

ARTICLE B. RESIDENTIAL ZONES

SECTION:

13-5B-1: Purpose

13-5B-2: Permitted And Conditional Uses

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13-5B-7: General Provisions

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13-5B-1: PURPOSE:

A. R-1 Zone: The single-family residential (R-1) zones are established to encourage and promote an environment for family life by providing areas for single-family detached dwellings on individual lots and associated uses as defined in this article. This zone is characterized by attractively landscaped lots and open spaces with lawns and shrubs.

B. R-2 Zone: The two-family residential (R-2) zone is established to provide a residential environment within the city which is characterized by attractively landscaped single-family and two-family residential lots and structures and associated uses as defined in this article. This zone is intended to have a residential density slightly higher than the R-1 zone, but to maintain a residential character comparable to that of a single-family residential area.

C. R-3 Zone: The multiple-family residential (R-3) zone is established to provide an attractive setting for multiple-family, two-family and single-family dwellings, and associated uses as defined in this article.

D. R-R Zone: The rural residential (R-R) zone is established to provide areas where single-family residential and associated uses, as defined in this article, may be harmoniously integrated with incidental agricultural uses. This zone is intended to allow the keeping of a limited number of farm animals and fowl in conjunction with single-family dwelling units. It is intended, at the same time, to retain land in parcels large enough to provide efficient and attractive development as urban uses extend in an orderly manner into these areas. The R-R zone is also intended to accommodate residential developments which are oriented to an equestrian lifestyle. This would allow the design of a residential community which could contain noncommercial stables, training areas and equestrian trails as an integral part of the development.

E. R-E Zone: The residential estate (R-E) zone is established to provide areas where detached single-family dwellings and associated uses, as defined in this article, may be harmoniously integrated with the environment in large lot developments. This zone is characterized by open land that is interspersed with residential dwellings with attractively landscaped lots. This zone does not allow for the keeping of farm animals and fowl in conjunction with single-family dwellings.

F. R-M Zone: The mobile home residential (R-M) zone is established to provide a residential environment primarily for mobile and manufactured homes, either within an established mobile home park under one ownership, or within a mobile home subdivision under multiple ownership. The zone is intended to assure a high degree of compatibility between mobile home parks and adjacent residential development of other types.

G. Collective Title: The foregoing zones are collectively referred to as "residential zones". (2001 Code § 89-3-301; amd. 2009 Code)

13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

Legend:

P = Permitted use

C = Conditional use

AC = Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory Dwelling Unit External1	P			P	P	

Accessory Dwelling Unit Internall1	P			P	P	
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	P	P	P	P	P	P
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home2	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P

Transitional home, large

C

Transitional home, small

AC

Note:

1. Internal Accessory Dwelling Units permitted in all R-1 zones. External Accessory Dwelling Units are Permitted in R-1-10, R-1-12, R-1-14, RR and RE zones only. See 13-5B-8 for Requirements for both internal and external Accessory Dwelling Units.

2. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, **required attached 2 car garage**, and other similar building and zoning requirements.

(2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 16-06, 1-13-2016; Ord. 21-18, 6-9-2021)

13-5B-3: LOT AND BULK STANDARDS:

A. Lot Size, Setbacks And Building Height Standards: Creation of lots and location of buildings on such lots shall be subject to the following standards:

Zo ne	Minimu m Lot Area	Minimu m Lot Width	Minimu m Front Yard	Minimu m Corner Side Yard	Minimu m Interi or Side Yard	Minimu m Rear Yard	Rear Yard Corner Lot	Maxi mum Buildi ng Heigh t	Maxi mum Buildi ng Cover age	Separ ation Betwe en Buildi ngs On Same Lot
Zo ne	Minimu m Lot Area	Minimu m Lot Width	Minimu m Front Yard	Minimu m Corner Side Yard	Minimu m Interi or Side Yard	Minimu m Rear Yard	Rear Yard Corner Lot	Maxi mum Buildi ng Heigh	Maxi mum Buildi ng Cover	Separ ation Betwe en Buildi

				Yard	Yard			t	age	ngs On Same Lot
R-1-5	5,000 sq. ft.	55'	25' (22' on cul- de- sacs)	20'	5' on 1 side and 8' on the other	20'	15'	35'	45%	6'
R-1-6	6,000 sq. ft.	60'	25' (22' on cul- de- sacs)	20'	8'	20'	15'	35'	40%	6'
R-1-8	8,000 sq. ft.	75'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	40%	6'
R-1-9	9,000 sq. ft.	80'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	40%	6'
R-1-10	10,000 sq. ft.	85'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	40%	6'
R-1-12	12,000 sq. ft.	90'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	35%	6'
R-1-14	14,000 sq. ft.	95'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	35%	6'
R-2	Duplex: 8,000 sq. ft. Twin home:	80'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	40%	6'

	4,000 sq. ft.									
R-3	Single-family home: 4,000 sq. ft.	50'	25' (22' on cul-de-sacs)	20'	5' on one side and 8' on the other	20'	15'	35'	50%	6
	'Duplex : 8,000 sq. ft.	80'	25' (22' on cul-de-sacs)	20'	8'	20'	15'	35'	40%	6'
	Twin home: 4,000 sq. ft.	40'	25' (22' on cul-de-sacs)	20'	8'	20'	15'	35'	40%	6'
	Multi-family or townhome development site: 1 acre	70' Not applicable for townhome development	30' Exception: 22' minimum front setback from back of sidewalk for townhomes fronting on private streets	20'	One-story multi-family or townhome: 15' 2 or more stories multi-family or townhome: 30'	One-story multi-family: 15' 2 or more stories multi-family: 30'	Multi-family: 30' Townhome: 20'	35'	n/a	One-story multi-family or townhome: 8' Two-story multi-family or townhome: 12' Multi-family or townhome over 2 stories : 18'
R-R-	20,000 sq. ft.	100'	30' (22'	20'	8'	25'	20'	35'	35%	6'

20 , R- E- 20			on cul- de- sacs)							
R- R- 30 , R- E- 30	30,000 sq. ft.	120'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	35%	6'
R- R- 40 , R- E- 40	40,000 sq. ft.	150'	30' (22' on cul- de- sacs)	20'	8'	25'	20'	35'	35%	6'
R- M	Single- family: 6,000 sq. ft. Mobile home park: 10 acres	80' 1	22' 1	20' 1	6' 1	Singl e- famil y1: 25' One- story multi - famil y: 15' 2 or more storie s multi - famil y: 30'	20' 1	30' 1	n/a	6'

Note:

1. The replacement of existing nonconforming single-family mobile home structures is permitted; wherein the replacement structure may be situated in the same location on the parcel or lot as the previous structure, so long as ADA requirements are met.

B. Lot Area For Corner Lots: The minimum lot area for corner lots in residential zones shall be one thousand (1,000) square feet greater than the minimum required for each subzone.

C. Lot Frontage:

1. Except as specified in subsection C2 of this section, each lot in a residential zone shall have not less than fifty feet (50') of frontage on a public street, not including townhomes in the R-3 zone.

2. Notwithstanding the minimum lot frontage required above, irregular shaped lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of thirty five feet (35') of lot frontage at the right of way line of a public street. Lots with the allowed reduction in lot frontage shall meet the minimum lot width required by this section at the minimum setback line per this section. The lot width and setback shall be recorded on the subdivision plat.

D. Minimum Living Space for R-1, RR and RE zones:

1. The minimum living space of any new single-family dwelling constructed within a subdivision or on a parcel that received: (a) final approval from the city after May 5, 2021; and (b) is located within a zone that resulted in an increase in density from the previous zone or is subject to provisions outlined in a development agreement; shall be as indicated by the alphabetical subzone, as shown in this subsection, used in conjunction with the zoning designation (e.g., R-1-10E):

Subzone	Dwelling Type	Minimum Living Space (In Sq. Ft.)	Zone To Which The Subzone Typically Applies ¹
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Subzone

Dwelling Type

Minimum Living Space
(In Sq. Ft.)

Zone To Which The Subzone Typically Applies¹

A

1 level dwelling (rambler or split entry)

2,000

R-1-5, RR, RE

Split level dwelling

1,500

Multi-story dwelling (2 or more)

1,800

B

1 level dwelling (rambler or split entry)

2,200

R-1-6, RR, RE

Split level dwelling

1,800

Multi-story dwelling (2 or more)

2,100

C

1 level dwelling (rambler or split entry)

2,400

R-1-8, RR, RE

Split level dwelling

2,100

Multi-story dwelling (2 or more)

2,400

D

1 level dwelling (rambler or split entry)

2,600

R-1-9, RR, RE

Split level dwelling

2,200

Multi-story dwelling (2 or more)

2,700

E

1 level dwelling (rambler or split entry)

3,000

R-1-10, RR, RE

Split level dwelling

2,400

Multi-story dwelling (2 or more)

3,000

F

1 level dwelling (rambler or split entry)

3,400

R-1-12, RR, RE

Split level dwelling

2,800

Multi-story dwelling (2 or more)

3,300

G

1 level dwelling (rambler or split entry)

3,800

R-1-14, RR, RE

Split level dwelling

3,200

Multi-story dwelling (2 or more)

3,800

Note:

1. Subject to the discretion of the City Council during a process regarding a petition or application for a zoning map amendment.

2. Notwithstanding the applicability of the minimum living space table of this section, under no circumstances shall a new single-family dwelling that has less than one thousand (1,000) square feet of living space be constructed in an R-1, RR or RE zone.

E. Utility Equipment: There are no specific setbacks for utility equipment in residential zones. (2001 Code § 89-3-303; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 21-32, 11-16-2021; Ord. 22-45, 9-28-2022; Ord. 23-26, 9-13-2023)

13-5B-4: MOBILE HOME PARKS:

A site plan shall be submitted for review by the planning commission prior to the issuance of a building permit or mobile or manufactured home move on permit for a mobile home park. The site plan shall be in conformance with chapter 7, article B of this title, other applicable provisions of this title and the subdivision ordinance, and the following standards and requirements:

A. Any mobile home park shall have a minimum area of ten (10) acres. The area shall be in single ownership under individual or corporate control so that it can be developed as an integrated development under a single plan.

B. The number of mobile or manufactured homes shall be limited to a maximum of six (6) units per acre. Mobile or manufactured homes may be clustered; provided, that the total number of units does not exceed the number permitted per acre multiplied by the number of acres in the development. Remaining land not used for mobile or manufactured homes, roads or parking shall be set aside and developed as recreation and service areas for common use and enjoyment of occupants of the park.

C. The setback and spacing requirements of this article shall apply in all mobile home parks.

D. Not less than eight percent (8%) of the gross area of any mobile home park shall be set aside for the joint use of occupants. The land covered by vehicular roadways, sidewalks and off street parking shall not be construed as meeting this requirement.

E. Central recreation facilities shall be established in each mobile home park pursuant to the provisions of this title. The size of such recreation area shall be at least two hundred (200) square feet for each mobile home lot or mobile home space within the development. The area of the recreation space may contain picnic facilities, community clubhouses, swimming pools, tennis courts and similar facilities provided exclusively for recreation purposes.

F. Each mobile or manufactured home shall have on the same site two (2) paved parking spaces for automobiles. All parking spaces shall be paved with asphalt or concrete and shall be provided with a paved access from an approved street.

G. Mobile or manufactured home spaces within a mobile home park shall not be used for transient trailer sites. Such spaces shall be occupied only by mobile or manufactured

homes which are placed upon piers or jacks and attached to public utilities. No lot or space shall be rented or leased for a period less than thirty (30) days.

H. A lighted directory map showing streets, lot numbers and location of the manager's office and other facilities in the mobile home park shall be clearly displayed at the entrance of any mobile home park, but not closer than fifty feet (50') from the designated right of way line of a public street.

I. Every mobile home park shall include a permanent building for office and administrative use. The building may include a single-family dwelling for the exclusive use of the owner or manager.

J. Skirting materials shall be provided entirely around the periphery of each mobile or manufactured home to conceal the open area beneath the structure. The skirting material shall be of durable construction and shall be compatible with the exterior finish of the mobile or manufactured home unit.

K. All parks shall be provided with safe, convenient, all season pedestrian access of at least three feet (3') in width. The access shall provide both a common walkway system and individual walks to each unit.

L. The owner or joint owners of a mobile home park shall ensure proper maintenance of all landscaping, fencing, grounds, utility services, lighting and storm drainage, and otherwise comply with provisions of all city ordinances regarding buildings and uses of land.

M. Additions or attachments to mobile or manufactured homes in mobile home parks such as carports, covered patios, screen rooms or approved manufactured additions which meet HUD construction standards for mobile or manufactured homes may be approved by the city administrator or his designee. The planning commission may by conditional use permit authorize other additions and attachments. (2001 Code § 89-3-304; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

13-5B-5: MULTIPLE-FAMILY DWELLING DEVELOPMENTS:

Multiple-family dwelling developments shall be designed according to applicable requirements of chapter 7 of this title. A site plan shall be submitted for review by the planning commission prior to the issuance of a building permit for a multiple- family dwelling development according to the following standards and requirements:

A. Minimum lot area and unit density shall be determined as follows for multiple- family dwelling developments:

Density	Lot Size (In Acres)
Density	Lot Size (In Acres)
Single-family, duplex and twin homes	See section 13-5B-3, "Lot And Bulk Standards", of this article

3 to 6 units/acre (R-3-6)	1
8 or less units/acre (R-3-8)	1
10 or less units/acre (R-3-10)	1
12 or less units/acre (R-3-12)	1
16 or less units/acre (R-3-16)	1
20 or less units/acre (R-3-20)	2
22 or less units/acre (R-3-22)	2

B. Multiple-family dwelling developments having more than two (2) floors that abut a single-family or two-family residential subdivision or development shall be set back a minimum of thirty feet (30') from all property lines and fifty feet (50') from the designated right-of-way lines of public streets. (2001 Code § 89-3-305; amd. 2009 Code)

13-5B-6: RESIDENTIAL EXTERIOR MATERIALS AND DESIGN:

A. Applicability:

1. This section applies to any new dwelling constructed within a subdivision or on a parcel that received: (a) final approval from the city after May 5, 2021; and (b) is located within a zone that resulted in an increase in density from the previous zone or is subject to provisions outlined in a development agreement.

2. This section does not apply to a dwelling that is constructed within a subdivision or on a parcel that received final approval from the city prior to May 5, 2021 and is not subject to provisions outlined in a development agreement.

B. Exterior Masonry Required: As applicable, the minimum area (A) of brick or stone required (measured in square feet) shall be determined by multiplying the outside perimeter (P) of the foundation (measured in feet), including the garage, by two feet (2') ($P \times 2 = A$).

C. Exception To Masonry Requirement: In order to encourage a variety of architectural design in residential construction, the requirement for exterior masonry may be modified if not less than four (4) of the following architectural features are combined in a design to create an overall architectural style for a residential building:

1. Gabled, gambrel or hipped roof with a pitch of not less than six to twelve (6:12) and heavy architectural shingles or tile.

2. Cornices.

3. 6/6 or 12/12 double hung windows with shutters.

4. Portico, sidelights and fan light.
5. Pediment entry with transom window.
6. Dormers.
7. Towers with conical roof.
8. Scallops or sunbursts.
9. Attached gazebos integrated into the front porch.
10. Front porches not less than six feet (6') in width with an integrated decorative railing.

D. Approval Of Alternate Exterior Materials: If it is determined that an architectural style has been established using the features described above, City planning staff may either:

1. Approve the use of clapboard, hardiboard or similar siding of not less than six inches (6") in height, with corner boards on one hundred percent (100%) of the exterior of the building (no aluminum or vinyl siding shall be permitted); or
2. Reduce the square footage or percentage of required brick, stone or stucco.

E Appeal: A housing design meeting the requirements of this section should have an easily identifiable architectural style, whether that style be Victorian, colonial, bungalow, Cape Cod, Tudor, etc. The planning staff shall determine whether this has been accomplished. If it is determined by staff that a proposed design does not establish an identifiable architectural style, the applicant shall be required to meet the brick requirement in subsection A of this section. If the applicant wishes to appeal the decision of planning staff, the appeal shall first be heard by the Zoning Administrator and, if further appeal is made, then the Board of Adjustment. (2001 Code § 89-3-306; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 21-32, 11-16-2021)

13-5B-7: GENERAL PROVISIONS:

A. Status Of Performance Overlay Zones: All performance overlay zones existing at the time of adoption hereof shall be nonconforming. A parcel of vacant land within a performance overlay zone may be developed in conformance with the provisions of the previously existing performance overlay zone requirements and platted as a Performance Subdivision (P-S) or Performance Development (P-D). (The Performance Subdivision and Performance Development Overlay Zones were established and defined in a predecessor ordinance known as title 10 (1982-2000).) A lot within a Performance Subdivision or Performance Development, meeting all requirements of the prior existing regulations related to performance overlay zones, shall not be denied a building permit solely for reasons of nonconformance with the requirements of this article.

B. Animal Limitations: The maintenance and keeping of animals and fowl on a lot in a rural residential zone, where such use is permitted, shall be limited to a total of twenty (20)

animal points per ten thousand (10,000) square feet, as determined from the chart in this section. A minimum of twenty thousand (20,000) square feet is required for the keeping of animals or fowl. Legally created lots in rural residential zones that are between eighteen thousand (18,000) square feet and twenty thousand (20,000) square feet shall be deemed to meet the twenty thousand (20,000) square feet minimum and point qualifications. All animals located on a lot of land shall be contained upon said lot. The number of animals determined from the chart below for a particular property (except as expressly provided otherwise) does not include the offspring of any large or medium sized animal which offspring is less than twelve (12) months of age; and also does not include one litter, kindle or clutch of offspring of a small animal up to the twelve (12) months of age; provided that all offspring of a small animal mother born within the same twelve (12) month period as the excluded single litter, clutch or kindle shall be counted toward the limitation number in the chart below.

Type Of Animal	Number Of Points Per Animal
Large animals, such as horses and cows	17
Medium animals, such as sheep, goats and swine ¹	8
Small animals, such as chickens, ducks, geese, pigeons, rabbits, chinchillas	1

Note:

1. Notwithstanding the number of points per animal and the size of property, there shall be no more than 2 swine per lot, including offspring. Breeding and/or birthing of swine is expressly prohibited.

C. Garage Required: Every single-family dwelling, two-family dwelling, manufactured home or modular home within the residential zones shall have a fully enclosed two car garage (attached or detached), having a minimum outside width of twenty feet (20') (as measured from outside of foundation to outside of foundation) and having at least four hundred (400) square feet in total floor area. A building permit shall not be issued for the construction of a single-family dwelling, two-family dwelling, manufactured home or modular home if the plans do not include the garage required by this subsection.

D. Location Of Watercraft, Trailers, Campers, Recreational Vehicles And Motor Homes: Watercraft, trailers, campers, recreational vehicles and motor homes stored on any residential lot or property, shall be subject to the following conditions:

1. Any portion of a parked or stored watercraft, trailer, camper, recreational vehicle, or motor home, may be stored in the rear yard and/or side yard and may extend into the front yard but shall not be closer than three feet (3') from the edge of the sidewalk nearest the

home or structure, or in the case of no sidewalk, no closer than ten feet (10') from the front property line. In no case shall any portion of a parked vehicle, watercraft, camper, trailer or motor home extend onto a sidewalk or past the property line.

2. All vehicles, watercraft, motor homes, campers or trailers shall be maintained, complete, and must be able to be operated for the purpose intended when parked.

3. Irrespective of where it is parked or stored on the property a motor home or travel trailer may be occupied by a guest or guests of the resident for no more than twenty one (21) calendar days per year, provided the motor home or travel trailer meets all setback requirements.

4. The parking areas where watercraft, trailers, campers, recreational vehicles and motor homes shall encompass the entire width and length of the aforementioned vehicle and the parking surface shall be constructed of asphalt, concrete, grasscrete, a minimum three-fourth inch (3/4") or larger gravel mix, pavers, permeable asphalt or concrete, rock, stone, turf block, or any combination of the aforementioned materials. Gravel, gravel mix, crushed rock and stone shall have a minimum depth of four inches (4").

E. Temporary Mobile Or Manufactured Homes: A conditional use permit may be issued for a temporary mobile or manufactured home located on the rear portion of a residential lot during the construction of a permanent dwelling for not longer than one year.

F. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

G. Landscaping: All uses in residential districts shall comply with the provisions governing landscaping in chapter 13 of this title.

H. Parking And Loading: All uses in residential districts shall comply with the provisions governing off street parking in chapter 12 of this title.

I. Signs: All signs in residential districts shall comply with the provisions governing signs in this title and title 12 of this Code. (2001 Code § 89-3-307; amd. 2009 Code; Ord. 11-09, 4-6-2011; Ord. 11-35, 11-22-2011; Ord. 15-32, 11-4-2015; Ord. 18-35, 11-7-2018)

13-5B-8: ACCESSORY DWELLING UNITS:

A. All accessory Dwelling Units.

1. Accessory dwelling units shall comply with all applicable building, health, and fire codes.

2. Only one accessory dwelling unit is allowed per property, either internal or external. At no time will both an internal and external accessory dwelling unit be allowed on the same property.

3. Accessory dwelling units are prohibited on properties if the primary dwelling is served by a failing septic tank.

4. The owner of record shall maintain a valid business license if renting the primary dwelling unit or the accessory dwelling unit, pursuant to title 4, chapter 2, article R of this code. Subject to the provisions in Utah Code Ann. section 10-9a-530, the owner of record may:

- a. if the owner of record currently occupies as a primary residence either the primary dwelling unit or the accessory dwelling unit, rent the other unit; or
- b. if the owner of record does not currently occupy as a primary residence one of the two units, rent the primary dwelling unit and the accessory dwelling unit as a single unit, or rent only one of the two units, but not rent both units individually at the same time.

5. A minimum of one (1) off street, nine foot (9') by eighteen foot (18') parking space constructed of asphalt or concrete, in addition to those already required, shall be provided for accessory dwelling units. Accessory dwelling unit parking may not be in tandem with required parking of the primary dwelling or obstruct the required parking of the primary dwelling.

6. The primary dwelling is required to maintain the minimum parking standards for the primary dwelling including the two car garage parking requirement where applicable. Attached garages required and approved as part of the primary dwelling unit may not be converted to an accessory dwelling unit unless the required two car garage is replaced on the property meeting all requirements of 2009 City Code.

7. Accessory dwelling units are not allowed with any multi-family, mobile homes, or any form of attached housing units.

8. In all cases an Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit.

9. An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the primary dwelling unit.

10. The installation of a separate utility meters for accessory dwelling units is prohibited.

11. A notice of present condition will be recorded on the title of any property that has an accessory dwelling unit.

12. If a building permit application for an addition to a primary dwelling is submitted concurrently with a business license application for renting an internal accessory dwelling unit within said primary dwelling, the footprint of the primary dwelling for purposes of Utah Code Annotated subsection 10-9a-530(1)(a)(ii) shall be the new, larger footprint identified in the approved building permit application for the addition to said primary dwelling.

B. External Dwelling Units.

1. External Accessory Dwelling Units (EADU) are only Permitted in the R-1-10, R-1-12, R-1-14, RR, RE. zones. EADUs in the PC, LSFR and VLSFR zone are only allowed on platted lots 10,000 square feet and larger.

2. Detached accessory dwelling structures must be built on a permanent foundation which meets the Building Code.

3. External Accessory dwelling units shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.

4. External Accessory Dwelling Units shall not cover more than twenty percent (20%) of the rear and side yard.

5. Setbacks for External Accessory Dwelling Units are: Six feet (6) from primary dwelling; fifteen feet (15) from rear property line; eight feet (8) from internal side property line and twenty feet (20) from the corner side property line.

6. External Accessory Dwelling Units (EADU) design and materials shall be similar to and compatible with the design of the primary dwelling and shall be approved by the Design Review Committee.

7. Lots with external accessory dwelling units are subject to all maximum building coverage requirements of city code. (Ord. 21-18, 6-9-2021; amd. Ord. 22-21, 6-8-2022)