

ORDINANCE NO. 2026-06

AN ORDINANCE OF SUNSET CITY, UTAH, AMENDING SECTION 10-12-1, "ACCESSORY DWELLING UNITS," OF CHAPTER 12, "ACCESSORY DWELLING UNITS," OF TITLE 10 OF THE SUNSET CITY CODE

WHEREAS, Sunset City (the "City") is authorized under Utah law to regulate land use and accessory dwelling units within its municipal boundaries for the protection of the public health, safety, and welfare; and

WHEREAS, Chapter 12 of Title 10 of the Sunset City Code, "Accessory Dwelling Units," governs accessory dwelling units within the City; and

WHEREAS, the City Council finds it necessary and appropriate to amend Section 10-12-1 to revise standards applicable to internal, attached, and detached accessory dwelling units, including permitting, parking, utilities, owner occupancy, and development standards; and

WHEREAS, the City Council has determined that this amendment is in the best interest of the health, safety, and welfare of the residents of Sunset City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNSET CITY, UTAH, AS FOLLOWS:

SECTION 1. AMENDMENT.

Section 10-12-1, "Accessory Dwelling Units," of Chapter 12, "Accessory Dwelling Units," of Title 10 of the Sunset City Code is hereby amended as set forth below. Deleted text is shown in strikethrough and new text is shown as underlined.

10-12-1: ACCESSORY DWELLING UNITS:

A. Purpose. Accessory dwelling units (ADUs) in single-family residential zones are an important tool in the overall housing goals and needs of the City and allow for alternative and flexible housing options in owner-occupied single-family residences.

B. Accessory Dwelling Units Defined. An accessory dwelling unit (ADU) is a second dwelling unit in an owner-occupied single-family property that is clearly incidental and accessory to the main dwelling on the property. ADUs are categorized by being internal, detached or attached. References herein to an "accessory dwelling unit" or "ADU" without designating either external or internal is a reference to both internal and external accessory dwelling units.

1. Internal ADU. "Internal ADU" means an ADU located (a) within a primary dwelling unit; (b) within the footprint of the primary dwelling unit at the time the Internal ADU is created; and (c) for the purpose of offering a long-term rental of 30 consecutive days or longer. Internal ADUs must meet the standards in Utah Code 10-9a-530.

~~2. External ADU. "External ADU" means an ADU located in a structure other than the primary dwelling unit. The following types are considered external ADUs:~~

~~a. Detached ADU "Detached ADU" means an ADU located in an accessory building on the property and not attached to or within the principal dwelling unit. Detached ADUs are not permitted within any zone. No structure that is detached from the primary dwelling unit may be used, constructed, or converted for use as a Detached ADU.~~

2. Detached ADU "Detached ADU" means an ADU located in an accessory building on the property and not attached to or within the principal dwelling unit.

3. Attached ADU "Attached ADU" means a new ADU that is constructed as a physical expansion (i.e., addition) of the primary dwelling and is attached to the single-family dwelling unit by one or more common walls.

~~C. Permitted and Conditional Uses.~~ Permitted Uses. Accessory dwelling units shall be permitted ~~in the Residential R-1 Zone only and when as permitted herein.~~ only in the residential zones indicated for each type of ADU. If the ADU is not designated within a particular zone, then it is prohibited.

D. General Standards.

1. ADU permit application shall be required for all ~~internal, and external attached units.~~ Only applications deemed complete by City Staff will be processed. Complete applications include appropriate application forms reflecting the standards of the City, plans, texts and signatures as required on the form available at City Hall. A letter or email confirming the completeness of the application may be requested by the applicant. All applications shall be accompanied by the appropriate fee as established from time to time by resolution of the City Council. All ADUs must be fully permitted and licensed before being occupied. Citations shall be issued after ninety (90) days for non compliance.

2. Only one (1) ADU per property is permitted.

3. ~~ADUs shall meet all building codes and obtain all required permits prior to occupancy of the ADU.~~ ADUs must be in compliance with all applicable codes, including building, health and fire codes. An initial building inspection must be completed prior to approval of and/or issuance of ADU permit.

4. Fire Regulations.

a. All ADUs shall meet all International Fire Code Requirements

b. External ADUs will remain subject to the same fire regulations as the primary dwelling. Including International Fire Code requirements for fire hydrants and fire apparatus accesses.

5. The applicant shall have a fee simple title to the property.

6. The ADU shall have a separate entrance ~~that is not visible from the street and that does not disrupt the single family appearance of the existing structure.~~ To maintain the appearance of a single family residence, the separate ADU entrance shall not be on the same face as the entrance for the primary residence. A detached ADU may have the entrance visible from the street.

7. The ADU shall have the same address number as the primary dwelling unit, but refer to the ADU as "Unit B." Addresses must be located in a visible location on the street frontage side of the home.

8. The ADU shall have a minimum of one (1) bedroom and a three-quarter (3/4) bath.

9. The ADU shall have a kitchen.

10. Parking Requirements for ADUs:

a. A single-family dwelling with an ADU shall provide at least one (1) additional off-street parking space for the ADU. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. At a minimum, all parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. Permitted accessory parking standards must meet minimum parking requirements. No ADU may be allowed on any lot that cannot satisfy the parking requirements.

b. Any parking spaces contained within a garage or carport ~~should~~ shall be replaced if an ADU is created within that space.

c. No parking spaces may be located within the front yard or side yard setbacks adjacent to a street, except for within an approved driveway. No vehicles shall be parked on the front lawn or other landscaped areas except within an approved driveway.

11. The property shall be neatly maintained and shall meet all current codes regarding property maintenance and public health standards.

12. The applicant has not been notified or fined by the City for any code violations relating to this property or any other property within the previous twelve (12) months.

13. Owner Occupancy. An application for an ADU shall only issue when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall be defined as follows:

a. OWNER-OCCUPANCY: Any one of the following individuals who resides on the subject property for the entire time during which an accessory dwelling unit or principal dwelling is rented or otherwise occupied by:

(1) An individual who is listed on a recorded deed as an owner of the property;

(2) ~~Any person who is related by blood, marriage or adoption to an individual who is listed on a recorded deed as an owner of the property;~~ Any person who is related within the second degree of consanguinity to an individual on a recorded deed as an owner of the property. Any person who is related by blood, marriage or adoption to an individual who is listed on a recorded deed as an owner of the property, or

(3) An individual who is a trustor of a family trust who possesses legal ownership of the property.

14. The occupants of an ADU shall be limited by one (1) of the following family categories:

a. One (1) person living alone; or

b. Two (2) related or unrelated adults and their children.

c. Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than ninety (90) days within any rolling one (1) year period and does not utilize the dwelling as a legal address for any purpose.

15. For the Owner: Yearly rental license from the City will be required for all ADUs. If the unit is being rented as a long-term rental, a rental license from the City must be obtained by the owner prior to renting out the unit. Citations shall be issued after ninety (90) days for non compliance.

~~14. The ADU must be rented for periods of thirty (30) consecutive days or more.~~

a. The ADU may only be rented for long-term rentals of thirty (30) consecutive days or longer. No rentals less than thirty (30) days will be allowed.

16. All ADUs shall connect to the utility lines as follows:

a. Internal ADUs and External Attached ADUs may connect to the same (water and sewer) utility lines as the primary dwelling unit.

b. External Detached ADUs shall provide separate culinary water and sewer laterals connected to the main lines, and other utilities, as well as individual metering, prior to occupancy of the External Detached ADU, and shall provide easements acceptable to the City for the same prior to or concurrent with the recordation of the subdivision.

17. An existing detached accessory structure may be converted to a detached accessory dwelling unit, provided that the structure complies with all applicable requirements for a detached ADU under this Chapter. The property owner shall submit an application and obtain approval for the conversion through the same process and subject to the same requirements applicable to an application for a new detached ADU.

E. Internal ADU Standards.

The proposed amendment removes the duplicative purpose, owner-occupancy, occupancy, parking, and licensing provisions formerly contained in this subsection and retains the following Internal ADU standards:

1. Local Requirements in accordance with Utah Code 10-9a-530-4, the City:

- a. Zones - Within the R-1, R-3 and RT zones only, IADUs are allowed in single-family, not allowed in multi-family lots or lots that do not meet requirements (parking, setbacks, etc.)
- b. IADUs may only be rented, not sold.
- c. An IADU must provide living areas for eating, sleeping and full bathroom, including kitchen, bathroom sink, toilet, shower/bath, separate from the principal dwelling unit.
- d. The owner of the property shall occupy either the IADU or the primary dwelling where the IADU is located as their place of primary residence.
- e. Separate utility connections shall not be permitted for IADUs. Owners of lots with an IADU shall be charged for two (2) city utility connections, regardless of shared connection. The owner will be responsible for the meter and payment.
- f. No home occupation business shall be established within an IADU without the express written permission of the property owner, and approval from the City Business License Official.

2. IADU Permit Required: All IADUs must be fully permitted and licensed before being occupied.

Citations shall be issued after ninety (90) days if land use has not been permitted.

- a. Application must include detailed floor plans and payment of initial permit fee.
- b. Before a permit will be issued, evidence of payment of all other required fees and certificates of inspections must be submitted. (Ord. 2024-05, 11-19-2024)

F. External ADU Standards

1. External Attached ADU Standards

- a. External attached ADUs shall maintain the outward appearance of a single-family residence.
- b. The total area of an attached ADU shall not exceed fifty (50) percent of the habitable square footage of the building footprint of the primary residence.

	External Attached ADU
Location	Attached to Primary Dwelling Unit
Minimum Lot Size	6,000 square feet
Size Limit, Habitable	50% of the habitable square footage of the building footprint of the primary residence
Maximum Height Limit	Same as Primary Dwelling Unit
Maximum Side Setback	Same as Primary Dwelling Unit
Maximum Rear Setback	Same as Primary Dwelling Unit

2. External Detached ADU Standards.

- a. The total area of an attached ADU shall not be larger in size than the single-family dwelling located on the same lot or parcel;

	External Detached ADU
Location	Detached from the Primary Dwelling Unit
Minimum Lot Size	6,000 square feet
Size Limit, Habitable	May not be larger in size than the single-family dwelling located on the same lot or parcel
Maximum Height Limit	Maximum Height allowed within the zone
Maximum Side Setback	Same as Primary Dwelling Unit
Maximum Rear Setback	Same as Primary Dwelling Unit

3. External ADU (E-ADU) Permit Required: All E-ADUs must be fully permitted and licensed before being occupied. Citations shall be issued after ninety (90) days if land use has not been permitted.

a. Application must include detailed floor plans and payment of initial permit fee.

b. Before a permit will be issued, evidence of payment of all other required fees and certificates of inspections must be submitted.

SECTION 2. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication or posting as required by law.

PASSED AND ADOPTED by the City Council of Sunset City, Utah, this 20th day of October, 2026.

Scott Wiggill, Mayor

ATTEST:

Nicole Supp, City Recorder

Council Member Carlson: ☐ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Council Member Thompson: ☐ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Council Member Smalling: ☐ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Council Member Rigley: ☐ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT

Council Member Hunter: ☐ AYE ☐ NAY ☐ ABSTAIN ☐ ABSENT