



BOUNTIFUL CITY PLANNING COMMISSION AGENDA

Tuesday, November 17, 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 South 100 West, Bountiful, Utah, 84010**, at the time and on the 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 801.298.6190. 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. Meeting minutes for October 20, 2020 to be reviewed and approved at next meeting
3. Bountiful City Land Use Code Text Amendment Request regarding Accessory Structures in the Single-Family Residential Zone – *Director Francisco Astorga*
 - a. Public hearing: Held on October 20, 2020
 - b. Action: Recommendation to the City Council
4. Planning Director’s report, review of pending applications, and miscellaneous business
5. Adjourn

Planning Commission Staff Report



Subject: Proposed Land Use Code Text Amendment to § 14-4-105(J) Regarding Accessory Structures in the Single Family Residential (R) Zone

Authors: Francisco Astorga, AICP,

Date: November 17, 2020

Background

During the October 20, 2020 Planning Commission meeting, the Commission deliberated a proposed accessory structure text amendment. During the meeting, the Planning Commission considered comments from the public, deliberated the amendment, and continued the item to the next available meeting with direction given to Staff provide additional information at the next meeting. Because the Planning Commission has reviewed the original staff report and is familiar with the amendment and report, the original staff report is not included with this packet. If the Commission would like to review that report, it can be found [here](#).

Analysis

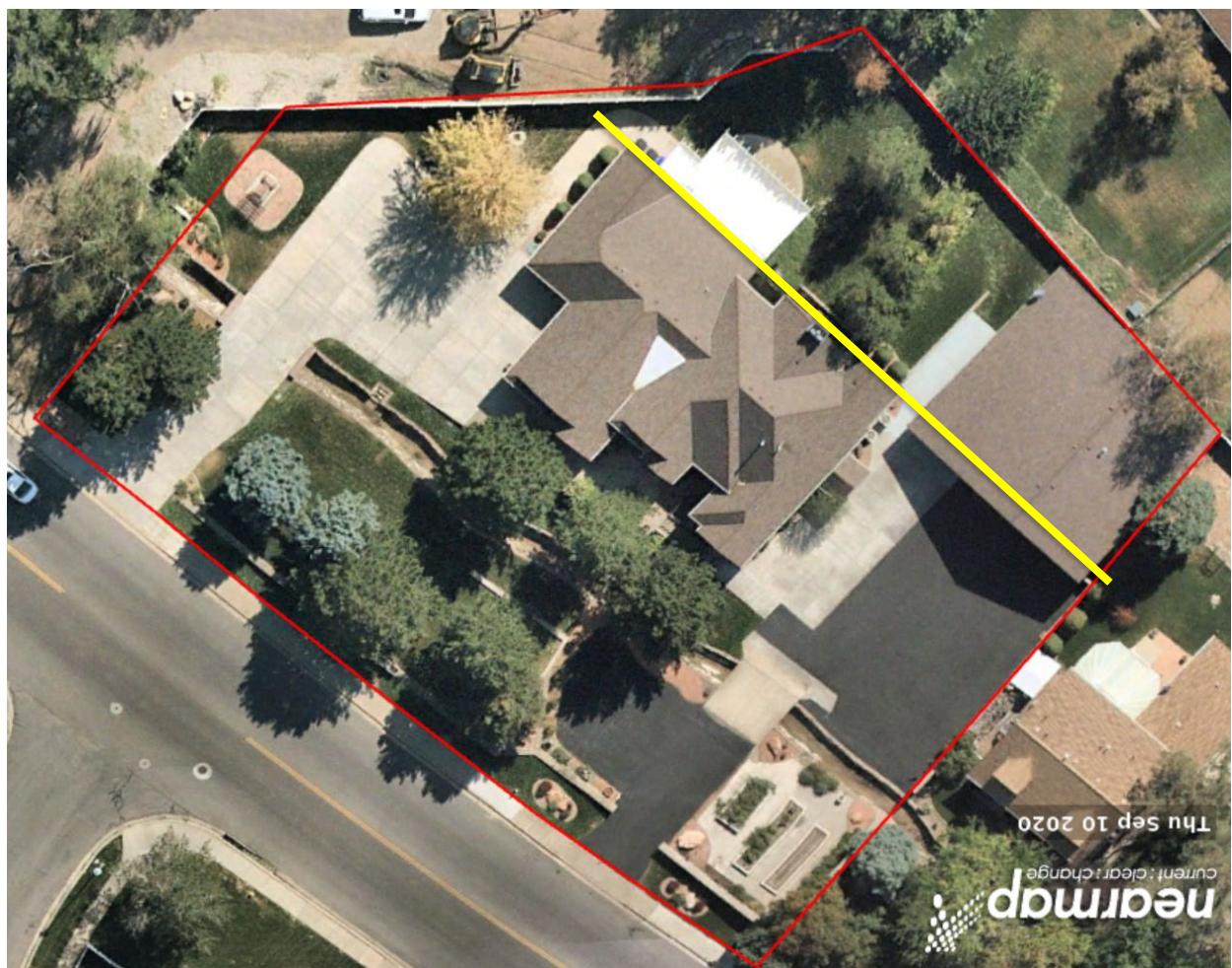
Considering the recent ALJ decision and its impacts on accessory structures throughout the City, Staff recommends that the Code should be amended to be consistent with the current and historical interpretation of the Code.

During the last meeting, the Commission asked what the minimum setback requirements are for Single Family Residential Zones. For the Commissions convenience in considering this matter those setbacks are as follows:

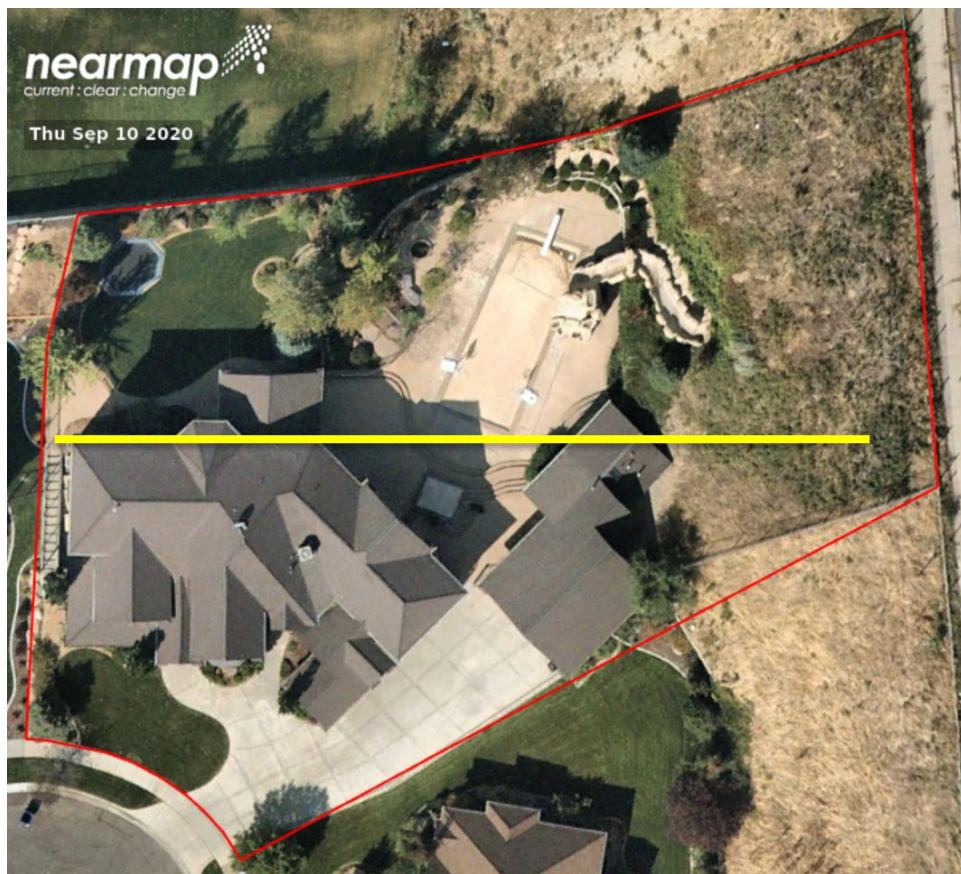
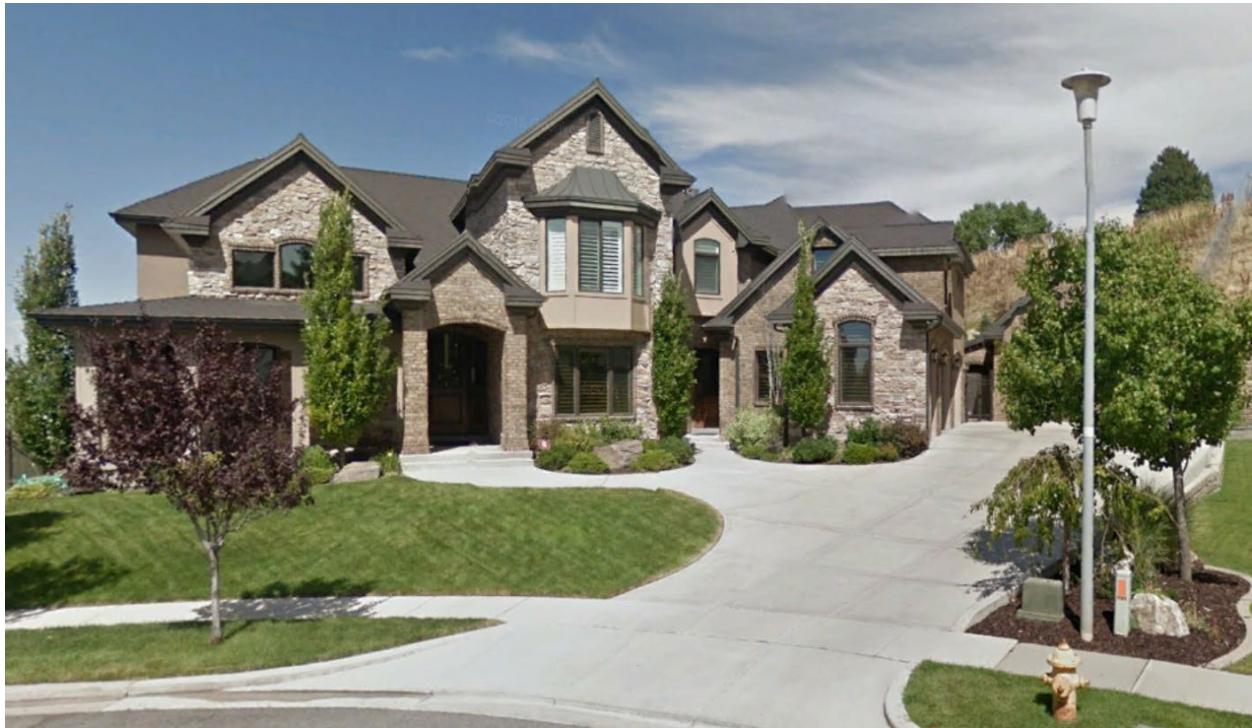
- Front yard: 25 feet
- Rear yard: 20 feet
- Side yard: 8 feet (R-F requires a combined total of 20 feet)
- Corner side yard: 20 feet

The October 20, 2020 Staff Report identified dozens of sites potentially affected by the ALJ's interpretation. In addition, the examples included below would now be considered illegal. Each of the five (5) examples is depicted in a street view photograph and an aerial photograph. When viewed from the street it is difficult to determine if there is a violation, however, the aerial photographs clearly show that these structures are illegal. These photographs demonstrate that the City's current and historical interpretation has been consistent. Additionally, it shows the extent of the impact of the ALJ's interpretation as these five (5) examples shown are located within only a few blocks of each other.

48 East North Canyon Drive:



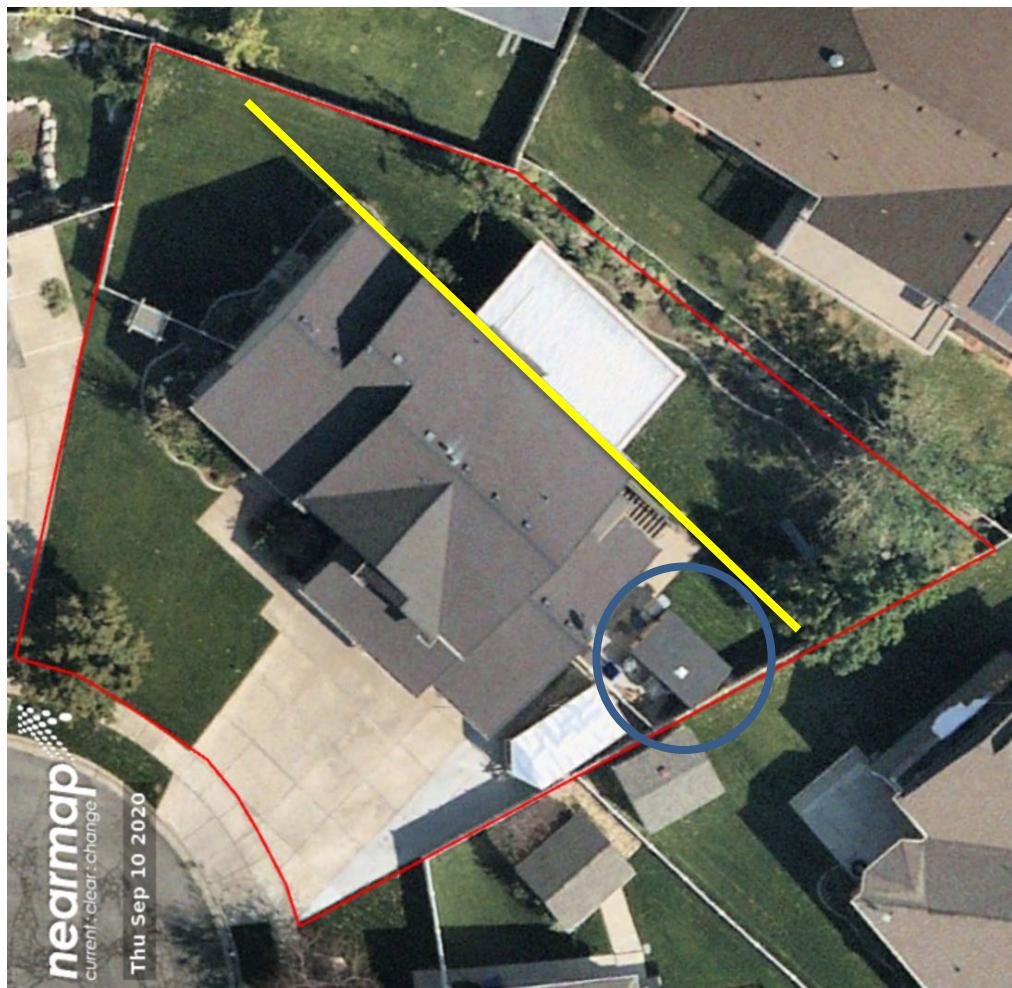
331 East Maxine Court:



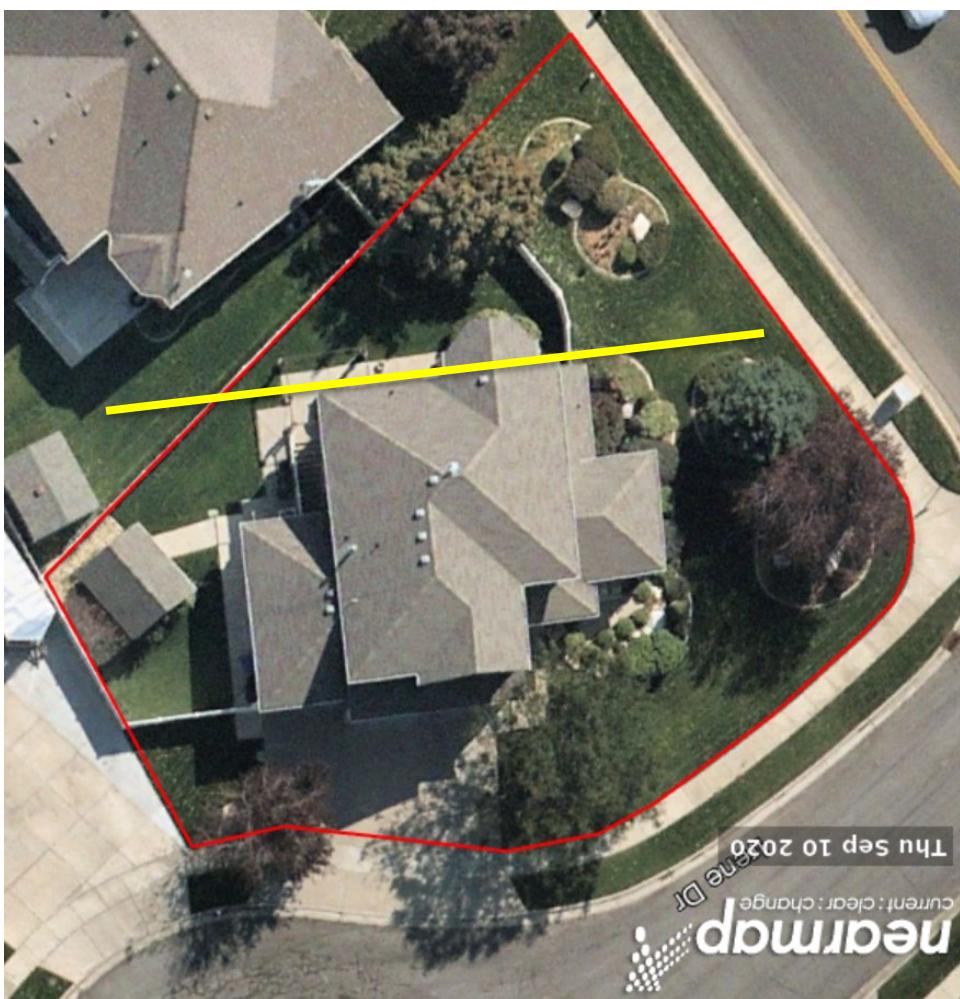
338 East Maxine Court:



2767 South Irene Drive:



2783 South Irene Drive:



In the October 20, 2020 meeting, the Commission expressed concern about accessory structures being level with the primary structure. In response to those concerns it is recommended that the Commission forward a positive recommendation of the following:

An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear setback ten (10) feet behind the front building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line.

Department Review

This staff report was written and prepared by the Planning Department.

Significant Impacts

The ALJ's ruling impacts dozens, maybe even hundreds, of properties throughout the City. If the ALJ's interpretation were applied these properties would now be illegal. Amending the Code to be consistent with the City's historical and current interpretation of the code brings clarity, consistency, and compliance for these properties and the citizenry.

Recommendation

The Planning Department recommends that the Planning Commission review the proposed Land Use Code Text Amendment and consider forwarding a positive recommendation to the City Council.

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

BOUNTIFUL
Bountiful City
DRAFT Ordinance No. 2020-11

CITY MANAGER
Gary R. Hill

An Ordinance amending Section 14-4-105(J) of the Land Use Code related to accessory structures in the Single-Family Residential (R) Zone. Specifically, amending setbacks provisions to be consistent with current interpretation.

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 amendments related to accessory structures in the Single-Family Residential Zone be considered; and
3. Amending the Land Use Code will bring consistency with the City's historical interpretation and application, and brings clarity to the Code; and
4. After receiving and considering public comment at a public hearing on October 20, 2020 the Bountiful City Planning Commission continued the item to the November 17, 2020 meeting; and
5. The Bountiful City Planning Commission reviewed this item during the November 17, 2020 Commission meeting, and forward a recommendation to the City Council; and
6. The Bountiful City Council held a public hearing on this Ordinance on December 8, 2020, and after receiving and considering input from the Planning Commission and the public, the Council finds it in the best interests of the health, safety and welfare of the City to adopt the amendment.

NOW THEREFORE, be it ordained by the City Council of Bountiful, Utah:

SECTION 1. Section 14-4-105(J) of the Bountiful City Land Use Ordinance (Title 14 of the Bountiful City Code) is hereby amended as follows:

14-4-105 YARD AND SETBACK REQUIREMENTS

[...]

J. Accessory Structure Primary Use Required – An accessory structure shall not be permitted on any lot or parcel of land unless a primary structure is first constructed on the site. If the primary structure is removed and not immediately replaced, any accessory structure must also be removed. A lot or parcel shall not be subdivided such that an accessory structure is located on a lot or parcel without a primary structure.

1. Accessory Structure, Permitted Use – An accessory structure allowed as a permitted use shall meet all of the following:

- a. The total footprint of any and all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
- b. An accessory structure shall meet all of the setbacks of a primary structure, or it shall be setback ten (10) feet behind the front building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line.
- c. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys and any other protrusion on either the accessory building or the primary structure.
- d. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any primary dwelling on an adjacent property.
- e. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
- f. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
- g. An accessory structure shall meet all applicable provisions of the International Building Code.
- h. An accessory structure shall not encroach on any easements, recorded or otherwise.
- i. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or

mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet or similar feature.

- j. The height of an accessory structure shall not exceed twenty (20) feet.
 - k. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.
2. **Accessory Structure, Conditional Use** – An accessory structure may be allowed as a conditional use in accordance with the following:
- a. The approval body shall consider the following when reviewing the proposed accessory structure:
 - i. The extent that sunlight, air and view sheds are obstructed/disturbed,
 - ii. The proximity to adjoining structures,
 - iii. The contour of the land, both existing and proposed,
 - iv. Features peculiar to the site and the immediately adjoining properties.
 - v. The location of windows, doors, balconies and other openings that may intrude on the privacy of adjoining property owners,
 - vi. The proposed and potential uses based on the size, configuration and other aspects of the structure.
 - b. The total building footprint of any and all accessory structures shall not exceed fifteen percent (15%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.
 - c. An accessory structure shall meet all of the setbacks of a primary structure, or it shall be setback ten (10) feet behind the front building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line. The approving body may require an increased setback based on the criteria of 14-4-106(C.)(1.).
 - d. An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys and any other protrusion on either the accessory building or the primary structure.

- e. No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any dwelling on an adjacent property.
- f. The eaves of an accessory structure shall be setback at least one (1) foot from any property line.
- g. An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.
- h. An accessory structure shall meet all applicable provisions of the International Building Code.
- i. An accessory structure shall not encroach on any easements, recorded or otherwise.
- j. The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet or similar feature.
- k. The height of an accessory structure shall not exceed twenty (20) feet.
- l. Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.

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

Adopted by the City Council of Bountiful, Utah, this 8th day of December 2020.

Randy C. Lewis, Mayor

ATTEST:

Shawna Andrus, City Recorder