

WEST BOUNTIFUL CITY

ORDINANCE #441-21

AN ORDINANCE AMENDING WBMC TITLE 17 TO ADDRESS HEIGHT AND SETBACK REGULATIONS 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 balance property owners use flexibility with the desires of neighbors to continue to enjoy their properties; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on April 13, 2021, to consider appropriate modifications; and,

WHEREAS, the West Bountiful Planning Commission has recommended adoption of proposed amendments to the yard regulations in the A-S, 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, 17.16 and 17.14, be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 4th day of May 2021.

By:

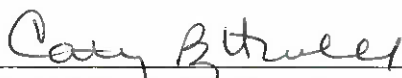


Mark Preece, Mayor Pro Tem

| 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 Wood | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



Attest:


Cathy Brightwell, City Recorder

HEIGHT IN RESIDENTIAL DISTRICTS

17.24.060 (R-1-10)

A. **Maximum Height of Structures.** The maximum height of structures shall be measured from the top back of curb or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.

1. **Main Structures.** No main structure shall be erected to a height greater than thirty-five (35) feet.
2. **Accessory Structures.** Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - a) The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - b) The height may be increased to a maximum of twenty-five (25) feet if the structure is set back in the rear yard and side yards as shown in the chart below.
 - c) Windows within twenty (20) feet of a property line that face adjacent property 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.
 - d) 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.

| <u>Accessory Structure Height</u> | | <u>Side/ Rear Setback ¹</u> |
|-----------------------------------|---------|--|
| | ≤ 20 ft | 6 ft ² |
| > 20 ft | ≤ 21 ft | 7 ft |
| > 21 ft | ≤ 22 ft | 8 ft |
| > 22 ft | ≤ 23 ft | 9 ft |
| > 23 ft | ≤ 24 ft | 10 ft |
| > 24 ft | ≤ 25 ft | 11 ft |

¹ Does not apply to street side yards, which have separate restrictions.

² Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

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. **Lot-specific height allowance.**

1. **Specific circumstances.** The city engineer may approve additional height of up to two (2) feet for all structures on a lot under the following circumstances:

- a. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.

- b. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
 - c. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 - d. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 - e. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
2. Good cause. Where there are unexpected existing site conditions other than as described in this section, and for good cause shown, the city engineer may approve additional height, but only to the extent necessary to mitigate such site conditions.
- D. 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 provisions of the municipal code.
- E. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.20.060 (R-1-22)

- A. Maximum Height of Structures. The maximum height of structures shall be measured from the top back of curb or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.
1. Main Structure. No main structure shall be erected to a height greater than thirty-five (35) feet.
 2. Accessory Structures. Any accessory structure must comply with the following requirements in addition to any other applicable requirements of this Code.
 - a) The maximum height is twenty (20) feet, except as otherwise provided in this section.
 - b) The height may be increased to a maximum of thirty (30) feet if, the structure is set back in the rear yard and side yards, as shown in the chart below.
 - c) Windows within twenty (20) feet of a property line that face adjacent property 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.
 - d) 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.

| Accessory Structure Height | | Side/ Rear Setback ¹ |
|----------------------------|---------|---------------------------------|
| | ≤ 20 ft | 6 ft ² |
| > 20 ft | ≤ 21 ft | 7 ft |
| > 21 ft | ≤ 22 ft | 8 ft |
| > 22 ft | ≤ 23 ft | 9 ft |
| > 23 ft | ≤ 24 ft | 10 ft |
| > 24 ft | ≤ 25 ft | 11 ft |
| > 25 ft | ≤ 26 ft | 11.5 ft |
| > 26 ft | ≤ 27 ft | 12 ft |
| > 27 ft | ≤ 28 ft | 12.5 ft |
| > 28 ft | ≤ 29 ft | 13 ft |
| > 29 ft | ≤ 30 ft | 13.5 ft |

¹ Does not apply to street side yards, which have separate restrictions.

² Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

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. Lot-specific height allowance.

1. Specific circumstances. The city engineer may approve additional height of up to three (3) feet for all structures on a lot under the following circumstances:
 - a. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 - b. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
 - c. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 - d. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 - e. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
2. Good cause. Where there are unexpected existing site conditions other than as described in this section, and for good cause shown, the city engineer may approve additional height, but only to the extent necessary to mitigate such site conditions.

D. 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 provisions of the municipal code.

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

17.16.60 (A-1) and 17.14.060 (A-S-Agricultural Specialty District)

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the top back of curb, or crown of the road if there is no curb to the highest part of the roof, except as otherwise provided in this section. The elevation of the top back of curb or crown of the road shall be measured at a point on a line perpendicular to the front lot line that intersects the midpoint of the front lot line.

- 1. The height of a main structure may be increased to a maximum of forty (40) feet if the structure is set back as shown in the chart below.

| Height | | Minimum Side Setback | Combined Side Setback |
|---------|---------|----------------------|-----------------------|
| | ≤ 35 ft | 10 ft | 24 ft |
| > 35 ft | ≤ 36 ft | 11 ft | 26 ft |
| > 36 ft | ≤ 37 ft | 12 ft | 28 ft |
| > 37 ft | ≤ 38 ft | 13 ft | 30 ft |
| > 38 ft | ≤ 39 ft | 14 ft | 32 ft |
| > 39 ft | ≤ 40 ft | 15 ft | 34 ft |

- 2. The height of an accessory or non-commercial structure may be increased to a maximum of forty (40) feet if the structure is set back in the rear yard and side yards as shown in the chart below.

| Height | | Side/Rear Setback ¹ |
|---------|---------|--------------------------------|
| | ≤ 20 ft | 6 ft ² |
| > 21 ft | ≤ 35 ft | 10 ft |
| > 35 ft | ≤ 36 ft | 11 ft |
| > 36 ft | ≤ 37 ft | 12 ft |
| > 37 ft | ≤ 38 ft | 13 ft |
| > 38 ft | ≤ 39 ft | 14 ft |
| > 39 ft | ≤ 40 ft | 15 ft |

¹ Does not apply to street side yards, which have separate restrictions.

² Setback may be reduced to 3 ft. if adjacent wall is built to fire code standards.

- 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. Lot-specific height allowance.

1. Specific circumstances. The city engineer may approve additional height of up to four (4) feet for all structures on a lot under the following circumstances:
 1. Where the natural ground elevation at the front of the proposed structure is above the top back of curb (TBC), additional height less than or equal to the elevation difference may be added.
 2. Where the front setback for the proposed structure exceeds the minimum setback, additional height may be added based on a slope of 3.33%; that is, the additional height shall not exceed one foot of height for every 30 feet of additional horizontal setback.
 3. Where the determined groundwater elevation is within two feet of the main floor elevation of the proposed structure, additional height may be added to achieve two feet of separation between the ground water surface elevation and the main floor elevation.
 4. Where the gravity sewer lateral service elevation for the proposed structure is shallow and requires cover for freeze protection, additional height may be added based on a slope of 2.00%; that is, the additional height shall not exceed one foot of height for every 50 feet of horizontal distance between the sewer main and the foundation wall where the lateral enters the structure.
 5. Where a proposed foundation drain for the proposed structure is gravity draining to a shallow gravity storm drain elevation. Additional height may be added based on a slope of 1.00%; that is, the additional height shall not exceed one foot of height for every 100 feet of horizontal distance between the storm drain and the foundation wall.
2. Good cause. Where there are unexpected existing site conditions other than as described in this section, and for good cause shown, the city engineer may approve additional height, but only to the extent necessary to mitigate such site conditions.

D. 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 provisions of the municipal code.

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

**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. 441-21 was duly passed and published, or posted at three public places within the municipality on May 6, 2021 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: 5/6/21