

## CHAPTER 7

### DN – DOWNTOWN

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#### 14-7-101 PURPOSE AND OBJECTIVES

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

#### 14-7-102 AREA OF ZONE

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

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

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

**Table 14-7-103**

<u>Use</u>	<u>DN</u>
Accessory Dwelling Unit, detached, as set forth in the Supplementary Development Standards chapter of this Title	C
Accessory Dwelling Unit, internal, as set forth in the Supplementary Development Standards chapter of this Title	P
Assisted Living Center	C
Bail Bonds	N

Use	DN
Banks, Credit Unions	P
Bar, Tavern, Drinking Establishment	N
Bottling, Canning, Food Production	C
Building/Construction Materials and Supplies w/ outside storage	N
Building/Construction Materials and Supplies w/o outside storage	C
Check Cashing, Title Loans	N
Construction Services w/ outside storage	N
Construction Services w/o outside storage	C
Convenience Stores	C
Dry Cleaner, Laundry Service	P
Fast Food Restaurant w/ drive-thru window	N
Fast Food Restaurant w/ pick-up	C
Fast Food Restaurant w/o drive-thru	P
Feed Lots, Animal Rendering, Animal Raising	N
Fire Arm/Shooting Range – Indoor	N
Fire Arm/Shooting Range – Outdoor	N
Food Preparation, Bakery	C
Funeral Parlor, Cemeteries, and Crematory Services	C
Gasoline Sales	N
General retail w/ outside storage	N
General retail w/o outside storage	P
Grocery Store	P
Hotels (Interior rooms)	P
Industrial Manufacturing	N
Kennels, Animal Boarding	N
Laundromat (Self-operated)	P
Mail Order/Online Distribution office w/ onsite storage	C
Medical/Dental Laboratory	N
Medical/Dental Office	P
Millwork, Cabinetry	P
Motels (Drive-up/exterior rooms)	N
Motorized Recreation	N
Multi-Family Residential – Stand alone, with frontage on Main Street	N
Multi-Family Residential – Stand alone without frontage on Main Street	C
Multi-Family Residential w/ Commercial Use on ground floor (Mixed-Use)	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Private Schools	C

Use	DN
Professional Services	P
Public/Private Assembly	C
Restaurant	P
Security Services	C
Self-Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single Family Dwelling	P
Single Family Dwelling- property fronting on Main Street	N
Two Family Dwelling – New	C
Small engine/appliance repair	C
Tailor, Seamstress, Shoe repair	P
Tattoo Parlor	N
Tutoring, Dance, Preschool, Daycare	P
Vehicle Part Sales	N
Vehicle Repair	N
Vehicle Sales	N
Vehicle Salvage/Wrecking	N
Vehicle Service and Wash	N
Vehicle Storage – Indoor	C
Warehouse w/ office	N
Welding, Autobody, Machine Shop, Fiberglass, Painting	N

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

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

**14-7-104 MINIMUM LOT STANDARDS**

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

**Table 14-7-104**

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

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

**14-7-105 YARD REQUIREMENTS**

A lot or parcel with a single family or two family dwelling shall conform to the minimum setbacks of the R-4 subzone. All other uses, including multi-family and mixed-use, shall meet the following requirements:

- A. Front and Street Setbacks.
  - 1. Along 100 West and 100 East any building shall have a minimum building setback of 20 feet and a maximum setback of twenty-five (25) feet from any front property line and/or any property line abutting a public street.
  - 2. Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities, including but not limited to, seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians, shall be considered part of the building for setback purposes, as determined by the approving Land Use Authority.
  - 3. Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line. When any building faces Main Street, the street side yard shall be located within ten (10) feet of the street property line.
  - 4. Along Center Street, any building shall be setback at least five (5) feet and not more than ten (10) feet from the street property line.
- B. Side Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from an interior side property line. Any lot or parcel that fronts onto Main Street shall have no interior side yard setback except as required by the International Building Code.
- C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from a rear property line.

- D. Yard Abutting Residential Lots. Where property abuts an existing single family residential zone, the minimum building setback shall be ten (10) feet on the abutting side.
- E. Accessory Structures. An accessory structure shall meet all of the setback requirements of a principal structure. An accessory structure that does not require a building permit, according to the International Building Code (IBC), may be located in a side or rear setback area only if all of the following conditions are met:
1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.
  2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said building which are adjacent to the property line have a fire retardant rating as specified by the IBC.
  3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.
- F. Residential Uses. It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units, and not to others, is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

#### **14-7-106 PROJECTIONS INTO YARDS**

- A. The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. A fence or wall in conformance with this Code.
  2. Landscape elements, including: trees, shrubs and other plants.
  3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
  2. Stairways, balconies, door stoops, fire escapes and awnings
  3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
  4. A covered entry or porch used for the protection of pedestrians entering or leaving a building, provided said structure is not more than one story in height and is entirely open on at least three (3) sides.
- C. Buildings that front onto Main Street and that are built within ten (10) feet of the front property line may have canopies with business identification sign area if the following criteria are met:
1. The canopy may protrude a maximum of six feet (6') into the Main Street right-of-way, over areas of sidewalk.
  2. The canopy shall not come within seven feet (7') of any parking stall, drive lane, or other portion of the right-of-way used for vehicle access.
  3. The total combined length of the canopy or canopies shall not exceed two thirds (2/3) of the building width.
  4. The maximum height of the canopy shall not exceed five feet (5').
  5. Off-premise signs are expressly prohibited.
  6. Canopy sign copy area shall be a maximum of thirty-two (32) sq. ft. per property.

**14-7-107      STRUCTURE HEIGHT**

Any lot or parcel with a single family dwelling shall conform to the maximum height requirements of the R-4 subzone. All other uses shall comply with the following height standards:

- A. Buildings located within 50 feet of the street property line on 100 West and 100 East shall not exceed 35 feet in height as measured at the average grade.
- B. Buildings located between 50 and 200 feet from the street property line on 100 West and 100 East shall not exceed 45 feet in height as measured at the average grade.
- C. Buildings located at least 200 feet from 100 West and 100 East street property line shall not exceed 55 feet in height measured at the average grade.
- D. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.

- E. Chimneys, flagpoles, towers, steeples and similar accessory and architectural elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance.
- F. In no case shall the area covered by roof mounted equipment exceed twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height. If mechanical equipment is located within roofed and enclosed structures, these structures shall not exceed the maximum height for the zone whether or not these areas are designed for human occupancy.

**14-7-108 DISTANCE BETWEEN STRUCTURES**

A lot or parcel with a single family or two family dwelling shall conform to the minimum building separation requirements of the R-4 subzone. For all other uses, the minimum separation between structures shall be as required by the International Building Code.

**14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE**

- A. A lot or parcel with a single family or two family dwelling shall follow the lot coverage requirements of the R-4 subzone. All others, including multi-family and mixed-use developments, shall conform to the following criteria, in addition to any other requirements of this Title:
  - 1. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
  - 2. With the exception of properties fronting on Main Street a minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
  - 3. A minimum ten (10) feet wide landscape buffer shall be established adjacent to a residential property.
  - 4. Parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except for landscape buffering required between residential uses.
  - 5. Parking areas shall be landscaped as set forth in this Code.
  - 6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in a public right-of-way. In addition to the minimum 10 percent required for all development, mixed-use and multi-

family uses shall provide an additional 50 square feet of landscaping per residential unit.

7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, rocks, gravel, and other non-vegetative material is not allowed in the parkstrip area between the curb and sidewalk.

- B. During the site plan approval process, the City may require more or less landscaping consistent with the provisions of the adopted Historic Downtown Plan.

#### **14-7-110 PARKING, LOADING, AND ACCESS**

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

1. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building.
2. Parking for buildings fronting on Main Street shall be located completely behind the principal structure.
3. Required guest parking stalls shall be located in dedicated off-street parking spaces. Driveways and areas located in front of garage doors (for example in townhome style developments) shall not be used to satisfy minimum guest parking requirements.

#### **14-7-111 SITE PLAN APPROVAL**

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

#### **14-7-112 OTHER REQUIREMENTS**

- A. Signs. Any sign erected in the (DN) Zone shall conform to the sign provisions of this Title. Single family and two family dwellings shall conform to the criteria for the R-4 subzone, and multi-family uses shall conform to the criteria for the RM-13 subzone. All others shall conform to the criteria for the DN zone. Pole signs shall not be permitted.
- B. Uses Within Buildings. Any commercial use permitted in the (DN) Zone shall be conducted entirely within a fully enclosed building, except as provided in subsections 1 and 2 below.
  1. Outdoor Display of merchandise for sale in the downtown area. Businesses located in buildings in the (DN) Zone that have setbacks less than three (3) feet



from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:

- a. Any display of merchandise on the sidewalk may not exceed three (3) feet into the public right-of-way from the property line of the business, except during the annual “Sidewalk Days” celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
  - b. During the winter months, a display may not impede snow removal from the sidewalk.
  - c. The display shall not exceed twenty-five percent (25%) of the width of the lot, parcel, or business. However, businesses with less than forty (40) feet of width may have a display not to exceed ten (10) feet in width.
  - d. Only merchandise sold inside the business may be displayed outside.
  - e. No outdoor display shall exceed six (6) feet in height.
  - f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.
  - g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
  - h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
2. Any business not listed in subsection 1 may include the outdoor display of merchandise for sale only if all of the following conditions are met:
- a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
  - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.
  - c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
  - d. The aggregate outdoor display area shall not exceed twenty-five (25) percent of the linear frontage of the store front or 10 linear feet, whichever

is greater. A business located on a corner shall be considered as having two (2) store fronts.

- e. No outdoor display shall exceed six (6) feet in height.
- f. A maximum of fifty (50) percent of the aggregate outdoor display area may be located in any required landscaping.
- g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
- h. Additional signs, beyond those allowed by this Title, shall not be allowed as part of the outdoor display and sales area.
- i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access, or traffic hazards.

C. Structure Design and Materials.

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

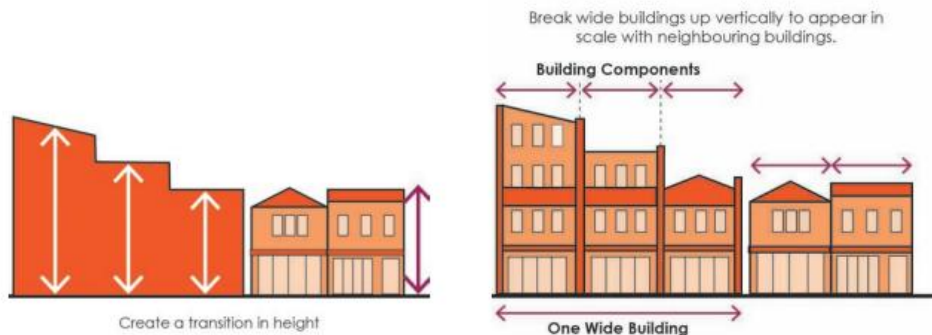
- 1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
- 2. Each residential unit shall have some private outdoor space in the form of a balcony or patio.
- 3. The primary entrance of a building must be oriented to face a street, public plaza or approved pedestrian-way. Ground floor residential units located adjacent to the street shall have the primary entrance oriented toward the street.
- 4. Primary entrance design shall consist of at least two (2) of the following design elements, or a comparable substitute, at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street.
  - a. Architectural details such as arches, friezes, tile work, canopies or awnings
  - b. Integral planters or wing walls that incorporate landscape or seating.

- c. Recessed entrances that include a minimum step back of two feet (2') from the primary facade and that include glass on the sidewalls.
5. All buildings must meet the ground with some form of base element or detailing to visually connect the building to the landscape. The base element may be smooth concrete (architectural grade), masonry or stone.
6. Blank walls shall be prohibited on street-facing facades. At least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant, or lobby space. All development shall provide ground floor windows on the building facade and adjacent to a public or private street. Darkly tinted windows and mirrored windows are prohibited as ground floor windows.
7. To preclude large expanses of uninterrupted building surfaces, exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or public plaza. Along the vertical face of the structure, offsets shall occur at a minimum of every 25 feet by providing any two of the following:
  - a. Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
  - b. Extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or
  - c. Offsets or breaks in roof elevations of three (3) or more feet in height.
8. Buildings with parking located on the ground floor within the footprint of the structure shall incorporate design features into street facing facades that are consistent with the remainder of the building design and that are pedestrian oriented. Features shall include elements typical of a front façade, including doors, false windows, planters, and/or architectural details providing articulation. False windows shall be integrated into the framing of the building and shall not consist of surface mounted features such as tacked on display cases. Required venting for parking areas, including louvered openings, shall not be located along a street facing façade.
9. Ground Floor Use Requirement: For buildings located at least 200 feet from 100 West and 100 East the ground floor story of structures located adjacent to the street shall be built to accommodate an allowed commercial, institutional, or public use. Required ground floor use shall be located along and oriented toward street frontages and shall be a minimum horizontal depth of 25 feet as measured from the front face of the building. With the exception of buildings fronting on Main Street, residential uses may be permitted within the required area in lieu of the required use, if the ground floor is designed so that it can be converted to an allowed commercial use in the future. To accommodate this conversion, the shell

space of the ground floor shall be built to an occupancy standard required by the adopted Building Code that can accommodate conversion of the interior of the space to a future permitted commercial use. The following additional requirements shall apply to the ground floor space if used for residential uses:

- a. The shell space shall be at least twelve feet (12') in height measured from floor deck to floor deck;
  - b. Each ground floor unit shall have a direct entrance from the sidewalk to the unit;
  - c. Each ground floor unit shall be ADA accessible; and
  - d. Each ground floor unit shall include a porch, patio, stoop or other entrance feature that is a minimum depth of at least five feet (5').
10. Form and Appearance. Mixed-use or multi-family buildings exceeding ninety (90) feet wide building frontage shall meet the following standards to break up the exterior mass and bulk of the building to appear as separate structures:
- a. Break the building up horizontally (base, middle, and top) and vertically every forty-five (45) feet or less using step-backs, architectural beams, cornices, windows, etc. Use various materials, colors, and textures approved in the Land Use Code.
  - b. Stagger building heights every forty-five (45) feet or less.

Example:



- D. Neighborhood Compatibility. Each structure, except for existing single and two family dwellings, shall be designed consistent with the adopted Historic Downtown Bountiful Master Plan, particularly with regard to building height, architecture, landscaping and building mass.
- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. With the exception of single family and two family dwellings, each development in the (DN) Zone shall be required to have adequate, on-

site, screened refuse containers maintained in a location approved as part of the site plan.

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

#### **14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING**

- A. Downtown Parking District Defined.

The Downtown Parking District consists of those properties located within the (DN) Zone.

- B. Proximity of Parking to Use.

Required parking spaces for residential uses must be located on site. Required parking spaces for nonresidential uses must be located on site or in parking areas within five hundred feet (500') of the development site property boundary. Off-site nonresidential parking is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

- C. Joint Use Parking.

Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;

3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
  4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- D. No parking calculation which includes the parking areas owned by the Bountiful Redevelopment Agency gives any right of possession, any real estate interest or contract right or right of way on any Redevelopment Agency property.