

- A. Soil disturbance that occurs during the natural course of bona fide agricultural production.
- B. Landscaping that involves the disturbance of a total of ten (10) cubic yards of material or less.

14-14-124 ACCESSORY DWELLING UNIT

- A. Purpose: The City recognizes that accessory dwelling units in single-family residential zones can be an important tool in the overall housing plan for the City. The purposes of the accessory dwelling unit 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.
- B. Detached Accessory Dwelling Units.
 - 1. A detached accessory structure located on an owner-occupied property.
 - 2. A detached accessory dwelling unit is a conditional use, reviewed and considered for approval by the Bountiful City Administrative Committee.
- C. A detached accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all the following criteria:
 - 1. Shall be a conditional use only within the Single-Family Residential zone, Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use 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 on a qualifying lot.
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 dwelling, prepared by the Bountiful City Planning Director, and signed by 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 must occupy either the principal unit or the accessory dwelling unit as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other similar means required by the Planning Department.
8. Separate utility meters shall not be permitted for the accessory dwelling unit.
9. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.
10. 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 addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. 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.
11. Shall be at least three hundred fifty (350) square feet in size and shall not exceed one thousand two hundred fifty (1,250) square feet.
12. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
13. 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.
14. Shall meet all the setbacks required of an accessory structure.
15. Shall be located behind the front building line of the principal unit.

16. The separate entrance of the accessory dwelling unit may be visible from the front or corner lot side yard based on proximity and appropriate mitigation proposed by the applicant and approved by the Administrative Committee.

D. Internal Accessory Dwelling Units.

1. An internal accessory dwelling unit is an accessory unit created:
 - a. within a primary dwelling;
 - b. within the footprint of the primary dwelling at the time the internal accessory dwelling is created; and
 - c. For the purpose of offering a long-term rental of 30 consecutive days or longer.
2. An internal accessory dwelling unit is a permitted use within a primary dwelling, reviewed and considered for approval by Bountiful City Staff. A primary dwelling is a single-family dwelling that is detached and is occupied as the primary residence of the owner or record.

E. An internal accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all the following criteria:

1. Shall be permitted only within the Single-Family Residential Zone, the Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use 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 permit or without written authorization from the Bountiful City Planning Department.
4. A maximum of one (1) accessory dwelling unit shall be permitted per lot.
5. A deed restriction limiting the use of a property to a single-family dwelling, prepared by the Bountiful City Planning Director, and signed by 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.
6. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit

shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other similar means required by the Planning Department. Effective April 1, 2022, short term rentals of 30 days or less are prohibited.

7. Separate utility meters shall not be permitted for the accessory dwelling unit.
 8. 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 dwelling. Except as provided below, a separate entrance to the accessory dwelling unit shall not be allowed on the front or corner lot side yard. A separate entrance shall be located to the side or rear of the principal residence.
 - a. An accessory dwelling unit in a basement may share a common entrance with the principal unit, provided each unit has a separate interior door.
 9. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.
 10. 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 addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. 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.
 11. Shall have its own dedicated separate entrance from the principal unit in compliance with section 14-14-124(E)(8) and shall not have the appearance of a two-family dwelling (duplex). The separate entrance shall have a walkway in compliance with applicable building codes.
- F. Internal Accessory Dwelling Unit Violation.
1. In addition to any other legal or equitable remedies available to Bountiful City, the City may hold a lien against a property that contain internal accessory dwelling unit subject to state law.
- G. An internal accessory dwelling unit permit shall cost \$125.