

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

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

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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## **PLANNING COMMISSION MEETING**

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS  
REGULARLY SCHEDULED MEETING ON TUESDAY, **JANUARY 13, 2015**  
AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

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

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Discussion of Density definition clarifications in Title 17.
3. Land Use case review – Ben White.
4. Staff Report.
5. Consider Approval of December 9, 2014 meeting minutes.
6. 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 9, 2015**.*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** January 9, 2015

**FROM:** Staff

**RE:** **Density Definition**

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Based on comments in the December Planning Commission where the Density Definition was discussed, staff has prepared a new draft for consideration. The draft included in tonight's packet is a little different than the version that was previously emailed due to incorporated comments from legal counsel.

## DENSITY DISCUSSION (Redline):

### 17.04.030 Definitions.

"**Buildable area**" means the portion of a lot remaining after excluding wetlands, streams, drainage conveyance facilities, easements and required yards ~~have been provided, except that land with an average slope exceeding fifteen (15) percent shall not be considered geotechnically buildable unless it is approved by conditional use permit.~~

"**Density**" is a measure of the number of lots dwelling units per acre of area. It shall be expressed as lots dwelling units per acre (lotsDU/acre).

(a) ~~Density, Gross. This is the maximum density that may be permitted in any zoning district.~~

(b) ~~Density, Net. This is the maximum. The permitted density permitted on the buildable portion of the site and is calculated by dividing the total number of lots dwelling units meeting the minimum requirements for the zone by the total area of land by the net buildable site area. This density controls actual site capacity.~~

"**Lot**" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"**Lot area**" means the area contained within the property lines of the individual parcels of land as shown on a subdivision plat or required by this title, excluding any area within an existing street right-of-way, or any area required as open space under this title, and including the area of any easements.

~~Lot Area per Dwelling Unit, Average. "**Average lot area per dwelling unit**" means the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this title are met.~~

"**Wetlands**" means areas known as marshes, swamps or wetlands, including areas ~~greater than one quarter acre~~ where standing water is retained for a portion of the year and unique vegetation has adapted to the area, or those areas specifically so designed by the Army Corps of Engineers.

"**Yard**" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "**Front yard**" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. (Note: On a corner lot there are two front yards.)

Yard, Rear. "**Rear yard**" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "**Side yard**" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be

the minimum distance between the side lot line and the side line of the building. (Note: Corner lots do not have two side yards.)

**Chapter 17.68 Planned Unit Development (PUD)**

**17.68.040 Base Density.**

The base density for each Planned Unit Development is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum of 1000 square feet of buildable area calculated by multiplying the units per acre allowed in the zone in which the proposed development is located by the total number of acres in the proposed project (the “Base Density”). The minimum lot size allowed number of units allowed for the purpose of determining the Base Density of a proposed Planned Unit Development in each residential zone of West Bountiful the City is are as follows:

<u>Zone</u>	<u>Units Per Acre</u>	<u>Minimum Lot Size Allowed</u>
<u>B-U</u>	<u>1 acre</u>	
<u>A-1</u>	<u>1 (net acreage)</u>	
<u>R-1-22</u>	<u>0.5 acre</u>	<u>2 (one unit per one-half acre) (net acreage)</u>
<u>R-1-10</u>	<u>0.2296 acre</u>	<u>4.356 (one unit per 10,000 square feet) (net acreage)</u>

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. An applicant may also be eligible for a density bonus as described in Section 17.68.110.

**17.68.110 Density Bonus Calculation.**

An applicant for a Planned Unit Development may be eligible for a density bonus based on amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed thirty-five (35) percent above the Base Density. The maximum allowed density in each zone is indicated in the table below.

<u>Zone</u>	<u>Base Density</u>	<u>Maximum Density</u>
<u>(Units Per Acre)</u>	<u>with 35% Density Bonus</u>	
<u>A-1</u>	<u>1 (net)</u>	<u>1.35 (net)</u>
<u>R-1-22</u>	<u>2 (net)</u>	<u>2.70 (net)</u>
<u>R-1-10</u>	<u>4.356 (net)</u>	<u>5.88 (net)</u>

### **17.68.120 Amenity Density Bonus.**

The Planning Commission may recommend a density bonus for project amenities within a Planned Unit Development, which will be an increase over the Base Density of the applicable zoning district. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis courts; trails; equestrian facilities; recreation facilities, areas and parks; permanent open space; common useable agricultural or farming open spaces; or other similar features. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of ~~lotsdwelling units~~ will always be rounded down to the nearest ~~lotdwelling-unit~~.

A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional ~~lotsunits~~ allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than thirty-five (35) percent above the Base Density.

## DENSITY DISCUSSION (Clean version):

### 17.04.030 Definitions.

"**Buildable area**" means the portion of a lot remaining after excluding wetlands, streams, drainage conveyance facilities, easements and required yards.

"**Density**" is a measure of the number of lots per acre of area. It shall be expressed as lots per acre (lots/acre). The permitted density is calculated by dividing the total number of lots meeting the minimum requirements for the zone by the total area of land.

"**Lot**" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

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## Chapter 17.68 Planned Unit Development (PUD)

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The base density for each Planned Unit Development is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum of 1000 square feet of buildable area ("**Base Density**"). The

minimum lot size allowed for the purpose of determining the Base Density of a proposed Planned Unit Development in each residential zone of the City is as follows:

<b><u>Zone</u></b>	<b><u>Minimum Lot Size Allowed</u></b>
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A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional lots allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than thirty-five (35) percent above the Base Density.

Wendell  
Wild  
Subdivision

1000 N

104.0'

EXIST  
HOUSE

LOT 207

LOT 208

LOT 201

LOT 206

810 North

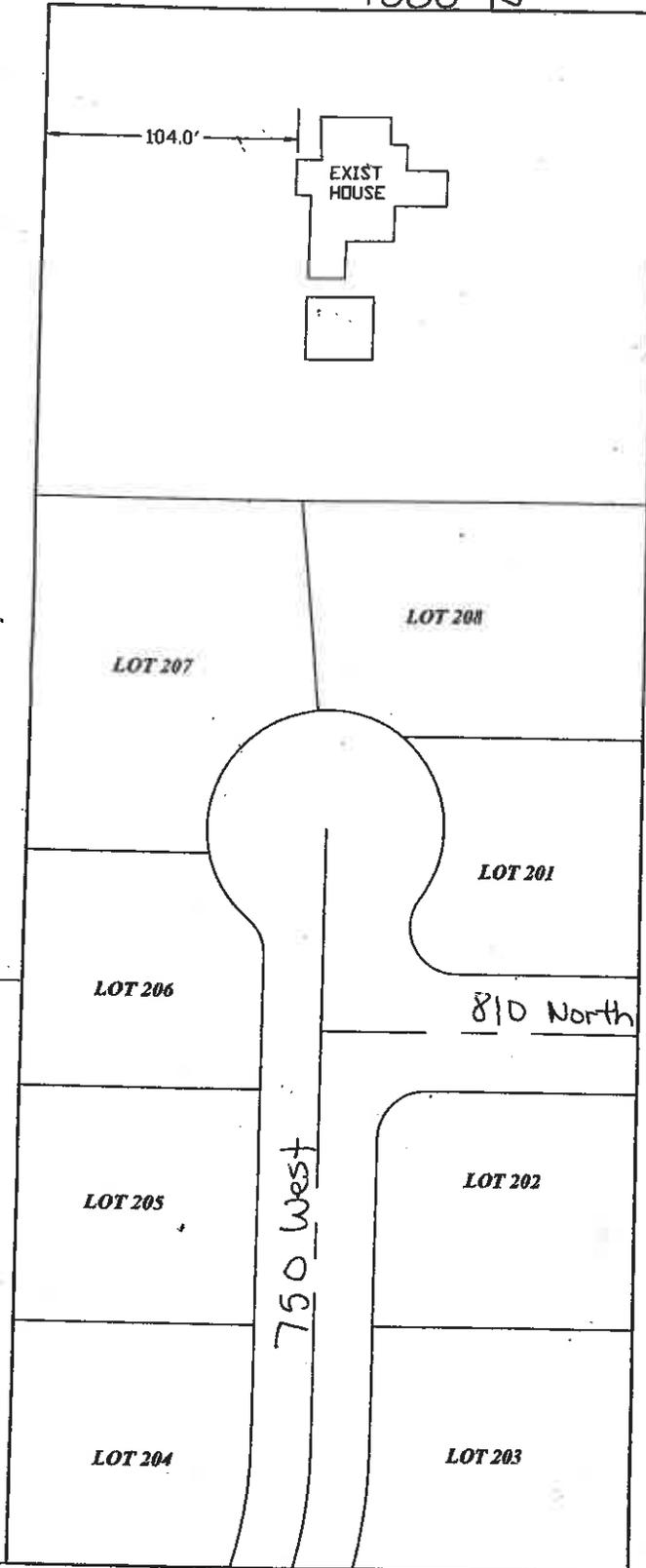
LOT 205

LOT 202

750 West

LOT 204

LOT 203



1 **West Bountiful City** **PENDING** **December 9, 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 December 5, 2014 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
7 **December 9, 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 Laura Charchenko.  
13 Councilmember Kelly Enquist.

14

15 **MEMBERS/STAFF EXCUSED:** Corey Sweat (Alternate).

16

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

19

20 **VISITORS:** none

21

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

#### 24 **I. Accept Agenda**

25 Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as  
26 presented. Terry Turner seconded the motion. Voting was unanimous in favor among members  
27 present.

#### 28 **Business Discussed:**

#### 29 **II. Discussion of Density definition clarifications in Title 16 and Title 17**

30 Included in the Commissioner's packets was a memorandum from Ben White, dated November  
31 21, 2014 regarding Density Definition with attachments that stated the current language and the  
32 proposed language changes for Title 16 and Title 17 regarding the definition of density.

33

34 Mr. White stated the following in his memorandum:

- 35 • The meaning of the term “base density” was discussed in the previous Planning  
36 Commission Meeting.
- 37 • Staff’s opinion that the definition could be clarified to avoid misinterpretation of persons  
38 applying the definition.
- 39 • Staff brought this to the attention of the City Council at their last meeting. City Council  
40 supported the Staff’s recommendation to clarify the definition of base density.

41 Ben White explained why he felt the need for these proposed changes. He stated that he was  
42 recently confused while reviewing some of the language in Title 16 and 17 regarding “density”.  
43 He pointed out his ideas regarding what he thought the base density should be defined as. As  
44 instructed to do by the Planning Commission, he asked the City Council if they agreed with his  
45 idea and they concurred. He is now bringing his suggested changes in language back to the  
46 Commission to be discussed and reviewed.

47 Chairman Hopkinson introduced the agenda item to the Commissioner’s and asked for their  
48 recommendation after reviewing the proposed language changes.

49 Alan Malan was confused on the existing language when it refers to the “net buildable area” and  
50 gross buildable area. In his research, buildable area is a legal term. He does not want us to have  
51 a different definition than what is known in the legal realm. Mr. Malan would like to use a  
52 different language including “buildable lot”. He would like to discuss if we include or exclude  
53 the park area in a PUD.

54 Some discussion took place. Ben White pointed out that he is referring to raw land and not any  
55 other area that is self imposed by man. The benefited area generally would not be included in  
56 the raw area, but it could be. Mr. White feels the language include/excluded should remain in  
57 the document.

58 Some discussion took place on the net density vs. base density. Mr. White responded that they  
59 are one in the same. We no longer have the term gross or net density in our code. It is all  
60 considered as base density.

61 Chairman Hopkinson noted that in the past PUD’s were measured in gross and net density. He  
62 stated that after all the infrastructure is put in you still have the net density left.

63 Mr. Malan feels that this new proposed language is very confusing.

64 Laura Charchenko feels that the new proposed language is very clear and makes more sense that  
65 the existing language. She had it reviewed by an engineer and he was very favorable toward the  
66 changes.

67 Terry Turner stated that it would be good to have some illustrations for the benefit of citizen’s  
68 understanding. He pointed out that it makes sense to those that deal with this on a regular basis,  
69 but may not make sense to the average citizen.

70 Chairman Hopkinson felt that it was important to have various examples as well to show the  
71 differences in zoning.

72 Mr. White responded that there is an area in the code to include illustrations and this could  
73 certainly be included in that area.

74 Mike Cottle likes the way it is written. He suggested adding the language “real estate” to the net  
75 buildable” area. Mr. Cottle liked the idea of including illustrations.

76 Denis Hopkinson reported that there has always been a debate on the language and  
77 understanding of net and gross. He explained the differences in generational understanding of  
78 those terms. He would like to hold a discussion regarding those two terms in our language.  
79 Chairman Hopkinson would like the definition to not include the “old school” definitions but  
80 provide clear terms that are understandable in this day. He would like the infrastructure listed  
81 that will be taken out of the buildable area. He feels the definitions needs to include the starting  
82 place of the whole area less the area that needs to be subtracted. It is not a gross or net thing,  
83 “buildable area” equals the area taken from the lot.

84 Some discussion took place regarding keeping the word “density” in the language.

85 Chairman Hopkinson would like “imposed features” to be removed from the list of area that  
86 prevents building. He feels that this gives developers a loop hole. Some discussion took place  
87 regarding that language. Regarding “such features shall be excluded” he feels that definitions  
88 need to be included to cover this area.

89 Alan Malan asked for further discussion regarding what is excluded from the buildable area.

#### 90 **ACTION ITEM:**

91 Chairman Hopkinson requested that Staff include the comments and suggestions from the  
92 Commissioner’s this evening and bring it back for further review. Ben White will send out a  
93 draft via email when those items have been incorporated since we may not be having our  
94 December 23<sup>rd</sup> meeting.

95

#### 96 **III. Land Use case review- Ben White**

97

98 Ben White introduced a case from Washington Terrace which had an R-4 zone that allowed  
99 apartments. Property owner puts his property up for sale to build apartments. He was informed  
100 that they may be changing the area. Public Hearings were held, recommendations to City  
101 Council to change the zoning. Developer had property designed and then was informed that the  
102 zoning had been changed. When a Public Hearing is held that is a satisfactory notice to everyone  
103 (including developers that have inquired about application). In this case, the developer had not  
104 paid fees or submitted the application before the zoning change. He was not entitled to have the  
105 zoning grandfathered in his favor.

106 Mr. White referred to the case we had regarding the Tobacco Store application earlier this year.  
107 Buying property is not a substantial enough improvement to allow the applicant to override the  
108 zoning change. When an applicant pays fees and has a complete application he is entitled to  
109 having the land use that was in place at that date.

110

111 **IV. Staff Report**

- 112 • Centerville West development meeting is scheduled for December 10<sup>th</sup> at 7:00.
- 113 • It was decided that the December 23<sup>rd</sup> meeting will be cancelled unless something
- 114 important develops between now and then.

115

116 **V. Approval of Minutes of for November 25, 2014**

117

118 **ACTION TAKEN:**

119 **Alan Malan moved to approve of the minutes dated as presented. Mike Cottle seconded**  
120 **the motion and voting was unanimous in favor among those members present.**

121

122 **VI. Adjournment**

123

124 **ACTION TAKEN:**

125 **Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at**  
126 **8:25 pm. Terry Turner seconded the motion. Voting was unanimous in favor.**

127 .....

128

129 The foregoing was approved by the West Bountiful City Planning Commission on January 13, 2015, by  
130 unanimous vote of all members present.

131

132 \_\_\_\_\_

133 Cathy Brightwell - City Recorder

134