

WEST BOUNTIFUL CITY

ORDINANCE #465-23

AN ORDINANCE AMENDING THE WEST BOUNTIFUL MUNICIPAL CODE TO ADD STANDARDS FOR MODEL HOMES/SALES TRAILERS, REVISE SWIMMING POOL REGULATIONS, AND ADOPT MISCELLANEOUS CORRECTIONS TO SUBDIVISIONS AND ZONING.

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

WHEREAS, the West Bountiful City Council desires to maintain land use regulations that are clear and understandable by the general public and meet the needs of its residents; and

WHEREAS, it was determined that there was a need for regulations to address model homes/sales trailers in subdivisions, make updates to the swimming pool regulations, and clarify language in Titles 16 and 17 to match State Law; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on January 24, 2023, to consider the proposed modifications; and

WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments to Titles 16 and 17 as described in attached Exhibits A, B, and C.

NOW THEREFORE BE IT ORDAINED by the city council of West Bountiful City that the West Bountiful Municipal Code be modified as listed below and more specifically described in attached Exhibits A, B, and C.

EXHIBIT A - New Model Home/Sales Trailer Ordinance, WBMC 17.74;

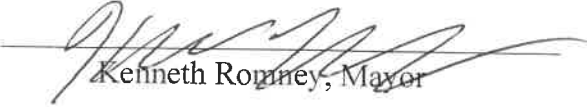
EXHIBIT B - Updates to Swimming Pool Ordinance, WBMC 17.76; and

EXHIBIT C - Clean-up to Land Use Definitions and Miscellaneous Corrections to match State Law, WBMC 16 - Subdivisions and 17 - Zoning.

This ordinance will become effective upon signing and posting.

Adopted this 7th day of February 2023.

By:


Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<u>X</u>	<u> </u>
Councilmember Bruhn	<u>X</u>	<u> </u>
Councilmember Enquist	<u>excused</u>	<u> </u>
Councilmember Preece	<u>excused</u>	<u> </u>
Councilmember Wood	<u>X</u>	<u> </u>

Attest:


Cathy Brightwell, City Recorder



MODEL HOMES/SALES TRAILERS - NEW

17.16.030, 17.20.030, 17.24.030 – Permitted Uses (A-1, R-1-10, R-1-22)

Add to each section:

“Model home or sales trailer, subject to Chapter 17.74.”

17.44.040 Housing in Certain Commercial Areas Overlay

Add to this section:

“Model homes or sales trailers shall be permitted in the HCCO, subject to Chapter 17.74.”

New Chapter:

17.74 Model Homes/Sales Trailers

17.74.010 Purpose

The purpose of this chapter is to establish use and development standards for model homes to facilitate the sale of homes within an active development.

17.74.020 Definition

As used in this chapter, the following terms are defined as follows:

“Model home” means a dwelling used as a temporary on-site sales office for a residential development under construction.

“Sales trailer” means a trailer used as a temporary on-site sales office for a residential development until a model home can be constructed.

17.74.030 Use

A model home or sales trailer will be allowed for use as an on-site sales facility for subdivisions under active development, subject to the following:

- A. Adequate off-street parking consisting of gravel, concrete, asphalt, or other approved surface will be provided for personnel working in the model home or sales trailer, as well as at least two (2) parking spaces for visitors.
- B. The hours of operation will be posted and limited to 7 am – 10 pm.
- C. The model home or sales trailer shall not be used as a general real estate office but will be limited to the sale of homes within the subdivision.
- D. A maximum of two (2) model homes will be allowed in each subdivision plat.

- E. Duration.
 - 1. Sales trailers may be operated once a building permit is issued for a model home and may continue for no more than 270 days.
 - 2. Model homes may be operated until thirty (30) days after a final occupancy permit is issued for the last dwelling in the development.
- F. When the use of the model home as a sales office is discontinued, the home shall be converted to meet all city standards and land use regulations for the dwelling.

17.74.040 Development Standards

The following development standards apply to all model homes and sales trailers:

- A. After a subdivision plat has been recorded, building permits for model homes and sales trailers may be issued before completion of all the approved improvements, subject to the following requirements:
 - 1. An application for model home permit, which may include an application for sales trailer permit, must be submitted to the city and all applicable fees must be paid.
 - 2. The applicant must provide proof of ownership of the property where the model home or sales trailer is proposed to be located.
 - 3. The applicant must sign a statement acknowledging that the applicant takes full responsibility for the risks being taken by constructing a model home or maintaining a sales trailer on-site before the approved subdivision improvements are completed.
 - 4. Hard surfaced roads consisting of asphalt, concrete, or other approved surface capable of supporting traffic loads must be completed such that they provide reasonable access to the model home or sales trailer.
 - 5. All fire protection requirements must be met as set and approved, in writing, by the South Davis Metro Fire District.
 - 6. All utility improvements for the subdivision must be completed.
 - 7. No sales trailer shall be larger than 1000 square feet in size.
- B. A Class B Certificate of Occupancy may be issued for the model home prior to completion of all subdivision improvements (other than utility improvements), subject to approval by the city engineer and building official based on recognized safety standards.
- C. Model homes must comply with all standards and conditions of approval for the development, including building materials, setbacks, and landscaping.
- D. Model homes must comply with all applicable residential dwelling construction standards before and after the discontinued use as a sales office.

SWIMMING POOL UPDATES – WBMC 17.76

17.76 Swimming Pools

17.76.010 Definitions

17.76.020 Private Pools And Use

17.76.030 Semi-Private Pools And Use

17.76.010 Definitions

As used in this chapter:

"**Private swimming pool**" means any constructed pool that is used, or intended to be used, as a swimming pool in connection with a single family residence and available only to the family of the household and private guests.

"**Semi-private swimming pool**" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"**Swimming pool**" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

17.76.020 Private Pools And Use

- A. Swimming pools not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from all ~~rear property lines and seven (7) feet from all~~ side ~~and rear~~ property lines.
- B. Swimming pools shall be completely surrounded by a fence or wall having a minimum height of ~~at least six-foot (4)~~ feet. There shall be no openings ~~below or in the fence or wall that allow passage of a four (4) inch diameter sphere, larger than thirty-six (36) square inches,~~ except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when the swimming pool is not in use by persons invited by the owner.
- C. Private swimming pools must not directly connect to the city's culinary water system or to the public sewer system.

MISCELLANEOUS CLEAN-UP – LAND USE REGULATIONS

16.04.020 & 17.04.030 Definitions

~~“Exaction” means a condition, often in the form of impact fees, restrictive covenants, or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Chapter 17.60 Section 17.44.230 of this code.~~

~~“Lot” means a parcel or portion tract of land, regardless of any label, that is created by and shown established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision plat that has been recorded in the office of the county recorder map and/or parcel map, and having frontage upon a street.~~

~~“Lot line adjustment” means the relocation of the property a lot line boundary line in a subdivision between two adjoining lots or between a lot and adjoining parcels in accordance with UCA Section 10-9a-608 whether or not the lots are located in the same subdivision, and with the consent of the owners of record. “Lot line adjustment” does not mean a new boundary line that creates an additional lot or constitutes a subdivision.~~

~~“Parcel” means any real property that is not a lot.”~~

~~“Subdivision” means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.~~

1. “Subdivision” includes:

- a. the division or development of land whether by deed, metes and bounds description, devise and testacy, ~~lease~~, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- b. except as provided in subsection 2., divisions of land for ~~all~~ residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. “Subdivision” does not include:

- a. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
- b. a boundary line agreement recorded with the county recorder’s office between owners of adjoining parcels adjusting the mutual boundary in accordance with UCA Section 10-9a-524 if no new parcel is created;
- c. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels more than one contiguous parcel of property into one legal description

- encompassing all such parcels ~~of property~~; or joining a ~~lot to a parcel; subdivided parcel or property to another parcel or property that has not been subdivided, if the joinder does not violate applicable land use ordinances; or~~
- d. a ~~boundary line~~recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary in accordance with UCA Sections 10-9a-524 and 10-9a-608 if no new dwelling lot or housing unit will result from the adjustment; and the adjustment will not violate any applicable land use ordinance;
 - e. a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels; does not confer any land use approvals; and has not been approved by the land use authority;
 - f. a parcel boundary adjustment;
 - g. a lot line adjustment;
 - h. a road, street, or highway dedication plat;
 - i. a deed or easement for a road, street, or highway purpose; or
 - 1.j. any other division of land authorized by law.

- 3. ~~The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the un-subdivided parcel of property or subject the un-subdivided parcel to the municipality's subdivision ordinance.~~
- 2. ~~For the purpose of this chapter, a subdivision of land shall also specifically include:~~
 - 1. ~~The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision;~~
 - 2. ~~Re-subdivision of land previously divided or platted into lots, sites or parcels; and~~
 - 3. ~~Condominium projects.~~

"Zoning administrator" means the ~~building inspector or other~~ person designated by the city council, ~~typically the city engineer,~~ to enforce the regulations of this title.

16.08.010.B Scope of Compliance Required

B. ~~Land~~ A Lot shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

(previous language implies a parcel outside a subdivision cannot be sold or a building permit issued for the parcel without a final plat.)

16.16.030 Final Plat

K. Security for Public Improvements.

- 1. Prior to a final plat's ~~approval by the city council and its~~ recordation with the county recorder, the subdivider shall enter into an ~~improvement~~ s-bond agreement ~~and a Wwarranty bond agreement~~

acceptable to the city as security to insure the satisfactory completion of all improvements required in the subdivision. The bond agreements shall be in a form approved by the city council and may contain specific provisions approved by the city attorney. The agreements shall include ~~but not be limited to~~ the following requirements:

- a. The subdivider ~~agrees to will~~ complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed.
 - b. The improvements will be completed to the satisfaction of the city and in accordance with the city's subdivision standards and specifications (as established by the city engineer and adopted by the city council).
 - c. ~~The bonds, consisting of an Improvements Bond,~~ will be equal to one hundred ~~twenty~~ percent ~~(100%)~~ of the city engineer's estimated cost of the improvements, including landscaping costs; ~~and the Warranty Bond will be equal to ten percent (10%) of the Improvement Bond.~~
 - d. The city shall have immediate access to the bond proceeds.
 - e. ~~The Improvements bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer.~~ ~~and the Improvements Bond shall not be reduced below the estimated cost for the remaining incomplete or unaccepted improvements; no bond shall be reduced below ten (10) percent of its face value plus the estimated cost of slurry seal either before or after the city's final acceptance of the improvements.~~
 - e.f. After the ~~two~~one-year warranty period, ~~the Warranty Bond and any~~the remaining ~~Improvements Bond~~ proceeds, plus interest, shall be refunded to the subdivider ~~with the exception of bond proceeds for incomplete or unaccepted improvements.~~ The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
 - f.g. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory bond has been executed and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements.
 - g.h. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
 - h.i. ~~Upon receipt of the bond proceeds, after expiration of the time period for completion of the improvements, the~~ The city's cost of ~~completion-completing the improvements, including administrative~~shall include reimbursement to the city for the costs of ~~administration to complete the improvements, shall be deducted from any bond proceeds.~~
 - i.j. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the ~~two~~one-year warranty period.
2. The improvement bond agreements shall be in one of the following forms ~~as prescribed~~ by acceptable to the cCity:

- a. A cash bond agreement accompanied by a cashier's check payable only to the City; or
 - b. An escrow ~~bond~~ agreement and account with a federally insured bank ~~for one hundred ten percent (110%) of the city engineer's estimated cost of the improvements, together with a ten (10) percent cash bond agreement~~ held ~~only by~~for the benefit of the City.
- b. The warranty bond agreement shall be in the form of a cash bond agreement accompanied by a cashier's check payable only to the city.
3.

N. Warranty Period. The warranty period referred to above shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final on-site review thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of ~~two~~one years thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to review once more the improvements. At the end of the ~~two~~one-year warranty period the subdivider shall request the city engineer to make a final warranty period on-site review of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city administrator who shall refer the matter to the city council. The city council shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.

17.52.070 Location Of Off-Street Parking

Off-street parking in non-residential districts is allowed in the front setback, as long as the parking area is set back and the frontage of the property is permanently landscaped in accordance with Section 17.52.060.~~3C~~.

17.92.020 Storage/Merchandising/Zoning Permitted and Conditional Use Matrix

Restrictions:

1. Provide for visual screening and security as determined by the city (the zoning administrator for permitted uses and the planning commission for conditional uses).
- ~~1-2~~. Merchandise to be stored indoors after business hours.
- ~~2-3~~. Storage not to exceed seven days, with a minimum of thirty (30) days between storage events.
- ~~3-4~~. Storage to be accomplished within a three-sided, roofed building or structure.
- ~~4-5~~. Merchandise shall be displayed in an orderly fashion and shall make up the majority of the business revenue or activity. All merchandise shall be of such a nature as to allow for immediate sale and use.
- ~~5-6~~. Storage shall meet appropriate state and/or federal requirements for environmental protections.
- ~~6-7~~. Seasonal merchandise.
- ~~7-8~~. Materials or equipment used in manufacturing.
- ~~8-9~~. Equipment exceeding 20 feet in height that ~~will be~~is visible from outside the perimeter of the property must be stored indoors; all materials that ~~will be~~are visible from outside the perimeter of the property must be stored indoors or within a three-sided, roofed building or structure.

**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. 465-23 was duly
passed and published, or posted at three public places within the municipality
on February 8, 2023, which public places are:*

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


Cathy Brighwell, City Recorder

DATE: 2/8/23