

PANGUITCH CITY
ORDINANCE NO. ____

ACCESSORY DWELLING UNIT (ADU) ORDINANCE

**AN ORDINANCE REGULATING THE USE OF ACCESSORY DWELLING UNITS
WITHIN THE INCORPORATED AREAS OF PANGUITCH CITY, STATE OF UTAH.**

WHEREAS, Panguitch City recognizes the need for diverse and affordable housing options to support residents, promote multi-generational living, and address housing shortages in a manner consistent with the rural character of the community; and

WHEREAS, Utah Code (pursuant to Senate Bill 34, 2019) requires municipalities to allow Internal Accessory Dwelling Units (IADUs) in residential zones as permitted uses; and

WHEREAS, Panguitch City seeks to establish clear, simple regulations to facilitate the development of ADUs while ensuring compatibility with existing neighborhoods and compliance with state law;

NOW, THEREFORE, BE IT ORDAINED by the Panguitch City Council as follows:

Section 1: Purpose

The purpose of this ordinance is to allow and regulate Accessory Dwelling Units (ADUs) in Panguitch City to:

1. Increase housing options and affordability.
2. Support multi-generational living and aging-in-place.
3. Promote efficient use of existing residential properties.
4. Preserve the rural character and integrity of neighborhoods.

Section 2: Definitions

1. Accessory Dwelling Unit (ADU): A habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot or parcel.
2. Primary Dwelling Unit: A single-family dwelling unit that is detached and occupied as the primary residence of the owner of record.
3. Owner-Occupant: An individual listed on the recorded deed as an owner of the property who resides in either the primary dwelling or the ADU as their primary residence.

Section 3: Applicability

ADUs shall be permitted in all zoning districts within Panguitch City (Residential, Commercial, and Agricultural zones) where single-family dwellings are allowed, subject to the standards and requirements outlined in this ordinance.

Section 4: Development Standards

1. Number of ADUs: Only 1 ADU shall be permitted per lot or parcel with an existing single-family dwelling. ADUs shall not be permitted on lots or parcels with duplexes or other multi-family dwelling units. Any dwelling unit constructed on a vacant lot shall be deemed the primary single-family dwelling unit until an additional dwelling unit is constructed on the same lot or parcel. At that time, the existing building may be deemed the ADU or the primary building depending on the square footages of each dwelling unit.
2. Types of ADUs:
 - a. Internal ADU (IADU): Located or created within the footprint of the primary dwelling unit (e.g., basement, attic, addition, or converted space).
 - b. Detached ADU: A structure separate from the primary dwelling contained on the same lot or parcel (e.g., a mother-in-law home or above a detached garage).
3. Size:
 - a. Internal ADUs: No maximum size, but shall comply with underlying zoning requirements (e.g., lot/parcel area, lot/parcel coverage, setbacks).
 - b. Detached ADUs: Total living area shall not exceed 1,000 square feet.
4. Lot Size:
 - a. All ADUs shall comply with minimum area of the underlying zoning district.
5. Setbacks:
 - a. General: Stairways, balconies, landings, covered patios, and any other element of the ADU shall not encroach into the minimum setback.
 - b. Internal ADUs: Shall comply with the minimum setbacks for single-family dwellings of the underlying zoning district.
 - c. Detached ADUs: Shall meet the following setbacks:

Minimum Setback	Distance
Front	25 feet
Side	10 feet
Rear	10 feet
From Primary Dwelling/Other Structures	10 feet

6. Height:
 - a. Detached ADUs: Maximum height of 2 stories or 35 feet.
7. Parking:
 - a. A minimum of 1 off-street parking space shall be required for the ADU, in addition to parking required for the primary dwelling. Existing driveways or shared parking areas may be used if compliant with zoning standards.
8. Appearance:
 - a. The ADU shall maintain the single-family character of the property. External entrances to internal ADUs shall be located on the side or rear of the primary dwelling. Only one front entrance shall be visible from the street.
 - b. Detached ADUs shall be architecturally compatible with the primary dwelling (e.g., similar materials, colors, or design).
9. Utilities:
 - a. ADUs may share utility connections with the primary dwelling or have separate meters, subject to approval by Panguitch City and applicable utility providers.
 - b. All utility connections shall comply with state and local building codes.

Section 5: Occupancy and Rental Restrictions

1. Owner-Occupancy: The property owner shall reside in either the primary dwelling or the ADU as their primary residence, except in cases of temporary absence (e.g., vacation, medical leave, work, etc.) not exceeding 1 year.
2. Rental Restrictions:
 - a. ADUs shall be permitted for long-term rental use (greater than 30 days).
 - b. The use of ADUs as a short-term rental (30 days or less) shall be a conditional use and shall comply with the Panguitch City Short-Term Rental (STR) Ordinance.

Section 6: Permitting and Approval Process

1. Application:
 - a. ADU project approval forms shall be submitted to Panguitch City and shall include a site plan, building plans, and approved utility connections.
 - b. Applications for internal and detached ADUs for long-term occupancy (more than 30 days) are permitted uses and require only a building permit, provided all standards are met.
 - c. Applications for internal and detached ADUs for short-term occupancy (30 days or less) shall require an approved short-term rental permit from Panguitch City.

2. Review Process:

- a. Panguitch City shall complete the initial review of a complete ADU project approval application within 14 business days.

3. Building Codes:

- a. New ADUs shall comply with current building codes adopted by Panguitch City.
- b. Existing structures converted to ADUs shall comply with building codes in effect at the time of original construction, with any necessary upgrades for safety as determined by the Building Official.

4. Fees:

- a. Standard permitting and review fees shall apply as outlined in the Panguitch City Fee Resolution.

Section 7: Compliance with State Law

This ordinance complies with Utah Code, including Senate Bill 34 (2019), which mandates that internal and attached ADUs be permitted uses in residential zones. Any conflicts between this ordinance and state law shall be resolved in favor of Utah law.

Section 8: Severability

If any provision of this ordinance is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 9: Effective Date

Passed and adopted by the Panguitch City Council, State of Utah, on this _____ day of _____, 2025.

Mayor, Panguitch City
Kim Soper

ATTEST:

Panguitch City Clerk
Tyrissa Howell