

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, JULY 13, 2021 AT THE CITY OFFICES**

This meeting will be held in-person

1. Prayer/Thought by Commissioner Cottle.
2. Accept Agenda.
3. Public Hearing for Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
4. Consider Proposed Changes to WBMC 17.82, Accessory Dwelling Units.
5. Discuss Housing in Certain Commercial Areas Overlay (HCCO), Including Affordable Housing Proposal.
6. Discuss New Clear View Area and Fence Regulations (WBMC 17.50).
7. Staff report.
8. Commission Training.
9. Consider Meeting Minutes from May 25, 2021.
10. Adjourn.

This notice has been sent to the Davis Journal and was posted on the State Public Notice Website and the City's website on July 9, 2021 by Cathy Brightwell, City Recorder.

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Administrator**
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NOTICE OF PUBLIC HEARING

A public hearing will be held on Tuesday, July 13, 2021 beginning at 7:30 p.m. by the West Bountiful Planning Commission

The purpose of the hearing is to receive public comment regarding proposed modifications to WBMC Section 17.82 Accessory Dwelling Units.

A description of the proposal is available for review at www.WBCity.org under the Public Notice tab.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission

DATE: July 8, 2021

FROM: Cathy Brightwell, Kris Nilsen, Steve Doxey, John Janson, Jake Young

RE: Proposed Updates to Accessory Dwelling Unit Regulations

The commission has been reviewing Accessory Dwelling Units (ADUs) since last fall when John Janson and Jake Young, our consulting planners, provided information related to land use issues as part of the city's stated goals in response to SB 34 (2020). At that time, the Commission unanimously supported moving ADUs from Conditional to Permitted Use as sufficient standards exist in code to mitigate any detrimental effects.

During the 2021 legislative session, SB 82 was passed which modified portions of single-family housing law dealing with ADUs. It requires cities to classify internal ADUs as a permitted land use; eliminates "unrelated" in single family definition referring to whom the ADU can be rented; prohibits many restrictions including size and lot area; and makes changes to the International Residential Code to make it easier to convert/establish internal ADUs in existing homes. The new law applies to "internal" ADUs which are defined as being created within a primary dwelling or within the footprint of the primary dwelling.

After considerable review and discussion, the planning commission has had a draft ordinance prepared that incorporates the changes it believes are appropriate to be considered at the public hearing scheduled for July 13, 2021.

Some of these modifications include changing the owner-occupied status exemption from 2 to 3 years, continuing to waive impact fees for ADUs, excluding short term rental regulations at this time, and adding a definition of Primary Dwelling by Mr. Doxey. The idea with a primary dwelling is that it continues to meet the definition even if the owner lives in the ADU. It is not dependent on the owner's place of residence, but rather the character of the dwelling as the main dwelling that would meet all applicable single family dwelling requirements even without the ADU. We have plenty of references in this chapter that allow the owner to live in the ADU, but the ADU does not thereby become the primary dwelling.

17.82.010 Accessory Dwelling Units

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods in accordance with state law.
- B. To provide an alternative housing option.
- C. To provide uniform standards for ADUs.

17.82.020 Definitions

As used in this chapter, the following terms have the following definitions:

“Accessory dwelling unit,” or “ADU,” means a separate dwelling unit, created within or attached to a single family dwelling, that complies with the provisions of this chapter.

“Primary dwelling” means the main dwelling within the single family dwelling of which an ADU is a part or to which it is attached. The primary dwelling, independent of any ADU, shall meet all applicable requirements for a single family dwelling under this title, the current building codes adopted by the City, and state law.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Development Standards

The development standards in this section shall apply to all ADUs.

- A. Application. An application in a form provided by the City will be required for all ADUs. The application will be processed as a permitted use.
- B. Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under Section 17.82.040.I
- C. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- D. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of one (1) additional off-street parking space shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are allowed if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, and the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance.

- E. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- F. Size. No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, the current building codes adopted by the City, and state law.
- G. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
- H. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- I. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- J. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under Section 17.82.040.I.
- K. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- L. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- M. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 2.64.

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

- A. To accommodate such housing in single family residential neighborhoods, ~~as long as it produces only minimal impacts on the neighborhood in terms of traffic, noise, parking, and congestion, compatible scale and appearance of residential buildings in accordance with state law.~~
- B. ~~To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single family residential neighborhoods~~ To provide an alternative housing option.
- C. To ~~establish~~ provide uniform standards for ADUs.

~~ADUs are intended to be an exception to the requirement of only single family dwellings in agricultural and residential zoning districts as long as the requirements of this chapter and other provisions of this title are met.~~

17.82.020 Definitions

~~As used in this chapter, the following terms have the following definitions:~~

~~“An accessory dwelling unit,” or “ADU,” is means defined as~~ a separate dwelling unit, created within or attached to a single family dwelling, that complies with the provisions of this chapter.

“Primary dwelling” means the main dwelling within the single family dwelling of which an ADU is a part or to which it is attached. The primary dwelling, independent of any ADU, shall meet all applicable requirements for a single family dwelling under this title, the current building codes adopted by the City, and state law.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Conditional Use

~~Any ADU shall conform to the development standards of Section 17.82.050, and shall constitute a conditional use in all residential zones subject to the approval and issuance of a conditional use permit by the Planning Commission, recorded with the County Recorder.~~

17.82.0450 Development Standards

- ~~A.—The development standards set forth in this section shall apply to all ADUs. any ADU allowed as a conditional use.~~
- A. Application. An application in a form provided by the City will be required for all ADUs. The application will be processed as a permitted use.
- B. Location. An ADU shall be allowed only within, or within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under sSection 17.82.050.I
- C. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.

- D. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of ~~four~~ one (1) additional off-street parking spaces shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; ~~provided that~~ gravel parking stalls or driveways ~~may be~~ are allowed ~~at the discretion of the Zoning Administrator~~ if the structure to be used as an ADU was in existence at the time of adoption of this ordinance, and the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance. and the surface is sufficient to allow for access by public safety vehicles.
- E. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- F. ~~Size of Accessory Dwelling Unit.~~ An ADU shall contain a minimum of 300 square feet; provided that the dimensions and sizes of No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, ~~and~~ the current building codes adopted by the City, and state law.
- G. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
- H. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- I. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the ~~owner's~~ owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- J. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under S-as per section 17.82.040.I.
- ~~K. Findings and Impacts. Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title. Lease Agreement.~~
- ~~L-K.~~ Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- M.—

~~N.L.~~ Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.

~~O.M.~~ Penalties. Penalties may be imposed to assure compliance with this ~~ordinance~~ chapter as per ~~s~~Section 2.64.

MEMORANDUM



TO: Planning Commission

DATE: July 9, 2021

FROM: Staff

RE: Housing in Certain Commercial Areas Overlay (HCCO) Discussion

BACKGROUND

An overlay that would allow housing in commercial areas was discussed at the April 27, 2021 joint meeting with city council, and at the planning commission was asked to work on the issue and make a recommendation.

The city's General Plan specifically calls out the 500 W and 500 S corridors as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base primary residential areas.

PROPOSAL

At the May 27, 2021 meeting, the city's contract planning consultants, John Janson and Jake Young, presented a framework to consider high density flexible housing types in the C-G and C-H zones along 500 South and 500 West, and opening a door for proposals for a greater mix of uses in locations that provide transportation options and more services. They emphasized that the draft overlay zone does not make residential uses a permitted or conditional use in the commercial zones. Any project would still need to go through a legislative process that would be at the discretion of the city.

DISCUSSION

The planning commission reviewed and discussed the draft proposal and asked staff to make additional changes to review. The attached draft includes comments and suggestions made by the commissioners.

Also included in the new draft is a proposal to consider concepts for affordable housing as part of a Development Agreement (see highlighted language in Section 17.42.030). While the details have not been worked out, it provides an opportunity for discussion.

17.42 Housing in Certain Commercial Areas Overlay (HCCO)

17.42.010 Purpose

- A. To introduce more flexible housing types within specified commercial areas.
- B. To create a greater mix of uses in locations that provide transportation options and access to needed services.

17.42.020 Applicability

- A. The HCCO shall only be applied to the C-H and C-G zones along 500 West and 500 South.
- B. Rezoning required – if approved, the HCCO includes the uses currently allowed in the underlying zone (C-H or C-G), plus residential uses as described below. In addition, the zone requirements apply, except when more restrictive requirements or new requirements are prescribed in this chapter.

17.42.030 Development agreement

A Development Agreement required – all applicants shall enter into a development agreement with the City to assure that the development negotiated and defined during the rezone process reflects the actual construction of the project.

As part of a development agreement, a 10% commitment to providing units with affordable prices or rents, based on 80% or less of the County Area Median Income (AMI), shall be detailed and described in terms of the method of providing those units. Such units shall include a 20 year commitment to continued affordability. For sale affordable units shall be sold at 80% AMI or less and do not require a 20 year commitment for affordable housing.

17.42.040 Uses

In addition, to the uses allowed in the underlying zone, townhouses, multi-family, and mixed-use buildings shall be permitted pursuant to the requirements and procedures of this chapter.

17.42.050 Site design requirements

- A. Heights and Setbacks
 - 1. All new residential buildings in the HCCO shall be set back from residentially zoned properties by 30 feet and such buildings shall not exceed 30 feet in height at the thirty foot setback. Building height may be increased beyond the 30 foot setback to a maximum the height of 60' for multi-family and mixed use building and 35' for townhouses allowed in the underlying zone (100 ft. in the C-G and 60 ft. in the C-H) with an additional one foot (1') setback required for every additional foot of increased height. Building height shall not include stairway or elevator access structures, and rooftop garden structures such as shade structures on rooftops.
 - 2. Front yard setbacks shall be landscaped with no less than a 20 ft. setback from a public right-of-way. Buildings taller than 50' shall be setback one (1') additional foot for each two (2') feet of additional height over 50'.

3. Side yard setbacks – 10' unless located next to a residential zone, see above requirement.
- B. Building orientation. Buildings shall face the adjacent public ROW. Buildings located behind other buildings or designed to face a driveway/drive aisle, may be oriented a different direction, except that they may not face a residential zone. A passive people-oriented space/plaza surrounding the primary building entrance of at least 2500 square feet shall be included that has shade trees and seating for residents. The plaza shall count toward the open space requirement. New residential buildings shall include a walkway to connect to the sidewalks along 500 West and/or 500 South.
- C. Location of parking – exterior parking shall be located underneath, to the side or to the rear of ~~a~~ the building or a group of building(s). An above grade parking garage within the interior of a residential building having more than 20 units, if located within 50' of a public right-of-way shall include commercial uses that wrap the street facing façade.
- D. Dumpsters – shall be located to the side, rear, or interior of the building(s) and shall be enclosed on three sides with a 6' masonry wall and the fourth side shall include a gate.
- E. Lighting – all lighting shall be downward directed and shielded to prevent light trespass beyond the property line. Lighting fixtures shall be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are required. Parking lot lights shall be no taller than 20'. The following locations shall be lit at a minimum: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.
- F. Landscaping – 10% of the total site (building, parking, buffers, and other locations) shall be landscaped, an include irrigation. The site landscape shall include 15 trees and 50 shrubs per acre. Trees shall be a minimum of 1.5" caliper and shrubs 5 gallon, 2 – 1 gallon ornamental grasses or perennials equal one shrub up to 50% of requirement. ~~Water-wise landscaping is encouraged.~~ The use of xeriscape materials such as rock mulches (including a weed mat) may be considered for up to 50% of the landscaping. Water-wise landscaping is required. Within the landscape areas a maximum of 50% may be turfgrass.

Setbacks intended as buffers as described in A above, shall be landscaped. Required buffering of adjacent residential zones shall include a 6' masonry wall located on the property line, medium to large trees planted every 30', and an inert mulch and turf/groundcover, at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities, where 30 or more feet of depth is available. Landscape areas that include a recreation function, may count toward the required 10% recreation area.

Irrigation systems shall be managed by an EPA waterwise irrigation controller. Smart irrigation practices such as drip and sensors are encouraged.

A professional stamped landscape and irrigation plan reviewed and approved by the Parks Department is required including plant locations/types, grading, and irrigation systems.

- G. Park space options and requirements – 10% of the lot area is required to be devoted for usable passive and/or active recreation space. This is in addition to the required landscape area. Usable landscapes include squares, plazas, active recreation (courts/fields), gardens, and patios.

Roof top gardens and leisure spaces are encouraged. Where roof tops are proposed for use as a recreation space, parapet walls shall be increased to 4' or decorative fencing may also be used above the required 2' parapet wall. The required plaza/courtyard mentioned above in B counts towards the park space requirement.

- H. Twenty-four (24) hour on-site management is required for complexes containing more than 20 units. For projects with 20 or less units, on-site management is encouraged.

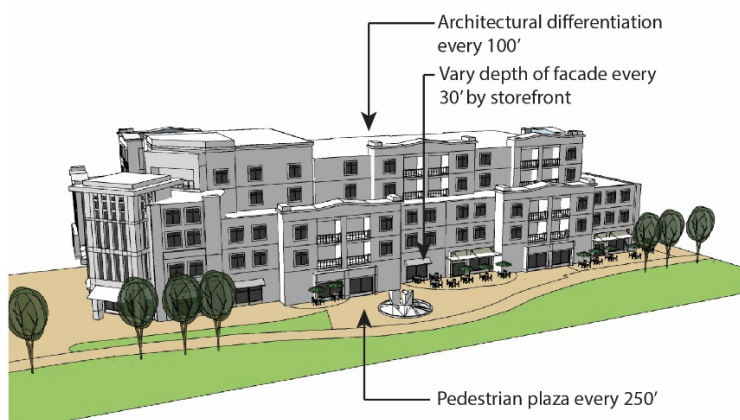
17.42.060 Building Design Requirements

A. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. New development shall incorporate timeless common, locally found materials such as granite, stone, sandstone, and brick as part of the first floor of each building for at least 65% of the first floor, excluding the windows. All stories above the first floor shall incorporate at least 50% of the above specified materials. Other materials may be considered, by the Zoning Administrator for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. Flat roofs shall be encompassed by a minimum of a 2 foot parapet/wall.

B. Façade treatments

No new building elevation may exceed 100 feet in length without at least a 3-foot variation in the depth of the façade along the public right of way and a 2-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 200 feet in width. Top floors shall have architectural differentiation from the other floors of the building and rooflines shall vary every 50 feet, at a minimum. For first floor uses in the mixed-use building type, the appearance of small shops/storefronts with variation in the first floor façade at least every 30 feet is required. Pedestrian plazas are encouraged for every 250' of the front face of a building.

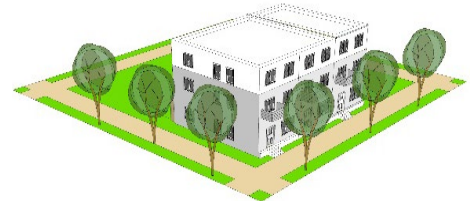


C. Building types

1. **Townhome** - Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units. Parking and private garages shall be to the rear of the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each. Where private garages are proposed, they shall be wired for at least one 220-volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



2. **Multi-family** –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a parking lot, separate structure or podium style with parking hidden behind/below building. Provide outdoor balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each. Provide indoor bike storage or bike lockers. In any garage or carport area 220 volt outlets shall be required for a minimum of 1 per every ten units. More such outlets for vehicle charging are encouraged.



3. **Mixed Use** – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on 500 West or 500 South unless such parking is wrapped with commercial uses on the street facing facade. Residential portions of parking structures, including carports, shall include at least one 220-volt outlet for every ten units for personal vehicle charging. More such outlets for vehicle charging are encouraged. This building type may support office, retail, hotel/hospitality, or residential uses mixed either vertically or horizontally. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each. Provide indoor bike storage or bike lockers.



- C. **Windows** – first floor street/courtyard facing windows in mixed use buildings shall cover a minimum of 50% of the front first story face and for all other building types, windows shall cover at least 25 percent of all facades. Doors with windows count towards required windows.

- D. Balconies – for the residential portions of buildings, one balcony shall be constructed with a minimum of 60 square feet per unit for at least 50% of the units. Terraces of similar size shall also be permitted as well as ground level porches/patios.
- E. Entrances – shall be recessed or covered to provide shelter ~~cover~~ from inclement weather. Porte cochere are also permitted.
- F. Parking garages – if a parking garage is incorporated into a building that is located more than 50' from a public street, any portions above ground shall be designed to complement the building in manner that the parking garage is not readily discernable as such or is surrounded with a 5' wide intensive landscape treatment that includes small trees and shrubs covering 75% of the area. ~~All garages shall include at least one 220-volt outlet for vehicle charging.~~
- H. Parking requirements:

Studio apartments – 1 space per unit

1 bedroom units – 1.5 spaces per unit

2 or more bedrooms – 2 spaces per unit

All projects shall provide guest parking spaces equal to 1 guest parking space for every ~~5-4~~ units. Any parking calculations that result in less than a whole number shall be rounded up.

A parking study may be considered to further evaluate the above parking space requirements. Such studies shall be paid for by the developer but managed by the City. The conclusions from such parking studies may result in modifications to the above parking requirements, if the studies are locally relevant. The planning commission shall make findings reflecting the study or discounting the study and suggest modifications of the parking standards or simply leave the standards as is. Parking stalls 9' by 18' are required but a parking study could also address compact car spaces in terms of size and as a percent of the overall parking.

Shared parking is encouraged based on a parking study, but only for up to 30% of the parking demand. The development agreement shall include the terms of shared parking for both the existing uses and proposed new HCCO development. The shared parking requirement is for a minimum of 10 years and shall be renewed afterwards.

17.42.070 Signs

See sign ordinance, except all signs shall have downward directed and shielded lighting. Only monument signs and signs on the building are allowed.

17.42.080 Application procedures

- A. General Requirements. An application for the HCCO is considered a rezone and shall use the rezone process as defined in this Code, coupled with a draft development agreement. The application, development agreement template, and its associated requirements is available on-line and at the City Offices.

- B. Pre-application Conference. The applicant is encouraged to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope or any additional information/reports that may reasonably be expected to be required in connection with any application for an HCCO rezone and a development agreement. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development.
- C. After an initial rezone fee for the HCCO application process, fees associated any needed reports or summaries, will be determined and paid by the applicant but the reports shall be managed by City staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other respective application fees, at the request of the developer. For all proposed rezones and associated development plans, a complete application is required before authorization to proceed to the Planning Commission.
- D. Visual Presentation. If not provided as part of the proposed project application, the applicant shall provide for the review of the Planning Commission and the City Council a visual presentation, preferably using computer graphics, depicting the buildings to be constructed, siting, for the proposed development within the context of existing, surrounding development.
- E. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:
 - 1. ~~Following TRC review, t~~The initial application shall be referred to the Planning Commission for review and comment at a public hearing. The City shall mail notice of the first such public hearing to owners of property within 300 feet of the proposed project.
 - 2. The Planning Commission shall make a recommendation to the City Council of approval, approval with modifications/conditions, or denial. Such recommendations shall include any recommended changes/modifications to the draft development agreement.
 - 3. If approval is recommended, and after the public hearing and combined with comments from the Planning Commission, the planning department, with the assistance of the city attorney, and with the concurrence of the applicant, shall prepare a second draft of a development agreement.
- F. City Council Public Hearing:
 - 1. If the planning department and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit their own proposed development agreement, addressing all the required information and their proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related/modified project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed before the City Council. The City shall mail notice of the public hearing to owners of property within 300 feet of the proposed project.
 - 2. City Council Public Hearing: The initial application, additional reports/information, the Planning Commission recommendation, together with the proposed development agreement and the complete submission of all other related, project-specific information

requiring approval of the City Council, shall constitute a final application for the potential rezone. If approved, by the City Council, the rezone application and development agreement shall authorize the applicant to proceed with an administrative site plan process. If a subdivision is required, such as for a condominium project or to define a new lot, an administrative subdivision process will follow the approvals by the City Council.

Definitions to be added to definitions section (17.04.030):

Townhouse – means a 1 to 3 story building having 3 to 8 attached dwelling units that may be arranged in groups of such buildings.

Multi-family – “Multiple-family dwelling” means a building arranged or designed with more than four dwelling units.

Mixed Use - General retail, office, and residential uses vertically integrated in the same building that features consistent approaches to lighting, landscaping, signage, building design, and materials use.

MEMORANDUM



TO: Planning Commission

DATE: July 9, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Review Fence Regulations

BACKGROUND

In 2015 and 2017 the city modified its fencing regulations by adding definitions, simplifying language, and making clarifications. It appears more clarification may be needed regarding front yard fencing based on what we have observed around the city. (See attached photos)

ISSUES

The primary issue appears to be whether “open fencing” should be allowed in front yards. Our existing fencing code does not make an exception for open fencing while most of our neighboring cities do.

For example,

- North Salt Lake prohibits solid fences, walls, and sight obscuring vegetation that exceeds two feet in height in the front setback but allows chain link fences or fences which are 75% or more open to be four feet in height.
- Layton Code states, “a non-view obstructing fence not exceeding six feet in height may be erected in any front yard space, including those areas that are normally reserved for a clear view.”
- Bountiful allows a 4 foot “open style” fence in the front setback, and any wall or other type fence cannot exceed 3 feet in height, except as further restricted in a clear-view area. Open style is defined as fencing that is at least 75% open.

Additional issues include cleaning up our descriptions of clear-view areas and deciding if it is better to place fencing regulations in its own section of code or continue to list the regulations separately in each residential zone.

After discussions at the May 25, 2021, planning commission meeting staff was asked to prepare a proposal to include open fencing options, clear-view area clarifications, and moving each of the individual fencing sections into a separate ordinance. An initial draft is attached as WBMC 17.50.

For comparison purposes the current fence regulations are shown below.

17.XX.100 Fence Requirements (Residential Zones)

1. Fences and walls may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
2. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback. Within any front yard setback, no fence, wall or hedge may exceed two (2) feet in height within three (3) feet of any street right of way or sidewalk (whichever is closer to the primary building on the lot).
3. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
4. Clear view of intersecting streets. In all districts which require a front yard no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and a reasonable number of trees pruned so as to permit unobstructed vision of traffic.

NEW SECTION:

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose.

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** shall be determined by measuring forty (40) feet from the point of intersection of the back of curb lines, or if there is no curb then edge of asphalt lines, and then connecting the termini of those lines forming a triangle that encompasses a portion of the street right-of-way and the adjoining lot. Within that clear view area, the following shall apply:
 1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two feet (2') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four feet (4') in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of seven (7) feet. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed in the clear view triangle unless it is specifically permitted by this title; and it is determined by the City Engineer that it is not a safety hazard.
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and it is determined by the City Engineer that it is not a safety hazard.
 6. No vehicle parking.

- B. The clear view area for the **intersection of a driveway and a street** shall be determined by first establishing the point of intersection of the driveway edge and the back of curb lines, or if there is no curb then edge of asphalt lines, then measuring fifteen (15) feet along the of the back of curb lines, or if there is no curb then edge of asphalt, away from the driveway, and ten (10) feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two (2) lines, forming a triangle.
1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 2. Chain link fences or fences which are seventy five percent (75%) or more open shall not exceed four (4) feet in height above the back of curb lines, or if there is no curb then edge of asphalt lines.
 3. Trees may be located or maintained in such area in excess of the height provided they are pruned clear of all branches between the ground and a height of seven (7) feet. Tree canopies or other growth shall not block signs or signals.

17.50.030 Front Yard Fences.

Notwithstanding the clear view area regulations listed above, fences installed in a front yard shall comply with all of the following requirements:

- A. A fence seventy five percent (75%) or more open is allowed up to six (6) feet in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line; and
- B. A fence which is not seventy five percent (75%) or more open is allowed up to four (4) feet in height within the front yard setback if located more than three (3) feet from any street right of way or sidewalk, whichever is closer to the primary building on the lot.

17.50.040 Rear and Side Yard Fences

- A. Rear yard. Fences and walls shall not exceed six (6) feet in height within any rear yard.
- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard beyond the front setback. Such fence, wall, or hedge shall be no closer to the street than the sidewalk or if no sidewalk, the property line.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or ~~interior~~ side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use. *(should we include a max?)*
- B. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, ball diamond, etc., may be allowed up to fourteen (14) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the minimum front yard setback area.
- D. A fence abutting the Interstate freeway system may be erected to a height not exceeding ten (10) feet on the property line adjacent to the freeway right-of-way.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of all fences over six feet and retaining walls over four feet.

Delete: 17.14.100, 17.16.100, 17.20.100, 17.24.100



EXAMPLE OF CURRENT CODE

975 W/400 N

EXAMPLE OF OPEN FENCING



560 W Pages Ln



592 W 1810 N



700 N 1100 W

EXAMPLES OF FENCES

1



567 W Pages Ln



1100 West

West Bountiful City

May 25, 2021

Planning Commission Meeting

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 May 21, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 25, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko.

MEMBERS EXCUSED: Council member Kelly Enquist.

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Community Development), Steve Doxey (City Attorney), and Debbie McKean (Secretary).

VISITORS: Lori Ferlin, Todd Willey, Dave Wilding, John Janson, Jake Young

The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

1. Prayer by Commissioner Sweat

2. Accept Agenda

Chairman Malan reviewed the proposed agenda. Dee Vest moved to approve the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

3. Consider Highgate 2 Subdivision Plat

Commissioner packets included a memorandum dated May 21, 2021 from Kris Nilsen regarding Highgate No. 2 Phase 1 Subdivision - Final Plat (waiver for small subdivision) with attached preliminary plat plan.

Kris Nilsen introduced the subdivision stating that developer, Blackgate Investments, LLC, has applied for a six (6) lot subdivision connecting to the west end of existing Highgate Estates Subdivision. The proposed subdivision site is a westerly extension of Wellington Avenue (10 North) along the south of the Millcreek canal west of 1450 West Street. The property is within the B-U zone and consists of 7.44 acres. The lots each meet A-1 zoning requirements for size (1 acre) and frontage (85 ft.), as represented.

Final Plat Review – Per city code the final plat shall include the following information, items in **bold** text still need to be addressed.

1. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided.
2. The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision.
3. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines.
4. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined.
5. **The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines.**
6. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
7. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city.
8. **The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.**
9. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site.
10. When a subdivision contains lands, which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain, and pay taxes on such lands and common areas.
11. Prior to recording, a current title report will be submitted for review by the city attorney. **Title Report has been submitted and is in process of review.**
12. **Security for Public Improvements to be completed within 18 months.**
13. Payment of fees.

Mr. Nilsen summarized his review of the final plat submission which included plan and profile drawings for street and applicable utilities, storm drain, streetlights, culinary water, secondary water, sanitary sewer, gas easement, wetlands, and review and approval by all other impacted utility companies

Staff recommends that approval by planning commission should be subject to the following conditions:

- Submit a final revised plat for review.

- Submit revised construction drawings for review.
- Address all staff comments.

Commissioners were supportive of the proposed plat plan.

Action Taken:

Corey Sweat Moved to approve the preliminary subdivision plat for Highgate 2 with the following conditions submit a final revised plat for review, submit revised construction drawing for review, and that all staff comments listed above are addressed. Laura Charchenko seconded the motion and voting was unanimous in favor.

4. Consider Doug's Corner Subdivision Plat

Included in the commissioner's packet was a memorandum from Kris Nilsen dated May 21, 2021 regarding Doug's Corner Subdivision- Final Plat (small subdivision) with attached plat and drainage plan.

Douglas Coons Construction, LLC has applied for a three (3) lot subdivision located on the west side of 550 West street at 1000 North. The property is within the R-1-10 zone and consists of 0.696 acres. The lots each meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft.), as represented.

Kris Nilsen presented the final plat that has been submitted for review. While the layout has some minor concerns, all lots are buildable 10,000 square feet and a drainage plan has been submitted. The middle lot is on a bend and will not be considered a corner lot.

There was discussion about the driveway access on Lot 2. Commissioners wondered if it can be required to be a certain distance from the corner. Mr. Nilsen stated that there will be just one driveway allowed and it must be at the farthest side of the property from the corner. It cannot be in the middle of the property.

Final Plat Review – Per city code the final plat shall include the following information, items in **bold** text still need to be addressed.

1. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided.
2. **The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision.**
3. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines.
4. **All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined.**
5. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and

locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines.

6. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
7. **All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city.**
8. **The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.**
9. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site.
10. When a subdivision contains lands, which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain, and pay taxes on such lands and common areas.
11. **Prior to recording, a current title report will be submitted for review by the city attorney.**
12. **Security for Public Improvements to be completed within 18 months.**
13. Payment of fees.

Mr. Nilsen summarized his review of the final plat submission which included lot layout, plan and profile drawings for street, curb and sidewalk, and applicable utilities, demolition of existing building, storm drain, streetlights, culinary water, secondary water, sanitary sewer, gas easement, wetlands, and review and approval by all other impacted utility companies

Staff recommended that any approval by planning commission should be subject to the following conditions:

- Submit a final revised plat for review. Plat comments are in the process of being addressed by preparer.
- Submit revised construction drawings for review a. Construction drawings are in the process of being addressed by designer.
- Submit a title report for review.
- Address all City staff comments.

Action Taken:

Laura Charchenko moved to approve the subdivision plat for Doug's Corner at 550 West 1000 North with the following conditions: 1) Submit a final revised plat for review; 2) Submit revised construction drawings for review; 3) Submit a title report for review; and 4) Address all City staff comments. Corey Sweat seconded the motion and voting was unanimous in favor.

5. Consider Ferlin Subdivision – 924 W Porter Lane

Commissioner packets included a memorandum from Kris Nilsen dated May 21, 2021 regarding the Ferlin 1-Lot subdivision with attached plat and drainage plans.

Kris Nilsen introduced the Ferlin subdivision stating that Rick and Lori Ferlin have applied for a one (1) lot subdivision with frontage on the north side of Porter Lane (924 West). The property is within the A-1 zone and consists of 2.4 acres. The lot meets the required A-1 zoning requirements for size and frontage (as represented).

Kris Nilsen gave a brief review of the property's history. The land under consideration was originally part of a larger parcel owned by Jeff and Paul Tingey. In 2015 they submitted a subdivision application to divide the larger parcel into two lots, but quickly discontinued the process and instead filed an improper lot line adjustment with the county to connect the eastern half of the property to a lot owned by Mr. Paul Tingey in the adjacent Birnam Woods Subdivision.

Based on comments made by the Tingey's at the time, this was clearly done to avoid the subdivision process and the associated fees and required improvements. Due to this action, the city considers the parcel to the east (and Mr. Tingey's lot in Birnam Woods) to have an illegal status.

The remaining land is what is now owned by the Ferlin's. Since 2018, the city has treated the Ferlin property as buildable under certain conditions. In 2018 the Ferlin's made application, and the planning commission approved a conditional use for a flag lot and the city council approved a final plat for 2-lot subdivision for this property. However, the Ferlin's did not proceed with recording the subdivision, and the subdivision approval has expired.

For reference, below is a summary of the conditions for the original 2-lot subdivision from 2018.

- Install one streetlight near the driveway entrance to the proposed flag lot.
- Secondary water required to be extended to provide service to the development.
- Curb, gutter, sidewalk, and associated improvements were deferred. The rationale included findings that there is no existing curb immediately adjacent to the proposed development and that the property is in the A-1 zone whereas other nearby property with curb is in the R-1-10 and R- 1-22 zones. Improvements terminate on the property east of the original parcel that was improperly divided. If this property had been properly subdivided in 2015, it would likely have had the required improvements.
- Water rights required to be deeded to the city or payment of water right fee.
- Title report reviewed by the city attorney with no objectional entries. 6
- Payment of impact and inspection fees. 7
- Post appropriate improvement bonds. 8
- Approval by Weber Basin for the secondary water service design.

The Ferlin's have abandoned their plans for a 2-lot subdivision with a flag lot, and now wish to place a single home on the 2.4 acre parcel. Due to the unique history of the property, legal counsel has offered as an option the concept of a "1-lot" subdivision to allow the parcel to be legitimized as a lot. Under this scenario, the Ferlin's must meet all of the minor subdivision requirements and record a record of survey with the City's written approval under WBMC § 16.16.020.F and LUDMA Section 10-9a-605.

After review of the submitted Survey of Record and Construction Drawings, staff recommended that any approval by planning commission should be subject to the following conditions:

- Submit a revised Survey of record for review.
- Submit revised Site Plan (construction drawing) for review.
- All City review comments shall be addressed.
- Recommendation on installation of street widening improvements or granting conditions of a deferral.
- Recommendation on required connection to secondary water system or granting conditions of a deferral.
- Water rights will need to be deeded to the city or payment of water right fee.
- Title report reviewed by the city attorney with no objectional entries.
- Payment of impact and inspection fees.
- Post appropriate improvement bonds.

Corey Sweat inquired about the illegal lot. Steve Doxey explained that you can sell a parcel by meets and bounds but you cannot build a subdivision without going through the proper process. The city has decided to fix the situation for the Ferlin's and deal with the issues with the Tingey's later.

There was discussion about the requested deferrals that will be decided by city council. As in past cases, it is not efficient to force a developer to build street improvements (curb, gutter, sidewalk) as an island. There are no street improvements on either side of the Ferlin property nor on the property across the street. A deferral may be the best solution as it can be called due when surrounding properties develop and/or when the city makes street improvements.

Action Taken:

Corey Sweat moved to approve the subdivision plat for the Ferlin 1-Lot Subdivision at 924 W Porter Lane with the following conditions: 1) Submit a revised Survey of Record for review; 2) Submit revised Site Plan (construction drawing) for review; 3) All City review comments shall be addressed; 4) Water rights deeded to the city or payment of water right fee; 5) Title report reviewed by the city attorney with no objectional entries; 6) Payment of impact and inspection fees; and 7) Post appropriate improvement bonds. Dee Vest seconded the motion and voting was unanimous in favor.

Corey Sweat made an Amended Motion to recommend a deferral of curb, gutter, and sidewalk and require connection to secondary water system. Dee Vest seconded the motion and voting was unanimous in favor.

Cathy Brightwell suggested they skip to agenda Item 7 so that Mr. Janson and Mr. Young can be here to lead the discussion on item 6.

Action Taken:

Corey Sweat made a motion reverse the agenda order for items 6 and item 7. Laura Charchenko seconded the motion and voting was unanimous in favor.

6. Discuss Housing in Certain Commercial Areas Overlay (HCCO)

Commissioner packets included a memorandum dated May 21, 2021, regarding Housing in Certain Commercial Areas Overlay (HCCO). This item was discussed at the April 27, 2021, joint meeting with city council, and the planning commission was asked to work on the issue and make a recommendation.

Cathy Brightwell reviewed this discussion item stating that the proposed overlay would allow housing in commercial areas which is addressed in the city's General Plan. The 500 W and 500 S corridors have been suggested as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base and primary residential areas.

The city's contract planning consultants, John Janson and Jake Young, presented the draft proposal that introduces a framework to consider high density flexible housing types in the C-G and C-H zones along 500 South and 500 West, and opening a door for proposals for a greater mix of uses in locations that provide transportation options and more services. They emphasized that it should be strongly noted that the draft overlay zone does not make residential uses a permitted or conditional use in the commercial zones. Any project would need to go through a legislative process for a re-zone and require a Development Agreement specific to each project that would be at the discretion of the city council.

Site design requirements for the HCCO including heights, setbacks, lighting, parking, access, and landscaping were discussed. It was suggested that 10% of the lot area is required to be devoted for passive and/or active recreation space. Roof top gardens and leisure spaces are encouraged. Mr. Janson also suggested twenty-four (24) hour on-site management be required for

complexes containing more than 20 units. For projects with 20 or less units, on-site management is encouraged.

Commissioners suggested the current 100-foot height allowance be reduced to 60-feet. Cathy Brightwell stated that she spoke with the fire department, and they have a new piece of equipment that can reach 100 feet if placed in the perfect location, but it is more reliable to have lower buildings that can be easily accessed by a broader range of equipment.

There was also discussion about guest parking and Commissioner Sweat suggested parking studies be conducted before a decision is made on the parking needs of a project. It is important to have sufficient parking but not too much. Mr. Janson added that in multi-use situations, available parking can be shared between commercial and residential uses as they time of day they need the parking is different, e.g., commercial requires more during the day while residential requires more night parking.

Commissioners asked staff to make several changes to the draft for further discussion at a future meeting. The process going forward requires two separate public hearings - one for residential areas and the other for commercial areas.

7. Discuss Fencing Regulations

Packets included a memorandum from Cathy Brightwell/Kris Nilsen dated May 21, 2021 regarding review of Fence Regulations.

Cathy Brightwell gave a brief history of fencing regulations. In 2015 and 2017 the city modified its fencing regulations by adding definitions, simplifying language, and making clarifications. It appears more clarification may be needed regarding front yard fencing based on what we have observed around the city.

This issue was brought to staff's attention because of the growing number of homes in the city that have illegal front yard fences. Currently fencing in the front yard is required to be 2 feet or less in height for the first 3 feet and then can increase to 4 feet to the front setback.

Ms. Brightwell presented photos of homes in the city that do not comply with code. Many of these homes have front yard fences that are partially open such as picket, chain link, and split rail. The primary issue appears to be whether "open fencing" should be allowed in front yards. Our existing fencing code does not make an exception for open fencing while most of our neighboring cities do. Staff shared examples they collected from other cities in Davis County.

- North Salt Lake prohibits solid fences, walls, and sight obscuring vegetation that exceeds two feet in height in the front setback but allows chain link fences or fences which are 75% or more open to be four feet in height.

- Layton Code states, “a non-view obstructing fence not exceeding six feet in height may be erected in any front yard space, including those areas that are normally reserved for a clear view.”
- Bountiful allows a 4 foot “open style” fence in the front setback, and any wall or other type fence cannot exceed 3 feet in height, except as further restricted in a clear-view area. Open style is defined as fencing that is at least 75% open.

Should we consider open fencing in front yards if it does not obstruct view? If so, how do we want to define it? Should we consider consolidating the fencing section currently included in each residential zoning code to one standalone section that applies to all? Should we include a separate fencing section in our current code instead of including it in each zone. Add language for open fencing.

Commissioners were supportive of staff’s recommendations. Staff will prepare a draft for their review. Discussion will need to take place regarding enforcement. Shrubs will need to be included as well.

8. Staff Report

Kris Nilsen:

- The well house is under construction and on schedule with 90% completion expected by Christmas.
- Pickleball courts are under construction. There was discussion about lighting impacting neighbors. Kris explained that the lights can be scheduled to turn off at 10:00 pm.
- Chairman Malan asked Kris to do some research to determine how far \$500k will go towards a park. Will it cover irrigation, play equipment, etc? This question relates to a proposal for Brookside Ranch to contribute toward a new city park.

Cathy Brightwell:

She is working on training options for planning commissioners. Steve Doxey clarified that the new legislation requires 4 hours of training per year for each commissioner consisting of: 1 hour of General Powers and Duties training, 2 hours of Land Use Training, and 1 hour can be counted for attending 12 meetings.

Dee Vest requested the Commission to take another look at driveway widths as he has had complaints about 36 feet being inadequate.

9. Consider Meeting Minutes from May 11, 2021.

Action Taken:

Mike Cottle moved to approve of the minutes of the May 11, 2021, meeting as presented.
Laura Charchenko seconded the motion and voting was unanimous in favor.

10. Adjourn.

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:50 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on June 22, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder