



BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, March 15, 2022
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Council Chambers, Bountiful City Hall, 795 South Main, Bountiful, Utah, 84010, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome
 - a. Swearing in of Krissy Gilmore, new Planning Commission Member
2. Approval of the minutes for February 15, 2022
3. Bountiful City Land Use Code Omnibus Text Amendments - *Planning Director Francisco Astorga*
 - a. Review and Public Hearing
 - b. Action: Consider forwarding a recommendation to the City Council
4. Bountiful City Land Use Code Short-Term Rentals Text Amendment - *Planning Director Francisco Astorga*
 - a. Review and Public Hearing
 - b. Action: Consider forwarding a recommendation to the City Council
5. Adjourn

Draft Minutes of the
BOUNTIFUL CITY PLANNING COMMISSION
February 1, 2022

Present:	Commission Members	Lynn Jacobs (Chair), Alan Bott (vice-chair), Jim Clark, Sean Monson
	City Attorney	Clinton Drake
	City Engineer	Lloyd Cheney
	Planning Director	Francisco Astorga
	Asst City Planner	Nicholas Lopez
	Recording Secretary	Darlene Baetz
Excused:	Commission Member	Sharon Spratley
	Councilwoman	Cecilee Price-Huish

1. Welcome.

Chair Jacobs opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of minutes for January 18, 2022.

MOTION: Commissioner Clark made a motion to approve the minutes for January 18, 2022, as written. Commissioner Bott seconded the motion.

VOTE: The motion passed unanimously (4-0).

3. 1350 South Davis Blvd – Creekside View Subdivision Plat, Dan Crane, applicant – City Engineer Lloyd Cheney

Joe Crane representing Dan Crane was present. City Engineer Lloyd Cheney presented the item.

The owners are requesting Final approval of the Creek Side Views Subdivision. The development was granted Preliminary approval by City Council on Sept 14, 2021. This project is a 6-lot development located on the west side of Davis Blvd between the Weber Basin irrigation reservoir and Mill Creek canyon. The proposed project will have a 300 ft cul-de-sac access off Davis Blvd. The final plans had a few minor modifications from the approved preliminary plans. The storm water collection system will have a single detention basin and will be maintained by the owner of Lot 3. There will be a new connection to increase the efficiency of the culinary water system. This upsizing of the water main will be paid for by the Water Department.

City Engineer Cheney discussed the basin overflow, the size of the pipe and that the responsible party will have a Storm Water Maintenance Agreement signed and recorded. He also stated that there will be an easement for the trail however the trail will not be built by the City or the Cranes at this time. Dan Crane currently is reluctant to dedicate the property to the City for the maintenance of the trail by the creek but wants the citizens to be able to enjoy this area.

1 MOTION: Commissioner Monson made a motion to forward a positive recommendation to the City
2 Council for final approve of the Creekside View Subdivision Plat as presented. Commissioner Bott
3 seconded the motion.
4

5 VOTE: The motion passed unanimously (4-0).
6

7 CONDITIONS:

- 8 1. Provide a 25 ft wide stream maintenance easement along the south bank of Mill Creek, as required
9 by Davis County Public Works.
- 10 2. Dedicate real property to the City or provide a trail easement along Mill Creek, coincident with
11 the stream maintenance easement.
- 12 3. Provide a description for a utility easement for the sanitary sewer main which crosses the City-
13 owned property between Valley View Elementary and the Mill Creek Reservoir.
- 14 4. Replace any damaged curb, gutter, and sidewalk along the Davis Blvd. frontage.
- 15 5. Complete any minor corrections to the plat.
- 16 6. Provide a current Title Report.
- 17 7. Sign a Development Agreement.
- 18 8. Pay all required Fees.
- 19 9. Post a Bond in an acceptable form for construction of public improvements.
20

21 **4. 143 East 1400 South – Conditional Use Permit for a detached garage greater than 10%**
22 **buildable, Kevin Kellersberger, applicant – Planning Director Francisco Astorga and Assistant**
23 **Planner Nicholas Lopez**
24

25 Kevin and Staci Kellersberger were present. Assistant Planner Nicholas Lopez presented the item.
26

27 The applicants requested a Conditional Use Permit application to build an accessory structure. The
28 proposed detached garage has a building footprint of 1800 sq feet that is greater than the required ten
29 percent (10%). The proposed detached garage will be constructed behind the existing single-family
30 dwelling and will replace the existing structure. The applicants will meet the requirements for the
31 landscaping and the building height.
32

33 Chair Jacobs opened and closed the Public Hearing at 7:01 p.m. without comment.
34

35 MOTION: Commissioner Monson made a motion to approve the Conditional Use Permit for an
36 accessory structure at 143 East 1400 South with a building footprint greater than ten percent (10%)
37 of the lot size with the one condition outlined by staff. Commissioner Clark seconded the motion.
38

39 VOTE: The motion passed unanimously (4-0).
40

41 CONDITIONS: Complete all redline corrections.
42

43 **5. 374 East Center Street – Conditional Use Permit for a detached garage greater than 10%**
44 **buildable, GT Knight, applicant - Planning Director Francisco Astorga and Assistant Planner**
45 **Nicholas Lopez**
46

47 GT Knight was present. Assistant Planner Nicholas Lopez presented the item.
48

1 Assistant Planner Lopez noted there was an omission of the street plan and site plan in the written
2 report that was given to the Planning Commissioners.
3

4 The applicant requested a Conditional Use Permit to build an accessory structure. The proposed
5 detached garage footprint is 1200 sq feet and is greater than the required ten percent (10%). The
6 applicants will meet the requirements for the landscaping and the building height. Due to the existing
7 overhead power line, the Bountiful City Power Department request that the proposed structure is set
8 back nine feet (9') from the rear property line instead of the minimum of three (3) feet.
9

10 Chair Jacobs opened and closed the Public Hearing at 7:09 p.m.

11
12 MOTION: Commissioner Bott made a motion to approve the Conditional Use Permit for a detached
13 garage at 374 East Center Street with a building footprint greater than 10% of the lot size with the
14 two (2) conditions outlined by staff. Commissioner Monson seconded the motion.
15

16 VOTING: The motion passed unanimously (4-0).
17

18 **CONDITIONS:**

- 19 1. Complete all redline corrections.
- 20 2. The rear setbacks shall be nine feet (9').
21

22 **6. Open and Public Meeting Act (OPMA) Training for Planning Commission 7:10-7:40 p.m.**

23 City Attorney Clint Drake presented the training to the Planning Commissioners and Staff.
24

25
26 Chair Jacobs adjourned the meeting at 7:41 p.m.

Planning Commission Staff Report

Subject: Omnibus Land Use Code Text Amendment
Author: Francisco Astorga, AICP, Planning Director
Date: March 15, 2022



Background

Consideration of omnibus amendments to various sections of the Land Use Code.

Analysis

On a regular basis, usually annually, the Planning Department will bring up various amendments that need to be made to the Land Use Code to provide order, accuracy, and clarifications, etc., that need to be addressed. The current Code is several hundred pages and consists of the work, research, analysis, etc. of current and former City Planners, Planning Commissions, and City Councils. Given the ever-changing nature of land use development it is necessary to periodically revise and amend the Code. The proposed amendments include the following:

1. Residential swimming pools. Staff recommends to update the Code based on current construction inspection trends.
2. ADU application fee. The application fee does not belong in the Land Use Code but rather on the adopted Fee Schedule, updated via Resolution as needed, and adopted via annual Budget process.
3. Temporary Sign Code discrepancies.

Department Review

This staff report was written by the Planning Director and has been reviewed by the City Attorney.

Significant Impacts

There are not significant impacts related to the proposed amendments.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendment, hold a public hearing, and forward a recommendation to the City Council based on the findings drafted on the attached proposed Ordinance.

Attachments

1. Proposed Ordinance Text Amendment



BOUNTIFUL

Bountiful City Draft Ordinance No. 2022-02

MAYOR
Kendalyn Harris

CITY COUNCIL
Millie Segura Bahr
Jesse Bell
Kate Bradshaw
Richard Higginson
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

An Ordinance Amending Various Omnibus Sections (14-2-115 updating Swimming Pools Code, 14-14-124(G) regarding ADU Application Fee, and 14-19-117 regarding Temporary Signage Code Discrepancies) of the Bountiful City Land Use Code.

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The Planning Department recommends that various changes take place to provide order, accuracy, and clarifications for consideration; and
3. After review and a public hearing on March 15, 2022, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
4. The City Council of Bountiful City held a public hearing on this Ordinance on March 22, 2022, and considered the statements made from the public as well as the recommendations from the Planning Commission and the Staff.
5. The City Council of Bountiful City finds that these amendments are necessary and are in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and
6. The City Council of Bountiful City reviewed the proposed ordinance and finds that the proposed amendments are in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION 1. Sections 14-2-115, 14-14-124(G), and 14-19-117 of the Land Use Code of Bountiful City, Title 14 of the Bountiful City Code is hereby amended as shown on Exhibit A.

SECTION 2. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this ___th day of _____ 2022.

Kendalyn Harris, Mayor

ATTEST:

Shawna Andrus, City Recorder

1 Exhibit A

2
3 **Section 1. 14-2-115 is amended to read:**

4
5 **14-14-115 SWIMMING POOLS**

6
7 ~~Any swimming pool in a single family residential zone shall be set back at least five (5) feet~~
8 ~~from any property line and shall have at least five (5) feet of unobstructed area around the entire~~
9 ~~perimeter. A pool located in any other zone may only be constructed after receiving site plan~~
10 ~~approval, and the land use authority may require an increased setback depending upon the size~~
11 ~~and occupancy of the pool. Each pool shall be surrounded by a substantial fence or wall meeting~~
12 ~~the requirements of the Davis County Health Department and the IBC or IRCC. In addition, any~~
13 ~~required fence or wall shall be equipped with a self-closing, self-latching device on each gate.~~
14 ~~Any swimming pool in a multi-family development, motel, or hotel shall require conditional use~~
15 ~~permit approval in addition to site plan approval.~~

16 Any swimming pool shall be set back at least five (5) feet from any property line and shall be
17 subject to current applicable building codes. Any swimming pool in a multi-family development,
18 motel, or hotel shall require conditional use permit approval in addition to site plan approval.

19
20 **Section 2. 14-14-124(G) is amended to read:**

21
22 **14-14-124 ACCESSORY DWELLING UNIT**

23
24 [...]

25
26 ~~(G) An internal accessory dwelling unit permit shall cost \$125.~~

27
28 **Section 3. 14-19-117 is amended to read:**

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30 **14-19-117 TEMPORARY SIGNAGE**

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32 A. PURPOSE. Permanent signs permitted by this Chapter are intended to allow adequate
33 and reasonable location of signs for local businesses. However, the City realizes that
34 from time to time it is necessary for a business to advertise special events and other
35 commercial messages. To help businesses address this issue, the following regulations
36 have been established for temporary banners and signs.

37
38 B. Any temporary sign shall be subject to the following:

39
40 1. A temporary sign shall be located on-premises only, except for an A-Frame sign
41 which may be located in a parkstrip immediately in front of the premises in
42 accordance with the provisions of this Title.

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44 2. ~~A-Except for properties abutting two (2) streets as defined in this Section, a~~
45 temporary sign shall not be located within five (5) feet of any public sidewalk or any

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public right-of-way, except for an A-Frame sign which may be located in a parkstrip immediately in front of the premises in accordance with the provisions of this Title.

3. A temporary sign shall not be illuminated, flash, blink, spin, rotate, block traffic visibility of vehicles entering onto or traveling on a public street or cause a public nuisance of any kind.
4. A temporary sign shall not be located closer than twenty-five (25) feet to any residential zone or use.
5. A temporary sign shall not be located within a Clear View Area ~~clear view area as set forth in this Title~~.
6. For any single or two tenant property, the following shall apply:
 - a. Any tenant with less than ten thousand (10,000) sq. ft. of building area shall not display more than one (1) temporary sign at any time. The maximum area of any temporary sign shall be thirty-two (32) sq. ft.
 - b. Any tenant with greater than ten thousand (10,000) sq. ft. of building area shall not display more than two (2) temporary signs at any time. The maximum combined area of the two (2) signs shall be forty-eight (48) sq. ft.
 - c. Where a property abuts two (2) streets, one (1) additional sign, oriented to the other abutting street, shall be permitted.
7. For any multi-tenant property, the following shall apply:
 - a. Any business with less than ten thousand (10,000) sq ft of building area shall not display more than one temporary sign at any time. The maximum area of any sign shall be twenty-four (24) sq ft. However, in no instance shall there be displayed more than three (3) temporary signs per one hundred (100) linear feet of frontage.
8. A temporary sign shall be a banner, wall sign, A-Frame sign, or a pedestal type sign. No other type of sign is permitted.
9. The following items are not lawful temporary signs: a portable reader board, any type of electric sign, a sign attached to another sign or sign structure, a balloon, a streamer, an inflatable device, and/or a vehicle or trailer with any graphics or advertisements.
10. A temporary sign shall be ~~substantially properly~~ constructed and adequately weighted, anchored, or attached to the ground to protect the public and property.
11. No permit shall be required for a temporary A-Frame sign that is removed at the end of each business day.

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12. An A-Frame sign shall be designed, constructed, and installed such that it will lay flat if it is contacted by any object.

13. Any temporary sign, other than an A-Frame sign, shall be posted not more than one (1) time each business quarter, for a maximum of thirty (30) concurrent days.

14. No temporary sign shall be taller than six (6) feet in height.

~~15. Zones~~

~~16. Permit required.~~

Planning Commission Staff Report



Subject: Proposed Land Use Code Text Amendment
Regarding Short-Term Rentals
Author: Francisco Astorga, AICP, Planning Director
Date: March 15, 2022

Background

In October of 2021 the City amended the existing Accessory Dwelling Unit (ADU) Ordinance (Land Use Code) to further comply with recently approved House Bill 82 which mandated internal ADUs statewide as an allowed use, etc. During those discussions the Council directed Staff to produce a short-term rental (STR) policy. In January of 2022 the Planning Commission held a work session in which all things STRs were discussed including industry definition, impacts, types of regulations, trends, etc.

Analysis

In response to the current STR trend as well as Bountiful City's current lack of an STR ordinance, staff recommends the following regulations should the City move forward with an active policy:

1. Allow STRs in zones that allow single-family dwellings.
2. Allow STRs only in single-family dwellings (entire house) or within approved and compliant ADUs.
3. Regulate impacts via a proposed Short-Term Rental Application reviewed by the Bountiful City Administrative Committee.
4. Make neighbors aware of upcoming STR applications prior to approval.
5. Require that the property owner is aware of current regulations regarding parking, noise, garbage container, landscaping maintenance, etc.
6. Require that the property owner post certain information within the rental unit.

Department Review

This staff report was written by the Planning Director, and has been reviewed by the City Attorney.

Significant Impacts

At the time of this staff report, Airbnb and Vrbo listed approximately twenty (20) rentals in Bountiful. None of these have a business license as the current code does not indicate them as a permitted, conditional, or prohibited use. If the STR Ordinance is adopted, in any form, and if it specifically requires a permit / business license, staff would be able to efficiently keep track of approved STRs to be able to precisely track trends regarding complaints, location, quantity, etc. Staff would be better equipped to provide future amendments, if necessary.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendment regarding STRs, hold a public hearing, and forward a recommendation to the City Council based on the findings drafted on the attached proposed Ordinance. The City Council will hold a work session discussion to review the Ordinance after the Commission forwards a recommendation.

Attachments

1. Proposed Ordinance



BOUNTIFUL

Bountiful City Draft Ordinance No. 2022-03

MAYOR
Kendalyn Harris

CITY COUNCIL
Millie Segura Bahr
Jesse Bell
Kate Bradshaw
Richard Higginson
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

An Ordinance Adopting Section 14-14-127 to the Land Use Code of Bountiful City related to Short-Term Rentals.

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The City Planning Department requests certain Land Use Code Text Amendments relating to short-term rentals be considered; and
3. After review and a public hearing on March 15, 2022, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
4. The City Council of Bountiful City held a public hearing on this Ordinance on _____, 2022, and considered the statements made from the public as well as the recommendations from the Planning Commission and the Staff.
5. The City Council of Bountiful City finds that these amendments are necessary and are in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and
6. The City Council of Bountiful City reviewed the proposed ordinance and finds that the proposed amendments are in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION 1. Sections 14-14-127 of the Land Use Code of Bountiful City, Title 14 of the Bountiful City Code, related to Short-Term Rentals is hereby adopted and enacted as shown on Exhibit A.

SECTION 2. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this ____th day of _____ 2022.

Kendalyn Harris, Mayor

ATTEST:

Shawna Andrus, City Recorder

1 Exhibit A

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3 Section 14-2-111 is added to read:

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5 **14-14-127 SHORT-TERM RENTALS**

6
7 A. A Short-Term Rental is a residential dwelling unit or an accessory dwelling unit rented
8 on a temporary basis for periods less than 30 consecutive days.

9
10 B. All short-term rentals require a Short-Term Rental (STR) Permit. In order to receive
11 approval, STR Permits must be reviewed in a public meeting by the Bountiful City
12 Administrative Committee.

13
14 C. At least ten (10) days prior to the scheduled public meeting the Planning Department
15 shall mail out courtesy notice letters to property owners within one hundred feet (100') of
16 the subject submitted application and shall post a physical sign on the subject site.

17
18 D. A short-term rental shall not be allowed unless a STR Permit is approved and is found in
19 compliance with the following standards:

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21 1. Short-term rentals are allowed within the Single-Family Residential (R) Zone,
22 Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use
23 Zone; and shall not be permitted in any other zone.

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25 2. Short-term rentals are only allowed within approved Single-Family Dwellings and
26 Accessory Dwelling Units. It is unlawful to allow, construct, or reside in a short-
27 term rental within a duplex or multi-family residential building or property.

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29 3. A maximum of one (1) short-term rental shall be permitted on a qualifying lot.

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31 4. It is unlawful to construct, locate, or otherwise situate a short-term rental on a lot
32 or parcel of land that does not contain a habitable single-family dwelling.

33
34 5. Parking for the first four (4) bedrooms is based on the parking requirement for the
35 single-family dwelling, consisting of four (4) parking spaces. One (1) additional
36 parking space is required for every additional two (2) bedrooms. The site shall
37 comply with the current parking limitations outlined in the Bountiful Traffic Code
38 regarding on-street parking.

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40 6. The site shall comply with the current Noise Ordinance. The use of sound
41 equipment, sound related activities, and/or noise heard from the property line
42 from 11:00 p.m. to 6:00 a.m. shall be prohibited.

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44 7. The site shall comply with the current garbage container placement and pick-up
45 policy.
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8. The site shall comply with the current Landscaping Ordinance, including yard maintenance, removal of deleterious items, etc.,
 9. The property owner shall acknowledge in writing that they are aware of all the regulations listed herein, specifically on-street parking, noise ordinance, garbage container placement and pick-up policy, and landscaping ordinance.
 10. Prior to STR occupancy the property owner shall place a notice behind the main STR door to make occupants aware of parking, noise, garbage can regulations, etc. The Planning Dept. will produce the notice after approval. It is property owner's responsibility to maintain the notice, and to share applicable regulations with renters by other means utilized by the property owner, such as onsite booklet, e-mail communication, website, rental agreement, etc.
 11. A short-term rental within an accessory dwelling unit shall meet development standards found in compliance with Bountiful City Land Use Code Section 14-14-124 Accessory Dwelling Units, any applicable codes, etc.
 12. An STR shall not be approved unless it is compliant with all State and local laws, ordinances, rules and regulations. This includes all applicable zoning and building codes. An STR shall is prohibited within a non-conforming use or non-complaint structure.
- E. STR Permits do not run with the land and are not transferable to future property owners. Any transfer of ownership shall require a new application subject to all laws, ordinances, rules and regulations applicable at the time of application.
- F. After approval of a STR Permit, the property owner shall be responsible of applying and maintaining a current business license with the City.
- G. A short-term rental permit application shall cost \$225.