

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

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

Chairman
Alan Malan

Commissioners
Mike Cottle
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, OCTOBER 26, 2021, AT THE CITY OFFICES**

AGENDA:

1. Prayer/Thought by Commissioner Vest.
2. Accept Agenda.
3. Conditional Use Application for Home Occupation Business at 963 Meadowlark Lane – John & Jessica Nelson.
4. Review Additional Options to the Housing in Certain Commercial Areas Overlay Draft Ordinance, WBMC 17.42.
5. Update on West Bountiful Public Works Building at 1410 W 1200 North.
6. Staff report.
7. Consider Meeting Minutes from September 28, 2021.
8. Training.
9. 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 October 22, 2021, by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: October 22, 2021

FROM: Staff

RE: Conditional Use Permit Request for a Home Occupation Business at 963 Meadowlark Lane (963 W 1850 N) for John & Jessica Nelson.

John and Jessica Nelson have applied for a Home Occupation business license and associated Conditional Use permit to resell equipment such as power tools, gym equipment and weights. Their application explains that they buy wholesale goods and sell on local classified sites such as Facebook marketplace and KSL.com and buyers pick up items in person or they are delivered.

License Requirements

- WBMC 5.04.010 defines “Business” as all activities engaged in within the corporate limits of West Bountiful carried on for the purpose of gain or economic profit...
- “Engaging in business” means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession, or other calling, ... but includes the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.
- WBMC 5.28.010, defines “Home occupation” as any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by the city. The ordinance goes on to say that the purpose of the Home Occupation regulations is to protect the residential character and lifestyle of residential zones.
- WBMC 5.28.040.G states that the Home Occupation must be operated entirely within the approved dwelling, except that 25% of a garage or accessory building or structure on the same property as the dwelling may be used, so long as it does not change the residential character of the lot or would otherwise be contrary to the purpose of this chapter.
- A Home Occupation business license application requires the applicant to notify neighbors within 300 feet that they have applied with the city to operate a business from their home. Neighbor signatures are requested to show that notice of the home occupation has been given. *A list of neighbor signatures was provided with the application.*
- All businesses in the State of Utah need to be registered and obtain a State ID number.
- Every seller with an established presence in Utah must have a Utah Sales Tax License.

History

The city began receiving complaints from neighbors in late 2020 claiming that the Nelson's were operating a business. Large truck deliveries onto the street and increased customer traffic had changed the residential character of the neighborhood. (See attached pictures.)

The city contacted Mr. Nelson and told him he could not run a business out of his home without an approved license. He was provided a business license application and copy of home occupation regulations to review. He responded that they had "moved a bunch of stuff to their storage unit and would be mostly selling from there." He added that they were going to pursue finding their own retail space outside of the city.

Similar complaints continued into spring and through the summer. Mr. Nelson was again told that he needed to stop his operation or submit a business license application, which he agreed to do. Due to the neighbor protests and questions about the impact this business has on the neighborhood, staff determined that a conditional use application is appropriate so that the planning commission could consider the issues.

Mr. Nelson has explained to staff that no part of the business is conducted in the dwelling, only storage of merchandise in the garage. City staff inspected the property and found that no equipment appeared to be stored in the large accessory building; rather, inventory storage is limited to a portion of the attached garage.

Planning Commission Options:

1. A conditional use shall be approved if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. Provide findings to support decision. Possible conditions include:
 - a. The home occupation must meet the requirements of WBMC 5.28 – Home Occupations, including the requirements specified in these conditions to protect the residential character and lifestyle of residential zones.
 - b. The home occupation will be limited to a home office in the dwelling. Use of any portion of a garage or accessory structure on the property for business purposes that exceeds 25% is prohibited.
 - c. Delivery of merchandise will be limited to "x" size truck, "x" times per week/month, between the hours of 8 am and 7 pm.
 - d. Delivered merchandise may at no time be placed on the street right-of-way.
 - e. Customer pick-ups will be scheduled between 8 am and 7 pm with no more than one customer per hour so that neighborhood traffic is limited.
 - f. Sufficient off-street parking will be provided for customer vehicles when picking up merchandise.
 - g. Outdoor storage related to the home occupation will not be permitted (WBMC § 5.28.040.1).
 - h. Applicant will comply with city and state regulations by applying for and maintaining a current Home Occupation Business License, Utah State Business Registration, and obtaining a Utah Sales Tax ID number.

2. A conditional use may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards. If the planning commission intends to deny the conditional use, it should provide explanation to support its findings and decision.

Findings to consider:

1. The proposed use at this particular location is/is not necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use, under the circumstances, will/ will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use will/will not inordinately impact streets;
4. The proposed use will/will not provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, and compatibility with adjoining uses;
5. The proposed use will/will not comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will/will not conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will/will not mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of WBMC § 17.60.040.D.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City

PLANNING AND ZONING

550 N 800 W, West Bountiful, UT 84087

Phone: (801) 292-4486

Fax: (801) 292-6355

www.wbcity.org

21-07

PROPERTY ADDRESS: 963 Meadowlark Lane

NAME OF BUSINESS/USE: General Classified Sales

PARCEL NUMBER: 061310019 **ZONE:** **DATE OF APPLICATION:** 10/18/21

Applicant Name: John and Jessica Nelson

Applicant Address: 963 Meadowlark Lane

Primary phone: 801-750-5021

E-mail address: nelsonfab4@gmail.com

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

General Home Occupation Business Application.

General local classifieds sales with in person pickup.

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

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

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 10/18/21

Applicant Signature: 

FOR OFFICIAL USE ONLY

Application Received Date: 10/18/21
Application Fee Received Date: 10/19/21
Permit Approval: _____

Permit Number: 21-07
Fire Inspection Date: _____
Fire Inspection Approval Date: _____



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City):

Resident/Business Owner's Name: John and Jessica Nelson

Physical Address: 963 Meadowlark Lane West Bountiful, UT 84087

Mailing Address, if different than above:

Email address: Nelsonfab4@gmail.com

Primary Phone: 801-750-5021

Emergency Phone: 801-557-1811

Property Owner Name & Contact Info, if different than applicant:

Business Information:

1. Name of business: We have no name or Licenses at this time

State ID #:

State Sales Tax #:

Federal Tax ID #:

2. Describe the proposed business activity:

We buy wholesale goods such as power tools, household items, gym equipment and weights and resell them on local classified sites such as Facebook marketplace and KSL.com. Buyers pickup items in person or we deliver to them.

3. Hours of Operation: Pick up by appointment 8am- 7pm

4. Name and relationship of person(s) participating in business (must reside at the home):

John and Jessica Nelson

5. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:

3000sqft of garage space available on the premises. Never more than 600sqft used for product storage.

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:
General wholesale items to be stored neatly in an organized manner in the garage space.
7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.
NO
8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.
0-8 buyers per day arrive periodically throughout day to pick up items.
Average visit time under 10 min.
9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored? Only our regular personal vehicles will be used as normally parked in driveway.
10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency: NO
11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency: Yes. Occasional LTL Freight delivery no more than once a month. No traffic impairment whatsoever.
12. If your home occupation is a day care center, nursery, or preschool, please state how many children _____ and caregivers _____ will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.
13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? YES } if no, please explain: _____

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide the attached notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: 10/18/21

Sign Here: _____

Applicant

FOR OFFICIAL USE ONLY

Application Received Date: 10/18/21

Fire Inspection: _____

Health Dept. Inspection: —

Neighbor's Signatures Received: 10/18/21

Approval Date: _____

Conditional Use Permit Required: Yes

Conditional Use Permit Approved: _____

Protests Received: Yes

NOTICE TO NEIGHBORS

Dear Neighbor:

Date of Notice: 10/10/21

This notice is to advise you that Nelsons located at 963 Meadowlark
(name of applicant) (address)

has applied for a home occupation business license with West Bountiful City to conduct a business at his or her residence. The nature and description of the proposed business is:

General Online Sales with in Person Pickup.
(classified)

Please sign below confirming that you have been notified of the intent to operate this business from the above address.

YOUR SIGNATURE BELOW INDICATES ONLY THAT YOU HAVE RECEIVED THIS NOTICE, NOT THAT YOU APPROVE OF THIS APPLICATION. IF YOU OBJECT TO THIS APPLICATION, YOU MUST FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE.

Signatures of property owners within a 300 foot radius of the exterior boundaries of the intended business location:

Name	Address	Signature
<u>Tacen Wray</u>	<u>984 W. 1850 N</u>	<u>[Signature]</u>
<u>MONTE WOODSON</u>	<u>949 MEADOWLARK</u>	<u>[Signature]</u>
<u>Julie Myerson</u>	<u>946 W. Olsen Farm Dr</u>	<u>[Signature]</u>
<u>Phil Stoddard</u>	<u>996 W. Ruby Way</u>	<u>[Signature]</u>
<u>Notified Verbally</u> <u>10/2/21 Refused to Sign</u>	<u>968 W Olsen farm Dr</u>	<u>Refused to Sign</u>
<u>[Signature]</u>	<u>931 W. 1850 NO</u>	<u>[Signature]</u>
<u>Kendall Smith</u>	<u>952 W. 1850 N.</u>	<u>[Signature]</u>

I hereby certify that the foregoing signatures are genuine. They constitute the signatures of the owners of property within a 300-foot radius of the exterior boundaries of my property, or I have otherwise provided the City satisfactory evidence that this notice has been delivered to all such property owners (i.e., certified letter).

Date: 10-10-21

Sign Here:

[Signature]
 Applicant

Facebook

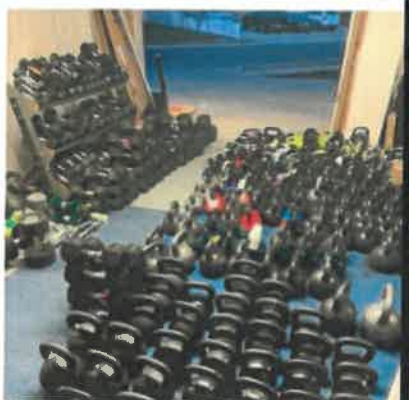
HAVE. FIRST COME FIRST SERVE.

Cash or Venmo.

10% discount on Kettlebells for
buying over 200lbs

963 Meadowlark Lane West
Bountiful Utah 84087

December 2020



Merchandise Delivery - June 2021



Meadowlark Lane

13 views • Jun 27, 2021

👍 0 💬 0 ➦ SHARE ➦+ SAVE ...

Nelson - 936 Meadowlark Ln

August 16, 2021



5.28 Home Occupations

5.28.010 Definitions

5.28.020 License Required

5.28.030 Application For License

5.28.040 Requirements

5.28.050 Exemptions To License

5.28.060 Noncompliance; Revocation And Suspension Of Permit

5.28.070 Home Occupation Business License Renewal And Delinquency

5.28.080 License Not Transferrable

5.28.010 Definitions

"**Home occupation**" means any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City.

HISTORY

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

5.28.020 License Required

The purpose of this chapter is to protect the residential character and lifestyle of residential zones within West Bountiful City. To ensure compliance with this chapter, a Home Occupation Business License must be obtained from West Bountiful City before a person may use any part of a dwelling in a residential zone for a home occupation. Under certain circumstances provided in Section 5.28.030, a conditional use permit must also be obtained.

HISTORY

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

5.28.030 Application For License

- A. A Home Occupation Business License Application may be obtained from the City offices or from the City website. Each application shall be accompanied with payment of the business license fee as provided in 5.04.040. It is unlawful for any person to provide false information to the City in relation to the application for, issuance of, or continuation of, a business license, or to knowingly cause or permit the same to be done.
- B. The applicant shall give written notice of the nature and description of the home occupation to all property owners within three hundred (300) feet of the exterior boundaries of the property upon which the home occupation is to be conducted. Evidence of the required notice must be supplied to West Bountiful City as part of the Home Occupation Business License Application.
- C. Except as provided in subsection D, the City Recorder may issue the Home Occupation Business License when:
 1. The requirements of 5.28.040 have been satisfied; or
 2. If a conditional use permit is required from the Planning Commission, the permit has been issued, the conditions of that permit have been satisfied, and the applicant has agreed to the conditions in writing.
- D. Notwithstanding subsection C, the applicant must also apply for a conditional use permit and pay the application fee for review and approval by the Planning Commission under Chapter 17.60 if any of the following apply:

1. The home occupation requested conflicts with the minimum requirements provided in Section 5.28.040;
2. The City Recorder determines that approval of the application may conflict with the intent of this chapter without imposing additional conditions;
3. The applicant or City receives a notice of protest to the application; or
4. The Home Occupation Business License Application is for a day care, nursery, or preschool, which must follow Utah Department of Health regulations for child day care including, but not limited to, a background check.

HISTORY

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

5.28.040 Requirements

- A. A person who is not a resident of the dwelling shall not be employed to work on the premises.
- B. The home occupation must be clearly incidental and secondary to the use of the dwelling or structure in which it is located and may not change its purpose or character.
- C. The home occupation shall not involve the use of any part of a dwelling or structure for which by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use or for which said laws or ordinances require a license or permit, except as approved by the Planning Commission.
- D. More than one Home Occupation Business License may be issued if the additional businesses will function as one business operation and if after review it is specifically determined that the total of all businesses will not have an impact on the community greater than one business.
- E. The home occupation shall not involve the use of more than the equivalent of fifteen (15) percent of the main floor area of the dwelling, nor involve the installation of special equipment and/or fixtures, plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a dwelling, unless otherwise approved by the Planning Commission.
- F. Inventory or supplies may not occupy more than fifty (50) percent of the permitted area.
- G. The home occupation must be operated entirely within the approved dwelling, except that 25% of a garage or accessory building or structure on the same property as the dwelling may be used, so long as it does not change the residential character of the lot or would otherwise be contrary to the purpose of this chapter. Additional conditions may be imposed by the Planning Commission if the garage is to be used for:
 1. Storage of chemicals or tanks; or
 2. Storage of equipment or vehicles.
- H. If a home occupation is authorized for a garage, off-street parking arrangements in compliance with this title must exist for any vehicles owned and/or operated by the applicant.
- I. Yard space may not be used for home occupation activities, except:
 1. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a bona fide resident of the dwelling.
 2. Yard space may be used for day care provided the yard is entirely fenced.
 3. Yard space may be used for other similar activities that will not alter the residential nature

of the neighborhood in which the home occupation will be conducted. In no event shall outdoor storage be permitted in relationship to the Home Occupation Business License.

- J. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.
- K. The home occupation may not cause or create a demand from municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for in residential uses. Home occupations which will generate additional traffic or parking in excess of those usual and customary residential uses require Planning Commission approval.
- L. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.
- M. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise or vibrations.
- N. Merchandise, goods or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
- O. Signs, advertising or displays of any kind may not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
- P. The home occupation shall be operated in a manner that complies with any special conditions established by the Planning Commission and made part of the record in connection with the application for a conditional use permit, as the Planning Commission deems necessary to carry out the provisions and intent of this chapter and Chapter 17.60.
- Q. Home occupations requiring State or Federal licensing must be in compliance with all State and Federal regulations before a Home Occupation Business License will be issued.

HISTORY

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

5.28.050 Exemptions To License

The following uses are exempt from the provisions of this chapter:

- A. Sale of goods or services by City residents age 14 and under which sale of goods or services does not conflict with other sections of this Code;
- B. Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
- C. Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once per month;
- D. Community/neighborhood fund raisers which are sponsored and/or approved by City staff;
- E. Any person engaged in business for solely religious, charitable or other type of strictly nonprofit purpose who is tax-exempt in such activities under the laws of the United States and the State of Utah;
- F. Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;
- G. Any person selling, offering for sale, or taking orders for or soliciting the sale of any farm products, but not including dairy products, actually produced, raised or grown by the person so selling, offering for sale or taking orders for, or soliciting the sale of any such farm products; and
- H. Other exemptions as specifically approved in writing by the City Council.

HISTORY

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

5.28.060 Noncompliance; Revocation And Suspension Of Permit

The City Recorder may revoke or suspend, or decline to renew, a Home Occupation Business License for a violation of any of the requirements of this chapter, or for failure of the licensee to comply with the conditions of the license. The Planning Commission may revoke, suspend or modify the conditional use permit associated with a Home Occupation Business License for violation of any of the requirements of this chapter or Chapter 17.60, or the conditions of the permit; or for failure of the permit holder to maintain the Home Occupation Business License. The Planning Commission may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies. If such deficiencies are not cured by the specified period of time, the Planning Commission shall revoke the conditional use permit associated with the Home Occupation Business License. During the period of suspension, the Planning Commission may impose any restrictions or conditions upon the permit holder, including cessation of all activities.

HISTORY

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

5.28.070 Home Occupation Business License Renewal And Delinquency

A Home Occupation Business License is subject to annual renewal, with the license year being the calendar year.

All license fees provided herein shall be due and payable on or before January 5th of any calendar year, or before commencing a new business. In the event any fee is not paid on or before such date, a penalty of fifty (50) percent of the amount due shall be imposed and shall become a part of the license fee imposed by this chapter. The date of delinquency and the amount of the penalty may be amended periodically by resolution of the City Council provided that the amended date and penalty shall be prospective only, effective the next calendar year.

HISTORY

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

5.28.080 License Not Transferrable

No license granted or issued under the provisions of this chapter shall in any manner be assignable or transferable, or authorize any person other than the licensee named therein to do the business specified in the license.

HISTORY

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

MEMORANDUM



TO: Planning Commission

DATE: October 22, 2021

FROM: Staff

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

The city council has reviewed the new Housing in Certain Commercial Areas overlay ("HCCO") as recommended by planning commission. They discussed the advantages of adding more flexibility by shifting the original draft's requirements to recommendations on site and building design. As these changes impact the recommendation made by planning commission, staff was directed to present the alternate proposal for further planning commission consideration and comments.

Attached are two drafts of WBMC 17.42, the Planning Commission recommendation and Alternate A.

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~~

The following guidelines will be used by the City in reviewing proposals. Applicants must explain and justify any proposed deviations.

A. Heights and Setbacks

1. All residential buildings in the HCCO ~~shall~~are recommended to be set back 30 feet from any residential zone. Residential buildings ~~shall~~are recommended to 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~~are recommended to be landscaped and ~~shall~~ be a minimum of 20 feet from a public right of way. Buildings taller than 50 feet ~~shall~~should 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~~should be considered public rights of way for purposes of the front yard setback and building orientation.
3. Rear and side yard setbacks ~~shall~~are recommended to 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~~are recommended to 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~~should not face a residential zone. New residential buildings ~~shall~~are recommended to include a six foot walkway to connect to a sidewalk along 500 West, 400 North, 500 South, or 1100 West, as appropriate.
- C. Dumpsters. Dumpsters ~~shall~~are recommended to be located to the side, to the rear, or in the interior of the building and ~~shall~~should be enclosed on three sides with a six-foot masonry wall and the fourth side shall include a gate.
- D. Lighting. All lighting ~~shall~~is recommended to be directed downward and shielded to prevent light trespass beyond the property line. Lighting fixtures ~~shall~~are recommended to be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are ~~required~~recommended. Parking lot lights ~~shall~~are recommended to be no taller than 20 feet. The following locations, at a minimum, ~~shall~~should 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~~is recommended to be landscaped and include irrigation. The site landscape ~~shall~~should include a minimum of 5 trees and 15 shrubs per acre. Trees ~~shall~~should 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~~recommended. Within the landscape areas a maximum of 50% coverage may be turfgrass. No turfgrass ~~shall~~should be ~~allowed~~ in areas less than 10 feet in width; these areas ~~must~~should be landscaped with shrubs, trees, rocks, or mulch.

Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, ~~shall~~should be landscaped. ~~Required by~~ Buffering of adjacent residential zones ~~shall~~should include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50); medium to large trees planted every 30 feet; and an inert mulch, including synthetic turf; 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~~should be located within 15 feet of a residential zone.

Irrigation systems ~~shall~~are recommended to 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~~recommended to be devoted to usable passive or active recreation space. This is in addition to the ~~required~~recommended landscape area, except that landscape areas that include usable recreation space ~~shall~~should 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 and/or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing (not chain link) 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~~ is recommended to be included. The plaza ~~shall~~ should count toward the park space area ~~requirement~~.

- G. Twenty-four hour on-site management is ~~required~~ recommended 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~~ Guidelines

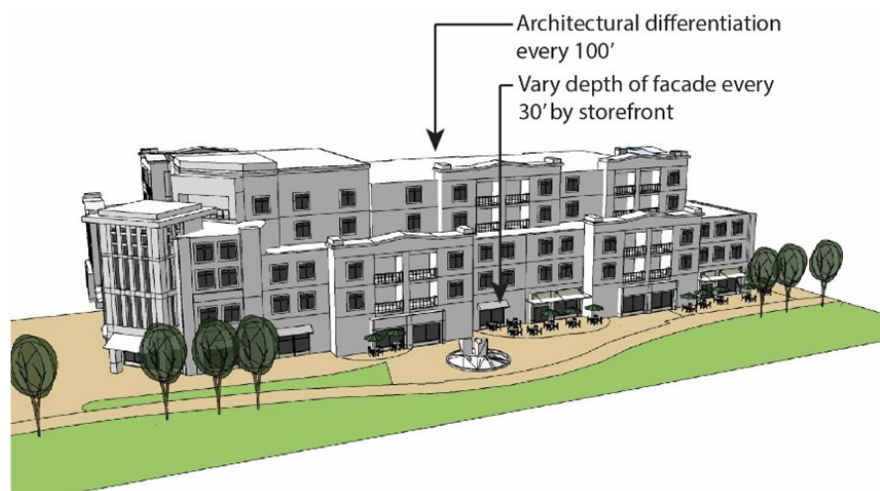
The following guidelines will be used by the City in reviewing proposals. Applicants must explain and justify any proposed deviations.

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~~ recommended. New development ~~shall~~ should 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~~ should 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~~ is recommended for sloped roofs. Flat roofs ~~shall~~ should be encompassed by a parapet wall with a minimum height of two feet, where no recreational uses of the roof are anticipated.

B. Façade Treatments and Size

No single building ~~shall~~ should exceed 200 feet in length or width. No new building elevation ~~may~~ should 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~~should not be interpreted to meet this requirement. Top floors ~~shall~~should 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~~recommended.

- 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

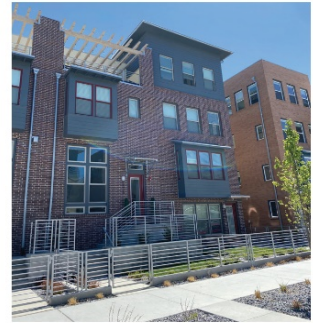
agreement. Private

garages are ~~required~~recommended and ~~shall~~should 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~~should be wired for at least one 220-volt line for electrical vehicle charging. Common guest parking ~~shall~~should 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.



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~~should 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~~should cover at least 25 percent of all facades.
- E. Balconies. For the residential portions of buildings, one balcony ~~shall~~should be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size ~~shall~~could also be permitted and ~~shall~~would count toward the balcony ~~requirement~~recommendation.
- F. Entrances. Entrances ~~shall~~should 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~~should 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~~should include commercial uses that wrap the street-facing façade. No visible podium parking is ~~allowed~~recommended fronting on 500 West, 400 North, 500 South or 1100 West 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 50 feet from a public street, any portions above ground ~~shall~~should 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~~should 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~~should 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~~recommendations 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~~guidelines or simply leave the standards as-is. Parking stalls 9-feet by 20-feet are ~~required~~recommended

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 recommended 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 encouraged for residential projects. Bike parking should be well lighted and secure, with a combination of indoor bike storage and exterior bike parking. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four bikes per building is ~~required~~ recommended for commercial patrons.
6. Residential portions of parking garages and structures, including carports, are strongly encouraged to include 220-volt outlets and associated infrastructure/conduit for personal vehicle charging. The suggested standard is one outlet for every ten residential units; however, the number shall be determined as part of the development agreement.

17.42.070 Signs

Signs in the HCCO ~~shall~~ should be governed by Chapter 17.48, except all **illuminated** signs ~~shall~~ should have downward directed and shielded lighting. Only monument signs and signs on the building are ~~allowed~~ recommended.

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.
 - 2. The City shall mail notice of an initial public hearing to owners of property within 300 feet of the proposed project.
 - 3. 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.
 - 4. 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.

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, 500 South, or 1100 West, as appropriate.

- 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 adjacent to a residential zone, 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 (subject to the fencing and clear view requirements of Chapter 17.50); medium to large trees planted every 30 feet; and an inert mulch, including synthetic turf; 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.

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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 and/or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing (not chain link) 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.

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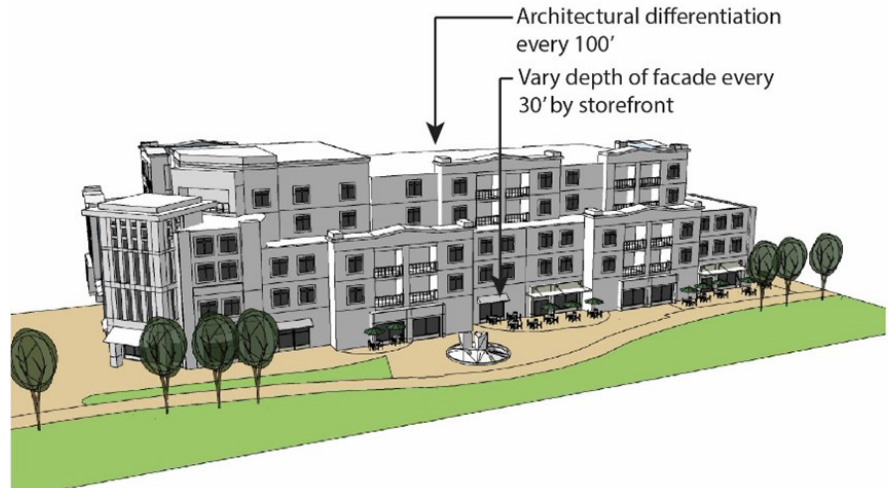
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Residential unit balconies shall not be interpreted to meet this requirement. Top floors shall have architectural differentiation from the other floors of the building and roof lines shall vary every 50 feet, at a minimum. For first floor uses in a 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.

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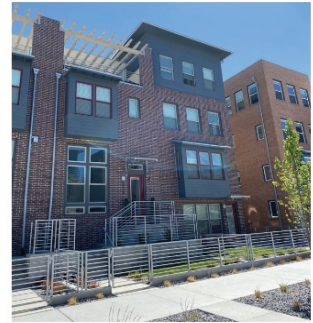
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agreement. Private garages are required and shall be located at the rear of the building, allowing the primary façade to front a public street or a greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Private garages shall be wired for at least one 220-volt line for electrical vehicle charging. Common 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.



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.
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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.
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4. 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.

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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.
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**West Bountiful City
Planning Commission Meeting**

September 28, 2021

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on September 28, 2021, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 28, 2021, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Vice Chairman Corey Sweat, Commissioners Mike Cottle, Dee Vest, Laura Mitchell, Council member Kelly Enquist.

STAFF ATTENDING: Cathy Brightwell (Recorder), and Debbie McKean (Secretary).

EXCUSED: Chairman Alan Malan, Kris Nilsen (City Engineer).

VISITORS: Steve Sowby, Mike Sowby.

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

1. Prayer by Commissioner Cottle.

2. Accept Agenda

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

3. Public Hearing- Adding Landscape Supply as a Permitted Use to the Agricultural Specialty (A-S) Zone

Action Taken

Laura Mitchell moved to open the public hearing at 7:32 pm for public comment regarding adding Landscape Supply as a Permitted Use to the A-S Zone. Mike Cottle seconded the motion and voting was unanimous in favor.

Cathy Brightwell introduced the proposal from Sinc Construction to have a soil mixing project on leased property owned by South Davis Sewer District that does not fall within current permitted uses in the requested A-S zone. This item was discussed at the last planning commission meeting and staff was asked to come back with a proposal to add a new use that might apply.

Staff proposes that a new permitted use, Landscape Supply, be added to WBMC 17.14.020, a definition of Landscape Supply, and the following regulations for this use. Outdoor storage as applied in the C-H zone; topsoil prep, landscape rock prep, or other processing activities must occur in an enclosed structure; outdoor lighting must be downlighting; deliveries and exports must be covered loads, a SWPPS plan must be submitted; and no processing or deliveries before 7:00 am or after 10:00 pm.

Ms. Brightwell noted that Chairman Malan, who is not able to attend the meeting, dislikes the definition of “landscape supply” because it is too broad and may create problems in the future. He is concerned that it could be interpreted as allowing activities such as gravel pits. He suggested using the term “horticulture” instead of “Landscape” as it covers all forms of garden management but does not allow for rock/gravel production.

There was discussion that making the word change might mean the document would have to go back to Steve Doxey and a new hearing before approval causing a delay in the process. It was suggested that adding “decorative” or “ornamental” to landscape rock and landscape rock preparation in the definition will clarify the issue.

Public Comments:

Mike Sowby, owner of Sinc Construction, clarified that landscape rock does not apply in his situation but feels that it could be a potential use that someone may want in the future.

Action Taken

Laura Mitchell moved to close the public hearing for public comment at 7:43 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

4. Consider Adding Landscape Supply as a Permitted Use to the A-S Zone.

Based on discussion during the public hearing, it was concluded that “decorative” be added to the definition of landscape rock.

Action Taken

Laura Charchenko moved to approve and move to city council the changes proposed by staff and to add “decorative” before both references to Landscape Rock in the definition of Landscape Supply. Dee Vest seconded the motion and voting was unanimous in favor.

5. Staff Report

Cathy Brightwell:

- Gave the commissioners a handout about non-conforming uses in WBMC 17.56.030 B. She informed them of a resident who is considering joining the current annexation request on 1450 West. He is in the A-1 zone but only has .5 acres and wants to build a barn. She said neither the property owner nor the county knows how he ended up with a .5 acre property in a one acre zone. Before agreeing to annex, he is interested in knowing if the planning

commission will object to his building permit for a barn. City code allows the planning commission to approve exceptions to changes or enlargements of non-conforming uses. A straw poll showed consensus from the commissioners that they did not see a reason why he could not build a barn on the property. There is a home already on it.

- Meet the Candidates Night will be held Monday, October 4, 6:30 pm.
- Christmas on Onion Street has always been held on the first Monday, but Youth Council is thinking about changing it to Saturday December 11th with Santa touring during the day and ending up at the City Park for hot chocolate, snacks, letters to Santa, and games.
- The new public works building is going out to bid next week.
- Consolidated Fee Schedule is being updated, there are no land use fees that need to be changed so there will be no need for a public hearing. The fee changes will go directly to city council.
- With the audio system down right now, it is not possible to hold commission training. The requirement for 4 hours is due by year-end. She will send the commissioners a link so they can watch another portion of the training on their own to expedite their requirement.

Commissioner Reports:

- Laura Mitchell received an email from a research marketer inquiring about locations where we allow multi-use housing. She told them to contact Duane at City Hall.
- Dee Vest reported that the light at 400 North and 500 West is still malfunctioning during rush hour.
- Laura Mitchell reported that there is a large food truck selling seafood that is parking in front of Eyeglass World and blocking the view of traffic which is creating a safety hazard.

6. Consider Meeting Minutes from September 14, 2021.

Action Taken:

Dee Vest moved to approve of the minutes of the September 14, 2021, meeting as presented. Laura Mitchell seconded the motion and voting was unanimous in favor.

7. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 8:10 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 12, 2021, by unanimous vote of all members present.

Cathy Brightwell – City Recorder