

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, JANUARY 22, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use Permit 19-001, for Utah Auto Pros, LLC, a Used Auto Dealership, at 756 W 500 South.
3. Consider Proposed Modifications to WBMC Title 17 – Yard Regulations.
4. Discuss Proposed Modifications to WBMC Title 17 – Parking.
5. Staff report.
6. Consider Approval of Minutes from January 8, 2019 Meeting.
7. Adjourn.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on January 18, 2019 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

MEETING DATE: January 18, 2019

FROM: Cathy Brightwell

RE: Utah Auto Pros, LLC (CUP 19-001)

Staff received an application from Cameroon Madsen for a conditional use permit for Utah Auto Pros, LLC, to be located at 756 W 500 South. Utah Auto Pros will sell used automobiles primarily on-line; there will be no auto service done as part of this business. Mr. Madsen has access to customer parking stalls on the east and north sides of the building and his inventory will be parked to the west of the building in a locked gated area (see attached diagram).

The West Bountiful City Municipal Code, Commercial Highway (C-H) zone, Section 17.34.030 lists *motor vehicle sales and service and outdoor storage of retail vehicle inventory* as a conditional use which may be approved by the planning commission. The Conditional Use ordinance, Section 17.60.040, requires the planning commission to *consider* whether:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use; and
6. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Staff recommends the following conditions be required with granting of this conditional use permit, consistent with similar businesses in the area:

1. Copy of Dealer's license and Proof of Insurance (received);
2. Fire Inspection approval (will schedule when ready to start business);
3. Signage will comply with City Code (building permit has been filed);
4. Vehicles on display will be operable and in sellable condition;
5. Upon issuance of this Permit and prior to beginning business, Utah Auto Pros will purchase a West Bountiful City business license.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 756 W. 500 S. West Bountiful UT. 84087

PARCEL NUMBER: _____ ZONE: C-H DATE OF APPLICATION: 1/9/19

Name of Business: Utah Auto Pros, L.L.C.

Applicant Name: Cameron Madsen

Applicant Address: 460 Willow Valley Dr. Centerville UT 84014

Primary phone: 435-632-1384 (C) Fax Number: 801-936-0294

E-mail address: cam.utahautopro@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

Used auto sales.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.

Date: 1-9-19

Applicant Signature: _____

Application Received Date: 1/9/19
Application Fee Received Date: 1/9/19
Permit Approval: _____

FOR OFFICIAL USE ONLY

Permit Number: 19-001
Fire Inspection Date: _____



CUSTOMER PARKING AREAS ON EAST
SIDE, AND NORTH SIDE OF THE BUILDING.
YELLOW STRIPED AREAS.

FENCED VEHICLE DISPLAY AREA ON WEST
SIDE OF BUILDING.

FRONT ENTRANCE 500 S.



FRONT PARKING EAST SIDE



DISPLAY AREA VIEW FROM 500 S.



BACK LOT PARKING NORTH SIDE



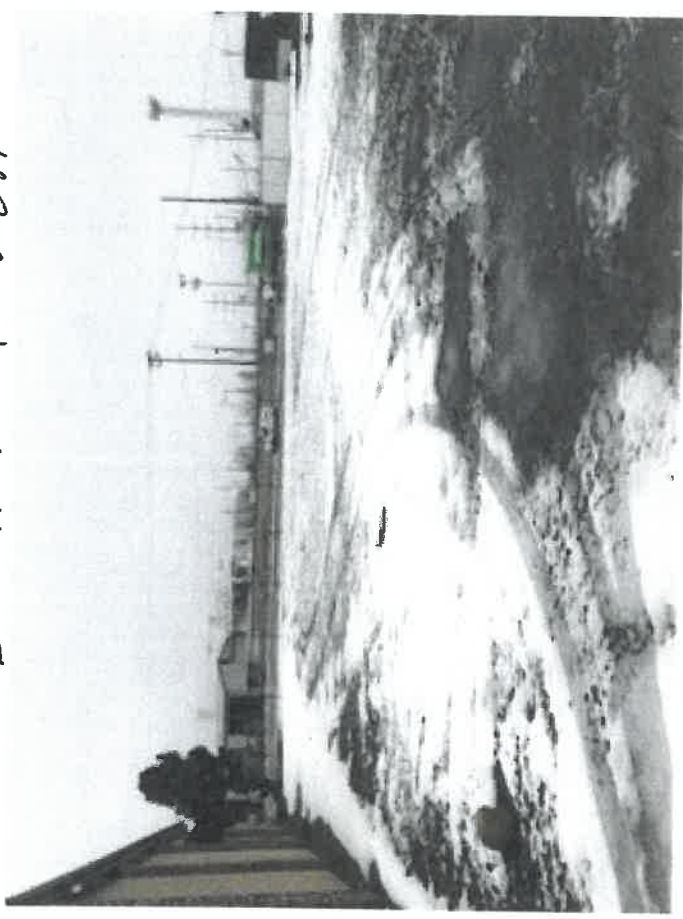
BACK LOT PARKING SOUTH SIDE



DISPLAY AREA WEST



DISPLAY AREA WEST



Yard Regulations for R-1-10, R-1-22, A-1

17.xx.050 Yard Regulations

The following regulations apply in the XX residential district:

1. Minimum Setbacks. (See diagram below)
 1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
 2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
 3. Street side yard.
 1. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
 2. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
 3. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 1. Is situated behind the rear line of the main structure;
 2. Is two hundred (200) square feet or less;
 3. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
 4. Complies with other requirements of this Code.
 4. Rear yard.
 1. The minimum rear yard setback for all main structures is thirty (30) feet.
 2. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
 3. A deck may encroach into a rear yard setback meeting the following criteria:
 1. The entire deck is at least twenty (20) feet from the rear property line;
 2. The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 3. The deck does not encroach more than 200 square feet into the setback area;
 4. The floor of the deck is no higher than the highest finished floor of the main structure;
 5. The portion of the deck that extends into the rear yard setback is not covered;
 6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
 7. The deck satisfies other conditions required by the planning commission.



2. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ten (10) feet.
3. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement such as a public utility easement.
4. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street before a building permit may be issued.
5. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where a building is established.
6. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard and street side yard behind the main structure
7. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
8. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.
9. A patio roof may encroach into the rear yard setback meeting the following criteria:
 - a) The patio must be equal to or below the lowest inhabited finished floor;

- b) The entire roof is at least twenty (20) feet from the rear property line;
- c) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- d) The roof does not encroach more than 200 square feet into the setback area;
- e) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower.
- f) There is no wall, fence, or railing required or constructed along any part of the patio.
- g) The patio and roof meet all building code requirements.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

Amended by Ord. [389-17](#) on 3/1/2017

Amended by Ord. [399-18](#) on 1/22/2018

17.XX.060 Height Regulations (R-1-10 & R-1-22)

- 1) Maximum Height of Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings greater than one story or twenty (20) feet in height whichever is lower may be erected provided the following criteria is met:
 - a) The accessory structure may not be taller than the main structure
 - b) For every one (1) foot in height above twenty feet, the structure must set an additional foot from any side and rear property line.
 - c) The maximum height of an accessory structure is thirty (30) feet including any appurtenances such as chimneys and cupolas.
 - d) Windows facing neighboring properties with headers above ten (10) feet must be non-opening and non-transparent glass if within fifteen (15) feet of a property line.
 - e) All exterior lighting mounted above ten (10) feet must include cut-off devices which limit the light to the owner's property.
- 2) Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- 3) Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.
- 4) Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.060 Height Regulations (A-1)

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations.
 1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section.
 3. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.
 2. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

January 18, 2019

Yard Regulations for R-1-10, R-1-22, A-1

17.xx.050 Yard Regulations

The following regulations apply in the XXX residential district:

1. Minimum Setbacks. (See diagram below)
 1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
 2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
 3. Street side yard.
 1. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
 2. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
 3. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 1. Is situated behind the rear line of the main structure;
 2. Is two hundred (200) square feet or less;
 3. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
 4. Complies with other requirements of this Code.
 4. Rear yard.
 1. The minimum rear yard setback for all main structures is thirty (30) feet.
 2. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
 3. A deck may encroach into a rear yard setback ~~only with a conditional use permit~~ meeting the following criteria:
 1. The entire deck is at least twenty (20) feet from the rear property line;
 2. The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 3. The deck does not encroach more than 200 square feet into the setback area;
 4. The floor of the deck is no higher than the highest finished floor of the main structure;
 5. The portion of the deck that extends into the rear yard setback is not covered;
 6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
 7. The deck satisfies other conditions required by the planning commission.



2. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures ~~larger than 200 square feet~~ shall be ten (10) feet. ~~Structures less than 200 square feet with a height less than nine feet may be, unless otherwise approved by the planning commission as a conditional use, approved provided that all required setbacks, fire code and other requirements of this title are met. A conditional use cannot reduce the minimum required front, side, street side, or rear yard setbacks.~~
3. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement such as a public utility easement.
4. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street ~~or upon a private street or right of way approved by the planning commission,~~ before a building permit may be issued.
5. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where a building is established.
6. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the ~~rear yard and street side yard behind the main structure.~~
7. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
8. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches,

Commented [CB1]: "Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

Commented [CB2]: Inconsistent with Subdivision Code.

Commented [CB3]: New definition for street side yard affects the percentage.

and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

9. A patio roof may encroach into the rear yard setback meeting the following criteria;

- a) The entire roof is at least twenty (20) feet from the rear property line;
- b) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- c) The roof does not encroach more than 200 square feet into the setback area;
- d) The roof pitch slopes in one direction only.
- e) The highest point of the roof is no higher than ten (10) feet above the finish floor elevation closest to the patio elevation.
- f) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower.
- g) There is no wall, fence, or railing required or constructed along any part of the patio.
- h) The patio and roof meet all building code requirements.

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HISTORY

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 389-17 on 3/1/2017

Amended by Ord. 399-18 on 1/22/2018

17.20.055 Lots And Dwellings Fronting On Private Streets; Special Provisions

Lots with frontage only on private streets shall require planning commission approval and shall be subject to all applicable requirements of this title.

HISTORY

Adopted by Ord. 374-15 on 11/18/2015

17.XX.060 Height Regulations (R-1-10 & R-1-22)

- 1) Maximum Height of Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings ~~shall not be erected to a height~~ greater than one story or twenty (20) feet in height whichever is lower may be erected provided the following criteria is met:
 - a) The accessory structure may not be taller than the main structure
 - b) For every one foot in height above twenty feet, the structure must set an additional foot from any side ~~or~~ rear property line.
 - c) The maximum height of an accessory structure is 30 feet including any appurtenances such as chimneys and cupolas.
 - d) Second story windows must be non-opening and non-transparent glass if within fifteen (15) feet of a property line, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.
 - e) All exterior lighting mounted above ten (10) feet must include cut-off devices which limit the light to the owner's property.
- 2) Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- 3) Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.
- 4) Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.060 Height Regulations (A-1)

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations.
 1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section.
 3. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.

Commented [CB4]: Can it be higher than main structure?

Commented [CB5]: Is there a maximum they can go? See 1a above

2. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

ZONING SETBACKS COMPARISON

	ZONE	FRONT	REAR	SIDE/SIDE	HT-MAIN	HT-ACC	ACC DISTANCE FROM MAIN	ACC DISTANCE FROM SIDE	ACC DISTANCE FROM REAR	ACC DISTANCE FROM ST SIDE
WEST BOUNTIFUL	R1-10/22	30	30	10 / 14	35	20	10	3	3/decks 20	20 / 3 *
Bountiful	R3-4	25	20	8 / 8		20	5	3	3	20
Woods Cross	R1-10/22	30	30	8 / 10	25	25	3	1	1	1
Centerville	R1-22	25	20	8 / 10	35	20	6	5	5 / 8*	20
North Salt Lake	R1-12	25	25	8/12	35	20	6	1	1	
Farmington	R1-16	25	30	8 / 10		15 - 27(CUP)		1	1	8 / 10
Fruit Heights	R1-10	25	25	8 / 10	35	35	6		3*	20
	R1-12	30	30	10 / 10	35	35	6		3*	20
Kaysville	R1-10	30	15	8 / 8	30	15				20
West Point	R1	30	30	10 / 10	40	30	10	1	1/decks 20	20
Syracuse	R1-10	25	20	8 / 8	Bld Code	Bld Code				
South Weber	R1-10	25	25	10 / 10	35		10	1	1	20

* West Bountiful										if behind dwelling
* Centerville									8' if bldg over 10' high	
* Fruit Hts									Larger setback if +18'	

17.52 OFF STREET PARKING

January 11, 2019

17.52.010 Off-Street Parking Required

At the time any commercial, industrial or retail use~~non-residential~~ building or structure is erected or enlarged or increased in capacity or any use is established, off-street parking spaces shall be provided for automobiles in accordance with the following requirements,~~or as otherwise required by conditional use permit.~~

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.020 Size

Other than single family residential, the dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least ~~ten~~nine (109) feet by twenty (20) feet for diagonal and ninety (90) degree and diagonal spaces, and ten (10) feet by twenty~~two~~four (224) feet for parallel spaces.~~However, in parking lots of not less than twenty (20) parking spaces, upon site plan approval by the planning commission, up to forty (40) percent of such spaces may be seven and one half feet by fifteen (15) feet if marked and used for compact automobiles only.~~ Drive aisle widths shall be a minimum of twenty-two (22) feet behind ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.030 Access To Individual Parking Space

Except for ~~single family and two family residential~~ dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.040 Number Of Parking Spaces Required

An adequate number of off street parking spaces shall be provided for all uses as follows:

1. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
2. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
3. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms: one parking space for each three seats of maximum seating capacity.
4. Dwellings: two parking spaces for each dwelling unit including garages and hard surface driveways.
5. Furniture and appliance stores: one parking space for each six hundred (600) square feet of floor area.
6. Hospitals: two parking spaces for each bed.
7. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.
8. Nursing homes: four parking spaces, plus one space for each five beds.
9. Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.
10. Retail stores (except as provided in subsection E of this section): one parking space for each one hundred (100) square feet of retail floor space.

11. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by **conditional use permit** or by planned unit development requirements if applicable, or by the planning commission, but in no case less than one space for each employee projected for the highest employment shift.
12. Shopping center or other groups of uses not listed above: one parking space for each one hundred fifty (150) square feet of total floor space, or as determined by conditional use permit.
13. All other uses not listed above: as determined by **conditional use permit** based on the nearest comparable use standards.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.050 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. For each ~~R-1-10, R-1-22, and A-1~~ residential lot, not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet, maximum combined drive approach width of thirty-two (32) feet. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer.
2. Other Than Residential Lots. Access shall be provided to meet the following requirements:
 1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
 2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
 3. Each driveway shall be not more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
 4. No driveway shall be closer than ~~twenty~~ [\(24\)](#) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line; and
 5. On a street where there are no curbs or gutters, all driveways shall be **well marked** and protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.060 Maintenance Of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water consistent with WBMC 13.30 Storm Water Management. ~~If such water is to be carried to adjacent streets, it shall be piped under sidewalks.~~
2. Screening. The sides and rear of any off-street parking lot which adjoins an area which is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.

3. Landscaping. Each parking lot shall provide along the entire frontage of the property a minimum depth of ten (10) feet of irrigated and permanently maintained landscaping. be adequately landscaped to comply with a plan approved by the planning commission and such landscaping shall be permanently maintained.
4. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining residential premises and from street traffic.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

17.52.070 Location Of Off-Street Parking

Off street parking shall not be allowed in required front yard setbacks except by conditional use permit and in areas where the character of the street and general landscaping will not be adversely affected. Off street parking is allowed in the front setback provided that the ten (10) feet set back, less driveway access, described is maintained; and the total front yard setback along the entire frontage of the property is permanently landscaped, as described in this title, to a minimum of fifty (50) percent including driveway accesses.

HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

1 **West Bountiful City**
2 **Planning Commission Meeting**

January 08, 2019

3 **PENDING- Not Yet Approved**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website,
5 on the West Bountiful City website, and at city hall on January 4, 2018 per state statutory requirement.
6

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 8, 2019 at
8 West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **MEMBERS PRESENT:** Chairman Denis Hopkinson joined the meeting at 7:45 p.m., Alan Malan, Corey
11 Sweat, Laura Charchenko, Mike Cottle, Dee Vest (alternate), and Council member Kelly Enquist

12 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder) and Debbie McKean (Secretary)

13 **MEMBERS EXCUSED:**

14 **VISITORS:** Steve Sundstrom

15 The Planning Commission Meeting was called to order at 7:30 pm by Alan Malan. Laura Charchenko
16 offered a prayer.

17 **1. Accept Agenda**

18 Vice Chairman Malan reviewed the agenda. Corey Sweat moved to accept the agenda as presented
19 and Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

20 **2. Consider Proposed Modification to WBMC Title 17- Yard Regulations.**

21 Commissioner packets included a copy of Yard Regulations for R-1-10, R-1-22, and A-1 zones with
22 suggested changes and a staff memorandum dated January 4, 2019 from Ben White regarding Accessory
23 Structures and Covered Patios.

24 This agenda item is a continuation of discussion on covered patios, decks and accessory structures from
25 previous Planning Commission and City Council meetings.
26

27 **Staff memorandum included the following information:**
28

- 29 • Accessory Structures Location- size and height of accessory structures has presented challenges
30 recently. The attached municipal code language proposes criteria for when accessory structures
31 can be closer than ten feet to a main structure and when heights exceeding twenty feet can be
32 approved.
- 33 • Covered Patios language similar to decks encroaching into the rear yard setback has been
34 drafted. This language is not an endorsement by staff. It is intended to facilitate discussion.
35 Staff expects that some of the language may be acceptable, some unacceptable, and criteria not
36 currently listed may also be proposed.

- Once the Planning Commission is satisfied with the proposed code language, a public hearing is required prior to making a formal recommendation to the City Council. Satisfied is not meant to imply that a positive recommendation to the City Council will occur; only that the topic was thoroughly discussed and debated prior to a recommendation being made.

Mr. White pointed out the differences in decks, accessory structures, and patios. He reviewed the language and criteria options recommended by Staff for patio roofs as listed below.

17.xx.050

9. *A patio roof may encroach into the rear yard setback meeting the following criteria:*

- a) The entire roof is at least twenty (20) feet from the rear property line;*
- b) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;*
- c) The roof does not encroach more than 200 square feet into the setback area;*
- d) The roof pitch slopes in one direction only.*
- e) The highest point of the roof is no higher than ten (10) feet above the finish floor elevation closest to the patio elevation.*
- f) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower.*
- g) There is no wall, fence, or railing required or constructed along any part of the patio.*
- h) The patio and roof meet all building code requirements.*

Commissioner Comments:

Alan Malan would like the criteria added that the patio must be at or below the lowest finished floor.

Laura Charchenko agrees that if we are going to let people build decks into the setback these similar restrictions for patio covers are important. She is not sure homeowners should be limited to one direction roof pitch (d), and overall feels decks are more intrusive to neighbors than patios because of their visibility to the neighbors.

Denis Hopkinson said he has struggled with this issue for some time. He prefers residents to go with an option such as a retractable awning that opens and closes than to make permanent changes to setbacks. He is in favor of treating patios and decks the same but if code is to be changed, he prefers no encroachment by decks or patio covers in the rear setback. Chairman Hopkinson further noted that most of the newer homes will have a deck located at mid-level and safety protocols need to be considered when setting criteria. He feels with all the building that is taking place he would like to tighten up the language and not allow encroachments so that the open feel of our City is not compromised. He wants sharp, defined requirements with understandable language and no room for exceptions. His preference would be to change #9 to read "*a patio roof may not encroach into the rear yard setback with the following criteria: a-h.*"

Corey Sweat feels residents should be allowed to cover their patios and feels we should mirror what we require for the decks. He does not want to allow code that is going to create a nuisance for neighbors. He wants to allow people as much freedom on their property as they would like but is

strongly opposed to adjusting the setbacks or building into the setbacks. He does not want any gray area. He desires to minimize impact, making the code as feasible as possible while keeping safety in mind.

Mike Cottle concurs with Commissioner Sweat. He feels that we are trying to put too much red tape in the process and are losing what we already have in place.

Dee Vest asked why we would only allow a sloping roof in one direction. Ben White explained this is only one roof top option to consider.

Councilmember Enquist suggested making a definition for a patio and a separate definition for a deck. Ben White noted that a deck becomes a deck when it is 30 inches off the ground. Councilmember Enquist expressed that the Council was mostly requesting the review of patios being covered and not decks.

Much discussion took place regarding some of the suggested criteria from Staff, viable ways to change the code, and pros/cons of changing what is in place already including impacts to both homeowners and neighbors.

All Commissioners agree that they want to allow the property owner as many rights on their property as possible, but many things must be considered in many different scenarios. With new state laws that limit our ability to deny conditional use permits, it is difficult to come up with a solution that will work out in all situations. Some discussion took place regarding having different requirements for the different zones or different size properties.

Most commissioners would prefer to eliminate the language allowing decks to encroach into the setback which then eliminates the need to also allow covered patios. Mr. White reminded the commission that the reason deck language was implemented was because decks were being built next to, but not attached, to homes. If they decide to eliminate the deck and patio cover allowances, changes to accessory structure regulations should be modified.

Steve Sundstrom took the stand to share his opinion regarding the discussion this evening. He bought a home that was already built and desires to build a patio with a nice roof over it. He currently has a retractable cover but does not like it. He would like to be able to keep patio furniture under the roof year-round. He said he wanted to follow the rules and was surprised when he came to the city for a building permit that it was not allowed. He has done research showing that other surrounding cities are more lenient than West Bountiful. He does not understand why people can build big barns very close to their neighbors, or have decks that encroach into the setback, while he cannot build a cover over his patio. He added that as much as he likes West Bountiful, he wishes he had not bought his home here.

There was more discussion about setbacks in other cities. **Laura Charchenko** suggested one way to eliminate the problem would be to set the rear setback at 25 feet which gives the property owner 5 more feet and eliminates the need for all the criteria.

Corey Sweat strongly opposes changing the setbacks. He said we are here to keep people from intruding upon their neighbors. If it is changed to a hard 25 ft. now, in five years from now it will likely change again. He feels that the criteria are redundant.

Mr. White explained that it is important to have criteria. We must know what is acceptable to us.

117

118 **Discussion proceeded to 17.xx.060 – Height Regulations**

119 **Ben White** stated that with new State legislation we need to look at eliminating the use of conditional
120 use permits where possible and put criteria in place that pertains to everyone. We cannot make things
121 up as we go along. We are establishing what our neighborhoods look and feel like now and in the
122 future. He reviewed the new height regulations proposal below.

- 123 1. *Maximum Height of Structures. No main structure shall be erected to a height greater than thirty-*
124 *five (35) feet as measured from the lowest finished ground level to the highest part of the roof.*
125 *Accessory buildings greater than one story or twenty (20) feet in height whichever is lower may be*
126 *erected provided the following criteria is met:*
127 a) *The accessory structure may not be taller than the main structure*
128 b) *The accessory structure must set back a minimum of ten feet from any side or rear property*
129 *line.*
130 c) *For every one foot in height above twenty feet, the structure must set an additional one foot*
131 *from any side and rear property line.*
132 d) *The maximum height of an accessory structure is 30 feet including any appurtenances such as*
133 *chimneys and cupolas.*
134 e) *Second story windows must be non-opening.*
135

136 **Alan Malan** would like to remove the restriction in (e) for non-opening windows for safety reasons but
137 would like to require obscured glass. Discussion took place and some felt obscured glass should only be
138 considered on sides facing neighbors. **Commissioner Malan** also suggested adding criteria that lights in
139 the setback must be down lighting and not more than 10 feet high.

140 **Chairman Hopkinson** concurred that we need to have regulations in place for staff to use that reflects
141 the look and feel we want for our community. He asked staff to make the changes discussed this
142 evening for the next scheduled meeting.

143 **Councilmember Enquist** would like to explore what the surrounding neighborhoods are doing for
144 setbacks, height, zone. Mike Cottle noted that we are different from other cities around us and want to
145 be. Staff will do some homework and bring back what they find.

146

147 **3. Discuss Proposed Modifications to WBMC Title 17- Parking.**

148 **ACTION TAKEN:**

149 *Corey Sweat moved to table this item due to the length of time spent on the prior item. Denis*
150 *Hopkinson seconded the motion and voting was unanimous in favor.*

151

152 **4. Staff Report**

153 **Ben White:**

- 154
 - No report

Cathy Brightwell:

- Informed the Commissioners that Holly Refinery will be at the next City Council meeting to discuss the false alarms they have been having lately and Commissioners are invited to attend.

5. Consider Approval of Minutes from December 11, 2018 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the December 11, 2018 meeting as present. Denis Hopkinson seconded the motion and voting was unanimous in favor.

6. Adjournment

ACTION TAKEN:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:47 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

.....

The foregoing was approved by the West Bountiful City Planning Commission on January 22, 2019 by unanimous vote of all members present.

Cathy Brightwell – City Recorder