



BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, October 6, 2020
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room, **South Davis Metro Fire Station, 255 S 100 W, Bountiful, Utah, 84010**, at the time and date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

Bountiful City Planning Commission meetings, including this one, are open to the public. In consideration of the COVID-19 Pandemic, Bountiful City will be observing social distancing and may limit the number of people at the meeting. If you would like to submit a comment for the public hearing listed on the agenda below, please e-mail that comment to planning@bountiful.gov prior to the meeting and indicate in the e-mail if you would like your comment read at the meeting; you are also welcome to attend the meeting in person.

1. Welcome and Introductions.
2. Consider approval of the meeting minutes for September 1, 2020.
3. **PUBLIC HEARING** – Consider approval of a Variance - Allow construction of a single-family dwelling on slopes 30% or greater, located at 1874 Ridge Point, Karen Schramm representing Chad and Holly Snyder, property owner/applicant. – *Curtis Poole*
4. Consider approval for a preliminary and final plat for Bountiful City Cemetery, located at 2224 South 200 West, Bountiful City, applicant. – *Lloyd Cheney*
5. **PUBLIC HEARING** – Consider forwarding a recommendation to the City Council amending the Bountiful City Land Use Code for Accessory Dwelling Units (ADU) in the residential zone. – *Planning Staff*
6. Planning Director's report, review of pending applications and miscellaneous business.

Draft Minutes of the
BOUNTIFUL CITY PLANNING COMMISSION
September 1, 2020
6:30 p.m.

Present: Chair Sean Monson
 Commission Members Sam Bawden, Jesse Bell, Jim Clark, Sharon Spratley, and
 Councilwoman Harris
 City Attorney Clinton Drake
 City Engineer Lloyd Cheney
 Planning Director Francisco Astorga
 City Planner Curtis Poole

Excused Members: Commission Member Lynn Jacobs and
 Recording Secretary Darlene Baetz

1. Welcome and Introductions.

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

2. Approval of the minutes for August 4, 2020.

Commissioner Spratley made a motion to approve the minutes for August 18, 2020 with the following two corrections:

- Page 6 Line 26 “Chair Monson commends...He stated *his* concern this *type of* business being located and allowed in the heart of the city and doesn’t have a problem for this business in the other parts of the commercial zone but doesn’t feel that this location is the right location.”
- Page 6 Line 9 “Commissioner Spratley asked if the decibel level ~~was be added~~ as a condition for other cities. ~~She~~ He asked about the age limit that has been proposed for this range.

Commissioner Clark seconded the motion. Voting passed 5-0 with Commission members Bawden, Clark, Harris, Monson and Spratley voting aye.

Commissioner Bell arrived at 6:38

3. PUBLIC HEARING – Consider approval of a Variance - Allow construction of a single-family dwelling on slopes 30% or greater, located at 1679 Ridge Point, Jace Jergensen, applicant.

Dr. Mason representing Jace Jergensen was present. City Planner Poole presented the staff report.

The Applicant, Jace Jergensen, has requested a variance to allow for encroachments on slopes greater than thirty percent (30%). The property is located at 1679 Ridge Point Drive, which is in the R-F Residential Foothill Zone. The proposed variance would allow for construction of a new residence. In 1992 the Stone Ridge Subdivision Plat C was approved. The applicant’s property, 1679 Ridge Point Drive, or Lot 304 was part of the approved subdivision. The Applicant has submitted a site plan for a new residence to be built on the lot. The residence will be built primarily on a section of the

1 property with slopes less than thirty percent (30%); however, the site plan does show the southern
2 portion of the building and an entry staircase which would be built on slopes greater than thirty
3 percent (30%). The home may be shifted to the north onto the less steep slopes; however, there would
4 still be a necessity to disturb the steep slopes in accessing the home from Ridge Point Drive.
5

6 Based on analysis of the required criteria from State law included in the findings above and the
7 materials submitted by the Applicant, Staff recommends the Planning Commission grant the
8 requested variance related to encroachments on slopes greater than thirty percent (30%) with the
9 following conditions:
10

- 11 1. The Applicant will continue to work with City Staff to ensure the final plans submitted will meet
12 the standards for building in the R-F Zone, in particular the impact of retaining walls and building
13 on slopes greater than thirty percent (30%) should be minimal.
- 14 2. The Applicant will also work with Staff on final location of retaining walls to ensure that they
15 meet the standards of the Code. A separate permit shall be required for retaining walls taller than
16 four (4) feet and not exceeding ten (10) feet.
17

18 Commissioner Spratley made a motion of approval for the Variance to allow construction of a single-
19 family dwelling on slopes 30% or greater, located at 1679 Ridge Point Dr with the two conditions
20 outlined by staff. Commissioner Bawden seconded the motion. Voting passed 6-0 with Commission
21 members Bawden, Bell, Clark, Harris, Monson and Spratley voting aye.
22

23 **4. Consider approval of Finding of Facts of a Variance to allow construction of a single-family**
24 **dwelling on slopes 30% or greater, located at 1679 Ridge Point.**
25

26 Chair Monson asked that the language under Finding A should read: *“The Planning Commission*
27 *Staff determines the disturbance to be minimal and with additional adjustment to the plans the*
28 *disturbance can further be reduced.”*
29

30 Commissioner Spratley made a motion to approve the Findings of Facts of a Variance to allow
31 construction of a single-family dwelling on slopes 30% or greater, located at 1679 Ridge Point with
32 the one correction. Commissioner Bell seconded the motion. Voting was 6-0 with Commissioners
33 Bawden, Bell, Clark, Harris, Monson and Spratley voting aye.
34

35 **5. Planning Director’s report, review of pending applications and miscellaneous business.**
36

37 Director Astorga indicated that the next Planning Commission meeting is scheduled for Sept 15,
38 2020. Mr. Astorga provided an update to the indoor shooting range at the Rite Aid building as asked
39 by Chair Monson. Mr. Astorga indicated that the The Brooks development (formerly known as the
40 2nd on Main project) was recently submitted and that the Commission would see it soon. Mr. Astorga
41 and City Planner Poole mentioned a long list of Land Use Text Amendments and projects that
42 Planning Department was working on which included the following:
43

- 44 a. Land use code update: ADUs, administrative process, sign code, uses-organization and cross
45 reference, LUDMA 2020 update, Administrative Committee times to meet and compensation,
46 removing unused driveway cuts, all variances and CUPs to go to the Commission, and
47 location of street trees.

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- b. New land use code or policy: consider a utility agenda special exception/variance, short-term rentals, foot truck, annexation, and hospital zone.
- c. Zone Change: rezone open space and parks to OS.
- d. Land use code research (new code if necessary): definition of a family, contract purchaser, parking ratios, steep slope development, retaining walls/fences, mixed-use overlay and mixed-use lock your use percentage, multi-family design standards, downtown (stucco, width requirement, parking), and PUDs.
- e. Land use code clear-view area: Setback/landscaping reduction, and clear-view areas.
- f. Master/General Plan: grants being applied for City wide General Plan, BRT study already approved, grants for trail work.
- g. Program update: Planning Dept. working on website revamp, code enforcement, business licenses, trails, farmer's market, redoing land use applications, etc.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:05 p.m.

Sean Monson
Planning Commission Chair

Planning Commission Staff Report

Item: PUBLIC HEARING – Request for a variance to allow for encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height.

Address: 1874 Ridge Point Drive

Author: Curtis Poole, City Planner

Date: October 6, 2020



Description of Request

The Applicant, Karen Schramm, has requested a variance to allow for encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height. The property is located at 1874 Ridge Point Drive, which is in the R-F Residential Foothill Zone. The proposed variance would allow for construction of a new residence.

Authority

Section 14-2-111 authorizes the Administrative Committee to be the review body for variance requests within the R-F zone related to encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height. Section 14-2-104 authorizes the Chairman of the Administrative Committee to assign any item designated for Administrative Committee review to the Planning Commission, in which case the Planning Commission acts under the same authority granted to the Administrative Committee.

Background and Analysis

In 1996 the Ridge Estates of Maple Hills Plat B was approved. The Applicant's property 1874 Ridge Point Drive, or Lot 502, was part of the approved subdivision. The Applicant has submitted a site plan for a new residence to be built on the lot. The residence will be built primarily on a section of the property with slopes less than thirty percent (30%) which is closer to Ridge Point Drive; however, the site plan does show an eastern section of the building footprint and retaining walls to the south of the home which would impact slopes greater than thirty percent (30%). To retain the steeper slopes will require the Applicant to construct a retaining wall system with some of the walls exceeding ten feet (10') in height. The tallest wall segment, which is proposed to be roughly twenty feet (20'), would be located on the southeast portion of the wall system. The subdivision plat does indicate a portion of the lot which is unbuildable, and the site plan submitted confirms this portion of the property will be left undisturbed. The Planning Commission approved a similar request for a variance at its last meeting for the property located at 1679 Ridge Point Drive.

Variance Findings

Utah Code 10-9a-702 establishes the criteria for review of a variance request and stipulates the applicant “shall bear the burden of proving that all of the conditions justifying a variance have been met.” In order to grant a variance **each** of the following criteria must be met:

(i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

Staff Response: The purpose of the building standards in the R-F Zone is to preserve the hillsides and manage erosion. The Applicant has submitted a site plan which seeks to utilize the portion of the property with slopes under thirty percent (30%) to minimize the disturbance of the steep slopes. Standards for building on steep slopes require any development to be minimal and reasonable. Staff determines the disturbance to be minimal and with additional adjustment to the plans the disturbance can further be reduced.

(ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

Staff Response: Many of the properties in the R-F Zone have similar constraints as the Applicant’s property which limit the buildable area and require steep driveways, tall retaining walls and disturbances of slopes greater than thirty percent (30%). The variance has been the process for which these properties have been given the ability to develop.

(iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

Staff Response: Other properties in the R-F Zone with buildable lots have been allowed some reasonable disturbances of the slopes greater than thirty percent (30%) and construction of retaining walls greater than ten feet (10’). Granting the variance will allow the Applicant to enjoy similar property rights which have been given to other properties in the R-F Zone through the variance process. Denying the variance will allow other properties a right not extended to the Applicant’s property.

(iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

Staff Response: Granting the variance for the Applicant will not have a substantial effect to the General Plan as other properties in the R-F Zone have been treated similarly regarding development on steep slopes. It is an interest to the City to have all buildable lots developed as opposed to remaining vacant.

(v) *The spirit of the land use ordinance is observed and substantial justice done*

Staff Response: The purpose of the Code that requires development to be located on slopes less than thirty percent (30%) is to preserve the hillside and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots within approved subdivisions in the R-F Zone with special circumstances and the variance process provides a way for those lots to be developed. However, Section 14-4-101 of the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. The proposal submitted by the Applicant, demonstrates there has been an effort to minimize the impact development will have on the steep slopes of the property.

Department Review

This variance request has been reviewed by the Planning Director, City Engineer, and City Attorney.

Recommended Action

Based on analysis of the required criteria from State law included in the findings above and the materials submitted by the Applicant, Staff recommends the Planning Commission grant the requested variance related to encroachments on slopes greater than thirty percent (30%) and for the construction of retaining walls greater than ten feet (10') with the following conditions:

1. The Applicant will continue to work with City Staff to ensure the final plans submitted for the residence and retaining walls will have a minimal impact on slopes greater than thirty percent (30%).
2. Provide City Engineer final grading of slopes impacted with the development of the property.

Attachments

1. Aerial Photo
2. Applicant's Application
3. Applicant's Narrative
4. Proposed Site Plan

Aerial Photo



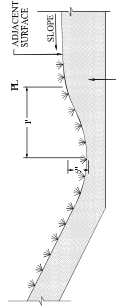


SNYDER RESIDENCE
1874 EAST RIDGE POINT DRIVE
BOUNTIFUL, UTAH
SITE PLAN

REVISION BLOCK	DATE	DESCRIPTION

- NOTES:**
1. THE SWALES SHALL BE INSTALLED ALONG THE SIDE AND REAR PROPERTY LINES AS REQUIRED.
 2. ALL WINDOW WELLS TO BE 6" BELOW TOP OF GRADE, AND A MINIMUM OF 5" ABOVE FINISHED GRADE.
 3. ALL CONSTRUCTION TO BE DONE ACCORDING TO UTAH CONSTRUCTION CODES AND ALL APPLICABLE PERMITS.
 4. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND UTILITIES PRIOR TO ANY CONSTRUCTION.
 5. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT CONSTRUCTION.
 6. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT CONSTRUCTION.
 7. PROTECT LANDINGS ON BOTH SIDES OF ALL EXISTING DOORS AND WINDOWS.
 8. A TRASH DUMPSTER AND PORTABLE CONSTRUCTION TOILET SHALL BE PROVIDED AT ALL NEW CONSTRUCTION SITES.
 9. ANY WORK IN THE PUBLIC WAY SHALL CONFORM TO UTAH CONSTRUCTION CODES AND ALL APPLICABLE PERMITS.
 10. THIS PLAN IS NOT VALID FOR ANY CONSTRUCTION IN THE PUBLIC WAY UNLESS A PERMIT IS OBTAINED FROM THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) AND THE UTAH DIVISION OF HIGHWAY SAFETY (UDHS).

- LEGEND:**
- TOP - TOP OF FOUNDATION
 - TOP - TOP OF PORCH
 - TOP - TOP OF FINISH FLOOR
 - BFF - BASEMENT FINISHED FLOOR
- SETBACKS:**
- FRONT - 20'
 - REAR - 25'



DRAINAGE SWALE DETAIL
NOTE: DRAINAGE SWALES TO BE CREATED ALONG LOT LINES TO PREVENT STORM RUN-OFF FROM IMPACTING ADJACENT PROPERTIES.



GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.

CONSTRUCTION ENTRANCE
AT DRIVEWAY APPROACH

CHM8728 28' W 72.11'
R-277.20
L-172.21

CHM8710 27'E 23.82'
R-47.73
L-151.33'
CHS7538 17' W 23.08'
R-47.73
L-23.87'

Commission Staff Report

Item # _

Subject: Preliminary and Final Subdivision Approval for Bountiful Cemetery Plat R
Address: 2324 So. 200 West
Author: City Engineer
Department: Engineering, Planning
Date: October 6, 2020



Background

Each addition to the City's cemetery requires the preparation of a subdivision plat map, review by the Planning Commission and the City Council, and then recording of the plat with the Bountiful City Recorder, all before any new burial plots can be sold. The final plat for the western side of the existing cemetery is now ready for review and recording.

Analysis

The roads which access this addition were constructed in 2015 and the existing house was demolished in the spring of this year. Construction of this Plat will supplement the remaining supply of plots while plans are set in motion to develop the expansion property located on the east side of 200 West Street. Plat R contains 283 full sized lots, with each full lot containing eight individual 4 ft. by 8 ft. burial plots, and 35 partial lots. Partial lots, which contain between 1 and 7 plots, are caused when roads or other interferences cut through lots. The anticipated total yield for Plat R is 2,400 burial plots. This total includes an allowance for trees and the loss of some areas adjacent to the cul-de-sac which are affected by the curves.

Department Review

The proposed plat has been reviewed by the Engineering Department and Planning Department.

Recommendation

Staff recommends the Planning Commission send a favorable recommendation to the City Council for Preliminary and Final approval of the Bountiful City Cemetery Plat R.

Significant Impacts

None

Attachments

Aerial photo of the Plat R area
A copy of the Bountiful City Cemetery Plat R Final Plat.

Aerial Photo of the Bountiful City Cemetery Plat R



Planning Commission Staff Report



Subject: PUBLIC HEARING | Proposed Land Use Code Text Amendment to § 14-3-102(4) and § 14-14-124 Regarding Accessory Dwelling Units (ADUs)
Author: Francisco Astorga, AICP, Planning Director
Date: October 6, 2020

Background

In September of 2018, the City amended the Land Use Code § 14-14-124 and § 14-3-102 (definitions) regarding accessory dwelling units (ADUs). The City specifically amended residency requirements as well other changes that clarified owner occupancy provisions. Currently, the Planning Department further requests to fine tune these sections of the Code. Land Use Text Amendments require that the Planning Commission hold a public hearing, review the request, and forward a recommendation to the City Council. Accessory dwelling units are listed as a conditional use reviewed by the Bountiful City Administrative Committee. The Planning Department initiated this text amendment.

Analysis

The proposal further clarifies the current definition as it is lengthy, some parts unnecessary, and provides conflict with the number of occupants based on the current definition of “family”. A single-family dwelling is restricted to a family as who can be an occupant. The current definition of an ADU indicates that “one or more persons” can occupy the ADU. Staff has not had any problems with this yet but recognizes the possible issue and requests consistency in terms of all types of dwelling units across the Code.

The current Code does not provide a parking ratio to an ADU, but simply mimics the standard for a single-family dwelling, consisting of four (4) parking spaces, while mentioning an intent to rely on adequate parking based on actual ADU occupant vehicle(s). Due to the flexible nature of vehicle ownership, Staff recommends quantifying a ratio typical to standard parking practice. Staff also proposes to limit ADUs to a maximum of two (2) bedrooms and in no case be more than one thousand (1,000) square feet to mitigate the impacts of parking, as well as effects of moderate-income housing, as there is a correlation between dwelling unit size and affordability.

Staff and the Administrative Committee have expressed concerns as how to allocate unique spaces in relationship to the 40% maximum restriction of the total floor area square footage of the primary structure. Staff proposes to provide a more concise standard in what counts towards the ADU versus the principal unit. The proposed amendment to the definition also assists in this regard as the simpler definition focuses more on the self-contained component. Staff and the Administrative Committee have struggled with proposals having a combined entry, where the applicant makes their case that the entry/hallway/staircase counts for the principal unit, although it is also used by ADU occupant(s). It is also proposed to create a standard requiring a dedicated separate entrance for the ADU as the current Code has great language that restricts the structure

as being perceived as a Two-Family dwelling (duplex) which would fortify the self-contained component found in the definition, and clear up which areas count toward which unit.

Staff is not amending the owner-occupied requirement. Staff also requests to remove acronyms from the Code, as well as reformatted some sections having no impacts to the interpretation.

Department Review

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

Significant Impacts

The City recognizes that accessory dwelling units are an effective way to provide affordable housing in Bountiful. Many of the impacts from accessory dwelling units have already been anticipated in the existing Code. To improve the ability for Staff and the Administrative Committee to effectively administer this specific section of the Land Use Code, some amendments are proposed.

Recommendation

Staff recommends that the Planning Commission review the proposed ADU Land Use Text Amendment, hold a public hearing, and consider forwarding a positive recommendation to the City Council based on the findings listed and language provided in the draft ordinance.

Attachments

1. Drafted Ordinance with Proposed Land Use Code Text Amendment



MAYOR
Randy C. Lewis

CITY COUNCIL
Millie Segura Bahr
Kate Bradshaw
Kendalyn Harris
Richard Higginson
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

BOUNTIFUL

Bountiful City **DRAFT** Ordinance No. 2020-10

An ordinance amending Section 14-3-102(4) and 14-14-124 related to accessory dwelling units. Specifically, clarifying the current definition, modifying the parking standards, providing a size limitation, clarifying how to allocate unique spaces, and requiring a dedicated separate entrance.

It is the finding of the Bountiful City Council that:

1. The Bountiful City Council is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The City, Planning Department, requests that changes to the definition and standards regulating Accessory Dwelling Units be considered; and
3. Simplifying the definition and modifying the parking standard of accessory dwelling units provides clarity to the Code and its administration; and
4. Providing a size limitation to accessory dwelling units further provides additional opportunities for moderate-income housing in Bountiful City; and
5. Clarifying spaces that Staff and the Administrative Committee has expressed concerns as how to allocate unique spaces in relationship to the maximum restriction of the total floor area square footage of the primary structure, as well as requiring a dedicated separate entrance, provides the ability to consistently administer the Code; and
6. After a public hearing on October 6, 2020 the Bountiful City Planning Commission forwarded a recommendation to the City Council; and
7. The Bountiful City Council held a public hearing on this Ordinance on October 13, 2020.

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

SECTION 1. Section 14-3-102(4) and 14-14-124 of the Bountiful City Land Use Ordinance (Title 14 of the Bountiful City Code) are hereby amended as follows:

14-3-102 DEFINITIONS

[...]

4. ACCESSORY DWELLING UNIT (see also “ACCESSORY IN-LAW APARTMENT”): A self-contained dwelling unit within an owner-occupied single-family residence or in a detached accessory structure located on an owner-occupied property, ~~that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.~~

[...]

14-14-124 ACCESSORY DWELLING UNIT

- A. Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential subzones can be an important tool in the overall housing plan for the City. The purposes of the accessory dwelling unit ADU standards of this Code are to:
1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.;
 2. Provide for affordable housing opportunities.;
 3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city.;
 4. Provide opportunities for additional income to offset rising housing costs.;
 5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.;
 6. Preserve the character of single-family neighborhoods by providing standards governing development of accessory dwelling units ADUs.
- B. An accessory dwelling unit shall only be approved as a conditional use, reviewed and approved by the Bountiful City Administrative Committee.
- C. An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:
1. An accessory dwelling unit shall be conditionally permitted only within a single-family residential subzone, and shall not be permitted in any other zone.
 2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.

3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.
4. A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family residential subzone.
5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.
6. A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.
7. The property owner, ~~which shall include titleholders and contract purchasers,~~ must occupy either the principal unit or the accessory dwelling unit ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an accessory dwelling unit ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.
8. Separate utility meters shall not be permitted for the accessory dwelling unit.
9. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the accessory dwelling unit ADU shall not be allowed on the front or corner lot side yard. ~~Any A~~ separate entrance shall be located to the side or rear of the principal residence.
10. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit ~~and a conditional use permit~~. The accessory dwelling unit shall meet all applicable requirements of the building code relating to dwelling units, which may require inspections from the Building Inspector to verify compliance prior to occupancy.
11. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. ~~In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. In addition to the parking required for the principal unit, one (1) additional off-street parking spaces shall be provided for the accessory dwelling unit and~~

~~any~~Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas. On-street parking may be utilized in compliance with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.

D. An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:

1. Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure and in no case shall exceed one thousand (1,000) square feet.
2. Shall not exceed ten percent (10%) of the buildable land of the lot.
3. Shall be at least three hundred fifty (350) sq. ft. in size.
4. ~~Shall meet all of the requirements of the International Building Code relating to dwelling units.~~

~~5.4.~~An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.

5. ~~Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space. Shall not contain more than two (2) bedrooms.~~
6. Shall have its own dedicated separate entrance from the principal unit in compliance with section 14-14-124(C)(9) and shall not have the appearance of a Two-Family Dwelling (duplex). The separate entrance shall have a walkway in compliance to applicable building codes.

~~6.7.~~Shall not share spaces for the purposes of calculating the square footage of the accessory dwelling unit or for the benefit of the principal unit such as hallways and staircases leading to storage, unfinished spaces, etc. All spaces shall be delineated by the applicant in their submitted application with a diagram showing floor plans, square footages, etc. In the event of a combined vestibule/entry built within the internal layout of the structure, such vestibule/entry square footage area shall be divided equally for both units.

E. A detached accessory dwelling unit shall meet all of the above criteria, plus the following:

1. ~~Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.~~

~~2.1.~~ Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.

~~3.2.~~ Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.

~~3.~~ 4. Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.

4. Shall be located behind the front building line of the principal unit.

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

Adopted by the City Council of Bountiful, Utah, this 13th day of October 2020.

Randy C. Lewis, Mayor

ATTEST:

Shawna Andrus, City Recorder