

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

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## PLANNING COMMISSION MEETING

THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY WILL HOLD ITS REGULARLY SCHEDULED MEETING ON **JANUARY 28, 2014**, BEGINNING AT 7:30 PM. THE MEETING WILL BE HELD IN THE CITY OFFICES AT 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

### ***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda
2. At 7:35 pm, or as soon thereafter as possible, a Public Hearing will be held to discuss possible restrictions for Retail Tobacco Specialty Businesses
3. At 7:40 pm, or as soon thereafter as possible, a Public Hearing will be held to consider changes to Title 17 including setbacks, decks, yard obstructions, area and frontage regulations, and height regulations in residential zones.
4. Consider possible restrictions for Retail Tobacco Specialty Businesses
5. Consider conditional use application for a home occupation business, *Time For Healing*, therapeutic massage located at 701 W 2350 North.
6. Consider changes to Title 17 - yard regulations including setbacks; decks; yard obstructions; area and frontage regulations; and height regulations in residential zones.
7. Staff Report
8. Consider Approval of January 14, 2014 meeting minutes
9. Adjournment

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

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City's website on **January 24, 2014**.*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** January 24, 2014

**FROM:** Cathy Brightwell

**RE:** Retail Tobacco Specialty Business Study

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The City Council adopted Ordinance 356-13 on December 3, 2013 establishing temporary restrictions regarding land use applications in connection with Retail Tobacco Specialty Businesses (RTSP) so it could conduct a Retail Tobacco Specialty Business Study. The responsibility for the study was given to Planning Commission.

At its December 10, 2013 and January 14, 2014 meetings, the issue was discussed and the unanimous consensus was to have staff prepare language that would prohibit these businesses from operating in all zones of the City, and set a public hearing for January 28, 2014. The attached revisions to the City's non-residential zone use restrictions add RTSB's as prohibited uses. It was not necessary to list them in the residential zones as State law clearly prohibits them within 600 feet of a residential or agricultural use.

A housekeeping clarification has also been included that lists Sexually Oriented Businesses as a permitted use in the L-I zone. Chapter 17.64 –Sexually Oriented Businesses states that these businesses are permitted in the L-I zone, but they had not been specifically listed in that section of the code. Because these businesses are only allowed in the L-I zone, we have added them to the Prohibited Use section of each of the other zones.

## **Chapter 17.28 NEIGHBORHOOD COMMERCIAL DISTRICT, C-N**

### Sections:

17.28.010 Purpose.

17.28.020 Permitted uses.

17.28.030 Conditional uses.

17.28.XXX Prohibited Uses

17.28.040 Area and frontage regulations.

17.28.050 Yard regulations.

17.28.060 Height regulations.

17.28.070 Off-street parking.

17.28.080 Development standards.

### **17.28.010 Purpose.**

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

### **17.28.020 Permitted uses.**

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

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning pickup station;
- D. General merchandise sales (retail and wholesale) less than two thousand (2,000) square feet;
- E. Offices, business or professional;
- F. Personal services;
- G. Public and quasi-public institutions;
- H. Convenience store, less than two thousand (2,000) square feet;
- I. Learning studios such as karate, dance, gymnastics;
- J. Real estate and/or insurance offices;
- K. Computers: software and hardware, sales and service;

- L. Office machine: sales and service;
- M. Ceramic business; and
- N. Carpet cleaning.

**17.28.030 Conditional uses.**

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

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

**17.28.0XX Prohibited uses.**

**Prohibited uses in the neighborhood commercial C-N district include but are not limited to the following:**

- A. Retail Tobacco Specialty Businesses**
- B. Sexually Oriented Businesses**

## **Chapter 17.32 GENERAL COMMERCIAL DISTRICT, C-G**

### Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Conditional uses

17.32.XXX- Prohibited uses.

17.32.040 Area and frontage regulations.

17.32.050 Yard regulations.

17.32.060 Height regulations.

17.32.070 Off-street parking.

17.32.080 Development standards.

17.32.090 Location of gasoline pumps.

### **17.32.010 Purpose.**

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

### **17.32.020 Permitted uses.**

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

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning;
- D. General merchandise sales;
- E. Offices, business and professional;
- F. Personal services;
- G. Public and quasi-public institutions;
- H. Convenience store;
- I. Banking and financial services;

J. Restaurants, cafeterias and fast food eating establishments;(Prior code § 9-11-2)

**17.32.030 Conditional uses.**

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

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

**17.32.0XX Prohibited uses.**

**Prohibited uses in the C-G general commercial district include but are not limited to the following:**

- A. Retail Tobacco Specialty Businesses**
- B. Sexually Oriented Businesses**

## **Chapter 17.34 HIGHWAY COMMERCIAL DISTRICT, C-H**

### Sections:

17.34.010 Purpose.

17.34.020 Permitted uses.

17.34.030 Conditional uses.

17.34.040 Prohibited uses.

17.34.050 Area and frontage regulations.

17.34.060 Yard regulations.

17.34.070 Height regulations.

17.34.080 Off-street parking.

17.34.090 Development standards.

17.34.100 Location of gasoline pumps.

### **17.34.010 Purpose.**

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

### **17.34.020 Permitted uses.**

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

- A. Appliance and small equipment repair;
- B. Lawn and yard Care;
- C. Printing and publishing;
- D. Offices, business and professional;
- E. Silk-screening;
- F. Public and quasi-public facilities not prohibited in Section 17.34.040;
- G. Convenience store;
- H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; and
- I. Indoor storage units.

### **17.34.030 Conditional uses.**

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

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

Prohibited uses in the C-H commercial highway district include but are not limited to the following:

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

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

**Chapter 17.36 LIGHT INDUSTRIAL DISTRICT, L-I**

**Sections:**

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Conditional uses.

17.36.XXX Prohibited uses.

17.36.040 Area and frontage regulations.

17.36.050 Yard regulations.

17.36.060 Height regulations.

17.36.070 Off-street parking.

17.36.080 Development standards.

**17.36.010 Purpose.**

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

**17.36.020 Permitted uses.**

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

- A. Appliance and small equipment repair, including shoe repair;
- B. Equipment sales, service and repair;
- C. Printing and publishing;
- D. Research and development;
- E. Offices, business and professional;
- F. Warehousing and storage facilities;
- G. Public and quasi-public institutions;
- H. Retail commercial uses, and
- I. Sexually oriented businesses.

**17.36.030 Conditional uses.**

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

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

**17.36.0XX Prohibited uses.**

**Prohibited uses in the light industrial L-I district include but are not limited to the following:**

**Retail Tobacco Specialty Businesses**

## **Chapter 17.40 GENERAL INDUSTRIAL DISTRICT, I-G**

### Sections:

17.40.010 Purpose.

17.40.020 Permitted uses.

17.40.030 Conditional uses.

17.40.XXX Prohibited uses

17.40.040 Area and frontage regulations.

17.40.050 Yard regulations.

17.40.060 Height regulations.

17.40.070 Off-street parking.

17.40.080 Development standards.

### **17.40.010 Purpose.**

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

### **17.40.020 Permitted uses.**

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

- A. Equipment sales, service and repair;
- B. Printing and publishing;
- C. Research and development;
- D. Offices, business and professional;
- E. Warehousing and storage facilities;
- F. Manufacturing, compounding, processing, milling or packaging of products, including but not limited to the following:
  - 1. Automotive parts and accessories, but not including tires and batteries,
  - 2. Steel structural members and related products;
  - 3. Lumber and wood products,

4. Apparel and other textile products,
  5. Paper and allied products,
  6. Rubber and plastic products,
  7. Electronic and electrical products; and
- G. Public and quasi-public institutions. (Prior code § 9-13-2)

**17.40.030 Conditional uses.**

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

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

**17.40.0XX Prohibited uses.**

Prohibited uses in the general industrial I-G district include but are not limited to the following:

- A. Retail Tobacco Specialty Businesses;
- B. Sexually Oriented Businesses.

# ZONING COMPARISON CHART

	BOUNTIFUL	WOODS CROSS	NORTH SALT LAKE	CENTER-VILLE	LAYTON	WEST POINT	WBC	PLNG COMM. RECOMMENDS:
	R1/R3/R4	R1-10/A-1	R1-10/R1-12	R-M/R-H	R1-10/A	R-2/A-40	R1-10,22/A-1	
Lot Width @ Setback	70/80/100	85/100	80/90	60/100	80/100	85/100	85	no change
Lot Depth to Width Ratio	-	-	-	-	-	-	max 3 to 1	Delete
% accessory bldgs to rear yard	15% <sup>1</sup>	30% / na	35% <sup>1</sup>	60% <sup>2</sup>	60% <sup>2</sup> / na	75% <sup>2</sup> / na	25%	35%
Front Yard - Main structure	25'	30'	25'	25'	30	25-30 <sup>3</sup> /30	30'	no change
Rear Yard - Main structure	20'	30'	25	20	30	25-30 <sup>3</sup> /30	30'	no change
Rear Yard - corner lot	20'	30	20	20	25 / 30	-	30'	no change
Rear Yard - decks	10' <sup>7</sup>	-	-	-	20'	-	30'	20' w/ CUP <sup>6</sup>
Side Yard - Main Structure	8-16'	8-18	8-20	8-18/12-24	10-20/10-24	10-20	10-24'	no change
Side Yard - Main Structure - corner lot	8-20	8-28		8-28/12-32	10-30	10-30	10-30'	no change
Height - Main structure	35'	35	35	35	30 / 35	40 <sup>4</sup>	35'	A1 - 40 <sup>5</sup>
Height - Accessory Structure	20'	25	25	20	18 / 25	30 <sup>4</sup>	20/20/35	A1 - 40 <sup>5</sup>
Distance Accessory from Main structure	5'	3	6	-	6	10	10'	no change

<sup>1</sup> % max structure coverage of lot/parcel

<sup>2</sup> % max hard surface of lot/parcel

<sup>3</sup> If front setback is 25 rear must be 30, or if front is 30 rear can be 25

<sup>4</sup> For every foot of height above 35 for main and 20 for accessory structures, an additional one foot of setback is required

<sup>5</sup> For every foot of height between 35 and 40, an additional foot of setback on front and each side is required; if over 35, accessory cannot exceed height of main structure

<sup>6</sup> 20 ft from rear property line; cannot encroach more than 200 sf; cannot be higher than highest finished floor of main; railing 48 in. max and < 25% non-transparent

<sup>7</sup> Decks with permanent roof or canopy, open on 3 sides, not longer than 1/2 the width of main dwelling

## **DRAFT 1/22/2014**

The following regulations apply in the residential district **R-1-10, R1-22, A-1**:

### **Area and frontage regulations. 17.16.040, 17.20.050, 17.24.050)**

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

### **Yard Regulations. (17.24.050, 17.20.050, 17.16.050)**

- A. Setbacks for structures and accessory buildings will be measured from the property line to the nearest foundation or column. **For main structures**, a maximum two foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.
1. **Front yard.** The minimum front yard setback for all structures shall be thirty (30) feet.
  2. **Side yard.**
    - a. The minimum side yard setback for all main structures shall be ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
    - b. On corner lots, the side yard facing the street shall be not less than twenty (20) feet.
    - c. The minimum side yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
  3. **Rear yard.**
    - a. The minimum rear yard setback for all main structures shall be thirty (30) feet.
    - b. The minimum rear yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
    - c. ***A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:***
      - i. ***The entire deck is at least twenty (20) feet from the rear property line;***
      - ii. ***The deck does not encroach more than 200 square feet into the setback;***
      - iii. ***The floor of the deck is no higher than the highest finished floor of the main structure;***
      - iv. ***The portion of the deck that extends into the rear yard setback cannot be covered;***

- v. *The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and*
- vi. *The deck satisfies other conditions required by the planning commission.*

- B. **Distance between main structures and accessory buildings.** The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved by the planning commission as a conditional use.
- C. **No building on recorded easements.** Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)
- D. **Lot standards and street frontage.** Except as otherwise provided in this title, every lot ~~presently existing or hereafter created~~ or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued; ~~provided, that no lot containing three acres or less shall be created which is more than three times as long as it is wide.~~
- E. **Yard space for one building only.** No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where building is established.
- F. **Area of structure and accessory building.** No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than ~~twenty~~thirty-five percent (~~25~~35%) of the rear yard.
- G. **Sales or lease of space.** No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building

**H. Other Building and Structure Restrictions.** No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front yard setback, rear yard or side yard, except that:

- ~~— Permitted accessory structures shall be allowed in the side and rear yards.~~
- ~~— Architectural projections of sky lights, sills, chimneys, and other ornamental features which project into a yard not more than two (2) feet shall be allowed in the front, side, and rear yards. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure.~~  
Landscape enhancements, such as trellises and arbors, shall be allowed in the front, side, and rear yards subject to other applicable regulations. Any such landscape enhancement in the front yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable fence and site triangle areaheight restrictions.
- ~~— Fences, retaining walls, and access walkways may be placed or constructed within any front yard or corner lot side yard, subject to applicable fence requirements.~~

~~H.I. Yards to be unobstructed — exceptions. Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for permitted accessory structures, including buildings, in a rear yard; ordinary architectural projections of sky lights, sills, belt courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one half (2½) feet; open or lattice enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five (5) feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. Landscape enhancements, including but not limited to arbors, ponds, decorative walkways and retaining structures, with a gross area of 120 square feet or less and a height of twenty four (24) inches or less (except arbor or trellis openings width not greater than sixty (60) inches, depth not greater than twenty four (24) inches and height no greater than ninety six (96) inches shall be allowed within any front yard, side yard or rear yard setback area. Structures identified as exempt from a building permit, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street side setback area.~~

**A-1 (17.16.060) Height regulations.**

- A. **Maximum height of structures.** No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section. Accessory buildings shall not be higher than the principal building.
- 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. **Exceptions to height limitations.**
  - 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, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
  - 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section as long as the height of the accessory structure does not exceed the height of the main structure.
  - 3. 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.
- D. **Minimum height of dwellings.** No dwelling shall be erected to a height less than one story above grade.

**R1-22 & R1-10 (17.20.060, 17.24.060)**

- A. **Maximum Height of Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof structure including chimney structures. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet whichever is lower, or be higher ~~or contain greater square foot floor area than the principal building to which is accessory~~ unless otherwise approved as a conditional use by the planning commission.
  
- 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. **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 purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.
  
- D. **Minimum height of dwellings.** No dwelling shall be erected to a height less than one story above grade.

## **Clean DRAFT 1/22/2014**

The following regulations apply in the residential districts **R-1-10, R1-22, A-1**:

### **Area and frontage regulations. (17.16.040, 17.20.050, 17.24.050)**

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

### **Yard Regulations. (17.24.050, 17.20.050, 17.16.050)**

- A. Setbacks for structures and accessory buildings will be measured from the property line to the nearest foundation or column. For main structures, a maximum two foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.
  - 1. **Front yard.** The minimum front yard setback for all structures shall be thirty (30) feet.
  - 2. **Side yard.**
    - a. The minimum side yard setback for all main structures shall be ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
    - b. On corner lots, the side yard facing the street shall be not less than twenty (20) feet.
    - c. The minimum side yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
  - 3. **Rear yard.**
    - a. The minimum rear yard setback for all main structures shall be thirty (30) feet.
    - b. The minimum rear yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
    - c. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
      - i. The entire deck is at least twenty (20) feet from the rear property line;
      - ii. The deck does not encroach more than 200 square feet into the setback;
      - iii. The floor of the deck is no higher than the highest finished floor of the main structure;
      - iv. The portion of the deck that extends into the rear yard setback cannot be covered;

- v. The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and
  - vi. The deck satisfies other conditions required by the planning commission.
- B. **Distance between main structures and accessory buildings.** The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved by the planning commission as a conditional use.
  - C. **No building on recorded easements.** Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)
  - D. **Lot standards and street frontage.** Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued.
  - E. **Yard space for one building only.** No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where building is established.
  - F. **Area of structure and accessory building.** No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard.
  - G. **Sales or lease of space.** No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building
  - H. **Other Building and Structure Restrictions.** No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front yard setback except landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable fence and site triangle area restrictions.

**A-1 (17.16.060) Height regulations.**

- A. **Maximum height of structures.** No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section. Accessory buildings shall not be higher than the principal building.
- 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. Exceptions to height limitations.**

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, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section as long as the height of the accessory structure does not exceed the height of the main structure.
3. 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.

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

**R1-22 & R1-10 (17.20.060, 17.24.060)**

**A. Maximum Height of Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet whichever is lower, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.

**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. 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 purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

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

# MEMORANDUM



**TO:** Planning Commission

**DATE:** January 24, 2014

**FROM:** Cathy Brightwell

**RE:** Conditional Use Permit Application for in home Therapeutic Massage Services

---

Julie Eckman, 701 W 2350 North, filed a Home Occupation Business License application and Conditional Use Permit application on January 15, 2014 to open a therapeutic massage business in her home.

Ms. Eckman plans to provide massage services in a spare bedroom in her basement, see attached site plan. Customers will enter through the front door. She will schedule appointments between 1:30 – 9:30 pm Monday through Saturday; customers will park in her driveway on the east side of the home. She obtained signatures from ten of her neighbors on January 14 and none have contacted the city to object to her application.

A copy of her state license and home occupation business license application is attached. Staff believes Ms. Eckman's request meets the requirements of Chapter 5.28 - Home Occupation ordinance and Chapter 17.60 - Conditional Uses and recommends approval of the Conditional Use Permit with the conditions listed below.

#### Affirmative Findings:

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact the streets in the area; and
4. The proposed use will comply with the regulations specified in the R-1-10 zoning ordinance.

#### Recommended Conditions:

1. Health department inspection pursuant to Davis County requirements.
2. Clients will park on the east side of the driveway or directly in front of the property.
3. No external signage will be allowed.
4. Ms. Eckman will not have any employees.



# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**

**PLANNING AND ZONING**

550 N 800 W, West Bountiful, UT 84087

Phone: (801) 292-4486 Fax: (801) 292-6355

www.westbountiful.utah.gov

**PROPERTY ADDRESS:** 701 W 2350 N

**PARCEL NUMBER:** \_\_\_\_\_ **ZONE:** \_\_\_\_\_ **DATE OF APPLICATION:** \_\_\_\_\_

Name of Business: Time For Healing

Applicant Name: Julie C. Eckman

Applicant Address: 701 W. 2350 N. West Bountiful, Utah 84087

Primary phone: 801-298-4451 Fax Number: NA

E-mail address: julie—eckman@yahoo.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

I am planning to open a therapeutic massage business. Clients will park on the east side of our home.

- (1) They will enter at the front door, and go directly down a short
- (2) flight of stairs to the massage room. <sup>(3)</sup> A bathroom is located near the room.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone**

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.

Date: 1-14-14

Applicant Signature: Julie C. Eckman

**FOR OFFICIAL USE ONLY**

Application Received Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Application Fee Received Date: \_\_\_\_\_

Permit Approval Date: \_\_\_\_\_

Fee: \_\_\_\$20 Residential \_\_\_\$50 Commercial



# HOME OCCUPATION BUSINESS LICENSE APPLICATION

**West Bountiful City**  
BUSINESS LICENSING DEPARTMENT  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486 Fax: (801) 292-6355  
www.westbountiful.utah.gov

Please allow 10-14 business days for processing

**Type of License Requested:**

New

Renewal

**Home Owner Information:**

Owner's Name: First: Julie Middle: Cox Last: Eckman  
Address: 701 W. 2350 N. West Bountiful, Utah 84087  
Home Phone: 801-298-4451 Mobile phone: 801-808-1602 Fax: \_\_\_\_\_  
State Tax ID No.: 8895093-4701 Federal Tax ID No.: 46-446411

**Business Information**

1. Name of business: Time For Healing

2. Describe the proposed business activity, including hours of operation:

I will offer therapeutic massage to people of all ages. Hours of operation will be: 1:30-9:30 pm, M-Sat.

3. Name of person(s) participating in business (must reside at the home):

Julie C. Eckman

4. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:

Clients will enter at the front door. They pass through the living room (200 sq. ft.) and go directly downstairs to the massage room (190 sq. ft.) All massages will be given in this room. The main floor of this split-level home has 1700 sq. ft.

5. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

- (1) The massage room will contain a massage table and bolsters, 2 chairs,
- (2) Sheets, blankets, lotions & oils will be stored in the bedroom closet.
- (3) There will be a filing cabinet for client information. (locked)

6. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

There are no hazardous chemicals used by massage therapists. I will use non-scented lotion. Certain clients may request essential oils to be used as well.

7. Will individuals come to your home to obtain any product, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain:

NO

8. If your home occupation is a day care center, nursery, or preschool:

A. Please state how many children and caregivers will be involved in a typical work day: \_\_\_\_\_ children; \_\_\_\_\_ caregivers.

B. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

9. If any vehicles or other equipment will be used in your home occupation, where will they be parked or stored?

NIA

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain: NO

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain: NO

12. Does the proposed home occupation conform with conditions, covenants and restrictions pertaining to your property? Yes If no, please explain: \_\_\_\_\_

**Applicant Certification:**

*I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well. I acknowledge that before this application may be approved, I must provide the attached notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted. I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.*

Date: 1-14-14

Sign Here: Julie C. Eckman  
Applicant

**FOR OFFICIAL USE ONLY**

Application Received Date: \_\_\_\_\_

Application fee received: \_\_\_\_\_

Approved Date: \_\_\_\_\_

# NOTICE

Dear property owner:

Date of notice: 1-14-14

This notice is to advise you that Julie Eckman has applied for a home occupation  
(name of applicant)

business license with West Bountiful City in order to conduct a business at his or her residence located at

701 W. 2350 N. W.B.. The nature and description of the proposed business is  
(address of home business)

massage therapy. Please sign below confirming that the applicant has notified you of the intent to operate this business from his or her residence. YOUR SIGNATURE BELOW INDICATES ONLY THAT YOU HAVE RECEIVED THIS NOTICE, NOT THAT YOU APPROVE OF THIS APPLICATION. IF YOU OBJECT TO THIS APPLICATION, YOU MUST FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE.

Signatures of owners of property within a 300 foot radius of the exterior boundaries of the intended business location:

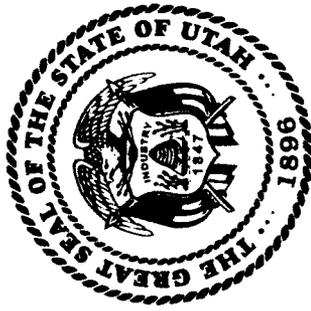
Name	Address
<u>Marcy Loue</u> <u>Caleb &amp; Marcy Lorenz</u> <u>Adrienne Crockett</u>	<u>711 West 2350 North West Bountiful, UT 84087</u>
<u>[Signature]</u>	<u>700 W. 2350 N. W. Bountiful, UT 84087</u>
<u>Cindy &amp; James Cross</u> <u>Glen Davis &amp; Janet Davis</u> <u>Glen &amp; Janet Davis</u>	<u>694 W 2300 N W. Bountiful UT 84087</u>
<u>Brandi &amp; Shannon Ludd</u>	<u>2335 N 680 W West Bountiful 84087</u>
<u>Todd &amp; Brandie Hixson</u>	<u>718 W 2350 N W. Bountiful UT 84087</u>
<u>Ernest Hill</u>	<u>721 W. 2350 N W. Bountiful UT 84087</u>
	<u>720 W 2350 N W. Bountiful UT 84087</u>

I hereby certify that the foregoing signatures are genuine. They constitute the signatures of the owners of all property within a 300 foot radius of the exterior boundaries of my property, or I have otherwise provided the City satisfactory evidence that this notice has been delivered to all such property owners (i.e., certified letter).

Date: 1-14-14

Sign Here: Julie C. Eckman  
Applicant

STATE OF UTAH  
DEPARTMENT OF COMMERCE  
DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING



ACTIVE LICENSE

EFFECTIVE DATE: 12/30/2013

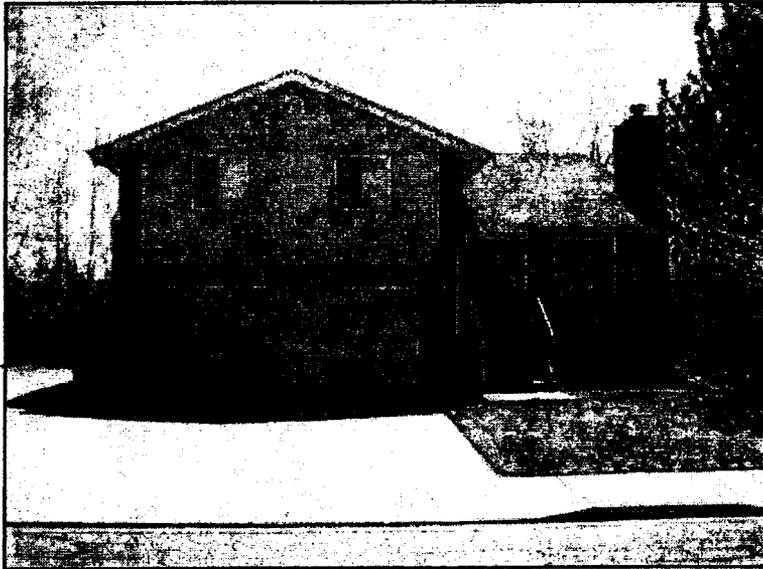
EXPIRATION DATE: 05/31/2015

ISSUED TO: Julie Cox Eckman

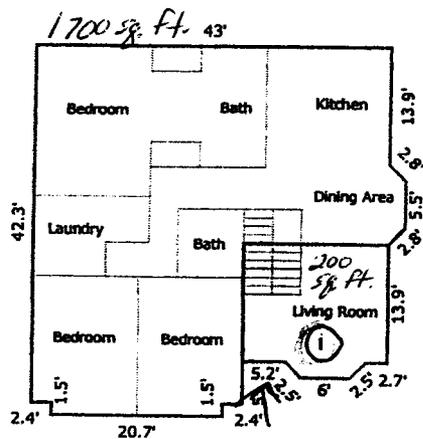
REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

8895093-4701 Massage Therapist

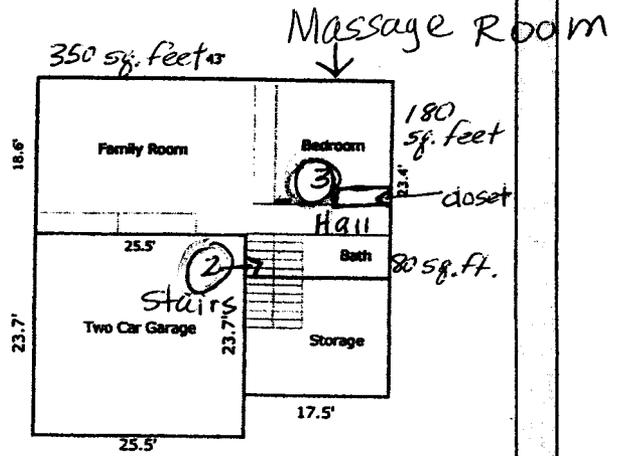
*Julie Cox Eckman*  
SIGNATURE OF HOLDER



Additional parking.



① Front door



1 **West Bountiful City** **PENDING** **January 14, 2014**  
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on  
5 January 10, 2014 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
7 **January 14, 2014, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry  
12 Turner, Alan Malan, Mike Cottle, and Corey Sweat (alternate).

13

14 **MEMBERS/STAFF EXCUSED:** Laura Charchenko.

15

16 **STAFF PRESENT:** Ben White (City Engineer), Cathy  
17 Brightwell (Deputy Recorder) and Debbie McKean (Secretary).

18

19 **VISITORS:** Dennis Higley, Stephen Fackrell and  
20 Councilmember Enquist.

21

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.  
23 Corey Sweat offered a thought and expressed thanks for being invited to be part of this  
24 commission, then Chairman Hopkinson offered a prayer.

25 **I. Accept Agenda**

26 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as  
27 presented. Alan Malan seconded the motion. Voting was unanimous in favor among members  
28 present.

29 **Business Discussed:**

30 **II. Consider final plat approval for Alice Acres Subdivision at 400 North and 1100 West**  
31 **requested by Destiny Homes**

32

33 Commissioner's packets included a memorandum dated January 10, 2014 from Ben White/City  
34 Engineer in regards to Alice Acres Subdivision Final Plat with an attachment of several pages

35 from the developer regarding the details of the development. Information in the memorandum  
36 included the following:

- 37 • Alice Acres Subdivision is a 4 acre, 7 lot residential development on the northeast corner  
38 of 1100 West and 400 North. Five lots front onto 400 North and 2 lots front onto 1100  
39 West. Lots meet the minimum half acre zoning requirement including 3 times the depth  
40 to width ratio.
- 41 • Utility infrastructure is unusual for this development. Sanitary sewer pipeline is  
42 proposed to be in the front yard to avoid cutting into the newly constructed road. One  
43 utility service (water) will need to make a cut in the road but will use bore pits and then  
44 patch with seamless, thermal patch.
- 45 • Drainage for this area is difficult. Their drainage proposal would do away with the two  
46 current ditches that extend diagonally through the property which would require the run  
47 off water to continue to the west. Piping seems to be the logical way to drain the  
48 property but the options to do so are limited by the depth of the storm drain in 1100 West.
- 49 • Staff suggests a minimum construction and grading restriction be placed on the area that  
50 would be inundated with water.

51 Chairman Hopkinson invited Dennis Higley, the representative from Destiny Homes to take  
52 the stand. Stephen Fackrell took the stand as the project engineer. Mr. Hopkinson pointed  
53 out the concerns they have regarding the property.

- 54 • Drainage issues.
- 55 • Sanitary Sewer pipe proposed to run along the front property lines which will  
56 alleviate a cut in the new road.

57 **Mike Cottle** inquired how far back the pipes will be for the sewer. Mr. Fackrell replied they will  
58 be 15 feet behind the sidewalk. In regards to drainage ditches that currently drain to 400 North  
59 in the rear yards, Mr. Cottle asked if they will be filled in. Mr. Fackrell replied to the positive.

60 **Corey Sweat** asked questions regarding drainage for lots 1, 2, and 3. Mr. Fackrell explained  
61 how the drainage system will be constructed and noted that all water will not flow to Lot 1 but  
62 along each lot. Mr. White noted that the east side of Lot 1 is located a foot lower than the curb  
63 and the grade cannot be changed much. He explained that all backyards will drain to the east  
64 and drainage has been properly addressed with the developer. Homes will be higher than the  
65 drains and water will be collected before it reaches the existing homes.

66 **Terry Turner's** issues were addressed with Commissioner Cottle and Commissioner Sweat's  
67 questions.

68 **Mr. Hopkinson** requested a restriction be placed on the plat to prevent any structure from being  
69 built that would be damaged by water. Mr. Dennis Higley agreed to do so. Chairman  
70 Hopkinson would like the far end drainage system to have a grate or face on it to prevent critters  
71 from clogging the drain. Steve Fackrell felt that doing that would cause a maintenance issue in  
72 the future.

73 **Alan Malan** was concerned if the drainage plan is enough or should more be done considering  
74 the experiences our city has with water. Mr. White would like to do more, but there is nothing  
75 more than can be done. Drainage has been addressed to the fullest extent.

76 **ACTION TAKEN:**

77 **Alan Malan moved to approved final plat for Alice Acres Subdivision as engineered,**  
 78 **with Lot # 3 and #4 having a grading and building restriction recorded on the deed.**  
 79 **Mike Cottle seconded the motion and voting was unanimous in favor.**

80 **Mike Cottle made a friendly amendment to the prior motion that the grading**  
 81 **restrictions recorded on the plat be per the city engineer's recommendation and**  
 82 **approval. Terry Turner seconded the amendment and voting was unanimous in**  
 83 **favor.**

84

85 **III. Discuss possible restrictions on Retail Tobacco Specialty Businesses pursuant to**  
 86 **Ordinance 356-13**

87

88 Commissioner's packets included a memorandum dated January 10, 2014 from Cathy Brightwell  
 89 regarding the City's Retail Tobacco Specialty Business (RTSB) study with a copy of the  
 90 permitted, conditional, and prohibited uses in each of the West Bountiful's non-residential  
 91 zoning districts. Information in the memorandum included:

- 92 • City Council adopted Ordinance 356-13 on December 3, 2013 establishing temporary  
 93 restrictions regarding land use applications in connection with Retail Tobacco Specialty  
 94 Businesses in order to conduct a study of the issues. The Planning Commission is  
 95 responsible for the study and will make a recommendation to the City Council.
- 96 • A public hearing has been scheduled for January 28, 2014.
- 97 • As directed by Planning Commission, staff prepared language to prohibit Retail Tobacco  
 98 Specialty businesses from all zoning districts in the City. As a housekeeping issue,  
 99 Sexually Oriented Businesses were added to the Prohibited Use section of all zones  
 100 except Light Industrial (L-I) as the prohibition was stated in a different section of the  
 101 Code (17.64.020) but had never been specifically listed in each zone.

102 Chairman Hopkinson introduced the information in the commissioner's packet and proposed to  
 103 have a discussion regarding what restrictions we want to put on RTSB's in West Bountiful and to  
 104 discuss language updates to the current ordinances regarding sexually oriented business. Ms.  
 105 Brightwell explained this housekeeping effort would clarify where the businesses could be  
 106 located and make it easier for people to find.

107 Cathy Brightwell explained her understanding of the situation recently reported in the news  
 108 about Bountiful's RTSB's. She said that Bountiful recently discovered the locations of these  
 109 previously licensed businesses violate state law. They have given the business owners one year  
 110 to find new locations. Ms. Brightwell also reported that she spoke with the business owner  
 111 proposing to place the RTSB in West Bountiful to keep her updated on the City's efforts and to  
 112 make sure she is aware of the public hearing. Due to the Bountiful situation, the business owner  
 113 feels we will have additional interest in having RTSB's locate in our City.

114 Chairman Hopkinson took a poll of Commissioners to find out their positions on the issue.

115 Mike Cottle does not want this type of business in our city.

116 Terry Turner agrees with the other commissioners. He wants to promote business but also  
 117 believes the public/community of West Bountiful does not want this type of business in our city.  
 118 Mr. Turner polled many citizens over the past several weeks and 100 % support prohibiting these  
 119 types of businesses.

120 Corey Sweat agrees that this type of business will expand into other things and does not want to  
 121 see it in our city.

122 Alan Malan does not like to regulate business but does not want these businesses to be in a  
 123 shopping area. He would prefer to allow it in the L-I zone only.

124 Chairman Hopkinson agrees with all the commissioners. He directed staff to prepare the  
 125 proposed ordinance changes for the public hearing to be held on January 28<sup>th</sup>, 2014.

126 Mike Cottle requested a zoning map of our city. Ben White issued copies to each of the  
 127 commissioners to keep in their packets.

128  
 129 **IV. Discuss Title 17 - yard regulations including setbacks, decks, area restrictions and yard**  
 130 **obstructions; area and frontage regulations; and height regulations in residential zones.**

131 Commissioner's packets included a memorandum dated January 10, 2014 from Ben White/Cathy  
 132 Brightwell in regards to Title 17 - Miscellaneous setback and yard regulation changes. In  
 133 addition, there was a draft copy of proposed changes to sections of 17.24., 17.20., and 17.16.,  
 134 and a zoning comparison chart.

135 Chairman Hopkinson turned the time over to Cathy Brightwell to explain the draft document of  
 136 the proposed Title 17 changes. She walked the commissioner's through the whole document  
 137 addressing each proposed change. See redlined draft dated 1/13/14 with the proposed changes.

138 Chairman Hopkinson reviewed past discussions with Commissioner Sweat to bring him up to  
 139 speed on this issue.

140 **Upon reviewing the draft the following suggested changes were made:**

- 141 • Alan Malan noted that the height of 48 inches for the deck railing needs to be added in  
 142 Yard Regulations, Rear Yard, c.
- 143 • Alan Malan questioned the "Open to the Sky Regulations" in H. Cathy informed the  
 144 commission that "open to the sky language" will be deleted in the final document and  
 145 noted that they are still working with Steve Doxey on this section.
- 146 • Mr. Malan wants the last sentence in H 3., Other Building and Structure restrictions to be  
 147 deleted. Language can be found in other areas of the code to limit this restriction.
- 148 • Mr. Malan suggested that under height regulations on page 3, the "highest roof structure"  
 149 be changed to read "highest part of the roof."
- 150 • Corey Sweat had no suggested changes.
- 151 • Terry Turner would like A-1 zone discussion on height regulations on Page 3.
- 152 • Mike Cottle does not like "open to the sky" language and supports deleting it.

- 153 • Chairman Hopkinson - page 1, Rear yard, c.iii. – height of deck. He noted that we have  
 154 homes with their main grade on the second level. This creates a really high deck that  
 155 could have views into a neighboring property that may be a rambler style home. This  
 156 will create view issues. He does not want to see this turned into a nightmare for the city.  
 157 Mr. Turner agrees this may warrant discussion.

158 Some discussion took place regarding the conditional use process for increasing the  
 159 height of an allowable deck. Further discussion took place regarding whether a  
 160 restriction should be placed on a deck built off of a second story. Mr. Cottle asked if we  
 161 could look at those on a case by case because of the conditional use. Ms. Brightwell  
 162 explained that it would be very difficult to deny a conditional use application for a deck if  
 163 it meets the criteria listed, including the height criteria in c.iii. If they want to look at  
 164 height on a case by case basis, c.iii should be deleted from the list. Mr. Malan and Mr.  
 165 Sweat do not see height as being an issue. Mr. Turner does not like telling property  
 166 owners what they can do on their property unless necessary. Mike Cottle liked the idea  
 167 of deleting C.3. if there was a concern about deck heights. It was decided to leave it in.

- 168 • For deck railings it was decided that a maximum height of 48 inches be included in c.5.  
 169 • Regarding 3F – area of structure and accessory building. Chairman Hopkinson wants to  
 170 leave it at 25%. The remaining commissioners agreed to change it to 35%.  
 171 • H. Change “open to the sky” language as legal/staff propose.  
 172 • Page 3, Height regulations. Ben White was asked if the measuring requirements were ok  
 173 or should be changed. Mr. White described how other jurisdictions measure building  
 174 heights and said he hasn’t had any problems with the way we do it. He likes the language  
 175 we have but would also consider a %. It was decided to leave as is except to change “the  
 176 highest roof structure” to “the highest part of the roof.”  
 177 • Height regulations for A-1 accessory structures. Should they be allowed additional  
 178 height the same as main structures? After discussion it was decided that language will  
 179 include “main structure *and* accessory building.”

180 Chairman Hopkinson asked staff to get the draft updated, distributed for review and on the  
 181 website available for public review as soon as possible. Cathy agreed.

182

## 183 V. Staff Report

- 184 • Ben White informed the commission that they are seeing interest in development on the  
 185 west side of the city.  
 186 • Mr. White reported they met with UDOT regarding construction on the I-15 project. It  
 187 has been awarded to W.W.Clyde and the project will included HOV lanes from NSL to  
 188 Farmington on both north and south sides of the highway. In addition, 4 bridges will be  
 189 replaced along that stretch, with work completed in 2014. Mr. White briefly explained  
 190 how the construction will be done.  
 191 • Legacy Project- UDOT committed \$120,000 to fix drainage issues on 1200 North.

- 192       • A special request was made by Steve Fackrell to plow the Rail trail at the last City  
193       Council meeting.
- 194       • Cathy Brightwell reminded the Commission that there will be two Public Hearings on the  
195       28<sup>th</sup>, for Retail Tobacco Specialty businesses and Title 17 setback and yard regulations.
- 196       • She told them pictures of the Planning Commission will be taken on that date as well.
- 197       • Cathy Brightwell asked that each commissioner update the Conflict of Interest statement  
198       and turn it into her as soon as possible.
- 199

200       **VI. Approval of Minutes of dated December 10<sup>th</sup>, 2013.**

201       **ACTION TAKEN:**

202       **Terry Turner moved to approve of the minutes dated December 10<sup>th</sup>, 2013 as corrected.**  
203       **Alan Malan seconded the motion and voting was unanimous in favor among those**  
204       **members present.**

205

206       **VII. Adjournment**

207       **ACTION TAKEN:**

208       **Alan Malan moved to adjourn the regular session of the Planning Commission meeting.**  
209       **Mike Cottle seconded the motion. Voting was unanimous in favor. The meeting adjourned**  
210       **at 9:25 p.m.**

211

212