

**MINUTES OF THE HUNTSVILLE TOWN  
PLANNING COMMISSION MEETING**

**MEETING DATE:** July 22nd, 2021

**PLACE:** Electronic Zoom Meeting with anchor location at Town Hall  
7309 East 200 South, Huntsville Utah

**TIME:** 7:00 p.m.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Sandy Hunter	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Excused
Jeff Larsen	Planning Commissioner	Present
Allen Endicott	Planning Commissioner	Present
Steve Songer	Planning Commissioner	Present
Blake Bingham	Town Council Liaison	Excused
Beckki Endicott	Recorder/Clerk	Present
Shannon Smith		
Bill Morris	Town Attorney	Excused

**Citizens: Fred and Bonnie Farr, Via Zoom- Ronald Gault, John Henderson**

1-Roll call: Chairman Allen welcomed all who are attending the meeting.

2-Approval of Minutes for Planning Commission Meeting 6-24-21. (See Attachment #1) PCM  
**Jeff Larsen motioned to approve the amended minutes from June 24th, 2021.** PCM Allen Endicott seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

<b>VOTES:</b>	
<b>AYES:</b>	Chairman Doug Allen Commissioner Allen Edicott Commissioner Steve Songer Commissioner Jeff Larsen
<b>NAYS:</b>	

**7:08 Sandy Hunter entered the meeting**

3- Blakes TC Update: Blake was not present at the meeting

4-Discussion and/or action on Subdivision Application for Lisa Farr Parcel  
Parcel #24-016-0010 (See Attachment #2)

Mr. Farr is present to speak on Lisa Farr's behalf. Beckki commented on the subdivision plot, there are plans for two homes to be built, one on each lot. Chairman Allen clarified on the procedure moving forward, that Lisa Farr will need to get a Land Use Permit and submit plans before and building or work can begin. PCM Allen Endicott specified that the Town's alley ways are not to be used for parking or other things, that they are to remain clear. The PC discussed the

property and alleyways. Chairman Allen mentioned the culinary water connections and was concerned about the accessibility of culinary water that is accessible to both lots. This was noted in the subdivision application. PCM Steve Songer was confident that there was water assess available to both lots in the proposed sub-division. Chairman Allen stated that measurements looked good and the rest of the PC agreed.

**PCM Sandy Hunter motioned to recommend approval of the minor Subdivision for Lisa Farr, Parcel# 24-016-0010, Subject to verifying culinary water availability on the North end of the Parcel.** PCM Jeff Larsen seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

5- Discussion and/or action on Land Use Permit for John Henderson Barn, 134 S. 7500 W. Parcel # 24-013-0009

John Henderson present Via Zoom, John introduced himself to the PC and discussed his plans for the property. Setbacks were discussed. Water, electricity and gas will be run into the barn. The plan is to be able to heat the barn in the winter and have water to wash off vehicles. The existing home will remain and be renovated. The Existing garage will be removed. The proposed barn will be added 30 feet from the home, with a 10-foot setback from the neighbors to the side and at least 30 feet from the neighbors to the back. PCM Allen Endicott questioned where the driveway would be. Mr. Henderson stated that the driveway will be existing, minus the current garage. No asphalt will be placed on the setback, only on the existing driveway to the open area between the new barn and house. The garage doors are planned to face the house. Mr. Henderson is working with Chad to locate and update septic. The proposed septic to go to the right of the new barn. Mr. Henderson plans to start construction on his Pole Barn soon and then move forward with getting approval and building on the new house.

**PMC Allen Endicott motioned to approve the Land Use Permit for John Henderson Barn, 134 S. 7500 W. Parcel # 24-013-0009.** PCM Sandy Hunter seconded the motion. All Votes Aye. Motion Passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Enicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

**PCM Sandy Hunter motions to close regular meeting and open Public Hearing on Ordinance Change 2021-6-24.** PCM Jeff Larsen seconded the motion. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

**6- Public Hearing on Ordinance Change 2021-6-24 \*To include footnote 37 as part C. in Title 15.17.14 (See Attachment #4)**

PCM Sandy Hunter recapped the last discussion on Title 15.17.14 and footnote 37. It was agreed that footnote was important enough to be included or codifying it as part of the code. Ron Gault commented on the wording of proposed Part C. PCM Allen Endicott mentioned striking the structure part of the paragraph. Chairman Allen agreed since this Title is in reference to land/lots. PCM Sandy Hunter asked if there where any further public comments on this issue, there was none.

**PCM Sandy Hunter Motions to Close the Public Hearing and resume regular PC Meeting.** PCM Allen Endicott seconded the motion. All Votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Liz Poulter Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

## Regular PC Meeting Resumed

### 7- Discussion and/or action on Ordinance 2021-6-24 (See Attachment #4)

Chairman Allen referenced the comments on the wording of Part C. regarding “structure”, and if it is relevant to this title. PCM Steve Songer asked for the definition on a non-conforming structure. PCM Sandy Hunter commented that it would be a structure less then 30-feet off a setback from the front, Ron Gault added higher than 35 ft. PCM Sandy Hunter referenced 15.17.5 in reference to non-compliant buildings. Beckki recited the definition of structure from the code and then the definition on non-complying building or structure. PCM Sandy Hunter commented that “non-conforming structure” should be stricken from the ordinance. Other members of the PC agreed to this modification.

**PCM Jeff Larsen motioned to approve the amended Ordinance 2021-6-24 and remove footnote 37.** PCM Steve Songer seconded the motion. Roll Call Vote. All votes Aye. Motion passes. Votes are reflected below.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

8-Public Comment. Beckki commented that house Bill 82 will be in full effect in October. Regarding accessory dwelling units, Adu’s. Beckki has provided the PC a copy of the State Law as well as suggested wording for the PC to review for possible use. In October this law be go into effect and ADU’s will be allowed in any zone. This issue will be added to the PC agenda next month (August). The document presented to the PC was written by the Town Attorney and is being used in some way by other communities.

PCM Sandy Hunter commented on the continued use of Zoom for the PC Meeting. It was voiced that the PC wants to continue to use Zoom during the meetings.

Beckki commented on the upcoming Public Hearing on August 5<sup>th</sup> at the Town Council meeting regarding the Annexation.

9-Chairman's Remarks. Chairman Allen remarked on TCM Blake Bingham's, new assignment with the National Guard. And the unknown situation on his position with the Town Council. Chairman Allen expresses his concern for this situation and for TCM Bingham.

10-Motion to adjourn.

**PCM Allen Endicott made a motion to adjourn the meeting.** PCM Sandy Hunter seconded the motion. All votes Aye. Motion Passes.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Steve Songer Commissioner Jeff Larsen
NAYS:	

**Meeting is adjourned at 8:12 p.m.**

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Shannon Smith, Clerk

# Huntsville Town

## Subdivision Application

Applicant Name: Larel Parkinson  
Applicant Mailing Address: 6688 E 200 N Huntsville UT 84317  
Email: larel@maxwellasphalt.com Phone: 801-791-1113  
Brief Description of Proposed Subdivision: Break a 3/4 acre lot off my current land

Applicant Signature: Larel Parkinson Date: 8/2/21

### Parcel Owner's Permission for Subdivision Application

*The undersigned authorize this application for subdivision:*

Parcel Number(s): 201650002  
Parcel(s) Owner Name: Larel Parkinson  
Parcel(s) Owner Mailing Address: see above  
Email: \_\_\_\_\_ Phone: 801-791-1113  
Parcel Owner Signature: Larel Parkinson Date: 8/2/21  
Title (Authorized Agent): \_\_\_\_\_

*The undersigned authorize this application for subdivision:*

Parcel Number(s): \_\_\_\_\_  
Parcel(s) Owner Name: \_\_\_\_\_  
Parcel(s) Owner Mailing Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Parcel Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Title (Authorized Agent): \_\_\_\_\_

*(For Additional Parcel Owners Use Attached Sheet)*

### For Town Use:

Application Date: 8/11/2021 Fees Paid: \$300 <sup>ok</sup> 834

Beckki Endicott, Town Clerk

**Huntsville Town Planning Commission – Subdivision Preliminary Plan**

- ☒ Recommended for Approval ☐ Recommended for Conditional Approval  
☐ Recommended for Rejection ☐ Deferred

Chair Signature: [Signature] Date: \_\_\_\_\_

Notes/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Huntsville Town Council – Subdivision Preliminary Plan**

- ☐ Approved ☐ Conditional Approval  
☐ Rejected ☐ Deferred

Mayor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Beckki Endicott, Town Recorder Date: \_\_\_\_\_

**Huntsville Town Planning Commission – Final Plat**

- ☐ Recommended for Approval ☐ Recommended for Conditional Approval  
☐ Recommended for Rejection ☐ Deferred

Chair Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Huntsville Town Council – Final Plat**

- ☐ Approved ☐ Conditional Approval  
☐ Rejected ☐ Deferred

Mayor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Beckki Endicott, Town Recorder Date: \_\_\_\_\_

**Huntsville Town Engineer – Final Plat & Final Improvement Plan**

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Conditional Approval |
| <input type="checkbox"/> Rejected | <input type="checkbox"/> Deferred             |

Town Engineer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes/Conditions: \_\_\_\_\_

**Submission Requirements & Process:**

- ☐ Completed & Signed Application Form
- ☐ Payment of Application Fee to Huntsville Town
- ☐ **Subdivision Preliminary Plan** requirements (see Titles 15.25.1 for all requirements):
  - Submit eight (8) copies of the Subdivision Preliminary Plan that includes the following:
    - Drawn to a scale no smaller than 100 feet to an inch.
    - The proposed named of the subdivision.
    - Sufficient information to accurately locate the proposed subdivision, including section corner ties.
    - The name(s) and address(es) of the subdivider, the licensed engineer (if required), and licensed land surveyor.
    - Land ownership of adjacent parcels to the proposed subdivision.
    - The boundary lines of the existing parcel(s) with bearings and distances.
    - The location of existing streets, water courses, irrigation ditches and structures, exceptional topography, easements and buildings within or immediately adjacent to the parcels being subdivided.
    - Existing and proposed septic systems, storm drains, water supply mains, water wells, land drains, and culverts within the parcel and immediately adjacent thereto.
    - North-pointing arrow, scale, and date of drawing creation.
  - A written Statement of Feasibility from the Weber County Health Department or Utah Division of Water Quality which states recommendations regarding sanitary sewage disposal.
  - The Subdivision Application and Subdivision Preliminary Plan must be reviewed by the Huntsville Planning Commission and approved by the Huntsville Town Council.
  - Approval the Subdivision Preliminary Plan by the Huntsville Town Council is valid for eighteen (18) months from the date of approval.
- ☐ **Final Plat** requirements (see Titles 15.25.1.8 for all requirements):
  - Submit four (4) copies of the Final Plat that includes all requirements outlined in Title 15.25.1.8.
  - A Letter of Certification by the subdivider's registered Land Surveyor, indicating that all lots meet the requirements of the Huntsville Town Land Use regulations.
  - The Final Plat must be recorded within eighteen (18) months from the date of approval of the Subdivision Preliminary Plan by the Town Council otherwise the subdivision application is considered void. A Subdivision Application that is considered void will require a new application with the accompanying appropriate fees.
- ☐ **Final Improvement Plan** requirements (see Titles 15.25.1.9 for all requirements):
  - Submit a complete set of Final Improvement Plans to the Huntsville Town Engineer stamped by a Utah Licensed Professional Engineer that includes all requirements outlined in Title 15.25.1.9.
  - Provide copies of utility contracts with applicable companies such as electric, gas, and telephone services.

## ADDITIONAL PARCEL OWNERS

### Parcel Owner's Permission for Subdivision Application

*The undersigned authorize this application for subdivision:*

Parcel Number(s): \_\_\_\_\_

Parcel(s) Owner Name: \_\_\_\_\_

Parcel(s) Owner Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Parcel Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title (Authorized Agent): \_\_\_\_\_

*The undersigned authorize this application for subdivision:*

Parcel Number(s): \_\_\_\_\_

Parcel(s) Owner Name: \_\_\_\_\_

Parcel(s) Owner Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Parcel Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title (Authorized Agent): \_\_\_\_\_

*The undersigned authorize this application for subdivision:*

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Parcel(s) Owner Name: \_\_\_\_\_

Parcel(s) Owner Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Parcel Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title (Authorized Agent): \_\_\_\_\_

*The undersigned authorize this application for subdivision:*

Parcel Number(s): \_\_\_\_\_

Parcel(s) Owner Name: \_\_\_\_\_

Parcel(s) Owner Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Parcel Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title (Authorized Agent): \_\_\_\_\_





PC meeting 8/26/21  
Attachment #3

## LAND USE PERMIT

Huntsville Town Building Inspection  
7309 E. 200 S.  
P.O. Box 267, Huntsville, UT 84317  
(801) 745-3420

Tax ID # 240090032

Address of Structure 523 S. 7700 E.

Name & Address of Owner/Owners David and Pam Lee

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: 8/26/2021

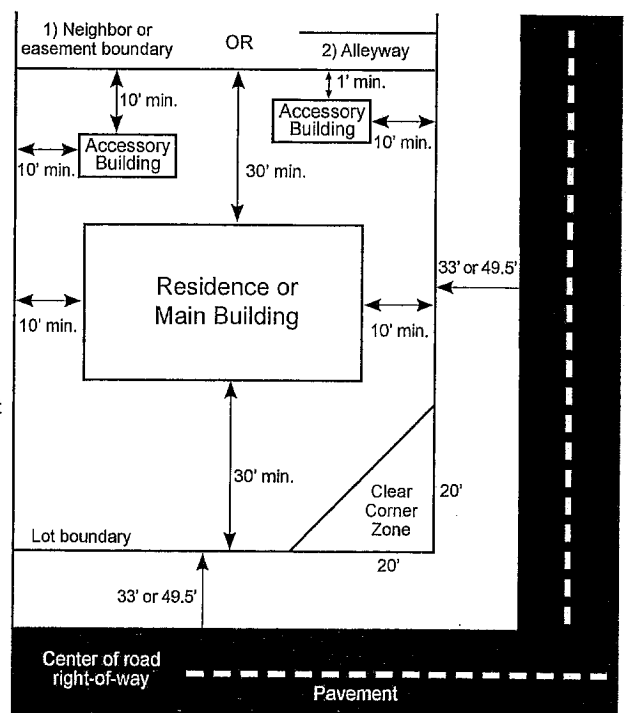
Set Backs Approved: Yes ☒ No ☐

Any special stipulations and conditions of the Site Plan Review: Conditional on site

Plan review and approval from PC chair man

(X) David M. Lee

### Huntsville Town Residential Zone Setbacks



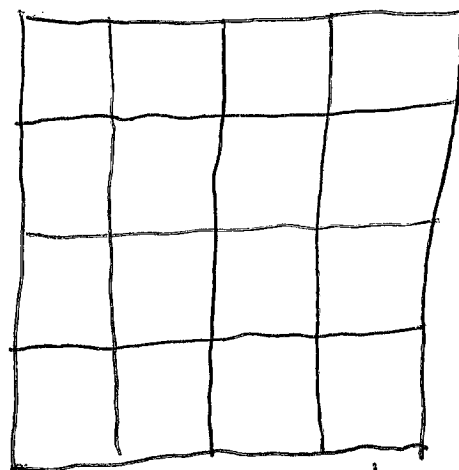
Huntsville Planning Commission Chairman

Property Owner Signature

"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

FOOTINGS PLAN



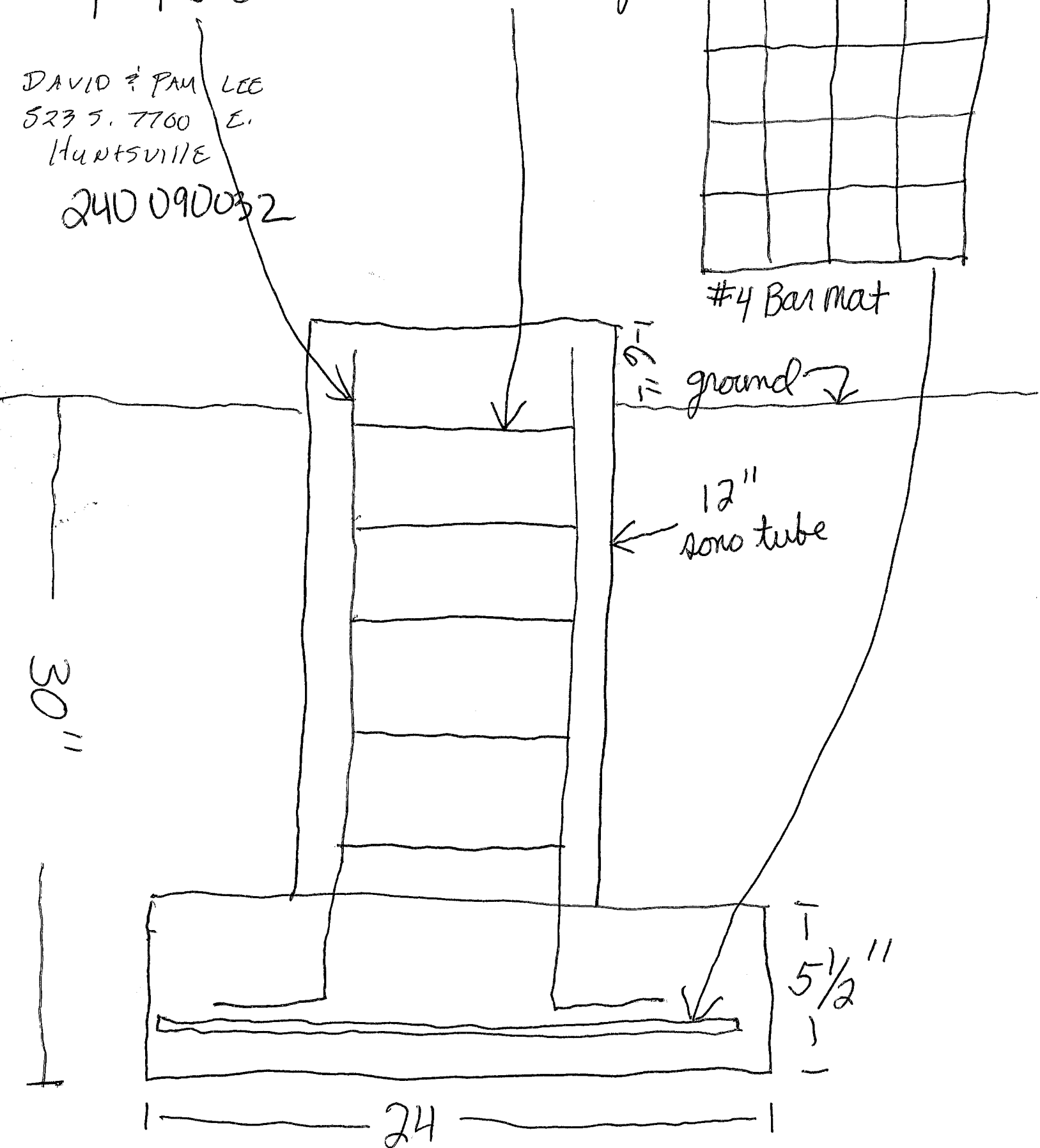
#4 Bar mat

5-#4-8" rings

4-#4 J-Bar

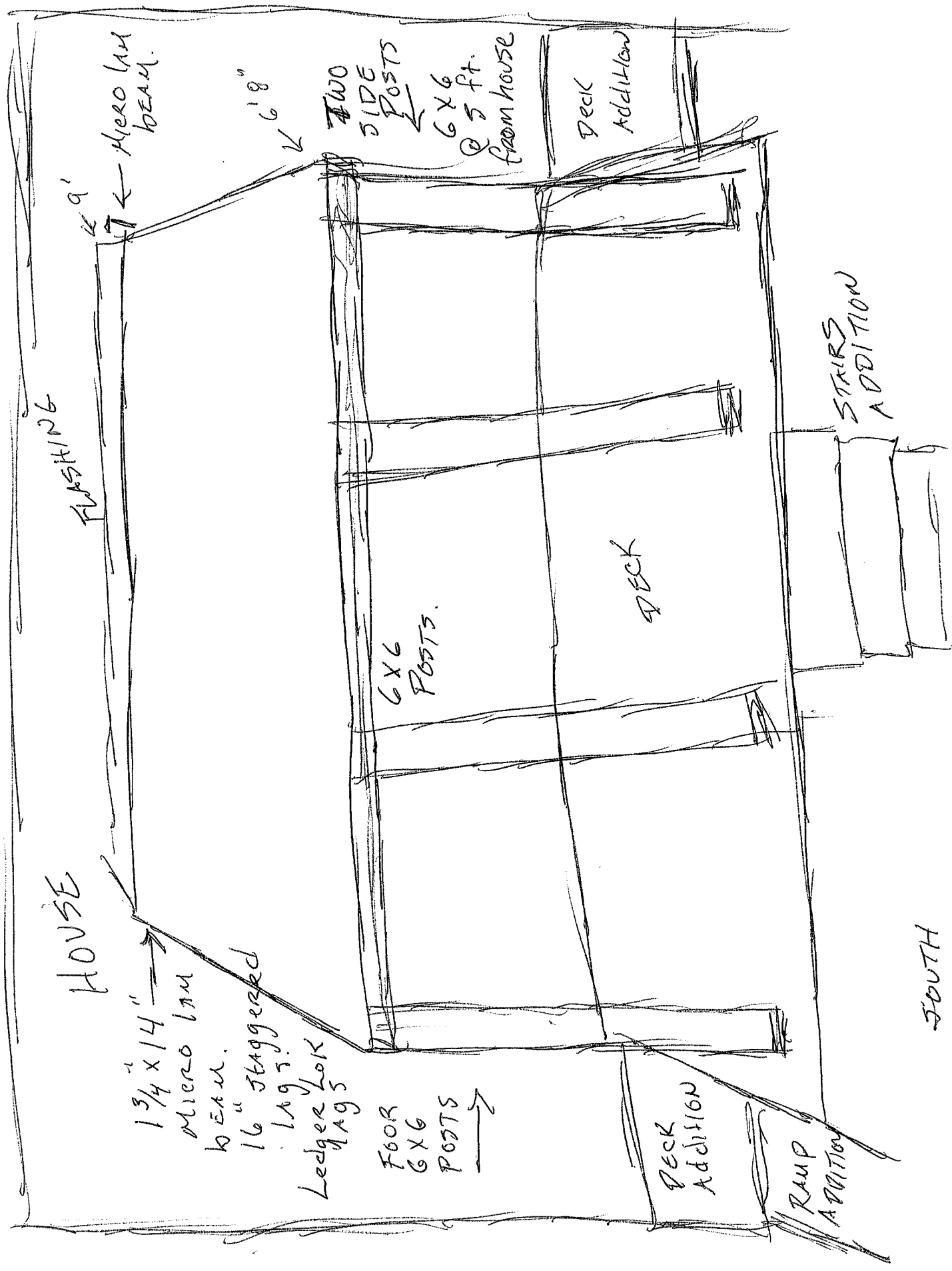
DAVID & PAM LEE  
523 S. 7700 E.  
Huntsville

240 090032



PAVILLION LEAN TO ROOF  
18' X 25'

DAVID & PAM LEE  
323 S. 2700 E  
Huntsville



SOUTH

DAVID & PAM LEE  
523 S. 7700 E.  
Huntsville

SOUTH  
DECK ADDITION

WEST

THREE  
STAIRS  
6" X 6" X 4'

ADDITION  
RAMP  
5' X 9'

ADDITION  
5' X 8'

EXISTING DECK  
10' X 25'

ADDITION  
4' X 20' 4"

20' 4"

EXISTING DECK  
9' 10" X 20' 4"

9' 10"

DECK  
ELEVATION  
18"

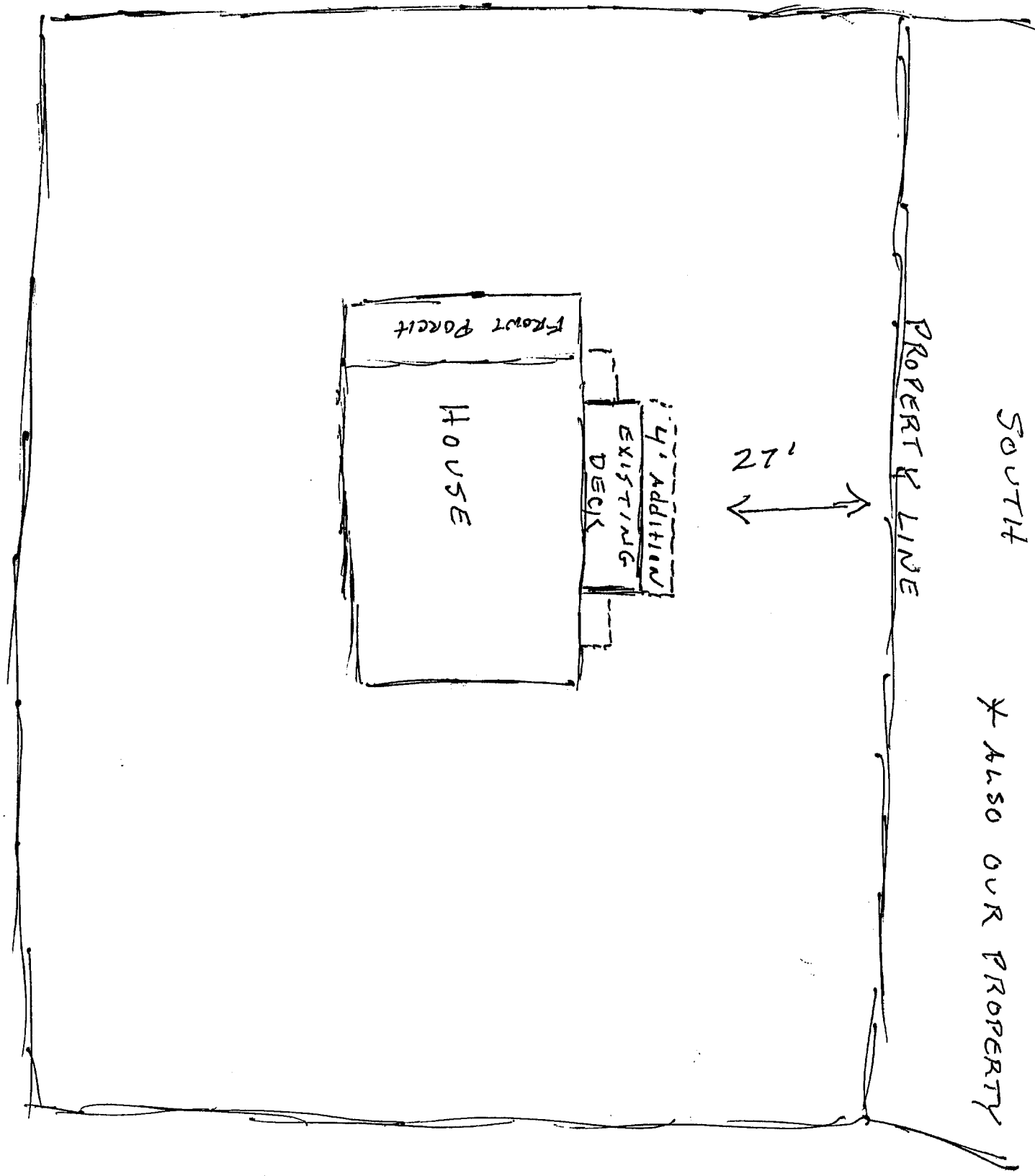
ADDITION  
5' X 9'

FRONT PORCH  
9' X 35' 5"

HOUSE

DAVID & PAM LEE  
SITE DRAWING  
523 S. 7700 E.  
Huntsville

EAST



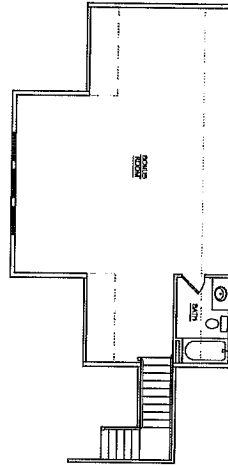
500 S.

CONTRACTOR:

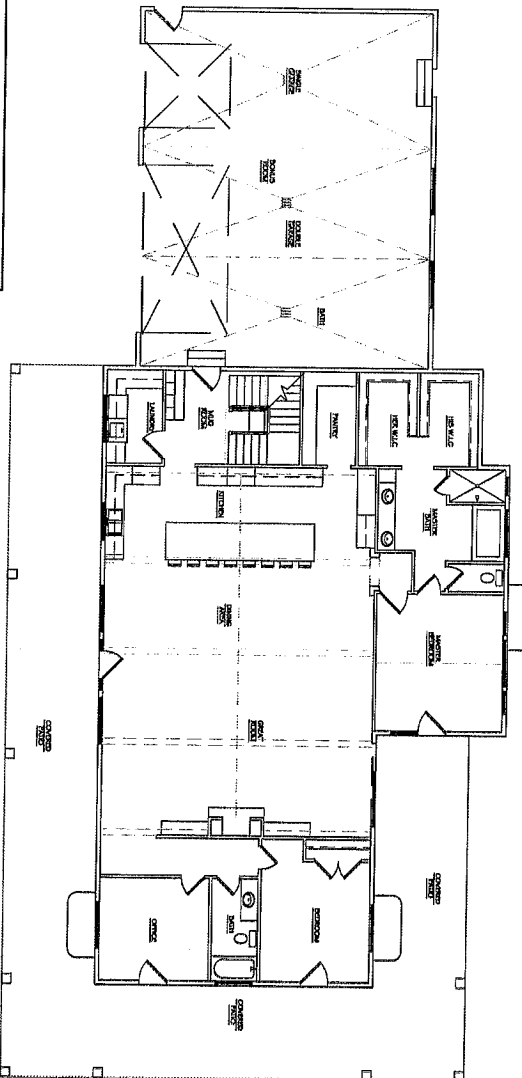
1. COVER
2. NOTES
3. SITE PLAN
4. FRONT & REAR ELEVATIONS
5. SIDE ELEVATIONS

6. TABLE OF CONTENTS
7. FOOTING & FOUNDATION PLAN
8. BASEMENT LEVEL FLOOR PLAN
9. MAIN LEVEL FLOOR PLAN
10. UPPER LEVEL FLOOR PLAN

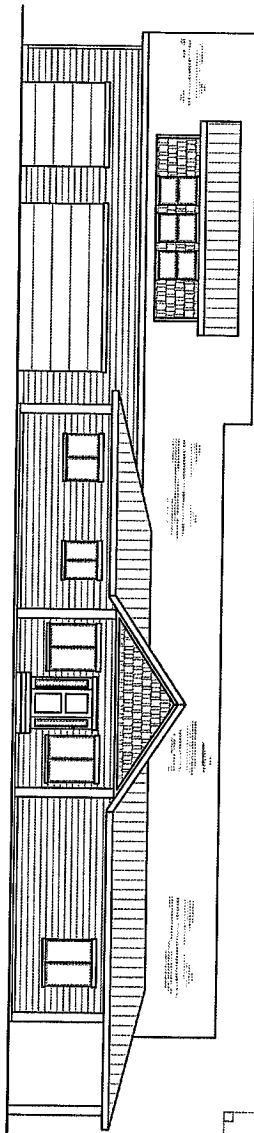
11. UPPER LEVEL FLOOR PLAN
12. ROOF FRAMING PLAN
13. MAIN & UPPER LEVEL HVAC & ELECTRICAL PLAN
14. ENGINEERING SHEET



UPPER FLOOR PLAN



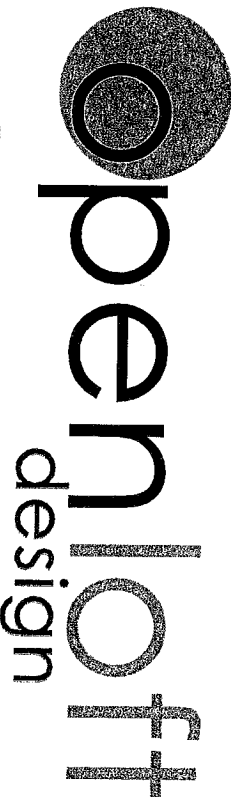
MAIN FLOOR PLAN



FRONT ELEVATION

LOCATION

60 N 7200 E  
WEBER COUNTY, HUNTSVILLE CITY, UT



CUSTOMER:  
JOHN & SHELLEY SILL

THIS SET OF DRAWINGS IS THE PROPERTY OF OPENLOFT DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS SET OF DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF OPENLOFT DESIGN. ANY VIOLATION OF THIS AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. IF THE CUSTOMER WISHES TO REUSE OR REPRODUCE ANY PART OF THIS SET OF DRAWINGS FOR ANY OTHER PROJECT, THEY MUST OBTAIN WRITTEN PERMISSION FROM OPENLOFT DESIGN. ANY SUCH PERMISSION WILL BE GRANTED AT THE DISCRETION OF OPENLOFT DESIGN AND WILL BE SUBJECT TO A SEPARATE AGREEMENT AND FEE. ANY SUCH PERMISSION WILL BE GRANTED ON A NON-EXCLUSIVE BASIS. ANY SUCH PERMISSION WILL BE VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF GRANTING. ANY SUCH PERMISSION WILL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE SEPARATE AGREEMENT AND FEE. ANY SUCH PERMISSION WILL BE SUBJECT TO THE DISCRETION OF OPENLOFT DESIGN.

Drawn by: T. Sill	138281
Check by: T. Sill	138281
Scale: 1/8" = 1'-0"	1 of 14
Rev: 2015	

**Effective 10/1/2021****10-9a-530 Internal accessory dwelling units.**

- (1) As used in this section:
- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
    - (i) within a primary dwelling;
    - (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
    - (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
  - (b) "Primary dwelling" means a single-family dwelling that:
    - (i) is detached; and
    - (ii) is occupied as the primary residence of the owner of record.
- (2) In any area zoned primarily for residential use:
- (a) the use of an internal accessory dwelling unit is a permitted use; and
  - (b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
    - (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
    - (ii) total lot size; or
    - (iii) street frontage.
- (3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
- ~~(4) A municipality may:~~
- ~~(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;~~
  - ~~(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;~~
  - ~~(c) require a primary dwelling:~~
    - ~~(i) to include one additional on-site parking space for an internal accessory dwelling unit, regardless of whether the primary dwelling is existing or new construction; and~~
    - ~~(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport;~~
  - ~~(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;~~
  - ~~(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;~~
  - ~~(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:~~
    - ~~(i) 25% or less of the total area in the municipality that is zoned primarily for residential use; or~~
    - ~~(ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;~~
  - ~~(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;~~
  - ~~(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;~~
  - ~~(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;~~
  - ~~(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;~~

(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and

(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

(5)

(a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:

a. (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);

b. (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(iv) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the municipal office where the owner may file the written objection;

(v) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(vi) be posted on the property.

(c) The written notice of lien shall:

(i) comply with the requirements of Section 38-12-102;

(ii) state that the property is subject to a lien;

(iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(v) be posted on the property.

(d)

(i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and

(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.

(iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).

(6)

(a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection (6)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and

(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

(c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Enacted by Chapter 102, 2021 General Session

Sept - PH

**MARRIOTT-SLATERVILLE CITY  
ORDINANCE NO 2021-05**

**INTERNAL ACCESSORY DWELLING UNIT REGULATIONS**

**AN ORDINANCE OF MARRIOTT-SLATERVILLE CITY, UTAH, ADOPTING  
INTERNAL ACCESSORY DWELLING REGULATIONS IN THE LAND USE  
ORDINANCE TO CONFORM TO STATE LAW; SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace ("City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, the Utah State Legislature has mandated internal accessory dwelling units under limited circumstances;

**WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on \_\_\_\_\_, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to \_\_\_\_\_ this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Washington Terrace as follows:

**Section 1. Repealer.** Any Ordinance that conflict with this Ordinance is repealed.

**Section 2. Amendment.** Section 13.26.360 is hereby adopted to read as follows:

**13.26.360. Internal Accessory Dwelling Units.**

1. Eligibility. In accordance with Utah Code 10-9a-530.1a, an internal Accessory Dwelling Unit (ADU) is eligible for a permit if such ADC is:
  - a. Located in the primary dwelling;
  - b. Placed within the footprint of the primary dwelling as described in state law at the time the ADU created;
  - c. Not used for vacation rental or short-term rental; and,
  - d. Used only for residential long-term rental of thirty (30) consecutive days or longer.
2. Local Requirements. In accordance with Utah Code 10-9a-530-4, the City:
  - a. Does not require the installation of a separate utility meter for an ADU.
  - b. Each ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

- c. The owner of the primary dwelling creating an ADU shall:
  - i. Include one additional parking on-site parking space, regardless of whether the primary dwelling is existing or new construction; and
  - ii. Replace all parking spaces contained within a garage or carport converted to an ADU.
- 3. Limitations. The following limitations apply to the creation or occupancy of any ADU:
  - a. Only one (1) ADU per primary dwelling is permitted consistent with this section.
  - b. No ADU shall be created or occupied within a mobile home as defined under Utah Code 57-16-3.
  - c. No ADU shall be created or occupied without the owner of the primary dwelling obtaining all permits and licenses for the ADU from the City and any other affected entity.
  - ~~d. No ADU will be approved in any agriculture zone.~~
  - e. No ADU will be approved where the primary dwelling is served by a failing septic tank.
  - f. No ADU shall be created or occupied where the primary dwelling is six-thousand (6,000) square feet or less in size.
  - g. No external accessory dwelling unit are allowed. (lot)
  - h. No ADU shall be created or occupied unless the primary dwelling is also used as the owner's primary dwelling.
- 4. Licensing. The owner of any ADU shall obtain a business license in accordance with Title 3 and Chapter 3.15 of the municipal code.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

*Include  
Section 5 f 10*

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) City Hall, 2) Marriott Park, and 3) Slaterville Park on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_