

ADMINISTRATIVE COMMITTEE
Monday, September 23, 2019
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices, 150 North Main Street, Suite 103**, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

AGENDA

1. Welcome and Introductions.
2. Consider approval of minutes for September 9, 2019.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1253 Northridge Drive, Larry Simper, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants.
6. Miscellaneous business and scheduling.



Francisco Astorga, Planning Director

**Bountiful City
Administrative Committee Minutes
September 9, 2019**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for August 26, 2019.

Mr. Clawson made a motion for approval of the minutes for August 26, 2019 as written. Mr. Astorga seconded the motion.

| | |
|--------------|------------------------|
| <u> A </u> | Mr. Astorga |
| <u> A </u> | Mr. Clawson |
| — | Mr. Badham (abstained) |

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.

Megan Bowden, applicant, and her husband, Joe Bowden, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

Home Occupation Group Instruction with up to 12 children is allowed under City Code, 14-4-103, with approval of a Conditional Use Permit. The Administrative Committee has authority to review all Conditional Use Permits for Home Occupation requests.

The application submitted by Megan Bowden, the applicant, indicates the property will be used to operate Tiny Footsteps Preschool. The property is located in the R-3 Zone. The applicant indicates there will be two different sessions with up to 12 children in each session. One session will be held Monday, Wednesday and Friday from 9:00 a.m. to 12:00 p.m. The second session will be held on Tuesdays and Thursdays from 9:30 a.m. to 12:00 p.m. The applicant indicates the indoor teaching area for the preschool will be 221 square feet, which is less than the 50% requirement of the Code.

In addition to the interior teaching area, the applicant is proposing to use the backyard as a play and recreation area for the preschool. The area is fenced and has one large gate which will remain closed. As Arlington Way loops back to Beverly Way, parents dropping off their children will not need to pull into the driveway and can enter and exit the neighborhood. The applicant has indicated some students will be within walking distance of the preschool. While

there will be some added traffic on the street, it should be brief and not adversely affect the neighborhood.

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Bowden clarified that there would be two preschool sessions per week, and Mr. Astorga noted that the staff report contained that information. Mr. Poole explained that the student pickup and drop off plan will not involve use of the driveway, and Mr. Bowden further explained that safety is the top priority.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:06 p.m. with no comments from the public.

Mr. Badham raised a question to the committee regarding the nature of a preschool as it relates to the code. Mr. Astorga explained that the code specifies things that are prohibited for home occupation businesses, and Mr. Poole expounded that residential day care and group instruction have special conditions within the code relating specifically to their type of business. Mr. Clawson asked if there were other preschools operating in the Bowden's neighborhood, and Mr. Astorga noted that there might be other preschools in that area, but the city has not received any complaints.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant. Mr. Clawson seconded the motion.

 A Mr. Astorga
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants.**

Carrie and Tad Mills, applicants, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed under an existing detached garage. Plans show the proposed unit will have one bedroom, a living area, kitchen and bathroom.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The site is located in the R-3 Single-Family Residential zone and consists of a single-family dwelling which will be maintained as such by the applicant. The lot is 0.567 acres (24,698 square feet). There will only be one ADU and there will only be one utility connection located at this property. The proposed ADU will be 506 square feet which is less than the 40% standard in the Code requiring ADU's to be smaller and an "accessory" to the single-family dwelling.

The property currently meets the parking requirements, consisting of four off-street parking spaces including two in the existing garage, for an ADU; however, they will be expanding the existing driveway which will accommodate additional cars. The entrance for the proposed ADU will be behind the detached garage and will not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Based upon the above findings, staff has determined the applicants would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:18 p.m. Ms. Tenna Hartman (2196 South 900 East) noted that she is working with a surveyor to resolve questions regarding the property line near the driveway between her and Mr. and Mrs. Mills. Mr. Astorga noted that from time to time there are conflicts between surveys, but the property line question Ms. Hartman is exploring does not impact the Conditional Use Permit-ADU approval. The Public Hearing was closed at 5:20 p.m. with no further comments from the public.

Mr. Badham inquired regarding the width of the driveway, and Mr. Clawson indicated that it is 20 feet wide. Mr. Badham noted that in his capacity as the Administrative Committee's citizens' representative he has received negative feedback regarding income rental property in the city. He also noted that the Mills' ADU seems to comply with the current code. Mr. Astorga noted that ADUs will be the subject of discussion at a future City Council meeting.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants. Mr. Astorga seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

5. Miscellaneous business and scheduling.

Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:25 p.m.

Francisco Astorga, Planning Director

PENDING APPROVAL



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Memo

Date: September 18, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, September 23, 2019

Overview

PUBLIC HEARING - Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1253 Northridge Drive, Larry Simper, applicant.

Background

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which was part of the home which was built in the mid 80's. Plans show the unit has two bedrooms, two bathrooms, a kitchen, living space and a laundry room.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The site is located in the R-3 Single-Family Residential zone and consists of a single-family dwelling which will be maintained as such by the applicant. The lot is 0.469 acres (20,429 square feet). There will only be one ADU and there will only be one utility connection located at this property. The ADU is approximately 1,630 square feet, and the home is 4,486 square feet, which is less than the 40% standard in the Code.

The property currently meets the parking requirements. It has a two-car garage, a carport and space for multiple cars in the driveway. The entrance for the ADU is on the side of the home and not visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Mr. Simper represents the contract purchaser, Adam Kerr, who will be residing at the home. The Code requires the property owner to reside at the home and further states a property owner could also be a contract purchaser or titleholder.

Staff Recommendation

Based upon the above findings, staff has determined the applicants would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner(s) of the property, or contract purchaser, must continually occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Bountiful Land Use Ordinance

14-14-124

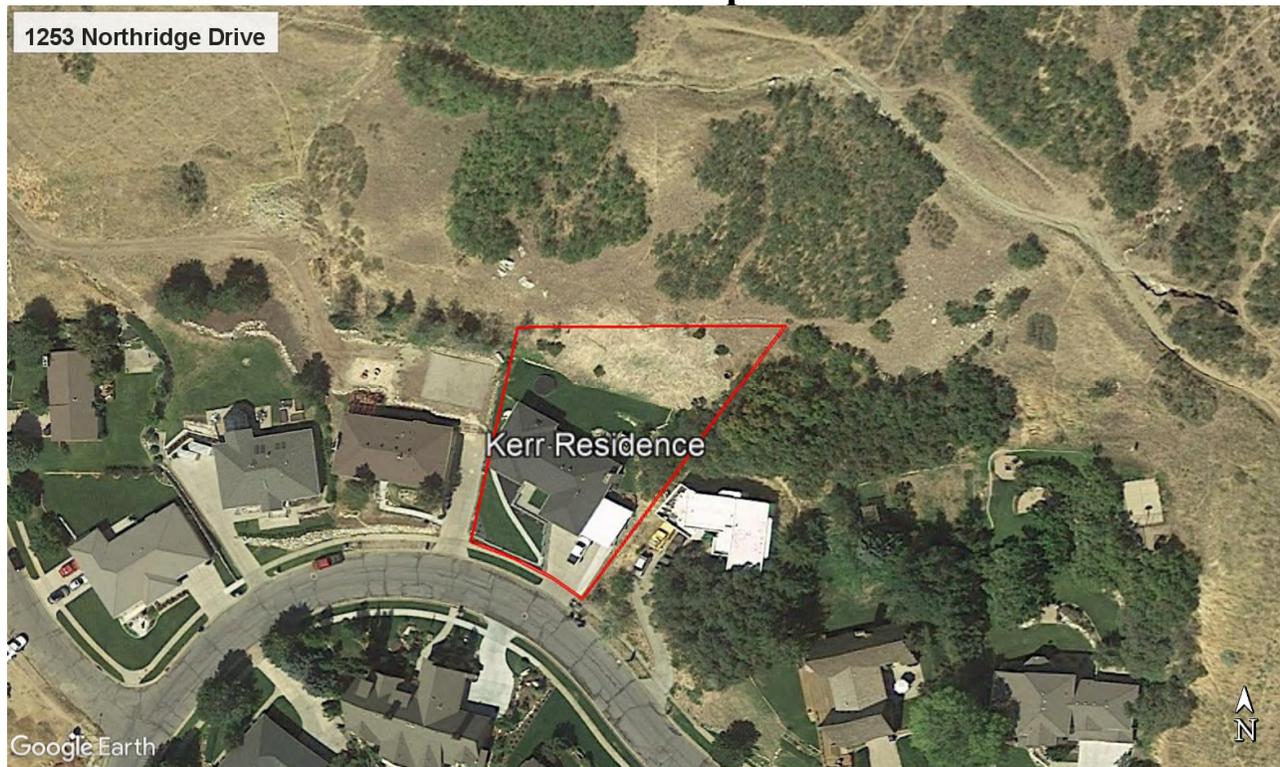
ACCESSORY DWELLING UNIT

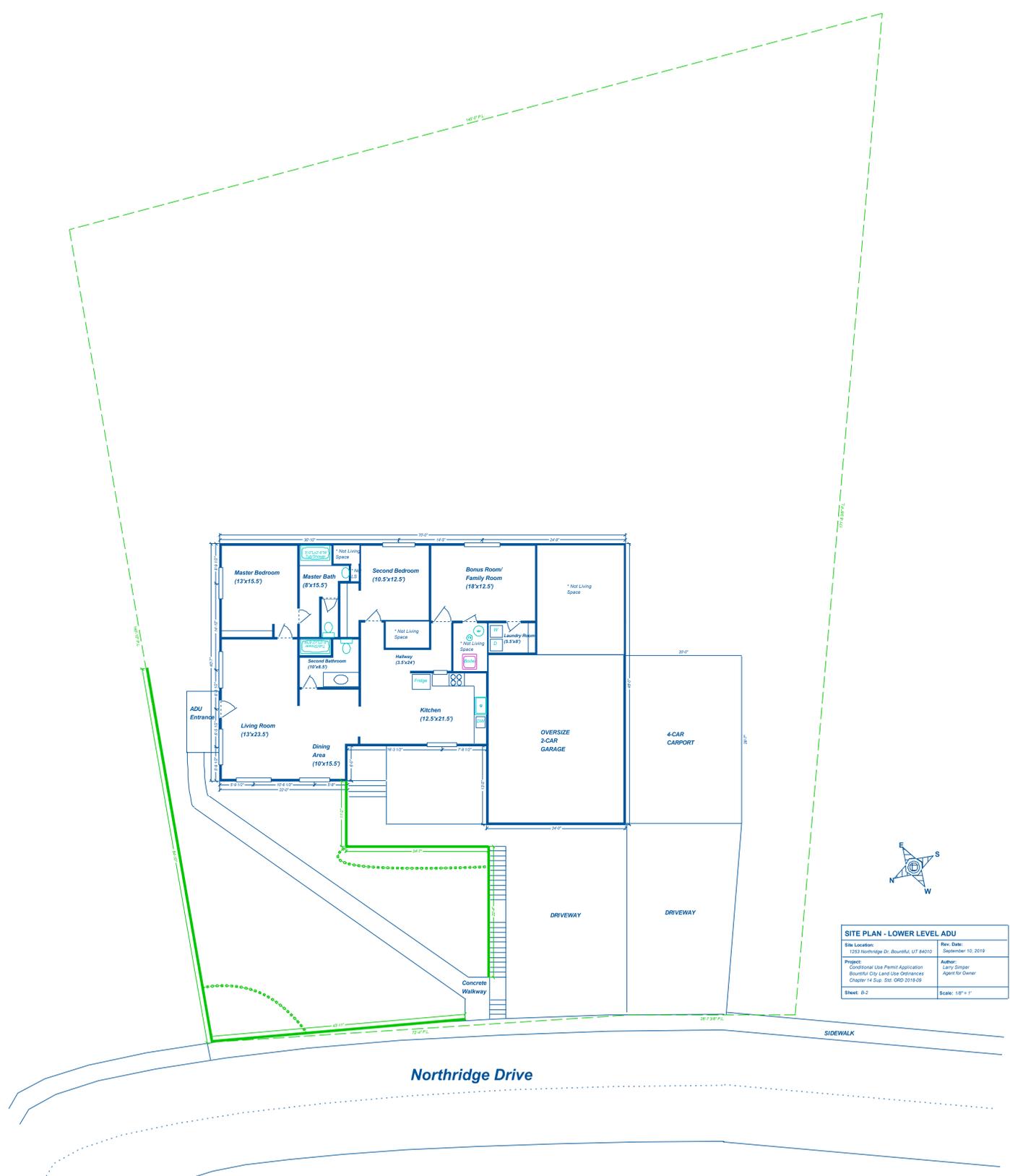
- A. *Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:*
1. *Allow opportunities for property owners to provide social or personal 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; and*
 6. *Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.*
- B. *An accessory dwelling unit shall only be approved as a conditional use.*
- 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 zone, 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 zone.*
 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 ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an 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 ADU shall not be allowed on the front or corner lot side yard. Any 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.*
 11. *Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveways 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. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.*
- 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. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
 3. *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.*
 4. *Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.*

Aerial Map





| SITE PLAN - LOWER LEVEL ADU | |
|--|--|
| Site Location: 1232 Northridge Dr. Bountiful, UT 84010 | Rev. Date: September 10, 2019 |
| Project: Conditional Use Permit Application Bountiful City Land Use Ordinances Chapter 14 Sub. Div. ORD-2018-09 | Author: Larry Singer Agent for Owner |
| Sheet: 0-2 | Scale: 1/8" = 1' |



Conditional Use Permit

A public hearing was held on September 9, 2019, at Bountiful City Offices to consider the request of Megan Bowden for a Conditional Use Permit allowing a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Bountiful, Utah.

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request to operate a group instruction business meets the letter and the intent of the specific requirements in §14-2-506 et seq (Conditional Use Permit provisions) of the Bountiful City Land Use Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Home Occupation Group Instruction with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

The Conditional Use Permit was approved on September 9, 2019, and this written form was approved this 23rd day of September, 2019.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary



Conditional Use Permit

A public hearing was held on September 9, 2019, at Bountiful City Offices to consider the request of Carrie and Tad Mills for a Conditional Use Permit allowing an Accessory Dwelling at 2220 South 900 East, Bountiful, Utah.

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request for an accessory dwelling shall meet all the criteria in 14-14-124 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) with the following conditions:

1. The principal owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on September 9, 2019, and this written form was approved this 23rd day of September, 2019.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary