

ORDINANCE #25-16

AN ORDINANCE ADDING ACCESSORY DWELLING UNITS

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE GARDEN CITY TOWN COUNCIL THAT ORDINANCE 11C-2300, ACCESSORY DWELLING UNITS, BE ADDED AS FOLLOWS:

11C-2300: - 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. § 10-20-530. 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 conditional in R-1, HE, C, RE/AG, BD, RR zones.

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. ADUs must meet all applicable Fire and Building Codes.

3. 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.
4. Only one ADU per property is permitted.
5. ADUs shall not be used for transient lodging (Short Term Rentals).
6. The total number of residents that reside in accessory dwelling unit may not exceed the number allowed for "family," as defined in section 11A-200.
7. 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.
8. An ADU shall not be permitted within a mobile home.
9. 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.
10. 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 date the ADU was first occupied under the previous lease or rental agreement.
 - b. The lot where the ADU is located must be at least 7,500 square feet in size.
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 not enter into a new lease or rental agreement for the ADU until at least 90 days have passed since the date the ADU was first occupied under the previous lease or rental agreement, except

as allowed by section 10-22-9(E) (2)(a)(2).

(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, as long as at least 30 days have passed since the date the ADU was first occupied under the previous lease or rental agreement.

3. 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.

4. The property containing the ADU must be at least 0.5 acres in area.

5. One off-street parking space must be provided for the ADU, In addition to parking required for the primary dwelling on the property.

6. Setbacks – per IBC, setback is regulated by accessory building height

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 Planning Commission (or staff?)

2. The Planning Commission (or Staff) 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 Rich County Recorder, as detailed in U.C.A. § 10-20-530(6).

G. Failure to comply with any regulation in this section may result in enforcement actions taken against the property owner, potentially including civil fines and penalties. 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.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

APPROVED AND ADOPTED by the Garden City Town Council this 11th day of December 2025.

APPROVED:

Attest:

Mike Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Argyle	_____	_____
Hansen	_____	_____
House	_____	_____
Menlove	_____	_____
Leonhardt	_____	_____ (tie only)