

ORDINANCE NO. O-50-2025

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH, AMENDING
THE EAGLE MOUNTAIN MUNICIPAL CODE TITLE 6 AND TITLE 17 TO ESTABLISH
STANDARDS FOR ALTERNATIVE ANIMAL MANAGEMENT PLANS
AND UPDATE RELATED ZONING PROVISIONS

PREAMBLE

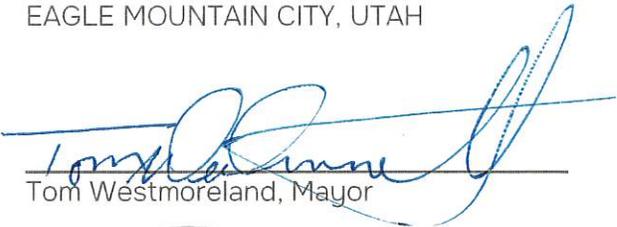
WHEREAS the City Council of Eagle Mountain City finds that it is in the public interest to amend the Eagle Mountain Municipal Code Title 6, Sections 6.05.26 and 6.10.080 for establishing standards for alternative animal management plans and Title 17, Sections 17.65.050, 17.65.100, 17.70.040, 17.70.050, and 17.105.050 to clarify exceptions to accessory dwelling unit standards, as described in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Title 6, Sections 6.05.26 and 6.10.080 for establishing standards for alternative animal management plans and Title 17, Sections 17.65.050, 17.65.100, 17.70.040, 17.70.050, and 17.105.050 to clarify exceptions to accessory dwelling unit standards, as described in Exhibit A.
2. The amendment described in Exhibit A is hereby approved.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 2nd day of December, 2025.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Gina L. Olsen
City Recorder

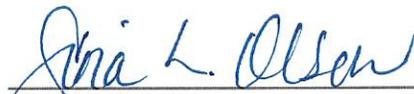


CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on the 2nd day of December, 2025.

Those voting yes:	Those voting no:	Those excused:	Those abstaining:
<input checked="" type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham
<input checked="" type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark
<input checked="" type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray
<input checked="" type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood
<input checked="" type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright




Gina L. Olsen
City Recorder

Posted on 12/14/25 by UM.

Exhibit A

6.05.260 Number of animals.

No person may harbor or possess more than the number of dogs shown in Table 6.05.260(a) or more than four cats, four months of age or older, without acquiring a short-term pet sitting license, kennel license, or a hobby breeder license for such use or facility from the city. Ownership of more than four cats without said licenses must be approved by the animal regulation coordinator for a legitimate business purpose.

Table 6.05.260(a)

Maximum Permitted Number of Dogs by Lot Size					
Dog Size	Lot Size	Dogs Allowed as Pets (No License Required)	Hobby Breeder License*	Short-Term Dog Sitting*	Kennel
Small	Condos/Apartments or Townhomes	2	N/A	2	N/A
Large		2	N/A	2	N/A
Small	Under 5,500 SF	2	4	4	N/A
Large		2	3	3	N/A
Small	5,501 – 8,000 SF	3	4	4	N/A
Large		3	4	4	N/A
Small	8,001 – 21,780 SF	4	6	6	N/A
Large		4	5	5	N/A
Small	21,781 SF – 1 Acre	4	6	6	N/A
Large		4	6	6	N/A
Small	> 1 Acre to < 10 Acres	4	8	8**	N/A
Large		4	8	8**	N/A
Small	> 10 Acres to < 20 Acres	6	12**	12**	As approved by PC
Large		6	12**	12**	As approved by PC
Small	> 20 Acres	8	16**	16**	As approved by PC
Large		8	16**	16**	As approved by PC

* Total number of dogs allowed on property

** Exceptions to these standards must be presented by the property owner through an alternative animal management plan to be heard by the Planning Commission. If an approved plan is violated or

causes situations that become a nuisance to adjoining property owners, the approval shall be subject to revocation by the Planning Commission.

6.10.080 Residential livestock requirements.

A residential property may have a mix of the permitted animals so long as the required fencing area is provided. (Chickens, ducks, and similar fowl are exempted from these regulations and are allowed per EMMC [17.25.030](#), residential land use table.)

Table 6.10.080 – Residential Livestock Requirements*

Animal***	Max. Number Allowed on Lots				Available Fenced Area per Animal	Minimum Lot Size
	1/2 to 0.99 Acres	1 to 1.99 Acres	2 to 2.99 Acres	3 or More Acres		
Horse/Mule	0**	4	8	4 per acre	2,500 s.f.	1 Acre**
Bison	0	2	4	2 per acre	2,500 s.f.	1 Acre
Cattle	2	4	8	4 per acre	2,500 s.f.	1/2 Acre
Donkey	2	4	8	4 per acre	2,500 s.f.	1/2 Acre
Llama	2	4	8	4 per acre	2,500 s.f.	1/2 Acre
Emu/Ostrich	4	8	12	5 per acre	500 s.f.	1/2 Acre
Sheep/Goat	4	8	12	5 per acre	500 s.f.	1/2 Acre
Pig (all kinds)	2	4	6	3 per acre	500 s.f.	1/2 Acre

* Exceptions to these standards must be presented by the property owner through an alternative animal management plan to be heard by the Planning Commission. If an approved plan is violated or causes situations that become a nuisance to adjoining property owners, the approval shall be subject to revocation by the Planning Commission.

** Two horses/mules allowed on one-half-acre+ properties within the equine overlay zone.

*** Any animal that a reasonable person would define as a half-size (or smaller) of an average adult animal shall count as a half-unit including offspring and miniature animals. Offspring shall not count towards maximum animal numbers until weaned.

Chapter 6.15

NONTRANSFERABLE ALTERNATIVE ANIMAL MANAGEMENT PLANS

6.15.010 Application.

Individuals may propose an alternative animal management plan to the Planning Commission for their review and approval. Interested persons shall submit an application for an alternative animal management plan on forms prepared by the Planning Director. No alternative animal management plan shall be processed without the submission of the application and all supporting materials (including processing fee) as required by this chapter.

A. Supporting Materials. The alternative animal management plan application shall be submitted with the materials listed in this section. The Planning Director may determine and require that additional items not listed herein be submitted in order to evaluate the alternative animal management plan application.

1. Narrative. A detailed narrative explaining the reasons for an alternative animal management plan proposal.
2. Site Plan. A detailed site plan showing the entirety of the property. Provide locations of animals and their distances from the property lines and all adjacent residential dwellings.
3. Mitigation Plan. A detailed plan that describes mitigation efforts to reduce the impacts caused by animals or animal-related home businesses (i.e. sound, refuse, smell, flies, traffic, parking, etc.)
4. Applicable Photos. Detailed photos of where the animals are being housed, applicable fencing, etc.
5. Fee. The processing fee required by the current consolidated fee schedule approved by the City Council.

6.15.020 Approval process.

The approval process for an alternative animal management plan shall be as follows:

A. Planning Commission Public Hearing. Upon receipt of a completed application and subsequent review by the Planning Director or designee, the application shall be placed on the next available Planning Commission agenda for a public hearing no more than 45 days

after a complete application has been submitted. The Planning Director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the Planning Commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the City offices) within the City at least 10 days prior to the hearing.

B. Staff shall ensure that the Planning Commission agenda report is also made available to the City Council for their review.

C. Planning Commission Review. The Planning Commission will review each application and may approve, approve with conditions, or deny the application based upon findings of facts. The Planning Commission may also defer action if an applicant fails to appear at the Commission meeting or there is insufficient application information provided.

D. Within three days of the Planning Commission's review and action, Staff will inform the City Council of the action taken by the Planning Commission.

E. City Council Review. The action of the Planning Commission shall be final unless a member of the City Council requests that the alternative animal management plan be reviewed by the City Council within 15 days of the Planning Commission's action. If an alternative animal management plan application is placed upon a City Council meeting for action, the City Council shall be the land use authority.

F. Upon approval, a notice of interest shall be recorded against the property stating that the approved alternative animal management plan runs with the applicant and not the land, meaning that it will terminate due on sale of the property.

6.15.030 Determination

The Planning Commission may approve an alternative animal management plan located within an agriculture or single-family residential zone. In approving an alternative animal management plan, the Planning Commission may impose such requirements and conditions necessary for the protection of adjacent properties and the public interest. The Planning Commission may approve an alternative animal management plan upon determining the following:

A. Health, Safety, and Welfare. That such use will not, under the circumstances, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity and will not institute a nuisance to property owners;

B. General Plan. That the proposed use does not conflict with the intent of the Eagle Mountain City general plan.

6.15.040 Considerations and standards.

In reviewing an application for an alternative animal management plan, the Staff and Planning Commission shall review, but not limit their review to, the following considerations and standards. Some considerations and standards may only apply to animal-based home businesses:

A. The Site of the Structures or Use, and in Particular:

1. Adequacy of Site. The adequacy of the site to accommodate the proposed use and all related activities.
2. Screening. The location and possible screening of all outdoor accommodations and activities.
3. Adjoining Uses. The relation of the proposed buildings or use to any adjoining buildings with particular attention to protection of light, air, noise, and odor.

B. Traffic Circulation and Parking:

1. Street. The type of street serving the proposed use in relation to the amount of traffic expected to be generated.
2. Access. The adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrances and exits.
3. Truck Traffic. The amount, timing, and nature of associated truck traffic.

C. The Impact of the Proposed Buildings or Use on Surrounding Uses, and in Particular:

1. Impact of Patrons. The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of public importance such as schools, libraries, playgrounds, religious or cultural meeting halls, and hospitals.
2. Hours of operation.
3. Off-Site Effects. Adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.
4. Special Hazards. Adequacy of provisions for protection of the public against any special hazards arising from the intended use.

6.15.050 Optional conditions.

Applicants for alternative animal management plans shall meet all applicable requirements of this title. In addition, the Planning Commission may establish conditions and requirements as part of the approval that address concerns regarding safety for persons and property, health and sanitation, nuisances, master plan proposals, and neighborhood characteristics. Specifically, the Planning Commission may require:

A. Conditions Relating to Safety of Persons and Property.

1. Increased Setbacks. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to prevent nuisances to adjacent properties.
2. Lighting. Limitations and control of the number, location, color, brightness, and height of lighting units used on the property.

B. Conditions Relating to Health and Sanitation.

1. Culinary Water. A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City Council.
2. Wastewater. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City Council.
3. Sizing of Utilities. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

C. Conditions Relating to Environmental Issues.

1. Pollution. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
2. Dust and Erosion. The planting of ground cover or other surfacing to prevent dust and erosion.

D. Conditions Relating to Compliance with the Intent of the General Plan and Characteristics of the Vicinity or Neighborhood.

1. Removal of Incompatible Materials. The removal of structures, debris, or other materials incompatible with the intended characteristics of the applicable zone.
2. Fences and Screening. Limitations or controls on the location, heights, and materials of walls, fences, hedges, and screen plantings to ensure a buffer between adjacent properties.

3. Landscaping. Landscaping to ensure compatibility with the intended characteristics of the applicable zone.

6.15.060 Inspection.

Following the approval of an alternative animal management plan by the Planning Commission, the City Staff shall ensure that site development and uses are conducted in compliance with the approved plan and any conditions that were applied. Upon request made by City Staff, property owners shall allow, within reasonable hours, an inspection of the property to determine compliance with the approved alternative animal management plan. The Planning Commission may request that alternative animal management plans be placed upon their agenda for review to ensure compliance with the conditions or requirements of approval as necessary. Failure to comply with the conditions or requirements of approval may result in the approval being revoked.

6.15.070 Noncompliance.

Owners of property where an alternative animal management plan has been approved shall be responsible for their property's compliance with the approval, conditions of approval, and the City's ordinances. Property owners that fail to maintain or violate the approval, conditions of approval, and City ordinances may have the approval revoked by the Planning Commission. Notice shall be given to the property owner that they have 14 days to correct a violation before the approval is revoked.

17.05.200 Tables.

Table 17.05.200(a) Public Hearing

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities**
GENERAL PLAN					
General Plan*	Yes	Yes	Published in paper – Direct mailed notice to affected entities – Post notice in 3 public places	10 Days	Yes – Check definition of affected entity
LAND USE ORDINANCE					
EMMC Titles 16, Subdivisions, and 17, Zoning: Requirements and Approvals	Yes	Yes	Published in paper – Direct mailed notice, with summary to be understood by a lay person, to property owners within 600 feet including at least 25 property owners and to affected agencies – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity
HOME BUSINESS					
License Official Approval	No	No	N/A	N/A	N/A
Planning Commission Approval	Yes	No	Direct mailed notice to property owners within 300 feet including at least 15 property owners – Post notice in 3 public places	10 Days	N/A
ACCESSORY DWELLING UNITS (ADUs)					
Planning Director Approval	No	No	N/A	N/A	N/A
Planning Commission Approval	Yes	No	Direct mailed notice to property owners within 600 feet – Post notice in 3 public places	10 Days	N/A

Table 17.05.200(a) Public Hearing

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities**
SIGN REGULATIONS					
Sign Permit – Planning Director Approval	No	No	N/A	N/A	N/A
Model Home Signage	No	No	N/A	N/A	N/A
Directional/Advertising Business Signage	No	No	N/A	N/A	N/A
ANIMAL MANAGEMENT PLANS					
Planning Commission	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners – Post notice in 3 public places	10 Days	N/A
REZONING OF PROPERTY					
Rezoning	Yes	Yes	Published in paper – Direct mailed notice, with summary to be understood by a lay person, to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)
CONDITIONAL USE					
Conditional Use	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)

Table 17.05.200(a) Public Hearing

	P.C. Hearing	C.C. Hearing	Notice Type	Notice Period	Affected Entities**
SITE PLAN REVIEW					
Site Plan Review	Yes	No	Direct mailed notice to property owners within 600 feet including at least 25 property owners and to affected entities – Post notice in 3 public places	10 Days	Perhaps – Check definition of affected entity (required if rezoning to a multi-unit residential, commercial, and industrial)
VARIANCES					
Variance	No	No	N/A	N/A	N/A

NOTES: Posting the agenda for a public meeting on the website (<https://eaglemountain.gov/>) counts as a public place.

* The general plan requires a notice of intent of 10 days to prepare a plan amendment which is mailed or e-mailed to the affected entities.

** Affected entities include but are not limited to: State Planning Coordinator, Automated Geographic Reference Center, Utah Department of Transportation, Utah County, Mountainland Association of Governments, Alpine School District, Timpanogos Special Service District, Saratoga Springs, Fairfield, and Cedar Fort.

Table 17.05.200(b) Land Use Authority

	Land Use Authority	
	Advisory Body	Land Use Authority
GENERAL PLAN		
General Plan	Planning Commission	City Council
LAND USE ORDINANCE		
EMMC Title 17 , Zoning	Planning Commission	City Council
EMMC Title 16 , Subdivisions: Requirements and Approvals	Planning Commission	City Council
HOME BUSINESS		
License Official Approval	None	License Official

Table 17.05.200(b) Land Use Authority

	Land Use Authority	
	Advisory Body	Land Use Authority
Planning Commission Approval	License Official	Planning Commission*
ACCESSORY DWELLING UNITS (ADUs)		
Planning Director Approval	None	Planning Director
Planning Commission Approval	Planning Director	Planning Commission*
SIGN REGULATIONS		
Sign Permit – Planning Director	None	Planning Director
Model Home Signage	Planning Commission	City Council
Directional/Advertising Business Signage	Planning Commission	City Council
ANIMAL MANAGEMENT PLANS		
Animal Management Plan	Planning Director	Planning Commission*
REZONING OF PROPERTY		
Rezoning	Planning Commission	City Council
CONDITIONAL USE		
Conditional Use Permit	Planning Director	Planning Commission*
SITE PLAN REVIEW		
Site Plan	Planning Commission	City Council
VARIANCES		
Variance	Planning Director	Planning Commission

* The City Council reserves the right to become the land use authority by requesting that the item be scheduled for review and action by the Council within 15 calendar days of the Planning Commission's action. See EMMC [17.05.170](#) for additional details.

Table 17.05.200(c) Appeal Authority

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
GENERAL PLAN							
General Plan	City Council	30	District Court	N/A	None	N/A	None
LAND USE ORDINANCE							
EMMC Title 17 , Zoning	City Council	30	District Court	N/A	None	N/A	None
EMMC Title 16 , Subdivisions: Requirements and Approvals	City Council	30	District Court	N/A	None	N/A	None
HOME BUSINESS							
License Official Approval	License Official	10	Planning Commission	10	City Council	30	District Court
Planning Commission Approval	Planning Commission	10	City Council	30	District Court	N/A	None
ACCESSORY DWELLING UNITS (ADUs)							
Planning Director Approval	Planning Director	10	Planning Commission	10	City Council	30	District Court
Planning Commission Approval	Planning Commission	10	City Council	30	District Court	N/A	None
SIGN REGULATIONS							
Sign Permit - Planning Director	Planning Director	10	Planning Commission	10	City Council	30	District Court
Model Home Signage	City Council	30	District Court	N/A	None	N/A	None
Directional/Advertising Business Signage	City Council	30	District Court	N/A	None	N/A	None
ANIMAL MANAGEMENT PLANS							

Table 17.05.200(c) Appeal Authority

	Land Use Authority	1st Appeal		2nd Appeal		3rd Appeal	
		Days to Appeal	Body	Days to Appeal	Body	Days to Appeal	Body
Animal Management Plan	Planning Commission	10	City Council	30	District Court	N/A	None
REZONING OF PROPERTY							
Rezoning	City Council	30	District Court	N/A	None	N/A	None
CONDITIONAL USE							
Conditional Use Permit	Planning Commission	10	City Council	30	District Court	N/A	None
SITE PLAN REVIEW							
Site Plan	City Council	30	District Court	N/A	None	N/A	None
VARIANCES							
Variance	Planning Commission	10	City Council	30	District Court	N/A	None
ADMINISTRATIVE DECISIONS							
Nonconforming Use or Structure	Planning Director	10	City Attorney	30	District Court	N/A	None
Vested Rights	Planning Director	10	City Attorney	30	District Court	N/A	None
Administrative Decisions*	Planning Director	10	Planning Commission	10	City Council	30	District Court

*Administrative decisions include but are not limited to: interpretations of this title and the zoning map, etc.

17.25.040 Residential development standards.

This development standards table contains required standards for each residential zone in the city. More details and clarification are included as footnotes and as generally applicable provisions later in this chapter.

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Type of Housing	SF detached	SF detached	SF detached	SF detached	SF detached	SF detached	SF detached	SF detached	SF detached (small lot)	MF 2-6 units/building	MF ≤ 12 units/building
Maximum Gross Density										10 units/acre	20 units/acre
Minimum Residential Lot Sizes	5+ acres (217,800 sq ft)	2.5 acres (108,900 sq ft)	1 acre (43,560 sq ft)	1/2 acre (21,780 sq ft)	1/4 acre (10,890 sq ft)	1/4 acre (10,890 sq ft)	8,000 sq ft	6,500 sq ft	4,500 sq ft		
Minimum Average Lot Sizes ⁷				3/4 acre (32,670 sq ft)	1/2 acre (21,780 sq ft)	1/3 acre (14,520 sq ft)	1/4 acre (10,890 sq ft)	8,500 sq ft	6,000 sq ft		
Required Improved Open Space (in compliance with EMMC 16.35.105)				500 sq ft per lot	750 sq ft per lot	750 sq ft per lot	900 sq ft per lot	1,000 sq ft per lot	1,000 sq ft per lot	1,000 sq ft per 3 bd; 750 sq ft per 1 and 2 bd	1,000 sq ft per 3 bd; 750 sq ft per 1 and 2 bd
Primary Structure	35'	35'	35'	35'	35'	35'	35'	35'	35'	35' ⁸	35' ⁸ or 45' ⁹

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Maximum Height ¹											
Accessory Structure Maximum Height ¹	35'	35'	35'	25'	20'	20'	20'	20'	20'	20'	20'
Ancillary Structure Maximum Height ⁶	10' above primary structure										
Minimum Lot Frontage ²	150'	150'	125'	100'	90'	85'	80'	62'	58'	Townhouses ^{2b} Apartments ^{2c}	Townhouses ^{2b} Apartments ^{2c}
Minimum Lot Frontage (cul-de-sac or circle)	100'	100'	75'	60'	50'	45'	40'	20'	20'	Townhouses ^{2b} Apartments ^{2c}	Townhouses ^{2b} Apartments ^{2c}
Minimum Dwelling Size (excluding garage)	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	800 sq ft	800 sq ft	800 sq ft	650 sq ft	650 sq ft
Minimum Setbacks for Primary Structures ³											
Front	35'	35'	30'	25'	25'	25'	25'	15'	15'	15'	15'
Front Garage	45'	45'	40'	30'	25'	25'	25'	22'	22'	22' ⁵	22' ⁵
Rear	35'	35'	35'	35'	35'	25'	20'	20'	20'	30' between buildings	
Side	20'	20'	15'	10'	10'	10'	8'	8'	8'	15' between	20' between

Residential Development Standards

General Plan Residential Category	Ag/Rural Density 1		Ag/Rural Density 2		Foothill Residential	Neighborhood Residential 1			Neighborhood Residential 2		Neighborhood Residential 3
	RA1	RA2	RD1	RD2		FR	R1	R2	R3	RC	
										building s	building s
Garage Side	20'	20'	15'	15'	10'	10'	10'	10'	10'	15' between building s	20' between building s
Street Side	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'	15'
Maximum Footprint Coverage of Accessory Structure(s) ⁴					10%						
Minimum Setbacks for Accessory Structures ³											
Front	Same as principal structure										
Rear	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Side	10'	10'	10'	10'	5'	5'	5'	5'	5'	5'	5'
Street Side	Same as principal structure										
Distance from a Residential Dwelling	Structures housing animals: 50' from neighboring residences ¹⁰ ; 6' for all other structures					6'	6'	6'	6'	6'	6'
Site Plan Approval Required (See Chapter 17.100 EMMC)										Yes	Yes

¹ Height is measured from the average of the highest finished grade and the lowest finished grade of the structure to the highest point of the roof, excluding ancillary structures. Where permitted by EMMC [17.25.030](#), the maximum height of accessory dwelling units (ADUs) located above a detached garage is 35 feet.

² Lot frontage is measured at the street property line. Lot frontage shall vary by at least five feet every three or four lots in the R3 and RC zones.

^{2b} Townhouse buildings in MF1 and MF2 zones shall completely front/abut on, and be accessed via, streets, not service drives.

^{2c} Lots with apartment buildings thereon in MF1 and MF2 zones shall front/abut streets, but may have their parking spaces/lots accessed either via service drives or streets.

³ Setbacks shall only apply to structures that require a city building permit or approval. No structure which cannot be removed shall be constructed across an easement. Up to a 10 percent variation in setbacks may be approved by the planning director and building official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance. Guidance regarding allowed projections into setbacks is outlined in EMMC [17.25.060](#).

⁴ Maximum footprint coverage is the total coverage on the lot of all accessory structures.

⁵ Driveway length exceptions for multifamily developments may be requested and considered at the discretion of the approval authority with a preliminary plat or site plan.

⁶ Ancillary structures include chimneys, television antennas, or other structures that are generally located on the roof of a residential building.

⁷ For approval of a preliminary plat or amended preliminary plat, the minimum average lot size is calculated across an entire preliminary plat or large neighborhood, and is verified by the approval authority of a preliminary plat. If a preliminary plat exceeds 80 acres, the average lot size may be required in smaller neighborhoods/plats. Each original final plat does not have to comply with the average lot size, but shall include some variation of lot sizes in the plat. Outlier lots that are substantially larger than the others will not be counted in the average lot size calculation. Amended final plats shall comply with the average lot size requirements of this section. For amended final plats, the minimum average lot size is calculated using only the portion of the plat that the amendment changes.

⁸ Multifamily dwelling structures shall contain no more than three stories.

⁹ Multifamily dwelling structures with a minimum roof pitch of 5/12 or flat roofs with rooftop amenities may be constructed with three stories up to 45 feet high.

¹⁰ Structures housing animals may be closer to neighboring residences with an approved alternative animal management plan. Accessory structure minimum setbacks will still apply.

17.65.050 Approval process.

Home business licenses shall be approved by the License Official, or designee. Any petition for a minor exception from the standards listed in EMMC [17.65.060](#)(A) through (F) may be approved administratively at the discretion of the License Official if the exception does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. Any other petition for an exception from the standards in this chapter requires approval by the Planning Commission before the license may be issued or renewed. In addition, any home business currently in operation that constitutes a nuisance may also be required to go before the Planning Commission for continued use of the license and operation of the business. If the

Planning Commission denies the continued use of the license, the license shall not be renewed.

17.65.100 Appeals.

Aggrieved applicants may appeal the decision of the license official, or designee, to the Planning Commission within 10 days of the announced decision. In all cases, the appeal board shall review the application of the proposed business. The Planning Commission may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants may appeal the decision of the Planning Commission to the City Council within 10 days of the announced decision. In all cases, the appeal board shall review the application of the proposed business. The City Council may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants of the City Council's decision may appeal to district court within 30 days of the announced decision.

17.70.040 Accessory dwelling unit permit.

Any person owning an existing accessory dwelling unit that has not been permitted by the City, or any person constructing or causing construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain an accessory dwelling unit permit from the Planning Division of the City's Community Development Department. This shall be in addition to any required building permit for the work to be performed. The applicant shall obtain all necessary building permits and pay all applicable fees prior to constructing the ADU, including permits for a basement that was finished previously without a permit. Accessory dwelling units constructed without an approved accessory dwelling unit permit shall be considered illegal until a permit is submitted to and approved by the City.

A. Applications. Applicants for an accessory dwelling unit shall submit a complete application and the supporting materials listed in this section to the Planning Division of the Community Development Department.

1. Owner Signature. The owner shall sign the application, agreeing to occupy the dwelling (either the primary unit or the ADU), except for bona fide temporary absences, and agreeing to comply with the standards in this chapter.
2. Site Plan. A site plan shall be provided that shows property lines, dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings to property lines, the location of required off-street parking, and utility meters.
3. Floor Plan. A detailed floor plan, to scale, showing the floor in which the accessory dwelling unit will be located, including labels on rooms indicating uses or proposed uses, shall be provided.
4. Evidence of Building Permit. Evidence shall be provided that a building permit was obtained for the building and/or area containing the accessory dwelling unit.
5. Fee. The processing fee required by the current Consolidated Fee Schedule approved by the City Council shall be paid in full.

B. Planning Director or Designee Approval. The Planning Director or designee shall approve an accessory dwelling unit application if it is in complete compliance with all the approval criteria standards identified in this chapter. As part of the Planning Director's or designee's review, inspections may be required by the Planning or Building Divisions, and/or Fire Departments.

C. Exceptions to Standards. Accessory dwelling unit applications that deviate from the approval criteria may be considered by the Planning Commission in a public meeting.

After conducting a public hearing and reviewing the application, the Planning Commission may approve, approve with conditions, or deny the exception request. Applicants requesting exceptions are not guaranteed approval and must provide evidence that the exceptions will not create negative impacts on neighboring properties. Conditions must be connected to the exceptions being requested, and may include increased setbacks, limitations on windows and doors adjacent to abutting property lines, privacy fencing, and additional parking. Exceptions shall not be granted for the number of accessory dwelling units, owner occupation, permanent utility connections, attachment to permanent foundations, building permit requirements, exterior appearance, off-street parking, addressing, and for short-term rentals.

D. Transfer of Ownership. Upon sale of the home or transfer of ownership, accessory dwelling unit permits shall remain valid so long as the accessory dwelling unit is in compliance with the City's ordinances and conditions of approval.

17.70.050 Noncompliance.

Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the City's ordinances and conditions of approval. Property owners who fail to maintain or violate the City's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the accessory dwelling unit permit revoked by the Planning Director, designee or Planning Commission. Enforcement will occur in accordance with Chapter [4.10](#) EMMC, Article V, Administrative Code Enforcement Hearing Program.

17.105.050 Approval process.

A. Upon receipt of a complete application, the Planning Director shall set a date for the Planning Commission to consider the request for a variance.

B. Prior to the Planning Commission meeting at which the variance application is scheduled to be heard, the Planning Director shall transmit the application materials together with a written analysis of the variance application, pertinent facts, a review of applicable regulations and a formal Staff recommendation to the Planning Commission.

C. The Planning Commission shall consider the variance request, together with all pertinent facts, applicable regulations and the Staff recommendation and shall take action to approve, approve with modifications, disapprove or request further information prior to rendering a final determination on the variance application.