

# Accessory Dwelling Unit Code Draft

## Aug 11, 2026

### 10-13-28: ACCESSORY DWELLING UNITS

- A. Purpose:
1. Provide a limited, neighborhood compatible option for additional housing on existing single-family parcels.
  2. Ensure accessory dwelling units remain accessory to and subordinate to the primary dwelling.
  3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
  4. Ensure basic life safety and code compliance through required inspection prior to occupancy.
- B. Intent:
1. This ordinance is intended to create a regulated framework for accessory dwelling units, consistent with River Heights City regulations.
- C. Applicability:
1. An accessory dwelling unit (hereafter "ADU") is allowed only on a residential zoned parcel containing a lawfully existing single-family dwelling.
  2. Only one ADU is allowed per zoning parcel. A single parcel may not contain both an internal accessory dwelling unit (hereafter "IADU") and a detached accessory dwelling unit (hereafter "DADU").
- D. Approval Required:
- A Zoning Clearance Permit is required for construction, conversion, or establishment of an ADU, in addition to any permits required by the Cache County Building Department as well as all fees required by River Heights City.
- E. Owner Occupancy:
1. Shared Ownership Prohibited. The legal owner of a parcel must own the primary dwelling and the ADU located thereon.
  2. Owner Occupancy Required. As to any ADU, the owner of the parcel shall occupy either: the primary dwelling unit or the ADU located on the parcel.
    - a. For the purposes of this Section, "occupy" shall mean that the owner maintains, either the primary dwelling or ADU, as the owner's principal place of residence for a majority of the calendar year.
    - b. If the owner of the parcel is held by a legal entity, at least one individual associated with that entity, including but not limited to a member, manager, trustee, beneficiary, shareholder, partner, officer, director, or other person with an ownership or controlling interest in the entity, shall occupy either the primary dwelling unit or the ADU as such individual's principal place of residence.
    - c. Upon request by the City, documentation reasonably sufficient to establish compliance with this Section, including but not limited to voter registration records, driver license address, utility bills, trust documents, operating agreements, or otherwise shall be provided to the City to satisfy compliance with this Section.

3. Temporary Absence. Owner occupancy may be temporarily waived only upon adequate showing of a qualifying absence under the following:
  - a. Qualifying Reasons. The absence must result from one of the following bona fide circumstances:
    - (1) Military service or deployment;
    - (2) Medical treatment or recuperation for the owner or an immediate family member;
    - (3) Religious or Employment-related relocation, assignment, or sabbatical;
    - (4) Full-time educational enrollment at an accredited institution; or
    - (5) Other extenuating circumstances as approved in writing by the zoning administrator only upon a showing of good cause.
  - b. Required Notice and Application. Prior to the absence, or within thirty days of an unanticipated qualifying event, the owner shall submit a written application to the zoning administrator that includes:
    - (1) Certification that the applicant has, prior to filing, been an owner occupant of the subject property for 24 continuous months.
    - (2) A description of the qualifying reason with supporting documentation;
    - (3) The anticipated start and end dates of the absence;
    - (4) A forwarding address for the owner;
    - (5) The name, address, and phone number of a local responsible agent residing within 30 miles of the property who is authorized to act on the owner's behalf; and
    - (6) The owner's signed attestation of intent to return and resume owner occupancy.
  - c. Duration and Renewal
    - (1) An initial waiver shall not exceed 12 months.
    - (2) The owner may apply for up to two renewals of 12 months each, not to exceed 36 months of cumulative absence.
    - (3) Each renewal application must be submitted at least 30 days before the current waiver period expires and must include updated documentation demonstrating the continued qualifying reason and intent to return.
  - d. Notice of Return Within 30 days of returning to the property, the owner shall provide written notice to the zoning administrator confirming resumption of owner occupancy.
  - e. Revocation The zoning administrator may revoke a waiver if:
    - (1) The owner fails to maintain a current forwarding address or local agent responsible on file;
    - (2) The property is used in a manner inconsistent with applicable zoning or occupancy requirements during the absence;
    - (3) The owner fails to submit a timely renewal application; or
    - (4) Evidence indicates the owner has failed to materially comply or does not intend to return to the property.
  - f. Appeals Any denial or revocation of a waiver may be appealed to the Appeal Authority in accordance with the City Code within 30 days of the decision.
  - g. Violations Failure to comply with any provision of this section shall constitute inter-alia a violation of the owner-occupancy requirement and shall be subject to the penalties and enforcement as set forth in the code.

F. Standards, Conditions, and Requirements:

1. As to All ADUs:

- a. Subordinate Size: Any ADU must be subordinate in size to the primary

- dwelling in accordance with ADU standards herein.
- b. City Standards: The design and size of an ADU shall conform with all applicable City Ordinances and Resolutions.
  - c. Occupancy Limits: Occupancy is limited to two (2) people per bedroom
  - d. Appearance and Neighborhood Compatibility
    - (1) The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
    - (2) Entrances. Any new streetside entrance added to the primary dwelling parcel for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling.
  - e. Parking
    - (1) Parking requirements. Two off-street parking spaces must be provided for any ADU, in addition to any parking requirements required by City Ordinance. Nothing in this Section shall be construed as altering, satisfying, or impacting parking requirements for the primary dwelling as set forth by City Ordinance. Parking must follow Chapter 10-14.
    - (2) Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.
  - f. Utilities
    - (1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.
    - (2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.
    - (3) Owner will be billed for each separate dwelling on the property on one bill.
      - (A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.
      - (B) Sewer: Billed the monthly rate times the number of units.
      - (C) Garbage: Billed for the number of cans on the property.
      - (D) 911 charge: Billed the monthly rate times the number of units.
  - g. Living Space: An ADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.
  - h. Rental Term and Leasing
    - (1) Minimum rental term: An ADU and the primary dwelling may not be rented for periods of less than ninety (90) days.
    - (2) No occupant of an ADU shall be permitted to sublease any portion of the ADU to another individual.
  - i. Addresses:
    - (1) Each ADU shall have a separate and unique address from that of the primary dwelling, as directed by the Post Office.
  - j. Revocation and Enforcement
    - (1) Revocation: ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.
    - (2) Notice and cure: The City shall provide written notice stating the violation and allow fourteen days to cure before revocation, unless an emergency condition exists.
    - (3) Appeal: A decision to revoke may be appealed pursuant to the City's appeal procedures.

2. As to IADUs:
  - a. Appearance and Neighborhood Compatibility. The street view of an IADU shall be substantially similar in design as the street view of the primary dwelling unit, such that the appearance of the property remains that of a single-family residence.
  - b. Entrances:
    - (1) An IADU shall have at least one (1) independent entrance from the primary dwelling.
    - (2) To the extent permitted by the design of the IADU, all entrances for the IADU shall be located in such a manner as to not be visible from the street view.
  - c. Maximum Size. An IADU shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area.
3. As to DADUs:
  - a. Location: A DADU may only be located on a parcel of property exceeding eight thousand (8,000) sq ft as long as setback requirements are met.
  - b. Maximum Size. A DADU may not exceed the lesser of:
    - (1) Forty percent (40%) of the gross floor area of the primary dwelling, excluding any garage area; or
    - (2) 1,200 sq ft; or
    - (3) In the event a DADU is an extension of or part of an accessory building, the DADU portion shall be no more than 1,200 sq ft.
  - c. Setbacks, Height, and Placement
    - (1) Setbacks.
      - (A) Side Yard: DADU building must be located at least ten (10) feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner parcel shall be a minimum of twenty (20) feet.
      - (B) Front Yard: If the DADU is located in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.
      - (C) Rear Yards: Five (5) feet. Corner parcels rearing on the side yard of another parcel, the minimum rear yard shall be ten (10) feet.
      - (D) DADUs are not allowed in any utility easement and shall be located at least five (5) feet from such.
    - (2) Height. The DADU shall not exceed the lesser of:
      1. The height of the primary dwelling; or
      2. Twenty-seven (27) feet or, whatever number is desired; or
      3. If above an accessory building (shop or garage), a maximum of thirty-five (35) feet.
      4. Nothing in this Section shall be construed as altering, changing, permitting, or otherwise any applicable building code.
    - (3) Placement on parcel. The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:
      - (A) Landscape screening
      - (B) Fencing
      - (C) Door placement
      - (D) Access and circulation
      - (E) Outdoor lighting

(F) Snow storage and winter parking needs

(4) Window Placement: If any window placement located on a side of a DADU is within fifteen feet (15') of an adjacent dwelling the window shall be fixed (non-operable) and translucent.

d. Sewer: Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.

G. Revocation:

1. The City may suspend or revoke any ADU approval or permit upon determination that an ADU is in violation of this Section, any applicable approval condition, or any applicable code requirement.
2. Upon revocation, an ADU shall be vacated and shall not be occupied until compliance is achieved and approval is reinstated.