

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE IN SEVERAL SECTIONS AS SHOWN IN FILENAME TA-20-02.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on January 28, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **AMENDMENT** "4-105 General Requirements" of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

4-105 General Requirements

6. Basement Apartments. Basement Apartments shall have substantial requirements which may be in addition to those listed above, as follows:

- a. Basement apartments shall only be considered for residential properties that are occupied by the owner(s) of the single family residence; and
- b. Basement apartments shall only be considered for properties in which the apartment is attached to the main dwelling in the basement portion of the home; and
 - i. Owners of property with a basement apartment shall be required to apply for and pay for two separate city utility charges; and
 - ii. Owners of property with a basement apartment shall pay for two "first can" garbage can rates; and
- c. Basement apartments shall only be considered for properties that meet parking requirements, as noted below, and properties that have completed 70% of their front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code; and
- d. No more than one (1) basement apartment shall be considered for each single family residence; and
- e. The home shall be modified to meet all fire, safety, health and building codes; and
- f. Modifications to a home for basement apartments shall be approved and inspected

- by the Fire Marshall and building inspector prior to occupancy by renters; and
- i. Applicants shall provide plans to be reviewed and approved by the City Building Inspector and City Fire Marshall prior to occupancy; and
 - ii. Modifications shall be provided for by the home owner to meet all current International Building Code (IBC) requirements typically associated with any legal duplex or similar multi-family construction; and
 - iii. Modifications shall not be made that are inconsistent with current zoning requirements as otherwise defined within the R-1-40 and R-1-20 zones.
- g. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including separate addresses and mailboxes; and
- h. The primary entrance for the basement apartment shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing and is not visible from the street; and
- i. One off-street parking space shall be provided per bedroom within the rented area of the home, with a minimum of two (2) off-street renter parking spaces; and
- j. Permanent on-street parking of any kind shall be prohibited for occupants of any residence requesting basement apartments; and
- k. Any signage associated with a basement apartment shall be prohibited including addressing, directional, or similar; and
- l. The property owner shall be required to record a deed restriction upon their property immediately after approval and before occupancy notifying the County of the basement apartment and providing notice to future purchasers that the apartment use is conditionally approved with the seller, it may not continue to the buyer without additional land use approval obtained by the buyer, and is null and void at the moment of each sale of the property.
- m. A basement apartment Conditional Use may be reviewed annually, semi-annually or upon complaint from adjacent property owner; and

AFTER AMENDMENT

4-105 General Requirements

~~6. Basement Apartments. Basement Apartments shall have substantial requirements which may be in addition to those listed above, as follows:~~

- ~~a. Basement apartments shall only be considered for residential properties that are occupied by the owner(s) of the single family residence; and~~
- ~~b. Basement apartments shall only be considered for properties in which the apartment is attached to the main dwelling in the basement portion of the home; and~~
 - ~~i. Owners of property with a basement apartment shall be required to apply for~~

- ~~and pay for two separate city utility charges; and~~
- ~~ii. Owners of property with a basement apartment shall pay for two “first can” garbage can rates; and~~
- ~~e. Basement apartments shall only be considered for properties that meet parking requirements, as noted below, and properties that have completed 70% of their front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code; and~~
- ~~d. No more than one (1) basement apartment shall be considered for each single family residence; and~~
- ~~e. The home shall be modified to meet all fire, safety, health and building codes; and~~
- ~~f. Modifications to a home for basement apartments shall be approved and inspected by the Fire Marshall and building inspector prior to occupancy by renters; and~~
 - ~~i. Applicants shall provide plans to be reviewed and approved by the City Building Inspector and City Fire Marshall prior to occupancy; and~~
 - ~~ii. Modifications shall be provided for by the home owner to meet all current International Building Code (IBC) requirements typically associated with any legal duplex or similar multi-family construction; and~~
 - ~~iii. Modifications shall not be made that are inconsistent with current zoning requirements as otherwise defined within the R-1-40 and R-1-20 zones.~~
- ~~g. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including separate addresses and mailboxes; and~~
- ~~h. The primary entrance for the basement apartment shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing and is not visible from the street; and~~
- ~~i. One off-street parking space shall be provided per bedroom within the rented area of the home, with a minimum of two (2) off-street renter parking spaces; and~~
- ~~j. Permanent on-street parking of any kind shall be prohibited for occupants of any residence requesting basement apartments; and~~
- ~~k. Any signage associated with a basement apartment shall be prohibited including addressing, directional, or similar; and~~
- ~~l. The property owner shall be required to record a deed restriction upon their property immediately after approval and before occupancy notifying the County of the basement apartment and providing notice to future purchasers that the apartment use is conditionally approved with the seller, it may not continue to the buyer without additional land use approval obtained by the buyer, and is null and void at the moment of each sale of the property.~~
- ~~m. A basement apartment Conditional Use may be reviewed annually, semi-annually or upon complaint from adjacent property owner; and~~

SECTION 2: **ADOPTION** “3-624 Accessory Dwelling Unit” of the Highland Development Code is hereby *added* as follows:

BEFORE AMENDMENT

3-624 Accessory Dwelling Unit (Non-existent)

AFTER AMENDMENT

3-624 Accessory Dwelling Unit(*Added*)

Accessory Dwelling Unit shall meet the following requirements:

- a. Accessory dwelling unit shall only be permitted in single family homes that are owner occupied.
- b. Accessory dwelling units shall not be permitted in detached accessory buildings.
- c. A minimum of two (2) off-street spaces shall be provided.
- d. The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.
- e. No more than one (1) accessory dwelling units shall be considered for each single family home.
- f. The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.
- g. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including except separate addresses and mailboxes.
- h. The primary entrance for the accessory dwelling units shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street.
- i. Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Zoning Administrator

SECTION 3: **AMENDMENT** “3-4101 Residential Zone” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3. Multi family dwelling (with the exception of approved basement apartments as defined in section 4-105 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

AFTER AMENDMENT

3. Multi family dwellings (with the exception of approved ~~basement apartments~~ accessory dwelling units as defined within Section ~~4-105~~3-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 4: **AMENDMENT** “3-4108 Conditional Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

AFTER AMENDMENT

~~9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).~~

SECTION 5: **AMENDMENT** “3-4102 Permitted Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

13. Accessory Dwelling Unit for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code. (Non-existent)

AFTER AMENDMENT

13. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code

SECTION 6: **AMENDMENT** “3-4201 Residential Zone” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3. Multi family dwelling (with the exception of approved basement apartments as defined in section 4-105 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

AFTER AMENDMENT

3. Multi family dwellings (with the exception of approved ~~basement apartments~~ accessory dwelling units as defined within Section ~~4-105~~3-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 7: **AMENDMENT** “3-4208 Conditional Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

AFTER AMENDMENT

~~11. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).~~

SECTION 7: **AMENDMENT** “3-4202 Permitted Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

13. Accessory Dwelling Unit for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code. (Non-existent)

AFTER AMENDMENT

11. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code

SECTION 8: **AMENDMENT** “3-4251 Residential Zone” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

3. Multi family dwelling (with the exception of approved basement apartments as defined in section 4-105 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

AFTER AMENDMENT

3. Multi family dwellings (with the exception of approved ~~basement apartments~~ accessory dwelling units as defined within Section ~~4-105~~3-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 9: **AMENDMENT** “3-4258 Conditional Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

AFTER AMENDMENT

~~9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).~~

SECTION 10: **AMENDMENT** “3-4252 Permitted Uses” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

13. Accessory Dwelling Unit for residential property; please refer to Article 6, Section 3-624,

Supplementary Regulations in this Code. (Non-existent)

AFTER AMENDMENT

12. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code

SECTION 11: **AMENDMENT** “10-102 Definitions” of the Highland Development Code is hereby *amended* as follows:

BEFORE AMENDMENT

Accessory Dwelling Unit. An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a sperate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. An ADU shall be attached to the single-family home. (Non-existent)

AFTER AMENDMENT

Accessory Dwelling Unit. An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a sperate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. An ADU shall be attached to the single-family home.

SECTION 12: That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.


SECTION 13: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 14: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 15: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from February 18, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 18, 2020

HIGHLAND CITY, UTAH



Rodney W. Mann, Mayor

ATTEST:



Stephannie Cottle, City Recorder



COUNCILMEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kurt Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>