

### 13.14.031: ACCESSORY DWELLING UNITS:

Accessory Dwelling Units are meant to assist in the creation of new housing units; support a more efficient use of existing housing stock and infrastructure; and provide housing that responds to changing family needs, smaller households, and increasing housing costs within the City and not a response to supplemental income or vacation rental opportunities.

Existing or new construction of Accessory Dwelling Units are permitted in detached structures within all ~~single-family~~ residential zones (~~R-1, FR-1, FR-2.5, FR-20~~) when the following standards are met. In addition to applicable remedies for correction of non-compliance set forth in Chapter 13.94 of this Title, pursuant to Utah Code Ann. § 10-9a-530(5), the City may hold a lien against any property in violation of any provision of this Title relating to the creation and/or maintenance of an Internal Accessory Dwelling Unit. The City shall follow the provisions of Utah Code Ann. § 10-9a-530(5) in the creation and filing of any lien.

A. Accessory Dwelling Unit as defined in section 13.04.040, shall:

1. Comply with applicable building, health, and fire codes.

2. Be subject to approval of a Building Permit (section 13.08.100) and issuance of a Certificate of Occupancy (sections 13.04.050, 13.01.060).

3. If rented, be rented for a minimum of thirty (30) consecutive days, ~~with the property owner living onsite~~. A rented ADU is subject to annual approval of a License (section 5.68.020). The licensing fee can be found in the Consolidated Fee Schedule.

4. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property or an immediate family member, defined as the spouse, parent, child, sibling, grandparent, or grandchild, occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the property owner(s) as shown on the County tax assessment rolls. Owner occupancy requirement shall not apply to the accessory dwelling unit when:

1. The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary military, job assignment, sabbatical, or voluntary service;

2. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and

3. The owner resumes primary occupancy of residence upon returning from the temporary military, job assignment, sabbatical, or voluntary service absence;

4.: Dwelling unit Occupancy: The occupants of an accessory dwelling unit shall be limited to a single family, defined as (in accordance with Utah Code §10-91-505.5):

a. One person living alone; or

b. Any number of persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; for purposes of this definition of family, the term "related" shall mean a spouse, parent, child,

stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.

c. Up to four (4) unrelated persons living as a single-family housekeeping unit.

5.4. Provide one additional onsite parking stall above the minimum required set forth in section 13.80.040; and replace any parking spaces displaced by the construction of an ADU from a garage or carport. If an accessory dwelling unit is being added outside of the existing footprint of the home, onsite parking must meet the minimums required in section 13.80.040, determined by the number of bedrooms in the accessory dwelling unit.

6.5. Maintain the same address as the primary dwelling with the addition of "Unit B".

7.6. Be designed in a manner that is compatible with the neighborhood residential vernacular.

8.7. Not operate on separate utility meters from the primary dwelling. The ADU tenant shall have unobstructed access to utility connections, i.e. water and gas shutoff, electrical panel and HVAC equipment, etc.

9.8. ADU shall not be permitted on a property with a failing septic tank.

B. Internal Accessory Dwelling Unit as defined in section 13.04.040, shall:

1. Comply with all provisions set forth in section 13.14.031 A of this chapter.

2. Provide egress window(s) for existing and new construction which meet minimum size standards as per Chapter 15.08 Building Codes.

C. External Accessory Dwelling Unit, as defined in section 13.04.040, shall:

1. Comply with all provisions set forth in section 13.14.031 A of this chapter.

~~2. Be located on a lot of record measuring either: a) twice the minimum lot size of the underlying zone; or, b) a minimum of one-half acre (21,780 square feet) or larger.~~ 2. Be located on a lot of record measuring 10,000 square feet or larger, or on a corner parcel or parcel with double frontage.

3. Provide a footprint size of a minimum of two hundred (200) square feet and maximum footprint as per Chart 13.14.101.

~~4. Comply with setbacks as per section 13.14.110, chart 13.14.1014.~~ Parcels greater than 10,000 square feet shall comply with setbacks for external ADUS as per section 13.14.110, chart 13.14.101.

5. Comply with Maximum Height as per section 13.14.110. ~~Height shall be limited to 12 feet when located within setbacks for Accessory Buildings.~~

a. On parcels smaller than .50 acres (21,780 square feet), external dwelling units may only have ground level living space.

b. Living space can expand to a second level if the structure is located within the setbacks required for a primary structure as per 13.14.110 B(4).

6. The height of accessory buildings containing a dwelling unit, is to be further limited by a graduated height envelope created by starting at a point on the property line six feet (6') above ground and then sloping a line at a forty-five degree (45°) angle toward the center of the lot. The entire building must fit under this line except for:

a. Dormers that exceed the graduated height envelope:

- (1) Are limited to fourteen feet (14') wide maximum;
- (2) Must have at least one-half ( $\frac{1}{2}$ ) of the dormer width between each dormer, and from each dormer to the front and side edges of the roof;
- (3) May not extend above the ridge of the roof it is on.

b. Gable, vertical wall, parapet or other structural elements that exceed the graduated height envelope:

- (1) Where the graduated height envelope intersects a gable, the gable may not exceed 0.75 times higher than the point where the graduated height envelope intersects the gable or "x" (1.75) = maximum gable height. See figure 1 of this subsection.
- (2) Where the graduated height envelope intersects a vertical wall, parapet or structural element other than a gable, the height may not exceed 0.40 times higher than the point where the graduated height envelope intersects the vertical wall, parapet or other structural element, or "x" (1.40) = maximum overall height. See figure 2 of this subsection.

7. Comply with Lot Coverage maximums as per section 13.14.080.

8. ~~6.~~—Design standards of any EADU shall include the following. These standards are intended to increase privacy and minimize impact to neighboring residents.

a. Security and/or building lighting shall be "dark sky" compliant, to include the following:

1. ~~b.~~— Only LED, incandescent light sources in the spectrum of white or off white (light yellow tones in the kelvin scale of 5,000k or lower, i.e. warmer).
2. ~~c.~~— Fixtures shall be mounted in such a manner that the cone of light does not cross any property line of the site.
3. ~~d.~~— Lighting installations shall include timers, dimmers and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

b. ~~e.~~— Primary and secondary access points including but not limited to doors, windows, patios, garage doors, etc. shall not open into a required setback.

c. Windows on a second level are prohibited on an exterior wall that is adjacent to side or rear property lines unless the window is clerestory with the bottom of the window at least 6 feet above the finished floor of the second level, the wall faces an elevation of the principle building, the window is at least 10 feet from a rear or side property line, or the window faces a side or rear property line adjacent to a commercial or non-residential use.

d. ~~f.~~—Required setbacks shall be maintained with landscaping which provides a buffer to neighboring properties.

e. ~~g.~~ Setback shall be increased by a minimum of twenty five percent (25%) based on the setback requirements, see Chart 13.14.101. (Ord. 2021-24, 9-9-2021)

~~9.8. Conversion of existing accessory buildings, including non-conforming structures, to EADUS is allowed with standards.~~

~~a. Shall meet all design standards within 13.14.031.G6.~~

~~b. No windows or doors that open into a required setback shall be added to the structure. Existing windows and doors which open into required setbacks shall be relocated if possible, or have their impacts mitigated with landscaping, shielding, non-operable windows, or other mitigation techniques.~~

~~c. Structures that do not conform to the building footprint sizes shown in Chart 13.14.101 must apply for a conditional use permit for a footprint that exceeds the allowed size.~~

~~d. Structures that do not conform to setbacks in Chart 13.14.101 shall add landscaping or other buffers to mitigate impacts.~~

~~e. A second level above 12 feet may not be added or converted to living space when the accessory structure is within setbacks for accessory building.~~

~~f. Any addition onto existing accessory buildings shall comply with all applicable setback and height requirements.~~

Chart 13.14.101

Lot Size In Square Feet	Total Footprint (Permitted Use)	No Closer Than (Feet)	25% Increase for EADU (Feet)
Less than 8,000	800	3	<del>4</del> 10
8,001 to 14,600	850	4	<del>5</del> 10
14,601 to 21,200	900	5	<del>6</del> 10
21,201 to 27,800	950	6	<del>8</del> 10
27,801 to 34,400	1,000	7	<del>9</del> 10
34,401 to 41,000	1,050	8	10
41,001 to 47,600	1,100	9	11
47,601 to 54,200	1,150	10	13
54,201 to 60,800	1,200	11	14
60,801 to 67,400	1,250	12	15
67,401 to 74,000	1,300	13	16
74,001 to 80,600	1,350	14	17
Over 80,600	1,400	15	19