

**BALLARD CITY  
ORDINANCE XXX**

**NOW THEREFORE**, be it ordained by the Council of the Ballard City, in the State of Utah, as follows:

**SECTION 1:**        **ADOPTION** “15.06.105 Accessory Dwelling Units” of the Ballard Land Use Ordinances is hereby *added* as follows:

BEFORE ADOPTION

15.06.105 Accessory Dwelling Units (Non-existent)

AFTER ADOPTION

15.06.105 Accessory Dwelling Units(*Added*)

A. Purpose

1. To establish regulations that govern the construction and use of Accessory Dwelling Units (ADU's).
2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
3. Provide for affordable housing opportunities;
4. Make housing units available to moderate income households who might otherwise have difficulty finding homes within the city;
5. Provide opportunities to homeowners for additional income to offset rising housing costs;
6. Develop additional housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
7. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

B. Definitions

1. Accessory Dwelling Unit (ADU): A residential dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is secondary to a primary dwelling, and is located on the same lot/parcel as the primary dwelling.
2. Accessory Dwelling Unit, Internal / Attached: An accessory dwelling unit (ADU) that is located within the footprint of the primary dwelling.
3. Accessory Dwelling Unit, Detached: An accessory dwelling unit that is separate from the primary dwelling.
4. Primary Dwelling: A single-family dwelling that is occupied as the primary residence by the registered owner.

C. Internal / Attached Accessory Dwelling Development Standards: (the following requirements shall apply to all Internal / Attached Accessory Dwelling Units)

1. An ADU building permit and inspection of the ADU will be required prior to

- construction and/or occupancy.
2. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the ADU as their permanent residence and at no time shall receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy.
  3. Single-family dwellings with an internal / attached accessory dwelling unit shall retain the appearance of a single-family home. A secondary entrance shall be secondary in character/placement to the primary entrance with all materials used to match existing dwelling.
  4. Only one ADU may be created per residential lot or property.
  5. ADUs shall be allowed on properties zoned to allow single-family dwellings as a permitted use.
  6. The ADU shall conform to all applicable standards i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.
  7. Installing separate utility meters for the ADU is prohibited.
  8. A separate entrance to the ADU
    - a. shall not be allowed on the front or corner lot side yard
    - b. shall be located to the side or rear of the primary dwelling.
  9. The primary dwelling and ADU shall share the same physical address of the primary dwelling with different units specified.
  10. In addition to the parking required for the primary dwelling, one (1) additional off street parking space shall be provided for the ADU as per our off street parking ordinance, Title 15.06.170. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
  11. Any additions to an existing building shall not exceed the allowable lot coverage standard for the zoning district or encroach into the required setbacks.
  12. Mobile homes, recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an internal / attached ADU.

D. Detached Accessory Dwelling Development Standards:

1. The property owner, which shall include titleholders and contract purchasers, shall occupy either the primary dwelling or the ADU as their permanent residence and at no time receive rental income for the owner occupied unit.
2. Application for an ADU shall include evidence of owner occupancy.
3. Only one ADU may be created per lot or property and must be build on a permanent foundation.
4. Mobile homes, recreational vehicles, portable structures and shipping containers shall not be considered or approved for use as an internal / attached ADU.
5. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
6. The ADU shall conform to all applicable standards i.e. building, plumbing, electrical, mechanical, fire, health, and any other applicable federal, state, or local codes.

7. The total floor area of the detached ADU shall be less than sixty six percent (66%) of the square footage of the primary residence and in no case shall exceed one thousand (1,200) square feet.
  8. Detached ADUs shall not contain more than two (2) bedrooms.
  9. In addition to the parking required for the primary dwelling, two (2) additional off street parking spaces shall be provided as per our off street parking ordinance, Title 15.06.170.  
Any additional occupant vehicles shall be parked on site.
  10. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
  11. Detached ADUs shall not be located in a front yard or corner lot side yard and shall meet the same setbacks as required for the primary dwelling in the zone and shall have adequate facilities for all discharge from roof and other drainage.
  12. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
  13. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
  14. The maximum height for detached ADUs is limited to two stories.
  15. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary dwelling in the zone and meets the applicable building code.
  16. If residence is a multifamily dwelling, no ADU will be allowed.
- E. Short Term Rentals (anything less than 30 days) Not Allowed:
1. By applying for an ADU permit, the property owner shall agree that the primary dwelling and the proposed ADU will not be used as a short-term rental.
- F. Affidavit:
1. Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by Ballard City, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.
- G. Inspection:
1. Following the issuance of an accessory dwelling unit permit, Ballard City may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the City Building Inspector. Inspection of the project will be done to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued.
- H. Enforcement and Termination:
1. Termination of ADU and Reversion to Non-ADU Single Family Residence: In the event that the property owner no longer resides in either the primary or

accessory dwelling unit, the ADU must be immediately vacated.

I. Violations:


1. If a property owner violates any of the regulations in this chapter, Ballard City may file a lien with the Uintah County Recorder for up \$100 per day per violation.
2. Ballard City will follow the process stated in Utah State Code 10-9a-530 as amended.


PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL SEPTEMBER 06, 2022.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor Robert Abercrombie	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Mark Reidhead	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Ben Allred	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Al Kettle	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Nile Mathisen	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest

  
\_\_\_\_\_  
Robert Abercrombie, Mayor, Ballard  
City

  
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Kaelyn Meyers, City Recorder, Ballard  
City

