

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Debbie McKean
Mark Preece

550 North 800 West
West Bountiful, Utah 84087

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

City Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

PLANNING COMMISSION MEETING

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING ON TUESDAY, **JUNE 23, 2015**
AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Discuss General Zoning.
3. Discuss Flag Lots.
4. Annual Open Meeting Training.
5. Staff Report.
6. Consider Approval of May 12, 2015 Meeting Minutes.
7. Adjournment.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **June 23, 2015**.*

Chapter 17.16 AGRICULTURAL DISTRICT A-1

Sections:

17.16.010 Purpose.

17.16.020 Permitted uses.

17.16.030 Conditional uses.

17.16.040 Area and frontage regulations.

17.16.045 Every dwelling to be on a lot – exceptions.

17.16.050 Yard regulations.

17.16.055 Lots and dwellings fronting on private streets – special provisions.

17.16.060 Height regulations.

17.16.070 Density.

17.16.080 Farm animal regulations.

17.16.090 Reserved.

17.16.100 Fence requirements.

17.16.010 Purpose.

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

17.16.020 Permitted uses.

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

- A. Agriculture;
- B. Farm Animals, (see Section 17.16.080);
- C. Home Occupations (pursuant to Chapter 5.28);
- D. Single family dwellings; and
- E. Residential facilities for person with disability.

17.16.030 Conditional Uses.

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

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery;
- D. Flag lots;
- E. Natural resource extraction;
- F. Planned unit development (PUD);
- G. Residential facility for elderly persons;
- H. Kennels;
- I. Residential facility for a disabled family member;
- J. Restricted Lots (see definitions, Section 17.04.030); and
- K. Accessory Dwelling Units (ADU).

17.16.040 Area and frontage regulations.

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

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. The minimum lot width shall be eighty-five (85) feet;
- C. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

Chapter 17.20 RESIDENTIAL DISTRICT R-1-22

Sections:

17.20.010 Purpose.

17.20.020 Permitted Uses.

17.20.030 Conditional Uses.

17.20.040 Area, width and frontage regulations.

17.20.045 Every dwelling to be on a lot – exceptions.

17.20.050 Yard regulations.

17.20.055 Lots and dwellings fronting on private streets– special provisions.

17.20.060 Height regulations.

17.20.070 Density.

17.20.080 Farm animal regulations.

17.20.090 Reserved.

17.20.100 Fence requirements.

17.20.010 Purpose.

The residential district R-1-22 is established to provide for very low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. The regulations are intended to preserve and enhance residential character and lifestyle

17.20.020 Permitted uses.

The following uses are permitted in the residential district R-1-22:

- A. Agricultural;

- B. Single-family dwellings;
- C. Home Occupations (pursuant to Chapter 5.28);
- D. Farm animals (see Section 17.20.080); and
- E. Residential facility for persons with a disability.

17.20.030 Conditional uses.

The following uses are conditional in the residential district R-1-22:

- A. Child day care or nursery;
- B. Flag lot;
- C. Planned unit development;
- D. Public, quasi-public uses;
- E. Residential facility for elderly persons (Ord. 251-98).
- F. Accessory Dwelling Units (ADU); and
- G. Restricted lots (see Definitions - Section 17.04.030).

17.20.040 Area, width and frontage regulations.

The following area width and frontage regulations apply in the residential district R-1-22:

- A. Minimum residential lot size shall be one-half acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet;
- C. Minimum lot frontage shall be fifty (50) feet.
- D. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet..

Chapter 17.24 RESIDENTIAL DISTRICT, R-1-10

Sections:

17.24.010 Purpose.

17.24.020 Permitted uses.

17.24.030 Conditional uses.

17.24.040 Area, width and frontage regulations.

17.24.045 Every dwelling to be on a lot – exceptions.

17.24.050 Yard regulations.

17.24.055 Lots and dwellings fronting on private streets – special provisions.

17.24.060 Height regulations.

17.24.070 Density.

17.24.080 Farm animal regulations.

17.24.090 Reserved.

17.24.100 Fence Requirements.

17.24.110 Historical Overlay District (Ord. 348-12)

17.24.010 Purpose.

The residential district R-1-10 is established to provide for low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi- public activities that will serve the needs of families. These regulations are intended to preserve and enhance residential character and lifestyle.

17.24.020 Permitted uses.

The following uses are permitted in the residential district R-1-10:

- A. Single Family Dwellings;
- B. Farm animals, (see section 17.24.080);
- C. Residential facility for person with a disability. (Ord.251-98 (part)); and
- D. Home Occupations (pursuant to Chapter 5.28).

17.24.030 Conditional uses.

The following uses are conditional in the residential district R-1-10:

- A. Planned unit developments.
- B. Public, quasi-public uses.
- C. Residential facility for elderly persons.
- D. Accessory Dwelling Units (ADU).
- E. Restricted lots, (see Definitions (Section 17.04.030)).
- F. Flag Lots. (Ord. 337-11)
- G. Child day care or nursery (Ord. 340-12)

17.24.040 Area, width and frontage regulations.

The following area, width and frontage regulations apply in the residential district R-1-10:

- A. Minimum residential lot size shall be ten thousand (10,000) square feet;
- B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet;
- C. Minimum lot frontage shall be forty-five (45) feet.
- D. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

Chapter 17.26 BLENDED USE DISTRICT, B-U

Sections:

- 17.26.010 Purpose.
- 17.26.020 Application.
- 17.26.030 Uses within Blended Use (B-U) Zone.
- 17.26.040 General Development Standards.
- 17.26.050 Project Master Plan Requirements.
- 17.26.060 Blended Use Application and Review Procedure.
- 17.26.070 Development Agreement Requirements.

17.26.010 Purpose.

The purpose of the blended use (B-U) zone is to encourage vibrant, active centers through a variety of uses in a pedestrian, equestrian, and bicycle friendly environment and to promote architectural quality in building designs. Developments in the B-U zone shall focus on connecting to and extending the Legacy trail system and other city trail features. Additionally, developments in this zone shall ensure vibrant, quality projects that adequately buffer the traditional rural uses in the B-U zone and areas adjacent to the zone. The scale and intensity of a blended use development may vary depending on location, types of proposed uses and development theme.

The blended use development standards allow for the development or redevelopment of land in a manner that requires projects to be designed and planned to provide a suitable blend of residential, commercial, office, entertainment, recreation, technology based enterprises, open space, and other types of uses that create a quality design. Examples include an independent film production studio and related back lot operations, a distinctive retail destination with unique design plans, and a campus-type headquarters for a major and respected corporation. These examples are by way of illustration only and are not intended to exclude other projects that will satisfy the purposes of the B-U zone.

17.26.020 Application.

- A. The blended use zone regulations apply to:
 - 1. All property within the blended use (B-U) designation of the West Bountiful City zoning map; and
 - 2. Any approved redevelopment/community development district within the B-U zone.
- B. Projects in the B-U zone may incorporate blended uses in a vertical or horizontal manner. Vertical projects incorporate different land use types within the same building (e.g., office, retail, and commercial). Horizontal projects incorporate different land uses within adjacent buildings or areas on the same site. Both types of blended use in a project are encouraged.

17.26.030 Uses Within Blended Use (B-U) Zone.

- A. The variety of uses allowed in the B-U zone are intended to create a blend of commercial, entertainment, office, independent film production studio and related back lot operations, distinctive retail destination with unique design plans, campus-type headquarters for major corporations, personal services, and residential dwelling land use types that can be developed in a compact design that encourages compatibility of uses. Each B-U zone application may have a different theme, identified in the approval process, that establishes the type of blended uses proposed. For redevelopment and community development districts this is identified in the associated development agreement. In addition, each project submitted for approval in this zone will be designed to be compatible with other adjacent or nearby projects so that the entire B-U zone, once fully developed, appears to have been seamlessly planned as one overall development, and the entire B-U zone follows a theme and pattern of development consistent with the overall purposes of this ordinance.

A key component of this zone is the requirement of a realistic blend of land use types, such as commercial, office, personal services, entertainment, recreational, and residential. A blended use development is required to have at least three (3) different land use types, unless the planning commission and city council for good cause approve fewer uses in the development and the development is otherwise consistent with this chapter. Developments in the B-U zone are expected to maintain an adequate balance of all uses within the project area, unless otherwise approved by the planning commission and city council. The permitted uses of the B-U zone shall be the uses specified in Section 17.26.030.D, as incorporated in a development that is finally approved under the processes set forth in this chapter.

- E. Developments in the B-U zone must be sensitive to the following specific blended use standards:
1. All projects in the B-U zone are required to respect the traditional character of development patterns of West Bountiful City. As such, any project in the northern portion of the B-U zone may incorporate and blend only single family detached residential dwellings, equestrian centers and associated facilities, parks and park amenities, trails and related trail amenities, open spaces, and other facilities that will enhance the rural character of this area within the B-U zone. Any project in the southern portion of the B-U zone may blend permitted uses such as: commercial, entertainment, office, independent film production studio and related back lot operations, distinctive retail destinations with unique design plans, campus-type headquarters for major corporations, and personal services. Projects in this portion of the zone shall be developed in a way that appropriately buffers residential areas located to the north and east of this area. The Davis County A-1 Canal, as it runs through the B-U zone as of the enactment of this chapter, and the same alignment in the event the A-1 Canal is removed or realigned, will serve as the general line of demarcation between the southern and northern portions of this zone. Any planned project located within 300

feet of the A-1 Canal will be required to blend the appropriate residential, commercial, entertainment, office, campus-type uses, personal services, parks and park amenities, trails and related trail amenities, and open space in such a way that tapers densities and sufficiently transitions the respective uses of the southern and northern portions of the zone.

2. Projects in the B-U zone are encouraged to establish amenities that protect and enhance the equestrian center and associated facilities located in the northern portion of this zone.
 3. Projects in the B-U zone are encouraged to establish open space, recreational facilities, and trails or provide amenities that enhance existing city parks and trails.
 4. Projects in the B-U zone are encouraged to establish amenities that enhance the Lakeside Golf Course as an area attraction.
- C. The B-U zone is a unique blend of uses with no one land use type being a constant, dominant or prevailing use. Since the land uses allowed are determined by the project development plan and development agreement, with land uses dependent upon location and the type of project being developed within the B-U zone, this zone shall not be considered a commercial or a manufacturing zone for the purpose of off premise signage location under state law.
- D. The following uses shall be permitted for blended use zone projects, subject to approval as required in this chapter:**

1. Dining:
 - a. Restaurants (sit-down restaurants, but not fast food establishments);
 - b. Specialty food or drink businesses with a maximum of two thousand (2,000) square feet of floor area.
2. Personal services:

Limited to hairdresser, barber, manicurist, tanning salon, and any other service expressly determined by the city council to be needed in the B-U area upon a finding of good cause.
3. Professional or business office:

Building footprint square footage limited to fifty thousand (50,000) square feet, except as otherwise approved by the planning commission and city council upon a finding of good cause.
4. Research, business park, and campus facility use:
 - a. General product research or development businesses and product assembly; provided there is no outdoor storage of materials or product, and the use does not produce odors or create noise audible from the exterior of the building.

8. Motor vehicle repair, service, warehousing, salvage, or storage (whether indoor or outdoor).
9. Private clubs/taverns/cabarets.
10. Recycling centers/recycling collection areas.
11. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title.
12. Correctional facilities or facilities with similar uses.
13. Sexually oriented businesses.
14. Single retail unit space over seventy-five thousand (75,000) square feet, except as otherwise approved by the planning commission and city council upon a finding of good cause.
15. Shipping centers or other freight-oriented hubs.
16. Warehousing as a primary use.
17. Any use not specifically listed in this section as a permitted use in the B-U zone.

Chapter 17.28 NEIGHBORHOOD COMMERCIAL DISTRICT, C-N

Sections:

17.28.010 Purpose.

17.28.020 Permitted uses.

17.28.030 Conditional uses.

17.28.035 Prohibited Uses.

17.28.040 Area and frontage regulations.

17.28.050 Yard regulations.

17.28.060 Height regulations.

17.28.070 Off-street parking.

17.28.080 Development standards.

17.28.010 Purpose.

The C-N neighborhood commercial district is intended to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents in a manner which will minimize any hazard or nuisance to adjacent residential areas. (Prior code § 9-10-1)

17.28.020 Permitted uses.

The following uses are permitted in the C-N neighborhood commercial districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning pickup station;
- D. General merchandise sales (retail and wholesale) less than two thousand (2,000) square feet;
- E. Offices, business or professional;
- F. Personal services;

- G. Public and quasi-public institutions;
- H. Convenience store, less than two thousand (2,000) square feet;
- I. Learning studios such as karate, dance, gymnastics;
- J. Real estate and/or insurance offices;
- K. Computers: software and hardware, sales and service;
- L. Office machine: sales and service;
- M. Ceramic business; and
- N. Carpet cleaning. (Prior code § 9-10-2)

17.28.030 Conditional uses.

The following uses are conditional in the C-N neighborhood commercial districts:

- A. Reception center, meeting hall;
- B. Restaurants, cafeterias and fast food eating establishments;
- C. Banking and financial services;
- D. Custom woodworking (as approved by fire marshal)
- E. Sheet metal;
- F. Contractor: general, electrical, mechanical and plumbing, etc.
- G. Printing and publishing;
- H. Silkscreening;
- I. Lawn and yard care;
- J. Residential healthcare facility; and
- K. Business and uses which are similar to those listed in this section and Section 17.28.020 and other small businesses determined suitable for a neighborhood environment by the planning commission. (Ord. 253-98 (part); prior code § 9-10-3)

17.28.035 Prohibited uses.

The following uses are prohibited in the C-N neighborhood commercial district:

- A. Retail tobacco specialty businesses;
- B. Retail e-cigarette specialty businesses; and
- C. Sexually oriented businesses.

Chapter 17.30 LEGACY OVERLAY DISTRICT, L-O

Sections:

- 17.30.010 Purpose
- 17.30.020 Conflicts
- 17.30.030 Permitted and Conditional Uses
- 17.30.040 Density
- 17.30.050 Design Guidelines

17.30.010 Purpose

The purposes of the Legacy Overlay District are to:

- A. Provide overlay standards for development of areas in proximity to the Legacy Highway Interchange, and the connecting transportation corridors along 500 South and Redwood Road, that will encourage the creation of an architecturally unique and vibrant blended use district reflective of West Bountiful's unique geographic location and will interface with the natural shoreland environment surrounding the Legacy Parkway and the Great Salt Lake;
- B. Provide for development standards for more intense regional and community uses as one approaches the Legacy Intersection (500 South and Redwood Road) which decrease in intensity as one moves away from the Intersection. Developments in this district will also incorporate a mixture of compatible blended uses in close proximity to one another to provide an appropriate blend of retail, commercial, personal services, office, residential, entertainment and recreational facilities, technology based enterprises, and dining uses; and to facilitate safe, attractive, and convenient pedestrian circulation and minimize conflicts between pedestrians, equestrian uses, and vehicles;
- C. Provide open spaces, connections, and integrated landscaping, furnishings and lighting to encourage and promote the creation of destination centers as well as an integrated, traffic- and pedestrian-friendly development design;
- D. Provide design flexibility and efficiency in land use and the siting of buildings, services and infrastructure, including the opportunity to increase building height and/or density and reduce pavement areas where appropriate;
- E. Facilitate vehicle traffic in and out of the Blended Use and Agricultural Districts from major roadways while preserving the pedestrian-friendly character of these districts by establishing convenient and logical vehicular circulation paths with properly spaced and signalized intersections; and create attractive streetscapes that facilitate vehicular and pedestrian travel while maintaining thoroughfare separation from the pedestrian zones.
- F. Enable the City to identify certain Development Standards that must be applied to projects within the Legacy Overlay District, including those covered by a development agreement, while providing flexibility for projects covered by a development agreement to vary certain other Development Standards that otherwise would be applicable where sufficient justification or

consideration is given to alter generally applicable standards and where the overall purposes of the underlying Blended Use and Agricultural Districts are achieved.

17.30.020 Conflicts

Except as provided in Section 17.30.040, the general development standards of the Blended Use District (Section 17.26.040) shall govern to the extent they conflict with the provisions of this Chapter; otherwise, the provisions of this Chapter shall govern in the event of a conflict between this Chapter and other provisions of the Zoning Ordinance (Title 17 of the Municipal Code).

17.30.030 Legacy Overlay District: Permitted and Conditional Uses

Permitted and Conditional Uses are those established for the underlying zoning district under Chapter 17.26 Blended Use District (B-U) or Chapter 17.16 Agricultural District (A-1) of the Municipal Code.

17.30.040 Density

Notwithstanding any provision of Chapter 17.26 (Blended Use District) to the contrary, development density of office, retail, or service uses in the Legacy Overlay District shall be governed by the floor area-to-land ratio (FAR, which is the net constructed floor area of all floors of a structure as a ratio to the overall land area of the parcel on which it is constructed). Parking structures shall not be included in the FAR calculation. The FAR is limited to a maximum of 0.6 (60%) in the Legacy Overlay District. Density calculations may be averaged over an entire parcel, including any areas otherwise un-buildable, provided that compensating areas of open space, outdoor play or sitting areas, trails, and/or community facilities are provided.

Chapter 17.32 GENERAL COMMERCIAL DISTRICT, C-G

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Conditional uses.

17.32.035 Prohibited uses.

17.32.040 Area and frontage regulations.

17.32.050 Yard regulations.

17.32.060 Height regulations

17.32.070 Off-street parking.

17.32.080 Development standards.

17.32.090 Location of gasoline pumps.

17.32.010 Purpose.

The C-G general commercial district is intended to provide areas in appropriate locations where a combination of business, commercial, entertainment and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life and provide commercial services to the community. (Prior code § 9-11-1)

17.32.020 Permitted uses.

The following uses are permitted in C-G general commercial districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning;
- D. General merchandise sales;
- E. Offices, business and professional;

- F. Personal services;
- G. Public and quasi-public institutions;
- H. Convenience store;
- I. Banking and financial services;
- J. Restaurants, cafeterias and fast food eating establishments;(Prior code § 9-11-2)

17.32.030 Conditional uses.

The following uses are conditional in C-G general commercial districts:

- A. Liquor, retail, package store;
- B. Drinking places (alcoholic beverages);
- C. Residential health care facility;
- D. Reception center, meeting hall;
- E. Motor vehicle sales and service (excluding auto body repair);
- F. Grocery store;
- G. Lumber and other building material, retail sales;
- H. Marine and aircraft retail sales, and accessories;
- I. Theaters;
- J. Commercial schools;
- K. Hospitals and medical service facilities;
- L. Hotel, Motel and extended stay facilities; and
- M. Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission. (Ord. 253-98 (part): prior code § 9-11-3)

17.32.035 Prohibited uses.

The following uses are prohibited in the C-G commercial general district:

- A. Retail tobacco specialty businesses;
- B. Retail e-cigarette specialty businesses; and
- C. Sexually oriented businesses.

Chapter 17.34 HIGHWAY COMMERCIAL DISTRICT, C-H

(Ord. 333-11, approved 10/04/2011)

Sections:

17.34.010 Purpose.

17.34.020 Permitted uses.

17.34.030 Conditional uses.

17.34.040 Prohibited uses.

17.34.050 Area and frontage regulations.

17.34.060 Yard regulations.

17.34.070 Height regulations.

17.34.080 Off-street parking.

17.34.090 Development standards.

17.34.100 Location of gasoline pumps.

17.34.010 Purpose.

The highway commercial (C-H) district is intended to provide areas in appropriate locations where a combination of business, construction related and other commercial activities may be established, maintained and protected. Regulations of this district are designed to provide a safe and suitable environment for those commercial uses that provide service to the surrounding community.

17.34.020 Permitted uses.

The following uses are permitted in the C-H highway commercial district:

- A. Appliance and small equipment repair;
- B. Lawn and yard Care;
- C. Printing and publishing;
- D. Offices, business and professional;
- E. Silk-screening;

- F. Public and quasi-public facilities not prohibited in Section 17.34.040;
- G. Convenience store;
- H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; and
- I. Indoor storage units.

17.34.030 Conditional uses.

The following uses are conditional in the C-H highway commercial district:

- A. Liquor, retail, package store;
- B. Drinking places with alcoholic beverages;
- C. Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;
- D. Reception center, meeting hall;
- E. Marine and aircraft retail sales and accessories;
- F. Lumber and other building materials retail sales;
- G. Custom woodworking (as approved by the fire marshal);
- H. Warehousing, as a primary use, unless prohibited in Section 17.34.040;
- I. Car wash as ancillary to a convenience store;
- J. General merchandise sales;
- K. Outdoor storage of equipment, landscaping materials and seasonal inventory incidental to an approved permitted or conditional use;
- L. Indoor fabrication, machining or welding of materials or equipment not for resale;
- M. Equipment sales, service and/or repair, including outdoor repair and welding;
- N. Retail e-cigarette specialty businesses; and
- O. Other commercial businesses which are similar to those listed in this section and Section 17.34.020, as determined by the planning commission.

17.34.040 Prohibited Uses.

The following uses are prohibited in the C-H highway commercial district:

- A. Salvage yards;
- B. Parts yards;
- C. Residential dwelling units;
- D. Motor vehicle warehousing, salvage, or storage (whether indoor or outdoor);
- E. Recycling centers/recycling collection areas;
- F. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title;
- G. Schools and churches;
- H. Storage of petrochemicals, not for retail sales;
- I. Correctional facilities or facilities with similar uses;
- J. Sexually oriented businesses;
- K. Retail tobacco specialty businesses; and
- L. Single retail unit space over seventy-five thousand (75,000) square feet.
- M.

Chapter 17.36 LIGHT INDUSTRIAL DISTRICT, L-I

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Conditional uses.

17.36.035 Prohibited uses.

17.36.040 Area and frontage regulations.

17.36.050 Yard regulations.

17.36.060 Height regulations.

17.36.070 Off-street parking.

17.36.080 Development standards.

17.36.010 Purpose.

The light industrial L-I district is established to provide areas in the city where manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage, and for incidental service facilities and public facilities where heavy industrial processes are not allowed to intrude, and where these uses can be separated from general commercial areas frequented by the public. The district is intended to encourage sound development by providing and protecting an environment for unobtrusive uses and attractive, aesthetically pleasing areas. Representative uses in this district would be research parks, professional offices and light wholesale distribution facilities. (Prior code § 9-12-1)

17.36.020 Permitted uses.

The following uses are permitted in light industrial L-I districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Equipment sales, service and repair;
- C. Printing and publishing;
- D. Research and development;
- E. Offices, business and professional;
- F. Warehousing and storage facilities;

- G. Public and quasi-public institutions; and
- H. Retail commercial uses. (Prior code § 9-12-2)
- I. Sexually oriented businesses.

17.36.030 Conditional uses.

The following uses are conditional in light L-I districts:

- A. Light manufacturing, compounding, processing, milling or packaging of products, which must be accomplished entirely within an enclosed structure, including but not limited to the following:
 - 1. Automotive parts and accessories, but not including tires and batteries,
 - 2. Steel structural members and related products,
 - 3. Lumber and wood products,
 - 4. Apparel and other textile products,
 - 5. Paper and allied products,
 - 6. Rubber and plastic products, and
 - 7. Electronic and electrical products;
- B. Other uses and businesses which are considered similar to those listed in this section and Section 17.36.020, as determined by the planning commission. (Prior code § 9-12-3)

17.36.035 Prohibited uses.

The following uses are prohibited in the L-I light industrial district:

- A. Retail tobacco specialty businesses; and
- B. Retail e-cigarette specialty businesses.

Chapter 17.40 GENERAL INDUSTRIAL DISTRICT, I-G

Sections:

17.40.010 Purpose.

17.40.020 Permitted uses.

17.40.030 Conditional uses.

17.40.035 Prohibited uses.

17.40.040 Area and frontage regulations.

17.40.050 Yard regulations.

17.40.060 Height regulations.

17.40.070 Off-street parking.

17.40.080 Development standards.

17.40.010 Purpose.

The general industrial district I-G is intended to provide for areas in appropriate locations where heavy industrial processes necessary to economic activity and prosperity may be conducted. The regulations of this district are intended to protect the environment of the district, adjacent areas, and of the community as a whole, as well as provide an area where these uses may be conducted without interference from the activities associated with other unrelated uses such as commercial traffic or residences. (Prior code § 9-13-1)

17.40.020 Permitted uses.

The following uses are permitted in general industrial I-G districts:

- A. Equipment sales, service and repair;
- B. Printing and publishing;
- C. Research and development;
- D. Offices, business and professional;
- E. Warehousing and storage facilities;

F. Manufacturing, compounding, processing, milling or packaging of products, including but not limited to the following:

1. Automotive parts and accessories, but not including tires and batteries,
2. Steel structural members and related products;
3. Lumber and wood products,
4. Apparel and other textile products,
5. Paper and allied products,
6. Rubber and plastic products,
7. Electronic and electrical products; and

G. Public and quasi-public institutions. (Prior code § 9-13-2)

17.40.030 Conditional uses.

The following uses are conditional in general industrial I-G districts:

- A. Storage of inflammable bulk liquids;
- B. Outdoor storage of merchandise or equipment;
- C. Retail e-cigarette specialty businesses; and
- D. Other uses and businesses which are considered similar to those listed in this section and Section 17.40.020, as determined by the planning commission. (Prior code § 9-13-3)

17.40.035 Prohibited uses.

The following uses are prohibited in the I-G general industrial district:

- A. Retail tobacco specialty businesses; and
- B. Sexually oriented businesses.

MEMORANDUM



TO: Planning Commission

DATE: June 18, 2015

FROM: Ben White, Cathy Brightwell

RE: Title 16 Subdivision – Flag Lots

Concerns have been expressed over the application of flag lots as a development mechanism within the City. The Planning Commission is being asked to:

1. Study the impacts flag lots have on the health, safety and welfare of the city.
2. Determine where (if at all) flag lots are appropriate.
3. If it is determined that there is an appropriate application for flag lots, develop a set of minimum mandatory criteria which must be met before a flag lot application could be considered.

For discussion purposes, staff has made the assumption that the creation of flag lots is an appropriate development application within at least some areas of the city. Staff has also assumed that flag lots would remain a Conditional Use. Third, staff has drafted possible minimum mandatory criteria which must be met for flag lot applications to be considered.

Since flag lots are generally created as part of a subdivision, it seemed reasonable to include any minimum criteria for flag lots in Title 16 Subdivision. The attached language highlighted in yellow is a draft set of criteria.

16.12.060 Lots.

- A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.

- B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.

- C. Flag lots may be considered as a conditional use where traditional lot development is not feasible. Such lots shall meet the following criteria:**

- 1. The stem of the lot shall not be less than twenty feet (20') and shall not exceed two hundred and fifty feet(250')**
- 2. The stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.**
- 3. The stem of the lot shall be owned, fee simple, as part of the lot.**
- 4. The stem of the lot shall be at nearly ninety (90) degrees from a public street.**
- 5. Flag lots cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.**
- 6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The stem area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time of the subdivision application and shall be designated on the plat.**
- 7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.**
- 8. Flag lots cannot be used where traditional methods of development could occur including cases when more than one property are required to complete a development.**

- C. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan,

additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever is greater.

- D. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.
 - E. Corner lots shall have extra width sufficient to account for larger setbacks.
 - F. Side lines of lots shall be approximately at right angles, or radial to the street line.
 - G. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
 - H. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.
-

1 **West Bountiful City** **PENDING** **May 12, 2015**
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on May 8,
5 2015 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **May 12, 2015, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice
12 Chairman Terry Turner, Alan Malan, Laura Charchenko, Mike
13 Cottle and Corey Sweat (Alternate). Councilmember Kelly
14 Enquist.

15

16 **MEMBERS EXCUSED:**

17

18 **STAFF PRESENT:** Ben White (City Engineer), Cathy
19 Brightwell (City Recorder), and Debbie McKean (Secretary)

20

21 **VISITORS:** Paul Tingey, Ted Tingey and Chris Gillespie.

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
23 Alan Malan gave a prayer.

24 **I. Accept Agenda.**

25 Chairman Denis Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as
26 presented. Terry Turner seconded the motion. Voting was unanimous in favor.
27

28 Business Discussed:

29 **II. Public Hearing to Receive Comment Regarding the Tingey Two Lot Subdivision at**
30 **Approximately 920 West Porter Lane**

31 Included in the Commissioner packets was a memorandum dated May 7, 2015 from Ben White
32 regarding Tingey Subdivision at 920 West Porter Lane with an attached site plan. The
33 memorandum from Ben White included the following:

34 Tingey family owns 5 acres (A-1 Zone) just west of the Birnam Wood Subdivision they desire to
35 divide into two parcels. Paul Tingey (property owner) who currently lives in Birnam Woods
36 adjacent to this parcel will keep ownership of the east lot. The family has a buyer for the west
37 2.5 acre lot.

38 Points to consider for discussion that were recommended by staff in this memorandum were: 78'
39 wide gas easement that extends diagonally through the property, fire department may require an
40 onsite fire hydrant as a condition of the building permit, depending on where the house is
41 constructed, two accessory structures constructed on the property in recent years did not obtain a
42 building permit from the city and appear to be encroaching on a gas line easement, the right of
43 way line along Porter Lane needs to be established because from staff's research Birnam Woods
44 was not constructed in the correct location, and finally, curb, gutter and sidewalk are required
45 unless waived or deferred by the City Council.

46 Ben White gave a brief explanation of the application for the two lot subdivision desired by the
47 Tingey family at 920 West Porter Lane.

48 Chairman Hopkinson was concerned with the requirement of the property lines. Ben White
49 responded that he is still working through information he received from a neighbor in regards to
50 the property boundary/street right of way not being correct. He will do further investigation on
51 the matter. He should hopefully have things worked out by the next scheduled meeting.

52 **ACTION TAKEN:**

53 **Laura Charchenko moved to open the Public Hearing at 7:35 pm to receive comment**
54 **regarding the Tingey two lot subdivision at approximately 920 West Porter Lane. Alan**
55 **Malan seconded the motion and voting was unanimous in favor.**
56

57 **PUBLIC COMMENT:**

58 Ted Tingey, son representing Martha Tingey, who is keeper of the trust. Property has been in the
59 family for many years. It has been used as pasture and now they desire to sell a portion of it in
60 order to care for their ailing mother who is the owner of the property. They hope to sell it as is
61 and let the buyer do what they would like to do.

62 Paul Tingey, Ted's cousin, took the stand and stated that they are just changing owners and not
63 developing the property at this time. He noted that there is some discrepancy of property lines.
64 He spoke to the fact that the property was in the county when the out buildings were built and he
65 did not need a permit from the city for the sheds. Property was annexed into the city against his
66 will. The sheds will not interfere with the property. He added that he worked with the gas
67 company to make sure they were okay with the buildings.

68

69 **ACTION TAKEN:**

70 **Terry Turner moved to close the Public Hearing at 7:45 pm. Mike Cottle seconded the**
71 **motion and voting was unanimous in favor.**

72
73 **III. Consider Conditional Use Application from Mason Green to Build a Garage in the R-1-**
74 **22 Zone at 1481 North 1050 West More Than One Story and Taller Than 20 Feet High.**

75 Commissioner's packet included a Conditional Use Permit Application from Mason Green with
76 attached updated site plans.

77 This item was on the last meeting agenda and was tabled because applicant could not be present.

78 Chairman Hopkinson asked Chris Gillespie, representing Mason Green, to take the stand and
79 introduce himself. Chairman Hopkinson invited staff to introduce the application. Chairman
80 Hopkinson reviewed the proposal with the Commissioners. Chairman Hopkinson reported that
81 he was unsuccessful in contacting the neighbor to the east of the property to notify them of the
82 desired structure.

83 Chairman Hopkinson asked for the Commissioner's questions/comments:

84 **Alan Malan-** Stated that he is okay with the Conditional Use permit for a second story with an
85 increased height of 3 feet above regulation of code. The window located on the north side
86 concerns him because it is intrusive to the neighbor and he also noted he would not want it to be
87 turned into living space. He would like to see skylights as an alternative.

88 **Laura Charchenko-** Did not have a problem with the height or window to the north.

89 **Terry Turner** – Chairman Hopkinson updated him from last meeting as he was absent. Mr.
90 Turner had no concerns.

91 **Mike Cottle-** Feels that the neighbor should be contacted in regards to the window that will
92 overlook their property. Chairman Hopkinson noted that this would not be a condition to reject
93 this application.

94 **Corey Sweat** feels that conditions are being too intrusive to the citizen and suggested tabling the
95 item again until the neighbor could be contacted. Chairman Hopkinson responded that should
96 not be a reason for tabling this item.

97 Chairman Hopkinson asked Ben White to speak to the application request. Mr. White counseled
98 that they do not need to include in the conditions a firewall on the east side of the dwelling
99 because it is part of the building permit requirements.

100

101

102 **ACTION TAKEN:**

103 **Alan Malan moved to approve the conditional use permit for Mason Green at 1481 North**
104 **1050 West to allow a structure to be built with the following conditions: that the window**
105 **facing to the north not be in the plans because of privacy to the neighbors and replace with**
106 **sky lights if desired, and that the additional 3 foot height be granted. Terry Turner**
107 **seconded the motion and some discussion took place regarding the window issue.**

108 **Roll Call Vote was taken:**

109

110 **Laura Charchenko- Aye**

111 **Terry Turner- Nay**

112 **Alan Malan- Nay**

113 **Mike Cottle- Nay**

114 **Denis Hopkinson – Nay**

115 **Motion failed.**

116 Further discussion took place regarding the window issue.

117

118 **ACTION TAKEN:**

119 **Alan Malan moved to approve the conditional use permit for Mason Green's at 1481 North**
120 **1050 West to allow a structure to be built that is two stories high and 3 ft above the city**
121 **regulation with the following conditions: that privacy glass or translucent glass be used on**
122 **the north facing window and that said window be fixed and non-opening. Mike Cottle**
123 **seconded and a roll call vote was taken.**

124 **Roll Call Vote was taken:**

125

126 **Laura Charchenko- Nay**

127 **Terry Turner- Aye**

128 **Alan Malan- Aye**

129 **Mike Cottle- Aye**

130 **Denis Hopkinson – Nay**

131 **Vote passed 3 to 2.**

132

133 **IV. Discuss Tingey Subdivision Application At Approximately 920 West Porter Lane.**

134

135 Chairman Hopkinson noted the issues that were pointed out by staff regarding this application.
 136 Some discussion took place regarding the noted issues in particular about the applicant's desire
 137 to defer curb, gutter and sidewalk.

138 Ted Tingey addressed the Commission noting that the property is merely being sold and the
 139 plans for that property are yet to be known and should be left up to the buyer of the property. He
 140 feels he should not have to be mandated to do things with a property that he will not have
 141 anything to do with.

142 Chairman Hopkinson responded that they are still the developer of the property and they need to
 143 adhere to the subdivision standards that West Bountiful imposes. He explained some of the
 144 reasoning behind the standards that have been set for curb, gutter and sidewalk.

145 Staff will work with Ted Tingey on the next steps to bring the application back for consideration.
 146

147 **V. Staff Report**

148 **Ben White reported:**

- 149 • Pile driving on 400 North at night is complete. Pile driving is now being done during the
 150 day.
- 151 • Last week Ben White received an email from UDOT regarding a project that would
 152 replace the asphalt on 400 North from 800 West to Main Street with cement. City
 153 Council is sending a note to UDOT expressing their disapproval of the project.
- 154 • 500 South is on its final schedule and will be done in about 1 month.
- 155 • UTA is updating their tracks and you will see some flaggers at work but the roadway is
 156 not closed. May have to go around some barriers/fencing.
- 157 • New playground equipment is scheduled to be installed this summer.
- 158 • Carr Printing has closed/moved and interest has been expressed to put in indoor storage
 159 units, which does not currently meet the zoning.
- 160 • New Owner of Shopko has signed up for utilities.
- 161 • Owners of Gateway are working on some designs and permits.
- 162 • Stringham Farm appeal was heard by City Council last week. Three of ten conditions
 163 were appealed. City Council upheld the width of the concrete, signage without lights
 164 were approved, and fencing will go with the property owners.

165 **Cathy Brightwell reported:**

- 166 • A class is being held in June on grandfathering. It is on a Tuesday and will be a full day.
 167 City will pay for the class fee for any who would like to attend. Cathy will get them
 168 more details through email.
- 169 • Municipal Elections this year. The Primary election, if needed, will be August 11th and
 170 the General Election will be held in November on a City Council night. Both meetings
 171 will need to be canceled.

172

173 **VI. Approval of Minutes for March 24, 2015**

174

175 **ACTION TAKEN:**

176 **Laura Charchenko moved to approve of the minutes dated April 28, 2015 as presented.**
177 **Alan Malan seconded the motion and voting was unanimous in favor among those**
178 **members present.**

179

180 **VII. Adjournment**

181

182 **ACTION TAKEN:**

183 **Laura Charchenko moved to adjourn the regular session of the Planning Commission**
184 **meeting at 9:00 pm. Alan Malan seconded the motion. Voting was unanimous in favor.**

185

186

187

188 The foregoing was approved by the West Bountiful City Planning Commission on May 26, 2015, by
189 unanimous vote of all members present.

190 _____

191 Cathy Brightwell - City Recorder

192