

CHAPTER 1.21 ACCESSORY DWELLING UNITS

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1.21.005 PURPOSE. The purpose of permitting an Accessory Dwelling Unit is to:

- A. Provide homeowners with a means of obtaining, through tenants of an Accessory Dwelling Unit, rental income, companionship, security and/or services;
- B. Incentivize the development of Accessory Dwelling Units through the use of a clear, simple and streamlined permitting process;
- C. Add rental units to the housing stock to meet the needs of smaller households;
- D. Make housing units available to moderate and/or lower income households who might otherwise have difficulty finding housing within the city;
- E. Develop housing units in single-family neighborhoods that serve the needs of the residents through a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for services.

1.21.010 PERMIT REQUIRED. To assure compliance with the provisions of this Chapter, all Accessory Dwelling Units must submit an application and obtain an Accessory Dwelling Unit Permit for Internal Accessory Dwelling Units or a Conditional Use Permit for Detached Accessory Dwelling Units prior to any construction or occupation of the unit. An Internal Accessory Dwelling Unit is a permitted use within a Single-Family Dwelling. A Detached Accessory Dwelling Permit is a form of a Conditional Use Permit.

The requirements for permitting Internal Accessory Dwelling Units per Utah State Statute are addressed in Section 1.21.035 – Approval Standards - Internal Accessory Dwelling Units. Additionally, all primary dwellings with attached Accessory Dwelling Units shall also conform to other development regulations for residences in accordance with this ordinance.

The requirements for permitting Detached Accessory Dwelling Units are addressed in Section 1.21.040 – Approval Standards - Detached Accessory Dwellings as a conditional use. Detached Accessory Dwelling Units shall conform to the regulations specified therein and are only allowed when in compliance with those regulations. Additionally, all primary dwellings with Detached Accessory Dwelling Units shall also conform to other development regulations for residences in accordance with this ordinance.

1.21.015 SUBMISSION OF APPLICATION.

- A. Only property owners or their duly authorized agents shall apply for an Accessory Dwelling Unit Permit or Conditional Use Permit on forms approved by the Zoning Administrator.

B. No Accessory Dwelling Unit Permit or Conditional Use Permit shall be issued without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be reviewed is set by the policy of the Zoning Administrator.

C. The application for Accessory Dwelling Unit Permit or Conditional Use Permit approval shall include the following:

1. Minimum of one (1) size (11" x 17") copy and one (1) size (8½" x 11") copy of each sheet of the Context Plan and Site Plan as detailed below that shows how the Accessory Dwelling Unit meets the setback and parking requirements of this ordinance.
2. Evidence meeting all other requirements set forth in Sections 1.21.35 or 1.21.40 below.
3. Payment of the applicable fee for Detached Accessory Dwelling Units as set by Resolution of the City Council.

D. An Accessory Dwelling Unit Permit or Conditional Use Permit application may be submitted for approval concurrently with the Building Permit. If the property owners or their duly authorized agents choose to submit the Accessory Dwelling Unit Permit or Conditional Use Permit and Building Permit concurrently, the City maintains the right to deny the request for approval, and the property owners or their duly authorized agents shall bear all risks associated with their preparation and submittal.

1.21.020 FORM AND CONTENTS OF REQUIRED DOCUMENTS.

A. Application for an Accessory Dwelling Unit Permit or Conditional Use Permit shall be made to the Zoning Administrator in accordance with the procedures given in this title. The application shall include the following:

1. **Context Plan.** A context plan including the existing features on the lot and within thirty (30) feet of the lot. Existing features include but are not limited to, dwellings, roads, ingress, and egress points. An aerial photo from Google Earth or Box Elder County Web Map <https://gis.boxeldercounty.org/webmap/> may serve as the basis for the context plan.
2. **Site Plan.** A site plan with a scale no less than one (1) inch equal to twenty (20) feet that is drawn or contains the following information:
 - a. Applicant's name, address and phone number; subdivision name and lot number; square footage of the lot.
 - b. Boundaries and dimensions of the entire lot.
 - c. Locations and dimensions of all existing and proposed dwellings and structures on the lot, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.
 - d. Locations and dimensions of all existing and proposed parking spaces on the lot.
 - e. Location and size of existing utilities and proposed location of utilities.
 - f. Location of existing fire hydrants.
 - g. Detailed floor plans of the principal dwelling and accessory dwellings with labels on rooms indicating uses or square footage of the dwellings and the entrances for the dwellings.
 - h. Elevations of all dwellings, and other structures viewed from all sides indicating heights of structures, and color of all materials.

1.21.025 PUBLIC NOTICE.

A. No public meeting need be held if the Zoning Administrator approves an Internal Accessory Dwelling Unit or Detached Accessory Dwelling Unit.

B. A public meeting shall be held if the Development Review Committee or Planning Commission approves a Detached Accessory Dwelling Unit. Twenty-four (24) hour notice of a public meeting posted in at least three (3) public places or the City website and Utah public notice website. No public hearing is required.

1.21.030 REVIEW AND APPROVAL PROCEDURES.

A. Zoning Administrator's Review-Application. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications for review and consideration of approval, and incomplete applications shall be returned to the applicant with a list of the deficiencies.

B. Internal Accessory Dwelling Units- Zoning Administrator Review. The Zoning Administrator shall review the proposed Internal Accessory Dwelling Units application and shall grant approval after the Zoning Administrator is satisfied that the Internal Accessory Dwelling Units meets all of the standards and requirements of this Chapter. Approval of an Internal Accessory Dwelling Unit shall generally be in the form of a letter to the applicant, which, together with the approved submitted materials, shall constitute the approval. If the Zoning Administrator denies the Internal Accessory Dwelling Unit, explicit and careful Findings of Fact shall be enumerated for the record as to why the Internal Accessory Dwelling Unit does not meet the requirements of this Chapter and the applicable standards. An inspection of the premises may be required by the City Building Inspector and/or City Fire Inspector, and payment of an established fee set by Resolution of the City Council shall be required prior to the Inspection. Approval of an Internal Accessory Dwelling Unit is an Administrative Decision.

C. Detached Accessory Dwelling Unit-Zoning Administrator Review. The Zoning Administrator shall review the proposed Detached Accessory Dwelling Unit's application and may grant approval after the Zoning Administrator is satisfied that the Detached Accessory Dwelling Unit meets all the standards and requirements of this Chapter. Since Detached Accessory Dwelling Units are a form of a Conditional Use Permit, the Zoning Administrator may use standards and requirements contained in Chapter 1.25 Conditional Use Permit in reviewing and approving the permit. Approval of a Detached Accessory Dwelling Unit shall generally be in the form of a letter to the applicant, which, together with the approved submitted materials, shall constitute the Conditional Use Permit. If the Zoning Administrator denies the Detached Accessory Dwelling Unit, explicit and careful Findings of Fact shall be enumerated for the record as to why the reasonably anticipated detrimental impacts of a proposed Detached Accessory Dwelling Unit could not be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. An inspection of the premises may be required by the City Building Inspector and/or City Fire Inspector, and payment of an established fee set by Resolution of the City Council shall be required prior to the Inspection. Approval of a Detached Accessory Dwelling Unit is an Administrative Decision.

D. Development Review Committee or Planning Commission Review. The Zoning Administrator is authorized to bring any Detached Accessory Dwelling Unit application before the Development Review Committee or Planning Commission if, in their opinion, the public interests shall be better served by review and approval of the Development Review Committee or Planning Commission. If the Development Review Committee or Planning Commission is designated as the Land Use Authority by the Zoning Administrator, the public notice, review and approval procedures, and appeals shall be according to the Planning Commission's procedures in Chapter 1.25 Conditional Use Permit. Approval of a Detached Accessory Dwelling Unit is an Administrative Decision.

1.21.035 APPROVAL STANDARDS - INTERNAL ACCESSORY DWELLING UNITS. An Internal Accessory Dwelling Unit shall only be allowed if specifically permitted within the use table of the Zoning District. No Accessory Dwelling Unit shall be allowed in any multi-family attached dwelling, multi-family stacked dwelling, multi-family twin home dwelling, multi-family lot, or on any lot that cannot satisfy parking, setback, or other site design requirements, nor on a single-family lot that is classified as a non-conforming use. Internal Accessory Dwelling Units

shall only be allowed within the principal single-family dwelling or basement or attached as an addition and meeting the following standards:

A. Dwelling Unit Limitations. Only one Accessory Dwelling Unit shall be allowed per single-family dwelling. Both the single-family dwelling and the Internal Accessory Dwelling Unit shall be owned by the same person(s) or entity and shall share a single water meter and sewer lateral.

B. Appearance and Composition Requirements. The Internal Accessory Dwelling Unit must be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling and be comprised of the following:

1. Separate Kitchen & Bathroom. An Internal Accessory Dwelling Unit shall provide living areas that include a kitchen and a bathroom separate from the principal dwelling unit.

2. Separate Entrance. The Internal Accessory Dwelling Unit shall have a usable entrance separate from the primary dwelling and may use existing entrances on any side of the structure that faces a street, or a side or rear entrance. To preserve the single-family residential appearance of a neighborhood, two (2) front doors located side-by-side shall not be allowed to provide separate entrances for each unit, with the exception of dwellings where the second door provides direct access to the dwelling basement.

C. Setbacks and PUE. Attached Accessory Dwelling Units shall meet all established minimums of setbacks required by the zone for the principal dwelling. In no case shall a structure be built upon an easement or public utility easement.

D. Interior Access. Interior access between the principal dwelling unit and an attached Accessory Dwelling Unit shall be maintained unless sufficient means of egress have been determined during a building inspection.

E. Parking Requirements. The Internal Accessory Dwelling Unit shall have at least one (1) off-street parking space for the accessory unit, above the minimum spaces required for a principal dwelling unit. Accessory Dwelling Unit parking shall not be in tandem with the required parking of the principal dwelling unit, but may be in tandem with itself. One additional off-street parking space shall be required for Accessory Dwelling Units with two (2) or more bedrooms. No parking spaces may be located within the front or side yard setbacks adjacent to a street. The minimum dimensions of parking space shall be ten (10) feet by twenty (20) feet and shall be a hard surface of concrete or asphalt. Properties abutting an alley may utilize said alley for parking access, but the City shall not be responsible for maintaining the alley or clearing of snow in the alley.

F. Utilities. Principal dwelling units with an Internal Accessory Dwelling Unit may have separate meters for the gas and electricity utility service of each unit. Internal Accessory Dwelling Units shall be permanently connected to the City's culinary water system and sanitary sewer system and other permanent utility connections for natural gas and electricity as approved by the Building Official.

G. Addressing. The principal dwelling unit and the Accessory Dwelling Unit shall have the same address number, but shall refer to the Accessory Dwelling Unit as unit B. Addresses shall be located in a visible location on the street frontage of the principal dwelling unit.

H. Building Code Compliance. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling. In accordance with Utah State Code section 10-9a-511.5, the Building Official may require the reasonable installation of:

1. A smoke detector and carbon monoxide detectors, that are plugged in or battery-operated;
2. A ground fault circuit interrupter (GFCI) protected outlet on existing wiring;
3. An electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

4. Hand or guard rails;

5. A fully openable egress or emergency escape window in each bedroom as required by current State Construction Code.

I. Occupancy Requirements. No Internal Accessory Dwelling Unit shall be created, established, maintained, or occupied unless the principal dwelling unit or Accessory Dwelling Unit is “owner-occupied” by the property owner as a “full-time resident” of the home.

1. For the purpose of this Section, “owner occupied” is defined as the individual(s) as shown on the Box Elder County tax assessment rolls, and “full-time resident” is defined as living at the premise for at least eight (8) months during a twelve (12) month period.

2. The occupants of an Accessory Dwelling Unit shall be limited to a “Single-Family,” as defined in Chapter 1.03 Definitions.

J. Impact Fees. Internal Accessory Dwelling Units that do not increase the square footage of an existing residence are not required to pay impact fees.

K. Not Intended for Sale. The Internal Accessory Dwelling Unit shall not be eligible to be subdivided from the lot of the principal dwelling or detached by deed from the existing lot. Accessory Dwelling Units shall only be rented or leased.

1.21.040 APPROVAL STANDARDS - DETACHED ACCESSORY DWELLING UNITS

A. Detached Accessory Dwelling Units are only allowed by conditional use permit. A Detached Accessory Dwelling Unit shall only be allowed if specifically permitted within the use table of the Zoning District. No Accessory Dwelling Unit shall be allowed in any multi-family attached dwelling, multi-family stacked dwelling, multi-family twin home dwelling, multi-family lot, or on any lot that cannot satisfy parking, setback, or other site design requirements, nor on a single-family lot that is classified as a non-conforming use. The Zoning Administrator may follow the Factors to be Considered or Approval Standards described in Chapter 1.25 Conditional Use Permits of the Tremonton City Land Use Code when considering each application and the following standards:

1. Dwelling Unit Limitations. Only one Accessory Dwelling Unit shall be allowed per single-family lot. Both the single-family dwelling and the Accessory Dwelling Unit shall be owned by the same person(s) or entity and shall share a single water meter and sewer lateral.

2. Appearance and Composition Requirements.

a. The Detached Accessory Dwelling Unit shall have less square footage than the principal dwelling unit.

b. The size of a Detached Accessory Dwelling Unit detached from the principal dwelling unit shall be at least three hundred (300) square feet and shall not exceed eight hundred (800) square feet or thirty (30) percent of the rear yard.

c. A Detached Accessory Dwelling Unit may be combined with another accessory use within the same Accessory Building, but the total building area shall not occupy more than thirty (30) percent of the rear yard, and the Detached Accessory Dwelling Unit may not exceed eight hundred (800) square foot limit.

d. A Detached Accessory Dwelling Unit shall provide living areas that include a kitchen and a bathroom separate from the principal dwelling unit.

e. Detached Accessory Dwelling Units shall be attached to a permanent foundation that meets building codes.

f. Detached Accessory Dwelling Units shall be constructed with materials that are weather-resistant and meet all other code requirements.

3. Setbacks and PUE. As they are Accessory Buildings to the principal dwelling, Detached Accessory Dwelling Units shall meet all established minimum setbacks for an Accessory Building as required by the zone for the principal dwelling. No Accessory Building or group of Accessory Buildings in any residential district shall cover more than thirty (30) percent of the rear yard. In no case shall a structure be built upon an easement or public utility easement.

4. Parking Requirements. The Accessory Dwelling Unit shall have at least one (1) off-street parking space for the accessory unit, above the minimum spaces required for a principal dwelling unit. Accessory Dwelling Unit parking may not be in tandem with the required parking of the principal dwelling unit, but may be in tandem with itself. One additional off-street parking space shall be required for the Accessory Dwelling Units with two (2) or more bedrooms. No parking spaces may be located within the front or side yard setbacks adjacent to a street. The minimum dimensions of parking space shall be ten (10) feet by twenty (20) feet and shall be a hard surface of concrete or asphalt. Properties abutting an alley may utilize said alley for parking access, but the City shall not be responsible for maintaining the alley or clearing of snow in the alley.

5. Utilities. Detached Accessory Dwelling Units may have separate meters for each gas and electricity utility service. Detached Accessory Dwelling Units shall be permanently connected to the City's culinary water system and sanitary sewer system and other permanent utility connections for natural gas and electricity as approved by the Building Official.

6. Addressing. The principal dwelling unit and the Accessory Dwelling Unit shall have the same address number, but shall refer to the Accessory Dwelling Unit, as unit B. Addresses shall be located in a visible location on the street frontage of the principal dwelling unit.

7. Impact Fees. Detached Accessory Dwelling Units shall pay Tremonton City impact fees.

8. Building Code Compliance. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah state code section 10-9a-511.5, the Building Official may require the reasonable installation of:

- a. Smoke and carbon monoxide detectors, either direct-plug or battery-operated;
- b. A ground fault circuit interrupter (GFCI) protected outlet on existing wiring;
- c. An electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;
- d. Hand or guard rails;
- e. A fully openable egress or emergency escape window in each bedroom as required by current State Construction Code.

9. Occupancy Requirements. No Accessory Dwelling Unit shall be created, established, maintained, or occupied unless the principal dwelling unit or Accessory Dwelling Unit is "owner occupied" by the property owner as a "full-time resident" of the home.

- a. For the purpose of this Section, "owner occupied" is defined as the individual(s) as shown on the Box Elder County tax assessment rolls, and "full-time resident" is defined as living at the premise for at least eight (8) months during a twelve (12) month period.
- b. Dwelling Unit Occupancy. The occupants of an Accessory Dwelling Unit shall be limited to a "Single-

Family,” as defined in Chapter 1.03 Definitions.

10. Not Intended for Sale. The Accessory Dwelling Unit shall not be eligible to be subdivided from the lot of the principal dwelling or detached by deed from the existing lot. Accessory Dwelling Units shall only be rented or leased.

1.21.045 REASONABLE CONDITIONS IMPOSED. In authorizing any Detached Accessory Dwelling Unit, the Land Use Authority shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, ingress/egress, fencing, parking, screening, buffering parking, or lighting. Height and size requirements for structures in each zone are maximums and may be reduced or modified as conditions to the approval of any Conditional Use application. Therefore, the Land Use Authority has the authority to impose reasonable conditions upon a Detached Accessory Dwelling Unit, provided that:

- A. The conditions are not arbitrary or capricious;
- B. The Land Use Authority finds that the conditions are necessary to promote the health, safety or welfare of the citizens of Tremonton;
- C. The conditions do not conflict with any applicable law; or
- D. The conditions imposed are in compliance with Utah Code 10-9a-507 as amended by the Utah Legislature.

1.21.050 OWNERS NOT OCCUPYING RESIDENCE FOR PROLONGED PERIODS. The City recognizes that some residents and homeowners may not be able to occupy their residence for longer periods of time than typical vacations or holidays. For instance, they may take a sabbatical or a leave of absence, be temporarily relocated to a different job site, or otherwise be unable to occupy their homes on a temporary basis. In order to address the requirements under these circumstances, the following is a description of the procedures for continuing an Accessory Dwelling Unit Permit for Internal Accessory Dwelling Units and Conditional Use Permit for Detached Accessory Dwelling Units under such conditions.

A. An Accessory Dwelling Unit may be continued through the time that the owner is temporarily not living in the residence if the following conditions are met:

1. The owner(s) shall apply for a continuance of their Accessory Dwelling Unit Permit or Conditional Use Permit during their absence by notifying the Zoning Administrator of their intent in writing. They shall include in that request their anticipated length of absence and estimated return date, a forwarding address, phone number and email address where they may be contacted by the City if there are any problems (that address shall be updated as needed through the duration of the absence), and the names, phone numbers and email addresses of those who will act in their stead as the landlord or property manager in their absence.

2. The owners shall provide any information regarding changes in the use of the residence to the City, i.e. any changes that are different from the Accessory Dwelling Unit Permit or Conditional Use Permit that established the Accessory Dwelling Unit.

B. If the owners of the residence elect to leave their home in the care of the residents that occupy the Accessory Dwelling Unit; and if they choose not to lease the principal dwelling that the owners are temporarily vacating; then just one family will be living in the residence and there is no longer any need to have the residence licensed as an Accessory Dwelling Unit Permit or Conditional Use Permit. The permit can then lapse while the owners are not living in the residence and the permit may be re-established upon their return using the existing process and standards in this ordinance to reestablish Accessory Dwelling Unit Permit or Conditional Use Permit.

C. If the owners of the residence do not occupy the residence within twenty-four (24) months, the permit shall be automatically terminated, unless a longer period is approved by the Zoning Administrator.

1.21.055 Procedures for Revoking an Accessory Dwelling Unit Permit or Conditional Use Permit. Approval of an Accessory Dwelling Unit Permit for Internal Accessory Dwelling Units or a Conditional Use Permit for Detached Accessory Dwelling Units shall be revocable for the non-compliance with any of the provisions of this ordinance or any other ordinance of the City. The Zoning Administrator shall notify the owner in writing of the City's intent to revoke the Accessory Dwelling Unit Permit or Conditional Use Permit, and the reasons therefore, at least fourteen (14) days prior to the action being taken.

The owner shall have the opportunity to correct any problems that caused the notice of intent to revoke the Internal Accessory Dwelling Unit or a Conditional Use Permit for Detached Accessory Dwelling Unit to be issued during said fourteen-day period and show proof of such correction to have the permit remain in force. If the owner of the property does not resolve the violation the Zoning Administrator shall proceed with revoking the Internal Accessory Dwelling Units or a Conditional Use Permit for Detached Accessory Dwelling Units.

Conversely, the Zoning Administrator is authorized to bring any issue of non-compliance regarding an Accessory Dwelling Unit Permit or Conditional Use Permit to the Planning Commission if, in their opinion, the public interests shall be better served by a decision made by Planning Commission. The owner shall have the right to appeal, in writing, any decision of the Zoning Administrator or Planning Commission.

1.21.060 Appeals.

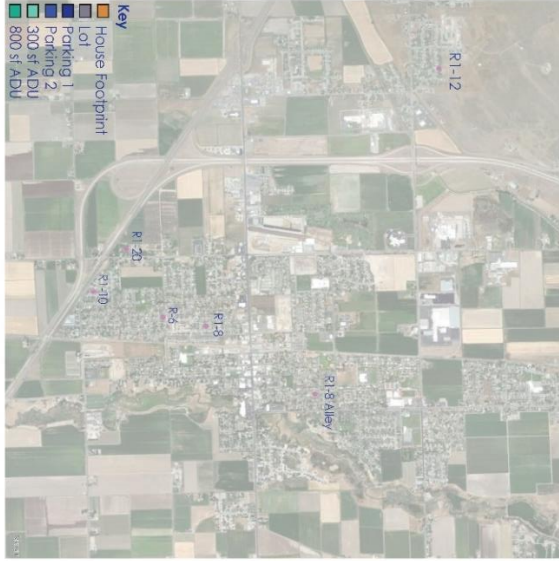
A. Appeal Process. Any person aggrieved by the decision of any part of the Accessory Dwelling Unit approval and revoking process may appeal in accordance with Chapter 1.04.

B. Appealing Zoning Administrator's Decision. A Person has ten (10) days to appeal the decision of the Zoning Administrator to the Planning Commission.

C. Appealing Planning Commission. If the Planning Commission is the designated as the Land Use Authority, a person has ten (10) days to appeal the decision of the Development Review Committee's Decision to the Planning Commission, or the Planning Commission's Decision to the Development Review Committee.

REV 01-24.1

EXHIBIT "A"



Tremonton ADU Comparison

ZONE: R1-6
 LOT SIZE: 6,215 sf
 HOUSE FOOTPRINT: 1,241 sf
 MAX ADU SIZE: 768 sf



ZONE: R1-8
 LOT SIZE: 8,393 sf
 HOUSE FOOTPRINT: 2,171 sf
 MAX ADU SIZE: 761 sf



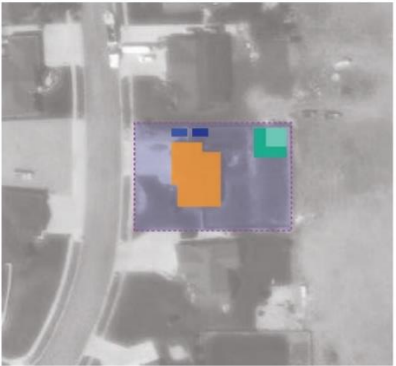
ZONE: R1-8 Alley
 LOT SIZE: 11,604 sf
 HOUSE FOOTPRINT: 1,811 sf



ZONE: R1-10
 LOT SIZE: 14,797 sf
 HOUSE FOOTPRINT: 2,832 sf



ZONE: R1-12
 LOT SIZE: 16,082
 HOUSE FOOTPRINT: 2,490 sf



ZONE: R1-20
 LOT SIZE: 77,355 sf
 HOUSE FOOTPRINT: 2,790 sf



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