

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

THIS MEETING WILL BE HELD ELECTRONICALLY ONLY

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD
ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 28, 2020**

Prayer/Thought by Alan Malan

1. Accept Agenda.
2. Discuss Request to Remove Property from Historic District – Winegar 788 N 800 West.
3. Discuss Restrictions for Flag Lots on Dead-end Streets.
4. Discuss Storage Uses in the A-1 Zone.
5. Staff report.
6. Approve Meeting Minutes from April 14, 2020.
7. Adjourn.

* * * * *

JOIN ZOOM MEETING: MEETING ID: 884 2606 4248

(Video/Audio) <https://us02web.zoom.us/j/88426064248>

One tap mobile

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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 April 27, 2020 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: April 25, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Request to Rezone out of the Historic Overlay District – 788 N 800 W

This memo introduces a request by Mr. Adam Winegar to rezone the property at 788 N 800 W to remove it from the Historic Overlay District. Zone changes are legislative actions that first require review and recommendation from the planning commission. To begin this process, this memo will (1) review the background on the Historic Overlay Zone, (2) review Mr. Winegar's request, and (3) review the next steps in this process.

Background – The Historic Overlay District

- 2007 - The current historic overlay District appears to have roots in an ordinance that established a historic preservation commission and the idea of historic districts with enforceable standards. This was done at least somewhat in conjunction with the Heritage Pointe subdivision.
- 2012 – The Historic Overlay District is added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance mapped the district and created standards the architectural review board would use to review the appropriateness of construction in the district. Again, this was done to help address construction in the Heritage Pointe subdivision, but the district map included areas outside of the subdivision. The map and the architectural standards are attached with this memo.
- 2014 – The Hopkinson property at 1277 N 800 W was removed when creating a new lot.
- 2016 – The Jones property at 887 N 800 West removed Lot 15 of Heritage Pointe to facilitate an addition to an existing home that was not in the Historic District.
- 2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.

Winegar Request

On April 23, 2020, Adam Winegar submitted a Request to Rezone his property at 788 N 800 West to remove it from the Historic Overlay District. Mr. Winegar included a letter explaining and justifying his request, which is attached to this memo.

Mr. Winegar's property is in the middle of the district, and its removal would create an island.

Next Steps

A rezone is a legislative decision that will ultimately be decided upon by the city council after the planning commission makes a recommendation for approval or denial. The only other formal element required in this process is a public hearing to be held by the planning commission.

As the planning commission begins to review and deliberate this request, it may wish to consider the following:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?



APPLICATION TO REZONE/CHANGE TEXT

West Bountiful City
PLANNING AND ZONING
550 N 800 W
West Bountiful, UT 84087
(801) 292-4486
www.WBCity.org

PROPERTY ADDRESS: 788 N. 800 W. DATE OF APPLICATION: 4-23-2020

PARCEL NUMBER: _____ CURRENT ZONE: R-1-10^{Historic} PROPOSED ZONE: _____

LEGAL DESCRIPTION ATTACHED: YES ☐ NO ☒

Applicant Name(s): Adam Winegar

Applicant Address (if different than above): _____

Primary phone: 801-604-9657 E-mail address: winegar12@yahoo.com

Describe in detail the request for which this application is being submitted and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.

See attached letter

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 4-23-2020

Applicant Signature: Adam Winegar

FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: _____

Public Hearing Date: _____

Letters sent to affected neighbors: _____

Planning Commission Approval: _____

City Council Approval: _____

April 23, 2020

To Whom it May Concern-

Over the last year, I have been working towards building a new, safe garage for my home located at 788 North 800 West. I originally started by discussing my plans with the, then, West Bountiful City Engineer several different times to make sure that the location, structural size, and design would be to the satisfaction of West Bountiful city code. He assured me multiple times that it would be approved as designed and in the location. Since this time, I have had to have many back and forth conversations regarding the building of this garage on my property. Due to the requests of the historical committee and following city code, we are finding it impossible to get this garage built. As such, we are officially requesting to be removed from the historic district in West Bountiful. Below are the reasons, we feel that it will not only benefit our family, as long time residents of West Bountiful, but will benefit current and future residents.

The location of the new garage is in the ideal space for the location of the house. With putting the new structure on the new site plan it will allow us to provide a more ideal and safe backyard for our family. Due to the current garage set up, our "backyard" is made up of mostly side and front yard. Over the 97 years this home as been in existence, 800 West has become increasingly unsafe due to the busyness of the street and crime rates always increasing. As homes are constantly being built West of 800 West and traffic from the school, the street has a constant busy traffic flow. We have felt it unsafe to let our daughter and other children (many of whom are residents of West Bountiful) safely play in the yard without constant watch and fear for their safety. With the location of the new structure on the side of the house it will allow us to fully enclose a backyard and provide safety for our daughter and children around West Bountiful who have enjoyed coming to our home and playing with our daughter.

To make the new garage match the existing, historic home, we will be using the brick from the existing garage on the front of the new garage, which will match the house exactly. We will also be putting in double pane, white windows with white trim around it on the new garage; the same color and windows that the house has. The rest of the garage will have hardy siding put on it that will be painted to match the house. The garage door and fixtures will be standard roll up metal doors that meet today's building codes. The same that has been used in all the new builds in the subdivision across the street that are also in the historic district. This does not seem to meet the needs of the historic committee's desires, even though it complies with the majority of what they have been requesting. However, because their requests don't match up with city code requests, it is impossible for us to make both parties happy, while also being able to provide our home with a much needed, usable garage and storage space. In short, current city code does not comply with historic architectural design.

Please note, the current garage is a very unsafe structure. We have attempted to make it structural sound, with no luck. We are very concerned, especially if another earthquake occurs, that it will fall down. It is not a matter if it will, but when it will. The foundation for the structure is cracking and many cracks are beginning to run the wall. No matter what, for many safety reasons, the current garage

cannot be used much longer and needs to be replaced. The new structure will be much safer and usable as an actual garage.

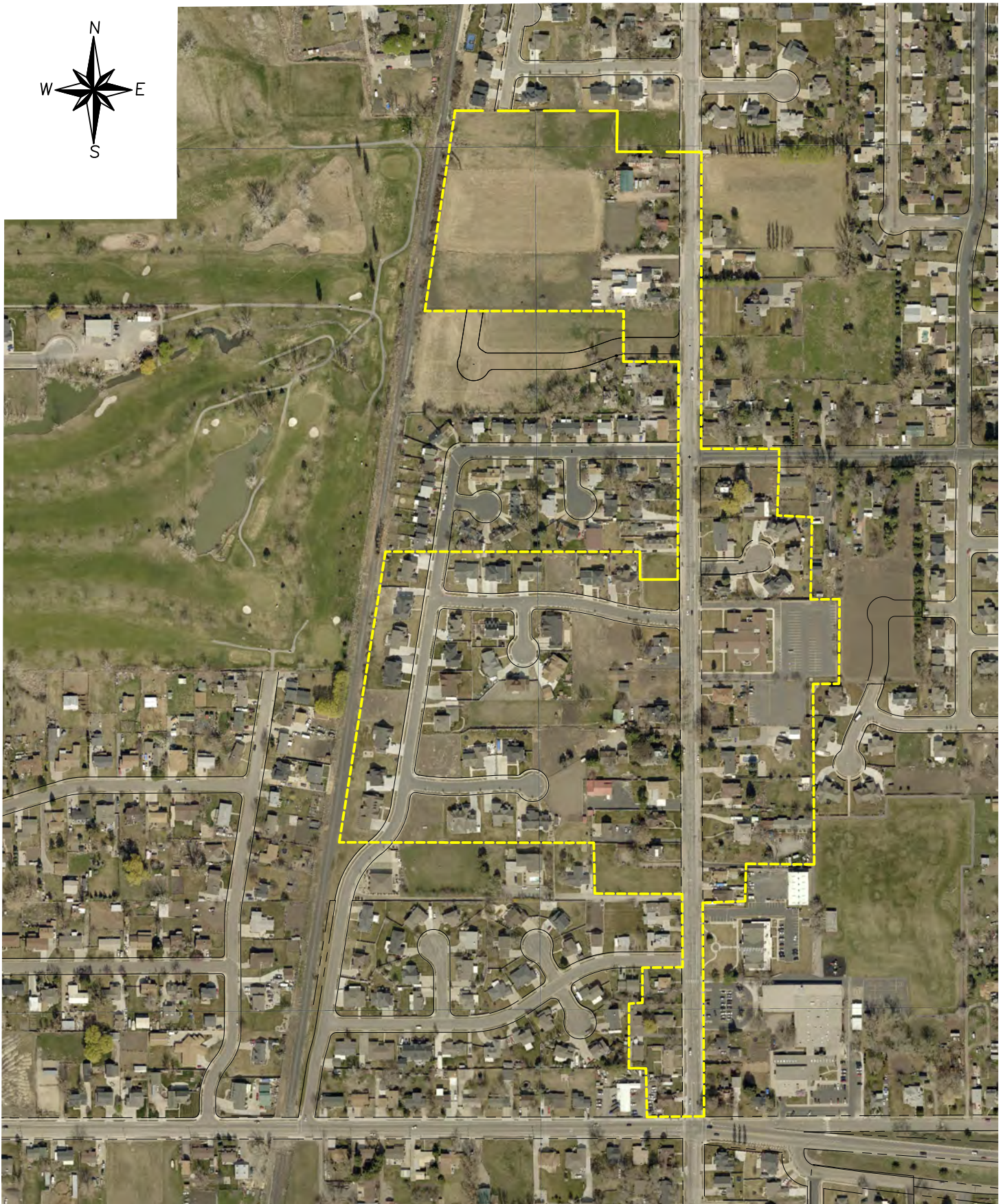
It is to my understanding that historic district boundaries have been altered or intentionally left out of historic buildings because of reasons I can only speculate. I will provide examples of what I am talking about. All of these examples are homes on 800 west, where you can see that the historic district boundaries conveniently go around the homes that should be considered in the historic district. The first one is at 780 West 400 North, where the home was built in 1899. It has a detached two story garage that does not meet historic requirements. Second, the home at 965 North 800 West is out of the boundaries for no reason that I can tell. Third, the home on 887 North 800 West was built in 1925. Over the years, the owner has purchased multiple lots next to him that were in the historic district. Because he wanted to add onto his house multiple times the boundaries of the historic district conveniently haven't applied to this individual. I find it interesting that the boundaries in the historic district conveniently go around homes, that otherwise should be in the boundaries and held to the same standard we are being held to. I did want to note that my current house was built in 1923 and we did not choose to have our house put into the historic boundaries.

As long-term residents of West Bountiful City, we have always appreciated the small-town feel the city has. We love living here and look forward to continuing to raise our children here. We feel strongly that West Bountiful City should remove our home from the historical district, strictly based on safety concerns for our family and others in West Bountiful with our current garage and yard set up. Due to the complications between city code requests and requests from the historical committee, we do not see any other way than to be removed from the historic district. Due to our expanding family and the growth in West Bountiful, we need more space that is livable and "user friendly." Please note that when we are removed from the historic district, we will still ensure that the new garage will match the existing home by utilizing the plans discussed above. Thank you for your time.

Sincerely,

Adam Winegar
788 N 800 West

WEST BOUNTIFUL HISTORIC DISTRICT



WEST BOUNTIFUL MUNICIPAL CODE

17.24.110 Historical Overlay District

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to preserve, protect and enhance historic areas and sites within the city. These historic areas, included in the R-1-10 district, are designated as the West Bountiful Historical Overlay District. (See the West Bountiful zoning map for details.)

No dwelling or other building shall be erected or extensively altered on any lot in the historical district without the review and favorable recommendation of the construction plans by the architectural review board, as provided below. An architectural review board consisting of a member of the city planning department, licensed architect who has experience with Utah historical design, and the chairman of the Historic Preservation Commission will be responsible for reviewing historical design. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit. The applicant will pay a historic architectural review fee, as set periodically by resolution of the City Council.

Unless expressly stated to the contrary in this chapter, all provisions of the West Bountiful City Building Code and Ordinances shall apply in addition to the provisions of the Historic Preservation Commission Ordinance (Chapter 2.44) and this section. In the case of any direct conflict between this section and other provisions of the West Bountiful City Code or Ordinances, the more restrictive provision shall apply.

For new construction within the historical district, the following process will be used.

1. The owner or developer will submit an application for a Certificate of Historic Appropriateness and design plans to the zoning administrator. All construction plans and specifications shall include a list of the proposed construction materials which will be in harmony with the requirements of this ordinance as well as the exterior design of the existing structures in the historical district.
2. Design Standards - To ensure historic appropriateness for new construction within the historical district, projects shall be compatible in design, character, size, and proportion to existing historic buildings in the district. New construction shall enhance the historic qualities and unique feeling of the historic areas of the city and shall not erode the character of the neighborhood and shall conform to the following standards:
 - a) Building Design. The West Bountiful historical district evolved over an approximate 100-year span and includes houses of many sizes and architectural styles. Lot sizes and setbacks are not consistent. These variations are part of the unique appeal of the area and should be respected and preserved as much as possible. New development in the historical district shall emulate this pattern by incorporating various size lots, various size houses, and various architectural designs appropriate to time period and area. There are fine architectural examples of Victorian, Prairie style, Craftsman, Bungalow, English, Temple/Greek Revival, and cottage styles in the historical district all of which are appropriate architectural styles for new construction. In addition, many other architectural home designs built in Utah between 1848 and 1940 may be appropriate, as determined by the architectural review board.
 - b) Size. The size of the home shall correspond with the size of the lot. The house and all accessory buildings shall not cover more than 40% of the lot.
 - c) Height. One-story, one and one-half story (upper floor incorporated into the roof line), and two story homes (with an attic above the 2nd story) are appropriate. However, the height cannot be more than 35 feet above the curb level.

- d) Exterior Facades. Brick is the predominant building material in the historical district. Therefore, the majority of houses should be brick with a fewer number of stone and clapboard homes. Appropriate materials for the outside walls of homes, garages, carriage houses and other outbuildings are brick, stone/cultured stone or wood/fiber-cement board (such as James Hardee). Contrasting materials may be used for pillars, lintels, quoins, keystones, trims, etc. but must receive positive recommendation by the architectural review board. Brick wainscot, vinyl siding, aluminum siding, and stucco panels will not be allowed. Walls, roof shapes, windows, doors, porches, and ornamental detail shall be historically correct for the home's architectural style and period of history.
 - e) Windows. Windows shall be appropriate in style and size for the home's period of architecture and must be uniform throughout the house. Windows must be recessed at least one inch from the outside of the exterior trim.
 - f) Colors - shall be historically appropriate to the home's architectural style and period of history.
 - g) Garages and other outbuildings. All houses shall be constructed with a garage for not less than two (2) vehicles and not more than three (3) vehicles. Garages must be the same architectural style and color as the home and may be (1) detached and located toward the back of the lot, (2) attached and flush to the house or extend up to five feet in front of the house if the garage is built to appear as part of the house and has a side or back opening, or (3) attached with a front opening if the front of the garage is set back at least five feet from the front of the house. The garage and other outbuildings shall be subordinate to the house and shall conform to the architectural style of the home.
 - h) Fences. No privacy fences are allowed from the front of the home to the street. However, low fences in wood/wood composite, ornamental iron, brick, rock, natural hedges, shrubs or any combination of the above may be used in the front yard as part of the landscaping. All fences shall comply with Section 17.24.100 of the West Bountiful Municipal Code, be appropriate to the style of the home and must receive positive recommendation by the architectural review board.
 - i) Driveways, sidewalks, steps, lighting, and landscaping shall be historically appropriate to the home's architectural style and period of history.
- 3. The architectural review board shall have 30 days to review the plans. Upon completion of the review, the board will either; (a) recommend the plans and specifications as submitted, or (b) notify the party making such request of any objections (such objections to be specifically stated). If objections are noted, the requesting party may resubmit a request for recommendation rectifying any such objections to the city. The architectural review board shall then have an additional 10 days after receipt of said revisions for review. The recommendation or denial of submitted plans shall be in writing and returned to the party making a submission, together with a notation of recommendation or denial and the date affixed to one copy of such plans and specification.
 - 4. Upon approval of a Certificate of Historic Appropriateness by the architectural review board the owner or developer may obtain a building permit from the City. Building inspections and/or occupancy approvals will be withheld if the structure is not in compliance with the historical design approved by the architectural review board. For homes in the historical district, a bond will be required to assure compliance with approved architectural design. The amount of the bond will be set periodically by the City Council.
 - 5. An applicant who has been denied any permit based on the architectural review board's refusal to issue a Certificate of Historic Appropriateness may appeal denial to the planning commission, acting as the appeal authority, in accordance with the procedures provided in Chapter 17.08.

6. Enforcement. The provisions of this section are subject to the enforcement provisions established in the current building code adopted by West Bountiful City, the West Bountiful Municipal Code, and other applicable laws.

MEMORANDUM



TO: Planning Commission

DATE: April 24, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Restrictions for Flag Lots on Dead-End Streets

Planning commission discussed restrictions for flag lots on dead end streets a few months ago after a resident requested a flag lot be included as part of a subdivision he is proposing at 1390 W 1200 North.

Currently, this issue only applies to 4 streets in the city - 1200 N (approximately 3300 ft long), 1450 N/840 W (approximately 614 ft. long), 200 N/1000 W (approximately 1400 ft. long) and 220 N/720 W (approximately 750 ft. long).

WBMC 16.12.060.5 states, *the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or **dead end streets**.*

Staff was asked to gather the ideas from the meeting and bring them back for further discussion. These items have been listed below.

1. Base the restriction on the length of the dead end road by modifying it to say that flag lots cannot be within x number of feet from the end of the dead end road – such as 400 ft since that's our current maximum length of a standard cul-de-sac.
2. Set a maximum distance from the flag lot staff to the street intersection where the dead-end street begins.
3. What does *extend from* mean in the code? Does it mean extend from anywhere along the road or extend the length of the road? If interpreted to mean extend the length, is a change is necessary?
4. Other ideas?
5. Leave as is?

MEMORANDUM



TO: Planning Commission

DATE: April 24, 2020

FROM: Cathy Brightwell, Duane Huffman

RE: Storage Uses in A-1 Zone

As discussed in previous planning commission meetings, the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for non-agricultural storage and do not have a house on the property.

An earlier proposal to add “accessory structure” was found not to be a workable option since it retains the concept of accessory structures being “on the same lot *with*, and of a nature customarily *incidental and subordinate to, the principal use or building.*”

At the April 14 planning commission meeting, a suggestion was made to use the term “**non-commercial building**” to allow for buildings on a property where no residential dwelling exists.

A redline version of the A-1 zoning code is attached that includes this term as a Permitted Use, includes a proposed definition, and updates relevant sections of the code.

Staff would like to discuss the following:

1. Should this type of building be a Permitted Use or a Conditional Use?
2. Should the same regulations for accessory structures, such as setbacks, heights, etc. apply?
3. Should the city require an affidavit from the property owner stating the building will not be used for commercial business or as a residential dwelling? If so, how do we enforce?

17.16 Agricultural District, A-1

April 24, 2020

17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

17.16.020 Permitted Uses

The following uses are permitted in the agricultural districts A-1:

- A. Agricultural;
- B. Single family dwelling;
- C. Farm Animals;
- D. Home Occupations;
- ~~D-E.~~ Non-commercial building, and
- ~~E-F.~~ Residential facility for persons with a disability.

17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
- D. Flag lots;
- E. ~~Natural resource extraction~~;
- F. Residential facility for elderly persons;
- G. Kennels (pursuant to Chapter 5.28 Home Occupations);
- ~~I. Residential facility for Elderly Persons;~~
- H. Restricted Lots (see definitions, Section 17.04.030); and
- I. Accessory Dwelling Units (ADU).

17.16.040 Area And Frontage Regulations

The following area and frontage regulations apply in the agricultural district A-1:

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. The minimum lot width shall be eighty-five (85) feet;
- C. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which

is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

17.16.045 Every Dwelling To Be On A Lot; Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

17.16.050 Yard Regulations

The following regulations apply in the agricultural district A-1:

A. 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.
 - a. On a corner lot, the minimum street side yard setback is twenty (20) feet.
 - b. No accessory structure may be constructed within the street side yard of a corner lot unless the accessory structure:
 1. Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;
 2. Is two hundred (200) square feet or less;
 3. Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
 4. Complies with other requirements of this Code.
4. Rear yard.
 - a. The minimum rear yard setback for all main structures is thirty (30) feet.
 - b. The minimum rear yard setback for accessory and non-commercial buildings and 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.
 - c. For purposes of subsections A.4.d and A.4.e. of this section:
 1. "Patio" means a pad or structure no more than twenty-four (24) inches above the lowest adjacent finished ground level that provides outdoor floor space and does not require a railing under applicable building codes.
 2. "Deck" means a structure higher than twenty-four inches above the lowest adjacent finished ground level that provides outdoor floor space and requires a railing under applicable building codes.

- d. A deck may encroach into the rear yard setback as long as it meets the following requirements:
1. No portion of the deck is less than twenty-five (25) 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; and
 6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent.
- e. A patio roof may encroach into the rear yard setback as long as it meets the following requirements:
1. The patio floor surface is no higher than the lowest finished floor elevation;
 2. No portion of the roof is less than twenty-five (25) feet from the rear property line;
 3. 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;
 4. The roof does not encroach more than two-hundred (200) square feet into the setback area;
 5. The highest point of the roof is no higher than the adjacent roof the the dwelling or eighteen (18) feet above the patio, whichever is lower;
 6. No wall, fence, or railing is required or constructed along any part of the patio; and
 7. The patio and roof meet all building code requirements.



- B. Distance between main structures and accessory and non-commercial buildings. The minimum distance between all main structures and accessory and non-commercial buildings~~structures~~ shall be eight (8) feet.
- C. No building on recorded easements. No main structure, non-commercial building, or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement.
- D. 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.
- E. Yard space for one building only. No yard or open space on a property shall be considered as providing a yard or open space for a building on an adjacent property.
- F. Area of structure and accessory building. No accessory structure, non-commercial building or group of structures in any residential district shall cover more than thirty-five percent (35%) of the rear yard or, on a corner lot, the combined rear yard and street side yard behind the main structure.
- G. 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.
- H. 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.

17.16.060 Height Regulations

- A. Maximum height of structures. No building or 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.
 - 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, the structure is set back an additional one (1) foot beyond the minimums required by the chapter in the rear yard, side yards, and as applicable, street side yard.
 - 2. The height of an accessory or non-commercial building or structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection A.1. of 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. 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.

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

17.16.070 Density

The maximum net density allowed shall be one unit per acre.

17.04.030 Definitions

"**Building**" means any structure used or intended to be used for the shelter, recreation, landscape enhancement or enclosure of persons, animals or property; includes all "structures.

"**Main building**" or "**main structure**" means the principal or primary building or structure on a lot for purposes of the lot's principal use."

"**Accessory building**" or "**accessory structure**" means any building or structure on a lot that is *other than or ancillary to the main building or structure*.

"**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*.

"**Non-commercial building**" means any structure or building not used for commercial business or as a residential dwelling.

**West Bountiful City
Planning Commission Meeting**

April 14, 2020

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on April 10, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 14, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by video teleconference using Zoom. Those present at City Hall were Denis Hopkinson (Chairman) and Duane Huffman (City Administrator). All others joined electronically.

MEMBERS ATTENDING: Chairman Denis Hopkinson, Vice Chairman Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, Dee Vest, and Council member Kelly Enquist.

STAFF ATTENDING: Duane Huffman (City Administrator) (on site), Cathy Brightwell (Recorder) and Debbie McKean (Secretary) (via telecommunication)

VISITORS: none

The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Dee Vest offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

2. Discuss Uses in A-1 Zone

A memorandum dated April 10, 2020 from Cathy Brightwell regarding Storage Uses in Residential/ Agricultural zones with attached redline copy of Agricultural Zone Code was included in commissioner's packet.

Cathy Brightwell noted that this item has been discussed several times in previous meetings. She explained that the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for non-agricultural storage and do not have a house on the property.

Steve Doxey reviewed language proposed at the last meeting that adds a new Permitted Use, **"Accessory structures associated with residential uses"** to WBMC 17.16.030. He commented that this proposal allows accessory structures associated with residential uses, but it does not accomplish everything intended since it retains the concept of accessory structures being "on the same lot **with**, and of a nature customarily **incidental and subordinate to, the principal use or building.**"

He interprets this to mean the principal use or building must be on the same lot. Under this definition, you cannot have a stand-alone accessory structure or use if there is no principal use or building (even though there are a number of these in the city). He added that while staff could interpret this liberally to allow an accessory structure in the A-1 zone as long as the lot is being used for agriculture (even without a

residence), a vacant and fallow lot can't provide the principal use or building necessary to allow an accessory use or structure. If the planning commission wants to allow accessory structures on otherwise vacant lots, some definitions should be modified or otherwise made that clear in the zoning ordinance.

As Chairman Hopkinson was out of town when the main discussion occurred, he asked Alan Malan to lead the discussion. Mr. Malan said the commissioners felt that residents should be able to put up an accessory building without a main structure. Their desire is to give owners the right to do what they want on their property that would be like a use that would normally be used on a property with a residence. He thought the language could be changed to read "a structure that would be considered a be to structure other than a residential main structure."

Some discussion took place regarding what would be an ordinary use, for example, barns. It was mentioned that a garage could be used as a barn or a shop. The question would be if there is any agricultural use on the property because it is in the agricultural zone. Mr. Sweat feels they should be allowed to build what they want regardless of what they call it.

Ms. Brightwell stated that there are a number of people wanting to use their buildings on a vacant property for RV or toy storage and it's also important to know how to make sure there are not businesses being conducted in those buildings. Businesses in residential zones - home occupations, are defined as an occupation conducted within a dwelling.

Chairman Hopkinson noted that everything is tied to the definitions we have in code. We need to make sure our definition is clear, so property owners know what is allowed by permitted use. Mr. Huffman suggested calling buildings on properties without main structures, non-commercial structures. This eliminates the issue with *accessory* definitions. There was discussion about whether a non-commercial structure should be limited to the A-1 zone and if a home could still be built on the lot after that structure is built. It was determined that a property owner is responsible to understand the setbacks and be able to conform to all regulations in the code.

Commissioners Comments:

Chairman Hopkinson stated that behind closed doors it is hard to control what people are doing in their structures.

Laura Charchenko agrees we do not want to allow commercial buildings as a permitted use in the A-1 zone.

Alan Malan agrees with Mr. Huffman's suggestion of calling it a non-commercial structure. Buildings with bedrooms, kitchens, and bathrooms deem the building to be a residential home. Mr. Huffman noted that basically, it is a house with a garage in it.

Dee Vest liked the wording suggested from Mr. Huffman.

Corey Sweat was agreeable to the suggested language as well. He does not want to restrict the A-1 Zone for barns or future homes on the property. He noted that agricultural zoning is not just meant for residential purposes, however a home can be built on the property if the owner so desires and meets all criteria in city codes.

Mike Cottle agrees with Corey Sweat and Mr. Huffman and their suggestions to solve the issue.

Councilmember Enquist agrees that our objective is to restrict commercial use in an A-1 Zone. He does not want to be too restrictive and is perplexed about what to do.

Staff will draft up language discussed this evening and bring it back to the next meeting. A definition will be added for a non-commercial structure and then the Commission can discuss whatever restrictions they want to put on it.

Cathy Brightwell will review the language in A-1 zoning code to see if additional changes are necessary.

3. Discuss Subdivision Timelines

Commissioner packets included a memorandum from Cathy Brightwell dated April 10, 2020 regarding Subdivision Timelines.

Ms. Brightwell introduced this agenda item stating there were several changes made to the Title 16, Subdivision Code in 2015 and 2017. After modifying Sections 16 and 28 regarding timelines it was realized the language did not say what was intended which was to allow a sub-divider to request an extension to record a subdivision prior to the expiration of the 12-month period. Instead, the language that was adopted required the request for extension to be filed before the end of the first 6 months which in some cases could be before the sub-divider even knows an extension will be necessary. Current timeframes can be difficult for individuals doing their own work under monetary and time constraints. The following shows the proposed changes to fix this problem.

Title 16 – Subdivisions

16.16.030 Final Plat

O. Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The sub-divider must petition in writing for this extension forty-five (45) days prior to the expiration of the original ~~six (6) months period~~ twelve (12) months period. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated, and that the sub-divider pay any applicable fee increases as a condition of granting an extension.

16.28.070 Drainage Plan

E. If the final plat is not recorded within twelve (12) months from the date of city council approval, the drainage plan approval will be null and void. This time period may be extended by the city council pursuant to Section 16.16.030 of this Title. ~~for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.~~

Staff noted that there may be occasions when a total of 18 months may not be sufficient. We currently have a resident who recognized he wanted to subdivide his property in the future but for efficiency, began the process to coincide with the subdivision of a neighboring property. It made sense for him to run utilities and some street improvements at the same time they were being done for the neighboring subdivision. Since he is doing his subdivision himself as he has the money, it is taking him longer than larger developers. His final plat was approved by city council in October 2019. He has filed for an extension of six months as that is currently the maximum allowed but if granted, that extension will only take him through the winter when his work may be limited by weather.

There was discussion about what we are trying to accomplish with an extension. Chairman Hopkinson noted that the extension is needed so they don't have to go through all the subdivision requirements and the associated fees a second time. This is especially important for small developers. Duane Huffman noted that the biggest reason to have time frames is because the codes change from time to time. The biggest hold up is public improvements and the posting of a bond because they are self-performing. The question is how much time do we want to give them to complete the work and if an additional fees should be required. Mr. Huffman reminded them that fees must be tied to actual costs and the city would not incur any additional costs if extensions are granted.

All Commissioner's approved the language that staff drafted and support allowing an additional 6-month extension to be filed 45 days before the expiration of the first extension, without a fee. Cathy will draft a new document for review and schedule a public hearing.

4. Staff Report

Duane Huffman:

- City Council asked him to bring the idea of considering an area in the city for multi-family housing. The recently updated general plan suggests areas such as 500 West and 500 South for this type of zone. City Council would like the Commissioner's input. Duane suggested creating a mixed-use zone that has both commercial and multi-family housing in the area south of the Larry Miller dealership on 500 West. Another area, 500 South where the Woodhaven trailer park is, was discussed but is problematic due to its proximity to the Holly refinery and poor access in and out of the property.

Chairman Hopkinson is concerned that when you open the door to a zone like this you essentially open up the entire city. He spoke of the new area off 800 West which looks and feels like a multi-housing unit. He believes that verbiage in the general plan clearly states we do not want that type of use in our city.

Duane noted that if it is in the proper place it would not matter much to our city. Chairman Hopkinson stated that increased traffic would not be good in the already congested areas he spoke of. Commissioners were asked to state their feelings, and most were not on board with adding an area for multi-family housing and would have to see a specific plan before being able to consider it. They were curious as to why this is being considered.

Councilmember Enquist stated they see the writing on the wall from the legislature and are trying to get ahead of what might be required in the future so the city can have some control over it and not impose the standard on the existing residential areas of the city. Mr. Huffman added that if

the city adds such a zone, we will appear more reasonable and provide an option as the state continues to push for moderate income housing.

Chairman Hopkinson suggested a joint meeting with the Council to understand their feelings in these regards. He noted that most other cities are not happy with the multi-family housing they have allowed. He does not feel we have a good reason to do this or that it adds benefit to our city. Commissioner's agreed with Chairman Hopkinson's statements.

Duane will go back the Council with the message that Chairman Hopkinson wants to know the benefit it will bring to our city and requests a joint work session.

- Dee Vest asked Duane Huffman about rebuilding the wall at the trailhead by his home that was damaged from a car running into it. Duane responded that basically, nobody is doing maintenance on this area, but he will check into it. That area is in the County and West Bountiful does not want responsibility for maintaining that trail.

Cathy Brightwell:

- There will be a Cannabis Dispensary located in the Carr Building. The building permit was approved today. They will be located in the southeast corner of the building and take up approximately 4000 square feet. She is working on an ordinance for this business.
- Additional issues came up with the off-street parking ordinance after planning commission made its recommendation so it will be coming back to them before going to the City Council.
- A property owner of a home in the historic district wants to build a large garage but does not meet the building design requirements for the Historic Overlay district. He wants to be removed from the district if he cannot get it approved by the Historic Architectural Board. She asked the Commission to begin thinking about whether it is important to maintain the historical district now that it is nearly built out.
- Olive Garden construction is still on hold until July. No recent activity in Cubby's building. Raising Cane is pursuing a cross access agreement with The Commons so their customers can use the parking lot/driveway by Arella's to enter and exit the restaurant. Thackeray has been positive, but they are still waiting for Lowe's to sign off on it.
- Cathy Brightwell noted that Mike Brown with property located on 1400 North just east of Legacy Parkway contacted her last week and is interested in annexing into our city because of the new County regulations that require them to have 10 acres to develop their property.

5. Consider Approval of Minutes from March 24, 2020 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the March 24, 2020 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

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6. Adjourn:

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ACTION TAKEN:

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Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:51 pm.

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Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on April 28, 2020, by

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unanimous vote of all members present.

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Cathy Brightwell – City Recorder

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