

**APPLE VALLEY
ORDINANCE O-2022-15**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “10.28.260 Accessory Dwelling Units For An Owner Or Employee” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.260 Accessory Dwelling Units For An Owner Or Employee

- A. An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.
- B. A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.
- D. Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located.
- E. An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee. Unless required by building code.
- F. An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.
- G. The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted building code, as applicable.
- H. The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.
- I. Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.
- J. The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.
- K. As a condition of approval required to establish an accessory dwelling unit for an owner or employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city,

which shall prohibit the rental, lease or sale of the accessory dwelling unit for an owner or employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit for an owner or employee.

AFTER AMENDMENT

10.28.260 Accessory Dwelling Units For An Owner Or Employee

- ~~A. An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.~~
- ~~B. A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.~~
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SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: 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 4: EFFECTIVE DATE PASSED AND ADOPTED, by the APPLE VALLEY TOWN COUNCIL this 21st day of April, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL APRIL 21, 2022.

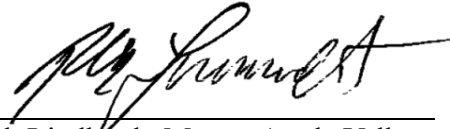
	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Andy McGinnis	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Barratt Nielson	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Kevin Sair	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Robin Whitmore	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Jenna Vizcardo, Town Clerk, Apple Valley



Frank Lindhardt, Mayor, Apple Valley



