

# WEST BOUNTIFUL CITY

ORDINANCE #414-19

## AN ORDINANCE AMENDING WBMC TITLE 17 TO ADDRESS YARD REGULATIONS INCLUDING SETBACKS, DECKS, PATIO COVERS AND ACCESSORY STRUCTURES 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 City Council desires to allow property owners more property use flexibility, while balancing the desires of neighbors to continue to enjoy their properties; and

**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on February 12, 2019, to consider appropriate modifications; and,

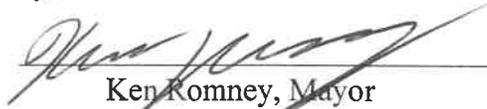
**WHEREAS**, the West Bountiful Planning Commission has recommended adoption of proposed amendments to the yard regulations in the A-1, R-1-22, and R-1-10 residential districts.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC SECTIONS 17.24, 17.20, AND 17.16, BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.**

This ordinance will become effective upon signing and posting.

Adopted this 5<sup>th</sup> day of March 2019.

By:

  
Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
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



**Yard Regulations  
For Residential Zones**

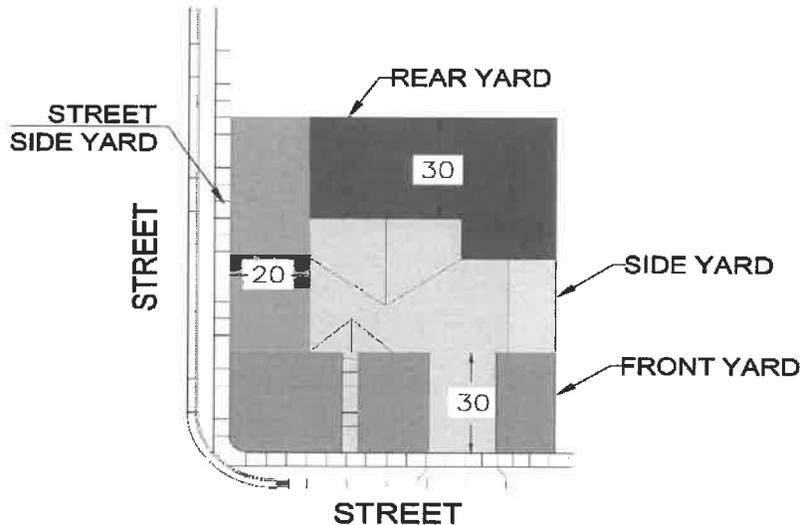
**EXHIBIT A to Ordinance 414-19  
March 5, 2019 – Clean**

**17.xx.050 Yard Regulations (xx = 16, 20, 24)**

A. Minimum Setbacks. (See diagram below)

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
3. Street side yard.
  - a. On a corner lot, the minimum street side yard setback is twenty (20) feet.
  - b. No accessory structure may be constructed within the street side yard of a corner lot unless the accessory structure:
    - (1) Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;
    - (2) Is two hundred (200) square feet or less;
    - (3) Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
    - (4) Complies with other requirements of this Code.
4. Rear yard.
  - a. The minimum rear yard setback for all main structures is thirty (30) feet.
  - b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
  - c. For purposes of subsections A.4.d and A.4.e of this section:
    - (1) "Patio" means a pad or structure no more than twenty-four (24) inches above the lowest adjacent finished ground level that provides outdoor floor space and does not require a railing under applicable building codes.
    - (2) "Deck" means a structure higher than twenty-four inches above the lowest adjacent finished ground level that provides outdoor floor space and requires a railing under applicable building codes.
  - d. A deck may encroach into the rear yard setback as long as it meets the following requirements:
    - (1) No portion of the deck is less than twenty-five (25) feet from the rear property line;
    - (2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
    - (3) The deck does not encroach more than 200 square feet into the setback area;
    - (4) The floor of the deck is no higher than the highest finished floor of the main structure;
    - (5) The portion of the deck that extends into the rear yard setback is not covered; and
    - (6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent.
  - e. A patio roof may encroach into the rear yard setback as long as it meets the following requirements:
    - (1) The patio floor surface is no higher than the lowest finished floor elevation;
    - (2) No portion of the roof is less than twenty-five (25) feet from the rear property line;
    - (3) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
    - (4) The roof does not encroach more than 200 square feet into the setback area;

- (5) The highest point of the roof is no higher than the adjacent roof of the dwelling or eighteen (18) feet above the patio, whichever is lower;
- (6) No wall, fence, or railing is required or constructed along any part of the patio; and
- (7) The patio and roof meet all building code requirements.



- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be eight (8) feet.
- C. No building on recorded easements. No main structure or permanent accessory structure shall be built on or over any recorded easement such as a public utility easement.
- D. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street before a building permit may be issued.
- E. Yard space for one building only. No yard or open space on a property shall be considered as providing a yard or open space for a building on an adjacent property.
- F. Area of structure and accessory building. No accessory structure or group of structures in any residential district shall cover more than thirty-five percent (35%) of the rear yard or, on a corner lot, the combined rear yard and street side yard behind the main structure.
- G. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
- H. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

### **17.24.060 Height Regulations**

#### **A. Maximum Height of Structures.**

1. **Main Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.
2. **Accessory Structures.** Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code:
  - a. The accessory structure may not be taller than the main structure.
  - b. The maximum height is twenty (20) feet, except as otherwise provided in this section.
  - c. The height may be increased to a maximum height of twenty-five (25) feet if, for every foot in height in excess of twenty (20) feet, the accessory structure is set back an additional two (2) feet beyond the minimum setbacks required by this chapter in the rear yard, side yards and, as applicable, street side yard.
  - d. Windows within twenty (20) feet of a property line with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
  - e. All exterior lighting mounted above ten (10) feet must include cut-off devices that confine the light to the property on which the accessory structure is situated.

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

#### **C. Exceptions to height limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

### **17.20.060 Height Regulations**

#### **A. Maximum Height of Structures.**

1. **Main Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.
2. **Accessory Structures.** Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code:
  - a. The accessory structure may not be taller than the main structure.
  - b. The maximum height is twenty (20) feet, except as otherwise provided in this section.
  - c. The height may be increased to a maximum height of thirty (30) feet if, for every foot of height in excess of twenty (20) feet, the accessory structure is set back an additional one (1) foot beyond the minimum setbacks required by this chapter in the rear yard, side yards and, as applicable, street side yard.
  - d. Windows within fifteen (15) feet of a property line with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
  - e. All exterior lighting mounted above ten (10) feet must include cut-off devices which confine the light to the property on which the accessory structure is situated.

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

#### **C. Exceptions to height limitations.** Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or

television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

#### **17.16.060 Height Regulations**

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
  - 1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, the structure is set back an additional one (1) foot beyond the minimums required by this chapter in the rear yard, side yards and, as applicable, street side yard.
  - 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection A.1. of this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.

# Yard Regulations For Residential Zones

# EXHIBIT A to Ordinance 414-19 March 5, 2019 – Redline

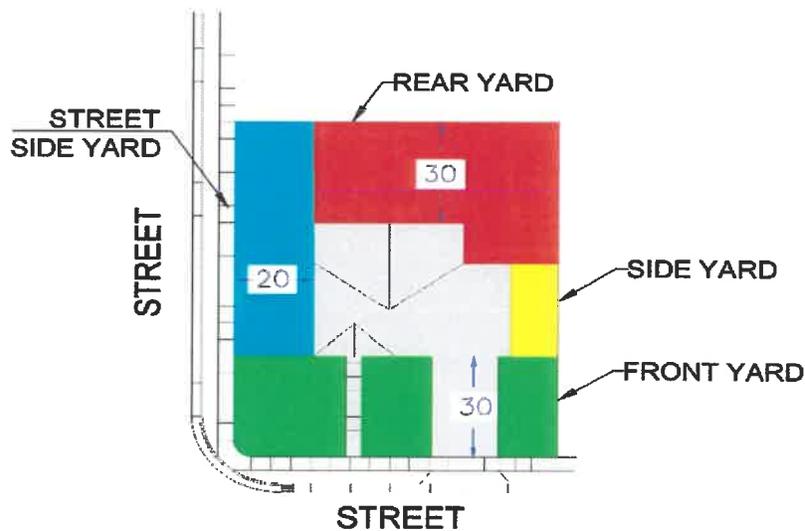
## 17.xx.050 Yard Regulations (Applies to R1-10, R1-22, and A-1)

### A. Minimum Setbacks. (See diagram below)

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
3. Street side yard.
  - a. On a corner lot, the minimum street side yard setback ~~for a main structure~~ is twenty (20) feet.
  - b. ~~Except as otherwise provided in this title subsection A.3.e of this section, no~~ No accessory structure may be constructed within the street side yard of a corner lot unless ~~the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.~~
  - c. ~~Notwithstanding subsection H of this section, an a~~ Accessory structures on a corner lot may be erected within the street side yard of a corner lot ~~no closer than three (3) feet or more from the street side lot line if~~ the accessory structure:
    - (1) Is situated behind the rear line of the main structure and no closer than three (3) feet from the street side lot line;
    - (2) Is two hundred (200) square feet or less;
    - (3) Has a maximum height of nine (9) feet measured from the lowest finished ground level to the highest part of the roof; and
    - (4) Complies with other requirements of this Code.
4. Rear yard.
  - a. The minimum rear yard setback for all main structures is thirty (30) feet.
  - b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
  - c. For purposes of subsections A.4.d and A.4.e of this section:
    - (1) “Patio” means a pad or structure no more than twenty-four (24) inches above the lowest adjacent finished ground level at the rear line of a dwelling that provides outdoor floor space at the rear of the dwelling and does not require a railing under applicable building codes.
    - ~~(1)~~(2) “Deck” means a structure higher than twenty-four inches above the lowest adjacent finished ground level at the rear line of a dwelling that provides outdoor floor space at the rear of the dwelling and requires a railing under applicable building codes.
  - ~~b-d.~~ A deck may encroach into a the rear yard setback as long as it only with a conditional use permit ~~meetings~~ the following criteria ~~requirements:~~
    - (1) ~~The entire~~ No portion of the deck is at least less than twenty-five (2025) feet from the rear property line;
    - (2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
    - (3) The deck does not encroach more than 200 square feet into the setback area;
    - (4) The floor of the deck is no higher than the highest finished floor of the main structure;
    - (5) The portion of the deck that extends into the rear yard setback is not covered; and
    - ~~(6)~~ The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
    - ~~(7)~~(6) The deck satisfies other conditions required by the planning commission.

e. A patio roof may encroach into the rear yard setback ~~meeting as long as it meets the following criteria requirements:~~

- (1) ~~The patio floor surface must be equal to or below no higher than the lowest finished floor elevation;~~
- (2) ~~The entire~~No portion of the roof is at ~~least less than~~ twenty-five (25) feet from the rear property line;
- (3) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
- (4) The roof does not encroach more than 200 square feet into the setback area;
- (5) The highest point of the roof is no higher than the adjacent roof of the ~~housedwelling~~ or eighteen (18) feet above the patio, whichever is lower;
- (6) ~~There is no~~No wall, fence, or railing is required or constructed along any part of the patio; ~~and;~~
- (7) The patio and roof meet all building code requirements.



- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ~~eighteen (810) feet, unless otherwise approved by the planning commission as a conditional use. A conditional use cannot reduce the minimum required front, side, street side, or rear yard setbacks.~~
- C. No building on recorded easements. ~~No main structures and/or permanent accessory buildings structure shall not be built on or over any recorded easement such as a public utility easement.~~
- D. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street ~~or upon a private street or right-of-way approved by the planning commission,~~ before a building permit may be issued.
- E. Yard space for one building only. ~~No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any No yard or other required open space on a property shall an adjoining lot be considered as providing a yard or open space on a lot wherefor a building is established on an adjacent property.~~
- F. Area of structure and accessory building. No ~~accessory structure or accessory building or group of structures or accessory buildings~~ in any residential district shall cover more than thirty-five percent (35%) of the rear yard ~~or, on a corner lot, the combined rear yard and street side yard behind the main structure.~~

- G. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
- H. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

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

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

**HEIGHT/SETBACK REGULATIONS FOR ACCESSORY STRUCTURES BY ZONE:**

**17.24.060 Height Regulations (R-1-10)**

- A. Maximum Height of Structures.
  - ~~1. Main Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.~~
  - ~~1. —~~
  - 2. Accessory buildings Structures. ~~Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code: shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.~~
    - ~~a. The accessory structure may not be taller than the main structure.~~
    - ~~b. The maximum height is twenty-five (205) feet, except as otherwise provided in this section.:~~
    - ~~c. The height may be increased to a maximum height of twenty-five (25) feet if, for every foot in height in excess of twenty (20) feet, the accessory structure is set back an additional two (2) feet of setback beyond the minimum setbacks required by this chapter is provided on all sides of the structure in the rear yard, side yards and, as applicable, street side yard.~~
    - ~~d. Windows facing neighboring properties within twenty (20) feet of a property line with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.~~
    - ~~a-e. All exterior lighting mounted above ten (10) feet must include cut-off devices which that limit confine the light to the owner's property on which the accessory structure is situated.~~
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

**17.20.060 Height Regulations (R-1-22)**

- A. Maximum Height of Structures.

1. Main Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.
- ~~1.~~
2. Accessory buildingsStructures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code: ~~shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.~~
  - a. The accessory structure may not be taller than the main structure.
  - b. The maximum height is twenty-five (205) feet, except as otherwise provided in this section.
  - c. The height may be increased to a maximum height of thirty (30) feet if, for every foot of height in excess of twenty (20) feet, the accessory structure is set back an additional one (1) foot beyond the minimum setbacks required by this chapter in the rear yard, side yards and, as applicable, street side yardan additional one foot of setback beyond the minimums required in this chapter is provided on all sides of the structure.
  - d. Windows facing neighboring propertieswithin fifteen (15) feet of a property line and with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly from within the accessory structure.
  - a-c. All exterior lighting mounted above ten (10) feet must include cut-off devices which limitconfine the light to the owner's property on which the accessory structure is situated.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

#### **17.16.060 Height Regulations (A-1)**

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
  1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, the structure is set back an additional one (1) foot of setback beyond the minimums required in by this chapter is provided on the front and each side of the structurein the rear yard, side yards and, as applicable, street side yard.
  2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection ~~C-A~~.1. of this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.

**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. 414-19  
was duly passed and published, or posted at three public places within the  
municipality on March 11, 2019, 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: 3/11/19