

(1) Parking associated with an internal accessory dwelling unit may not be in tandem with required parking of the main dwelling, or on the existing primary dwelling access driveway unless all the following criteria are met:

- (A) All parking spaces shall comply with the general size requirements of parking stalls (9' x 20').
- (B) Parking shall not be on a sidewalk or trail.
- (C) Parking shall be located on the lot or parcel where the IADU is located.
- (D) Parking shall not limit access to another parking area.

(a) To limit access means that a hypothetical 20' long vehicle could be reasonably expected to have access to any space at any time. In particular, spaces that are aligned in tandem:

- A. Require an unblocked lane of travel for each lane that is to be counted as parking (min 9' width per lane).
- B. Where parallel parking access is not possible, there must be an extra 20' of spacing between counted spaces to allow pull-in access to each counted space.
- C. Where parallel parking is possible, each space accessed in this manner requires 2' of extra length (24' total) front-to-back.

c. The owner of a primary dwelling desiring to rent out an internal accessory dwelling unit must obtain a City license and any applicable permits to do so;

d. Lot containing the primary dwelling shall be a minimum of 6,000 square feet in size;

(1) No common or limited common area may count towards the 6,000 square foot minimum.

e. An internal accessory dwelling unit should be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling. Specifically, it must comply with the following:

(1) New exterior entrances that benefit an internal accessory dwelling unit are prohibited along the front façade of the structure. This does not prevent the internal accessory dwelling unit from using an existing front entrance but prevents the creation of a new entrance for the internal accessory dwelling unit along the front façade of the structure. An additional entrance may be added along the side or rear façades of the structure.

(2) No parking spaces may be located within the front setback or the secondary frontage setback adjacent to a street, except for within an approved driveway as described in 3(b)(ii). A required IADU parking stall shall not be in front of the dwelling except as described in 3(b)(ii). A driveway associated with an IADU or parking stall associated with an IADU may not be located in the secondary frontage setback.

C.2.b

(2010-24, Sub-section Added, eff. 8/25/2010)

### **16.13.380 Internal Accessory Dwelling Units**

#### A. As used in this section:

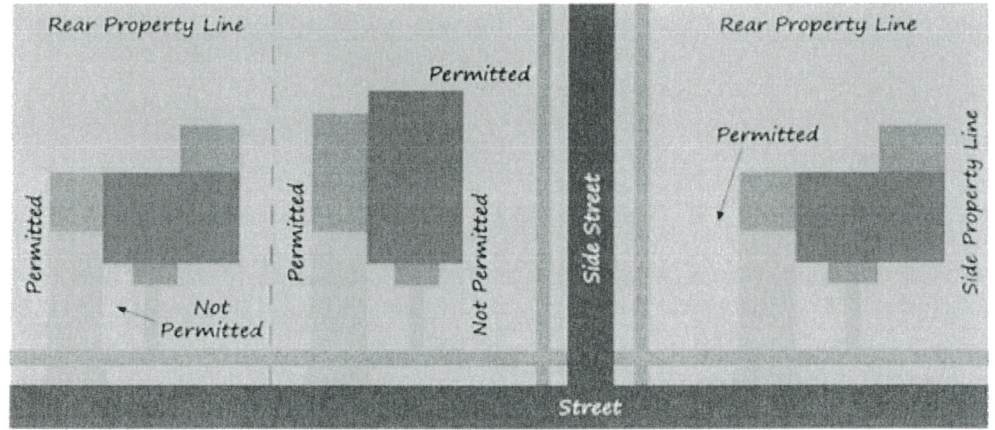
1. "Internal Accessory Dwelling Unit" means an accessory dwelling unit created:
  - a. Within a primary dwelling;
  - b. Within the existing footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
  - c. For the purpose of offering a long-term rental of 30 consecutive days or longer or habitation without fee.
2. "Primary dwelling" means a single-family dwelling that:
  - a. Is detached; and
  - b. Is occupied as the primary residence of the owner of record.

#### B. Permitted Use.

1. The use of one internal accessory dwelling unit within a primary dwelling is a permitted use in any area zoned primarily for residential use.
2. An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes, except that:
  - a. A structure whose egress window in an existing bedroom complied with the construction code in effect at the time that the bedroom was finished is not required to undergo a physical change to conform to the current construction code if the change would compromise the structural integrity of the structure;
  - b. The discharge of return air from an accessory dwelling unit into another dwelling unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited; and
  - c. An occupant of an accessory dwelling unit is not required to have access to the disconnect serving the dwelling unit in which they reside.

#### C. Restrictions and Requirements:

1. The following are prohibited in all internal accessory dwelling units located in the City:
  - a. Installing a separate utility meter;
  - b. Creating an internal accessory dwelling unit within a mobile home;
  - c. Creating an internal accessory dwelling unit within a primary dwelling served by a failing septic tank;
  - d. Renting an internal accessory dwelling unit located within a dwelling that is not the owner's primary residence;
  - e. Renting or offering to rent an internal accessory dwelling unit for a period of less than 30 consecutive days;
2. The following are required of all internal accessory dwelling units located in the City:
  - a. One additional on-site parking space, regardless of whether the primary dwelling is existing or new construction;
  - b. Any required parking spaces contained within a garage or carport removed for the creation of an internal accessory dwelling unit must be replaced, which could require the creation of new onsite parking spaces. Parking shall comply with the following standards:



(3) The minimum dimension of the parking stall is 9' x 20' and shall have a surface consisting of either asphalt, concrete, pavers, gravel, or road base.

3. The City has discretion to pursue the following concerning internal accessory dwelling units:
  - a. The City may hold a lien against a property containing an internal accessory dwelling unit in accordance with Subsection 4; and
  - b. The City may record a notice for an internal accessory dwelling unit in accordance with Subsection 5.

D. Liens.

1. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against a property containing an internal accessory dwelling unit if:
  - a. The owner of the property violates any of the provisions of Subsections 3 or 4; **D.2**
  - b. The City provides a written notice of violation in accordance with Subsection (4)(b);
  - c. The City holds a hearing and determines that the violation has occurred in accordance with Subsection (4)(d), if the owner files a written objection in accordance with Subsection (4)(b)(iv); **D.4**
  - d. The owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (4)(b); **D.2**
  - e. The City provides a written notice of lien in accordance with Subsection (4)(c); and **D.3**
  - f. The City records a copy of the written notice of lien described in Subsection (4)(a)(v), with the Wasatch County recorder. **D.1.d**

**D.2.d**

2. The written notice of violation shall:
  - a. Describe the specific violation;
  - b. Provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
    - (1) No less than 14 days after the day on which the City sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
    - (2) No less than 30 days after the day on which the City sends the written notice of violation, for any other violation;
  - c. State that if the owner of the property fails to cure the violation within the time period described in Subsection (4)(b)(ii), the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires; **D.2.b**
  - d. Notify the owner of the property;

- (1) That the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
  - (2) Of the name and address of the City office where the owner may file the written objection;
- e. Be mailed to:
- (1) The property's owner of record; and
  - (2) Any other individual designated to receive notice in the owner's license or permit records; and
- f. Be posted on the property.
3. The written notice of lien shall:
- a. State that the property is subject to a lien;
  - b. Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - c. Be mailed to:
    - (1) The property's owner of record; and
    - (2) Any other individual designated to receive notice in the owner's license or permit records; and
  - d. Be posted on the property.
4. If an owner of property files a written objection in accordance with Subsection <sup>D.2.d</sup> (4)(b)(iv), the City shall:
- a. Hold a public hearing to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (4)(b) has occurred; and
  - b. Notify the owner in writing of the date, time, and location of the hearing described in Subsection (4)(d)(i) <sup>D.2</sup> no less than 14 days before the day on which the hearing is held.
  - c. If an owner of property files a written objection under Subsection (4)(b)(iv), <sup>D.2.d</sup> the City may not record a lien under this Subsection 4 until the City holds a hearing and determines that the specific violation has occurred.
  - d. If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
5. If an owner cures a <sup>D.2</sup> violation within the time period prescribed in the written notice of violation under Subsection (4)(b), <sup>D.4.a</sup> the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (4)(b).

#### E. Recording Notices. <sup>D.2</sup>

1. If the City issues a license and any applicable permits to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, the City may record a notice in the office of the Wasatch County recorder. <sup>E.1</sup>
2. The notice described in Subsection (5)(a) shall include:
  - a. A description of the primary dwelling;
  - b. A statement that the primary dwelling contains an internal accessory dwelling unit; and

c. A statement that the internal accessory dwelling unit may only be used in accordance with the City's land use regulations.

~~B~~ E.I

3. The City shall, upon recording the notice described in Subsection (5)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

#### F. Home Owner Associations.

1. A home owner association may not restrict or prohibit the rental of an internal accessory dwelling unit constructed within a lot owner's residential lot, if the internal accessory dwelling unit complies with all applicable:
  - a. Land use ordinances;
  - b. Building codes;
  - c. Health codes; and
  - d. Fire codes.

(2010-04, Section (Protection of Older Buildings for Historic Preservation) Repealed, eff. 7/28/2010)

#### HISTORY

Adopted by Ord. 2022-06 on 4/27/2022

### **16.13.390 Off-Street Parking And Loading**

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

- A. The number of spaces required below for each land use are established as minimum requirements.
  1. Residential structures shall provide two (2) parking spaces per unit.
  2. Hospitals shall have one (1) visitor parking space per two (2) patient beds, plus one (1) parking space for each employee at work in the hospital during daylight hours.
  3. Residential Facility for Elderly Persons and Residential Treatment Facilities shall have one (1) visitor parking space per three (3) patient beds, plus one (1) parking space for each employee at work in the facility during daylight hours.
  4. Short-term lodging facilities shall have one (1) parking space per room or suite, plus one (1) parking space for each employee at work on the premises during daylight hours.
  5. Recreational activity businesses shall have one (1) parking space per two (2) patrons or customers participating in an activity of the business. Retail areas of a recreational activity business shall have parking spaces at the rate of four per one thousand (1,000) square feet of retail floor area.
  6. Churches shall have one parking space per three (3) seating spaces in the main assembly room.
  7. Theaters, auditoriums, sports arenas, and spaces of assembly shall have one (1) parking space per four (4) people based on the design of the structure.
  8. Mortuaries or funeral homes shall have forty (40) parking spaces or one space for each sixty (60) square feet of floor space in all assembly rooms, whichever is greater.
  9. Medical clinics shall have four (4) parking spaces per staff doctor, plus one (1) parking space for each non-doctor employee at work on the premises during daylight hours.
  10. Restaurants and cafes shall have one parking space per two hundred (200) square feet of dining room floor space. No additional parking is required for any outdoor dining area (open-air dining) which totals less than 50% of the indoor dining area. In cases where the outdoor dining area totals more than 50% of the indoor dining area, the additional parking required for the

portion of the outdoor dining area exceeding 50% of the total of the indoor dining area shall be calculated at one parking space per 250 square feet of the outdoor dining area.

11. Banks, professional offices, and other business buildings not specifically mentioned elsewhere in this sub-section shall have one parking space per two hundred and fifty (250) square feet of floor area in the building devoted to public use.
12. Retail stores, personal service shops, and other business buildings shall have parking spaces at the rate of four per one thousand (1,000) square feet of retail floor area.
13. Drive-in restaurants shall have at least twelve (12) off-street parking spaces or enough off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles parked on public streets.
14. Industrial, manufacturing, and wholesale establishments shall have one parking space per two employees based on the largest shift.
15. Mixed-use residential dwellings shall provide the following amount of parking spaces:
  - a. Studio, One (1) bedroom or Two (2) bedroom: Two (2) spaces
  - b. Three (3) bedrooms or more: Two and a half (2.5) spaces
16. Car washes shall have one space per six hundred (600) square feet of floor area in the building devoted to public use plus three stacking spaces per bay. Wash bay areas are excluded from the parking stall requirement calculation.
17. Auto detailing shall have four (4) spaces per bay.
18. Day care shall have one (1) space per employee at work on the premises and two stalls for pick up and drop off.
19. Repair shops (includes bikes) shall have one space per three hundred (300) square feet of gross floor area.
20. New and used vehicle sales and rentals shall have one space per eight hundred (800) square feet of gross floor area.
21. Public and quasi-public buildings shall have one (1) space for every two hundred (200) square feet of gross floor area.
22. Barber, beauty shops, massage therapy and day spas shall have one (1) space per two hundred (200) square feet of gross floor area or two (2) per chair whichever is greater.
23. Veterinarian and pet grooming services shall have one (1) space per five hundred (500) square feet of gross floor area.
24. Private academies/studios shall have one (1) space per two hundred (200) square feet of gross floor area.
25. Carpentry and woodworking shops shall have one (1) space per seven hundred (700) square feet of gross floor area plus required parking for office and accessory uses or one stall for each employee at work on the premises, whichever is greater.
26. Electrician and plumbing shops shall have one (1) space per seven hundred (700) square feet of gross floor area plus required parking for office and accessory uses or one stall for each employee at work on the premises, whichever is greater.
27. Uses not mentioned. The required off-street parking for any use not listed above shall be reviewed by the Planning Commission and shall make a recommendation to the City Council. The review by the Planning Commission and final decision by the City Council shall make the determination based on similar uses listed above.

(2020-03, Sub-section Amended, eff. 5/7/2020)

B. Location and Control of Parking Facilities. The off-street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve except if the following apply:

1. A cross parking agreement has been entered into with a neighboring party; said agreement must be approved by City Council.