

WEST BOUNTIFUL CITY

ORDINANCE #399-18

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 yard requirements in residential zones, and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on January 9, 2018, to consider necessary and appropriate modifications; and,

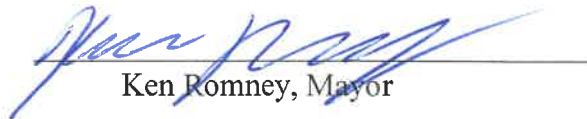
WHEREAS, following the public hearing, the West Bountiful Planning Commission unanimously voted to recommend to the City Council adoption of amendments to the A-1, R-1-22, and R-1-10 residential districts.

NOW THEREFORE BE IT ORDAINED by the City Council of West Bountiful that Sections 17.04.030, 17.16.050, 17.20.050, and 17.24.050 be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 16th day of January, 2018.

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



WBMC Title 17 – Proposed Changes to Yard Regulations

17.04.030 Definitions

"**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.

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 shall be the minimum distance between the side lot line and the side line of the building.

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.

17.16.050, 17.20.050, 17.24.050 Yard Regulations

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. 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, 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. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 - i. Is set back from the front lot line farther than the rear line of the main structure;
 - ii. Is two 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.

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. 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 is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - iii. The deck does not encroach more than 200 square feet into the setback area;
 - iv. The floor of the deck is no higher than the highest finished floor of the main structure;
 - v. The portion of the deck that extends into the rear yard setback is not covered;
 - vi. The railing is no more than forty-eight (48) inches high and is less than twenty-five (25%) non-transparent; and
 - vii. The deck satisfies other conditions required by the planning commission.
- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ten (10) 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. Main structures and permanent accessory buildings 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 yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where a building is established.
- F. Area of structure and accessory building. No 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.

- 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.

WBMC Title 17 – Proposed Changes to Yard Regulations

"**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.

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 shall be the minimum distance between the side lot line and the side line of the building.

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.

17.24.050 Yard Regulations

The following regulations apply in the R-1-10, R-1-22, and A-1 residential districts ~~R-1-10~~:

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. The minimum side yard setback for all ~~main~~ structures is ten (10) feet for any one side. Main structures shall have, with a combined total side setback of twenty-four (24) feet for both sides.

~~a-3. Street Side Yard.~~

~~b-a.~~ On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.

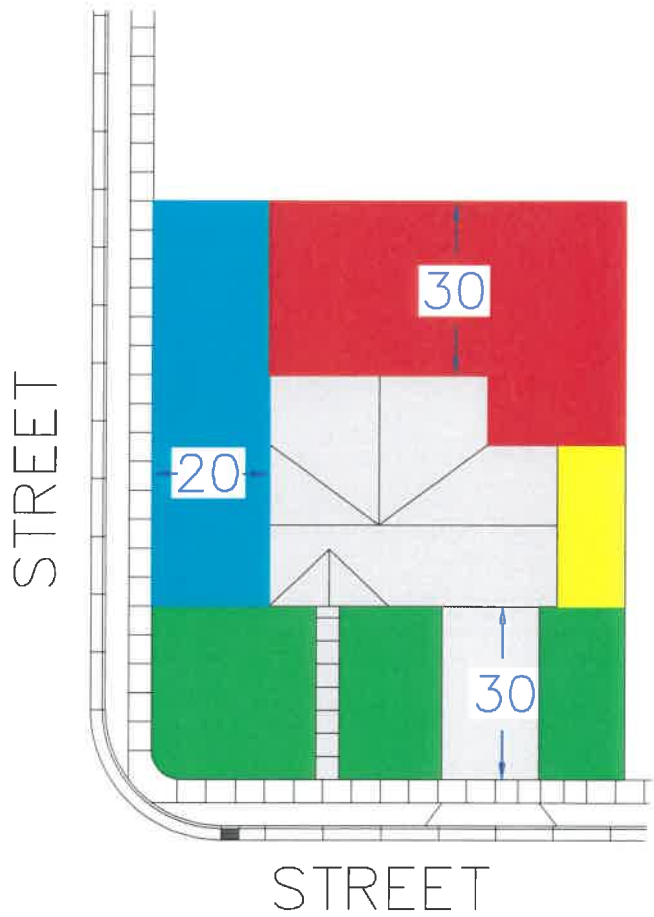
b. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.

- c. ~~Notwithstanding any provision of this title to the contrary, Accessory structures on a corner lot may be erected up to within no closer than three (3) feet of or more from the street side lot line if the accessory structure:~~
 - i. ~~The accessory structure is set back from the front lot line farther than the rear line of the main structure;~~
 - ii. ~~Is two 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.~~
- e. ~~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.~~ 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, ~~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;
 - ~~i.~~ ii. ~~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;~~
 - ~~ii.~~ iii. The deck does not encroach more than 200 square feet into the setback area;
 - ~~iii.~~ iv. The floor of the deck is no higher than the highest finished floor of the main structure;
 - ~~iv.~~ v. The portion of the deck that extends into the rear yard setback ~~cannot~~ is not be covered;
 - ~~v.~~ vi. The railing ~~cannot be~~ is no more than forty-eight (48) inches high and ~~must be~~ is less than twenty-five (25%) non-transparent; and
 - ~~vi.~~ vii. The deck satisfies other conditions required by the planning commission.
- B. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory ~~use buildings~~ structures shall be ten (10) 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. Main structures and permanent accessory buildings shall not be built on or over any recorded easements ~~such as (i.e., a public utility easements, etc.),~~

- 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 yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where a building is established.
- F. Area of structure and accessory building. No 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.
- 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 bBuilding and sStructure 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.



**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. 399-18
was duly passed and published, or posted at three public places within the
municipality on January 22, 2018, 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: *1/22/18*