



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: May 10, 2024
Re: Ordinance Revision: Accessory Dwelling Units

Background

The Planning Commission has prepared a draft ordinance that alters the development and land use standards for accessory dwelling units (ADUs). The proposed ordinance does the following:

- Makes external ADUs a permitted use in the FR zone (currently internal ADUs are allowed in both the VR and FR zones, and external ADUs are only allowed in the VR zone).
- Increases the maximum allowable size of an external ADU from 1,500 sf to 2,500 sf.
- Adds a height limit for external ADUs.
- Increases the property size required for an external ADU.
- Adds road access, parking, and occupancy standards for external ADUs, based on the size of the ADU.
- Makes guesthouses synonymous with external ADUs.
- Allows family members, caretakers/caregivers, and non-paying guests to occupy an ADU without needing an ADU permit.
- Makes a number of edits to existing ADU standards for clarity and consistency with the proposed new standards.

General Plan Guidance

The Commission should reference the General Plan to help evaluate the proposed ordinance revision. The Commission should determine whether or not the proposed changes to the ADU standards will help promote the goals and objectives of the General Plan. The Commission may wish to consider the following sections of the Plan:

- Chapter 3 - Housing: General Goal
- Chapter 3 - Sub-Goal A and A3
- Chapter 3 - Sub-Goal B and B2a

Public Comment

The Town has not received any public comment on this item.

Planning Commission Action

The Planning Commission should accept public comment on the proposed changes. Based on the public comment received and the Commission's deliberations, the Commission should make a recommendation to the Town Council regarding the proposed ordinance. The Commission may decide to recommend

approval of the ordinance, make edits to the proposed ordinance and then recommend approval, or decide not to forward the ordinance on to the Council.

The Commission may wish to use the following sample motion language when acting on the proposed ordinance:

*The Planning Commission recommends **approval/denial** of the proposed ordinance amending the standards for Accessory Dwelling Units (ADUs) as discussed in the Commission's meeting on May 15, 2024. This motion is based on the following findings:*

[LIST FINDINGS]

10-2-2: DEFINITIONS:

Guest: Any person or persons staying, for a time period not to exceed 60-90 days, within a dwelling unit without payment or compensation or remuneration to the owners, tenants or full time inhabitants of said dwelling unit.

Guesthouse: Living quarters within an accessory building for use by guests of the occupants of the premises. May have kitchen facilities, but shall not be rented or otherwise used as a separate dwelling unit, except as may otherwise be provided within this title. Shall have the same meaning as "external Accessory Dwelling Unit" established in section 10-22-9, and pursuant to section 10-22-9(F)(4) does not require an ADU permit when occupied by non-paying guests.

Guestroom, commercial: Any room or rooms used or intended to be used by paying customers for sleeping purposes which are part of a transient lodging facility.

Guestroom, residential: Any room or rooms used or intended to be used by a guest or guests for sleeping purposes and which are not part of a guest house or accessory dwelling unit. Residential guestrooms can be completely contained within the footprint of the primary dwelling or in an accessory structure.

10-7A-2: PERMITTED, ACCESSORY, AND CONDITIONAL USES ESTABLISHED:

A use that is indicated as permitted ("P") is allowed in the applicable zone if the use is consistent with all laws and ordinances applicable to the use. An accessory use ("A") is allowed in the applicable zone only if the use is accessory to a primary, allowable use and is consistent with all laws and ordinances applicable to the accessory use. A conditional use ("C") is allowed in the applicable zone only with a conditional use permit for the use and if the use is consistent with all laws and ordinances applicable to the use. An overlay zone use ("OZ") is allowed in the applicable zone only when an overlay zone is first applied to the underlying zone. A nonpermitted use ("N") is prohibited in the applicable zone. A use that is not listed in the table below is prohibited unless it is allowed in accordance with subsection 3. below.

Use	FR	VR	AG	CC	VC	PU
Residential uses:						
Accessory buildings such as garages, carports, bathhouses, greenhouses, gardening sheds and similar structures which are customarily used in conjunction with, and incidental to, a permitted principal use or structure						
Accessory dwelling units, external	A P	P	N	N	N	N
Accessory dwelling units, internal	P	P	N	P	P	N
Elderly residential facilities, subject to the requirements of chapter 22 of this title	P	P	N	P	P	N
Guesthouses, only one per lot or parcel of land (See "Accessory Dwelling Units, External")	A	A	N	A	A	N
Guestrooms, residential	A	A	A	A	A	N
Home occupations where public comes to the premises on an appointment only basis	P	P	P	P	P	N
Keeping of household pets, but not four or more dogs or other domesticated animals of similar size	P	P	P	P	P	P
Kennels, noncommercial, subject to the standards in this chapter)	P	P	P	P	P	N

Multiple-family dwellings or apartments	N	N	N	P	P	N
Open space, public or private	P	P	P	P	P	P
Parks, public or private	P	P	P	P	P	P
Residential facilities for persons with a disability, subject to the requirements of chapter 22 of this title	P	P	N	P	P	N
Single-family dwelling, detached only, for the use of a caretaker, watchman or similar employee of a permitted use	N	N	N	N	N	A
Single-family dwellings, detached	P	P	N	P	P	N
Single-family dwellings or dwelling groups, detached (owner or employee occupied, one per five acres of land area, in support of agricultural operations on the property)	N	N	P	N	N	N
Swimming pools	A	A	A	A	A	P
Two-family dwellings, duplex	N	P	N	P	P	N
Utilities, lines and rights-of-way only	P	P	P	P	P	P
Agricultural uses:						
Agricultural related business, including:	N	N	P	N	N	N
a. Indoor-outdoor retail market facilities specializing in produce grown on site;						
b. Processing facilities associated with the agricultural use of the land located a minimum of 100 feet from a VR or FR Zone boundary and 30 feet from SR-9;						
c. Warehouses associated with the agricultural use of the land or similar storage facilities located a minimum of 100 feet from a VR or FR Zone boundary and 30 feet from SR-9.						
Agriculture	P	P	P	P	P	P
Keeping and raising of farm animals	N	P	P	N	N	N
Keeping of nondomesticated animals not defined as "farm animals"	N	N	N	N	N	N
Commercial and public uses:						
Administrative, professional or medical offices	N	N	N	P	P	N
Ambulance and fire protection services	N	N	N	P	P	P
Art galleries	N	N	N	P	P	N
Artist studios	P	P	N	P	P	N
Automotive service stations, subject to the standards of this chapter	N	N	N	P	P	N
Bakeries, retail	N	N	N	P	P	N
Banks and financial institutions	N	N	N	P	P	N
Barber and beauty shops	N	N	N	P	P	N
Bicycle shops	N	N	N	P	P	N
Blueprint and photocopy services	N	N	N	P	P	N
Cemeteries	N	N	N	N	N	P
Churches	N	N	N	P	P	N
Clubs, lounges, and bars	N	N	N	P	P	N
Convenience stores	N	N	N	P	N	N
Daycare and nursery schools, subject to the standards in subsection 10-7A-4(B) of this chapter	N	N	N	P	P	N
Delicatessens	N	N	N	P	P	N
Drugstores and pharmacies	N	N	N	P	P	N
Educational institutions; public, quasi-public or private	N	N	N	P	P	P
"Established uses" as provided for in section 10-21-1 of this title	N	N	N	P	P	N

Florist shops	N	N	N	P	P	N
Food markets and grocery stores	N	N	N	P	P	N
Food trucks (see standards in section 10-22-17 of this title)	N	N	P	P	P	N
General retail stores	N	N	N	P	P	N
Guiding and tour services to areas inside Town limits, subject to the standards in this chapter	N	N	N	P	P	N
Guiding, tour, and transportation services to areas outside Town limits	N	N	N	P	P	N
Laundries, self-service	N	N	N	P	P	N
Libraries and museums, public or private	N	N	N	P	P	P
Liquor stores	N	N	N	P	P	N
Manufacturing, small scale assembly and production, subject to the standards in this chapter	N	N	N	P	P	N
Microbreweries	N	N	N	P	P	N
Nursery and garden supplies	N	N	N	P	P	N
Postal services	N	N	N	P	P	P
Public assembly	N	N	N	P	P	P
Public or quasi-public cultural activities and nature exhibits	N	N	N	P	P	P
Public parking areas and facilities	N	N	N	P	P	P
Public services facilities and government offices	N	N	N	P	P	P
Recreational facilities, commercial, subject to the standards in this chapter	N	N	N	P	P	P
Rental of nonmotorized recreational equipment	N	N	N	P	P	N
Rental of power equipment	N	N	N	P	N	N
Restaurants	N	N	P	P	P	N
Rock shops	N	N	N	P	P	N
Theaters, subject to the standards in this chapter	N	N	N	P	P	P
Transient lodging facilities, Type 1	N	N	N	OZ ¹	OZ ¹	N
Transient lodging facilities, Type 2	N	N	N	OZ ¹	OZ ¹	N
Transportation services, subject to the standards in this chapter	N	N	N	P	P	P
Travel agencies	N	N	N	P	P	N
Vehicle holding area	N	P ¹	N	P	P	P
Miscellaneous uses:						
Wireless communication facilities	See section 10-27-5 of this title					

Note:

1. Only when the Transient Lodging Overlay Zone is first applied to the property.
2. Only on public parking lots existing on July 11, 2018 which are currently operating as non-conforming uses.

10-20-8: ACCESSORY BUILDINGS:

Accessory buildings are buildings erected in the vicinity of a principal structure and are defined and limited by the following regulations:

- A. An accessory building shall be located behind the front, side and rear yard setbacks of the lot and, except as otherwise provided in this title, at least ten feet from any dwelling existing or under construction on the same lot.
- B. Except for 1) guesthouses1) residential guestrooms, and 2) accessory dwelling units regulated by section 10-22-9, accessory buildings shall not be used for dwelling purposes.
- C. Accessory buildings shall comply with all the applicable ordinances, codes and laws of the Town and the state, and shall be governed by the requirements of the Uniform Building Code. The construction or installation of an accessory building may require a building permit and any other permit required by this title.

10-22-9: ACCESSORY DWELLING UNITS:

- A. *Accessory dwelling units defined:* An accessory dwelling unit (ADU) is a secondan additional dwelling unit on an owner-occupied single-family property that is clearly incidental and accessory to the primary structure on the property.
- B. *Classes of ADUs:* ADUs can be either internal or external.
 - 1. An internal ADU is a separate dwelling unit located entirely within the footprint of a single-family dwelling on a residentially zoned property. Internal ADUs must meet the standards in U.C.A. § 10-9a-530.
 - a. To be considered an internal ADU, the dwelling unit must have a kitchen, bathroom, and sleeping area situated together in a logical configuration that is separated from the rest of the primary dwelling in such a manner that is clearly intended for the possible use as a separate dwelling unit. The mere presence of a wet bar or entertainment kitchen in a primary dwelling does not, in and of itself, create an internal ADU.
 - 2. An external ADU is a dwelling in a separate structure on the same residentially zoned property as a single-family dwelling, and which is detached from the single-family dwelling. "Guesthouse" shall have the same meaning as an external ADU.
- C. *Allowed zones:* ADUs are allowed in all residential zones.
 - 1. Internal ADUs are allowed in all residential zones.
 - 2. External ADUs are only allowed in the VR zone and VR subzones.
- D. *General standards:* All ADUs must conform to the following standards:
 - 1. The ADU must contain complete cooking and bathroom facilities that are separate from the facilities located in the main residence.
 - a. If used as a long-term residence, The cooking facility in the ADU must contain:meet the minimum building code requirements for a residential kitchen. The sink for the kitchen must be separate from the sink for the bathroom.
 - (1) A sink and water faucet,
 - (2) Capacity for food refrigeration, and
 - (3) A permanent, built-in stove top, range, or other similar device for cooking food.
 - b. The bathroom facility in the ADU must contain:
 - (1) A sink and water faucet,
 - (2) A toilet, and

(3) A shower or bathtub.

2. ~~If the ADU is occupied as a long-term residence pursuant to an ADU permit, the owner of the property must occupy either the main residence or the ADU.~~
3. ~~One off-street parking space must be provided for the ADU, in addition to parking required for the primary dwelling on the property. Reserved.~~
4. ADUs must meet all applicable Fire and Building Codes.
5. ~~The lot where the ADU is located must maintain the single-family appearance and character of the neighborhood. ADUs should be compatible in design and appearance with the main residence on the property. It must be visually apparent that the lot where the ADU is located is developed as a single family residence with an accessory dwelling, and not as two separate single family residences.~~
6. Only one ADU per property is permitted.
7. ~~The lot where the ADU is located must be at least 6,000 square feet in size. Reserved.~~
8. ADUs shall not be used for transient lodging.
9. ~~The total number of residents that reside in accessory dwelling unit may not exceed the number allowed for "family," as defined in section 10-2-2. Reserved.~~
10. If a garage or carport is converted to an ADU, the property owner must replace any parking spaces contained in the garage or carport which are required by code with an equal number of parking spaces elsewhere on the property in a manner that complies with all land use standards.
11. An ADU shall not be permitted within a mobile home.
12. A property owner may not install power or culinary water utility meters that serve only the ADU. The ADU must be served by the same power and culinary water utility meters as the primary dwelling on the property.
13. An ADU is not allowed to be sold separately from the primary dwelling on the property.

E. *Specific standards:*

1. *Internal ADUs:* The following standards apply to internal ADUs only:
 - a. The ADU must be rented for periods of 30 consecutive days or more.
 - b. ~~One off-street parking space must be provided for the ADU, in addition to parking required for the primary dwelling on the property.~~
 - c. ~~The lot where the ADU is located must be at least 6,000 square feet in size.~~
 - d. ~~The total number of residents that reside in accessory dwelling unit may not exceed the number allowed for "family," as defined in section 10-2-2.~~
2. *External ADUs:* The following standards apply to external ADUs only:
 - a. The ADU must be rented for periods of 90 consecutive days or more.
 - b. ~~The structure containing the ADU is limited to 1,500 square feet in area, measured in the same manner as any other structure in the residential zones. The structure containing the ADU shall be limited in area to the greater of: 1) 50% of the building area of the primary dwelling on the property up to a maximum of 2,500 square feet, or 2) 1,000 square feet.~~

~~(1) For the purpose of compliance with this standard the area of the structure containing the ADU shall be measured in the same manner as any other structure in the residential zones,~~

except that the area of a basement in an external ADU structure shall be included in the area of the ADU.

(2) The residential size bonus allowed by Chapter 10-15H does not apply to structures containing an external ADU.

c. The building height for the structure containing the ADU, as measured by the building height measurement method established in Chapter 10-15A, is limited to:

(1) 17 feet for normal parcels in the FR zone and all parcels in the VR zones.

(2) 15 feet for high visual impact and view obstructing parcels in the FR zone.

(3) Notwithstanding (1) and (2) above, the height of a structure containing an external ADU may not exceed the height of the primary dwelling on the property.

(4) The residential height bonus allowed by Chapter 10-15H does not apply to structures containing an external ADU.

d. The property containing the ADU must meet the minimum property area standards:

(1) VR zone and all subzones: 0.5 acres.

(2) FR-2 zone: 2 acres.

(3) FR-5 zone: 5 acres.

(4) Lots in a subdivision (which subdivision's plat has been approved by the Town of Springdale and recorded in the Washington County Recorder's Office) shall be allowed to develop an external ADU, regardless of lot size.

e. If the external ADU is 1,600 square feet or less in area the follow standards apply:

(1) One off-street parking space must be provided for the ADU, in addition to parking required for the primary dwelling on the property.

(2) All vehicles associated with the occupant household of the ADU must be parked on the same property as the external ADU.

(3) A maximum of two adults may occupy the ADU. Minors who are dependents of at least one of the adults occupying the ADU may also occupy the ADU.

f. If the external ADU is greater than 1,600 square feet in area the following standards apply:

(1) The property containing the ADU must be accessed by a road which is paved and meets minimum Town standards for pavement and other improvements.

(2) Two off-street parking spaces must be provided for the ADU, in addition to parking required for the primary dwelling on the property.

(3) All vehicles associated with the occupant household of the ADU must be parked on the same property as the external ADU.

(4) A maximum of four adults may occupy the ADU. Minors who are dependents of at least one of the adults occupying the ADU may also occupy the ADU.

F. Permit required: Prior to renting or offering to rent an ADU, or to occupying an ADU and renting the primary dwelling, a property owner must obtain an accessory dwelling unit permit from the Town.

1. The ADU permit is reviewed and approved by the DCD.

2. The DCD shall issue the ADU permit, only after finding all of the standards in this section and all other applicable land use standards have been met.
3. The Town shall record a notice of the permit with the Washington County Recorder, as detailed in U.C.A. § 10-9a-530(6).
4. An ADU permit is not required if the ADU (or the primary dwelling if the property owner occupies the ADU) is occupied by:
 - a. Non-paying family members of the property owner's household.
 - b. Non-paying guests who stay intermittently for periods of 90 days or less.
 - c. Caregivers or caretakers who provide service to the property owner's household.

F.G In addition to other remedies available to the Town, the Town may hold a lien against a property that contains an ADU if the property owner violates any standards for operation of an ADU. The amount, notice, and procedure for the lien shall be in accordance with state law.

H. Definitions: As used in this section, the following terms shall have the following meanings:

1. Caregiver: A person who provides medical, mental, or occupational care and assistance to another person necessary for daily life functions.
2. Caretaker: A person who provides grounds, building, or property maintenance and upkeep services.
3. Occupant Household: A group of people living together in a dwelling unit (either an ADU or a primary dwelling) and which functions as a single housekeeping unit (e.g. sharing meals together, social activities, household responsibilities, etc.).