

ORDINANCE 2023-18

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL
AMENDING TITLE 10 CHAPTERS 1, 5, 8, AND 19**

WHEREAS, the City Council created a code committee to review and make recommendations to align city code with state code and best practices; and

WHEREAS, that same committee has identified the need to encompass regulations for external accessory dwelling units (EADUs) coordinating with the recently updated Moderate Income Housing Plan; and

WHEREAS, to maintain a consistent look and feel these structures should mimic the primary dwelling in design, construction, and overall aesthetics; and

WHEREAS, Planning Commission reviewed these proposed changes on November 9, 2023 and recommended Council add a cap on EADUs based on analysis from the City Engineer and the effects upon the city infrastructure; and

WHEREAS, Council has now evaluated all supporting information and the code alterations;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Amendment: Title 10 Chapter 1 Section 10 Definitions shall add the following:

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.

Section 2. Amendment: Title 10 Chapter 1 Section 10A: Land Use Matrix shall add the line below.

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		

Section 3. Amendment. Title 10 Chapter 5A, 5B, 5D, and 5E Section 5: Location of Structures shall each add the following:

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

Section 4: Amendment. Title 10 Chapter 8 Section 5 D Number of Parking Spaces shall add

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)

Section 5: Amendment: Title 10 Chapter 19 shall be retitled Accessory Dwelling Units and read as shown in **Exhibit 1**.

Section 6. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 27th day of February 2024.

[Signature]
MAYOR: Rod Westbrook

[Signature]
ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Halverson	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Dills	FOR	AGAINST
Council Member Davis	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

:

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2023-18 was passed and adopted on the 27th day of February, 2024 and that complete copies of the ordinance were posted in the following locations within the City this 28th day of February 2024.

1. South Weber City Building, 1600 E. South Weber Drive
2. City Website www.southwebercity.com
3. Utah Public Notice Website Utah.gov/pmn

Lisa Smith

Lisa Smith, City Recorder

**EXHIBIT 1 CHAPTER 19
ACCESSORY DWELLING UNITS**

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.

10-19-2: DEFINITIONS:

The definitions contained in this Chapter shall have such meaning as may be found in Title 10, Chapter 1, Section 10 of this code.

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 .33 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:

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).
- 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.
 - a. EADUs shall be setback no less than 10 feet from the primary residence, as measured from the furthest protruding structure or fixture from either the primary residence or the EADU.
- 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.

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