

Chapter 17.82 ACCESSORY DWELLING UNITS (ADU)

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 habitable living unit added to, created or existing within, or detached from, a single-family dwelling and contained on one lot or parcel.

"Detached accessory dwelling unit" or “detached ADU” means an accessory dwelling unit located on the same lot or parcel as the primary dwelling that is not attached to or within a primary dwelling.

"Internal accessory dwelling unit" or “internal ADU” means a separate accessory dwelling unit, created or existing within or physically incorporated into or structurally connected to a primary dwelling. To be physically incorporated into or structurally connected means it shares at least one common wall, floor, or ceiling with the primary dwelling. A dwelling unit connected solely by a breezeway, porch, deck, patio, carport, covered walkway, roof extension, or similar feature does not constitute an internal accessory dwelling unit.

“Primary dwelling” means a detached single-family dwelling unit that constitutes the primary residential use of a lot or parcel and to which an accessory dwelling unit is subordinate. Where more than one dwelling unit exists on a lot or parcel, the principal dwelling is the dwelling unit designated or recognized by West Bountiful City as the primary dwelling for purposes of administering this chapter.

17.82.030 Accessory Dwelling Unit Permit Required.

An ADU meeting the development standards, as specified within this chapter, is a permitted use in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Land Use Administrator.

17.82.040 Internal Accessory Dwelling Unit Development Standards. The following development standards apply to internal ADUs, in addition to any other applicable standards under the Municipal Code.

- A. 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 the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. 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. 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 outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.
 - 1. A minimum of one (1) additional off-street parking space shall be provided and designated for an internal ADU.
- D. Utility Metering. No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- E. 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 obtaining a building permit or other permits as the codes may require.
- F. Entrance. A separate entrance to the ADU shall not be allowed to face the front yard. Any separate entrance shall be located to the side or rear of the primary dwelling.
- G. 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 this chapter.
- H. 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.

- I. 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.
- J. Lot Coverage. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.
- K. Short Term Rentals. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.
- L. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.

17.82.050 Detached Accessory Dwelling Unit Development Standards. The following development standards apply to detached ADUs, in addition to any other applicable standards under the Municipal Code.

- A. Owner Occupied. The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must occupy either the main structure or the ADU 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 the absence. At no time shall both the ADU and the primary dwelling be rented as separate units.
- B. Number of Accessory Dwelling Units. A maximum of one (1) ADU shall be allowed on any lot or parcel.
- C. Lot Size. The minimum lot size required for a detached ADU in all single-family residential zones shall be ten thousand (10,000) square feet.
- D. ADU Size. The minimum size of the ADU shall be two hundred one (201) square feet.

The maximum size of a detached ADU shall comply with the maximum allowable lot coverage requirements for accessory structures located within the required rear yard, as established in WBMC 17.16.050(D), 17.20.050(F) and 17.24.045(F). In no case shall a detached accessory dwelling unit combined with any other accessory structure occupy more than thirty-five percent (35%) of the rear yard in which it is located.

- E. 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. 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 outside of a garage shall be paved with concrete, masonry, asphalt, or concrete pavers; gravel parking stalls or driveways are also allowed.

1. A minimum of one (1) additional off-street parking space shall be provided and designated for an ADU that is smaller than 650 square feet.
2. A minimum of two (2) additional off-street parking spaces shall be provided and designated for an ADU that is larger than 650 square feet.

F. Yard Regulations.

1. Detached ADUs shall not be located in the front yard of the primary dwelling.
2. Detached ADUs in the A-1 and R-1-22 zones must adhere to the following setbacks:
 - i. Rear Yard: Thirty feet (30') from property line.
 - ii. Side Yard: Ten feet (10') from property line.
 - iii. Street Side Yard: Twenty feet (20') from property line.
 - iv. Primary dwelling: Eight feet (8') from primary dwelling.
3. Detached ADUs in the R-1-10 zone must adhere to the following setbacks:
 - i. Rear Yard: Twenty feet (20') from property line.
 - ii. Side Yard: Ten feet (10') from property line.
 - iii. Street Side Yard: Twenty feet (20') from property line.
 - iv. Primary dwelling: Eight feet (8') from primary dwelling.

G. Height. The maximum height for detached ADUs shall comply with the maximum height requirements for a main structure within the applicable zoning district.

H. Conversion of Existing Accessory Structures. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building was legally constructed and meets the setback and height requirements for a detached ADU.

I. 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 obtaining a building permit or other permits as the codes may require, and adherence to the following:

1. The ADU shall be sanitary sewered by gravity flow.

J. Short Term Rentals. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.

K. 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 this chapter.

- L. 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.
- M. 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.
- N. Lot Coverage. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.
- O. Penalties. Penalties may be imposed to assure compliance with this chapter as per Section 17.08.050.