



3200 W 300 N, West Point, UT 84015
801.776.0970

West Point City
Planning Commission Agenda
September 24, 2026
WEST POINT CITY HALL
3200 W 300 N WEST POINT, UT

IF UNABLE TO ATTEND IN-PERSON, CITIZEN COMMENT MAY BE EMAILED PRIOR TO khansen@westpointutah.gov

- **Subject Line:** Public Comment – September 24, 2026, Planning Commission Meeting

- **Email Body:** **Must** include First & Last Name, address, and a succinct statement of your comment.

WORK SESSION – 6:00 PM

Open to the public

1. Discussion of a proposed amendment to the Sky Meadows site plan
2. Discussion of a proposed flag lot located at 3381 W 330 N (*Kyle Norton, applicant*)
3. Discussion of proposed updates to the Sign Code
4. Review of agenda items
5. Other items

GENERAL SESSION – 7:00 PM

Open to the public

1. Call to Order
2. Pledge of Allegiance
3. Prayer/Thought (*Please contact the Clerk to request meeting participation by offering a prayer or inspirational thought*)
4. Disclosures from Planning Commissioners
5. Public Comments (*Please state your name and city at the podium before commenting. Limit comments to 2½ minutes.*)
6. Approval of minutes from the September 10, 2026 Planning Commission meeting

Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for review at the next available City Council meeting.

7. Discussion and consideration of a text change to sections 17.70.060 and 17.60.050 of the West Point City Code regarding accessory dwelling units.
 - a. Public hearing
 - b. Decision
8. Staff Update
9. Planning Commission Comments
10. Adjournment

Posted this 18th day of September 2026

Katie Hansen

Katie Hansen, Deputy City Recorder

If you plan to attend this meeting and, due to a disability, will need assistance in understanding or participating therein, please notify the City at least twenty-four (24) hours prior to the meeting and we will seek to provide assistance.

Certificate of Posting

The undersigned, duly appointed Deputy City Recorder, does hereby certify that the above notice and agenda was posted within the West Point City limits on this 18th day of September 2026, at the following locations: 1) West Point City Hall Noticing Board 2) the City website at <http://www.westpointutah.gov>

3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>

Katie Hansen, West Point City Deputy Recorder



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY PLANNING COMMISSION MEETING MINUTES

SEPTEMBER 10, 2026

WORK SESSION 6:00 PM

Planning Commission Present: Chairperson PJ Roubinet, Vice-Chair Rochelle Farnsworth, Commissioner Joe Taylor, Commissioner Spencer Wade, Commissioner Adam King, Commissioner Ryan Hymas, and Commissioner Kyle Norton

Planning Commission Excused: None

City Staff Present: Bryn MacDonald, Community Development Director; Troy Moyes, City Planner; Katie Hansen, Deputy City Recorder

Visitors: Chris Walsh, Jennifer Struhs, Tim Gooch, Mark Montgomery, Mary Montgomery, and Cam Preston

1. Discussion of proposed changes to Accessory Dwelling Units

Troy Moyes introduced the discussion regarding proposed changes to the City's accessory dwelling unit (ADU) regulations. He explained that recent changes to state law required cities to allow detached ADUs as a permitted use rather than a conditional use. Because the City needed to update its code to comply with that change, staff also wanted to review other ADU regulations that had created difficulties for residents. Troy Moyes explained that an ADU was a secondary independent dwelling unit located on the same lot as a single-family home and did not create a separate lot.

Troy Moyes first reviewed the proposed criteria for determining the allowable size of an ADU. The first criterion would limit an ADU to 50 percent of the habitable area of the primary dwelling, excluding areas such as garages, to ensure the ADU remained subordinate to the primary residence.

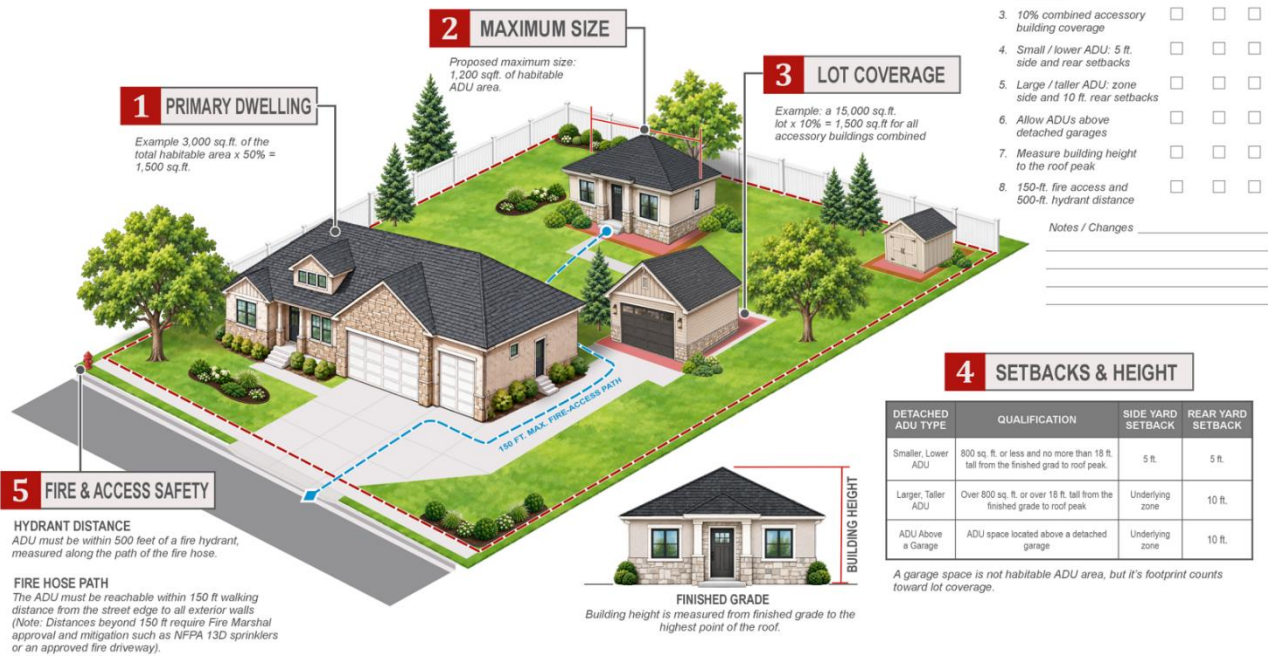
The second criterion addressed maximum size. The existing code allowed an 800-square-foot ADU on lots greater than 12,000 square feet and a 650-square-foot ADU on lots between 10,000 and 12,000 square feet, while lots smaller than 10,000 square feet could not have an ADU. Staff proposed increasing the maximum ADU size to 1,200 square feet, noting that the existing limits had been restrictive for residents interested in providing housing for parents or other family members.

The third criterion addressed lot coverage. Troy Moyes explained that accessory buildings could not occupy more than 10 percent of the total lot area and that a detached ADU would count toward that allowance along with other accessory buildings, such as garages and sheds. Commissioners discussed how the 10-percent limitation could restrict additional accessory buildings on smaller lots. Commissioner Roubinet noted that allowing ADUs above garages could help address lot coverage by allowing property owners to build upward rather than increase the building footprint.

Commissioners generally supported continuing to treat ADUs consistently with other accessory buildings.

DETACHED ADU STANDARDS DISCUSSION

West Point City Planning Commission
For Discussion Only



The Commission briefly discussed the three types of ADUs: internal, attached, and detached. Troy Moyes explained that the discussion primarily concerned detached ADUs, although the maximum size requirements for attached ADUs might also need to be revised for consistency. Internal ADUs were not limited in size as long as they remained within the footprint of the primary dwelling. Commissioners discussed situations where additions to a home could later be converted into internal ADUs and acknowledged that there were circumstances where the distinction between attached and internal ADUs could become less clear.

Troy Moyes next reviewed setbacks and height requirements. He explained that smaller detached ADUs of 800 square feet or less and no taller than 18 feet could potentially follow accessory-building standards with five-foot side and rear setbacks. Larger or taller ADUs would be required to meet the side-yard setback of the underlying zoning district and maintain a 10-foot rear setback. ADUs constructed above garages would follow the larger setback requirements and applicable accessory-building height standards. Troy Moyes noted that building code requirements, including fire-rated construction in some circumstances, would still apply when structures were located close to property lines.

The discussion then moved to fire and emergency access. The existing code required an ADU to be within 500 feet of a hydrant and within 150 feet of the road. Troy Moyes stated that the 150-foot requirement had been a common limitation because many residents wanted to locate detached ADUs farther back on their properties. He explained that his review of the fire code indicated that an ADU could potentially be located beyond 150 feet if additional requirements approved by the Fire Marshal were met, which could include sprinklers, an approved access road, or a closer

hydrant. Rather than prohibiting ADUs beyond 150 feet, staff discussed allowing additional distance when Fire Marshal requirements were satisfied.

Commissioner Hymas raised concerns about the cumulative effect of ADUs on neighborhood access and emergency response, particularly if numerous homes within a subdivision added additional dwelling units and vehicles. Commissioners discussed whether fire access requirements were based on lots or dwelling units and how additional ADUs could affect neighborhoods with limited access points. The discussion also expanded to potential impacts on infrastructure. Commissioner Roubinet referenced a previous discussion with the City Engineer regarding water and other infrastructure and noted that internal ADUs could already create similar impacts. No additional requirement was established as part of that discussion.

Troy Moyes then returned to the discussion checklist to determine where the Commission had general agreement. Commissioners supported limiting ADUs to 50 percent of the primary dwelling. The Commission then discussed the proposed 1,200-square-foot maximum in greater detail. Commissioners considered whether 1,200 square feet was appropriate, whether a larger maximum should be allowed, and whether two-story ADUs should be permitted. Commissioner Hymas questioned why an ADU could be constructed above a garage but a separate two-story ADU might not be allowed if both complied with the 50-percent and lot coverage requirements. Commissioner Wade suggested considering a maximum footprint rather than total living area. Commissioner Farnsworth supported maintaining a maximum size, stating that an ADU should remain accessory to the primary residence rather than become another full-sized home. She noted that residents previously considering ADUs for parents had indicated approximately 1,100 square feet would have been adequate and that the existing 800-square-foot limit had been too restrictive. She expressed concern that allowing substantially larger ADUs could allow another full-sized residence to be constructed without going through the subdivision process and associated requirements. Other Commissioners discussed the relationship between ADUs, subdivision requirements, impact fees, and the fact that an ADU remained on the same lot and used the same utilities as the primary residence. Troy Moyes suggested setting the maximum-size question aside temporarily so the Commission could continue through the remaining criteria.

The Commission returned to the 10 percent lot coverage requirement. Commissioner Norton suggested increasing the allowance to 15 percent to provide additional flexibility, particularly on smaller lots where an owner might want both an ADU and a shop or other accessory building. Commissioner Roubinet preferred retaining 10 percent so that ADUs and other accessory buildings would continue to be treated consistently. Troy Moyes stated that staff had not generally encountered problems with the existing 10 percent requirement and that it could be reconsidered in the future if necessary. The Commissioners indicated they were comfortable retaining the 10-percent standard.

The Commission next returned to setbacks. Commissioners supported allowing five-foot side and rear setbacks for ADUs of 800 square feet or less and no taller than 18 feet, consistent with smaller accessory buildings. For larger ADUs, Commissioners supported requiring setbacks consistent with the underlying zoning district, along with the applicable rear setback.

The Commission then discussed ADUs above garages and generally supported allowing them, subject to the larger setback and height requirements. Commissioners discussed concerns about

taller structures overlooking neighboring properties but also noted that accessory buildings of similar heights could already be permitted. Staff clarified that existing garages that did not meet the applicable ADU setbacks could not simply be converted unless the ADU portion complied with the required setbacks. The Commission also agreed that height should continue to be measured from finished grade to the peak of the roof, consistent with the City's existing method.

The Commission returned to the 150-foot fire-access requirement. Troy Moyes stated that he would speak with the Fire Marshal regarding appropriate language and whether the City should retain the 150-foot standard while allowing exceptions when additional fire-safety requirements were met. Commissioner Farnsworth supported providing residents with the opportunity to exceed 150 feet if they worked with the Fire Marshal and obtained the necessary approval. Staff and the Commission discussed holding a public hearing at the next meeting to receive public input, while recognizing that additional discussion could continue afterward.

Commissioner Roubinet then asked about parking requirements. Staff stated that the current requirement was one additional off-street parking space for an ADU and that state law allowed the City to require two. Troy Moyes clarified that if an existing garage were converted into an ADU, the required parking provided by that garage would need to be replaced elsewhere on the property. Commissioner Norton also asked about short-term rentals, and Troy Moyes stated that the existing code prohibited ADUs from being rented for periods shorter than 30 days.

Commissioner Hymas clarified that he did not oppose the proposed 1,200-square-foot maximum but believed the relationship between two-story ADUs and ADUs above garages warranted further consideration. Commissioner Roubinet stated that having a single maximum size would be easier to administer, although the Commission could consider a different maximum for two-story units.

Troy Moyes noted that staff had a potential application involving an ADU of approximately 1,300 to 1,400 square feet. The applicant, Chris Walsh of Syracuse, questioned the need for a fixed 1,200-square-foot maximum. He stated that the 50-percent limitation and 10-percent lot coverage requirement already provided controls on ADU size and expressed concern about the difference between the regulations for internal and detached ADUs. Commissioner Farnsworth reiterated that a detached ADU should remain accessory to the primary residence and expressed concern that allowing substantially larger units could result in a second full-sized home rather than an accessory dwelling. Bryn MacDonald also noted that depending on the configuration of the primary residence, using only a 50-percent calculation could result in a detached ADU with a footprint similar to the primary home. The discussion concluded with the maximum ADU size remaining an issue for further consideration.

2. Discussion of proposed updates to the Sign Code

This item was not discussed.

3. Review of agenda items

Time expired in the session and this item was not discussed.

4. Other items

No other items were discussed.



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY PLANNING COMMISSION MEETING MINUTES

SEPTEMBER 10, 2026

GENERAL SESSION 7:00 PM

Planning Commission Present: Chairperson PJ Roubinet, Vice-Chair Rochelle Farnsworth, Commissioner Joe Taylor, Commissioner Spencer Wade, Commissioner Adam King, Commissioner Ryan Hymas, and Commissioner Kyle Norton

Planning Commission Excused: None

City Staff Present: Bryn MacDonald, Community Development Director; Troy Moyes, City Planner; Katie Hansen, Deputy City Recorder

Visitors: Jennifer Struhs, Tim Gooch, Mark Montgomery, Mary Montgomery, and Cam Preston

1. Call to Order

2. Pledge of Allegiance

3. Prayer – Commissioner King

4. Disclosures from Planning Commissioners

There were no disclosures from the Planning Commissioners.

5. Public Comments

There were no public comments.

6. Approval of minutes from the August 13, 2026, and August 27, 2026, Planning Commission meeting

Commissioner King motioned to approve the minutes from the August 13, 2026, and August 27, 2026, Planning Commission meeting. Commissioner Farnsworth seconded the motion. All voted aye.

7. Discussion and consideration of a preliminary plat for a subdivision with 37 single family lots located at approximately 4762 W 700 S; *Rulon Gardner, applicant*

The Planning Commission reviewed the preliminary plat for the West Sunset Ridge Subdivision, located near 4700 W and 700 S. RC Gardner Development proposed 37 single-family residential lots on approximately 17 acres in the R-1 zone, to be developed in three phases. Applicant Tim Gooch stated that the preliminary plat remained largely unchanged from previous discussions, with revisions made to address staff requirements. The phasing also remained unchanged but was color-coded for clarity, with 30 lots in Phase 1, five lots in Phase 2, and two lots in Phase 3.

Troy Moyes stated that staff and the City Engineer had reviewed and approved the revised plans. The subdivision had a density of 2.17 units per acre, all lots exceeded the 12,000-square-foot minimum, and lot depths met requirements. Phase 1 would require improvements along 700 S extending to 4500 W. Because of the proximity of the existing Montgomery home, the proposed road section was modified by eliminating the park strip, providing a six-foot sidewalk adjacent to the curb, and shifting the road south to create additional separation from the home. Cam Preston of Ensign Engineering explained that the modification provided approximately 15.9 feet from the home's roof overhang to the back of the sidewalk and just over 24 feet to the pavement while maintaining the standard pavement width.

Commissioner Wade asked about the setback for the existing home. Troy Moyes explained that the minimum setback was 25 feet, with a 40-foot setback from the arterial road, making the existing home nonconforming. Bryn MacDonald clarified that the home was existing and therefore allowed to remain as situated, and that the road had been designed to provide as much separation as possible. Commissioner Taylor asked about the City Engineer's September 1 letter, which did not recommend approval. Troy Moyes confirmed that all items identified in the letter had since been addressed in the revised plans.

There were no more comments or questions.

Commissioner Norton motioned to approve the preliminary plat for the West Sunset Ridge subdivision, located at approximately 4700 W 700 S, subject to completion of any remaining staff and engineering review comments prior to final plat approval. Commissioner Hymas seconded the motion. All voted aye.

8. Discussion and consideration of a preliminary plat for a subdivision with 18 single family lots located at approximately 4600 W 700 S; *Barry Carlisi, applicant*

The Planning Commission reviewed the preliminary plat for the Carlisi Subdivision, located near 4600 W and 700 S. Barry Carlisi proposed 18 single-family residential lots on approximately 8.10 acres in the R-1 zone. Cam Preston of Ensign Engineering represented the applicant and stated that all lots met R-1 standards.

Commissioner Roubinet asked about the relationship between the Carlisi and West Sunset Ridge subdivisions. Mr. Preston explained that they had separate developers but were dependent on one another because Carlisi needed access through West Sunset Ridge to connect to the existing North Davis sewer main. West Sunset Ridge would generally need to proceed first unless an easement and agreement were provided. Troy Moyes stated that the required agreement could be addressed before final approval.

Staff also discussed Lots 1 and 18, which would face 700 S while their driveways accessed the new internal road. Troy Moyes explained that an eight-foot landscape buffer was typically required along collector roads, but because the homes would face 700 S, the Planning Commission could allow the landscape buffer to be removed. Bryn MacDonald clarified that the buffer would include a fence, which would not make sense across the front of the homes. Commissioners discussed the proposed road and sidewalk configuration, driveway locations, and the transition from the modified section

near the Montgomery home back to the standard road section. The driveways for Lots 1 and 18 would be located far enough from the intersection to meet the 50-foot standard. Commissioners stated they had no concern with removing the landscape buffer and preferred the driveways accessing the internal road. Staff clarified that any approval to remove the landscape buffer from Lots 1 and 18 should be specifically included in the motion.

There were no more questions or comments.

Commissioner Taylor motioned to approve the preliminary plat for the Carlisi Subdivision, located at approximately 4600 W 700 S, subject to completion of any remaining staff and engineering review comments prior to final plat approval with the except to remove the landscape strip from lot 1 and lot 18. Commissioner King seconded the motion. All voted aye.

9. Staff Update

Bryn MacDonald stated that the driveway recommendation made by the Planning Commission at the previous meeting had been forwarded to the City Council. Troy Moyes encouraged the Commissioners to continue considering the proposed ADU changes and come prepared for further discussion at the next meeting, when a public hearing on ADUs would be held.

Commissioner Roubinet asked for an update regarding the Jay Fisher project. Troy Moyes stated that the item was currently being discussed by the City Council and would be brought back to the Planning Commission. He noted that discussions were ongoing.

Katie Hansen asked the Planning Commissioners to confirm who would be attending the Utah League of Cities and Towns Partners in Planning Day, which would be held on Wednesday, October 28, 2026 at the Salt Palace Convention Center.

10. Planning Commission Comments

Commissioner Wade stated he had no comment

Commissioner Hymas stated he had no comment.

Commissioner Farnsworth stated she had no comment.

Commissioner Taylor thanked the staff for their hard work.

Commissioner Norton stated he had no comment.

Commissioner King thanked the staff.

Commissioner Roubinet thanked Troy Moyes for his work and creating the ADU handout. He appreciated it and enjoyed the visual aid to help him make decisions better.

11. Adjournment

Commissioner King motioned to adjourn the meeting at 7:50 p.m. Commissioner Wade seconded the motion. All voted aye.

Chairperson – PJ Roubinet

Deputy City Recorder– Katie Hansen

Planning Commission Staff Report



Subject: Discussion – Sky Meadows Site Plan Amendment
Author: Troy Moyes
Department: Community Development
Date: September 24, 2026

Background

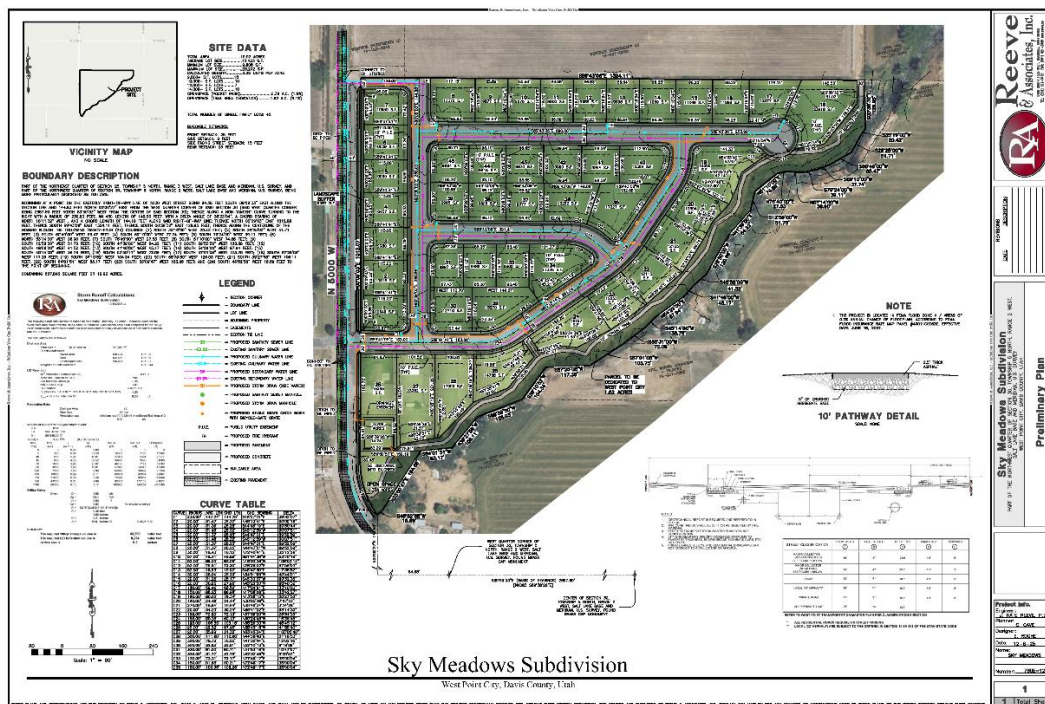
The Holland Group has requested an amendment to the approved site plans for the Sky Meadows subdivision near 5000 West and 1800 North. The subdivision has received preliminary plat approval. The applicant is requesting that the approved rear setback be reduced from 25 feet to 23 feet. No other changes to the approved site plan are proposed.

Process

This item is before the Planning Commission for discussion only. Because the requested setback change would modify the approved zoning plan, the amendment will need to return for a public hearing before formal action is taken. No action is requested at this meeting.

Analysis

The proposed amendment is limited to reducing the approved rear setback from 25 feet to 23 feet. The subdivision layout, number of lots, amenities, and other elements of the approved preliminary plat would remain unchanged. The purpose of this discussion is to introduce the applicant's request and allow the Planning Commission to provide initial feedback before the amendment is scheduled for a public hearing.



Recommendation

Staff recommends that the Planning Commission discuss the requested setback amendment and provide general feedback to the applicant and staff. Because this is a discussion-only item, no motion is necessary.

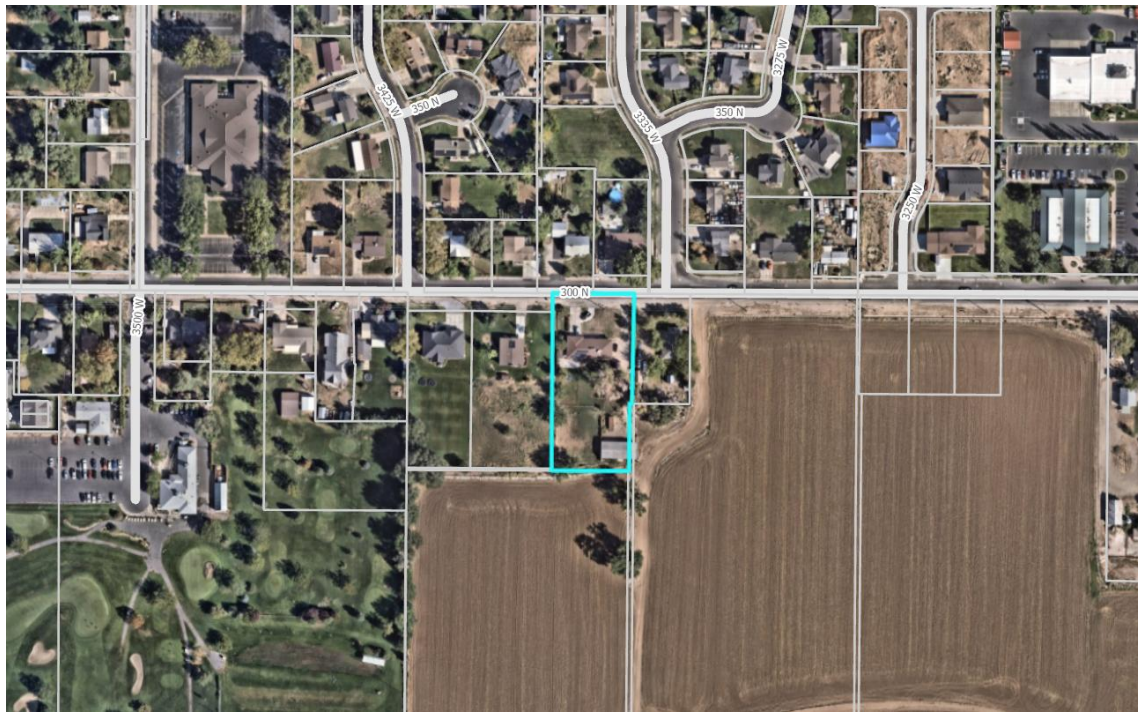
Planning Commission Staff Report

Subject: Discussion – Preliminary Plat 3381 W 300 N
Author: Troy Moyes, City Planner
Department: Community Development
Date: September 24, 2026



Background

The applicant, Kyle Norton, has submitted a preliminary plat for the Norton Lot Split subdivision at 3381 West 300 North. The proposed subdivision would create two residential lots on the approximately 1.11-acre property that includes a rear flag lot. The City Council rezoned the property to R-2 Residential on April 29, 2026. The rezone allows the applicant to proceed with a subdivision application but did not approve a specific lot configuration or development plan.



Process

This item is before the Planning Commission for discussion only. The purpose is to introduce the preliminary plat and allow the Commission to provide general feedback before the application proceeds through the formal subdivision review process. No public hearing or action is requested at this meeting. Staff will continue reviewing the plans for compliance with applicable subdivision, zoning, engineering, and development requirements. The preliminary plat will return to the Planning Commission for formal consideration after the review is complete and the application is ready for action.

The submitted plat shows Lot 1 at approximately 0.30 acres and Lot 2 at approximately 0.69 acres. Lot 2 is configured as a rear flag lot with access to 300 North. The plat also shows Parcel A, approximately 0.11 acres, for dedication to West Point City as public right-of-way.

Staff's ongoing review includes access and driveway configuration, lot dimensions and setbacks, easements, utilities, drainage, right-of-way dedication, and the subdivision documents. Comments provided during this discussion are preliminary and do not constitute approval of the plat or a determination that all City requirements have been met.

[illegible]

Recommendation

Staff recommends that the Planning Commission discuss the proposed preliminary plat and provide general feedback to the applicant and staff. Because this is a discussion-only item, no motion is necessary.

Planning Commission Staff Report



Subject: Discussion – Sign Code Changes
Regulations
Author: Troy Moyes
Department: Community Development
Date: September 24, 2026

Background

West Point City's sign regulations are contained in Chapter 17.110. The chapter has not been updated significantly since approximately 2010. Since that time, the City has experienced additional commercial development and changes in how signs are designed and displayed. The current ordinance also includes several sign categories based on the message displayed, creating concerns regarding content-neutral regulation and consistent administration.

The Planning Commission previously discussed the sign ordinance during their work sessions on June 11, August 13, and August 27, 2026. Those discussions focused on content neutrality, definitions, sign measurement, visibility and safety, billboards, electronic signs, and other development standards.

Process

Any proposed amendments to the City's sign regulations would require a public hearing before the Planning Commission and a recommendation to the City Council. The City Council would be the final decision-making authority regarding amendments to the zoning ordinance.

Analysis

The purpose of this item is to continue the Planning Commission's general discussion of the sign ordinance. Staff is seeking feedback regarding concerns with the current ordinance and areas that may need to be updated or clarified. This discussion will help guide staff as possible amendments are developed for consideration at a future meeting.

Recommendation

No action is required. This item is on for discussion only.

Planning Commission Staff Report



Subject: Discussion – Accessory Dwelling Unit Regulations
Author: Troy Moyes
Department: Community Development
Date: September 24, 2026

Background

The Utah Legislature recently adopted Senate Bill 284, which establishes new requirements for detached accessory dwelling units (ADUs). Beginning October 1, 2026, qualifying municipalities must allow detached ADUs as a permitted use on lots containing at least 11,000 square feet where a single-family dwelling is permitted. The legislation also identifies regulations municipalities may apply to detached ADUs, including standards for size, height, setbacks, lot coverage, parking, utilities, and owner occupancy.

West Point City's ADU regulations are contained in WPCC 17.70.060. The Planning Commission reviewed potential amendments during meetings held on July 9, August 13, August 27, and September 10, 2026. Those discussions addressed the requirements of SB 284 as well as several provisions of the existing ordinance that could benefit from clarification.

A public hearing is scheduled for September 24, 2026, at 7:00 p.m. The purpose of the hearing is to receive public comment regarding the proposed amendments before the Planning Commission forwards a recommendation to the City Council.

Process

Amendments to the City's land use ordinance require a public hearing and recommendation from the Planning Commission. After considering the proposed language and public comments, the Planning Commission may recommend approval, approval with modifications, or denial. The City Council is the final decision-making authority.

Analysis

The proposed amendments bring the City's ADU regulations into compliance with SB 284 and clarify portions of the existing ordinance. The current requirements for owner occupancy, long-term rentals, and an administrative ADU permit would remain.

The main proposed changes include:

Topic	Proposed Changes
Permitted zones	Attached and detached ADUs would be permitted in the residential zones identified in the land use table. They would not be permitted in the R-5 and R-6 zones.

Definitions	The definitions of internal, attached, and detached ADUs would be clarified.
Size	Proposed attached and detached ADUs would be limited to 50 percent of the primary dwelling's livable area and no more than 1,200 square feet
Detached ADU setbacks	Smaller detached ADUs could use five-foot side and rear setbacks. Larger, taller, and above-garage units would require greater setbacks
Detached ADU Height	A detached ADU could not exceed 25 feet or the height of the primary dwelling, whichever is less.
Detached ADU Lot coverage	A detached ADU and any garage or other use in the same structure would be subject to the City's accessory-building lot-coverage requirements (not to exceed 10% of the total lot area).
Parking	A detached ADU smaller than 650 square feet would require one parking space. A unit containing 650 square feet or more would require two spaces (State Code requirement).
Garages and accessory buildings	A legally constructed accessory building could be converted to a detached ADU if it meets the applicable requirements. The ordinance also establishes standards for ADUs located above detached garages.
Fire & Emergency access	The entire detached ADU would be required to be within 150 feet of a public street. Greater distances could be considered with approval from the Fire Marshal.
Utilities	A utility provider could require a separate meter, connection, or other service equipment.
Owner occupancy	The existing owner-occupancy requirement would remain, but the language would more clearly define an owner occupant and qualifying temporary absences.

The Planning Commission should receive public feedback regarding the proposed standards and determine whether any additional changes should be made before forwarding a recommendation to the City Council.

Recommendation

Staff recommends that the Planning Commission conduct the public hearing and recommend approval of the proposed ADU ordinance amendments to the City Council, subject to any changes identified during the public hearing or Planning Commission discussion.

Suggested Motions

- *Approve:* I move to recommend *approval* of the proposed amendments to WPCC 17.70.060 and WPCC 17.60.050 regarding accessory dwelling units, as presented, and forward the recommendation to the City Council.

- *Approve with Changes*: I move to recommend *approval* of the proposed amendments to WPCC 17.70.060 and WPCC 17.60.050 regarding accessory dwelling units, with the following changes: [identify each proposed change], and forward the recommendation to the City Council.
- *Deny*: I make a motion to recommend *denial* of the proposed amendments to WPCC 17.70.060 and WPCC 17.60.050 regarding accessory dwelling units, based on the finding that [explain the basis for recommending denial], and forward the recommendation to the City Council.
- *Table*: I make a motion to *table* any action on the proposed amendments to WPCC 17.70.060 and WPCC 17.60.050 regarding accessory dwelling units until [*explain why the item needs to be tabled*].

Attachments

Draft ADU Code Amendments – Clean Version

Draft ADU Code Amendments – Redlined Version

17.70.060 Accessory dwelling units.

A. *Purpose.* Accessory dwelling units provide additional and flexible housing opportunities while maintaining the character of single-family residential neighborhoods. The purpose of this section is to establish reasonable standards for accessory dwelling units; protect public health, safety, and neighborhood compatibility; and comply with applicable provisions of Utah law.

B. *Accessory Dwelling Units Defined.* An accessory dwelling unit ("ADU") is a subordinate dwelling unit that provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU is located on the same lot or parcel as a single-family dwelling and may be internal, attached, or detached. Classification of an ADU as attached or detached under this section is for purposes of applying the City's land-use regulations and does not alter or supersede applicable building or fire-code requirements.

1. **Internal ADU.** "Internal accessory dwelling unit" means an ADU created:
 - a. Within a primary dwelling;
 - b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
 - c. For the purpose of offering the unit for rent for a period of 30 consecutive days or longer.

Internal accessory dwelling units shall comply with Utah Code Section 10-21-303, as amended.

2. **Attached ADU.** "Attached ADU" means an ADU created through an addition or other new construction that extends outside the existing footprint of the primary dwelling and contains permanent provisions for living, sleeping, eating, cooking, and sanitation that allow the addition to be occupied as a dwelling unit. The attached ADU shall be connected to the primary dwelling by one or more common walls or by a permanent, supported, continuous roof. A roofed breezeway that provides a permanent, supported, continuous roof between the ADU and the primary dwelling satisfies the roof-connection requirement. A temporary, retractable, or removable awning, canopy, or similar covering does not constitute a roof connection.
3. **Detached ADU.** "Detached accessory dwelling unit" means an ADU located in a building that does not share a common wall with, and is not connected by a permanent,

structurally supported, continuous roof to, the primary dwelling. Detached accessory dwelling units shall comply with Utah Code Section 10-21-304, as amended.

C. **Permitted Uses.** Internal, attached, and detached accessory dwelling units are permitted uses in the zoning districts identified in the use table contained in WPCC 17.60.050, subject to the requirements of this section. An ADU is prohibited in any zoning district in which it is not identified as a permitted use.

D. **General Standards.** The following standards apply to all internal, attached, and detached ADUs:

1. An ADU permit shall be required for each internal, attached, or detached ADU. The application shall include the forms, plans, supporting information, and fees established by the City. The application shall be reviewed administratively and approved upon a determination that it complies with this section and all other applicable requirements.
2. No more than one ADU, whether internal, attached, or detached, shall be permitted on a lot or parcel.
3. An ADU shall comply with all applicable building, fire, health, and utility codes. All required permits and inspections shall be completed before the ADU is occupied.
4. The applicant shall be an owner of record of the property on which the ADU is proposed.
5. An ADU shall comply with the appearance and design standards applicable to its ADU type under subsection E of this section.
6. An ADU shall contain permanent provisions for living, eating, sleeping, cooking, and sanitation as required by applicable building and health codes.
8. Vehicles associated with the ADU shall not be parked on the front lawn or other landscaped areas.
9. The property shall be maintained in accordance with all applicable property maintenance, nuisance, and public health regulations.
10. An ADU permit shall not be approved while the subject property has an unresolved code violation that directly affects the construction, use, or lawful occupancy of the proposed ADU or the property's compliance with this section. Such violations may include

unpermitted construction, an unsafe structure, a setback or lot-coverage violation, inadequate required parking, an unlawful utility connection, or inadequate fire or emergency access. An unrelated code violation shall not constitute grounds for denying an ADU permit.

11. *Owner Occupancy.* An "owner occupant" is an individual who is an owner of record of the property and occupies either the primary dwelling or the ADU as the individual's primary residence. The owner occupant may reside in either dwelling and may rent the other dwelling in accordance with this section.

An ADU shall not be rented or offered for rent unless an owner occupant resides on the property. An owner occupant who is required to reside on the property under this subsection may be temporarily absent without violating the owner-occupancy requirement under either of the following circumstances:

- a. The owner occupant has a temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service, or a similar temporary circumstance, provided the owner occupant intends to return to and resume occupancy of the property as the owner occupant's primary residence. An indefinite absence, permanent relocation, or absence without an intent to return does not qualify for this exception; or
- b. The owner occupant temporarily resides in a hospital, nursing home, assisted living facility, or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

12. The ADU shall not be rented or offered for rent for a period of less than 30 consecutive days.

13. The ADU shall connect to the same water, sewer, gas, electrical, and other utility service lines as the primary dwelling, unless a separate connection is required or approved by the City or applicable utility provider. An applicable utility provider may require a separate meter or other service equipment for the ADU in accordance with the provider's requirements.

14. An ADU shall not be sold, conveyed, or subdivided separately from the primary dwelling or the lot or parcel on which the primary dwelling is located.

E. *Standards by ADU Type.* In addition to the general standards contained in subsection D of this section, each ADU shall comply with the applicable standards established in Table 17.70.060-1 and the additional standards for the applicable ADU type.

Table 17.70.060-1.

	Internal ADU	Attached ADU	Detached ADU
Location	Part of Primary Dwelling	Attached to Primary Dwelling	Rear Yard Area
Size Limit, Habitable	No Limitation	50% of the primary dwelling's livable area, including finished basement area, not to exceed 1,200 sf.	50% of the primary dwelling's livable area, including finished basement area, not to exceed 1,200 sf; subject to the accessory building lot coverage requirements of WPCC 17.70.030(A)(4).
Maximum Height Limit	Same Max Height Regulations for Single-Family Dwellings (see WPCC 17.70.020)	Same Max Height Regulations for Single-Family Dwellings (see WPCC 17.70.020)	25 feet or the height of the primary dwelling, whichever is less (including the total height of an ADU located above a garage).
Minimum Side Setback	Same as Primary Dwelling	Same as Primary Dwelling	See Table 17.70.060-2
Minimum Rear Setback	Same as Primary Dwelling	Same as Primary Dwelling	See Table 17.70.060-2
Off-Street Parking	1	1	1 space for an ADU under 650 sf; 2 spaces for an ADU 650 sf or larger

Table 17.70.060-2.
Detached ADU Setback Tiers

Detached ADU Classification	Qualification Standard	Minimum Side Yard Setback	Minimum Rear Yard Setback
Smaller, Lower ADU	800 sf or less and 18 feet tall or less (measured from finished grade to roof peak)	5 feet	5 feet
Larger, Taller ADU	Over 800 sf. or over 18 feet tall (measured from finished grade to roof peak)	Setback of underlying zone (see WPCC 17.60)	10 feet
ADU Above an Accessory Building	ADU livable space located above a detached garage structure	Setback of underlying zone (see WPCC 17.60)	10 feet

1. Internal ADUs.

- a. An internal ADU shall be designed so that it does not change the appearance of the primary dwelling as a single-family dwelling.
- b. If an internal ADU is created within an existing garage, the two-car garage required by WPCC 17.70.020 shall be replaced elsewhere on the property in compliance with applicable City standards.

2. Attached ADUs.

- a. An attached ADU shall be integrated into the primary dwelling and shall comply with the setbacks and other dimensional standards applicable to the primary dwelling.
- b. The livable area of an attached ADU shall not exceed 50 percent of the livable area of the primary dwelling and shall not exceed 1,200 square feet. For purposes of this calculation, the livable area of the primary dwelling includes finished basement area

but excludes garages, porches, decks, unfinished storage areas, and other areas not designed for residential occupancy.

3. Detached ADUs.

- a. Detached ADUs shall be placed on a permanent foundation.
- b. Detached ADUs shall be subordinate to the primary dwelling in overall scale and massing and shall comply with the applicable size, height, setback, and lot-coverage standards of this section. This subsection shall not be interpreted to require a building design element prohibited by Utah Code Section 10-20-618, as amended.
- c. Detached ADUs may not be built within a recorded easement.
- d. The livable area of a detached ADU shall not exceed 50 percent of the livable area of the primary dwelling or shall not exceed 1,200 square feet whichever is less. For purposes of this calculation, the livable area of the primary dwelling includes finished basement area but excludes garages, porches, decks, unfinished storage areas, and other areas not designed for residential occupancy.
- e. Mobile homes, recreational vehicles, or shipping containers shall not be considered a detached ADU.
- f. A detached ADU, including any garage or other use located within the same structure, shall comply with the accessory-building lot-coverage requirements of WPCC 17.70.030(A)(4).
- g. No basements are allowed in detached ADUs.
- h. A detached ADU may be located within or above a detached garage, provided the entire structure complies with the applicable size, height, setback, lot-coverage, parking, building, and fire-code requirements. If located above a detached garage, the ADU's habitable area shall be contained entirely within a single story above the garage and shall not extend to an additional story. Interior stairs, landings, utility areas, and other areas necessary to access or serve the ADU are not considered habitable area for purposes of this requirement.
- i. A legally constructed accessory building may be converted to a detached ADU, provided the building complies with the applicable detached ADU standards of this

section, the applicable accessory building requirements of WPCC 17.70.030, and all applicable building, health, and fire codes.

k. If a detached garage is converted to a detached ADU, any parking spaces required for the primary dwelling that are displaced by the conversion shall be replaced on the property in compliance with applicable City standards.

l. Fire & Emergency Access Regulations.

i. **Baseline Street Distance Standard.** All portions of a detached ADU structure shall be located within 150 feet of a dedicated public street right-of-way. Distance shall be measured as a straight line from the nearest edge of the public right-of-way to the furthest exterior point of the detached ADU structure.

ii. **Extended Street Distance Exception Review.** A detached ADU proposed at a distance greater than 150 feet from a dedicated public right-of-way may be permitted provided the applicant secures written authorization and approval from the North Davis Fire District Fire Marshal prior to ADU permit issuance.

iii. **Fire Mitigation Conditions.** As a condition of approval under subsection (E)(3)(l)(ii), the Fire Marshal may require site-specific fire safety mitigation measures authorized by applicable fire code and adopted standards, including but not limited to the installation of an approved residential fire sprinkler system, installation of fire hydrants, or a dedicated fire apparatus access drive.

17.60.050 Table of land use regulations.

A. Glossary and Requirements.

P = Permitted Use (P). A site plan application might be required as outlined in Chapter [17.30](#) WPCC.

AC = Administrative Conditional Use (AC). A site plan application with an administrative staff review is required.

PC = Planning Commission Conditional Use Review (PC). A site plan application with planning commission review is required.

B. If a use is not specifically designated below, then it is prohibited.

LAND USE ZONES	A-5	A-40	A-20	R-1	R-2	R-3	R-5	R-6	R-4	P-O	L-C	N-C	C-C	R-C	R/I-P
Residential Uses															
8. Internal Accessory Dwelling Units (see WPCC 17.70.060)	P	P	P	P	P	P			P						
9. Detached Accessory Dwelling Units (see WPCC 17.70.060)	P	P	P	P	P	P			P						
10. Attached Accessory Dwelling Units (see WPCC 17.70.060)	P	P	P	P	P	P			P						

17.70.060 Accessory dwelling units.

A. *Purpose.* Accessory dwelling units provide additional and flexible housing opportunities while maintaining the character of single-family residential neighborhoods. The purpose of this section is to establish reasonable standards for accessory dwelling units; protect public health, safety, and neighborhood compatibility; and comply with applicable provisions of Utah law. ~~Accessory dwelling units (ADUs) in single-family residential zones are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences.~~

B. *Accessory Dwelling Units Defined.* An accessory dwelling unit ("ADU") is a subordinate dwelling unit that provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU is located on the same lot or parcel as a single-family dwelling and may be internal, attached, or detached. Classification of an ADU as attached or detached under this section is for purposes of applying the City's land-use regulations and does not alter or supersede applicable building or fire-code requirements. ~~An accessory dwelling unit (ADU) is a second dwelling unit in an owner-occupied single-family property that is clearly incidental and accessory to the main dwelling on the property. ADUs can be either internal, detached or attached.~~

1. **Internal ADU.** "Internal accessory dwelling unit" means an ADU created:

- a. Within a primary dwelling;
- b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- c. For the purpose of offering the unit for rent for a period of 30 consecutive days or longer.

Internal accessory dwelling units shall comply with Utah Code Section 10-21-303, as amended.

2. **Attached ADU.** "Attached ADU" means an ADU created through an addition or other new construction that extends outside the existing footprint of the primary dwelling and contains permanent provisions for living, sleeping, eating, cooking, and sanitation that allow the addition to be occupied as a dwelling unit. The attached ADU shall be connected to the primary dwelling by one or more common walls or by a permanent, supported, continuous roof. A roofed breezeway that provides a permanent, supported,

continuous roof between the ADU and the primary dwelling satisfies the roof-connection requirement. A temporary, retractable, or removable awning, canopy, or similar covering does not constitute a roof connection.

3. **Detached ADU.** "Detached accessory dwelling unit" means an ADU located in a building that does not share a common wall with, and is not connected by a permanent, structurally supported, continuous roof to, the primary dwelling. Detached accessory dwelling units shall comply with Utah Code Section 10-21-304, as amended.

~~1. **ADU (Internal).** "Internal ADU" means an ADU created (a) within a primary dwelling unit; (b) within the footprint of the primary dwelling unit at the time the internal ADU is created; and (c) for the purpose of offering a long-term rental of 30 consecutive days or longer. Internal ADUs must meet the standards in Utah Code § 10-9a-530.~~

~~2. **ADU (Detached).** "Detached ADU" means an ADU located in an accessory building on the property and not attached to or within the principal dwelling unit.~~

~~3. **ADU (Attached).** "Attached ADU" means a new ADU is constructed as a physical expansion (i.e., addition) of the primary dwelling and is attached to the single-family dwelling unit by one or more common walls.~~

C. **Permitted Uses.** Internal, attached, and detached accessory dwelling units are permitted uses in the zoning districts identified in the use table contained in WPCC 17.60.050, subject to the requirements of this section. An ADU is prohibited in any zoning district in which it is not identified as a permitted use. *Permitted and Conditional Uses.* See use table in WCPP 17.60.050 for specific zoning designations that include permitted and conditional uses. If the ADU is not designated within a particular zone on the table, then it is prohibited.

D. **General Standards.** The following standards apply to all internal, attached, and detached ADUs:

1. **An ADU permit shall be required for each internal, attached, or detached ADU. The application shall include the forms, plans, supporting information, and fees established by the City. The application shall be reviewed administratively and approved upon a determination that it complies with this section and all other applicable requirements. ADU permit application shall be required for all internal, attached, and detached units. Only applications deemed complete by the community development director or designee will be**

~~processed. Complete applications include appropriate application forms reflecting the standards of the city, plans, texts, and signatures as required on the form available in the community development department and on the city's website. A letter or email confirming the completeness of the application may be requested by the applicant. All applications shall be accompanied by the appropriate fee as established from time to time by resolution of the city council.~~

2. ~~No more than one ADU, whether internal, attached, or detached, shall be permitted on a lot or parcel. Only one ADU per property is permitted.~~
3. ~~An ADU shall comply with all applicable building, fire, health, and utility codes. All required permits and inspections shall be completed before the ADU is occupied. ADUs shall meet all building codes and obtain all required permits prior to occupancy of the ADU.~~
4. ~~The applicant shall be an owner of record of the property on which the ADU is proposed. The applicant shall have a fee simple title to the property.~~
5. ~~An ADU shall comply with the appearance and design standards applicable to its ADU type under subsection E of this section. The ADU shall have a separate entrance that faces away from the street and that does not disrupt the single-family appearance of the existing structure.~~
6. ~~An ADU shall contain permanent provisions for living, eating, sleeping, cooking, and sanitation as required by applicable building and health codes. The ADU shall have a minimum of one bedroom and a three-quarter bath.~~
7. ~~The ADU shall have a kitchen.~~
8. ~~No v~~Vehicles associated with the ADU shall not be parked on the front lawn or other landscaped areas.
9. The property shall be ~~neatly~~ maintained in accordance with all applicable and shall meet all current codes regarding property maintenance, nuisance, and public health ~~standards~~regulations.
10. An ADU permit shall not be approved while the subject property has an unresolved code violation that directly affects the construction, use, or lawful occupancy of the proposed ADU or the property's compliance with this section. Such violations may include

unpermitted construction, an unsafe structure, a setback or lot-coverage violation, inadequate required parking, an unlawful utility connection, or inadequate fire or emergency access. An unrelated code violation shall not constitute grounds for denying an ADU permit. The applicant has not been notified or fined by the city for any code violations relating to this property or any other property within the previous 12 months.

11.– *Owner Occupancy.* An “owner occupant” is an individual who is an owner of record of the property and occupies either the primary dwelling or the ADU as the individual’s primary residence. The owner occupant may reside in either dwelling and may rent the other dwelling in accordance with this section.

An ADU shall not be rented or offered for rent unless an owner occupant resides on the property. An owner occupant who is required to reside on the property under this subsection may be temporarily absent without violating the owner-occupancy requirement under either of the following circumstances:

The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:

- a. The owner occupant has a bona fide, temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service, or a similar temporary circumstance, provided the owner occupant intends to return to and resume occupancy of the property as the owner occupant’s primary residence. An indefinite absence, permanent relocation, or absence without an intent to return does not qualify for this exception (indefinite periods of absence from the dwelling shall not qualify for this exception); or
- b. The owner occupant is placed temporarily resides in a hospital, nursing home, assisted living facility, or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

12. The ADU must shall not be rented or offered for rent for a period of less than of 30 consecutive days, or more.

13. The ADU shall connect to the same water, sewer, gas, electrical, and other utility service lines as the primary dwelling, unless a separate connection is required or approved

by the City or applicable utility provider. An applicable utility provider may require a separate meter or other service equipment for the ADU in accordance with the provider's requirements. All ADUs shall connect to the same (water, gas, sewer, etc.) utility lines as the primary dwelling.

14. An ADU shall not be sold, conveyed, or subdivided separately from the primary dwelling or the lot or parcel on which the primary dwelling is located.

E. Standards by ADU Type. In addition to the general standards contained in subsection D of this section, each ADU shall comply with the applicable standards established in Table 17.70.060-1 and the additional standards for the applicable ADU type.

~~1. Internal ADUs shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.~~

Table 17.70.060-1.

	Internal ADU	Attached ADU	Detached Single-Story ADU
Location	Part of Primary Dwelling	Attached to Primary Dwelling	Rear Yard Area
Minimum Lot Size	6,000 sf	6,000 sf	10,000 sf
Size Limit, Habitable	No Limitation	50% up to 800 sf <u>50% of the primary dwelling's livable area, including finished</u>	650 sf (on lots less than 12,000 sf) 800 sf (on lots greater than 12,000 sf) <u>50% of the primary dwelling's livable area, including finished basement area, not to exceed 1,200 sf; subject to the</u>

	Internal ADU	Attached ADU	Detached Single-Story ADU
		<u>basement area, not to exceed 1,200 sf.</u>	<u>accessory building lot coverage requirements of WPCC 17.70.030(A)(4).</u>
Maximum Height Limit	Same Max Height Regulations for Single-Family Dwellings (see WPCC 17.70.020)	Same Max Height Regulations for Single-Family Dwellings (see WPCC 17.70.020)	<u>25 feet or the height of the primary dwelling, whichever is less (including the total height of an ADU located above a garage).</u> No Taller Than the Primary Dwelling
Minimum Side Setback	Same as Primary Dwelling	Same as Primary Dwelling	<u>10'</u> <u>See Table 17.70.060-2</u>
Minimum Rear Setback	Same as Primary Dwelling	Same as Primary Dwelling	<u>10'</u> <u>See Table 17.70.060-2</u>
Off-Street Parking	<u>1</u>	<u>1</u>	<u>21 space for an ADU under 650 sf;</u> <u>2 spaces for an ADU 650 sf or larger</u>

Table 17.70.060-2.
Detached ADU Setback Tiers

<u>Detached ADU Classification</u>	<u>Qualification Standard</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
<u>Smaller, Lower ADU</u>	<u>800 sf or less and 18 feet tall or less (measured from finished grade to roof peak)</u>	<u>5 feet</u>	<u>5 feet</u>

<u>Detached ADU Classification</u>	<u>Qualification Standard</u>	<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>
<u>Larger, Taller ADU</u>	<u>Over 800 sf. or over 18 feet tall (measured from finished grade to roof peak)</u>	<u>Setback of underlying zone (see WPCC 17.60)</u>	<u>10 feet</u>
<u>ADU Above an Accessory Building</u>	<u>ADU livable space located above a detached garage structure</u>	<u>Setback of underlying zone (see WPCC 17.60)</u>	<u>10 feet</u>

1. Internal ADUs.

- a. An internal ADU shall be designed so that it does not change the appearance of the primary dwelling as a single-family dwelling. Internal ADUs shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.
- b. If an internal ADU is created within an existing garage, the two-car garage required by WPCC 17.70.020 shall be replaced elsewhere on the property in compliance with applicable City standards.

2. Attached ADUs.

- a. An attached ADU shall be integrated into the primary dwelling and shall comply with the setbacks and other dimensional standards applicable to the primary dwelling. Attached ADUs shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.
- b. The livable area of an attached ADU shall not exceed 50 percent of the livable area of the primary dwelling and shall not exceed 1,200 square feet. For purposes of this calculation, the livable area of the primary dwelling includes finished basement area

~~but excludes garages, porches, decks, unfinished storage areas, and other areas not designed for residential occupancy. The total area of an attached ADU shall not exceed 50 percent of the square footage of the habitable area of the building footprint of the primary residence and in no case exceed 800 square feet.~~

3. Detached ADUs.

a. Detached ADUs shall be placed on a permanent foundation.

b. ~~Detached ADUs shall be subordinate to the primary dwelling in overall scale and massing and shall comply with the applicable size, height, setback, and lot-coverage standards of this section. This subsection shall not be interpreted to require a building design element prohibited by Utah Code Section 10-20-618, as amended. Detached ADUs shall have a similar appearance as the primary unit.~~

c. Detached ADUs may not be built within a recorded easement.

d. ~~The livable area of a detached ADU shall not exceed 50 percent of the livable area of the primary dwelling or shall not exceed 1,200 square feet whichever is less. For purposes of this calculation, the livable area of the primary dwelling includes finished basement area but excludes garages, porches, decks, unfinished storage areas, and other areas not designed for residential occupancy. For detached ADUs, the maximum size limit shall be based on the minimum lot size as specified in Table 17.70.060-1.~~

e. Mobile homes, recreational vehicles, or shipping containers shall not be considered a detached ADU.

~~f. An ADU shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.~~

g. ~~A detached ADU, including any garage or other use located within the same structure, shall comply with the accessory-building lot-coverage requirements of WPCC 17.70.030(A)(4). Detached ADUs shall follow the same regulations for lot-coverage as outlined in WPCC 17.70.030(A)(4).~~

h. No basements are allowed in detached ADUs.

i. A detached ADU may be located within or above a detached garage, provided the entire structure complies with the applicable size, height, setback, lot-coverage, parking, building, and fire-code requirements. If located above a detached garage, the ADU's habitable area shall be contained entirely within a single story above the garage and shall not extend to an additional story. Interior stairs, landings, utility areas, and other areas necessary to access or serve the ADU are not considered habitable area for purposes of this requirement.

j. A legally constructed accessory building may be converted to a detached ADU, provided the building complies with the applicable detached ADU standards of this section, the applicable accessory building requirements of WPCC 17.70.030, and all applicable building, health, and fire codes.

k. If a detached garage is converted to a detached ADU, any parking spaces required for the primary dwelling that are displaced by the conversion shall be replaced on the property in compliance with applicable City standards.

l. Fire & Emergency Access Regulations.

i. **Baseline Street Distance Standard.** All portions of a detached ADU structure shall be located within 150 feet of a dedicated public street right-of-way. Distance shall be measured as a straight line from the nearest edge of the public right-of-way to the furthest exterior point of the detached ADU structure.

ii. **Extended Street Distance Exception Review.** A detached ADU proposed at a distance greater than 150 feet from a dedicated public right-of-way may be permitted provided the applicant secures written authorization and approval from the North Davis Fire District Fire Marshal prior to ADU permit issuance.

iii. **Fire Mitigation Conditions.** As a condition of approval under subsection (E)(3)(l)(ii), the Fire Marshal may require site-specific fire safety mitigation measures authorized by applicable fire code and adopted standards, including but not limited to the installation of an approved residential fire sprinkler system, installation of fire hydrants, or a dedicated fire apparatus access drive.

i. The maximum distance from a fire hydrant to the front entrance of the detached ADU shall not be greater than 500 feet as the "hose lies."

ii. ~~No portion of the detached ADU shall be further away than 150 feet from the public road.~~

17.60.050 Table of land use regulations.

A. Glossary and Requirements.

- P = Permitted Use (P). A site plan application might be required as outlined in Chapter [17.30](#) WPCC.
- AC = Administrative Conditional Use (AC). A site plan application with an administrative staff review is required.
- PC = Planning Commission Conditional Use Review (PC). A site plan application with planning commission review is required.

B. If a use is not specifically designated below, then it is prohibited.

LAND USE ZONES	A-5	A-40	A-20	R-1	R-2	R-3	R-5	R-6	R-4	P-O	L-C	N-C	C-C	R-C	R/I-P
Residential Uses															
8. Internal Accessory Dwelling Units (see WPCC 17.70.060)	P	P	P	P	P	P			P						
9. Detached Accessory Dwelling Units (see WPCC 17.70.060)	P PC	P PC	P PC	P PC	P PC	P PC			P						
10. Attached Accessory Dwelling Units (see WPCC 17.70.060)	P PC	P PC	P PC	P PC	P PC	P PC			P						