



## PLANNING MEMORANDUM

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To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Title 10 Chapter 19: Accessory Dwelling Units Amendments

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### **ACTION**

Administrative Action: Public Hearing and Recommendation on Conditional Use Permits

### **PROPOSED AMENDMENTS:**

**1. 10-1-10: Definitions**

- Refinement of definitions for Accessory Dwelling Units (ADUs) to clearly categorize them as either internal or external units.

**2. 10-1-10A: Land Use Matrix**

- Potentially expand zones where External ADUs (EADUs) are permitted.

**3. 10-5A(B, D, & E)-5: Location of Structures**

- Setback requirements for EADUs clarified.

**4. 10-8-5: Number of Parking Spaces**

- Parking requirements for EADUs set at 2 per dwelling unit.

**5. Title 10 - Chapter 19: Accessory Dwelling Units**

- Detailed regulations for both Internal ADUs (IADUs) & EADUs, including purpose, permitted use limitations, required licenses & permits, standards of approval, and penalties for violations.

### **ORDINANCE REVIEW**

The Code Committee, having thoroughly examined the current IADU provisions, has identified the need to encompass regulations for EADUs. This evolution aligns with the City's recently updated Moderate Income Housing Plan, which emphasized the inception of an EADU ordinance. The plan's intention is clear: facilitate residents in constructing additional dwelling units. As community members, it's crucial to be aware of these proposed changes and actively participate in the ordinance review process, ensuring the city's housing strategies cater to the broader needs of its residents.

Regarding External Accessory Dwelling Units, these structures are detached from the primary residence but remain within the boundaries of the same parcel. The permissible size for these units fluctuates between 400 to 1,250 square feet. For properties to qualify for EADU development, they should span a minimum of .25 acres. It is imperative that the design, construction materials, and overall aesthetics of

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EADUs echo that of the primary dwelling. The city ordinance precludes the categorization of recreational vehicles as EADUs, and compliance with utility and height directives is necessary.

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**10-1-10: DEFINITIONS:**

DWELLING, ACCESSORY UNIT:	A residential dwelling unit that is added to, created within, or detached from, a primary residential structure, located on the same lot as the primary residential structure, and that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either an internal or external unit.
DWELLING, ACCESSORY UNIT INTERNAL (IADU)	An ADU that is created within or added to the primary residential structure.
DWELLING, ACCESSORY UNIT EXTERNAL (EADU)	An ADU that is detached from the primary residential structure.

10-1-10A: LAND USE MATRIX:												
	C	CH	CR	LI	TI	NR	A	RL	RLM	R M	RP	R5
Dwelling, Accessory Unit (External)							C	C	C	C		

**10-5A(B, D, & E)-5: LOCATION OF STRUCTURES:**

All buildings and structures shall be located as provided in chapter 11 of this title and as follows:

Structures	Front Setback	Side Setback	Rear Setback
External Accessory Dwelling Units	25 Feet from all front lot lines.	10 feet minimum on each side, except 20 feet on side fronting on a street.	10 Feet

**10-8-5: NUMBER OF PARKING SPACES:**

USE	NUMBER OF PARKING SPACES REQUIRED
External Accessory Dwelling Unit	2 per dwelling unit (this is in addition to the number of parking spaces required for the primary dwelling unit)

**CHAPTER 19  
ACCESSORY DWELLING UNITS**

**10-19-1: PURPOSE:**

The purpose of this chapters is to regulate the construction and use of internal and external accessory dwelling units (ADUs); to ensure such uses comply with all applicable building codes; to promote affordable housing options in South Weber City; and to protect the character of residential zones.

**10-19-3: PERMITTED USE - LIMITATIONS:**

- A. Accessory Dwelling Units, both Internal and External Accessory Dwelling Units, (IADU & EADU) shall be permitted in those zones identified in Title 10, Chapter 1, Section 10-A of this code, also known as the South Weber City land use matrix.
- B. Regardless of the location of a proposed ADU, no ADU may be located on parcels which:
  - 1. Are smaller than six thousand (6,000) square feet for IADUs;
  - 2. Are smaller than .25 acres for EADUs;
  - 3. Do not contain an owner-occupied single-family residence;
  - 4. Are serviced by a failing septic tank; or
  - 5. Have a recreational vehicle as the primary dwelling unit.
- C. ADUs shall not be rented for less than a thirty-day period.
- D. No parcel may contain more than one ADU.
- E. Ownership of an ADU shall not be subdivided or transferred apart from its principal dwelling unit.
- F. External accessory dwelling units may be permitted subject to additional requirements as outlined in this chapter.

**10-19-4: BUSINESS LICENSE REQUIRED:**

Prior to leased occupancy of an ADU, the owner of record of any parcel shall first apply for and obtain a business license from South Weber City.

**10-19-5: BUILDING PERMIT REQUIRED:**

Prior to beginning construction on a new ADU, the owner of record, or their designee, shall apply for and receive a building permit from South Weber City.

**10-19-6: STANDARDS OF APPROVAL- GENERAL:**

ADUs located in South Weber City shall adhere to the following standards:

- A. Single-family homes with an ADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105. The property owner shall provide a signed ownership affidavit attesting to this fact.
- B. Either the ADU or the primary dwelling unit shall be owner-occupied and shall be verified prior to approval.
- C. Utility Connections:

Commented [TC1]: Ownership Affidavit

1. EADU: The unit shall have separate utility meters from the primary dwelling unit.

2. IADU: The primary dwelling unit and IADU shall be served by a single utility meter.

D. A separate mailing address shall be created for both IADUs and EADUs.

E. No ADU shall be rented to more than one family unit, as defined in South Weber City Code.

#### **10-19-7: STANDARDS OF APPROVAL – IADU CONSTRUCTION:**

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.

B. Each IADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.

C. One off-street parking space per IADU shall be required, in addition to any off-street parking provided for the primary dwelling in compliance with Chapter 8 of this title.

D. In the event a garage or carport is converted to an IADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by [10-8-5](#), then the eliminated spaces shall be on a space-per-space basis up to the minimum amount required.

E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.

F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.

1. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.

2. Each unit's entrance shall be distinct from the other and shall be on separate planes or stories of the primary dwelling unit.

G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit .

#### **10-19-8: STANDARDS OF APPROVAL – EADU CONSTRUCTION:**

Construction of all EADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

A. Qualifications: To qualify as an EADU, the building must be separate from the primary dwelling.

1. An EADU may be an existing detached accessory building or new construction.

2. Construction of an EADU is allowed on lots meeting the requirements of this Chapter that are located in approved zones (Matrix).

**Commented [TC2]:** Talked with DRC and looking at PDG and we have required them in the past. It would be cleaner for us just in case.

- B. Restrictions: Recreational vehicles shall not be considered an EADU.
- C. Site Location Restriction: EADU shall be situated in a location other than the front of the main building on the property.
- D. Setbacks: All setbacks for EADUs shall comply with the underlying zoning requirements and the requirements of this Chapter. If the setback requirements conflict, then the EADU shall comply with the greater setback requirement.
- E. Size and Footprint: EADUs shall have a maximum livable floor area of 1250 square feet and a minimum livable floor area of 400 square feet.
- F. Lot Coverage: Building coverage, including all structures, shall not exceed 60% of the total lot area.
- G. Height Restriction: The height of an EADU shall not exceed the height measurement of the primary building located on the same parcel. In instances where the elevation heights of the buildings differ, the height of each building will be calculated in accordance with the provisions set forth in this Title.
- H. Construction Standards: An EADU, to the greatest extent possible, shall be similar quality construction materials and design as the primary dwelling unit.
- I. Living Spaces: Each EADU shall have cooking, bathing, living, and sleeping areas that are separate from and in addition to those in the primary dwelling unit.
- J. Parking: Shall meet the requirements of Chapter 8 of this title.
  - 1. In the event a garage or out building is converted to an EADU, and such conversion reduces the number of available off-street parking spaces below the minimum amount required by section 10-8-5, then the eliminated spaces shall be replaced on a space-per-space basis up to the minimum amount required.

**Commented [TC3]:** We will have to update chapter 8

**10-19-9: VIOLATION:**

Failure to adhere to any of the provisions contained in this Chapter shall constitute a violation of city code and may result in one or more of the following:

- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.
- B. Prosecution of the property owner.
- C. Daily fines up to the maximum amount allowed under state law.
- D. Revocation of a business license until such time as the violations are remedied.

**Commented [JB4]:** The City can establish the fine amount in its fee schedule.

E. Any and all other fines and penalties available under City code or State law. (Ord. 2021-12, 9-14-2021)

DRAFT