

CHAPTER 5

(RM) - RESIDENTIAL MULTIPLE FAMILY

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14-5-101 PURPOSE AND OBJECTIVES

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

14-5-102 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Subject to the provisions and restrictions of this Title, the following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Residential Multiple Family zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-5-102a

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

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

14-5-103 MAXIMUM DENSITY AND MINIMUM LOT STANDARDS

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

- B. Any structure and any other site improvement shall be located only upon an area constituting buildable land. In addition, each corner lot or parcel in the (RM) Zone shall meet the minimum width requirements along both frontages. Legally existing lots created prior to this Code and that are improved with a single family residence shall be considered legally conforming if they have a minimum sixty five (65) feet frontage and six thousand five hundred (6,500) square foot lot area.

Table 14-5-103 B.

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

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

Table 14-5-103 H – Density Conversion Table

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

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

14-5-104 PROPORTIONALITY REQUIREMENT

It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit, or a few units and not to others is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

14-5-105 YARD AND SETBACK REQUIREMENTS

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

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

may be located within three (3) feet of a rear or interior side property line if the following criteria are met:

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

14-5-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard:
1. Fences and walls in conformance with City Code.
 2. Landscape elements, including trees, shrubs, agricultural crops and other plants in conformance with City Code.
 3. Necessary appurtenances for utility service.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:
1. Cornices, eaves, awnings, belt courses, sills, buttresses or other similar architectural features.
 2. Fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part.
 3. Stairways, balconies, door stoops, fire escapes and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
- C. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half (.5) the required rear yard set-back distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
1. The roof or canopy is not more than one (1) story in height.

2. The roof or canopy is not longer than one-half (1/2) the width of the main dwelling on which it is located.
 3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 5. In no instance may the additions encroach to within less than twenty feet (20') of a front or street side yard property line, or to within less than ten feet (10') of a rear property line.
- D. None of the above structures or additions may project into any side yard abutting a street on a corner lot.

14-5-107 BUILDING HEIGHT

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

14-5-108 DISTANCE BETWEEN BUILDINGS

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

14-5-109 PERMISSIBLE LOT COVERAGE

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

14-5-110 PARKING, LOADING, AND ACCESS

Each lot or parcel in the (RM) Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 18 of this Ordinance. Said spaces shall be paved with asphalt concrete, or similar impervious surface, and shall include a paved driveway accessing a public

street. Required parking spaces shall not be provided within a required front yard or street side yard, including driveways.

14-5-111 NON-RESIDENTIAL SITE PLAN APPROVAL

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

14-5-112 SIGN STANDARDS

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

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

14-5-113 LANDSCAPING

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

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

14-5-114 STORAGE OF COMMERCIAL ITEMS

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

14-5-115 WALLS AND FENCES

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

14-5-116 VEHICLE ACCESS

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

14-5-117 SITE PLAN APPROVAL

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

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