**Mayor**
Kenneth Romney

**City Council**
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

# WEST BOUNTIFUL CITY

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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**City Administrator**
Duane Huffman

**City Recorder**
Cathy Brightwell

**City Engineer**
Kris Nilsen

**Public Works Director**
Steve Maughan

**UPDATED***

## THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, OCTOBER 19, 2021 AT THE CITY OFFICES, 550 N 800 WEST

AGENDA:

*Invocation/Thought – By Mark Preece; Pledge of Allegiance – By James Bruhn*

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Ordinance 449-21, An Ordinance Adding WBMC 17.44 – Housing in Certain Commercial Areas Overlay.
4. *Resolution 505-21, A Resolution Updating Fees Charged for Business Licenses.
5. Report on Construction Progress of New Public Works Facility.
6. Meeting Minutes from October 5, 2021.
7. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
8. Mayor/Council Reports.
9. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
10. Adjourn.

*This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on October 18, 2021.*

# MEMORANDUM

**TO:** **City Council**

**DATE:** **October 15, 2021**

**FROM:** **Staff**

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

---

This memo continues previous discussions on a draft ordinance creating a land use overlay that creates a framework for housing in the city's commercial zones. Included with this memo is a new draft of the ordinance (Alternate A) that shifts the original draft's requirements to recommendations on site and building design.

BACKGROUND

An overlay that would allow housing in commercial areas was discussed at the April 27, 2021, joint meeting with city council, and the planning commission was asked to work on the issue and make a recommendation.

The city's General Plan specifically calls out the 500 W and 500 S corridors as suitable locations for higher density housing to increase housing options. Additionally, changes are occurring in the retail industry (like the growth of on-line sales), and it is likely that in the future the city's older retail areas will need additional re-development options. By taking the lead on this issue, the city can select the areas it deems more attractive for this type of housing while protecting its commercial base primary residential areas.

PROPOSAL

The city's contract planning consultants, John Janson and Jake Young, prepared a draft proposal that introduces a framework to consider high density flexible housing types in the C-G and C-H zones along 500 South and 500 West, and opens a door for proposals for a greater mix of uses in locations that provide transportation options and more services.

It should be strongly noted that the draft overlay zone does not make residential uses a permitted or conditional use in the commercial zones. Any project would still need to go through a legislative process that would be at the discretion of the city and subject to a development agreement.

The planning commission has been working on this issue for several months. They held a public hearing on September 14 and recommended the ordinance to the council for approval.

After a council discussion on September 21, staff modified the original draft as an option for the council's consideration. The new alternate maintains all previous design requirements as recommendations. Any overlay would be approved through a legislative process, and this option offer more flexibility to the city council.

# WEST BOUNTIFUL CITY

ORDINANCE #449-21

## AN ORDINANCE ADDING WBMC 17.44 HOUSING IN CERTAIN COMMERCIAL AREAS OVERLAY

***WHEREAS***, Utah Code Annotated §10-9a-101 et seq., also known as the "Municipal Land Use, Development, and Management Act," grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and

***WHEREAS***, the West Bountiful City General Plan Sections 2.2and 6.2 include goals related to creating opportunities for mixed housing types including multi-family and townhomes mixed-use in the city's commercial zones; and

***WHEREAS***, the West Bountiful Planning Commission held a properly noticed public hearing on September 14, 2021, and recommends the creation of a new land use overlay.

***NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC 17.44 BE CREATED AS SHOWN IN ATTACHED EXHIBIT A.***

This ordinance will become effective upon signing and posting.

Adopted this 19th day of October, 2021.

By:

_____

Ken Romney, Mayor

| Voting by the City Council: | Aye | Nay |
|---|---|---|
| Councilmember Ahlstrom | ____ | ____ |
| Councilmember Bruhn | ____ | ____ |
| Councilmember Enquist | ____ | ____ |
| Councilmember Preece | ____ | ____ |
| Councilmember Wood | ____ | ____ |

Attest:

_____

Cathy Brightwell, City Recorder

# 17.42 Housing in Certain Commercial Areas Overlay (HCCO)

**17.42.010 Purpose**

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

**17.42.020 Applicability**

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

**17.42.030 Development agreement**

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

**17.42.040 Uses**

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

**17.42.050 Site design ~~requirements~~guidelines**

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

A. Heights and Setbacks

1. All residential buildings in the HCCO ~~shall~~ are recommended to be set back 30 feet from any residential zone. Residential buildings ~~shall~~ are recommended to not exceed 30 feet in height at the minimum setback line, except that townhomes may be up to 35 feet high at the setback line. For multi-family and mixed-use buildings, building height may be increased beyond the 30 foot setback to a maximum height of 60 feet, with an additional one foot setback required for every additional foot of increased height. Stairways, elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation, as long as they do not exceed an additional 12 feet in height.

2. Front yard setbacks ~~shall~~ are recommended to be landscaped and ~~shall~~ be a minimum of 20 feet from a public right of way. Buildings taller than 50 feet ~~shall~~ could be setback one additional foot from the minimum setback for each two feet of additional height over 50 feet. Only 500 West, 500 South, and 400 North streets (and not I-15) ~~shall~~ should be considered public rights of way for purposes of the front yard setback and building orientation.

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

B. Building Orientation. Buildings ~~shall~~ are recommended to face the adjacent public right of way. Buildings located behind other buildings or designed to face a driveway or drive aisle, may be oriented a different direction, except that they ~~may~~ should not face a residential zone. New residential buildings ~~shall~~ are recommended to include a six foot walkway to connect to a sidewalk along 500 West, 400 North, 500 South, or 1100 West, as appropriate.

C. Dumpsters. Dumpsters ~~shall~~ are recommended to be located to the side, to the rear, or in the interior of the building and ~~shall~~ should be enclosed on three sides with a six-foot masonry wall and the fourth side shall include a gate.

D. Lighting. All lighting ~~shall~~is recommended to ~~-~~be directed downward and shielded to prevent light trespass beyond the property line. Lighting fixtures ~~shall~~ are recommended to be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are ~~required~~recommended. Parking lot lights ~~shall~~ are recommended to be no taller than 20 feet. The following locations, at a minimum, ~~shall~~ should be lighted: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.

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

Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, ~~shall~~ should be landscaped. ~~Required b~~Buffering of adjacent residential zones ~~shall~~ should include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50); medium to large trees planted every 30 feet; and an inert mulch, including synthetic turf; and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility ~~shall~~ should be located within 15 feet of a residential zone.

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

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

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

Roof top gardens and leisure spaces are encouraged and may count toward up to 50% of the park space area ~~requirement~~. Where roof tops are proposed for use as garden and/or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing (not chain link) at least two feet in height shall be installed on top of the two foot parapet wall required under Section 17.42.060.A.

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

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

**17.42.060 Building Design ~~Requirements~~Guidelines**

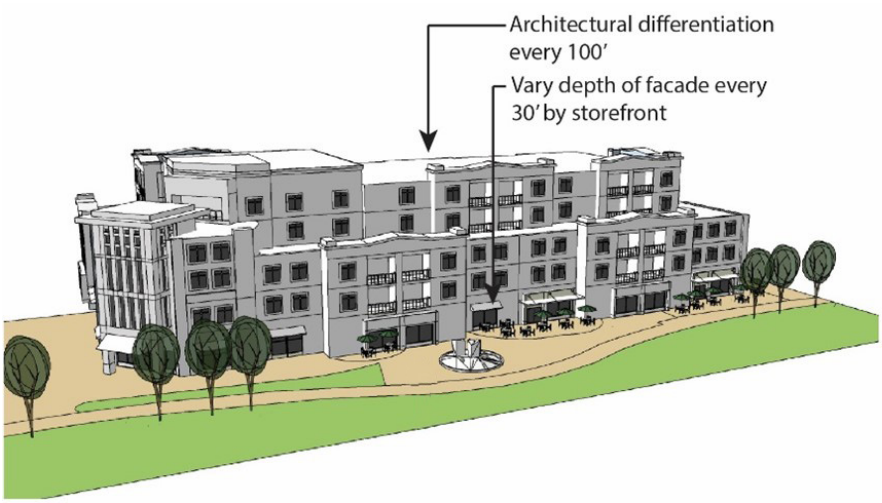
The following guidelines will be used by the City in reviewing proposals. Applicants must explain and justify any proposed deviations.

A. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are ~~required~~recommended. New development ~~shall~~ should incorporate timeless common, locally found materials such as granite, stone, sandstone, and brick for at least 65% of the first floor façade of each building, excluding the windows. All stories above the first floor ~~shall~~ should incorporate the above specified materials for at least 50% of the façade. The planning commission may consider other materials for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials ~~are required~~is recommended for sloped roofs. Flat roofs ~~shall~~ should be encompassed by a parapet wall with a minimum height of two feet, where no recreational uses of the roof are anticipated.

B. Façade Treatments and Size

No single building ~~shall~~ should exceed 200 feet in length or width. No new building elevation ~~may~~ should exceed 100 feet in length without at least a three-foot variation in the depth of the façade along the public right of way or any façade that faces the required plaza, and a two-foot variation on



other facades. Residential unit balconies ~~shall~~ should not be interpreted to meet this requirement. Top floors ~~shall~~ should have architectural differentiation from the other floors of the building and roof lines shall vary every 50 feet, at a minimum. For first floor uses in a mixed-use building, the appearance of small shops or storefronts with variation in the first floor façade every 30 feet or less is ~~required~~recommended.

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

1. **Townhome** - Horizontally attached units in a rowhouse configuration, usually divided into lots for ownership purposes. Townhomes may be located in a one- to three-story building consisting of three to eight attached dwelling units and may be arranged in groups of such buildings. This building type can include live/work units, which shall be specified in the development agreement. Private garages are ~~required~~recommended and ~~shall~~should be located at the rear of the building, allowing the primary façade to front a public street or a greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Private garages ~~shall~~ should be wired for at least one 220-volt line for electrical vehicle charging. Common guest parking ~~shall~~ should not include any driveway that accesses a garage.

*Townhome examples*

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

*Multi-family examples*

**3. Mixed Use** – General retail, office, and residential uses vertically integrated in the same building that features consistent approaches to lighting, landscaping, signage, building design, and materials use. Intended for a mix of primarily residential use with retail or commercial office uses located on the first floor.

*Mixed-use examples*

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

E. Balconies. For the residential portions of buildings, one balcony ~~shall~~ should be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size ~~shall~~ could also be permitted and ~~shall~~would count toward the balcony ~~requirement~~recommendation.

F. Entrances. Entrances ~~shall~~ shouldl be recessed or covered to provide shelter from inclement weather. Porte cocheres are also permitted.

G. Parking Requirements.

1. Location of Parking and Parking Garages. Parking for a multi-family residential or mixed-use building ~~shall~~should be located underneath, within (as in podium-style parking), to the side, or to the rear of the building. An above or partially above grade parking garage within the interior of a building having more than 20 residential units, if located within 50 feet of a public right-of-way, ~~shall~~ should include commercial uses that wrap the street-facing façade. No visible podium parking is ~~allowed~~ recommended fronting on 500 West, 400 North, 500 South or 1100 West unless such parking is wrapped with commercial uses on the street-facing facade. If an above grade or a partially above grade parking garage is incorporated into a building that is located more than 50 feet from a public street, any portions above ground ~~shall~~ should be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five foot-wide intensive landscape treatment that includes trees and shrubs covering at least 75 percent of each parking garage façade.

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

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

   All projects ~~shall~~ should provide additional guest parking spaces equal to one guest parking space for every four units. Any parking calculations that result in less than a whole number shall be rounded up.

3. To further evaluate the above parking space requirements for a particular project, the city may require an independent parking study where parking demand calculations exceed 50 spaces, shared parking is being considered, or the proposed use may impact previously calculated parking demands for adjacent uses. Any such study will be managed by the city but paid for by the developer. The city may adjust the above parking ~~requirements~~ recommendations consistent with the parking study's conclusions to reflect such factors as shared parking and compatible uses. The Planning Commission shall make findings reflecting the study or discounting the study and may suggest modifications of the parking ~~standards~~ guidelines or simply leave the standards as-is. Parking stalls 9-feet by 20-feet are ~~required~~ recommended

but a parking study could also address compact car spaces in terms of size and as a percentage of the overall parking.

4. Shared parking is encouraged based on a parking study, but recommended only for up to 30 percent of the parking demand. The development agreement shall include the terms of shared parking for both the existing uses and proposed new HCCO development. The shared parking requirement is for a minimum of ten years and shall be renewed thereafter.

5. Bike parking is encouraged for residential projects. Bike parking should be well lighted and secure, with a combination of indoor bike storage and exterior bike parking. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four bikes per building is ~~required~~ recommended for commercial patrons.

6. Residential portions of parking garages and structures, including carports, are strongly encouraged to include 220-volt outlets and associated infrastructure/conduit for personal vehicle charging. The suggested standard is one outlet for every ten residential units; however, the number shall be determined as part of the development agreement.

**17.42.070 Signs**

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

**17.42.080 Application procedures**

A. General Requirements. An application for the HCCO is considered a rezone application subject to the rezone process provided in this chapter. The application shall be accompanied by a draft development agreement. The application, development agreement template, and their associated requirements are available online and at the city offices.

B. Pre-application Conference. The applicant is required to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of the project and any additional information or reports that may be required in connection with the application and development agreement. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development.

C. Required Studies. A geotechnical study is required for any proposed building over one story. A traffic study is required for projects with 50 or more residential units.

D. Fees. In addition to the initial rezone application fee for the HCCO, the applicant will pay for any studies required as part of the approval process. All such studies will be procured and managed by city staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other application fees, at the request of the applicant. For all proposed rezones and

associated development plans, a complete application is required before authorization to proceed to the Planning Commission.

E. Visual Presentation. If not provided as part of the proposed project application, the applicant shall provide for the review of the Planning Commission and the City Council a visual presentation, preferably using computer graphics, depicting the buildings to be constructed and siting for the proposed development within the context of existing, surrounding development.

F. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:

1. The initial application shall be referred to the Planning Commission for review and comment.
2. The City shall mail notice of an initial public hearing to owners of property within 300 feet of the proposed project.
3. The Planning Commission shall make a recommendation to the City Council of approval, approval with modifications/conditions, or denial. Such recommendation shall include any recommended changes/modifications to the draft development agreement.
4. If approval is recommended, the planning department, with the assistance of the city attorney and the concurrence of the applicant, shall prepare a second draft of the development agreement.

F. City Council Review and Public Hearing:

1. If city staff and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit their own proposed development agreement, addressing all the required information and any proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed for public hearing before the City Council. The City shall mail notice of the public hearing to owners of property within 300 feet of the proposed project.

2. City Council Public Hearing: The initial application, additional reports/information, and planning commission recommendation, together with the proposed development agreement and the complete submission of all other related, project-specific information requiring approval of the City Council, shall constitute a final application for the potential rezone. If approved by the City council, the rezone application and development agreement shall authorize the applicant to proceed with an administrative site plan process. If a subdivision is required, such as for a condominium project or to define a new lot, an administrative subdivision process will follow the approvals by the City Council.

# 17.42 Housing in Certain Commercial Areas Overlay (HCCO)

**17.42.010 Purpose**

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**17.42.030 Development agreement**

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**17.42.040 Uses**

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

**17.42.050 Site design requirements**

A. Heights and Setbacks

   1. All residential buildings in the HCCO shall be set back 30 feet from any residential zone. Residential buildings shall not exceed 30 feet in height at the minimum setback line, except that townhomes may be up to 35 feet high at the setback line. For multi-family and mixed-use buildings, building height may be increased beyond the 30 foot setback to a maximum height of 60 feet, with an additional one foot setback required for every additional foot of increased height. Stairways, elevator access structures, or rooftop garden structures (such as shade structures) shall not be included in the maximum height calculation, as long as they do not exceed an additional 12 feet in height.

   2. Front yard setbacks shall be landscaped and shall be a minimum of 20 feet from a public right of way. Buildings taller than 50 feet shall be setback one additional foot from the minimum setback for each two feet of additional height over 50 feet. Only 500 West, 500 South, and 400 North streets (and not I-15) shall be considered public rights of way for purposes of the front yard setback and building orientation.

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

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

except that they may not face a residential zone. New residential buildings shall include a six foot walkway to connect to a sidewalk along 500 West, 400 North, 500 South, or 1100 West, as appropriate.

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

D. Lighting. All lighting shall be directed downward and shielded to prevent light trespass beyond the property line. Lighting fixtures shall be dark sky compliant with a cutoff shield not allowing light to go upward. LED light fixtures are required. Parking lot lights shall be no taller than 20 feet. The following locations, at a minimum, shall be lighted: building entrances, sidewalks to parking, parking areas, outdoor gathering plazas and driveway entrances to the site.

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

   Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, shall be landscaped. Required buffering of adjacent residential zones shall include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50); medium to large trees planted every 30 feet; and an inert mulch, including synthetic turf; and turf/groundcover at a 50/50 ratio. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility shall be located within 15 feet of a residential zone.

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

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

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

   Roof top gardens and leisure spaces are encouraged and may count toward up to 50% of the park space area requirement. Where roof tops are proposed for use as garden and/or recreation space, parapet walls shall be at least four feet high; or secure, decorative fencing (not chain link) at least two feet in height shall be installed on top of the two foot parapet wall required under Section 17.42.060.A.

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

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

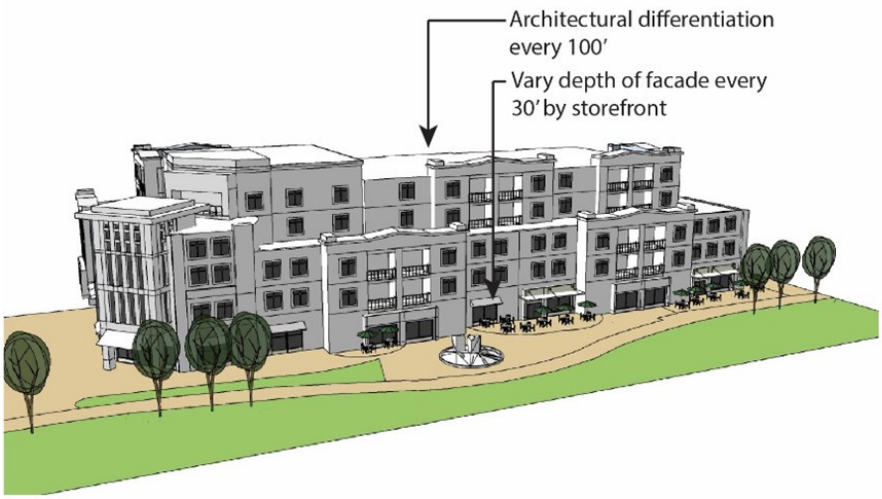
**17.42.060 Building Design Requirements**

A. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are required. New development shall incorporate timeless common, locally found materials such as granite, stone, sandstone, and brick for at least 65% of the first floor façade of each building, excluding the windows. All stories above the first floor shall incorporate the above specified materials for at least 50% of the façade. The planning commission may consider other materials for soffits, or as accents or unique architectural features. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for sloped roofs. Flat roofs shall be encompassed by a parapet wall with a minimum height of two feet, where no recreational uses of the roof are anticipated.

B. Façade Treatments and Size

No single building shall exceed 200 feet in length or width. No new building elevation may exceed 100 feet in length without at least a three-foot variation in the depth of the façade along the public right of way or any façade that faces the required plaza, and a two-foot variation on other facades.




Residential unit balconies shall not be interpreted to meet this requirement. Top floors shall have architectural differentiation from the other floors of the building and roof lines shall vary every 50 feet, at a minimum. For first floor uses in a mixed-use building, the appearance of small shops or storefronts with variation in the first floor façade every 30 feet or less is required.

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

1. **Townhome** - Horizontally attached units in a rowhouse configuration, usually divided into lots for ownership purposes. Townhomes may be located in a one- to three-story building consisting of three to eight attached dwelling units and may be arranged in groups of such buildings. This building type can include live/work units, which shall be specified in the development agreement. Private garages are required and shall be located at the rear of the building, allowing the primary façade to front a public street or a greenspace/courtyard having a usable outdoor space that allows for active and passive recreation. Private garages shall be wired for at least one 220-volt line for electrical vehicle charging. Common guest parking shall not include any driveway that accesses a garage.

*Townhome examples*

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

*Multi-family examples*

**3. Mixed Use** – General retail, office, and residential uses vertically integrated in the same building that features consistent approaches to lighting, landscaping, signage, building design, and materials use. Intended for a mix of primarily residential use with retail or commercial office uses located on the first floor.

*Mixed-use examples*

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

E. Balconies. For the residential portions of buildings, one balcony shall be constructed with a minimum of sixty (60) square feet per unit. Terraces and ground level porches and patios of similar size shall also be permitted and shall count toward the balcony requirement.

F. Entrances. Entrances shall be recessed or covered to provide shelter from inclement weather. Porte cocheres are also permitted.

G. Parking Requirements.

1. Location of Parking and Parking Garages. Parking for a multi-family residential or mixed-use building shall be located underneath, within (as in podium-style parking), to the side, or to the rear of the building. An above or partially above grade parking garage within the interior of a building having more than 20 residential units, if located within 50 feet of a public right-of-way, shall include commercial uses that wrap the street-facing façade. No visible podium parking is allowed fronting on 500 West, 400 North, 500 South or 1100 West unless such parking is wrapped with commercial uses on the street-facing facade. If an above grade or a partially above grade parking garage is incorporated into a building that is located more than 50 feet from a public street, any portions above ground shall be designed to complement the building in a manner that the parking garage is not readily discernable as such or is surrounded with a five foot-wide intensive landscape treatment that includes trees and shrubs covering at least 75 percent of each parking garage façade.

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

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

   All projects shall provide additional guest parking spaces equal to one guest parking space for every four units. Any parking calculations that result in less than a whole number shall be rounded up.

3. To further evaluate the above parking space requirements for a particular project, the city may require an independent parking study where parking demand calculations exceed 50 spaces, shared parking is being considered, or the proposed use may impact previously calculated parking demands for adjacent uses. Any such study will be managed by the city but paid for by the developer. The city may adjust the above parking requirements consistent with the parking study's conclusions to reflect such factors as shared parking and compatible uses. The Planning Commission shall make findings reflecting the study or discounting the study and may suggest modifications of the parking standards or simply leave the standards as-is. Parking stalls 9-feet by 20-feet are required but a parking study could also address compact car spaces in terms of size and as a percentage of the overall parking.

4. Shared parking is encouraged based on a parking study, but only for up to 30 percent of the parking demand. The development agreement shall include the terms of shared parking for both the existing uses and proposed new HCCO development. The shared parking requirement is for a minimum of ten years and shall be renewed thereafter.

5. Bike parking is encouraged for residential projects. Bike parking should be well lighted and secure, with a combination of indoor bike storage and exterior bike parking. Where a mixed-use building is proposed, a conveniently located permanently attached bike rack accommodating a minimum of four bikes per building is required for commercial patrons.

6. Residential portions of parking garages and structures, including carports, are strongly encouraged to include 220-volt outlets and associated infrastructure/conduit for personal vehicle charging. The suggested standard is one outlet for every ten residential units; however, the number shall be determined as part of the development agreement.

**17.42.070 Signs**

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

**17.42.080 Application procedures**

A. General Requirements. An application for the HCCO is considered a rezone application subject to the rezone process provided in this chapter. The application shall be accompanied by a draft development agreement. The application, development agreement template, and their associated requirements are available online and at the city offices.

B. Pre-application Conference. The applicant is required to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of the project and any additional information or reports that may be required in connection with the application and development agreement. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development.

C. Required Studies. A geotechnical study is required for any proposed building over one story. A traffic study is required for projects with 50 or more residential units.

D. Fees. In addition to the initial rezone application fee for the HCCO, the applicant will pay for any studies required as part of the approval process. All such studies will be procured and managed by city staff. Any unused funds will be refunded to the applicant or transferred to be used as payment toward other application fees, at the request of the applicant. For all proposed rezones and associated development plans, a complete application is required before authorization to proceed to the Planning Commission.

E. Visual Presentation. If not provided as part of the proposed project application, the applicant shall provide for the review of the Planning Commission and the City Council a visual presentation,

preferably using computer graphics, depicting the buildings to be constructed and siting for the proposed development within the context of existing, surrounding development.

F. Planning Commission Review of Initial Rezone Application; Preparation of Proposed Development Agreement:

1. The initial application shall be referred to the Planning Commission for review and comment.
2. The City shall mail notice of an initial public hearing to owners of property within 300 feet of the proposed project.
3. The Planning Commission shall make a recommendation to the City Council of approval, approval with modifications/conditions, or denial. Such recommendation shall include any recommended changes/modifications to the draft development agreement.
4. If approval is recommended, the planning department, with the assistance of the city attorney and the concurrence of the applicant, shall prepare a second draft of the development agreement.

F. City Council Review and Public Hearing:

1. If city staff and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit their own proposed development agreement, addressing all the required information and any proposed changes contrary to the Planning Commission recommendation. Upon the submission of such agreement, and the submission of any other related project-specific plans requiring approval of the City Council, the application shall be scheduled and noticed for public hearing before the City Council. The City shall mail notice of the public hearing to owners of property within 300 feet of the proposed project.

2. City Council Public Hearing: The initial application, additional reports/information, and planning commission recommendation, together with the proposed development agreement and the complete submission of all other related, project-specific information requiring approval of the City Council, shall constitute a final application for the potential rezone. If approved by the City council, the rezone application and development agreement shall authorize the applicant to proceed with an administrative site plan process. If a subdivision is required, such as for a condominium project or to define a new lot, an administrative subdivision process will follow the approvals by the City Council.

# WEST BOUNTIFUL CITY

RESOLUTION #505-21

## A RESOLUTION MODIFYING THE WEST BOUNTIFUL CITY CONSOLIDATED FEE SCHEDULE FOR BUSINESS LICENSE FEES

***WHEREAS***, the West Bountiful City Council has previously adopted a consolidated fee schedule that lists fees for its direct and miscellaneous services to offset regulatory and administrative costs; and

***WHEREAS***, it is important to review and update its fees periodically; and

***WHEREAS***, it is necessary to update fees charged for business licenses to match changes in city ordinances and state legislation.

***NOW THEREFORE, BE IT RESOLVED*** by the City Council of West Bountiful City that the West Bountiful Consolidated Fee Schedule be modified as reflected in the attached Exhibit A.

***EFFECTIVE DATE.*** This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 19th day of October 2021.

_____
Ken R. Romney, Mayor

| Voting by the City Council: | Aye | Nay |
|---|---|---|
| Councilmember Ahlstrom | ___ | ____ |
| Councilmember Bruhn | ___ | ____ |
| Councilmember Enquist | ___ | ____ |
| Councilmember Preece | ___ | ____ |
| Council member Wood | ____ | ____ |

ATTEST:

_____
Cathy Brightwell, Recorder

**EXHIBIT A**

# BUSINESS LICENSING

| | |
|---|---|
| **Commercial Business License Fee - General** | $ 50.00/yr. |
| Plus, for each full time employee | $ 5.00/yr. |
| Plus, for each part time employee | $ 2.50/yr. |
| Penalty for late filing if received after January 5 | 50% of ~~amount due~~**License fee** |

*License fees will be discounted 50% on/after ~~September~~ October 1 of each year*

***Clarify application of penalty, reduce discount period***

| | |
|---|---|
| **Business Name Change** | **$ 25.00** |

***Half of regular business license fee – does not require all verifications or inspections***

| | |
|---|---|
| **Home Occupation License Fee** | ~~$~~ **no charge**~~20.00/yr.~~ |
| **Application/Processing fee at time of initial filing** | **$ 15.00** |

***Includes staff time to verify business information, sales tax information, schedule and track Inspections if necessary***

| | |
|---|---|
| **Solicitors, Canvassers, Peddlers License Fee** | $ 25.00 |
| Plus, for each solicitor | $ 5.00/wk **or** |
| | $ 20.00/mo |

Plus, all related admin fees (Bureau of Criminal Investigation, etc.)
License is limited to 120 days and becomes effective ten days from issuance

| | |
|---|---|
| **Temporary Business License** | $ 25.00 |
| Plus, per day **(maximum 120 days)** | $ 1.00 up to $100 |
| Plus, Administrative fee if engaged in business prior to obtaining license | $ 50.00 |

**Beer License**

| | |
|---|---|
| **Application/Processing fee** (per WBMC 5.12.030) | **$ 25.00** |

***Includes staff time to verify business and owner information, check backgrounds, process local consent request (Cathy, Mindi, Duane, Chief Erekson)***

| | |
|---|---|
| Class A (~~in original container for~~ off-premise consumption) | $250.00 |
| Class B (~~in original container for~~ on ~~or off~~-premise consumption | $300.00* |
| Class C (~~on draft for on-premise consumption~~**Special Event/Temporary Beer Event**) | **$TBD** |
| ~~Class D (on draft for on or off-premise consumption)~~ | ~~$500.00~~ |

* **Plus, Proof of Insurance for Class B (see WBMC 5.12.030)**

# LAKESIDE GOLF COURSE FEE SCHEDULE

**Delete Golf fees from Consolidated Fee Schedule**

**PENDING – NOT YET APPROVED**

Minutes of the West Bountiful City Council meeting held on Tuesday, October 5, 2021**,** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, Kelly Enquist, Mark Preece, and Rod Wood

**STAFF:** Steve Doxey (City Attorney), Chief Brandon Erekson, Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), Cathy Brightwell (City Recorder)

**EXCUSED**: Council member James Bruhn, Duane Huffman (City Administrator)

**PUBLIC:** Alan Malan, Richmond Thornley, Michelle Curtis, Jory Moran, Analysa Rivera, Brittni Moran, Lilyana Erebia, Juli Moran, Morgan Moran, Liam Livingston, Julian Moran, Chris Jacobsen, Lance Wilkinson

Mayor Romney called the regular meeting to order at 7:33 pm. Rod Wood provided an invocation, and the Pledge of Allegiance was led by Mark Preece.

**1. Approve the Agenda.**

**MOTION:** ***Mark Preece made a Motion to approve the agenda as posted. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.***

**2. Swearing In of Police Officer Jory Moran.**

Mayor Romney introduced Officer Moran and thanked him for being willing to serve our community. Cathy Brightwell conducted the oath of office with Officer Moran.

**3. Public Comment**

No comments.

**4. Ordinance 447-21, An Ordinance Amending WBMC 2.34 – Youth City Council.**

Cathy Brightwell explained that the Youth City Council wants to make some changes to the regulations included in WBMC 2.34 based on their current practices. During and after COVID, they decided that monthly meetings were sufficient as long as they have the option to call additional meetings when necessary. Changing the number of meetings impacts the attendance criteria so they are suggesting a reduction there as well. They also believe the size of the Youth City Council should not be limited, and are combining officer positions – Secretary, Web Administrator, and Publicity Head to Secretary/Communications. If approved, the recommended changes will be reflected in the amended Bylaws

**MOTION:** ***Rod Wood made a Motion to Approve Ordinance 447-21 As Proposed. James Ahlstrom seconded the Motion which PASSED as reflected below.***

| | |
|---|---|
| James Ahlstrom – aye | James Bruhn – Excused |
| Kelly Enquist – aye | Mark Preece – aye |
| Rod Wood - aye | |

**5. Resolution 504-21, A Resolution Amending Youth City Council Bylaws.**

As described in agenda item 4. above, these amendments to the Youth City Council Bylaws are consistent with the changes to WBMC 2.34

**MOTION:** ***Kelly Enquist made a Motion to Approve Resolution 504-21. Mark Preece seconded the Motion which PASSED as reflected below.***

| | |
|---|---|
| James Ahlstrom – aye | James Bruhn – Excused |
| Kelly Enquist – aye | Mark Preece – aye |
| Rod Wood - aye | |

**6. Ordinance 448-21, An Ordinance Adding Landscape Supply as a New Use to the Agricultural Specialty Zone.**

South Davis Sewer District ("SDSD") is considering a lease of 2.25 acres of parcel #06-031-0030 to Sinc Contractors to install a temporary agricultural structure to mix, blend and stockpile select topsoil. A site plan showing the property and proposed buildings was reviewed on-screen. This property is in the Agricultural Specialty (A-S) District and there is not currently a use that fits with the proposed activities.

Sinc Constructors Co. explains that this mixing and blending of select topsoil needs to be done in a controlled (dry) environment, free from water, rain, snow, ice, or other adverse environmental conditions. They plan to install 1-2 temporary agricultural structures covering about 1-acre for this use. Additional activities may also include 1) providing fill on the site, 2) grading or leveling the property, 3) leaving a stockpile of topsoil for future landscaping, 4) landscaping, 5) storm water control, and 6) nursery or other agriculture operations. Dust will be minimized as mixing operations will be carried out inside the temporary structures and the material is protected from direct exposure to wind.

Cathy Brightwell explained that the planning commission had no objection to adding a new use, Landscape Supply, to this agricultural zone with regulations that protect this and neighboring properties and are consistent with other areas of city code. The definition has been written to prevent outside storage and gravel pit-type uses. A public hearing was held on September 28, 2021; no public comments were provided.

Steve Sowby, representing Sinc Constructors Co., reviewed the project and explained they are still negotiating a lease with SDSD.

**MOTION:** ***James Ahlstrom made a Motion to Approve Ordinance 448-21 as presented. Mark Preece seconded the Motion which PASSED as reflected below.***

| | |
|---|---|
| James Ahlstrom – aye | James Bruhn – Excused |
| Kelly Enquist – aye | Mark Preece – aye |
| Rod Wood - aye | |

**7. Minutes from September 21, 2021, City Council Meeting.**

**MOTION:** ***James Ahlstrom made a Motion to Approve the Meeting Minutes from September 21, 2021, as Presented. Rod Wood Seconded the Motion which PASSED by Unanimous Vote of all Members Present.***

**8. Staff Reports**

**Police – Brandon Erekson**

- A conditional offer was made to one of the applicants for the open sergeant position. He is an external candidate with 21 years' experience with West Jordan. Background checks are underway.
- DARE wrapping is complete on the police vehicle.
- Citizens' academy will be held here tomorrow night.

**Public Works – Steve Maughan**

- Construction block is due this week for the 400 N well house and work should begin next week. A progress meeting will be held tomorrow morning.
- A lot of work is being done on planning details of the public works building.
- Fall clean-up is scheduled for October 16 – 23.
- Gas laterals are going into new lots in Ashby Acres causing potholes on Pages Lane. When the street was rebuilt several years ago, gas lines were stubbed as much as possible, but Dominion will not put in laterals until a home is built.

**Engineering – Kris Nilsen**

- Planning is beginning for the 600 West road project. Construction will run from 1600 North to 2200 North. Will be sending out notice to all utilities letting them know about the project and street cut moratorium.
- Currently reviewing civil drawings for the public works building. The soils are good and have verified the storm drain to Bountiful Pond.

**Community Development – Cathy Brightwell**

- Meet The Candidates night had good attendance and went well. Ballots are going out early next week.

**9. Mayor / Council Reports**

Kelly Enquist – No report

James Ahlstrom – Youth Council decided not to hold an overnight event for their annual retreat. Instead, they will have two activities, meals, and training. Christmas on Onion Street will be held at city park following Santa's tour of the city. The event will be during the day rather than nighttime. Santa will collect letters from children and donations for the Bountiful Food Pantry rather than having children sit on his lap.

Mark Preece – No report

Rod Wood – No report, but he asked how the city recognizes employees at Christmas. He suggested a nice party, night out, or something similar. Mayor Romney encouraged him to participate in planning the event with Mr. Huffman.

Mayor Romney – There was discussion as to the future of the city's Elf Tree, a program that allows residents to donate clothes and toys to local children at Christmas time. Due to the pandemic and staffing challenges, the program was suspended in 2020 and residents were referred to the Bountiful Food Pantry's Sub for Santa program to make donations. The Mayor asked council members for their thoughts. There was discussion about limited time resources of city employees and concerns about how participants are selected. The community enjoys giving but they could be referred to other organizations like the Food Pantry that handle donations for those in need. The Mayor took the input and will work with staff on the future of the program for 2021.

Mayor Romney commented on the good turn-out for Meet the Candidates night which was higher than in years past. There were good questions and answers and the audience seemed to appreciate the event.

**10. Closed Session Pursuant to UCA § 52-4-205.**

No closed session was needed.

**11. Adjourn.**

**MOTION:** ***Rod Wood made a Motion to adjourn the meeting. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.***

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*The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, October 19, 2021.*

_____
Cathy Brightwell, City Recorder