE

14-9-101 PURPOSE AND OBJECTIVES
14-9-102 PERMITTED USES
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14-9-119 SPECIAL PROVISIONS FOR DEVELOPMENT OF MULTIPLE-FAMILY UNITS ON LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX STRUCTURES[2]

14-9-101 PURPOSE AND OBJECTIVES[3]

The Commercial/Residential (C-R) 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. However, this zone is not intended to reduce the amount of existing commercial, retail and office uses in the downtown area by allowing the conversion of such uses to residential uses.

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[1]Added to the Zoning Ordinance 4/3/96 Ordinance No. 96-3

[2]Amended 8/6/97 Ordinance No. 97-23

[3]Amended 9/9/2003 Ordinance No. 2003-14

14-9-102 PERMITTED USES[4]

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the C-R Zone:

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached (existing only)
1121	Two Family Dwelling (Duplex) (existing only)
1131	Multiple Family Dwelling (existing only)
1141	Apartments (low-rise) (existing only)
1241	Residential facility for elderly persons, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance. (existing only)
1290	Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance. (existing only)
4700	Communications
4800	Utilities (lines and right-of-way only)
5220	Heating and plumbing equipment
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance materials
5256	Swimming pool supplies

[4]Amended 9/9/2003 Ordinance No. 2003-14

USE NO.	USE CLASSIFICATION
5310	Shopping centers/department stores
5320	Mail order houses
5330	Variety stores
5390	Retail trade - general merchandise
5400	Food stores (except 5412)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places
5910	Drug and proprietary
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5970	Jewelry
5990	Miscellaneous retail trade
6100	Finance, insurance, and real estate. (Except 6123, 6124, 6141)
6213	Dry cleaning
6216	Self-service laundries
6218	Rug cleaning and repair
6220	Photographic services
6230	Beauty and barber services
6250	Apparel repair, alteration, and cleaning
6291	Clothing rental
6292	Costume rental

USE NO.	USE CLASSIFICATION
6299	Other personal services
6310	Advertising services
6320	Consumer credit reporting services
6330	Duplicating, mailing, stenographic, and office services
6340	Dwelling and building services (except 6342, 6345 - office only)
6350	News syndicate services
6360	Employment services
6493	Watch, clock, jewelry repair, engraving
6496	Locksmiths and key shops
6500	Professional services (except 6513, 6516)
6600	Contract construction services (office only)
6700	Governmental services (except 6714, 6740, 6750, 6770)
6900	Miscellaneous service organizations
7391	Arcades

Accessory buildings which are customarily used in conjunction with and are incidental to the principal uses and structures allowed in the C-R Zone.

An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

3. Separate utility service connections shall not be allowed.

4. Common access between units shall be provided.

5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.

6. Water and sewer systems must be adequate to handle the additional unit.

7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and shall be in compliance with Chapter 18 of this ordinance.

8. A deed restriction must be filed with the County Recorder which states:

   A permit for an accessory in-law apartment was issued to _____, the current owner of this property on _____ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

14-9-103 CONDITIONAL USES[5]

The following uses and structures are permitted in the C-R Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached (new developments)
1121	Two Family Dwelling (Duplex) (new developments)
1131	Multiple Family Dwelling (new developments)
1141	Apartments (low-rise) (new developments)
1160	Apartments for the Elderly (under the provisions of Section 14-9-117 of this Chapter)
1241	Residential facility for elderly persons, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the

[5]Amended 9/9/2003 Ordinance No. 2003-14

USE NO.	USE CLASSIFICATION
	Bountiful Zoning Ordinance. (new developments)
1290	Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance. (new developments)
1511	Hotels
1512	Motels
2742	Commercial printing (only related to retail sales of printed products)
4210	Bus transportation (except 4214)
4290	Motor vehicle transportation
4600	Automobile parking (lots not associated with a specific business)
4800	Utilities (except lines and rights-of-way)
5130	Dry goods and apparel
5140	Groceries and related products
5160	Electrical goods
5170	Hardware, plumbing, heating equipment and supplies
5183	Professional equipment and supplies
5186	Office machinery, equipment and accessories
5196	Paper, paper products, and kindred supplies
5197	Furniture - commercial home furnishings
5198	Lumber and construction materials (no outside storage)
5199	Other wholesale trade
5211	Lumberyards (no outside storage)
5212	Building materials (no outside storage)

USE NO.	USE CLASSIFICATION
5313	Surplus stores (no outside storage)
5340	Merchandise vending machine operators
5350	Direct selling organizations
5412	Convenience stores (7-11, Circle K type facilities)
5510	Motor vehicle sales
5520	Automobile accessories (except tire re-capping and vulcanizing)
5530	Service stations
5590	Automotive, marine crafts, and accessories
5820	Drinking places
5920	Liquor, package (State stores)
5930	Antiques and secondhand merchandise (except 5935, 5939)
5960	Garden supplies
6241	Funeral home
6256	Locker clubs
6296	Massage establishments (must meet all the requirements of Chapter 8, Title 5, Bountiful City Code)
6299	Personal services (wedding chapels and reception center only)
6394	Equipment rental and leasing services
6397	Automobile, truck and trailer rentals
6410	Automobile repair services (with new or used care dealerships only)
6420	Electrical appliance repair
6494	Furniture repair

USE NO.	USE CLASSIFICATION
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6513	Hospitals
6516	Convalescent and rest home services. (Lodging and meals offered with full time medical staff. Does not include sanitariums or asylums.)
6800	Educational services
7100	Cultural activities and nature exhibits
7211	Amphitheaters
7212	Motion picture theaters (indoors)
7214	Legitimate theaters
7219	Other entertainment assembly
7230	Public assembly
7425	Gyms, athletic clubs, spas

14-9-104 LOT AREA

A. Commercial Uses and Mixed Use Developments. There shall be no minimum lot area requirements for commercial uses in the C-R Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

B. Residential Uses. The minimum area for any residential lot or parcel of land in the C-R Zone shall be as follows:

1. Six thousand five hundred (6,500) square feet for each single family dwelling.

2. ten thousand (10,000) square feet for each duplex.

3. Density for more than two units on any lot or parcel in the C-R Zone shall be sixteen (16) units per acre.

14-9-105 LOT WIDTH[6]

A. Commercial Uses and Mixed Use Developments. There shall be no minimum lot width requirements in the C-R Zone except as may be dictated by off-street parking requirements, adequate circulation and property site utilization.

B. Residential Uses.

Each lot or parcel of land in the C-R Zone, except corner lots, shall have a minimum width of seventy (70) feet at the building setback line for each single family dwelling. Each single family dwelling or duplex corner lot or parcel shall be ten (10) feet wider than the minimum required for interior lots. For multiple family dwellings, the lot width shall be a minimum width of 80 feet.

14-9-106 LOT FRONTAGE

Each lot or parcel of land in the C-R Zone shall have frontage on a public street for a minimum distance of fifty (50) feet.

14-9-107 REPEALED[7]

14-9-108 AREA OF ZONE

The area of the C-R Zone is defined as that area between 500 South on the south, 400 North on north, 100 East on the east, and 100 West on the west which was zoned General Commercial (C-G) as of January 1, 1996. The zone shall not be expanded or changed beyond those boundaries.

14-9-109 YARD REQUIREMENTS[8]

A. Commercial Uses and Mixed Use Developments.

B. Residential Uses.

(a) 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 site dimensions and configuration, it is possible that proportionality and yard requirements may prevent the utilization to the maximum

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[6]Amended 9/9/2003 Ordinance No. 2003-14

[7]Amended 8/10/2004 Ordinance No. 2004-13

[8]Amended 3/23/04 Ordinance No. 2004-03

number of units that may otherwise be permitted by this ordinance in Section 14-9-109 or elsewhere.

The yard requirements set forth in this section are intended to create proportionality, and they set the standard requirements. However, taking into account the individual dimensions and configurations of the site, the Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement to vary somewhat from the standard.

(b) The following minimum yard requirements shall apply to residential uses in the C-R Zone:

1 Front Yard. For each single family dwelling or duplex, each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the from lot line. Front yards for all multiple family unit developments will be determined by site plan review. shall have a front yard setback of not less than thirty feet unless the City Council permits a different setback to conform with the neighborhood. Parking for mutli-family units cannot be located in the front yard setback.

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.

2 Side Yard - Interior Lots. For each single dwelling or duplex, each interior lot or parcel of land shall have a minimum side yard of eight (8) feet with a total combined measurement of at least sixteen (16) feet. Side yards for all multiple family unit developments will be determined site plan review. shall have a minimum side yard of eight feet with a total combined of sixteen feet.

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), then

(a) the Front Yard requirement measured from the lot line adjacent to the public right of way remains in effect;
(b) the area from the front of the building to any property line shall also be considered a Front Yard and must meet the setback requirements of a Front Yard;
(c) the Rear Yard requirement measured from the back of the lot remains in effect, and
(d) the ends/sides of the building do not become sideyards.

3. Side Yard - Corner Lots. On corner lots, the side contiguous with the street shall be treated the same as a front yard.

4. Side Yard - Accessory Building. No accessory building shall be allowed in any required side yard.

5. Rear Yard. There shall be no rear yard requirement except as may be dictated by provisions on the International Building Code.

6. Rear Yard - Accessory Building. Same requirements for Side Yard - Accessory Building.

B. Residential Uses. The following minimum yard requirements shall apply to residential uses in the C-R Zone:

1 Front Yard. For each single family dwelling or duplex, each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the from lot line. Front yards for all multiple family unit developments will be determined by site plan review.

2 Side Yard - Interior Lots. For each single dwelling or duplex, each interior lot or parcel of land shall have a minimum side yard of eight (8) feet with a total combined of sixteen (16) feet. Side yards for all multiple family unit developments will be determined site plan review.

3. Side Yard - Corner Lots. On each corner lot or of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

4. Side Yard - Driveway. When used for access to a garage, carport, or parking area, a side yard shall be wide enough to provide an unobstructed twelve (12) foot driveway.

5. Side Yard - Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

a. The accessory building is located more than five (5) feet to the rear of any main building on same lot or the lot adjacent to the property line on which said building is being placed.

b. The accessory building has no openings on the which is contiguous to the property line, and is of one-hour fire resistance construction on said side.

c. The accessory building has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

d. The accessory building is no closer than (12) feet to any dwelling or commercial structure on adjacent property.

An accessory building which is more than five (5) feet to the rear of a main building, but which does not conform to the above conditions, shall have a side yard of at least three (3) feet. All other accessory buildings shall maintain the same side yard as a main building.

6 Rear Yard. For each single family dwelling or duplex, each lot or parcel shall have a rear yard of no less than twenty (20) feet. Rear yards for all multiple family unit development will be determined by site plan review.

7. Rear Yard- Irregular Lots. On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.
8. Rear Yard - Accessory Building. An accessory building may be located on the rear property line so long as:

    a. It has no openings on the side which is contiguous to the rear property line, and is of one-hour fire-resistant construction on said side.

    b. The accessory building has facilities for discharge of all roof drainage onto the subject lot or parcel of land.

    An accessory building which does not meet the conditions shall be at least three (3) feet from the rear property line.

14-9-110 PROJECTIONS INTO YARDS

A. The following structures may be erected on, or project into any required yard, except into a required driveway:

1. Fences and walls in conformance with City codes ordinances.

2. Landscaping elements, including trees, shrubs, and 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, except that required driveways shall remain unobstructed from the ground upward:

1. Cornices, eaves, belt courses, sills, buttresses, 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. Carports and loading docks in a side yard or rear provided that such a structure is not more than one (1) story in height and is entirely open on at least (3) sides, except for necessary supporting columns and customary architectural features.

14-9-111 BUILDING HEIGHT

In the C-R Zone, the height of every commercial building or structure hereinafter designed, erected or structurally altered or enlarged shall not exceed forty-five (45) feet. No residential building or structure in the C-R Zone shall have a height which exceeds two (2) stories or thirty-five (35) feet

whichever is greater. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-9-112 DISTANCE BETWEEN BUILDINGS[9]

A. Commercial Uses and Mixed Use Developments. No requirements except as may be dictated by the International Building Code and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.

B. Single Family and Duplex Residential Uses. For single family dwellings and duplexes. the distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet. The distance between any accessory building and any dwelling on the same lot shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than twelve (12) feet.

C. Multiple Family Residential Uses. For multiple family unit developments, the distance between structures on the same lot or project shall not be less than twenty (20) feet.

14-9-113 PERMISSIBLE LOT COVERAGE[10]

A. Commercial Uses and Mixed Use Developments. No requirements except as may be dictated by yard requirements, landscaping requirements, compliance with off-street parking provisions, and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.

B. Residential Uses. 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.

14-9-114 PARKING, LOADING, AND ACCESS[11]

A. Commercial Uses. Each lot or parcel shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 18 of this Ordinance. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage as approved by the City Engineer.

B. Residential Uses. Except as otherwise provided in Chapter 18, the number of paved off-street parking spaces for residential developments will be as follows:

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[9]Amended 9/9/2003 Ordinance No. 2003-14

[10]Amended 9/9/2003 Ordinance No. 2003-14

[11]Amended 9/9/2003 Ordinance No. 2003-14

1. for single family dwellings and duplexes, 2 spaces per unit.

2. for multiple family developments:

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 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.

The Planning Commission may require more off-street parking to accommodate parking for recreational vehicles. This additional requirement must be based upon, but not limited to, the following criteria:

A. Size of development
B. Size of individual units
C. Number of individual units
D. Market value of individual units
E. Occupancy mix of individual units.

In multiple family developments, parking areas shall be designed so as to provide adequate buffering from dwelling units both on the subject property and adjacent properties. Such buffering shall be accomplished by: (1) distributing parking areas around the site to create smaller areas of off-street parking; (2) providing landscaped berms at appropriate locations; and (3) providing landscaped island areas to break up large asphalt areas.

C. Mixed Use Developments. An overall parking plan shall be determined by site plan review and be subject to any conditions required by the Planning Commission or City Council as part of the granting of Site Plan approval.

14-9-115 SITE PLAN APPROVAL[12]

Except for single family dwellings and duplexes, site plan approval shall be required for any permitted or conditional use or mixed use developments in the C-R Zone as per Chapter 2, Part 3 of this Ordinance.

14-9-116 OTHER REQUIREMENTS

[12]Amended 9/9/2003 Ordinance No. 2003-14

A. Signs.

1. Commercial Uses. All signs erected in the C-R Zone shall be in conformance with the sign provisions of Chapter 19 of this Ordinance.

2. Residential Uses. Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained on residential uses in the C-R Zone:

   a. Signs or name plates not exceeding one (1) square in size and displaying only the name and address of the occupant.

   b. One flat or wall sign placed on the dwelling which does not exceed one and one-half (1 ½) square feet identifying a home occupation.

   c. One sign or name plate not exceeding twenty (20) feet placed upon the building or ornamental masonry wall which identifies the name and/or address of an apartment structure or complex.

   d. Two temporary signs with a maximum area of six square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no others.

   e. Signs or monuments identifying points of interest sites of historic significance. The size of said signs or monuments shall be specifically approved by the City Council.

B.[13] Uses Within Buildings. All permitted and conditional uses established in the C-R Zone shall be conducted entirely within a fully enclosed building except for the outdoor display of merchandise for sale subject to the following conditions:

1. Outdoor Display of merchandise for sale. Outdoor display of merchandise for sale shall be allowed as an accessory use for all permitted and approved conditional uses in the C-R Zone where the display of such items does not impede the flow of pedestrian or vehicular traffic, or create an unsafe condition. The display of goods shall meet all of the following conditions:

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 except as provided in Subsection 2 below.

b. The outdoor display of merchandise shall not reduce the amount of off-street parking

[13] Amended 9/9/2003 Ordinance No. 2003-14

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. This shall not include hazardous and flammable materials, such as antifreeze, kerosene, poisons, pesticides and other similar items.

d. The aggregate outdoor display area shall not exceed 25 percent of the linear frontage of the store front or 10 linear feet, whichever is greater. Businesses located on a corner shall be considered as having two store fronts.

e. No outdoor display shall exceed six feet in height.

f. A maximum of 50% 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 normally allowed for the subject business, 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 14 days provided such special displays do not create parking, access or traffic hazards.

2. Outdoor Display of merchandise for sale in the downtown area. Businesses in the C-R Zone that have building 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 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 frontage of the business. However, businesses with less than forty (40) feet of frontage 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.

C. Landscaping. The following landscaping provisions shall apply in the C-R Zone as may be appropriate under the requirements of Chapter 16 of this Ordinance:

1. All open areas between the front line and the rear of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.

2. Ten (10) feet of landscaping shall be required along frontage areas not occupied by drive accesses.

3. All landscaping must be sprinkled and planted in 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. Landscaping adjacent to residential zoning will a minimum buffer of ten (10) feet.

5. Landscaping adjacent to off-street parking within yard area will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.

6. Parking areas shall be landscaped where possible the periphery and at the ends of parking rows.

7 Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between the sidewalk and curb is prohibited.

8.[14] Approved landscaping must cover a minimum of ten percent (10%) of any commercial

[14]Amended 9/9/2003 Ordinance No. 2003-14

development site or forty percent (40%) of any multiple family residential site, and thirty percent (30%) of any other residential development site, exclusive of any parkstrips in the public right-of-way. Landscaping coverage for mixed use developments shall be determined by site plan review.

D. Structure Design and Materials.

1. Exteriors shall be essentially 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. All units shall have some private outdoor space in the form of balconies or patios.

E. Neighborhood Compatibility.

1. Buildings shall be designed with compatibility to adjacent residential development, particularly with regard to building height, architecture, landscaping, and building mass.

2. All perimeter setbacks shall be equal to or greater than the average of the surrounding setbacks.

3. All perimeter buildings shall be equal to the average height of the adjacent structures. Such perimeter buildings may increase one (1) foot in height for each one (1) foot of extra setback beyond the average of the surrounding setbacks to a maximum of thirty-five (35) feet.

F. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the C-R Zone:

1. For all single family and duplex residential uses, no trash, garbage, refuse, unsightly or deleterious objects or structures, or used materials, shall be allowed or permitted upon any property. Storage of commercial goods or materials is expressly prohibited.

2. For multi-family residential, institutional and commercial uses, a screened or otherwise enclosed area will be as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area.

G. Walls and Fences.

1. All walls and fences erected and maintained on and around commercial and single family and duplex residential developments in the C-R Zone shall comply with the provisions of Chapter 17 of this Ordinance. All walls and fences erected and maintained on and around multiple family residential developments shall be of a maintenance free material and shall comply with the provisions of Chapter 17 of this Ordinance.

14-9-117 SPECIAL ALLOWANCES FOR APARTMENTS FOR THE ELDERLY

Apartment developments designated and intended for the exclusive occupancy of persons and couples fifty-five (55) years of age and older may be granted special allowances to the required 16 units per acre density and parking provisions of this Chapter as follows:

A. Density. The maximum allowable density for apartments for the elderly apartments is twenty (20) units per acre based on the following unit equivalencies:

Type of Apartment	Unit of Equivalency
Efficiency Apartment (as defined by the I.B.C.)	.50 unit
One-bedroom Apartment	.75 unit
Two-bedroom Apartment	1.00 unit

(Example: A development with 20 efficiency apartments (20 x .5 = 10), 20 one-bedroom apartments (20 x .75 = 15) and 5 two-bedroom apartments (5 x 1.0 = 5) would have an equivalent density of 30 units.)

B. Parking.

1. The number of paved off-street parking spaces for apartments for the elderly shall be as follows:

Efficiency Apartment	1 space/apt.
One-bedroom apartment	1 space/apt.
Two-bedroom apartment	2 spaces/apt.

2. Each apartment will have at least one (1) covered parking space reserved for the residents of the apartment.

3. The Planning Commission may authorize up to a twenty-five percent reduction in required paved and covered parking spaces provided the Planning Commission makes the following findings:

   a. All required parking has been provided for on the site, whether or not all spaces will be paved and covered.

   b. The proposed tenant mix will not use the total required spaces due to reduced ownership and operation of personal vehicles. Such finding shall be based on the age, ambulatory ability, and living arrangements (i.e., required meals, on-site care, etc.) of the proposed tenants.

   c. The developers and/or operators certify that a private bus service for tenants

will be provided as part of the tenant amenities of the project.

d. The developers and/or operators agree to pave any parking so reduced should the Planning Commission find, after further review or at any future time, that the findings made above have changed.

4. Notwithstanding, space for all required spaces not paved or covered shall be reserved in landscaped open space on site. A plan showing all paved and reserved spaces shall be included in any final site plan.

C. Conditional Use Permit Required. Apartment developments for the elderly shall be considered under the Conditional Use Permit process in Part 2 of Chapter 2 of this ordinance. Such conditional use permits shall be granted for the explicit use for apartments for the elderly. If any such conditionally permitted development ceases to operate as an apartment development for the elderly or ownership changes, such conditional use permit must be reapplied for by any new developers and/or operators for continued use as apartments for the elderly or must be retrofitted for standard multiple-family developments under this Ordinance.

14-9-118 ZERO LOT LINE DEVELOPMENT AND CONVERSIONS

Zero lot line development or conversions may be permitted by Conditional Use Permit granted by the Planning Commission in the C-R Zone under the following provisions:

A. Lots in New Subdivisions. In new subdivisions of more than ten (10) lots, not more than fifty percent (50%) of the total lots may be developed as zero lot line dwellings.

B. Lots not in Subdivisions. Platted, approved, undeveloped lots not in new subdivisions may be developed singly as zero lot line dwellings.

C Existing Duplex Conversions. Existing duplexes may be converted to separate ownership for zero lot line dwellings, provided both sides of the conversion meet minimal lot size requirements. All appropriate building code requirements for condominium construction shall apply.

D. Development Standards.

1. Lot Frontage and Width. Each zero lot line dwelling lot shall have frontage on a public street and a minimum width at the front setback line of forty (40) feet.

2 Minimum Lot Size. The minimum lot size for each zero lot line dwelling in the C-R Zone shave be five thousand (5,000) square feet.

3. Yard Regulations.

a. Front Yard. The front yard setback shall be the same as is required for residential uses in this zone.

b Side Yard. The side yard setback shall be at least twenty percent (20%) of the lot frontage, or ten (10) feet, whichever is greater. On corner lots, the zero side yard shall never occur on the street side.

c. Rear Yard. The rear yard setback shall be the same as is required for residential uses this zone.

4. Lot Coverage. No more than fifty percent (50%) of the lot may be occupied by a zero lot line dwelling and any accessory buildings.

5. Building Height. Zero lot line dwellings shall have a maximum building height of thirty-five (35) feet.

6. Openings on the Zero Lot Side. On detached buildings, no windows, doors, or other openings shall be allowed on the zero lot line side.

7. Parking. A minimum of two (2) off-street parking spaces shall be provided for each zero lot line dwelling.

8. Lots Bordering Standard Lots. Where a zero lot line lot borders a standard, non-zero lot line lot, the zero lot line side of any dwelling shall be opposite the abutting lot line.

14-9-119 SPECIAL PROVISIONS FOR DEVELOPMENT OF MULTIPLE-FAMILY UNITS ON LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX STRUCTURES

The combining of single family or duplex residential uses with multi-family residential uses on the same parcel of land shall be permitted under the following conditions:

A. There is an existing side yard with sufficient width to allow for the development of the necessary driveway to the rear of the lot meeting the provisions of Sections 14-6-116 B. and 14-18-109 B. of this Ordinance.

B. The lot area required for a single family unit or for a duplex as specified in Section 14-6-104 of this Chapter shall be deducted from the area used to calculate the multiple-family residential density as per Section 14-6-107 of this Chapter.

C. Required front, side and rear yards for the existing single family or duplex structure as specified in Section 14-9-109 of this Chapter shall be used as the minimum separation requirements between the multiple-family units and the existing single family or duplex structure.

D. Parking for the multiple-family units shall not be provided in any front, side or rear yard maintained for the existing single family or duplex structure.

E. A minimum rear yard of twenty (20) feet and minimum side yards of ten (10) feet shall be required around the multiple-family units.

CHAPTER 10

C-H HEAVY COMMERCIAL ZONE

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14-10-117 SEXUALLY ORIENTED BUSINESSES

14-10-101 PURPOSE AND OBJECTIVES

The Heavy Commercial (C-H) Zone is established to provide an area in which a congruous mixture of retail commercial, warehousing, heavy commercial and light manufacturing uses may be located. The zone is intended to provide for the location of manufacturing and warehousing operations which are operated in conjunction with and incidental to a retail commercial establishment.

The C-H Zone should be located in those areas where it provides service as a transitional zone and where there is adequate accessibility to good transportation facilities. Care should be taken in the location of this zone that heavy volumes of truck traffic generated by warehousing and light manufacturing uses do not traverse through a residential neighborhood or a retail commercial area in order to reach major highways or rail facilities.

The uses characteristic of this zone will be warehouses, light manufacturing or assembly plants, machine shops, automobile repair facilities, furniture and appliance repair, and building materials stores and yards.

The C-H Zone should be characterized by buildings and grounds which combine utility and attractive appearance. The utility of buildings, parking areas and loading facilities should be softened with landscaped areas along all street frontages.

14-10-102 PERMITTED USES

All uses contained herein are listed in the Standard Land Use Code published and maintained by the Planning Department. The following principal uses and structures, and no others, are permitted in the C-H Zone:

USE NO.	USE CLASSIFICATION
1111[1]	Single Family Dwelling - Detached (Existing units only)
1121	Two Family Dwelling (Duplex)(Existing units only)
1131	Multiple Family Dwelling (Existing units only)
1141	Apartments (low-rise)(Existing units only)
5110	Motor Vehicles and Automotive Equipment
5121	Drugs, drug proprietaries and druggists' sundries
5122	Paints and varnishes
5130	Dry Goods and Apparel
5140	Groceries and Related Products
5154	Nurseries (flowers, including nursery stock)
5160	Electrical Goods
5170	Hardware, Plumbing, Heating Equipment, and Supplies
5180	Machinery, Equipment and Supplies
5190	Miscellaneous Wholesale Trade (except 5192, 5193, 5199)

[1]Amended 11/12/97 Ordinance No. 97-32

USE NO.	USE CLASSIFICATION
5200	Building Materials, Hardware, Farm Equipment and Supplies
5311	Department stores
5312	Discount department stores
5313	"Surplus" stores (no outside storage)
5320	Mail Order Houses
5330	Variety Stores, Limited Price
5340	Merchandise Vending Machine Operators
5350	Direct Selling Organizations
5390	Other Retail Trade - General Merchandise
5400	Food
5500	Automotive, Marine Craft, Aircraft, and Accessories
5700	Furniture, Home Furnishings, and Equipment
5810	Eating Places
5930	Antiques and Secondhand Merchandise (except 5935, 5938)
5940	Books, Stationery, Art and Hobby Supplies
5950	Sporting Goods, Bicycles, and Toys
5960	Farm and Garden Supplies
5980	Fuel and Ice
5998	Pet sales and supplies
5999	Other miscellaneous retail trade

USE NO.	USE CLASSIFICATION
6100[1]	Finance, Insurance, and Real Estate (except 6123 and 6124)
6210	Laundering, Dry Cleaning, and Dyeing
6222	Commercial Photography
6230	Beauty and Barber Services
6240	Funeral Parlor, Cemeteries, and Crematory Services
6250	Apparel Repair, Alteration and Cleaning Pickup Services, Shoe Repair Services
6291	Clothing rental
6292	Costume rental
6293	Porter Service
6299	Other personal services
6300	Business Services (except 6380 and self storage units)[2]
6411	Automobile repair (without incidental towing and impound storage yard)
6414	Seat covers and auto tops
6415	Motorcycle, motor scooter, and bicycle repair
6416	Auto washing, polishing
6417	Auto washing, self service
6418	Auto glass installation and service
6420	Electrical Appliance Repair and Services
6490	Repair Shops and Related Services

[1]Amended 1/3/2001 Ordinance No. 2001-01

[2]Amended 8/10/2004 Ordinance No. 2004-13

USE NO.	USE CLASSIFICATION
6514	Medical laboratory services
6515	Dental laboratory services
6530	Engineering, Architectural, and Planning Services
6540	Research Services
6550	Data Processing Services
6600	Contract Construction Services (without open storage)
6720	Protective Functions and Related Activities
6730	Postal Services
6830	Special Training and Schooling
6900	Miscellaneous Service Organizations
7210	Entertainment Assembly
7230	Public Assembly, Miscellaneous Purposes
7413	Tennis Courts
7414	Ice Skating
7415	Roller Skating
7417	Bowling Alleys
7424	Recreation and community centers.
7425	Gymnasiums, athletic clubs, body-building studios
7432	Swimming pools and schools
7451	Archery ranges (indoors only)
7452	Pistol and rifle ranges (indoors only)

USE NO.	USE CLASSIFICATION
8222[3]	Veterinarian Services, Animal Hospital (may include indoor boarding facility)

Accessory uses and structures are permitted in the C-H 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:

1. 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 C-H Zone.

2. 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.

14-10-103 CONDITIONAL USES

The following uses and structures are permitted in the C-H Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
Lodging	
1511	Hotels
1512	Motels

USE NO.	USE CLASSIFICATION
Light Manufacturing	
2120	Dairy Products
2142	Preparing feeds for animals and fowls
2150	Bakery Products
2160	Sugar

[3]Amended 1/3/2001 Ordinance No. 2001-01

USE NO.	USE CLASSIFICATION
2170	Confectionery and Related Products
2185	Bottling and canning of soft drinks and carbonated waters, nonalcoholic
2186	Fountain flavors, pastes, powders
2189	Flavor extracts and flavoring syrups
2197	Ice
2210	Broad and Narrow Woven Fabrics and Other Small wares
2220	Knit Goods
2250	Yarns and Threads
2290	Other Textile Goods (except 2295)
2300	Apparel and Other Finished Products Made From Fabrics, Leather and Similar Materials
2431	Millwork
2440	Wooden Containers
2700	Printing, Publishing, and Allied Industries
3500	Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks
3900	Miscellaneous Manufacturing (except 3960, 3992, 3993 and 3997)

Manufacturing Incidental to Retail Sales (Manufacturing uses allowed in the C-H Zone only when they are incidental to the retail sales of the manufactured products on the same pemises.)

2112	Sausages and other prepared meat products
2113	Poultry and small game dressing and packing
2130	Canning and preserving of fruits, vegetables and seafoods
2500	Furniture and Fixtures

USE NO.	USE CLASSIFICATION
3255	Statuary and factory-made art goods of clay, plaster of paris, plaster, etc.
3259	Other pottery and related products
3270	Cut stone and stone products (includes tombstones, terrazzo, furniture, roofing)

Wholesale and Retail Sales

5129	Other drugs, chemicals, and allied products
5193	Scrap and waste materials. (Including breaking up, sorting, wholesale distribution of scrap and waste such as metal, paper, automobiles, etc. Excludes dismantling of objects and automobiles for purposes of selling second-hand parts. This does not constitute an auto wrecking yard.)
5199	Other wholesale trade
5360	Sexually Oriented Merchandise (as per Ordinance No. 2000-10)[4]
5820	Drinking Places - Alcoholic Beverages
5920	Liquor, package
6123[5]	Pawnbrokers
6124[6]	Bail Bonds (Not by surety companies)
6294	Escort Service
6260[7]	Sexually Oriented Services (as per Ordinance 2000-10)
6295	Tattooing

[4]Amended 6/28/2000 Ordinance No. 2000-10

[5]Amended 1/3/2001 Ordinance No. 2001-01

[6]Amended 1/3/2001 Ordinance No. 2001-01

[7]Amended 6/28/2000 Ordinance No. 2000-10

USE NO.	USE CLASSIFICATION
6296	Massage establishment, steam baths, and sauna baths
6380	Auction Services
6411	Automobile repair (with incidental towing and impound storage yard)
6413	Auto paint shops
6419	Motor vehicle towing services
6600	Contract Construction Services (with open storage yard)
6714	Government repair and maintenance facilities
7391	Penny arcades and other coin-operated amusements
7392	Miniature golf
7393	Golf driving ranges
7394	Go-cart tracks
7397	Billiard and pool halls
7398	Miniature auto racing (slot cars, etc.)
7399	Other amusements
7433	Water slides and water parks
7920	Sexually Oriented Entertainment (as per Ordinance 2000-10)[8]

14-10-104 LOT AREA

The minimum lot area of any lot or parcel in the C-H Zone shall be eight thousand (8,000) square feet.

14-10-105 LOT WIDTH

Each lot or parcel of land in the C-H Zone shall have a minimum width of not less than seventy (70)

[8]Amended 6/28/2000 Ordinance No. 2000-10

feet at the building setback line.

14-10-106 LOT FRONTAGE

Each lot or parcel of land in the C-H Zone shall abut on a public street for a minimum distance of fifty (50) feet on a line parallel to the center line of said street or along the circumference of a cul-de-sac improved to City standards.

14-10-107 REPEALED[9]

14-10-108 AREA OF ZONE

Each single C-H Zone shall contain a minimum of three (3) acres. The C-H Zone may be applied to an existing commercial area which does not meet these area requirements provided the existing commercial facilities to which the zone is being applied are in compliance with the purpose and objectives of this zone.

14-10-109 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the C-H Zone, except that the minimum front and side yards listed below shall be increased by ten (10) feet for each story that the building extends above two (2) stories or thirty-five (35) feet in height.

A. Front Yard. Each lot or parcel of land in the C-H Zone shall have a front yard setback of not less than twenty-five (25) feet. The first ten (10) feet of said front yard shall be appropriately landscaped as set forth in Chapter 12 of this Ordinance.

B. Side Yard. Except as provided in subsections "C", "D", and "E", there shall be no side yard requirements unless imposed by the provisions of the International[10] Building Code.

C. Side Yard Abutting Residential Lots. Where property in the C-H Zone abuts a residential lot, the minimum side yard shall be twenty (20) feet on the abutting side.

D. Side Yard - Corner Lots. On corner lots, the side yard contiguous to the street shall be a minimum of twenty-five (25) feet in width. The first ten (10) feet of said front yard shall be appropriately landscaped as set forth in Chapter 15 of this Ordinance.

E. Side Yard - Accessory Building. An accessory building may be located on a side

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[9]Amended 8/10/2004 Ordinance No. 2004-13

[10]Amended 5/14/2002 Ordinance No. 2002-08

property line if, and only if, all of the following conditions are met:

1. The accessory building is located more than ten (10) feet from any main building on the same or adjacent property.

2. The accessory building 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 International[11] Building Code.

3. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.

F. Rear Yard. No requirement unless imposed by the provisions of the latest edition of the International[12] Building Code.

G. Rear Yard - Accessory Building. An accessory building may be located on a rear property line if, and only if, all of the following conditions are met:

1. The accessory building is located more than ten (10) feet from any main building on the same or adjacent property.

2. The accessory building 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 International[13] Building Code.

3. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.

14-10-110 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:

1. Fences and walls in conformance with Chapter 16 of this Ordinance.

2. Landscape elements, including trees, shrubs, and other plants.

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[11]Amended 5/14/2002 Ordinance No. 2002-08

[12]Amended 5/14/2002 Ordinance No. 2002-08

[13]Amended 5/14/2002 Ordinance No. 2002-08

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, except that they may not obstruct a required driveway:

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

2. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

3. 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.

14-10-111 BUILDING HEIGHT

In the C-H Zone, the height of every building or structure hereinafter erected or structurally altered or enlarged shall not exceed forty-five (45) feet except for towers, chimneys, and other structures not intended for human occupancy.

14-10-112 DISTANCE BETWEEN BUILDINGS

No requirements except as may be dictated by the International[14] Building Code.

14-10-113 PERMISSIBLE LOT COVERAGE

No requirements except as may be dictated by yard requirements, landscaping requirements, compliance with off-street parking provisions, and/or any conditions required by the Planning Commission or City Council as part of the granting of a Conditional Use Permit or Site Plan approval.

14-10-114 PARKING, LOADING, AND ACCESS

Each lot or parcel in the C-H Zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 18 of this Ordinance. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage as approved by the City Engineer.

14-10-115 SITE PLAN APPROVAL

Site plan approval shall be required for any permitted or conditional use in the C-H Zone as per

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[14]Amended 5/14/2002 Ordinance No. 2002-08

Chapter 2, Part 3 of this Ordinance.

14-10-116 OTHER REQUIREMENTS

A. Signs. All signs erected in the C-H Zone shall be in conformance with the sign provisions of Chapter 19 of this Ordinance.

B. Uses Within Buildings.[15] All permitted and conditional uses established in the C-H Zone shall be conducted entirely within a fully enclosed building except for the outdoor display of merchandise for sale subject to the following conditions:

1. Outdoor Display of merchandise for sale. Outdoor display of merchandise for sale shall be allowed as an accessory use for all permitted and approved conditional uses in the C-H Zone where the display of such items does not impede the flow of pedestrian or vehicular traffic, or create an unsafe condition. The display of goods shall meet all of the following conditions:

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. This shall not include hazardous and flammable materials, such as antifreeze, kerosene, poisons, pesticides and other similar items.

d. The aggregate outdoor display area shall not exceed 25 percent of the linear frontage of the store front or 10 linear feet, whichever is greater. Businesses located on a corner shall be considered as having two store fronts.

e. No outdoor display shall exceed six feet in height.

f. A maximum of 50% 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 normally allowed for the subject business, shall not be

[15]Amended 1/22/2002 Ordinance No. 2002-02

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 14 days provided such special displays do not create parking, access or traffic hazards.

C. Landscaping. The following landscaping provisions shall apply in the C-H Zone as may be appropriate under the requirements of Chapter 16 of this Ordinance:

1. Ten (10) feet of landscaping shall be required along all frontage areas not occupied by drive accesses.

2. All landscaping must 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.

3. Landscaping adjacent to residential zoning will require a minimum buffer of ten (10) feet.

4. Landscaping adjacent to off-street parking within the yard area will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.

5. Parking areas shall be landscaped where possible around the periphery.

6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in the public right-of-way.

7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

D. Trash Storage. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.

Each development in the C-H Zone shall be required to have adequate on-site, screened refuse and trash containers maintained in a location approved as part of the site plan.

14-10-117 SEXUALLY ORIENTED BUSINESSES[16]

[16]Amended 6/28/2000 Ordinance No. 2000-10

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 zone provided that:

1. The sexually oriented business may not be operated within 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, 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.

B. It is illegal for sexually oriented businesses 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 11

H HOSPITAL DISTRICT

14-11-101 PURPOSE AND OBJECTIVES
14-11-102 PERMITTED USES
14-11-103 CONDITIONAL USES
14-11-104 LOT AREA
14-11-105 LOT FRONTAGE
14-11-106 YARD REQUIREMENTS
14-11-107 BUILDING HEIGHT
14-11-108 DISTANCE BETWEEN BUILDINGS
14-11-109 PERMISSIBLE LOT COVERAGE
14-11-110 PARKING, LOADING AND ACCESS
14-11-111 SITE PLAN APPROVAL
14-11-112 OTHER REQUIREMENTS

14-11-101 PURPOSE AND OBJECTIVES

The purpose of the Hospital Zone is to provide for the establishment, growth, and maintenance of hospital and related medical facilities in a manner that is harmonious with surrounding areas. The district will permit hospital facilities and certain other health service accessory uses designed to be subordinate to and supportive of hospital facilities. Special concern regarding site treatment will be required to preserve areas of residential development. This will be accomplished in part by requiring adequate off-street parking, landscaped buffers, fencing, regulating building height and mass, attractive open space, yard areas, and other design features to minimize the impact of these uses on neighboring residential properties.

14-11-102 PERMITTED USES

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the H Zone:

USE NO.	USE CLASSIFICATION
1111[1]	Single Family Dwelling (Existing units only)
1121[1]	Two Family Dwelling (Duplex)(Existing units only)

[1]Amended 11/12/97 Ordinance No. 97-32

USE NO.	USE CLASSIFICATION
1131[2]	Multiple Family Dwelling (Existing units only)
1141[2]	Apartments (low-rise)(Existing units only)
4800	Utilities (lines and rights-of-way only) (Except 4850)
5912	Prescription Pharmacy (intended for the convenience of permitted, established uses and/or clients thereof, provided that no such business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate street entrance)
5996	Optical shop (intended for the convenience of permitted, established uses and/or clients thereof, provided that no such business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate street entrance)
6510	Medical and other health services (except 6516)

Accessory Uses:

A. Temporary buildings for uses incident to construction work, which building must be removed upon completion or abandonment of the construction work.

B. Concessions and/or services which are customarily provided for the convenience of hospital patrons provided that access to such uses is only from within the building; that there is no exterior evidence of such accessory uses such as signs or display windows, and also that total floor area used for such accessory uses shall not exceed ten (10) percent of the ground floor area of the building.

14-11-103 CONDITIONAL USES

The following uses and structures are permitted in the H Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
4392	Heliport (pad only)

[2]Amended 11/12/97 Ordinance No. 97-32

USE NO.	USE CLASSIFICATION
4710	Telephone Communication (except 4718)
4814	Electric regulating substations
4824	Gas pressure control stations
4836	Water pressure control stations and pumping plants
4844	Sewage pressure control stations
6516	Convalescent and rest home services. (Does not include sanitariums or asylums.)

14-11-104 LOT AREA

The minimum lot area in the H Zone shall be determined through site plan review for adequate off-street parking, landscaping, building coverage, etc.

14-11-105 LOT FRONTAGE

The minimum lot frontage in the H Zone shall be determined through site plan review for adequate ingress and egress for traffic safety.

The following minimum yard requirements shall apply in the H Zone:

A. Front Yard. The minimum depth of the front yard be thirty (30) feet.

B. Side Yard. The minimum side yard for any hospital building or extended medical care facility shall be twenty-five (25) percent of the building height, but in no case less than twenty (20) feet, and the total width of the two side yards shall be fifty (50) percent of building height, but in no case less than forty (40) feet.

   The minimum side yard for any other structure or accessory building shall be ten (10) feet, and the total width of the two (2) required side yards shall be less than twenty (20) feet. The minimum side yard for buildings over twenty (20) feet shall be fifty (50) percent of the building height. The minimum side on a corner lot shall be thirty (30) feet.

C. Rear Yard. The minimum depth of the rear yard for any building shall be thirty (30) feet.

14-11-107 BUILDING HEIGHT

Building height for hospital structures or extended medical care facilities will be determined by the Planning and Zoning Commission after review and recommendation by the Fire and Building

Departments, except in no case shall a hospital building be erected to a height greater than seven stories or one hundred (100) feet.

No accessory buildings shall exceed a height greater than four (4) stories or forty-eight (48) feet.

14-11-108 DISTANCE BETWEEN BUILDINGS

The minimum distance between buildings shall be determined through site plan review after review and recommendation by the Fire and Building Departments.

14-11-109 PERMISSIBLE LOT COVERAGE

In the H Zone, all building and structures shall not cover more than sixty (60) percent of the lot or parcel of land upon which they are placed.

14-11-110 PARKING, LOADING AND ACCESS

Parking requirements in the H Zone shall be as follows:

1. Hospitals - one (1) parking space for each two hundred fifty (250) square feet of net floor area.

2. Extended care facility - one and one-half (1 parking space for each bed.

3. Medical and dental clinics - one parking space for two hundred (200) square feet of gross floor area or four (4) spaces for each practitioner, whichever is greater.

4. Off-street parking will not be permitted in any lane or aisle space.

Loading docks and access to such docks shall be determined by site plan review as permitted under the Uniform Building and Fire Codes.

14-11-111 SITE PLAN APPROVAL

Prior to construction of any building or development, a final site plan shall be submitted to and be approved by the Planning Commission. Said plan shall be drawn to scale and contain the following information:

1. The location of all existing and proposed main and accessory buildings on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines drawn to scale.

2. The location of all parking spaces, driveways, and points of vehicular ingress and egress.

3. The location of existing buildings on the site and adjacent properties.

4. A preliminary landscaping plan showing landscaped areas intended to be used as buffers, walls and/or fences, and other means of visual and physical separation.

5. Preliminary elevations of main buildings showing general appearance and types of external materials to be used.

6. A lighting plan showing the location and intensity all proposed lighting on the site, and how said lighting will be shielded from adjacent properties.

7. A signage plan showing sizes, elevations, and of all signs to be used on the site.

14-11-112 OTHER REQUIREMENTS

A. Landscaping. In the H Zone, the following landscaping requirements shall be as follows:

1. Ten (10) feet of landscaping shall be required along frontage areas not occupied by drive accesses.

2. All landscaping must be sprinkled and planted 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.

3. Landscaping adjacent to residential zoning will a minimum buffer of ten (10) feet.

4. Landscaping adjacent to off-street parking within required yard areas will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.

5. Landscaping shall also be installed in all park to the same standards as other on-site landscaping. Asphalt or concrete paving in place of landscaping between the sidewalk and curb is prohibited.

6. Landscaping must cover at least ten (10) percent of development site.

7.[3] Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

B. Fencing. Fencing shall be determined by Conditional Use Permit. Particular concern is expressed where hospital property abuts adjoining residential properties. In this case, a six (6) foot

[3]Amended 11/15/95 Ordinance No. 95-23

high solid barrier fence shall be installed according to Bountiful City fence requirements. The type of fence construction materials will be determined by the Planning Commission as part of the Conditional Use Permit application.

C. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the H Zone:

1. A screened or otherwise enclosed area will be as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area. If incineration is used on site, all emissions must comply with all Environmental Protection Agency and Board of Health regulations.

CHAPTER 11a[1]

P-O PROFESSIONAL OFFICE DISTRICT

14-11a-101 PURPOSE AND OBJECTIVES
14-11a-102 PERMITTED USES
14-11a-103 CONDITIONAL USES
14-11a-104 LOT AREA
14-11a-105 LOT FRONTAGE
14-11a-106 YARD REQUIREMENTS
14-11a-107 BUILDING HEIGHT
14-11a-108 DISTANCE BETWEEN BUILDINGS
14-11a-109 PERMISSIBLE LOT COVERAGE
14-11a-110 PARKING, LOADING AND ACCESS
14-11a-111 OTHER REQUIREMENTS

14-11a-101 PURPOSE AND OBJECTIVES

The purpose of the Professional Office (P-O) Zone is to provide a wide variety of general office uses in an attractive office environment. The zone 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.

14-11a-102 PERMITTED USES

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the P-O Zone:

USE NO.	USE CLASSIFICATION
4800	Utilities (lines and rights-of-way only) (Except 4850)
4923	Travel Agencies
6142	Insurance agents, brokers, and services.
6152	Real estate agents, brokers, and management services
6153	Title abstracting and escrow services

[1]Amended 5/27/98 Ordinance No.98-6

USE NO.	USE CLASSIFICATION
6156	Combinations of real estate, insurance, loan, law services
6157	Real estate appraisers
6333	Secretarial and stenographic services
6335	Telephone answering service
6339	Court reporting service
6346	Building management service
6349	Dwelling and building services (office only)
6511	Physicians' offices and services in single offices, but not including medical clinics
6512	Dental offices and services in single offices, but not including medical/ dental clinics
6519	Other medical and health services, such as birth control clinics, chiropodists, dieticians, naturopaths, optometrists, physical therapists, psychiatrists, home health, and nursing services
6520	Legal Services
6530	Engineering, Architectural, and Planning Services
6541	Educational and scientific research services and facilities - nonprofit
6543	Social science research services
6550	Data Processing Services
6591	Accounting, auditing, bookkeeping services, income tax services, notary public
6594	Marriage and family counseling services
6595	Technical writers, report preparation
6597	Business and management consulting services

Accessory Uses:

A. Temporary buildings for uses incidental to construction work, which building must be removed upon completion or abandonment of the construction work.

14-11a-103 CONDITIONAL USES

The following uses and structures are permitted in the P-O Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
4710	Telephone Communication (except 4718)
4814	Electric regulating substations
4824	Gas pressure control stations
4836	Water pressure control stations and pumping plants
4844	Sewage pressure control stations
5912	Prescription Pharmacy
5996	Optical shop

14-11a-104 LOT AREA

The minimum lot area in the P-O Zone shall be determined through site plan review for adequate off-street parking, landscaping, building coverage, etc.

14-11a-105 LOT FRONTAGE

The minimum lot frontage in the P-O Zone shall be determined through site plan review for adequate ingress and egress for traffic safety.

14-11a-106 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the P-O Zone:

A. Front Yard. The minimum depth of the front yard be thirty (30) feet.

B. Side Yard. The minimum side yard for any office building shall be ten (10) feet. On corner lots, the side yard which faces on the street shall not be less than twenty (20) feet. When a side yard abuts a residential zoning district, the side yard setback shall

be a minimum of twenty (20) feet.

C. Rear Yard. None, except for rear yards which abut a residential zoning district which shall not be less than twenty (20)feet.

14-11a-107 BUILDING HEIGHT

No lot or parcel of land in the P-O Zone shall have a building or structure used which exceeds a height of two (2) stories or thirty-five (35) feet whichever is greater. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-11a-108 DISTANCE BETWEEN BUILDINGS

In the P-O Zone, where more than one office building is constructed on a site, there shall be a minimum distance between structures of at least twenty (20) feet.

14-11a-109 PERMISSIBLE LOT COVERAGE

In the P-O Zone, all building and structures shall not cover more than sixty (60) percent of the lot or parcel of land upon which they are placed.

14-11a-110 PARKING, LOADING AND ACCESS

Parking requirements in the P-O Zone shall be as follows:

1. Medical and dental offices - one parking space for two hundred (200) square feet of gross floor area or four (4) spaces for each practitioner, whichever is greater.

2. Offices not Providing Customer Services or Sales on the Premises - One (1) parking space for every four hundred (400) square feet of gross floor area.

3. Professional Offices for Attorneys, C.P.A.s, Architects, Engineers, etc. - One (1) parking space for every four hundred (400) square feet of gross floor area.

4. All other uses shall be calculated at the rate of one (1) parking stall for each two hundred (200) square feet of net useable area.

5. Off-street parking will not be permitted in any lane or aisle space.

14-11-112 OTHER REQUIREMENTS

A. Landscaping. In the P-O Zone, the following landscaping requirements shall be as follows:

1. Ten (10) feet of landscaping shall be required along frontage areas not occupied by drive accesses.

2. All landscaping must 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.

3. Landscaping adjacent to residential zoning will have a minimum buffer of ten (10) feet.

4. Landscaping adjacent to off-street parking within required yard areas will require a minimum landscaped area of five (5) feet providing it does not abut residential zoning.

5. Landscaping shall also be installed in all park to the same standards as other on-site landscaping. Asphalt or concrete paving in place of landscaping between the sidewalk and curb is prohibited.

6. Landscaping must cover at least ten (10) percent of development site.

B. Fencing. Where the site abuts a residential zone, a six (6) foot high solid masonry wall shall be located along the property line. All fencing must comply with Chapter 17 of this Ordinance.

C. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the P-O Zone:

1. A screened or otherwise enclosed area will be provided as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area.

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

14-12-102 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 ordinance:

A. Continuation of the existing uses actually being made of each parcel as of the effective date of this Ordinance, 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. No use.

14-12-103 SPECIAL USE PERMITS

For a period of five (5) years from the effective date of this 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 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 os 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[1]

R-F RESIDENTIAL FOOTHILL ZONE

14-13-101 PURPOSE
14-13-102 PERMITTED USES
14-13-103 CONDITIONAL USES
14-13-104 DEFINITIONS
14-13-105 SCOPE AND APPLICATION
14-13-106 SINGLE FAMILY DWELLING UNITS - DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS
14-13-107 YARD REQUIREMENTS
14-13-108 PROJECTIONS INTO YARDS
14-13-109 BUILDING LOCATION AND HEIGHT
14-13-110 DISTANCE BETWEEN BUILDINGS
14-13-111 PERMISSIBLE LOT COVERAGE
14-13-112 LOT ACCESS AND DESIGN
14-13-113 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT
14-13-114 DEVELOPMENT STANDARDS
14-13-115 REVIEW AND APPROVAL PROCEDURES
14-13-116 REQUIREMENTS FOR BUILDING IN THE RESIDENTIAL FOOTHILL ZONE
14-13-117 OTHER REQUIREMENTS

14-13-101 PURPOSES

(A) In order to preserve the peace, health, safety, and welfare, and promote the best interest of the inhabitants of the City of Bountiful, this Residential Foothill Zone is created to provide standards, guidelines and criteria, having the effect of permitting reasonable development of private property, minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the foothill areas not suitable for development, and insuring the efficient expenditure of public funds.

(B) The goals to be achieved by the Residential Foothill Zone include but are not limited to the following:

1. The protection of the public from natural hazards of storm water runoff and erosions by requiring drainage facilities and the minimal removal of natural vegetation.

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[1]Original Foothill Overlay Zone repealed and the Residential Foothill zone adopted 9/9/2003 Ordinance No. 2003-14

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.

4. The preservation of public access to mountain areas 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 insure 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 a development designs and concepts which are compatible with the natural terrain of the foothill areas and which will preserve open space and natural landscape.

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 and every lot 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 ordinance, 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 shall, unless expressly stated to the contrary in this chapter, have reasonable discretion in administering the provisions of this chapter to implement its purposes by modifying requirements as individual circumstances may merit. The provisions set forth in this chapter shall be the standard, but when conditions merit reasonable adaptation and flexibility, discretion may be exercised, even where the term “shall” is used in the regulation.

14-13-102 PERMITTED USES

All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

USE NO.	USE CLASSIFICATION
1111	Single Family Dwelling - Detached (Note: Subdivision Approval is a Conditional Use)
1290	Residences for persons with a disability, subject to the requirements of Section 10-9-605 of the Utah Code and Section 14-14-121 of the Bountiful Zoning Ordinance (Note: Subdivision Approval is a Conditional Use)
4800	Utilities (lines and right-of-ways only) (Except 4850)
6815	Preschool Group Instruction/Day Care - In single family dwellings only with no more than eight (8) children including those residing in the dwelling. (Note: Subdivision Approval is a Conditional Use)
6911	Churches, synagogues, temples (Note: Subdivision Approval is a Conditional Use)

Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

A. Accessory buildings such as garages, carports, bath houses, private satellite antennas, private greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with the principal use or structure.

B. Private swimming pools, tennis courts, sports courts, and other similar private recreational uses.

C. Vegetable/flower gardens and noncommercial orchards.

D. Home occupations subject to the regulations of the Business Licensing procedures of Bountiful City.

E. Storage of materials used for construction of a building, including the contractor's

temporary office, provided that such use is 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.

F. Household pets as provided by the Animal Control Ordinance of Bountiful City.

G. An accessory in-law apartment may be established by special permit approved by the Planning Director and shall meet the following criteria:

1. Any accessory in-law apartment shall be established only within a single-family dwelling and by building permit in accordance with the International Building Code. Accessory in-law apartments may not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner-occupants of the dwelling to include and be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.

3. Separate utility service connections shall not be allowed.

4. Common access between units shall be provided.

5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.

6. Water and sewer systems must be adequate to handle the additional unit.

7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using existing driveways only and shall be in compliance with Chapter 18 of this ordinance.

8. A deed restriction must be filed with the County Recorder which states:

   A permit for an accessory in-law apartment was issued to_____, the current owner of this property on _____ by Bountiful City. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one dwelling unit may exist on the property unless a new permit for the accessory in-law apartment is issued to any new owner.

14-13-103 CONDITIONAL USES

The following uses and structures are permitted in the R-F Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

USE NO.	USE CLASSIFICATION
1241	Residential facility for elderly persons, subject to the conditions found in Section 10-9-501, et seq of the Utah Code and Section 1 4-14-120 of the Bountiful Zoning Ordinance.
4711	Telephone exchange stations
4712	Telephone relay towers, microwave or other
4719	Other telephone communication
4722	Telegraph transmitting and receiving stations (only)
4729	Other telegraph communications
4732	Radio transmitting stations and relay towers
4739	Other radio communication
4742	Television transmitting stations and relay towers
4749	Other television communication
4790	Other communication
4800	Utilities (except lines and right-of-ways)
6815	Preschool Group Instruction/Day Care - In single family dwellings only with not more than twelve (12) children as per Utah State Department of Health licensing requirements, or where not more than twelve (12) children will be receiving instruction at any given time. For preschools, there shall be no more than two (2) sessions per day lasting no more than four (4) hours with no child attending more than one (1) session per day.
7411	Golf Courses - Public

USE NO.	USE CLASSIFICATION
7412	Golf Courses - Private
7492	Picnicking areas - public
7600	Parks

14-13-104 DEFINITIONS

The following definitions shall be used in the interpretation and construction of this Chapter:

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.

DEVELOPMENT SITE: The area within the perimeter of a subdivision, a planned unit development, or a tract, lot or parcel of land.

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.

NATURAL VEGETATION: This term includes orchards, trees, shrubs, lawns, grass and perennial growth.

USABLE AND UNUSABLE LAND: Land with a slope of less than 30% is usable land. All land with a slope of 30% or greater is unusable for any purpose unless an exception is granted by the City Council.

14-13-105 SCOPE AND APPLICATION

The provisions of this Chapter apply to all areas shown on the Official Zoning Map by “R-F.”

14-13-106 SINGLE FAMILY DWELLING UNITS - DENSITY, LOT SIZE, WIDTH, AND CHARACTERISTICS

A. Minimum Lot Size and Street Frontage. The minimum size of lots and the required street frontage is determined by the average slope of the land.

Each lot or parcel of land in the Residential Foothill Zone shall have the following minimum area, and shall abut a public street improved to City standards for the following minimum distance on a line parallel to the center line of the street:

Average Slope of Lot	Minimum Lot Size	Minimum Lot Width
0 - 15%	20,000 square feet	100 feet
15.1 - 20%	1 acre	120 feet
20.1 - 30%	2 acres	120 feet
30% +	5 acres	120 feet

14-13-107 YARD REQUIREMENTS

The following minimum yard requirements shall apply in the R-F Zone:

A. Front Yard. Each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the front lot line. Except for corner lots, 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 Lots. Each interior lot or parcel of land shall have a minimum side yard of 10 feet with combined side yards of not less than 20 feet.

C. Side Yard - Corner Lots. On each corner lot or parcel of land, the side yard contiguous to the street shall not be less than twenty (20) feet, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

D. Side Yard - Driveway. When used for access to a garage, carport, or parking area, a side yard shall be wide enough to provide an unobstructed twelve (12) foot paved driveway, unless required for fire access as per Section 14-13-112 of this Chapter.

E. Side Yard - Accessory Building. No accessory buildings shall be allowed in any required side yard.

F. Rear Yard. Each lot or parcel shall have a rear yard of no less than twenty (20) feet.

G. Rear Yard - Irregular Lots. On lots which are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line. The shortest distance used in determining the average shall not be less than fifteen (15) feet.

H. Rear Yard - Accessory Building. An accessory building may be located within three (3) feet of on the rear property line if:

1. It is located more than five (5) feet to the rear of any main building on the same lot on which said building is being placed.

2. It is no closer than fifteen (15) feet to any dwelling on adjacent property.

3. It meets all of the provision of the International Building Code.

4. It does not encroach on any easements, recorded or otherwise.

14-13-108 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, 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, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

4. 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 no farther than one-half the required rear yard set-back distances, if the roof or canopy:

a. Is not more than one (1) story in height.

b. Is no longer than the width or depth of the side of the main dwelling on which it is located.

c. Is entirely open on three (3) sides except for supporting columns and customary architectural features.

Such attached structures are not allowed to project into any side yard abutting a street on a corner lot.

14-13-109 BUILDING LOCATION AND HEIGHT

(A) No lot or parcel of land in the R-F Zone shall have a building or structure which exceeds in height the closest ridge line of the ground. If this is for any reason not possible, then the building or structure shall be located as far away from the ridge line as is possible.

(B) No lot or parcel of land in the R-F Zone shall have a building or structure used for dwelling which has more than two (2) stories and which exceeds a height of thirty-five (35) feet. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

14-13-110 DISTANCE BETWEEN BUILDINGS

The distance between any dwellings on adjacent lots shall not be less than twenty (20) feet. The distance between any accessory building and any dwelling on the same lot shall not be less than five (5) feet. The distance between any accessory building and any dwelling on adjacent property shall not be less than fifteen (15) feet.

14-13-111 PERMISSIBLE LOT COVERAGE

A. The maximum impervious material coverage allowed on lots upon which single family dwelling units are located is forty-five percent (45%) of the total lot area.

B. Minimum Building Pad. All structures and all other site improvements of whatever description shall be located only upon areas constituting usable land. Every lot must have a minimum buildable land area, upon which any residence must be constructed, that is under 30% in slope, at least five thousand (5,000) square feet in size, with a minimum dimension of fifty (50) feet, and which is completely contiguous. The minimum building pad shall not include the area within the required front yard setback or the side yard setback. The minimum building pad

may not be modified by Council discretion. The exact site of the building pad must be designated by the developer in the approval process.

14-13-112 LOT ACCESS AND DESIGN

A. Each lot or parcel in the R-F Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 18 of this Ordinance. Said spaces shall be paved with asphaltic cement or concrete, and shall be provided with a paved access from a public street. Required parking spaces shall not be provided within a required front yard.

B. Single family dwelling structures located such that any part of the structure is farther than one hundred fifty (150) feet from the street as measured along the center line of a driveway or access road to the nearest point of and around the perimeter of the structure, must be approved by the Bountiful Fire Chief prior to a building permit being issued. Single family structures, located farther than two hundred (200) feet from the nearest public street as measured from the public street along the centerline of the driveway or access road to the nearest point of the structure, must be granted an exception from the City Council prior to a building permit being issued. In no event shall such exception be granted beyond five hundred (500) feet from the public street as measured along the center line of the driveway or access road to the nearest point of the structure. The following conditions are conditions precedent to the granting of such an exception:

1. A recommendation from the Planning Commission on whether such an exception be granted.

2. An access road or driveway shall be provided which meets the following standards:

   a. 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 three inches of asphalt over a minimum of eight (8) 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 six inch thick 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.

   b. <u>Width.</u> 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.

c. Turn-arounds, Curves and Turns. 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 13-1.

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 13-4.

If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 13-2.

d. Distance to Buildings. Any 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.

e. Maximum Grade. The maximum grade of any portion of access roads or driveways shall be fifteen (15) percent as measured along the centerline of the access road or driveway .

f. Signs. Property owners shall be required to 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 ½) inch block lettering with one-half (½) inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road".

g. Water System for Fire Protection. The property owner be responsible for establishing the base grade of the access road or driveway before the water system is installed. The property owner 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.

Lots or building pads shall not 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.

h. 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 Bountiful City 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.

i. Easements. The property owner shall grant to the City an easement along the court and full width of the access road or driveway permitting access to City emergency and service vehicles and inspection personnel. In addition, the property owner shall grant to the City a utility easement extending from the public street to the fire hydrant and having a minimum width of twenty (20) feet for the purpose of use, operation, maintenance and repair of such hydrants and water line. (Figure 13-3) All such easements shall be recorded at the Davis County Recorder's office prior to the issuance of a building permit.

3. All of the required improvements shall be installed at the property owner's expense.

4. All single-family dwelling structures shall have installed at the time of construction and continuously maintained, a pressure interior fire protection sprinkling system that complies with the minimum standards of the Uniform Building Code and the Uniform Fire Code.

5. Such other conditions and standards as the City Council may deem necessary.

14-13-113 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

Subdivisions and planned unit developments are allowed in the Residential Foothill Zone only if a

Conditional Use Permit has been approved by the City Council, and subject to the conditions imposed in the approval.

14-13-114 DEVELOPMENT STANDARDS

All subdivisions and lot improvements in the Residential Foothill Zone shall comply with the following development standards.

A. Drainage and Erosion.

1. Lots shall be arranged so as to insure required setbacks from drainage channels as defined by the Army Corps of Engineers on their 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 of facilities constructed on the hillside.

   b. Such facilities shall be designed so as 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 as to divert surface water away from cut surfaces or sloping surfaces of a fill.

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

B. Vegetation and Revegetation.

1. All areas on development sites 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 revegetation (i.e., licensed landscape architects or nurserymen) shall be employed to supervise the

planning and installation of revegetation 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 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. Fire Protection

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 vertical to two horizontal.

2. All permanent fill shall be located so that settlements, slidings, or erosions shall not damage or cover streets, curbs, gutters, sidewalks, or buildings.

3. All fill and degrees of compaction shall comply with the standards established by the Bountiful City Engineer.

4. The top or bottom edges of slopes caused by an excavation or fill up to 10 vertical feet shall be at three (3) horizontal feet from the property line and street right-of-way lines.

5. The maximum vertical height of all cuts or fills shall be ten (10) feet.

6. All structures except retaining walls or soil stabilization improvements 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 the dwelling unit.

E. Streets and Ways

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. Driveways located upon each lot extending from a public street shall have 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.

3. Cul-de-sacs shall not exceed six hundred (600) feet in length, which requirement cannot be modified, and shall have a turnaround with a radius of fifty-four (54) feet. Stub streets that are longer than the width or length of any adjacent single lot or 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 or as required by industry standards for local roads or streets or as determined by the City Engineer.

5. Variations of the 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. All roads and rights-of-way for vehicular access dedicated for public use shall be subject to the following limitations:

    a. The maximum grade of such roads or rights-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 such roads or rights-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. <u>Architectural Design</u>

1. Buildings proposed for construction in the Bountiful Residential Foothill shall be designed to be visually compatible with the natural beauty of the foothills and canyon areas. The use of building materials in colors that will blend harmoniously with the natural settings is encouraged. 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.

G. Bond

In addition to the provisions requiring posting of an acceptable bond as set forth in the Revised Ordinances of Bountiful, Utah, as amended, a corporate surety bond or cash bond or a letter of credit supported by a guarantee of a land title company duly licensed to do business in the State of Utah, or a bank or savings and loan association chartered by either the Controller of Currency, U. S. Treasury Department of the Department of Financial Institutions, State of Utah, may be required by the City Council to guarantee the completion of revegetation projects, the stabilization of gradings, cuts and fills and constructions of storm water runoff facilities as required in this Section. If such bond is required, it shall be in an amount equal to the cost of construction of such projects and shall continue for one year after the completion date of such projects, improvements, or facilities.

H. Exceptions

Exceptions to the requirements and provisions outlined in this Section may be approved by the City Council, provided that the developer or owner of such development can demonstrate to the satisfaction of the City Council that the requested exceptions:

1. Shall not be detrimental or injurious to the property or improvements adjacent thereto,

2. Shall not be detrimental to the general well being of the neighborhood,

3. Shall be minor in their overall scope and not represent a major departure from the purposes and objectives of this Chapter,

4. Shall not require undue public expense for maintenance, and

5. Shall not impose an undue burden upon the public or the City.

14-13-114 PARCELS OF LAND NOT IN SUBDIVISIONS.

Before construction of a single-family dwelling on an individual lot not included as part of a development parcel shall be allowed, approval must first be granted by the City Council, as

provided in this Chapter, provided that the application shall contain information, plans, and reports as are required by the Planning Commission.

14-13-115 SUBDIVISION REVIEW AND APPROVAL PROCEDURE

B A. Application to the Planning Commission. All subdivision applications including land within the Residential Foothill Zone shall first be submitted to the Planning and Engineering Departments for review and recommendation by the Planning Commission.

All site plans as required in this Section shall be drawn to scale, not less than one inch equals one hundred feet (1" = 100') with topographical contours drawn at two foot intervals.

B. Conceptual Approval.

1. The Planning Commission shall consider all subdivision applications and recommend approval or disapproval to the City Council. If the Planning Commission recommends approval of the conceptual phase of the development, the Planning Commission may recommend such conditions as may be deemed necessary.

2. Conceptual approval of a subdivision, planned unit development or condominium may be granted by the City Council as a conditional use after a public hearing. All applications for approval of a subdivision shall comply with the provisions of the Subdivision Ordinance of the Bountiful City Code. In addition, conceptual approval must first be granted prior to application for preliminary approval. All applications for conceptual approval shall be accompanied by a site plan drawn to scale by a registered land surveyor licensed to practice in the State of Utah. Said plan shall provide the following information:

    a. Location of the proposed subdivision, with identification of abutting streets.

    b. Topographic contours.

    c. An estimate of the average slope of the proposed subdivision and of each individual lot within the subdivision.

    d. The number of lots.

    e. The location and size of proposed lots.

    f Location, width, and grade of all proposed streets, and radii of any cul-de-sacs.

g. Location of existing or proposed schools, churches or parks.

3. After receiving recommendation for approval or disapproval from the Planning Commission, the City Council may approve, approve with modifications, or disapprove a conditional use permit and the application.

C. Preliminary Approval. In addition to the information as required for preliminary approval of subdivisions as provided in the Bountiful City Code such additional information as set forth in this Chapter may be required by the Planning Commission or City Council.

1. Report of Soil Characteristics. Data regarding the nature, distribution, and strength of soils within the project area. The 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. An application 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:

(1) Indication of existing and proposed contours.

(2) Indication of the present and proposed slope of each graded area.

(3) Location and identification (by species) of existing vegetation, and an indication of vegetation proposed for removal and revegetation proposal.

(4) Existing and proposed drainage patterns. Location of any drainage channels on the proposed site that have been identified by the State Geologist.

(5) Location and depth of all proposed fills and cuts.

(6) Description of the methods to be employed to achieve stabilization and compaction.

(7) Location and capacities of proposed drainage, structures, and erosion control measures.

(8) Computation of maximum runoff for a twenty-five year storm before and after development.

(9) 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.

(10) Verification of the existence and location of a 5,000 square foot building pad with required access to it.

4. Planning Commission Action. The Planning Commission shall consider said application and shall recommend to the City Council approval or disapproval. If the Planning Commission recommends approval of the preliminary phase, the Planning Commission may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

5. City Council Action. After receiving recommendations for approval or disapproval by the Planning Commission, the City Council may approve, approve with conditions, or disapprove the application. If the City Council approve the

preliminary phase, they may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

D. Final Approval

1. Application. Application shall be filed with the Planning Department and the Engineering Department for final approval. Such application shall include the Information required by the provisions of this Chapter and the Subdivision Ordinance of Bountiful, Utah.

2. Planning Commission Action. The Planning Commission shall consider said application and shall recommend to the City Council approval or disapproval. If the Planning Commission recommends approval of the preliminary phase, the Planning Commission may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

3. City Council Action. After receiving recommendations for approval or disapproval by the Planning Commission, the City Council may approve, approve with conditions, or disapprove the application.

E. Construction, Grading and Contour Map. There shall be no construction, development, or grading either upon the development site until final subdivision approval has been granted by the City Council and specific site developments have been approved by the City Engineer, or upon individual lots within the subdivision until site plan approval has been granted, as provided in this Chapter.

14-13-116 REQUIREMENTS FOR BUILDING IN THE RESIDENTIAL FOOTHILL ZONE

A. The following rules apply to building and construction in the Residential Foothill Zone unless excepted by the City Council in subdivision approval or in site plan review:

1. Single family dwellings and institutional uses and their accompanying site improvements and accessory structures shall be located on the building pad defined and approved for the lot.

2. Structures must be within two hundred (200) feet of the public street as measured along the center line of the driveway to the nearest part of the structure. The City Council may in its reasonable discretion grant an exception up to five hundred feet from a public street, but it may not use its discretion to grant a greater distance.

3. The maximum change in grade, either by cut or fill, is ten (10) feet. No retaining wall shall exceed ten feet in height.

4. The top of a fill, and on the bottom of a cut, must be at least three (3) feet from property lines as measured from the finished grade at the bottom of the wall to the top of the wall.

5. Slopes must comply with the International Building Code of two (2) horizontal feet to one (1) foot vertical, or be retained by engineered retaining walls approved by the City Engineer.

6. The distance from any structure to the toe of a slope must be at least the height of the slope divided by two (H/2), up to fifteen (15) feet.

7. The building pad for each lot must have a minimum of five thousand (5,000) square feet of usable land with the least dimension being fifty (50) feet, which must be identified for each lot by the developer prior to final approval of the subdivision.

8. Plans must be approved as required by this Chapter before a permit may be issued.

9. No excavation is allowed until after a permit has been issued.

10. Provisions must be made to re-plant cut and fill areas with vegetation equal to or exceeding the original vegetation.

14-13-117 OTHER REQUIREMENTS

A. Signs. Unless otherwise prohibited by law, signs of the type and description listed below, and not others, may be placed and maintained in the R-F Zone.

1. Signs or name plates not exceeding one (1) square foot in size and displaying only the name and address of the occupant.

2. One flat or wall sign placed on the dwelling which does not exceed one and one-half (1 ½) square feet identifying a home occupation.

3. Two temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of a particular building, property, or premises upon which displayed, and no others.

4. Signs or monuments identifying points of interest or sites of historic significance. The size of said signs or monuments shall be specifically approved by the City Council.

B. Landscaping. The following landscaping provisions shall apply in the R-F Zone:

1. All open areas between the front line and the rear line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, trees, shrubs, grass and similar landscaping materials.

2. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

C. Trash Storage. No trash, garbage, refuse, unsightly or deleterious objects or structures, or use materials, shall be allowed or permitted upon any property. Storage of commercial goods or materials is expressly prohibited.

D. Walls and Fences. All walls and fences erected or maintained in the R-F Zone shall comply with the provisions of Chapter 17 of this Ordinance.

CHAPTER 14

SUPPLEMENTARY DEVELOPMENT STANDARDS

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14-14-122 SPECIAL PERMIT FOR TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS

14-14-101 PURPOSE

The purpose of this Chapter is to provide for the several miscellaneous land development standards which are applicable throughout the City regardless of zone. The requirements of this Chapter shall be *in addition* to the property development standards contained within the provisions of each respective zone.

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 unit developments, or as otherwise provided in this Chapter, every lot created within the city shall have such width, yard, area, coverage, parking and frontage upon a dedicated or publicly approved street before a building permit may be issued or shall have frontage upon a private street or right-of-way approved by the Planning Commission.

B. Transfer of Required Yard Space Prohibited. No space needed to meet the width, yard, area, parking, frontage or other requirements of this Ordinance for a lot or building may be transferred,

sold, bequeathed or leased apart from such lot or building unless other space so complying is provided. No land shall be sold or transferred which will result in a lot being created for building purposes that does not comply with the provisions of this Ordinance.

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 Ordinance 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 where on a building is to be erected or established.

14-14-104 FRONT AND REAR YARD MODIFICATION - DEVELOPED AREAS

In subdivisions in which more than seventy-five (75) percent of the lots have buildings with front and/or rear yards which are less than the required yard for the zone in which they are located, the minimum front and rear yard requirements for vacant lots shall be equal to the average of the existing front or rear yards on the lots with the subdivision, but in no case shall the setbacks be less than twenty (20) feet in the front yard or less than fifteen (15) feet in rear yards.

In developed residential areas not in recorded subdivisions where fifty (50) percent or more of the frontage of a block is improved with buildings with front and/or rear yards which are less than the required yard for the zone in which they are located, the minimum front and rear yard requirements for vacant lots shall be equal to the average of the existing front or rear yards in that block.

14-14-105 COMBINED LOTS - RESTRICTIONS

A combined lot may be created from two or more contiguous lots and the side yard requirements of this Ordinance shall apply only to the external boundaries of the combined lot. Development for a permitted use on a combined lot shall require site plan approval from the Planning Director. Development for a conditional use on a combined lot shall require a Conditional Use Permit from the Planning Commission. An application for a Conditional Use Permit or for site plan approval may not be denied solely because the use is proposed for a combined lot. The more restrictive covenants and conditions are applicable to all combined lots. This provision does not 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 REPEALED[1]

14-14-107 LOCATION OF RECREATIONAL VEHICLES

Boats, boat trailers, campers, travel trailers and other similar recreational vehicles may not be placed,

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[1]Entire section repealed 9/9/98 Ordinance No. 98-16

kept, stored, or maintained within the front yard of any residential zones except on legally established driveways. Such vehicles must maintain a minimum setback of ten (10) feet from the street property line so as to preserve adequate visibility for pedestrian and traffic safety. Further, such use shall not be located in the clear vision zone of a corner lot as defined in Chapter 17 of this Ordinance.

14-14-108 LOCATION OF MOBILE HOMES

It shall be 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 are permitted as a temporary conditional use as provided in Chapter 15 of this Ordinance.

14-14-109 ABANDONED, WRECKED, OR JUNKED VEHICLES[2]

1. Definitions: As used in this Chapter:

(a) Unregistered vehicle means any motor vehicle which is not currently registered and licensed in accordance with Utah state law.

(b) Inoperative vehicle means any motor vehicle that cannot be moved under its own power.

(c) Dismantled vehicle means any motor vehicle that is partially or wholly disassembled.

(d) Wrecked vehicle means any motor vehicle that is damaged to such an extent that it cannot be lawfully operated upon a highway.

(e) Abandoned vehicle means 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.

(f) Vehicle parts means any items that can be attached to or included as part of or within any motor vehicle.

2. 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,

[2]Amended 8/13/2002 Ordinance No. 2002-15

or in connection with a lawfully situated and licensed business engaged in the repair of motor vehicles. It may be prosecuted by criminal prosecution or by abatement provision for public nuisances.

3. Exception Permit.

A. A permit may be granted by the Planning Director for an exception to Bountiful Zoning Ordinance 14-14-109(2) if the owner of an unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) makes written application to the Bountiful Planning Director providing:

a) proof that the applicant is the owner of the motor vehicle(s);

b) proof that the applicant is the owner of or has permission of the owner of the property upon which the motor vehicle(s) will be parked, stored, or remain;

c) a description of the condition of the motor vehicle(s), i.e., that the motor vehicle(s) is/are unregistered, inoperative, dismantled, wrecked, or abandoned;

d) a description of the plan(s) by which the condition of the motor vehicle(s) will be changed, i.e., the date upon which the vehicle will be registered, repaired, removed from the property, etc.;

e) the address at which the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed;

f) the location upon the property, at the address set forth in condition c), above, where the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed; and,

g) that a nuisance or health hazard will not be created while the motor vehicle(s) are parked, stored, or retained.

B. A permit is valid for only one vehicle. Only one permit may be issued per year per property, and for a period not to exceed six months. At the end of the six months, the vehicle must either be repaired and lawfully registered or removed from the property.

C. Any vehicle maintained on a property under an exception permit must be otherwise kept in compliance with all applicable laws, cannot be parked or kept in the public right of way or on landscaped areas, cannot constitute a hazard in any way, and cannot 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 to the City Council.

4. Penalty. Any violation of this section is hereby declared to be a public nuisance and a Class B Misdemeanor.

14-14-110 STORAGE OF TRASH AND DEBRIS PROHIBITED

No yard or other open space shall be used for the storage of trash, debris or abandoned equipment and no land shall be used for such purposes, except as specifically authorized by and in compliance with the provisions of this Ordinance.

14-14-111 REFUSE SITING STANDARDS

A. When refuse storage containers are used in multiple family, commercial, industrial, office or church sites, 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 siting shall also comply with the International Fire and International Building Codes.[3]

C. Outdoor refuse containers in multiple family, office and commercial areas shall be enclosed by a solid enclosure architecturally compatible with the main structure(s), equipped with a solid barrier access gate, and have paved vehicle access.

D. Outdoor refuse containers in industrial areas shall be enclosed by a solid barrier fence with attached solid barrier access gates with vehicle access from a paved surface or as approved by the Planning Commission, except refuse containers located within a fenced yard area and not visible from the street will not need a separate barrier enclosure.

E. In cases where a refuse container enclosure is required, the container shall be enclosed by a six (6) foot 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 allowed by the Planning Commission.

G. Temporary refuse collection containers on construction sites or other related uses are exempt from barrier fencing.

14-14-112 HEIGHT LIMITATIONS - EXCEPTIONS

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[3]Amended 5/14/2002 Ordinance 2002-08

Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this Ordinance, height limitations shall be measured from the averaged finished grade of the front yard for building or from the average finished grade of the yard in which fences, hedges, or other such structures are located.

The height limitations of this Ordinance 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; 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.

14-14-113 ADDITIONAL HEIGHT ALLOWED

Public and quasi-public buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit.

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

No trucks, motor vehicles or commercial trailers 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, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in any residential zone.

14-14-115 SWIMMING POOLS

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all rear or side yard property lines in single-family residential zones and as determined by Site Plan Approval by the Planning Commission in multiple-family and commercial zones. Each pool shall be surrounded by a substantial fence or wall starting at ground level and having a height of at least six (6) feet from the ground to the top of the fence with only one opening for a gate. However, a second gate for maintenance or service access may be installed if allowed and regulated under a Conditional Use Permit approved by the Planning Commission. Fences shall be of a chain link material, masonry, solid wood, or wood or metal rail with the spacing between rails no greater than four (4) inches. All fences or walls shall be equipped with a self-closing, self-latching device on gates. Swimming pools in multi-family development, motels and hotels shall require Conditional Use Permit approval by the Planning Commission.

14-14-116 SATELLITE TELEVISION ANTENNAS

A. Definitions. The following terms are defined for the purposes of this Chapter:

SATELLITE TELEVISION ANTENNA: The outdoor portion of equipment used for receiving satellite television signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.

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.

B. Permit Required.

1. It shall be unlawful for any person, firm partnership, or corporation to install, construct, reconstruct, or materially alter a satellite television antenna without first obtaining a building permit from the City of Bountiful.

2 The applicant shall file an application for a building permit for a permanent antenna structure which 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. Any satellite television antenna shall be subject to the following provisions:

a. On interior lots, a 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 for lots that have 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 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 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 satellite television 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 lines.

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 Chapter 19 of this Ordinance.

5. If the an antenna is proposed to be mounted on the roof of a building:

   a. It shall not exceed the height limit established for the zone in which it is located.

   b. It shall not be used for any advertising purposes.

   c. It shall be screened from public view as per the requirements of Section 14-16-202B of this Ordinance.

6. If an antenna is proposed to be located in any landscaped area:

   a. It shall be located so as not to create any traffic safety or vision problems.

   b. It shall be screened by shrubs and/or other landscaping features.

14-14-117 SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES[4]

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

A. The facilities shall be owned and maintained by the 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.

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[4]Amended 8/23/95 Ordinance 95-19

B. The area to be used for recreational purposes, together with off-street parking where required by the Planning Commission, is of sufficient size to accommodate all proposed facilities and satisfy the needs of the area and still maintain a landscaped front yard of not less than thirty (30) feet and landscaped side yard on both sides and rear of not less than ten (10) feet.

C. The area to be developed into a recreational area must 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 the owners, their families and guests. Under no condition may any admission fees be charged nor any type of retail or business facilities, vending machines, or other commercial use be permitted except those specifically approved by the Planning Commission.

E. Accessory facilities other than standard shower and changing rooms (i.e., clubhouses) shall not be allowed.

F. All nighttime indoor or outdoor activity shall conform to the Bountiful City Noise Ordinance with the facility closing for any activity at 11:00 p.m..

G. The owners of the proposed recreational facility must have a statement from one hundred percent (100%) of abutting property owners and seventy-five percent (75%) of all property owners within a radius of 500 feet of the development giving permission to develop the recreational facility.

H. 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.

I. At least ten percent (10%) of the site area shall be landscaped, including all front yards, side yards 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.

J. Approval of any recreational facility by the Planning Commission under this section shall be deemed a 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 shall be void.

14-14-118 TELECOMMUNICATIONS TOWER SITES[5]

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.

B. In order to serve current and reasonably foreseeable needs, any site approved by the City, whether on City or other property, shall be subject to the following requirements:

1. the applicant must consent in the lease to two co-locations (in addition to applicant) on the same tower; and
2. the towers must be constructed in such a manner as to be able accommodate three different services, meaning the original company's equipment and two co-locations on the same tower.

C. When a first application for a telecommunications tower is received, it shall be located in such a place and manner which are:

1. as unobtrusive as possible in their location, size and construction;
2. as few in number as possible;
3. subject to such reasonable restrictions as may best minimize the impact upon

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[5]Amended 8/7/96 Ordinance 96-11

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[6] SIGHT CLEARANCES ON CORNER LOTS

It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection:

(a) Solid fences, walls, or other structural screening material greater than two (2) feet in height.

(b) Nonsolid, open type fencing, which is in excess of four (4) feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties and streets.

(c) Shrubs, bushes, plants or plant growth higher than 2 feet above ground level.

(d) Trees with branches less than 7 feet above ground level which overhang or extend into the clear vision area.

(e) Ground or monument signs.

(f) Any other obstruction of any sort which interferes with the safety of pedestrians or traffic.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.

14-14-120[7] RESIDENTIAL FACILITY F0R ELDERLY PERSONS

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[6]Amended 12/4/96 Ordinance 96-17

[7]Amended 10/22/97 Ordinance No. 97-31

A. Residential facilities for elderly persons (as defined by State law) are a permitted use in any zoning area where residential dwellings are allowed, except R-1 single family zones where they are a conditional use.

B Only those facilities to which a Permit for Residential Facility for Elderly Persons has been issued by the City shall qualify as a residential facility for elderly persons.

C. In all residential zones except single family, the City shall issue a Permit for Residential Facility for Elderly Persons if all of the following requirements have been met:

1. The proposed facility is or will be owned by one of the residents, or by an immediate family member of one of the residents, or by a facility for which the title has been placed in trust for a resident.

2. The proposed location of the facility is consistent with existing zoning.

3. The facility will be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

4. The proposed facility meets all applicable building, safety, zoning and health ordinances which are applicable to similar dwellings.

5. The proposed facility has adequate off-street parking space.

6. The proposed facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.

7. The proposed facility is not within three-quarters of a mile of another residential facility for elderly persons or residential facility for persons with a disability.

8. No person being treated for alcoholism or drug abuse will be admitted.

9. Placement in the proposed facility will be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

D. In single family residential zones, the City shall issue a Permit for Residential Facility for Elderly Persons if all of the following requirements have been met:

1. The proposed facility is or will be owned by one of the residents, or by an

immediate family member of one of the residents, or by a facility for which the title has been placed in trust for a resident.

2. The proposed location of the facility is consistent with existing zoning.

3. The facility will be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

4. The proposed facility meets all applicable building, safety, zoning and health ordinances which are applicable to similar dwellings.

5. The proposed facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.

6. The proposed facility is not within three-quarters of a mile of another residential facility for elderly persons or residential facility for persons with a disability.

7. No person being treated for alcoholism or drug abuse will be admitted.

8. Placement in the proposed facility will be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

9. The requirements of a conditional use permit under the City Zoning Ordinance are met.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

E. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and must notify the City Planning and Zoning Director within ten days if the facility no longer meets any of the requirements of paragraph C.

F. Use a residential facility for elderly persons is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with City ordinances authorized by Section 10-9-501 et seq.

G. Discrimination against elderly persons and against residential facilities for the elderly is prohibited.

14-14-121[8] RESIDENCES FOR PERSONS WITH A DISABILITY

A. Residences for persons with a disability (as defined by State law) are a permitted use in any zoning area where residential dwellings are allowed.

B. Only those facilities to which a Permit for Residential Facility for Persons with a Disability has been issued by the City shall qualify as a residential facility for persons with a disability.

C. In all residential zones, the City shall issue a Permit for Persons with a Disability if all of the following requirements have been met:

1. The proposed facility is one in which more than one person with a disability will reside.

2. The proposed facility is licensed or will be licensed as a residential facility for persons with a disability by the Department of Human Services.

3. The proposed facility meets all applicable building, safety, and health regulations that are applicable to similar structures.

4. The proposed facility is not within one-quarter of a mile of another residential facility for persons with a disability.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

D. Any permit issued by the City shall be conditional upon the applicant obtaining licensing from the Department of Human Services for a residential facility for persons with a disability. The permit will not become effective until the applicant obtains such licensing.

E. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and must notify the City Planning and Zoning Director within ten days if the facility no longer meets any of the requirements of paragraph C.

F. Use as a residence for persons with a disability is non-transferable and terminates if the structure is devoted to use other than a residence for persons with a disability or if the structure fails to comply with this City and State law.

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[8]Amended 10/22/97 Ordinance No. 97-31

14-14-120[9] SPECIAL PERMIT FOR TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS

Upon such conditions as the Board may find reasonable, a special exception permit may be granted by the Board of Adjustment to private elementary and secondary schools concerning placement or use of temporary classroom facilities on private school property.

[9]Amended May 26, 1999 Ordinance No. 99-12

CHAPTER 15[1]

TEMPORARY AND SEASONAL USES

14-15-101 PURPOSE
14-15-102 DEFINITIONS
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14-15-110 EXEMPT USES
14-15-111 ACTION OF PLANNING COMMISSION AND PLANNING STAFF

14-15-101 PURPOSE

The following regulations are provided to accommodate those uses of land or within existing buildings which are temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate. Temporary uses are characterized by their short term or seasonal nature and by the fact that they do not involve the erection of any substantial structures or require any other permanent commitment of the land.

14-15-102 DEFINITIONS

The following definitions shall be used in the interpretation and construction of this Chapter:

Arts and Crafts Shows: the display and sale of painting, sculpture, hand crafts, and similar objects.

Garage and Yard Sale: an occasional sale conducted by a property owner at their place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.

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.

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.

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[1]Amended 12/8/99 Ordinance No.99-21

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 and includes flea markets.

Temporary Carnivals and Fairs: 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.

Temporary Sales Activities: 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.

Temporary Sales Office: 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.

14-15-103 APPLICATION AND FEE

A. Application for a temporary use permit shall be made to the Planning Director, on forms to be provided by the City, 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. The application shall be accompanied by a non-refundable fee as established by the City Council.

C. After approval of a temporary use permit, the applicant shall also obtain any required business license for the proposed use.

D. An approved temporary use permit shall be effective on the date of its approval. 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.

14-15-104 REQUIRED INFORMATION AND PLANS

A. A concise statement describing the proposed 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; and

B. A copy of a site plan drawn to a standard scale which is no greater than 1"=20', for the property which accurately represents existing condition on the site, including entrances, exits, parking area, driveways, and existing structures and which accurately shows the location of any

proposed temporary structures such as tents, stand or signs.

14-15-105 ADMINISTRATIVE REVIEW PROCESS

A. The following 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.

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 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.

14-15-106 PLANNING COMMISSION REVIEW

The following temporary permits require Planning Commission approval:

A. Fairs, carnivals, rodeos, live entertainment, etc.;
B. Promotional events;
C. Swap meets;
D. Trailers intended for temporary offices or sales;
E. Other uses which due to unusual circumstances the Planning Commission or Planning Director reasonably deem necessary for special review.

14-15-107 GENERAL STANDARDS

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. When the temporary 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 and shall be located to minimize adverse impacts of increased traffic on surrounding properties.

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. 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.

14-15-108 USES, SPECIFIC STANDARDS, AND TIME LIMITS

A. Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the 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 must 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 in a trailer or other portable structure for the sale or lease of property in 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 are 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. Temporary uses in commercial zones shall comply with standards, and are limited to the uses, 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 is 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. Stand selling produce and plants which are not grown on the premises may be permitted under the Temporary Business Licensing Provisions of Bountiful City. This category includes "Farmers Markets".

8. Swap meets. Swap meets may be permitted for not more than three (3) consecutive days 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 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.

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

14-15-109 TIME BETWEEN ACTIVITIES

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

14-15-110 EXEMPT USES

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

A. Fund-raising events of non-profit organizations which last not more than 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. Temporary sales activities involving the display of new retail products on the site of the business which sells such 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 this Ordinance.

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.

14-15-111 ACTION OF PLANNING COMMISSION AND PLANNING STAFF

The Planning Commission and Planning Staff may approve a use which meets the above requirements, may deny a use which does not meet said requirements, or may approve the establishment of a use with such additional conditions as deemed appropriate 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 16

LANDSCAPING AND SCREENING DEVICES

PART 1 LANDSCAPING
PART 2 WALLS AND SCREENING DEVICES
PART 3 MAINTENANCE - VIOLATION AND PENALTY

PART 1 - LANDSCAPING

14-16-101 PURPOSE
14-16-102 APPLICATION
14-16-103 SUBMITTALS FOR APPROVAL
14-16-104 ADMINISTRATION
14-16-105 INSTALLATION BOND
14-16-106 STANDARDS OF DESIGN AND DEVELOPMENT
14-16-107 TREE SELECTION LIST
14-16-108 STANDARD TREE PLANTING DETAIL

14-16-101 PURPOSE

This Chapter is intended to provide standards for installation of landscaping, screening and buffering devices, to improve the environment and promote the general welfare of the community. This is accomplished by encouraging creation of an attractive appearance along public streets and by screening from view those uses and features which may be objectionable to the general public. Landscaping materials, including but not limited to, approved ground covers, shrubs, tress, landscaped berms and other landscape features and amenities, shall be used to further facilitate the control of erosion and the reduction of dust and glare, as well as providing visual relief and softening of building masses. Walls and screening devices provide for isolation of incongruous functions and separation of insensitive activities. Landscaping, walls, screening devices and other exterior design features, appropriately planned and executed, help to provide privacy, logical development and enhanced property values. In developing these qualities is the further purpose of the requirements of this Chapter to encourage creativity in design and execution consistent with good practice.

14-16-102 APPLICATION

This Chapter shall apply to all new buildings, except Single Family and Duplex dwelling units and to all changes, additions or remodelings wherein the cost of construction or the added or the added or remodeled area equals or exceeds fifty (50) percent of the value or area of the existing building.

14-16-103 SUBMITTALS FOR APPROVAL

Any proposed building or land use shall be shown on a Site and Landscape Plan indicating the location of existing and proposed buildings, parking areas, street improvements, locations and type of landscaped areas, existing and proposed landscape materials, walls, screening and buffering

devices, and a pressure sprinkling system. Required final landscape and sprinkler plans shall be prepared by a Landscape Architect licensed to practice in the State of Utah.

14-16-104 ADMINISTRATION

In administering the provisions of this Chapter, the Planning Director shall have the discretionary authority to exchange selected requirements for alternative landscape features and other amenities consistent with the intent of the requirements of this Chapter.

14-16-105 INSTALLATION BOND[1]

Landscaping, sprinkling system, walls, and screening structures, walks, parking areas, and other on-site improvements shall be installed in accordance with Section 14-2-308 of this ordinance.

14-16-106 STANDARDS OF DESIGN AND DEVELOPMENT[2,3]

A. Each parcel to be developed shall be required to provide on- site landscaped areas equal to the minimum amounts specified in this Chapter.

B. In addition to minimum on-site requirements, landscaping between curb and sidewalk shall be required, except for required driveways, walks and carriage slabs. Asphalt or concrete paving in place of landscaping between sidewalk and curb is prohibited.

C. Where other buildings on the subject parcel or adjacent parcels are built to the street property line, the required landscaping along the frontage may be modified or located elsewhere on the development site as approved by the Planning Director.

D. Provision shall be made for automatic pressure sprinkling of all landscaped areas for maintenance of plant materials.

E. Street trees and landscaping shall be required along all streets and reverse frontage conditions, where applicable. Trees shall be selected from the Tree Selection List of this Chapter.

F. Installation of trees and shrubs shall meet or exceed the following specifications:

1. Street trees as indicated on the Tree Selection List shall be a minimum of two (2) inch caliper.

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[1]Amended 10/5/94 Ordinance No. 94-17

[2]Amended 4/6/94 Ordinance No. 94-5

[3]Amended 6/08/2004 Ordinance No. 2004-09

2. Street trees shall be planted at a minimum spacing of one (1) tree for every thirty (30) lineal feet of street frontage or fraction thereof over fifteen (15) feet.

3. All trees shall be planted and staked in accordance with the Standard Tree Planting Detail of this Chapter.

4. Ornamental trees as indicated on the Tree Selection List shall be a minimum one (1) inch caliper.

5. Shrubs shall be a minimum eighteen (18) inch diameter.

6. Screening trees as indicated on the Tree Selection List shall be a minimum one and three quarter (1 3/4) inch caliper.

G. Screening trees as indicated in the Tree Selection List of this Chapter shall be planted at fifteen (15) foot intervals inside property lines of multi-family, commercial, institutional, or industrial uses which are adjacent to or are separated only by an alley from a residential development or district.

H. In multi-family residential areas and developments, common areas shall be landscaped with at least one (1) ornamental tree for each dwelling unit in addition to street frontage trees, screening trees and other landscape requirements.

I. In institutional and commercial areas the following minimum amounts of on-site tree planting shall be required in addition to required street trees:

1. At least one (1) ornamental tree for each five hundred (500) square feet of landscaping; and

2. At least one (1) shrub for each one hundred fifty (150) square feet of landscaping.

3. With the option of substituting up to half of the required shrubs for trees on a 10 to 1 basis.

J. In all multi-family residential, institutional, and commercial areas, required front and street side yards shall be entirely landscaped, except for parking areas and necessary driveways and walkways. In addition, the first ten (10) feet of yard adjacent to any street in institutional, commercial or industrial areas shall be entirely landscaped. Landscaping shall be established along street frontages in the areas lying between the public sidewalk and any buildings, parking areas, loading areas, screening devices or storage areas on the property except for necessary driveways or walkways, where applicable.

K. No person, firm or corporation shall strip, excavate, or otherwise remove top soil except in connection with the construction or alteration of a building on such premises as excavation or grading is incidental thereto.

SECTION 14-16-107
TREE SELECTION LIST

BOTANICAL NAME	COMMON NAME	TREE TYPE 1 = Ornamental Tree 2 = Screening Tree 3 = Street Tree		
Acer Ginnala	Amur Maple	1	2	-
Acer Platanoides	Norway Maple	1	-	3
Acer Platanoides Columnare	Pyramidal Norway Maple	1	2	3
Acer Platanoides Crimson King	Crimson King Norway Maple	1	2	3
Acer Platanoides Emerald Queen	Emerald Queen Norway Maple	1	-	3
Acer Platanoides Royal Red	Royal Red Norway Maple	1	2	3
Acer Rubrum	Red Leaf Maple	1	-	-
Acer Rubrum Red Sunset	Red Sunset Maple	1	-	3
Albizia Julibrissin Rubra	Mimosa Silk Tree	1	-	-
Betula Papyrifera	Canoe Birch	1	2	3
Betulaplatyphilia Japonica	Japanese White Birch	1	2	-
Catalpa Bungii	Umbrella Catalpa	1	2	3
Celtis Occidentals	Common Hackberry	1	2	3
Cercis Canadensis	Eastern Redbud	1	2	-
Crategus Lavellei	Carrier Hawthorn	1	2	3
Cretageus Phaenopyrum	Washington Hawthorne	1	2	3
Ginkgo Bilboa Autumn Gold	Autumn Gold Ginkgo	1	-	3
Gleditsia Triacanthos Imperial	Imperial Honeylocust	1	-	3
Gleditsia Triacanthos Shademaster	Shademaster Honeylocust	1	-	3
Gleditsia Triacanthos Skyline	Pyrimidal Honeylocust	1	-	3

TREE SELECTION LIST (cont.)

BOTANICAL NAME	COMMON NAME	TREE TYPE		
Koelreuteria Paniculata	Golden Raintree	1	2	3
Malus Almey	Almey Crabapple	1	2	-
Malus Variety American Beauty	American Beauty Crabapple	1	2	-
Malus Dolgo	Dolgo Crabapple	1	2	-
Malus Hopa	Hopa Crabapple	1	2	-
Malus Ioensis Klehms Improved	Klehms Bechtel Crabapple	1	2	-
Malus Oekonomierat Echtermeyer	Echtermeyer Weeping Crabapple	1	2	-
Malus Radiant	Radiant Crabapple	1	2	-
Malus Royalty	Royalty Crabapple	1	2	-
Malus Snowcloud	Snowcloud Crabapple	1	2	-
Malus Strathmore	Strathmore Crabapple	1	2	-
Plantanus Acerifolia	European Sycamore	1	-	-
Prunus Virginiana Melancarpa "Shubert"	Canada Red Cherry	1	2	-
Prunus Cerasifera "Mt. St. Helen's"	Mt. St. Helens Plum	1	2	3
Prunus Cerasifera Variety Newport	Newport Flowering Plum	1	2	3
Prunus Cerasifera Thundercloud	Thundercloud Flowering Plum	1	2	3
Prunus Padus Commutata	May Day Tree	1	2	3
Prunus Serrulata Kwanzan	Kwanzan Flowering Cherry	1	2	3
Prunus Subhirtella Pendula	Weeping Cherry	1	-	-
Pyrus Calleryana Aristocrat	Aristocrat Ornamental Pear	1	2	3
Pyrus Calleryana Bradford	Bradford Ornamental Pear	1	2	3
Pyrus Clleryana Rancho	Rancho Ornamental Pear	1	2	3

TREE SELECTION LIST (cont.)

BOTANICAL NAME	COMMON NAME	TREE TYPE		
Pyrus Calleryana Trinity	Trinity Ornamental Pear	1	2	3
Quercus Borealis	Northern Red Oak	1	-	-
Quercus Macrocarpa	Bur Oak	1	-	3
Quercus Palustris	Pin Oak	1	-	3
Sophora Japonica	Japanese Pagoda Tree	1	-	3
Sorbus Aucuparia	European Mountain Ash	1	2	3
Tilia Americana Redmond	Redmond Linden	1	-	-
Tilia Cordata	Little Leaf Linden	1	2	-
Tilia Cordata Greenspire	Greenspire Little Leaf Linden	1	2	3
Tilia Cordata Olympic	Olympic Pyramidal Linden	1	2	3
Picea Pungens	Colorado Spruce	1	2	-
Picea Pungens Glauca	Colorado Blue Spruce	1	2	-
Pinus Nigra	Austrian Pine	1	2	-

PART 2

WALLS AND SCREENING DEVICES

14-16-201 DEFINITIONS
14-16-202 STANDARDS OF DESIGN AND DEVELOPMENT

14-16-201 DEFINITIONS

The following terms are defined for the purposes of this Chapter:

WALLS OR FENCES: Any structural device or fence used for confinement, prevention of intrusion, boundary identification or screening of an activity.

SCREENING DEVICES: Any structures installed 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.

HEIGHT OF SCREENING DEVICES: The measurement from the highest finished adjacent grade of the element or feature to be screened to the top of the screening device.

HEIGHT OF WALLS AND FENCES: The height of walls and fences shall be as specified in Chapter 16 of this Ordinance. 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.

14-16-202 STANDARDS OF DESIGN AND DEVELOPMENT - WALLS AND FENCES

A. In all multi-family project of four or more units, and all institutional, commercial and industrial projects, all outdoor storage areas or other similar items shall be screened form view by a minimum six (6) foot high wall constructed of or finished with materials to match the main building material of the site or alternate material as approved by the Planning Commission.

B. In all multi-family project of four or more units, and all institutional, commercial and industrial projects, roof mounted mechanical equipment shall be screened by parapet walls or by other aesthetically pleasing screening equipment from public view. The screening devices shall be no lower in height than six (6) inches below the height of the mechanical equipment on the front, side or rear walls, whichever are exposed to public streets or residential districts. No chain link fencing, with or without slats, shall be allowed as a screening device for such equipment.

C. Parking areas shall be screened from street view to a minimum height of three (3) feet above the highest finish grade of the parking area as follows:

1. Industrial lots not adjacent to an arterial street shall be screened by the use of walls,

landscaped berms, landscaping or a combination of the three as approved by the Planning Director.

2. All other areas shall be screened by the use of walls, landscaped berms, or a combination of the two. Such screening may be supplemented by up to twenty-five (25) percent intermittent landscaping.

D. All loading and delivery facilities shall be screened from street view by a six (6) foot high wood, brick, or masonry wall, or compatible alternative material as approved by the Planning Director.

E. In addition to other requirements for landscaping, a screening device or wall of masonry, wood or approved alternate material and design, as approved by the Planning Director, shall be constructed of a site used for multi-family residential, commercial or industrial use along any lot lines in common with, or separated only by an alley from, a residential zone or use. Such walls shall have no vehicular access point into or from an alley and shall be a minimum of six (6) feet in height, except that the first twenty (20) feet in from the street property line shall be stepped down to a minimum of two (2) feet.

F. No walls, buildings, major landscape features, or other obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within the clear vision area as defined in Chapter 16 of this Ordinance.

G. In al residential zones, the maximum height of any free-standing screening devices, walls or fences in a required front yard setback shall be two (2) feet. In the areas behind the required front yard setback, and in the rear and side yards, the maximum height of such screening devices, walls or fences shall be six (6) feet.

H. Walls shall be required along the rear lot lines of reverse frontage lots with a height of six (6) feet. In conjunction with a subdivision plat or Planned Unit Development such lots may have a maximum height of eight (8) feet with specific approval of the Planning Commission. Such walls shall be constructed of masonry, wood of approved, design, or alternate approved material as determined by the Planning Director. Street trees and landscaping materials as required by this Chapter shall be installed between the wall and the public street improvement.

I. Exterior boundaries of mobile home parks shall be provided with masonry and wood walls of approved design having a minimum height of five (5) feet and a maximum height of six (6) feet and shall be designed in an irregular or undulating pattern to create and attractive appearance. The land between the wall and the public street improvements shall be landscaped with street trees and other landscape materials and shall be maintained by the Mobile Home Park owner or lessee, as required above.

J. All outdoor lighting shall be directed downward by means of prismatic lens, deflector or other shading device to avoid projecting onto adjacent properties or streets.

PART 3

MAINTENANCE - VIOLATION AND PENALTY

14-16-301 MAINTENANCE OF LANDSCAPED AREAS
14-16-302 MAINTENANCE OF WALLS, FENCES AND SCREENING DEVICES

14-16-301 MAINTENANCE OF LANDSCAPED AREAS

A. Landscaped areas, including required automatic pressure sprinkling systems, shall be reasonably maintained by the owner or lessee of the property as to weeding, pruning, trimming and watering to preserve the viability of the landscape materials and to maintain an attractive appearance.

B. Any plant material not surviving shall be replaced within thirty (30) days of its demise, unless an extension period of not to exceed six (6) months is granted by the Planning Director to permit planting in appropriate planning season.

14-16-302 MAINTENANCE OF WALLS, FENCES AND SCREENING DEVICES

A. Walls, fences and screening devices shall be reasonably maintained as to structural stability, appearance and screening effectiveness to present an attractive appearance.

B. Failure to provide reasonable maintenance shall constitute a misdemeanor.

CHAPTER 17[1]

FENCING REGULATIONS

14-17-101 PURPOSE
14-17-102 SCOPE
14-17-103 CLEAR VIEW OF INTERSECTING STREETS
14-17-104 FENCE HEIGHT
14-17-105 NONRESIDENTIAL FENCING REGULATIONS
14-17-106 GRADE DIFFERENTIAL
14-17-107 RETAINING WALLS
14-17-108 VACANT LOTS
14-17-109 NONCONFORMING FENCES
14-17-110 BARBED WIRE AND ELECTRICAL FENCES

14-17-101 PURPOSE

The purposes for the fence regulations provisions are:

A. To allow a wide variety of fence styles and construction.

B. To promote property security, privacy and architectural compatibility.

C. To promote vehicular and pedestrian safety through safe fence placement and height to allow proper visibility standards.

14-17-102 SCOPE

The term "fence" shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screening material, wall, hedge, or continuous growth of shrubs or trees with the purpose of or having the effect of preventing passage or view across the fence line. For purposes of this Chapter, single shrub plantings shall not constitute a hedge if the closest distance between the foliage of any two (2) plant is at least five (5) feet.

14-17-103 CLEAR VIEW OF INTERSECTING STREETS

In all districts which require a front yard, no obstruction to the view of vehicular and pedestrian traffic shall be placed on any corner lot within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection of the street curb lines, except those fences which comply with the fence regulations of this Chapter and landscaping pruned in accordance with the following:

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[1]Amended 8/26/98 Ordinance No. 98-15

(a) Solid fences, walls, or other structural screening material greater than two (2) feet in height.

(b) Nonsolid, open type fencing, which is in excess of four (4) feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties and streets.

(c) Shrubs, bushes, plants or plant growth higher than 2 feet above ground level.

(d) Trees with branches less than 7 feet above ground level which overhang or extend into the clear vision area.

(e) Ground or monument signs.

(f) Any other obstruction of any sort which interferes with the safety of pedestrians or traffic.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.

14-17-104 FENCE HEIGHT

A. Interior Lot. Except for Subsection D, no fence, wall, hedge, or other screening material shall be erected, allowed, or maintained higher than three (3) feet within any required front yard setback area in all residential zones. Solid opaque type fencing, walls, hedges, or screens are limited to three (3) feet in height. Other nonsolid, open type fencing, which is seventy-five (75) percent open and present no visual barriers to adjoining properties and streets, may be constructed to a height not to exceed four (4) feet. In any side or rear yard area, fencing may be constructed to a maximum height of six (6) feet with standard type fencing material.

B. Corner Lot. Except for Subsections C and D, fences, walls, hedges, or other screening material greater than three (3) feet in height are permitted within the street side yard setback area, provided that such fence, wall, hedge or other screening material does not exceed six (6) feet in height and is not located within the clear vision area as defined in Section 14-17-103 of this Chapter. Fencing which is located in the clear vision area is limited to solid opaque type fencing, walls, hedges or screen, no higher than two (2) feet in height. Other nonsolid, open type fencing, which is seventy-five (75) percent open and present no visual barriers to adjoining properties and streets, may be constructed to a height not to exceed four (4) feet.

C. Corner Lot - Exceptions. For the purpose of providing adequate site vision of vehicular and pedestrian traffic, the following exceptions apply:

1. Where a fence is located adjacent to a driveway on an adjoining lot, the maximum fence height shall be three (3) feet for solid, opaque fencing or four (4) feet for

nonsolid, open fencing to a minimum ten (10) foot setback, if the adjoining driveway is within fifteen (15) feet of the fence.

2. Where a driveway accesses the primary garage or parking area on a lot from the street side yard, the maximum fence height shall be two (2) feet for solid, opaque fencing or four (4) feet for nonsolid, open fencing to a minimum twenty (20) foot setback. Driveways which access a secondary, limited use garage or parking area on a lot from the street side yard may be exempted from this requirement provided: (a) said driveway access is separate from and not on the same street frontage as the primary driveway, and (b) the fencing will not constitute a hazard to traffic on the street, traffic entering or existing the driveway onto the street, or to pedestrians.[2]

D. Exception for Lots Fronting on Major Streets. Fences, walls, hedges, or screening material on lots fronting on major arterials or through streets may be six (6) foot high at a twenty (20) foot setback to provide additional privacy and reduce the noise from the street. For purposes of this Section, major arterials and through streets shall include:

Main Street/Hwy 89
200 West/Hwy 106 from 500 South to the north City limits
500 West/Hwy 91
Orchard Drive
400 East from 500 South to north city limits
Davis Boulevard
Bountiful Boulevard
1600 North/Pages Lane
1000 North
400 North
500 South
1500 South from 500 West to Orchard Drive
1800 South/Mueller Park Road
3100 South

E. Other Height Exceptions.[3] Fences enclosing recreational facilities (whether private or public), such as tennis courts, swimming pools, ball diamonds, etc., may be allowed up to ten (10) feet in height, as long as they are not site obscuring, are located at least five (5) feet away from the property line, and are not within the minimum front yard setback area. Fences that are greater than ten (10) feet in height and/or closer than five (5) feet to the property line may be permitted with a conditional use permit or through the site plan review process. Property owners abutting the Interstate freeway system may erect a fence to a height not exceeding eight (8) feet on the property line adjacent to the freeway right-of-way.

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[2]Amended 1/8/2002 Ordinance No. 2002-1

[3]Amended 8/10/2004 Ordinance No. 2004-13

F. Public Utilities and Buildings - Exceptions. Fences required by State law to surround or enclose public utility installations, public schools or other public buildings shall be exempt from these height restrictions but shall meet other pertinent State and local requirements.

14-17-105 NONRESIDENTIAL FENCING REGULATIONS

A. Interior Lot.

No fence, wall, hedge or other screening material shall be erected, allowed, or maintained on interior lot higher than six (6) feet when located a minimum distance of ten (10) feet from the front property or street right-of-way line. Any fence, wall, hedge, or screening material within the first ten (10) feet of the front yard setback shall not be erected to a height greater than three (3) if a solid, opaque fence or four (4) feet if a nonsolid, open fence.

B. Corner Lot.

On corner lots, no fence wall, hedge, or screening material shall exceed three (3) if a solid, opaque fence or four (4) feet if a nonsolid, open fence and located within the first ten (10) feet of a front or side yard setback adjacent to a street. Fences, walls, hedges, and other screening material may not exceed six (6) feet in height in the remainder of any front, side, or rear yard area.

14-17-106 GRADE DIFFERENTIAL

Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

14-17-107 RETAINING WALLS

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the property line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if not retaining wall existed.

14-17-108 VACANT LOTS

For the purpose of this Chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by this Ordinance. In any required side or rear yard on vacant lots, the maximum height of fences or other similar structures shall be six (6) feet.

14-17-109 NONCONFORMING FENCES

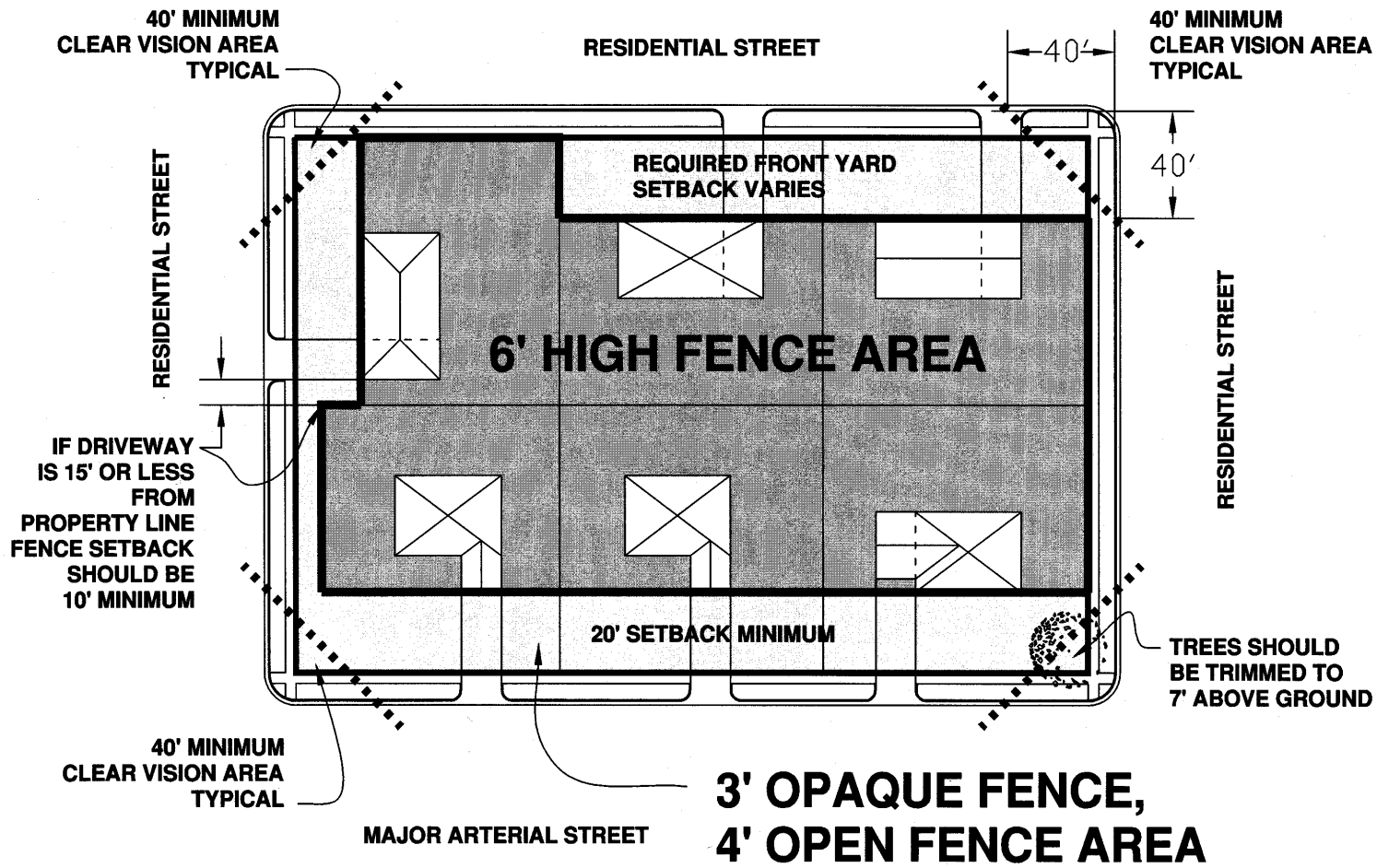
Nonconforming fences shall not be reconstructed except in conformance with the requirements of this Chapter.

14-17-110 BARBED WIRE AND ELECTRICAL FENCE RESTRICTIONS

A. Barbed Wire. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any similar device except where it is attached at the top of a fence or similar structure at a height not less than six (6) feet above the ground. In such cases, no more than three (3) strands of barbed wire, strung tightly and not coiled, shall be allowed and not be included in the overall height requirement of the fence.

B. Electrical Fences. It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge.

FENCING REQUIREMENTS



CHAPTER 18

OFF-STREET PARKING AND MOTOR VEHICLE ACCESS STANDARDS

14-18-101 PURPOSE
14-18-102 OFF-STREET PARKING REQUIRED
14-18-103 CONTINUING OBLIGATION
14-18-104 CALCULATING PARKING REQUIREMENTS
14-18-105 GENERAL REQUIREMENTS FOR PARKING AREAS
14-18-106 TRANSITIONAL AREAS
14-18-107 PARKING SPACES REQUIRED
14-18-108 SIZE OF PARKING STALLS
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

To reduce street congestion and traffic hazards by incorporating functionally designed facilities for off-street parking and loading as an integral part every land use.

14-18-102 OFF-STREET PARKING REQUIRED[1]

There shall be provided, at the time any building or structure is (a) erected or enlarged, (b) increased in capacity, or (c) any new use established, a minimum hard-surfaced off-street parking area with adequate provisions for ingress and egress by standard sized automobiles as provided in accordance with requirements herein.

1. All applications for a building permit shall be accompanied by a plot plan showing the required parking spaces with ingress and egress. Said plan shall be reviewed and approved by the Planning Department.

2. A lot or enclosure providing daily parking for automobiles of those who either reside, work or transact business on the premises. Such spaces are not intended for the long term parking and/or storage of vehicles or other uses which restrict such daily use. Hard surfacing, landscaping, protective curbing, walls, fencing and illumination are required.

14-18-103 CONTINUING OBLIGATION

The required off-street parking facilities shall be a continuing obligation of the property owner so

[1]Amended 4/16/97 Ordinance No. 97-7

long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner 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.

14-18-104 CALCULATING PARKING REQUIREMENTS

A. Whenever parking requirements are based on square footages, calculations shall be based on net square footage of the building or use. Net square footage excludes rest rooms, stairways, elevator shafts, mechanical and electrical rooms and chases, janitorial closets, and common areas used only for major pedestrian movement, such as enclosed atriums and public lobby areas. When public lobby areas contain uses that generate a demand for additional parking, they shall be included in net square footage calculations for determining parking requirements.

B. When a structure or parcel contains multiple uses, more than one parking standard may apply.

C. Available on-street parking spaces cannot be used to meet the requirements set forth herein. No development plans shall be based on the assumption that excess vehicles can be parked on public streets.

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 shift. Where shift changes may cause substantial overcrowding of parking facilities, the Planning Commission may require additional spaces.

E. When parking use intensities vary during the course of the day, because of hours of operation or peak time usage, the Planning Commission may implement shared parking usage based upon reasonable use standards on a case-by-case basis.

14-18-105 GENERAL REQUIREMENTS FOR PARKING AREAS

A. All off-street parking areas 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 Planning Commission. 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. The type and location of luminaries shall be approved by the Power Department and Planning staff.

D. Off-street parking areas shall allow vehicles to enter and exit from a public street by forward motion only. This regulation does not apply to parking areas serving one and two family residential units.

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

F. No required off-street parking shall be permitted in any required residential front yard or street side yard other than in approved, paved driveways.

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 Planning Commission.

H. Off-street parking spaces shall be located only behind the minimum ten (10) foot landscaped area except for one and two-family dwellings. For single family and two-family residential uses, a minimum of one (1) of the required parking spaces per unit shall be provided behind the front setback and not in the street side yard on a corner lot.

I. Landscaping of all commercial and industrial parking areas is required and shall meet the requirements and standards of Chapter 16 of this Ordinance.

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 Chapter 17 of this Ordinance and has been approved by the Planning Commission. 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 net floor area.

3. Beauty and Barber Shops. Three (3) spaces per chair.

4. Bowling Alleys. Four (4) spaces for each alley plus parking space for all accessory uses (i.e., coffee shop, restaurant, bar) as herein defined.

5. Car Wash. Three (3) spaces in approach lane to each wash bay.

6. Churches. One (1) parking space for every five (5) seats for fixed, individual seating; one parking space for each seven (7) feet of linear pew; or one (1) parking space for every twenty-five (25) square feet of floor area where temporary seating can be located.

7. Dwellings, Multiple Family. Parking for multiple family developments shall be based on the following 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.

8. Dwellings, Single Family. Two (2) parking spaces for each single family dwelling unit.

9. Funeral Homes, Mortuaries. One (1) parking spaces for each forty (40) square feet of floor area located in the assembly chapel and viewing room(s).

10. 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 six hundred (600) square feet of net floor area.

11. General Business/Retail Not Specifically Described. One (1) parking space for each two hundred (200) square feet of net floor area.

12. Handicapped/Disabled Persons Parking. Parking spaces shall be provided in conformance with the following:

Required Minimum Total Parking Spaces in Lot	Number 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 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.

13 Hospitals. One (1) parking space for each two hundred fifty (250) square feet of net floor area.

14. 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.

15. Libraries. One (1) parking space for each two hundred fifty (250) square feet of net floor area.

16. Manufacturing/Industrial Uses, Research and Testing Laboratories, Bottling Plants. 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.

17. Medical/Dental Clinics. One (1) parking space for each two hundred (200) square feet of net floor area or four (4) spaces for each practitioner, whichever is greater.

18. Nursing, Convalescent and Other Similar Type Homes. One (1) parking space for every five (5) persons the home is licensed or designed to care for, plus one (1) additional space for each car used by the operators in conducting the home, plus (1) space for every two (2) employees working on the highest employment shift.

19. Offices not Providing Customer Services or Sales on the Premises. One (1) parking space for every four hundred (400) square feet of gross floor area.

20. Professional Offices for Attorneys, C.P.A.s, Architects, Engineers, etc. One (1) parking space for every four hundred (400) square feet of gross floor area.

21. Retirement Facility or Home. Off-street parking shall be provided at the rate of .60 parking stalls per living unit or occupant. 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 three (3) 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 Planning Commission.

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 Planning Commission based on the nearest comparable use standards.

In calculating the requirements of this Section, any fractional parking spaces shall be rounded up to the next whole number.

B. Off-street requirements for residential multiple family developments listed in Subsection A are furnished as guidelines. Individual project parking requirements will be developed by the developer/builder using the planning principles listed herein. The objective is to assure adequate but not excessive parking. It is the responsibility of the developer to show that adequate parking is provided. Approval of the derived parking plan shall then be given by the Planning Commission.

The following planning principles are suggested as appropriate considerations for arriving at a residential requirement for multiple family development. Other factors may also exist which are an influence in determining the total parking requirement.

1. Size of housing units by number of bedrooms.

2. Sales price or rental cost range of units proposed.

3. Targeted owner/tenant characteristics and lifestyle (i.e., single, couples, families, professionals, retired, elderly, etc.)

4. Examination of existing comparables by area or projects.

5. Size of project.

6. Special parking requirements for visitors and recreational vehicles.

7. Future parking expansion capabilities.

8. Transportation alternatives.

9. Work place relationships.

10. Accessibility for disabled persons.

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[2]

A. The dimensions of each off-street parking space for passenger vehicles shall be at least nine (9) feet by eighteen (18) feet for diagonal or ninety degree spaces; or nine (9) by twenty (20) feet for parallel spaces, exclusive of access drives or aisles.

B. The dimension of parking spaces for commercial vehicles shall be determined by the Planning Commission.

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[2]Amended 5/14/2002 Ordinance No. 2002-08

C. Twenty-four (24) feet of on-site aisle space shall be located behind every parking space which are 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. Single Family Residential Lots

1. Number and Width of Driveways. For each residential lot not more than two driveways, each of which shall be a minimum of twelve (12) feet in width with a maximum of thirty (30) feet in width at the property line exclusive of turnout areas to allow access to a garage, carport, or side yard area. There shall be a minimum of thirty- five (35) between the entrances on circular drives.

2. Restrictions on Corner Lots. On any corner lot no driveway shall be closer than thirty (30) feet to the point of intersection as measured at the property line.

B. Multiple Family Residential Lots[3]

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

[3]Amended 7/19/95 - Ordinance No. 95-16

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.

2. Number of Driveways Permitted. Not more than two (2) driveways shall be used for each one hundred (100) feet of parcel frontage.

3. Restrictions on Corner Lots. On any corner lot, no driveway shall be closer than thirty (30) feet to the point of intersection as measured at the property line.

4. Common Drives. Common drives on two (2) parcels of land are allowed but not to exceed a maximum of thirty (30) feet combined.

C. Other Than Residential Lots. For other than residential lots, access shall be provided to meet the following requirements:

1. Width of Driveways. Each driveway 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 entire flare of right-of-way radius shall fall within the right-of-way lot or applicant's property.

2. Spacing of Driveways. No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than five (5) feet unless a reciprocal easement is provided to share driveways by users of adjacent lots.

3. Restriction on Corner Lots. On any corner lot, no driveway shall be closer than thirty (30) feet to the point of intersection as measured at the property line.

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.

D. 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.

E. 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 on concrete island a minimum of six (6) inches in height. Alternate methods of providing equivalent protection may be permitted when approved by the Fire Marshall.

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. For every building or part thereof having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by a commercial or industrial use to or from which delivery of materials or merchandise are regularly made by motor vehicles, there shall be provided and maintained, on the same lot with such building, at least off-street loading spaces in accordance with the following:

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 100,00 square feet over 120,000	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. Each loading space shall have unobstructed access from a street or from an aisle or drive

connecting with a street. No loading space shall be allowed to extend into any street right-of-way or over any pedestrian sidewalk or required parking area.

E. Screening. Such loading space may occupy any required side or rear yard or court except that if it shall be located closer than fifty (50) feet to any residential lot, it 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. If the loading area is illuminated, lighting shall be deflected away from abutting residential lots so as not to cause annoying glare.

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 not used for display.

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

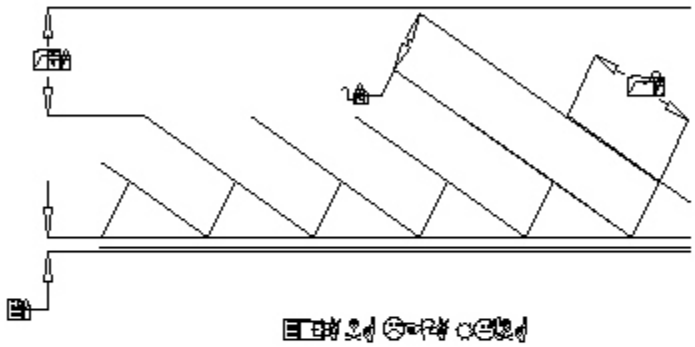
Uses which have drive-up service windows or devices shall provide on-site space for stacking of vehicles waiting to reach the drive-up window or device in accordance with the following:

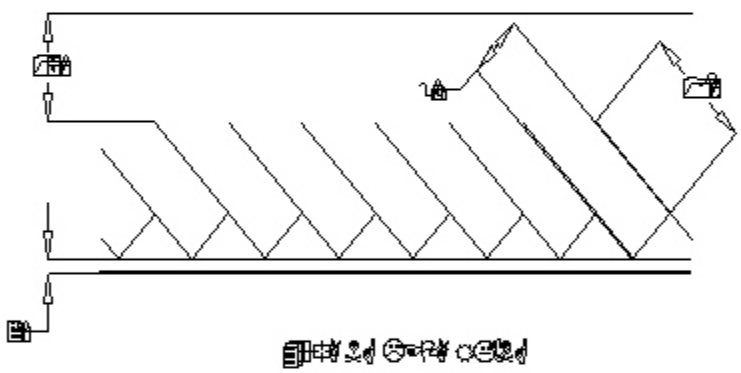
A Restaurants and Fast Food Establishments: Six (6) stacking spaces for each service window or device.

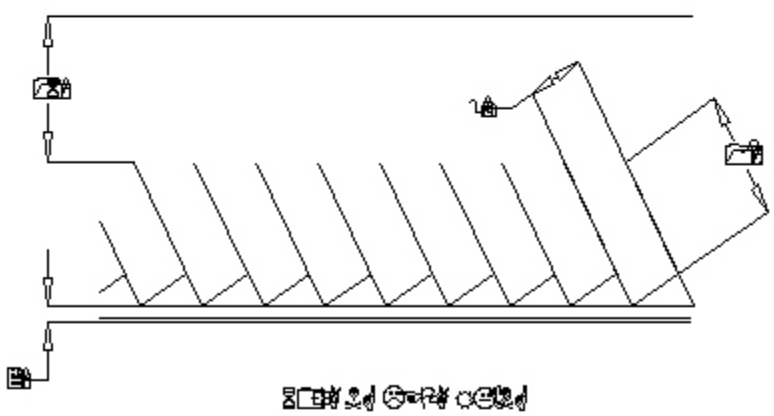
B Banks: Four (4) stacking spaces for each service window or device.

C. All Other: Three (3) stacking spaces for each service window or device.

D Each space shall measure nine (9) feet by eighteen (18) feet and have a height clearance of fourteen (14) feet. Such spaces shall not interfere with other required off-street parking or traffic circulation.







CHAPTER 19[1]

SIGN REGULATIONS

14-19-101 PURPOSE AND SCOPE
14-19-102 APPLICABILITY AND EFFECT
14-19-103 DEFINITIONS
14-19-104 INTERPRETATION
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14-19-106 RIGHT OF APPEAL
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14-19-110 SIGN PERMITTED IN PROFESSIONAL OFFICE (P-O) AND HOSPITAL (H) ZONES
14-19-111 SIGNS PERMITTED IN COMMERCIAL/RESIDENTIAL MIXED USE (C-R) ZONE
14-19-112 SIGNS PERMITTED IN GENERAL COMMERCIAL (C-G) AND HEAVY COMMERCIAL (C-H) ZONES
14-19-113 SIGNS PERMITTED IN RESIDENTIAL (R-1, R-2 AND R-3) ZONES
14-19-114 TEMPORARY SIGNS
14-19-115 SIGN PERMIT PROCESS
14-19-116 SAFETY LOCATION STANDARDS FOR PERMANENT SIGNS
14-19-117 MEASUREMENT OF REGULATED SIGN AREA
14-19-118 SIGN AREA TABLES FOR MONUMENT AND FREESTANDING OR POLE SIGNS

14-19-101 PURPOSE AND SCOPE

The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian. It tells residents and visitors how the City as a whole feels about the environment, safety, and its sense of order. A useful, attractive, and safe streetscape is one that necessarily regulates the size, location, and design of business signs. Because a proliferation of poorly designed, oversized, and inappropriately located signs in commercial and professional office areas can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent signs in these areas receive approval permits from the City.

Commercial and professional office uses are generally more intensive than those found in residential zones. Since these uses are designed by size, location, and style to attract attention and provide services to the public, they generally need signage to achieve that end. Business signs of any

[1]Amended 10/9/2001 Ordinance 2001-15

kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created.

Therefore, it is the intent and purpose of this Chapter to outline regulations and design standards for signs in commercial, professional office, and residential areas that will allow businesses to identify themselves while allowing Bountiful City to create and maintain safe streetscapes regardless of zone. The purposes of this sign ordinance include, but are not limited to:

A. Encourage the effective and innovative use and design of signs as a means of communications in the city.

B. Maintain and enhance the aesthetic environment and pleasing look of the city in order to attract sources of economic and business development and growth.

C. Coordinate the type, placement, scale, compatibility and aesthetics of signs within the different zones by recognizing the commercial communication requirements of the business community.

D. Improve pedestrian and traffic safety through the prevention of visual obstructions and distractions.

E. Minimize the possible adverse effect of signs on nearby public and private property.

F. Promote both renovation and proper maintenance of signs.

G. Enable the fair and consistent enforcement of these sign regulations.

It is the further intent of this Chapter to provide regulations for the design and placement of commercial and governmental identification and communication devices and structures that are built specifically to identify, inform, and direct patrons to a particular merchant, store, establishment, or service. It is not the intent of this ordinance to regulate the content of free political speech.

This ordinance 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; flags of any nation, government or noncommercial organization; religious symbols; commemorative plaques; display of street numbers; or any display or construction not defined as a sign.

14-19-102 APPLICABILITY AND EFFECT

A sign may 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.

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

A. To establish a permit system to allow a variety of types of signs in commercial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Chapter.

B. To allow certain signs that are unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits.

C. To provide for temporary signs in limited circumstances.

D. To prohibit all signs not expressly permitted by this Chapter.

E. To provide for enforcement of the provisions of this Chapter.

14-19-103 DEFINITIONS

Words and phrases used in this Chapter shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in this Ordinance shall be given the meanings as set forth herein. All other words and phrases shall be given common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

ABANDONED SIGN: A sign, sign frame, or sign pole 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.

ADVERTISING OR BUSINESS SIGN: A sign which directs attention to a business use, product, commodity or service.

A-FRAME SIGN: A freestanding, temporary and/or movable device usually constructed of two (2) separate wood or metal sign faces attached at the top.

ALTERATION: 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.

ANIMATED SIGN (*also "Flashing Sign")*: A sign which involves motion or rotation of any part by mechanical, electrical, or artificial means, or displays flashing or intermittent lighting.

AWNING: A roofed structure constructed of fabric or metal so as to extend outward from the building providing a functional protective shield for doors, windows, or other openings with supports extending back to the building.

AWNING OR CANOPY SIGN: A sign painted on, printed on, or otherwise attached flat against the surface of an awning. *(also "Electric Awning Sign")*

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.

BANNER: A sign made of fabric or any nonrigid material with no enclosing framework.

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.

BILLBOARD OR OUTDOOR ADVERTISING SIGN: Any sign that is designed for changeable messages which advertises or directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises upon which the sign is located, or to impart a public service message. The billboard sign is usually larger than eight (8) feet by four (4) feet and may be owned by a commercial company which leases or rents the billboard space for advertising purposes.

BLADE SIGN: *(see "Ground Sign")*

BUILDING DIRECTORY SIGN: A sign which displays the name, or names on one sign for a multi-tenant project.

BUILDING FACE OR WALL: Any exterior wall of a building including windows, doors, and mansard, but not including a flat or pitched roof, in one plane or elevation, which is one exterior building wall of one structure or the length of one individual business.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CHANGEABLE COPY SIGN (*also "Electronic Message Center" and "Reader Board 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 5 times per minute but not less than 10 seconds between changes shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

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.

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.

COMMUNITY SIGN: A sign used solely for the purpose of advertising or announcing a special community wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a public or private school, a charitable organization, or a non-profit corporation. A special community wide event or activity is one which occurs not more than twice in a twelve (12) month period and seeks to attract donations, participants, or customers throughout the city.

CONSTRUCTION: The materials, architecture, assembly, and installation of a sign.

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.

COPY: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

CORNER BUSINESS: A building or business fronting onto two public streets.

DESIGN: The form, features, colors and overall appearance of a sign structure.

DIRECTIONAL SIGN: An on-premise sign giving direction, instructions, or facility information and which may contain the name or logo of an establishment but not advertising copy, provided that the logo comprises not more than 20% of the total sign area.

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.

ELECTRIC AWNING SIGN: An awning sign which is internally illuminated or "back lit."

ELECTRONIC MESSAGE CENTER: *(see "Changeable Copy Sign")*

FACE OF A SIGN: The area of a sign on which the copy is placed.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN: *(see "Animated Sign")*

FLAT SIGN (*also "Wall Sign"*): Any sign erected parallel to and attached to the outside wall of a building with messages or copy of the face side only.

FLOODLIGHTED SIGN: Any sign made legible in the absence of daylight by devices which reflect or project light upon it.

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.

FRONTAGE: The length of the property line of any one premises along a public right-of-way on which it borders.

GASOLINE PRICE SIGN: An on-premise sign identifying the brand and/or type and cost of gasoline, fuel or oil.

GOVERNMENT SIGN: An 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.

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.

HANGING SIGN: A sign which hangs from the eve of a roof or approved architectural feature of a building.

IDENTIFICATION SIGN: A sign identifying an apartment, residence, school, church or other non-sales use.

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.

ILLUMINATION, EXTERNAL: Lighting which is mounted so as to illuminate a sign from a remote position or from outside of the sign structure.

ILLUMINATION, INTERNAL: Lighting which is mounted inside or behind a sign.

INCIDENTAL SIGN: Any sign, generally informational, that has a purpose secondary to the use of the parcel of ground on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the parcel of ground on which the sign is located shall be considered incidental.

INFLATABLE OR INFLATED SIGN: Any advertising device which is supported by heated or forced air or lighter-than-air gases.

INTEGRAL ROOF SIGN: Any sign erected or constructed as an integral or essentially integral part of a normal 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.

INTERIOR SIGN: Any sign located within a building so as to be visible only from within the building in which the sign is located.

LOCATION: The position on a property where a sign is to be placed. The sign location must comply with requirements of this Ordinance and with an approved site plan.

LOGO: A reproducible image or design which serves to represent a business or company's identity.

LOW MAINTENANCE: Sign materials which do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.

LOW PROFILE SIGN: (*see "Monument Sign")*

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.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.

MONUMENT SIGN (*also "Low Profile Sign"*): Any on-premise or identification sign incorporated into some form of landscape scheme or planter box and having a height on not more than four (4) feet in height exclusive of its base.

MOVABLE SIGN: (*also "Portable Sign"*)

MULTIPLE-FACED SIGN: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.

NAME PLATE SIGN: A sign indicating the name and/or occupation of the person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

NEIGHBORHOOD IDENTIFICATION SIGN: A permanent entry sign identifying a residential subdivision, planned unit development, housing complex, or community.

NONCONFORMING SIGN: Any permanent advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance and any amendments hereto, and which fails to conform to all applicable regulation and restrictions of this ordinance.

OFF-PREMISE 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.

OFF-PREMISE 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.

OFF-PREMISE SIGN: A sign which pertains to the use of a premises and/or property other than the property on which it is located.

ON-PREMISE 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.

ON-PREMISE SIGN: A sign which pertains to the use of the premises and/or property on which it is located.

PEDESTAL SIGN: A movable sign supported by a column or columns and a base.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE SIGN: (*also "Freestanding Sign")*

PORTABLE READER BOARD OR TRAILER SIGN: A reader board sign which is mounted on a portable framework or trailer and intended for temporary use.

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.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

PROMOTIONAL SIGNAGE: Temporary devices such as banners, streamers, flags, balloons,

pennants, trailer signs and inflated signs.

PROPERTY SIGN: A temporary sign related to the property on which it is located advertising contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

PUBLIC NECESSITY SIGN: Any sign informing the public of any danger or hazard existing on or adjacent to the premises.

READER BOARD SIGN (*See "Changeable Copy Sign"*)

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 with all requirements of this Ordinance.

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.

ROTATING SIGN (*also "Animated Sign"*)

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

SEPARATION: The horizontal distance between signs measured parallel with the street or curb.

SETBACK: The horizontal distance between the property line (front or side) and closest edge of the sign structure.

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.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. Only one side of a double-faced sign (covering the same subject) shall be used for purposes of computing the sign area when the signs are parallel (no greater than one (1) foot apart) or diverge from a common edge by an angle not greater than thirty (30) degrees. For signs which do not have defined display areas, sign area shall be the area of the smallest rectangle or square which will frame the display.

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.

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.

SNIPE SIGN: A sign for which a permit has not been issued and is attached to a light pole, utility pole, or other outdoor structures or a pole supporting another sign.

T-FRAME SIGN: A freestanding, temporary and/or movable device usually constructed of a single piece of wood or metal extending perpendicular from a base.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted or fixed to the ground.

WALL SIGN: Any sign either mounted flush on the facade of a building, painted on a wall of a building facade, or 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.

WIND SIGN: A sign inflated by, or displayed by wind or air.

WINDOW SIGN: A sign attached to 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.

14-19-104 INTERPRETATION

In 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. If it is felt that an application needs further interpretation, or if anyone is dissatisfied with the Panning Director's interpretation, the Planning Director may request Planning Commission review of the proposal.

14-19-105 ENFORCEMENT

A. Any sign not expressly allowed by this ordinance is prohibited.

B. The erection of a prohibited sign, or permitting the continued existence of a prohibited sign, in violation of this ordinance, is a class C misdemeanor. Each day of violation is a separate offense.

C. A prohibited sign in a public right-of-way or upon City-owned property is hereby declared to be a public nuisance and may be summarily abated by immediate removal without notice.

D. The Planning Director and any designated representatives are vested with the duty of enforcing the regulations in this chapter and in performance of such duty are empowered and directed:

1. To issue permits to construct, alter, or repair signs which conform to the provisions of this Chapter. The expiration date of such permits shall be 180 days in conjunction with building permits.

2. To ascertain that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed in conformance with the provisions of this Chapter and ordinance by conducting:

   a. Initial Inspection After Construction. The Chief Building Official, at the request of the Planning Director, 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 also include the inspection of temporary signs using electrical connection.

   b. Re-Inspection (when necessary). The Planning Director or authorized representative may make a re-inspection of any sign for which a permit was issued but which upon primary inspection was not built in complete compliance with the regulations of this Chapter.

3. To institute any appropriate action or proceeding in any case where any sign is illegally erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any City Ordinance including, but not limited to, this Chapter by:

   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 or benefit of any sign found to be unsafe or dangerous or in violation of this Chapter, particularly when the City is contemplating removal of said sign. 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, including but not limited to criminal or civil court action with the appropriate court, and the person having charge, control, or benefit or any such sign shall pay to Bountiful City within 30 calendar days after written notice is mailed to such person the costs incurred in such removal.

   c. Abatement and Removal of Illegal Signs.

      (1) If a permanent sign installed without a permit, or is otherwise illegal as defined by this chapter, is not made conforming within 30 calendar days after written notice has been given, the 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 any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.

(2) If a temporary sign posted upon private property has been installed without a permit or is otherwise illegal as defined by this chapter and after written notice it has not been made conforming after 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 any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.

(3) Any sign posted upon public property as defined in Section 14-19-107 may be removed by the City. Such removed signs shall be held for a maximum period of thirty (30) days before being destroyed. In no case shall the failure to remove said signs constitute an approval by the City of the illegal placement of the sign.

4. Abate and Remove Non-Maintained or Abandoned Sign or Sign Identifying a Discontinued Use. The Planning Director shall require each non-maintained or abandoned sign or sign identifying a discontinued use to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within forty-five (45) calendar days after written notice of non-maintenance, abandonment or discontinuance is given to the owner, person having control, or person receiving benefit of such structure.

14-19-106 RIGHT OF APPEAL

Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the Board of Adjustment by serving a written notice to the Planning Director with ten (10) working days of the order or denial. An applicant may also appeal to the Board of Adjustment an alleged error by the Planning Director or staff.

14-19-107 NONCONFORMING 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 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 nonconforming sign shall not be moved, altered (including face changes) or enlarged unless it is brought into compliance with this Chapter. The following alterations are exempt from this provision:

1. face changes in nonconforming multi-tenant signs.

2. copy changes in nonconforming permanent signs which were originally approved by the City with a changeable copy feature.

B. ABANDONMENT. Within forty-five (45) calendar days after vacation of an existing business, any on-site nonconforming signs must be removed by the property owner. If removal does not occur, the City may have the entire nonconforming sign (both face and structure) removed through the processes specified in 14-19-105 C. of this Chapter. An abandoned sign may not regain any legal nonconforming status later, even if the original business reoccupies the property.

14-19-108 PROHIBITED SIGNS

A. Prohibited Sign Devices. The following sign devices used to attract pedestrian or vehicular attention are prohibited in any zone in the City. Any sign not specifically allowed by this Chapter is also prohibited.

1. Hot or cold air balloons, or inflatables , except as specifically allowed by this Ordinance for temporary signs or as part of a grand opening period not to exceed thirty (30) days.

2. Any sign which flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate. Commercial signs may be approved with time/temperature or electronic message center capability, provided the message does not change more than 5 times per minute and not less than 10 seconds between changes. Subtle lighting changes of low intensity are allowed.

3. Statuary bearing the likeness or suggestion of any product or logo.

4. Roof signs.

5. Snipe signs.

6. Temporary signs except as allowed in Section 14-19-114 of this Chapter.

7. Bus bench signs.

8. Any truck, trailer, or other vehicle, conspicuously, or regularly parked on or off-premise 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 a truck, trailer, or other vehicle if in his opinion such vehicle is being utilized for advertising purposes.

9. Graffiti.

10. Beacons or spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

11. Off-premise signs, off-premise directional signs, and off-premise development signs (including billboards) except as allowed herein.

B. Hand-bills, signs on public places and objects.

1. No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, parkstrip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone or telegraph wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.

2. Any hand-bill or sign found posted upon any public property contrary to the provisions of this section may be removed by the Police Department, the Public Works Department, the Power Department, the Parks and Recreation Department, or the Planning Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.

3. Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or person for which the Department of Public works has granted a written permit.

4. Nothing in this section shall apply to the painting of house numbers upon curbs.

C. Unsafe Signs. No sign shall be permitted 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.

14-19-109 SIGNS ALLOWED WITHOUT A PERMIT[2]

A. The following signs are allowed in any zone, except on public property, without the requirement of a sign permit:

1. Directional or Instructional Signs. Signs which provide direction or instruction and are

[2] Amended 10/12/2004 Ordinance No. 2004-18

located entirely on-premise and which do not in any way advertise a business shall not exceed four (4) square feet in area or four (4) feet in height. These signs may identify restrooms, public telephones, walkways; or shall provide direction such as parking lot entrance and exit signs and those of a similar nature. The name or logo of an establishment, but not advertising copy, may be placed on such a sign provided that the name or logo comprises not more than 20% of the total sign area.

2. No Trespassing or No Dumping Signs. No trespassing or no dumping signs not exceeding 16 square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot unless the Public Works Director finds more signs are required to prevent violation.

3. Plaques. Plaques or name plate signs not more than two (2) square feet which are fastened directly to the building.

4. Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) feet in area, and provided further that all such signs be placed flat against the building.

5. Real Estate Signs. Real estate signs offering property for sale are allowed in any zone as follows:

   a. One real estate sign on any single family, duplex or multiple family residential use of four units or less not exceeding four (4) square feet.

   b. One real estate sign on any multiple family residential use of five or more units not exceeding thirty-two (32) square feet.

   c. One real estate sign on any parcel that is over 2 acres in size not exceeding sixty-four (64) square feet.

6. Institutional Uses. Churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed one monument sign of thirty-two (32) square feet.

7. Flags. The flags, emblems, or insignia of any nation or political subdivision. Corporation flags may not exceed twelve (12) square feet and may be flown in tandem with the State or National Flag. Large flags flown in high wind may cause a noise nuisance and are subject to removal.

8. Public Necessity Signs. Signs installed by a unit of the government in control of traffic and other regulatory purposes, including street signs, danger and warning signs, railroad

crossing signs, hospital signs, directional or warning signs for public service companies, utilities or institutions, or signs erected by or on the order of a public officer in the performance of his public duty.

9. Holiday Decorations.

a. Decorations and signs of a primarily decorative nature, clearly incidental to and customarily associated with any national, local or religious holiday provided that such signs shall be displayed for a period of not more than 45 consecutive days.

b. Such signs shall be contained entirely within the boundaries of the lot or premise on which they are erected and shall not exceed 15 feet in height. Signs which are regulated under Section 14-19-114 of this Chapter as Temporary Signs will not be considered as meeting the definition of "primarily decorative in nature" under this section.

c. Such signs should be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards.

10. Changing Copy. The changing of the message of the permitted sign that has an approved marquee, electronic message center, or other replaceable copy area.

11. Political Campaign Signs. In addition to signage otherwise authorized by this Chapter, political campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

a. Any one sign shall not exceed sixteen (16) square feet in aggregate area and, if freestanding, shall not exceed five (5) feet in height. Such signs shall not be constructed in a manner as to constitute a roof sign. Signs may not be placed on or over public property, in a public right-of-way, or in any place which would impede traffic visibility or safety. Signs along streets without curb, gutter and sidewalk improvements may not be placed closer than ten (10) feet to the edge of the paved surface.

b. Campaign signs may not be placed closer than one hundred fifty (150) feet to any building where an official voting station is located.

12. Memorial Signs. Memorial signs or tablets, names of buildings or date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

13. Community Signs. Community signs require review by the Planning Department including recommendation of the City Engineer and/or pertinent City department, for

compliance with the following criteria:

a. No sign(s) shall be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, time or duration of display, or is maintained in a deteriorated condition. Such sign(s):

   (1) Must be made of durable, weather resistant material;

   (2) Must use logos or symbols instead of copy where possible, where copy would cause a distraction to vehicular traffic; and

   (3) May be located at various gateway areas to the City, along major streets and important intersections adjacent to non-residential properties as approved by the Planning Director.

   (4) May not be located on any property zoned or used for residential purposes.

b. Such signs shall be uniform in size for each individual display and shall be no larger than (4) feet tall and eight (8)feet wide. Signs attached to a building may be larger but must be appropriate in scale and location as approved by the Planning Director. Freestanding community signs shall be allowed on private parcels with the permission of the owner and approval of the Planning Director. The maximum size for any community sign shall be thirty-two (32) square feet.

c. Such signs may not be attached to another temporary sign or a permanent traffic or business sign.

d. Such signs may be part of a "rotating permanent feature" of the City or community for such events as:

   (1) Holidays
   (2) Cultural and/or Arts events
   (3) Change in seasons
   (4) General community promotion; i.e., business, with the prohibition of commercial endorsement or name on any such sign.

e. Such signs for any single purpose or event may not be displayed for more than 30 days. However, the Planning Director may approve community purpose signs for long-term purposes subject to review on a 90-day basis.

14. Overhead Banners. Banners overhanging the street right-of-way between curb lines shall be allowed only in accordance with the following conditions:

a. Banners shall be allowed only for the purpose of announcing national, state, or city holiday events, or events sponsored by civic or service organizations, public schools or other public agencies.

b. Banners shall be allowed to hang only over Main Street. There shall be no more than three at any time between 400 North and 2200 South.

c. Banners shall be located over Main Street only at locations designated by the City Manager, and shall be installed and placed only by authorized city personnel.

d. Banners shall be allowed to hang for no longer than ten (10) days during which time banners shall be maintained by the applicant.

e. The materials used and the size, content and wording of the banner shall be subject to the approval of the Planning Director.

f. A fee set by the City Council shall be charged to the applicant for the installation and maintenance of each banner, which shall be payable at the city offices.

14-19-110 SIGNS PERMITTED IN PROFESSIONAL OFFICE (P-O) AND HOSPITAL (H) ZONES

A. The following sign types and requirements shall apply to all commercial signs in Professional Office (P-O) and Hospital (H) Zones:

1. Signs allowed. Each parcel of property shall be allowed one monument sign per street frontage, and any wall and accessory signs as permitted.

2. Monument Signs. Up to a maximum of 32 square feet based on Table 19-2. Maximum height of 6 feet including a maximum 2 foot high base (not included in sign area). Minimum setback of 2 feet from property lines and a minimum of 10 feet from any residential use or zone. Located in a landscaped area of at least 2 square feet for each one square foot of sign area. Sign permit required.

3. Freestanding or Pole Signs. No free-standing or pole signs permitted.

4. Wall signs. Sign area of 15% of the facade of the building facing the main public street to a maximum of 32 square feet with secondary signs allowed on one additional face not to exceed 5% of that wall surface to a maximum of 16 square feet. May not extend above the roof line of the building. Sign permit required.

5. Canopy and awning signs. No canopy or awning signs permitted.

6. Changeable copy signs. Changeable copy signs are not permitted.

7. Building Directory. Building Directory Signs shall not exceed 12 square feet in area and 4 feet in height. The signs at a business or office complex shall be uniform in shape, design and style. The materials and colors shall be compatible with the buildings color, materials and architectural style. No sign permit required.

8. On-Premise Development Identification Signs. Signs announcing or identifying the future development of commercial or industrial property are allowed 1 per public or private street frontage. The sign(s)may not be erected before the proposed development has been submitted for site plan review. They must be removed before final inspection or before permanent signs are installed. The size of the sign depends on the number of acres involved in the project:

less than 2 acres	32 square feet
2 to 5 acres	48 square feet

Maximum height 15 feet
No sign permit required

B. SIGN THEME REQUIRED.

A All new multi-tenant centers/ buildings must submit a proposal for all on-premise signs to the Planning Commission for design and placement approval.

B. In cases for parcels of land of 5 acres or larger, and with frontage of 300 feet or more, a proposal for the overall design and placement of all on-premise signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use, providing there is a determination that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter and are in architectural harmony with uses adjacent to the development and with the understanding existing signage may be required to be altered or removed.

14-19-111 SIGNS PERMITTED IN THE COMMERCIAL/RESIDENTIAL MIXED USE (C-R) AND GENERAL COMMERCIAL (C-G) ZONES

A. The following sign types and requirements shall apply to all commercial signs in the Commercial/ Residential Mixed Use (C-R) and General Commercial (C-G) Zones:

1. Signs allowed. Each parcel of property shall be allowed either one monument sign or one freestanding (pole) sign per street frontage, and any wall and accessory signs as permitted.

2. Monument Signs. Up to a maximum area of 32 square feet based on Table 19-2.

Maximum height of 6 feet including a maximum 2 foot high base (not included in sign area). Minimum setback of 2 feet from property lines and a minimum of 10 feet from any residential use or zone. Located in a landscaped area of at least 2 square feet for each one square foot of sign area. Sign permit required.

3. Freestanding or Pole Signs. Sign area as per Table 19-2 or a sign area of 60 square feet plus 15 additional square feet per tenant not to exceed 100 square feet total for each multi-tenant building or site with a minimum of 100 feet of frontage. Maximum height of 15 feet. Minimum ground clearance of 8 feet from street grade to bottom of sign. Maximum pole width of 2 feet. Minimum setback of 10 feet from any residential use or zone. Signs shall be engineered to withstand 100 mph wind loads. Sign permit required.

4. Wall signs. Maximum sign area of 15% of the facade of the building facing the main public street with secondary signs allowed on one additional face not to exceed 5% of that wall surface. May not extend more than 2 feet above the highest point of a flat roof or mansard roof. Sign permit required.

5. Canopy or awning signs. Sign copy, including logo, not to exceed 12 square feet or 50% of awning face area whichever is less. No flashing or intermittent illumination permitted. Awning signs may cover up to a maximum of 50% of the perimeter of a building. Awning signs shall be counted in the total area allowed for wall signs. Sign permit required.

6. Projecting signs. Projecting signs shall be allowed and shall meet the following requirements:

   a. project not more than 2 feet from the face of a wall and may not project over any public right of way.

   b. In the C-R zone on existing buildings with a zero setback from the public right-of-way signs may project over a public right-of-way a distance of not more than two feet.

   c. be mounted no higher than 15 feet above the finished grade and allow no less than 10 feet of clearance between the bottom of the sign and the finished grade.

   d. 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. Changeable copy or electric message center signs are allowed but are limited to not more than 50% of any sign area. Sign permit required.

8. Window Signs. 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 25% of the entire surface area of a group of windows and shall not be affixed as to block clear view of exits or entrances or to create a safety hazard. 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.

9. Building Directory. Building Directory Signs shall not exceed 12 square feet in area and 4 feet in height. The signs at a business or office complex shall be uniform in shape, design and style. The materials and colors shall be compatible with the buildings color, materials and architectural style. No sign permit required.

10. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:

    a. Sign copy, corporate logos, etc. may be a maximum of 30% of one face of the canopy.
    b. Up to three (3) sides of the canopy may be used for signs.
    c. The height to the top of the canopy fascia may not exceed twenty (20) feet from grade, and no canopy fascia may exceed four (4) feet in height.
    d. Individual letters, logos, or symbols may not exceed four (4) feet in height or project out from the fascia or wall more than 6 inches.
    e. Gas price signs are allowed on either a monument sign, a free-standing pole sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of four (4) sets per station. Area of said sign may not exceed four (4) square feet.
    f. A pump-topper sign affixed to the top or sides of an operable, fuel dispensing pump may not exceed 3 square feet in area, shall only display instructional information or price information and shall not include advertising copy pertaining to any product, sale or promotion.

    No sign permit required, however, gas price signs are to be reviewed and approved by the Planning Department at site plan review or when removed and/or replaced or remodeled at the time of the building permit review.

11. Menu Boards. No sign permit is required, however, menu boards for drive-in restaurants are to 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 2 menu boards are allowed per site and must be located behind the front landscaped setback area.

b. Maximum area shall not exceed 35 square feet per sign and 6 feet in height.

12. On-Premise Development Identification Signs. Signs announcing or identifying the future development of commercial or industrial property are allowed 1 per public or private street frontage. The sign(s) may not be erected before the proposed development has been submitted for site plan review. They must be removed before final inspection or before permanent signs are installed. The size of the sign depends on the number of acres involved in the project:

less than 2 acres	32 square feet
2 to 5 acres	48 square feet
5 to 10 acres	64 square feet
10 to 20 acres	128 square feet

Maximum height 15 feet
No sign permit required.

B. SIGN THEME REQUIRED.

A All new multi-tenant centers/ buildings must submit a proposal for all on-premise signs to the Planning Commission for design and placement approval.

B. In cases for parcels of land of 5 acres or larger, and with frontage of 300 feet or more, a proposal for the overall design and placement of all on-premise signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use, providing there is a determination that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter and are in architectural harmony with uses adjacent to the development and with the understanding existing signage may be required to be altered or removed.

14-19-112 SIGNS PERMITTED IN THE HEAVY COMMERCIAL (C-H) ZONE

The following sign types and requirements shall apply to all commercial signs in the Heavy Commercial (C-H) Zone:

1. Signs allowed. Each parcel of property shall be allowed either one monument sign or one freestanding (pole) sign per street frontage, and any wall and accessory signs as permitted.

2. Monument Signs. Up to a maximum area of 32 square feet based on Table 19-1. Maximum height of 6 feet including a maximum 2 foot high base (not included in sign area). Minimum setback of 2 feet from property lines and a minimum of 10 feet from any residential use or zone. Located in a landscaped area of at least 2 square feet for each one square foot of sign area. Sign permit required.

3. Freestanding or Pole Signs. Maximum sign area of 60 square feet for first 100 feet of lineal street frontage plus 1 square foot for each lineal foot of frontage over 100 to a maximum of 160 square feet total (See Table 19-2). Maximum height of 30 feet. Minimum ground clearance of 8 feet from street grade to bottom of sign. Maximum pole width of 2 feet. Minimum setback of 10 feet from any residential use or zone and located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of nature.. Signs shall be engineered to withstand 100 mph wind loads. Sign permit required.

4. Wall signs. Maximum sign area of 20% of the facade of the building facing the main public street with secondary signs allowed on two additional faces not to exceed 5% of that wall surface. May not extend more than 2 feet above the highest point of a flat roof or mansard roof. Sign permit required.

5. Canopy or awning signs. Sign copy, including logo, not to exceed 12 square feet or 50% of awning face area whichever is less. No flashing or intermittent illumination permitted. Awning signs may cover up to a maximum of 50% of the perimeter of a building. Awning signs shall be counted in the total area allowed for wall signs. Sign permit required.

6. Projecting signs. Projecting signs shall be allowed and shall meet the following requirements:

   a. project not more than 2 feet from the face of a wall and shall not project over a public right-of-way.

   b. be mounted no higher than 15 feet above the finished grade and allow no less than 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. Changeable copy or electric message center signs are allowed but are limited to not more than 50% of any sign area. Sign permit required.

8. Window Signs. 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 25% of the entire surface area of a group of windows and shall not be affixed as to block clear view of exits or entrances or to create a safety hazard. 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.

9. Building Directory. Building Directory Signs shall not exceed 12 square feet in area and 4 feet in height. The signs at a business or office complex shall be uniform in shape, design and style. The materials and colors shall be compatible with the buildings color, materials and architectural style. No sign permit required.

10. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:

    a. Sign copy, corporate logos, etc. may be a maximum of 30% of one face of the canopy.
    b. Up to three (3) sides of the canopy may be used for signs.
    c. The height to the top of the canopy fascia may not exceed twenty (20) feet from grade, and no canopy fascia may exceed four (4) feet in height.
    d. Individual letters, logos, or symbols may not exceed four (4) feet in height or project out from the fascia or wall more than 6 inches.
    e. Gas price signs are allowed on either a monument sign, a free-standing pole sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of four (4) sets per station. Area of said sign may not exceed four (4) square feet.
    f. A pump-topper sign affixed to the top or sides of an operable, fuel dispensing pump may not exceed 3 square feet in area, shall only display instructional information or price information and shall not include advertising copy pertaining to any product, sale or promotion.

    No sign permit required, however, gas price signs are to be reviewed and approved by the Planning Department at site plan review or when removed and/or replaced or remodeled at the time of the building permit review.

11. Menu Boards. No sign permit required, however, menu boards for drive-in restaurants are to 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 2 menu boards are allowed per site and must be located behind the front landscaped setback area.

    b. Maximum area shall not exceed 35 square feet per sign and 6 feet in height.

12. On-Premise Development Identification Signs. Signs announcing or identifying the future development of commercial or industrial property are allowed 1 per public or private street frontage. The sign(s)may not be erected before the proposed development has been submitted for site plan review. They must be removed before final inspection or before permanent signs are installed. The size of the sign depends on the number of

acres involved in the project:

less than 2 acres	32 square feet
2 to 5 acres	48 square feet
5 to 10 acres	64 square feet
10 to 20 acres	128 square feet

Maximum height 15 feet
No sign permit required.

14-19-113 SIGNS PERMITTED IN RESIDENTIAL (R-1, R-2 and R-3) ZONES

1. Allowable Signs. The following signs are permitted for land uses which are predominantly residential and institutional. No sign permits are required for signs in residential zones.

   a. Name Plate. One non-illuminated name plate may be placed on any wall of a dwelling unit, not exceeding one square foot in size.

   b. Home Occupation Sign. Home occupations may be identified by one flat or wall sign placed on the dwelling and shall not exceed 1 ½ square feet in size.

   c. Identification Sign. One identification sign per building not exceeding 4 square feet for multiple-unit dwellings and condominiums.

   d. Permanent Development Signs. Development signs shall be allowed at the entrance to subdivisions, condominiums, and apartment complexes in accordance with the following:

      (1) The maximum area of each sign shall be 24 square feet and a maximum height of 3 feet.

      (2) The sign shall be either a monument sign or attached to an approved wall or fence.

   e. Identification Signs for Institutional Uses. One monument or one wall mounted identification sign will be allowed for institutional uses such as public building, churches, schools, golf courses, and parks to identify the name of the organization and to announce activities. Monument identification signs shall not exceed 32 square feet in area and shall not exceed 6 feet in height, including a maximum 2 foot high base (not included in sign area)and placed a minimum of 2 feet from all property lines in a landscaped area at least 2 square feet for each 1 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.

   f. Service Signs. One or more wall, flat, or free-standing service signs not exceeding 16

square feet in combined total area of each multi-use C and D or non-residential use lawfully occupying the premises, provided that those signs shall not exceed 8 square feet for any one sign and be limited to a height of 4 feet above finished grade.

g. Temporary Signs (Garage Sales). One temporary sign not to exceed 4 square feet in area shall be allowed on the premises on which the sale is taking place.

h. On-Premise Construction Development Identification Signs.

(1) Individual Lots. One sign announcing the name of the construction/ development company is allowed. Area of the sign may not exceed 16 square feet nor 6 feet in height. The sign may not be erected more than 5 days prior to the beginning of construction for which a valid building permit has been issued. It must be removed before final occupancy.

(2) Subdivisions or Planned Unit Developments. One development promotional sign may be placed on the premises of each development having five (5) or more lots or approved unit sights in any residential zone. The size allowed for the sign depends on the number of lots to be developed.

5-24 units (lots)	64 square feet
25-49 units	96 square feet
50 units or more	128 square feet

Maximum height 12 feet

Subdivision development signs shall be removed within 5 days of the issuance of the last building permit in the project or if the lots are sold out before 5 years immediately upon sale of the last lot, whichever is sooner.

Planned unit development signs shall be removed within 5 days of the issuance of the last certificate of occupancy for the project.

i. Neighborhood Identification Signs. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood identification; provided that the sign or display not exceed the area requirements for a monument sign as regulated by this Chapter and that the legend of such sign or display shall consist of only the neighborhood name and/or address.

14-19-114 TEMPORARY SIGNS

A. PURPOSE. The 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. STANDARDS FOR TEMPORARY BANNERS AND SIGNS.

1. Temporary banners and signs shall be subject to the following:

   (a) Temporary banners and signs shall be limited to on-premise signs only.

   (b) There shall be no more than one temporary banner or sign for each single business site. Where a premises abuts two streets, one additional sign, oriented to each abutting street, shall be permitted. On multi-tenant sites, there shall be no more than 6 signs per acre and represent not more than 25% of the site's tenants.

   (c) Temporary banners may be no more than 24 square feet in area and must be placed in a landscaped area on posts or attached to a building. Temporary banners may not be attached to an existing sign or sign structure. Banners which diverge from a common edge by an angle greater than 30 degrees shall be considered as two signs.

   (d) Temporary signs may be no more than 16 square feet in area and may be located anywhere on the business premises as long as it does not create a traffic hazard and does not unreasonably obscure existing signs on the same or adjacent premises. Temporary signs shall not be placed over a public right-of-way, may not be connected electrically, illuminated, flash, blink, spin, rotate, block traffic visibility of vehicles entering onto a public street, or cause a public nuisance of any kind. Such signs must also be placed no closer than 25 feet to any residential zone or use.

   (e) Temporary signs must be of an a-frame or pedestal type construction or be placed in the ground in a landscaped area. No portable reader boards, electric signs or signs attached to other signs or sign structures, balloons, streamers, inflatables or other similar object shall be allowed as a temporary sign.

   (f) All temporary banners and signs shall be substantially constructed and adequately weighted, anchored or attached to prevent movement or overturning or detachment in the wind.

   (g) No permit shall be required for a temporary sign.

C. SPECIAL TEMPORARY SIGNS

1. Grand Opening Signs. Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the

event shall not continue for more than 30 days from the date the business license is issued. There shall be no more than two (2) signs allowed per business. The signs must comply with the general size and location standards for temporary signage in this chapter and must be removed at the end of the Grand Opening period. Inflatables may be used during this period including placement on the roof of a business as long as they do not extend higher than 35 feet.

2. Going Out of Business /Bankruptcy Period. A business may apply for a special permit in order to facilitate the liquidation of inventory for a going out of business sale which meets the requirements of Section 5-14-101 of the Bountiful City Code. The signs must be removed as soon as the business closes. This applies for a going out of business sale only, and does not include moving of location.

14-19-115 SIGN PERMIT PROCESS

A. SIGN PERMIT REQUIRED. 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. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed or modified.

B. REVIEW CRITERIA. The approval for a sign or sign application shall be based on the following criteria:

1. Whether all provisions of this Chapter and all other ordinances and standards of the City will be complied with.

2. Whether the proposed sign will have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing and working within the neighborhood; or shall not be detrimental or injurious to the neighborhood.

3. Whether the proposed sign will promote a desirable relationship of structures to one another, to open spaces, aesthetic values, and topography, both on the site and in surrounding neighborhoods.

4. Whether the height, area, setbacks and overall mass, as well as parts of any structure (building, walls, signs, lighting, etc.) and landscaping, will be appropriate to the sign, the neighborhood and the community.

5. The effect of the sign upon ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways.

6. Whether the architectural character of the proposed sign will be in harmony with, and

compatible to, those structures in the neighboring environment and the architectural character and design standards adopted for any given area.

7. All mechanical equipment, appurtenances, and utilities, shall be concealed from view and integral to the sign design including electrical boxes, wires, or switches.

8. The architectural character and design of a sign shall be cognizant of the unique climatological and other environmental factors of this region by using exterior materials of a nature which will withstand prolonged exposure to the elements with only minimum maintenance.

9. The location of the sign upon the premises.

10. The location of existing signs, if any, upon the premises or the immediate area.

11. No sign shall be erected on or over a public right-of-way or on publicly owned or City property except where specifically allowed by this Chapter.

12. Any other factor which, under the circumstances, merits consideration.

The Planning Staff or in some cases the Planning Commission shall have the function, duty and power to approve, disapprove or approve a sign permit with conditions as deemed necessary to carry out the purposes of this Chapter.

C. APPROVAL.

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 may 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 Staff provided that the sign meets the requirements of this Chapter. Signs for multi-tenant buildings previously approved with signage in the site plan process may also be approved by the Planning Staff.

D. APPLICATION. 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 graphic and written information adequate to show compliance with all

applicable requirements of this Chapter as outlined in subsection E below.

3. Signs submitted as part of a new development shall first be reviewed the Planning Commission as part of the site plan approval process, and then submitted for individual permits.

4. The Planning Department shall review all permits for compliance. Any permit which meets the requirements and criteria of the Chapter shall be approved. Permits which do not meet the requirements and criteria of this Chapter shall be returned to the applicant for revision and resubmittal.

5. The decision of the Planning Department may be appealed to the Board of Adjustment.

E INFORMATION REQUIRED BY SIGN TYPE. The following specific information shall be required for the sign types indicated:

1 Monument and Freestanding or Pole Signs.

a. Plot plan showing relationship of sign to buildings, property lines, setback from public-rights of-way, intersections, easements and driveways, and any required landscaping.

b. Two accurately dimensioned, scaled drawings 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 electrical plan and foundation scheme.

d.. Length of lineal frontage pf the property.

e. Certified engineering for 100 mph wind loads for freestanding signs.

2. Wall Signs.

a. Two scaled drawings showing square foot dimensions of both the building and the sign, sign composition, and 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 electrical plan.

3. Temporary signs requiring permits.

a. Plot plan showing relationship of sign(s) to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.

b. Length of period for display, type of request.

F. ADDITIONAL INFORMATION REQUIRED. The following additional information shall be required with all sign permit applications:

1. Proof of current Bountiful City business license.

2. Business address and phone number

3. Address of property owner and phone

4. General and/or electrical contractor's license number.

5. Value of the sign.

14-19-116 SAFETY AND LOCATION STANDARDS FOR PERMANENT SIGNS

A. STANDARDS OF CONSTRUCTION

1. All signs erected in Bountiful City shall comply with the provisions of the National Electrical Code, International[3] Building Code, the Bountiful City Code, and this Ordinance effective at the time the permit is issued.

2. Licensed Sign Contractor required. No sign, fixture or device involving electrical wiring or connect-ions shall be erected or installed in Bountiful City except by a licensed and bonded contractor.

3. Engineering Required. All sign permit applications shall be engineered to demonstrate conformance with the applicable provisions of the International[4] Building Code; and, where required by this ordinance 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 its supports.

4. Durability. All signs must be built of durable and permanent materials.

5. Power Source. Permanent power sources for signs must be concealed underground away

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[3]Amended 5/14/2002 Ordinance No. 2002-08

[4]Amended 5/14/2002 Ordinance No. 2002-08

from public view and immediate access.

B. TRAFFIC SAFETY. No sign or other advertising structure shall be erected which in any manner may be confused with an 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. 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. No sign shall have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance.

C. CLEAR VIEW OF INTERSECTING STREETS. No sign more than three (3) feet in height (above the top back of curb) shall be erected at any intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of the curb (or future curb) and a line connecting them at points 40 feet from the intersection of the lines.

Monument signs may be erected in the above mentioned area if they are less than three (3) feet above the curb grade to the top of the sign. The Planning Commission must approve any removal of landscaping in order to accomplish that objective.

Deviations from these requirements must be reviewed and approved by the Bountiful City Engineer, in order to maintain an acceptable degree of safety. Deviations beyond those approved by the Traffic Engineer must be appealed to the Board of Adjustment.

E.. SPECIFIC CLEARANCE AND LOCATION REQUIREMENTS. The following apply for all signs:

1. No sign shall be erected which interferes with the safe view of drivers entering a public right-of-way from any driveway or property.

2. Freestanding signs shall not extend over any pedestrian or vehicular access area unless specifically approved by the Traffic Engineer.

3. No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

4. No sign shall be erected or maintained which has less horizontal or vertical clearance of communication lines and energized electrical power lines than that approved by the Bountiful Light and Power Department.

5. No sign shall be located on publicly owned land or inside street rights-of-way, except signs owned and erected by permission of an authorized public agency or specifically authorized herein.

F. MAINTENANCE.

1. 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.

2. 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:

   a. if originally approved as a sign with changeable copy; or

   b. for price, telephone numbers, or similar minor changes. All other changes require a sign permit.

3. The maintenance, renovation, or repair of a sign without structural alteration and without change of sign copy shall not require a new sign permit, but may require a building permit under the International[5] Building Code.

4. 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.

G. LANDSCAPING. 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.

H. POLE COVER REQUIRED. All on-premise freestanding signs must 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.

I. FOUNDATIONS. All signs must be permanently mounted on foundations and footings which conform to the International[6] Building Code.

J. LIGHTING. The light from the illumination of sign shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent properties particularly in residential neighborhoods.

K. BUILDING IDENTIFICATION. All buildings shall be identified with a numbered or lettered

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[5]Amended 5/14/2002 Ordinance No. 2002-08

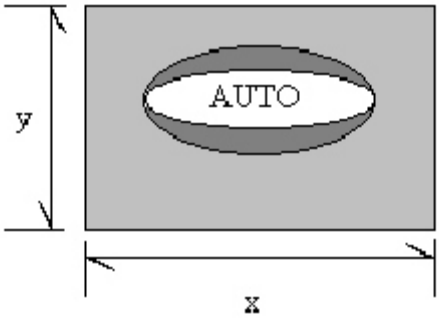
[6]Amended 5/14/2002 Ordinance No. 2002-08

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.

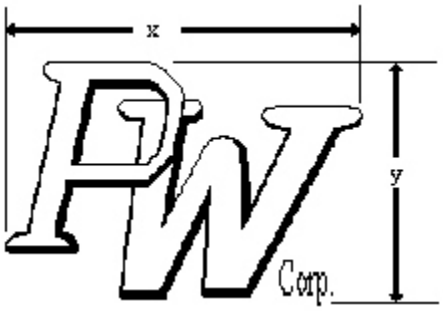
14-19-117 MEASUREMENT OF REGULATED SIGN AREA

A. Flat or Wall Signs.

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.



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 other-wise 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.

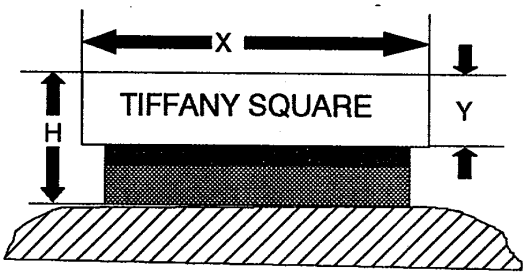


For sign copy mounted or painted on an illuminated sign or architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

C. Monument Signs.

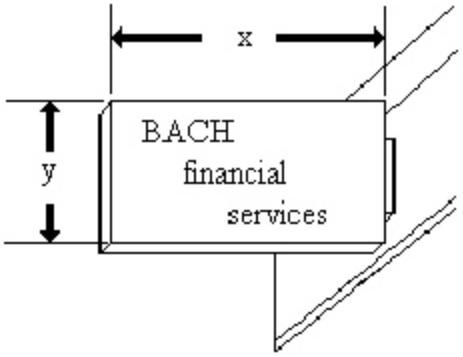
The regulated area of a monument sign shall include all parts of the sign or structure that contains identification (words of symbols) and information.

The height a ground sign shall be the distance from the highest point of the sign to the height of the street or sidewalk.

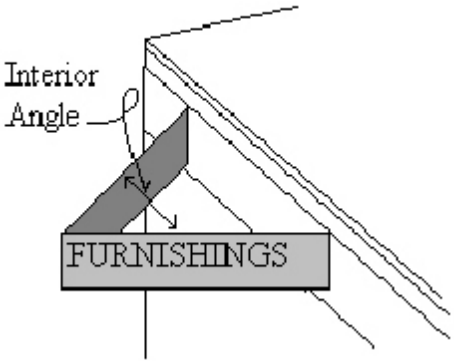


D. Multiple Face Signs. (including but not limited to freestanding or monument signs).

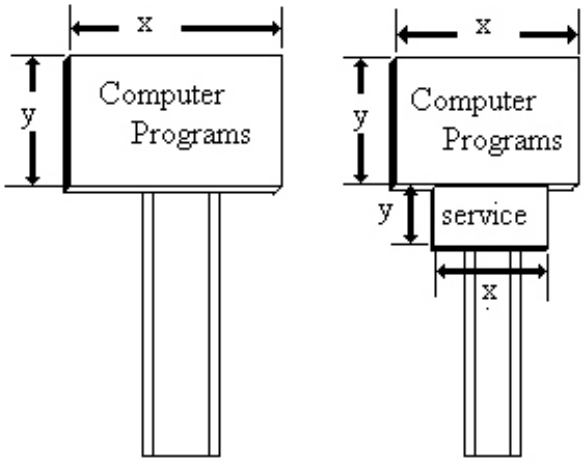
(1) Single Panel. Measure the area of the single face only.



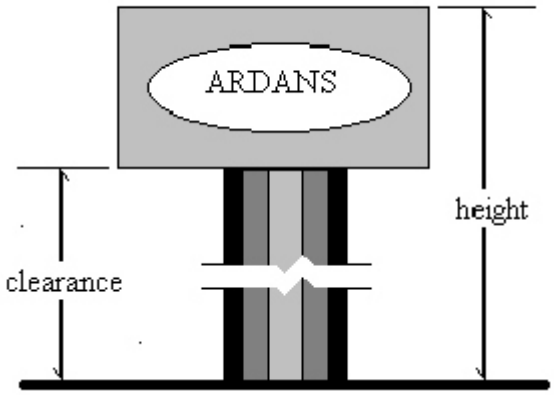
(2) Double Panel. If the interior angle between the top two faces is 30 degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than 30 degrees, the sign area to be measured will be the sum of the areas of the two faces.



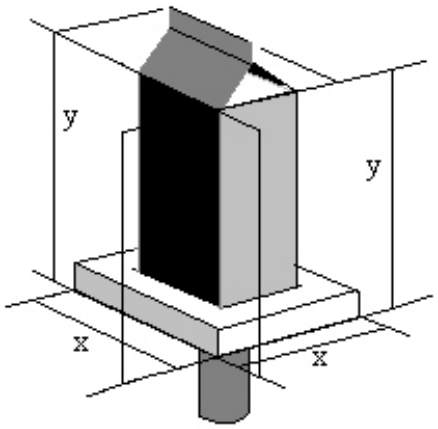
(d) Freestanding Signs. The regulated area of freestanding signs shall include all parts of the sign or structure that contains identification (words or symbols) and information.



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 crown of the street when there is no curb or sidewalk.

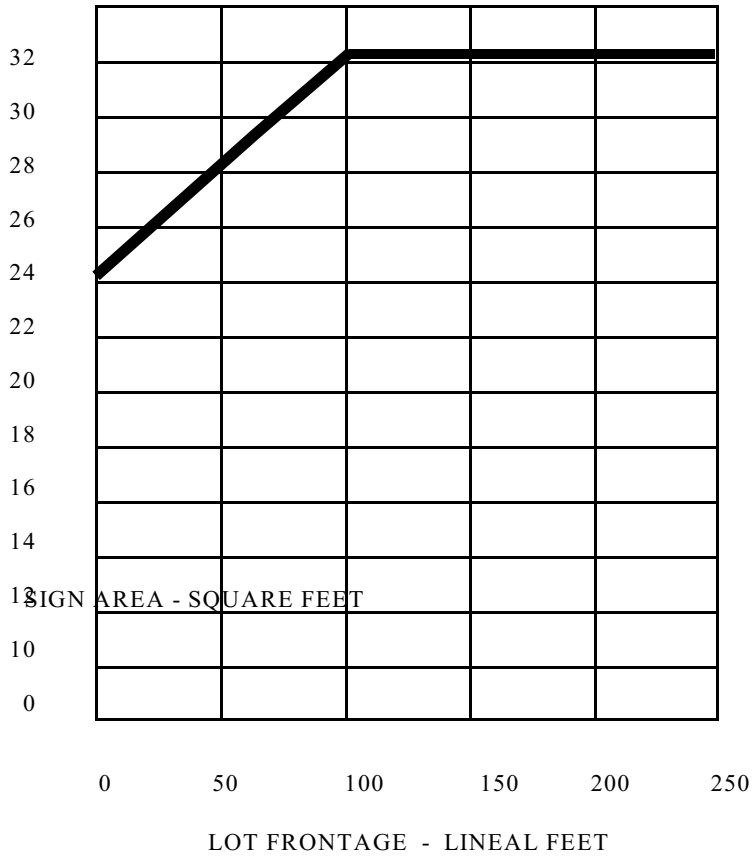


(e) Non-Planer or Sculpture Signs. For spherical, freeform, sculptural, or other non-planer signs, the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

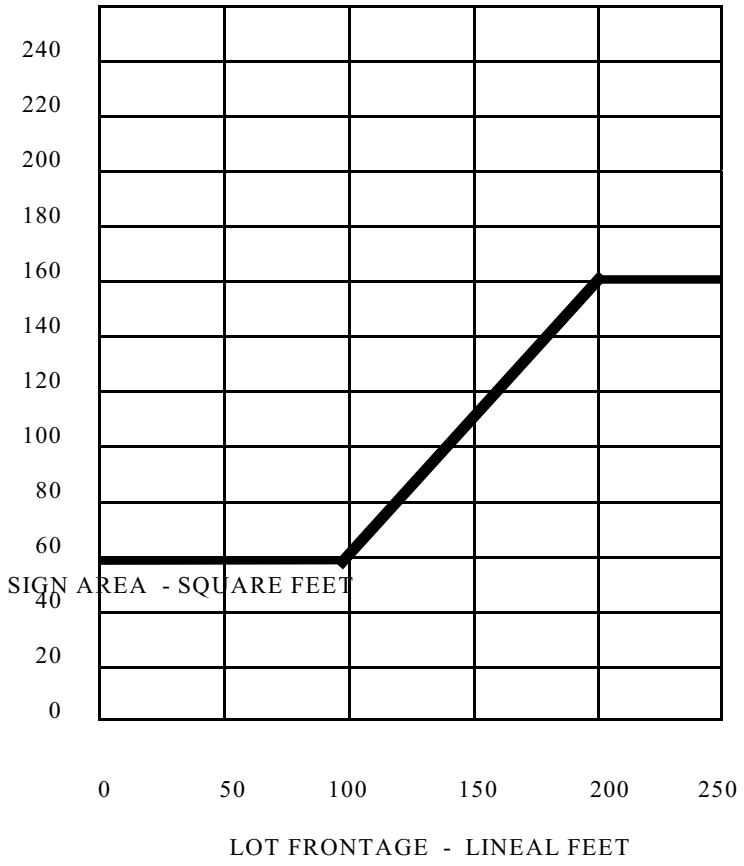


14-19-119 SIGN AREA TABLES FOR MONUMENT AND FREESTANDING SIGNS

A. TABLE 19-1 SIZE OF MONUMENT SIGNS



B. TABLE 19-2 SIZE OF FREESTANDING OR POLE SIGNS



CHAPTER 20

HOME OCCUPATIONS

14-20-101 PURPOSE
14-20-102 LICENSE REQUIRED - CONDITIONS
14-20-103 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE AND GROUP INSTRUCTION
14-20-104 APPLICATION
14-20-105 PROHIBITED USES

14-20-101 PURPOSE

The purpose of the Home Occupation Provision is to permit certain income producing uses in residential districts which are compatible with the neighborhood in which they are located. Home Occupations are limited to those uses which may be conducted within a residential dwelling without, in any way, changing the appearance, character, or condition of the residence.

14-20-102 LICENSE REQUIRED - CONDITIONS

A Home Occupation License shall be required for all property in residential zones used for income producing purposes. A Home Occupation must meet the following criteria to qualify for a Home Occupation License:

A. It is clearly incidental and secondary to the use of the dwelling purposes and does not change the appearance, character or condition thereof. There will be no displays, advertisements, stock in trade, or signs related to the business except those required by State Law and which meet the provisions of Chapter 18 of this Ordinance.

B. It shall be conducted entirely within a dwelling and carried on by persons who are residents of the dwelling unit. No person shall be employed as part of the home occupation except members of the family related by blood, marriage, or adoption, and who are residing in the dwelling at the time of such employment. One additional person may be employed as a secretary, computer operator, apprentice, or helper where there are no more than five family members actively engaged in the home occupation.

C. It shall not involve more than one room in the dwelling and cannot exceed twenty percent (20%) of the ground floor area.

D. It shall not involve the attached garage or carport section of the dwelling nor any accessory building or yard space or activity outside of the main building.

E. It shall not involve the sale of commodities on the premises. Commodities may be produced on the premises and sold through other business outlets not on the premises.

F. It 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. It shall not create a hazard by using or storing flammable material or explosives or other dangerous materials.

H. It does not involve the use of mechanical or electrical apparatus, equipment or tools not commonly associated with a residential use or as are customary to home crafts.

I. It 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. It shall not involve the use or parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.

K. It shall be in complete compliance with all 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 may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.

M. Only one (1) Home Occupation Business License per dwelling shall be allowed.

14-20-103 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION

The following conditions shall apply only to Home Occupation Licenses for Residential Day Care or Group Instruction:

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 (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) session per day and each session may not exceed four (4) hours. No child or person may attend more than one session per day. Instruction of at least seven (7) or more people requires issuance of a Conditional Use Permit by the Planning Commission.

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 twenty-five percent (25%) 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.

14-20-104 APPLICATION FOR LICENSE

Application for a Home Occupation License shall be made with the Planning Department. The Planning Director shall review the application and may approve the license or forward it to the Planning Commission for review and approval. All applications for Residential Day Care or Group Instruction facilities with more than seven (7) people shall first make application for and receive a Conditional Use Permit from the Planning Commission before applying for a Home Occupation License.

14-20-105 PROHIBITED 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.[1]

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[1]Amended 3/23/04 Ordinance No. 2004-03

14-20-106 CONDITIONAL USES[2]

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: lawn care / landscaping, construction / contracting, and snow removal.

[2]Amended 3/23/04 Ordinance No. 2004-03

CHAPTER 21

ENFORCEMENT AND PENALTIES

14-21-101 ENFORCEMENT
14-21-102 INSPECTION
14-21-103 NUISANCE AND ABATEMENT
14-21-104 PENALTY PROVISIONS

14-21-101 ENFORCEMENT

All department officials and public employees of the City of Bountiful vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Ordinance, intentionally or otherwise, shall be null and void. It shall be the duty of the Chief Building Inspector of the City of Bountiful, the Planning Director, and the City Engineer to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building, or premises.

14-21-102 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 Ordinance.

14-21-103 NUISANCE AND ABATEMENT

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance, and any use of any land, building or premises established, conducted, or maintained contrary to the provisions of this Ordinance, shall be, and the same is hereby declared to be unlawful and a public nuisance. The City Attorney of the City of Bountiful shall immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall 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 Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

14-21-104 PENALTY PROVISIONS

Any person, form or corporation, whether as principal agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance, or failing or refusing to do some act required under this Ordinance, 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 Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

CHAPTER 22

MXD MIXED-USE ZONE

14-22-101 PURPOSE
14-22-102 ZONE/PROJECT EVALUATION
14-22-103 SITE CHARACTERISTICS
14-22-104 SUB-ZONE STANDARDS
14-22-105a PERMITTED USES
14-22-105b PROHIBITED USES
14-22-106 DEVELOPMENT PLAN
14-22-107 DEFAULT SETBACKS AND HEIGHT LIMITATIONS
14-22-108 DEVELOPMENT CHARACTERISTICS
14-22-109 DEVELOPMENT PROCEDURES

14-22-101 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.

14-22-102 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:

- The Bountiful City General Plan
- The Bountiful City Code and Zoning Ordinance
- The purpose and characteristics of the MXD Zone
- Sound planning practices
- Surrounding land-uses
- 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.

14-22-103 SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five 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.

14-22-104 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.

14-22-105a 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 25% of the total project floor area, except as indicated by the sub-zone designation.

Residential
Multi-family - minimum 1 covered space per unit/no freestanding carports

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 sq ft 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

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

14-22-105b 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)

14-22-106 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 20% of the gross floor area, site acreage, or exterior building surface or any change in use greater than 5% of the total project floor area. All modifications must meet the minimum standards required by this ordinance.

14-22-107 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

14-22-108 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 ordinance.

2. Developments within an MXD zone shall exhibit urban characteristics such as:

   - Wide sidewalks
   - Street trees and street furniture
   - Community gathering spaces
   - Shared parking
   - Integrated public transit (where available and/or anticipated)
   - Diverse and distinctive design features

3. All developments shall provide at least 15 percent of the gross floor area or 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 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 20 feet. Lights or signs on building facades may be higher than the 20 feet maximum. Sign standards shall be the same as for the CR zone, although for buildings larger than those normally allowed in the CR zone, the City may approve larger scale lighting and/or signs proportional to the size of the buildings approved. Projects 10 acres or larger with at least 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 ordinance.

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.

14-22-109 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.