

ORDINANCE 2021-12

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ENACTING REGULATIONS PERTAINING TO INTERNAL ACCESSORY DWELLING UNITS

WHEREAS, the South Weber City Council has an obligation to allow Internal Accessory Dwelling Units (IADU) within City Code; and

WHEREAS, the South Weber City Council wishes to guide the development, regulation, and distribution of such units as outlined by the State of Utah;

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

Section 1. Amendment. Chapter 10.1.10 of the South Weber Code is hereby amended to include the following definitions:

ACCESSORY DWELLING UNIT, EXTERNAL: an accessory dwelling unit created separate from a primary dwelling and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

ACCESSORY DWELLING UNIT, INTERNAL: an accessory dwelling unit created within a primary dwelling; within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created; and for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.

Section 2. Adoption. Chapter 10.19 of the South Weber Code is hereby adopted to read as follows:

CHAPTER 10-19 INTERNAL ACCESSORY DWELLING UNITS

10-19-1 Purpose

To provide regulations for the construction and use of internal accessory dwelling units as prescribed in state statute. To ensure that such uses comply with all applicable building codes. To prevent such uses from being detrimental to the character of residential zones within South Weber City.

10-19-2 Definitions

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

10-19-3 Permitted Use - Limitations

- A. Internal Accessory Dwelling Units (IADU) 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 IADU, no IADU may be located on parcels which:
 - a. Are smaller than 6,000 square feet
 - b. Are serviced by a failing septic tank
 - c. Have a recreational vehicle as the primary dwelling unit
- C. IADUs shall not be rented for less than thirty-day periods
- D. IADUs shall not be listed for rental on a short-term rental website or through other short-term rental media.
- E. No primary structure may contain more than one IADU.
- F. External accessory dwelling units are prohibited.

10-19-4 Business License Required

Prior to occupancy of an IADU, 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 IADU, 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

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

- A. Single-family homes with an IADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.
- B. Either the IADU or the primary dwelling unit shall be owner-occupied.
- C. The primary dwelling unit and IADU shall be served by a single utility meter.
- D. A separate mailing address shall be created for the IADU.
- E. IADUs may not be rented to more than one family unit, as defined in South Weber City Code.

10-19-7 Standards of Approval- 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 separate eating, bathing, living, and sleeping areas.
- 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.
 - a. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.
 - b. Each unit’s entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, similar construction materials and design shall be used.

10-19-8 Violation

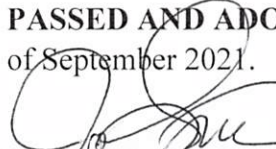
Failure to adhere to any of the provisions contained in this Chapter shall constitutes a violation of city code and may result in one or more of the following:


- 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 not to exceed \$100 per day.
- 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 or State code.

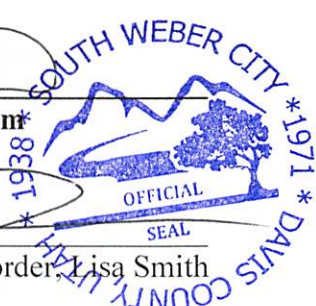
Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. 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 14th day of September 2021.


MAYOR: Jo Sjoblom


ATTEST: City Recorder, Lisa Smith




Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Alberts	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Soderquist	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2021-12 was passed and adopted the 14th day of September 2021 and that complete copies of the ordinance were posted in the following locations within the City this 15th day of September 2021.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive



Lisa Smith, City Recorder