



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: March 28, 2025
Re: Housing Committee Recommendations Regarding Accessory Dwelling Units

Executive Summary

In 2023 and early 2024 the Planning Commission spent over a year discussing revisions to the Town's regulations for Accessory Dwelling Units (ADUs). The Commission discussed a number of ADU issues, with the most significant being whether or not external ADUs should be allowed in the FR zone.

After extensive discussion the Commission prepared a proposed ordinance amendment that would have significantly altered the Town's ADU regulations, including making an allowance for external ADUs in the FR zone. The issue of external ADUs in the FR zone was the most controversial and divisive component of the proposed ordinance. The Commission forwarded the proposed ordinance to the Council with a recommendation for approval. The Council subsequently reviewed the proposed ordinance in three separate meetings, and ultimately decided not to adopt the ordinance.

Although the Council did not adopt the ADU ordinance as drafted, they did appreciate many of the clarifications contained in the Commission's proposed ordinance. The Council asked the Housing Committee to review the ordinance and see what elements could be retained, while not rehashing the controversial issue of external ADUs in the FR zone.

The Housing Committee has used the Commission's proposed ordinance as a template to create clarifications and modifications to the Town's ADU standards. The Committee is now presenting the proposed modifications to the Commission for review and recommendation to the Council. As directed, the Committee's recommendations do not address the issue of external ADUs in the FR zone.

Because most of the policy in the proposal is derived from the Commission's earlier work, neither the Housing Committee nor the Town Council encourage the Commission to conduct another extensive review of ADU policy and regulations. Rather, the Committee requests the Commission make a recommendation to the Council whether or not to adopt the proposed ordinance as drafted.

Overview of Housing Committee Recommendations

As discussed above, the Housing Committee used the Planning Commission's proposed ordinance language as a template for their proposed revisions. Thus, most of the proposed changes are lifted directly from the Commission's earlier work on ADUs, and all the changes should be familiar to the Commission.

The Committee's proposed ordinance changes do the following:

- Adds a height limit for external ADUs.
- Increases the property size required for an external ADU.
- Allows family members and non-paying guests to occupy a guesthouse without needing an ADU permit.
- Revises the allowable size of an external ADU to be 50% of the area of the main building on the property, with a maximum size of 1,500 square feet.
- Clarifies the minimum rental periods for both internal and external ADUs.
- Adds a parking requirement for external ADUs that requires all ADU parking to be contained on site.
- Makes a number of edits to existing ADU standards for clarity and consistency with the proposed new standards.

Planning Commission Action

The Commission should review the proposed ordinance in the work meeting to identify consistency and clarity issues only (not policy issues) and then schedule the ordinance for a public hearing for official recommendation on the policies contained therein.

10-2-2: DEFINITIONS:

The following definitions are hereby adopted for the purposes of this title, and the regulatory statements included therein are a part of this title:

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.

Guestroom: Any room or rooms used or intended to be used by a guest for sleeping purposes.

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 guesthouses, accessory buildings shall not be used for dwelling purposes. An accessory building or accessory structure may be occupied as a dwelling unit: 1) as a guest house, 2) as an external accessory dwelling unit regulated by section 10-22-9, or 3) by non-paying family members (related by blood, marriage, or adoption) of the occupants of the primary dwelling on the property. No other use of an accessory building or accessory structure as a dwelling unit is allowed. Only one accessory building or accessory structure on a property may be designed or 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 second 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. 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. To be considered an external ADU, the dwelling unit must have a kitchen, bathroom, and sleeping area in the separate structure configured 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 an accessory structure does not, in and of itself, create an external ADU.

C. *Allowed 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. The cooking facility in the ADU must contain:
 - (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. 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.~~
 4. ADUs must meet all applicable Fire and Building Codes.
 5. 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 the ADU 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. ~~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.~~
 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.
 8. ADUs shall not be used for transient lodging.
 9. The total number of residents that reside in the accessory dwelling unit may not exceed the number allowed for "family," as defined in section 10-2-2.
 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 or subdivided 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. The owner of an internal ADU may not enter into a new lease or rental agreement for the ADU until at least 30 days have passed since the beginning date of the previous lease or rental agreement.
 - b. One off-street parking space must be provided for the ADU, in addition to parking required for the primary dwelling on the property.
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.
 - (1) The owner of an external ADU may enter into a new lease or rental agreement for the ADU with a new lease beginning date which is at least 90 days since the beginning date of the previous lease or rental agreement, or
 - (2) The owner of an external ADU may enter into a new lease or rental agreement for the ADU when the current tenant breaks the lease and any retained rental fees for the remainder of the current lease are returned to the tenant.
 - 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 1,500 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 17 feet, except that the height of a structure containing an external ADU may not exceed the height of the primary dwelling on the property. 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 be at least 0.5 acres in area.
 - e. The property where the ADU is located must contain enough parking spaces to store all vehicles associated with both the primary dwelling and the ADU on site, while also meeting all land use standards (setbacks, landscape, etc.).

F. *Permit required:* Prior to renting or offering to rent an ADU, 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).
- 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.