CITY OF HOLLADAY

ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLADAY AMENDING PORTIONS OF TITLE 5 RELATING TO BUSINESS LICENSING AND TITLE 13 LAND USE AND DEVELOPMENT

WHEREAS, the Utah State Legislature, during the 2021 General Session, adopted substantial revisions to statutes of the State relating to accessory dwelling units; and

WHEREAS, in the review of City ordinances, the City has determined that certain portions of Title 5 Business Licensing and Title 13 Land Use and Development should be amended to incorporate the statutory revisions;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Amendment. Section 5.68.010 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Amendment. Section 5.68.020 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Amendment. Section 5.68.030 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 4. Amendment. Section 13.04.040 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit D, attached hereto and incorporated herein by reference.

Section 5. Amendment. Section 13.14.010 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit E, attached hereto and incorporated herein by reference.

Section 6. Amendment. Section 13.14.020 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit F, attached hereto and incorporated herein by reference.

Section 7. Amendment. Section 13.14.030 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit G, attached hereto and incorporated herein by reference.

Section 8. Amendment. Section 13.14.031 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit H, attached hereto and incorporated herein by reference.

Section 9. Amendment. Section 13.76.040 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit I, attached hereto and incorporated herein by reference.

Section 10. Amendment. Section 13.80.040 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit J, attached hereto and incorporated herein by reference.

Section 11. Amendment. Section 13.100.010 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit K, attached hereto and incorporated herein by reference.

Section 12. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 13. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 9th day of September, 2021.

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Matt Durham	Yea X	Nay ___
Sabrina R. Petersen	Yea X	Nay ___
Drew Quinn	Yea ___	Nay ___ *excused*
Paul Fotheringham	Yea X	Nay ___
Dan Gibbons	Yea X	Nay ___
Robert Dahle	Yea X	Nay ___

ATTEST:

_____
Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 9th day of September, 2021.

RECORDED this 9th day of September, 2021.

TITLE 5: BUSINESS LICENSING

CHAPTER 5.68 MULTIPLE RENTAL DWELLING UNITS

5.68.010: DEFINITIONS:

Refer to Chapter 13.04 Definitions for any terms herein.

5.68.020: LICENSE REQUIRED:

A. License; Fee: Every owner of a multiple family dwelling unit of three (3) or more rental dwelling units shall obtain and maintain current a business license and pay the general business license fee and the special fees as set forth on the Fee Schedule at the time of application or renewal of license.
B. Multiple Owners: If there is more than one owner, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fee. (Ord. 03-02, 1-23-2003)
C. Accessory Dwelling Unit: Every owner of an accessory dwelling unit being rented shall obtain and maintain a current license and pay an annual license fee as set forth by the City of Holladay Fee Schedule at the time of application or renewal of license.

5.68.030: PENALTY:

Any person or party who violates the provisions of this chapter shall be deemed guilty of a misdemeanor. (1999 Code).

TITLE 13: LAND USE AND DEVELOPMENT

CHAPTER 13.04 DEFINITIONS

13.04.040: DEFINITIONS OF TERMS

DWELLING, DWELLING UNIT:

A. A building, or portion thereof, which is one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

B. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the Community and Economic Development Director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include, but are not limited to:

1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
3. There is only one electric and/or gas meter for the building.

DWELLING, ACCESSORY UNIT (ADU): One habitable living unit added to, created within, or detached from a primary owner-occupied single-family dwelling and contained on one lot. ADUs are subject to the approval of a Building Permit (13.08.100) and the issuance of a Certificate of Occupancy (13.04.050 and 13.01.060); and if the ADU is being rented, the annual review and approval of a License (5.68.020).

A. Internal Accessory Dwelling Unit (IADU): One accessory dwelling unit created within the owner-occupied primary dwelling unit or within the footprint of the primary dwelling unit that is connected in a structurally substantial manner by an enclosed conditioned space.

B. External Accessory Dwelling Unit (EADU): One accessory dwelling unit designed as a detached structure located on the same lot as, and subordinate to, a primary dwelling unit. Up to two (2) occupiable units on any lot.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed or intended to be used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: Up to four (4) persons are allowed to occupy each residential unit.

DWELLING, PRIMARY: A single-family dwelling unit that is detached and occupied as the primary residence of the owner of record.

DWELLING, RENTAL: A building or portion of a building used as a home or residence by one or more persons available to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer.

FAMILY: Family is defined as one of the following, but not more than one at the same time, who occupy a dwelling unit:

1. One person living alone;

2. Any number of persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two (2) additional persons living with the family, such as domestic staff, living together as a single housekeeping unit;
3. Up to four (4) persons living together as a single housekeeping unit and the minor children of any of them.

GUESTHOUSE, CARETAKER QUARTERS: As of (enter codification date) this land use is known as an External Accessory Dwelling Unit.

CHAPTER 13.14: R-1-4, R-1-8, R-1-10, R-1-15, R-1-21, R-1-43, R-1-87 SINGLE-FAMILY RESIDENTIAL ZONES

13.14.010: PURPOSE OF PROVISIONS:

The majority of land use in the City of Holladay is low density, single-family, detached dwellings. Most of these dwellings are located in areas zoned R-1. The purpose of the R-1 zones is to establish and maintain low density residential neighborhoods that provide persons who reside therein a comfortable, healthy, safe and pleasant environment. Furthermore, the rules below should support the goals of the general plan such as the preservation of housing by allowing for reasonable expansion within limits and for responsible growth. Also, it is the intent of the rules to ensure that development within these zones is harmonious and compatible with the character of existing development patterns in the immediate vicinity including building mass, setback, lot coverage, height, etc. Specific techniques, among others, that shall be applied in approval of all development are:

A. Graduated height/building envelope rules.
B. Maximum building footprint coverage percentages.
C. Maximum height allowances.
D. Averaging of building setbacks. (Ord. 2012-15, 9-20-2012)

13.14.020: PRIMARY USES:

A. Primary Uses Allowed: The permitted and conditional uses allowed in the Single-Family Residential (R-1) Zones shall be as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title. Any primary land use not shown as a permitted or conditional use in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be prohibited.

13.14.030: ACCESSORY USES:

Permitted and conditional uses set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by chapter 13.100, "Appendix A - Allowed Uses", of this title. Up to two (2) occupiable units (one primary, one ADU) on any lot. Properties found in violation of this section are subject to Enforcement of 13.94.

A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the zone except as otherwise expressly provided in this title.
B. No accessory use, building or structure, shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel, except as allowed by section 13.09.020 of this title.
C. Specific accessory uses allowed in the Single-Family Residential (R-1) Zones are as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title.
D. Accessory uses and buildings customarily incidental to a permitted or conditional use may be allowed in the Single-Family Residential (R-1) Zones, provided the total footprint square footage of all accessory buildings does not exceed the maximum square footage as allowed in section 13.14.110, chart 13.14.101 of this chapter.
E. Any detached accessory building or buildings (i.e. garage, EADU, shed, etc.), incidental to a permitted use, where the total footprint square footage is proposed to exceed the square footage allowed in

section 13.14.110, chart 13.14.101 of this chapter or which measures greater than the footprint of the primary residential structure on lots measuring one half acre or less, shall be reviewed by the Planning Commission as a conditional use pursuant to the provisions of section 13.08.040 of this title.

13.14.031: ACCESSORY DWELLING UNITS:

Accessory Dwelling Units are meant to assist in the creation of new housing units; support a more efficient use of existing housing stock and infrastructure; and provide housing that responds to changing family needs, smaller households, and increasing housing costs within the City and not a response to supplemental income or vacation rental opportunities.

Existing or new construction of Accessory Dwelling Units are permitted in all single-family residential zones (R-1, FR-1, FR-2.5, FR-20) when the following standards are met.

In addition to applicable remedies for correction of non-compliance set forth in Chapter 13.94 of this Title, pursuant to Utah Code Ann. § 10-9a-530(5), the City may hold a lien against any property in violation of any provision of this Title relating to the creation and/or maintenance of an Internal Accessory Dwelling Unit. The City shall follow the provisions of Utah Code Ann. § 10-9a-530(5) in the creation and filing of any lien.

A. Accessory Dwelling Unit as defined in section 13.04.040, shall:
   1. Comply with applicable building, health, and fire codes.
   2. Be subject to approval of a Building Permit (13.08.100) and issuance of a Certificate of Occupancy (13.04.050, 13.01.060).
   3. Be rented for a minimum of 30 consecutive days with the property owner living onsite.
      i. A rented ADU is subject to annual approval of a License (5.68.020). The licensing fee can be found in the Consolidated Fee Schedule.
   4. Provide one additional onsite parking stall above the minimum required set forth in section 13.80.040; and replace any parking spaces displaced by the construction of an ADU from a garage or carport.
   5. Maintain the same address as the primary dwelling with the addition of "Unit B".
   6. Be designed in a manner that is compatible with the neighborhood residential vernacular.
   7. Not operate on separate utility meters from the primary dwelling. The ADU tenant shall have unobstructed access to utility connections, i.e. water and gas shutoff, electrical panel and HVAC equipment, etc.
   8. ADU shall not be permitted on a property with a failing septic tank.

B. Internal Accessory Dwelling Unit as defined in section 13.04.040, shall:
   1. Comply with all provisions set forth in section 13.14.031 A of this chapter.
   2. Provide egress window(s) for existing and new construction which meet minimum size standards as per Chapter 15.08 Building Codes.

C. External Accessory Dwelling Unit, as defined in section 13.04.040, shall:
   1. Comply with all provisions set forth in section 13.14.031 A of this chapter.
   2. Be located on a lot of record measuring either: a) twice the minimum lot size of the underlying zone; or, b) a minimum of one-half acre (21,780 square feet) or larger.

3. Provide a footprint size of a minimum of 200 square feet and maximum footprint as per Chart 13.14.101.
4. Comply with setbacks as per 13.14.110.
5. Comply with Maximum Height as per 13.14.110.
6. Design standards of any EADU shall include the following. These standards are intended to increase privacy and minimize impact to neighboring residents.
    i. Security and/or building lighting shall be "dark sky" compliant, to include the following:
    ii. Only LED, incandescent light sources in the spectrum of white or off white (light yellow tones in the kelvin scale of 5,000k or lower, i.e. warmer).
    iii. Fixtures shall be mounted in such a manner that the cone of light does not cross any property line of the site.
    iv. Lighting installations shall include timers, dimmers and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
    v. Primary and secondary access points including but not limited to doors, windows, patios, garage doors, etc. shall not open into a required setback.
    vi. Required setbacks shall be maintained with landscaping which provides a buffer to neighboring properties.
    vii. Setback shall be increased by a minimum of 25% based on the setback requirements found in Chart 13.14.101.

CHAPTER 13.76 SUPPLEMENTARY REGULATIONS

13.76.040: DWELLINGS TO BE ON LOTS:

A. Every dwelling shall be located and maintained on a single "lot", as defined in this title. Except for group dwellings and accessory dwelling units, not more than one dwelling structure shall occupy one lot.

B. If a dwelling has been built across one or more property lines, all affected parcels and/or lots, whether metes and bounds or platted, shall be deemed consolidated and shall not thereafter be treated as multiple lots without an approved subdivision as per this title. (Ord. 2012-15, 9-20-2012)

CHAPTER 13.80 OFF STREET PARKING REQUIREMENTS

13.80.040: NUMBER OF SPACES REQUIRED:

Under no circumstances shall there be less parking spaces provided than actually required by the use.

A. Number Specified: The minimum number of off-street parking spaces required in all zones except the HV Zone, shall be as follows:

Dwellings, multiple	2 spaces for each dwelling unit
Dwellings, single-family	2 spaces for each dwelling unit
Dwellings, internal accessory dwelling unit	1 space for each dwelling unit
Funeral homes, mortuaries	1 space for each 40 square feet of floor area in assembly room

13.100.010: TABLE OF ALLOWED USES:

C = Conditional use	P = Permitted use	- = Not allowed	SDMP = Site development master plan

Use	*All FR Zone*	*R-1-4, R-1-8, R-1-10, R-1-15*	*R-1-21, R-1-43, R-1-87*	*R-2-8/ R-2-10*	*RM*	*PO*	*O-R-D*	*P*	*RO*	*NC*	*C-1*	*C-2*	*HV*	*R/M-U*	*LU*
Accessory Uses*															
Alcoholic beverage retail sales[14]:														See SDMP	See chapter 13.63 of this title
Bar establishment	-	-	-	-	-	-	C	-	-	-	-	C	-		
Bar establishment, equity	-	-	-	-	-	-	C	C	-	-	-	C	-		
Bar establishment, fraternal	-	-	-	-	-	-	C	-	-	-	-	C	-		
Brewery	-	-	-	-	-	-	C	-	-	-	-	C	-		
Off premises	-	-	-	-	-	-	-	-	-	P	P	P	P		
On premises banquet and catering	-	-	-	-	-	-	C	P	-	-	-	C	P		
On premises beer retailer	-	-	-	-	-	-	P	P	-	-	-	P	P		
Restaurant - beer only	-	-	-	-	-	-	P	P	-	P	P	P	P		
Restaurant - full service	-	-	-	-	-	-	P	P	-	P	P	P	P		
Restaurant - limited service	-	-	-	-	-	-	P	P	-	P	P	P	P		
Single event permit	-	P	P	P	P	P	P	P	-	P	P	P	P		
Drive-through	-	-	-	-	-	-	P	-	-	-	C	P	-		
Family food production	P[1]	P[1]	P[1]	-	-	-	-	-	-	-	-	-	-		
Flea market/farmers'	-	-	-	-	-	-	-	P	-	-	P	P	P		
Home daycare/preschool	C[3]	C[3]	C[3]	C[3]	C[3]	C[3]	-	-	-	-	-	-	-		
Home daycare/preschool, small	C[4]	P[4]	P[4]	P[4]	P[4]	P[4]	-	-	-	-	-	-	-		
Home occupation	C[5]	C[5]	C[5]	C[5]	C[5]	-	-	-	-	-	-	-	-		
Household pets	P[10]	P[10]	P[10]	P[10]	P[10]	-	-	-	-	-	-	-	-		
External Accessory Dwelling Unit	P[19]	P[19]	P[19]	-	-	-	-	-	-	-	-	-	-	-	-

Internal Accessory Dwelling Unit	P[19]	P[19]	P[19]	-	-	-	-	-	-	-	-	-	-	-	-
Livestock, large	P[1]	-	P[1]	-	-	-	-	-	-	-	-	-	-		
Livestock, small	P[1]	P[1]	P[1]	-	-	-	-	-	-	-	-	-	-		
Merchandise vending machine, outside	-	-	-	-	-	-	-	-	-	-	P	P	P		
Mobile food trailer	-	-	-	-	-	-	P	P[17]	-	-	P	P	P		
Mobile food truck	-	-	-	-	-	C[18]	P	P[17]	-	-	P	P	P		
Outside dining	-	-	-	-	-	-	C	C	-	C	C	C	C		
Outside display	-	-	-	-	-	-	-	-	-	C	P	P	P		
Outside storage	-	-	-	-	-	-	-	-	-	-	C	C	-		
Permanent cosmetics	-	-	-	-	-	C[14]	P[14]	-	-	P[14]	P[14]	P[14]	P[14]		
Resource recycling collection	-	-	-	-	-	-	P[8]	P[8]	-	P[8]	P[8]	P[8]	-		
Seasonal sales	-	-	-	-	-	-	P[13]	P[13]	-	P[13]	P[13]	P[13]	P[13]		
Short term rental	-	-	-	C[6]	C[6]	-	-	-	-	-	-	-	-		
Sportsman's kennel, cattery, animal hobby permit	P[11]	P[11]	P[11]	-	-	-	-	-	-	-	-	-	-		
Stable, private	-	-	P[1]	-	-	-	-	-	-	-	-	-	-		
Temporary buildings incidental to construction, including living quarters for security	C[13]	C[13]	C[13]	C[13]	C[13]	C[13]	P[13]	P[13]	-	P[13]	P[13]	P[13]	P[13]		
Temporary sales/use	-	-	-	-	-	-	-	P[13]	-	-	P[13]	P[13]	-		

Notes:

18. Subject to section 13.76.770 of this title.
19. Subject to section 13.14.031 of this title.

CERTIFICATE OF PUBLICATION

I hereby certify that Ordinance 2021-24 was passed on the 9th day of September, 2021 and this Ordinance, or a summary hereof, was posted on the State Public Notice website.

Stephanie N. Carlson
City Recorder

CITY OF HOLLADAY
PUBLIC NOTICE OF
ORDINANCE ADOPTION

Notice is hereby given that on the 9th day of September, 2021 the Holladay City Council adopted Ordinance 2021-24.

Ordinance 2021-24 amends portions of Title 5 relating to business licensing and Tile 13 land use development relating to accessory dwelling units and per State Code.

The complete ordinance is available for public inspection during normal working hours from 8:00 a.m. to 5:00 p.m. Monday through Friday in the office of the City Recorder located at 4580 S 2300 E, Holladay, UT.

Dated this 16th day of September, 2021

BY ORDER OF THE HOLLADAY CITY COUNCIL
Stephanie N. Carlson, MMC
Holladay City Recorder