

Section: 8-9-30-A: Definitions

The following definitions supplement the definitions found in Title 8, Chapter 2 Definitions and Rules.

1. Accessory Dwelling Unit (ADU): A residential dwelling unit means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
2. Accessory Dwelling Unit, Attached (AADU): Accessory dwelling that is additional to the primary dwelling that can be accessed from the inside of the primary dwelling and has a separate exterior entrance.
3. Accessory Dwelling Unit, Detached (DADU): Accessory dwelling unit is separate from the primary dwelling. Detached units can only be located within the side or rear yard of the primary dwelling.
4. Accessory Dwelling Unit Internal (IADU): Accessory dwelling unit that is located within the footprint of the primary dwelling and can be accessed only through the inside of the primary dwelling.
5. Building Code Compliance: All construction and remodeling shall conform to the International Fire Code and International Residential codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code and Daggett County Code.
6. Minimum Permitted Rental Period: The minimum permitted period of time for a rental unit shall be thirty (30) days.
7. Dwelling Size Regulation: All single-family and multi-family dwellings shall have a minimum of four hundred (400') square feet.
8. Dwelling lots: Every dwelling shall be located and maintained on a "lot," as defined in section 8-2-3; definitions of this title. (Ord. 17-16, 7-26-2017; amd. Ord. 20-06, 6-16-2020.
9. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property 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 a full-time residency within the home by the bona fide property owner(s) for more than 275 (two hundred seventy-five days) days in every calendar year.

10. Primary Dwelling: A single-family dwelling that is detached and is occupied as a primary residence of the owner of record.

Section 8-9-30-B: ADU Permitted Uses

This section defines what ADU uses are permitted.

Permitted ADU Uses:

1. Internal Accessory Dwelling Units (IADU)
2. Attached Accessory Dwelling Units (AADU)
3. Detached Accessory Dwelling Units (DADU) are permitted only for use by full-time residents.

Section 8-9-30-C: General Regulations and Requirements

This section shall be used to determine the requirements and develop standards related to the establishment of ADU's

1. All ADU's must follow the application process and must be approved by Planning and Zoning.
2. Recreational vehicles, portable structures, shipping containers, mobile homes, campers, tents and/or any other temporary structure shall not qualify as an ADU.
3. ADU's are only allowed on legally created lots in residential or agriculture zones and only for residential structures.
4. No ADU's shall be allowed in a commercial zone.
5. Regardless of the manner of construction of an ADU, all setbacks, height limits, lot coverage, and other planning and zoning regulations shall apply.
6. All ADU's shall require at least 1 off-street parking space per unit.
7. All construction must comply with applicable building, health and fire codes. This includes obtaining the required permits from Daggett County and the Tri County Health Department.
8. Site coverage for all ADU's must meet lot usage restrictions.

9. An ADU may share utilities with the primary residence, or they may have an independent connection.
10. If an ADU has independent utilities, it must have its own connection and meter separate from the primary residence.
11. Connection fees will apply if a new service is installed for the ADU.
12. Impact fees must be paid in full for all ADU's.
 - a. If utilities are shared between the ADU and the primary residence, impact fees will still be assessed.
13. The application for and the connection to utilities are governed by each utility entity. Each application for an ADU must include a will-serve letter for water from the Manila Town Water Department or an approval for a well from the Tri County Health Department.
14. If the primary dwelling has a septic system an application for an ADU must be reviewed and approved for septic feasibility by the Tri County Health Department.
15. Property owners as shown on the Daggett County Recorder's Office shall occupy the primary dwelling as their permanent residence. In no case, shall a property owner rent out both the primary dwelling and the accessory dwelling.
16. Building permits are required and will require the same documentation and inspections as any other residential dwelling.
17. The primary dwelling and accessory dwelling must share the same address number but must indicate the separate units.
18. Individual lots may belong to a homeowner's association or have restrictive covenants which have greater restrictions regarding Accessory Dwelling Units. Nothing in this article shall be construed as to prevent private enforcement of any restrictive covenants or HOA rules
19. ADU's may not be rented on a transient basis (periods less than 30 days). The primary owner must either occupy the primary dwelling or the ADU.
20. A maximum of one ADU shall be permitted per lot, whether it is in an owner-occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling.
21. The Planning and Zoning Board may place other appropriate or more stringent conditions deemed necessary in approving ADU's as per the standards found in Chapter 11, Conditional Uses, of the Daggett County Code.

22. The following regulations apply only to Detached Accessory Dwelling Units (DADU's)

- a. A DADU is permitted only for use by full-time residents.
- b. DADU's are only permitted on lots 11,000 thousand (11,000) square feet or greater.
- c. DADU's shall not be sold separately from the main unit.
- d. DADU's must remain accessory to the primary dwelling and shall not be separated by a lot split, subdivision, or any other form of land division.
- e. An DADU shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- f. The maximum height for a DADU shall be no taller, in elevation, than the roof of the primary structure.