

THE CITY OF WOODS CROSS, UTAH

ORDINANCE NO. 645

AN ORDINANCE OF THE WOODS CROSS CITY COUNCIL AMENDING TITLE 12, ZONING, CHAPTER 2, DEFINITIONS, AND CHAPTER 28, LAND USE AND SUPPLEMENTARY REGULATIONS, OF THE WOODS CROSS CITY CODE TO ESTABLISH REGULATIONS FOR INTERNAL AND DETACHED ACCESSORY DWELLING UNITS.

WHEREAS, the City is authorized to enact ordinances, resolutions, and rules, and to ensure the orderly growth, development, and expansion of the City; and

WHEREAS, during the 2026 General Session, the Utah Legislature adopted S.B. 284, which created Utah Code Section 10-21-304 addressing detached accessory dwelling units and requires qualifying municipalities to permit detached accessory dwelling units on qualifying lots or parcels; and

WHEREAS, the City Council finds it reasonable and necessary to amend the Woods Cross City Code to comply with state law and to establish objective standards for the review, construction, and use of internal and detached accessory dwelling units; and

WHEREAS, the Planning Commission held a public hearing on September 8, 2026, and forwarded a recommendation to the City Council concerning the proposed amendments.

NOW THEREFORE, BE IT ORDAINED by the City Council of Woods Cross City, Utah, as follows:

Section 1. Amendment of Ordinance. Title 12 Zoning Chapter 2, *Definitions*, and Chapter 28, *Land Use and Supplementary Regulations*, of the Woods Cross City Code are amended as provided in Exhibit "A," attached hereto and incorporated herein by this reference.

Section 2. Repeal of Prior Ordinance. All prior versions of the provisions amended by this Ordinance are repealed to the extent they conflict with the amendments adopted herein.

Section 3. Severability. If any section, part or provision of this Ordinance, which shall include all exhibits, is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance; all sections, parts and provisions of this Ordinance shall be severable and enforced to the fullest lawful extent to meet the purposes hereof.

Section 4. Penalty. Violations of this Ordinance shall be established in Section 14-01-080 and Fines per Section 14-01-090 of the Woods Cross Municipal Code and Utah State Code.

Section 5. Effective Date. This Ordinance shall become effective immediately upon approval of the City Council and recording with the City.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WOODS CROSS, UTAH ON THIS 29th DAY OF SEPTEMBER 2026.

THE CITY OF WOODS CROSS, UTAH

By:


RYAN WESTERGARD, MAYOR

Voting:

Julie Checketts	Yea ☒	Nay ☐	
Jim Grover	Yea ☒	Nay ☐	
Eric Jones	Yea ☒	Nay ☐	
Wallace Larrabee	Yea ☐	Nay ☒	
Rachel Peterson	Yea ☒	Nay ☐	
Ryan Westergard	Yea ☐	Nay ☐	<i>[tie vote only]</i>

ATTEST:

SEAL:




Annette Hanson
City Recorder

RECORDED in the office of the City Recorder this 29th day of September 2026.

CHAPTER 12-2 DEFINITIONS

Purpose and Interpretation; Definitions Incorporated by Reference.

For the purpose of this Title, certain words and terms are defined as follows:

- (a) Words used in the present tense include the future.
- (b) Words in the singular number include the plural and the plural will include the singular.
- (c) Words which are not included herein, but are defined in the Uniform Building Code, shall have the meaning as defined within said Uniform Building Code.
- (d) The word “shall” is mandatory and not directory.
- (e) Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.
- (f) Other definitions set forth in the various Chapters of this Title are incorporated herein by reference.
- (g) Where words are not defined in this Chapter or Title, reference should be made to well recognized dictionary sources such as Webster’s New Collegiate Dictionary and Black’s Law Dictionary.
- (h) All references to code provisions and provisions of ordinances, regulations and rules shall be deemed to include any amendments to the same as they may be amended or adopted from time to time.
- (i) The definitions set forth in the Land Use Development and Management Act, *Utah Code Ann.* §10-9a-101, et seq. are incorporated herein by reference.
- (j) The definitions set forth in the various chapters of this Title are incorporated herein by reference.

Accessory Dwelling Unit or ADU. A dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on that same lot/parcel as the primary dwelling unit.

Accessory Dwelling Unit, Internal or IADU. An internal accessory dwelling unit is an ADU found within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created. These include a basement converted into a separate living space or a portion of an existing primary dwelling that is converted into separate living space.

Accessory Dwelling Unit, Detached or DADU. A stand-alone structure that includes an ADU separate from the primary dwelling. A DADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

CHAPTER 12-28 LAND USE AND SUPPLEMENTARY REGULATIONS

- 12-28-101. Land Use Table
- 12-28-102. Supplementary Regulations.
- 12-28-103. Administrative Review and Approval – Appeals.
- 12-28-104. Projections Into Yards.
- 12-28-105. Additional Height Regulations.
- 12-28-106. Annexation.
- 12-28-107. Clear View of Intersecting Streets.
- 12-28-108. Culinary Water and Sewage Disposal.
- 12-28-109. Fencing Regulations.
- 12-28-110. Yard, Landscaping, Maintenance and Storage.
- 12-28-111. Temporary Uses.
- 12-28-112. Self-Service Storage Facilities.
- 12-28-113. Flag Lots.
- 12-28-114. Noise Abatement Requirements.
- 12-28-115. Sexually Oriented Businesses.
- 12-28-116. Single-Family Dwelling Regulations.
- 12-28-117. Urban Chickens.
- 12-28-118. Apiaries (Beekeeping).
- 12-28-119. Westwood Mobile Home Subdivision.
- 12-28-120. Rail Spurs as a Conditional Use.
- 12-28-121. Development Agreements.
- 12-28-122. Public Utility Facilities.
- 12-28-123. Accessory Dwelling Units (ADU's).
- 12-28-124. Short-term Rentals.
- 12-28-125. Revocation Proceedings.
- 12-28-126. Shipping Containers

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12-28-123. Accessory Dwelling Units (ADUs).

~~(a) Purpose and Intent; Director Review. The purposes of this Section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of Accessory Dwelling Units within the City.~~

~~The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.~~

~~(b) Limitations on Accessory Dwelling Units~~

~~(1) External Accessory Dwelling Units ("EADU") are not allowed as a permitted or conditional use in any zone of the City. Mobile homes, recreational vehicles, travel/camp trailers and similar units are prohibited for use as an EADU or for any other dwelling purpose under this Title.~~

- ~~(2) Internal Accessory Dwelling Units (IADUs) — Use and Location. Subject to the requirements of this Section, one IADU is allowed as a permitted use in a single-family dwelling in any zone that is primarily for single-family residential uses, e.g., the City's R-1-8, R-1-15/20 and SFRT Zones; IADUs are also allowed in a single-family dwelling in the A-1 Zone~~
- ~~(A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.~~
- ~~(B) The IADU shall be used exclusively for the purpose of offering a long-term rental of thirty (30) days or longer.~~
- ~~(C) The IADU may house a maximum of four (4) unrelated tenants.~~
- ~~(c) General Regulations. The following regulations shall apply to all IADUs in the City.~~
- ~~(1) Parking. A primary dwelling with an IADU shall provide parking in a manner consistent with the City's parking ordinances, rules and regulations. In addition to the parking standards of the City and in the applicable Zone, there shall be at least one (1) off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking spaces previously contained within the garage or carport shall be replaced with similar facilities.~~
- ~~(2) The minimum size of the IADU shall be four hundred (400) square feet of living space within the primary dwelling.~~
- ~~(3) The IADU shall comply with all applicable building, health and fire codes.~~
- ~~(4) The IADU shall be designed in a manner that minimizes any changes in the appearance of the primary dwelling as a single-family dwelling.~~
- ~~(5) An IADU is prohibited within any mobile home (as defined by U.C.A. §57-16-3).~~
- ~~(6) If the primary dwelling is served by a septic tank, written approval shall be required from the Davis County Health Department.~~
- ~~(7) The lot or parcel on which the primary dwelling is located shall be at least 6,000 square feet in size.~~
- ~~(8) An IADU shall provide kitchen, sleeping, and sanitary facilities that are separate from those provided within the primary dwelling unit.~~
- ~~(9) The IADU shall share all utility meters with the primary residence.~~
- ~~(10) An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit "A" and the~~

~~tenant(s) in the IADU as located in unit "B," or by similar logical distinction.~~

- ~~(11) An IADU shall not be used as a Short-term Rental, shall not be listed for rental on a short-term rental website or for rental in any other media or publication.~~

~~(d) IADU Application and Permit:~~

- ~~(1) Every owner of an IADU in the City shall obtain a permit before any portion of a single-family residence is used for that purpose. A permit issued under this Section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.~~
- ~~(2) An application for an IADU permit shall be filed with the Director and accompanied by the fee required by the Consolidated Fee Schedule.~~
- ~~(3) An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements; size of the IADU; utility services; and kitchen, sleeping and sanitary facilities.~~
- ~~(4) The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an IADU.~~

~~(e) Noncompliance; Revocation or Withdrawal of Permit. A permit for an IADU may be revoked or withdrawn in the following circumstances:~~

- ~~(1) The conditions upon which the permit has been issued no longer are maintained by the property owner;~~
- ~~(2) The requirements of this Section or the permit have been violated; or~~
- ~~(3) The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not and will not allow any occupant to use the accessory dwelling unit in violation of this section.~~

~~(f) Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.~~

- (a) Purpose and Intent; Administrative Review. The purposes of this Section are to assist in the creation of additional housing units; to support the efficient use of existing housing stock, land, and infrastructure; to provide housing that responds to changing family needs, smaller households, and housing costs; and to

establish reasonable regulations for the construction and use of Accessory Dwelling Units within the City consistent with applicable state law.

Accessory Dwelling Units authorized by this Section are permitted uses subject to compliance with the objective requirements of this Section and other applicable provisions of this Title.

The Director, or designee, is vested with authority to administratively review applications under this Section and to approve or deny an application based upon compliance with the requirements of this Section. An application that complies with the applicable requirements of this Section shall be approved.

(b) General Limitations on Accessory Dwelling Units.

(1) No more than one (1) Accessory Dwelling Unit, whether an IADU or DADU, is permitted on a lot or parcel.

(2) An ADU shall be accessory and subordinate to a legally established primary single-family dwelling.

(3) The owner of record of a lot or parcel on which an ADU is located shall reside as the owner's primary residence in either:

(A) the primary single-family dwelling; or

(B) the ADU.

(4) Temporary Owner Absence. An owner who otherwise satisfies the owner-occupancy requirements of this section may temporarily reside away from the property because of a military assignment, employment commitment, family obligation, religious or quasi-public service, or other comparable circumstance, subject to the requirements of this subsection.

(A) Before renting both the primary dwelling and the accessory dwelling unit during a temporary absence, the owner shall obtain written approval from the Community Development Director. The application shall identify the circumstances requiring the temporary absence, the anticipated beginning and ending dates of the absence, and such documentation as the Director reasonably determines is necessary to establish the temporary nature of the absence.

(B) An approval under this subsection may not exceed twelve (12) months. During the approved period, the owner may rent both the primary dwelling and the accessory dwelling unit notwithstanding the owner-occupancy requirements of this section.

(C) Before an approval expires, the owner may apply for an extension. The Community Development Director may approve an extension

upon determining that the circumstances supporting the original approval continue to exist and remain temporary. Each extension shall specify an expiration date. The Director may require updated documentation demonstrating the continuing basis for the temporary absence.

(D) Upon expiration of an approval or extension, the property shall again comply with the owner-occupancy requirements of this section. Continued rental or occupancy of both the primary dwelling and the accessory dwelling unit after expiration of the approval or extension, while the owner does not reside in either dwelling, constitutes a violation of this section.

(E) Approval of a temporary absence does not waive or permanently modify the owner-occupancy requirement and does not create a nonconforming use or other right to continue renting both dwelling units after the approval expires. The owner bears the burden of demonstrating eligibility for an approval or extension under this subsection."

(5) An ADU shall not be rented, leased, offered, or advertised for occupancy for a period of less than ninety (90) consecutive days.

(6) Recreational vehicles, motor homes, travel trailers, camp trailers, mobile structures, shipping containers not converted and approved as permanent buildings, and other temporary or movable structures shall not be used as an ADU or for permanent dwelling purposes.

(7) An ADU shall comply with all applicable building, health, fire, and other codes applicable to residential occupancy.

(8) An ADU shall not be separately subdivided, condominiumized, or sold separately from the primary dwelling and underlying lot or parcel.

(c) Internal Accessory Dwelling Units (IADU).

Subject to the requirements of this Section, one IADU is allowed as a permitted use within a qualifying primary dwelling in any area in which an IADU is required to be permitted by Utah Code §10-21-303.

(1) An IADU shall be subject to the following

(A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.

(B) The primary dwelling shall be a detached single-family dwelling.

(C) The IADU shall provide kitchen, sleeping, and sanitary facilities separate from those provided for the remainder of the primary dwelling.

- (D) An IADU is prohibited within a mobile home as defined by applicable Utah law.
- (E) If the primary dwelling is served by a septic system, the property owner shall provide evidence of approval from the applicable health department when required by applicable law or health regulation.
- (F) An IADU shall be prohibited on a lot or parcel six thousand (6,000) square feet or less.
- (G) An IADU shall be designed in a manner that does not materially change the appearance of the primary dwelling as a single-family dwelling.
- (H) A separate utility meter shall not be installed solely for the IADU.
- (I) The IADU shall not be assigned a separate street or mailing address.

(2) Internal Accessory Dwelling Unit Parking.

- (A) A primary dwelling containing an IADU shall provide at least one (1) additional on-site parking space for the IADU in addition to parking required for the primary dwelling.
- (B) If an IADU is created within a garage or carport and the conversion eliminates parking spaces otherwise required for the primary dwelling, the required parking spaces shall be replaced on-site.

(d) Detached Accessory Dwelling Unit (DADU).

Subject to the requirements of this Section, one DADU shall be permitted on a lot or parcel when:

- (1) The lot or parcel is seven thousand five hundred (7,500) square feet or larger;
- (2) The lot or parcel contains a detached single-family dwelling;
- (3) No other IADU or DADU exists on the lot or parcel; and
- (4) The DADU complies with this Section and all other applicable requirements of this Title.

General requirements applicable to all DADU permits:

- (A) Location and Setbacks.

- (i) A DADU shall not be located within the required front-yard area or corner side yard between the primary dwelling and the street of a lot or parcel.
- (ii) A DADU shall maintain a minimum setback of five (5) feet from an interior side, corner side, or rear property line and a minimum separation of six (6) feet from the primary dwelling and other structures on the same lot, except where a greater separation is required by applicable building or fire code. A DADU shall comply with all applicable street-side, clear-view, easement, utility, building, and fire-code requirements.
- (iii) Exterior windows of the DADU shall not negatively impact adjacent properties.
- (iv) A DADU shall not be located within a public utility easement or other recorded easement unless the easement holder has provided written authorization acceptable to the City.

(B) Size, Height, and Lot Coverage.

- (i) A DADU shall not be larger in gross floor area than the primary dwelling located on the same lot or parcel.
- (ii) A DADU shall comply with the height requirements otherwise applicable to accessory structures in the zoning district in which the property is located.
- (iii) A DADU shall comply with maximum lot coverage requirements of the underlying zoning district.
- (iv) A garage, storage area, or other uninhabitable space constructed in conjunction with a DADU shall be included when determining compliance with applicable accessory building size and lot coverage.

(C) Design. A DADU shall be designed consistent with the single-family dwelling.

(D) Parking. In addition to parking otherwise required for the primary dwelling:

- (i) A DADU containing less than six hundred fifty (650) square feet of habitable floor area shall provide one (1) additional on-site parking space.

(ii) A DADU containing six hundred fifty (650) square feet or more of habitable floor area shall provide two (2) additional on-site parking spaces.

(iii) Required parking may be provided within an approved driveway, garage, carport, or other approved on-site parking area.

(iv) If a detached garage is converted to a DADU, parking spaces required for the primary dwelling that were located within the detached garage shall be replaced on-site.

(E) DADU Utilities and Infrastructure.

(i) A DADU shall have lawful and adequate access to required utility services.

(ii) The City may prohibit or deny a DADU if the DADU will not have adequate access to a required utility service that constitutes a project improvement, including:

(1) Sanitary sewer;

(2) Culinary water;

(3) Electrical service; or

(4) Storm water facilities.

(iii) The City may prohibit or deny a DADU if a utility service constituting a system improvement to which the DADU is required to connect lacks sufficient capacity to support the DADU.

(iv) The property owner shall be responsible for lawful connection, extension, improvement, and utility costs associated with serving the DADU.

(e) Conversion of a Legally Constructed Accessory Structure to a DADU.

An owner may apply to convert a legally constructed accessory structure, including a detached garage, to a DADU. Conversion shall be approved when:

(1) The lot or parcel qualifies for a DADU under this Section;

(2) The accessory structure was legally constructed or otherwise constitutes a lawful structure under this Title;

(3) The structure complies with applicable dwelling and accessory structure setback requirements or otherwise has lawful nonconforming status that permits the proposed conversion;

- (4) The proposed conversion complies with all applicable building, health, and fire codes;
 - (5) Parking required for the primary dwelling that is eliminated through conversion of a detached garage is replaced on-site; and
 - (6) All required building permits and approvals have been obtained.
- (f) ADU Application and Permit.
 - (1) Before an IADU or DADU is rented or occupied as a separate dwelling unit, the property owner shall obtain an ADU and Building Permit.
 - (2) An application shall be filed with the Director on a form provided by the City and shall be accompanied by the applicable fee established by the Consolidated Fee Schedule.
 - (3) A complete application shall contain information reasonably necessary for the City to determine compliance with applicable requirements and may include:
 - (A) A site plan, which includes location of existing and proposed buildings, property lines and dimensions, setbacks, easements, and parking locations;
 - (B) A floor plan of the ADU and primary dwelling, if applicable;
 - (C) Building elevations, if applicable, to show dimensional requirements;
 - (D) Utility locations and connections;
 - (E) Square footage;
 - (F) Owner-occupancy documentation; and
 - (G) Other information reasonably necessary to demonstrate compliance with objective requirements of this Section.
- (g) Change in Ownership.
 - (1) A rental permit or registration issued under this Section shall remain valid only while the property complies with the requirements applicable to the ADU.
 - (2) Upon transfer of ownership of a property containing an ADU, a new owner shall obtain any owner-occupancy affidavit, rental permit, registration, or license required by the City before renting the ADU.
 - (3) Transfer of ownership does not by itself require removal of a lawfully established ADU, provided the ADU continues to comply with applicable land use, building, health, and fire requirements.

(h) Noncompliance; Revocation or Withdrawal of Permit.

A permit for an ADU may be revoked or withdrawn in the following circumstances:

- (1) The requirements upon which the permit was issued are no longer satisfied;
- (2) The requirements of this Section or other applicable law have been violated;
- (3) The ADU is altered or expanded in violation of applicable approvals; or
- (4) The property owner requests withdrawal or termination of the permit.

Prior to revocation, the City shall provide any notice and opportunity to cure or contest the alleged violation required by applicable law.

(i) Enforcement.

Violations of this Section may be enforced as provided by this Title and applicable state law.

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