

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE BOULDER TOWN ZONING
ORDINANCE TO ALLOW ACCESSORY DWELLING UNITS (ADU)
AS RENTALS OR AS GUEST HOUSES IN ALL RESIDENTIAL
ZONES**

WHEREAS the Town of Boulder finds it beneficial to diversify the rental housing options available in the town;

WHEREAS lot owners have expressed a desire to, in addition to their Principal Dwelling Unit (PDU), have an ADU in single family residential zones to serve as a rental to generate income, or function as a guest house, help with assisted living, or serve any or all of these purposes at different times of year or in different years;

WHEREAS the town finds it beneficial to allow ADU rentals only when one or the other dwelling on a lot is occupied by the owner as their primary residence;

WHEREAS the town finds it beneficial to allow only one ADU per lot and owners must have a Conditional Use Permit (CUP) to use either dwelling as a rental.

NOW THEREFORE, be it ordained by the Boulder Town Council as follows:

Chapter 6, Section 603 and Section 604, and Chapter 10, of the Boulder Town Zoning Ordinance are hereby amended and supplemented as follows:

1. Chapter 10 is hereby amended and Section 1019 is added as follows:

A. Accessory Dwelling Units Defined: An Accessory Dwelling Unit (ADU) is a second dwelling unit on a single-family legal lot of record that may be used as a guest house or under certain conditions may be rented for periods of 30 consecutive days or longer. ADUs may be attached as part of the Primary Dwelling Unit (PDU) on a lot, or in certain zones may be contained in a separate structure.

B. Allowed Zones: ADUs are allowed in the HDR zone, the MDR zone, the LDR zone and the GMU zone. ADUs are not allowed in the Commercial zone.

C. ADU's for rental purposes: A Conditional Use Permit (CUP) is required and The Boulder Town Planning and Zoning Commission will consider all applications for said conditional use permits and issue the same, where appropriate. A conditional use permit issued under this section is valid for one (1) calendar year, under the following terms and conditions:

1. The Lot must be a primary residence of the Lot Owner;
2. The Owner must occupy either the PDU or the ADU and is responsible for any nuisance created by the tenants, which can constitute grounds for revocation of the CUP;
3. Rental purposes include any occupancy where the Owner is compensated by the occupant for a rental term of 30 days or more;
4. Any applicant shall be limited to one CUP for an ADU under the terms of this Ordinance;
5. Proof of ownership and occupancy shall be part of the CUP application.

D. Standards: ADUs must conform to the following standards:

1. The ADU must contain complete cooking and bathroom facilities that are separate from the facilities located in the main residence.
 - a. The cooking facility in the ADU must contain:
 - i. A sink and water faucet,
 - ii. Capacity for food refrigeration, and
 - iii. A permanent, built-in stove top, range, or other similar device for cooking food.
 - b. The bathroom facility in the ADU must contain:
 - i. A sink and water faucet,
 - ii. A toilet, and
 - iii. A shower or bathtub.
2. The ADU must have a separate entrance from the PDU.
3. Two additional parking spaces must be provided for the ADU.
4. ADUs must meet all applicable health, fire and building codes, including an approved culinary water source and wastewater facilities.
5. ADUs should use the existing septic and drain field on the lot unless Southwest Health Department deems it inadequate.
6. Only one ADU per lot is permitted.

7. The ADU shall be limited in size and proximity to the Principal Dwelling, excepting any structures existing as of the date of this Ordinance, as follows:
 - a. 1,000 sq ft maximum ADU on any 5 acre plus Lot in LDR or GMU zones and located within 100 feet of the Principal Dwelling;
 - b. 800 sq ft maximum ADU on a 2.5 acre minimum lot in MDR zone within 100 feet of the Principal Dwelling;
 - c. 600 sq ft maximum ADU on a 1 acre minimum lot in HDR zone; however, the ADU in a HDR zone must be attached to the Principal Dwelling. The Lot where the ADU is located must be at least 1 acre in size.
8. An ADU may be used as a guest house, family quarters, or non-compensated help with assisted living, in which case none of the restrictions on ADU Rentals found in Section C hereof shall apply.
9. The ADU may not be used as a Residential Short Term Rental or any form of transient lodging and the minimum rental term is 30 days, unless said use is authorized by subsequent ordinance.

(Modified by Ord. # _____, passed _____, 20__.)

2. **Section 603, Table of Uses**, is hereby amended as follows:
(See attached.)

(Modified by Ord. # _____, passed _____, 20__.)

3. **Section 604, Table of Uses**, is hereby amended as follows:
(See attached.)

(Modified by Ord. # _____, passed _____, 20__.)

4. That the town clerk or recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

- A. Cause a copy of this ordinance to be deposited in the office of the town recorder; and
- B. Either:

(1) Cause a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

(2) Cause to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

APPROVED and PASSED this _____ day of _____, 20__.

ATTEST:

BOULDER TOWN

Judi Davis
Boulder Town Clerk

Steve Cox, Mayor

VOTE

_____, Councilperson	_____
_____, Councilperson	_____
_____, Councilperson	_____
_____, Councilperson	_____

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH)
 : ss.
COUNTY OF GARFIELD)

I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

[] (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

Either

[] (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

or

[] (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this ____ day of _____, 20__.

[Seal]

Judi Davis
Boulder Town Clerk

Section 603, Table of Uses is hereby amended as follows:

Use	Zoning District				
	GMU	LDR	MDR	HDR	C
Accessory Dwelling Unit for Employees	C				C
<u>Accessory Dwelling Unit – Rental</u> (Added by the Adoption of Ord. # _____ – passed _____, which amends Chapter 10, by adding Section 1019 as shown above.)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Accessory Dwelling Unit – Guest</u> <u>House/Other (non-rental)</u> (Added by the Adoption of Ord. # _____ – passed _____, which amends Chapter 10, by adding Section 1019 as shown above.)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Accessory Use or					

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Section 604, Use Definitions, is hereby amended as follows:

For the purpose of applying the Table of Uses and rendering other decisions required by this Ordinance, the Uses identified in the Table of Uses (Table 1) are hereby defined as follows:

Accessory Building: A subordinate building detached from, but located on the same lot as the principal use, the use of which is incidental and accessory to that of the principal use. An Accessory Building shall be no larger than 1000 square feet and shall contain no living facilities, including cooking facilities, and shall not be used as a dwelling unit.

Accessory Dwelling Unit for Employees: A Dwelling Unit for an employee of the owner of the principal structure and which is located on the same lot as the principal structure.

Accessory Dwelling Unit – Rental: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used as a rental or as compensation from tenant to Owner pursuant to a CUP, and that meets the criteria found in Ordinance # _____ passed on _____, which amends Chapter 10, by adding Section 1019 as shown above.

Accessory Dwelling Unit – Guest house/other: A Dwelling Unit in a Residential Zone, in addition to the Principal Dwelling Unit, that is used for family, invitees, caretaking and otherwise on a non-compensatory basis from the occupant to the Owner, and that meets the criteria found in Ordinance # _____ passed on _____, which amends Chapter 10 by adding Section 1019 as shown above.

Accessory Use: A use

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