

**Date:**

5/19/21

**Applicant:**

Mapleton City

**Location:**

N/A

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

Yes

**Attachments:**

1. Proposed ordinance.
2. PC minutes.

**REQUEST**

Consideration of an ordinance amending Mapleton City Code (MCC) section 18.84.410 regarding accessory apartments in residential zones.

**BACKGROUND/DESCRIPTION**

The City's regulations regarding accessory apartments in residential zones are adopted in MCC Section 18.84.410 and include the following:

- A minimum lot size of 14,500 square feet for attached units and one acre for detached units.
- Entrances for attached units must not be visible from the street.
- Detached units must be in a building with another use (barn, garage, etc.), can't exceed 50% of the size of the detached building and can't exceed 1,000 square feet. Detached units also must not look like a residential unit.
- 2 additional parking spaces are required.
- An application fee of \$5,500 is required (fee may be paid over 3 years).

In the 2021 legislative session the Utah Legislature passed HB 82, which was intended to reduce impediments for internal (attached) accessory apartments. HB 82 does not address requirements for detached accessory apartments. The new law does allow cities to require the following:

- A permit for an accessory apartment;
- That the property owner live in one of the units;
- A minimum lot size of 6,000 square feet;
- One off-street parking space;
- The accessory apartment to not change the appearance of the single-family dwelling; and
- Prohibiting accessory apartments from a residential zone or zones if the zones make up less than 25% of the residentially zoned property within the city.

The proposed ordinance (see exhibit "A") is intended to bring the City's accessory apartment ordinance into compliance with HB 82 as well as make some other updates regarding the accessory apartment fee and the standards for detached accessory apartments.

## EVALUATION

**General Plan:** The following goal and policies of the Moderate Income Housing Element of the General Plan address accessory apartments:

**Goal #2:** *Provide opportunities for a wide range of housing options at all income levels while protecting the rural, country atmosphere of the City.*

**Policy A:** *Continue to allow accessory apartments as a permitted use in all residential zones.*

**Policy B:** *Periodically evaluate the accessory apartment permit fee to ensure that the fee is not a significant deterrent to the development of additional accessory apartments.*

The City Council should keep this goal and these policies in mind as it reviews the proposed ordinance.

**Proposed Ordinance:** Staff has included a summary of the proposed ordinance requirements below followed by a staff response.

- *Accessory apartments would be prohibited in the SDP-1 (Harvest Park), SDP-2 (Sunrise Ranch) and R-2-B zones.*

Response: These zones are the City's high density zones with smaller lots and narrower street frontages. The purpose of excluding accessory apartments from these zones is to avoid unnecessary issues related to parking, traffic and congestions. These zones also make up less than 25% of the total residential area within the City as allowed by HB 82.

- *Require a minimum lot size of 6,000 square feet and one off-street parking space for attached accessory apartments.*

Response: These are the maximum limitations for lot size and parking allowed by HB 82.

- *Require that the entrance to the accessory unit be located to the side, rear, or out of view from the public street.*

Response: HB 82 allows for standards that require that the accessory apartment not change the appearance of the primary dwelling. Requiring that the entrance be located to the side or rear of the dwelling, or not visible from the street helps ensure that the appearance of the primary dwelling is not altered.

- *Allow detached accessory apartments on ½ lots (current ordinance requires 1 acre) and establish the following range of maximum apartment sizes:*

- 1,000 square feet max living space on lots between ½ and 1.99 of an acre;*
- 1,200 square feet max living space on lots of 2 acres and larger.*

Response: The draft ordinance presented to the Planning Commission recommended keeping the minimum lot size for detached accessory apartments to one acre and the max living space to

1,000 square feet. The Commission determined that allowing detached apartments on ½ acre lots or larger would be appropriate and proposed allowing larger apartment sizes on larger lots.

- *No longer require that detached accessory apartments be part of a separate structure.*

Response: Staff is supportive of allowing for detached accessory apartments in detached structures without the requirement that they be part of a separate structure/use for the following reason:

- Allowing a detached accessory apartment in it's own structure may result in fewer two-story accessory buildings and less mass and bulk on a property. Because the current ordinance requires accessory apartments to be combined with another building, they are often added to the second story of a garage/barn.
- The existing requirement that a detached accessory apartment be no more than 50% of the detached structure can be difficult to enforce. Once the final inspection has been complete, it can be easy to expand the accessory unit beyond 50%.
- Allowing detached accessory apartments in their own structures may also result in better architectural designs.

- *Require an administrative application fee (\$50) and the payment of the full multi-family impact fees for water, sewer, parks and public safety for detached accessory apartments and 50% of the impact fees for attached accessory apartments.*

Response: While the City's Moderate Income Housing Element encourages accessory apartments, it is important to still consider their impact on community infrastructure. In the draft ordinance that was presented to the Planning Commission, staff was recommending charging the full multi-family impact fees (\$3,344.42) for both attached and detached accessory units. However, the Planning Commission recommended charging only 50% of the multi-family impact fees (\$1,672.21) for attached accessory apartments for the following reasons:

- Since the infrastructure has already been constructed for a single-family dwelling, adding an attached (typically basement) accessory apartment, should have less impact on City infrastructure.
- Accessory apartments are the City's primary opportunity to provide moderate income housing and reducing the fee is consistent with Policy B cited above to ensure that the fees are not a deterrent.

Detached apartments would pay the full \$3,344.42.

## RECOMMENDATION

Approve the proposed ordinance.

**ORDINANCE NO. 2021-**

**AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) SECTION 18.84.410  
REGARDING ACCESSORY APARTMENTS IN RESIDENTIAL ZONES.**

**WHEREAS**, MCC Section 18.84.410 contains the City's accessory apartment ordinance;  
and

**WHEREAS**, the City's Moderate Income Housing Element of the General Plan encourages allowing accessory apartments throughout the City; and

**WHEREAS**, the State Legislature adopted House Bill 82 in 2021 that limited the City's ability to regulate attached accessory apartments; and

**WHEREAS**, the proposed revisions to MCC Section 18.84.410 are intended to bring the City's ordinance into compliance with HB 82 as well as to further implement the goals and policies of the Moderate Income Housing Element; and

**WHEREAS**, while the City recognizes the need to allow for accessory apartments, it also recognizes that accessory apartments impact the City's infrastructure; and

**WHEREAS**, the City's adopted multi-family impact fees are intended to ensure that new multi-family units (including accessory apartments) contribute to their fair share of infrastructure costs; and

**WHEREAS**, in order to balance the need to encourage accessory apartments with their impact on community infrastructure, the impact fees charged for attached accessory units (governed under HB 82) shall be 50% of the multi-family impact fees for water, sewer, parks and recreation and public safety; and

**WHEREAS**, the Planning Commission recommended approval of the attached ordinance on April 22, 2021.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Mapleton, Utah, to amend Mapleton City Code Section 18.84.410 as described in Exhibit "A".

**PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,**

This 19<sup>th</sup> Day of May, 2021.

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Dallas Hakes  
Mayor

ATTEST:

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Camille Brown

City Recorder

**Publication Date:**

**Effective Date:**

## **Exhibit “A”**

### **18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS**

A. Purpose and Intent: This ordinance is intended to implement Utah Code Section 10-9a-511 and the goals and policies of the Mapleton City Moderate Income Housing Element of the General Plan, which encourage providing opportunities for a variety of housing options at all income levels including accessory apartments.

B. Exemptions: The provisions of this section do not apply if only family members, as defined under section [18.08.010](#) of this title, are residing at the residence.

C. Owner occupied: Either the primary dwelling unit or the accessory apartment shall be occupied by a full time resident property owner as shown on the Utah County tax assessment rolls. No more than one accessory apartment is permitted per lot.

D. Internal accessory apartments (dwelling units), as defined in Utah Code Section 10-9a-511.5, are allowed in all residential zones except for the SDP-1, SDP-2 and R-2-B zones, with the following limitations:

1. Lot size: The lot shall be a legal lot of record of six thousand (6,000) square feet in size or larger.

2. Appearance:

- a) The creation of an internal accessory dwelling unit shall not be designed in a manner that changes the appearance of the primary dwelling as a single-family dwelling.

- b) An entrance or exit to or from the apartment shall be on either the side or rear of the dwelling or not visible from the public street.

- c) All owner occupied accessory apartments attached to a single-family dwelling shall include an internal connection between the single-family dwelling and the accessory apartment. The required internal connection may not be through a garage.

E. Detached Buildings: An accessory apartment may be permitted in a detached building with the following limitations:

1. The property must be at least twenty thousand (20,000) square feet in size or larger.

2. The maximum interior floor area of the accessory apartment shall not exceed the following:

- a. One thousand (1,000) square feet for lots between twenty thousand (20,000) square feet and eighty-seven thousand one hundred and nineteen (87,119) square feet.

b. Twelve hundred (1,200) square feet for lots of eighty-seven thousand one hundred and twenty (87,120) square feet or larger.

3. The detached structure shall be located behind the primary dwelling on the property.

F. Parking: Parking shall be provided in accordance with the following standards:

1. A single-family dwelling with an owner occupied accessory apartment shall provide at least one (1) off street parking stall designated for use by the accessory apartment in addition to the required off street parking required for the single-family dwelling.

2. The designated parking stall may not be located within a garage, unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit. The designated parking stall also may not be located directly behind a required parking stall for the primary dwelling unit.

3. Not more than one of the designated parking stalls may be located within:

(a) The front yard setback; or

(b) Side yard setback that is adjacent to a street.

4. A parking stall designated for use by the accessory apartment under this section shall be paved with asphalt or concrete, or be a hard surface material that will not generate dust or allow mud to be tracked onto City streets.

G. Application: Prior to construction or occupancy of an accessory apartment, a property owner shall submit an application with the information required on the official "accessory apartment permit" application maintained by the Community Development Department.

H. Application and impact fees: Each application will pay the applicable fees identified below. The Community Development Director may allow for the impact fees to be paid through monthly payments for up to a three-year period.

1. At the time of application, the applicant shall pay the accessory apartment administrative fee as adopted in the official fee schedule of the Community Development Department.

2. For detached accessory apartments, the applicant shall pay the multi-family impact fees that are in effect at the time of the application for culinary water, sanitary sewer, parks and recreation and public safety.

3. For attached accessory apartments, the applicant shall pay fifty percent (50%) of the multi-family impact fees that are in effect at the time of the application for culinary water, sanitary sewer, parks and recreation and public safety.

I. Addressing: An owner occupied accessory apartment will not be given a new address by the City. Single-family dwellings with owner occupied accessory apartments can refer to mail to its accessory apartment by the same address as the primary dwelling and refer to the main address as "A" and the accessory apartment address as "B".



## PLANNING COMMISSION MINUTES

April 22, 2021

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**PRESIDING AND CONDUCTING:** Chairman Jesse McLean

**Commissioners in Attendance:** Sharee Killpack  
Jake Lake  
Rich Lewis  
Lewis Nuttall  
TJ Uriona

**Staff in Attendance:** Sean Conroy, Community Development Director

**Minutes Transcribed By:** April Houser, Executive Secretary

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Chairman Jesse McLean called the meeting to order at 6:00pm. Alternate Commissioner Lewis Nuttall was seated as voting member this evening.

**Item 1. Planning Commission Meeting Minutes – March 25, 2021.**

**Motion:** Commissioner Lake moved to approve the March 25, 2021 Planning Commission Meeting Minutes.

**Second:** Commissioner Nuttall

**Vote:** Unanimous

**Item 2. Consideration of an application for a Home Occupation Permit for Michele McLean to operate an in-home photography studio at 763 East 900 South in the Agricultural-Residential (A-2) Zone.**

**Motion:** Commissioner Lake moved to approve the Home Occupation Permit Michele McLean to operate an in-home photography studio at 763 East 900 South in the Agricultural-Residential (A-2) Zone, with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. The business shall be conducted in a 'by appointment only' manner and group sizes must be moderated to ensure that no more than 6 cars are present at the home at any one time, including cars owned by the residents of the home.
3. With exception of activities that are clearly incidental and secondary to the business, the home occupation shall be conducted within the confines of the structure.
4. No signs shall be placed on the property without a sign permit.
5. Mapleton City



- 45 6. Violations of the terms of this use permit or other ordinances of the City  
46 may constitute grounds for revocation of this permit and associated  
47 business license by the Planning Commission.  
48 7. If the proposed use is abandoned for a period of six months or more, the  
49 use permit will become null and void.

50 **Second:** Commissioner Nuttall

51 **Vote:** Unanimous

52  
53 **Item 3. Consideration of a request for Preliminary Plat approval for the Blackett**  
54 **Subdivision Plat A, a 2-lot subdivision located at 1410 North 300 West in the**  
55 **RA-2 Zone.**

56  
57 **Motion:** Commissioner Lake moved to approve the Preliminary Plat approval for the  
58 Blackett Subdivision Plat A, a 2-lot subdivision located at 1410 North 300 West in  
59 the RA-2 Zone with the condition that any outstanding issues raised in the  
60 Development Review Committee (DRC) minutes be addressed prior to plat  
61 recording.

62 **Second:** Commissioner Nuttall

63 **Vote:** Unanimous

64  
65 **Item 4. Consideration of an ordinance amending Mapleton City Code Section**  
66 **18.84.410 regarding accessory apartments in residential zones.**

67  
68 **Sean Conroy**, Community Development Director, went over the Staff Report for those in  
69 attendance. The City's current ordinance for accessory apartments requires at least 1/3-acre lot  
70 size with a fee of \$5,500. HB 82 was put in place to incentivize accessory apartments in line with  
71 lower income housing, and only applies to single family homes. Sean went over the changes being  
72 proposed that would put the ordinance in line HB 82. **Commissioner Lewis** asked why we limit  
73 the size allowance on accessory apartments. Sean stated that they are to prohibit having 2 single-  
74 family sized homes on one lot. A proposed fee change to approximately \$3,350 is also part of the  
75 proposed amendments this evening. Larger units would also take from the Moderate-Income  
76 Housing stipulations, as larger units would typically charge higher rental fees. **Commissioner**  
77 **Killpack** felt the 1000 sq. ft. allowance on 1/2-acre lots would be sufficient. Possible additional  
78 requirements could be put in place based off lot size and off-street parking, etc. She also felt the  
79 fee should be lowered more to make it easier for more residents to get an accessory apartment.  
80 **Commissioner Lewis** stated the reason he felt the impact fees were in place to cover the costs to  
81 improvements, emergency services, parks, etc. with the additional individuals living in each home.  
82 The fee does not apply to Family Use Only. In these situations, a Second Kitchen Agreement is  
83 required to be signed stating that they are aware the unit can not be rented out. The option for  
84 interest free payments can be utilized over the course of 3 years. This allowance is already in place  
85 and will continue to be an option. There are lot coverage limits in place that could potentially limit  
86 detached unit sizes. The overall idea is based off 2 people per accessory apartment. Local City's  
87 charge different fees for accessory apartments, so fees are really all over the board in surrounding  
88 areas. Accessory Apartment that are already approved would be grandfathered in.

89  
90 **Chairman McLean** opened the Public Hearing. No comments were made, and the Public Hearing  
91 was closed.

92  
93 **Motion:** Commissioner Killpack moved to recommend approval to the City Council of an  
94 ordinance amending Mapleton City Code Section 18.84.410 regarding accessory

apartments in residential zones with the recommendations listed below:

1. Detached accessory apartments may be allowed on lots of ½ acre or more with the following size limitations:

- a. Lots ½ acre to 1 acre may not exceed 800 sq. ft.

- b. Lots 1-2 acres may not exceed 1000 sq. ft.

- c. Lots 2 acres or larger may not exceed 1200 sq. ft.

2. In order to incentivize attached accessory apartments in accordance with HB 82, the applicant shall pay 50% of the multi-family impact fee.

**Second:** Commissioner Nuttall

**Vote:** Unanimous

**Item 5. Adjourn.**

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April Houser, Executive Secretary

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Date