

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Debbie McKean  
Mark Preece  
Dave Tovey

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## CITY COUNCIL AND PLANNING COMMISSION JOINT WORK SESSION

THE CITY COUNCIL AND PLANNING COMMISSION OF WEST BOUNTIFUL CITY WILL HOLD A JOINT WORK SESSION ON **NOVEMBER 12, 2013**, BEGINNING AT **6:00 PM**. THE MEETING WILL BE HELD IN THE CITY OFFICES AT 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

The purpose of the meeting is to discuss Title 17 - yard regulations including setbacks, decks, area restrictions and yard obstructions; area and frontage regulations; and height regulations in residential zones.

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

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and on the City's website on **November 8, 2013**.*

**Joint Work Session – City Council and Planning Commission**  
**November 12, 2013**  
**6:00 pm**

Present: Mayor Kenneth Romney, City Council Members Mark Preece, Debbie McKean, James Bruhn, Dave Tovey, James Ahlstrom (by phone), Planning Commission Chairman Denis Hopkinson, Commissioners Alan Malan, Mike Cottle, Laura Charchenko, Terry Turner, Deputy Recorder Cathy Brightwell, City Engineer Ben White, City Administrator Duane Huffman, Secretary Nathalie Ellingson.

Visitors: Corey Sweat, Council Member Elect Kelly Enquist.

**Discussion of Title 17 – yard regulations including setbacks, decks, area restrictions and yard obstructions, area and frontage regulations, and height regulations in residential zones.**

Requests for certain land use variances have come before council, and during discussions, it has become apparent the language in applicable ordinances may need modification. The Mayor and City Council asked the Planning Commission to look at possible changes to ordinances regarding the above issues, and the Planning Commission proposed holding a joint work session to discuss their proposals.

Denis Hopkinson – Everyone at the table received a copy of the applicable ordinances along with a chart listing specific items to be discussed.

Denis read 17.24.050, paragraph (H) which stated buildings in a rear yard could not have a footprint of more than 25% of the rear yard, and paragraph (J) which stated restrictions on building feature exceptions. There were some questions asked as to the original reasons for the language. Denis asked if limitations in paragraph (J) were put there for safety reasons, and if the council wants the language tightened, thinned out, or to remain in the ordinance at all. Also, addressing architecture and landscaping in the same paragraph is confusing. Ben White commented that the language in (J) was a combination of several topics in one paragraph and had come from the Supplemental Language Section of the Code which was eliminated previously.

Regarding the 25% restriction in (H), Debbie McKean said there is an accessory structure on 400 North that appears to be taking up more than 1/4 of the yard and it does not look bad. She said the 25% restriction, as well as other restrictions, are unnecessary. If some are necessary, they should decide which ones. Denis said lot sizes vary, and they need higher restrictions for the smaller lots so they don't get cluttered. Debbie said without outbuildings, people leave things outside which looks more cluttered.

Mayor Romney said most people live in West Bountiful because they like the rural and open feeling. Interestingly, those comments come from people who live on smaller lots, but they like being able to walk from their homes to open areas, and they like that there are no businesses close to their homes. Corey Sweat said he owns a home in South Foxboro where setbacks are 25 feet in the front yards and much smaller than West Bountiful's in the side yards. The houses look like blocks. He said people moved to West Bountiful because of the larger setbacks and open feel. Denis said at public hearings he will press for more comments in this regard.

James Ahlstrom said he does not equate setbacks to a rural feel. He wants a more flexible ordinance; he prefers not to get in the way of property rights. He agreed with comments made by Debbie and Dave

Tovey that ordinances need to have solid reasons behind them. He also didn't think the ordinances are cohesive.

James Bruhn disagreed, saying once you start changing required measurements people will push to the edge. He doesn't think there is enough undeveloped acreage left in the City to justify changing requirements; they should finish the few lots left with current numbers and then move forward from there. His property has a vacant lot next to it, and he wants to think the same rules would apply to the new builders as applied to him. He would not know what to expect if the restrictions were loosened.

Mayor Romney said they have to be very careful with conditional use because it is hard to stop people from doing things unless conditions are very clear.

Duane Huffman suggested investigating best practices regarding setbacks; talk to someone with a planning degree or compare ordinances in other cities.

Denis Hopkinson – When the Planning Commission is tasked with reforming ordinance language, they try to make it simple and clear. When conditional use permits are granted, the conditional use must be enforceable. Most conditional uses applied for are for home occupations and businesses. But when a conditional use will modify a residential footprint, the Planning Commission can mitigate using Section 17.60, but enforcement is more difficult. The city staff and the Mayor are expected to tell people to cease and desist and then the issue goes to court. They must be careful of language that moves them into needing to issue conditional use permits unless the Mayor and Council is prepared to back them up.

Decks. Mayor Romney said he had no problem with a deck extending into a yard. In several cities, a deck can cover a whole back yard if it is not too high. His concern is where to go with a deck 20 feet high.

Mayor Romney asked if anyone had any problem with 20 foot high decks, and Alan Malan said he would like to see a condition stating the deck cannot be higher than the top floor of the dwelling.

Duane said there are no best practices on decks, so the city just needs to do what is reasonable.

Denis said that over time homes will be knocked down and new homes built, so they need an ordinance in plain language for future building.

Building height. The Mayor asked if anyone had an issue regarding height of structures or accessory structures.

Ben White explained that in any zone, the regulation for a main structure is 35 feet. The measurement is from the tallest point on the roof to the lowest adjacent finished grade. A height limit of 35 feet is standard in different communities, but measurements are done differently. The Mayor went on to explain that an accessory structure in A-1 can be 35 feet. In R1-10 and R1-22, the limit is 20 feet although Ben said a property owner can come to the Planning Commission and ask for something taller with a conditional use.

James Bruhn said zones A1 and R1-22 should allow taller accessory buildings. He thinks main structures could go to 45 feet. Dave said a 45 foot home needs a bigger front setback and the Mayor said they need to look at the ratio of height compared to setbacks.

Denis said this makes good sense in the A-1 zone, because pieces of the city will be developed into five acre pieces. Both homes and accessory buildings could be taller. The Mayor said they need to be

committed with keeping the A-1 zone in the west part of the city. However, he said that more than likely in the future a city council may want to divide the land into smaller lots, due to economic benefit and the current trend.

Corner lots. Mayor Romney - The city has had a tendency to change ordinances once or twice for corner lots. The question is should they give leeway if setbacks are maintained in another direction, especially where they have to have more room on the side of corner lots. In the lot that came up for a variance, the city allowed land to be subdivided and a home was to be built. Now the owners are back to say their home is too small. Adding to the house will decrease setbacks in the rear.

Dave said if a corner lot is the side yard of another lot the rear yard expectation may not be the same; a few feet are added to one side, the rear yard may be the neighbor's side yard and could be smaller. A corner side yard needs a 20 foot setback. So the question is do they lower the setback requirement in the first home's back yard? Duane said a side yard may not always be a side yard if a home is replaced with a new home. Ben said that, in addition, in a new subdivision the corner lot could be developed first.

They talked about how various corner homes are situated, and some seem too close. Denis said this goes back to the deck ordinance. If the main living level is the second floor or even the third floor and that is where the deck comes out, they would need to see if the view looks down into a neighbor's back yard. The Mayor said for this reason they need a height limit on decks and Laura Charchenko said there even needs to be a height limit in the A-1 zone.

25% footprint and the 3 to 1 depth to width ratio. Mayor Romney asked if they should investigate the origin of those numbers and should they grant conditional use permits to increase the footprint, possibly to 50%?

There were several comments that 25% is too restrictive. Alan suggested they allow 45% and the higher percentage would still be open ground. Mark was in favor of Alan's suggestion. Denis said the 25% is there to keep open space. Duane asked what conditions would make a property seem less crowded and Ben said height restrictions.

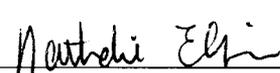
Denis stated a building on a property could mitigate an eyesore. One property in the city needs a house on it because the lot looks bad. Neighbors would prefer a house with limited open space to the way it looks now. If conditional uses were allowed, they could change the setbacks and apply conditions pursuant to 17.60.070, Conditional Use, Paragraph c, to mitigate closeness.

Mayor Romney asked the staff to look at ratios in other cities. He asked whether, if they did away with the 3 to 1, it would create a problem and there was a brief discussion in that regard.

The work session ended at 7:25 pm.

  
MAYOR KENNETH ROMNEY

  
HEIDI VOORDECKERS (CITY RECORDER)

  
NATHALIE ELLINGSON (SECRETARY)

