

**CITY OF WASHINGTON TERRACE
ORDINANCE 2026-04**

STATE MANDATED ACCESSORY DWELLING UNITS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING THE *WASHINGTON TERRACE MUNICIPAL CODE* TO REPEAL
AND RE-ENACT SECTION 17.48.030 TO COMPLY WITH AN UNFUNDED
STATE MANDATE RELATING TO CERTAIN ACCESSORY DWELLING
UNITS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by unfunded state mandates;

WHEREAS, the City seeks to protect public health, safety, and welfare;

WHEREAS, Utah Code §10-3-702.1, the City Council has considered and finds this Ordinance has no negative impact on family health, stability, and formation;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on August 27, 2026, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to APPROVE this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on SEPTEMBER 15, 2026;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Re-enactment.** Section 17.48.030 of the *Washington Terrace Municipal Code* is hereby repealed and re-enacted to read as follows:

17.48.030 Accessory Dwelling Units.

1. Purpose. The purpose of this Section is to comply with an unfunded state mandate under

2026 S.B. 284, and other state legislation that requires the City to adopt regulations for internal and detached Accessory Dwelling Units (ADUs) in a manner consistent with Utah law, and to:

- a. Provide additional long-term housing opportunities.
 - b. Protect the residential character of neighborhoods.
 - c. Ensure adequate parking, utilities, emergency access, and public safety.
 - d. Establish standards for the creation, permitting, licensing, and occupancy of ADUs.
2. Definitions. In addition to the definitions in Utah Code §10-21-101, the following definition apply to this Section:
 - a. "Occupied owner" means that the owner of record at the county recorder's office who legally occupies either the primary dwelling or the accessory dwelling unit as the owner's sole principal and primary residence in fee simple ownership.
 - b. "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.
3. General Eligibility. The following general eligibility requirements apply to all ADUs:
 - a. An ADU shall only be permitted where for an eligible lot or parcel that is owner occupied.
 - b. Occupied owner must first obtain all permits and licensing, including, but not limited to: the require building permits, a business license, and participation in the City's Good Landlord Program.
 - c. No ADU shall be used as a short-term rental or similar use for transient accommodations.
 - i. The lot or parcel must contain a legally established detached single-family dwelling that conforms to the applicable Zone and occupied by the owner.
 - d. No more than one (1) type of ADU, ether internal or detached, is permitted on a lot or parcel.
 - e. Any ADU shall remain under the same occupied owner's fee simple ownership as the primary dwelling and shall not be separately subdivided, sold, conveyed, or assigned a separate parcel identification number.
 - f. The ADU is only for residential purposes.
 - g. An ADU shall comply with all applicable codes and requirements, in addition to pay all associated fees and costs related to the same.
4. Internal Accessory Dwelling Unit (IADU). In addition to the requirements set forth in Utah Code §10-21-303, the following apply:
 - a. An IADU is only permitted use within a primary dwelling located in an eligible residential Zone.
 - b. The IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
 - c. Each IADU shall include at least one (1) additional on-site parking space, in addition to the maximum number of parking spaces required under code for the primary residential unit. Said additional on-site parking shall be dedicated only for use by the IADU occupant(s).

- d. Any parking space converted into all or part of an IADU within a garage or carport shall be replaced as usable on-site parking.
 - e. An IADU is prohibited within a mobile home as defined in Utah Code §57-16-3.
 - f. An IADU is prohibited within any Zone that is equivalent to 25% or less of the total area within the City boundaries primarily zoned for residential use, except as provided in Utah Code §10-21-303(3)(f).
 - g. No IADU shall be created if the primary dwelling is served by a failing septic tank.
 - h. No IADU shall be created if the lot or parcel containing the primary dwelling is 6,000 square feet or less in size.
 - i. The City may hold a lien against the IADU in accordance with Utah Code §10-21-303(4).
 - j. The City may record a notice regarding the IADU in accordance with Utah Code §10-21-303(5).
 - k. The City may require separate service laterals and meters to any ADU.
5. Detached Accessory Dwelling Unit (DADU). In addition to the requirements set forth in Utah Code §10-21-304, the following apply:
- a. A DADU is a permitted use on a lot or parcel that contains a primary dwelling located in an eligible residential Zone.
 - b. A DADU is prohibited on a lot or parcel that is less than 11,000 square feet.
 - c. A detached ADU shall be subordinate and incidental to the primary dwelling.
 - d. On-site parking for each DADU is required as follows:
 - i. Two (2) on-site parking spaces assigned only to the DADU are required for a DADU that is 650 square feet or larger.
 - ii. One (1) on-site parking space assigned only to the DADU is required for a DADU that is smaller than 650 square feet.
 - iii. Any parking space converted into all or part of a DADU within a garage or carport shall be replaced as usable on-site parking.
 - e. A DADU shall be located behind the front primary dwelling and behind the front yard setback, and meet all standard setback requirements of the Zone for an accessory building.
 - f. A DADU shall comply with the Zone and code requirements that apply where the DADU is located, and shall:
 - i. Conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage.
 - ii. Conform to setback requirements that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements.
 - iii. Be designed consistent with the design of the single-family dwelling.
 - iv. Storm water regulations apply along with other generally applicable site-development standards for a residential use.
 - g. The following DADUs are prohibited:
 - i. A DADU that is larger in gross floor area than the primary dwelling located on the same lot or parcel.

- ii. A DADU shall not be located upon or within any public utility easement, other recorded easement, or irrigation facilities.
- iii. A DADU located in the front-yard area.
- iv. A DADU that does not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water.
- v. A utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the DADU is required to connect does not have sufficient capacity to support the addition of the DADU to the utility service system improvements.

6. Standards and Application.

- a. No ADU may be constructed, converted, established, rented, or occupied without all required land use approvals, building permits, utility approvals, licenses, and compliance with this Section.
- b. In accordance with the Utah Code, design standards for any ADU shall be consistent with the primary dwelling through the use of generally compatible exterior materials, roof form, building proportions, or architectural design. Utah Code §10-20-618 is not presumed to apply to this Section.
- c. Conversion Application:
 - i. The owner of a legally constructed eligible accessory structure may apply and pay the associated fees and costs to convert the structure into a DADU.
 - ii. The application shall be processed administratively as a permitted use application.
 - iii. The owner shall provide documentation demonstrating that the accessory structure was legally constructed and relevant information about the structure which includes, but is not limited to:
 - 1. A previously issued building permit.
 - 2. Approved construction plans.
 - 3. A certificate of occupancy or final inspection record.
 - 4. County assessment records.
 - 5. A survey, aerial photograph, or other reliable evidence establishing the date and legality of construction.
 - 6. Other documentation acceptable to the land use authority and building official.
 - iv. Documentation establishing the legal conversion of an existing accessory structure.
 - v. Conversion of an accessory structure does not grant an exemption from requirements applicable to a dwelling.
 - vi. The converted structure shall comply with this Section.
 - vii. An existing accessory structure that does not comply with the requirements of this Section may be modified, relocated, or otherwise brought into compliance with this Section as part of any approval.
- d. Building Permit: An application for an ADU shall include, as applicable:

- i. A completed application with engineered architectural drawings and building plans that meet the applicable code requirements.
 - ii. Proof of ownership.
 - iii. A site plan showing property lines, structures, setbacks, easements, driveways, parking, utility locations, the location of the proposed ADU, and other requirements of this Section.
 - iv. Documentation showing adequate utility services and capacity.
 - v. Documentation establishing the legal construction of the ADU.
 - vi. Affidavit of the occupied owner.
 - vii. A parking plan.
 - viii. Any required affected agency approvals.
 - ix. Other information reasonably necessary to determine compliance with this Section and other code requirements.
7. Inspection and Occupancy:
 - a. The building official shall inspect the ADU as part of the building permit process.
 - b. No ADU may be occupied until the City has issued final building approval or a certificate of occupancy, as applicable.
 - c. Approval of an ADU does not authorize a violation of any covenants, conditions, restrictions, development agreements, or other private property restrictions. The City is not responsible for enforcing private covenants unless otherwise required by law.
8. Utilities and Addresses:
 - a. The owner hereby grants each approved ADU access to culinary water, sanitary sewer, electricity, and other utilities required by applicable code.
 - b. Utility connections shall comply with the standards of the applicable utility provider.
 - c. The City may require utility upgrades when necessary to provide adequate capacity, protect the utility system, or comply with applicable health and safety requirements.
 - d. The accessory dwelling unit shall be assigned an address or unit designation approved by the City and acceptable to emergency service providers.
 - e. Nothing in this section guarantees the availability or capacity of a utility service.
9. Occupied Owner:
 - a. The owner shall notify the City of any change in ownership or owner occupancy status that may affect the eligibility of any ADU.
 - b. Temporary absences for military service, medical care, or other acceptable temporary similar circumstances are acceptable absences.
 - c. Failure of the occupied owner to maintain the occupied owner of the lot or parcel voids the eligibility of the ADU and is grounds for suspension or revocation of the ADU.
10. Enforcement.
 - a. Each violation of this Section is a Class C misdemeanor with a fine not to exceed \$750 per offence. Each day a violation continues constitutes a separate offense.
 - b. Each violation of this Section is a civil penalty with a fine not to exceed \$1,000

- per violation. Each day a violation continues constitutes a separate offence.
- c. A violation of this Section is subject to administrative enforcement and remedies provided by law and equity, including injunctive and special relief.
 - d. Before imposing a lien relating to an ADU, the City shall comply with Utah Code §10-21-303.
 - e. The City may suspend or revoke an ADU permit and/or license, issue a notice of violation, assess authorized civil penalties, pursue injunctive relief, or take other lawful enforcement action.
 - f. Continued occupancy of an ADU in violation of this Section or after suspension or revocation of the applicable permit and/or license is prohibited.
 - g. This Section shall not be interpreted to otherwise limit the general authority of the building official, fire official, local health authority, or other authorized official in the performance of their duties, including any threat to health, safety, or general welfare.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this 15 day of September, 2026.


MARK C. ALLEN,
Mayor

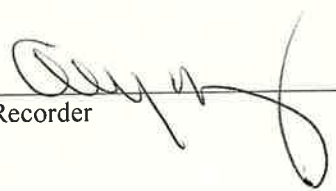
ATTEST:


City Recorder

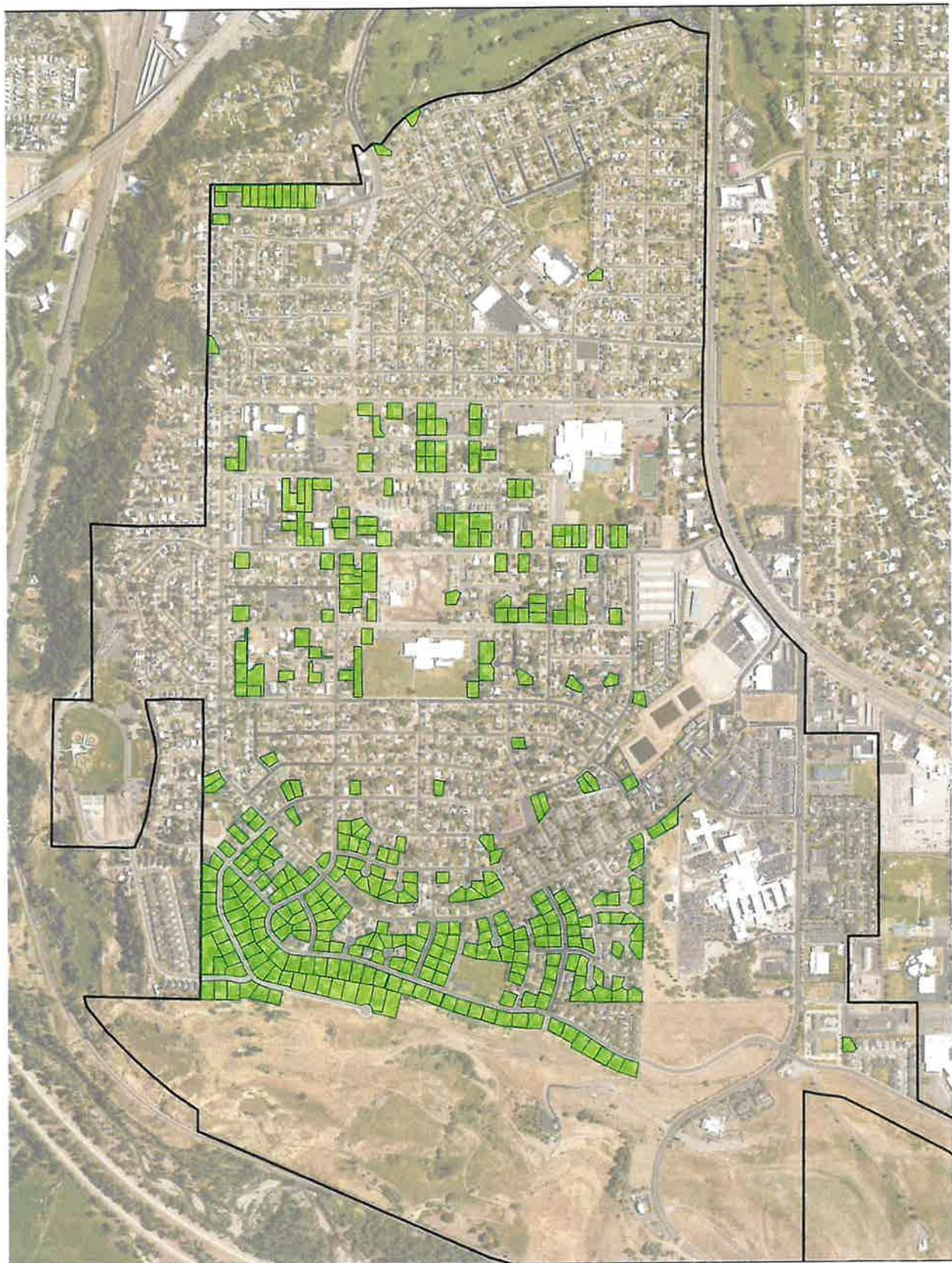
RECORDED this 15 day of September, 2026.
PUBLISHED OR POSTED this 16 day of September, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace, City, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted as required by State Law.


City Recorder

DATE: 09-16-26



Washington Terrace Parcels Impacted by 2026 ADU Legislation

- City Boundaries
- Residential Parcel 11,000 Sq Ft + (349)

The information contained in this map is for reference use only. Effort is made to ensure full, accurate representation, however, the City makes no warranty, expressed or implied, as to the completeness or accuracy of the information. This map may show underground utility structures that are associated with Washington Terrace infrastructure but are not operated by the City (i.e. culinary water feed pipes). The location of these features should be confirmed with their operating agency.

Sources: Google, Hexagon, Washington Terrace City

NOTICE OF SUMMARY STATEMENT
ORDINANCE: 26-04

This notice serves as a statement that on September 15, 2026, the Washington Terrace City Council passed Ordinance 26-04, which repeals and re-enacts section 17.48.030 of the Municipal Code to comply with an unfunded state mandate relating to certain Accessory Dwelling Units.

A complete copy of the Ordinance may be found on the City Website www.washingtonterrace.gov under "Government; Recent Ordinances", the Utah Public Notice Website www.utah.gov/pmn, posted at City Hall, located at 5249 South 400 East, Washington Terrace, or one may be requested from the City Records Office 801.395.8283

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice was posted on the Utah Public Notice Website www.utah.gov/pmn, the City Website, www.washingtonterrace.gov and City Hall located at 5249 S 400 East, Washington Terrace. Amy Rodriguez, City Recorder.