

Mayor
Kenneth Romney

**City
Engineer/Planner**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Terry Turner
Corey Sweat, Alt.

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING ON TUESDAY, **SEPTEMBER 22, 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. Consider Terry Nilson's request to build a 7 foot fence on his property abutting the City Park, at 1716 N 560 West.
3. Discuss Ovation Homes PUD application for Pony Haven Property.
4. Staff Report.
5. Consider Approval of September 8, 2015 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 **September 18, 2015**.*

MEMORANDUM



TO: Planning Commission

DATE: September 22, 2015

FROM: Ben White

RE: 7' Fence at 1716 N 560 West

Mr. Nilson owns property located at the rear of the 560 West cul-de-sac street. There is a house, detached garage, a rather large accessory structure and various vehicles (boat, trailer, cars) on the property. The property is adjacent to the City Park near the cabin and small bowery, and north of the main bowery in the City's park. No one currently lives in the house. The property is arguably in a state of disrepair, particularly with no one living on the property. The City has received complaints about various nuisances. Mr. Nilson has been cooperative with the City in trying to address concerns and nuisances related to the property and is here seeking additional assistance from the Planning Commission.

There is an existing 6' chain link fence separating the park from the property. Mr. Nilson's property and whatever activities might be occurring on the property are highly visible from the park. The property is also the recipient of errant soccer balls, baseballs and frisbees. There could also be an impact to Mr. Nilson's property in the near future if the City constructs a basketball court on the north side of his property.

Mr. Nilson's request is to construct a seven foot (7') high steel fence along the boundary of his property and the City Park, see attached sheet. The municipal code provides for the Planning Commission to approve fences taller than six feet as described in the paragraph below:

17.24.100 Fence requirements.

- A. *Fences, walls, and hedges may not exceed six feet height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.*

A building permit which includes a design from a structural engineer would still be required if the Planning Commission were to grant approval for the seven foot fence. Since the fence will be visible from the park, and one side of the fence will be accessible by park users, the type of material used, graffiti potential and other long term maintenance requirements should be considered.

Project Propose: Higher Fence
S. Terry Nilson
1716 North 560 West
nilsonft@comcast.net

I would like a variance to build a higher privacy fence adjacent to the City's Park.

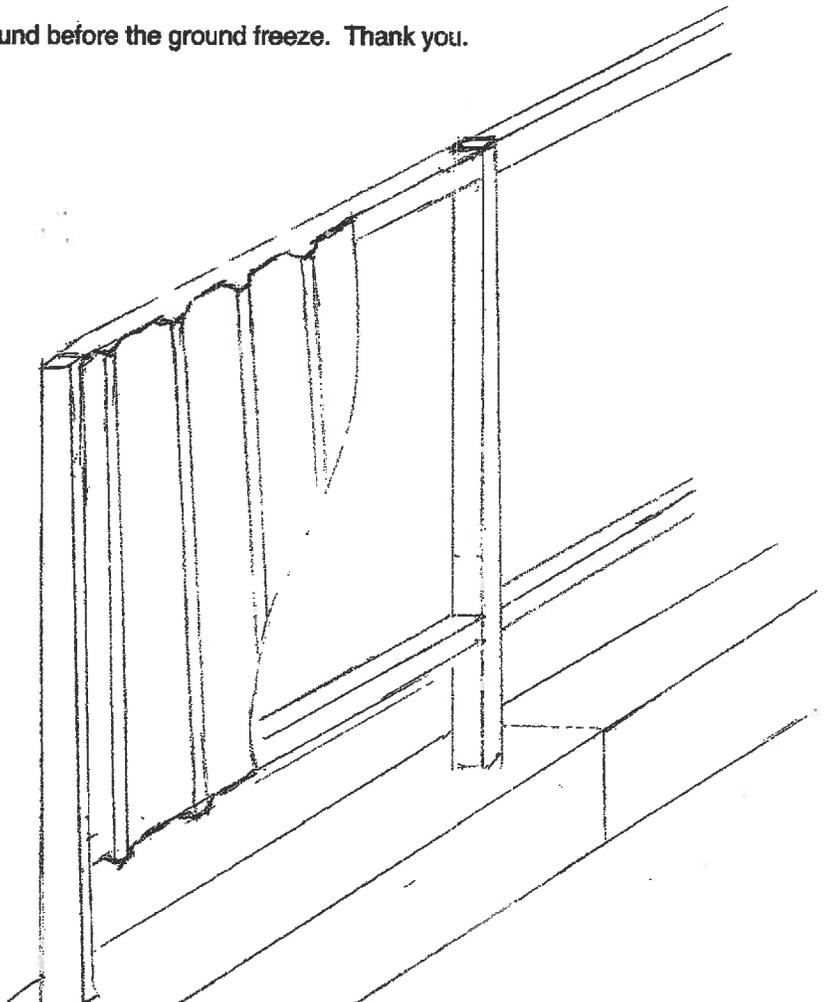
Reason for the added height.

The property has 335' of six foot chain link fence that belongs to the city. With the cement sidewalk added on top of the ground, run along the fence line, and not East of the Bowery as I understood was the original plan, it's no longer a six foot fence. With the added foot traffic on the cement path, my property is in the lime light. My entire property is visible from the park. With the rewriting of the nuisance code. It is now a problem. So I would like to build a higher privacy fence.

The plan is to build a steel fence. The post (3x4x.120) bedded in cement. With a 8" wide mow strip. There will be steel purlins weld between the posts. From the top of the mow strip to the bottom of the panel would be 12". The same PBS panels will be used as was used on my metal building. Same color. These panel are six foot long, three foot wide. They will be screwed into the steel. The over all height will be right around seven feet, plus or minus few inch.

I've put up a fabric privacy screen at the desired height. Along the East property chain link fence. It will give you a idea of the height. The placement of the post will be inside the property line. Center of mow strip. My property has 335 feet adjacent to the park.

I would like to place the posts in the ground before the ground freeze. Thank you.



MEMORANDUM



TO: Planning Commission

DATE: September 22, 2015

FROM: Ben White

RE: Pony Haven Subdivision (Ovation Homes)

Ovation Homes has requested to make a presentation to further discuss their potential. In advance of their presentation, they have provided a draft Preliminary Plat layout for their development. A few key points on the plat include:

- Lots less than 10,000 sq. ft.
- 20' front yard setbacks
- 15' rear yard setbacks
- 8' minimum and 16' total side yard setbacks

The P.U.D. code includes provisions which allow the City to consider lots less than 10,000 sq.ft., and reduced front and rear setbacks. The P.U.D. code does not allow the City to change the side yard setbacks (17.68.130(A)). In initial discussions with the City's legal counsel it appears that the City cannot reduce the minimum required side yard requirements as the Code is currently drafted.

Before approval of a Preliminary Plat can be considered, the requirements and allowances of the P.U.D. must first be established. The three most significant elements of the P.U.D. can be summarized into two categories:

1. Review if the development meets the criteria established in *Section 17.68.100 Minimum Standards* to meet the required criteria for a P.U.D. application?
2. Recommend any bonus densities according to the criteria listed in *Section 17.68.120 Amenity Density Bonus*.
3. Recommend appropriate lot size, lot width, front, rear and side yard setbacks as required by the R-1-10 zone and any deviations allowed by *Section 17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City*.

However, the City will need a complete application before it can proceed with these items.

17.68.100 Minimum Standards.

- A. **General Regulations.** A minimum of seven (7) acres of land in the A-1 zone, and four (4) acres in the R-1-22 and R-1-10 zone is required for a proposal to be developed as a PUD.
- B. **Open spaces.** Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:
 - 1. Dedication of land as a public park or parkway system; or
 - 2. Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remain perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the Planning Commission.

The open space may be used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a residential corporation or other association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the City Council.

As part of the application for a Planned Unit Development, the applicant shall submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the City Council, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to West Bountiful City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by West Bountiful City.

- C. **Parking – Garages and Parking Lots.** Each dwelling unit in a Planned Unit Development shall include at least a two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate offstreet parking of vehicles, including recreational vehicle parking.

All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Large expanses of asphalt should be reduced and broken into smaller parking lots. Parking lots should include ample landscaping to buffer cars from neighboring properties.

- D. **Attractive Elevations – Variety and Architecture.** Structures in the Planned Unit Development must include, at a minimum, the following design elements:
 - 1. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.
 - 2. Garage doors must not be the most prominent feature of the structure. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.
 - 3. Dwellings with the same or similar elevations (façade, exterior design, or appearance) must not be placed adjacent to each other or across the street from dwellings with the

same or similar elevations except when the Planning Commission for good cause approves limited variation in the Planned Unit Development.

4. Any proposed nonresidential structures should be complementary to the surrounding and historic architecture in terms of scale, massing, roof shape, exterior materials, etc. Such structures should not create masses out of proportion to the residential structures in the development and surrounding neighborhoods, but should be scaled down into groupings of smaller attached structures.

Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Unit Development.

- E. **Upgraded Materials.** The materials used to construct the structures in a Planned Unit Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Unit Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, stacked stone, simulated wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the Planning Commission for review in connection with approval of the PUD.
- I. **General Contributions.** The Planning Commission, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:
 1. Dedication of land for public park purposes.
 2. Dedication of land for public school purposes.
 3. Dedication of land for public road right-of-way purposes.
 4. Construction of, or addition to, roads servicing the proposed project when such construction or addition is reasonably related to the traffic to be generated.
 5. Installation of required traffic safety devices.
 6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

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 lots will always be rounded down to the nearest lot.

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.

The following list of amenities shall be considered by the Planning Commission for a density bonus in a Planned Unit Development. Each amenity contains a percentage bonus which a project may receive. If a project receives a density bonus, the Base Density will be multiplied by the percentage attached to the amenity to determine the additional units. In order to determine total project density, the Planning Commission shall add all additional units to the Base Density.

In order to qualify for a density bonus, the amenity shall add value to the project and result in a more desirable project for the community. Developers are expected to provide amenities beyond those found in typical subdivisions in order to receive a bonus.

A. Building and Project Design (0-5%)

The Planning Commission will consider and give comprehensive and critical attention to architectural design and style, including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, neighborhood design elements and visual appearance of the development from outside the project.

B. Innovative Site Plan (0-5%)

The Planning Commission will consider an innovative site plan which is in harmony with the topography and other natural features of the site. An innovative site plan could also include a variety of lot sizes, setbacks, dwelling unit types, clustered development patterns, and natural resource protection.

C. Substantial Public Benefit (0-10%)

The Planning Commission will consider this amenity bonus if substantial public benefit through the provision of public facilities (such as park dedication, trail system, or other recreational facilities), that are both unusual in character and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities and drainage facilities.

D. Provision, Protection and Maintenance of Open Space (0-10%)

The Planning Commission will consider the provision, protection and maintenance of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality. The open space should be readily accessible to the residents of the development, when appropriate. Consideration will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements in perpetuity will be valued highly in the PUD process. In order to gain a larger density bonus, the developer must provide a plan for the ongoing maintenance of the open space by means of a homeowners association or other entity which does not encumber the City.

E. Interior Amenities and Landscaping (0-5%)

The Planning Commission will consider the provision of private recreational facilities such as tennis courts, equestrian facilities, recreational centers, jogging paths, trails, water features, parks and similar facilities which are accessible to the residents of the development.

Additionally, the Commission will consider overall streetscape, including street and sidewalk

treatment, street trees, overall landscaping, signs, graphics, mail boxes, lighting, garage placement, car port screening, and dwelling entrances.

17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.

This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and any and all other development ordinances of West Bountiful City must be satisfied with the following exceptions:

- A. The sideyard setback requirements must be consistent with those of the underlying zoning district for all structures within the Planned Unit Development.
- B. The frontage and lot area requirements may be allowed to be modified for all lots, pads, or parcels within the Planned Unit Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 17, Zoning.
- C. The density of the development shall be equal to the total project density in accordance with Sections 17.68.110 and 17.68.120, whether consistent with the other requirements of Title 17, Zoning, or not.

Chapter 17.68 Planned Unit Development (PUD)

17.68.010 Purpose and Intent.

17.68.020 Development Description.

17.68.030 Approval.

17.68.040 Base Density.

17.68.050 Area.

17.68.060 Uses.

17.68.070 Ownership.

17.68.080 Desirability.

17.68.090 Design.

17.68.100 Minimum Standards.

17.68.110 Density Bonus Calculation.

17.68.120 Amenity Density Bonus.

17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.

17.68.140 Phasing.

17.68.150 Landscaping.

17.68.160 Guarantees and Covenants.

17.68.170 Considerations.

17.68.180 Approval.

17.68.190 Limitations on application.

17.68.010 Purpose and Intent.

A Planned Unit Development (“PUD”) is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well planned circulation system, and attractive entrances as part of the design.

Planned Unit Developments should be designed to encourage and provide means for effecting desirable and quality development which permit greater flexibility and design freedom than permitted under the basic zoning regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within the development. These developments are intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. They are further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

West Bountiful City supports development that is creative and serves a purpose beyond the division of land. Planned Unit Developments should be of benefit to the City as well as the residents of the development. The purpose of a Planned Unit Development is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in West Bountiful City, the City is willing to allow clustering or additional density of dwelling units in exchange for appropriate amenities. Regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this Chapter and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values, the character of the neighborhood, or the health, safety and welfare of the community.

The owner, or authorized agent, of a proposed Planned Unit Development shall apply for and secure approval of the proposed PUD in accordance with this Chapter before any contract is made for the sale of any part of the PUD, and before any permit for the erection of a structure in the PUD is granted,. The requirements of this PUD Chapter are intended to be in addition to the other requirements of this Title, not to take the place of such regulations.

A Planned Unit Development may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. An application for approval of a PUD is a request by the applicant for additional density and flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 16 and all other chapters of this Title. Denial of a PUD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 16 and all other chapters of this Title. The City Council need not provide detailed findings or reasons for denial of a PUD since its decision is legislative.

The intent of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Unit Developments can:

- A. Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.
- B. Promote attractive architectural design, creative lot configuration, provide open spaces, and ensure efficient delivery of services.

- C. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
- D. Reduce development costs and ongoing maintenance costs.

Any development that satisfies the requirements of this Chapter may be considered for approval as a PUD regardless of whether the requirements of Title 16, Subdivisions, and the other requirements of Title 17, Zoning, are satisfied. In the case of conflicting requirements of this Chapter and Title 16, Subdivisions, and Title 17, Zoning, this Chapter shall govern.

There will be a presumption against approval of land development as a Planned Unit Development. The applicant bears the sole responsibility and burden of establishing, by a preponderance of the evidence presented, that the alternative development layout and other features of the proposed PUD, taken as a whole, are preferable to a traditional subdivision approved in accordance with Title 16 and all other requirements of this Title. Such preferability may be demonstrated, in part, by a showing that the proposed PUD is in accordance with the purpose, spirit and intent of this Chapter and is not hazardous, harmful, offensive or otherwise adverse to the environment, property values, the character of the neighborhood, or the health, safety and welfare of the community.

17.68.020 Development Description.

A Planned Unit Development is a development containing residential lots, pads, or units in which some of the parcels may be reduced below the minimum lot size required by the zoning district. The regulations of the underlying zone may be negotiated and modified to allow flexibility and initiative in site and building design and location, in accordance with an approved PUD plan and requirements of this Chapter. Projects are planned to achieve a coordinated, functional and unified development pattern. A PUD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Design Guidelines and Standard Specifications are satisfied. Applicants may be eligible for a density bonus based on provision of additional amenities in the development (see Section 17.68.120 for more). Planned Unit Developments are allowed in all residential zones of West Bountiful City.

Because the lot sizes in a PUD are flexible, a building footprint shall be indicated on each lot, identifying the buildable area of the lot and the required setback area for the lot. The City Council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots.

Although flexibility in lot arrangement is a feature of a PUD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development and access should be provided in a reasonable manner. Lots in a PUD should not be designed in a manner that creates odd-shaped lots and in particular to simply obtain additional lots.

17.68.030 Approval.

Planned Unit Developments may be allowed in any agricultural or residential zoning district upon Planning Commission and City Council approval. No Planned Unit Development permit shall be granted unless the development meets the use limitations of the zoning district in which it is located and meets the density and other limitations of such districts, except as such requirements may be modified by this Chapter. Compliance with the regulations of this Chapter in no way excuses the developer from the applicable requirements of Title 16 and the other requirements of this Title, except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development.

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 buildable area of thirty feet by fifty feet (30' X 50') ("**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:

<u>Zone</u>	<u>Minimum Lot Size Allowed</u>
B-U	1 acre
A-1	1 acre
R-1-22	0.5 acre
R-1-10	0.2296 acre (10,000 square feet)

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.

17.68.050 Area.

No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed development, and in no case less than the minimum area requirements of Section 17.68.100.A.

17.68.060 Uses.

A Planned Unit Development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and must be accompanied by an application for a zoning amendment.

Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use districts.

17.68.070 Ownership.

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

17.68.080 Desirability.

The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the Planned Unit Development.

17.68.090 Design.

The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

- A. **Density.** Density of land use shall in no case be more than thirty-five (35) percent higher than allowed in the zoning district.
- B. **Arrangement.** Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.
- C. **Specific regulations.** Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

17.68.100 Minimum Standards.

- A. **General Regulations.** A minimum of seven (7) acres of land in the A-1 zone, and four (4) acres in the R-1-22 and R-1-10 zone is required for a proposal to be developed as a PUD.
- B. **Open spaces.** Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:
 - 1. Dedication of land as a public park or parkway system; or
 - 2. Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remain perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the Planning Commission.

The open space may be used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or

a residential corporation or other association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the City Council.

As part of the application for a Planned Unit Development, the applicant shall submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the City Council, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to West Bountiful City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by West Bountiful City.

- C. **Parking** – Garages and Parking Lots. Each dwelling unit in a Planned Unit Development shall include at least a two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate offstreet parking of vehicles, including recreational vehicle parking.

All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Large expanses of asphalt should be reduced and broken into smaller parking lots. Parking lots should include ample landscaping to buffer cars from neighboring properties.

- D. **Attractive Elevations** – Variety and Architecture. Structures in the Planned Unit Development must include, at a minimum, the following design elements:
1. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.
 2. Garage doors must not be the most prominent feature of the structure. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.
 3. Dwellings with the same or similar elevations (façade, exterior design, or appearance) must not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the Planning Commission for good cause approves limited variation in the Planned Unit Development.
 4. Any proposed nonresidential structures should be complementary to the surrounding and historic architecture in terms of scale, massing, roof shape, exterior materials, etc. Such structures should not create masses out of proportion to the residential structures in the development and surrounding neighborhoods, but should be scaled down into groupings of smaller attached structures.

Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Unit Development.

- E. **Upgraded Materials.** The materials used to construct the structures in a Planned Unit Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Unit Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, stacked stone, simulated wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the Planning Commission for review in connection with approval of the PUD.
- F. **Vehicular and Pedestrian Access.** Adequate vehicular and pedestrian access must be provided. A traffic impact study shall be required, as part of the preliminary PUD plan, to project auto and truck traffic generated by the uses proposed. The traffic impact study must be prepared by a registered traffic engineer, unless otherwise expressly waived by the Planning Commission. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies and peak traffic generation movements.
- G. **Connection with Trails.** Any Planned Unit Development that is traversed by or connected to a city trail will be required to install the trail consistent with all applicable ordinances and improvement standards of West Bountiful City.
- H. **Signage.** Signage for any nonresidential buildings within the PUD should be part of a coordinated signage system for the entire PUD project. Signage should help unify the project and provide a positive image. Natural materials such as wood, stone, rock, and metal with external illumination are encouraged. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application. The size and location of signage shall conform to the requirements and guidelines for monument signage from Chapter 17.48 of this Title.
- I. **General Contributions.** The Planning Commission, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:
 - 1. Dedication of land for public park purposes.
 - 2. Dedication of land for public school purposes.
 - 3. Dedication of land for public road right-of-way purposes.
 - 4. Construction of, or addition to, roads servicing the proposed project when such construction or addition is reasonably related to the traffic to be generated.
 - 5. Installation of required traffic safety devices.
 - 6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

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.

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 lots will always be rounded down to the nearest lot.

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.

The following list of amenities shall be considered by the Planning Commission for a density bonus in a Planned Unit Development. Each amenity contains a percentage bonus which a project may receive. If a project receives a density bonus, the Base Density will be multiplied by the percentage attached to the amenity to determine the additional units. In order to determine total project density, the Planning Commission shall add all additional units to the Base Density.

In order to qualify for a density bonus, the amenity shall add value to the project and result in a more desirable project for the community. Developers are expected to provide amenities beyond those found in typical subdivisions in order to receive a bonus.

A. Building and Project Design (0-5%)

The Planning Commission will consider and give comprehensive and critical attention to architectural design and style, including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, neighborhood design elements and visual appearance of the development from outside the project.

B. Innovative Site Plan (0-5%)

The Planning Commission will consider an innovative site plan which is in harmony with the topography and other natural features of the site. An innovative site plan could also include a

variety of lot sizes, setbacks, dwelling unit types, clustered development patterns, and natural resource protection.

C. Substantial Public Benefit (0-10%)

The Planning Commission will consider this amenity bonus if substantial public benefit through the provision of public facilities (such as park dedication, trail system, or other recreational facilities), that are both unusual in character and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities and drainage facilities.

D. Provision, Protection and Maintenance of Open Space (0-10%)

The Planning Commission will consider the provision, protection and maintenance of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality. The open space should be readily accessible to the residents of the development, when appropriate. Consideration will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements in perpetuity will be valued highly in the PUD process. In order to gain a larger density bonus, the developer must provide a plan for the ongoing maintenance of the open space by means of a homeowners association or other entity which does not encumber the City.

E. Interior Amenities and Landscaping (0-5%)

The Planning Commission will consider the provision of private recreational facilities such as tennis courts, equestrian facilities, recreational centers, jogging paths, trails, water features, parks and similar facilities which are accessible to the residents of the development. Additionally, the Commission will consider overall streetscape, including street and sidewalk treatment, street trees, overall landscaping, signs, graphics, mail boxes, lighting, garage placement, car port screening, and dwelling entrances.

17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.

This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and any and all other development ordinances of West Bountiful City must be satisfied with the following exceptions:

- A. The sideyard setback requirements must be consistent with those of the underlying zoning district for all structures within the Planned Unit Development.

- B. The frontage and lot area requirements may be allowed to be modified for all lots, pads, or parcels within the Planned Unit Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 17, Zoning.
- C. The density of the development shall be equal to the total project density in accordance with Sections 17.68.110 and 17.68.120, whether consistent with the other requirements of Title 17, Zoning, or not.

17.68.140 Phasing.

All residential subdivisions with more than ten (10) lots, pads, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plan.

The phasing plan shall include the number of units or parcels to be developed in each phase; the approximate timing of each phase; the timing of construction of public improvements and subdivision amenities to serve each phase, whether onsite or offsite; and the relationship between the public improvements in the Planned Unit Development and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to conditions such as changing market conditions, inclement weather or other factors.

17.68.150 Landscaping.

Landscaping, fencing and screening regulated to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Planning Commission with the PUD application.

17.68.160 Guarantees and Covenants.

Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created, before final plan approval can be granted.

- A. Open Space Guarantees: The city shall require the preservation, maintenance and ownership of all open space through one, or a combination of the following:
 - 1. Dedication of the land as a public park or parkway system.
 - 2. Dedication of the land as permanent open space on the recorded plat.
 - 3. Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with

ownership and maintenance being the responsibility of a residential corporation or association.

4. Through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Annotated, Title 57, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PUD plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible corporation or association.

- B. Performance Guarantee: In order to ensure that the Planned Unit Development will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The letter of credit or escrow account shall include the completion of offsite improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.
- C. Covenants, Conditions and Restrictions:
 1. The applicant for any Planned Unit Development shall, prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. The declaration shall include management policies which shall set forth the quality of maintenance that will be performed, and shall specify the party responsible for such maintenance within the development. The declaration shall also contain, at a minimum, the following:
 - a. The establishment of a corporation or other association responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.
 - b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of the committee; and including the person or entity with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.
 - c. The method of calling a meeting of the members of the corporation or other association, with the members thereof that will constitute a quorum authorized to transact business.
 - d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.

- e. The establishment of an initial reserve fund for the corporation or other association, to adequately cover maintenance and operation expenses until such time as the corporation or association is fully operational and self-sustaining.
 - f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.
 - g. The method and procedure by which the declaration may be amended.
2. The declaration required herein, amendments, and any instrument affecting the property or any unit therein, are subject to approval by the City Attorney and the Planning Commission and must be recorded with the County Recorder.

17.68.170 Considerations.

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

- A. It is the intent of this Chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
- B. It is not the intent of this Chapter that control of the design of a PUD by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Chapter that the control exercised be the minimum necessary to achieve the purposes of this Chapter.
- C. The Planning Commission shall be authorized to recommend approval of, or deny, an application for PUD. The City Council shall be authorized to grant final approval or denial of an application for a PUD.

In the recommendation for approval or in the final approval, the Planning Commission and City Council shall be permitted to attach such conditions as they deem necessary to secure compliance with the purposes set forth in this Chapter. The denial of an application for a PUD by the Planning Commission may be appealed to the West Bountiful City Council in accordance with applicable law.

17.68.180 Approval.

The Planning Commission shall have the authority to require that the following conditions for a Planned Unit Development (among others it deems appropriate) be met by the applicant:

- A. That construction starts within 1 year of either the approval of the project or of any necessary zoning district change, whichever occurs last; and that the construction, or approved stages thereof, be completed within 4 years after the date construction begins.

- B. That the development be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

17.68.190 Limitations on application.

- A. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the City Council and in conformity with any conditions attached by the Council as to its approval.
- B. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
- C. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

(17.68 Amended October 7, 2008; Ord. 303-08)

1 **West Bountiful City** **PROPOSED** **September 08, 2015**
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 September 4, 2015 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **September 8, 2015, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice
12 Chairman Terry Turner, Laura Charchenko, Mike Cottle, Corey
13 Sweat

14

15 **MEMBERS EXCUSED:** Alan Malan and Councilmember Kelly
16 Enquist

17

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

20

21 **VISITORS:** None

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Denis
23 Hopkinson. Debbie McKean gave a prayer.

24 **I. Accept Agenda.**

25 Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda as posted.
26 Terry Turner seconded the motion and voting was unanimous in favor.

27

28 **Business Discussed:**

29 **II. Public Hearing to Receive Comments Regarding West Bountiful Municipal Code**
30 **16.12.060 (C), a New Section in the Subdivision Ordinance that Establishes Minimum**
31 **Criteria for Flag Lots.**

32 Notice of a Public Hearing was properly posted per State regulations and a copy of the proposal
33 was available at the City Offices and on the City website at www.wbcity.org. Written comment
34 was also welcomed prior to the meeting for any individual who could not attend the hearing.

35 **ACTION ITEM:**

36 **Laura Charchenko moved to open the public hearing for comment regarding West**
37 **Bountiful Municipal Code 16.12.060 (C), a New Section in the Subdivision Ordinance that**
38 **Establishes Minimum Criteria for Flag Lots at 7:35 pm. Corey Sweat seconded the motion**
39 **and voting was unanimous in favor among all present.**

40 *No Public Comment was made.*

41 **ACTION ITEM:**

42 **Terry Turner moved to close the public hearing for comment regarding West Bountiful**
43 **Municipal Code 16.12.060 (C), a New Section in the Subdivision Ordinance that Establishes**
44 **Minimum Criteria for Flag Lots at 7:36 pm. Mike Cottle seconded the motion and voting**
45 **was unanimous in favor among all present.**

46 **III. Consider Recommending to City Council a New Section in the Subdivision Ordinance,**
47 **16.12.060 (C), Minimum Criteria for Flag Lots.**

48 Chairman Hopkinson invited Commissioners to make comments. No comments were made.

49 Chairman invited the Commission to make a motion to forward this item to the City Council for
50 their review and consideration. He directed staff to send an email to each of them with a clean
51 copy of the draft that does not have the strike outs in it that will go to the City Council. .

52 **ACTION TAKEN:**

53 **Corey Sweat moved to forward the recommended language of a New Section in the**
54 **Subdivision Ordinance 16.12.060 (C) titled Minimum Criteria for Flag Lots to the City**
55 **Council for their review and consideration. Laura Charchenko seconded the motion and**
56 **voting was unanimous in favor.**

57 **IV. Staff Report**

58 **Ovation Homes Update:** Ben White reported that he forwarded a memo to the developers after
59 the last Planning Commission meeting which included the subdivision and PUD ordinances and
60 an outline on how to proceed. He met again with the proposed developers last Friday; they told
61 him they plan to move forward with the purchase of the Pony Haven property. Mr. White
62 reported that he does not think that they fully understand our ordinances and how a PUD bonus
63 is granted. He asked the Commission to ponder whether they want a PUD and to review and
64 consider the bonus densities contemplated by the PUD.

65 **Pages Lane Project Update:** Mr. White reported that Pages Lane will be redone and new water
66 line put in this spring. Currently there are survey stakes on Pages Lane which indicate the
67 location for the sidewalks on both the north and south sides of the street. The City Council took

68 a tour of the proposed sidewalk staking. The project has great impact to some of the residents.
69 Some residents are opposed to the sidewalk proposal. There will be a meeting with the residents
70 on the last Tuesday of this month.

71 **City Park Construction Update:** Our volleyball courts are being rebuilt to regulation size. In
72 addition, a new playground is being built as were the old swings were. Construction started today
73 on the playground. There was a plan for a basketball court in the bid but this part of the project
74 will be delayed for a season due to some possible funding that may be available from the Utah
75 Jazz.

76 **400 North Update:** Beginning the first of April 2016, UDOT plans to put concrete street in
77 from 500 West to approximately 100 East. This project will eventually be constructed all the way
78 to 800 West. That piece of the project will likely continue into September of next year.

79 **V. Approval of Minutes for August 25, 2015**

80 **ACTION TAKEN:**

81 **Corey Sweat moved to approve the minutes dated August 25, 2015 as presented. Laura**
82 **Charchenko seconded the motion and voting was unanimous in favor among those**
83 **members present.**

84 **VI. Adjournment**

85 **ACTION TAKEN:**

86 **Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at**
87 **8:06 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

88

89
90 The foregoing was approved by the West Bountiful City Planning Commission on August 25, 2015, by
91 unanimous vote of all members present.

92 _____

93 Cathy Brightwell - City Recorder

94