

ORDINANCE NO. 2019-__

**AN ORDINANCE AMENDING THE WASHINGTON CITY CODE, TITLE 9 ZONING
REGULATIONS, ADDING A NEW SECTION, CHAPTERS 9-8A-7 AND 9-8B-7
DETACHED ACCESSORY DWELLING UNITS**

WHEREAS, Title 9 of the Washington City Code, sets forth the provisions for the Zoning Regulations within the City; and

WHEREAS, the City desires to amend a certain section of Title 9, which more specifically is adding 9-8A-7 AND 9-8B-7 “Detached Accessory Dwelling Units”, for the purpose of providing for the public safety, health and general welfare of the citizens of Washington City; and

WHEREAS, the Planning Commission of Washington City, Utah recommended that the amended section of the Zoning Ordinance be approved; and

WHEREAS, a public hearing was held by the Washington City Council after appropriate notice to consider the amendment.

NOW THEREFORE, BE ORDAINED by the City Council of Washington City as follows:

I. Title 9-8A-7 and 9-8B-7 Detached Accessory Dwelling Units, is being adopted into the Washington City Zoning Regulations and is hereby added and shall read as follows:

9-8A (& 8B)-7: DETACHED ACCESSORY DWELLING UNIT (DADU)

A. Purpose and Intent:

1. The purpose and intent of detached accessory dwelling units (dadu) is to provide additional housing for family members of the owners of single family dwelling units that are located in residential zoning districts. The separate sale of such detached accessory dwelling units is prohibited in order to protect the residential character of the neighborhoods in which they are located.

2. A detached accessory dwelling unit is defined as an adjunct living unit, with a

sleeping area, a bathroom, may or may not have kitchen facilities, has no attached garage or carport, and is detached from the primary residence on the same lot. The detached accessory dwelling unit may only be used for the housing of family members.

3. The owner of the property containing a single-family residence and a detached accessory dwelling unit must reside in the primary residence or the detached accessory dwelling unit, but the dwelling unit not occupied by the owner of the property may only be used for the housing of family members.

B. General Standards: The following standards shall be adhered to for all detached accessory dwelling units:

1. Only one (1) accessory dwelling unit, attached or detached, may be constructed on any qualifying residentially zoned lot.

2. The proposed lot for a detached accessory dwelling unit shall contain an already existing single-family dwelling unit, and the lot must be a minimum of ten thousand (10,000) square feet in size.

3. Any accessory dwelling unit on a qualifying residentially zoned lot being added to an existing single-family residence, whether attached or detached, shall not exceed fifty percent (50%) of the gross square footage of the single-family residence (attached garages to the existing single-family residence are not included as part of the gross square footage), and in no case shall be greater than six hundred fifty (650) total square feet. The accessory dwelling unit square footage (added to all other existing or future structures), will not cover more than twenty five percent (25%) of the rear yard area.

4. All detached accessory dwelling units shall be limited to a maximum of seventeen feet (17') in height, and in no case shall the roof exceed the height of the existing residence.

5. Detached accessory dwelling units shall be located at least ten feet (10') away from the existing single-family residence, and can be located no closer than five feet (5') to any side or rear property line.

6. One additional on-site parking space shall be provided in addition to the required parking standards for the single-family residential lot. The parking space shall be a minimum of nine feet (9') wide and nineteen feet (19") long.

7. Under no circumstances, shall accessory dwelling units, whether attached or detached, be used for nightly or vacation rental purposes (unless approved through a conditional use permit as outlined in this title).

8. Construction of all accessory dwelling units shall meet all applicable building codes adopted by the city.

C. Required Deed Restriction:

1. As a condition of securing a building permit for construction of a detached accessory dwelling unit being developed on a lot with an existing single-family residence; the property owner shall record against the deed to the subject property, a deed restriction, in a form provided by the city, and will contain the following language:

"A permit for an accessory dwelling was issued to _____, the current owner of this property located at _____. The Owner shall strictly adhere to the prohibition of the use of the accessory dwelling as a nightly, short-term or vacation rental."

2. Proof that such a deed restriction has been recorded shall be provided to the Community Development Director prior to the issuance of the Certificate of Occupancy for the accessory dwelling unit.

D. Penalty: Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provision of this section, shall be guilty of a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code. Any such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues or is permitted by such person, firm or corporation.

II. If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications thereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

III. This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

IV. This Ordinance shall take effect immediately upon publication or posting, as required by law.

PASSED AND ORDERED POSTED on this 11th day of December, 2019.

Washington City

Kenneth F. Neilson, Mayor

Attest:

Danice B. Bulloch, CMC
City Recorder