

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

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

Chairman
Alan Malan

Commissioners
Laura Charchenko
Mike Cottle
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, APRIL 13, 2021
VIA ZOOM (see info below)**

1. *The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.*
2. Prayer/Thought by Commissioner Vest.
3. Accept Agenda.
4. Consider Chairman Malan's Recommendation for Vice Chairman of the Planning Commission.
5. Public Hearing – Proposed Updates to Height Regulations in the City's Residential Districts.
6. Public Hearing – Proposed Updates to Permitted, Conditional, and Prohibited Uses in the City's Residential, Commercial, and Industrial Zones.
7. Conditional Use Application – ADU – Drown
8. Consider Proposed Changes to Height Regulations.
9. Consider Proposed Changes to Uses in Residential, Commercial, and Industrial Zones.
10. Consider Final Plat for Doug's Corner/Deppe Farms Subdivision.
11. Staff report.
12. Consider Meeting Minutes from March 23, 2021.
13. Adjourn.

JOIN ZOOM MEETING

<https://us02web.zoom.us/j/86542058448>

Meeting ID: 865 4205 8448

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

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NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold two public hearings on Tuesday, April 13, 2021 beginning at 7:30 pm, or as soon as agenda allows. The hearings will be held electronically via Zoom.

The purpose of the hearings is to receive public comments on the following topics:

1. Proposed updates to height regulations in the city's residential zones.
2. Proposed updates to permitted, conditional, and prohibited uses in the city's residential, commercial, and industrial zones.

A description of the proposals are available for review at www.WBCity.org under the Public Notice tab. All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org

Cathy Brightwell
City Recorder

Join Zoom Meeting

<https://us02web.zoom.us/j/86542058448>

Meeting ID: **865 4205 8448**

Or, dial a number below
1-253-215-8782
1-346-248-7799

MEMORANDUM



TO: Planning Commission

DATE: April 9, 2021

FROM: Staff

RE: Review of Height Regulations in Residential Zones

The planning commission has been discussing modifications to height regulations in residential zones for several months. In 2019, the city moved away from the conditional use process required when additional height was requested by implementing a sliding scale that increased setbacks based on height. It is now necessary to clean-up and clarify some aspects of the new regulations. Proposed changes also include specific direction about how to consistently measure structures.

Staff has incorporated previous comments and suggestions. Additional discussion items are highlighted in the attached redline and clean drafts that will be presented at the public hearing on April 13, 2021.

HEIGHT/SETBACKS IN RESIDENTIAL DISTRICTS

R-1-10

Accessory Structure maximum height = to 25 ft. with the following setbacks:

<u>Accessory Structure Height</u>	<u>Side/ Rear Setback ²</u>
≤ 20 ft	6 ft ¹
› 20 ft ≤ 21 ft	7 ft
› 21 ft ≤ 22 ft	8 ft
› 22 ft ≤ 23 ft	9 ft
› 23 ft ≤ 24 ft	10 ft
› 24 ft ≤ 25 ft	11 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

R-1-22

Accessory Structure maximum height = to 30 ft. with the following setbacks:

<u>Accessory Structure Height</u>	<u>Side/ Rear Setback ²</u>
≤ 20 ft	6 ft ¹
› 20 ft ≤ 21 ft	7 ft
› 21 ft ≤ 22 ft	8 ft
› 22 ft ≤ 23 ft	9 ft
› 23 ft ≤ 24 ft	10 ft
› 24 ft ≤ 25 ft	11 ft
› 25 ft ≤ 26 ft	11.5 ft
› 26 ft ≤ 27 ft	12 ft
› 27 ft ≤ 28 ft	12.5 ft
› 28 ft ≤ 29 ft	13 ft
› 29 ft ≤ 30 ft	13.5 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

A-1 & A-S

Maximum Structure Height (Main, Accessory, Non-Commercial) =

40 ft. with the following setbacks:

Accessory, Non-Commercial

<u>Height</u>	<u>Side/Rear Setback ²</u>
≤ 20 ft	6 ft ¹
› 21 ≤ 35 ft	10 ft
› 35 ft ≤ 36 ft	11 ft
› 36 ft ≤ 37 ft	12 ft
› 37 ft ≤ 38 ft	13 ft
› 38 ft ≤ 39 ft	14 ft
› 39 ft ≤ 40 ft	15 ft

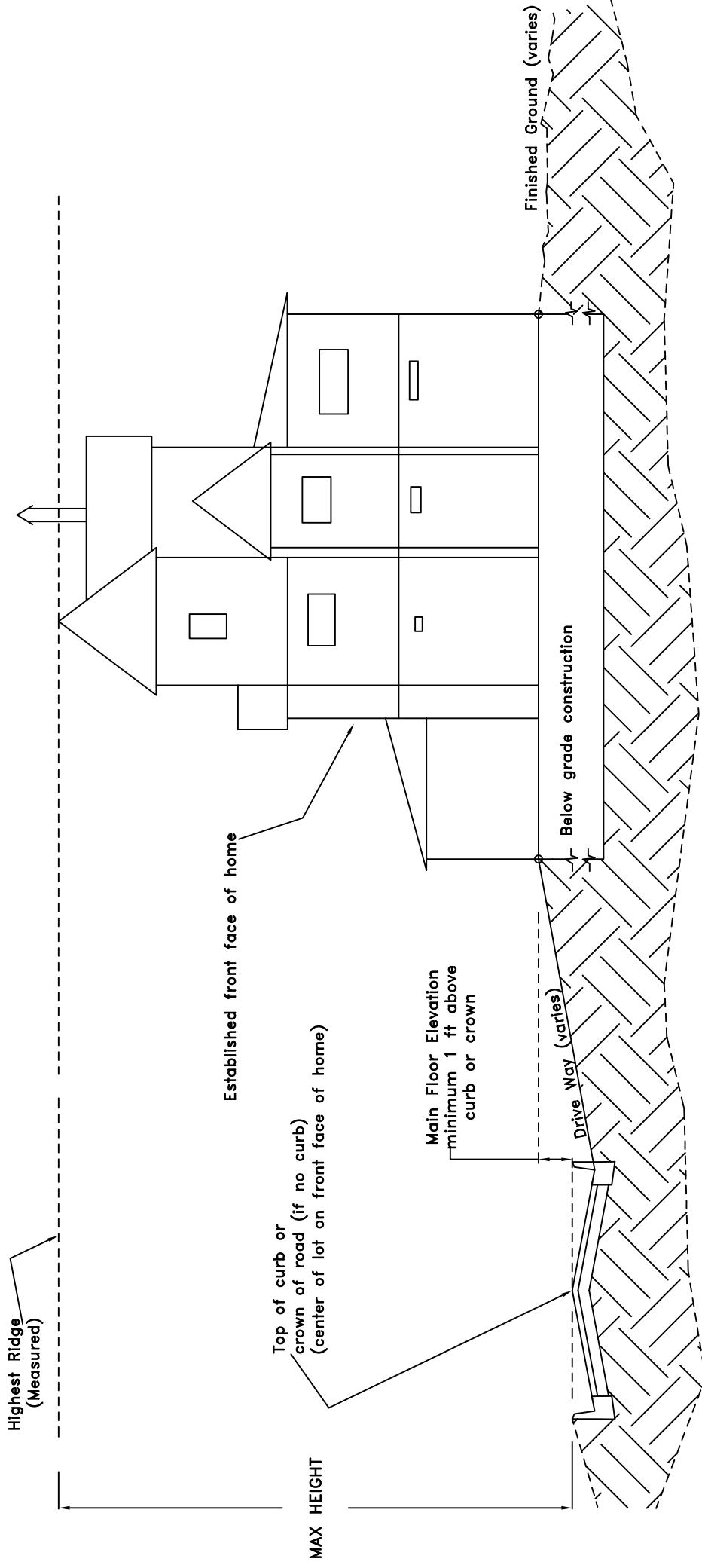
Main Structure

<u>Minimum Side Setback</u>	<u>Combined Side Setback</u>
10 ft	24 ft
10 ft	24 ft
11 ft	26 ft
12 ft	28 ft
13 ft	30 ft
14 ft	32 ft
15 ft	34 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

HEIGHT OF SINGLE FAMILY RESIDENCE



HEIGHT IN RESIDENTIAL DISTRICTS

17.24.060 (R-1-10)

A. Maximum Height of Structures.

1. Main Structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.
2. Accessory Structures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - a) The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - b) The height may be increased to a maximum of twenty-five (25) feet if the structure is set back in the rear yard and side yards as shown in the chart below.
 - c) Windows within fifteen (15) feet of a property line that face adjacent property with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
 - d) All exterior lighting mounted above ten (10) feet must include cut-off devices that confine the light to the property on which the accessory structure is situated.

Accessory Structure		Side/ Rear
Height		Setback ²
	≤ 20 ft	6 ft ¹
> 20 ft	≤ 21 ft	7 ft
> 21 ft	≤ 22 ft	8 ft
> 22 ft	≤ 23 ft	9 ft
> 23 ft	≤ 24 ft	10 ft
> 24 ft	≤ 25 ft	11 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Lot-specific height allowance. The city engineer may approve additional height of up to two (2) feet for all structures on a lot under the following circumstances:
 1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.

3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

D. Exceptions to height limitations.

1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other provisions of the municipal code.
2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.

E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.20.060 (R-1-22)

A. Maximum Height of Structures.

1. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.
2. Accessory Structures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - a) The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - b) The height may be increased to a maximum of thirty (30) feet if, the structure is set back in the rear yard and side yards, as shown in the chart below.
 - c) Windows within fifteen (15) feet of a property line that face adjacent property with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.

- d) All exterior lighting mounted above ten (10) feet must include cut-off devices that confine the light to the property on which the accessory structure is situated.

Accessory Structure Height		Side/ Rear Setback ²
	≤ 20 ft	6 ft ¹
› 20 ft	≤ 21 ft	7 ft
› 21 ft	≤ 22 ft	8 ft
› 22 ft	≤ 23 ft	9 ft
› 23 ft	≤ 24 ft	10 ft
› 24 ft	≤ 25 ft	11 ft
› 25 ft	≤ 26 ft	11.5 ft
› 26 ft	≤ 27 ft	12 ft
› 27 ft	≤ 28 ft	12.5 ft
› 28 ft	≤ 29 ft	13 ft
› 29 ft	≤ 30 ft	13.5 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Lot-specific height allowance. The city engineer may approve additional height of up to three (3) feet for all structures on a lot under the following circumstances:
1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
 3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
 6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.
- D. Exceptions to height limitations.
1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the

purposes of providing additional floor space and such increased height is subject to all other provisions of the municipal code.

2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.
- E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.60 (A-1) and 17.14.060 (A-S-Agricultural Specialty District)

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb, or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.

1. The height of a main structure may be increased to a maximum of forty (40) feet if the structure is set back as shown in the chart below.

<u>Height</u>		<u>Minimum Side Setback</u>	<u>Combined Side Setback</u>
	≤ 35 ft	10 ft	24 ft
> 35 ft	≤ 36 ft	11 ft	26 ft
> 36 ft	≤ 37 ft	12 ft	28 ft
> 37 ft	≤ 38 ft	13 ft	30 ft
> 38 ft	≤ 39 ft	14 ft	32 ft
> 39 ft	≤ 40 ft	15 ft	34 ft

2. The height of an accessory or non-commercial structure may be increased to a maximum of forty (40) feet if the structure is set back in the rear yard and side yards as shown in the chart below.

<u>Height</u>		<u>Side/Rear Setback ²</u>
	≤ 20 ft	6 ft ¹
> 21	≤ 35 ft	10 ft
> 35 ft	≤ 36 ft	11 ft
> 36 ft	≤ 37 ft	12 ft
> 37 ft	≤ 38 ft	13 ft
> 38 ft	≤ 39 ft	14 ft
> 39 ft	≤ 40 ft	15 ft

¹ Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

² Does not apply to street side yards, which have separate setback restrictions.

- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Lot-specific height allowance. The city engineer may approve additional height of up to four (4) feet for all structures on a lot under the following circumstances:
 - 1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 - 2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
 - 3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 - 4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 - 5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
 - 6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.
- D. Exceptions to height limitations.
 - 1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other provisions of the municipal code.
 - 2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.
- E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

HEIGHT IN RESIDENTIAL DISTRICTS

17.24.060 (R-1-10)

A. Maximum Height of Structures.

1. Main Structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the ~~top back of curb or crown of the road if there is no curb lowest finished ground level~~ to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.
2. Accessory Structures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - ~~a) The accessory structure may not be taller than the main structure.~~
 - ~~b)a)~~ The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - ~~e)b)~~ The height may be increased to a maximum of twenty-five (25) feet if; the structure is set back for every foot in height in excess of twenty (20) feet, the accessory structure is set back an additional two (2) feet beyond the minimum setbacks required by this chapter in the rear yard, and side yards and, as applicable, street side yard, as shown in the chart below.
 - ~~d)c)~~ Windows within ~~twenty (20)~~ fifteen (15) feet of a property line that face adjacent property with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
 - ~~e)d)~~ All exterior lighting mounted above ten (10) feet must include cut-off devices that confine the light to the property on which the accessory structure is situated. _____

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

C. Lot-specific height allowance. ~~The city engineer may approve additional height of up to two (2) feet for all structures on a lot under the following circumstances:~~

- ~~1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.~~
- ~~2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.~~
- ~~3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.~~
- ~~4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.~~
- ~~5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that~~

is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.

6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

D. Exceptions to height limitations.

1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, tanks-ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other provisions of the municipal code.
2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.

B.E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.20.060 (R-1-22)

A. Maximum Height of Structures.

1. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb or crown of the road if there is no curb lowest finished ground level to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.
2. Accessory Structures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - ~~a) The accessory structure may not be taller than the main structure.~~
 - ~~b) a)~~ The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - ~~e) b)~~ The height may be increased to a maximum of thirty (30) feet if, the structure is set back for every foot in height in excess of twenty (20) feet, the accessory structure is set back an additional two (2) feet beyond the minimum setbacks required by this chapter in the rear yard, and side yards and, as applicable, street-side yard, as shown in the chart below, as shown in the chart below.
 - ~~d) c)~~ Windows within fifteen (15) feet of a property line that face adjacent property with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
 - ~~e) d)~~ All exterior lighting mounted above ten (10) feet must include cut-off devices that confine the light to the property on which the accessory structure is situated.

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

C. Lot-specific height allowance. The city engineer may approve additional height of up to three (3) feet for all structures on a lot under the following circumstances:

1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.

2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

D. Exceptions to height limitations.

1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, tanks-ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city- provisions of the municipal code.
2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.

B-E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.60 (A-1) and 17.14.060 (A-S-Agricultural Specialty District)

A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb, or crown of the road if there is no curb-to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.

1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if; for every foot of height in excess of thirty-five (35) feet, the structure is set back as shown in the chart below. an additional one (1) foot beyond the minimums required by the chapter in the rear yard, side yards, and as applicable, street side yard.
2. The height of an accessory or non-commercial structure in this district may be increased to a maximum of forty (40) feet if the structure is set back in the rear yard and; side yards and; as applicable, street side yard, as shown in the chart belowfeet subject to the same requirements listed in subsection A.1. of this section.

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

C. Lot-specific height allowance. The city engineer may approve additional height of up to four (4) feet for all structures on a lot under the following circumstances:

1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
6. Where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

D. Exceptions to height limitations.

1. For non-residential uses, penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other provisions of the municipal code.
2. For residential uses, chimneys, wireless or television masts, or flagpoles may be erected above the height limits herein prescribed, subject to all other provisions of the municipal code.

~~B. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.~~

E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

MEMORANDUM



TO: Planning Commission

DATE: April 8, 2021

FROM: Cathy Brightwell, Kris Nilsen

RE: Discussion of Proposed Updates to Permitted, Conditional, & Prohibited Uses

The planning commission has been reviewing the Conditional Use ordinance for several months in an attempt to reduce the number of conditional uses in Code when standards and criteria are already in place. A determination of permitted vs. conditional uses has been an important part of this process.

The Commission discussed the Uses listed in the residential and commercial zones and generally agreed that many of the conditional uses could be moved into the permitted section.

Staff has incorporated previous comments and suggestions in the attached redline and clean drafts that will be presented at the public hearing on April 13, 2021.

PERMITTED, CONDITIONAL, PROHIBITED USES

Red – new
Highlight – discuss

Italics – moved from another section
~~Strike-through~~ – delete/move to another section

R-1-10

17.24.020 Permitted Uses

- A. Single family dwelling;
- B. *Accessory dwelling unit (ADU)* – attached to primary structure;
- C. Agricultural;
- D. Farm animals;
- E. *Flag lots*; and
- F. Home occupations.

17.24.030 Conditional Uses

- A. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations);
- B. Public, quasi-public uses; and
- C. Restricted lots, (see Definitions in Section 17.04.030).
- ~~D. Accessory Dwelling Units (ADU)~~
- ~~E. Flag lots~~

R-1-22

17.20.020 Permitted Uses)

- A. Single family dwelling;
- B. *Accessory dwelling unit (ADU)* – attached to primary structure;
- C. Agricultural;
- D. Farm animals;
- E. *Flag lots*; and
- F. Home occupations.

17.20.030 Conditional Uses

- A. Child day care, nursery or **preschool** (pursuant to Chapter 5.28 Home Occupations);
 - B. Public, quasi-public uses; and
 - C. Restricted lots, (see Definitions in Section 17.04.030).
 - ~~D. Accessory Dwelling Units (ADU); and~~
 - ~~E. Flag lot;~~
-

A-1

17.16.020 Permitted Uses

- A. Single-family dwelling;
- B. *Accessory dwelling units (ADU) – attached to primary structure;*
- C. Agricultural;
- D. Farm animals;
- E. *Flag lots;*
- F. Home Occupations; and
- G. Non-commercial structures.

17.16.030 Conditional Uses

- A. Child day care, nursery, or **preschool** (pursuant to Chapter 5.28 Home Occupations);
- B. Equestrian facilities, ~~commercial~~ **stables**;
- C. Kennels (pursuant to Chapter 5.28 Home Occupations);
- D. Public or quasi-public uses; and
- E. Restricted lots (see definitions in Section 17.04.030).
- ~~F. Flag lots;~~
- ~~G. Accessory Dwelling Units (ADU).~~

A-S (Agricultural Specialty District)

17.14.020 Permitted Uses

- A. Agricultural;
- B. *Accessory dwelling units (ADU) – attached to primary structure;*
- C. Cannabis production establishment, as defined in Chapter 17.62;
- C. Farm Animals;
- D. *Flag Lots;*
- E. Home Occupations;
- F. Medical cannabis pharmacy, as defined in Chapter 17.62; and
- H. Single family dwelling.

17.14.030 Conditional Uses

- A. Child day care, ~~or~~ nursery, or **preschool** (pursuant to Chapter 5.28 Home Occupations);
- B. Equestrian facilities, ~~commercial~~ **stables**;
- C. Kennels, (pursuant to Chapter 5.28 Home Occupations);
- D. Public or quasi-public uses; and
- E. Restricted Lots (see definitions, Section 17.04.030).
- ~~F. Flag lots;~~
- ~~G. Accessory Dwelling Units (ADU);~~

CN - Commercial Neighborhood (640 W north of Porter Ln)

17.28.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. *Banking and financial services*;
- C. *Contractor: general, electrical, mechanical, plumbing, etc.*;
- D. Convenience store, less than two thousand (2,000) sq. ft.;
- ~~E. Carpet cleaning;~~
- F. Dry cleaning pickup station;
- G. General merchandise sales (retail and wholesale) less than two thousand (2,000) sq. ft.;
- H. Lawn and yard care;
- I. Learning studios such as **tutoring**, karate, dance, gymnastics, **preschool**;
- ~~J. Medical cannabis pharmacy, as defined in Chapter 17.62.~~
- K. Offices, business or professional;
- L. Personal services;
- M. **Pharmacy**, drug store, *including Medical Cannabis Pharmacy, as defined in Chapter 17.62*;
- N. *Printing and publishing*
- O. Public and quasi-public ~~institutions~~ uses;
- ~~P. Real estate and/or insurance offices;~~
- ~~Q. Computers, software and hardware, sales and service;~~
- ~~R. Ceramic business;~~
- S. **Seamstress, tailor, upholstery**, ~~including~~ shoe repair;
- T. *Sheet metal*
- U. *Wood working, as approved by fire marshal*

17.28.030 Conditional Uses

- ~~A. Banking and financial services;~~
- ~~B. Custom woodworking (as approved by fire marshal)~~
- ~~C. Sheet metal;~~
- ~~D. Printing and publishing;~~
- ~~E. Silkscreening;~~
- ~~F. Reception center, meeting hall;~~
- ~~G. Restaurants, cafeterias and fast food eating establishments;~~
- H. Residential healthcare facility; and
- I. 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.

17.28.035 Prohibited Uses

- A. Cannabis production establishment, as defined in Chapter 17.62.
- B. Car Wash**
- C. Gas Station**
- ~~D. Reception center, meeting hall;~~
- ~~E. Restaurants, cafeterias and fast food eating establishments;~~
- F. Retail tobacco specialty business;
- G. Retail e-cigarette specialty business;
- H. Sexually oriented businesses; and
- I. **Waste disposal facility.**

CG – Commercial General

17.32.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. Banking and financial services;
- C. *Commercial schools, Learning studios*
- D. Convenience store, **car wash, gas station;**
- E. **Dining Club, Tavern as defined in UCA 32B-1-102**
- F. Drug store, **Pharmacy, including Medical Cannabis Pharmacy, as defined in Chapter 17.62;**
- G. Dry cleaning;
- H. General merchandise sales **and service;**
- I. *Grocery store;*
- J. *Lumber and other building material retail sales;*
- K. *Marine, **RV, Motorcycle,** and aircraft retail sales and service ~~and accessories;~~*
- L. Motor vehicle sales and service; (~~excluding auto body repair~~)
- M. **Indoor? non-motorized recreation, pool, gymnasium**
- N. Offices, business and professional;
- O. Personal services;
- P. Public and quasi-public institutions;
- Q. *Reception center, meeting hall;*
- R. Restaurants, cafeterias, and fast food eating establishments;
- S. **Seamstress, tailor, upholstery, shoe repair;**
- T. **State Liquor Store;** and
- U. *Theaters, **indoor recreational facilities;***
- V. ~~Medical cannabis pharmacy, as defined in Chapter 17.62.~~

17.32.030 Conditional Uses

- A. Residential health care facility;
- ~~B. Reception center, meeting hall;~~
- ~~C. Grocery store;~~
- ~~D. Lumber and other building material, retail sales;~~
- ~~E. Marine, and aircraft retail sales and accessories;~~
- ~~F. Theaters;~~
- ~~G. Commercial schools;~~
- H. **Hospitals and medical service facilities;**
- I. **Hotel, Motel and extended stay facilities; and**
- J. Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission.

17.32.035 Prohibited Uses

- A. **Auto body repair with paint booth facilities;**
- B. Cannabis production establishment, as defined in Chapter 17.62
- C. Retail e-cigarette specialty business;
- D. Retail tobacco specialty business;
- E. Sexually oriented businesses; and
- F. **Waste disposal facility.**

CH – Commercial Highway (500 South generally from RR tracks to 1116 West and Carr Bldg)

17.34.020 Permitted Uses

- A. Appliance and small equipment repair;
- B. **Banking and financial services;**
- C. Contractor offices, ~~including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping;~~
- D. Convenience store, *car wash*, **gas station**;
- E. *Custom woodworking (as approved by the fire marshal);*
- F. **Dining Club, Tavern as defined in UCA 32B-1-102**
- G. Drug store, **Pharmacy**, including Medical Cannabis Pharmacy, as defined in Chapter 17.62;
- H. Equipment sales, service and/or repair, **including outdoor repair** and welding;
- I. **Fast food eating establishments, restaurants?;**
- J. General merchandise sales;
- K. Indoor fabrication, machining or welding of materials or equipment ~~not for resale~~;
- L. **Indoor recreational facilities;**
- M. Indoor storage units;
- N. **Laboratory;**
- O. Lawn and yard care;
- P. ~~Liquor, retail, package store;~~
- Q. ~~Drinking places with alcoholic beverages;~~
- R. *Lumber and other building materials retail sales;*
- S. ~~Medical cannabis pharmacy, as defined in Chapter 17.62;~~
- T. Motor vehicle sales and service, including marine, **RV, motorcycle** and aircraft (~~excluding auto body repair~~) and outdoor storage of retail vehicle inventory;
- U. Motor vehicle, marine, and RV warehousing and storage;
- V. Offices, business and professional;
- W. **Pawnshop;**
- X. Printing and publishing;
- Y. ~~Silk screening;~~
- Z. Public and quasi-public facilities not prohibited in Section 17.34.040;
- AA. Reception center, meeting hall;
- BB. **Seamstress, tailor, upholstery**, shoe repair; and
- CC. **State Liquor Store.**

17.34.030 Conditional Uses

- A. ~~Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;~~
- B. ~~Reception center, meeting hall;~~
- C. ~~Marine and aircraft retail sales and accessories;~~
- D. ~~Laboratory;~~
- E. ~~Lumber and other building materials retail sales;~~
- F. ~~Custom woodworking (as approved by the fire marshal);~~
- G. ~~Car wash as ancillary to a convenience store;~~
- H. ~~General merchandise sales;~~
- I. ~~Indoor fabrication, machining or welding of materials or equipment not for resale;~~
- J. ~~Equipment sales, service and/or repair, including outdoor repair and welding;~~
- K. Outdoor storage of equipment, landscaping materials and seasonal inventory incidental to an approved permitted or conditional use;

- L. Retail e-cigarette specialty business;
- M. Warehousing, as a primary use, unless prohibited in Section 17.34.040; and
- N. 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

- A. Auto body Repair with paint booth facilities;
 - B. Cannabis production establishment, as defined in Chapter 17.62.
 - C. Correctional facilities or facilities with similar uses;
 - ~~D. Motor vehicle warehousing, salvage, or outdoor storage (whether indoor or outdoor)~~
 - E. Parts/salvage yards;
 - F. Recycling centers/recycling collection areas;
 - G. 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;
 - H. Residential dwelling units;
 - I. Retail tobacco specialty businesses;
 - ~~J. Salvage yards;~~
 - K. Schools and churches;
 - L. Sexually oriented businesses;
 - M. Storage of petrochemicals, not for retail sales;
 - N. Single retail unit space over seventy-five thousand (75,000) square feet; and
 - O. Waste disposal facility.
-

LI – Light Industrial (Behind Comm. Neighborhood zone Porter/640 W and north of Woodhaven)

17.36.020 Permitted Uses

- A. Appliance and small equipment repair; ~~including shoe repair;~~
- B. *Cannabis production establishment, as defined in Chapter 17.62;*
- C. Equipment sales, service and repair;
- D. *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. *Apparel and other textile products*
 - 2. *Automotive parts and accessories, but not including tires and batteries;*
 - 3. *Electronic and electrical products*
 - 4. *Lumber and wood products;*
 - 5. *Paper and allied products;*
 - 6. *Rubber and plastic products; and*
 - 7. *Steel structural members and related products;*
- E. Medical cannabis pharmacy, as defined in Chapter 17.62.
- F. Offices, business and professional;
- G. Printing and publishing;
- H. Public and quasi-public institutions;
- I. Research and development;
- J. Retail commercial uses;
- K. Sexually oriented businesses; and
- L. Warehousing and storage facilities.

17.36.030 Conditional Uses

- ~~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. Cannabis production establishment, as defined in Chapter 17.62; and~~
- C. ~~Other u~~Uses and businesses which are similar to those listed in this section and Section 17.36.020, as determined by the planning commission.

17.36.035 Prohibited Uses

- A. Retail tobacco specialty business;
- B. Retail e-cigarette specialty business; and
- C. **Waste disposal facility.**

IG – Industrial General (Holly Frontier)

17.40.020 Permitted Uses

- A. Cannabis production establishment, as defined in Chapter 17.62.
- B. Equipment sales, service and repair;
- C. **Laboratory**;
- D. 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.
- E. Medical cannabis pharmacy, as defined in Chapter 17.62;
- F. Offices, business and professional;
- G. *Outdoor storage of merchandise or equipment*;
- H. Printing and publishing;
- I. Public and quasi-public institutions;
- J. Research and development;
- K. *Storage of inflammable bulk liquids*; and
- L. Warehousing and storage facilities.

17.40.030 Conditional Uses

- ~~A. Outdoor storage of merchandise or equipment;~~
- B. Retail e-cigarette specialty business;
- ~~C. Storage of inflammable bulk liquids; and~~
- D. Other uses and businesses which are similar to those listed in this section and Section 17.40.020, as determined by the planning commission.

17.40.035 Prohibited Uses

- A. **Residential dwelling units**;
- B. Retail tobacco specialty business;
- C. Sexually oriented business; and
- D. **Waste disposal facility**.

MEMORANDUM



TO: Planning Commission

MEETING DATE: April 8, 2021

FROM: Cathy Brightwell

RE: Conditional Use Application for Accessory Dwelling Unit

The Drown's recently purchased the home at 726 N 800 West and would like to add an accessory dwelling unit to a former garage space in their home. They have applied for a building permit to complete the construction.

WBMC Chapter 17.82 currently requires a conditional use for an ADU subject to the development standards specifically listed in Section 17.82.050 and listed below.

- A. Location. An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single-family dwelling. ***This condition is satisfied.***
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single-family dwelling. No lot or parcel shall contain more than one ADU. ***This condition is satisfied.***
- C. Parking. Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers. ***This condition is satisfied.***
- D. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name. ***This condition is satisfied.***
- E. Size of Accessory Dwelling Unit. An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City. ***This condition is satisfied.***
- F. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit or other permits as the codes may require. ***This condition will be satisfied as the house is constructed and inspected.***
- G. Architecture. An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. ***This condition is satisfied.***
- H. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single-family dwelling be rented as separate units. ***This condition will be satisfied.***

Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

Staff recommends the following Findings of Fact and Conditions be applied to this conditional use permit.

Findings:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; and
4. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Conditions:

1. Applicant will construct the addition in such a manner that WBMC 17.82.050 and the International Residential Building Code (IRC) requirements for a second dwelling unit are satisfied.
2. Language will be included in any rental or lease agreement for the ADU that the lease will terminate upon sale of the property.
3. This Permit is not transferable – If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the Permit shall be revoked pursuant to WBMC 17.60.080.
4. A signed Conditional Use permit/ADU agreement will be recorded in the County Recorder's office.



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MEMORANDUM



TO: Planning Commission

DATE: April 13, 2021

FROM: Kris Nilsen

RE: Doug Coon's Corner Subdivision - Final Plat

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

Purpose. The purpose of the final plat is to obtain formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Davis County recorder. The final plat and all information and procedures relating to it shall comply with the provisions of WBMC 16.16.030. The final plat and construction plans shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

Plat Review. Items in bold text need to be addressed.

A. The final plat shall include the following information.

1. **An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to twenty thousand (20,000) feet.**
 - a. Provide written legal boundary description on plat.
 - b. Provide written basis of bearing on plat.
2. **The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision. These lines shall be properly tied to public survey monuments and should be slightly heavier than street and lot lines.**
 - a. Provide basis of bearing on plat.
3. **The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves. The plat shall also contain such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest one-hundredth of a foot.**
4. **All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined. The square footage of each lot shall also be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular, and curved data shall**

be shown so as to be able to readily determine the bearing and length of the boundary lines of every block, lot, and parcel. No ditto marks shall be used for lot dimensions.

- a. Lot 2 south boundary is labeled at length 60.01 feet. Verify length is correct (I map it at 58.99 feet).
 - b. Lot 2 east boundary is labeled at length 64.73 feet. Verify length is correct (I map it at 64.19 feet).
 - c. Lot 2 curve length is labeled as 24.45 feet. Verify length is correct (I map it at 25.98 feet on a 20-foot radius).
5. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity, or the amount of nonconformity of such existing streets shall be accurately shown.
6. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
7. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city. **Each lot shall show the assigned street addresses and shall be according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.**
8. The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.
 - a. Add easement area to include retention area.
9. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the city engineer.
10. When a subdivision contains lands, which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain, and pay taxes on such lands and common areas.
11. **Prior to recording, a current title report will be submitted for review by the city attorney.**
12. **Security for Public Improvements to be completed within 18 months.**
13. Payment of fees.

Resolution of items included in preliminary approval.

1. All lots meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft).
2. All lots are designed with a 30-foot rear setback to the buildable area.
3. All existing structures (buildings) on the site are shown to be demolished and removed as part of subdivision.

4. No new streetlight is required with the project, there is a streetlight on the southeast corner of 550 W and 1000 N.
5. Street widening improvements include curb gutter and sidewalk along the frontage of the project.
6. Storm drain inlet box shall be added to existing inlet box on the NE corner of the intersection of 675 West and 1000 North (will be a double inlet).

Final Construction Plan - review comments by City Engineer

Sheet C-300 – Demolition Plan

1. Add detail indicating what attributes/elements will be,
 - a. Demolished and hauled of site to proper disposal.
 - b. Relocated on site.
 - c. Remain as is and will be protected.

Sheet C-400-Site Plan

1. Show WBWCD existing air vac valve on west side of 550 North street. Verify if existing air vac valve will be affected by the project and how.
2. All new sidewalk minimum thickness of concrete is six inches (6"). Revise labels shown as four inches (4").
3. Indicate the street widening, curb and sidewalk improvements along the frontage of the residence at 600 West 1000 North will be completed by others.
4. Handicap ramp detail A-1 is not provided on detail sheet C-900. A Different ADA ramp design and detail A-2 is shown on to sheet C-900. Revise sheet C-900 to show correct ADA ramp detail.

Sheet C-500-Grading and Utility Plan

1. A Storm Drain inlet is required to be added to the existing inlet at 675 West 1000 North. Add a note or sheet indicating the new inlet.
2. Provisions for a pump shall be installed for the retention basin.
 - a. A Two-inch electrical conduit shall be installed from the retention basin to electrical panel of the proposed residence on Lot 1.
 - b. A pump pit shall be installed in the proposed gravel sump area.
 - c. The panel in the proposed residence for lot 1 shall have provisions to provide service to a pump for the retention basin.
 - d. A one-inch (1") discharge line shall be installed from the retention basin to near sidewalk at the south frontage of Lot 1.
 - e. Pump outfall pipe shall connect to the face of the curb for discharge.
3. Verify and indicate the location of the unknown sewer and water lateral for Lot 2.
4. Drainage calculations total of 999 CUFT indicates detention, revise label to be retention.

Sheet C-700 and C701-Plan and Profile

1. Show existing sewer main line elevation, size, type, etc. in profile or add labels on plan view.
2. Add a vertical curve to the centerline alignment profile at the PVI near station 3+00. K value shall be a minimum 20 (40-foot radius).
3. Revise typical road X-sections to provide for a four foot (4') wide park strip everywhere.
4. Revise the typical roadway X-section detail to be 66 feet for full width.

Sheet C-900

1. Revise asphalt section detail to show,
 - a. Five inches (5") of asphalt.
 - b. (keep) Eight inches (8") of compacted base.
 - c. Twelve inches (12") of sub-base.
2. Revise concrete sidewalk detail to show,
 - a. Six inch (6") thick concrete.

- b. Six inch (6") thick compacted base.
3. Revise or replace A-2 detail ADA accessible ramp.
 - a. Match design shown on sheet C-400.
 - b. All concrete flatwork in the ADA ramp shall be six inches (6") thick concrete over six inches (6") minimum compacted base.

Review and approval shall be received by all other impacted utility companies such as:

Weber Basin Water Conservancy District

South Davis Sewer District

Recommendation by City Engineer:

After review of the submitted Site Plan drawing and construction plans, an approval by the planning commission should be subject to the following conditions:

1. Submit a final plat for review.
2. Submit revised construction drawings for review.
3. Submit a title report for review.
4. All City staff comments addressed.

West Bountiful City

March 23, 2021

Planning Commission Meeting

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on March 19, 2021 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 23, 2021 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: All attending via Zoom: Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

STAFF ATTENDING: Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Cathy Brightwell (Recorder, Community Development) in house, and Steve Doxey (City Attorney), Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Mark Preece, Steve Maughan, John Janson, John Bankhead, Jay Gough, Walt Plumb, Todd Willey, Gary Jacketta, Julie Thompson.

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

1. Chairman Alan Malan read the following message:

The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

2. Prayer by Commissioner Cottle

3. Accept Agenda

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

4. Introduction of Proposed Brookside Ranch Development

A copy of the conceptional plan for **BROOKSIDE RANCH** was included in the commission packets. John Bankhead, representing the Gardner Company, presented the plan to the commissioners explaining that Brookside Ranch is dedicated to promoting the agrarian and equestrian lifestyle that is an important part of the culture of West Bountiful. It is being

planned as an active, pedestrian-oriented development designed around parks, open space, equestrian amenities, with multiple trails and connections to the Legacy Parkway Trail system.

Mr. Bankhead told the commissioners that after 12 years of discussion and meetings with the community and the city, the citizens of West Bountiful have emphasized their strong desire to preserve a rural feel with minimal traffic, low light pollution and large lots. Brookside Ranch strives to meet these goals, and they feel like they have created a development that has done that and will be suitable for the community.

The initial concept includes:

- 126 lots on 126 acres with approximately 28.5 acres of open space and parks with multiple trails and trail connections. Lots range in size from 3.187 acres to 0.417 acres. The average size of lot is .83 acres. He added that the 126 acres does not include the Rocky Mountain Power corridor.
- 2.5 acres of developed park.
- 26 acres of open space and equestrian trails including:
 - 10 acres deeded to the City from UDOT for open space and parks
 - 13.9-acre parks and trails easement in the Rocky Mountain Power corridor granted in favor of West Bountiful City
 - 2.1 acres of open space and community garden within the project
- Design and Architectural principles
- Streetscape Variety
- Recreational Amenities
- Fencing and Lighting
- Monument/Entry Signs
- Site Furnishings

To achieve the proposed number of lots, a density bonus and zoning flexibility are being requested.

Following the presentation, the following discussion took place:

Laura Charchenko stated that 85 % of the lots do not meet the 1-acre minimum required for the zone. She feels that with some tweaking a plan could be put into place that would be a great fit as what has been presented is a beautiful development. Mr. Bankhead noted that they have tried to balance the area with various sizes to accommodate the needs and desires of future property owners.

Dee Vest complimented the presentation. He said he has checked with surrounding neighbors and they were not in favor of lots smaller than 1 acre.

Corey Sweat commented that the developers are moving the right direction. He asked if the project qualifies as a PUD. Duane Huffman responded that our Code allows density up to 20%

but at this point staff is not sure if the development meets the criteria. He noted that the developer desires to meet current code and has not asked for any ordinance to be changed.

Mike Cottle asked how many 1 acre lots could fit into the project. Mr. Bankhead responded that it would be about 104 lots. Mr. Cottle explained that he is a real estate agent and is familiar with the land shortage. He pointed out that the new Highgate development has a waiting list and feels that one-acre lots are desirable and sellable.

Mr. Bankhead responded that 1 acre lots are about \$400,000 each and developers are concerned this could price some buyers out of the market. They feel like a mix of lot sizes are more affordable to build on and meet the needs of a larger segment of the community. Ms. Charchenko noted that a lot of people will sell their current homes within the city so they can remain in West Bountiful, so she feels there is a market for one-acre lots.

Alan Malan commented that he prefers the lots to be closer to 1-acre than what is proposed and wants to see more ingress and egress in a development this size. Mr. Bankhead noted there is a discussion of a development going onto the Smith property to the south. He added that neighbors do not want to connect to Redwood Road, so they will work with the engineers to figure more options for access within the development.

5. Reconsider Conditional Use #21-02 for West Bountiful's 400 North Viaduct Well House

Commissioner packets included a memorandum dated March 19, 2021 from Staff regarding West Bountiful City Conditional Use Permit for the 400 North Well Site (at approximately 750 West 400 North) requesting a change to the previous action taken.

At the March 9, 2021 meeting, the planning commission approved a conditional use permit for the well house with staff's proposed conditions and added the following additional conditions:

- Public access to un-fluoridated water for West Bountiful citizens will be added into the design.
- Additional gravel and an additional drive approach will be added to the west frontage for off street parking for access to the un-fluoridated water.

Duane Huffman explained that after review of the previous motion to grant a conditional use for a new city wellhouse, legal counsel believes that the planning commission is free to make a non-binding request to the city council regarding community access to fluoride-free water, but it cannot impose a condition that is not reasonably related to mitigating any anticipated detrimental effects.

Alan Malan asked about chemicals being used with the diesel-powered generator on site. Mr. Huffman stated that the generator will only run about a half hour every week during business hours unless there is a major power outage. Steve Maughan explained that chemicals will be

stored safely within the building. The chloride will be stored in two 150 lb. cylinders mounted on the wall with the equipment. In addition, there will be 4 to 6 fluoride containers. Within the structure there is a well room, a fluoride room and a chlorine room. Mr. Maughan noted that chloride dissipates quickly and is not dangerous at the 150 lb. capacity except to those that handle it. All safety measures will be in place with the handling of the chemicals. Mr. Maughan also noted that there are sensors in place that connect to the SCADA system. There will be 400 gallons of fuel in steel containment onsite and there is an area for off road pull in of the trucks delivering chemicals.

Some discussion took place regarding the possibility of having a public water spigot. It was explained that the pump will not always be on and water can only be made available when the pump is running. After consultation with Centerville, who offers these services many problems were identified including the risk of the city being sued.

Action Taken:

Corey Sweat moved to approve the conditional use application for West Bountiful City's 400 North Viaduct Well House with the following findings and conditions, as noted in the March 9th meeting.

- ***The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community,***
- ***Proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;***
- ***Accompanying improvements will not inordinately impact schools, utilities, and streets;***
- ***The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;***
- ***The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;***
- ***The proposed use will conform to the intent of the city's general plan; and***
- ***The following conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.***
 1. ***Limit hours of construction operation to work between 7:00 AM start and 10:00 PM stop.***
 2. ***Construction parking will be limited to on site and on the north side of the street.***
 3. ***Generator maintenance of the well can only run during normal business hours.***

Dee Vest seconded the motion and voting was unanimous in favor.

6. Discuss Height Regulations and Setbacks in Residential Districts for Public Hearing on April 13

Commissioner packets included a memorandum date March 19, 2021 from staff regarding Review of Height Regulations in Residential Zones with a redline copy of the draft to be considered.

Cathy Brightwell noted that the current draft incorporates the previously discussed changes and proposed standards the city engineer can use to determine allowance of additional height are provided below for discussion.

Kris Nilsen reviewed some of the conditions and standards that staff is proposing. He noted that lot-specific determinations for additional height can be added as follows: maximum of 2 ft in the R-1-10 zone, 3 ft. in the R-1-22 zone, and 4 ft. in the A-1 zone based on the following:

1. In the case where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height may be added that is less than or equal to the elevation difference.
2. In the case where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33% and shall not exceed one foot of height for every 30 feet of additional horizontal setback.
3. In the case where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve a minimum of two feet of separation between the ground water surface elevation and the main floor elevation.
4. In the case where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection. Additional height may be added based on a slope of 2.00% and shall not exceed one foot of height for every 50 feet of additional horizontal distance.
5. In the case where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00% and shall not exceed one foot of height for every 100 feet of additional horizontal distance.
6. In the case where there are unexpected existing site conditions that the city engineer determines can and should be mitigated by additional height.

Cathy Brightwell explained the language that was added to code for height of structures. Kris Nilsen said he has tried different scenarios using this process and noted it worked well in every situation.

Ms. Brightwell also noted that the R-1-10 language currently restricts accessory structures from being taller than the main structure on a property. This can pose a problem for single level homes. After discussion, it was decided to remove that restriction as the height regulations will ensure buildings cannot be too tall.

Chairman Malan suggested that all charts be part of the final document. In the A-1 zone, a 3 foot setback for fire-rated walls can be used on buildings less than 20 feet. For anything over 20 feet, the setback will be 10 feet.

Staff will update the draft and have the document ready for the public hearing on April 13th.

7. Staff Report

Kris Nilsen:

- Pre construction meeting for Pickle Ball with construction starting next week.
- Road project contract for Porter Lane have gone out to contractors.
- Wellhouse project could start by mid-April.

Cathy Brightwell:

- With the reduction in COVID-19 numbers and the large number of vaccinated people, the mayor is considering going back to in-person meetings in mid-April to May. Chairman Malan would like to consider it for the April 13th public hearing and meeting. Zoom may still be an option for those who do not feel comfortable meeting at the anchor location.
- Need to set a joint meeting with City Council to discuss ADU's and some conditional use issues along with legislative changes. Mr. Malan would like it to be separate from the regular meeting and suggested April 27th. Corey Sweat would like a review regarding the PUD ordinance as we prepare for Brookside Ranch.
- Mike Cottle commented on a letter he received from Bud Ingles on 1100 West regarding possible damage to his property from a neighbor's heavy equipment. Staff is addressing the situation.

7. Consider Meeting Minutes from March 9, 2021

Action Taken:

Laura Charchenko moved to approve of the minutes of the March 9, 2021 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

8. Adjourn

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on April 13 by unanimous vote of all members present.

Cathy Brightwell – City Recorder