

**RICHMOND CITY CORPORATION  
ORDINANCE 2021-15**

WHEREAS, the City Council of Richmond has the responsibility for the general welfare of the City; and

WHEREAS, such responsibility includes but is not limited to, establishment of best management practices;  
and

WHEREAS, management practices may evolve over the passage of time:

NOW THEREFORE, the City Council of Richmond City, County of Cache, State of Utah, hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 12-000  
“LAND USE, DEVELOPMENT AND MANAGEMENT (LUDMO)”, CHAPTER 12-1000  
“OVERLAYS”, PART 12-1030 “MULTIPLE-FAMILY DWELLING UNIT OVERLAY “MF””,  
PART 12-1030-7 “ACCESSORY APARTMENTS”.**

BE IT ORDAINED BY THE CITY COUNCIL OF RICHMOND CITY, CACHE COUNTY, UTAH AS  
FOLLOWS:

1. Sections shall be amended such that the highlighted areas below shall be added and the ~~strikeout~~ areas shall be deleted.

<b>12-1030-7 ACCESSORY APARTMENTS DWELLING UNIT</b>
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A. ~~Per 12-1030-4(A)(2)(a) an exception to §~~ The preceding applies to the establishment of a single additional apartment provision within or permanently attached to a private residence for the purpose of providing care and shelter ~~to a direct relative through either blood or marriage to the owning and occupying resident.~~

1. Commonly referred to as an “accessory **dwelling unit**” or “accessory apartment” ~~or “mother-in-law apartment,”~~ such space must adhere to the following provisions:
  - a. When remodeling takes place to provide such accommodations, it is required that the owner of the residence obtain a building permit through the currently established procedures at the time of the remodel.
    - (2) Access to the ~~apartment~~ **accessory dwelling unit** must include a minimum of two ingress-egress routes for the safety of the occupant(s), only one of which may pass through a garage area.
    - (3) Any remodeling incurred in this process must be ~~accomplished in such a manner as to present a continued outward appearance of a single family residence with the basic structure.~~ **within the footprint of the primary dwelling.**
    - (4) **An addition to the original primary dwelling may be added, with approval by the city, for the purpose of creating an accessory dwelling unit attached to the original dwelling unit.**
  - b. The owner of the residence will be responsible for providing adequate parking space, within the provisions of this ordinance, for the additional **occupants** ~~family members vehicle(s)~~, not to exceed two (2) additional of any type or combination of types of vehicles.

B. Conditions

1. ~~A Conditional Use Permit following established procedures through the Planning & Zoning Commission and the City Council is required prior to the issuance of the Building Permit.~~

- a. 1. The ~~apartment~~ accessory dwelling unit will be a separate housekeeping unit that can be isolated within the original residential dwelling.
- b. 2. Only one ~~accessory apartment~~ accessory dwelling unit is to be established within or as part of an original residential dwelling.
- e. 3. The owner(s) of the residence in which the accessory ~~apartment~~ dwelling unit exists must occupy at least one of the apartments in the dwelling, except for bona fide temporary absences of two (2) years or less for activities such as:
  - a. A temporary job assignment, sabbatical, or voluntary service.
  - b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
  - c. City staff may require written documentation verifying the temporary absence.
  - d. The owner(s) shall apply for a continuance of their accessory dwelling unit permit during their absence by notifying the City Administrator in writing. They shall include in the request their anticipated length of absence and estimated return date, a forwarding address, phone number and email address where they may be contacted by the city, and the names, phone numbers and email addresses of those who will act in their stead as the “surrogate” owners of the property in their absence.
4. The owner of the primary dwelling must complete an “Accessory Dwelling Unit Registration Application” and receive approval from Richmond City prior to renting the accessory apartment.

~~(1) It is recognized that some owners may be required to spend time in assignments necessitating them to reside outside of Richmond for prolonged periods of time and such factor(s) will be considered by the Planning & Zoning Commission and the City Council prior to revocation of the Conditional Use Permit.~~

~~(A) It is the responsibility of the owner(s) to notify Richmond City should such an event be planned or occur as soon as said owner(s) have confirmed the need for temporary re location.~~

~~(B) A vacation does not fall into this category nor require notice to Richmond City.~~

~~(2) A non family care giver is authorized to reside within the residence/accessory apartment as required.~~

~~d. The Conditional Use Permit applies only to the owner(s) of the basic residential dwelling and is not transferable to another owner or owners.~~

~~(1) Revocation of the Conditional Use Permit is automatic upon the sale of the property and does not require additional notice or procedural processes.~~

~~C. Use of accessory apartment following vacating by the original family inhabitant.~~

~~1. The Conditional Use Permit expires immediately upon the permanent removal of the original family inhabitant of the accessory apartment.~~

~~2. The owner(s) may elect to rent the space to non family members; however, the owner(s) must follow the current established protocol to appear before the Planning & Zoning Commission and the City Council to obtain a new Conditional Use Permit and obtain any type of license as may be required at the time by Richmond City.~~

~~a. Conditional Use Permits for non family rental use of an accessory apartment must be renewed annually based upon the issuance date of the Conditional Use Permit.~~

~~D. Sale of property containing an accessory apartment.~~

~~1. The Conditional Use Permit for an accessory apartment will immediately expire upon the sale, abandonment or foreclosure of the residence per 12-1030-7(B)(1)(d)(1).~~

~~2. Should a new owner(s) desire to utilize the accessory apartment as a non-family rental unit, the owner(s) must comply with 12-1030-7(C)(2) and 12-1030-7(C)(2)(a) above.~~

**C.E.** For purposes of distance separation between Multiple Family Units, an accessory apartment **dwelling unit** will not be counted as a Multiple Family Unit when determining additional Multiple Family Unit locations.

#### **D. Definitions**

**Accessory Dwelling Unit: A habitable living unit created within the footprint of a primary owner-occupied single-family dwelling.**

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Richmond City Municipal Code above referred to.

ADOPTED AND PASSED by the Richmond City Council on this 15th day of June, 2021.

**RICHMOND CITY CORPORATION**

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Jeffrey D. Young, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder