

ORDINANCE NO. 07-17-2018A

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING REQUIREMENTS RELATING TO DEFINITIONS, CONDITIONS, CRITERIA, AND CONDITIONAL USES RELATING TO ACCESSORY APARTMENTS.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with definitions, conditions and criteria, and conditional uses regarding accessory apartments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

SECTION 1. Title 10, Chapter 2, Section 1, of the City Code entitled Definitions is hereby amended by adding a definition for Accessory Apartments to read as follows:

ACCESSORY APARTMENT: A subordinate dwelling within an owner occupied building, shall have its own eating, sleeping, and sanitation facilities, which is (1) within or attached to a single-family residential building, or (2) within a detached accessory structure associated with a single-family dwelling.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family, but not including hotels, motels, or bed and breakfast facilities. Single-family dwellings may include accessory apartments, which may be approved as provided elsewhere in this Code.

SECTION 2. Title 10, Chapter 5, Section 32, of the City Code entitled Accessory Apartment is hereby amended by adding the following definitions, conditions, criteria, and conditional uses relating to accessory apartments, to read as follows:

10-5-32: ACCESSORY APARTMENT:

- A. Purpose and Intent. The purpose and intent of the accessory apartment ordinance is to recognize the residential character of Cedar Hills and to provide for supplementary opportunities of property owners. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory apartments.
- B. Accessory apartments are permitted within the city subject to compliance with the conditions and criteria hereinafter set forth.

1. Conditions and criteria;

- a. **Conditional Use Permit.** Accessory Apartments may be permitted as a conditional use, upon approval of the Zoning Administrator and Building Official. Conditional Use Permit is subject to fees paid.
- b. **Time Limit.** An accessory apartment conditional use permit shall be valid for the year in which it is first issued. Thereafter, the conditional use permit shall be automatically renewed for the next succeeding year upon receipt of: 1) The initial one time registration fee; 2) evidence that the primary dwelling is occupied by the owner; and 3) a determination by the city that all conditions of approval remain in effect.
- c. **Building Permit.** A building permit shall be obtained by the homeowner from the city before the commencement of any new construction of an accessory apartment, and a certificate of occupancy shall be obtained prior to anyone occupying an accessory apartment dwelling unit. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling.
- d. **Appearance.** The outside appearance of a single family home with an accessory apartment shall not be changed from that of a single family home. A maximum of one (1) accessory apartment may be allowed in a single-family home within all single-family residential zones. Accessory apartments shall not be calculated as additional density. No accessory apartment may be allowed in any multi-family dwelling unit, or on any lot or parcel that cannot satisfy the parking requirements.
- e. **Entrances:** An accessory apartment may have a dedicated entrance located on any side or rear of the single family home or at the front of the home if it is below grade and maintains the characteristics of a single family home.
- f. **Address.** The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the principal dwelling as unit "A" and the accessory apartment as unit "B", unit then should have an external entrance to the accessory apartment. Address must be located in a visible location on the street frontage side of the home.

- g. Interior access.** When an accessory apartment is located within the main dwelling, an interior access shall be maintained.
- h. Size limitations.** The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes. Accessory dwelling units are subject to compliance with current building code at time of approval.
- i. Owner Occupied.** No accessory apartment shall be created or occupied in a single-family home unless; the owner of the property resides in either the primary dwelling unit or the accessory apartment. Or if a property is owned within a trust, documentation concerning the trust and shall be provided to the city. For the purpose of this section, the term “Owner Occupied” shall be defines as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls.

 - 1. Owner Occupancy shall not be required when; Owner has a family member living at residence in his/her absence, owner has submitted a temporary absence application prior to beginning the temporary absence, and the owner has resided in the residence for at least on (1) year prior to beginning the temporary absence and meets the following criteria:

 - (a) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (b) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility, while a family member lives at residence in his/her absence.
- j. Occupancy.** Accessory apartment may only be rented to one family unit as defined by section 10-2-1 Terms Defined, “Family” for a single family dwelling.
- k. No Separate Utilities.** A single family home with an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner. The property owner shall be responsible for payment of all utilities.
- l. Parking.** A minimum of two off-street parking spaces shall be provided for Tenant parking, in addition to those already required for a single-family dwelling. More spaces may be required to ensure accommodation for additional vehicles. No parking spaces may be located within a front or side yard, except within an approved driveway. Tandem parking within a driveway is allowed to meet parking requirements. Tenants shall comply with all other parking regulations of 5-2-5 of this title.

- m. Accessory Apartment Registration:** Any person owning an existing accessory apartment that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an accessory apartment, or any person remodeling or causing the remodeling of a residence for an accessory apartment, shall register the accessory apartment with the Zoning Administrator. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:
1. Submit a registration fee with a completed registration form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed additions, location of parking for tenants, and the dwelling is owner occupied.
 2. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges, and
 3. Make all corrections identified as necessary to comply with International Residential and Building code requirements, as identified by the Building Official or his designee. Include safety items required by code such as; carbon monoxide detectors, working smoke detectors, ground fault circuit interrupter protected outlet on existing wiring, street addressing, functioning and safe electrical and plumbing, hand rails and occupancy separation doors as required by International Residential and Building code.
- n. Failure to Complete Registration.** If the property owner does not complete the registration as outlined above, the accessory apartment shall not be considered legal or approved. Failure to complete the registration of an existing accessory apartment within two (2) years of the passing of this ordinance may result in a fine of \$500. After fine is assessed, the Zoning Official or his designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met.
- o. Sale of Single Family Dwelling.** Accessory apartment registration permit shall become null and void upon the sale of the single-family dwelling in which it is located, unless a new permit is applied for and obtained by the purchaser(s) of the single-family dwelling in which said accessory apartment rental is located.
- p. Not intended for sale.** The accessory apartment shall not be sold or detached by deed and shall only be rented.
- q. Exceptions:** The provisions of subsections B - 1(c), (e), and (i) of this section shall not apply to an existing non-conforming rental dwelling unit that existed prior to June 19th 2018, and converts the basement into an owner occupied accessory apartment.

**PART II
PENALTY AND ADOPTION**

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

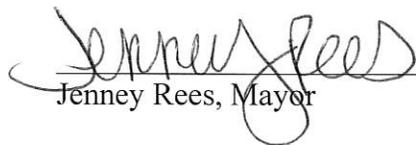
D. PENALTY

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,
THIS 17th DAY OF JULY, 2018.**



Jenney Rees, Mayor

ATTEST:



Colleen A. Mulvey, City Recorder

