

RESOLUTION #21-47

A RESOLUTION APPROVING A TEMPORARY POLICY FOR THE PROCEDURAL IMPLEMENTATION OF ACCESSORY DWELLING UNIT (ADU) PERMITS.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by enacting land use regulations, among other methods; and

WHEREAS, it is necessary from time to time to amend certain terms of the Draper City Municipal Code to comply with changes in state law; and

WHEREAS, the City Council of Draper City has found good cause to amend the terms and provisions of the Land Use and Development Code and to enact new provisions in response to changes in Utah State Code; and

WHEREAS, the City Council of Draper City did adopt Ordinance #1499 regulating the use of Accessory Dwelling Units (ADUs) within Draper City, and

WHEREAS, Ordinance #1499 requires all property owners of single-family dwellings with an ADU to obtain an ADU permit, and

WHEREAS, Draper City desires to allow for an orderly transition to the new regulations, including but not limited to the requirements that property owners of single-family dwellings with an existing ADU apply for and obtain an ADU permit, or for the abatement and removal of illegally created accessory dwelling units.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Enactment. The temporary policy for the procedural implementation of ADUs as set forth in Exhibit A is hereby enacted.

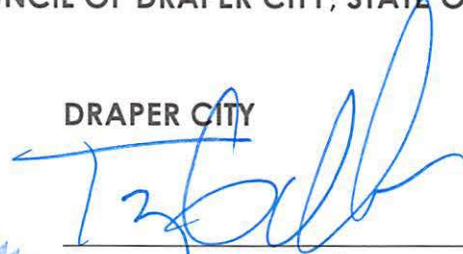
Section 2. Severability Clause. If any part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution and all provisions, clauses and words of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective simultaneously with the effective date of Ordinance #1499.

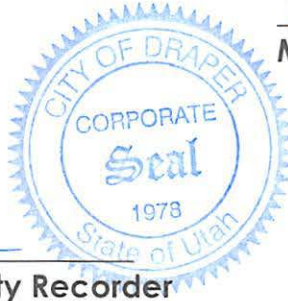
Section 3. Expiration Date. This Resolution shall expire October 1, 2022, or 12 months from the effective date of Ordinance #1499, whichever comes later.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 21ST DAY OF SEPTEMBER, 2021.

DRAPER CITY



Mayor Troy K. Walker



ATTEST:



Laura Oscarson, CMC, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

TEMPORARY POLICY FOR THE PROCEDURAL IMPLEMENTATION OF ACCESSORY DWELLING UNIT (ADU) PERMITS

ADU Permit Procedural Implementation Policy

1. **Application Window:** All property owners, including new property owners, with existing ADU's (legal or not) will be given 4 months from the date of the enactment of Draper City Ordinance #1499 to file a complete application for an ADU permit during which time there will be no enforcement actions taken against any owner or property for not having the required permit.

2. **Effects of not applying:** Property owners with existing ADU's that do not apply within the applicable application window, will not be given the extended grace period detailed in this policy. If a property owner did not apply during the applicable application window and an existing ADU is found to have not been legally established, not be in compliance with ordinance, or not be permitted at the property, the property owner shall be notified of such and will be subject to typical enforcement actions and timeframes from the date of the notice.

3. **Extended grace period:** Property owners that submit a complete application during the 4-month application window, will be extended an 8-month grace period against enforcement actions for non-compliance with required standards. The 8-month grace period begins on the date a complete application for the ADU permit was received. Each ADU application will be reviewed to determine the following:
 - A. **Legal status**
 1. If the ADU was not legally established or is not legal non-conforming, the applicant will be notified that either:
 - a) The ADU was not legally established and is not legal non-conforming, and must comply with current ordinance or be removed; or

- b) The ADU was not legally established and is not legal non-conforming, is prohibited under the current ordinance, and must be removed.
2. If the applicant receives a notice under 3(A)(1)(a), the applicant may be given up to 8 months to bring the ADU into compliance with current ordinances.
3. If the applicant receives a notice under 3(A)(1)(b), the applicant may be given up to 8 months to remove the ADU.
4. Owners of legal non-conforming ADUs will be notified of the non-conforming status and the specific requirements applicable to their ADU. The permit will be processed and issued with the annual renewal date corresponding to the date the permit was issued.
5. Property owners may appeal a decision or provide additional information that might amend or alter a decision regarding the legal status of their ADU.

B. Owner/Resident Occupancy –

1. If the primary dwelling of an ADU is not owner-occupied at the time of application, the owner may be given up to 8 months from the date of notification to:
 - a. Occupy the primary dwelling as a primary residence;
 - b. Convey or sell the property to a grantee that is willing to occupy the primary dwelling as a primary residence;
 - or
 - c. Remove the ADU.
2. If the ADU is internal, and removal of the ADU is the appropriate remedy to mitigate an owner occupancy violation, the applicant/property owner must restore physical passageway connections to the remainder of the single-family dwelling.

C. Compliance with all other requirements –

1. Building permits and/or demolition permits may be required to bring an existing ADU into compliance, to remove an ADU, or to restore the single-family dwelling.
2. Additional information may be requested from the applicant to demonstrate compliance with ordinance requirements.

3. Building, life-safety, and/or zoning inspections may be required, especially in instances where the ADU was created without necessary permits.
4. **Applications to create a new ADU:** Applications for a new ADU will be processed under current ordinances.