

WEST BOUNTIFUL CITY

ORDINANCE #389-17

***AN ORDINANCE AMENDING WBMC TITLE 17 TO ADDRESS
SETBACKS AND FENCING IN RESIDENTIAL ZONES***

WHEREAS, Utah Code Annotated § 10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and,

WHEREAS, the West Bountiful Planning Commission indentified inconsistencies related to setback and fencing requirements in residential zones, and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on December 27, 2016, to consider necessary and appropriate modifications; and,

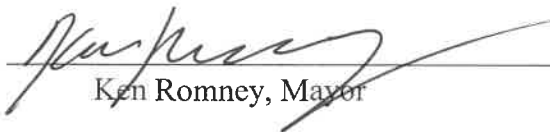
WHEREAS, following the public hearing, the West Bountiful Planning Commission unanimously voted to recommend to the City Council adoption of amendments to the A-1, R-1-22, and R-1-10 residential districts.

NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT SECTIONS 17.04.030, 17.16.050, 17.16.100, 17.20.050, 17.20.100, 17.24.050, AND 17.24.100 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 21st day of February, 2017.

By:


Ken Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:


Cathy Brightwell, City Recorder

17.04.030 Definitions.

Building, Accessory, or Structure, Accessory. “Accessory building” or “accessory structure” means any building or structure on a lot that is other than or ancillary to the main building or structure.

Building, Main, or Structure, Main. “Main building” or “main structure” means the principal or primary building or structure on a lot for purposes of the lot’s principal use.

“Lot Line” means a property boundary line, whether straight or otherwise, on a lot.

Lot Line, Front. “Front lot line” means for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the front lot line is -the lot line -adjoining a street that most nearly faces the front of the main building on the lot. In cases where this designation is ambiguous, the zoning administrator shall designate the front lot line.

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

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

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

“Setback” means the distance between a lot line and a structure on the lot. Setbacks are measured from the lot line to the nearest foundation or column. For a main structure in any residential district, a maximum two-foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.

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

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

Yard, Rear. “Rear yard” means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot; provided that in a corner lot, the rear yard extends only from the side lot line to the street side yard. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. “Side yard” means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard is the

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

Yard, Street Side. "Street side yard" means the space on the same lot with a building, between the side line of the building and the street side lot line and extending from the front yard to the rear lot line. The "width" of the street side yard is the minimum distance between the street side lot line and the side line of the building..

17.xx.050 Yard regulations.

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

A. Minimum Setbacks.

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.**
 - a. The minimum side yard setback for all main structures is ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
 - b. On a corner lot, the minimum street side yard ~~facing the street shall not be less than side yard~~ setback for a main structure is twenty (20) feet.
 - c. ~~The minimum side yard setback for~~ accessory structures may be erected within ~~shall be six (6) feet, or three (3) feet of the street side lot line if: if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.~~
 - i. The accessory structure is set back from the front lot line farther than the rear line of the main structure;
 - ii. Istwo hundred (200) square feet or less;
 - iii. Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
 - iv. Complies with other requirements of this code.
 - d. Accessory Structures larger than two hundred (200) square feet and taller than nine (9) feet may be constructed within the street side yard if the structure meets the minimum street side yard setback for main structures and complies with other requirements of this code.
 - ee. The minimum side yard and street side yard setback for accessory structures is six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.
3. **Rear yard.**
 - a. The minimum rear yard setback for a main structure is thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures is six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved as a conditional use by the planning commission.

- c. A deck may encroach into a rear yard setback only with a conditional use permit meeting the following criteria:
 - i. The entire deck is at least twenty (20) feet from the rear property line;
 - ii. The deck does not encroach more than 200 square feet into the setback area;
 - iii. The floor of the deck is no higher than the highest finished floor of the main structure;
 - iv. The portion of the deck that extends into the rear yard setback cannot be covered;
 - v. The railing cannot be more than forty-eight (48) inches high and must be less than twenty-five (25%) non-transparent; and
 - vi. The deck satisfies other conditions required by the planning commission.

17.xx.100 Fence requirements.

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

**CERTIFICATE OF
PASSAGE AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 389-17
was duly passed and published, or posted at three public places within the
municipality on March 1, 2017, which public places
are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell
Cathy Brightwell, City Recorder

DATE: 3/1/17

