

ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING CHAPTER 11-34: "ACCESSORY DWELLING UNITS" TO ALLOW ACCESSORY DWELLING UNITS IN ALL ZONES WHICH ALLOW SINGLE FAMILY DWELLINGS AND RELATED ADMINISTRATIVE UPDATES.

WHEREAS the City of Bluffdale allows accessory dwelling units in certain residential zones and has adopted standards which must be met to receive approval for an accessory dwelling unit;

WHEREAS many residents have expressed an interest in expanding the areas of the city in which accessory dwelling units are allowed so long as the adopted standards can be met;

WHEREAS the City of Bluffdale recognizes that accessory dwelling units provide additional moderate income housing, support higher levels of owner-occupancy, and reduce the overall absentee ownership of property in the city;

WHEREAS the Planning Commission has reviewed the proposed changes and made a recommendation to the City Council pursuant to the Bluffdale City Land Use Ordinances and the Utah State Code, and the City Council has found the proposed amendments to be warranted;

WHEREAS the proposed amendments to Chapter 11-34: "Accessory Dwelling Units" and other related administrative updates set forth herein has been reviewed by the Planning Commission and City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Chapter 11-34: "Accessory Dwelling Units" Amendments. Chapter 11-34: "Accessory Dwelling Units" of the Bluffdale City Land Use Ordinances is hereby amended to allow accessory dwelling units in all zones in which single family dwellings are allowed and related administrative updates, as described in the ordinance language attached as 'Exhibit A'.

See 'Exhibit A'

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 27th Day of March, 2019.

CITY OF BLUFFDALE



Mayor

ATTEST:

Wendy Deppe

Bluffdale City Recorder

Council members

Voting:

AYE NAY

Wendy Aston Absent ____

Travis Higby Absent ____

Dave Kallas X ____

Ty Nielsen X ____

Boyd Preece X ____

EXHIBIT A

11-11G-9: MIXED USE LAND USE REQUIREMENTS:

...

Use	Approval Required
Residential uses:	
Single-family dwelling unit	P
<u>Accessory Dwelling Units in accordance with Chapter 34 of this Title</u>	<u>P</u>

...

11-11J-4: RESIDENTIAL DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

C. Permitted, Conditional and Accessory Uses (residential areas):

1. Permitted Uses: Permitted uses are indicated by a “P” in the appropriate row and column.
2. Uses Not Permitted: Any use specifically indicated by an “N” shall not be allowed in this zone.
3. Subdivisions pursuant to the City’s subdivision ordinances and the densities approved in this SD-X zone.

Permitted, Conditional and Accessory Uses (Residential Areas):	
Dwelling, Single-family: A dwelling containing only one dwelling unit.	P
Accessory Dwelling Units in accordance with Chapter 34 of this Title	<u>P</u>

...

11-34-1: PURPOSE:

The purpose of this chapter and any rules, regulations, standards and specifications adopted pursuant hereto are to:

- A. Permit residential property owners ~~in specified zones~~ to establish an accessory dwelling unit within a single-family dwelling subject to regulations set forth herein.
- B. Accommodate such housing in single-family ~~residential neighborhoods~~ dwellings with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
- C. Prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations and associated decline in quality of single-family residential neighborhoods.
- D. Set forth standardized terms and standards for accessory dwelling units and procedures for review and approval of the same.

11-34-2: APPROVAL PROCESS:

A. Accessory dwelling units are allowed in ~~designated residential zones as specified in section 11-35-3 of this title~~ all residential zones where single-family dwellings are permitted and within the approved single family residential neighborhoods in mixed use and special districts zones. All property owners desiring to establish an accessory dwelling unit must apply for, and obtain, approval prior to utilizing the accessory dwelling unit.

B. Applications for accessory dwelling units shall be reviewed and approved by the designated Land Use Authority in accordance with section 11-3-9(l) of this title. The applicant and/or any person adversely affected by a decision of the Land Use Authority regarding the proposed accessory dwelling unit may appeal such decision to the Appeal Authority, as designated in section 11-3-9(l) of this title, by filing written notice of appeal with the Planning Department within ten (10) calendar days from the date of such decision.

11-34-3: STANDARDS:

The following standards and conditions shall apply to all accessory dwelling units.

- A. Location: An accessory dwelling unit ~~shall only be allowed~~ must be enclosed within a single-family dwelling.

- B. Size: The accessory dwelling unit shall be accessory and subordinate to the primary dwelling. For purposes of this subsection, accessory and subordinate requires the accessory dwelling unit to be no more than ~~sixty five~~fifty percent (~~65~~50%) of the total square footage of the primary dwelling.

- C. Number: A maximum of one accessory dwelling unit shall be allowed per single-family dwelling. Accessory dwelling units shall contain no more than one dwelling unit.

- D. Parking: At least one off street parking stall constructed in accordance with the city parking standards in Chapter 11-12: "Off Street Parking" shall be provided for ~~each the~~ accessory dwelling unit. Such parking stall shall be in addition to all off street parking requirements for the primary dwelling on the lot. The parking stall shall be located behind the front plane of the dwelling and shall not impede or prevent access to the primary dwelling's required parking. The parking stall may be located in a garage only if the stall is in addition to the required number of parking spaces for the primary unit. conform with the city parking standards specified elsewhere in this title.

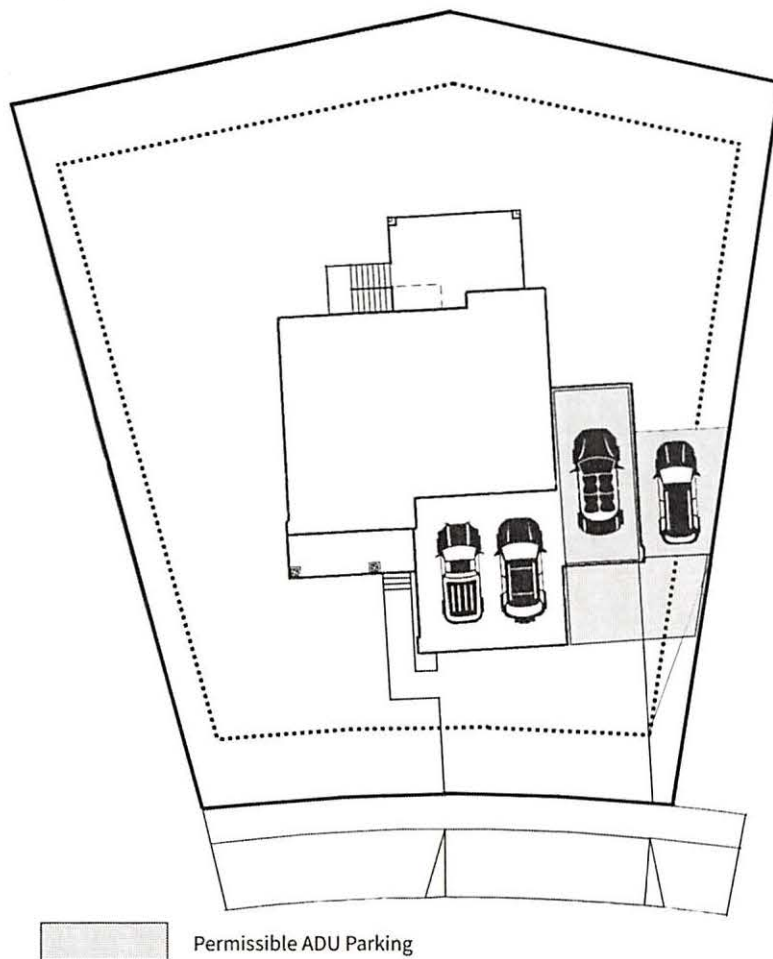


Figure 1: Permissible ADU Parking Locations

E. Design And Character: Accessory dwelling units within a single-family dwelling shall retain the compatibility of the primary dwelling with the residential character of the neighborhood ~~and be harmonious in design and structure with the primary dwelling.~~ Accessory dwelling units within a single family dwelling shall include materials comparable to those used on and within the primary dwelling.

F. Construction Codes: The accessory dwelling unit shall comply with all construction, housing and building codes in effect at the time the accessory dwelling unit is constructed and shall comply with all procedures and requirements of the city building regulations.

1. Accessory dwelling units that have been previously created and cannot be shown to have complied with construction, housing and building codes in effect at the time of their construction shall comply with minimum health and safety standards, which include the following:

a. Minimum room height, measured from floor to ceiling in each room, shall not be less than six feet and eight inches (6'8") with no projections below six feet and eight inches (6'8") or mitigated in accordance with adopted building and fire codes.

b. Smoke detectors must be installed in each bedroom and the hallway or room adjacent to the bedrooms.

c. GFCI protection must be provided in electrical outlets within six (6) feet of a water source, such as a sink.

d. One window in each bedroom must meet emergency egress standards as set forth in the 2015 edition of the International Residential Code as adopted in accordance with the Utah State Construction and Fire Codes Act and section 9-1-2 of the Bluffdale City Code. Windows may be exempt from the maximum sill height requirements as adopted in the IRC provided a replacement window is installed which is the manufacturer's largest size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

e. Handrails must be installed for any interior or exterior stairways with more than three steps.

G. Ownership: The single-family dwelling and the accessory dwelling unit shall remain in single ownership and either the single-family dwelling or the accessory dwelling unit shall be owner occupied.

H. Continuing Use: Approval of an accessory dwelling unit shall run with the land as long as it complies with all adopted requirements.

11-34-4: RECORDED NOTICE:

Upon approval of an accessory dwelling unit a notice of accessory dwelling unit approval shall be signed and submitted to the city in conjunction with any approved accessory dwelling unit on forms provided by the city. The city may record the notice of accessory dwelling unit approval with the county recorder's office. (Ord. 2003-05, 3-11-2003)

11-35-3: TABLE OF PERMITTED, CONDITIONAL, AND ACCESSORY USES FOR RESIDENTIAL ZONES:

Use	A-5	R-1-87	R-1-43	R-1-10	R-MF
...					
Accessory Dwelling Units <u>in accordance with Chapter 34 of this Title</u>	P	P	P	P	N P
...					