

SOUTH WEBER CITY PLANNING COMMISSION AGENDA

PUBLIC NOTICE is hereby given that the **Planning Commission of SOUTH WEBER CITY**, Davis County, Utah, will meet in a **REGULAR** public meeting on **June 25, 2015**, at the **South Weber City Council Chambers, 1600 East South Weber Drive**, commencing at **6:30 p.m.**

A WORK MEETING WILL BE HELD PRIOR TO THE REGULAR PLANNING COMMISSION MEETING AT 6:00 P.M. TO DISCUSS
AGENDA ITEMS, CORRESPONDENCE, AND/OR FUTURE AGENDA ITEMS

THE AGENDA FOR THE REGULAR MEETING IS AS FOLLOWS:

- 6:30 P.M. Pledge of Allegiance
 Approval of Meeting Minutes
 - May 28, 2015 – Commissioner Pitts
- Approval of Agenda
- Declaration of Conflict of Interest

- 6:35 P.M. **Public Hearing and Action on Ordinance:** Amendment to Section 11.05.020 (Types of Security)

- 6:45 P.M. **Public Hearing and Action on Ordinances:** Amendments to Sections 10.5A.4A, 10.5B.4A,
 10.5D.4A, and 10.5E.4A (Building Lot Requirements)

- 6:55 P.M. Re-discussion on Ordinance Amendment Petition: Request from Mike Bastian to add Item Q to
 10.5D.3 Conditional Uses and add Article L to 10.07 Conditional Uses to City Code (public hearing
 May 28, 2015).

- 7:10 P.M. Public Comments – Please keep public comments to 3 minutes or less per person

- 7:15 P.M. Planning Commissioner Comments (Westbroek, Johnson, Winsor, Pitts, Osborne)

- 7:20 P.M. Adjourn

THE UNDERSIGNED DEPUTY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED OR POSTED TO:

CITY OFFICE BUILDING
Utah Public Notice website
www.utah.gov/pmn

www.southwebercity.com
TO EACH MEMBER OF THE PLANNING
COMMISSION

THOSE LISTED ON THE AGENDA

DATE: June 18, 2015

ELYSE GREINER, DEPUTY RECORDER

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY ELYSE GREINER, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (801-479-3177) AT LEAST TWO DAYS PRIOR TO THE MEETING.

Agenda times are flexible and may be moved in order, sequence, and time to meet the needs of the Commission

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 28 May 2015

TIME COMMENCED: 6:30 p.m.

PRESENT: COMMISSIONERS:

Debi Pitts (excused)
Rob Osborne
Wes Johnson
Rod Westbrook
Wayne Winsor

CITY PLANNER:

Barry Burton

DEPUTY RECORDER:

Elyse Greiner

CITY MANAGER:

Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Winsor

VISITORS: Judy Blackner, Dennis Blackner, Scott Burton, Alona Burton, Mike Bastian, Karr J. West, and Rorie Stott.

APPROVAL OF THE AGENDA: Commissioner Westbrook moved to approve the agenda as written. Commissioner seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

APPROVAL OF MINUTES OF 23 APRIL 2015:

Commissioner Winsor moved to approve the minutes of 23 April 2015 as written. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: None

Commissioner Westbrook moved to open the public hearing. Commissioner Winsor seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

***** PUBLIC HEARING *****

Request from Mike Bastian to add Item Q to 10.5D.3 Conditional Uses and add Article L to 10.07 Conditional Uses to City Code. A request from petitioner Mike Bastian has been made to amend City Code 10.5D.3 Conditional Uses by adding Item Q and to 10.07 Conditional Uses by adding Article L. The amendments, if approved, would allow for four-family dwellings in the Residential Low Zone (RL) under certain conditions.

Mike Bastian, 7721 S. 1750 E., explained that he owns a piece of property on South Weber Drive that currently has an existing home on it which he leases. He has researched other cities and they have zones that allow for two duplex property or four-plex facilities. He works in real estate and a four-plex is still considered residential. Mr. Bastian explained that he is proposing the dwelling is located in an R-L Zone, the lot should be at least 0.50 acres in size, side yards shall be at least ten feet, and the lot may not be within one-half mile radius from another four-plex development.

Scott Burton, 1720 E. South Weber Drive, is opposed to this amendment because this would decrease the value of his property. He is not in favor of a four-plex being dropped in residential areas. He is also concerned about the additional traffic a four-plex would create in a neighborhood. He wanted to make sure the Planning Commission received a copy of the petitioners against this proposal.

Dennis T. Blackner, 1750 E. South Weber Drive, this particular piece of property is only 0.50 acres.

Judy Blackner, 1750 E. South Weber Drive, discussed the South Weber City values which are displayed on the wall in the City office. She said when Mr. Bastian approached them to purchase this property, he led her to believe that he was going to raise his family on a farm.

Rorie Stott, 7364 S. 1700 E., this proposal would be in his backyard. He said it is a difficult place to develop because the State limits access on to South Weber Drive. He said Mr. Bastian knew the challenges when he purchased the property. He feels that if the City goes into something like this, it should benefit the City. He said land use is managed by zoning. Zoning controls density. Conditional uses are designed to allowed certain uses but not control density. Mr. Stott said the City has already met areas designated for multi-use. He is not in favor of this proposal.

Karr J. West, 7359 E.1700 E., is concerned about the fact that rental properties are not taken care of like residential housing.

Commissioner Westbrook moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

Commissioner Westbrook asked about other cities having ordinances like this. Mr. Bastian said other cities have a similar ordinance on main arterial streets. He feels the four-plex limits the use rather than opening it up to apartment complexes. Commissioner Winsor discussed other cities having commercial along main arterial streets. Commissioner Johnson reviewed the survey done

in 2013 and the vast majority of people were against the development of four-plexes in South Weber City. He is concerned about setting a precedent with other property owners. He discussed the outdoor storage of at least sixteen square feet for each dwelling. He is concerned about the minimum of three parking spaces, including a one-car garage for each unit. Commissioner Johnson said the survey says people in South Weber don't want this. Mr. Bastian said he is open to suggestion on the one-half mile distance radius from another four-plex. Discussion took place regarding the current home being a rental unit. Duncan asked Mr. Bastian if he has a current business license for that. Mr. Bastian said he does not. Duncan said Mr. Bastian will need to get with Elyse to get a business license.

Commissioner Osborne questioned why Mr. Bastian didn't go through the process of changing the zoning. Mr. Bastian said his only option would be to go with an R-H and he isn't in favor of building high residential. Commissioner Osborne discussed the creation of the patio zone. He feels there are other ways to do it verses changing ordinance. Mr. Bastian said a four-plex is still considered residential in his employment.

Commissioner Johnson moved to deny the ordinance amendment petition. Commissioner Winsor seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

Commissioner Osborne discussed the work that was done on the General Plan. He feels the way it currently sits, is the way it is going to sit.

Duncan said this item will go before the City Council on the June 23, 2015 meeting agenda. Commissioner Westbrook said we did just re-do the general plan and we would go against what residents would want in doing this. He said a lot of time and effort went into the general plan and it would be hard to go against that.

Discussion and Action on Ordinance: Amendment to Section 10-9-5E (Class 5 Signs)

Barry reviewed various pictures of signs including the Best Western sign in Uintah with a height of 75' and a sign area = 224 SF/side. The ordinance does allow for lighting. He then reviewed the Carls Jr. sign in Clearfield with a height of 81' and sign area = 320 SF. The next picture was the Taco Bell sign in Clearfield with a height of 87' and sign area = 175 SF. The next picture was the McDonald sign in Clearfield with a height of 100' with a sign area = 250 SF. He said all these signs are freeway oriented.

Commissioner Osborne said a 75' sign wouldn't be out of place. Commissioner Winsor is not an advocate of tall signs when he feels there are other ways to draw people off the highway. Commissioner Johnson suggested the height of the Maverik sign on Highway 193 that is approximately 50'. Commissioner Westbrook feels 75' on Highway 89 is appropriate.

Commissioner Osborne feels 75' Highway 89, and 100' on Highway 84 is appropriate.

Commissioner Westbrook moved to send Section 10-9-5E to the City Council. Commissioner Winsor seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

PLANNING COMMISSION COMMENTS:

Commissioner Osborne:

Water Fee Attached to Building Permits: Commissioner Osborne said at one time the Planning Commission discussed attaching the water fee to building permits. He would like to know what the status is on that. Duncan will check with Brandon Jones concerning the status of that.

CITY MANAGER ITEMS:

Davis/Weber Canal Company: Duncan has contacted Ivan Ray because residents are concerned about erosion on the hillside by 475 East.

Staker/Parsons Development Agreement: He reported that the City Council is looking at amending the development agreement with Staker & Parson Companies. He discussed design guidelines on all properties that Staker & Parson Companies own which includes the property the Maverik is interested in. He said the concern is the remaining provisions between them and the City. The design guidelines include country mountain motif with river rock element, a landscaped island along South Weber Drive, landscape requirements etc. Duncan said Maverik would like to remove these guidelines because they would want to construct the bigger Maverik that has stalls for trucks, etc. and go with the exact same designs as their other stores. Duncan asked if the City is focused on these design guidelines and whether or not to impose them. He then discussed the secondary water issues. Commissioner Osborne explained the secondary water that went in with the charter school. He said there is secondary water on the Poll property as well. Commissioner Westbrook would like the operating hours checked.

ADJOURNED: Commissioner Winsor moved to adjourn the Planning Commission meeting at 7:36 p.m. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

APPROVED: _____ Date
Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: _____ Deputy Recorder: Elyse Greiner

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 28 May 2015

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

Debi Pitts (excused)
Rob Osborne
Wes Johnson
Rod Westbroek
Wayne Winsor

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

CITY MANAGER:

Duncan Murray

DEPUTY RECORDER:

Elyse Greiner

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Rorie Stott

Commissioner Osborne excused Commissioner Pitts from tonight's meeting.

Minutes of April 23, 2015 – Commissioner Winsor

Public Hearing and Action on Ordinance Amendment Petition: Request from Mike Bastian to add Item Q to 10.5D.3 Conditional Uses and add Article L to 10.07 Conditional Uses to City Code. : Duncan asked Elyse to give some background information on the petition. Elyse said Mr. Bastian has a house on South Weber Drive that he would like to demolish and build multi-family housing. Barry said it would be up to a four-plex dwelling in the Residential Low Zone (R-L) with certain conditions. He questioned if it should be allowed and which areas. Barry said Mr. Bastian is proposing only to allow one complex within half a mile from another four-plex. The Planning Commission received a copy of Mr. Bastian's proposed amendments. Elyse presented to each Planning Commission member a copy of a petition signed by those opposing this amendment.

Discussion and Action on Ordinance: Amendment to Section 10-9-5E (Class 5 Signs)

Barry said he will present pictures of various signs which should help give an idea of sign sizes etc.

Discussion on Work Meetings: Commissioner Osborne questioned why the Planning Commission has a work meeting. Commissioner Winsor said the work meeting allows opportunities for discussion of upcoming items or any necessary training. He feels there could

be some value to this half hour. Commissioner Westbroek said a lot of times there are some pretty good issues that he would like to know about before the meeting.

Letter from Davis/Weber Canal Companies: Barry said there is a soil recycling business above the hillside. He explained the history of this property and stated at the time of the first mudslide on the hillside, there was no activity on this property. He explained that now there is a permitted activity going on in which this company takes garbage soils from construction activities and grinds it up and the sells it for fill material. Barry stated a little over a year ago there was another problem. The company was in violation of their conditional use permit. He said part of the issue is how to get rid of the water up there. In 2006 a pipeline was installed that came down the hill. The letter states they can no longer dump anything into the canal, but can bore across the canal and dump water into the South Weber City storm drain. Barry said the property is in South Weber City's annexation plan. Barry said the position at the County is that we don't want to push them out because it is far better managed if someone is up there on a daily basis. Brandon Jones explained the location of where the pipeline would be installed, and stated he has given them a cost estimate for installation. Brandon said if they are going to bore under the canal, it can't be a temporary pipe. Barry is guessing they will run a 6" pipe over the canal. Brandon said they really need to get the water off the site and not keep it in the pond.

ADJOURNED: 6:30 p.m.

PUBLIC HEARINGS NOTICE
South Weber City, Utah

Notice is hereby given on Thursday, June 25, 2015, at approx. 6:30 p.m., in the South Weber City Council Chambers, 1600 E. South Weber Dr., South Weber, Davis County, Utah, the following public hearings will be held before the Planning Commission: (1) an amendment to the South Weber City Code, Section 11.05.020 (Types of Security); and (2) amendments to the South Weber City Code, Sections 10.5A.4A, 10.5B.4A, 10.5D.4A, and 10.5E.4A (Building Lot Requirements). A copy of the associated information for the hearings is on file for review at the South Weber City Office. The public is invited to attend and make comments. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the public hearings should notify Elyse Greiner at 801-479-3177 two days prior to the meeting date.
By: Elyse Greiner, Deputy Recorder.

STAFF MEMO

To: Planning Commission

From: Elyse Greiner, Deputy Recorder

Re: Re-discussion on Petition and Ordinance Amendments

Date: Wednesday, June 17, 2015

Agenda Items:

The Amendment to Section 11.05.020 (Types of Security) eliminates the possibility of a developer using the one form of security that provides no real protection to the City.

The Amendments to Sections 10.5A.4A, 10.5B.4A, 10.5D.4A, and 10.5E.4A (Building Lot Requirements) would provide consistency as set forth in Title 11 Subdivision Regulations with Ordinance 13-10.

Mike Bastian would like to bring his Ordinance Amendment Petition back to the Planning Commission for another review with new materials. He feels the public comments at the public hearing on May 28, 2015 were focused on the property he owns on South Weber Drive instead of the actual proposed ordinance amendment. He would appreciate the opportunity to be heard again on possible multi-family housing options in the community, other than patio homes, for future development.

**PROPOSED AMENDMENTS TO
SOUTH WEBER ZONING ORDINANCE**

June 16, 2015

It is proposed that the South Weber Subdivision Regulations be amended as follows:

11.05.020 Types Of Security

The security shall be one of the following types, as dictated by the city:

- A. Cashier's Check; Money Market Certificate: A cashier's check or a money market certificate made payable only to the city.
- B. Trust Or Escrow Account: A trust or escrow account with a financial institution federally or state insured.
- ~~C. Letter Of Credit: Letter of credit from a financial institution federally or state insured.~~
- ~~D.~~ **C.** Minor Subdivisions: Items stated by the city shall be completed prior to a certificate of permanent occupancy being is issued for any building constructed in the subdivision.

ORDINANCE 13-10

AN ORDINANCE AMENDING TITLE 11 SUBDIVISION REGULATIONS CHAPTER 4 IMPROVEMENT REQUIREMENTS

WHEREAS, the South Weber City Council established Title 11 Subdivision Regulations to establish a processes and procedures for new development; and

WHEREAS, the South Weber City Planning Commission held a public hearing on the 28th day of March 2013, and has made a favorable recommendation of amendments to the South Weber City Council; and

WHEREAS, the South Weber City Council held a public hearing on the 23rd day of April, 2013, and has reviewed the amendments and recommendations made by the Planning Commission;

NOW THEREFORE BE IT ORDAINED, by the Legislative Body of South Weber City as follows:

SECTION 1: The South Weber City Code shall be amended as follows:

SECTION 2: The South Weber City Code, Title 11 Subdivision Regulations, Chapter 4 Improvement Requirements, Section 4 Streets, Easements, and Numbers, Article B Width of Public Right of Way or Street, Item 3 Local Streets

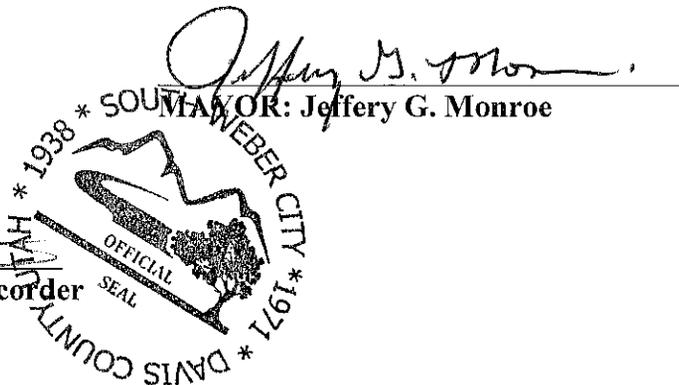
Local Streets: Local service streets shall be no less than seventy feet (70') in width—~~except in some cases where the street is an extension of an existing narrower street or where neighborhood conditions warrant. In that case the minimum width, at the sole discretion of the city council, may be reduced to no less than sixty feet (60').~~

SECTION 4: This ordinance shall take effect upon posting.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of June, 2013.

ATTEST:


Erika J. Ahlstrom, CMC, City Recorder



ORDINANCE 13-10

AN ORDINANCE AMENDING TITLE 11 SUBDIVISION REGULATIONS CHAPTER 4 IMPROVEMENT REQUIREMENTS

WHEREAS, the South Weber City Council established Title 11 Subdivision Regulations to establish a processes and procedures for new development; and

WHEREAS, the South Weber City Planning Commission held a public hearing on the 28th day of March 2013, and has made a favorable recommendation of amendments to the South Weber City Council; and

WHEREAS, the South Weber City Council held a public hearing on the 23rd day of April, 2013, and has reviewed the amendments and recommendations made by the Planning Commission;

NOW THEREFORE BE IT ORDAINED, by the Legislative Body of South Weber City as follows:

SECTION 1: The South Weber City Code shall be amended as follows:

SECTION 2: The South Weber City Code, Title 11 Subdivision Regulations, Chapter 4 Improvement Requirements, Section 4 Streets, Easements, and Numbers, Article B Width of Public Right of Way or Street, Item 3 Local Streets

Local Streets: Local service streets shall be no less than seventy feet (70') in width, except in some cases where the street is an extension of an existing narrower street or where neighborhood conditions warrant. In that case the minimum width, at the sole discretion of the city council, may be reduced to no less than sixty feet (60').

SECTION 4: This ordinance shall take effect upon posting.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of June, 2013.

ATTEST:


Erika J. Ahlstrom, CMC, City Recorder



CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that *Ordinance 13-10: An Ordinance Amending Title 11 Subdivision Regulations, Chapter 4 Improvement Requirements* was passed and adopted the 25 day of June, 2013, and certify that copies of the foregoing Ordinance 13-10 were posted in the following locations within the municipality this 26 day of June, 2013.

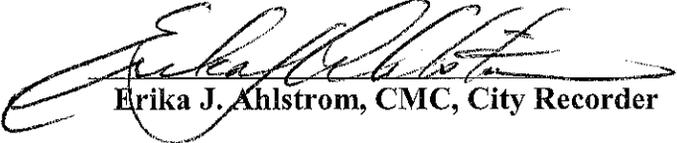
1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive
4. South Weber City website www.southwebercity.com
5. Utah Public Notice Website www.pnnm.utah.gov


Erika J. Ahlstrom, CMC, City Recorder

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that ***Ordinance 13-10: An Ordinance Amending Title 11 Subdivision Regulations, Chapter 4 Improvement Requirements*** was passed and adopted the 25 day of June, 2013, and certify that copies of the foregoing Ordinance 13-10 were posted in the following locations within the municipality this 26 day of June, 2013.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive
4. South Weber City website www.southwebercity.com
5. Utah Public Notice Website www.pmn.utah.gov


Erika J. Ahlstrom, CMC, City Recorder

**PROPOSED AMENDMENTS TO
SOUTH WEBER ZONING ORDINANCE**

June 16, 2015

It is proposed that the South Weber Zoning Ordinance be amended as follows:

10.5A.4 Building Lot Requirements:

- A. Density: There shall be no more than 2.80 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 2.80 building lots per acre or less.
- ~~1. In developments where road rights of way are a minimum of seventy feet (70'), where there is a mix of sixty foot (60') and seventy foot (70') road right of way widths or where it is not necessary to develop new roads, there shall be no more than 2.80 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 2.80 building lots per acre or less.~~
 - ~~2. In developments where road rights of way are a minimum of sixty feet (60'), there shall be no more than 2.60 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 2.60 building lots per acre or less.~~
 - ~~3. The use of seventy foot (70') wide road rights of way shall be the preferred standard, but the use of sixty foot (60') wide road rights of way may be approved by the city where the road is an extension of an existing sixty foot (60') wide right of way. (Ord. 09-08, 8-11-2009)~~

10.5B.4 Building Lot Requirements:

- A. Density: There shall be no more than 1.85 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.85 building lots per acre or less.

- ~~1. In developments where road rights of way are a minimum of seventy feet (70'), where there is a mix of sixty foot (60') and seventy foot (70') road right of way widths or where it is not necessary to develop new roads, there shall be no more than 1.85 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.85 building lots per acre or less.~~
- ~~2. In developments where road rights of way are a minimum of sixty feet (60'), there shall be no more than 1.75 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.75 building lots per acre or less.~~
- ~~3. The use of seventy foot (70') wide road rights of way shall be the preferred standard, but the use of sixty foot (60') wide road rights of way may be approved by the city where the road is an extension of an existing sixty foot (60') wide right of way. (Ord. 09-08, 8-11-2009)~~

10.5D.4 Building Lot Requirements:

A. Density: There shall be no more than 1.45 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.45 building lots per acre or less.

- ~~1. In developments where road rights of way are a minimum of seventy feet (70'), where there is a mix of sixty foot (60') and seventy foot (70') road right of way widths or where it is not necessary to develop new roads, there shall be no more than 1.45 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.45 building lots per acre or less.~~
- ~~2. In developments where road rights of way are a minimum of sixty feet (60'), there shall be no more than 1.35 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 1.35 building lots per acre or less.~~
- ~~3. The use of seventy foot (70') wide road rights of way shall be the preferred standard, but the use of sixty foot (60') wide road rights of way may be approved by the city where the road is an extension of an existing sixty foot (60') wide right of way. (Ord. 09-08, 8-11-2009)~~

10.5E.4 Building Lot Requirements:

- A. Density: There shall be no more than 0.90 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 0.90 building lots per acre or less.
- ~~1. In developments where road rights of way are a minimum of seventy feet (70'), where there is a mix of sixty foot (60') and seventy foot (70') road right of way widths or where it is not necessary to develop new roads; there shall be no more than 0.90 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 0.90 building lots per acre or less.~~
 - ~~2. In developments where road rights of way are a minimum of sixty feet (60'), there shall be no more than 0.85 building lots per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density so that the average is still 0.85 building lots per acre or less.~~
 - ~~3. The use of seventy foot (70') wide road rights of way shall be the preferred standard, but the use of sixty foot (60') wide road rights of way may be approved by the city where the road is an extension of an existing sixty foot (60') wide right of way. (Ord. 09-08, 8-11-2009)~~

**PETITION FORM FOR REQUEST FOR AMENDMENTS TO
SOUTH WEBER CITY ORDINANCE**

Petitioner Mike Bastian
Mailing Address 7721 S 1750 E
City, State, Zip South Weber, UT 84405
Phone No.: 801-645-6735 Fax No.: _____
Email Address mike@bastianrealestategroup.com

OFFICE USE ONLY
Application # <u>2015-01</u>
Fee \$ <u>300.00</u>
Receipt # <u>13.080731</u>
Date Received <u>05/06/15</u>
Land Use Ord: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

City Code section(s) proposed to be amended: 10-5D-3 and add Article L to 10-7

Write here or attach a description of proposed amendment(s): See Attached

In what way does the proposal recognize the City's General Plan? The proposal adds to the City's General Plan.

The Plan does not allow for any multi-family, except for a duplex or RH (i.e. townhomes, apartments).

Dated this 16 day of April, 2015.

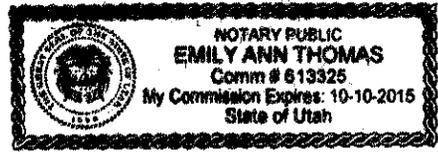
Michael C. Bastian
Petitioner's Signature

Petitioner's Signature

State of Utah)
County of Davis)

On the 16 day of April, 2015, personally appeared before me

Michael C. Bastian, the signer(s) of the above instrument who duly
acknowledged to me he executed the same.



Emily Ann Thomas
Notary Public
Residing at: South Weber, UT
My Commission Expires: 10-10-15

10.5D.3 Conditional Uses (Residential Low (RL) Zone)

Requesting to Add Item Q

Conditions for approval shall be determined by the planning commission or as otherwise provided in chapter 7 of this title.

- A. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
- B. Daycare centers and preschools, whether held within a residence or in a separate facility.
- C. Excavations of over two hundred (200) cubic yards, as allowed by section 10.06.020 of this title.
- D. Golf courses, public or privately owned, whether or not operated as a business
- E. Group home.
- F. Hobby kennels.
- G. Planned dwelling group with a maximum of two (2) dwellings.
- H. Planned unit developments (PUDs).
- I. Public buildings and public utility buildings.
- J. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
- K. Schools, public or privately owned.
- L. Service accessory use subject to the regulations set forth in chapter 7, article B of this title.
- M. Small wind energy systems.
- N. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
- O. Twin homes subject to regulations set forth in chapter 7, article C of this title.
- P. Two-family dwelling.
- Q. Four-family dwelling subject to regulations set forth in chapter 7, article L of this title.

10-7 Conditional Uses

Requesting to Add Article L

Article L Four-Plex

- 10.7L.1 Scope
- 10.7L.2 Conditions Required
- 10.7L.3 Building Standards And Special Conditions

10.7L.1 Scope

Four-plex buildings are allowed as an alternative to single-family detached dwellings as a conditional use in the R-L zone.

10.7L.2 Conditions Required

The planning commission or city council shall not approve a four-plex home unless the following conditions are met:

- A. Zone: The dwelling is located in an R-L zone.
- B. Acreage: The lot shall be at least 0.50 acres in size.
- C. Side Yards: Side yards shall be at least ten feet (10').

- D. Location:
1. The lot has frontage and access on a main arterial street such as 1900 E, 475 E, or South Weber Drive.
 2. The lot may also not be within one-half mile (2640 feet) radius from another four-plex development.
- E. Ownership: The building shall remain under one parcel number.
- F. Site Plan: The application shall be accompanied by a site plan showing buildings, landscaping, parking and any other information required by the planning commission or the city council.
1. The building(s) must face the arterial street.
 2. Approved UDOT access, for developments along State road(s).
 3. The building(s) must sit in one single line or row, no stacking of the buildings permitted.
 4. The building(s) may not be located behind an existing building.
 5. Outdoor storage of at least sixteen (16) square feet for each dwelling shall be provided.
 6. Parking shall include at minimum three (3) parking spaces, including a one-car garage for each unit.
 7. Landscaping shall be thirty percent (30%) of the subject property.
 8. A fence shall be required between the subject property and surrounding uses.
 9. The architectural plans, building elevations, and building materials shall be similar to that of the surrounding single-family residential structures.
 10. Maximum building height is thirty feet (30').

10.7L.3 Building Standards And Special Conditions

Dwellings shall meet all of the building codes of the city.

June 17, 2015

South Weber City Planning Commissioners:

As a way to better help facilitate the discussion regarding four-family dwellings, we are providing some additional background information. Before writing this ordinance, we researched surrounding communities and also met with City Staff to get feedback/input.

We found the following information in Layton City and Kaysville City and implemented the concepts/ideas in our proposed Code:

Layton City Info:

- City Code 19.02 Definitions, Defines Arterial Streets
- City Code 19.04.020, Item 17, Zoning Adjacent to Arterial Streets
- City Code 19.04.020, E, Purpose of Zoning Districts
 - Specifies location of multi-family attached dwellings and high density developments to be located adjacent to arterial streets
- Layton City West End General Plan
 - Recommends allowing densities up 4-8 units per acre along arterial streets as a way to create a buffer between arterial streets and single family developments
 - Recommends creating a buffer area along arterial streets

Kaysville City Info:

- City Code 17.12.4, Item 9
 - Provides language for distance between duplexes

We have also tried to incorporate everything related to this type of building into the proposed language.

The goal of our meeting is to **find a solution** to the identified problem of available zoning between RM (maximum of 2.8 units/acre) and RH (maximum of 13 units/acre). Our intent is NOT to single out or make this discussion property specific, but rather improve the existing code.

I look forward to meeting with you.

Best Regards,



Mike Bastian

"Solid Waste": Any discarded material that does not flow under stress.

"Specialty Food Shop": A retail food store specializing in a certain food category. Examples would include: bakeries, butcher shops, confectioneries, delicatessens, health food stores, and import shop.

"Stable, Private": A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Stable, Public": A stable other than a private stable.

"Storage, Above Ground Fuel": The keeping of a tank partly or wholly above ground, that has a capacity over one thousand two hundred (1,200) gallons.

"Storage, Outdoor": The keeping of any personal property, equipment, materials, products, junk, trash, or building materials that is not entirely contained within a structure that is completely enclosed by walls and a roof.

"Story": That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or next ceiling above.

"Story, Half": A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (?) of the floor immediately below it.

"Streets, Arterial, Major, and Minor": A street which serves the major movement of traffic in Layton City, connecting to high-use areas and limited-access highways such as I-15 and Highway 89. For purposes of this Title, the following have been identified as arterial streets:

Hill Field Road (from the south gate of Hill Field to 3700 West)

Fairfield Road

Church Street (Fairfield to State Road 193)

Main Street (State Road 126)

3000 North (State Road 193)

Gentile/Oak Hills (State Road 109)

Antelope Drive (State Road 108)

Gordon Avenue (1000 N., 400 W to Highway 89)

Fort Lane (400 E., Main Street to Gordon Avenue)

Lakeshore Boulevard (750 South)

office of the Davis County Recorder or on any lot held under separate ownership from adjacent property and of record on the effective date of these regulations, which is May 5, 1983, and such lot having a smaller width than required in the zoning district in which it is located, each side setback and the total side setback requirements shall be not less than the same percentage of the width of the lot as the required setback would be of the required width of the lot, provided that on corner lots, no side setback shall be permitted which is less than four feet (4'), and on inside lots the side setback shall be not less than four feet (4') on one side and ten feet (10') on the other. All fractions of a foot resulting from the calculation required shall be resolved to the closest one-half foot ('). The side yard on a street shall not be reduced to less than twenty feet (20').

(b) The side setback of a proposed addition to a building, which is nonconforming with respect to side setback, may be the same as the existing side setback of the original building at the adjoining walls, provided that such setback shall be not less than four feet (4'), and further provided that such addition shall not extend the depth of the building, existing on the effective date of the regulations codified herein which is May 5, 1983, more than fifty percent (50%). Any enlargement made in excess of the above shall maintain the side setback required for new buildings in the zone in which it is located.

(c) **Side yard limitations.** Access to the rear yard must be preserved through at least one (1) side yard.

(15) **Lot, inside gore-shaped:** Where such lot is a gore-shaped lot, and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half (1/2) of the minimum required lot width, the rear lot line shall be construed to be an imaginary straight line crossing the centerline of the lot, at right angles, which is one-half (1/2) of the required lot width in length. (See Diagram A-3.)

(a) **Lot, corner classified as gore:** For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore-shaped inside lot in which case the interior lines of same shall be designated as side lot lines and the rear lot line shall be determined the same as required for any inside lot. (See Diagram A-3.)

(16) **Averaging of lot sizes in the "R-S" zoning district.**

The minimum required size of lots and widths of frontages in residential subdivisions located in the "R-S" zoning district may be reduced subject to the following conditions:

- (a) A parcel must be at least 3.0 acres in size to qualify as a lot averaged subdivision;
- (b) Subdivision shall be subject to the normal subdivision review and approval process;
- (c) The density of the lot averaged subdivision in the "R-S" zoning district shall not exceed 2.20 units per acre;
- (d) In no case shall any lot contain less than ten thousand (10,000) square feet of land area;
- (e) The average lot width shall be no less than ninety feet (90');
- (f) The minimum lot width shall not be less than eighty feet (80');
- (g) The average lot frontage shall not be less than seventy feet (70');
- (h) The minimum lot frontage shall not be less than sixty feet (60');
- (i) Lots reserved for institutional uses shall be excluded from the calculation to figure units per acre, average lot size, width, and frontage;
- (j) The side yard setback on a corner lot may be reduced to twenty-five feet (25');
- (k) Lots twenty thousand (20,000) square feet in size or larger in a lot averaged subdivision should be clustered together for the purpose of keeping farm animals. Lots twenty thousand (20,000) square feet or larger may be integrated into a lot averaged subdivision subject to a development agreement preventing the keeping of farm animals.

(17) **Averaging of lot sizes in the "R-S" zoning district adjacent to arterial streets.**

(a) Where a lot-averaged subdivision is developed in the "R-S" zoning district adjacent to an arterial street (as identified on the Layton City Master Street Plan Map), the density of the area within three hundred feet (300') of the arterial street may be increased to a maximum of three (3) dwelling units per acre. The remainder of the lot-averaged subdivision shall be developed at a maximum density of 2.2 units per acre.

(b) Lot area, setbacks, and frontage requirements in this area are the same as outlined in Subsection 19.05.030(16) except that the front yard setback may be reduced to twenty-five feet (25') for lots where any portion of the lot is within three hundred feet (300') of the arterial street.

C-TH	Condominium/Townhouse
C-H	Planned Highway Commercial
M-1	Light Manufacturing/Industrial
M-2	Heavy Manufacturing/Industrial
MU-TOD	Mixed-Use Transit Oriented Development

19.04.020 – Purpose of zoning districts

In addition to the general purposes of this Title identified in Section 19.01.040, the various zoning districts each serve a more specific individual purpose, as described below:

(1) The "A" (agricultural) zoning district is established to provide areas for agricultural and related uses, along with very low density residential uses. This designation shall be applied to land with appropriate topographic conditions, where the intrusion of urban uses would be inappropriate or untimely, due to lack or need of urban services and facilities.

(2) The "R" (residential) zoning districts are created to provide for a range of densities which will reflect the diverse needs and desires of the people of Layton City. These zoning districts shall also allow for other compatible uses which may complement the primarily residential function of the district, under certain conditions. Basic urban services and utilities should be available in all of these zoning districts; however, some R-S zoning districts may not meet this standard:

(a) The "R-S" zoning district is intended to provide area for very low density, suburban-type uses. It may, provided adequate lot area exists, include farm animals.

(b) The "R-1" zoning district is intended to provide areas for single family attached and detached dwellings of a low density.

(c) The "R-2" zoning district is intended to provide areas for low density single family detached and attached dwellings and two-family dwellings.

(d) The "R-MH" zoning district is intended to provide areas for mobile home parks and mobile home subdivisions to develop at a low density. Because of the required size of these developments, they should be located adjacent to an arterial or collector street.

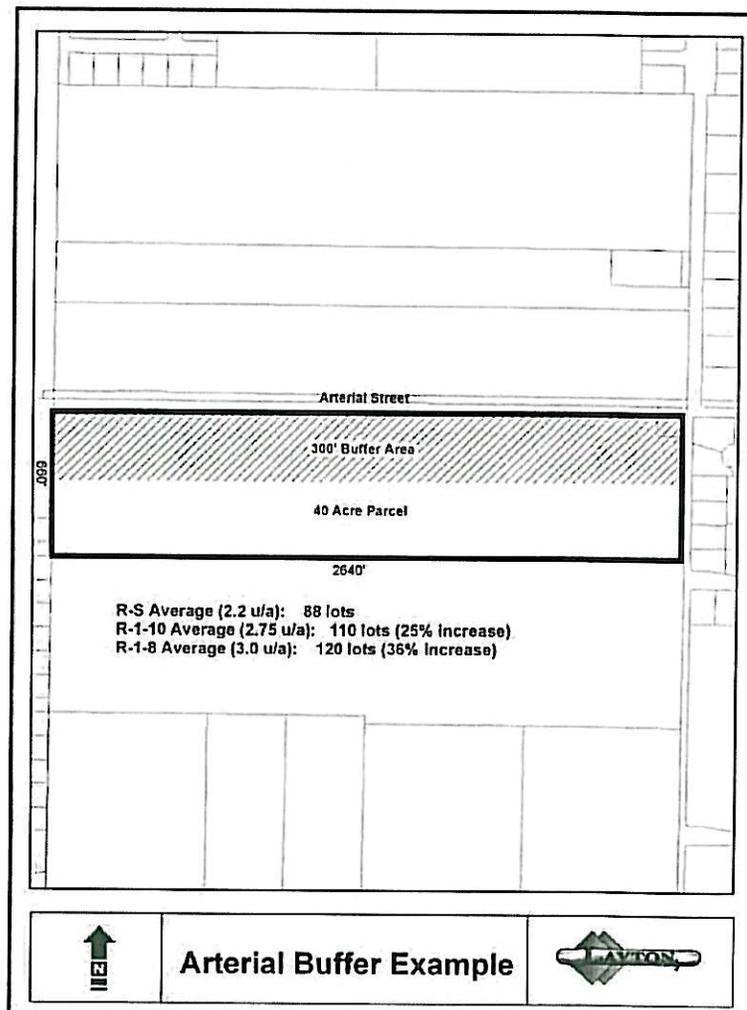
(e) The "R-M" zoning districts are intended to provide areas for multi-family attached dwellings at medium to high-medium densities. Single family dwellings are also allowed in these zoning districts. These zoning districts shall be located adjacent arterial streets and, in some circumstances, major collector streets.

(f) The "R-H" zoning district is intended to provide areas for high density, multi-family residential dwellings. Single family dwellings are also allowed in these zoning districts. These zoning districts shall be located adjacent to arterial streets.

(3) The "B-RP" (business and research park) zoning district is intended to be an attractive environment for offices, research facilities, and environmentally appropriate assembly uses as well as appropriate amenities supporting employee activity. Uses receiving site plan approval for this zoning district

Recommendations for Single Family Residential Transitions along Arterial Streets

1. The City should consider an alternative which could include a provision to allow densities up to 3 - 4 dwelling units per acre single-family residential in buffer/transition area along arterial streets. 3 - 4 units per acre typically translates into 8,000 - 10,000 square foot lots. Residential densities of 4 - 8 units per acre along arterial streets could be an alternative closer to the intersection of two arterial streets or the intersection of an arterial and a collector street.
2. If a developer chooses to develop at densities up to 3 - 4 dwelling units per acre in buffer/transition areas, a development agreement should be required that includes a sketch/concept plan. The plan and agreement should include a general layout of lots, lot sizes, and streets. The agreement could also be tied to the CC&Rs for the subdivision and specify that the smaller lots have a minimum size home and some architectural control.
3. This alternative provision to allow smaller lots (8,000 - 10,000 s.f.) as a density transition along arterial streets could be incorporated into the existing "lot averaging" provisions for the R-S zone.



CHAPTER 12

R-1 – SINGLE-FAMILY RESIDENTIAL DISTRICT

17-12-1	Purpose
17-12-2	Site Plan Review
17-12-3	Permitted Uses
17-12-4	Conditional Uses
17-12-5	Height Regulations
17-12-6	Area, Lot Width, and Yard Requirements

17-12-1 Purpose. To provide for areas in appropriate locations where quiet, low-density residential neighborhoods may be established, maintained, and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, most of whom will have children. To this end, the regulations permit the establishment of single-family dwellings and also permit, with proper controls, those public and quasi-public activities such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be adverse to such a residential environment.

17-12-2 Site Plan Review. Conditional uses in an R-1 Zone District, except for temporary buildings and temporary offices and the keeping of farm animals, shall be subject to a site plan review as specified in Chapter 18-4. On a case-by-case basis, the Commission may also require temporary buildings and temporary offices to obtain site plan approval.

17-12-3 Permitted Uses. (1) Agriculture.

(2) Single-family dwellings.

(3) Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.

(4) Minor home occupations subject to the provisions of Chapter 17-26.

(5) Two household pets per dwelling unit.

(6) Private swimming pools subject to the provisions of Section 17-31-9.

(7) Accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of Section 17-31-2.

17-12-4 Conditional Uses. Compliance with standards shall be determined by the Planning Commission by reference to Chapter 17-30.

(1) Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.

(2) Major home occupations A and B subject to the provisions of Chapter 17-26.

(3) Residential child care subject to the provisions of Chapter 17-26.

(4) Temporary buildings for uses incidental to construction work subject to the provisions of Section 17-30-7, which buildings must be removed upon the completion or abandonment of the construction.

(5) Temporary tract offices and development signs subject to the provisions of Section 17-30-7 and Chapter 17-33.

(6) Public utility substations subject to the provisions of Section 17-31-15.

(7) Farm animals subject to the provisions of Chapter 17-24.

(8) Swimming clubs subject to the provisions of Section 17-31-10.

(9) Two-family dwellings. Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.

(10) Twin homes subject to the provisions of Chapter 17-28. Must also be permitted as two-family dwellings.

17-12-5 Height Regulations. (1) No building shall exceed thirty feet (30') in height, except as provided in Section 17-25-2.

(2) No accessory building shall exceed fifteen feet (15') in height, except as provided in Section 17-25-2 and Section 17-31-2.

(3) No main building shall be less than ten feet (10') in height, and no accessory building less than six feet (6') in height.

17-12-6 Area, Lot Width, and Yard Requirements. The following minimum requirements shall be observed except where increased for conditional uses.

(1) The lot area shall not be less than that indicated below for the sub-zone district in which the lot is situated:

R-1-20	20,000 square feet
R-1-14	14,000 square feet
R-1-LD	12,000 square feet
R-1-10	10,000 square feet
R-1-8	8,000 square feet

(2) The minimum width of any lot for a main building, measured at a distance thirty feet (30') back from the front lot line, shall be that indicated below for the sub-zone district in which the lot is situated:

R-1-20	90 feet
R-1-14	90 feet
R-1-LD	90 feet
R-1-10	80 feet
R-1-8	60 feet

(3) The front yard for any building shall be at least that indicated below for the sub-zone district in which the lot is situated:

R-1-20	30 feet
R-1-14	30 feet
R-1-LD	30 feet
R-1-10	30 feet
R-1-8	25 feet

(4) The side yard for any dwelling shall be not less than eight feet (8') and the total width of the two (2) required side yards shall be not less than sixteen feet (16').

(5) Other main buildings shall have a side yard of not less than twenty feet (20') and the total width of the two (2) required side yards shall be not less than forty feet (40').

(6) On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.

(7) The minimum rear yard for any main building shall be fifteen feet (15').

(8) In the R-1-LD sub-zone district, the total number of residential units within the subdivision shall not exceed two (2) per acre within the subdivision. The number of units allowed is determined by multiplying the area in acres of all the land within the subdivision by two (2). The resulting whole number is the number of units allowed.

10.5D.3 Conditional Uses (Residential Low (RL) Zone)

Requesting to Add Item Q

Conditions for approval shall be determined by the planning commission or as otherwise provided in chapter 7 of this title.

- A. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
- B. Daycare centers and preschools, whether held within a residence or in a separate facility.
- C. Excavations of over two hundred (200) cubic yards, as allowed by section 10.06.020 of this title.
- D. Golf courses, public or privately owned, whether or not operated as a business
- E. Group home.
- F. Hobby kennels.
- G. Planned dwelling group with a maximum of two (2) dwellings.
- H. Planned unit developments (PUDs).
- I. Public buildings and public utility buildings.
- J. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
- K. Schools, public or privately owned.
- L. Service accessory use subject to the regulations set forth in chapter 7, article B of this title.
- M. Small wind energy systems.
- N. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
- O. Twin homes subject to regulations set forth in chapter 7, article C of this title.
- P. Two-family dwelling.
- Q. Four-family dwelling subject to regulations set forth in chapter 7, article L of this title.

10-7 Conditional Uses

Requesting to Add Article L

Article L Four-Plex

- 10.7L.1 Scope
- 10.7L.2 Conditions Required
- 10.7L.3 Building Standards And Special Conditions

10.7L.1 Scope

Four-plex buildings are allowed as an alternative to single-family detached dwellings as a conditional use in the R-L zone.

10.7L.2 Conditions Required

The planning commission or city council shall not approve a four-plex home unless the following conditions are met:

- A. Zone: The dwelling is located in an R-L zone.
- B. Acreage: The lot shall be at least 0.50 acres in size.
- C. Side Yards: Side yards shall be at least ten feet (10').

D. Location:

1. The lot has frontage and access on a main arterial street such as 1900 E, 475 E, or South Weber Drive.
2. The lot may also not be within one-half mile (2640 feet) radius from another four-plex development.

E. Ownership: The building shall remain under one parcel number.

F. Site Plan: The application shall be accompanied by a site plan showing buildings, landscaping, parking and any other information required by the planning commission or the city council.

1. The building(s) must face the arterial street.
2. Approved UDOT access, for developments along State road(s).
3. The building(s) must sit in one single line or row, no stacking of the buildings permitted.
4. The building(s) may not be located behind an existing building.
5. Outdoor storage of at least sixteen (16) square feet for each dwelling shall be provided.
6. Parking shall include at minimum three (3) parking spaces, including a one-car garage for each unit.
7. Landscaping shall be thirty percent (30%) of the subject property.
8. A fence shall be required between the subject property and surrounding uses.
9. The architectural plans, building elevations, and building materials shall be similar to that of the surrounding single-family residential structures.
10. Maximum building height is thirty feet (30').

10.7L.3 Building Standards And Special Conditions

Dwellings shall meet all of the building codes of the city.