

ORDINANCE NO: O-2021-14

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-624 ACCESSORY DWELLING UNIT AS SHOWN IN FILENAME TA-21-07.

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 June 22, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 6, 2021.

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

SECTION 1: **AMENDMENT** "3-624 Accessory Dwelling Unit" of the Highland City Development Code, is hereby *amended* as follows:

An accessory dwelling unit 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 separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. If the renting/subleasing of the unit is for a period of less than thirty (30) consecutive days, it is considered a short term rental and requires a business license. See Chapter 5.24 in the Municipal Code for the regulating of short term rentals.

Accessory Dwelling Units shall meet the following requirements:

- a. Accessory dwelling units shall only be permitted in single family homes that are owner occupied, on lots with at least 6,000 square feet, and served by adequate public facilities.
- b. Accessory dwelling units shall not be permitted in detached accessory buildings.
- c. A minimum of one (1) ~~two (2)~~ off-street parking spaces shall be provided for the accessory dwelling unit in addition to any other required parking spaces for the home. Any required parking spaces contained within a carport or garage that are lost due to the creation of the accessory dwelling unit shall be replaced or otherwise provided for through off-street parking.
- 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 permitted~~ 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~~not be modified in any form that will give the appearance that separate units are incorporated within the home 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. Separate utility meters for the home and accessory dwelling unit are not permitted.

ji. 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. The Zoning Administer may record a notice of approval for the accessory dwelling unit with the county recorder as provided by state law.

k. The City may enforce these requirements through any means available to the City, including by recordation of a lien in accordance with state law.

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** This Ordinance shall be in full force and effect from July 7, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 7, 2021

HIGHLAND CITY, UTAH



Rodney W. Mann
Highland City Mayor

ATTEST:



Stephanie Cottle
Highland 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"/>