



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON MARCH 27, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. PUBLIC MEETING - Zone Text Amendment, CZC 12.55.100 Fences and Wall - LEGISLATIVE DECISION
This item was previously tabled at the January 24, 2024, Planning Commission meeting. The petitioner, Richard Jensen, desires to amend the Zoning Ordinance regarding fences and walls to accommodate a retaining wall and fence combination he would like to construct on the east side of his lot.
2. TRAINING - Robert's Rules of Order and Professionalism/Decorum
3. DISCUSSION - 2024 Planning Commission Goals and Priorities
The Planning Commission and Staff will discuss the goals of the commission for 2024.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

**PLANNING
COMMISSION**

Staff Report
3/27/2024

Item No. 1.

Title: PUBLIC MEETING - Zone Text Amendment, *CZC 12.55.100 Fences and Wall* - LEGISLATIVE DECISION

Initiated By: Richard Jensen, Applicant

Staff Representative: Whitney Black, Assistant Planner

SUBJECT:

This item was previously tabled at the January 24, 2024, Planning Commission meeting. The petition, Richard Jensen, desires to amend the Zoning Ordinance regarding fences and walls to accommodate a retaining wall and fence combination he would like to construct on the east side of his lot.

RECOMMENDATION:

CONSIDER RECOMMENDING DENIAL TO THE CITY COUNCIL OR TABLING FOR FURTHER REVIEW

BACKGROUND:

As the Planning Commission is aware, the petitioner, Richard Jensen, desires to amend the Zoning Ordinance regarding fences and walls (CZC 12.55.110) to accommodate a retaining wall and fence combination he would like to construct on the east side of his property. This request was previously tabled at the January 24, 2024, Planning Commission meeting.

ATTACHMENTS:

1. 03-21-2024 TABLED- PC Staff Report Zone Text Amendment - 12.55.110 Fences & Walls - Jensen Applicant
2. 01-24-2024 PC Staff Report - Zone Text Amendment - CZC 12.55.110 Fences & Walls - Applicant, Jensen
3. 02-19-2024-Applicant - Further Information to consider in request
4. Applicant - Draft of proposed text amendment to CZC 12
5. Applicant - Reasons supporting the request for amendment
6. Example #1 - Jensen Request - STAFF
7. Ordinance CZC 12.55.110

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232

STAFF REPORT
AGENDA: ITEM 1

PETITIONER:	RICHARD JENSEN 453 EAST CENTER STREET CENTERVILLE, UTAH 84014 <u>jrichard10@msn.com</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING FENCES AND WALLS (CZC 12.55.110)
RECOMMENDATION TO PC:	CONSIDER RECOMMENDING DENIAL TO THE CITY COUNCIL OR TABLING FOR FURTHER REVIEW
PREVIOUS ACTION:	TABLED BY PC JANUARY 24, 2024

BACKGROUND

As the Planning Commission is aware, the petitioner, Richard Jensen, desires to amend the Zoning Ordinance regarding fences and walls (CZC 12.55.110) to accommodate a retaining wall and fence combination he would like to construct on the east side of his property. This request was previously tabled at the January 24, 2024, Planning Commission meeting.

The staff report from the Community Development Department for the January 24, 2024, Planning Commission meeting is attached to this meeting packet for reference. The applicant has amended his application to include further information and suggestions regarding some of the staff's concerns discussed in the January 24, 2024, report. The applicant has also compiled the standards from several of the cities in Davis County regarding fence height.

COMMENTS ON NEW INFORMATION

Although the petitioner has provided more information regarding some of the staff's concerns regarding weather, permitting, building code standards, intrusiveness, and engineering, this request remains limited in nature and does not include a comprehensive review. This application only addresses one issue for one property. A more comprehensive review of this ordinance that will be in the best interest of the entire city is more appropriate.

SAMPLE MOTIONS

Based on the information provided by the Community Development Department, the applicant, and following the discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council denial of this request, table the matter to a later date, or recommend approval of the proposed amendment. With any of these motions appropriate findings of facts should be provided. Sample motions for the Planning Commission's convenience are located below.

#1 - TABLE

"I hereby make a motion for the Planning Commission to TABLE the request from Richard Jensen for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls until such a time as _____."

#2 – DENY

"I hereby make a motion for the Planning Commission to recommend to the City Council DENIAL of the request from Richard Jensen for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls. With the following reasons for action (findings):

- 1. The Planning Commission finds that the application does not adequately consider the potential positive and negative impacts of increasing the allowable fence or wall height.*
- 2. The Planning Commission finds that a more comprehensive ordinance amendment than what is proposed in this application is needed for CZC 12.55.110.*
- 3. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls should not be positively recommended to the City Council."*

#3 – APPROVE

“I hereby make a motion for the Planning Commission to APPROVE the request from Richard Jensen for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls. With the following reasons for action (findings):

(Findings discussed and agreed upon by the Planning Commission)”

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232

STAFF REPORT
AGENDA: ITEM 1

PETITIONER:	RICHARD JENSEN 453 EAST CENTER STREET CENTERVILLE, UTAH 84014 <u>jrichard10@msn.com</u>
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING FENCES AND WALLS (CZC 12.55.110)
RECOMMENDATION:	CONSIDER RECOMMENDING DENIAL TO THE CITY COUNCIL

BACKGROUND

The petitioner, Richard Jensen, desires to amend the Zoning Ordinance regarding fences and walls to accommodate a retaining wall and fence combination he would like to construct on the east side of his lot. The applicant applied for a building permit in October 2023 for the construction of a concrete retaining wall. During conversations with the applicant, he has explained that he has a retaining wall in this location that is failing, and he would like to replace it and put a 6' fence on top of it.

Unfortunately, during the staff's review of his building permit they discovered that the retaining wall and fence would exceed the maximum height allowed by the code. Staff initially denied the permit. The applicant resubmitted plans several times but ultimately could not achieve what he was wanting to construct within the parameters of the ordinance. In December 2023 the applicant applied for a text amendment hoping to get the code changed to build his desired project.

CURRENT CODE INTERPRETATION – *APPLIED TO JENSEN PROJECT*

The current code reads:

Height of Fences and Walls. No fence, wall, or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.

1. *When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:*
 - a. *The average elevation of the finished grade of adjoining properties at the fence line; or*
 - b. *If excavated or filled, the native elevation.*

In this case, there is a difference in grade between the applicant and his neighbor to the East. 1a. has been applied to the subject building permit application. The difference in grade between neighbors is about 4'. The overall height of the project is 10'. After taking the average elevation of the difference in grade, the final height calculation is 8'. See example #1 in the meeting packet. This is an overage of 2'.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

The applicant is purposing amending the zoning ordinance to reflect the following:

“Differentiate between non-structurally engineered walls and structurally engineered walls. Amend the allowed fence height from 6’ to 7’ for non-structurally engineered walls (typically chain-link, wood or vinyl) and 8’ for structurally engineered walls (typically concrete or CMU).”

Based on this information planning staff sees the proposed text amendment looking something like this.

Height of Fences and Walls. No fence, wall, or other similar structure exceeding ~~six~~-seven feet in height if non-structurally engineered, eight feet in height if structurally engineered, shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.

1. *When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:*
 - a. *The average elevation of the finished grade of adjoining properties at the fence line; or*
 - b. *If excavated or filled, the native elevation.*

ZONING CODE TEXT AMENDMENT REVIEW PROCESS

When considering a zoning code text or a zoning map amendment, the Planning Commission is to consider four factors stated in *CZC 12.21.080(e)*. Factors two through four relate specifically to zoning map amendments and do not apply to this zone code text amendment. The Planning Staff will limit their review to factor number one as provided below:

1. Is the proposed Zoning Code Text Amendment consistent with the goals, objectives, and policies of the General Plan?

The General Plan states the following about fences and walls:

“Visually obstructing materials such as fences constructed of wood, composite materials, concrete or masonry are typically used. In determining the appropriate choice, maintainability and vulnerability to the elements, graffiti and other forms of vandalism, should be considered. Wood and composite materials are more vulnerable to vandalism and destruction and are more difficult to clean. Concrete and masonry construction is much more vandal resistant and may be constructed of graffiti-resistant surfaces which make removal of graffiti or resurfacing easier. Smooth, clean, lightly colored surfaces are more attractive to vandals and should be avoided. Textured surfaces, combined with landscape materials and plants which restrict access to the barrier, have a deterrent effect on vandalism and graffiti and should be used appropriate. In any event, walls and fences should be compatible with the design of the structures.”

- **Staff’s Response:** The Planning Staff believes that the General Plan is unbiased concerning the height of fences or walls. Notwithstanding the absence of such a preference, it is the staff’s opinion that there are several factors to consider when discussing the height of fences and walls.

FACTORS TO CONSIDER CONCERNING FENCE/WALL HEIGHT

Several items need to be considered when discussing the height of fences and walls. The staff has provided a list of some of those factors:

- How would weather, specifically wind, impact a higher standing fence?
- Are there any safety issues that need to be considered with a higher fence?
- Should fences exceeding 6’ be structurally engineered?
- Should permits be required for fences exceeding 6’?
- Are fences higher than 6’ visually intrusive?
- Would higher fences create visual and safety issues regarding traffic or vehicle usage?

- Would higher fences impede access to utilities, easements, fire hydrants, or the like?
- Should the City distinguish between fences and walls?
- Retaining walls up to 8' are allowed in the Hillside Overlay Zone. Should that be taken into consideration during a fence and wall amendment?

These are just a few of many questions that need to be considered and that have not been addressed with this application. Staff understands the applicants desire to be able to construct his project. However, after reviewing this request and the ordinance, the staff feels that there are several components of this ordinance that need to be reviewed and possibly amended. This application only addresses one issue. Staff recommends that a more comprehensive review of this ordinance be completed, and appropriate changes be considered, including how fence height is calculated, at a later time.

PLANNING STAFF RECOMMENDATION

SUGGESTED MOTION #1 – DENY

*“I hereby make a motion for the Planning Commission to recommend to the City Council **DENIAL** of the request from Richard Jensen for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls. With the following reasons for action (findings):*

- 1. The Planning Commission finds that the application does not adequately consider the potential positive and negative impacts of increasing the allowable fence or wall height.*
- 2. The Planning Commission finds that a more comprehensive ordinance amendment than what is proposed in this application is needed for CZC 12.55.110.*
- 3. Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls should not be positively recommended to the City Council.*

Proposed Changes to Centerville CZC 12.55.110 Fences and Walls

by Richard D. Jensen

19 February 2024

Staff Concerns for the Proposed Maximum Fence Height Change from 6' to 8'.

1. How would weather, specifically wind, impact a high standing fence? The additional load imposed on a higher fence by the Centerville canyon winds needs to be considered as it currently is in czc 12.55.110, a, 4, e – “all fencing above 6' in height shall comply with any and all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.”
2. Are there any safety issues that need to be considered with a higher fence? There are no safety issues with regard to the fence failing if it is properly engineered and installed.
3. Should fences exceeding 6' be structurally engineered? Masonry fences should be structurally engineered with appropriate details, calculations and a professional engineer's stamp. Non-masonry fences need not be engineered but should be designed by the manufacturer or installer for the designated use.
4. Should permits be required for fences exceeding 6'? Yes, permits should be required for fences exceeding 6' in height.
5. Are fences higher than 6' visually intrusive? Fences higher than 6' are intended to provide increased privacy and security in the back yards of Centerville residents. The word intrusive could be used to describe someone who would object to a neighbor's privacy fence.
6. Would higher fences create visual and safety issues regarding traffic or vehicle usage? Since 8' fences would only be allowed in back yards or side yards (with setback) then there should be no vehicular or traffic safety issues with the proposed change. Maximum 4' high fences would still be located along or perpendicular to roadways where cars are entering/exiting the public way.

Some Definitions (from Bountiful)

1. Fence: A structure serving as an enclosure, barrier or boundary which defines an outdoor space.
2. Fence, Sight-Obscuring: A fence which permits vision through not more than 10% of each square foot more than eight inches above the ground.
3. Fence, Open: A fence which permits vision through more than 50% of each square foot more than eight inches above the ground.

Walls and Fences – maximum heights and ratings

1. Chain-link fabric available from 3' to 20' in 1' increments. Ratings and construction details by the manufacturer.
2. Wood fence limited by the height of dimensional lumber sizes which typically are available up to 16'. Ratings and construction details by the fence builder or installer.
3. Vinyl fence vinyl fences are typically available up to 8' high. Ratings and construction details by the manufacturer.
4. Concrete limited by the height of available concrete forms which is usually 16'-20'. Height is much more flexible (up to 50' or more) if the wall is precast on a separate flat

slab and hoisted into place. Walls exceeding 6' would require structurally engineered drawings and calculations.

5. CMU virtually unlimited (up to 50' or more) however substantial large, evenly spaced columns would be required when the wall height exceeds 16'-20'. Walls exceeding 6' would require structurally engineered drawings and calculations.

Review of Adjacent Cities in South Davis County

1. Fence Height – Front Yard

- a. Bountiful 4' open style, 3' opaque style.
- b. Centerville 4' any fence.
- c. Farmington 4' any fence.
- d. NSL 4' open style, 3' opaque style.
- e. W Bountiful 4' any fence.
- f. Woods Cross 4' open style, 3' opaque style.

2. Fence Height – Back Yard/Side Yard Setback

- a. Bountiful 6' opaque, 8' open style, 8' hybrid (6' opaque with 2' open on top)
 - i. Exceptions 10' open style fences allowed for pools, tennis, etc. 8' any fence allowed along the interstate freeway.
- b. Centerville 6' any fence
 - i. Exceptions 10' any fence in hillside zones, 8' any fence at differing zones.
- c. Farmington 8' any fence
 - i. Exceptions as allowed by the zoning administrator.
- d. NSL 6' any fence
 - i. Exceptions 8' any fence to obstruct wildlife or along the interstate freeway. 10' open style fences allowed for pools, tennis, etc.
- e. W Bountiful 6' any fence
 - i. Exceptions as allowed by the planning commission at incompatible uses or 14' open style fence allowed for pools, tennis, etc.
- f. Woods Cross 6' any fence
 - i. Exception 8' any fence allowed along the interstate freeway or ranch/farm fence.

3. Grade Differential

- a. Bountiful fence built to the allowed height measured from either side of the grade differential.
- b. Centerville fence built to the allowed height measured from the average of two grades at the property line.
- c. Farmington fence built to the allowed height measured from either side of the grade differential.
- d. NSL fence built to the allowed height measured from the average of the two grades at the property line.
- e. W Bountiful fence built to the allowed height measured from either side of the grade differential.
- f. Woods Cross fence built to the allowed height measured from either side of the grade differential.

Review of 2021 International Residential Code

1. The 2021 IRC does not address the height of fences at all. It does address the required elements and construction requirements of different walls related residential structures.

Proposed Changes to Centerville CZC 12.55.110 Fences and Walls

1. Wall Height – Three Options
 - a. Differentiate between non-structurally engineered walls and structurally engineered walls. Amend the allowed fence height from 6' to 7' for non-structurally engineered walls (typically chain-link, wood or vinyl) and 8' for structurally engineered walls (typically concrete or CMU).
 - a. Change allowable height of fences and walls in rear or side yards from six feet to eight feet.
 - b. Change allowable height of fences and walls in rear or side yards from six feet to eight feet and where the average height of said wall does not exceed six feet.
2. Grade Differential at Wall
 - a. When a difference in grade exists on either side of the fence or wall, the height of the fence or wall shall be measured from the highest grade or side in lieu of the current requirement which is the average elevation of the finished grade of both sides of the fence.

4. Screening trees as indicated in the Tree Selection List of this Chapter shall be planted at thirty (30) foot intervals inside property lines of each multi-family, commercial, institutional, or industrial use located within twenty (20) feet of a single-family residential development or zone.

14-16-110 FENCE, WALL AND LIGHTING STANDARDS FOR A SINGLE-FAMILY OR TWO-FAMILY DWELLING

The following shall apply to any single-family or two-family dwelling on an individual lot:

- A. On an interior lot, a fence located within a minimum rear and/or side yard setback shall be:
 1. A maximum of six (6) feet in height if the fence is solid and/or otherwise site obscuring.
 2. A maximum of eight (8) feet in height if the fence is "open style" (at least 75% open and as further defined by this Title).
 3. A maximum of eight (8) feet in height if the lower section of the fence is solid for a maximum of six (6) feet in height and then "open style" (at least 75% open and as further defined by this Title) for the remaining vertical distance.
- B. In the minimum front yard setback area, an "open style" fence shall be a maximum of four (4) feet in height, and any wall or other type of fence shall be a maximum of three (3) feet in height, except as further restricted in a clear-view area.
- C. On a corner lot and on any lot that does not qualify as an interior lot, a street side yard and/or street rear yard may be enclosed by a fence to the same extent as a minimum rear yard or minimum side yard setback on interior lot, except for any clear-view area.
- D. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, ball diamond, etc., may be allowed up to ten (10) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the minimum front yard setback area. A fence greater than ten (10) feet in height and/or closer than five (5) feet to a property line may be permitted with a conditional use permit or through the site plan review process if the fence is part of a new project. A fence abutting the Interstate freeway system may be erected to a height not exceeding eight (8) feet on the property line adjacent to the freeway right-of-way.
- E. Outdoor lighting shall be directed downward by means of prismatic lens, deflector, or other shading device to avoid projecting onto adjacent properties or streets. No flashing lights shall be allowed except for seasonal decoration allowed by this Title.

14-16-111 FENCE, WALL AND LIGHTING STANDARDS IN ALL OTHER DEVELOPMENTS

With the exception of a single-family or two-family dwelling on an individual lot, the following shall apply to any lot or parcel within Bountiful City:

- A. A wall or fence shall be a maximum of six (6) feet in height, with the exception that any wall or solid fence located within twenty (20) feet of a public street shall be a maximum of three (3) feet in height, and any "open style" fence located within twenty feet of a public street shall be a maximum of four (4) feet in height.
- B. Any outdoor storage area shall be screened from view by a minimum six (6) foot high wall constructed of, or finished with, materials to match or compliment the main building material of the site.
- C. Any roof mounted mechanical equipment shall be screened from public view by a parapet wall or similar device that is no lower in height than six (6) inches below the height of the mechanical equipment on the exposed side or sides. No chain link fencing, with or without slats, shall be allowed as a screening device for such equipment.
- D. Any loading or delivery facility shall be screened from street view by a six (6) foot high wall constructed of wood, brick, vinyl, masonry, or similar material as approved by the land use authority.
- E. A solid screening device or wall of masonry, wood, vinyl or similar material shall be constructed along property lines which are located within twenty (20) feet of a residential dwelling or zone. Such wall shall be a minimum of six (6) feet in height, except for areas within twenty (20) feet of a public street property line, where it shall be the maximum height allowed in a single-family residential zone.
- F. A wall of six (6) feet in height shall be required along the rear lot line of a reverse frontage lot. In conjunction with a subdivision plat or Planned Unit Development a fence along the rear lot line of a reverse frontage lot may have a maximum height of eight (8) feet with specific approval of the Planning Commission. Such walls shall be constructed of masonry, wood, vinyl, or similar material as determined by the land use authority. Any street tree or landscaping element required by this Title shall be installed between the wall and the public street improvement.
- G. The exterior boundary of a mobile home park shall be provided with a masonry, wood or vinyl wall having a minimum height of five (5) feet and a maximum height of six (6) feet and shall be designed in an irregular or undulating pattern to create an attractive appearance, as determined by the land use authority. The mobile home park owner and a lessee shall landscape the land between the wall and public street improvements with street trees and other landscape materials and shall maintain the landscaping continuously as required by this Title.
- H. Outdoor lighting shall be directed downward by means of prismatic lens, deflector or other shading device to avoid projecting onto adjacent properties or streets. No flashing lights shall be allowed except for seasonal decoration allowed by this Title.

14-16-112 GRADE DIFFERENTIAL

In instances where there is a grade differential along a property line separating two (2) lots as a result of a retaining wall or topographic feature, a fence, hedge, wall, or other permitted screening device may be erected to the maximum height permitted on either side of the property line. Also, in instances where a fence runs along a sloped property line, a pre-manufactured

rectangular fence panel of up to ten (10) feet in length or less may be installed horizontally to vertical posts such that one end of the panel is at grade level, and the other end is no more than two-tenths (0.2) of a foot above grade level for each linear foot of fence panel. The area beneath the bottom of the fence and the ground may be filled or remain open, and the panel height may be the maximum permitted on either side of the property line.

14-16-113 VACANT LOTS

Minimum yard setback areas apply to each lot or parcel, regardless of whether it is vacant or developed. Therefore, fencing standards shall be applied to a vacant or undeveloped lot in the same manner as to developed land.

14-16-114 NONCOMPLYING WALLS AND FENCES

A noncomplying wall, fence, landscaping element, or related site feature shall be considered a noncomplying site element and shall not be reconstructed except as permitted under the procedures for noncomplying sites as set forth in the Administration and Procedures Chapter of this Title.

14-16-115 XERISCAPE STANDARDS

The following are the minimum standards for xeriscaping any parkstrip or other landscape area located within a public right-of-way:

- A. There shall be at least one (1) street tree for every forty (40) linear feet of frontage, or fraction thereof.
- B. At least fifty percent (50%) of the required landscape area shall be in live vegetation.
- C. Live vegetation shall be distributed throughout the landscape area, and shall not be clustered or segregated.
- D. Bark, lawn clippings, chipped wood, and similar loose materials are not permitted.
- E. Decorative rock material shall be a minimum of one (1) inch aggregate, and shall not exceed the height of the sidewalk nor the top back of curb. Such material shall be at least three (3) inches deep and shall be placed completely on top of a weed fabric barrier that allows the permeation of water.
- F. White quartz rock, lava rock, and gravel or any other material that approximates the color of concrete, are not permitted.
- G. Any area of xeriscape shall be improved with a drip irrigation system or similar permanent irrigation system that covers the entire area.
- H. Any individual, corporation, or other entity that xeriscapes an area within a public right-of-way shall be responsible for any damage caused by rocks or other materials that migrate onto a sidewalk, street, storm drain or other public facility, regardless of how such migration occurs.

14-16-116 BARBED WIRE AND ELECTRICAL FENCE RESTRICTIONS

- A. Barbed Wire. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any similar device on any residential property. Where allowed, any barbed wire fence or similar device shall be deemed unlawful unless it is attached at the top of a fence or similar structure at a height not less than six (6) feet above the ground. In such cases, no more than three (3) strands of barbed wire, maximum of six (6) inches apart each, strung tightly and not coiled, shall be allowed and not be included in the overall height requirement of the fence.
- B. Electrical Fences. It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge.

14-16-117 TREE SELECTION LIST

The following trees in Table 14-16-117a shall be approved for use in areas of landscaping regulated by this Title. As new tree varieties are continuously being developed, the City recognizes that it is not possible for this list to contain every derivation or subspecies of tree available. Therefore, the land use authority may allow a substitution if it is found that the proposed tree is similar in size, growth pattern, durability, desirability and impact as a tree contained in the approved list.

Table 14-16-117a

BOTANICAL NAME	COMMON NAME	TREE TYPE		
		1 = Ornamental Tree 2 = Screening Tree 3 = Street Tree		
Acer Ginnala	Amur Maple	1	2	-
Acer Platanoides	Norway Maple	1	-	3
Acer Platanoides Columnare	Pyramidal Norway Maple	1	2	3
Acer Platanoides Crimson King	Crimson King Norway Maple	1	2	3
Acer Platanoides Emerald Queen	Emerald Queen Norway Maple	1	-	3
Acer Platanoides Royal Red	Royal Red Norway Maple	1	2	3
Acer Rubrum	Red Leaf Maple	1	-	-
Acer Rubrum Red Sunset	Red Sunset Maple	1	-	3
Albizia Julibrissin Rubra	Mimosa Silk Tree	1	-	-
Betula Papyrifera	Canoe Birch	1	2	3

12.55.110 Fences And Walls

- (a) Height of Fences and Walls. No fence, wall, or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.
1. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - a. The average elevation of the finished grade of adjoining properties at the fence line; or
 - b. If excavated or filled, the native elevation.
 2. No fence need be less than 48 inches in height.
 3. The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.
 4. The Zoning Administrator may approve a fence, wall, or similar structure not to exceed a height of eight feet, as a buffering element, where a differing zone district boundary is present. Such fence shall be subject to the following:
 - a. A "permitted use" application shall be submitted to the City for any fence higher than six feet.
 - b. The increased height placement shall be limited to placement or location along a zone district boundary between two differing zones, when and where there is a difference in zone intensity and the higher intensity zone is missing the buffering element of CZC 12.51.070 or between any A-L and R-L Zone boundary.
 - c. In no case shall the increased height be placed, located, or extended into any front yard or street side yard setback requirement of any zone.
 - d. Where utility easements are present, the "permitted use" request shall comply with CZC 12.55.100 Easements.
 - e. All fencing above six feet in height shall comply with any or all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.
 5. South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
 6. Street Side Yard, Corner Lots. For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot (see Figure 1.1 for a visual reference).

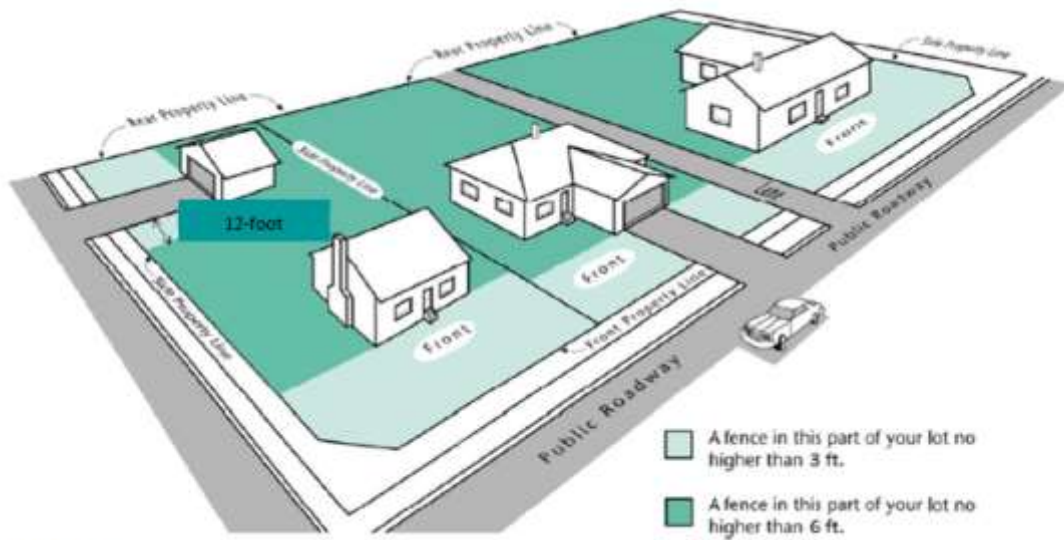


Figure 1.1

- (a) Fences in Front Yard and Street Side Yard. Except as otherwise provided herein, no fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-17](#) on 7/17/2018

Amended by Ord. [2021-19](#) on 9/7/2021

11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):

D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

1. Under no circumstance shall any garage encroach into the front yard or any other yard, except side yards and the rear yard, of the building lot;
2. Attached garages constructed even with the front setback line, or that are set back (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than thirty three percent (33%) of the front plane of the home on lots greater than eighty five feet (85') in width, and up to forty percent (40%) on lots less than eighty five feet (85') in width if for every percentage point over thirty three percent (33%) the garage is set back (or recessed) an additional one foot (1') behind the front plane of the home. Side loaded garages where windows, openings and fenestration of the front façade thereof are consistent with such features of the main building and where the garage door does not face the street are an exception to this standard.
3. All garages, unless otherwise provided herein, shall be considered as a permitted use.
4. Garages must be compatible and consistent with existing garages in the area. The placement of garages in the general vicinity and on adjoining properties with respect to setbacks and the position of existing garages in relation to the main buildings will be a consideration in determining site plan approval for new garages. Property owners may be asked to provide information regarding such during the building permit application review process.

ORDINANCE NO. 2023-56

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 11, ZONING REGULATIONS. THIS AMENDMENT APPLIES OPEN STORAGE AND FENCING PROVISIONS EQUALLY IN RESIDENTIAL AREAS. (ZT-11-23)

WHEREAS, following the established goals of the City to maintain a clean and safe community; and

WHEREAS, to update ordinances to apply provisions in neighborhoods that aren't agriculture in nature; and

WHEREAS, to clarify requirements in the city's ordinances to better empower enforcement activities when necessary; and

WHEREAS, the Farmington City Planning Commission and City Council have held public hearings pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Multiple sections of the Farmington City Zoning Ordinance are hereby amended as set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 19th day of September, 2023.

FARMINGTON CITY

ATTEST:

Brett Anderson, Mayor

DeAnn Carlile, City Recorder

11-2-Definitions

" **RESIDENTIAL AREA** " Includes a lot or parcel in any residential subdivision or any property on which a dwelling is located, except for lots or parcels located within the AA or A zoning districts.

11-28-140: FENCES:

A. Side, Rear Yards: No fence, wall, hedge or similar device shall be constructed or placed in any required side or rear yard in a residential area in excess of eight feet (8') in height. Where a retaining wall is reasonable and necessary and is located on a property line separating two (2) lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

B. Front Yard: No fence, wall, hedge or similar opaque device or open, mesh type fences (e.g., chain link fences) shall be constructed in a required front yard of a residential **area** in excess of four feet (4').

C. Side Corner Yard:

1. Maximum: The maximum height of a fence, wall, hedge or similar device constructed in the side corner yard of a corner lot in a residential **area** shall be six feet (6') and shall not be constructed closer than eight feet (8') to the property line at the street frontage.

2. Modification: The zoning administrator may modify the requirement of the eight foot (8') setback or the four foot (4') front yard height limit where it can be demonstrated that the construction of a fence, wall, hedge or similar device closer to the property line at the street frontage, will not adversely affect the safety of pedestrians nor obstruct the view of or impact the safety of vehicular traffic or adversely affect adjacent properties. The zoning administrator, in his evaluation of the impact of the proposed fence, wall, hedge or similar device, shall consider location of driveways, adjacent sidewalks, street widths and rights of way, circulation visibility and overall streetscape aesthetics.

11-28-160: OPEN STORAGE IN RESIDENTIAL **ZONES-AREAS**:

No yard in a residential **area-zone** shall be used for the storage of junk, building materials, debris, obsolete or abandoned vehicles, or equipment. All such materials shall be stored completely within an enclosed building.

ORDINANCE NO. 2023-57

AN ORDINANCE AMENDING SECTION 6-1-027: PROPERTY OWNERS' ASSOCIATIONS OF TITLE 6: BUSINESS REGULATIONS. (ZT-16-23)

WHEREAS, the having contact information in a database of registered owners' associations will prove to be useful information for the city; and

WHEREAS, encouraging owners' associations to register by removing the financial costs for doing so will facilitate a process for faster and more comprehensive collection of data; and

WHEREAS, the City Council has held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Section 6-1-027 of the Farmington City Ordinance is hereby amended as set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 19th day of September, 2023.

FARMINGTON CITY

ATTEST:

Brett Anderson, Mayor

10-1-33: FENCE STANDARDS:

No person shall construct, erect, install, place, or replace any fence in the City not in compliance with the terms and conditions of this title and the International Residential Code. Fences lawfully existing or permitted prior to the effective date hereof (March 6, 2018), shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title.

A. Residential Zoning Districts:

1. Permitting:

a. Fence Permit: A fence six feet (6') in height or less shall be required to obtain a land use permit to ensure the placement and materials are in conformance with applicable codes.

b. Existing Fences: For existing fences a building permit is not required for painting, maintenance or repair. The property owner shall be responsible for the following:

(1) Installing the fence within the boundaries of the owner's property and in compliance with this section, including proper materials, height, setback and clear view areas; and

(2) Complying with any subdivision covenants or restrictions, deed restrictions and utility easement restrictions.

c. Fences Requiring A Building Permit: A fence greater than six feet (6') in height requires a building permit which shall be obtained prior to construction, erection, installation, or placement. A building permit shall be valid only for the term of issuance, unless suspended or revoked.

d. Permit Application: For any fence which requires a building permit, the following shall be filed with the City:

(1) A completed City building permit application form;

(2) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the fence, height of the fence, fencing materials and its distance from existing structures on the property;

(3) Engineering calculations including wind and snow loads;

(4) The written consent of the property owner(s) where the fence will be installed; and

(5) Any other information required by the City to assist in the review of the application.

e. Permit Fee: A permit fee shall be remitted upon issuance of the building permit, the amount of which shall be established by the City building official in accordance with the adopted City fee schedule.

f. Application Review And Permit Issuance: The Community Development Department shall review, approve and issue the building permit provided that the application is in compliance with this Code.

g. Completion Of Installation: A fence authorized by a building permit shall be fully installed in accordance with this title within one hundred eighty (180) days of the date of permit issuance.

(1) A permit shall expire one hundred eighty (180) days after the date of issuance, after which no work requiring such a permit shall be commenced, resumed or undertaken until an extension is granted or a new permit is issued.

(2) The applicant may file a written request for an extension of the building permit prior to expiration, stating the reason for the request. If good cause is shown, an additional one hundred eighty (180) days may be granted by the Community Development Director to complete the fence installation.

2. General Requirements:

a. Obstruction Of Ingress/Egress Area Of A Dwelling: A wall or fence may not be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three feet (3') shall be maintained between any fence and any such window or opening in a dwelling.

b. Height Measurement: Fence height shall be measured from the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property nearest the fence.

(1) Berms or other means to raise the elevation of the ground upon which a fence is proposed to be located shall be included in the measurement of fence height.

(2) Fence height determinations shall be made by the Community and Economic Development Director, or designee.

c. Grade Differential: If a grade differential exists along a property line separating two (2) lots as a result of a retaining wall or topographic feature, a fence, hedge, wall or other permitted screening device may be erected to the maximum height permitted on either side of the property line.

d. Vacant Lots: Fencing standards shall apply to a vacant or undeveloped lot in the same manner as a developed lot.

e. Front Yard Regulations: Fences installed in a front yard shall comply with all of the following requirements:

(1) A fence seventy five percent (75%) or more open is allowed up to four feet (4') in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line;

(2) A fence which is not seventy five percent (75%) or more open is allowed up to three feet (3') in height;

(3) No person shall locate a fence exceeding four feet (4') in height between the principal structure and the front property line; and

(4) Fences which exceed three feet (3') in height shall not encroach within clear view areas as regulated in section 10-1-31 of

this chapter.

f. Rear/Side Yard Regulations: Fences in rear and side yards shall meet all of the following requirements:

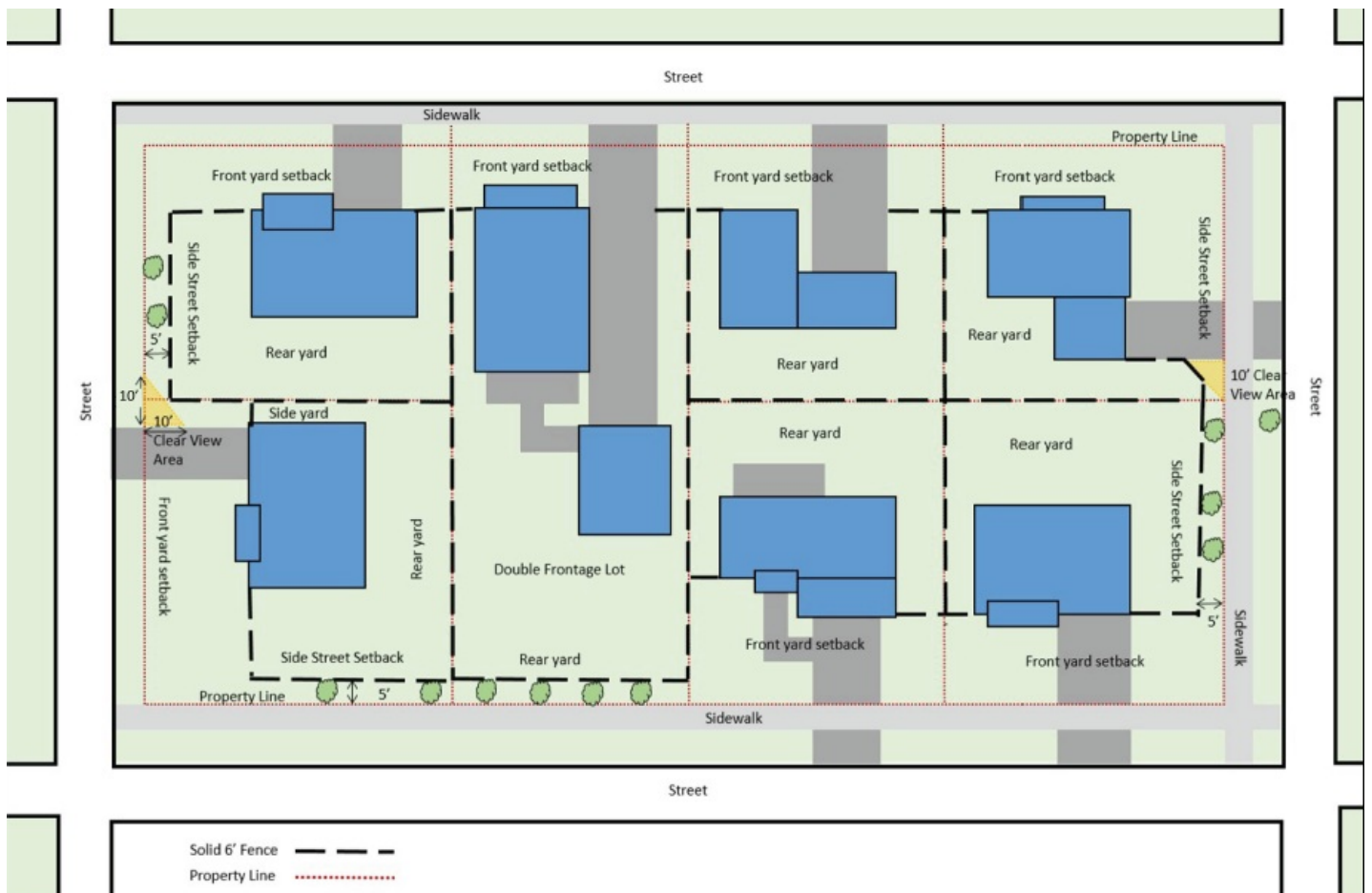
- (1) Fences up to six feet (6') in height are permitted in side or rear yards and shall not extend beyond the front yard setback line.
- (2) If a higher fence is necessary to prevent wildlife from entering a property, the maximum height of the fence located within the rear and side yards may be increased to eight feet (8') subject to the provisions of subsection A2h(1) of this section. Such fences shall only be allowed in side and rear yards behind the front building line of the principal structure. Fences above six feet (6') in height are not permitted in the minimum rear yard setback on a double frontage lot.
- (3) Fences which exceed three feet (3') in height shall not encroach within clear view areas as regulated in section 10-1-31 of this chapter.
- (4) A fence abutting the interstate freeway system may be erected to a height not exceeding eight feet (8') on the property line adjacent to the freeway right-of-way.
- (5) No fence shall be permitted in excess of six feet (6') in a street side yard on a corner lot.

g. Corner Side Yard: Fences on corner lots shall meet all of the following requirements:

- (1) Decorative wrought iron fencing or fencing that is similar in appearance and which is at least seventy five percent (75%) or more open may be installed up to six feet (6') in height, one foot (1') behind sidewalk; and shall not extend into the front yard setback.
- (2) Solid fences shall be permitted up to six feet (6') in height and shall be set back a minimum of five feet (5') behind the sidewalk or side street property line, whichever is greater; and may not extend into the front yard setback. (See figure 1 of this section.)
- (3) Solid fences shall not encroach into any ten foot (10') clear view triangle for adjacent property owner driveway. (See figure 1 of this section.)
- (4) Where corner lots are adjacent to each other with rear yards abutting, a six foot (6') solid fence is permitted, set back five feet (5') from the street side yard lot line. (See figure 1 of this section.)
- (5) Where a corner lot rear property lot abuts a side yard of a neighboring property line, solid fences shall be set back from the sidewalk or street side property line to the minimum front setback of the adjacent lot. (See figure 1 of this section.)

FIGURE 1

SOLID FENCES



h. Materials: All fences shall meet all of the following requirements:

- (1) Fences greater than six feet (6') in height but not exceeding eight feet (8') in height shall be seventy five percent (75%) or more open above six feet (6') in height and constructed of materials that complement the six foot (6') fence. Chainlink fences above six feet (6') in height are only permitted on lots greater than or equal to three-fourths ($\frac{3}{4}$) of an acre or as permitted in subsection A2I of this

section.

(2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

i. Maintenance:

(1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.

(2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.

(3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.

j. Existing Fences:

(1) Any fence existing as of the effective date hereof, shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title.

(2) A noncomplying wall, fence, landscaping element or related site feature shall be considered a noncomplying site element and shall not be reconstructed, except as permitted under the procedures of noncomplying sites as set forth in this title.

k. Prohibited Fences: No person shall install:

(1) A fence which creates a hazard to users of the street, sidewalk or to nearby property; or

(2) An incomplete fence, consisting only of posts and supporting members.

l. Special Fences: Fences and/or enclosures for specific uses (whether public or private) including swimming pools, sports courts, or gardens shall meet all of the following requirements:

(1) If up to ten feet (10') in height, it shall not be sight obscuring and shall be at least five feet (5') away from the property line;

(2) Shall be in side and rear yards located behind the front building line of the principal structure. All corner lots shall have one street side yard and one front yard;

(3) Permitted if greater than ten feet (10') in height and/or closer than five feet (5') to a property line with a conditional use permit or, if the fence is part of a new project, through a site plan review approval;

(4) Chainlink is an acceptable material for special fences; and

(5) No fence shall be permitted in excess of six feet (6') in a street side yard on a corner lot.

3. Appeals:

a. Appeals: An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation under this subsection A may appeal such denial, decision, determination or interpretation within ten (10) days to the City's Hearing Officer.

B. Subdivisions, Planned Unit Developments, Or Multifamily Developments:

1. Reverse frontage lots:

a. A wall or fence of six feet (6') shall be required along the rear lot line of a reverse frontage lot.

b. Perimeter walls or fences required in conjunction with a subdivision plat or planned unit development approval, walls or fences along the rear lot line of reverse frontage lots may have a maximum height of eight feet (8') with specific approval of the Planning Commission and shall have a minimum five foot (5') landscape buffer between the wall and the sidewalk, or curb, whichever distance is greater.

2. New residential developments adjacent to an existing non-compatible or not similar use: Any walls or fences where required along the development perimeters shall be constructed of masonry, tilt up concrete panels, decorative wrought iron or similar decorative metal fencing, composite fencing, or other decorative material approved by the Planning Commission with the exception of vinyl and chain link fencing which is prohibited.

C. General Commercial And Industrial Developments: The following shall apply to any lot or parcel, except where legally existing prior to the effective date of these regulations:

1. A wall or fence shall be a maximum of six feet (6') in height, with the exception that any wall or solid fence located within twenty feet (20') of a public street shall be a maximum of three feet (3') in height. Any fence seventy five percent (75%) or more open, located within twenty feet (20') of a public street, shall be a maximum of four feet (4') in height.

2. Center Street, Redwood Road, Cutler Drive or 1100 North: Chain link fencing shall be permitted only on side and rear property lines which are not adjacent to residential land uses or zone districts. Such use of chain link fencing shall not extend beyond the front facade of the building. Chain link fencing shall not be permitted on a side street property line.

3. All gates for vehicular access to areas used for parking or storage shall slide sideways or swing inward. Gates along front or street side property lines shall not be constructed of chain link fencing.

4. Any outdoor storage area shall be in conformance to subsection D of this section.

5. Any roof mounted mechanical equipment shall be screened from the public view by a parapet wall or similar device that is no lower in height than six inches (6") below the height of the mechanical equipment on the exposed side or sides. No chainlink fencing, with or without slats, shall be allowed as a screening device for roof mounted mechanical equipment.

6. A solid screening device or wall of masonry, composite, or similar material shall be constructed along property lines which are located within twenty feet (20') of a single-family residential development or zone. Such wall shall be a minimum of six feet (6') in height, except that the first twenty feet (20') in from the street property line shall be stepped down to three feet (3') in height.

D. Outdoor Storage: No yard or other open space shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein and as permitted or conditionally permitted in a zone district.

1. Existing Outdoor Storage: Outdoor storage lawfully existing or permitted prior to the effective date hereof (March 6, 2018), shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title. Non-conforming property owners shall only be required to comply with provisions contained herein, upon application for site plan amendment, conditional use permit expansion, change of primary use of the property, or subdivision.

2. Noncomplying Site Element: A noncomplying wall or landscaping element or related site feature shall be considered a noncomplying site element and shall not be reconstructed, except as permitted under the procedures of noncomplying sites as set forth in this title.

3. Location: No outdoor storage shall be located in a required front yard setback.

4. Surface Material: Outdoor storage yards shall be hard surfaced with asphalt, concrete, or other dustless material, such as washed gravel, recycled asphalt, or permeable surface treatment.

5. Screening:

a. All outdoor storage shall be screened from the view of any adjacent public street or adjacent residential land use or zone district by a decorative solid wall constructed of masonry or concrete tilt up panels which are similarly finished to match or complement the main building material on site. Outdoor storage walls shall be a minimum six feet (6') in height and a maximum twelve feet (12') in height measured at the highest finished grade.

b. A chain link fence with slat inserts shall not constitute an acceptable screening device to satisfy the requirements of this subsection. Chain link gates may only be used in conjunction with outdoor storage under the following circumstance:

(1) They are not located on property lines adjacent to City streets (Center Street, Redwood Road, Cutler Drive, and 1100 North),

(2) They are screened with a vinyl or fabric mesh screen. Vinyl slats are not permitted as a screening method.

c. All portions of outdoor storage areas shall have adequate grading and drainage and shall be continuously maintained.

d. Outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way.

e. Outdoor storage areas shall be buffered between the screening wall and the adjacent street with improved vegetated landscaping. The buffer area shall be comprised of a mixture of evergreens and deciduous trees, shrubs, lawn, or other vegetative ground cover, or up to fifty percent (50%) non-vegetative mulch. The minimum tree size shall be two inch (2") caliper for ornamental and shade trees and six foot (6') height for coniferous trees. Trees shall be planted with a maximum separation of twenty five feet (25') on center. Woody shrubs shall be a minimum two (2) gallon size container.

6. Materials And Equipment Storage General Commercial (C-G) Zone:

a. Materials stored behind any screening wall shall be stacked no higher than the top of the screening wall, unless set back from the wall a minimum of twenty feet (20'). The maximum height of outdoor storage materials shall be sixteen feet (16').

b. Heavy equipment or vehicles which are taller than the screening wall adjacent to a residential use or a residentially zoned property, shall be set back from the wall a minimum of two feet (2') for every one foot (1') of equipment height above the height of the screening wall or a minimum of twenty feet (20'), whichever is greater.

7. Manufacturing Distribution (M-D) Zone:

a. Storage yards with frontage on Center Street, Redwood Road, or 1100 North: Materials stored behind any screening wall shall be stacked no higher than the top of the wall adjacent to the street, unless set back from the wall a minimum of twenty feet (20'). The maximum height of outdoor storage materials shall be sixteen feet (16').

b. Storage yards with frontage on other City streets: Materials stored behind any screening wall shall be stacked no higher than the top of the wall, unless set back from the wall a minimum of twenty feet (20'). The maximum height of outdoor storage materials shall be twenty feet (20').

c. Heavy equipment or vehicles which are taller than the screening wall adjacent to a residential use or a residentially zoned property shall be set back from the wall a minimum of two feet (2') for every one foot (1') of equipment height above the height of the screening wall or a minimum of twenty feet (20'), whichever is greater.

d. Heavy equipment or vehicles which are taller than the screening wall adjacent to Center Street, Redwood Road, or 1100 North shall be set back from the wall one foot (1') for every foot of equipment height above the top of the wall.

8. Dumpsters And Refuse Containers For New Or Expanded Uses In All Zones:

a. Construction: Enclosures shall be a solid, opaque enclosure constructed of brick, masonry, or concrete wall panels of at least six feet (6') in height measured at the highest finished grade.

b. Placement: Placement of dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each dumpster and the unobstructed opening of the gates during the emptying process. Dumpsters shall not be located in such a manner that the service vehicle will block any street intersection, nor shall they be located within a required front setback area.

c. Gates: All enclosures shall have service access gates and their construction shall be of sturdy metal frame and hinges with an opaque non-see-through facing material. Service gates shall be attached to post not connected to the enclosure. Enclosures with gates that swing out from the dumpster shall be set back from the property line at least a distance equal to the width of the gate. Hinge

assemblies shall be strong and durable so access and servicing gates function properly and do not sag.

E. Outdoor Display:

1. The outdoor display of merchandise for sale is allowed as an accessory use to the main use on the same lot or tract of land.
2. The outdoor display of goods for sale incidental to a retail use, plant nursery, sales and rental of motor vehicles, mobile homes, boats or trailers, or the outdoor display of automobile-related merchandise for sale incidental to a gasoline filling station shall not be required to be screened.
3. In all districts where outdoor display of goods is permitted, such display shall conform to all of the following requirements.
 - a. All outdoor display shall conform to the use-specific requirements of that particular use;
 - b. No outdoor display area shall be located in a required landscaped area.
 - c. Outdoor display areas shall meet all landscaping requirements.
 - d. No portion of the right-of-way shall be used for any type of display.
 - e. No outdoor display area shall be permitted to obstruct a pedestrian walkway.
 - f. In no instance shall outdoor display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.
 - g. Outdoor display shall be situated so as not to create a visibility obstruction within a parking area or adjacent public street.
 - h. All portions of outdoor display areas shall have adequate grading and drainage and shall be continuously maintained.

F. Barbed Wire And Electrical Fence Restrictions:

1. Barbed Wire: It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any fence topped with barbed wire or any similar device in any residential zone. In any commercial or manufacturing zone, where permitted under section 10-11-3 of this title, barbed wire may be attached to the top of a fence or similar structure at a height not less than six feet (6') above the ground in height. In such cases, no more than three (3) strands of barbed wire, strung tightly and not coiled, shall be allowed and not be included in the overall height requirement of the fence. Razor wire is strictly prohibited in any application.
2. Electric Fences: It shall be unlawful for any person to install, maintain, or operate an electric fence in violation of this section. Electric fences are allowed as a permitted use in the M-D and M-G Districts only. Electric fences abutting a residential use are prohibited. Electric fences in the permitted zoning districts are allowed subject to the following requirements:
 - a. Location Requirements: Electric fences shall only be allowed for security of outdoor storage. Electric fences shall not be allowed in required front yard setbacks.
 - b. Fence Height: Electric fences shall be a maximum height of ten feet (10').
 - c. Perimeter Fence Or Wall: No electric fence shall be installed or used unless it is fully enclosed by a nonelectrical fence or wall that is a minimum of six feet (6') in height, not to exceed the height of the electric fence. The nonelectrical fence shall be constructed of materials that reasonably prevent a person from reaching through the outer fence to touch the electric fence. There shall be at least one foot (1') of spacing between the electric fence and the perimeter fence or wall. The area between the fences shall be kept clear of landscaping, shrubbery, other fences, or material of any kind.
 - d. Warning Signs: Electric fences shall be clearly identified with warning signs that read: "Warning - Electric Fence" at intervals of not greater than thirty feet (30').
 - e. Security Box: Electric fences shall have a small, wall mounted safe or box that holds building keys for all emergency personnel. Access must also be provided to emergency personnel for a remote shutdown and/or key switch to disable the electric fence, as per sections 102.9, 104.9, and 506 of the International Fire Code. The appropriate location of the key box and key switch shall be designated by the Fire Marshal.
 - f. Electrification: The electrical charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in figure 102 of International Electrotechnical Commission (IEC) standard no. 60335-2-76, as amended, or a similar standard if acceptable to the City building official.
 - g. Installation: The installation and maintenance of the electric fence shall be in compliance with all applicable codes and ordinances, including, but not limited to, the International Building Code, International Electric Code, International Fire Code, etc., and manufacturer's installation instructions.
 - h. Inspection And Approval: Prior to installation of an electric fence, a building permit must be issued by the City building official for the fence. After installation of the electric fence, the City building official shall be notified of its installation and shall conduct, or provide for a third party designee to conduct, an inspection of the electric fence for compliance with all applicable codes and ordinances.
 - i. Alarm System Requirements: Any alarm system installed with an electric fence is subject to the requirements in title 5, chapter 6 of this Code
 - j. Failure to properly maintain electrical fencing or warning signage shall constitute a violation of this section subject to civil penalty and shall be enforced as provided in Title 12 Administrative Code Enforcement. (Ord. 2018-02, 3-6-2018; amd. Ord. 2020-11, 4-7-2020)

WEST BOUNTIFUL CITY

ORDINANCE #446-21

AN ORDINANCE CREATING WBMC 17.50 CLEAR VIEW AREA/FENCE REQUIREMENTS AND DELETING RELATED SECTIONS 17.14.100, 17.16.100, 17.20.100, 17.24.100

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and

WHEREAS, the West Bountiful Planning Commission identified issues related to front yard fencing and clear view areas needing clarification; and

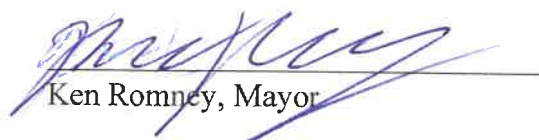
WHEREAS, following a properly noticed public hearing on August 10, 2021, the Planning Commission recommended open fencing be permitted in front yards, clear view areas be extended to driveways as well as street intersections, and these regulations be moved to a separate section of the Zoning Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC 17.50 IS CREATED AND SECTIONS 17.14.100, 17.16.100, 17.20.100, and 17.24.100 BE DELETED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 21st day of September 2021.

By:


Ken Romney, Mayor

Voting by the City Council:

	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	☒	☐
Councilmember Bruhn	☒	☐
Councilmember Enquist	☒	☐
Councilmember Preece	☒	☐
Councilmember Wood	☒	☐

Attest:


Cathy Brightwell, City Recorder



NEW SECTION

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

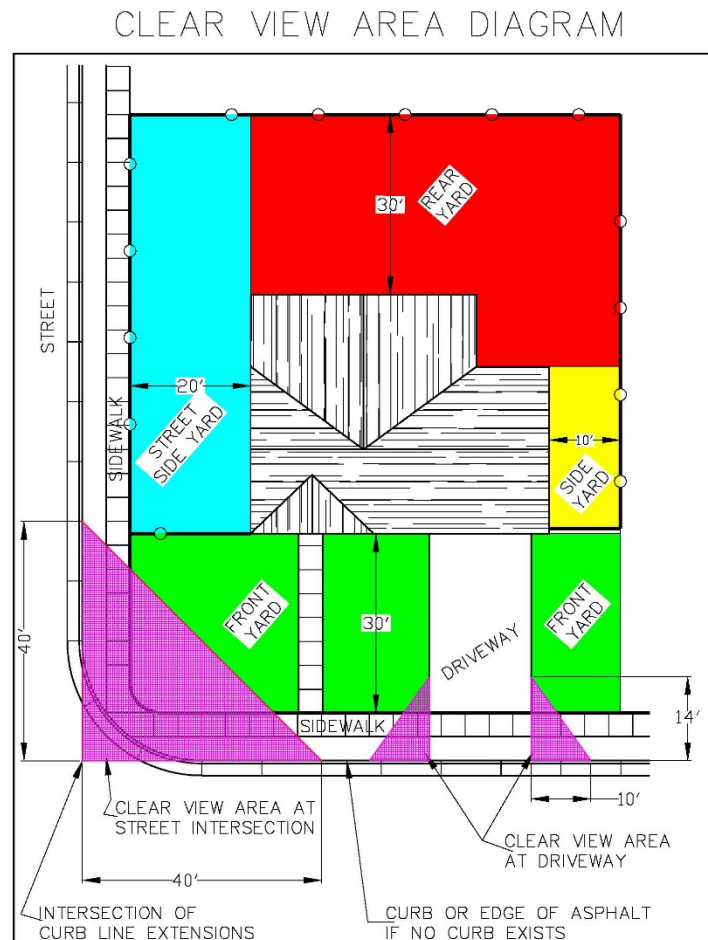
A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** is a triangle with a forty-foot side along each intersecting street, beginning at the point of intersection of the back of curb lines or, if there is no curb, the edge of asphalt lines, and encompassing a portion of the street right-of-way and the adjoining lot (see diagram). Within the clear view area, the following shall apply:
1. Solid fences, walls, sight obscuring vegetation or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 6. No vehicle parking is allowed.

B. The clear view area for the **intersection of a driveway and a street** is an area on each side of the driveway, beginning at the point of intersection of the driveway edge and the back of curb line or, if there is no curb, the edge of asphalt line, with one side extending along the back of curb or edge of asphalt line ten (10) feet away from the driveway, and the other side extending fourteen (14) feet along the edge of the driveway from the front or street side lot line toward the interior of the lot (see diagram). The City Engineer may reduce the required length of the side along the back of curb or edge of asphalt line to six (6) feet or more where existing conditions will not permit a length of ten (10) feet. Within the clear view area, the following shall apply:

1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.



17.50.030 Front Yard Fences

Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements:

- A. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located three (3) feet or more from the front street right of way or sidewalk, whichever is closer to the primary building on the lot. In addition, such a fence, or hedge is allowed up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk.

17.50.040 Rear, Side Yard, and Street Side Yard Fences

- A. Rear yard. Fences, walls, and hedges shall not exceed six (6) feet in height within any rear yard.
- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard.
- C. Street side yard. Subject to the clear view area regulations in this chapter, fences and walls shall not exceed six (6) feet in height within any street side yard.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six (6) feet within any required rear yard or side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. When a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, or ball diamond, may be allowed up to fourteen (14) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the clear view area or minimum front yard setback area.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of all front yard fences, fences over six feet high, and retaining walls over four feet high.

Title 15 Building & Construction

15.08.020 Building Permit

- H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the city consistent with Chapter 17.50.

Delete Fencing Sections from each Zoning District.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 446-21 was duly
passed and published, or posted at three public places within the municipality
on September 23, 2021 which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*


Cathy Brightwell, City Recorder

DATE: 9/23/21

In the event of a dispute of the interpretation of the requirements of this section or other clear view regulations in this Title, the matter shall be referred to the City Engineer who shall base its decision on established engineering standards.

12-28-107. Culinary Water and Sewage Disposal.

In all Zones, culinary water service and sanitary sewer disposal shall comply with the current ordinances, rules and regulations of the Davis County Health Department, the South Davis Sewer District and the City.

Where allowed under current regulations, all culinary well water service and all septic systems shall comply with the current ordinances, rules and regulations of the Utah Department of Environmental Quality, the Davis County Health Department and the South Davis Sewer District.

12-28-108. Fencing Regulations.

(a) Definitions: For purposes of this Chapter, and as applicable elsewhere in this Title, the following definitions shall apply:

(1) Fence: An artificially constructed enclosure or barrier (including gates) composed of material such as metal, wire, wood, concrete, masonry, vinyl, plastic or other material (or combination of materials) that is used as a boundary, means of protection, privacy or confinement. A fence may not be solely comprised of vegetative materials such as hedges, shrubs, trees or other natural growth.

(2) Sight Obscuring Fence: A fence so constructed that it limits or impairs visibility through and beyond the fence. A fence shall be deemed sight-obscuring if it is entirely opaque.

For purposes of setbacks and sight lines, an open mesh chain link or other similar open type fence that has slats or similar sight obscuring materials placed therein shall be considered to be a "sight obscuring" fence.

(3) Non-sight Obscuring Fence. A fence so constructed that it enables or allows complete visible images to be seen through and beyond such fence.

(4) Concertina Wire. Spiral strands of wire, generally barbed, placed horizontally along the top of a fence.

(5) Outriggers. A fence whereon the upper portion is angled outward from the lower vertical portion.

(6) **Yard, Front.** An area extending across the full width of a lot or parcel, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent. Generally, the preferred “front yard” shall be the yard area facing the front or main door to the structure. Where a structure is located on a corner lot, the property owner or developer shall be entitled to designate the “front yard” as long as said yard faces the front or main door to the structure and meets all required setbacks. If required to mitigate adverse effects on traffic flow, sight lines, etc. the Planning Commission may designate a front yard that is different than proposed by the property owner or developer.

(b) **Residential Zones:** The following restrictions shall apply to all fences located in residential zones, including residential zones where other uses are allowed, e.g., the CRT Zone, and in prior nonconforming residential uses. (see Figure 2):

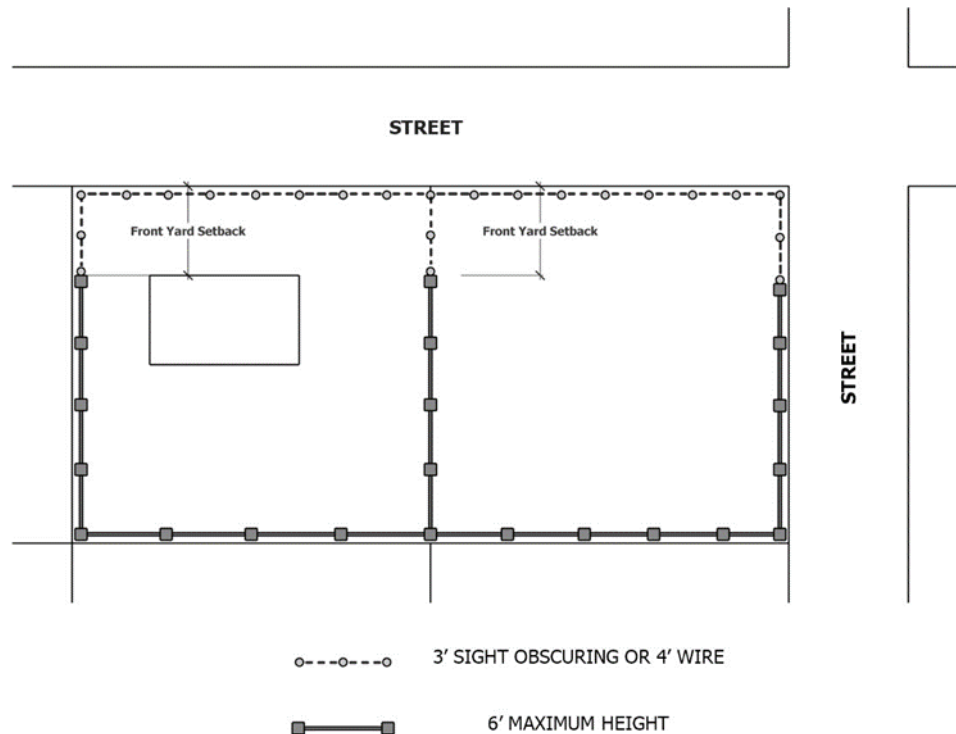


Figure 2
Maximum Fence Heights

(1) **Front Yard:** The maximum height of a sight-obscuring fence located within a front yard shall be 3 feet. The maximum height of a non-sight obscuring fence located within a front yard shall be 4 feet.

(2) Clear Vision Area - Corner Lots: A clear vision area shall be maintained on all corner lots in the City as required by this Chapter and as otherwise required by this Title.

(3) Other Areas: Except as otherwise provided in this Title, the maximum height of any fence located on any other portion of a lot shall be six (6) feet. However, for yards that abut the Interstate 15 or Legacy Highway rights-of-way, a fence may be erected to a maximum height of eight (8) feet.

(c) Non-residential Zones: The following restrictions shall apply to all fences located in nonresidential zones:

(1) Height: The maximum height of fences in non-residential zones shall be 8 feet.

(2) Location – Corner Lots: Fences on corner lots shall meet the clear vision area requirements of subsection (b), above, this Chapter and this Title.

(3) Fences Adjacent to Residential Uses. Subject to the buffering and setback requirements of this Title, any fence located on the boundary of a non-residential lot or zone and a residential lot or zone shall be at least six (6) feet in height and shall not exceed eight (8) feet in height. Where needed to mitigate the adverse effects of a non-residential use, the Planning Commission may allow or require a fence that varies in height from the requirements of this section.

(4) Other Areas and Requirements:

(A) The maximum height of any fence located on any other portion of the lot shall be six (6) feet. However, a fence may be erected to a height of eight (8) feet along a property line that abuts the rights-of-way of Interstate 15 or Legacy Highway.

(B) Ranch or Farm Fence: The maximum height of a non-sight obscuring ranch or farm fence within an agricultural zone or on a nonconforming lot where an agricultural use is conducted shall be 8 feet. Ranch or farm fences are only allowed on parcels for which the primary use of the land is ranching or farming. Ranch or farm fences shall not be required to comply with the setback requirements set forth above. However, more restrictive requirements may be imposed if the Director, in consultation with the Police Chief and City Engineer, determines that the fence would create a safety hazard.

(C) Concertina Wire or Outriggers: prohibited in all Zones except the I-I, I-1A, I-2 and AP Zones.

(D) Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade of property, and is located on a property boundary line, a fence may be installed at the top of the retaining wall at the same height as would otherwise be allowed in the particular Zone.

12-28-109. Yard, Landscaping, Maintenance and Storage.

(a) Lots and parcels in any zone shall be improved and maintained as follows:

(1) Landscaping shall be installed and properly maintained in good condition free from weeds and noxious plants, refuse and debris, and otherwise in compliance with the requirements of this Title.

(2) Subject to other requirements of this Title, landscape improvements for single-family and 2-family residential uses shall be completed within 14 months from the date of occupancy; provided however, when demonstrated unique or unforeseen circumstances exist, the Director may grant extensions, the total of which shall not exceed 12 months.

(3) Driveways leading from a street to a parking lot, garage, carport or other off-street parking space shall be paved with asphalt or concrete, and shall be completed prior to the issuance of a certificate of occupancy.

(4) No trash or rubbish shall be allowed to accumulate on any lot in any zone.

(5) It shall be unlawful to park, store, leave or to permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the City limits for a period of time in excess of 15 days; provided however that not more than two (2) such vehicles or parts thereof may be allowed if stored completely within a covered building or placed behind an approved sight obscuring fence. Any such vehicle or parts stored behind a sight obscuring fence shall be placed on an asphaltic, concrete or other hard or semipermeable surface upon which plants, weeds or other vegetative material will not grow; or alternatively the area shall be maintained in a condition where plant materials are maintained at a height not exceeding six (6) inches. This subsection shall not apply to such vehicles and parts that are stored within an approved junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Title.

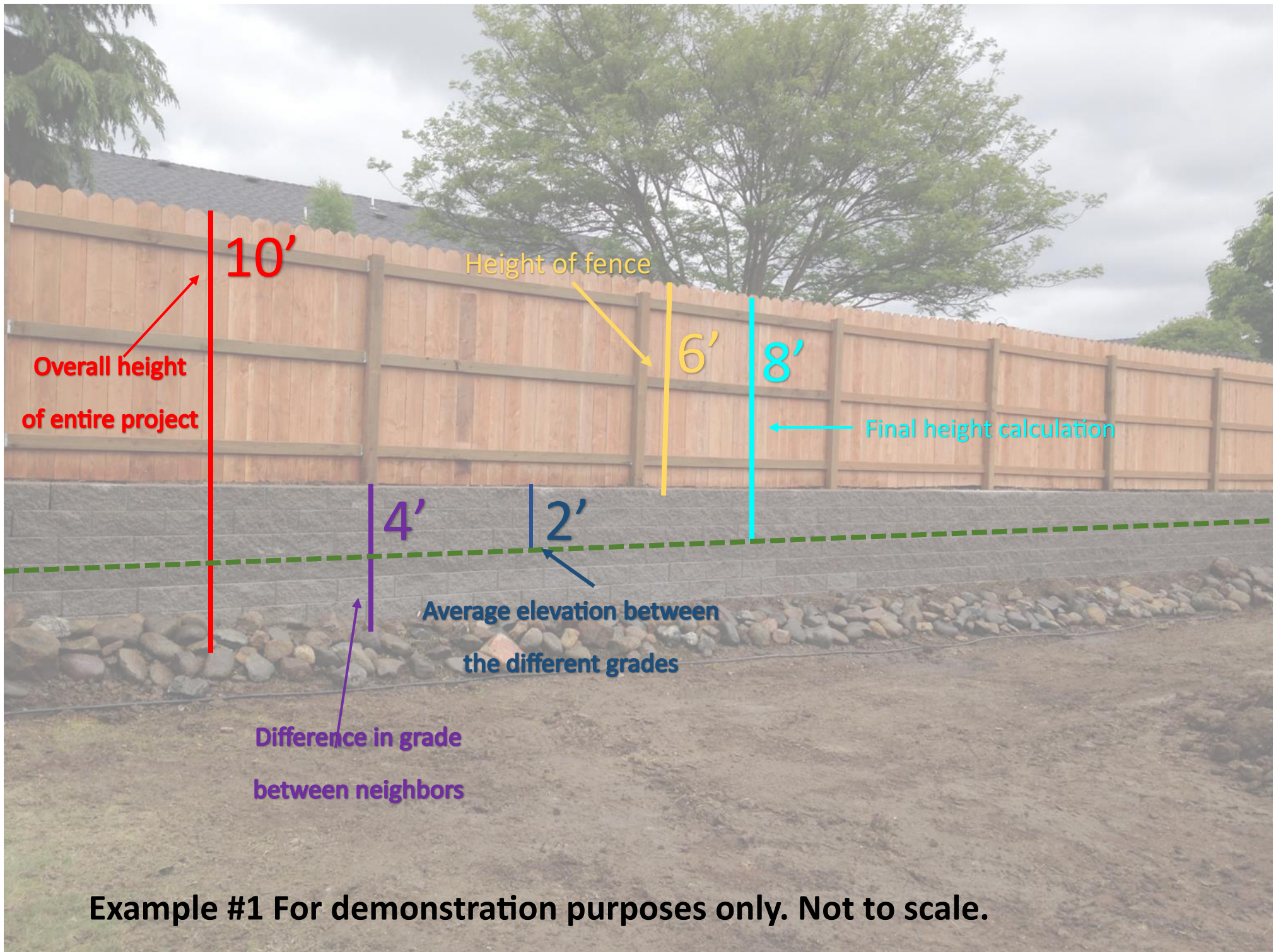
(6) Where allowed as a permitted or conditional use in the specific zone, the storage of merchandise, partially or completely dismantled automobiles or salvage materials in any zone shall be governed by the regulations of that

Draft of proposed text amendment to CZC 12.55.110 by R Jensen dated 12-3-23:

Differentiate between non-structurally engineered walls and structurally engineered walls.
Amend the allowed fence height from 6' to 7' for non-structurally engineered walls (typically chain-link, wood or vinyl) and 8' for structurally engineered walls (typically concrete or CMU).

Reason(s) supporting the request for an amendment by R Jensen dated 12-3-23:

A structurally engineered wall on a sloped lot where the maximum height is 6' along any portion of the wall ends up having an average height of between 3' to 5' because the wall steps as the lot slopes down or up. This does not allow the wall to be a good visual and sound barrier between neighbors in the back yard. Good walls make good neighbors.



Example #1 For demonstration purposes only. Not to scale.

12.55.110 Fences And Walls

(a) Height of Fences and Walls. No fence, wall, or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.

1. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - a. The average elevation of the finished grade of adjoining properties at the fence line; or
 - b. If excavated or filled, the native elevation.
2. No fence need be less than 48 inches in height.
3. The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.
4. The Zoning Administrator may approve a fence, wall, or similar structure not to exceed a height of eight feet, as a buffering element, where a differing zone district boundary is present. Such fence shall be subject to the following:
 - a. A "permitted use" application shall be submitted to the City for any fence higher than six feet.
 - b. The increased height placement shall be limited to placement or location along a zone district boundary between two differing zones, when and where there is a difference in zone intensity and the higher intensity zone is missing the buffering element of CZC 12.51.070 or between any A-L and R-L Zone boundary.
 - c. In no case shall the increased height be placed, located, or extended into any front yard or street side yard setback requirement of any zone.
 - d. Where utility easements are present, the "permitted use" request shall comply with CZC 12.55.100 Easements.
 - e. All fencing above six feet in height shall comply with any or all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.
5. South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
6. Street Side Yard, Corner Lots. For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot (see Figure 1.1 for a visual reference).

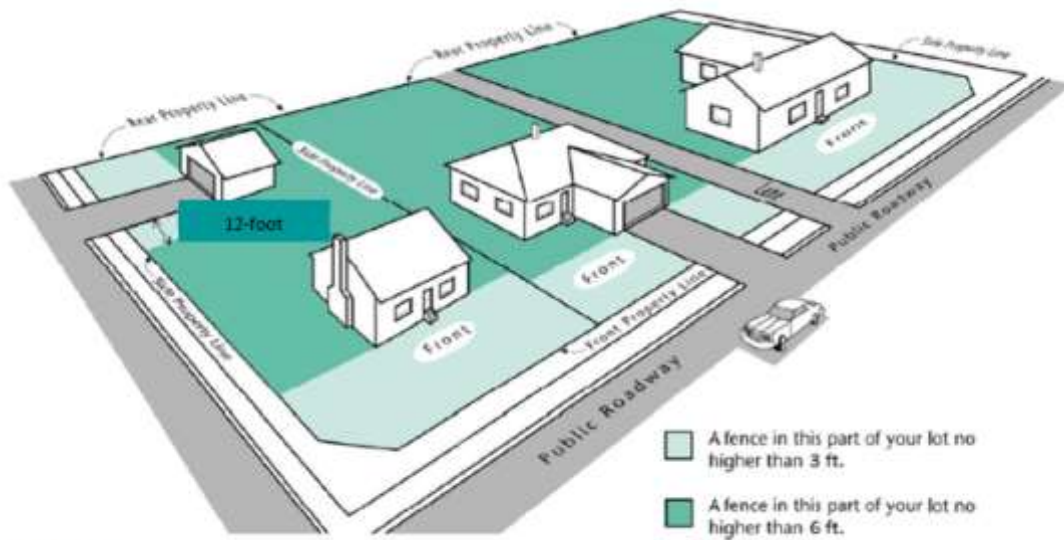


Figure 1.1

- (a) Fences in Front Yard and Street Side Yard. Except as otherwise provided herein, no fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-17](#) on 7/17/2018

Amended by Ord. [2021-19](#) on 9/7/2021

CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
3/27/2024

Item No. 2.

Title: TRAINING - Robert's Rules of Order and Professionalism/Decorum

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

Training will be provided by the City Attorney regarding Robert's Rules of Order and Professionalism/Decorum.

ATTACHMENTS:

1. PowerPoint - Robert's Rules of Order (2024)

*Robert's Rules of Order

Planning Commission Training
March 27, 2024

- * By City Ordinance, Planning Commission meetings are to be conducted in general accordance with Robert's Rules of Order
- * Does not require technical compliance
- * Should be used to help rather than hinder the decision-making process

* Required

- * Robert's Rules of Order are basic parliamentary rules and procedures that govern to facilitate efficient and fair decision-making
- * Robert's Rules have been used since the establishment of the colonies and are based in part on the English Parliament procedures

* History

- * Provide for efficient and effective decision-making
- * Provide for uniform procedures and expectations
- * Ensure fairness
- * Protect the right of the majority to decide
- * Protect the right of the minority to be heard

* Purpose

- * A quorum must be present to conduct business
- * A quorum of the Planning Commission is four members
- * Need enough representation to conduct the public's business
- * An unrepresentative few should not take action on behalf of the public

* Quorum

- * If a quorum is present, majority vote governs
- * Right of minority to be heard in discussion and debate
- * Right of majority to decide
- * Once decided, minority must respect and abide by the decision
- * Should vote when you can rather than abstain

* Majority Rules

- * Motion
- * Second
- * Chair restates the motion as seconded
- * Discussion and debate
- * Vote
- * Chair restates motion as approved

* **Motions**

- * Motion to amend
- * Second
- * Restate the motion to amend as seconded
- * Discussion and debate
- * Vote on amendment
- * Original motion as amended is on the table
- * Discussion and debate
- * Vote on motion as amended

* Amendments

- * Motion opens debate
- * Maker of the motion may speak first
- * Focus on issue at hand
- * Avoid irrelevant issues or questions
- * Avoid personal remarks or judgment
- * Address ordinance criteria
- * Affirmatively state points
- * Address concerns
- * Discussion and debate not negotiation
- * Avoid circular debate

* Discussion and Debate

- * Motion to table or postpone delays action on a question
- * Table to date certain if possible
- * State reason for delay
- * Request additional information or clarification if needed

* Postponement

- * Be on time and start on time
- * Be prepared and read your packet
- * Be respectful and impartial
- * Respect the floor
- * Avoid sidebar discussions
- * Avoid texting
- * Stay focused and engaged

* Meeting Tips

**PLANNING
COMMISSION**

Staff Report
3/27/2024

Item No. 3.

Title: DISCUSSION - 2024 Planning Commission Goals and Priorities

Initiated By: Planning Commission

Staff Representative: Whitney Black, Assistant Planner, Mike Eggett, Community Development Director

SUBJECT:

The Planning Commission and Staff will discuss the goals of the commission for 2024.

RECOMMENDATION:

BACKGROUND:

The Planning Commission and Staff will discuss and suggest possible goals for the commission for 2024.

ATTACHMENTS:

1. 2023 PC Goals

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

PLANNING STAFF MEMORANDUM

DATE: JANUARY 11, 2023

TO: MAYOR CLARK WILKINSON
BRANT HANSON, CITY MANAGER

FROM: COMMUNITY DEVELOPMENT

SUBJECT: PLANNING COMISSION DISCUSSION AND GOALS PLANNING

On January 11, 2023, the Planning Commission met and discussed potential goals and a strategy outline that could be considered. The Planning Commission welcomes an opportunity to meet with the City Council to discuss these future goals. The Commission is open and desires to attend a work session or some type of retreat to prioritize the planning work for the City with the City Council's advice and input. For your information, the newly elected Commission Chair is Heidi Shegrud and the elected Commission Vice Chair is Matthew Larson.

Below is a summary of the planning work identified by the Planning Commission.

LIST OF MAJOR PLANNING PROJECTS

General Plan Update/Economic Planning – The General Plan Update portion would involve strategic updating portions of the Plan that are either outdated or in need of significant changes to meet the needs of the City for the next 20 years. Primarily, the updates would be for the generalized elements regarding Residential/Housing, Commercial/Industrial Development, Natural Hazards, Transportation/Circulation, etc. and not necessarily for the various neighborhood plans. Additionally, there is growing need to address future needs of specific areas, such as the West Centerville Neighborhood, South Main Street Corridor, and some undone previous wants to the Southwest Neighborhood Plan. Below is a suggested potential strategic outline for accomplishing such goals:

- A. West Centerville Neighborhood Plan (*in conjunction with a “market economic study.”*)
This area is seemingly the feasible area of continued growth and development. Several property owners are seeking potential use changes in order to develop their project plans. The competing interests of commercial, industrial, and housing needs to be better understood. Furthermore, developing a location for a potential Frontrunner Stop has been proposed in the past.
- Rating: **PRIORITY**
- B. Transportation/Circulation Element. Updates are needed to further identify needs for I-15 Interchange and Legacy Parkway Interchanges, the west side connection to Farmington, Frontrunner Station (if desired). Furthermore, a 2018 Alternative Transportation Study was

previously performed by WFRC, in conjunction with Centerville, West Bountiful, Bountiful, and North Slat Lake. Many elements of that study need to be considered and included in this element's update.

Rating: **PRIORITY**

- C. Community Facilities Element. Updates are needed to begin planning for and integrating/connecting, the various trails, bike lanes, parks, commercial centers, museums, performing arts centers, City Hall, with additional urban pathways, trailheads, way-finding signing, etc.

Rating: **SEMI-PRIORITY**

- D. South Main Street Corridor Plan Update – In spite of past efforts to consider additional changes, the currently adopted and modified “*South Main Street Corridor Plan Overlay Zone*” remains as the current planning model for the corridor. Staff believes that this current model has been mostly compromised in its original form and has not, so far, incentivized any significant real new development. Therefore, the Overlay Zone may need to be rescinded and the long past original C-M Zoning District maybe be restored until/unless a new vision can be adequately identified.

Rating: **UNDETERMINED**

- E. Other Various General Plan Elements – There are other Main Elements will need to re-written and amended to reflect the changes and updates of the above-mentioned updates.

Rating: **SEMI-PRIORITY**

- F. Southwest Neighborhood Plan Updates. Due to concerns about multi-family and allowed densities, a previous Council desired to address such community concerns specifically in the south end of the City. The Southeast Plan was chosen first because of the closing of the Dick's Market on Pages Lane and plans were underway for redeveloping the property. This Plan was completed in May of 2018. Nonetheless, the Southwest Neighborhood remains unaltered and other planning priorities took precedent. Staff only is mentioning this because it was at one time a desired planning project.

Rating: **UNDETERMINED**

Subdivision Ordinance Update – The staff/commission have reviewed several sections for updating the City's Subdivision Ordinance. This effort has stalled for the past year or so.

Rating: **PRIORITY**

General Plan Updates to Zoning Code or Map Update – As the General Plan Updates take place, additional ordinance or map amendments will be needed to implement the changes/amendments.

Rating: **PRIORITY**

LIST OF MINOR PLANNING PROJECTS

Conditional Use Permit Standards Update – Over the past few Legislative Sessions, along with case law concerns, there has been several political and case examples challenging Conditional Use provisions, specifically the subjective or interpretive style provisions of many CUP ordinances. The discussion or expectations amongst the planning community have resulted in a belief that CUP uses should be removed and either allowed as permitted uses or prohibited, if justified. Staff believes that the CUP process can be relevant for allowing uses that could be acceptable but may take specific mitigation measures. Therefore, the City needs to review the adopted CUP provisions and remove provisions that are too subjective or interpretive, in order to justly use of the CUP approval process.

Rating: **PRIORITY**

Parrish Lane Gateway Design Standards Modifications – A while back, staff presented several edits to this ordinance, specifically regarding concerns that the UDOT roadway standards conflict with some of the City's design standards. Consequently, a few of the more recent developments, do not fully comply with the gateway standards with regards to pedestrian pathway placement and landscape berming. The Parrish Gateway Design standards need to be modified to reflect the actual built environment that has taken place. Additionally, some members of the City Council had concerns over the cost and maintenance related to the decorative streetlight poles, as well as the pedestrian crossings stamped design expectations.

Rating: **LOW-PRIORITY**

Foothills Management Plan Tasks – The City's Foothill Management Plan (*a GP Element*) directs the City to accomplish the following tasks:

- Create a Geologic-Hazard Element and Ordinance. This would eventually replace/update the current Hillside Overlay Ordinance.
- Establish Proper Mitigation Standards for the Wildland-Urban Interface Zone. This would create standards to mitigate wildland fires in the foothills.

Rating: **UNDETERMINED**

Northwest Neighborhood Plan Task – This neighborhood plan directs the City to accomplish the following task:

- Create a Zone/Overlay to establish areas to be preserved as semi-rural (5+ acres).

Rating: **UNDETERMINED**

**PLANNING
COMMISSION**

Staff Report
3/27/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By: Mike Eggett, Community Development Director

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

RECOMMENDATION:

BACKGROUND:

Tentative Future Agenda Items:

- Zone Map Amendment Request - 1193 N Main Street from A-L to R-L
- Conceptual Site Plan - 1175 W 500 N

2024-2025 Budget Presentation Highlights:

- Capital Projects Expenditures: Budgetary programming for General Plan Study project (which is expected to be in process during the entirety of the 2024-25 Fiscal Year).
- Increased training budget for Planning Commission and departmental staff (these opportunities include: Utah League of Cities and Towns (ULCT), American Planners Association (APA), Utah Business Licensing Association (UBLA), Utah Land Institute (ULI), and RDA/Economic Development training.
- Minor increase to budgetary programming for Planning Commission expenses, due to more anticipated Planning Commission meetings and General Plan meetings participation.
- Remainder CDD budget request similar to last fiscal year.

ATTACHMENTS:

CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
3/27/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 3-13-24 PC

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, March 13, 2024**
3 **7:00 p.m.**
4

5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the
6 meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.
7

8 **MEMBERS PRESENT**

9 Shawn Hoth
10 Mason Kjar, Chair
11 Amanda Jorgensen
12 LaRae Patterson, Vice Chair
13

14 **MEMBER ABSENT**

15 Layne Jenkins
16 Tyler Moss
17 Matt Larsen
18

19 **STAFF PRESENT**

20 Mike Eggett, Community Development Director
21 Lisa Romney, City Attorney
22 Whitney Black, Assistant Planner
23

24 **VISITORS**

25 Kathleen (Kathy) Moore, Kathy's Kitchen LLC
26 Bill Richter, Richter Landscape
27 Clair Asay
28 Blaine Holbrook
29 Stephanie Frampton
30 J.D. Lauritzen, Wholesome Goods LLC
31 Alex Orch, Wholesome Goods LLC
32 Spencer Summerhays
33

34 **LEGISLATIVE THOUGHT/PRAYER** Commissioner Patterson

35
36 **PLEDGE OF ALLEGIANCE**
37

38 Chair Kjar called the meeting to order at 7:22 p.m. The meeting was late getting started
39 due to lack of a quorum.
40

41 **PUBLIC HEARING – CONDITIONAL USE PERMIT – KATHY'S KITCHEN LOCATED**
42 **AT 688 W 1700 N**
43

44 Assistant Planner Whitney Black explained the applicant applied for a Conditional Use
45 Permit seeking approval for a home occupation business, specifically for a microenterprise
46 kitchen. Ms. Black said staff believed the request met approval standards and recommended
47 the Planning Commission approve the request for Conditional Use Permit. She suggested the
48 Planning Commission strike the suggested condition for approval regarding fire inspection since
49 the Fire Inspector reviewed the application and location and determined that due to the
50 occupancy load and operation of the business an inspection is not required.
51

52 Kathy Moore, applicant, described her food preparation business. She said she would
53 not receive deliveries at her home and would deliver most of the food to clients herself. Ms.
54 Moore said she did not object to the suggested conditions.
55

Chair Kjar opened a public hearing and closed the public hearing seeing no one come forward. Commissioner Patterson **moved** for the Planning Commission to approve the request for a Conditional Use Permit for a home occupation microenterprise kitchen for Kathy's Kitchen located at 688 W 1700 N for Kathleen (Kathy) Moore, with the following conditions and for the following reasons for action with the recommendation of Staff to strike previous suggested condition #2 regarding the fire inspection. Commissioner Jorgensen seconded the motion.

Chair Kjar suggested changing Condition #1 to read "...shall not be transferred to any other user..." instead of "...transferred to another similar user...". City Attorney Lisa Romney said she agreed with the suggested change. Chair Kjar made a **motion to amend** Condition #1, striking the phrase "another similar" and replacing with "any other". Commissioner Patterson seconded the motion to amend. The **amended motion passed** by unanimous vote (4-0).

Conditions:

1. This Conditional Use Permit approval shall not be transferred to any other user, unless approved by the City.
2. The business operator shall obey all applicable local, state, and federal rules and regulations concerning Conditional Use Permits and microenterprise kitchens.

Reasons for action:

- A. The Planning Commission finds that the application complies with the approval standards for a Conditional Use Permit as listed under CZC 12.21.100(e).
- B. The Planning Commission finds that the application complies with the development standards for a home occupation listed under CZC 12.62.050 and the development standards for a conditional use home occupation listed under CZC 12.62.070.
- C. Therefore, the Planning Commission finds that with the implementation of the conditions listed in the staff report, this application will have little to no impact on the health, safety, and general welfare of the community and should be approved.

PUBLIC HEARING – ZONE TEXT AMENDMENT – CZC 12.55.110 FENCES AND WALLS – BILL RICHTER, APPLICANT

Ms. Black said the petitioner desired to amend the Zoning Ordinance regarding fences and walls to accommodate decorative fencing in his client's front yard. The applicant proposed an amendment to allow fences and/or walls in the front yard to have a maximum height of 10 feet. The amendment request was applied for following a code enforcement case opened on the property due to a fence/wall and other zoning issues on December 5, 2023. The subject property had decorative columns exceeding the allowed two-foot height within the established sight triangle.

Ms. Black said staff believed the proposed amendment posed significant life and safety concerns, with potential to impede a clear line of sight. Staff was concerned that fences and walls exceeding 4 feet in front yards created visual and traffic safety issues and could be intrusive. A fence height limitation of 4 feet in front yards was common among cities in Davis County and around the State of Utah. Ms. Black said staff recommended the Planning Commission recommend denial of the request to the City Council. The Planning Commission and staff discussed sight triangles, and fence and mail box heights.

Bill Richter, applicant, said his company created landscapes that were unique, different, and beautiful. He said the completed landscaping enhanced the value of the client property and surrounding properties. Mr. Richter said the framing columns were within the four-foot City height standards, and said he had personally ensured no sight hazard was created. He said he

drove through Centerville and found many other properties with entry columns. Mr. Richter suggested the Commissioners drive through the community, including past the subject property, and ask themselves why such columns would not be allowed.

Chair Kjar expressed concern that the application for Zoning Text Amendment would amend Code for the entire City rather than just the subject property. Mr. Richter said that had not been his intention. Chair Kjar suggested the broad application of a 10-foot fence allowance in front yards would not be desired. Mr. Richter said he agreed, and asked if language of approval could be modified to prevent broad application and abuse.

Chair Kjar opened a public hearing, reminding those in attendance that the subject before the Planning Commission was whether fences/walls up to 10-feet tall should be allowed in front yards throughout the City.

Clair Asay, Bountiful resident, said the subject property owner was his sister. He said the subject home was beautiful and brought value to the neighborhood, and said the lighting on the columns added to safety at night.

Blaine Holbrook, Centerville resident, said he lived across the street from the subject property. He said a fence had recently been constructed down the street near a stop light that obstructed his line of sight, and said he was surprised the columns on the subject property were the topic of discussion. He expressed the opinion that the fence on the subject property did not impede his view.

Stephanie Frampton, Centerville resident, said she lived across the street from the subject property. She said what had been done on the subject property was absolutely beautiful, and commented that the columns in question were not a fence. Ms. Frampton suggested a new term should be added to code for such structures.

Chair Kjar closed the public hearing. Mr. Richter suggested the City separate definitions and requirements for entrance columns and fences/walls in Code, and commented that entrance columns had a different purpose from fences.

Chair Kjar asked staff why the entrance columns were categorized under fences/walls. Ms. Black responded that fence was defined as a "structure serving as an enclosure, barrier, or boundary which defines an outdoor space" in City Code. She said language defining a monument or such structure was not part of Code, and was not part of the application. Commissioner Hoth said he agreed having better terminology may work better.

Commissioner Patterson made a **motion** for the Planning Commission to recommend to the City Council denial of the request from Bill Richter for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls, for the following reasons for action. Chair Kjar seconded the motion.

Commissioner Patterson said she believed the application as written would open a floodgate of problems. She suggested Code needed a greater definition or separation of fence/wall and structure. Chair Kjar said the applicant had identified a problem, and it was unfortunate the Planning Commission did not have authority or an application before them to remedy the problem that evening. He suggested the Commission discuss including reconsideration of the definition of fence/wall in front yards on the list of Planning Commission goals. Commissioner Jorgensen said she agreed.

The **motion to recommend denial passed** by unanimous vote (4-0).

**PUBLIC HEARING – ZONE TEXT AMENDMENT – CZC 12.69.020 CANNABIS
PRODUCTION ESTABLISHMENT STANDARDS – J.D. LAURITZEN, APPLICANT**

Ms. Black said the applicant, representing Wholesome Ag, LLC and Wholesome Goods, LLC, applied for a Zoning Code text amendment to CZC 12.69.020 regarding the emission of dust, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurred. The amendment request was submitted in response to a code enforcement case and ongoing complaints regarding odors emanating from the medical cannabis cultivation and processing operation located at 1041 North 950 West.

Ms. Black said the applicant proposed three options to amend Subsection (c) of CZC 12.69.020:

Option #1: Add “excessive” to list of emissions;

(c) *There shall be no emission of excessive dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.*

Option #2: Delete Subsection (c) entirely; or

Option #3: Delete Subsection (c) and replace with alternative language

(c) ~~*There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility where growing, processing, or testing of cannabis occurs.*~~ *The cannabis production establishment or facility where growing, processing, or testing of cannabis occurs shall be designed to the extent possible in such a way as to filter inside air exchanges to the outside through air filter systems that reasonably limit excessive dust, fumes, vapors, odors, or waste from air that exits the building into the environment.*

Ms. Black said staff reviewed the proposed Zoning Code text amendment and believed the potential emissions of odors, dust, fumes, vapors, and waste into the environment from cannabis production establishments in the area could have a detrimental effect on adjacent businesses and residential areas of the City. Such detrimental effects would be inconsistent with the goals, objectives, and policies of the General Plan. She said businesses in the area had complained to the City that emissions of odors had affected their products, employees, and ability to run their businesses.

Ms. Black said staff believed the proposed Zoning Code text amendment was not consistent with other applicable Zoning Code standards regarding industrial and manufacturing zones and/or uses. The City classified cannabis production establishments as a “Manufacturing, Limited” use with the following definition:

Manufacturing, Limited: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

- a) Have no noise, odor, vibration, or other impacts discernible outside a building; and*
- b) Do not violate any applicable noise ordinance.*

1 Ms. Black reviewed purposes of the Zoning Code with the Planning Commission, and
2 said staff found the proposed Zoning Code text amendment to be inconsistent with the stated
3 purposes of the Zoning Code. She said staff recommended the Planning Commission
4 recommend denial of the request to the City Council. Chair Kjar commented that the proposed
5 amendment would apply to I-M, I-H, and I-VH Zones. The Council and staff discussed
6 Manufacturing, Limited use.

7
8 J.D. Lauritzen, representing Wholesome Goods, LLC, spoke of the many individuals in
9 Utah serviced by Wholesome Goods products. Mr. Lauritzen stated cannabis production
10 produces some odor, and by nature is not a Manufacturing, Limited practice, but lends itself
11 better to the general manufacturing definition set forth in City Code. Mr. Lauritzen said the
12 company had made significant efforts and spent \$200,000 as part of the code enforcement
13 action to limit the impact. He said he was not aware of any businesses outside the two
14 immediately adjoining the cannabis facility that had lodged any complaints, and said he
15 continued to work with the two businesses, who had admitted to him that the odor level had
16 improved. Mr. Lauritzen stated that unfortunately the production of cannabis, especially the
17 cultivation of cannabis, does produce an odor. He said they just want to be treated fairly with
18 other businesses. Mr. Lauritzen expressed a desire to come to a reasonable resolution of the
19 issue. He said cannabis businesses wanted to be treated fairly in relation to other general
20 manufacturing businesses. Mr. Lauritzen said some odor was occasionally discernable outside
21 the building, particularly when harvesting occurred. He said the company remained committed
22 to mitigating the odor as much as possible. In response to a question from the Planning
23 Commission regarding the odor regulation, Ms. Romney commented that the odor prohibition is
24 set forth in the City cannabis ordinance.

25
26 After a discussion of the limited odors emanating from the building, Chair Kjar asked Mr.
27 Lauritzen if the text amendment was even necessary. Mr. Lauritzen said the text amendment is
28 necessary since the smell is still somewhat discernible outside the building so there could
29 continue to be complaints and code enforcement issues regarding the odors.

30
31 Commissioner Hoth asked Mr. Lauritzen if he was aware of the City zoning regulations
32 in place before Wholesome Goods decided to locate their facilities in Centerville and how strict
33 the odor regulations were. Mr. Lauritzen acknowledged they understood it was a zero-tolerance
34 policy. But they were hopeful for some reasonableness around the interpretation and
35 acknowledged there were some issues with the original building construction.

36
37 Responding to a question from Commissioner Patterson, Mr. Lauritzen said Wholesome
38 Goods had researched mitigation efforts taken by other cannabis processing facilities in other
39 parts of the country and they have implemented some of the more successful measures
40 regarding filtration systems in the building. He said Wholesome Goods installed the new filter
41 systems in October 2023. He said Wholesome Goods has even offered to install additional
42 filtration units in adjacent business spaces. He stated zero odor was not an achievable goal for
43 a cannabis cultivation facility, and the applicant's desire was to establish a reasonable objective
44 that could be met. Mr. Lauritzen also said they have looked into what casinos have
45 implemented, but said that those options would cost multi-millions of dollars.

46
47 Chair Kjar commented that cannabis production facilities were given special treatment
48 by the State when approval was granted by the Legislature. They are subject to additional
49 regulation under State law, such as locational restrictions. Chair Kjar asked why the applicant
50 was requesting the same treatment as other manufacturing businesses, if the State had given
51 direction to treat cannabis facilities as unique with unique regulations. Shouldn't the City have
52 the same or similar authority? Mr. Lauritzen acknowledged the distinction and the City's
53 authority to regulate cannabis facilities, but said the State law prohibits cities from an outright
54 prohibition on cannabis facilities.

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2 Mr. Lauritzen stated Wholesome Goods was one of eight cannabis cultivation
3 businesses in the State, and said he believed it was unlikely the State would grant additional
4 cultivation licenses. He said the applicant hoped to be in Centerville for the long-term.

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6 Chair Kjar opened a public hearing and closed the public hearing seeing no one come
7 forward. Ms. Romney expressed the opinion that the current classification of Manufacturing,
8 Limited was consistent with current cannabis ordinance standards.

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10 Commissioner Jorgensen made a **motion** for the Planning Commission to recommend
11 to the City Council denial of the request from J.D. Lauritzen for a Zoning Code Text Amendment
12 regarding CZC 12.69.020 (Cannabis Production Establishment Standards), with the following
13 reasons for action. Commissioner Hoth seconded the motion.

14
15 Reasons for action:

- 16
17 1. The request is not consistent with the goals, objectives, and policies of Section 12-
18 430 of the General Plan regarding the West Centerville Neighborhood Plan.
- 19 2. The potential emission of odors, dust fumes, vapors, and/or waste into the
20 environment from cannabis production establishments does not preserve and protect
21 the development of the West Centerville Neighborhood area for future businesses
22 and does not foster the establishment and viability of commercial and industrial
23 services in the area.
- 24 3. The request is not consistent with the goals, objectives, and policies of Section 12-
25 420 of the General Plan regarding Residential Development.
- 26 4. Section 12-420-2 of the General Plan provides that residential areas should be
27 afforded protection from the impact of more intensive commercial, industrial, and
28 institutional uses.
- 29 5. Noise, odors, fumes, and other emissions from cannabis production establishments
30 into nearby residential neighborhoods just east of I-15 and to the south on the west
31 of I-15 would have a detrimental impact on public health, safety, and general welfare
32 of current and future residents of the City.
- 33 6. The request is not consistent with other applicable Zoning Code standards regarding
34 industrial and/or manufacturing zones and/or uses, including CZC 12.12.040
35 (Definitions) regarding the definition of “manufacturing, limited” which prohibits such
36 uses from having any “noise, odor, vibration, or other impacts discernable outside a
37 building.”
- 38 7. By definition under CZC 12.12.040, all “manufacturing, limited” uses including
39 cannabis production establishments are treated similarly with regards to emissions.
- 40 8. The request is inconsistent with other applicable Zoning Code provisions regarding
41 the purpose of industrial zones as set forth in CZC 12.30.020 (Zone Purposes).
- 42 9. Existing provisions of the Zoning Code indicate the City’s desire to regulate noise
43 and emissions from “manufacturing, limited” uses and other businesses located in
44 the industrial zones.
- 45 10. The request is inconsistent with the intent and objectives of the Zoning Code as set
46 forth in CZC 12.10.030 (Purpose) including the intent to protect public health and
47 safety; to promote the prosperity, peace and good order, comfort, convenience, and
48 aesthetics of the City and its present and future inhabitants, and businesses; and to
49 protect property values.
- 50 11. The request is not consistent with the standards for the applicable zoning or use
51 designation for cannabis production establishments as described in CZC 12.12.040
52 (Definitions) and CZC 12.30.020 (Zone Purposes).

12. The request does not comply with the approval standards outlined in CZC 12.21.080(e), specifically regarding consistency with the goals, objectives, and policies of the General Plan.
13. The City is authorized under Utah Code § 10-8-84 to pass ordinances as are necessary and proper to provide for the safety, preserve the health, and promote the comfort and convenience of the City and its inhabitants, and for the protection of property in the City.
14. The regulation of the emission of dust, fumes, vapors, odors, and waste into the environment from a cannabis production establishment is necessary and proper to provide for the safety, preserve the health, and promote the comfort and convenience of the City and its inhabitants, and for the protection of property in the City in accordance with Utah Code § 10-8-84.
15. The City is authorized under Utah Code § 10-9a-528 (Cannabis Production Establishments...) to enact land use regulations regarding cannabis production establishments so long as such regulations are not in conflict with the Cannabis Production and Pharmacies Act and the Utah Land Use, Development, and Management Act.
16. The regulations set forth in Section 12.69.020 of the Centerville Zoning Code prohibiting the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis production establishment or facility are not in conflict with provisions of State law and are lawful land use regulations regarding such uses in accordance with Utah Code § 10-9a-528.
17. The City is authorized under Utah Code § 4-41a-406 (Local Control) to enact land use regulations regarding cannabis production establishments and requires applicants for land use permits to operate cannabis production establishments to comply with the land use requirements and application processes of the City in accordance with the Utah Land Use, Development, and Management Act.
18. The request to allow certain emission, however limited, of dust, fumes, odors, or waste into the environment from any cannabis production establishment does not reasonably promote the public interest or conserve the values of properties within the City including adjacent commercial uses and nearby residential uses.
19. It is in the City's best interest and in the best interest for the general welfare of its citizens and businesses to regulate and restrict the emission of dust, fumes, odors, or waste into the environment from cannabis production establishments.

Commissioner Patterson said her concern related to the proposed term "excessive." which is open to interpretation. She said "excessive" is too subjective and leaves the interpretation open to personal opinion rather than fact. Commissioner Hoth said he agreed the term was subjective. Chair Kjar said it was inevitable that problems in the Zoning Code would be identified through specific situations or problems, but it was the role of the Planning Commission to evaluate the effects of possible changes to Code on all possible applicable uses. He clarified that the issue before the Planning Commission that evening was to examine the effect of a proposed change to CZC 12.69.020 regarding cannabis production.

The **motion to recommend denial passed** by unanimous vote (4-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

New Community Development Director Mike Eggett shared his professional background, and said he was excited to work in Centerville. The Planning Commission was scheduled to meet next on March 27, 2024. Chair Kjar expressed a desire to include a goal-setting discussion on a future agenda. The Planning Commission and staff discussed a planned update of the General Plan.

MINUTES REVIEW AND APPROVAL

Minutes of the January 24, 2024 Planning Commission Meeting were reviewed. Commissioner Patterson **moved** to approve the minutes. Commissioner Jorgensen seconded the motion, which passed by unanimous vote (4-0).

ADJOURNMENT

At 9:37 p.m., Commissioner Patterson **moved** to adjourn the meeting. Commissioner Jorgensen seconded the motion, which passed by unanimous vote (4-0).

Jennifer Robison, City Recorder

Date Approved