

PLANNING COMMISSION MINUTES

December 2, 2003

7:00 P.M.

Present: Chairman Mark Green, Vice-Chairman Larry Rigby, Duane Gardner, Tom Smith, Michael Allen, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Recording Secretary Connie Feil.

Absent: Clark Jenkins.

Mark Green welcomed all those present and introduced the Planning Commission Members.

Duane Gardner made a motion to approve the minutes for November 18, 2003 as written.

Barbara Holt seconded the motion and voting was unanimous.

Subdivisions

1. Consider Preliminary and Final Approval of Joe and Bette Eggett Subdivision, Phase 3, 1350 East 1700 South.

Von Hill, Engineer, and Randy Eggett, representing applicant, were present. Paul Rowland explained that this subdivision was originally granted preliminary approval in 1993 as part of a single development that was going to be completed in one phase. Before the subdivision was completed however, Mr. Eggett decided to delay construction on a portion of the lots. At that time four lots were developed as Phase 1. In 2001 four additional lots were developed as Phase 2 and now the proposal is to develop a single lot as Phase 3.

The subdivision is located in the R-1-12 Zone and has an average overall slope of less than 15%, thus requiring 12,000 s.f. min. lots with a minimum frontage of at least 90 feet. The proposed lot meets these requirements.

The new lot has frontage on a previously completed cul-de-sac (1700 South) so that no additional curb and gutter work will be required. As part of the conditions of approval for Phase 2 of the subdivision 1700 South Street was completed with a full size dedicated cul-de-sac and all improvements for the proposed lot were installed. Because all of the actual construction work for this project was done previously, no bonding for improvements is required with this one lot.

Staff recommends that the Planning Commission send a favorable recommendation for preliminary and final approval of the Joe and Bette Eggett Subdivision, Phase 3 with the following conditions.

1. Payment of all fees.
2. Submit a current title report.

3. Correction of minor errors on the subdivision plat.

Larry Rigby made a motion to recommend to the City Council preliminary and final approval of Joe and Bette Eggett Subdivision subject to the conditions outlined by Staff. Michael Allen seconded the motion and voting was unanimous.

2. Approval of Boundary Line Change at 1460 & 1410 South 400 East

Paul Barlow and Keith Peterson, applicants, were present. Rusty Mahan explained that the applicants want to exchange 12 feet of property from a 100-foot frontage and add it to a 75-foot frontage. This does not eliminate a lot or create a new lot. The lots as altered will still be legal lots. There is no reason for disapproving this proposal.

A copy of the State Law, an agreement between the parties to sell/buy the 12 feet, and a proposed Notice of Approval was given to the Planning Commission Members.

Paul Barlow mentioned that on the Notice Of Approval the buyer/seller names are backwards. Paul Barlow is the owner of Lot 1 and Keith Peterson is the owner of Lot 2. Mr. Mahan will go to the County Records Office to review this and resolve the confusion.

Duane Gardner made a motion for approval of boundary line change at 1460 & 1410 S. 400 E. subject to verification of proper ownership of property. Barbara Holt seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Discussion of Zoning Revisions

Rusty Mahan explained that he would like to have a general discussion of possible amendments to the Zoning Ordinance to address the Commission's concerns about poor quality multiple family developments. Mr. Mahan is trying to voice what the Planning Commission and City Council want.

The proposals are for discussion only, no final recommendation will be made. The purpose is to get opinions on where to go with possible revisions. The proposals are as follows:

Main Points:

- 1. The duplex overlay zone in single family districts is repealed. This would stop the conversion of single family homes into duplexes in single family zones. This affects some districts west of 400 East.**
- 2. Within mult-family districts, the concept of proportion is required. Instead of clustering units at the back of a property and turning them sideways on an oblong lot, the development requires greater side-yard and rear-yard**

setbacks, with open space on the lot being more available to each unit.

3. **Formalization of the ban on re-subdividing into the zoning ordinance. Lots within existing subdivisions cannot be re-subdivided into smaller lots.**
4. **Repeal of the “prior created lot” exception within each chapter.**

Chapter 4 R-1 Single Family Residential

14-4-117 ~~SPECIAL DUPLEX OVERLAY ZONE~~

~~A duplex overlay is established for specific areas zoned R-1 to allow for conversions of single family dwellings to duplexes. Such areas shall be designated on the official zoning map with a “(D)” symbol after the zone designation, i.e., R-1-6.5 (D). The duplex overlay zone will allow for a duplex conversion only upon review and approval of a Conditional Use Permit by the Planning Commission. This overlay zone does not permit the construction of new duplexes in an R-1 Zone.~~

CHAPTER 6 R-3 MULTIPLE FAMILY RESIDENTIAL

14-6-101 PURPOSE AND OBJECTIVES

The Multiple Family Residential Zone (R-3) is established to provide areas of the community which shall be characterized by attractively landscaped ~~multiple family and apartment residential development.~~ This zone is intended to provide an attractive setting for multiple family condominiums, apartments, two family and single family dwellings and institutional uses which may be harmoniously blended into each neighborhood.

14-6-108 ~~PRIOR CREATED LOTS~~

~~Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this section. In cases where the lot width or area requirements are such that meeting setback requirements creates a hardship, the property owner may be granted a variance through the Administrative Hearing Officer or the Board of Adjustment.~~

14-6-109 YARD REQUIREMENTS

(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 configurations, it is possible that proportionality and yard requirements may prevent the utilization to the maximum number of units that are permitted by this ordinance.

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 administrating the proportionality requirement to vary somewhat from the standard.

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

- A. Front Yard. For each single family dwelling or each lot or parcel shall have a front yard setback of not less than thirty (30) feet from the front lot line. Front yards for all multiple family unit developments ~~will be determined by site plan review.~~ shall be XXXXX

- B. 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 by site plan review.~~ shall be XXXXX In the event a development includes a residential unit placed sideways on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall be considered a Rear Yard.

- F. Rear Yard. For each single family dwelling or 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 site plan review.~~ shall be XXXXX

CHAPTER 3 DEFINITIONS

14-3-102 DEFINITIONS

YARD, SIDE: A space in the same lot with a building, between the side lot line of the building and the lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the closest point of the building. In the event a development includes a residential unit placed sideways on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall be considered a Rear Yard.

There was a lengthy discussion on each of the above proposed changes. Everyone expressed their views and provided good ideas. Mr. Mahan will review some sections and present the revised version when completed.

Meeting adjourned at 8:15 P.M.

