

Chapter 10

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

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10.1.PURPOSE.

General evaluation criteria to be utilized in consideration of land use applications include:

- 1. The land use application complies with all applicable provisions of the East Carbon City Land Use Management and Development Code, state and federal law;
- 2. The proposed use is consistent with the East Carbon City General Plan;
- 3. Structures associated with the proposed land use are compatible with surrounding structures in terms of use, scale, mass and circulation patterns;
- 4. The proposed land use is not detrimental to the public health, safety and welfare. Any potential or known detrimental impacts of the proposed land use shall be mitigated through the imposition of

- reasonable conditions placed on the proposed land use;
- 5. Vehicle and pedestrian traffic conditions are not adversely affected by the proposed land use including the existence or need for dedicated turn lanes, pedestrian access and capacity of existing streets;
- 6. Sufficient utility connectivity and capacity are demonstrated and confirmed;
- 7. Sufficient emergency vehicle access to service the proposed land use;
- 8. The location and design of off-street parking is included and the proposed land use is in compliance with off-street parking standards;
- 9. Fencing, screening and landscaping to separate the proposed land use from adjoining land uses and mitigate potential conflicts in uses is considered;
- 10. Exterior lighting complies with adopted lighting standards and mitigates impacts;
- 11. Within and adjoining the site, impacts to aquifers, slopes and flood potential have been mitigated and is appropriate to the topography of the site;
- 12. The land use checklist (See Section m) has been utilized in evaluation of the proposed land use.
- 13. Land Use Checklist:
 - 1. Lighting at the site
 - 2. Fencing at the site
 - 3. Utility connections and capacity at the site
 - 4. Traffic patterns existing and produced
 - 5. Ingress and egress from the site
 - 6. Signage, type, location, style
 - 7. Landscaping

- 8. Parking, on and off-street
- 9. Public infrastructure needed and/or in place
- 10. Need for public infrastructure development agreement
- 11. Need for building permit for renovation or new construction
- 12. State or Federal permits or licenses needed
- 13. Local business license needed or in place and past performance, if applicable
- 14. Storm water management issues
- 15. Geotechnical study needed or issues present
- 16. Building and fire safety issues present
- 17. Environmental impacts and mitigations
- 18. Easements, encroachments or rights-of-way needed, in place or required
- 19. Notification of surrounding property owners of activity at site
- 20. Variances or other adjustments needed or appropriate
- 21. Existing non complying uses and structures

These districts are intended to be primarily residential in character and protected from encroachment by commercial, agricultural and industrial uses. To promote and preserve the keeping of limited numbers of domestic animals, and specific farm animals in limited numbers, and low residential density.

- 1. R-1-10000. This zone covers the portion of the city which is most suited for the development of one-family detached dwellings on individual lots. The zone is characterized by spacious lots,

- uncrowded buildings, attractively landscaped yards and open spaces, and a favorable environment for family life.
- 2. R-1-7500. This zone is characterized by individual dwellings on moderate sized lots, uncrowded dwellings, attractively landscaped yards, open spaces and a favorable environment for family life. This zone is intended to have a density slightly greater than the R-1-10000 zone, but to maintain a residential character comparable to that zone. High density apartment structures, commercial and industrial structures are not permitted within the zone. R-1-6000. To provide areas for medium low-density, single-family residential neighborhoods.
- 3. R-1-6000. This zone is characterized by individual dwellings on smaller lots with attractively landscaped yards and a favorable environment for family life. The zone is intended to have a density slightly greater than the R-1-7500 zone, but maintain a residential character which is comparable to that zone. Multi-family dwellings, commercial and industrial structures are not permitted.
- 4. R-2-7500. This zone covers a portion of the city that is most appropriately suited for medium density residential development and is characterized by a mixture of one, two, and multi-family dwellings. The zone is intended to provide a location for medium density residential development, that also maintains a suitable environment for family life. Retail commercial and industrial activities are not permitted.
- 5. A & G-1. Agricultural and Grazing Zone This zone is most appropriately suited to the raising of agricultural products and the grazing of livestock. The zone consists of tracts of the irrigated cropland and open range surrounding the urbanized portions of the community

10.2. CODES AND SYMBOLS.

In following sections of this chapter, uses of land or buildings which are allowed in various districts are shown as “permitted uses” indicated by a “P” in the appropriate column, or as “conditional uses” indicated by a “C” in the appropriate column. Permitted uses “P” shall require a letter of authorization of the land use to be issued by the East Carbon City Planning Department prior to development, installation or commencement of the land use. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash “- “. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A”. If the

regulation does not apply, it is indicated in the appropriate column by a dash “- “. ADM indicates the assignment of the approval to administration under the direction of the Zoning Administrator.

10.3. USE REGULATIONS.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the rural residential district, single family residential district, or multiple residential districts except as provided in this code. (See chart below)

ZONING DISTRICTS		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
APPLICABILITY						
10.3.1						
10.3.1.1	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
10.3.1.1.1	Residential Accessory Use when no main residential building on subject property	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.1.2	Swimming pool	C	C	C	C	C
10.3.1.3	Accessory buildings and uses customarily incidental to permitted uses and farm uses that may be used for the housing of equipment, supplies, animals, fish or fowl, shall be located at least 10 feet from a dwelling or public street	P	C	C	C	-
10.3.1.4	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.1.4.1	Accessory Dwelling Units (ADU) such as basement apartments, over garage apartments, cottages and other similar secondary residential uses.	C	C	C	C	C
10.3.1.5	Temporary buildings (facilities, dumpsters, storage/shipping containers, etc.) for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work.	C	C	C	C	C
10.3.1.6	Residential sized wind electricity generators, commonly referred to as small wind or micro wind and solar electricity generation installations	C	C	C	C	C
10.3.2						
10.3.2.1	Agriculture including raising limited numbers of animals, or fish; raising of crops, horticulture and gardening. A maximum of two large animals per lot of 1 acre or greater and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals determined by the Planning and Zoning Commission.	P	C	C	C	-

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.2.1.5	Keeping of fowl. No more than 6 fowl on lots less than 20,000 square feet of property. One additional fowl for each additional 2,000 square feet. Subject to the following conditions:	P	C/ADM	C/ADM	C/ADM	C/ADM
	<ul style="list-style-type: none"> a. Chickens and fowl will be confined within a secure, enclosed outdoor area. b. Enclosed area shall include a covered, ventilated, and predator resistant coop for the chickens or fowl. c. Coop shall have a minimum floor area of at least two (2) square feet per fowl. d. If fowl are not allowed to roam within the enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per fowl. e. The coop shall be located in a yard at least ten (10) feet from ANY dwelling located on an adjacent lot. f. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained so as to not to violate the property maintenance code, the municipal code or Utah Code as they relate to noise and smell. g. No fowl shall be permitted to roam outside the coop or enclosed area. h. Feed shall be stored and dispensed in rodent-proof and predator-proof containers i. Fowl shall only be permitted to be placed on single family detached structure lots or parcels. 					
10.3.2.2	Agriculture business or industry	C	C	C	C	C
10.3.2.2.5	Beekeeping and Bee Hives. 1 hive per 4,000 sq. feet. of open lot space; hive must have removable frame; hive must be 15 feet from property line; owner must provide barrier and water at hive; beekeeper must register with Utah Department of Agriculture and Food and provide certificate of compliance including detail on approved species of bee.	C	C	C	C	-
10.3.2.3	Aviary	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.2.4	Child day care, nursery or preschool	C	C	C	C	C
10.3.2.5	Fruit or vegetable stand	C	C	C	C	C
10.3.2.6	Household pets	P	P	P	P	P
10.3.2.7	The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P
10.3.3						
10.3.3.1	Single-family dwelling	P	P	P	P	P
10.3.3.2	Two-family dwelling	C	-	-	-	C
10.3.3.3	Three-family dwelling	C	-	-	-	C
10.3.3.4	Four family dwelling	C	-	-	-	C
10.3.3.5	Multiple-family dwelling	C	-	-	-	C
10.3.3.6	Dormitories	-	-	-	-	C
10.3.3.7	Groups of dwellings (including twin homes, condominiums etc.) when approved as a planned unit development	C	C	C	C	C
10.3.3.8	Large Residential facilities (group homes) for the disabled, elderly and youth rehabilitation, provided they are separated at least 1,260 feet from another similar facility subject to Chapter 8 requirements and 500 ft from any tobacco, alcohol sales or sexually oriented business land use.	P	P	P	P	P
10.3.3.8.5	Small Residential facility for disabled, elderly or youth. Subject to Chapter 8 restrictions, provided they are separated at	P	P	P	P	P

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	least 1,260 feet from another similar facility and 500 ft from any tobacco, alcohol sales or sexually oriented business land use.					
10.3.3.8.5.1	Adult Day Care Facility	C	C	C	C	C
10.3.3.8.5.2	Assisted Living Facility	C	C	C	C	C
10.3.3.8.5.3	Boarding House	C	C	C	C	C
10.3.3.8.5.3.5	Roommates in Single or Multiple Family Structure. Roommates not to exceed safe and sanitary capacity of structure or living quarters, one roommate per bedroom in structure or living quarters. Extra roommates requires ADMIN CUP.	P/ADM	P/ADM	P/ADM	P/ADM	P/ADM
10.3.3.8.5.4	Protective Housing Facility	C	C	C	C	C
10.3.3.8.5.5	Rehabilitation/Treatment Facility	-	-	-	-	C
10.3.3.8.5.6	Transitional Housing Facility	C	C	C	C	C
10.3.3.9	Student housing	-	-	-	-	C
10.3.3.10	Recreation Dwellings	C	C	C	C	C
10.3.3.11	Temporary shipping/storage containers and truck trailers/boxes and other non-permitted storage uses	C	C	C	C	C
10.3.3.12	Temporary street festivals, block parties, events, street markets	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.3.13	Temporary or permanent sidewalk vending operations excluding child lemonade stands	-	-	-	-	-

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.4	Home Operated Business	C	C	C	C	C
10.3.4.1	Home Occupied Business; Office Use Only. Includes independent contractor sales operations (candles; jewelry, etc.)	ADM	ADM	ADM	ADM	ADM
10.3.5	Hospital; medical or dental clinic accessory to a hospital and located on the same or near the premises	-	-	-	-	C
10.3.5.5	Nursing Home	C	C	C	C	C
10.3.5.7	Retirement Home	-	-	-	-	C
10.3.6	Manufactured and Modular home, (single home – various widths); No Mobile Homes. Must be compatible with the neighborhood where placed; front door oriented to frontage and street.	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.7	Manufactured, modular, mobile home parks and subdivisions (See Section 7.5)	C	C	C	C	C
10.3.8	Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C
10.3.9	Private recreational grounds and facilities, not open to the general public, and to which admission charge is made	C	C	C	C	C
10.3.10	Professional offices when harmonious with the general character of the district where	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	located.					
10.3.11	Public and quasi-public buildings and uses (cemeteries, parks, churches, essential service facilities, golf courses, substations or transmission lines 50 kv or greater capacity, recreation facilities, schools, public and private streets, railroad and utility lines, rights-of-way, and parking).	C	C	C	C	C
10.3.11.1	Public, private and quasi public social service providers	-	-	-	-	-
10.3.11.2	Placement of cellular telephone towers: height; design; aesthetic presentation to be directed by Planning Commission	C	C	C	C	C
10.3.12	Land excavations and backfilling for building, foundations, mass grading, 100 year mapped flood plains and new developments.	C	C	C	C	C
10.3.13	Subdivisions	C	C	C	C	C
10.3.13.1	Cluster or conservation subdivision	C	C	C	C	C
10.3.13.2	Traditional Neighborhood Subdivision	C	C	C	C	C
10.3.14	Planned unit developments	C	C	C	C	C
10.3.15	Recreational vehicle storage (parking)	C	C	C	C	C
10.3.16	Removal of Blighted properties and redevelopment activities	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.4.						
10.4.1	The minimum lot area in square feet for all uses and structures in the district regulated by this chapter shall be:	43,560	10000	7500	6000	7500
10.4.1.1	The additional lot area in square feet for each additional dwelling structure shall be:	-	-	-	-	3000
10.5.						
10.5.1	The minimum width in feet for any lot at the building setback line, except as modified by planned unit development, shall be:	200	90	75	50	65
10.6.						
10.6.1	The minimum width of any lot at the street right-of-way line in feet, except as modified by conditional use permit, shall be:	60	45	40	40	45
10.7.						
10.7.1	The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be from the property line or street right of way line to the main foundation wall of the dwelling or building:	25	25	25	25	25
10.7.2	Covered front porches and decks may extend beyond the building foundation wall up to 10 feet providing they are open on at least 3 sides and may not be enclosed	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	by screen or grates.					
10.7.3	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise, they shall be set back the following number of feet from the rear of the main building (minimum):	4	4	4	4	4
10.7.4	On corner lots, main buildings shall have two front yards, one rear yard, and one side yard.	A	A	A	A	A
10.8.						
10.8.1	The minimum depth in feet for the rear yard in the districts regulated by this chapter (see also Section 1.29) shall be:	50	25	15	15	15
10.8.2	Accessory buildings shall have no minimum side or rear setback provided that all drainage from them stays on the lot. If there is less than 10 feet distance to another accessory building on an adjacent lot the construction shall consist of fire resistive materials.	A	A	A	A	A
10.8.3	On corner lots which rear on a side yard of another lot, accessory buildings shall have no minimum setback provided that all drainage from them stays on the lot. If there is less than 10 feet	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	distance to another accessory building on an adjacent lot the construction shall consist of fire resistive materials.					
10.9.						
10.9.1	The minimum side yard in feet for any main building in districts regulated by this chapter shall be:	15	10	6	6	6
10.9.2	The total width of the two required side yards in feet shall be:	30	20	12	12	12
10.9.10	The side yard for a corner lot in feet shall not be less than:	15	10	6	6	6
10.9.11	Carports not wider nor longer than the main building; with the front open and the side and rear sides open at least 50%; not more than 1 story in height; firmly anchored and attached to the main building and constructed of fire-resistant materials; may extend to the property line, with all drainage falling on the property; and there is at least 6 feet distance to the nearest dwelling or accessory building on the adjacent lot.	A	A	A	A	A
10.10.						
10.10.1	The maximum height for all buildings and structures in districts regulated by this chapter shall be 35 feet or 2½ stories or as specifically approved by conditional	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	use permit.					
10.11.						
10.11.1	The maximum coverage in percent for any lot in the districts regulated by this chapter shall be:	20	30	35	35	35
10.12.						
10.12.1	The minimum depth of a lot in feet in districts regulated by this chapter, except as may be modified by conditional use permit, shall be:	150	130	100	95	95
10.13.						
10.13.1	Street grading	A	A	A	A	A
10.13.2	Street base	A	A	A	A	A
10.13.3	Street paving	-	A	A	A	A
10.13.4	Curb and gutter	-	A	A	A	A
10.13.5	Sidewalk	-	A	A	A	A
10.13.5.5	Alleys – maintenance of all public and private alleys is the responsibility of the adjoining, fronting or abutting property owner.	A	A	A	A	A
10.13.6	Surface drainage facilities / flood control	A	A	A	A	A
10.13.7	Wastewater disposal facilities; Sewer	C	A	A	A	A
10.13.8	Culinary water facilities	C	A	A	A	A
10.13.9	Fire fighting facilities; Fire Hydrants	C	A	A	A	A
10.13.10	Street name signs / traffic control	A	A	A	A	A
10.13.11	Street monuments	A	A	A	A	A
10.13.12	Survey monument boxes	A	A	A	A	A
10.13.13	Street lights	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.13.14	Address numbers	C	A	A	A	A
10.13.15	Public utilities (power, natural gas, telephone, cable TV, etc.). Propane tanks prohibited unless specifically approved by Conditional Use Permit in all zones.	C	A	A	A	A
10.13.16	Electric vehicle group charging stations and CNG vehicle refill stations or locations	C	C	C	C	C

10.14. RESIDENTIAL ESTATE DISTRICT, RE.

1. OBJECTIVES AND

CHARACTERISTICS: The objective in establishing the Residential Estate District, RE is to encourage the creation and maintenance of a residential environment within an area which is characterized by large lots (minimum of one acre) on which single family dwellings are situated, surrounded by settings in which the pre-development natural character of the landscape is retained. Native plant species, wildlife habitats, low water consumptive landscapes, minimum vehicular traffic, private lanes connected to public streets, featured or gated entries, building products produced from natural materials, and quiet residential conditions are also characteristic of this zone. While much of this zone is currently devoted to open land uses, it is intended that the land shall be developed into residential uses as the needs arise having characteristics as herein above set forth. The minimum area for a RE District shall be ten (10) acres and contain up to 9 individual building lots plus the public areas, such as roads and

utility rights-of-way. Representative of the uses within the RE District are one family dwellings, caretaker's cottages (not to exceed one per lot), parks and playgrounds. Boarding and lodging houses, two family dwellings, triplexes, apartment houses and other multiple dwellings representative of higher density residential areas are strictly prohibited in this zone. Commercial and industrial uses, to include home occupied businesses, are strictly prohibited. In order to accomplish the objectives and purpose of this ordinance, and to promote the characteristics of this zone the following precise regulations shall apply to the Residential Estate District, RE:

2. PERMITTED USES: The following uses shall be permitted in the Residential Estate District, RE:

- 1. One-family dwellings and accessory buildings and structures; including guest houses (not to exceed 1200 square feet) and subject to the setback requirements of one-family dwellings, private garage and/or barn.**

2. Keeping of animals and fowl, as an accessory use to a single-family dwelling, limited to the following:
 1. Two large animals per 1 acre or larger lot, and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals determined by the Planning and Zoning Commission to be compatible with this zone.
 2. Not more than 6 fowl or rabbits shall be kept on any lot up to ½ acre and one additional per 2000 square feet up to 12 fowl or rabbit's maximum.
 3. Planned Unit Developments approved per this ordinance.
 4. Residential facility for persons with a disability, elderly persons, or youth, not to exceed six (6) residents. Residential facility requirements of Chapter 8 apply.
3. **CONDITIONAL USES:** Fire stations, public facilities, schools may be permitted as a conditional use and shall be considered in the RE residential zone.
4. **AREA REQUIREMENTS:** An area of not less than one (1) acre (43,560 sq. ft) shall be provided and maintained for each dwelling and uses accessory thereto.
5. **WIDTH REQUIREMENTS:** The minimum width of any building site for a dwelling shall be one hundred-fifty (150) linear feet.
6. **BUILDING SETBACK REQUIREMENTS:**
 1. **Side Setback:** A minimum side yard of any building shall be twenty (20) feet, and the total width of the two required side yards shall be not less than forty (40) feet. On corner lots, the side yard which faces on a street, shall be not less than thirty (30) feet for any building.
 2. **Front Setbacks:** The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of twenty (20) feet shall be thirty-five (35) feet. Other private garages and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building.
 3. **Rear Setbacks:** The minimum rear yard for any main building shall be thirty (30) feet.
7. **BUILDING HEIGHT REQUIREMENTS:** The maximum height of any building shall be two (2) stories above ground, not to exceed thirty-five (35) feet.
8. **BUILDING SIZE REQUIREMENTS:** The ground floor area of any one-family main dwelling shall not be less than twelve hundred fifty (1,250) square feet, exclusive of open porches and carports.
9. **SPECIAL PROVISIONS:**
 1. All Special Provisions in R-1 Residential Zone.
 2. Variations from development standards of other residential zones may be permitted by the City Council as part of the approval of this zone. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein.
 3. The minimum area required for Residential Estate District is ten (10) acres.

- 4. All streets within a Residential Estate District shall meet with City Engineering Standards. Streets adjacent to a Residential Estate District and master planned arterial and collectors shall be fully improved with curb, gutter and sidewalk in accordance with City Engineering Standards.
- 5. The Residential Estate District is designed to be in areas where the generally uniform slope is 5% or less and therefore, would not require curb, gutter and sidewalks along public streets. Areas with slopes greater than 5% will be permitted with fully improved streets (curb, gutter and sidewalk) or as a P.U.D. Public Street shall have a minimum of one hard-surfaced sidewalk or footpath per street.
- 6. Areas used for animals shall be maintained so as to conform with health, sanitation, water and drainage requirements or other conditions set forth by the East Carbon City Planning and Zoning Commission and East Carbon City Council.

10. SUPPLEMENTARY DEVELOPMENT STANDARDS: See Chapter 16, Supplementary Development Standards.

10.15. IMPROVEMENTS COMPLETION.

The improvements in sections 10.13 and 10.14 shall be completed and guaranteed through a development agreement or other financial surety for a period of not less than one year from the date of substantial completion. Said improvements installed within the approved public right-of-way, City property and/or easements shall be dedicated to the City for continued ownership, maintenance and operation. Exceptions to the development

agreement shall be indicated in the conditional use permit.

10.16. BUSINESSES PROHIBITED.

- 1. It shall be unlawful for any person, firm or corporation, to establish, conduct, operate or maintain, or cause or permit to be established, operated or maintained within the designated residential district of said City of East Carbon, any brick yard or brick kiln, garage, undertaking parlor, or any other business which may tend to disturb the peace and quiet of the neighborhood, or endanger its health, safety or welfare.
- 2. It shall be unlawful for any person, firm or corporation to establish conduct, operate or maintain or cause or permit to be established, operated or maintained within said residential district or within 1,500 feet of the boundaries thereof, any circuses, carnivals, exhibitions of showmen, transient exhibitions featuring mechanical rides or amusements, traveling shows unless expressly permitted by the City Council upon recommendation of the East Carbon City Planning and Zoning Commission.

10.17. ACCESSORY DWELLINGS.

- 1. PURPOSE. The purpose of this Section is to establish use and development regulations for accessory dwelling units (ADU). These regulations are adopted for the following purposes:
 - 1. To allow City residents to house elderly parents, disabled relatives, and other family members or students under conditions where those family members can enjoy a degree of independence while also having assistance readily available when needed.

- 2. To accommodate such housing in single-family residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.
- 3. To prevent the proliferation of multiple family rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.
- 4. To establish uniform standards for ADUs.

2. **SCOPE.** The requirements of this Section shall apply to any approved ADU within the City. Such requirements shall not be constructed to prohibit or limit other applicable provisions of the Land Use Development and Management Code, and other laws. An ADU that conforms to the development standards of this Code shall be subject to a conditional use permit in all residential zones.

3. **DEVELOPMENT STANDARDS – PERMITTED USE.**

The development standards set forth in this section shall apply to any ADU allowed as a conditional use.

- 1. **Location.** An accessory dwelling unit (ADU) shall be allowed only within an existing lot with a main building or as an attachment to an owner-occupied single-family dwelling. In addition, and ADU shall not be allowed on a lot or parcel which fronts on to a street (whether a public or private street) which has a paved roadway less than 30 feet wide.

- 2. **Number of Accessory Dwelling Units and/or Guest Houses.** A maximum of 1 ADU shall be allowed per legal lot when an occupied single-family dwelling exists. No lot or parcel shall simultaneously include an ADU and a recreation dwelling.
- 3. **Parking.** A single-family dwelling with an ADU shall provide at least 3 off-street parking stalls conforming with the City’s parking standards specified elsewhere in this Code. No more than 2 parking stalls shall be within the side or rear yard setbacks adjacent to a street. No parking for the ADU shall be allowed within the front yard setback area. Parking stalls shall be paved with concrete, masonry, or concrete pavers. Gravel parking stalls or driveways may be allowed at the discretion of the Zoning Administrator, provided that the structure to be used as an ADU was in existence at the time of the adoption of this ordinance, the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance, and the surface is sufficient to allow for access by public safety vehicles.
- 4. **Utility Metering.** Separate utility metering for the ADU shall be allowed and is preferred, and the utility service shall be in the property owner’s name. All utility connection plans for the ADU shall be approved by the Zoning Administrator and the City Engineer.
- 5. **Minimum and Maximum Size of Accessory Dwelling Unit.** An ADU shall not be larger than the single-family dwelling to which it is accessory. An ADU is not subject to

other minimum or maximum square footage requirements; provided that dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities shall comply with applicable provisions of the adopted East Carbon City Building Code Lot coverage may be increased by 10% to accommodate ADU's.

6. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building or other permits as the codes may require.
7. Building Entrances. An ADU that is added onto an existing single-family dwelling or is part of an approved new single-family dwelling shall have a separate entrance, the sole purpose of which, is to provide access to the ADU.
 1. Basement apartments or over garage apartments may be approved with separate entrances by specific approval of the Planning and Zoning Commission and shall be subject to all other requirements of this Code.
8. Architecture. An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single-family dwelling so that the addition

appears to be part of the original building.

9. Access Between Units. An unrestricted passage of at least six feet (6') shall exist between an ADU and the principal single-family dwelling in which it is located. Use of such passage shall not require going out-of-doors, using a key, or passing through a garage or unfinished part of the dwelling.
10. Absentee Owner. The owner of the property shall live on the property in either the main building or the ADU and compensation in the form of rent or rent equivalents may only be collected for either the main building or the ADU but not both.
11. Home Occupied Business. No Home Occupied Business or Office Use Only shall be permitted in a main building or ADU to a main building on the same property.
4. CONDITIONAL USE. No additional dwelling may be created unless a conditional use permit for a second dwelling has been approved in accordance with City regulations regarding the establishment of a second dwelling unit on property and is restricted to only 1 ADU.
5. NOTICE. Upon approval of an accessory dwelling unit permit by the City, the owner of the property where the ADU is located shall execute a notice of accessory dwelling unit approval. Such notice shall define the approved use and any restrictions or conditions of approval. The Property Owner shall record the notice with the County Recorder and provide a copy thereof to East Carbon City.

