

# WEST BOUNTIFUL CITY

ORDINANCE #427-20

## AN ORDINANCE AMENDING WBMC CHAPTERS 17.04 and 17.16 USES IN THE AGRICULTURAL DISTRICT, A-1

**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 Land Use Ordinances; and

**WHEREAS**, the West Bountiful Planning Commission is reviewing the City’s Municipal Code for compliance with current federal and state laws, adding clarification, and updating where appropriate; and

**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on May 26, 2020 to consider appropriate modifications to Permitted and Conditional Uses in the Agricultural A-1 District; and

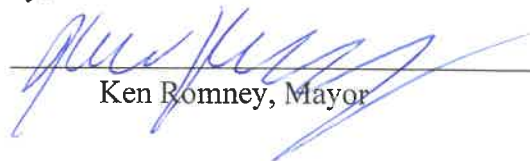
**WHEREAS**, the West Bountiful Planning Commission has recommended adoption of proposed modifications to WBMC Chapters 17.16 regarding permitted and conditional uses in the A-1 District and Chapter 17.04 Definitions.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC CHAPTERS 17.04 AND 17.16 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.**

This ordinance will become effective upon signing and posting.

Adopted this 2<sup>nd</sup> day of June 2020.


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	<u>Excused</u>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:

  
Cathy Brightwell, City Recorder

## 17.16 Agricultural District, A-1

## Exhibit A

### 17.16.010 Purpose

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

### 17.16.020 Permitted Uses

The following uses are permitted in the agricultural districts A-1:

- A. Agricultural;
- B. Single family dwelling;
- C. Farm Animals;
- D. Home Occupations;
- ~~D-E.~~ Non-commercial structure, and
- E-F. Residential facility for persons with a disability.

### 17.16.030 Conditional Uses

The following uses are conditional in the agricultural district A-1:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
- D. Flag lots;
- E. ~~Natural resource extraction~~;
- F. Residential facility for elderly persons;
- G. Kennels (pursuant to Chapter 5.28 Home Occupations);
- ~~H. Residential facility for Elderly Persons~~;
- I-H. Restricted Lots (see definitions, Section 17.04.030); and
- J-I. Accessory Dwelling Units (ADU).

### 17.16.040 Area And Frontage Regulations

The following area and frontage regulations apply in the agricultural district A-1:

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. The minimum lot width shall be eighty-five (85) feet;
- C. Any legally created lot at the time of adoption of this zoning code, which is below the requirements for lot area or lot width for the district in which it is located and on which a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling if such a lot is located in the (A-1, R1-10, R1-22) zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the

required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

**17.16.045 Every Dwelling To Be On A Lot; Exceptions**

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

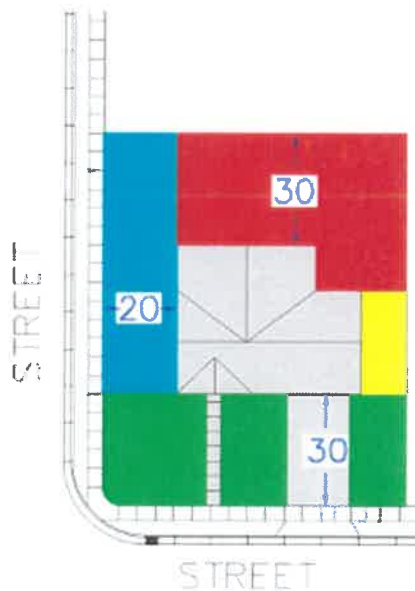
**17.16.050 Yard Regulations**

The following regulations apply in the agricultural district 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 is twenty (20) feet.
  - b. Not ~~withstanding the foregoing, a-accessory~~ structure may be constructed within the street side yard of a corner lot ~~if the-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 ~~and non-commercial~~ 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 two-hundred (200) square feet into the setback area;
  5. The highest point of the roof is no higher than the adjacent roof the 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, non-commercial 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, non-commercial 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.

#### **17.16.060 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 the chapter in the rear yard, side yards, and as applicable, street side yard.
  - 2. The height of an accessory or non-commercial 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.

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

**17.16.070 Density**

The maximum net density allowed shall be one unit per acre.

**17.04.030 Definitions**

"**Building**" means any structure used or intended to be used for the shelter, recreation, landscape enhancement or enclosure of persons, animals or property; includes all "structures.

"**Main building**" or "**main structure**" means the principal or primary building or structure on a lot for purposes of the lot's principal use."

"**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.*

"**Accessory use or building**" means a use or building on the *same lot with*, and of a nature customarily incidental and subordinate to, *the principal use or building.*

"Non-commercial structure" means a structure that: (1) is not designed or used for commercial purposes, (2) is not designed or used as a dwelling, (3) is not accessory to a principal building or use on the same lot, and (4) is not a landscape enhancement such as an arbor or trellis. Such conditions will be stipulated in a recorded agreement between the city and property owner. If a principal building or use is established on the same lot as a non-commercial structure, the non-commercial structure will be deemed an accessory structure subject to all regulations governing accessory uses, buildings, or structures.