

Chapter 35 Detached Accessory Dwelling Units & Internal Accessory Dwelling Units

10-35-1. Title.

10-35-2. Purpose.

10-35-3. General Regulations.

10-3-4 Definitions.

10-35-4. Conditional Use Permit Required.

10-22-20. Development Standards.

10-35-5. Inspections.

10.35.6. Affidavit.

10-35-1. Title.

The regulations contained in this Chapter shall be known and may be cited as “Accessory Dwelling Unit Regulations” and “Internal Accessory Dwelling Unit Regulations” of Honeyville City and its Land Use Management and Development Code.

10-35-2. Purpose.

The city recognizes that Detached Accessory Dwelling Units (D-ADUs) and Internal Accessory Dwelling Units (I-ADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the City. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- B. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- C. Provide for affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

10-35-3. General Regulations.

- A. Except as provided in this Code, no D-ADU or I-ADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the use district in which it is located.
- B. All D-ADUs and I-ADUs hereafter erected in Honeyville City shall comply with the current standards of the International Residential Code, and all other codes and ordinances adopted by Honeyville City.
- C. All D-ADUs and I-ADUs must be reviewed and approved for septic feasibility by the Bear River Health Department.
- D. All D-ADUs and I-ADUs shall be maintained in good condition.
- E. No person may engage in the business of erecting, altering, relocating, or constructing D-ADUs or I-ADUs without a valid Utah contractor’s license.

Add to 10-3-4 Definitions.

Detached Accessory Dwelling Unit: A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Internal Accessory Dwelling Unit: A self-contained dwelling unit within or attached to a single family residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

Owner Occupancy: When the owner of record, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

10-35-4. Permitted and Conditional Use Permit Required.

A. A D-ADU meeting the regulations and standards, as specified in this chapter, may be allowed in any zone where allowed, after approval of a conditional use permit. An I-ADU meeting the regulations and standards, as specified in this chapter may be allowed in any zone that allows a single-family dwelling as a permitted use.

B. The conditional use permit issued for D-ADU shall be renewable every two (2) years.

10-22-20. Development Standards.

A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, the D-ADU, or I-ADU as their permanent residence. Applications for a D-ADU or I-ADU shall include evidence of owner occupancy as defined in section 10-3-4.

B. D-ADUs or I-ADUs shall not be sold separately from the main unit.

C. A property including a D-ADU shall not be subdivided in a way that separates the D-ADU and the primary dwelling into separate parcels. The primary dwelling and the D-ADU must remain on the same parcel.

D. D-ADUs or I-ADUs shall not be rented on a transient basis (periods less than 30 days).

E. Only one (1) D-ADU or I-ADU may be created per lot or property in zones that allow single-family dwellings.

F. The design and size of the D-ADU or I-ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

G. Installing separate water meters for a D-ADU shall be required.

H. Separate addresses for the D-ADU or I-ADU are prohibited.

I. D-ADUs and I-ADUs are not exempt from impact fees (10-32-1).

J. The total square footage of a D-ADU shall be no more than forty percent (40%) of the total square footage, excluding the garage, of the primary residence. Documentation of square footage of the primary residence must be obtained by the applicant from the Box Elder County Assessor or a licensed real estate appraiser and provided to the city at the time the CUP application is submitted.

K. The minimum lot size required for construction of a D-ADU in all zones that allow single-family dwellings shall be one acre (43,560 square feet).

L. D-ADUs or I-ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

M. D-ADUs shall be compatible with the exterior color and materials of the surrounding area. I-ADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.

N. The maximum height for ADUs or IADUs shall be no taller, in elevation, than the highest point of the primary structure.

O. See table 10-19 for parking requirements. A minimum of one (1) off street parking space shall be provided per bedroom included in the D-ADU or I-ADU.

P. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development within that subdivision.

Q. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs.

R. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as a D-ADU or I-ADU.

10-35-5. Inspections.

Following the issuance of a conditional use permit, the Building Official of Honeyville City may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the building department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued.

10-35-6. Affidavit.

Applicants for D-ADUs or I-ADUs shall provide an affidavit stating that the owner of the property will occupy either the primary dwelling unit, Detached Accessory Dwelling Unit, or Internal Accessory Dwelling Unit as defined in section 10-3-4 and comply with all other requirements of this chapter. Upon approval of the D-ADU or I-ADU, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the D-ADU or I-ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the D-ADU or I-ADU.

Affidavit and Notice of Accessory Dwelling Unit and Related Regulations

(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the accessory dwelling unit in order to continue the use. I (we) also understand that any use of the accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal or accessory dwelling unit and compliance with the provisions of the Honeyville City Code.

Owner's Signature Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

Residing in _____

My commission expires: _____

After recording, provide a copy to: **Honeyville City Address**

Affidavit and Notice of Internal Accessory Dwelling Unit and Related Regulations

(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: _____ Phone: _____

Property Address: _____

Parcel Number: _____

Complete Legal Description:

I (we) _____, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an internal accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the internal accessory dwelling unit in order to continue the use. I (we) also understand that any use of the internal accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal dwelling unit or internal accessory dwelling unit and compliance with the provisions of the Honeyville City Code.

Owner's Signature Owner's Signature (co-owner if any)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

Residing in _____

My commission expires: _____

After recording, provide a copy to: **Honeyville City Address**