

**CITY OF WASHINGTON TERRACE
ORDINANCE NO 21-08**

INTERNAL ACCESSORY DWELLING UNIT REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,
ADOPTING INTERNAL ACCESSORY DWELLING REGULATIONS IN THE
LAND USE ORDINANCE TO CONFORM TO STATE LAW; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the Utah State Legislature has mandated internal accessory dwelling units under limited circumstances;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on AUGUST 26, 2021, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to APPROVE this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on SEPT. 21, 2021, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1. Repealer. Any Ordinance that conflict with this Ordinance is repealed.

Section 2. Amendment. Section 17.48.030 is hereby adopted to read as follows:

17.48.030. Internal Accessory Dwelling Units.

1. Eligibility. In accordance with Utah Code 10-9a-530.1a, an internal Accessory Dwelling Unit (ADU) is eligible for a permit if such ADU is:
 - a. Located in the primary dwelling;
 - b. Placed within the footprint of the primary dwelling as described in state law at the time the ADU created;
 - c. Not used for vacation rental or short-term rental; and,
 - d. Used only for residential long-term rental of thirty (30) consecutive days or longer and be advertised as such.
2. Local Requirements. In accordance with Utah Code 10-9a-530-4, the City:
 - a. Does not require the installation of a separate utility meter for an ADU.
 - b. Each ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

- c. The owner of the primary dwelling creating an ADU shall:
 - i. Include one additional on-site parking space on an improved surface of concrete or asphalt, regardless of whether the primary dwelling is existing or new construction; and
 - ii. Replace all parking spaces contained within a garage or carport converted to an ADU.

- 3. Limitations. The following limitations apply to the creation or occupancy of any ADU:
 - a. Only one (1) ADU per primary dwelling is permitted consistent with this section.
 - b. No ADU shall be created or occupied within a mobile home as defined under Utah Code 57-16-3.
 - c. No ADU shall be created or occupied without the owner of the primary dwelling obtaining all permits and licenses for the ADU from the City and any other affected entity.
 - i. The unit shall be required to be inspected as part of the building permit process by the building official.
 - ii. All new construction shall comply to adopted building code requirements.
 - d. No ADU will be approved where the primary dwelling is served by a failing septic tank.
 - e. No ADU shall be created or occupied where the primary dwelling lot is six thousand (6,000) square feet or less in size.
 - f. No external accessory dwelling unit are allowed.
 - g. No ADU shall be created or occupied unless the primary dwelling is also used as the owner's primary dwelling.

- 4. Licensing. The owner of any ADU shall obtain a business license in accordance with Title 3 and Chapter 3.15 of the municipal code.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this _____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____, 20__.

PUBLISHED OR POSTED this _____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1)

_____, 2) _____, and 3) _____ on the above referenced dates.

City Recorder

DATE: _____