

**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  
FAX (801) 292-6355

**Chairman**  
Denis Hopkinson

**Commissioners**  
Laura Charchenko  
Mike Cottle  
Alan Malan  
Corey Sweat  
Dennis Vest, Alternate

## **THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, JANUARY 8, 2019 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Proposed Modifications to WBMC Title 17 – Yard Regulations.
3. Discuss Proposed Modifications to WBMC Title 17 – Parking.
4. Staff report.
5. Consider Approval of Minutes from December 11, 2018 Meeting.
6. Adjourn.

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*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 4, 2019 by Cathy Brightwell, City Recorder.*

# MEMORANDUM



**TO:** Planning Commission  
**DATE:** January 4, 2019  
**FROM:** Ben White  
**RE:** **Accessory Structures and Covered Patios**

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This agenda item and accompanying memorandum is a continuation of covered patios, decks and accessory structures from previous Planning Commission and City Council meetings. I will refer Planning Commission members to previous meeting minutes and memorandums for a history of this topic.

## Accessory Structures

Location, size and height of accessory structures has presented challenges recently. The attached municipal code language proposes criteria for when accessory structures can be closer than ten feet to a main structure and when heights exceeding twenty feet can be approved.

## Covered Patios

Language similar to decks encroaching into the rear yard setback has been drafted. This language is not an endorsement by staff. It is intended to facilitate discussion. Staff expects that some of the language may be acceptable, some unacceptable, and criteria not currently listed may also be proposed.

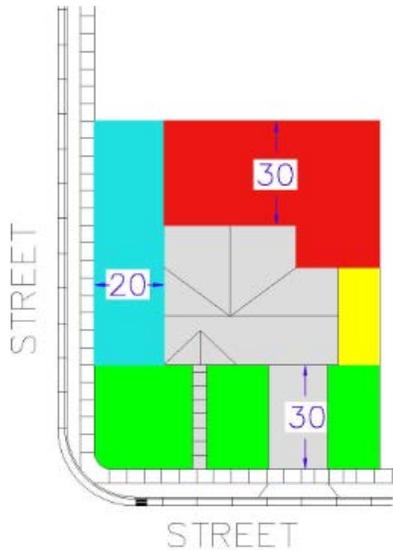
Once the Planning Commission is satisfied with the proposed code language, a public hearing is required prior to making a formal recommendation to the City Council. Satisfied is not meant to imply that a positive recommendation to the City Council will occur; only that the topic has been thoroughly discussed and debated prior to a recommendation being made.

## **Yard Regulations for R-1-10, R-1-22, A-1**

### **17.xx.050 Yard Regulations**

The following regulations apply in the R-1-22 residential district:

1. Minimum Setbacks. (See diagram below)
  1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
  2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
  3. Street side yard.
    1. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
    2. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
    3. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
      1. Is situated behind the rear line of the main structure;
      2. Is two hundred (200) square feet or less;
      3. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
      4. Complies with other requirements of this Code.
  4. Rear yard.
    1. The minimum rear yard setback for all main structures is thirty (30) feet.
    2. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
    3. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
      1. The entire deck is at least twenty (20) feet from the rear property line;
      2. The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
      3. The deck does not encroach more than 200 square feet into the setback area;
      4. The floor of the deck is no higher than the highest finished floor of the main structure;
      5. The portion of the deck that extends into the rear yard setback is not covered;
      6. The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
      7. The deck satisfies other conditions required by the planning commission.



2. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures larger than 200 square feet shall be ten (10) feet. Structures less than 200 square feet with a height less than nine feet may be, unless otherwise approved by the planning commission as a conditional use, approved provided that all required setbacks, fire code and other requirements of this title are met. A conditional use permit cannot reduce the minimum required front, side, street side, or rear yard setbacks.
3. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement such as a public utility easement.
4. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued.
5. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where a building is established.
6. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard.
7. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
8. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches,

and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

9. A patio roof may encroach into the rear yard set back meeting the following criteria:

- a) The entire roof is at least twenty (20) feet from the rear property line;
- b) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- c) The roof does not encroach more than 200 square feet into the setback area;
- d) The roof pitch slopes in one direction only.
- e) The highest point of the roof is no higher than ten (10) feet above the finish floor elevation closest to the patio elevation.
- f) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower.
- g) There is no wall, fence, or railing required or constructed along any part of the patio.
- h) The patio and roof meet all building code requirements.

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**HISTORY**

Adopted by Ord. 374-15 on 11/18/2015

Amended by Ord. 389-17 on 3/1/2017

Amended by Ord. 399-18 on 1/22/2018

**17.20.055 Lots And Dwellings Fronting On Private Streets; Special Provisions**

Lots with frontage only on private streets shall require planning commission approval and shall be subject to all applicable requirements of this title.

**HISTORY**

Adopted by Ord. 374-15 on 11/18/2015

**17.20.060 Height Regulations**

1) Maximum Height of Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof. Accessory buildings ~~shall not be erected to a height~~ greater than one story or twenty (20) feet in height whichever is lower may be erected provided the following criteria is met:

- a) The accessory structure may not be taller than the main structure
- b) The accessory structure must set back a minimum of ten feet from any side or rear property line.
- c) For every one foot in height above twenty feet, the structure must set an additional one foot from any side ~~or~~ and rear property line.
- d) The maximum height of an accessory structure is 30 feet including any appurtenances such as chimneys and cupolas.
- e) ~~Second story windows must be non-opening, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.~~

2) Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

3) Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein

prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

- 4) Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

HISTORY

*Adopted by Ord. [374-15](#) on 11/18/2015*

**17.20.070 Density**

The maximum net density allowed shall be two (2) units per acre.

HISTORY

*Adopted by Ord. [374-15](#) on 11/18/2015*

## 17.52 OFF STREET PARKING

### **17.52.010 Off-Street Parking Required**

At the time any commercial, industrial or retail use~~non-residential~~ building or structure is erected or enlarged or increased in capacity or any use is established, off-street parking spaces shall be provided for automobiles in accordance with the following requirements,~~or as otherwise required by conditional use permit.~~

#### HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

### **17.52.020 Size**

Other than single family residential, the dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least ~~ten~~nine (9) feet by twenty (20) feet for diagonal and ninety (90) degree and diagonal spaces, and ten (10) feet by twenty ~~two~~four (24) feet for parallel spaces. ~~However, in parking lots of not less than twenty (20) parking spaces, upon site plan approval by the planning commission, up to forty (40) percent of such spaces may be seven and one half feet by fifteen (15) feet if marked and used for compact automobiles only.~~ Drive aisle widths shall be a minimum of twenty-two (22) feet behind ninety (90) degree and parallel parking and sixteen (16) feet for angled parking.

#### HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

### **17.52.030 Access To Individual Parking Space**

Except for ~~single family and two family residential~~ dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle.

#### HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

### **17.52.040 Number Of Parking Spaces Required**

An adequate number of off street parking spaces shall be provided for all uses as follows:

1. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.
2. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.
3. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms: one parking space for each three seats of maximum seating capacity.
4. Dwellings: two parking spaces for each dwelling unit including garages and hard surface driveways.
5. Furniture and appliance stores: one parking space for each six hundred (600) square feet of floor area.
6. Hospitals: two parking spaces for each bed.
7. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.
8. Nursing homes: four parking spaces, plus one space for each five beds.
9. Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.
10. Retail stores (except as provided in subsection E of this section): one parking space for each one hundred (100) square feet of retail floor space.

11. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by **conditional use permit** or by planned unit development requirements if applicable, or by the planning commission, but in no case less than one space for each employee projected for the highest employment shift.
12. Shopping center or other groups of uses not listed above: one parking space for each one hundred fifty (150) square feet of total floor space, or as determined by conditional use permit.
13. All other uses not listed above: as determined by **conditional use permit** based on the nearest comparable use standards.

#### HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

#### **17.52.050 Access Requirements**

Adequate ingress and egress to and from all uses shall be provided as follows:

1. Residential Lots. For each ~~R-1-10, R-1-22, and A-1~~ residential lot, not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet, maximum combined drive approach width of thirty-two (32) feet. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer.
2. Other Than Residential Lots. Access shall be provided to meet the following requirements:
  1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
  2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
  3. Each driveway shall be not more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
  4. No driveway shall be closer than ~~twenty~~ (20) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line; and
  5. On a street where there are no curbs or gutters, all driveways shall be **well marked** and protection provided the entire length of the frontage exclusive of the driveways as per approved plans.

#### HISTORY

Adopted by Ord. [374-15](#) on 11/18/2015

#### **17.52.060 Maintenance Of Parking Lots**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water consistent with WBMC 13.30 Storm Water Management. ~~If such water is to be carried to adjacent streets, it shall be piped under sidewalks.~~
2. Screening. The sides and rear of any off-street parking lot which adjoins an area which is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.

3. Landscaping. Each parking lot shall provide along the entire frontage of the property a minimum depth of ten (10) feet of irrigated and permanently maintained landscaping. ~~be adequately landscaped to comply with a plan approved by the planning commission and such landscaping shall be permanently maintained.~~
4. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining residential premises and from street traffic.

HISTORY

*Adopted by Ord. [374-15](#) on 11/18/2015*

**17.52.070 Location Of Off-Street Parking**

~~Off street parking shall not be allowed in required front yard setbacks except by conditional use permit and in areas where the character of the street and general landscaping will not be adversely affected.~~ Off street parking is allowed in the front setback provided that the ten (10) feet set back, less driveway access, described is maintained; and the total front yard setback along the entire frontage of the property is permanently landscaped, as described in this title, to a minimum of fifty (50) percent including driveway accesses.

HISTORY

*Adopted by Ord. [374-15](#) on 11/18/2015*

1 **West Bountiful City**  
2 **Planning Commission Meeting**

3 **PENDING- Not Yet Approved**

4 *Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website,*  
5 *on the West Bountiful City website, and at city hall on December 7, 2018 per state statutory requirement.*

6  
7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, December 11,  
8 2018 at West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **MEMBERS PRESENT:** Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, and Council member  
11 Kelly Enquist

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

13 **MEMBERS EXCUSED:** Chairman Denis Hopkinson, Dee Vest (alternate)

14 **VISITORS:** Gary Jacketta, Rick and Lori Ferlin

15 The Planning Commission Meeting was called to order at 7:30 pm by Commissioner Sweat. Mike Cottle  
16 offered a prayer.

17 **1. Accept Agenda**

18 Corey Sweat reviewed the agenda. Mike Cottle moved to accept the agenda as presented and Laura  
19 Charchenko seconded the motion. Voting was unanimous in favor among all members present.

21 **2. Public Hearing Regarding Proposed Modifications to WBMC Title 16 - Subdivisions, to**  
22 **Address Conflicts with State Law, Clarify Process, and Make Housekeeping Changes.**

23 Ben White introduced the proposed modifications to WBMC Title 16 for the public hearing.

24 **ACTION TAKEN:**

25 *Alan Malan moved to open the Public Hearing Regarding Proposed Modifications to WBMC Title*  
26 *16- Subdivisions, to Address Conflicts with State Law, Clarify Process, and Make Housekeeping*  
27 *Changes at 7:35 pm. Laura Charchenko seconded the motion and voting was unanimous in favor.*

28 There was no Public Comment

29 **ACTION TAKEN:**

30 *Laura Charchenko moved to close the Public Hearing at 7:36 pm. Mike Cottle seconded the motion*  
31 *and voting was unanimous in favor.*

32

33

34           **3.       Consider Final Plat Approval for Ferlin Subdivision at 918 Porter Lane.**

35       Commission packets included a memorandum dated December 7, 2018 from Ben White regarding Ferlin  
36       Subdivision-Final Plat with an attached site plan.

37       **The memorandum included the following information:**

38       Rick and Lori Ferlin have applied for a 2-lot subdivision at approximately 918 West on the north side of  
39       Porter Lane. The property is within the A-1 zone. One of the two lots is a flag lot which received a  
40       Condition Use Permit from the Planning Commission in August of this year. Due to existing utility  
41       easements, the two homes will be placed in the same general area whether the subdivision is  
42       constructed with a flag lot or not.

43  
44       Below is a summary of points of interest. The items in bold text need to be addressed by the Planning  
45       Commission.

- 46  
47       • The proposed lots meet the minimum requirements for a subdivision. But while not a  
48       requirement for the subdivision, the houses must comply with the fire code for access and fire  
49       protection at the time of building permit application.
- 50       • The property is encumbered by multiple overhead and underground utility easements.
- 51       • Two street lights were installed at the street corners of the Birnam Woods subdivision and three  
52       street lights have been installed with the Kinross subdivision. **There is approximately 700 feet**  
53       **between the street lights in the two subdivisions.** If a new street light is recommended, staff  
54       suggests it be located near the flag lot driveway.
- 55       • Weber Basin secondary water is not immediately available to the property. **Service from Weber**  
56       **Basin needs to be finalized prior to recording the plat.**
- 57       • **Staff is recommending that curb and sidewalk be installed as part of this application.**

58  
59       Items to be completed prior to recording the plat include:

- 60  
61       • **Water rights will need to be deeded to the city or payment of water right fee.**
- 62       • **Title report review by the city attorney with no objectional entries.**
- 63       • **Payment of impact and inspection fees.**
- 64       • **Post appropriate improvement bonds**

65  
66       Staff is requesting the Planning Commission direct the applicant regarding a new street light. Also, the  
67       following three options exist for the curb and sidewalk recommendation:

- 68       • Make a recommendation to City Council that curb and sidewalk not be installed.
- 69       • Recommend that curb be installed and that a design be submitted to the city for review prior to  
70       final plat consideration by the City Council.
- 71       • Table the application until a curb and sidewalk design can be reviewed by the Planning  
72       Commission.

73  
74       Ben White introduced the Ferlin Subdivision and showed the site plan on an overhead map. Ben noted  
75       that due to the existing utility easements in his opinion this site plan is the best use of the land.

76       Questions for the Commission tonight included street lighting and discussion on whether to require curb  
77       and gutter. Mr. White informed the Commission that there is a light at the west side of Birnam Woods

78 and the east side of Kinross Estates leaving approximately 700 ft that does not have street lighting. City  
79 guidelines recommend one light per 300-350 feet. Regarding curb and sidewalk, Mr. White showed on  
80 the map that sidewalk exists to the west end of Birnam Woods on the north side of the street and to the  
81 east side of Kinross Estates on the south side of the road. He believes the best time to require  
82 improvements is at the time of subdividing although there is no curb or sidewalk immediately to either  
83 side of this property.

84 **Commissioner Comments:**

85 **Corey Sweat** asked if there was prior discussion requiring a street light when the conditional use was  
86 granted for the flag lot. He feels that for safety reasons a street light should be required.

87 **Alan Malan** feels there should be a street light required and wants the curb and gutter to be a  
88 requirement.

89 **Laura Charchenko** feels that a street light should be included for safety standards regardless of the  
90 subdivision size. Regarding the curb and gutter, she feels this area should be completed for safety, but  
91 would be okay with holding off for a year or two because of all the construction in the area. Laura asked  
92 if there are deferral agreements in place for the existing properties next to the Ferlin property. Ben was  
93 not sure but noted that deferral agreements are hard to call due.

94 **Mike Cottle** concurred regarding the street light and wants the address sign for the flag lot to be  
95 illuminated. He asked who would be responsible for putting in the curb and gutter on the properties  
96 that do not have them currently. He does not see why we would require it when the others in the area  
97 are not done. Ben responded that it is likely the city would have to pay for future curb and sidewalk for  
98 the properties not being developed. Mike asked where the water would flow to if curb and gutter were  
99 installed. Ben explained that there would be a catch basin.

100 **Mr. Ferlin** desires not to put the curb and gutter in because the surrounding properties do not currently  
101 have curb and gutter. He believes it will look bad by creating an island of curb and gutter.

102 **Councilmember Enquist** would like to keep things uniform in regard to the street lighting and would like  
103 to see similar lights used here as are being used at Birnam and Kinross. He added that he does not like  
104 having just an island of curb and gutter and does not mind deferring it.

105 Some discussion took place regarding installing secondary water. Ben White pointed out the locations  
106 of stub-ins in the area for Weber Water and which ones he believes will provide the best service.

107 **ACTION TAKEN:**

108 ***Laura Charchenko moved to approve the final plat for the Ferlin 2-lot subdivision located at 918***  
109 ***Porter Lane with the following conditions: a street light is required to be located near the flag lot***  
110 ***driveway; secondary water needs to be available to the property and be finalized prior to***  
111 ***recording the plat; the requirement for curb, gutter and sidewalk be deferred at this time by***  
112 ***deferral agreement; water rights need to be deeded to the City or a payment received for water***  
113 ***right fees; title report needs to be reviewed by the City Attorney with no objectional entries; and***  
114 ***improvement bonds need to be posted appropriately. Mike Cottle seconded the motion and***  
115 ***voting was unanimous in favor.***

116

117 **4. Discuss Rear Yard Setbacks.**

118 Commissioner packets included a memorandum from Duane Huffman on December 7, 2018 regarding  
119 Rear Yard Setbacks and Covered Patios.

120 The opinion (letter) the Planning Commission forwarded to the City Council regarding covered patios  
121 within the rear setback was discussed at several city council meetings. The general line of questions  
122 they struggled with is, how is a deck encroaching into the setback different than a covered patio? Is  
123 there a place for both? They directed staff to take the matter back to Planning Commission for further  
124 evaluation, to hold a public hearing, and make a recommendation on how best to make regulations for  
125 decks and patio roofs consistent.

126  
127 **History and Purpose of Rear Yard Setbacks**

128 A rear yard setback is the distance between a structure and the rear property line, and we generally  
129 discuss it in terms of the main structure. The reasoning behind rear yard setbacks appears to have  
130 morphed over time:

- 131 • Required rear yard setbacks were likely first related to sanitation and waste disposal.
- 132 • With the development of better public sewers and waste collection and the growth of land use  
133 planning, setbacks were justified as follows:
- 134 • “In general, the purpose of setbacks is to ensure that the use of a property does not infringe on  
135 the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for  
136 space for recreation outside the home, and to serve as filtration areas for storm water run-off.”  
137 Calvert County, MD.
- 138 • There is also evidence to suggest that some setbacks are required to try to create an open or rural  
139 aesthetic.
- 140 • Could not find any technical basis for when different setback lengths should be employed. Cities  
141 and neighborhoods decide on the lengths based on their own goals related to privacy, open space,  
142 neighborhood characteristics, etc.

143  
144 A table was included which displayed research on rear yard setbacks of neighboring cities.

145

REAR	Bountiful	WX	NSL	Cent.	Layton	W. Point	West Bountiful
House	20'	30'	25'	20'	30'	25-30' (1)	30'
Decks	10' (2)				20'		20' CUP

149 (1) If front setback is 25 rear must be 30, or if front is 30 rear can be 25.

150 (2) Decks with permanent roof or canopy, open on 3 sides, not longer than 1/2 the width of main dwelling.

151  
152 The city’s current code on rear yard setbacks requires an attached covered patio to be 30’ away from  
153 the rear property line, and an un-attached covered patio could be 5’ away from the house and 6’ away  
154 from the rear property line.

155  
156 Decks are one exception to main structure setbacks in the city’s code. A deck may encroach into a rear  
157 yard setback with a conditional use permit meeting the following criteria:

- 158 • The entire deck is at least twenty (20) feet from the rear property line;
- 159 • The deck is no closer to a side lot line than the minimum required side yard or street side yard  
160 setback for the main structure;
- 161 • The deck does not encroach more than 200 square feet into the setback area;
- 162 • The floor of the deck is no higher than the highest finished floor of the main structure;
- 163 • The portion of the deck that extends into the rear yard setback is not covered;

- 164       • The railing is no more than forty-eight (48) inches high and is less than twenty-five percent  
165       (25%) transparent; and  
166       • The deck satisfies other conditions required by the planning commission.  
167

168 West Bountiful City has allowed a deviation from the rear yard setback requirements through a planned  
169 unit development. The rear setback for all lots in the Cottages at Havenwood is 15'. Now that most  
170 homes are built in this development, it is a good opportunity for the city to review how these setbacks  
171 impact the neighboring homes to the east and west.  
172

### 173 **Covered Patio Options**

174 Working on the premise that a setback change might be desirable, the City Council discussion centered  
175 on the following options with a modified option A as probably the most desirable:

- 176       A. Provide covered patios the same allowances currently codified for decks, with the  
177       addition of height limitation of something like 10'-15'.  
178       B. Allow any portion of a main structure to follow the deck model, but with an additional  
179       height restriction. Under this scenario, the language specific to decks could be removed.  
180       C. Consider amending all rear yard setbacks to 25' or 20'.  
181

### 182 **Comments from Commissioners:**

183 **Mike Cottle** wanted to know where the 30-foot setback standards came from. Councilmember Enquist  
184 responded that he thinks it came from wanting to match the front setbacks.

185 **Alan Malan** feels it is because of aesthetics and the desire to keep the rural feel with space between  
186 properties. He supports establishing some criteria that could be used for a covered deck with height  
187 limits).

188 **Corey Sweat** is not interested in changing the current setbacks but is willing to address the covered  
189 patio issue similar to how decks have been addressed.

190 Some discussion took place regarding the open space that the 30-foot setback standard keeps and some  
191 possible criteria that could be used regarding covered decks. Ben White stated that staff needs a good  
192 set of criteria and guidelines so they can stand firm in the decisions they make to grant approvals. He  
193 noted that the Commission needs to address what the impact will be and why it will make the  
194 difference.

195 Councilmember Enquist would like to see some site examples showing what the impact would be by  
196 changing the setback requirements.

197 Corey Sweat suggested this item be put on the next agenda for further discussion and asked staff to  
198 draft some language and create some site examples for their review.  
199

### 200 **5. Consider Proposed Modification to WBMC Title 16-Subdivisions.**

201 Ben White and Cathy Brightwell pointed out the changes that have been made to this final draft  
202 document as requested in the previous meeting.

203 Some discussion and suggestions were made regarding 16.12.040(B) Lots on page 9. Commissioner  
204 Sweat does not like having the word "normal" because it is too subjective and suggested deleting the

205 language “which would be unusable for normal purposes” in the original language highlighted in yellow.  
206 Ben White showed an example on Google Earth in defense of keeping the language as is so there is  
207 some latitude to deal with unique situations. Commissioner Malan provided the alternate language  
208 highlighted in blue, “Lots shall not contain peculiarly shaped elongations of normally unusable area to  
209 provide necessary square footage of area, lot width, or frontage.” Further discussion took place. It was  
210 noted that “peculiar” means “odd” so making that change may help people understand the section  
211 more easily. The document will be sent to Legal Counsel and City Council with both suggestions.

212 Changes that were made in the document from the last meeting were reviewed and approved.

213 Corey Sweat asked if there were any further changes or suggestions. Laura Charchenko suggested  
214 switching the order of items B. and C. in 16.12.040 to make it flow better.

215 **ACTION TAKEN:**

216 *Laura Charchenko moved to approve the proposed modifications to WBMC Title 16-Subdivisions as*  
217 *presented and discussed switching the order of items B. and C. in Section 16.12.040 and send both*  
218 *suggestions for Section B. language as discussed to Legal Counsel and City Council for their review.*  
219 *Alan Malan seconded the motion and voting was unanimous in favor.*

220

221 **6. Staff Report**

222 **Ben White:**

- 223
- 224 • Atwater Subdivision was approved in the last City Council meeting.
  - 225 • Moderate Income Housing Report is required every two years and includes a thorough review of  
226 our General Plan with updates as necessary. This item will be on the agenda in January.
  - 227 • There will be **No Planning Commission** meeting until January8

228 Mike Cottle noted that there are yard signs all around our City that are placed illegally and asked what  
229 the city can do about them. Ben White invited them to pull them if they are illegal and bring them to  
230 City Hall. Commissioner Cottle also noted that last week in one of his realtor meetings they talked about  
231 affordable housing and the changes made by Bountiful city to allow people rent out their basements and  
232 ADU’s. He asked if the city has plans for something similar. Ben White explained that we have allowed  
233 that in our City for some time as long as the property meets the ADU requirements.

233

234 **7. Consider Approval of Minutes from November 27, 2018 meeting.**

235 **ACTION TAKEN:**

236 *Alan Malan moved to approve of the minutes of the November 27, 2018 meeting as corrected. Laura*  
237 *Charchenko seconded the motion and voting was unanimous in favor.*

238

239

240

241

