

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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West Bountiful, Utah 84087

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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, AUGUST 24, 2021, AT THE CITY OFFICES

1. Prayer/Thought by Chairman Malan.
2. Accept Agenda.
3. Final Draft of the Housing in Certain Commercial Areas Overlay Ordinance
– WBMC 17.42, Schedule Public Hearing.
4. Preliminary Review of New Landscape Regulations.
5. Staff report.
6. Consider Meeting Minutes from August 10, 2021.
7. Commission Training.
8. 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 August 20, 2021 by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: August 20, 2021

FROM: Staff

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

The planning commission has been working on the proposal to allow housing in Certain Commercial Areas Overlay (HCCO) for several months, after being directed by city council to research the issue and make a recommendation.

The attached redline draft includes suggestions made by commissioners at the July 9 meeting, and by staff for changes related to landscape percentages, building type definitions and pictures, and parking for vehicles and bikes.

This is intended to be a final review prior to scheduling a public hearing.

17.42 Housing in Certain Commercial Areas Overlay (HCCO)

17.42.010 Purpose

The purpose of this chapter is to introduce residential uses within specified commercial areas, creating a greater mix of uses in locations that provide transportation options and access to needed services.

17.42.020 Applicability

The Housing in Certain Commercial Areas Overlay (HCCO) shall be applied only to the C-H and C-G zones along 500 West, 400 North, and 500 South. Approval of the HCCO constitutes a rezone, which may be approved or denied in the City Council's sole discretion. The HCCO includes the uses currently allowed in the underlying zone (C-H or C-G), plus residential uses as described in this chapter. All of the regulations of the underlying zone apply, subject to the more specific or restrictive requirements of this chapter.

17.42.030 Development agreement

All applicants receiving HCCO approval shall be required to enter into a development agreement with the City to assure that the development negotiated and defined during the rezone process and required by this chapter is reflected in the actual construction and maintenance of the project.

17.42.040 Uses

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

17.42.050 Site design requirements

A. Heights and Setbacks

1. All residential buildings in the HCCO shall be set back 30 feet from any residential zone. Residential buildings shall not exceed 30 feet in height at the minimum setback line, except that townhomes may be up to 35 feet high at the setback line. For multi-family and mixed-use buildings, building height may be increased beyond the 30 foot setback to a maximum height of 60 feet, with an additional one foot setback required for every additional foot of increased height. Stairways, elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation, as long as they do not exceed an additional 12 feet in height.
2. Front yard setbacks shall be landscaped and shall be a minimum of 20 feet from a public right of way. Buildings taller than 50 feet shall be setback one additional foot from the minimum setback for each two feet of additional height over 50 feet. Only 500 West, 500 South, and 400 North streets (and not I-15) shall be considered public rights of way for purposes of the front yard setback and building orientation.
3. Rear and side yard setbacks shall be a minimum of ten feet except next to a residential zone, in which case the requirements of Section 17.42.050.A.1 apply.

- B. Building Orientation. Buildings shall face the adjacent public right of way. Buildings located behind other buildings or designed to face a driveway or drive aisle, may be oriented a different direction,

except that they may not face a residential zone. New residential buildings shall include a six foot walkway to connect to a sidewalk along 500 West, 400 North, or 500 South.

- C. Dumpsters. Dumpsters shall be located to the side, to the rear, or in the interior of the building and shall be enclosed on three sides with a six-foot masonry wall and the fourth side shall include a gate.
- D. Lighting. All lighting shall be directed downward 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 feet. The following locations, at a minimum, shall be lighted: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.
- E. Landscaping. Ten percent of the total site (including building, parking, and setbacks) shall be landscaped and include irrigation. The site landscape shall include a minimum of 5 trees and 15 shrubs per acre. Trees shall be a minimum of 1.5 inch caliper and shrubs a minimum of 5-gallon; two 1-gallon ornamental grasses or perennials equal one shrub up to 50% of the shrub requirement. The use of xeriscape materials such as rock or wood mulches (including a weed mat) are allowed for up to 50% of the landscaping. Water efficient landscaping is required. Within the landscape areas a maximum of 50% coverage may be turfgrass. No turfgrass shall be allowed in areas less than 10 feet in width; these areas must be landscaped with shrubs, trees, rocks, or mulch.

Setbacks intended as buffers as described in Section 17.42.050.A shall be landscaped. Required buffering of adjacent residential zones shall include a six foot masonry wall located on the property line, medium to large trees planted every 30 feet, and an inert mulch and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility shall be located within 15 feet of a residential zone.

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

A landscape and irrigation plan, stamped by a professional landscape architect, engineer, or certified irrigation designer, including plant locations/types, grading, and irrigation systems, must be submitted for review and approval by City staff.

- F. Park Space Options and Requirements. Ten percent of the total site is required to be devoted to usable passive or active recreation space. This is in addition to the required landscape area, except that landscape areas that include usable recreation space shall count toward the park space area requirement. Usable recreation space includes squares, plazas, active recreation (courts and fields), community gardens, and patios. The availability to the public of such spaces will be negotiated in the development agreement.

Roof top gardens and leisure spaces are encouraged and may count toward up to 50% of the park space area requirement. Where roof tops are proposed for use as garden or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing at least two feet in height shall be installed on top of the two foot parapet wall required under Section 17.42.060.A.

A passive people-oriented plaza surrounding the primary building entrance of at least 2,500 square feet, with shade trees and seating for residents, shall be included. The plaza shall count toward the park space area requirement.

- G. Twenty-four hour on-site management is required for complexes containing more than 20 residential units. For projects with 20 or fewer units, on-site management is encouraged.

17.42.060 Building Design Requirements

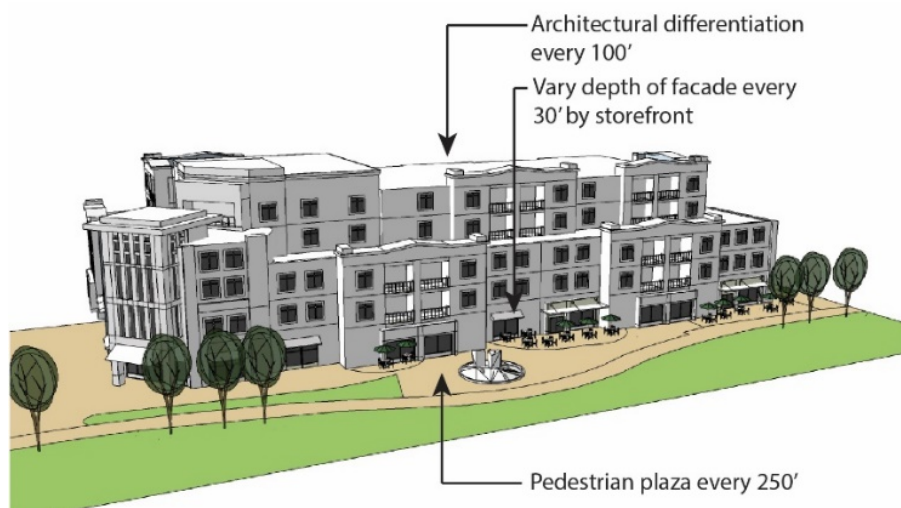
A. Building Materials

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 for at least 65% of the first floor façade of each building, excluding the windows. All stories above the first floor shall incorporate the above specified materials for at least 50% of the façade. The planning commission may consider other materials 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 parapet wall with a minimum height of two feet.

B. Façade Treatments

No new building elevation may exceed 100 feet in length without at least a three-foot variation in the depth of the façade along the public right of way or any façade that faces the required plaza, and a two-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 200 feet in length or width. Top floors shall have architectural differentiation from the other floors of the building and roof lines shall vary every 50 feet, at a minimum. For first floor uses in a mixed-use building, the appearance of small shops or storefronts with variation in the first floor façade every 30 feet or less is required.

C.



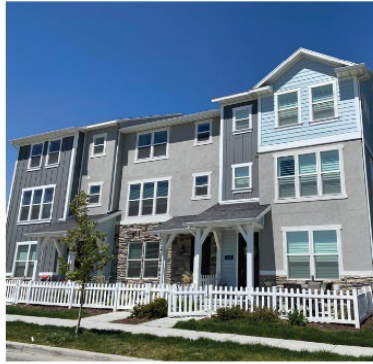
Building types. Residential uses in the HCCO may be incorporated into one or more of the following building types.

1. Townhome -

Horizontally attached units in a rowhouse configuration, usually divided into lots for ownership purposes. Townhomes may be located in a one- to three-story building consisting of three to eight attached dwelling units and may be arranged in groups of such buildings. This building type can include live/work units, which shall be specified in the development

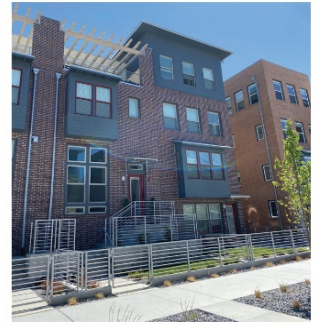
agreement. Private

garages are required and shall be located at the rear of the building, allowing the primary façade to front a public street or a greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Private garages 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.



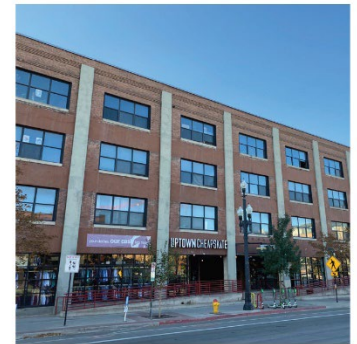
Townhome examples

- 2. Multi-family** –A multi-story residential building arranged or designed with more than four dwelling units, which may be divided into condominium units or be a for rent product. Indoor bike storage or bike lockers shall be provided.



Multi-family examples

- 3. 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. Intended for a mix of primarily residential use with retail or commercial office uses located on the first floor.



Mixed-use examples

- D. **Windows.** In mixed-use buildings, windows (including windows in doors) shall cover a minimum of 50 percent of the front first story face. For all other building types and facades of a mixed-use building, windows (including windows in doors) shall cover at least 25 percent of all facades.

- E. Balconies. For the residential portions of buildings, one balcony shall be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size shall also be permitted and shall count toward the balcony requirement.
- F. Entrances. Entrances shall be recessed or covered to provide shelter from inclement weather. Porte cocheres are also permitted.
- G. Parking Requirements.
 - 1. Location of Parking and Parking Garages. Parking for a multi-family residential or mixed-use building shall be located underneath, within (as in podium-style parking), to the side, or to the rear of the building. An above or partially above grade parking garage within the interior of a building having more than 20 residential units, if located within 50 feet of a public right-of-way, shall include commercial uses that wrap the street-facing façade. No visible podium parking is allowed fronting on 500 West, 400 North, or 500 South unless such parking is wrapped with commercial uses on the street-facing facade. If an above grade or a partially above grade parking garage is incorporated into a building that is located more than 50 feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five foot-wide intensive landscape treatment that includes trees and shrubs covering at least 75 percent of each parking garage façade.
 - 2. All projects of any building type shall provide the following minimum number of parking spaces:
 - Studio apartments – 1 space per unit;
 - One bedroom units – 1.5 spaces per unit;
 - Two or more bedroom units – 2 spaces per unit.

All projects shall provide additional guest parking spaces equal to one guest parking space for every four units. Any parking calculations that result in less than a whole number shall be rounded up.
 - 3. To further evaluate the above parking space requirements for a particular project, the city may require an independent parking study where parking demand calculations exceed 50 spaces, shared parking is being considered, or the proposed use may impact previously calculated parking demands for adjacent uses. Any such study will be managed by the city but paid for by the developer. The city may adjust the above parking requirements consistent with the parking study's conclusions to reflect such factors as shared parking and compatible uses. The Planning Commission shall make findings reflecting the study or discounting the study and may suggest modifications of the parking standards or simply leave the standards as-is. Parking stalls 9-feet by 18-feet are required but a parking study could also address compact car spaces in terms of size and as a percentage of the overall parking.
 - 4. Shared parking is encouraged based on a parking study, but only for up to 30 percent 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 ten years and shall be renewed thereafter.

5. Bike parking is required based on a calculation equal to 15 percent of all required vehicle parking stalls. Bike parking shall be located in well lit, secure locations provided with bike racks that are permanently secured to the ground. The bike racks shall accommodate the minimum required number of bikes as per the calculation above. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four bikes is required for commercial patrons.

Indoor bike storage or bike lockers shall be provided in multi-family and mixed use units.

6. Residential portions of parking garages and 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.

17.42.070 Signs

Signs in the HCCO shall be governed by Chapter 17.48, 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 application subject to the rezone process provided in this chapter. The application shall be accompanied by a draft development agreement. The application, development agreement template, and their associated requirements are available online and at the city offices.
- B. Pre-application Conference. The applicant is required to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of the project and any additional information or reports that may be required in connection with the application and 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. Required Studies. A geotechnical study is required for any proposed building over one story. A traffic study is required for projects with 50 or more residential units.
- D. Fees. In addition to the initial rezone application fee for the HCCO, the applicant will pay for any studies required as part of the approval process. All such studies will be procured and managed by city staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other application fees, at the request of the applicant. For all proposed rezones and associated development plans, a complete application is required before authorization to proceed to the Planning Commission.
- E. 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 and siting for the proposed development within the context of existing, surrounding development.
- F. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:

1. 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 recommendation shall include any recommended changes/modifications to the draft development agreement.
3. If approval is recommended, the planning department, with the assistance of the city attorney and the concurrence of the applicant, shall prepare a second draft of the development agreement.

F. City Council Review and Public Hearing:

1. If city staff 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 any proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed for public hearing 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, and 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.

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

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A. Heights and Setbacks

1. All residential buildings in the HCCO shall be set back thirty (30) feet from any residential zone. ~~and Residential~~such buildings shall not exceed thirty (30) feet in height at ~~the thirty (30)~~ feet ~~the minimum setback line, except that townhomes may be up to thirty-five (35) feet high at the setback line. For multi-family and mixed-use buildings,~~ the minimum setback line, except that townhomes may be up to thirty-five (35) feet high at the setback line. For multi-family and mixed-use buildings, ~~Building height may be increased beyond the thirty (30) foot setback to a maximum height of sixty (60) feet, for multi-family and mixed-use buildings with an additional one (1) foot setback required for every additional foot of increased height. Townhomeuses may reach their maximum height of 35' at the 30' setback. Max b~~ Building height may be increased beyond the thirty (30) foot setback to a maximum height of sixty (60) feet, for multi-family and mixed-use buildings with an additional one (1) foot setback required for every additional foot of increased height. Townhomeuses may reach their maximum height of 35' at the 30' setback. Max b ~~Building height shall not precludeinclude the height of a s~~ Building height shall not precludeinclude the height of a s ~~Stairways, or elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation on rooftops, as long as such structures they do not exceed an additional 12 feet in height.~~ Stairways, or elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation on rooftops, as long as such structures they do not exceed an additional 12 feet in height.
2. Front yard setbacks shall be landscaped ~~with and shall be no less than a~~ with and shall be no less than a ~~minimum of a~~ minimum of a ~~twenty (20) feet~~ foot ~~setback~~ setback from a public right ~~of f~~ of f ~~way. Buildings taller than fifty (50) feet shall be setback one (1) additional foot from the minimum setback for each two (2) feet of additional height over fifty (50) feet. Only 500 West, 500 South, and 400 North streets (and not I-15) shall be considered public rights of way for purposes of the front yard setback and building orientation.~~ way. Buildings taller than fifty (50) feet shall be setback one (1) additional foot from the minimum setback for each two (2) feet of additional height over fifty (50) feet. Only 500 West, 500 South, and 400 North streets (and not I-15) shall be considered public rights of way for purposes of the front yard setback and building orientation.

8/19/2021 (Steve D)

3. ~~Rear and S~~side yard setbacks shall be a minimum of ten (10) feet except next to a residential zone, in which case the requirements of Section 17.42.050.A.1 apply.

~~4. Where setbacks are specified from a public street, the I-15 Freeway is not included as a public street. Only 500 West, 500 South, and 400 North are considered as applicable to the building front yard setback requirements.~~

B. Building Orientation. Buildings shall face the adjacent public right of way. Buildings located behind other buildings or designed to face a driveway ~~or~~ drive aisle, may be oriented a different direction, except that they may not face a residential zone. ~~New residential buildings shall include a six (6) foot walkway to connect to the sidewalks along 500 West, 400 North, and/or 500 South.~~

C. ~~Location of Parking. Exterior parking for a residential or mixed-use building shall be located underneath, to the side or to the rear of the building. An above grade parking garage within the interior of a building having more than 20 residential units, if located within 50' of a public right of way, shall include commercial uses that wrap the street-facing façade.~~

~~D.~~ Dumpsters. Dumpsters shall be located to the side, to the rear, or in the interior of the building and shall be enclosed on three sides with a six-foot (6') masonry wall and the fourth side shall include a gate.

~~DE.~~ Lighting. All lighting shall be directed downward 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 twenty (20) feet. The following locations, at a minimum, shall be lighted: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.

~~EF.~~ Landscaping. Ten percent (10%) of the total site (including building, parking, and setbacks) shall be landscaped and include irrigation. The site landscape shall include a minimum of five (5) trees and fifteen (15) shrubs ~~50 shrubs~~ per acre. Trees shall be a minimum of 1.5" caliper and shrubs 5-gallon; two 1-gallon ornamental grasses or perennials equal one shrub up to 50% of the shrub requirement. The use of xeriscape materials such as rock or wood mulches (including a weed mat) are allowed for up to 50% of the landscaping. Water efficient landscaping is required. Within the landscape areas a maximum of 50% coverage may be turfgrass. No turfgrass shall be allowed in areas less than 10 feet in width; these areas must be landscaped with shrubs, trees, ~~rocks or mulch.~~

Setbacks intended as buffers as described in Section 17.42.050.A shall be landscaped. Required buffering of adjacent residential zones shall include a six (6) foot masonry wall located on the property line, medium to large trees planted every thirty (30) feet, and an inert mulch and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility shall be located within 15 feet of a residential zone.

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

A landscape and irrigation plan, stamped by a professional landscape architect, engineer, or a certified irrigation designer, including plant locations/types, grading, and irrigation systems, ~~must~~ be submitted for review and approval by City staff.

Commented [SD1]: If a building is behind other buildings and set back some distance from the street corner, should we require sidewalks to both street or just the nearest one?

FG. Park ~~S~~space ~~e~~Options and ~~R~~requirements. Ten percent (10%) of the total site is required to be devoted to usable passive or active recreation space. This is in addition to the required landscape area, except that landscape areas that include usable recreation space shall count toward the park space area requirement. Usable recreation space includes squares, plazas, active recreation (courts and fields), community gardens, and patios. The availability to the public of such spaces will be negotiated in the development agreement.

Roof top gardens and leisure spaces are encouraged, and may count toward up to 50 percent of the park space area requirement. Where roof tops are proposed for use as garden or recreation space, parapet walls shall be at least four (4) feet high, or secure, decorative fencing at least two (2) feet in height shall be installed on top of the two (2) foot parapet wall required under Section 17.42.060.A.

A passive people-oriented plaza surrounding the primary building entrance of at least 2,500 square feet, with shade trees and seating for residents, shall be included. The plaza shall count toward the park space area requirement.

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

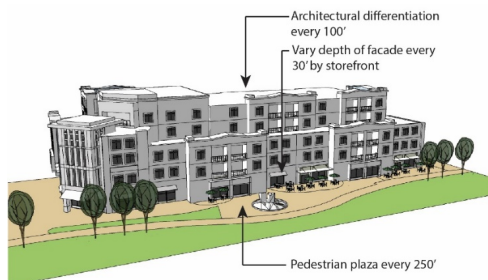
17.42.060 Building Design Requirements

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 for at least 65% of the first floor façade of each building, excluding the windows. All stories above the first floor shall incorporate the above specified materials for at least 50% of the ~~above specified materials~~façade. The planning commission may consider other materials for soffits, or as accents or unique architectural features. Twenty-five (25) year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. Flat roofs shall be encompassed by a parapet wall with a minimum height of two (2) feet.

B. Façade ~~T~~reatments

No new building elevation may exceed 100 feet in length without at least a three~~3~~-foot variation in the depth of the façade along the public right of way or any façade that ~~d~~faces the required plaza, and a two~~2~~-foot variation on other façades. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 200 feet in length or width. Top floors shall have architectural differentiation from the other floors of the building and



8/19/2021 (Steve D)

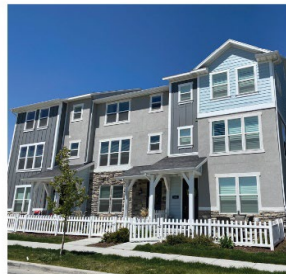
roof lines shall vary every 50 feet, at a minimum. For first floor uses in a mixed-use building, the appearance of small shops or storefronts with variation in the first floor façade every 30 feet or less is required.

Commented [JJ2]: jake to fix the drawing - get rid of 250' and arrow

- C. Building types. Residential uses in the HCCO may be incorporated into one or more of the following building types.

1. Townhome -

Horizontally attached units in a rowhouse configuration, usually divided into lots for ownership purposes. Townhomes use means may be located in a one- to three-story building consisting of three to eight attached dwelling units that and may be arranged in groups of such buildings. This building type can include live/work units, which shall be specified in the development agreement.



Townhome examples

Parking and Private garages are required and shall be located at the rear of the building, allowing the primary façade to front a public street or public greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Outdoor balconies, porches, or patios for 100% of the units at of a minimum of six (6) feet deep and sixty (60) square feet each shall be provided for all units. 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.

8/19/2021 (Steve D)

2. Multi-family –A multi-story

residential building that arranged or designed with more than four dwelling units, which may be divided into condominium units or be a for rent product, 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 as per section 17.42.060

(G). Outdoor balconies, porches, or patios for at least 50 percent of the units, each at a minimum of six (6) feet deep and sixty (60) square feet, each shall be provided. Indoor bike storage or bike lockers shall also be provided. In any garage or

carport area 220-volt outlets shall be required for a minimum of one per every ten units. More such outlets for vehicle charging are encouraged.



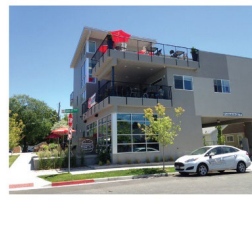
Multi-family examples

Commented [SD3]: This is covered in Section 17.42.060.G, and shouldn't be part of the definition.

Commented [SD4]: This needs to be reconciled with Section 17.42.060.E (balconies required for all units).

3. 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.

Intended for a mix of primarily residential use with retail or commercial, office uses 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 visible podium parking is allowed fronting on 500 West, 400 North, or 500 South unless such parking is wrapped with commercial uses on the street facing facade.



Mixed-use examples

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, outdoor balconies, porches, or patios for 50 percent of the residential units at a minimum of 6 feet deep and 60 square feet each shall be provided. Provide indoor bike storage or bike lockers shall be provided.

Commented [SD5]: Need to reconcile this with Section 17.42.060.E (balconies required for all units). I suggest the balcony requirement--if it is the same for all building types--be confined to that section.

- D. Windows. In mixed-use buildings, windows (including windows in doors) shall cover a minimum of 50 percent of the front first story face. For all other building types and facades of a mixed-use building, windows (including windows in doors) shall cover at least 25 percent of all facades.
- E. Balconies. For the residential portions of buildings, one balcony shall be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size shall also be permitted and shall count toward the balcony requirement.
- F. Entrances. Entrances shall be recessed or covered to provide shelter from inclement weather. Porte cocheres are also permitted.

G. Parking Garages. Location of Parking. Exterior parking for a residential or mixed-use building shall be located underneath, to the side or to the rear of the building. An above grade parking garage within the interior of a building having more than 20 residential units, if located within 50' of a public right-of-way, shall include commercial uses that wrap the street-facing facade. If a parking garage is

incorporated into a building that is located more than fifty (50) feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five (5) foot wide intensive landscape treatment that includes trees and shrubs covering at least 75% of each parking garage façade.

G.H. Parking Requirements.

~~1. 1. Location of Parking and Parking Garages. Exterior parking for a multi-family residential or mixed-use building shall be located underneath, within (as in podium-style parking), to the side, or to the rear of the building. An above or partially above grade parking garage within the interior of a building having more than 20 residential units, if located within 50' of a public right-of-way, shall include commercial uses that wrap the street-facing façade. No visible podium parking is allowed fronting on 500 West, 400 North, or 500 South unless such parking is wrapped with commercial uses on the street-facing façade. If an above grade or a partially above grade parking garage is incorporated into a building that is located more than fifty (50) feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five (5) foot-wide intensive landscape treatment that includes trees and shrubs covering at least 75% of each parking garage façade.~~

~~1.~~

~~2.4.~~ All projects of any building type shall provide the following minimum number of parking spaces:

- Studio apartments – 1 space per unit;
- 1-bedroom units – 1.5 spaces per unit;
- 2- or more bedroom units – 2 spaces per unit.

All projects shall provide additional guest parking spaces equal to one (1) guest parking space for every four (4) units. Any parking calculations that result in less than a whole number shall be rounded up. ~~[Put parking regs all together.]~~

~~3.2.~~ To further evaluate the above parking space requirements for a particular project, the City may require an independent parking study where parking demand calculations exceed 50 spaces, shared parking is being considered, or where the proposed use may impact previously calculated parking demands for adjacent uses, ~~to further evaluate the above parking space requirements for a particular project.~~ Any such study will be managed by the City, but paid for by the developer. The City may adjust the above parking requirements consistent with the parking study's conclusions to reflect such factors as shared parking and compatible uses. The ~~P~~lanning ~~C~~ommission shall make findings reflecting the study or discounting the study, and may 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 percentage of the overall parking.

4. 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 ~~afterward~~s thereafter.

8/19/2021 (Steve D)

5. Bike parking is required based on a calculation equal to 15% of all required vehicle parking stalls. Bike parking shall be located in well lit, secure locations, provided for with bike racks that are permanently secured to the ground. The bike racks shall accommodate the minimum required number of bikes as per the calculation above. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four (4) bikes is required for commercial patrons.

6. Residential portions of parking garages and 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. Bike parking shall be provided for ten percent of all required vehicle parking stalls. Bike parking shall be located in well lit areas and include bike racks that are permanently secured to the ground.

17.42.070 Signs

Signs in the HCCO shall be governed by Chapter 17.48, 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 application subject to the rezone process provided in this chapter. The application shall be accompanied by a draft development agreement. The application, development agreement template, and their associated requirements are available on-line and at the city offices.
- B. Pre-application Conference. The applicant is required to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of the project and any additional information or reports that may be required in connection with the application and development agreement. A geotechnical study is required for any proposed building over one story. ~~A parking study is required for projects with 50 or more residential units or where the applicant seeks an adjustment based on shared parking.~~ A traffic study is required for projects with 50 or more residential units. 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. Fees. In addition to the initial rezone application fee for the HCCO, the applicant will pay for any studies required as part of the approval process. All such studies will be procured and managed by City staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other application fees, at the request of the applicant. 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 and, 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. 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 ~~the~~ 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 any~~ 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 ~~for public hearing~~ 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 and~~ 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:~~

~~Townhouse — means a 1 to 3 story building consisting of 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: August 20, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Water-wise Landscape Regulations

Extreme drought conditions continue to plague the state and water issues are expected to continue into future years. In an effort to manage the limited water supply in 2021, Weber Basin Conservancy District implemented watering restrictions in June, and the West Bountiful city council followed by adopting Resolution 496-21 implementing the same water restrictions for 2021.

The city recognizes water as a valuable resource that should be used wisely and as efficiently as possible and supports conservation efforts to protect water supply inventories for both present and future water needs. With 60% of residential water used outdoors, Weber Basin has asked cities to update landscape ordinances to encourage water efficient landscape regulations.

Attached for review and discussion is a copy of the city's current landscape ordinance with preliminary redlines, a copy of the Weber Basin Water Efficient Landscape template, and Layton's recently adopted Landscape ordinance.

Water-wise/efficient Landscape Ordinance Standards

- Applicability
 - All developer/contractor or agency installed residential, commercial, institutional, and industrial construction (including mixed-use, multi-family, townhome, community use, PRUD developments and common areas managed by homeowner, associations). Required on all new or substantial renovation projects.
- Indoor Recommendations
 - WaterSense labeled plumbing fixtures (faucets, shower heads, urinals, toilets, etc.)
- Residential Outdoor
 - Drip irrigation used outside of lawn areas. Drip irrigation shall be equipped with pressure regulator, filter, etc.
 - Irrigation valves shall irrigate landscapes with similar site, slope, and plant materials with similar water needs (lawn and planting beds shall be irrigated on separate valves). No drip and sprinklers on the same irrigation valve. No combination of differing sprinkler heads on the same irrigation valve.
 - WaterSense labeled smart irrigation controller, equipped with rain delay, shall be installed.
 - Minimum of 3 inches of mulch required in planted beds.
 - No lawns in park strips, slopes greater than 25%, or in areas less than 8-feet wide.
 - Lawn area shall not exceed 35% of the total landscaped area
- Commercial/Institutional/Industrial/Multi-family, HOA common areas, mixed-use, townhome, community use, PRUD) Requirements
 - Turf not to exceed 15% of the total landscaped area
 - Designated recreational areas excluded
 - No turf in parking landscapes, buffer areas.
 - Recommend consideration of parkstrip areas being designed as bioswales.
 - Watersense labeled smart controllers shall be installed.
 - Same irrigation design standards as identified in Residential requirements including utilization of WaterSense labeled smart irrigation controllers.
- HOA Language
 - *Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:*
 - *Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 35% of the landscaped area; or*
 - *Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or*
- *Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.*

Chapter 12.28 LANDSCAPE REQUIREMENTS

12.28.010 Purpose.

12.24.020 Enforcement of landscape requirements.

12.24.030 Landscape plan.

12.24.040 Landscape plan materials--Selection.

12.24.050 Landscape plan materials--Installation.

12.24.060 Landscape plan materials--Maintenance.

12.28.010 Purpose.

The ~~purpose of this chapter is to promote the landscaping requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character,~~ health, safety, and general welfare of the public ~~by enhancing development and open space areas with landscaping and vegetation while encouraging efficient use of water.~~

These regulations are intended to ~~preserve and enhance the aesthetic quality of neighborhoods and commercial areas; enhance the appearance of parking lots visible from public streets; enhance and protect property values; lessen the~~ increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust, debris, heat, wind and air; lessen the problems of motor vehicle light glare or other artificial light intrusions; reduce the level of carbon dioxide from automobiles and development and return pure oxygen to the atmosphere; provide shade and reduce the heat island (reflective heat from impervious surfaces) and lessen energy consumption; buffer and screen undesirable and incompatible uses and appearances from adjacent properties; ~~eliminate the blighted appearance of parking lots; reduce the rate and volume of storm water runoff, and enhance the quality of storm water runoff; and act as a natural drainage system and lessen storm water drainage problems.~~ promote healthy outdoor recreational activities; and promote water efficient landscaping to conserve water and reduce demand for current and future water resources.

12.28.020 Enforcement of landscape requirements.

Wherever the submission and approval of a landscape plan is required by this code, such landscape plan shall be an integral part of any application for a building permit, conditional use permit, or subdivision approval. No permit shall be issued without City approval of a landscape plan as required in this chapter. The requirements of this chapter may be modified by the planning commission, on a case-by-case basis, in response to input from the city police department regarding the effects of required landscaping on crime prevention.

12.24.030 Landscape plan.

- A. The requirements of this chapter shall be considered a minimum, except in those cases where otherwise noted (i.e. specified ranges or specific numbers). *The following code sections make reference to landscape plans and requirements: 17.20.090 Agricultural District, 17.28.080(B) Neighborhood Commercial, 17.32.080(B) General Commercial, 17.36.080(B) Light Industrial, 17.40.080(B) General Industrial, 17.52.060(C) Off-street Parking, 17.72.030(E) and (H), Mobile Home Parks, 15.12.040(D) Movement of Buildings and 17.76.030(B), Swimming Pools.*

- B. A landscape plan shall be drawn in conformance with the requirements specified in this chapter. Landscape plans are subject to approval by the planning commission.
- C. All landscape plans submitted for approval shall contain the following information:
1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bike paths, ground signs, refuse disposal and recycling areas, bicycle parking, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the planning commission;
 2. The location, quantity, size and name, both botanical and common names, of all proposed trees, shrubs and ground cover plants;
 3. The location, size and common names of all existing plants including trees and other plants in the parkway, and indicating plants to be retained and removed;
 4. Water irrigation system, with efficiency controls and design;
 5. Summary data indicating:
 - a. The area of the site in acres or square feet;
 - b. The area of landscape improvements in square feet and percent;
 - c. The area of domestic turf grass in square feet and percent;
 - d. The area containing drought-tolerant plant species, in square feet;
 6. **Landscape Distribution.**
 - a. The minimum landscape width for any parcel fronting onto 500 West Street or 500 South Street shall be eight feet and shall extend across the entire frontage, excluding drive approaches;
 - b. A corridor of trees shall be placed along all properties abutting Interstate Highway 15 (I-15). The spacing of the trees shall be determined by the type selected and as specified in this chapter. Clustering of trees shall be allowed, provided the net number of trees equals or exceeds the spacing requirement;
 - c. A corridor of trees shall be placed in drainage swales.

12.24.040 Landscape plan materials--Selection.

Plants used in conformance with the provisions of this chapter shall be of good quality, and capable of withstanding the extremes of individual site micro-climates.

Size and density of plants, both at the time of planting and at maturity, are additional criteria which shall be considered by the planning commission when approving the landscape plan. The use of drought-tolerant plants is preferred when appropriate to the site conditions.

- A. **Tree Species to be Planted.** (UPDATE BASED ON WEBER AND USU RECOMMENDATIONS) The following list constitutes the recommended species for trees to be planted on land in the park-strip areas, drainage swales or abutting property lines on either side of all streets within the City:

Large Trees* as follows: Medium Small:

Hackberry, Thornless Honey Locust, Bur Oak, Red Oak, Norway Maple, Red maple, Littleleaf Linden, Crimena Linden, Japanese Zelkova, Ginko, Chinese Pistache

Medium Trees as follows:

Golden Raintree, Japanese Pagoda, Flowering Plum, Flowing Pear

Small Trees as follows:

Lavelle Hawthorne, English Hawthorne, Washington Hawthorne, Dolgo Crabapple, Dorothea Crabapple, Japanese Flowering Crabapple, Hopo Crabapple, Bechtel's Crabapple, Radiant Crabapple, Snow Drift Crabapple, Rebud Crabapple

* (not allowed in park strip or drainage swales; refer to 12.20.080 for park strip tree requirements)

- B. **Spacing.** The spacing of street trees will be in accordance with the three species size classes listed above, and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plant systems designed or approved by a landscape architect.
- C. **Shrubs, Less Than Four Feet Mature Height.** The following list constitutes the recommended species for shrubs to be planted in landscape areas within the City. In most instances, shrubbery will not be allowed in park strips, drainage swales or other locations within the street right-of-way:

Japanese red leaf barberry
Crimson pygmy barberry
Arnold dwarf forsythia
Emerald mound Honeysuckle
Snowmound spirea

- D. **Ground Cover / Turf Grass.** The following list constitutes the recommended species for ground cover and turf grass to be planted on land in the park-strip area, drainage swales or abutting property lines on either side of all streets within the City:

Ground ivy
Matrimony vine
Snow-in-summer
Maiden Pink
Myrtle periwinkle

NOTE: spreading ground cover is not allowed in drainage swale areas.

Kentucky bluegrass - common blend

E. **Prohibited Materials in Park Strips and Drainage Swales.**

1. Rocks and gravel are hazardous to pedestrians and bicyclists, are difficult to walk across, may be kicked into streets or onto walking paths, and clog drainage systems;
2. Asphalt is inconsistent with the City's rural design;
3. Concrete may be installed in park strip areas with concrete sidewalks and concrete curbs and gutters, but are generally discouraged;
4. Thorn-bearing plants are hazardous to pedestrians, bicyclists and animals and are difficult to walk through or past. Roses may be acceptable if approved by the planning commission;
5. Ground cover or shrubs are prohibited from the rural street drainage swale areas. Ground cover less than eighteen (18) inches in height may be installed in the park strip area providing adequate spacing is provided for pedestrian access and as approved by the planning commission. (Ord. 267-00 § 4)

12.24.050 Landscape plan materials--Installation.

All landscaping shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plants required by this chapter may be delayed until the next optimal planting season, as determined by the planning commission.

12.24.060 Landscape plan materials--Maintenance.

- A. Responsibility. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this chapter.
- B. Landscaping Materials. All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plants not in this condition shall be replaced when necessary and shall be kept free of refuse and debris.
- C. Irrigation Systems. Irrigation systems shall be maintained in good operating condition to promote the conservation of water while providing adequate coverage for the plants.
- D. All landscape improvements installed within the City's right-of-way are placed by permission of the City, but the City shall not be responsible for the maintenance and upkeep of said improvements.

- E. This requirement shall take effect when building permits are required for the following situations in the affected zone(s):
1. All new construction on vacant parcels;
 2. Any substantial modification to an existing site or structure in which the estimated construction cost is greater than fifty thousand dollars (\$50,000) in either a single application or any number of applications within a ten (10) year period;
 3. Subdivision approval in an A-1 zone with rural street design approval.
- F. The required landscaping percentage shall be strictly followed.
-

See Layton:

- Landscaping shall be completed for detached single family dwellings on individual lots within a period of **one year** for the front yard and a period of **two years** for the rear yard area. The deadline for landscaping completion is measured from the time of final certificate of occupancy is issued.
- For commercial, industrial, mixed use, multi-family, townhome and common areas managed by an HOA:
 - 19.16.036 Plant Material Specification and Installation (limits amount of turf grass and requires irrigation design standards))
 - 19.16.037 Single Family Model Home Demonstration Landscaping
 - 19.16.038 Single Family Residential Landscaping Requirements.

LAYTON – LANDSCAPE

19.16.010 Purpose

The purpose of this Chapter is to promote the health, safety, and general welfare of the public by enhancing development and open space areas with landscaping and vegetation while encouraging efficient use of water. More specifically this Chapter functions to:

- Preserve and enhance the aesthetic quality of neighborhoods and commercial areas;
- Maintain and strengthen a positive visual identity of Layton City;
- Enhance the appearance of parking lots visible from public streets;
- Enhance and protect property values;
- Lessen the impact of noise, dust, debris, heat, wind, and air;
- Lessen the problems of motor vehicle light glare or other artificial light intrusions;
- Promote water efficient landscaping to conserve water and reduce demand for current and future water resources;
- Reduce the level of carbon dioxide created from automobiles and development and return pure oxygen to the atmosphere;
- Provide shade, reduce the heat island effect (reflective heat from impervious surfaces), and lessen energy consumption;
- Buffer and screen undesirable uses and appearances from adjacent properties;
- Reduce the rate and volume of storm water runoff, and enhance the quality of storm water runoff;
- Act as a natural drainage system and lessen drainage problems; and
- Promote healthy outdoor recreational activities.

19.16.020 Application of Requirements.

The requirements of this Chapter shall be considered a minimum, except in those cases where otherwise noted (i.e. specified ranges or specific numbers).

These requirements of this Chapter shall apply to both public and private development and shall take effect when building permits are required for the following situations:

1. All new construction on vacant parcels, expansions of existing uses, exterior remodeling, enlargement, or change of land use.
2. Any substantial modification to an existing site or structure in which the estimated construction cost is greater than \$ 75,000.00 in either a single application or any number of applications within a ten year period.
3. The following shall be exempt from the standards of this chapter:
 - a. Agriculture structures associated with a bona fide agricultural use within an A Zone;

- b. Minor improvements or repairs to existing development that do not result in an increase in floor area.
- 4. The required landscaping percentage shall be strictly followed; however, the Land Use Authority may reduce the percentage requirement through a landscape modification process. Exceptions shall be limited in their application and shall be based on the following criteria:
 - a. There is a physical hardship associated with the property that results in a unique circumstance that does not generally apply to other similar properties.
 - b. The proposed reduction in landscape area shall be mitigated through enhanced landscaping improvements and/or the provision of amenity areas that exceed the minimum standards of this Chapter.
 - c. Exceptions shall not be granted for the sole reason of providing additional building area, increasing residential density on a property, or meeting the minimum off-street parking stall requirement.

19.16.030 Completion of Required Improvements/Guarantees.

- 1. The following completion standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or community association.
 - a. Landscaping, sprinkling systems, walls, fences, and/or screening structures, shall be installed in accordance with approved final site plan/development plan(s) prior to issuance of any occupancy permit. If the installation of any of these improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, a Temporary Certificate of Occupancy may be issued if a Performance Security and Deferral Agreement is signed by the developer or owner which shall guarantee completion of all unfinished improvements. Such agreement shall be on a form provided by the City and shall be reviewed and approved by appropriate City staff. The agreement shall include the following:
 - i. Projects for which a landscape bond has not previously been required shall require a cash bond equivalent to 125% of the estimated cost of improvements.
 - ii. A time schedule for the completion of landscaping and fencing improvements shall be provided by the developer. In no case shall the allowed time exceed 180 days following the completion of building construction.
 - b. If not completed at the time set forth in the agreement, the City will review the progress and may proceed to use the bond funds to make the landscaping and fencing improvements in accordance with the approved plan.
 - c. Ten percent of the bond shall be retained as an attrition bond by the City for an additional one year to verify that landscaping and trees survive, or to replace remaining landscaping features or plants that do not meet the standards of this Chapter.
 - d. Substantial installation changes that vary from the approved landscape plan shall require a resubmittal of or amendment to the approved landscape plan.
 - i. A minor change entails the substitution of a specified plant(s) for substitute plant(s) with similar water use requirements, or reasonable variation in the

ground placement of a planting or from the landscape plan proposed location that meets the design intent of the landscape plan, as determined by the Zoning Administrator or designee.

2. Landscaping shall be completed for detached single family dwellings on individual lots within a period of one year for the front yard area and a period of two years for the rear yard area. The deadline for landscaping completion is measured from the time of final certificate of occupancy is issued as further described in 19.16.038.
 - a. All landscaping areas on single family residential lots with slopes greater than ten percent shall be completed within a period of one year.

19.16.035 Submission of Landscape Plans

1. General Landscape Plan Requirements.

- a. Landscape plans for all commercial, industrial, mixed-use, multi-family, townhome, community use and PRUD developments, and common areas managed by a homeowner's association or community association shall be prepared and stamped by a Licensed Landscape Architect registered with the State of Utah (common areas for residential developments).
 - b. Preliminary landscape plan(s) shall be submitted prior to, or included with, the submittal for a development plan or preliminary plat. Final landscape plan(s) shall be submitted following approval of preliminary landscape plan(s) with a final application.
 - c. Landscape plans and details shall be drawn to-scale and in a professional manner with credible representations of planting specifications and site features and shall include the following; a north arrow, all buildings, parking lots, streets, sidewalks, walkways, detention areas, existing vegetation, and utilities shall be shown for reference and orientation.
 - d. Landscape plans shall be of adequate size and detail so the decision making body can see the land area to be planted and the appearance of plantings at 75% of mature growth.
 - e. Development Staff may reject plans which do not contain the minimum requirements outlined in this section.
2. Preliminary Landscape Plan. Preliminary landscape plans shall depict general ground coverage type (such as mulch, turf, or hardscape areas) and typical planting types (such as plant bed areas, turf areas, evergreen trees, or deciduous trees), with a summary of the area for each landscape surface type as a percentage of the total site.
 - a. Planting Schedule. The preliminary landscape plan shall be accompanied by a planting schedule that identifies the following:
 - i. Common name and scientific name of each plant species.
 - ii. The size and type of plant material to be installed.
 - iii. Identification of plant materials that are included on the Weber Basin Water Conservancy District (WBWCD) recommended plant list as required in 19.16.036.1.g.

3. Final Landscape Plan. Final landscape plans shall include specific landscape surface types and areas, an irrigation installation plan, and the construction design and detailed specifications of fencing or other landscape structures or features.
 - a. The landscape plan shall include notation and description of post-construction soil scarification and soil amendment and tilling to be included as part of the landscape installation (see 19.16.036.1.h).
 - b. Tabulation showing the percentage of plants shown in the Weber Basin Water Conservancy District recommended plant list.
 - c. Irrigation Plan. The irrigation plan shall show the irrigation zones, sprinkler head locations and types, drip irrigation plan, and water mains and valves consistent with the final landscape plan design. Sprinkler heads, bubblers and emitters shall be specified to not exceed the sufficient amount of water required for proper plant growth and survival.
 - d. Owner Acknowledgement. The landscape plan shall include an owner acknowledgement stating that the project developer/owner representative approves of the landscape plan, and agrees to pay the required bond fee and complete landscape installation as required in this Chapter. The Owner Acknowledgement shall be signed and dated prior to approval of the final landscape plan.

19.16.036 Plant Material Specification And Installation.

1. Planting Design Standards. The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome community use and PRUD developments, and common areas managed by a homeowner's association or community association:
 - a. The maximum percentage of turf grass (lawn) area applied to nonresidential uses, and townhome, multi-family, or mixed-use residential development ~~commercial and industrial~~ landscape areas shall be 15%, except for additional turf grass area that may be applied to outdoor recreational use areas or a quasi-public facility such as a cemetery.
 - b. Turf grass area applied to a single family residential use within a PRUD development shall be limited to 35% of the total landscape area of the lot.
 - c. Turf grass shall not be installed in areas less than eight feet wide.
 - d. Turf grass shall not be allowed in landscape buffers, parking lot landscaping and other planted bed landscape areas.
 - e. Turf grass shall not be allowed on slopes with a grade over 25%.
 - f. At least 80% of shrubs and ornamental grasses shall be planted and maintained in groupings of at least three to increase the microclimate shade area above plant root zones, and to provide a pleasing and balanced aesthetic of plant material massing in the landscape. Groupings may consist of straight rows, grids or triangulation planting patterns.
 - g. Water-wise Plant Materials. At least 90% of the plants and trees specified for a project landscape plan shall be selected from the WBWCD recommended plant list [\[LINK TO](#)

BE ADDED]. These plant materials are suitable for the local climate with respect to temperature ranges and moderate to high drought tolerance.

- h. Soil Scarification, Soil Amendments, and Tilling.
 - i. Soil scarification, the process of breaking up soil by fracturing or tilling, is required to a depth of at least six inches to allow for water and air exchange in soil following site work compaction.
 - ii. Soil amendments (organic material) shall also be added and tilled into the soil to a minimum depth of six inches to increase organic content and improve water retention.
 - iii. Soil amendment type and quantity shall be recommended by the Landscape Architect (designer) based on a review of the soil conditions.
- i. All buildings shall incorporate plant beds with foundational plantings along elevations visible from street(s), except where pedestrian and loading access approaches require a paved surface, patio or walkway adjacent to the building.
 - i. The typical plant bed width shall be a minimum of three feet; the minimum plant bed width shall be one and a half feet for ornamental grasses, perennials, and ground covers, and one foot for planters for climbing vines.
 - ii. Plant beds may be substituted by planters and streetscape amenities as approved by the Zoning Administrator and detailed in Table 16-1, Footnote 5 - Urban Streetscape Alternative.
- j. Deciduous trees shall have a minimum two inch caliper trunk measured at a height of 48" and coniferous trees shall be balled and burlapped and a minimum of 48" in height. All heights to be measured from the finished landscape surface.

2. Irrigation Design Standards.

- a. Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities (WBWCD).
- b. Each valve shall irrigate a landscape with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves (WBWCD).
- c. Drip emitters or bubblers shall be provided for each tree planted in landscape beds. Bubblers shall not exceed one and a half gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- d. Drip irrigation or bubblers shall be used to irrigate plants in all non-turf areas.
- e. Pop-up spray heads shall be at a minimum of four inches in height to clear turf.

- f. Sprinklers shall have matched precipitation rates with each control valve circuit.
- g. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- h. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- i. Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

19.16.037 Single Family Model Home Demonstration Landscaping.

- 1. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective homebuyers, consistent with the standards provided in 19.16.035, 19.16.036, 19.16.050, and 19.16.070. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 35% of the total landscaped area.
- 2. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping, consistent with the standards outlined in number one above.
- 3. Model homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- 4. Model homes shall include an informational brochure on water-efficient landscaping to be obtained from the City Planning Department.
- 5. As of June 17, 2021, any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - a. Require the use of turf in landscape areas in a manner that is inconsistent with the requirements of this Chapter; or
 - b. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - c. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

19.16.038 Single Family Residential Lot/Parcel Landscaping Requirements.

- 1. As required in 19.16.030.2, landscaping shall be completed for detached single family dwellings on individual lots within a period of one year for the front yard area and a period of two years for the rear yard area beginning at the time of final certificate of occupancy is issued.

- a. Landscaping areas on single family residential lots with slopes greater than ten percent shall be completed within a period of one year.
 - b. Landscaping shall be installed in front yards between the front line of the house and the front property line along the entire width of the property, excluding the driveway. On corner lots, landscaping shall be installed in all areas between the property line and the side of the house between the front and rear property lines which are visible from the public right-of-way.
 - c. The net landscaped area in a front yard shall include:
 - i. A minimum of one tree;
 - ii. 50% coverage of plant materials using a combination of shrubs, annual plants, perennials plants, ground cover, and/or turf grass. Species, size, and placement of landscape elements shall be determined by the homeowner.
 - d. The following park strip design and landscaping standards shall apply:

No more than 50% of the park strip may be poured concrete or similar solid paving surface for driveway, walkway approaches, and vehicle drop off areas. Asphalt is not allowed in the park strip. Rock or bark mulch may be used in single family residential park strips. To prevent mulch from spreading onto sidewalks or street areas, bark/wood mulch and pea gravel or similar rock mulch less than a minimum sorted size of one inch, shall not be allowed in the park strip or adjacent to a street or sidewalk, except for the following:

 - i. Rock mulch of the same type, color and texture may include a variety of cobble sizes; or
 - ii. Crushed aggregate fines intended for pathway, or similar application may be applied.
2. Where secondary water is not available, at the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped (see Development Plan Requirements in Section 19.13.050.3.f.iii).
 3. It is highly recommended, but not required, that single family residential properties install a water-wise landscape using the following elements:
 - a. Soil scarification and soil amendment as outlined in 19.16.036.1.i.
 - b. Irrigation design standards as outlined in 19.16.036.2.
 - c. Park strip design as outlined in 19.16.070.a. and 19.16.075.
 - d. Turf grass should not exceed 35% of the lot landscape area ~~property~~ and not placed in an area less than eight feet wide as outlined in 19.16.036.1.c.

- e. 90% of plant materials should be water-wise as outlined in the WBWCD recommended plant list as outlined in 19.16.036.1.h.
- f. Rock/bark mulch used in plant beds should have a depth of three to four inches to prevent weed growth and retain soil moisture as outlined in 19.16.050.2.

19.16.040 Transitional Landscaping and Fencing.

1. Landscape Transitional Buffers and Street Frontage Landscaping. Landscape buffers are intended to reduce the visual and sound impacts that may require mitigation between two or more land uses, and street frontage landscaping areas are intended to improve visual character along streets fronted by commercial or multi-family development. Table 16-1 provides standards for landscape buffer types required between specified uses, and street frontage landscaping areas.
2. Cross Access Exception to Landscape Buffer Requirement. Rear or side interior property boundaries of commercial, mixed-use, and multi-family parcels or lots do not require a landscape buffer when shared or cross access is provided between property parking areas. This provision is intended to improve vehicle and pedestrian circulation, and provide for shared or joint-use parking between uses as provided in Section 19.12.090.
3. Building Setbacks. Landscape buffers and street frontage landscaping areas refer to landscaping requirements only; see Tables 5-1 and 5-2 or specific zone district standards for applicable building setbacks including multi-family residential and mixed use development in Chapter 19.25 MU (MU/TOD), townhomes in 19.24 C-TH, and planned residential unit development (single family homes and townhomes) in 19.08 PRUD Overlay Zone.
4. Fencing shall be generally located between the required landscape buffer and the adjacent property, and shall comply with the standards provided in 19.06.080.
5. Street Frontage Landscaping Area. Landscaping is required along street fronting properties in the R-M, R-H, PB, B-RP, C, M, MU, and MU-TOD zoning districts, with the exception of those areas necessary for pedestrian and vehicular access, of all public streets. This strip shall be located between the edge of the sidewalk or public street right-of-way line where no sidewalk exists, and the parking area or structure.
6. Buffer Type A (Subdivision Arterial/Collector Street Buffer). This is applicable to single family residential subdivisions that back or side to arterial streets and collector streets (see section 19.16.090).
7. Buffer Type B (PRUD Parking Area/Shared Drive Buffer). This is applicable in PRUD developments where parking lots and drives are adjacent to single family residential uses (see section 19.08.090.7).
8. Buffer Type C or Buffer Type D is required when commercial, mixed-use, multi-family, townhome or community use development is adjacent to all existing and future residential uses (other than mixed-use development) and community uses, except when the side or rear property boundary of residential development is a shared private drive or alley.
9. Buffer Type E (High Impact Mitigation Buffer). This is required for land uses and development features with high impact noise emissions adjacent to existing and future residential areas. Uses and development features considered to emit high noise levels include but are not limited to the following: Pet Services/Indoor Outdoor (see 19.14.100.11); Outdoor Contractor Storage Yard;

Towing Services; truck loading areas adjacent to commercial buildings; mechanical exhaust equipment from interior industrial services; utility sub-stations or equivalent intensive uses; and development features as determined by the Land Use Authority.

Table 16-1 (Standards indicate a minimum landscaping or buffer width, fencing height, and tree spacing distance.) Trees shall be consistent with the requirements of Table 16-2 - Permitted Street Trees based on the width/depth of the landscaping/buffer area (LINK TO BE ADDED).

TYPE	WIDTH and CONTEXT	SOLID FENCING	TREES ¹	GROUND SURFACE LANDSCAPING
S.F.	8' Street Frontage Landscaping Area ²	N/A	Deciduous or evergreen trees planted every 50' ³	Consistent with 19.16.150 Planting Design Standards and the requirements of this Chapter ²
A.	5' Arterial and collector street landscape buffer along single family residential subdivisions (see 19.16.090)	6' solid vinyl, wood, masonry, or similar material	Deciduous trees planted every 20'	Plant bed landscaping requirements apply
B.	6' Landscape buffer between parking lot areas, alleys or private drives in a PRUD adjacent to R-1 zones with single family residential uses (19.08.090.7)	6' solid vinyl, wood, masonry, or similar material ⁴	Deciduous trees planted every 30'	Plant bed landscaping requirements apply
C.	8' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ⁴ , <u>or</u> 8' masonry or similar material ⁵	Deciduous or evergreen trees planted every 25'	Plant bed landscaping requirements apply
D.	5' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ⁴ , <u>or</u> 8' masonry or similar material ⁵	Columnar deciduous or evergreen trees planted every 20'	Plant bed landscaping requirements apply
E.	25' High impact land use	8' masonry	Trees planted every	Plant bed requirements

	mitigation landscape buffer (see 19.14.100.11)		20', with at least 75% of trees as evergreens except as required in 19.14.100.11	apply, except that evergreen tree canopy may count towards landscape plant material cover area
--	--	--	--	--

Table 16-1 Footnotes:

1. The minimum height of all trees associated with landscape buffers shall be 20' at mature growth. The requirements of 19.16.075 Permitted Trees Within Park Strips And Along Frontages or comparable tree shape and root growth shall apply based on the comparable width of the Park Strip/landscape buffer and/or presence of power lines.
2. Urban Streetscape Alternative. Buildings in the MU, MU/TOD or commercial zones located close to the street with entrances connecting to the sidewalk may substitute landscape area for a wider sidewalk and streetscape consistent with a walkable urban environment for pedestrians (see Chapter 19.25 - MU/MUTOD streetscape requirements).
 - A streetscape design shall be proposed with the Landscape Plan and submitted for review by Development Staff. The design shall demonstrate placement of streetscape amenities such as street trees with grate covers, street furniture, planters, bike racks, and space for outdoor activities or displays.
 - Street trees shall be planted every 30' under this alternative.
 - Plant materials shall be incorporated along at least 40% of the street-fronting building foundation in plant beds or planters to soften the hardscape edge between a sidewalk or patio and the building frontage. This requirement may be waived by the Zoning Administrator where outdoor seating, bike racks, display areas, or other amenities may be provided.
3. Trees planted every 50' or portion thereof greater than 25'. The Zoning Administrator may approve clustering of trees in special circumstances including but not limited to preserving clear view areas, eliminating conflicts with utilities, etc.
4. Six Foot Masonry Fence Requirements. A six foot masonry fence shall be required for the following specific uses and development features when adjacent to existing and future single family residential uses:
 - Drives or alleys accessing rear garages of townhome or multi-family buildings that may also include parallel parking spaces on one side of the drive (does not apply when the alley is shared between townhome or multi-family and single family residential uses).
5. Eight Foot Masonry Fence Requirements. An eight foot masonry fence shall be required for the following uses and development features that are adjacent to existing and future single family residential uses:
 - Commercial or multi-family parking lot(s) serving more than 24 vehicles, not including drives or alleys accessing rear garages that may include parallel parking spaces;
 - Commercial or mixed-use truck loading areas;
 - Outdoor recreation areas, associated with multi-family residential or townhome development designed for the congregation of more than ten individuals at one time; or

- Equivalent intensive uses and development features as determined by the Land Use Authority.

SECTION 11: Amendment. “19.16.050 Landscape Plant Bed Areas.”

A M E N D M E N T

19.16.050 Landscape Plant Bed Areas

The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or community association.

1. Landscape plant bed areas shall contain plant materials that cover at least 50% of the landscape surface at mature growth.
 - a. When calculating plant coverage percentage areas, plants may be measured at mature spread, including coniferous trees with branches that clear no more than 30" above the ground. Deciduous trees shall not be included in plant coverage calculation.
 - b. Plants shall conform with clear view requirements provided in section 19.16.110.
2. When applying rock or bark mulch into a plant bed or park strip, the minimum depth shall be at least three inches to minimize weed growth and to maximize moisture retention in soil.
 - a. If landscape fabric is used, it shall be heavy duty with a minimum five-ounce thickness, applied beneath mulch areas in plant beds, installed so that edges are not visible.
 - b. Only one type of bark or rock mulch material shall be allowed in a landscape bed area, unless separated by a durable curb material with sufficient thickness to maintain separation between mulch types.

19.16.070 Landscaped Park Strip

The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or community association.

~~The planted landscape strip (park strip) between any public street and/or private street and fronting property is the area between the sidewalk and the street-side back of curb or street edge. shall be landscaped with grass and plantings permitted by this Chapter. Maintenance of this area shall be the responsibility of the abutting property owner. This landscaping shall not be counted as part of the required percentage of landscaping for each private property.~~

Park strip areas shall be landscaped with plantings permitted by this Chapter.

Perpetual maintenance of the surface materials and plant materials in the park strip shall be the responsibility of the abutting property owner.

Park strip landscaping shall not be counted as part of the required percentage of landscaping for each private property.

1. **Street Tree Requirements.** Street trees shall be planted within the park strip, or if no park strip exists, on the property next to the public right-of-way or public/private street edge (landscape frontage), in accordance with the following:
 - a. Street trees shall be planted within park strips or on the adjacent property within ten feet of the public right-of-way. Street trees shall not be planted within a park strip that is less than four and a half feet in width.
 - b. Street trees shall be planted along both sides of all streets every 30' on center; spacing of the trees may vary; the maximum spacing is 40'.
 - c. Street trees shall be selected in accordance with the Permitted Trees within Park Strips and along Frontages, section 19.16.075.
 - d. In the event that any of the trees or shrubs die or do not adequately grow, they shall be promptly replaced to perpetually remain in compliance with the approved landscape plan.
 - e. Street trees shall be planted no closer than five feet from any culinary or secondary water lines, and no closer than 20' of street lights.
 - f. Tree species shall vary along block faces to create a unique street identity, to provide visual variety, and to promote the health of the City's urban forestry.
 - g. Where buildings are allowed closer to streets, street trees shall be designed, specified, and planted with sufficient spacing from buildings to prevent negative impact from tree branches at mature growth.
2. **Park Strip Planting and Landscaping Requirements.** The street tree standards provided in section 19.16.075 and plant bed planting and design standards provided in section 19.16.050 shall apply to park strip areas in addition to the following park strip area requirements:
 - a. Residential and commercial park strips shall be planted with live plant material to a minimum of 50% coverage of landscape area with plant foliage at mature growth, in accordance with the following additional design standards:
 - i. Shrubs and other plant material located within the park strip shall not exceed two feet in height at maturity.
 - ii. Potentially hazardous plant material and/or containing thorns or spikes shall be prohibited.
 - b. To prevent mulch from spreading onto sidewalks or street areas, bark/wood mulch and pea gravel or similar rock mulch less than a minimum sorted size of one inch, shall not be allowed in the park strip or adjacent to a street or sidewalk, except for the following:
 - i. Rock mulch of the same type, color and texture may include a variety of cobble sizes; or
 - ii. Crushed aggregate fines intended for pathway, outdoor patio surfaces, or similar application may be applied.
 - c. Decorative boulders and similar features shall be less than 18" in height.
3. No more than 50% of the park strip may be poured concrete or similar solid paving surface for driveway, walkway approaches, and vehicle drop off areas. Asphalt is not allowed in the park

strip. The park strip may be paved by more than 50% and incorporate tree wells and planters when directly fronted by commercial or mixed-use buildings (see Table 16-2 (LINK TO BE ADDED), Footnote 5, Urban Streetscape Alternative).

19.16.075 Permitted Trees Within Park Strips and Along Frontages

1. The planting of any tree within a park strip shall be done in compliance with the following:
 - a. The tree shall be planted so it is centered between the curb and sidewalk;
 - b. The tree shall be located so as not to violate the clear view requirements of this Title;
 - c. The tree to be planted shall be a tree listed in Table 16-2 (LINK TO BE ADDED) and designated based on the width of the park strip;
 - d. The tree shall be maintained to ensure proper clearance above the sidewalk and street, distance from overhead power lines, and so that its growth does not damage public improvements, such as curb, gutter, and sidewalk; and
 - e. Before planting of trees the adjacent property owner shall contact blue stakes or a utility locating company to locate underground utilities within the park strip.
2. The planting or maintaining of a tree in accordance with this section does not alleviate the property owner of the liability or responsibility of any damage caused to public improvements or any other responsibility of owning or having control over the property on which the tree is located. Property owners are responsible for the damage caused to public improvements by vegetation on their property or planted by them. The maintenance and correction process is addressed in Chapter 12.28 of the Layton Municipal Code.
3. If a person wishes the City to consider the addition of a tree to Table 16-2 (LINK TO BE ADDED), such request is to be in writing to the Director of the Community and Economic Development Department. The writing must contain sufficient detail and information regarding the tree and illustrate its comparable nature to the trees currently on the list. The Director or designee will notify the person of the decision. If the request is denied, the person can file an appeal of that decision to the City Manager within ten days of the denial. The City Manager will review the Department's decision to determine whether that decision is supported by substantial evidence. Based on that standard, the City Manager may affirm, modify, or reverse the Department's decision. The City Manager's decision is final.

19.16.090 Landscape Requirements for Arterial Streets and Collector Streets

1. The following provisions shall govern lots in the R-1 and R-2 zoning districts when they double face, with the rear yard backing onto or a side yard facing an arterial street and/or collector street.
2. A strip of land directly adjacent to the right-of-way line of the arterial street will be set aside to provide a buffer to enhance the arterial streetscape and mitigate the impacts of arterial streets adjacent to the rear or side of a lot.
 - a. This buffer shall be identified on the recordation plat in one of the following ways:
 - i. As a landscape easement; or

- ii. As property owned in common by a homeowners association.
 - b. The buffer shall be at least five feet wide.
 - c. When the buffer is included in the required rear or side yard of the residential lot, the buffer shall be no wider than ten feet ~~(10')~~.
3. Landscaping requirements:
- a. Trees shall be located on 20' centers within the buffer area. These trees shall be deciduous and on the City's list of recommended trees for park strips.
 - i. In the case where a lot is part of the subdivision and must face onto the arterial/collector street, the required buffer and landscape theme shall be continued along the front of the lot.
 - b. The following design standards shall apply:
 - i. Buffer Type A standards provided in 19.16.040.6;
 - ii. Standards provided in 19.16.050;
 - iii. Standards provided in 19.16.070; and
 - iv. Standards provided in 19.16.075.
 - c. A six foot solid fence shall be installed along the entire perimeter on the inside edge of the buffer area.
 - i. For residential developments adjacent to Layton Parkway, a minimum eight foot decorative masonry wall shall be installed along the entire perimeter on the inside edge of the landscape buffer area. The design of the masonry wall shall be consistent with the existing wall design as approved by the City Engineer.
 - d. Irrigation for the buffer area shall be provided either through a master meter or through separate irrigation systems provided from each lot along the edge of the buffer area.
 - e. The sidewalk and park strip shall be incorporated into the buffer area and shall be subject to review and approval from the City Engineering Division for Layton City arterial streets or UDOT for state roads.
4. **Installation and maintenance:**
- a. The developer shall be responsible for the installation of the buffer and must bond for the buffer improvements either with the overall subdivision or as a separate bond.
 - b. The bond period for the landscape improvements may coincide with the bond period and extensions as outlined in Title 18.
 - c. Following the bond release, a homeowners association shall be formed by the recordation and declarations providing for the collection of fees to maintain the buffer area. Maintenance of the buffer area shall also include the maintenance of the sidewalk and park strip area.
 - d. Along major arterial streets and connecting collector streets that are linked to major entryways into the City, the City will have the option to assume responsibility for the

maintenance of the streetscape area. In such a case, a one-year warranty shall be required to cover the planted material and the irrigation system and drawings for the irrigation system must be submitted and approved by the City.

19.13.050 Development Plan Requirements For New Construction Of A Single Or Two-Family Dwelling In Layton City

Applications for new construction of a single-family or two-family dwelling in Layton City shall be accompanied by and shall comply with the following:

1. Appropriate application form and fees.
2. One copy of the development plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations, and floor plans of all proposed structures.
3. The following design criteria shall be required:

g. Single family residential dwellings shall be provided with a two car garage having a minimum interior width of 120' and constructed concurrently with the dwelling (see section 19.12.110).

19.13.060 Development Plan Requirements for New Construction of an Undeveloped Site of Commercial/Industrial and Multi-Family Permitted and Conditional Uses, or Remodeling of Existing Structures

Applications for new construction on an undeveloped site of permitted uses shall be accompanied by the following:

1. Appropriate application form and fees.
2. Ten copies of the development plan shall be required and shall include the following:
...

c. A landscape plan shall be submitted consistent with the landscape, fencing and clear view requirements provided in Chapter 19.16.~~include plant location, type, size, and quantities.~~

...

3. The following design criteria shall be required:
 - e. If more than 50% of the required parking for a development is located between the structure and the public right-of-way, then there shall be a 300 square foot planter area for every 20 parking stalls. Said planter(s) shall be irrigated and have a minimum of two trees and other horticultural plantings. Said planters shall be dispersed throughout the parking area and not combined. This requirement is in addition to the minimum required landscaping for the underlying zoning district.

...

1 **West Bountiful City**

August 10, 2021

2 **Planning Commission Meeting**

3 ***PENDING – NOT APPROVED***

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website, on the West Bountiful City website, and at city hall on August 6, 2021 per state
6 statutory requirement.

7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August
8 10, 2021 at West Bountiful City Hall, Davis County, Utah.

9 ***Those in Attendance:***

10 **MEMBERS ATTENDING:** Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura
11 Charchenko-Mitchell, Council member Kelly Enquist.

12
13 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean
14 (Secretary).

15 **VISITORS:** Todd Hall

16
17 The Planning Commission meeting was called to order at 7:30 pm by Chairman Malan.

18 **1. Prayer by Commissioner Mitchell**

19
20 **2. Accept Agenda**

21 Dee Vest moved to approve the agenda as presented. Mike Cottle seconded the motion. Voting
22 was unanimous in favor among all members present.

23
24 **3. Conditional Use Application for Duerden's Appliance Warehouse at 580 West 100**
25 **North**

26
27 Included in the commissioner's packet was a memorandum from Cathy Brightwell dated August
28 6, 2021 regarding Duerden's Appliance Warehouse with an attached application and diagram.

29
30 Cathy Brightwell introduced the Conditional Use Permit Application for Duerden's
31 Appliance/Todd Hall, to operate a warehouse in the Carr Building at 580 W 100 North.

32
33 She explained that this property is in the Commercial Highway District which lists warehousing
34 as a conditional use. Duerden's has a store at 419 W 500 South in Bountiful. They have leased
35 space in the Carr building to store appliances and mattresses, and the loading docks for their
36 trucks. This area is not a retail location and is not open to the public for shopping. It is only used
37 for storage of the appliances and mattresses Duerden's delivers to customers. If a customer
38 comes to pick up an item, it is brought to their vehicle.

39

Staff recommends the following conditions be required with the granting of this conditional use permit:

1. Fire Inspection approval;
2. Signage will comply with city regulations;
3. No merchandise will be stored outside; and
4. Upon issuance of this Permit, a West Bountiful City business license will be issued.

Todd Hall, owner, answered several questions from the commissioners.

Action Taken:

Corey Sweat moved to approve the Conditional Use Application for Duerden's Appliance Warehouse at 580 West 100 North based on the following findings: 1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and 2. The proposed use will not inordinately impact schools, utilities, and streets. The following conditions to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use: 1. Fire inspection approval; 2. Signage will comply with city regulations; 3. No merchandise will be stored outside; and 3. Upon issuance of this permit, a West Bountiful City license will be issued. Laura Mitchell seconded the motion and voting was unanimous in favor.

4. Public Hearing on Proposed Fence/Clear View Area Regulations

A redline copy of the proposed changes was available to the public for review.

Action Taken:

Laura Mitchell Moved to Open the Public Hearing at 7:52 pm for Comments on Proposed Changes to West Bountiful Fence and Clear View Area Regulations – WBMC 17.50. Corey Sweat seconded the motion and voting was unanimous in favor.

Cathy Brightwell summarized the proposed changes to the West Bountiful Fence and Clear View Area regulations. She noted that changes were received today from Steve Doxey. They are not intended to change the content of the previous redline copy but add clarification and consistency.

Public Comment: No Public Comment

Action Taken:

Corey Sweat moved to close the public hearing for comments on Proposed Changes to West Bountiful Fence and Clear View Area Regulations – WBMC 17.50 at 8:48 pm. Dee Vest seconded the motion and voting was unanimous in favor.

5. Consider Proposed Changes to West Bountiful Fence and Clear View Area Regulations -WBMC17.50.

Commissioner packets included a memorandum dated August 6, 2021, from Cathy Brightwell/Kris Nilsen regarding Review Fence Regulations with a current redline copy of the New Section: 17.50 Clear View Area and Fence Requirement

History

The commission has been considering modifications to the current fencing regulations related to “open fencing” in front yards. The existing fencing code does not make an exception to allow open fencing while most of our neighboring cities do. Open fencing is defined as fencing that is 75% open, such as chain link. Staff has identified many properties in the city with non-compliant front yard fencing, some of which may qualify as open fencing. Clarification and expansion of Clear View Areas is also under consideration. Additionally, the commission asked that the current fencing regulations located in each zone be moved into its own Chapter – WBMC 17.50, that will apply to all fencing regardless of zone.

Staff provided draft amendments to the current regulations at the July 13 and July 27, 2021, meetings. Several additional suggestions were made which are included in the current draft. Staff noted that the 14 feet requirement for tree clearance requested by the commissioners is only applicable in this clear view ordinance and has not been incorporated throughout the city code.

Chairman Malan pointed out that in 17.50.040 A. was taken out of the city code a year ago regarding the hedges. He asked that language to be stricken.

Action Taken:

Corey Sweat moved to forward the latest draft of proposed changes creating WBMC 17.50 Fencing/Clear view to the City Council for their review and approval with the changes made by Steve Doxey and with the deletion of “hedges” in 17.60.040.A. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Staff Report

Kris Nilsen:

- The tunnel lights on Parrish Lane by the Legacy Trail tunnel have been fixed by UDOT. There are still about 20% that need to be fixed but it is significantly better than it was.
- The left turn signal at 400 North and 500 West has also been fixed. The timing was off.
- The new city well has passed water testing and the road is on schedule for paving this week in time for school to start. It should be up and running January 2022.
- Shade covers for pickle ball will arrive mid-August. Lights have been adjusted to be less intrusive to neighbors.

- The public works west yard is moving forward. An architect and contractor should be awarded soon.

Cathy Brightwell:

- The parking areas directly east of the pickleball courts will be restricted during school hours. Signage will be installed.
- HCCO public hearing was postponed due to changes being made conceptionally and it should be ready for review at our next meeting.
- Flip the Strip Program from Weber Basin will be readdressed in the spring once the city adopts new landscaping regulations.
- Weber water announced secondary water will be shut off September 20th this year.

7. Consider Meeting Minutes from July 27, 2021.

Action Taken:

Corey Sweat moved to approve of the minutes of the July 27, 2021, meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

8. Commission Training- canceled due to technical difficulty.

9. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:30 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 August 24, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder