

Chapter 108-19 Accessory Dwelling Units

Sec. 108-19-1. Purpose and Intent

The purpose of this chapter is to provide regulations for accessory dwelling units that are incidental and accessory to a single-family dwelling. Accessory dwelling units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. The requirements herein are adopted to ensure that accessory dwelling units function as subordinate residential uses that expand regular housing opportunities, including moderate-income housing. The requirements also are intended to preserve the character of neighborhoods and rural areas, reduce turnover-related impacts, support quiet enjoyment of surrounding properties, protect available parking, and help ensure that accessory dwelling units are used as part of the City's long-term housing supply rather than as rotating visitor accommodations used for transient, hotel-like, vacation, or other short-stay lodging purposes rather than for established residential occupancy.

This chapter is intended to implement applicable Utah law governing accessory dwelling units, including Utah Code § 10-9a-530 governing internal accessory dwelling units and Utah Code § 10-21-304 governing detached accessory dwelling units. To the extent of any conflict between this chapter and applicable state law, state law controls.

Sec. 108-19-2. Applicability

1. The provisions set forth in this chapter apply only to accessory dwelling units that the City is required to allow under Utah state law, unless the City Council expressly adopts a broader allowance by ordinance. Accessory dwelling units shall be approved as an accessory use where the lot or parcel contains a lawfully established single-family dwelling, the single-family dwelling is a permitted use on the lot or parcel, and the accessory dwelling unit complies with the objective standards of this chapter.
2. Internal accessory dwelling units shall be allowed only in locations required by Utah Code § 10-9a-530 and shall be regulated only to the extent authorized by that section and other applicable law.
3. To the extent the City is a specified municipality under Utah Code § 10-21-304, detached accessory dwelling units shall be allowed beginning on the effective date of that section on any lot or parcel that is 11,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel. Detached accessory dwelling units shall be regulated only to the extent authorized by Utah Code § 10-21-304 and other applicable law.
4. Nothing in this chapter shall be interpreted to authorize an accessory dwelling unit on a lot, parcel, or in a zoning district where state law does not require the City to allow the accessory dwelling unit, unless the City Council expressly adopts a broader allowance by ordinance.
5. Nothing in this chapter supersedes prohibitions or restrictions on detached accessory dwelling units contained in a development agreement signed by the City on or before May 6, 2026, to the extent protected by Utah Code § 10-21-304 or other applicable law.

Sec. 108-19-3. Definitions

1. "Accessory dwelling unit" or "ADU" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot or parcel.
2. "Internal accessory dwelling unit" means an accessory dwelling unit created within a primary single-family dwelling in the manner contemplated by Utah Code § 10-9a-530.

3. “Detached accessory dwelling unit” means an accessory dwelling unit detached from a primary single-family dwelling and located on the same lot or parcel as the primary single-family dwelling.
4. “Owner occupied” means that the legal owner of record occupies either the primary dwelling or the accessory dwelling unit as the owner’s principal residence.
5. “Transient lodging use” means occupancy, rental, leasing, licensing, advertising, offering, or operation of a dwelling unit as a hotel, motel, vacation rental, nightly rental, short-term rental, or similar lodging use for a period shorter than the minimum rental term required by this chapter.

Sec. 108-19-4. General Provisions

1. No more than one accessory dwelling unit shall be allowed on any lot or parcel. Detached accessory dwelling units shall be permitted only where state law requires the City to allow them, including any applicable state minimum lot size requirement. Internal accessory dwelling units shall not be subject to a minimum lot size requirement unless expressly authorized by state law.
2. An accessory dwelling unit shall contain sufficient amenities to be definable as a dwelling unit. “Dwelling unit” means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, normally having cooking, living, sanitary, and sleeping facilities.
3. Required parking may be provided on asphalt, concrete, gravel, or other all-weather dust-controlled surfaces suitable for vehicle access, as provided in Table 108-8-2. Notwithstanding Table 108-8-2 or any other provision of this code, the City shall not require more than one on-site parking space assigned to a detached accessory dwelling unit smaller than 650 square feet and shall not require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger.
4. A property containing an accessory dwelling unit shall be owner occupied. The Land Use Authority may approve a temporary absence from the owner-occupancy requirement for military service, religious service, employment assignment, sabbatical, family medical leave, or other comparable temporary circumstances upon written request, provided the owner demonstrates that the property remains the owner’s principal residence and that the accessory dwelling unit will remain in compliance with this chapter. This subsection shall be interpreted and applied consistently with applicable state law governing internal and detached accessory dwelling units.
5. An internal accessory dwelling unit may not be rented, leased, licensed, advertised, offered, or occupied for a period of less than thirty (30) consecutive days.
6. A detached accessory dwelling unit may not be rented, leased, licensed, advertised, offered, or occupied for a period of less than ninety (90) consecutive days.
7. Neither the single-family dwelling unit nor the accessory dwelling unit may be used, advertised, offered, licensed, or operated as a hotel, motel, vacation rental, nightly rental, short-term rental, or other transient lodging use.
8. No accessory dwelling unit may be occupied by more than one tenant household at any one time, except that this subsection does not prohibit lawful occupancy by related persons or by a single housekeeping unit as otherwise allowed by this code.
9. If the property ceases to be owner occupied, the accessory dwelling unit shall no longer be rented or occupied except in compliance with this code and any other applicable City approval process.
10. The City may consider advertisements, listings, booking records, rental agreements, tax records, utility records, inspection records, complaints, sworn statements, or other competent evidence in determining compliance with this chapter.
11. Compliance with this chapter is a continuing condition of the right to maintain and use an accessory dwelling unit.

12. A violation of this chapter constitutes a civil and administrative violation subject to permit suspension or revocation, business license denial or revocation, code enforcement remedies, and any other remedy authorized by this code or applicable law.
13. The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling. Approval is required from the Fire Authority, Addressing Official or similar official, Culinary Water Authority, Sanitary Sewer Authority, Building Official, and any other reviewing authority with jurisdiction over the property or utility service.

Sec. 108-19-5. Standards and Requirements

A. General Standards.

1. If new construction for an accessory dwelling unit is proposed or will occur, the standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.
2. An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone, except where a more specific standard in this chapter applies or where state law requires a different result.
3. An accessory dwelling unit located in a building that is connected to the single-family dwelling only by means of a continuous roofline, such as a breezeway, shall be determined to be part of the single-family dwelling, provided that the distance between them is no greater than fifteen (15) feet.

B. Detached Accessory Dwelling Unit Size, Height, Coverage, and Siting.

4. The livable space of a detached accessory dwelling unit shall not exceed 1,000 square feet and shall not exceed the size of the single-family dwelling located on the same lot or parcel. No separate footprint limitation shall apply, provided lot coverage limits are met. The same requirements shall apply to an internal accessory dwelling that is attached and a part of the single-family dwelling. An internal accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.
5. The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than thirty-five (35) feet or the height of the primary structure, whichever is less. Height shall be measured from the median grade upon which the structure is located to the peak of the roof. For locations with sloping grade, height shall be measured from the midpoint of the slope run to the roof peak. The detached accessory dwelling unit must be fully located within the buildable area.
6. The total area of the footprint of a detached accessory building that houses an accessory dwelling unit, combined with the total area of the footprint of the single-family dwelling, shall not cover more than twenty-five percent (25%) of the total lot area.
7. A detached accessory dwelling unit shall not be located within a public utility easement, irrigation easement, access easement, drainage easement, or other recorded easement unless the easement holder provides written consent and the placement is otherwise lawful.
8. The detached accessory dwelling unit or an attached internal accessory dwelling unit shall be designed consistent with the design of the single family dwelling.
9. Setbacks from property lines for a detached accessory dwelling unit shall be as follows:

ADU Height	Front Setback	Side Setback	Rear Setback
10–15 feet	25 feet	5 feet	10 feet
15–20 feet	25 feet	10 feet	15 feet
20–35 feet	25 feet	15 feet	20 feet

10. Access to the accessory dwelling unit shall be located in a manner that provides safe and functional access and complies with building and fire code requirements. Detached accessory dwelling unit egress shall be oriented to minimize impacts on neighboring properties and shall comply with applicable building and fire code requirements.
11. Windows, balconies, decks, patios, exterior stairs, and exterior entrances for a detached accessory dwelling unit shall be located or treated to reasonably reduce direct views into adjacent residential dwellings and private yard areas. For windows facing and within fifteen (15) feet of a neighboring property line, the City may require one or more objective privacy treatments, including sill-height adjustment, translucent glazing, fixed glazing where permitted by building code, screening, fencing, landscaping, or other equivalent treatment.

C. Conversion of Existing Structures.

1. An existing single-family dwelling unit, lawfully established at least five (5) years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit provided it complies with the standards of this chapter.
2. The owner of a legally constructed accessory structure may apply to convert the accessory structure to a detached accessory dwelling unit. The conversion shall be reviewed as a permitted use if the detached accessory dwelling unit is required to be allowed by Utah Code § 10-21-304. The conversion shall comply with applicable dwelling and accessory structure setback requirements and all applicable building, health, and fire codes. Any expansion, addition, second story, or enlargement of the existing accessory structure shall comply with the setback, height, lot coverage, and other dimensional standards applicable to detached accessory dwelling units.
3. When a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the single-family dwelling that were located within the detached garage shall be replaced on site, subject to the parking limits and requirements of this chapter and applicable state law.

D. Utilities and Capacity.

1. A detached accessory dwelling unit may be denied if the City determines, based on written findings from the applicable utility provider, public works official, sanitary sewer authority, culinary water authority, electrical provider, storm water authority, local health department, or other authority with jurisdiction, that the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water.
2. A detached accessory dwelling unit may be denied if the City determines, based on written findings from the applicable authority, that a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the detached accessory dwelling unit is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.
3. An accessory dwelling unit shall not be approved unless the applicant demonstrates that the accessory dwelling unit has lawful and adequate culinary water, sanitary sewer or septic, electrical, and storm water service. The City may require a will-serve letter, feasibility letter, or written capacity confirmation from the applicable culinary water authority, sanitary sewer authority, local health department, utility provider, or other service provider.
4. For a detached accessory dwelling unit, the City may deny the application if the detached accessory dwelling unit will not have adequate access to a required utility service, including culinary water,

sanitary sewer, electrical, or storm water, or if the applicable utility system does not have sufficient capacity to support the detached accessory dwelling unit.

5. If the applicable culinary water authority determines, pursuant to an adopted and generally applicable water-rights, water-capacity, or water-service policy, that the accessory dwelling unit creates additional culinary water demand requiring additional water rights, water shares, water-interest dedication, or an equivalent lawful fee or charge, the applicant shall satisfy the requirement of the culinary water authority before issuance of a building permit or occupancy approval. Any such requirement shall be imposed only to the extent authorized by applicable law and shall be based on the culinary water authority's adopted methodology, demonstrated demand, and applicable rough-proportionality standards.

E. Ownership.

1. Ownership of an accessory dwelling unit shall not be transferred separately from the single-family dwelling to which it is accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded against title to the lot stating that ownership may not be transferred separately except in these circumstances.

Sec. 108-19-6. Application and Review Procedure

A. Land Use Permit Required.

Approval of an accessory dwelling unit requires a land use permit. For an accessory dwelling unit the City is required by state law to allow, the City shall process the application as a permitted use subject to objective standards and ministerial review. The City shall not require a conditional use permit unless expressly authorized by state law.

B. Application Submittal Requirements.

1. A completed application form signed by the property owner or assigned agent.
2. An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
3. A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, the location of easements, and the location of parking stalls.
4. Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
5. A statement of feasibility, also known as a will-serve letter, from the utilities providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or septic system, the local health department.
6. Written verification on a form approved by the City affirming that the applicant is the owner of the property and has permanent residency in either the primary dwelling or the accessory dwelling unit located on the property where the request is being made, acknowledging the requirements of this chapter, and agreeing to comply with them for so long as the accessory dwelling unit exists or is used.
7. For a detached accessory dwelling unit, evidence that the lot or parcel meets the applicable state-law eligibility requirements, including lot size and single-family dwelling status, unless the City Council has expressly adopted a broader allowance.

C. Recorded Notice.

Before issuance of a land use permit, building permit, or business license for an accessory dwelling unit, the owner shall execute and record with the Weber County Recorder a notice, in a form approved by the City, stating that the property contains or is approved for an accessory dwelling unit; that the accessory dwelling unit may only be used in accordance with this chapter and applicable state law; that owner occupancy is required unless waived by the City as provided herein; that short-term or transient lodging use is prohibited; and that the accessory dwelling unit may not be sold or conveyed separately from the primary dwelling except as part of a lawful subdivision approved under this code.

D. Review Procedure.

1. Upon submittal of a complete accessory dwelling unit application, Planning staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
2. Planning staff will route the application to the local fire authority, the County Building Division, and any other relevant review department, utility provider, or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
3. If the land use permit application complies with relevant land use laws and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
4. If the application does not comply, Planning staff shall notify the applicant using the notification method typical for similar planning correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
5. Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory dwelling unit. The City may combine the land use permit and building permit application process.
6. If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

Sec. 108-19-7. Moderate Income Housing Provision

In accordance with the goals of the general plan and state law, providing tools and methods for the creation of moderate-income housing is necessary in the planning advisory areas of the City. Accessory dwelling units created in accordance with this chapter will assist in providing for this need.

Sec. 108-19-8. Enforcement

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this chapter shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long-term rental of the accessory dwelling unit. The City may also pursue

permit suspension, permit revocation, civil fines, administrative penalties, injunctive relief, or any other remedy authorized by this code or applicable law.