

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Mike Cottle
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THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 9, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use for a Flag Lot as Part of a New 2-lot Subdivision at 936 W Pages Lane.
3. Discuss Modifications to Group Housing Code and Set Public Hearing for April 23, 2019.
4. Discuss Updates to Land Use Section of General Plan
5. Staff report.
6. Consider Approval of Minutes from the March 26, 2019 Meeting.
7. Adjourn.

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 April 4, 2019 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission
DATE: April 4, 2019
FROM: Ben White
RE: Chambers Subdivision – 936 W 1600 North

Kent Chambers has applied for a 2-lot subdivision at 936 W Pages Lane. The proposal is to construct a flag lot behind an existing house owned by Halvor Olsen. The property is within the R-1-10 zone. Both lots meet the minimum size requirement for the zone. The flag lot requires Conditional Use approval by the Planning Commission as part of their subdivision recommendation to City Council.

Below is summary of points of interest and to be addressed.

1. Drainage plan needs to be provided which demonstrates how the property will be graded and drained without negatively impacting the proposed lots and surrounding properties.
2. Drive approach location needs to be adjusted so that the drive approach flare is in front of the flag lot property.
3. Street light is required at the flag lot entrance.
4. Weber Basin secondary water service to the flag lot needs to be established.
5. Water, sewer and any other utility service needs to be constructed prior to the overlay on Pages Lane. Otherwise there will be a five-year moratorium to cut the road. Provide drawing identifying all construction requirements.

Items to be completed prior to recording the plat include:

6. Address any comments received from the fire department and fire code
7. Obtain service letters from the major utility companies; specifically, how to address existing communications box in flag lot driveway.
8. Utility easements provided around the boundary of the plat
9. Title report review by the city attorney with no objectional entries.
10. Payment of impact and inspection fees.
11. Post appropriate improvement bonds

Items 7 through 11 listed above are typically not completed until after city council approves the final plat.

It appears that the flag lot subdivision can meet the minimum requirements of the land use code. It is unknown at this point what requirements may be imposed by the fire department. The following recommendations may be appropriate for the Planning Commission to consider:

- A. Positive recommendation to the city council for approval of the subdivision subject to any items noted above.
- B. Table the application until additional information is submitted by the applicant and comments by the fire department are received.

MEMORANDUM



TO: Planning Commission
DATE: April 4, 2019
FROM: Duane Huffman
RE: **Group Living Arrangements Code**

This memo is a follow-up to the memo and discussion on group living arrangements from the March 26th planning commission meeting. Attached is a new draft of the proposed code change.

Updated Draft

The updated draft has the following changes:

1. Removes definitions for “Group Living Arrangement” and “Nursing Home.” These were mistakenly included in the first draft with the idea that the city would potentially have group living arrangements for individuals without disabilities as allowed uses.
2. Updates the table of uses to remove group living arrangements and nursing homes.

Questions from March 26th Meeting

This section provides follow-up answers to questions brought up at the planning commission meeting.

- A. Can facilities for persons with a disability be limited to not more 8 people (this came from the definition Group Living Arrangement)?
 - a. The short answer is that the definition included in the 1st draft would not have necessarily limited potential accommodations for arrangements involving people with a disability.
- B. Why were group living arrangement and nursing homes included in the table of uses in the 1st draft?
 - a. This was a drafting mistake.
- C. Is Section 17.84.020(A)(4), which requires proof of a disability, a violation of health privacy laws?
 - a. No, federal law is clear that persons requesting an accommodation have a duty to prove that they have a valid disability. This can be as simple as a doctor’s note stating what the disability is.
- D. Are Section 17.84.020(A)(6) and (7) redundant?
 - a. No. Item 6 is requiring evidence that a requested accommodation is necessary to treat a disability – for example, evidence that shows an individual with a specific disability receives benefits by sharing a living arrangement with groups of six other people. Item 7 is requiring evidence that the accommodation is reasonable in terms of the land use code/community – for example, evidence showing that having six people in the home will not be a detriment to the neighborhood due to parking, noise, safety, etc.

Pending discussion and any additional questions at the upcoming April 9th commission meeting, the I recommend that the commission move forward with scheduling a public hearing to further consider providing a recommendation to the city council on this draft code.

ORDINANCE NO _____

**AN ORDINANCE AMENDING TITLE 17 OF THE WEST BOUNTIFUL CITY
MUNICIPAL CODE.**

PART I

FINDINGS

1. The City recognizes, through its observation, study and experience, as the United States Supreme Court recognized in *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9, 94 S.Ct. 1536, 1541, 39 L.Ed.2d 797 (1974), that groups of unrelated persons living together in a single dwelling (“Group Living Arrangements”), including “[t]he regimes of boarding houses, fraternity houses, and the like present urban problems.” Among other things, “[m]ore people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds.” *Id.*

2. The U.S. Supreme Court, in an attempt to help clarify the appropriate role of local government with respect to community planning, noted:

“The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.”

Berman v. Parker, 348 U.S. 26, 33, 75 S. Ct. 98, 102-03, 99 L.Ed. 27 (1954).

The Supreme Court subsequently further commented in *Boraas* with respect to the right of a community in the preservation of residential areas:

A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.”

3. The United States Supreme Court and federal appellate courts continue to recognize that “[l]and use planning and the adoption of land use restrictions constitute some of the most important functions performed by local government.” *Bryant Woods Inn, Inc. v. Howard County*, 124 F.3d 597, 603 (4th Cir. 1997) (citing *FERC v. Mississippi*, 456 U.S. 742, 768 n. 30, 102 S.Ct. 2126, 2141 n. 30, 72 L.Ed.2d 532 (1982) (“regulation of land use is perhaps the quintessential state activity”)). These courts continue to recognize that local land use ordinances may legitimately be utilized “to preserve ‘the character of neighborhoods, securing “zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.””” *Id.* (quoting *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732-33, 115 S.Ct. 1776, 1780, 131 L.Ed.2d 801 (1995) (quoting *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9, 94 S.Ct. 1536, 1541, 39 L.Ed.2d 797 (1974))).

4. According to the latest U.S. Census Bureau data for West Bountiful City, the average household size is 3.31 persons per household, 92.5% of housing is owner-occupied, and, for the

years 2013-2017, 91.9% of individuals living in West Bountiful City lived in the same house for 1 year or more, representing a very low rate of resident transiency.

5. Among other things, Group Living Arrangements tend to introduce transiency, congestion, increased traffic, increased parking and other urban problems and challenges into communities.

6. Regulation of Group Living Arrangements serves to preserve housing densities consistent with both reality (in terms of the average composition of single family households in the City) and the goals and objectives of the General Plan. It also promotes permanence and stability in neighborhood composition, which promotes the general health and welfare of the City's residents.

7. Regulating Group Living Arrangements is an essential aspect of fostering the goals of the General Plan and the City's zoning scheme, which seeks uncrowded, stable (non-transitory) single family neighborhoods. For example, the City's Community Vision Statement embodied in the General Plan states:

West Bountiful is primarily a residential community that is proud of its agricultural history and highly values its rural atmosphere.

....

The residents view the City as one where residents live together as a community and actively participate in the betterment of their neighborhoods. Residents insist on attractive and high-quality development, and clean, well-maintained neighborhoods and streets.

(General Plan, June 5, 2007, at p. 6, § 1.2 (Community Vision Statement, Land Use).)

Residents of West Bountiful City value the high quality of homes and residential lifestyle of their community. Residents also value the opportunity to remain in the City as lifetime residents.

(*Id.* at p. 7 (Housing).)

These values are stated throughout the General Plan, including Goal 3 of the Land Use Element, which includes the goal to "[p]rotect the quality of existing residential neighborhoods," (*Id.* at p.22 (GOAL 3)), and "maintain existing neighborhood densities, while allowing for flexibility for various dwelling sizes in appropriate places." (*Id.* (OBJECTIVE 2, POLICY 1).)

8. The City also recognizes the need, in certain demonstrable circumstances, for individuals with handicaps or disabilities to live in a Group Living Arrangements. The City has consulted experts in the field and recognizes the need to provide some type of accommodation to them. However, there is tremendous variety in the type and nature of handicaps or disabilities that may need to be accommodated. There is also great variability in the scope and extent of required accommodations depending upon individual circumstances, the particular nature of the disability(ies) at issue, and other factors that are difficult to anticipate and predict through legislation. Additionally, the methods and means of treating or ameliorating those handicaps or disabilities is constantly changing and evolving. Therefore, the City has determined that the best method for accommodating individuals with handicaps or disabilities is to create a fair and

reasonable process for making accommodations in those instances where an accommodation is demonstrably necessary and reasonable.

9. In order to fulfill the purposes of the General Plan while accommodating the demonstrable needs of individuals with handicaps or disabilities to live in Group Living Arrangements, which are generally prohibited for individuals without disabilities or handicaps, the City desires to clarify its ordinances and define its practices and policies with regard to these issues.

WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, UTAH, AS FOLLOWS:

PART II

TEXT OF ORDINANCE

SECTION 1. Section 17.84 of the Municipal Code is hereby repealed in its entirety and replaced with the following text:

17.84.010 Reasonable Accommodation

- A. **Purpose.** The purpose of this chapter is to comply with the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, the Utah Fair Housing Act, and any other federal or state law requiring necessary and reasonable accommodation for persons with a disability.
- B. **Interpretation.** None of the requirements of this zoning ordinance shall be interpreted to limit any reasonable accommodation necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling as required by federal or state law. To the extent there is a conflict between the provisions of this zoning ordinance and federal or state law, the federal or state law shall govern.
- C. **Reasonable Accommodations Required.** The City shall make reasonable accommodations in its rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

17.84.020 Reasonable Accommodation Process

- A. **Application.** Any person or entity desiring an accommodation from any of the provisions of this zoning ordinance or any of the City's rules, policies, practices, or services shall make a written application to the zoning administrator. Each application shall specify, with supporting attachments and exhibits, the following:
 - 1. The name, mailing address, and phone number of the applicant(s);
 - 2. The address of the property to which the accommodation will be applied;
 - 3. The precise ordinance, rule, policy, practice or procedure from which the applicant seeks an accommodation;
 - 4. Evidence of the nature and extent of the disability;

5. A description of the applicant's requested or proposed accommodation;
6. Evidence demonstrating why the accommodation is necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling;
7. Evidence demonstrating why the accommodation is reasonable; and
8. All other evidence necessary for the findings set forth in Section 17.84.020.E.3.

B. Appointment of Hearing Officer. Within ten (10) business days of the zoning administrator's receipt of the accommodation application, the city shall appoint a neutral hearing officer with demonstrated experience as a hearing officer and knowledge of the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, and the Utah Fair Housing Act to review the request for accommodation.

C. City Response to Application. Within ten (10) days of the hearing officer's appointment, the city shall transmit to the applicant and the hearing officer its written response to the accommodation application. The city's response shall include the city's position, if any, on the applicant's compliance with the accommodation application requirements and may include a staff report, discussion of any relevant provisions of law, and any other information or evidence relevant to the application and the findings set forth in Section 17.84.020.E.3.

D. Applicant Reply. Within five (5) days of receiving the city's response to the application under Section 17.84.020.C, the applicant may submit to the zoning administrator and the hearing officer a written reply, addressing any items or issues raised in the city's response to the application.

E. Hearing Officer Review.

1. Notice of hearing. Within five (5) days of receiving the applicant's reply or expiration of the reply period in Section 17.84.020.D, whichever occurs first, the hearing officer shall provide written notice to the applicant and the city of the date, time, and location of the informal hearing on the application, which hearing shall be held no later than fourteen (14) days from the date of such notice, unless otherwise mutually agreed by the applicant and city. The city shall ensure that notice of the hearing is provided to the public in compliance with the requirements for public meetings under the Utah Open and Public Meetings Act.
2. Hearing procedures. The hearing officer shall preside at the informal hearing. The hearing officer may direct the order and presentation of evidence and witnesses and determine all hearing procedures. The hearing shall give the applicant, the city and any other interested persons a reasonable opportunity to be heard on matters pertaining to the application. It is the applicant's burden to demonstrate that the accommodation is necessary and reasonable under the standards and definitions set forth in federal and state law, including federal and state case law.

3. Findings. Within fourteen (14) days after the final hearing, the hearing officer shall issue and serve the applicant and city with a written decision on the accommodation application. The hearing officer may either grant, grant with modifications or conditions, or deny a request for accommodation. The hearing officer may grant an accommodation only upon a finding that all of the following have been established:
 - a. The housing, which is the subject of the request for accommodation, will be used by a person with a disability.
 - b. The requested accommodation is necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
 - c. The requested accommodation is reasonable, including the following:
 - i. The requested accommodation will not impose an undue financial or administrative burden on the city; and
 - ii. The requested accommodation will not (a) be a fundamental alteration in the nature of or departure from the city's land use, zoning or building programs and (b) be fundamentally incompatible with surrounding land uses or change the residential character of a neighborhood.
 - d. The requested accommodation will not result in a dwelling being made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
4. Other considerations. The hearing officer may weigh and consider any other relevant considerations under federal or state law, impose any necessary or reasonable conditions upon the granting of an accommodation request as the circumstances dictate or allow, receive and consider evidence or written submissions from the public or any interested persons, require additional written submissions from the city or applicant, and reasonably extend or modify any of the deadlines contained in this chapter with the exception of the deadline for filing appeals, which shall not and may not be extended.

F. **Other Laws/Effect of Decision.** While a request for accommodation is pending, all laws and regulations otherwise applicable to the applicant or the property that is the subject of the request shall remain in full force and effect. The written decision of the hearing officer shall constitute a final, appealable decision. Any reasonable accommodation shall not be deemed a variance, shall be personal to the applicant, and shall not run with the land.

G. **Appeal.** Any person or party aggrieved or adversely affected by the decision of the hearing officer may appeal the hearing officer's decision by filing a petition for review of the decision with the district court within thirty (30) days after the date of the written decision. The review of all such appeals shall be based upon the record presented to the hearing officer and shall not be *de novo*.

SECTION 2. Section 17.04.030 of the Municipal Code is hereby revised and amended as follows (terms underlined are added and terms lined through are deleted unless otherwise noted with terms to be inserted/deleted in alphabetical order):

“Disability” means a physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. “Disability” includes a handicap or disability as defined by the federal Fair Housing Act, Title II of the Americans with Disabilities Act, the Rehabilitation Act, and the Utah Fair Housing Act. “Disability” does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802, as amended.

~~“Hospital” means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.~~

“Hospital” means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

~~“Nursing home” (also “rest home” or “convalescent home”) means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

“Residential facility for disabled family member” means a separate dwelling unit within a single family dwelling that provides independent living arrangements for a person with a disability who is related by blood, marriage, adoption or guardianship to the family occupying the single family dwelling. A dwelling housing a residential facility for disabled family member must appear from its exterior to be a single family dwelling, and its interior must provide for access between the separate dwelling units. ~~O more than two separate residential facilities for disabled family member shall, in addition to the primary single family dwelling unit, shall be allowed in any single family dwelling. A conditional use permit for a residential facility for disabled family member may be issued for a period of two years. The permit may be renewed for successive two-year periods upon submission to the city of a report identifying the facility’s occupants, and certifying the disability of one or more of the occupants as well as compliance with the zoning ordinance.~~

~~“Residential facility for elderly persons” means a single family or multiple family dwelling unit that meets the requirements of Utah Code Ann. § 10-9a-516, but does not include a health care facility as defined by Utah Code Ann. § 26-21-2.~~

~~“Residential facility for persons with a disability” means a residence:~~

- ~~1. In which more than one person with a disability resides; and~~
- ~~2. Is licensed or certified by the Department of Human Services under Utah Code Annotated, Title 62A, Chapter 2, Licensure of Programs and Facilities or is licensed or certified by the Department of Health under Utah Code Annotated, Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.~~
- ~~3. Which meets the requirements of Utah Code Ann. § 10-9-605, as amended.~~

~~“Residential health care facility” means a facility providing assistance with activities of daily living and social care of two or more residents who require protected living arrangements. Residents shall meet the following criteria before being admitted:-~~

- ~~1. Be ambulatory or mobile and be capable of taking life saving action in an emergency;~~
- ~~2. Have stable health and:-~~
 - ~~1. require no assistance or only minimal assistance from facility staff in the activities of daily living,-~~
 - ~~2. be capable of managing their own medication,-~~
 - ~~3. be able to manage their personal hygiene;-~~
- ~~3. A physician shall provide a written statement that the resident is capable of functioning in a residential care facility with minimal assistance.-~~

SECTION 3. Sections 17.16.020, -17.16.030, 17.20.020, -17.20.030, -17.24.020, -17.24.030, -17.28.020, -17.28.030, -17.28.035, -17.32.020, -17.32.030, -17.32.035, -17.34.020, -17.34.030, -17.34.040, -17.36.020, -17.36.030, -17.36.035, -17.40.020, -17.40.030, -17.40.035, of the Municipal Code are deleted in their entirety and shall be replaced with the following text:

Permitted, conditional or prohibited uses of property in this zone are set forth in the table of uses found in Section 17.45.010 (Table of Uses).

SECTION 4. Section 17.45 of the Municipal Code is hereby enacted and shall provide as follows:

17.45.010 Permitted, Conditional and Prohibited Uses

Development or use of property not specifically allowed in the following Table of Uses or approved by the provisions of this zoning ordinance and the Municipal Code are prohibited:

Table of Uses

P = permitted, C = conditional. Uses that are neither permitted nor conditional uses are prohibited.

Uses	Zones									
	A-1	R-1-22	R-1-10	C-N	L-O	C-G	C-H	L-I	I-G	

<i>Agricultural/Residential</i>									
Accessory Dwelling Units (ADU)	C	C	C						
Agricultural	P	P	P						
Child day care or nursery (pursuant to Chapter 5.28 Home Occupations)	C	C	C						
Equestrian facilities, commercial stables	C								
Farm animals	P	P	P						
Flag lots	C	C	C						
Home occupations	P	P	P						
Kennels	C								
Natural resource extraction	C								
Public or quasi-public uses	C	C	C						
Restricted Lots (see definitions, Section 17.04.030)	C	C	C						
Single family dwellings	P	P	P						
<i>Commercial/Industrial</i>	A-1	R-1-22	R-1-10	C-N	L-O	C-G	C-H	L-I	I-G
Appliance and small equipment repair, including shoe repair				P	P	P	P	P	
Banking and financial services				C	P	P			
Car wash as ancillary to a convenience store							C		
Carpet cleaning				P					
	A-1	R-1-22	R-1-10	C-N	L-O	C-G	C-H	L-I	I-G
Ceramic business				P					
Commercial schools					C	C			
Computers: software and hardware, sales and service				P					
Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air				C			P		

conditioning, plumbing, and landscaping									
Convenience store					P	P	P		
Convenience store, less than two thousand (2,000) square feet;				P					
Correctional facilities or facilities with similar uses									
Custom woodworking (as approved by fire marshal)				C			C		
Drinking places (alcoholic beverages)					C	C	C		
Drug store				P	P	P			
Dry cleaning pickup station				P	P	P			
Equipment sales, service and/or repair, including outdoor repair and welding							C	P	P
General merchandise sales					P	P	C		
General merchandise sales (retail and wholesale) less than two thousand (2,000) square feet				P					
Grocery store					C	C			
Hospitals and medical service facilities					C	C			
Hotel, Motel and extended stay facilities					C	C			
Indoor fabrication, machining or welding of materials or equipment not for resale							C		
Indoor storage units							P		
Lawn and yard care				C			P		
Learning studios such as karate, dance, gymnastics				P					

	A-1	R-1-22	R-1-10	C-N	L-O	C-G	C-H	L-I	I-G
<p>Light manufacturing, compounding, processing, milling or packaging of products, which must be accomplished entirely within an enclosed structure, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Automotive parts and accessories, but not including tires and batteries; 2. Steel structural members and related products; 3. Lumber and wood products; 4. Apparel and other textile products; 5. Paper and allied products; 6. Rubber and plastic products; and 7. Electronic and electrical products 								C	
Liquor, retail, package store					C	C	C		
Lumber and other building material, retail sales					C	C	C		

[illegible]

	A-1	R-1-22	R-1-10	C-N	L-O	C-G	C-H	L-I	I-G
Outdoor storage of merchandise or equipment									C
Parts yards									
Personal services				P	P	P			
Printing and publishing				C			P	P	P
Public and quasi-public institutions				P	P	P	P	P	P
Real estate and/or insurance offices				P					
Reception center, meeting hall				C		C	C		
Recycling centers/recycling collection areas									
Research and development								P	P
Retail commercial uses								P	
Retail e-cigarette specialty businesses							C		C
Retail tobacco specialty businesses									
Reception center, meeting hall					C				
Restaurants, cafeterias and fast food eating establishments				C	P	P			
Salvage yards									
Schools and churches									
Sexually oriented businesses								P	
Sheet metal				C					
Silkscreening				C			P		
Single retail unit space over seventy-five thousand (75,000) square feet									
Storage of inflammable bulk liquids									C
Storage of petrochemicals, not for retail sales									
Theaters					C	C			
Warehousing and storage facilities								P	P
Warehousing, as a primary use							C		
Uses which are similar to those listed in this section for the zone in question as determined by the planning commission				C	C	C	C	C	C

SECTION 5. Section 17.26.030.E.11 of the Municipal Code is hereby revised as follows:

11. ~~Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title.~~ Group Living Arrangements.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, UTAH, THIS ____ DAY OF _____ 20__.

The Mayor

ATTEST:

City Recorder

II. LAND USE

2.1 Goals & Objectives

GOAL 1: Maintain the existing quality of life and predominantly rural image of West Bountiful.

OBJECTIVE 1: Maintain a land use map that serves as a vision statement for the land use of the City, protects the characteristics of West Bountiful that are important to the community, and supports development and growth in appropriate areas.

POLICY 1: Review, and revise as necessary, the land uses categories identified in the City Code to ensure that they provide the necessary tools to implement the land use plan.

POLICY 2: Identify in the land use plan appropriate areas for future commercial development which will not adversely impact existing neighborhoods.

POLICY 3: Identify in the land use plan areas for future residential development.

POLICY 4: Identify in the land use plan key agricultural areas or open spaces to be preserved.

OBJECTIVE 2: Maintain large tracts of open or agricultural space in appropriate places to preserve the rural character of the City, but still allow for future commercial and residential development.

POLICY 1: Consider expanding the use of clustered development in areas with low density zoning to allow development potential, while still preserving large tracts of open space and the rural character of the community.

POLICY 2: Primarily maintain maximum density in designated residential areas, while considering the use of some flexible controls such as overlay zones, cluster development, or transfer of development rights (TDR) to provide for some flexibility in lot sizes, and preserve open space.

POLICY 3: Regulate development in areas less suitable for development. These may include areas with high water tables, wetlands, wildlife or waterfowl habitat, and other sensitive areas.

GOAL 2: Promote pride for West Bountiful City with clean, attractive, and well maintained districts and gateways.

OBJECTIVE 1: Identify key areas of the City for beautification efforts.

POLICY 1: Encourage street tree planting with all new development proposals, and the proper maintenance of existing street trees.

POLICY 2: Develop standards that minimize site disturbance and preserve large, mature trees, views, and other rural qualities in areas of future development.

POLICY 3: Review and enforce all zoning laws, especially those that control abandoned vehicles and the accumulation of junk and debris.

OBJECTIVE 2: Major gateways into West Bountiful City should be identified, protected, and enhanced in order to emphasize, preserve, and protect the character and appearance of the community.

POLICY 1: Maintain consistent sidewalk, park strip, curb, gutter, and sidewalk standards at gateways to the City and along key transportation corridors.

POLICY 2: Implement and monitor a sign control ordinance capable of providing for the needs of commercial areas while at the same time protecting West Bountiful City from the negative impact of visual clutter.

POLICY 3: Provide adequate, visible, and attractive street signs. Encourage the placement of "Welcome to West Bountiful City" signs at major entry points such as 500 South, 400 North, 1600 North, 500 West, and the north entrance to the City at 640 West.

POLICY 4: Promote the use of street and yard lights in new and existing neighborhoods.

GOAL 3: Protect the quality of existing residential neighborhoods, ensure new residential development is of high quality, and provide a variety of housing opportunities.

OBJECTIVE 1: Ensure architectural consistency and quality design for all new residential development.

POLICY 1: Develop a series of residential design guidelines to ensure new development meets the City's standards.

POLICY 2: Encourage new residential development to be compatible in lot size, design, and layout with adjacent neighborhoods.

OBJECTIVE 2: Provide housing opportunities for West Bountiful residents of all stages of life.

POLICY 1: Protect and maintain existing neighborhood densities, while allowing for flexibility for various dwelling sizes in appropriate places.

POLICY 2: Identify in the land use plan appropriate areas for a variety of dwellings sizes, to meet the changing needs of existing West Bountiful residents.

POLICY 3: Consider the use of multi-family or townhome mixed-use development as buffers between commercial and single-family residential areas, in the vicinity of the commuter rail station, and other appropriate areas.

GOAL 4: Promote a stable economy by encouraging high-quality commercial and office development in appropriate areas.

OBJECTIVE 1: Provide for commercial, office, and light manufacturing development in appropriate places to strengthen the economic base of West Bountiful City.

POLICY 1: Maintain commercial design guidelines to ensure that new commercial development fits into the existing character of the West Bountiful community.

POLICY 2: Cooperate with neighboring jurisdictions to plan for commercial and office development along key transportation corridors and near the Legacy Parkway interchanges.

POLICY 3: Allow for small-scale neighborhood retail establishments in appropriately zoned areas West of I-15 to meet resident needs.

POLICY 4: Encourage regional retail development at 500 West and 400 North.

POLICY 5: Encourage business park development near the Legacy Parkway interchange, or within designated annexation boundaries.

OBJECTIVE 2: Establish clear guidelines regarding the ability to conduct business from home.

POLICY 1: Establish clear policies that allow for appropriate home businesses and that encourage cottage industries. Respect of the character of residential neighborhoods and do not allow for home businesses with undue levels of traffic, noise, unusual hours of operation, unsightly appearance or disruption of neighborhoods.

GOAL 5: Promote and protect West Bountiful City's heritage and historic areas.

OBJECTIVE 1: Protect and enhance West Bountiful's historic district as the heart and focal point of the City.

POLICY 1: Maintain a local Historic Preservation Overlay Zone, which encompasses the nationally recognized West Bountiful Historic District and additional historic properties near the heart of the City, as a local regulatory tool to ensure protection and enhancement of the City's historic properties.

POLICY 2: Maintain a Historic Preservation Overlay Zone ordinance, including performance criteria and design guideline language, to ensure that all new development, and redevelopment of existing historic properties, within the historic district respects and enhances the historic integrity of the district.

POLICY 3: Erect historic or vintage street signs with the original street names and numbering system along Onion Street, Howard Street, etc.

POLICY 4: Coordinate planning efforts within the historic district with the West Bountiful City Historic Preservation Commission to ensure that all new construction and streetscape projects enhance rather than compromise the integrity of the historic district.

OBJECTIVE 2: Identify opportunities for expanding the protection of historic structures within the City.

POLICY 1: Encourage the nomination of historic homes outside of the official West Bountiful Historic District for the National Register of Historic Places.

POLICY 2: Explore opportunities for designating additional nationally recognized historic districts, such as 1100 West, or expanding the boundaries of the current district.

POLICY 3: Consider the development of demolition and alteration restrictions for contributing historic structures in the City.

GOAL 6: Protect the safety and general welfare of the residents of West Bountiful City.

OBJECTIVE 1: Minimize the impact of industrial land uses on adjacent neighborhoods.

POLICY 1: Develop guidelines for the establishment of adequate buffer zones between industrial land uses and abutting commercial and residential uses.

POLICY 2: Where possible, establish minimum acceptable standards for noise levels, air quality, on-site lighting, odor, and water pollution.

2.3 Existing Land Use Patterns

West Bountiful City contains a variety of land uses. The City continues to evolve from an area once composed essentially of agricultural uses into a diverse urban community. Where at one time there were extensive tracts of natural wetlands, farmlands, and grasslands, there now exist subdivisions, and commercial and industrial businesses. West Bountiful City has successfully merged the best elements of both urban and rural uses into well balanced community.

West Bountiful City has approximately 2119 acres within its 2019 municipal boundaries. Developed land area has exceed undeveloped land.. Non-urban, undeveloped land is defined as agriculture, parks and recreation, vacant, etc. Urban, or developed land, includes residential land uses, industrial, commercial, and public or quasi-public, etc.

Existing Land Uses

Residential

Residential uses are by far the most common land use in West Bountiful City. The vast majority of residential units are single-family homes. Other housing types, such as duplexes, multi-family units, and mobile home parks, account for a very small amount of land with West Bountiful City boundaries. Most duplex and multi-family housing is concentrated on or very near to 800 West. The majority of the City is currently comprised of three residential zoning districts with densities of one-quarter acre, one-half acre and one-acre lot sizes.

Commercial

West Bountiful City's primary commercial district is located east of Interstate 15 along 500 West (U.S. Highway 91). Scattered commercial development also fronts along 500 South. These businesses are primarily comprised of retail shops, restaurants, bulk warehouse stores, professional offices, car dealerships or small manufacturing firms. West Bountiful City's largest commercial businesses are the At Home, Lowe's, Ross and Costco shopping centers. The commercial districts are essentially separated from the rest of West Bountiful City by the freeway, and access across this large barrier is limited to a handful of under and over passes. Despite the somewhat inconvenient location of the City's commercial areas, West Bountiful residents prefer to keep the commercial part of the City separated from the rest of the primarily residential community.

Civic, Utility, and Religious

At the center of West Bountiful's historic district, the West Bountiful City Hall serves as the governmental and geographic heart of the City. The West Bountiful Police Department shares space within the City Hall building. The current City Hall was constructed in 2006 and is currently meeting the physical needs of the City and the Police Department. The Public Works department also is housed in a garage / office structure next to City Hall and adjacent to the Elementary School property. The Public Works department also has a materials and storage yard at the northwest corner of Jessie's Meadow subdivision. Ultimately the location of each

Public Works facility is not optimal due to noise and traffic from heavy equipment in a residential and school zone. It is the intention of the City to relocate these facilities, as soon as practical.

There is only one school within West Bountiful City boundaries, the West Bountiful Elementary School. The elementary school is currently being reconstructed to accommodate the growing population as well as replace aged and failing infrastructure. Currently, middle and high school aged children attend Centerville Junior High, Bountiful Junior High, Viewmont or Bountiful High School.

There is no fire station located within the West Bountiful city boundaries. Fire service is provided by the South Davis Metro Fire District. There is one fire station located on the western side of Interstate 15 in North Salt Lake, which could be accessed if an event (fire, earthquake, flood, etc.) were to occur and block the limited access points across the freeway. A new fire station is currently being constructed in Centerville which will improve the response time for emergency vehicles.

There are a number of religious buildings located within the city boundaries, including four meeting houses for the Church of Jesus Christ of Latter-day Saints. Post office, library, and health care services are all provided in neighboring communities, and West Bountiful residents are content with driving out of the City for these services.

A large utility corridor travels southwest to northeast through the western portion of the city that includes overhead power lines and gas pipelines. The construction of buildings within this corridor will be restricted which creates a swath of land where open space, recreational and agricultural uses may be its best uses.

Industrial

There is a significant portion of West Bountiful land contained within the Holly Refinery industrial campus. The City values the company and its workers and desires to work with the refinery to ensure the safety of its workers. As environmental studies become more sophisticated and potential dangers are identified for the workers, the City supports the efforts of the refinery to protect its employees by strengthening and sheltering buildings and/or relocating buildings within the campus to include offices, warehouses and shops to areas that are considered buffer areas. Appropriate zoning needs to be considered to allow for the uses that are customary to mechanical, pipe fitting (welding), and construction shops. In providing means of securing the safety of the refinery's employees the City does not intend to increase the overall foot print of the refinery, nor encourage facilities closer to existing residential zones.

The refinery, whose property straddles 800 West, is typically a good neighbor and West Bountiful residents do not experience many negative impacts despite the close proximity of the refinery. The fact that 800 West does travel directly through the refinery poses some health, safety, and security risks to both residents and Holly Oil. The safety issue poses some

compelling reasons to close this section of 800 West, but West Bountiful citizens would likely need another alternate north-south access route if this were to occur.

A few other, smaller industrial or manufacturing businesses are scattered along 500 South and 500 West, and typically have little to no negative impact on the greater West Bountiful community.

Parks, Recreation, and Open Space

The majority of park and recreation area is provided by the West Bountiful City Park, located next to I-15 on Pages Lane, and the West Bountiful City Golf Course, on 1100 West. A small neighborhood park is located in the Birnam Woods 3 subdivision, and a very small pocket park is located in the very northernmost portion of the City. The southern and western portions of the City are currently not well served by the existing city park and golf course, and the population of West Bountiful could support additional park and recreation development. There is potential for additional neighborhood park development as the largely undeveloped western portions of the City eventually build out. This land is all privately owned. The City should work with private developers and landowners to ensure that park space is included in future subdivision developments. There will likely be overhead utilities, wetland and water table constraints to address when parks or other recreational facilities are developed in the southwestern quadrant of the City.

The City commissioned a Parks, Open Space, Recreation, Arts and Trails Master Plan which was completed in 2018. The Plan identifies needs and provides information and suggestions on how to plan to meet these future needs.

The construction of the Legacy Parkway included the development of a multi-use trail for bikes, pedestrians, and equestrians. The Legacy Parkway trail connects the communities along the entire Legacy Parkway. Four trailheads service the West Bountiful area at areas where roads have been converted to cul-de-sacs or re-aligned to accommodate construction of the Parkway. A larger regional trailhead with substantially more parking was provided on the west side of the Legacy Parkway at 500 South Street. This trailhead is accessible to West Bountiful residents via 500 South and provides access to a trail for the west-side of the Parkway running from 500 South to Center Street in North Salt Lake.

Independent of the Legacy Parkway development, the City has coordinated with UTA to create a multi-purpose trail along the abandoned Denver & Rio Grande Railroad alignment (Prospector Rail Trail) and with Davis County along the DSB canal (Onion Parkway Trail). These trails provide north-south and east-west access through the city to the Legacy trail.

West Bountiful benefits from its surrounding open space. This open space is comprised of primarily privately-owned property within the western portion of the City. Much of this open space is currently used for agricultural purposes and will likely be converted into suburban residential development over time unless protected as open space by the community. The potential annexation areas on the western side of the City are all currently undeveloped and

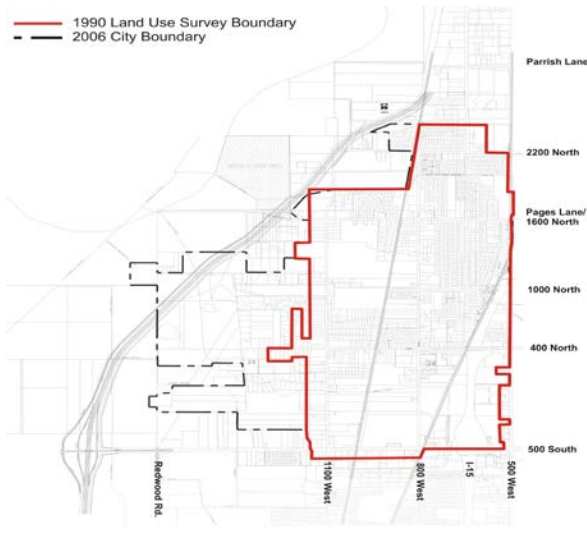
provide both open space and environmental values. There are a few vacant lots still scattered throughout the City. These will likely fill in with residential land uses over time unless set aside for small neighborhood or pocket parks. There is a large buffer of open space surrounding the Holly Oil refinery property. The buffer space is owned by the petroleum company and is important to maintain the safety and security of the refinery facilities. Although this property is not used by the public as recreational space, it is valuable open space to the community.

Agricultural

Residents of the community value the agricultural qualities of West Bountiful. Agricultural land, including farming, grazing of livestock, and horse property is the second most prevalent land use in West Bountiful City. Nearly all of the agricultural property within the City is located west of 1100 West and is currently zoned for a density of one dwelling unit per acre. Maintaining animal rights and lots large enough to support recreational farming and horses is a priority. The one unit per acre zoning applying to the majority of the land in the western portion of the City will eventually result in significant suburban development. If the preservation of rural character is a priority for the community, the current residential zoning will not be an effective regulatory tool in accomplishing this goal on its own.

Land Use Survey

Comprehensive land use surveys have been conducted in West Bountiful City over the past four decades. The first survey was completed in 1978 by Millard Consultants. The second study was the work of Weber State College students enrolled in an Advanced Planning Technique course as part of a 1989 class project. Despite the length of time since the last survey and the expansion of the City boundaries through annexation, the land uses within the City have not changed significantly since 1990. Figure 2.1 shows the city boundaries in 1990, in 2006 when the current General Plan was drafted and the current boundary.



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Table 2.1 summarizes all three past survey studies on land use in West Bountiful City.

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Land Use Survey

Comprehensive land use surveys have been conducted in West Bountiful City over the past four decades. The first survey was completed in 1978 by Millard Consultants. The second study was the work of Weber State College students enrolled in an Advanced Planning Technique course as part of a 1989 class project. Despite the length of time since the last survey and the expansion of the City boundaries through annexation, the land uses within the City have not changed significantly since 1990. Figure 2.1 shows the city boundaries in 1990, in 2006 when the current General Plan was drafted and the current boundary.

Table 2.1 summarizes all three past survey studies on land use in West Bountiful City.

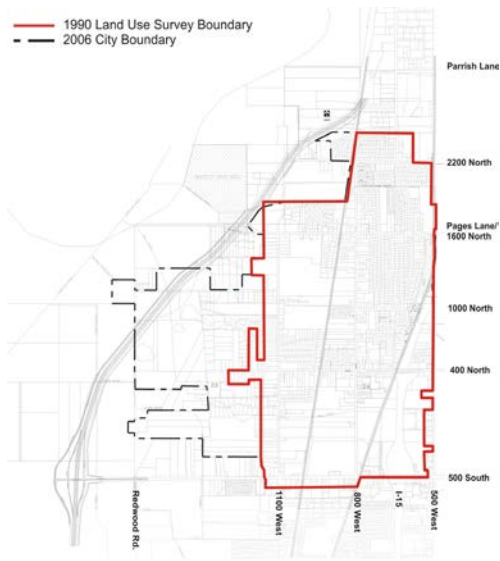


Table 2.1 WBC Land Use Percentage Comparison				
Land Use	1978	1989	1990	2019
Residential	21.7%	22.5%	23.4%	15.3%
Commercial	2.1%	4.7%	3.3%	4.9%
Industrial	8.4%	10.3%	9.3%	16.4%
Public	5.2%	5.1%	6.8%	4.1%
Transportation	19.0%	17.3%	17.1%	11.8%
Agriculture	38.8%	40.1%	21.9%	36.8%
Vacant	4.8%	0.0%	18.2%	10.7%
TOTAL	100%	100%	100%	100%
Source: 1978 West Bountiful City Comprehensive Plan, 1989 West Bountiful City Master Plan				

2.4 Future Land Use Plan

The land use plan, as illustrated in **the Land Use Map (Map 2.1)** sets the foundation for all land use decisions within West Bountiful. The land use plan identifies general land use classifications (i.e. commercial, residential, etc.) and in some cases the density within the classification (i.e. medium density residential, rural density residential, etc.). Each of the twelve land use classifications shown in the Land Use Map corresponds to classifications in the existing West Bountiful Zoning Ordinance (see Table 2.2).

The Land Use Map illustrates the preferred land uses in specific areas of the City. Generally, the map mirrors current land uses in those areas where the present use is deemed desirable and appropriate. Vacant areas, areas with inappropriate current uses, and areas likely to transition to other uses may carry different designations on the Land Use Map than their present use.

Land Use Classifications

The Land Use Map contains the following designations.

Civic and Religious

This category indicates areas designated for institutional public facilities such as the City Hall, public schools, Public Works facilities, the Golf Course, cemeteries, and fire stations. It also

includes areas within the City designated for religious institutions and facilities.

Open Space/Parks

This category is reserved for publicly owned recreation areas. Properties within the Parks and Open Space classification may contain uses ranging from simple undeveloped, natural open spaces to formal facilities such as a trail, recreation complex or developed park.

Commercial

This classification includes uses intended to serve the commercial needs of the community at large. Automobile service, retail, hotel, office, restaurant, and similar types of uses are allowed under this designation. This classification also includes areas that contain large shopping centers of regional significance, such as the Shopko and Costco developments along 500 West.

Neighborhood Commercial

The neighborhood commercial classification includes small commercial areas within primarily residential areas. This designation can contain a mix of land uses; however, the businesses are primarily smaller in scale than those found in a mixed-use or commercial area. Some neighborhood commercial areas may contain an “anchor” store such as a small grocer or market. These businesses are intended to serve the needs of a very specific neighborhood. Examples of small neighborhood commercial uses may include dry cleaners, convenience stores, small dental, medical, legal, insurance or other professional offices and day cares.

Community Commercial

Community commercial areas can contain a mix of land uses, such as commercial and office within the same area. Mixed land uses in the community commercial classification may be varied either vertically (i.e. mix of uses in one building such as an office over a retail establishment) or horizontally (i.e. single use buildings with different uses located next to one another). The residents of West Bountiful are opposed to vertical mixed uses and have established Blended Use Zone to allow for horizontally mixed uses with buffering areas to transition into residential and agricultural zones. Areas falling under this classification are located near 500 South particularly at the west end of 500 South.

Industrial

This classification includes heavy manufacturing and other traditional industrial land uses. The only industrial area within West Bountiful is the Holly Oil Refinery.

Business Park/Light Manufacturing

This classification includes campus-like research and office developments, and smaller light industrial uses. These districts are usually located adjacent to or near intersections of major transportation corridors such as freeways and state roads and along main collector roads. Much of the land classified as business park/light manufacturing falls in the western portion of the City. There are some additional light manufacturing, or light industrial, land uses that currently existing along 500 South and between the Union Pacific Railroad tracks and Interstate 15.

Medium Density Residential

This classification applies to residential areas and subdivisions with a maximum density of up to four dwelling units per acre. Typical developments in the medium density residential designation are single family homes. This area may also include some limited number of duplexes, townhomes, condominiums, or apartments, which were constructed years ago.. Such developments would not be considered a permitted use today.

Low Density Residential

This classification applies to residential areas and subdivisions with a maximum density of up to two dwelling units per acre. Areas assigned to this classification consist of single family homes, and may allow for some limited animal and agricultural uses.

Rural Density Residential

This is land use classification allows both residential and agricultural land uses within the City, and areas within current city annexation boundaries. Many residents keep animals for their private use, and a few parcels are still used for limited agricultural uses. This classification includes areas that are currently undeveloped or are used primarily for agricultural uses. These lands are currently zoned to allow one dwelling unit per acre, but clustering is encouraged for residential developments.

Agricultural Preservation

This classification includes lands west of the new Legacy Parkway corridor. These areas are primarily undeveloped and currently used for agricultural purposes. Under the UDOT agreements for the Legacy Parkway, no new development is to occur on the west side of the parkway. However, the existing facility located on this property is grandfathered in and has the ability to expand in the future. Aside from expansions that fall within this agreement, no new development should occur on lands west of the Legacy Parkway within West Bountiful boundaries. It is the intent of the General Plan that these lands be zoned for a very low density in order to protect their agricultural value, the rural character of the City, and views of West Bountiful from the Legacy Parkway.

The following table explains how each of the above land use classifications corresponds to the current West Bountiful City Zoning Code.

Table 2.2	
West Bountiful General Plan Land Use Classification	West Bountiful City Code Zoning Classification
Civic and Religious	Not associated with a particular zone
Parks and Open Space	Not associated with a particular zone
Commercial	(C-G) General Commercial
Neighborhood Commercial	(C-N) Neighborhood Commercial
Community Commercial	(C-H) Highway Commercial
Industrial	(I-G) General Industrial
Business Park/Light Manufacturing	(L-I) Light Industrial
Medium Density Residential	(R-1-22) Residential
Low Density Residential	(R-1-10) Residential
Rural Density Residential	(A-1) Agricultural. Clustering is encouraged for all subdivision developments.
Agricultural Preservation	New agricultural (A-25) zoning classification.

Overlay Zones

The West Bountiful Future Land Use Plan includes an historic preservation overlay zone and a Legacy Overlay Zone.

Historic Preservation Overlay

West Bountiful contains some extraordinary examples of historic Utah architecture. Enough historic homes exist along the 800 West corridor, that the area was officially designated by the National Register of Historic Places as the West Bountiful Historic District in 2004. West Bountiful residents are very proud of the City's history and have a desire to preserve and celebrate this heritage through land use planning and urban design. In an effort to protect the integrity of West Bountiful's historic city center, West Bountiful has created an historic preservation overlay zone, shown on the Land Use Map, to create a local level tool for regulating development within this area.

The boundary of the local Historic Preservation Overlay Zone includes all lands within the official West Bountiful Historic District, as well as some additional historic properties along 1000 North. It should be noted that the nationally recognized West Bountiful Historic District is different than the local Historic Preservation Overlay Zone. The glossary of planning terms, included in Appendix C of this document, describes the distinction between these two tools and the various levels of protection that they can provide for historic structures. For purposes of this General Plan the term "historic district" is used generically to describe all properties located within either the official West Bountiful Historic District or the Historic Preservation Overlay Zone.

The recommended Historic Preservation Overlay Zone is intended to ensure that all new development, and any modification or demolition of historic structures, is carefully evaluated to ensure that the action will not adversely impact the historic character and integrity of the area. It is recommended that the new Historic Preservation Overlay Zone ordinance be developed in conjunction with the West Bountiful Historic Commission.

Interest has been expressed by members of the community as well as City officials and staff for allowing additional development, and flexibility in development densities, within the historic district of the City. Likewise, it is desired that any new development within the district be designed and constructed in a manner that contributes to, rather than detracts from, the historic character and feel of the area.

Legacy Overlay Zone

The Legacy Overlay Zone is centered on 500 South near the Legacy Highway. This is a joint zoning effort with Woods Cross City. Because future develop in this area will cross city boundaries, both cities recognized the value of having one set of development standards that spans both cities. The goal of the development standards is to construct projects which have similar architectural designs regardless of the city boundary. The design standards should include architectural details and styles, building materials, relative size and massing, colors, pedestrian access, streetscape amenities and landscaping.

Future Land Use

The residents of West Bountiful are proud of the character, neighborliness, and personality of the City. The West Bountiful General Plan's land use plan intends to carry forward these same attributes into the future. In general, the land use plan maintains the same land use patterns already occurring within the City:

- Low-density residential development will be protected from higher intensity uses, and from traffic created by higher intensity uses.
- Commercial development will be concentrated along major transportation corridors.
- Existing parks and open spaces will be maintained, and open spaces will be preserved
- The historic district will remain as the centerpiece of West Bountiful and will be protected and enhanced.

Historic District

West Bountiful has a rich history and some living examples of that history exist in West Bountiful's Historic District. As mentioned earlier, the term "historic district" is used generically in this document to include all properties within either the West Bountiful Historic District or the Historic Preservation Overlay Zone. With the City Hall and an elementary school located within this same corridor, the historic district functions as the heart of the West Bountiful community. Because this historic district represents so much of the West Bountiful community heritage and serves an important role as the civic heart of the City, special consideration should be given to streetscape and urban design enhancements throughout this corridor.

The City should consider a unique street cross section for the historic district, to enhance pedestrian safety and beautify the street. There are a number of street design tools and techniques that may be useful in establishing a sense of place for both pedestrians and motorists as they enter into the historic district. These tools include bulb-outs, neck-downs, chicanes, cross walk pavement treatments, landscaped medians, raised crosswalks, or roundabouts. The City should explore the impact of these and other options on street beautification, pedestrian safety, bicycle lane travel, on-street parking, and flow of traffic. Pedestrian and bicyclist safety and street beautification should be the primary goals of any improvements to the historic district street cross-section; however, mobility for motorists should be considered as well.

Regardless of the implementation of any traffic calming tools, the City should work to enhance the aesthetic and atmosphere of the district for both motorists and pedestrians, and to reinforce a sense of place within the historic district. Urban design elements to consider include decorative street and pedestrian lighting (perhaps embellished with hanging plant baskets or flags), park benches along sidewalks or parkstrips, consistent street tree plantings, historic street signage, and upgraded sidewalk or crosswalk paving materials. Throughout this process, a commodity should be placed on ensuring that high-density development does not occur on property fronting 800 West. Increases in densities within the overlay zone may be

conditionally awarded, but only upon demonstration that development proposals meet or exceed specific performance standards outlined in the Historic Preservation Overlay Zone ordinance. Performance standards in the ordinance may include:

- Guidelines for new construction to ensure a seamless blend with neighboring historic structures (building materials, colors, size, styles).
- Guidelines for modifications to existing structures to ensure preservation of historic integrity (building materials, colors, styles).
- Setbacks consistent with historic precedence.
- Historic signage and street lighting.

Gateway Enhancement

A gateway is a prominent entrance to a city or community that provides visitors and residents with an initial glimpse into the character of the community. Gateways provide the first visual impression of a city. These first impressions are key in defining a city's role in the larger region. West Bountiful, like most cities along the Wasatch Front, is a suburban community bordered by more suburban communities. Often the municipal boundaries become blurred and indistinct. Gateway enhancements are one way to help create a sense of place and identity for a community. The goal is for visitors to know that they have entered a new City when they cross through a major gateway.

West Bountiful currently has a number of key gateways (500 South, Pages Lane, 400 North), and is soon to have two more as the Legacy Parkway is completed. West Bountiful has much to share with its neighbors and visitors, and the City's gateways should reflect the City's key values and qualities. Gateway enhancements should include both landscaping and signage. Designs should use consistent elements yet be adaptable to various locations. Using similar design elements will create consistency and a seamless presentation to visitors regardless of which gateway they cross.

Another type of gateway which exists in West Bountiful, although not a physical threshold into the City, is the view of the City from the Legacy Parkway. Although people may not stop in West Bountiful, they should get a sense for the community when traveling along this corridor. By protecting the agricultural and open lands along the western edge of the City, West Bountiful conveys a clear statement to Legacy Parkway travelers that this is a city which cares about its heritage, natural resources, and future generations. Many communities do not have the opportunity, or foresight, to set aside large tracts of open space, and West Bountiful should display this tremendous resource.

Commercial Districts

West Bountiful has two primary commercial districts within its boundaries: 500 West and 500 South. Similar to a city's gateways, the appearance of commercial districts can speak to the values and characteristics of a community. There are a number of components of commercial district/corridor designs that can greatly influence the overall feel and aesthetics of the community. Among other considerations, a good commercial district should take into account the following:

- Pedestrian amenities.
- Streetscape design.
- Building mass and scale.
- Architectural style and detailing.
- Building materials and colors.
- Signage standards (pole, monument, blade, flush mounted, materials).
- Permeability of storefronts (entrances and fenestration).
- Building and parking location and orientation.

West Bountiful has an opportunity to establish a consistent look, character, and feel for all commercial areas within the City. It is recommended that the City prepare a set of commercial design guidelines to ensure that all new commercial development meets the City's standards, and consistently contributes to the overall aesthetic and character of the City. At a minimum, the commercial districts of the City should include:

- Accommodations for pedestrians along the street and through parking areas.
- Improved streetscape treatments like landscaping, street lighting, and wider sidewalks.
- Shared driveways and access points.
- Decreased building setbacks.
- Parking to be located behind buildings.
- Attractive, downward-shining lighting to enhance safety of the street at night and minimize light pollution.

Neighborhood Enhancement

West Bountiful is a primarily residential community, and therefore preservation and enhancement of the City's neighborhoods is one of the most important elements of land use planning for the City. West Bountiful includes neighborhoods of all different ages, densities, and characters. The design guidelines could be organized around the three different residential land use classifications and zones. For example, design guidelines for each type of residential neighborhood could include:

Rural Density Residential (R-1-40):

- Larger setbacks.
- Encouraged clustering of all new subdivision developments.

- Rural streetscape standards (perhaps pedestrian paths rather than sidewalks).
- Fencing standards (privacy fences detract from rural feel and the preservation of views and should be prohibited).
- Landscaping standards (perhaps requiring a percentage of the lot to have natural vegetation and landscaping rather than allowing 100% turf, allow the majority of a lot to be set aside for agriculture or animals).

Low Density Residential (R-1-22):

- Guidelines for modifications to existing structures
- Streetscape enhancements (street trees, sidewalks, street lighting). Smaller setbacks.
- Fencing standards (privacy fences allowed, but height restrictions established).
- Landscaping standards (allowing a portion of the lot to be set aside for keeping private animals, establish maintenance standards for groomed landscaping).

Medium Density Residential (R-1-10):

- Guidelines for modifications to existing structures
- Streetscape enhancements (street trees, sidewalks, street lighting).

- Small setbacks.
- Fencing standards (privacy fences allowed, but height restrictions established).
- Landscaping standards (establish maintenance standards for groomed landscaping and upkeep of private yards).

Agricultural Preservation

The rural, open feel of West Bountiful was identified by the local community as one of the City's greatest assets. Residents expressed a desire to maintain the small town, rural feel of their community as the City plans for inevitable growth and development. Most of the land within West Bountiful's municipal boundaries was once agricultural land, and much of this has slowly transitioned into more suburban residential land uses over time. However, much of the western portion of the City still remains agricultural. In addition to the agricultural lands within the City's boundaries, there is undeveloped land identified for annexation between the Legacy Parkway and City's western border.

West Bountiful has an opportunity to be proactive in its land use planning to ensure the preservation of as much land as possible both within the existing municipal boundaries and potential annexation areas. While preservation of open space, rural character, and viewsheds are priorities for the City, the respect of private property rights is also a priority. Therefore, development will be allowed to occur within the current municipal boundary per the established base zoning.

Any new development that occurs within this preservation area should be clustered as much as possible to maximize preservation of open spaces between subdivisions. Clustered development is a strategy to maximize the amount of open space within a development plan. Development is grouped together in less sensitive areas rather than evenly spread out at a very low density. The cluster development scheme involves providing density bonuses to private developers in exchange for not building in sensitive areas. By granting density bonuses for clustering development, developers can achieve a profitable development level without having to build in sensitive areas.

Through clustering, an undeveloped preserve is created that may be jointly owned by the homeowners or sold as a single very large tract to a single owner. Usually this remaining open space is placed under a conservation easement. Such easements often assign the local government an interest in the property, thereby preventing the easement from being removed without governmental approval. The easement prevents further subdivision or construction.

Clustered development does not mean "high density" development. The term is used to simply describe the layout and distribution of development lots. It does increase the allowable density of a small area, but the overall average density of the larger area remains the same. For example, consider an area with a base zoning of one dwelling unit per acre. In a 50-acre area, a typical development would contain 50 one-acre lots. Alternatively, the same area could also be developed with 50 one-half acre lots and 25 acres would be saved as open space. The development would have the same number of units, but 50% of its space is reserved for open

space use. The purpose of clustering is not to allow increased densities, but rather to preserve open spaces within individual developments.

2.5 Tools and Implementation Strategies

There are a number of tools that West Bountiful can use to implement the Future Land Use Plan and achieve the goals and objectives outlined in this Chapter.

Future Land Use Map

A future land use map is one of the most valuable tools a City can employ to direct future land use patterns and decisions. West Bountiful's Future Land Use Map, found in this chapter, outlines the manner in which the City would like all future land use patterns to be shaped. The map, and associated land use classifications, should be referred to when any new development or rezoning is proposed. The Map should serve as a guide to city planners when evaluating whether a zone change is appropriate or consistent with the City's plan for that particular area. Referring to the map when making these types of decisions will ensure that all future development, or redevelopment, within the City is compatible with the desires and vision of both the City's leaders and its residents. The map can be adjusted during the process of refinements to this General Plan, if circumstances arise in the future that suggest the need to do so.

City Ordinances and Zoning Map

A city's zoning map and ordinances are the city's primary tools for implementation of its Land Use Plan. Unlike a Future Land Use Map, a zoning map and ordinance gives a city legal authority to restrict what level and type of development can occur on a particular parcel.

Design Guidelines

Design guidelines documents are helpful tools to ensure that development that occurs within a city is consistent with the City's desired image and does not detract from the character and qualities of the community. It is recommended that the City prepare design guidelines documents to guide development of the City's residential and commercial areas. Design guidelines documents do not typically provide a City with regulatory authority; however, many communities are adopting design guideline language right into their ordinances which does give them legal authority. Even if the guidelines remain as simply "guidelines," these documents can give communities another tool to help developers meet the city's expectations. If a developer knows up front what the city expects, it will be easier for them to design projects that pass quickly and easily through the approval process.

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

March 26, 2019

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 March 21, 2019 per state statutory requirement.

6
7 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 26, 2019 at
8 West Bountiful City Hall, Davis County, Utah.

9 **Those in Attendance:**

10 **MEMBERS PRESENT:** Alan Malan (Vice Chairman), Mike Cottle, Laura Charchenko, Corey Sweat, Dee
11 Vest, Council member Enquist

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

14 **EXCUSED:** Chairman Denis Hopkinson

15 **VISITORS:** Mr. and Mrs. Chadwick

16
17 The Planning Commission Meeting was called to order at 7:30 pm by Vice Chairman Malan.
18 Councilmember Kelly Enquist offered a prayer.

19 **1. Accept Agenda**

20 Vice Chairman Malan reviewed the agenda. Mike Cottle moved to accept the agenda as presented
21 and Laura Charchenko seconded the motion. Voting was unanimous in favor among all members
22 present.

23
24 **2. Discuss Group Housing Code – Duane Huffman**

25 Commission packets included a memorandum from Duane Huffman dated March 21, 2019
26 regarding Group Homes Code along with a copy of a draft ordinance amending Title 17 of the West
27 Bountiful Municipal Code. The memorandum included the following:

- 28 • Evolving case law and practices related to residential group home arrangements requires
29 cities to regularly review land use codes to ensure they are not discriminatory. WBMC 17.84
30 currently sets many standards for residential facilities for persons with disabilities (e.g. no
31 more than five residents, and full compliance with ADA), and it requires the planning
32 commission to make determinations on reasonable accommodations. It also sets up
33 standards for residential facilities for elderly persons, which is not necessarily something that
34 is protected by federal law.
35

- In conjunction with a legal consultant that works extensively on group home issues, staff recommends that the planning commission consider the attached draft ordinance that would replace the current section 17.84. This draft ordinance takes a new approach to group homes. Instead of trying to define and regulate residential facilities for persons with disabilities, it defines a process whereby reasonable accommodations may be requested – otherwise all land use regulations apply – including the city’s definition of single-family use as “not more than four unrelated persons, living together as a single housekeeping unit.” This is a proactive effort, and not the result of any current or reasonably pending applications.
- The purpose of the discussion for the planning commission meeting on March 26th is to discuss your overall thoughts on this approach, along with noting any questions or concerns you may have for further research.

Duane Huffman stated that at a City Manager Training he attended, Dan McDonald gave a thorough presentation and identified problems that are happening in cities in regard to Group Housing. He noted that the last time our Group Housing Code was updated was in 2012. He asked Mr. McDonald to analyze our Group Home code and point out violations and issues. Mr. Huffman explained some options the city has in dealing with this code. One option would be to change the code. Another would be to eliminate it all together. Due to the difficulty associated with maintaining and updating a code for Group Homes, his preference would be to eliminate this section of the code and update our single housing code to accommodate applications for group homes that would be heard on a case by case basis and evaluated by a hearing officer who has experience in this field. He noted that it is a bit odd that we have included specific language for senior housing facilities and suggests that the language be eliminated to avoid any potential discrimination issues as it is something not necessarily protected by federal law.

There was discussion among the Commission and after careful consideration it was recommended to proceed with eliminating the current Group Home language from our city code. Mr. Huffman informed Commissioners should the need arise, that City Council and Planning Commission have the option to appeal to the hearing officer if they feel unfair treatment was rendered by the hearing officer.

Plan of Action

Mr. Huffman will investigate all the questions and concerns that the Commissioners had this evening. He will follow up with a new draft and email them the information he finds out. A public hearing will be scheduled after the review of the next draft.

3. Discuss Code Enforcement for Land Use- Duane Huffman

Commissioner packets included a memorandum dated March 21, 2019 from Duane Huffman regarding Land Use enforcement options. The memorandum included the following information:

- As a small city, West Bountiful does not have resources dedicated specifically to enforcement of the land use code. Most enforcement that takes place now is preventative in nature – staff educates residents with questions and only issues building permits or business licenses if the property and use are compliant. However, city staff is regularly made aware of violations of the land use code. These violations can be in the form of illegal buildings, non-compliance

77 with the farm animal regulations, unauthorized uses, and so on. In this regard, the city does
78 not have a good track record of or tool box for enforcement.

- 79
- 80 • A summary from the city's legal counsel containing options for enforcement per our current
81 city code which listed the following:
 - 82 1. Criminal Enforcement. Unless otherwise specified, violation of any city code is a Class B
83 misdemeanor and could be referred to the city prosecutor for prosecution. I believe
84 that the League of Cities and Towns highly discourages the use of criminal enforcement
85 for land use codes, but I am seeking more information on why.
 - 86 2. Civil Action. The city can go to court to seek compliance with city code. This has been
87 tried in the past, and the city has found the legal fees and process to be both expensive
88 and ineffective.
 - 89 3. Private Enforcement. Any affected property owners can take their own legal action
90 against violators. I have found that residents do not respond well to the idea of taking
91 upon themselves the burden of enforcement when they are unhappy with their
92 neighbors.
- 93
- 94 • In addition to these options, staff has also made use of attaching "Certificates of Non-
95 Compliance" onto properties that have land use violations. These certificates incentivize
96 property owners to come into compliance if they ever wish to obtain a building permit or sell
97 the property. While useful, this solution can take a long time to bring a property into
98 compliance.
- 99
- 100 • A resource for their review from The American Planning Association provides a chapter on
101 land use enforcement in its on-line guidebook:
102 <https://www.planning.org/growingsmart/guidebook/eleven.htm>

103

104 Mr. Huffman reviewed some of the action staff has had to take this past year regarding illegal
105 structures. Currently there are about 40 issues they have addressed. He gave a brief history of how all
106 this has come about with people requesting building permits that were not in compliance. Historically,
107 problems were handled on a complaint basis, but Staff felt that they needed to be fair across the board,
108 so investigations have been done and letters have gone out making residents aware of being out of
109 compliance.

110 There was discussion about the three options provided by legal counsel. He noted that the
111 criminal option was the least favorable option, civil action has not been successful in the past, and
112 private enforcement can work well some of the time depending on the circumstances. However, none
113 of these options have been proven to be very useful. He explained that issuing a Certificate of Non-
114 compliance seems to be a reasonable option. He noted that in our state, the most popular way to deal
115 with the situation is to take administrative action that would impose fees upon the resident for not
116 complying that would accrue until compliance is complete. Non-compliance can also be linked to
117 revocation of conditional use permit, business licenses, or building permits as leverage. Staff would like
118 any suggestions to help them resolve these issues.

Some scenarios were presented and discussed regarding non-compliance issues and what to do in the more difficult situations. Ben White pointed out that the non-compliance certificate works well for illegal structures, but he feels that fines would work better for land-use issues. Staff is interested in the planning commission's ideas and recommendations for further use of current tools and additional enforcement options. Such additional options could include administrative fines or integrating land use violations and nuisances (which already includes language for administrative fines).

Some discussion took place among the Commissioners.

Laura Charchenko does not want staff to be burdened with resolving these issues that require them to take time away from their regular duties. She supports the fines and penalty. Duane pointed out how costly it is use staff in this manor, but as of now the City Council is not on board with hiring a part-time code enforcement officer.

Corey Sweat agrees that our code needs teeth in it and that we need to be able to enforce it. He is not sure about implementing fines and believes it is important that code enforcement be fair and reasonable.

Alan Malan shared his feelings regarding the non-compliance certificate and possible due-process issues. He felt they must be included in our code if we are to use them. He wants the City to serve our citizens and feels we need to prioritize the situations regarding health, safety, and welfare. Mr. Huffman pointed out that it will not be possible to codify prioritization.

Mr. Malan asked about grandfathering certain structures and staff explained that it is irrelevant unless it was built before we became a City as our regulations have changed very little since that time. The notice will allow them to keep the structure until their property is sold, but any illegal structures will have to become compliant before the sale of their home to clear the title. Mr. Malan does not want the City to become heavy handed toward its citizens. He wants due process to remain intact.

Dee Vest agrees that we need to have the language in place for certificate of non-compliance. He feels it will be difficult to handle when it comes to having people tear down structures that are not in compliance.

Julie Chadwick commented on land-use compliance regarding animals and weeds. She has been subject to non-compliant animal issues for several years that are affecting her family's health, safety and welfare. She supports penalties to be imposed for not being compliant. She feels that that properties need to be inspected and brought into compliance. Ms. Chadwick feels monetary penalties will be an effective incentive.

Councilmember Enquist shared a scenario of a home that was abandoned in his neighborhood and the owner is using it to store junk. He noted that it is a real eye sore to the neighborhood and it is depreciating the value of the homes around it. He is concerned with what can be done to resolve the situation.

4. Discuss Updates to General Plan- Ben White, Cathy Brightwell

Ben White gave a brief introduction of the general plan land-use section. He would like to make updates to the things that are out of date and strip out the useless language in the document. Mr. White explained the conundrum that our state is dealing with regarding growth.

Mr. Huffman reviewed the recently adopted Senate Bill-34. In our general plan, we will need to review high density, transportation links, etc. He noted that we do not need to change our general plan, we just need to explain how we are implementing the policies that have been legislated. Mr. Huffman reviewed some of the requirements that a City will have to include in their general plan. There are many options to choose from and he is confident that we can incorporate the language and keep policies in place.

Ben White will prepare a document for their review at the next meeting.

5. Staff Report

Ben White

- No Report.

Cathy Brightwell

- Reported that there will be a Legislative Update on Land Use issues on March 30th. She will register anyone that is interested in attending.

Councilmember Enquist

- Reported on the recent meeting for Legacy Highway truck ban. The meeting served as a sounding board and did not effect any change in the decisions that was previously made to let the ban expire at the end of the year. He updated the Commission on some of the future plans UDOT has for the Legacy Highway. Dee Vest thanked Council member Enquist for the comments he made at the meeting.

Laura Charchenko asked about the property that burned on Porter Lane and if we as a city have any recourse. Mr. White responded that it is private property and the city has not say in what happens.

Dee Vest informed the Commission that Spencer Hughes and Bud Ingles were having issues regarding Mr. Hughes using the road to access his property while building his addition. Ben stated the city is aware of the situation.

6. Consider Approval of Minutes from February 26, 2019 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the February 26, 2019 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

197 **7. Adjournment**

198 **ACTION TAKEN:**

199 *Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at*
200 *9:15 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.*

201

202

203

204 *The foregoing was approved by the West Bountiful City Planning Commission on March 21, 2019 by*
205 *unanimous vote of all members present.*

206

207 _____

208 *Cathy Brightwell – City Recorder*

209