

WEST BOUNTIFUL CITY

ORDINANCE #450-22

AN ORDINANCE AMENDING WBMC 15.08.050 and 16.20.020 CLARIFYING PUBLIC IMPROVEMENTS REQUIRED FOR BUILDING PERMIT APPROVAL

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants general land use authority to the West Bountiful City Council; and

WHEREAS, the West Bountiful City Council desires to maintain fair standards for construction of public improvements such that the health, safety, and welfare of the community is preserved; and

WHEREAS, certain language in WBMC 15.08.050 regarding public improvements required for building permit approval was found to need clarification; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on March 8, 2022, to consider appropriate modifications; and,

WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments that clarify when and what public improvements are required for building permit approval.

NOW THEREFORE BE IT ORDAINED by the city council of West Bountiful that WBMC 15.08.050 and 16.20.020 be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

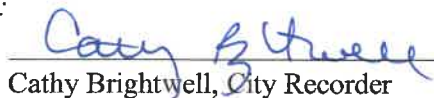
Adopted this 17th day of May 2022.

By:


Kenneth Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST:


Cathy Brightwell, City Recorder



15.08.050 Site And Off Site Public Improvements Required for May Condition Building Permit Approval
(ALL NEW:)

- A. Except as otherwise required under Section 16.20.020 for subdivisions, a property owner shall be required to install the public improvements listed in Section 15.08.050.B as a condition of a building permit for any of the following:
1. A new dwelling or commercial structure;
 2. An addition to a dwelling or commercial structure that increases the footprint or floor space by 50%;
 3. Cumulative additions to a dwelling or commercial structure on the property that increase the total footprint or floor space by 50% over a 5-year period;
 4. A non-commercial structure connecting to any public utility in the public street.
- B. For any of the events described in Section 15.08.050.A, the following public improvements, consistent with city standards, are required along the frontage of the property:
1. Curb, gutter, and sidewalk, and (if required by the city's street design) park strip.
 2. Road widening as necessary to meet the curb and gutter; provided, that the property owner shall be responsible for a minimum of three (3) feet, and no more than four (4) feet, in width of road construction or reconstruction.
 3. Piping, covering, or fencing of irrigation and storm drain ditches.
 4. Improvements for city-required public utility services, such as culinary water, storm drain, sewer, and secondary water.
 5. Improvements for any utility or services requested by the property owner, including but not limited to streetlights, utility poles, communication services, gas services, and electric services.
- C. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon the request of the property owner or recommendation of the city engineer after making specific findings supporting its decision consistent with the following standards. Except as specifically provided in this section, no required improvements may be waived, modified, or deferred.
1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, A-1, and A-S zoning districts may be deferred when the city council finds compelling reasons, such as significant impact to adjacent property, that the city's interests are better served by deferring the construction.
 2. The requirement to pipe or cover an open ditch that the city has previously designated to remain open may be waived, modified, or deferred upon a finding that the waiver, modification, or deferral is in the public interest.
 3. Other required improvements may be deferred only upon a finding that deferral is in the public interest.
 4. The deferral of any public improvements under this section is subject to a deferred improvements agreement, approved by the city council, that allows the city to determine when, if ever, such improvements will be required.
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16.20.020 Public Improvements (Subdivisions)

Notwithstanding the provisions of Section 15.08.050, the approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, streetlights, and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify, or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 450-22 was duly
passed and published, or posted at three public places within the municipality
on May 19, 2022 which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park – Large Bowery, and*
- 3) Lakeside Golf Course Club House.*


Cathy Brightwell, City Recorder

DATE: 5/19/22