

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Chairman
Alan Malan

Commissioners
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
AT 7:30 PM ON TUESDAY, SEPTEMBER 12, 2023, AT THE CITY OFFICES.**

6:30 pm Land Use Training – Office of Property Rights Ombudsman

7:30 pm Regular Meeting

1. Prayer/Thought – Commissioner Butterfield;
Pledge of Allegiance – Commissioner Vest.
2. Confirm Agenda.
3. Public Hearing – Home Occupation Business Regulations and Uses.
4. Consider Home Occupation Business Regulations and Uses.
5. Conditional Use Application – Home Occupation - Cinnamon & Sage Spa, LLC
(Jessica Edwards)
6. Conditional Use Application – Home Occupation - AK Daycare, LLC (Amanda
Kingston)
7. Conditional Use Application – SSCAPFOX Motors – 1110 W 500 South
8. Discuss Detached Accessory Dwelling Units.
9. Meeting Minutes from August 22, 2023.
10. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
11. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on September 8, 2023, by Cathy Brightwell, City Recorder.*

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**City Engineer/
Zoning Administrator**
Kris Nilsen

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NOTICE OF PUBLIC HEARING

The Planning Commission will hold a public hearing at City Hall on Tuesday, September 12, 2023, beginning at 7:30 p.m., or as soon as agenda permits.

The purpose of the hearing is to receive public comments on updates to the City's Business License regulations, specifically related to Home Occupation businesses, including permitted and prohibited uses.

More information can be found on the city website at www.WBCity.org in the Public Notices section. All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Planning Commission

DATE: September 8, 2023

FROM: Cathy Brightwell, Kris Nilsen

RE: Home Occupation Business License Uses

This memo continues the discussion of home occupation regulations and uses as previously considered by the planning commission at its June 9, July 25, August 8, and August 22, 2023, meetings. The attached exhibit incorporates those comments in preparation for a public hearing on September 12, 2023.

Background

The city council has asked the planning commission to review zoning and home occupation regulations and propose recommendations to eliminate conflicts. They also suggest a determination of the types of businesses that can be allowed as home occupations and those that should be prohibited.

Summary of Previous Discussions

Updates related to previous discussions are shown on the attached Exhibit in red and include comments from Mr. Doxey's legal review.

Recommendation

Following the public hearing on September 12, the planning commission will consider a recommendation to the city council for updates to the West Bountiful Municipal Code Business License and Home Occupation regulations.

WBMC 17 ZONING

17.04.030 Definitions

~~"Home occupation" means an occupation of a person which is carried on by that person and/or others within the same family entirely within the dwelling unit in which the person or persons reside and which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character, of the dwelling or of the neighborhood. The home occupation shall not involve the use of any accessory building, either attached or detached, or yard space or activity outside the main building or use of more floor area than the equivalent of fifteen (15) percent of the main floor area of the dwelling unit, nor shall it involve the installation in the dwelling of special equipment and/or fixtures, and plumbing or electrical wiring or such special fixtures or equipment which are not ordinarily or customarily used in a dwelling; provided, however, that outside private swimming pools may be used for swimming instruction if the instruction is given only by members of the family related by blood, marriage or adoption who are residing within the dwelling. Neither shall a home occupation involve the use of any part of a dwelling for which, by reason of any state, federal or local law or ordinance, special or extra entrances or exits, or special rooms are required as a prerequisite condition to the operation of such use or for which such laws or ordinance require a license or permit. The planning commission may impose additional conditions pursuant to a conditional use permit.~~

WBMC 5.04 BUSINESS LICENSES IN GENERAL

5.04.010 Definitions

"Business" means all activities engaged in within the corporate limits of West Bountiful carried on for the purpose of gain or economic profit, except that employees rendering service to employers shall not be considered to be engaging in business unless otherwise specifically prescribed.

"Engaging in business" means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment, but includes the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.

"Home occupation" means a business operated in a dwelling or structure on a residential property by the resident of the property.

5.04.040 License Fee Levied

The license fee payable by persons engaging in or carrying on any business within the city shall be periodically fixed by resolution of the city council **and listed in the city's Consolidated Fee Schedule.**

WBMC 5.28 HOME OCCUPATIONS

5.28.010 Definitions **Scope**

5.28.020 License Required **Purpose**

5.28.030 Application For License

5.28.040 Requirements **Specific Businesses to be Conditional**

5.28.050 Exemptions to License **Specific Businesses Prohibited**

5.28.060 Requirements

5.28.070 Exemptions To License

5.28.080 Noncompliance; Revocation And Suspension Of Permit

5.28.090 Home Occupation Business License Renewal And Delinquency

5.28.100 License Not Transferrable

5.28.010 Definition **Scope (new)**

~~"Home occupation" means any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City.~~

The requirements of this Chapter shall apply to any home occupation conducted within the city. Home occupations may be conducted only in residential or agricultural zones, or within homes qualifying as a legal nonconforming use. The provisions of the Chapter shall not be construed to limit or prohibit any other requirements of this Title, the West Bountiful Municipal Code, or other applicable laws.

5.28.020 License Required **Purpose (new)**

~~The purpose of this chapter is to protect the residential character and lifestyle of residential zones within West Bountiful City. To ensure compliance with this chapter, a Home Occupation Business License must be obtained from West Bountiful City before a person may use any part of a dwelling in a residential zone for a home occupation. Under certain circumstances provided in Section 5.28.030, a conditional use permit must also be obtained.~~

The purpose of this chapter is to ensure that home occupations remain incidental and accessory to the residential use of the property on which the dwelling is located and that any adverse effects of the home occupation remain on the property.

5.28.030 Application For License

- A. A Home Occupation business license application may be obtained from the city offices or from the city website. Each application shall be **submitted to the city recorder and** accompanied ~~with~~ **by** payment of the business license **application** ~~fees as provided in 5.04.040.~~
- B. It is unlawful for any person to provide false information to the city in relation to the application for, issuance of, or continuation of, a business license, or to knowingly cause or permit the same to be done.
- C. The applicant shall give written notice of the nature and description of the home occupation to ~~all~~ **property** owners **of property** within ~~300~~ **100** feet of the exterior boundaries of the property upon which the home occupation is to be conducted. Evidence of the required notice must be supplied to West Bountiful City as part of the Home Occupation Business License Application. **If the home occupation requires a conditional use permit, notice will be increased to properties within 300 feet of the exterior boundaries of the property on which the home occupation is to be conducted.**
- D. Except as provided in subsection **E**, the City Recorder may issue the Home Occupation Business License when:

1. The requirements of ~~5.28.040~~ **this Chapter** have been satisfied; or
 2. If a conditional use permit is required from the Planning Commission, the permit has been issued, the conditions of that permit have been satisfied, and the applicant has agreed to the conditions in writing.
- E. Notwithstanding subsection **D**, the applicant must also apply for a conditional use permit ~~and pay the application fee~~ for review and approval by the Planning Commission under Chapter 17.60 if any of the following apply:
1. The city recorder **otherwise** determines that approval of the application may conflict with the intent of this chapter without imposing additional conditions; **or**
 2. The home occupation will generate additional traffic or parking in excess of those usual and customary residential use; **or** (*Moved from 5.28.060.N*)
 3. **The specific business use is listed in Section 5.28.040.**
 4. ~~The applicant or City receives a notice of protest to the application; or~~
 5. ~~The Home Occupation Business License Application is for a day care, nursery, or preschool, which must follow Utah Department of Health regulations for child day care including, but not limited to, a background check.~~

5.28.040 Specific Businesses to be Conditional (NEW)

Notwithstanding any provision of this chapter to the contrary, the following uses are conditional, and require a conditional use permit approved by the planning commission prior to issuance of a business license, except when on-site operations are limited to office-related functions.

1. Day care, nursery, or preschool, which must ~~follow~~ **comply** with the Utah Department of Health, **Bureau of Child Care Development** regulations. ~~including, but not limited to, a background check.~~
2. *Repair of automobiles and trucks engines, under 14,000 gross vehicle weight.*
3. Boat, motorcycle, snowmobile, off road vehicle, and similar small engine **or** equipment repair.
4. Towing and trucking.
5. Furniture or cabinet making.
6. Welding or machine shop.
7. Contractors, landscapers, and tree services.
8. Personal services such as hairstylist, barber, esthetician, and massage therapy.
9. Group instructional services such as music, art, dance, yoga, swimming, **and** sports.
10. Other occupations that are demonstrated to be substantially similar to the above.

5.28.050 Specific Businesses Prohibited (NEW)

Notwithstanding any provision of this chapter to the contrary, the following uses cannot qualify as home occupations:

1. Motor vehicle sales, rentals, and outdoor storage of vehicle inventory.
2. Body work, painting, detailing, or fiberglass repair of motor vehicles, including boats.
3. Funeral chapels and mortuaries.
4. Gift shops.
5. Restaurants.
6. *Private schools.*
7. *Indoor storage facilities (self-serve?).*
8. Kennels (except as permitted in A-1 and A-S zones), veterinary services, or animal daycare.
9. Mobile toilet businesses.
10. Sexually-oriented businesses.
11. Retail tobacco specialty businesses.
12. Retail e-cigarette specialty businesses.
13. Medical Cannabis pharmacy (except as permitted in the A-S zone).

- 14. Cannabis production establishment (except as permitted in the A-S zone).
- 15. Any business that is prohibited in the City's commercial or industrial zones.

5.28.060 Requirements

- A. A person who is not a resident of the dwelling shall not ~~be employed to~~ work on the premises.
- B. The home occupation must be clearly incidental and secondary to the use of the dwelling or structure in which it is located and may not change its purpose or character.
- C. The home occupation shall not involve the use of any part of a dwelling or structure for which by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use or for which said laws or ordinances require a license or permit, except as approved by the Planning Commission **as a conditional use.**
- D. ~~M~~**No** more than one Home Occupation Business License may be issued ~~if the additional businesses will function as one business operation and~~ **for a property unless,** after review, it is **the City Recorder** specifically determines ~~ed~~ that the total of all businesses **on the property** will not have an impact on the community greater than one business.
- E. The home occupation shall not involve the use of more than the equivalent of fifteen (15) percent of the ~~main~~ **total used** floor area of the dwelling. ~~nor involve the installation of special equipment and/or fixtures, plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a dwelling, unless otherwise approved by the Planning Commission.~~
- F. ~~Inventory or supplies may not occupy more than fifty (50) percent of the permitted area.~~ The home occupation must be operated ~~entirely~~ within the approved dwelling, except that 25% of a garage or accessory ~~building or structure on the same property as the dwelling may be used, so long as it~~ **the home occupation** does not change the residential character of the ~~lot~~ **property** or would otherwise be contrary to the purpose of this chapter.
- G. Additional conditions may be imposed by the Planning Commission if the garage **or accessory** structure is to be used for:
 - 1. Storage of chemicals or tanks; or
 - 2. Storage of equipment or vehicles.
- H. ~~If a home occupation is authorized for a garage, off-street parking arrangements in compliance with this title must exist for any personal vehicles owned and/or operated by the applicant.~~ **Adequate off-street parking must be provided for both personal vehicles and business customers, except for drop-offs or pick-ups associated with an instructional occupation.**
- I. Yard space may not be used for home occupation activities, except:
 - a. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a ~~bona fide~~ resident of the dwelling.
 - b. Yard space may be used for day care provided the yard is entirely fenced.
 - c. Yard space may be used for other similar activities that will not alter the residential nature of the neighborhood in which the home occupation will be conducted.

- ~~d. In no event shall outdoor storage be permitted in relationship to the Home Occupation Business License.~~
- J. In no event shall outdoor storage be permitted ~~in relationship to the~~ for a home occupation business license.
- K. Business operation shall be limited to the hours between 7:00 am and 10:00 pm, unless shorter hours are set by the planning commission as part of a conditional use permit.
- L. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.
- M. The home occupation may not cause or create a demand from municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for in residential uses. ~~Home occupations which will generate additional traffic or parking in excess of those usual and customary residential uses require Planning Commission approval.~~ Move to .030.
- N. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.
- O. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise, or vibrations.
- P. Merchandise, goods, or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
- Q. Signs, advertising or displays of any kind ~~may~~ shall not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
- R. The home occupation shall be operated in a manner that complies with any special conditions established by the Planning Commission and made part of the record in connection with the application for a conditional use permit, as the Planning Commission deems necessary to carry out the provisions and intent of this chapter and Chapter 17.60.
- S. Home occupations requiring State or Federal licensing must be in compliance with all State and Federal regulations before a Home Occupation Business License ~~will be~~ is issued.

5.28.070 Exemptions To License

The following uses are exempt from the provisions of this chapter:

1. Sale of goods or services by City residents age 14 and under which sale of goods or services does not conflict with other sections of this Code;
2. Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
3. Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once per month;
4. Community/neighborhood fund raisers which are sponsored and/or approved by City staff;
5. Any person engaged in business for solely religious, charitable or other type of strictly nonprofit purpose who is tax-exempt in such activities under the laws of the United States and the State of Utah;

6. Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;
7. Any person selling, offering for sale, or taking orders for or soliciting the sale of any farm products, but not including dairy products, actually produced, raised or grown by the person so selling, offering for sale or taking orders for, or soliciting the sale of any such farm products; and
8. Other exemptions as specifically approved in writing by the City Council.

5.28.080 Home Occupation Business License Renewal And Delinquency

A Home Occupation Business License is subject to annual renewal, with the license year being the calendar year.

~~A Home Occupation Business License shall be renewed annually, provided there have been no confirmed violations or detrimental effects which may, in the opinion of the City Recorder, require termination, or planning commission review if the home occupation was approved as a conditional use.~~

~~All license fees provided herein shall be due and payable on or before January 15th of any calendar year, or before commencing a new business. In the event any fee is not paid on or before such date, a penalty of fifty (50) percent of the amount due shall be imposed and shall become a part of the license fee imposed by this chapter. The date of delinquency and the amount of the penalty may be amended periodically by resolution of the City Council provided that the amended date and penalty shall be prospective only, effective the next calendar year.~~

5.28.090 Noncompliance; Revocation And Suspension Of Permit

The City Recorder may revoke or suspend, or decline to renew, a Home Occupation Business License for a violation of any of the requirements of this chapter, or for failure of the licensee to comply with the conditions of the license. ~~The City Recorder may suspend the license temporarily to give the license holder a specified reasonable period of time to cure deficiencies.~~

The Planning Commission may revoke, suspend, or modify the conditional use permit associated with a Home Occupation Business License for violation of any of the requirements of this chapter or Chapter 17.60, or the conditions of the permit; ~~or for failure of the permit holder to maintain the Home Occupation Business License.~~

The Planning Commission may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies. If such deficiencies are not cured by the specified period of time, the Planning Commission shall revoke the conditional use permit associated with the Home Occupation Business License. During the period of suspension, the Planning Commission may impose any restrictions or conditions upon the permit holder, including cessation of all activities.

5.28.100 License Not Transferrable

No license granted or issued under the provisions of this chapter shall in any manner be assignable or transferable or authorize any person other than the licensee named therein to ~~do~~ **conduct** the business specified in the license.

MEMORANDUM



TO: Planning Commission

DATE: September 8, 2023

FROM: Cathy Brightwell

RE: Conditional Use Permit for Home Occupation – Cinnamon & Spice Spa, LLC

Jessica Edwards filed an application for a Conditional Use Permit on August 17, 2023, to open a salon and spa as a home occupation business at her home at 1272 W Millbridge Ln. Neighbors have been notified and no complaints have been received.

Ms. Edwards' business consists of cosmetology and esthetics including facial treatments, hair cuts and color, and waxing. She plans to schedule her appointments between 10am and 8pm, Monday through Saturday, with occasional other days off.

Ms. Edwards will conduct her business in a 204 sq. ft. space in the garage which consists of 12% of the total garage space. An inspection from our building official is required to make sure the relocation of the plumbing meets building code.

This proposal is similar to other previously authorized home salons and meets the requirements of Chapter 5.28.040 - Home Occupation Ordinance and Chapter 17.60 - Conditional Uses.

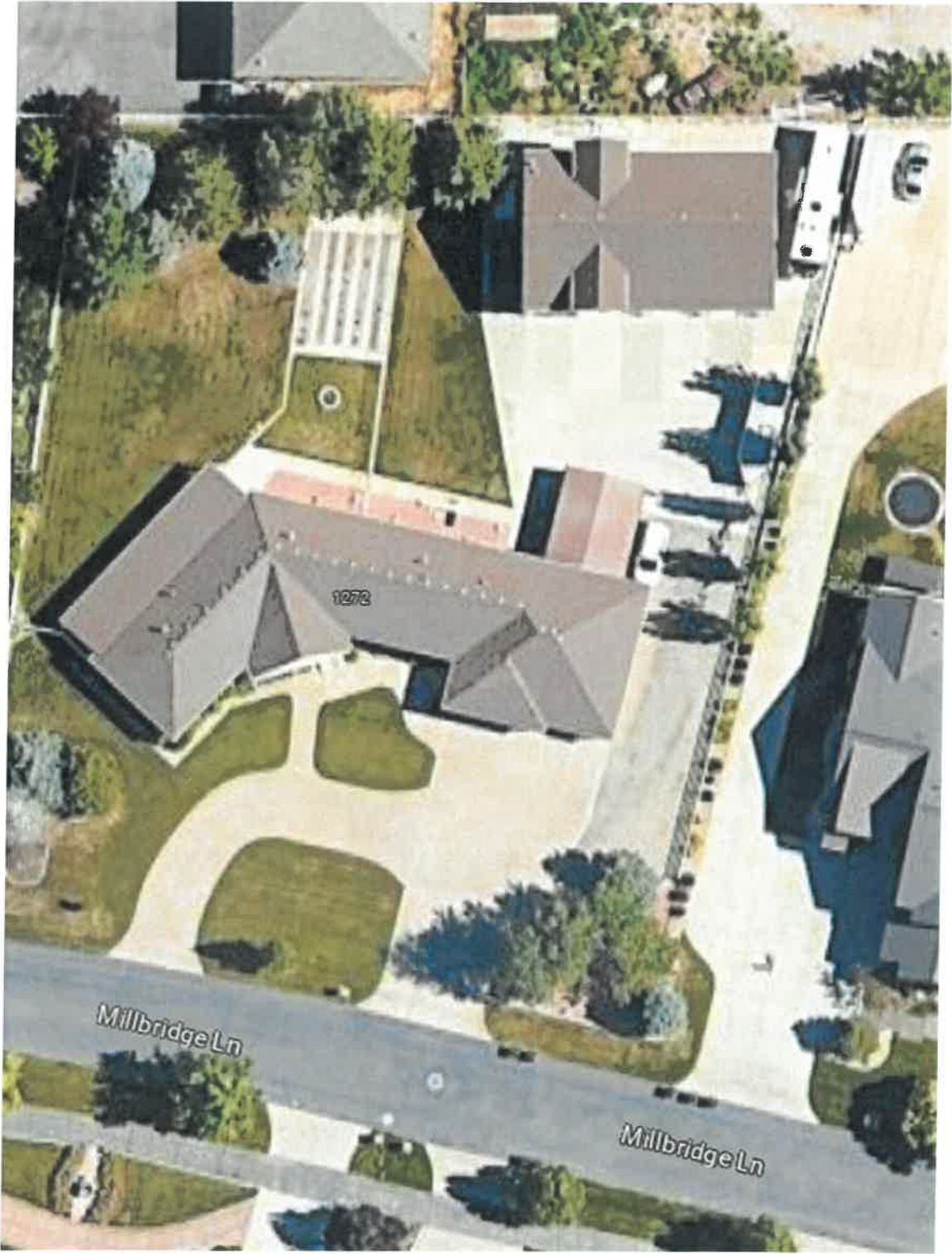
When considering this application, the following Affirmative Findings should be considered.

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact the utilities or streets in the area; and
4. The proposed use will comply with the regulations specified in the A-1 zoning ordinance.

Recommended Conditions:

1. No external signage will be allowed.
2. A person who is not a resident of the dwelling shall not be employed to work in the salon.
3. Clients will be by appointment only and will park in the driveway or behind the home.
4. A copy of Ms. Edwards' state cosmetology license will be provided to staff -- received.
5. Plumbing inspection will be conducted and passed prior to issuing permit.
6. Fire Marshall Inspection report to be provided to staff prior to issuing permit – scheduled for September 14.

CINNAMON & SAGE SPA, LLC 1272 W MILLBRIDGE LANE





CONDITIONAL USE PERMIT APPLICATION

West Bountiful City

PLANNING AND ZONING

550 N 800 W, West Bountiful, UT 84087

Phone: (801) 292-4486

Fax: (801) 292-6355

www.wbcity.org

#23-05

PROPERTY ADDRESS: 1272 W Millbridge

NAME OF BUSINESS/USE: Cinnamon & Sage Spa

PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: _____

Applicant Name: Jessica Edwards

Applicant Address: 1272 W. Millbridge Ln

Primary phone: 801-663-9507

E-mail address: jessicaedwards399@yahoo.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

Salom & Spa

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: Aug. 17th, 2023 Applicant Signature: [Signature]

Application Received Date: 8/17/23
Application Fee Received Date: 8/17/23
Permit Approval: _____

FOR OFFICIAL USE ONLY
Permit Number: 23-05
Fire Inspection Date: 9/14/23
Fire Inspection Approval Date: _____



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City):

1522

Resident/Business Owner's Name: Jessica Edwards

Physical Address: 1272 W. Millbridge Ln.

West Bountiful, UT 84087

Mailing Address, if different than above: _____

Email address: jessica.edwards2000@gmail.com

Primary Phone: 801-663-9507

Emergency Phone: _____

Property Owner Name & Contact Info, if different than applicant: Michelle Edwards

801-298-8481

micheleedwards@gmail.com

Business Information:

1. Name of business: CINNAMON & SAGE SPA, LLC

State ID #: 13487829-0160

State Sales Tax #: N/A

Federal Tax ID #: 93-2303339

Other Required Licenses #: _____

(Depending on type of Business)

2. Describe the proposed business activity:

Cosmetology & Esthetics practices including, facial treatments
hair cuts & colors & waxing.

3. Hours of Operation: 10-8 Mon-Sat occasionally closed Wednesday & Friday

4. Name and relationship of person(s) participating in business (must reside at the home):

Jessica Edwards (self)

5. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:

204 sqft in garage in a separate room

Need 5f of garage (40x42 ft) 1680 sf 12%

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

Facial products, Hair color, developer, Hair bleach, brushes & combs, foil, capes, towels, sheets, Hair products, styling tools, facial machines/devices. Stored in cabinets or shelves.

7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

N/A

8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.

N/A

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored?

N/A

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency:

customer vehicle to come to appt. parked in rear parking of home

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency:

N/A

12. If your home occupation is a day care center, nursery, or preschool, please state how many children _____ and caregivers _____ will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

N/A

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? If no, please explain:

N/A

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: Aug. 17th, 2023

Sign Here: 
Applicant

FOR OFFICIAL USE ONLY

Application Fee Received: 8/17/23
Fire Inspection: 9/14/23
Health Dept. Inspection: -
Neighbor's Notification Complete: yes

Approval Date: _____
Conditional Use Permit Required: yes
Conditional Use Permit Approved: _____
Protests Received: _____

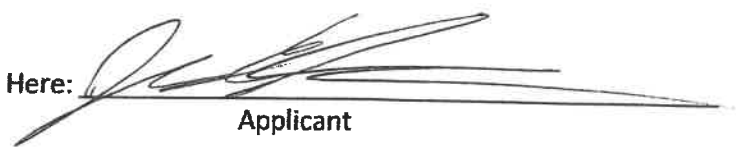
NOTICE TO NEIGHBORS

Date of Notice: Aug. 17, 2023

<u>Address</u>	<u>Name</u>	<u>Type of Notification</u>
<u>1302 W. Millbridge Lane</u>	<u>Scott Hughes</u>	<u>in person</u>
<u>201 Fairwind Cr.</u>	<u>Mary Naegle</u>	<u>" "</u>
<u>1263 Millbridge Ln</u>	<u>Buster Hafon</u>	<u>In Person</u>
<u>1226 Millbridge Ln</u>	<u>Paige James</u>	<u>In Person</u>
<u>1250 Millbridge Ln</u>	<u>Emily Jenkins</u>	<u>in person</u>
	<u>Bessie Thioros</u>	

I HEREBY CERTIFY THAT I PROVIDED NOTICE TO THE OWNERS OF PROPERTY WITHIN A 300-FT RADIUS OF MY PROPERTY AS LISTED ABOVE AND LET SAID NEIGHBORS KNOW THEY MAY FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE NOTICE WAS RECEIVED.

Date: Aug. 17, 2023

Sign Here:  Applicant

MEMORANDUM



TO: Planning Commission
DATE: September 8, 2023
FROM: Cathy Brightwell
RE: AK Daycare, LLC – 715 W 400 N – Amanda Kingston

Amanda Kingston submitted a conditional use application on August 15, 2023, to open and operate a daycare at her home at 715 W 400 North.

State law requires a Utah State Certificate for a childcare provider when continuous care and supervision of 5 or more unrelated children is provided in place of care that is ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation. Mrs. Kingston has completed the application process with the state, but a Certificate cannot be issued until the childcare provider obtains a local business license.

The following requirements for issuing a home occupation day care license have been addressed:

- Mrs. Kingston intends to care for no more than 6-8 children, as allowed by state law. This number includes one of her children. This number cannot increase unless she has an additional employee, who must live in the home.
- Mrs. Kingston has notified surrounding neighbors and the city has received no objections.
- Mrs. Kingston has obtained a License for Family Child Care from the Utah Department of Health & Human Services, which included a criminal history background check.
- Mrs. Kingston has received a clearance from the South Davis Metro Fire Department.
- The Davis County Health Department has inspected the home and approved it for meal preparation.
- The property is fenced.
- There is sufficient driveway area for off-street drop-off and pick-up.

WBMC Chapter 17.60 Conditional Use, requires the planning commission to consider the findings listed below before approving a Conditional Use Permit.

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;

4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Recommended conditions:

1. No external signage will be used for the preschool.
2. A person who is not a resident of the dwelling shall not be employed to work on the premises.
3. All drop-off and pick-up of children will be off-street.
4. A copy of the applicant's state day care certificate will be provided to the city once processing is complete.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 715 W 400 N West Bountiful, UT 84087

NAME OF BUSINESS/USE: AK Daycare

PARCEL NUMBER: _____ ZONE: R1-10 DATE OF APPLICATION: 8/15/23

Applicant Name: Amanda Kingston

Applicant Address: 715 W 400 N West Bountiful, UT 84087

Primary phone: (801) 258-1643

E-mail address: ~~AK Daycare~~ AK Daycare 188@gmail.com
OR amandakingston8@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

Day care

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 8/15/23 Applicant Signature: Amanda Kingston

FOR OFFICIAL USE ONLY

Application Received Date: 8/15/23
Application Fee Received Date: 8/15/23
Permit Approval: _____

Permit Number: 23-04
Fire Inspection Date: _____
Fire Inspection Approval Date: 6/27/23



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City):

1513

Resident/Business Owner's Name: Amanda & Terry Kingston

Physical Address: 715 W 400 N West Bountiful, UT 84087

Mailing Address, if different than above: _____

Email address: amanda.kingston8@gmail.com

Primary Phone: (801) 258-1643 Emergency Phone: (801) 230-9278

Property Owner Name & Contact Info, if different than applicant: _____

Business Information:

1. Name of business: Amanda Kingston Daycare AK Daycare, LLC

State ID #: _____

State Sales Tax #: _____

Federal Tax ID #: _____

Other Required Licenses #: _____
(Depending on type of Business)

2. Describe the proposed business activity:
Daycare Provider for less than 8 kids

3. Hours of Operation: 9:00 am - 7:00 pm

4. Name and relationship of person(s) participating in business (must reside at the home):

5. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:
downstairs family room

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

toys, etc in family room

7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

No

8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.

No

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored? My van will be parked in the driveway

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency: ~~NO~~ Pick-up & drop-off kids -

Off street in driveway.

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency: No

12. If your home occupation is a day care center, nursery, or preschool, please state how many children 4-6 and caregivers _____ will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? NO If no, please explain: _____

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: 4/27/23

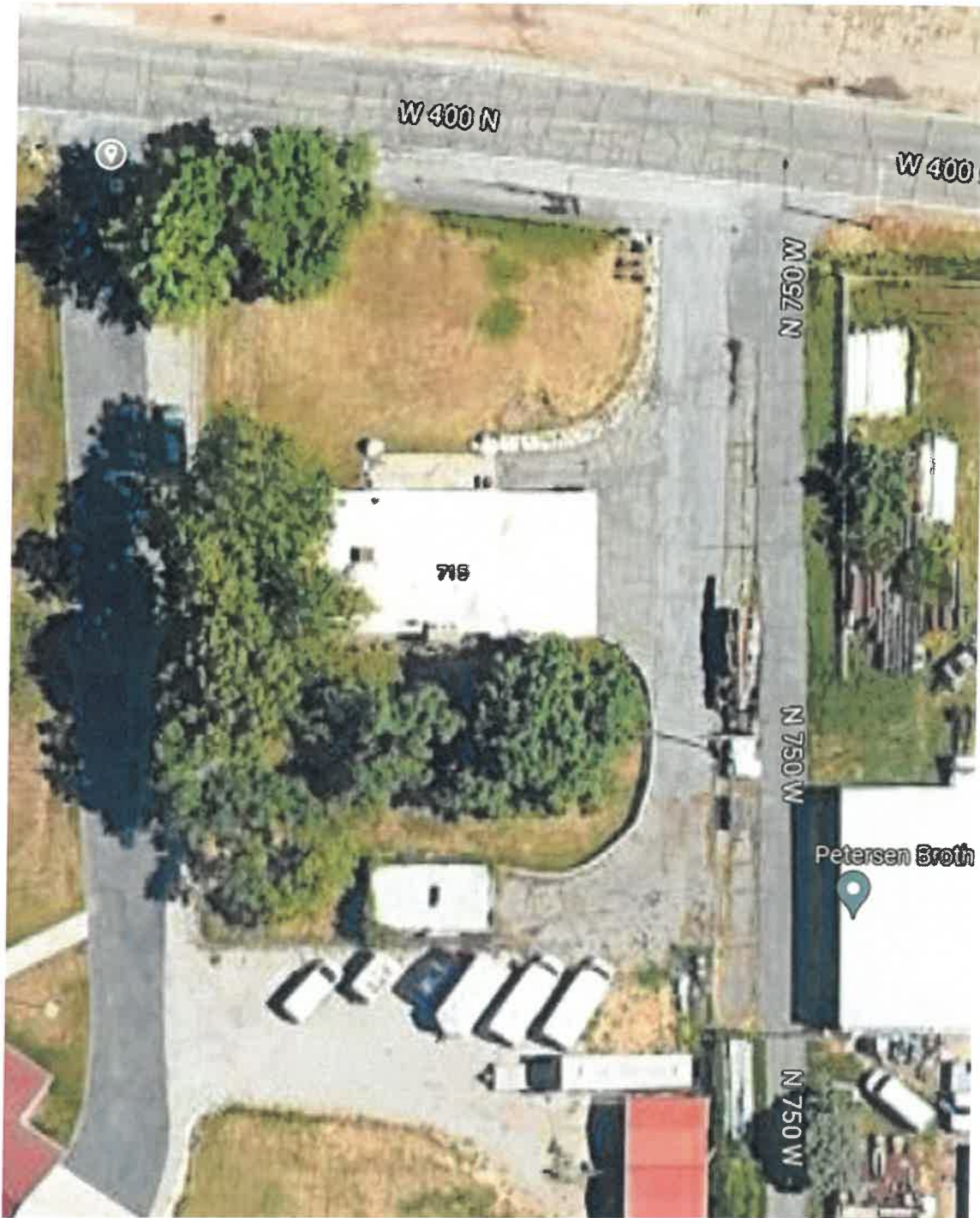
Sign Here: *Arif Karimto*
Applicant

FOR OFFICIAL USE ONLY

Application Fee (\$15) Received: 5/11/23
Fire Inspection, if needed: Pending
Health Dept. Inspection, if needed: _____
Neighbor's Notification Complete: 5/1/23

Approval Date: _____
Conditional Use Permit Required: Yes
Conditional Use Permit Approved: _____
Protests Received: _____

AK DAYCARE, LLC (Amanda Kingston) 715 W 400 North



MEMORANDUM



TO: Planning Commission

DATE: September 8, 2023

FROM: Cathy Brightwell

RE: SSCapFox Motors – 1110 W 500 S #438

Staff received an application from Sergio Capdevila on August 31 for a conditional use permit for his auto dealer business, SSCAPFOX Motors, to be located at 1110 W 500 South. Mr. Capdevila will sell used automobiles primarily on-line. He will have 2 – 3 vehicles on-site but most of his business will be done by appointment and involve vehicles he stores at an off-site storage location. There will be no auto repairs or service done as part of this business. Mr. Capdevila has access to customer parking stalls by his door on the east side of the building, as shown in the attached diagram, and stalls will be displayed with his business name.

The West Bountiful City Municipal Code, Commercial Highway (C-H) zone, Section 17.34.030 lists *motor vehicle sales and service and outdoor storage of retail vehicle inventory* as a conditional use which may be approved by the planning commission. The Conditional Use ordinance, Section 17.60.040, requires the planning commission to *consider* whether:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use; and
6. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.

Staff recommends the following conditions be required with granting of this conditional use permit, consistent with similar businesses in the area:

1. Copy of Dealer's license and Proof of Insurance;
2. Fire Inspection approval (has been completed);
3. Signage will comply with City Code;
4. Vehicles on display will be operable and in sellable condition;
5. Upon issuance of this Permit and prior to beginning business, a West Bountiful commercial business license will be issued to SSCAPFOX Motors.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 1110 W 500 S SUITE 438, WEST BOUNTIFUL, UT 84087

NAME OF BUSINESS/USE: SSCAPFOX MOTORS

PARCEL NUMBER: 438 **ZONE:** BUSINESS **DATE OF APPLICATION:** 08/30/23

Applicant Name: Sergio Capdevila

Applicant Address: 4618 W Oyster Shell Rd, South Jordan, UT 84009

Primary phone: 801-739-1729

E-mail address: neon.blur13@gmail.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.

2-3 Cars will be left parked overnight right outside of the front door. Parking specifically for SSCAPFOX MOTORS will be Displayed.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.

Date: 08/30/23

Applicant Signature:

FOR OFFICIAL USE ONLY

Application Received Date: 8-31-23
Application Fee Received Date: 9-7-23
Permit Approval: _____

Permit Number: 23-06
Fire Inspection Date: 9/6/23
Fire Inspection Approval Date: _____



COMMERCIAL BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 West
Phone: (801) 292-4486
Licensing@wbcity.org

Please allow 5-7 business days for processing

Business Information:

Business License #: 1524

Business Name: SSCAPFOX CLEANING LLC (dba) SSCAPFOX MOTORS
Business Address: 1110 W 500 S West Bountiful, UT Phone: 801-739-1729
Mailing Address (if different): 4618 W Oyster Shell Rd, South Jordan, UT 84009 Email: neon.blur13@gmail.com
State License No: 12494055-0160 State Sales Tax #: 15821904-002 Federal Tax #: 87-286856
5

Applicant Information:

Name(s): SERGIO ADRIAN CAPDEVILA Title: OWNER/OPERATOR
Address: 4618 W Oyster Shell Rd, South Jordan, UT 84009 Phone(s): 801-739-1729
Email Address(es): neon.blur13@gmail.com
Manager/Local Contact(s): Sergio Adrian Capdevila Phone: 801-739-1729

Owner/Landlord:

Owner of Business (if different than above): _____
Owner's Home Address: 4618 W Oyster Shell Rd, South Jordan, UT 84009 Phone: 8017391729
Landlord/Owner of Building: Troy Phone: 801-898-0098

Type of Business/Description of Business to Be Conducted:

Automotive Dealership. Used cars from Auction/Local Markets will be sold and displayed at this location.

License Fees:

Annual License Fee: Base fee is \$50.00 (\$25 on/after October 1)			\$ <u>50.00</u>
Number of Full Time Employees	<u>1</u>	x	\$5.00 per employee
Number of Part Time Employees	<u>1</u>	x	\$2.50 per employee
			TOTAL DUE: \$ <u>60.00</u>

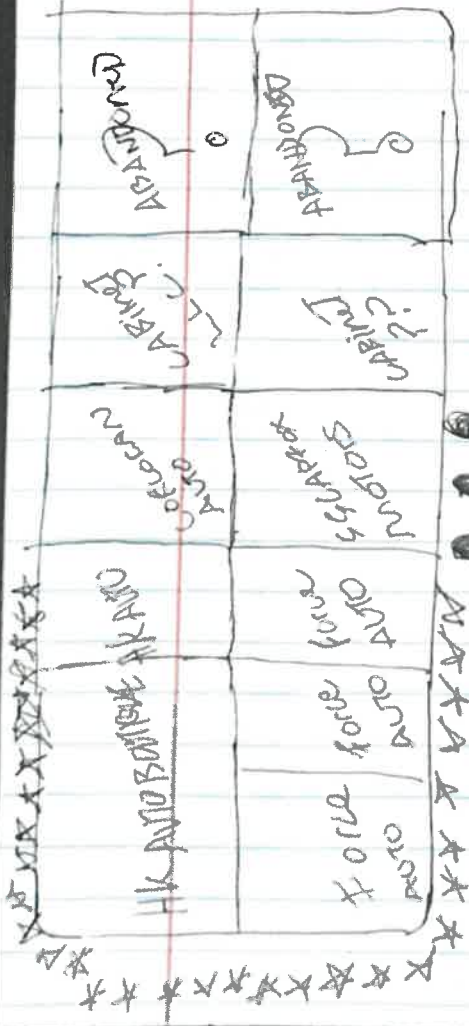
I hereby make application for the issuance of a business license from West Bountiful City in accordance with the provisions of West Bountiful Municipal Code, Title 5. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request. Licensing runs January 1 – December 31 regardless of when license is issued.

Date: 08/31/2023

Sign Here: _____

Application Received Date: <u>8/31/23</u>	FOR OFFICIAL USE ONLY	Health Dept Inspect/Approval: _____
Payment Received Date: <u>9/7/23</u>		Fire Inspection Date(s): <u>9/6/23</u>
Conditional Use Req/Approval: <u>Yes</u>		Fire Marshall Approval Date: _____

Key
 * = HK AUTO PARKING
 ● = SS LAPFOX MOTORS



* * * * *

MEMORANDUM



TO: Planning Commission

DATE: September 8, 2023

FROM: Cathy Brightwell, Kris Nilsen

RE: Detached Accessory Dwelling Units (D-ADU)

The planning commission held a general discussion of detached ADUs at its August 22, 2023, meeting and provided ideas and direction to staff on how to proceed.

Following the discussion, staff was asked to provide additional information on how other cities handle D-ADUs and to begin drafting language that can be incorporated in the current ADU code.

WBMC 17.82 Accessory Dwelling Units is attached with red and highlighted text requiring more discussion. A summary of several other cities' regulations is also provided.

DETACHED ACCESSORY DWELLING UNITS

17.20.045 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, **accessory dwelling units**, group dwellings, condominiums and other multi structure dwellings, **and** complexes under single ownership and management, **which are permitted by this title and have approval by the planning commission**, may occupy a single lot.

17.82 Accessory Dwelling Units

17.82.010 Purpose

17.82.020 Definitions

17.82.030 Scope

17.82.040 Development Standards

17.82.050 Non-Residential Accessory Structures

17.82.010 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units (ADUs). These regulations are adopted for the following purposes:

1. To accommodate such housing in single family residential neighborhoods in accordance with state law.
2. To provide an alternative housing option.
3. To provide uniform standards for ADUs.

17.82.020 Definitions

As used in this chapter, the following terms have the following definitions:

“**Internal/attached** Accessory dwelling unit,” or “**I-ADU**,” means a separate dwelling unit, created within, or attached to a single family dwelling, that complies with the provisions of this chapter.

“**Detached Accessory dwelling unit**,” or “**D-ADU**,” means a separate dwelling unit that is not within, or attached to a single family dwelling, that complies with the provisions of this chapter.

“**Primary dwelling**” means the main dwelling within the single family dwelling of which an ADU is a part or to which it is attached. The primary dwelling, independent of any ADU, shall meet all applicable requirements for a single family dwelling under this title, the current building codes adopted by the City, and state law.

17.82.030 Scope

The requirements of this chapter shall apply to any ADU within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, the West Bountiful Municipal Code, and other laws.

17.82.040 Development Standards

The development standards set forth in this section shall apply to any ADU.

1. Application. An application for an ADU in a form provided by the city will be required for all ADUs. The application will be processed as a permitted use.
2. ~~Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under Section 17.82.040.I.~~
3. Number of Accessory Dwelling Units. ~~A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling.~~ No lot or parcel shall contain more than one ADU.
4. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of one (1) additional off-street parking space shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.
5. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name. (So. Davis Sewer charges separate for each dwelling.)
6. Size. ~~No minimum or maximum size is established for~~ An ADU will be a maximum of 1500 - 2000 square feet and ~~by this ordinance except that the unit~~ shall contain at least a living area, kitchen area, sleeping area, and bathroom facilities that comply with applicable provisions of this title, the current building codes adopted by the City, and state law.
7. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
8. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building. Only I-ADU?
9. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
10. A D-ADU will only be occupied by a relative of the owner. Not rentable??
11. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under Section 17.82.040.I.
12. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
13. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.

14. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.

17.82.050 Non-Residential Accessory Structures

The following applies to non-residential accessory structures:

1. Definition. As used in this section, "non-residential accessory structure" means any detached accessory structure that is not designed or used as a dwelling, dwelling unit, or ADU, or otherwise for overnight accommodations. Examples of non-residential accessory structures include detached garages, shops, barns, and pool houses.
2. Permitted Facilities. A non-residential accessory structure may contain bathroom and/or cooking facilities, but it may not contain sleeping facilities or be used for overnight accommodations.
3. Non-residential Accessory Structure Agreement. As a condition of receiving a building permit for an accessory structure, the applicant will be required to enter into a non-residential accessory structure agreement in a form provided by the city. Such agreement will be recordable and will contain acknowledgments and agreements not to use the accessory structure as a dwelling, dwelling unit, or ADU, or otherwise for overnight accommodations.

OTHER CITIES DETACHED ADU REGULATIONS

Bountiful

- Permitted ADUs: internal (staff approval) and detached (conditional use)
- Owner-occupied
- Long term rental of 30 consecutive days or longer.
- Limited to 1 per single family home (“SFD”) - not allowed for duplexes/multi-family homes
- Deed restriction limiting property use to SFD recorded at the County
- No separate utility meters permitted
- One off-street parking space for ADU
- Building permit required to construct or modify existing structure.
- Designed so the property maintains the appearance of a SFD.
- Detached (additional reqs):
 - 350sf – 1250 sf;
 - minimum 8000 sf lot size;
 - exterior doors, stairs, windows, etc., are located as far away from adjoining properties as reasonably possible to provide privacy to those properties;
 - meet all setbacks and height requirements for accessory structures;
 - be located behind the front line of the building line of the primary unit.

North Salt Lake (NSLMC 10-1-44)

- Permitted ADUs: internal, attached, detached, tiny homes
- Application and building permit required for new ADUs
- ADUs built prior to November 2018 must obtain a land use permit and certify that safety requirements have been met including bedroom smoke detectors, GFCI outlets in kitchen and bathrooms, bedroom windows meet minimum egress requirements, etc.
- Additional off street parking

Farmington (FMC 11-28-200)

- Permitted ADUs: IADU (staff approval), DADU (conditional use)
- Maximum of 1 ADU per SFD
- Owner-occupied
- DADU shall be subordinate in height and area to the primary dwelling.
- At least 1 off street parking stall shall be provided for the ADU
- ADU shall be clearly incidental to the SFD and not adversely affect the residential character of the surrounding neighborhood and shall be designed so that passersby would not, under normal circumstances, be aware of its existence.
- Minimum 6000 sf lot size
- Occupants – ADU shall be occupied exclusively by 1 family
- Notice of ADU recorded at County affirming use will comply with city regulations.

Layton (19.02.020)

- Permitted ADUs: internal, attached, detached
- D-ADU are limited to lots of 6000 sf or larger, and can only be within the side yard or rear yard of primary dwelling.
- Allowed in all residential zones.
- Must be owner-occupied.
- Only one ADU per lot or parcel.
- Internal and Attached must meet minimum setback and height regulations and must retain the appearance of a single family home. Entrances shall be subordinate to the primary dwelling's entrance.
- Parking spaces cannot be located within the primary dwelling's front or side yard setbacks adjacent to a street unless on an approved driveway.
- D-ADUs shall be complementary to the primary dwelling's architectural character by using similar building materials, window types, door and window frames, roofing materials, and roof pitch and permanent foundation.
- All ADUS shall connect to the same utility lines as the primary dwelling.
- Minimum rental period is 30 consecutive days
- Mobile homes and shipping containers shall not be considered for ADU
 - Occupancy: 3 non-related individuals, or an individual, or single family related by blood, marriage, guardianship, fostership, or adoption.

South Jordan (17.130.030)

- Permitted ADUs: internal and guesthouse (detached from primary dwelling) in an Accessory Dwelling Unit Floating Zone.
- Must be approved by planning department.
- Owner must live on the property.
- Limit to 1 per lot (larger than 6000 sf) and cannot be with mobile home or attached housing units.
- Minimum of 1 off-street parking space in addition to those already required for the primary home.
- ADUs shall not be rented for less than 30 consecutive days.
- Appearance – ADU shall be designed so that the appearance of the lot, building structure, and landscaping retain the character of a single-family neighborhood. ADUs will be compatible with the exterior of the primary dwelling (exterior materials, colors, and roof pitch)
- Guesthouse (D-ADU) will be subordinate and incidental to the primary dwelling. No more than 3 bedrooms, maximum 1500 sf (or 35% of the primary dwelling living area, unless the planning commission determines a greater amount of floor area is warranted).
- An existing accessory dwelling unit may be approved if the ADU complies with current regulations. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the ADU for Code compliance. All documented violations shall be corrected prior to approval of the ADU. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section 17.130.030, shall be permitted to continue as a legal nonconforming use.
- Affidavit required and recorded stating the owner will comply with all regulations of ADU and authorize annual inspections by staff.

PENDING – NOT APPROVED

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on August 18, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 22, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, Dell Butterfield, and Laura Mitchell.

MEMBERS EXCUSED: Council member Kelly Enquist

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), and Debbie McKean (Secretary).

VISITORS: Debby Marshall, Richmond Thornley, Roger Montgomery, Dan McConkie, Aimee Hinojosa

The meeting was called to order at 7:30 pm by Chairman Malan.

1. **Thought by Commissioner Sweat/ Prayer by Commissioner Butterfield
Pledge of Allegiance- Commissioner Vest**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Commissioner Sweat moved to approve the agenda as presented. Commissioner Butterfield seconded the motion. Voting was unanimous in favor among all members present.

3. **Home Occupation Business Regulations and Uses.**

Commissioner packets included a memorandum dated August 18, 2023, from Kris Nilsen and Cathy Brightwell regarding Home Occupation Business License Uses with an attached redline exhibit of WBMC 17, 5.04, and 5.28. The memorandum outlines the home occupation regulations and uses previously considered by the planning commission at the June 9, and July 25, and August 8th, 2023, meetings. The exhibit incorporated those comments and suggested additional ideas to provide a basis for continued discussion.

Staff introduced the proposed final redline document which has been reviewed by legal counsel and there was discussion on several outstanding items.

In Section 5.28.040, a maximum weight limit of 14K GVW was placed on auto/truck repairs. Commissioner Vest stated that he still disagrees with having auto repair as a conditional use.

In Section 5.28.050, it was determined that automobile and truck engine repair might not cover new electric vehicles which do not have engines, so language was changed to motor vehicles.

In Section 5.28.060, D – was changed so that approval of multiple home occupation business licenses at the same address was changed from planning commission to city recorder. H & I were combined and clarified to make it clear that on-street pick-up and drop-off associated with instructional occupations were allowed, and N was modified so that the sentence addressing additional traffic and parking was moved to 5.28.030.

Section 5.28.080 – unnecessary language was removed.

Another outstanding issue was private schools in residential areas. Cathy Brightwell reminded the commission that at its April 26, 2022 meeting, they discussed a proposal to consider places of worship or primary schools (private, parochial, and homeschool pods) as conditional, or to define quasi-public uses as “a use operated by a private non-profit, educational, religious, recreational, charitable, or philanthropic institution; generally, such uses have the purpose of primarily serving the public, such as churches, private schools, universities, and similar uses.”

After much discussion and consideration, they decided to deny the proposed text change. They stated it is not about the city not wanting a private school, but about finding a location that fits. They pointed out that there is likely a place within the city for this type of application and they are willing to give it more consideration in a different location that does not cause disruption to a residential area. Ms. Brightwell noted that there has to be specific details laid out in order to allow them to be in the proper location.

At its May 3, 2022, meeting, the city council also denied the request for text change and directed the planning commission to explore where private schools might be allowed in the city, including defining the terms public/quasi-public and/or creating an overlay zone specific to the use. The suggestion for an overlay zone was thought to be a way to limit the area and have specific parameters tied to the use.

For the current discussion, the commission decided they would leave out private schools from this document and put it on the agenda to discuss and consider at a later date.

In addition, the commissioners were asked to consider storage units/facilities. If home occupation businesses are allowed in garages or accessory structures, can a resident rent out space for personal storage, vehicles, boats, trailers, etc. if it complies with the square footage restrictions? After some discussion, it was decided that this type of business was not an appropriate home occupation.

The question was asked if fueling stations and electric charging stations should be allowed. Staff will consult with Mr. Doxey regarding these items. Most commissioners felt there was not a place for these services since they may take up more space than code allows.

Based on the above discussion, staff will prepare an updated exhibit for the public hearing scheduled for September 12.

4. Discuss Detached Accessory Dwelling Units.

Commissioner packets included a memorandum dated August 18, 2023, from Kris Nilsen and Cathy Brightwell regarding Detached Accessory Dwelling Units (ADUs) with an attached copy of WBMC 17.82 Accessory Dwelling Units.

Ms. Brightwell introduced this agenda item stating that the commission has asked for some time to have this issue on the agenda, and staff needs clarification and direction as to how the commission would like to proceed. Is the commission in favor or opposed? If in favor, what restrictions should be in place? Parking, traffic, and noise may be a concern.

As part of the background regarding ADUs Ms. Brightwell pointed out the following information:

- ADUs, within or attached to a single-family dwelling, have been allowed for many years in West Bountiful.
- The Utah Legislature has promoted ADUs as an alternative housing option.
- Surrounding cities have adopted regulations to allow detached ADUs (Bountiful, North Salt Lake, Farmington, Layton)
- The City's General Plan encourages consideration of a variety of housing types to be able to meet the needs of a variety of residents. Goals include meeting the demands of all stages of the life cycle, including starter and senior housing, where appropriate, including ADUs. Listed benefits include providing affordable rental housing and allowing first-time homeowners to gain access to homes that would otherwise be out of reach by renting out an additional unit.
- It has been argued that ADU's, including D-ADU's, provide opportunities for property owners to provide social support for family members where independent living is desirable. In addition, it provides for affordable housing opportunities, making housing units available to moderate income people who might otherwise have difficulty finding homes within the city, and provide opportunities for additional income to offset rising housing costs.

Commissioners discussed the questions presented by staff.

1. Should D-ADUs be allowed in all residential areas or limit them to certain areas of the city? *Presently the commissioners were not sure about this item. Some responded that if it fits by meeting setbacks, it would be okay.*
2. If allowed, should size be limited? *Cathy noted that most cities she has reviewed have a maximum limit but not all have a minimum requirement.*
3. If allowed, should there be a limit as to how many on a property? *Most commissioners concurred that there should only be one per site.*
4. Similar to existing ADUs, should the owner be required to live on property? *Most commissioners agreed the owner should live on the property.*
5. What kind of parking requirements should there be? *Need to make sure there is adequate off-street parking that will meet code for our winter restrictions.*
6. Should there be architectural design requirements? *This will need to be further reviewed. If it is attached, most think it would need to look like part of the home. If detached, it may be good to require use of similar materials. It was suggested that we also consider outside lighting restrictions so that there is no issue with neighbors.*

Some discussion took place. There was consensus that property owners should have to live on the property in order to rent any portion of their home or ADU. Commissioner Sweat stated that he feels people must be allowed to do what they want with their property regarding uses of their property.

However, he stated that renting to outsiders devalues the single-family residential characteristics and he believes D-ADUs should be used only for family members. There was discussion about whether the impact would be different depending on who lives in the ADU and whether there would be discrimination issues if it was limited to family members.

Randy Montgomery was invited to take the stand. He explained that he had come to the city the day before to see if he could convert a portion of his detached garage into an ADU that he could live in and was told about this meeting. He talked about his recent divorce and due to increased home valuations, he will now have a \$700,000 mortgage in order to pay his ex-wife her share. He is hopeful that he will be able to rent out his home and construct an ADU above garage ADU in order to keep his home. Without that option, he will likely have to sell his home.

Commissioners asked staff to gather more information including specific regulations of other cities.

Chairman Malan stated that the Sewer District is charging an additional hook up fee for ADU's. He asked staff to look into the sewer district's reasoning and fees. He also suggested talking with state representatives about the charge.

5. Consider Meeting Minutes from August 8, 2023.

Action Taken:

Laura Mitchell moved to approve the minutes from August 8, 2023. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Staff Report

a. Engineering (Kris Nilsen)

- We have not yet received the preliminary plans for the new Hugoe subdivision on 400 North.
- Google Fiber is frustrating our Public Works department because of their lack of response to requests for construction repairs.
- Public Works is approximately 85% moved into their new building.
- Doug Coons property is cleaned up and looks great. Still working to finalize his plat.

b. Community Development (Cathy Brightwell)

- The September 12 meeting will be busy. There is a public hearing scheduled for the updated Home Occupation Uses, and two conditional use permit applications for businesses. Prior to the meeting, training will be conducted by the Utah Ombudsman's office. The training will cover general land use items and include a Q & A session. Pizza will be provided.

Commissioner Comments:

Chairman Malan invited everyone present tonight to attend the Freedom Light Event in September. He stated there are questions that are very enlightening and lots of informative, interesting things regarding our Constitution. He noted it is a great family event. He asked Cathy to look into whether or not this could count toward commissioner training hours needed.

Dennis Vest was approached by a resident about getting a stop sign at 1450 West and 400 North. Staff told him that they must contact the police department as a traffic study would have to be done. Kris noted that a stop sign in that area would probably not be justified at this time but if it's found to be needed in the future, the stop sign would be on 1450 West as 400 North is a through street.

Dell Butterfield asked if there is a limit to the number of trucks that can go down 400 North to the Ivory development in a 24-hour period. Kris Nilsen responded that 24 dump trucks are allowed per day between the hours of 7am and 10:00 pm. This restriction applies to all areas of the development other than Phase 1. He said the city primarily relies on neighborhood observation and complaints. The police department has frequently monitored the area and has also had UDOT monitor the traffic because they are the only ones that can inspect the trucks and they have reported issuing a lot of citations for various reasons.

7. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:15 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on September 12, 2023, by unanimous vote of all members present.

Cathy Brightwell, City Recorder