

ORDINANCE 2022-8

AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING AN ORDINANCE ADDING CHAPTER 12-102-23 REGARDING ACCESSORY DWELLING UNITS

WHEREAS The Willard City Council determined to address an ordinance regarding Accessory Dwelling Units; and

WHEREAS the Willard City Planning Commission held a public hearing regarding the proposed ordinance to seek public input; and

WHEREAS the Willard City Planning Commission recommended adoption of the attached Accessory Dwelling Unit ordinance; and

WHEREAS the Willard City Council has met and discussed the proposed Accessory Dwelling Unit ordinance and made amendments as they deemed appropriate.

NOW THEREFORE BE IT ORDAINED that the Willard City Council approves the following:

- 1. The attached ordinance adopting Chapter 12-102-23 attached hereto is hereby adopted and incorporated into the Willard City Code.
2. This Ordinance shall be effective immediately upon approval and posting as required by law.

Willard City

ATTEST:

Susan Obray
Recorder Susan Obray

By [Signature]
Mayor Travis Mote

Voting Outcome

Table with 2 columns: Name, Yes, No. Rows include Council member Fred Ward, Mike Braegger, John Seamons, Rod Mund, and Kaleb Kunzler, all with 'X' in the Yes column.

Adopted December 8, 2022

CHAPTER 12-102-23. Accessory Dwelling Units

12-102-23-1 Purpose.

Accessory Dwelling Units are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of this section are to:

- (1) Allow new housing units while respecting the appearance, neighborhood character, and reducing the adverse impacts to surrounding areas and property owners.
- (2) Provide more housing choices in Willard City.
- (3) Provide housing options for family caregivers, adult children, and aging parents.
- (4) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.

12-102-23-2 Definitions.

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

(1) Detached Accessory Dwelling Unit. Means a stand-alone permanent structure, as an entirely separate unit or constructed as part of an existing accessory structure (such as a detached garage or shed) with typical footing and foundation that is not attached to the Primary Dwelling and which provides fully connected utility services to the unit and is used as a dwelling. A Detached Accessory Dwelling Unit must be located on the same lot or parcel of record as the Primary Dwelling. Campers, recreational vehicles, recreational coaches, trailers, mobile homes, and other portable units or structures are not considered a permanent structure for the purpose of this definition.

(2) Internal Accessory Dwelling Unit. Means an accessory dwelling unit created (i) within the footprint of the Primary Dwelling at the time the Internal Accessory Dwelling unit is created; (ii) for the purposes of offering long-term rental of thirty (30) consecutive calendar days or more; (iii) located on the same lot of record as the primary dwelling; and (iv) includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit Occupants.

(3) Primary Dwelling. Means a single-family dwelling that is (i) detached; and (ii) occupied as the primary residence of the Owner of record.

(4) Owner. Means any one of the following: (i) An individual who is listed on a recorded deed as an owner of the property; (ii) any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as the owner of the property; or (iii) an individual who is a trustor or trustee of a family trust who possesses legal ownership of the property.

12-102-23-3. Location.

A maximum of one (1) Accessory Dwelling Unit shall be allowed per lot of record. Under no circumstance shall a lot be allowed to have both a Detached Accessory Dwelling Unit and an Internal Accessory Dwelling Unit.

12-102-23-4. General Regulations.

The following regulations must be met in order to have an Accessory Dwelling Unit:

- (1) An application shall be filed with the City prior to the creation or establishment of an Accessory Dwelling Unit.
- (2) Upon approval of an Accessory Dwelling Unit application, the Owner of the Primary Dwelling, who desires to rent or offer to rent any Accessory Dwelling Unit, shall first obtain a rental business license issued by Willard City before the Accessory Dwelling Unit is rented. Such rental business license must remain valid and must be renewed, as required by Willard City.
- (3) Before occupancy, the City Administrator shall confirm the Accessory Dwelling Unit complies with all Willard City building, health, and fire codes, as adopted.
- (4) Subject to the restrictions and regulations outlined in this Chapter, Accessory Dwelling Units may be allowed in all Agricultural, Residential, and Commercial Zones within Willard City. All Accessory Dwelling Units must comply with the regulations of the underlying zone.
- (5) An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a short-term rental unit
- (6) The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants
- (7) One (1) additional on-site-hard-surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.
- (8) The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.
- (9) On street parking shall not be permitted for any occupant of an Accessory Dwelling Unit.
- 10) All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.
- (11) Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.
- (12) No portion of a mobile home, mobile home park, motor home subdivision as defined within the Willard City Zoning Ordinances, Recreational Vehicle, or Recreational Vehicle Park shall be entitled to any use as an Accessory Dwelling Unit.

(13) No construction to create or establish an Accessory Dwelling Unit shall commence without the issuance of the necessary building permits and zoning approval, as required by Willard City.

(14) The Owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Accessory Dwelling Unit.

(15) Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.

(16) Each Accessory Dwelling Unit shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the Accessory Dwelling Unit's address.

12-102-23-5. Standards for Internal Accessory Dwelling Units.

(1) An Internal Accessory Dwelling Unit shall be designed in a manner that does not change the appearance of the Primary Dwelling as a single-family residence.

(2) If there are insufficient onsite parking spaces available, the Owner of the Primary Dwelling shall replace any parking spaces contained within a garage or carport if an Internal Accessory Dwelling Unit is created within an attached garage or carport.

(3) An Internal Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by Willard City or the Box Elder County Health Department.

(4) The Internal Accessory Dwelling Unit shall be served by the utility meter serving the Primary Dwelling. The installation of a separate utility meter for an Internal Accessory Dwelling Unit is prohibited.

12-102-23-6. Standards for Detached Accessory Dwelling Units.

1. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.

2. Exterior lighting for a Detached Accessory Dwelling Unit shall provide illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.

3. The height shall not exceed the height of the Primary Dwelling.

4. Exterior stairways and landings shall not encroach into a setback.

5. A Detached Accessory Dwelling Unit shall:

a. Not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.

b. Not occupy more than twenty five percent (25%) of the available yard area of the lot.

c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.

6. Balconies and rooftop decks are prohibited.

7. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

12-102-23-7. Impact Fees

The creation or construction of a Detached Accessory Dwelling Unit shall result in the assessment of the following impact fees:

- a. Water: Sixty-six percent (66%) of the single-family water impact fee.
- b. Sewer: Sixty-six percent (66%) of the single-family sewer impact fee.
- c. Internal Accessory Dwelling Units shall not be required to pay impact fees.

12-102-23-8. Non-Transferability.

Upon the sale or transfer of the home, a permit allowing an Accessory Dwelling Unit on the lot shall expire. The new record Owner of the lot shall be required to submit a new application and obtain a new permit as outlined herein. The Primary Dwelling and Accessory Dwelling Unit must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

12-102-23-9. Recordation Required.

The City shall record a notice in the Office of the Box Elder County Recorder that provides:

- (1) A description of the Primary Dwelling.
- (2) A statement that the Primary Dwelling or Primary Dwelling lot of record contains an Accessory Dwelling Unit.
- (3) A statement that the Accessory Dwelling Unit may only be used in accordance with Willard City's land use regulations.
- (4) Upon recording the notice described herein, the City shall mail a copy of the notice to the Owner of the Internal Accessory Dwelling Unit.
- (5) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

12-102-23-10. Enforcement.

- (1) Willard City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of \$100.00 for each day of violation (after notice of noncompliance has been provided) for:

- (a) Any violation of Utah Code Section 10-9a-530; or
- (b) Any violation of this Section.

12-102-23-11. Notice and Hearing.

Willard City adopts the lien notice and hearing notice requirements set forth in Utah Code Section 10-9a-530. An Owner appealing a violation may appeal that decision to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the Owner or City to the District Court within thirty (30) days from the issuance of the written decision.

12-102-23-12. Criminal Penalty

Violation of any of the provisions of this Chapter may be punishable by a Class C misdemeanor upon conviction and subject to a \$500.00 fine.