

**Mayor**  
Kenneth Romney

**City Engineer/  
Zoning  
Administrator**  
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 A REGULARLY SCHEDULED MEETING AT 7:30 PM  
ON TUESDAY, OCTOBER 25, 2016 AT THE CITY OFFICES**

***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Discuss Proposed Language for Title 17, Yard and Fence Requirements for Residential Zones, and Consider Setting Public Hearing.
3. Staff Report.
4. Consider Approval of October 11, 2016 Meeting Minutes.
5. 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 **October 21, 2016.***

# MEMORANDUM



**TO:** Planning Commission

**DATE:** October 20, 2016

**FROM:** Ben White

**RE:** Yard Regulations and Fences

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In recent meetings, the Planning Commission has discussed how front, side and rear yards are defined. The discussion focused on corner lots where the current code identifies both lot lines adjoining streets as front yards.

The attached draft clarifies the definitions for front and rear lot lines and yards and creates a new definition for "street side lot lines and yards." With the new definition of street side yards, structure setbacks and fencing requirements for side yards facing a street are distinguished from the front yard requirements. The proposed changes are included in 17.04.030 Definitions.

Section 17.xx.100 Fence Requirements also has three proposed changes. First, hedge limitations have been removed from side and rear yards. Also, the definition of what is not hedge is included. The second change is to allow six foot (6') high privacy fences in street side yards. Additionally, in our final review we noticed language in section E. Clear view of intersecting streets, referring to pumps at gas stations. Because the changes proposed are only for the City's three residential zones, this language has been removed.

The Planning Commission may want to consider setting a date for a public hearing related to the proposed changes.

**17.04.030 Definitions**

Lot Line, Front. “**Front lot line**” means for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the front lot line is that lot line with street frontage with closest access to the front entry to the house or structure.

Lot Line, Rear. “**Rear lot line**” means, ordinarily, that line of a lot which is opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this designation is ambiguous, the zoning administrator shall designate the rear lot line.

Lot Line, Side. “**Side lot line**” means any lot boundary line that is not a front or rear lot line. However, this does not apply to any yard fronting on a street, which is by definition a front lot line or a street side lot line.

Lot Line, Street Side. “**Street side lot line**” means the lot line adjoining a street ~~on a corner lot~~ that is not designated as the front or rear lot line.

“**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.

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.

Yard, Street Side. “**Street side yard**” means the space on the same lot with a building between the side line of the building facing the street not designated as the front or rear lot line and extending from the front yard to the rear yard. The “width” of the street side yard is the minimum distance between the street side lot line and the building.

**17.xx.050 Yard regulations.**

The following yard regulations apply in the residential district “R-1-10, R-1-22, A-1”:

- 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 street side yard setback for all structures 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. 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.

**17.xx.100 Fence requirements.**

- A. Fences, and walls ~~and hedges~~ may not exceed six feet in 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.
- B. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback. Within any front yard setback, no fence, wall, or hedge may exceed two (2) feet in height within three (3) feet of any street right of way or sidewalk (whichever is closer to the primary building on the lot).
- C. For the purpose of this section, ~~single shrub planting shall not constitute~~ a hedge does not include shrubs or small trees if the closest distance between the foliage less than six (6) feet above the ground of any two plants remains at is greater than five (5) feet.
- D. When a fence, or wall ~~or hedge~~ is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, or wall ~~or hedge~~ may be erected or allowed to the maximum height permitted as measured from the higher grade.
- E. Clear view of intersecting streets. In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs ~~and pumps at a gasoline station~~, and a reasonable number of trees pruned so as to permit unobstructed vision of traffic.

1 **West Bountiful City** **PENDING** **October 11, 2016**  
 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 October  
 5 7, 2016 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
 7 **October 11, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry Turner, Alan  
 12 Malan, Mike Cottle, Laura Charchenko, Andy Williams (Councilmember).

13

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

15

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

18

19 **VISITORS:** Sue Demas, Joyce Price, and Sharrae Simmonds.

20 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.  
 21 Chairman Denis Hopkinson offered a prayer.

22 **I. Accept Agenda**

23 Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda  
 24 as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members  
 25 present.

26 **Business Discussed:**

27 **II. Public Hearing to Receive Public Comment and Questions on Proposed Annexation for**  
 28 **Property at Approximately 161 North 1450 West.**

29 Commissioner packets included a brief memorandum from Ben White dated October 7, 2016  
 30 regarding an annexation petition at approximately 161 North 1450 West and a site map of the  
 31 proposed property for annexation.

32 The City has received a petition from Al Jones at 161 North 1450 West to annex into the  
 33 City a 5 acre parcel that he recently purchased.

34 **ACTION TAKEN:**

35 *Laura Charchenko moved to open the public hearing for annexation petition of 161 North*  
36 *1450 West at 7:35 pm. Mike Cottle seconded the motion and voting was unanimous in favor.*

37 Chairman Hopkinson invited Ben White to summarize the issues surrounding this public hearing.  
38 Mr. White explained that the purpose is to hear from the public regarding the annexation of this  
39 property but also as important is to see if other surrounding properties would be interested in  
40 annexing as well.

41 Chairman Hopkinson reviewed the site plan pointing out all the available properties that are  
42 receiving city services but not currently in the city boundary.

43 **Public Comment:**

44 **Sue Demius**, 287 North 1450 West (formerly the Deveraux property), wanted to know the  
45 pros and cons of annexing into the City. Staff prepared a pros/cons handout that was given to Ms.  
46 Demius.

47 Basically the only change that would currently be noticeable is that the water bill would go down  
48 approximately \$225/year if they have city water and property taxes will go up approximately  
49 \$100. All other services are already being provided. Currently their property uses well water but  
50 their wells are slowing down. Ms. Demius asked if planning commission knew what the Plum  
51 property intended to do to the west. It was not known by Staff or Commission what the plans are.  
52 All property in that area is zoned A-1.

53 **Sharrie Simmonds** asked what is intended for the Al Jones property. Mr. White responded  
54 that he believes the owner plans a single home and just wants to have more space around him. She  
55 asked about how roads would be planned. Ben White addressed her concerns that when the time  
56 comes those plans will be made. Chairman Hopkinson pointed out that it is an advantage to be in  
57 the city when those plans are being made so Ben White can assist them in the process. She also  
58 asked if they would be able to stay in the green belt and she was told yes.

59 Ben White asked if they were interested in annexing into the City presently. He explained that it  
60 is much easier to join in with the petition of the current annexation now but it could still be done  
61 later. Ben noted that it takes about 6 months to complete the process.

62 Chairman Hopkinson further explained some of the city planning in that area and how the property  
63 lays out with the canal and power corridor.

64 **ACTION TAKEN:**

65 *Mike Cottle moved to close the public hearing at 7:55 pm. on the annexation petition for*  
66 *161 North 1450 West. Alan Malan seconded the motion and voting was unanimous in favor.*

67

### 68 **III. Discuss Brandon Jones' Subdivision Application at 800 West.**

69 Commissioner packets included a memorandum from Ben White dated October 17, 2016  
70 regarding a one lot subdivision at 887 North 800 West and a site plan of his plans for an addition  
71 on his home.

72 Mr. White explained that Mr. Brandon Jones desires to put an addition on the south side of his  
73 home at 887 North and 800 West. This piece of property comes with some complicated land use  
74 issues that need to be addressed. The addition to be constructed will be on his lot that crosses over  
75 the subdivision boundary into Heritage Pointe. A new subdivision plat must be prepared to  
76 properly join the two properties into one piece. Both the Planning Commission and City Council  
77 must have input on this action.

78 In addition the Jones' Heritage Pointe lot on which they plan to build is in the Historic District but  
79 the existing home is outside the Historic boundary. Resolving this issue also requires input from  
80 both the Planning Commission and the City Council.

81 A utility easement exists along the north side of the Heritage Pointe Subdivision. That easement  
82 must be vacated prior to the City granting a building permit for the addition. This item needs  
83 input from the City Council only.

84 It is preferable that both planning commission public hearings be held on the same night. Staff  
85 will set the date for the public hearing when the subdivision plat is submitted.

86 ***ACTION: Chairman Hopkinson directed Staff to schedule a public hearing as soon as they***  
87 ***receive the subdivision plat from Mr. Jones.***

### 88 **IV. Discuss Title 17, Yard and Fence Requirements for Residential Zones.**

89 Commissioner packets included a brief memorandum from Ben White dated October 7,  
90 2016, regarding fences and a copy of the proposed language for Title 17 regarding the current  
91 practices for fences.

92 Ben White presented a slide show of different types of front yard fencing so the Commission  
93 could see examples of what could happen if they do not carefully consider restrictions and how  
94 they can impact the feel of the community. Some examples were wall-like and very unappealing to  
95 the eye and the community atmosphere. He had examples of both transparent fencing and solid  
96 fencing. Chairman Hopkinson expressed that it was quite helpful to have some visual aids to  
97 consider.

98 Ben added that there are lots of violations in our city at the present time in regards to front yard  
99 fences. Changes could bring some of those violations into compliance if that is the direction the  
100 Commission would like to go.

101 Chairman Hopkinson invited the Commissioners to share their thoughts especially regarding front  
102 yards:

- 103 • Mike Cottle does not feel a six foot solid fence in front yards keeps our community rural
- 104 feeling.
- 105 • Corey Sweat was unable to attend the meeting but sent his thoughts via email. He does not
- 106 want to restrict property owner’s rights.
- 107 • Alan Malan pointed out that 17.xx.100 has some problems regarding the definition of
- 108 hedges and needs to be clarified that hedges do not include trees. He suggested removing
- 109 the language hedges and foliage from the backyard requirement. All concurred with that
- 110 suggestion.

111 Chairman Hopkinson suggested that we hold some community meetings to receive citizen input if  
 112 we intend to modify the restrictions on front yard fencing. He suggested using the City face book  
 113 page to get input.

114 Ben White reminded the Commission that they can make changes, or not make changes to the  
 115 degree they feel appropriate regarding front, back, and side lot fencing and corner lot fencing. All  
 116 Commissioners are agreeable with having the six foot height for rear/side yards as currently  
 117 allowed but decided, for the time being, to not propose any changes to the front yard.

118 *Staff will put together a redline copy of the suggested changes for review at the next meeting.*

119 **V. Staff Report**

120 Ben White: no report

121 Cathy Brightwell reminded them that next Tuesday, October 18, at 6:00 p.m. will be a joint work  
 122 session with city council to discuss the P.U.D. moratorium. Dinner will be served. If there is  
 123 information to share prior to the meeting, they will receive a packet.  
 124

125 **VI. Approval of Minutes of dated September 27, 2016**

126

127 **ACTION TAKEN:**

128 *Laura Charchenko moved to approve of the minutes dated September 27, 2016 as presented.*  
 129 *Alan Malan seconded the motion and voting was unanimous in favor among those members*  
 130 *present.*

131

132 **XIII. Adjournment**

133

134 **ACTION TAKEN:**

135 *Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura*  
 136 *Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned*  
 137 *8:35 p.m.*

138 .....

139

140 The foregoing was approved by the West Bountiful City Planning Commission on September 13, 2014, by  
141 unanimous vote of all members present.

142 \_\_\_\_\_

143 Cathy Brightwell – City Recorder

144

145