

WEST BOUNTIFUL CITY

ORDINANCE #445-21

AN ORDINANCE AMENDING WBMC 17.82 ACCESSORY DWELLING UNITS AND RELATED SECTIONS 17.14, 17.16, 17.20, 17.24

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

WHEREAS, West Bountiful City currently allows property owners to have an Accessory Dwelling Unit (ADU) within or attached to a single-family dwelling as long as it complies with the provisions of WBMC 17.82.; and

WHEREAS, the 2021 legislature passed Senate Bill 82 which modified portions of single-family housing law dealing with ADUs; and

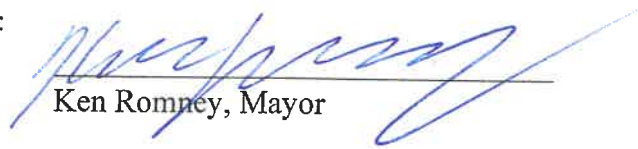
WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on July 13, 2021, and recommends modifications to comply with new state law.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC 17.82, 17.14, 17.16, 17.20, and 17.24 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 20th day of July 2021.

By:


Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:


Cathy Brightwell, City Recorder

17.82 Accessory Dwelling Units

17.82.010 Purpose

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

- A. To accommodate such housing in single family residential neighborhoods in accordance with state law.
- B. To provide an alternative housing option.
- C. To provide uniform standards for ADUs.

17.82.020 Definitions

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

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

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

17.82.030 Scope

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

17.82.040 Development Standards

The development standards in this section shall apply to all ADUs.

- A. Application. An application for an ADU in a form provided by the city will be required for all ADUs. The application will be processed as a permitted use.
- B. Location. An ADU shall be allowed only within or attached to an owner-occupied single family dwelling. The owner of the property shall have permanent residence in the primary dwelling or the ADU, subject to allowed absences under Section 17.82.040.I
- C. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- D. Parking. Adequate off-street parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements of Chapter 17.52 of the West Bountiful Municipal Code and state law. A minimum of one (1) additional off-street parking space shall be provided and designated for each ADU, regardless of whether the primary dwelling is existing or new construction when the ADU is created. Parking spaces may include garage and driveway space. If the ADU is created within a garage or carport, sufficient off-street parking must be provided to replace the parking contained within the garage or carport. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.

- E. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- F. Size. No minimum or maximum size is established for an ADU by this ordinance except that the unit shall contain at least a living area, kitchen area, sleeping area and bathroom facilities that comply with applicable provisions of this title, the current building codes adopted by the City, and state law.
- G. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, designated as an ADU, or remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.
- H. Architecture. An ADU that is added onto or created within an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the number or location of garage doors, carports, outside entries, or porches. The architectural design and materials of an addition for an ADU shall match the existing single family dwelling so that the addition appears to be part of the original building.
- I. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as the owner's principal residence, except for business, medical, military service, or religious reasons for a continuous time period not exceeding three years. If an absence is warranted due to the above reasons, an on-site manager shall be designated for the period of absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- J. ADU Agreement. Each ADU shall be subject to an ADU agreement on a form provided by the City and recorded with the County Recorder. The ADU agreement shall run with the land and bind any subsequent owner of the property. If the owner of record of a property changes, the new owner shall be required to submit a new ADU application and occupy the property as the owner's primary residence; otherwise, the ADU shall be immediately vacated and shall no longer be used as an ADU. The recorded ADU agreement shall acknowledge that the owner must reside in the primary dwelling or ADU, subject to allowed absences under Section 17.82.040.I.
- K. Separate Address. The ADU shall be identified with a separate address using the letter "B" to provide clarity for emergency purposes. A second mailbox is recommended but not required.
- L. Lease Agreement. If the ADU is leased, language that the lease will terminate upon sale of the property will be included in any lease documents.
- M. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.

AGRICULTURAL SPECIALTY DISTRICT (A-S)

17.14.020 Permitted Uses

The following uses are permitted in the A-S agricultural specialty district:

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations;
5. Accessory Dwelling Units (ADU);
6. Medical cannabis pharmacy, as defined in Chapter 17.62; and
7. Cannabis production establishment, as defined in Chapter 17.62.

17.14.030 Conditional Uses

The following uses are conditional in the A-S agricultural specialty district:

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
5. Kennels (pursuant to Chapter 5.28 Home Occupations);
6. ~~Accessory Dwelling Units (ADU)~~; and
7. Restricted Lots (see definitions, Section 17.04.)

AGRICULTURAL DISTRICT (A-1)

17.16.020 Permitted Uses

The following uses are permitted in the A-1 agricultural district:

1. Agricultural;
2. Single family dwelling;
3. Farm Animals;
4. Home Occupations;
5. ~~Accessory Dwelling Units (ADU)~~; and
6. Non-commercial structure.

17.16.030 Conditional Uses

The following uses are conditional in the A-1 agricultural district:

1. Equestrian facilities, commercial stables;
2. Public or quasi-public uses;
3. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
4. Flag lots;
5. Kennels, (pursuant to Chapter 5.28 Home Occupations); ~~and~~
6. Restricted Lots (see definitions, Section 17.04.030). ~~and~~
7. ~~Accessory Dwelling Units (ADU)~~.

RESIDENTIAL DISTRICT (R-1-22)

17.20.020 Permitted Uses

The following uses are permitted in the R-1-22 residential district:

1. Agricultural;
2. Single-family dwellings;
3. Home Occupations;
4. ~~Accessory Dwelling Units (ADU)~~; and
5. Farm animals.

17.20.030 Conditional Uses

The following uses are conditional in the R-1-22 residential district:

1. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations);
2. Flag lot;
3. Public, quasi-public uses;
4. ~~Acessory Dwelling Units (ADU)~~; and
5. Restricted lots (see Definitions - Section 17.04.030).

RESIDENTIAL DISTRICT (R-1-10)

17.24.020 Permitted Uses

The following uses are permitted in the R-1-10 residential district:

1. Agricultural;
2. Single Family Dwellings;
3. Farm animals;
4. Home occupations; and
5. ~~Accessory Dwelling Units (ADU)~~.

17.24.030 Conditional Uses

The following uses are conditional in the R-1-10 residential district:

1. Public, quasi-public uses;
2. ~~Acessory Dwelling Units (ADU)~~;
3. Restricted lots, (see Definitions (Section 17.04.030));
4. Flag lots; and
5. Child day care or nursery (pursuant to Chapter 5.28 Home Occupations).