

Chapter 15 Supplementary Development Standards

Section 10:15: 1 Purpose

Section 10:15: 2 Lots in Separate Ownership

Section 10:15: 3 Separately Owned Lots: Reduced Yards

Section 10:15: 4 Lot Standards

Section 10:15: 5 Every Dwelling to be on A Lot; Exceptions

Section 10:15: 6 Yard Space for One Building Only

Section 10:15: 7 Sale or Lease of Required Space

Section 10:15: 8 Sale of Lots below Minimum Space Required

Section 10:15: 9 Yards Unobstructed; Exception

Section 10:15:10 Parking Requirements of Private Recreational Vehicles in Residential Zones

Section 10:15:11 Additional Height Allowed

Section 10:15:12 Exceptions to Height Limitations

Section 10:15:13 Minimum Height of Main Building

Section 10:15:14 Requirements for Bed and Breakfast Inn

Section 10:15:15 Utility Requirements

Section 10:15:16 Moving Dwellings

Section 10:15:17 Public Right of Way

Section 10:15:18 Household Pets

Section 10:15:19 Curbs, Gutters and Sidewalks

Section 10:15:20 Dumping or Disposal

Section 10:15:21 Residential Facilities for Persons with a Disability

Section 10:15:22 Residential Facility for Elderly Persons

Section 10:15:23 Accessory Buildings and Accessory Uses General Requirements

Section 10:15:24 Limitations on Height, Size and location of Garages and Other Accessory Buildings in Residential Zones

Section 10:15:25 Smaller Accessory Building Exempt From Building Permit Requirements

Section 10:15:26 Accessory Dwelling Units for an Owner or Employee

Section 10:15:27 Guesthouses or Casitas

Section 10:15:1 PURPOSE:

The purpose of supplementary development standards is to further the purposes of the general plan, this chapter, and all other land use ordinances. Supplementary development standards address the use, location, construction, and operation of particular uses and activities. Compliance with supplementary development standards, as applicable, as well as all other requirements of this title and all other land use ordinances, and all other federal, state and local requirements, are required for any land use application approval required by this title, or any other approval, permit or license required by other land use ordinances.

Section 1015:2 LOTS IN SEPARATE OWNERSHIP

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use of a single-family dwelling on any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership as of July 1, 2005.

Section 10:15:3 SEPARATELY OWNED LOTS REDUCED YARDS:

In any lot under a separate ownership from adjacent lots, and of record as of July 1, 2005, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided, that on interior lots, the smaller of the two (2) yards shall in no case be less than five feet (5') or the larger less than eight feet (8'), and for corner lots the side yard on the side street shall be in no case less than fifteen feet (15') or the other side yard be less than five feet (5').

Section 10:15:4 LOT STANDARDS:

Except as provided above, every lot, existing or intended to be created, shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have its required frontage upon a dedicated public street approved by the town, unless a private street or right of way has been approved by the land use authority.

Section 10:15:5 EVERY DWELLING TO BE ON A LOT; EXCEPTIONS:

Every dwelling structure shall be located and maintained on a separate lot having no less than a minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums and townhouses or other multi-structure dwelling complexes under single ownership and management, which are permitted by this title and have approval from the planning commission, may occupy one lot for such multi-structure complex.

Section 10:15:6 YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building or which is hereinafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

Section 10:15:7 SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building.

Section 10:15:8 SALE OF LOTS BELOW MINIMUM SPACE REQUIRED:

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from the larger parcel of land for the purpose, whether immediate or future, of building or development of a lot, unless approved as a part of a platted and recorded subdivision, and said lot meets all requirements of the subdivision ordinance.

Section 10:15:9 YARD UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features which project into a yard not more than four feet (4') and open fire escapes, fireproof outside stairways and balconies opening from fire towers projecting into a yard not more than four feet (4'). The setback shall be

measured from the property line to the nearest vertical part of construction. This includes supports for carports, covered patios, etc.

Section 10:15:10 PARKING REQUIREMENTS OF PRIVATE RECREATIONAL VEHICLES IN RESIDENTIAL ZONES:

The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment owned by the property owner, may be parked, subject to the following:

- A. Recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles kept in reasonable repair and operable condition, may be located in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard and screened from front yards and streets by a wall, fence, gate, landscaping or other suitable screening material.
- B. A mobile home, travel trailer, recreational vehicle, boat, camping trailer or truck camper may be located in the front yard for the purposes of loading and unloading for a period not to exceed forty eight (48) hours.
- C. A recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer or similar recreational vehicle shall be occupied for a period greater than one hundred twenty (120) days.

Section 10:15:11 ADDITIONAL HEIGHT ALLOWED:

Public and quasi-public buildings, when authorized in a zoning district, may be erected to a height greater than the height allowed by the district subject to conditional use approval of the planning commission and Town Council.

Section 10:15:12 EXCEPTIONS TO HEIGHT LIMITATIONS:

Subject to conditional use approval of the planning commission, and approval of the town council, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

Section 10:15:13 MINIMUM HEIGHT OF MAIN BUILDING:

No dwelling shall be erected to a height of less than one story without approval of the planning commission.

Section 10:15:14 REQUIREMENTS FOR BED AND BREAKFAST INN:

A bed and breakfast inn shall be conducted only in a single-family dwelling and only by the owner of the dwelling that complies with the following requirements:

- A. The single-family dwelling proposed as a bed and breakfast inn shall meet all applicable requirements of this title, other land use ordinances, adopted building code, and health code, as applicable.
- B. The maximum number of guestrooms provided shall not exceed eight (8).
- C. The fire chief shall inspect the premises and be satisfied that the dwelling and premises comply with all applicable fire codes, as adopted.
- D. A hard surfaced off street parking area of one parking space for each guest room, in addition to the parking requirements for the single-family dwelling, shall be provided.
- E. No accessory structure, motor home, travel trailer, boat or similar vehicle or facility shall be used as guestrooms.
- F. Primary access to all guestrooms is provided and allowed through the main entrance of the dwelling.
- G. Bed and Breakfast business shall be subject to applicable transient room taxes.

Section 10:15:15 UTILITY REQUIREMENTS:

- A. In all areas of the town where a building permit is required, connection shall be made to public sewer, water, electrical and telephone services where these services are available. Electric companies shall not provide any electrical connection of any kind until first approved by the building official. All lots shall be served by a water supply approved by the Utah state department of environmental quality, or the southwest public health department in cases of less than fourteen (14) lots, and the town public works department. A waste disposal system approved by the southwest public health

department and the town engineer shall also be approved prior to issuing any building permit.

- B. For all building lots not located in platted and recorded subdivisions, all applicable provisions of Title 11 section 5 of this code, shall apply to those lots and shall be required as a condition of obtaining a building permit and shall include, but not be limited to, the following:
1. Water supply and development.
 2. Street improvements.
 3. Electrical and telephone connections.
 4. Fire hydrants and fire flow.
 5. Traffic control and directional signs.
 6. A site drainage plan.
 7. A "dry" sewer line may be required to be installed from the location of any septic tank proposed to be used, and shall be extended to the front property line for future connection to a sewer system.

Section 10:15:16 MOVING DWELLINGS:

Any dwelling proposed to be moved onto any parcel of land in the town shall meet the following requirements:

- A. All dwellings moved onto sites in the town shall first be granted a conditional use permit as required by this title.
- B. A dwelling proposed to be moved onto a site in the town shall be less than five (5) years of age at the time of moving unless otherwise approved by the planning commission.
- C. A manufactured home shall be identifiable by the manufacturer's data plat bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying that the home was manufactured to HUD standards.
- D. A "stick built" home shall be inspected by the building inspector to determine that it is in compliance with the current edition of the building code or that it is capable of being brought into compliance with said code. Inspection of the dwelling proposed for relocation shall be made prior to planning commission review, and a report shall

be submitted along with the application for a conditional use permit requesting the unit to be moved.

Section 10:15:17 PUBLIC RIGHT OF WAY:

Development of any kind on a public right of way by a utility company or a private property owner shall not be undertaken without first having received approval of construction drawings by the town engineer. Following plan approval, and posting of the required bond amount, the planning commission may issue a permit for construction on the public right of way.

Section 10:15:18 HOUSEHOLD PETS (NONCOMMERCIAL) :

The keeping of household pets for noncommercial purposes shall comply with the following requirements:

- A. All household pets shall be kept in such a manner that they do not disturb the peace, comfort, or health of any person or animal.
- B. Yards, shelters, cages, areas, places, and premises where they are kept shall be maintained so that flies or odors do not disturb the peace, comfort, or health of any person or animal.
- C. The keeping and maintenance of all household pets shall be conducted in compliance with all other requirements of this code, as applicable.

Section 10:15:19 CURBS, GUTTER AND SIDEWALKS:

The installation of curb, gutter and/or sidewalk, of a type approved by the town, may be required on any existing street where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission and town council determines that such installation is in the best interest of the town. Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, and sidewalk is not possible at this time, a letter of non-opposition may be required.

Section 10:15:20 DUMPING OR DISPOSAL:

- A. The use of land for the dumping or disposal of scrap iron, junk, rubbish or other refuse, or of ashes or other industrial waste or byproduct, shall be prohibited in every zoning district unless otherwise provided in this title.

- B. The dumping of dirt, sand, rock, or other material excavated from the earth shall be permitted in any district; provided, that the surface of such dumped material is graded, leaving the ground surface in a condition suitable for other use permitted in the district; and provided further, that such fill does not increase the susceptibility of the ground to erosion, landslide, flooding, or other dangerous condition. Concrete may be dumped as fill in excavations where it will be buried and not remain on the land surface.
- C. No person, firm, or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the town.
- D. No yard or other open space surrounding an existing building in a residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris or junk cars, except as specifically permitted herein or as provided and regulated in any other applicable ordinance.

Section 10:15:21 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY:

- A. Conditions For Permit Issuance: The building department shall grant a permit for the establishment of a residential facility for persons with a disability in any zoning area where residential dwellings are allowed if the applicant certifies compliance with subsections A1, A2 and A3 of this section, and the town building department finds the applicant in compliance with subsections A4, A5 and A6 of this section as follows:
 - 1. The residence conforms to all applicable standards and requirements of the state department of human services and, if applicable, the state department of health.
 - 2. No individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others will be a resident.
 - 3. If the residence is a substance abuse facility located within five hundred feet (500') of a school, the residence provides in accordance with rules established by the department of human services:
 - a. A security plan satisfactory to local law enforcement authorities;
 - b. Twenty four (24) hour supervision of residents; and
 - c. Other twenty four (24) hour security measures.

4. The residence conforms to all state and local building, safety, health and zoning requirements applicable to structures that are not residential facilities for persons with a disability, including the number of unrelated persons allowed in a dwelling in the zone where the residence is located.

5. The residence is of a size, scale and design such that it is in harmony with other residential uses in the vicinity. A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from the zone.

6. The residence is not located closer than one thousand three hundred twenty feet (1,320') (1/4 mile) to any other residential facility for persons with a disability ¹.

B. Transferability; Termination of Permit: Any permit issued pursuant to this section shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for persons with a disability or the structure fails to comply with all building, safety, health and zoning requirements of the town applicable to similar structures.

Section 10:15:22 RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

A. The building department shall grant a permit for the establishment of a residential facility for elderly persons in any zoned area where residential dwellings are permitted, subject to meeting all of the following requirements:

1. The facility must be owned by one of the residents, or be a facility for which the title has been placed in trust for a resident.

2. The residence conforms to all applicable standards and requirements of the state department of human services, and if applicable, the state department of health.

3. The residence conforms to all state and local building, safety, health and zoning requirements applicable to similar structures.

4. The residence is of a size, scale and design such that it is in harmony with other residential uses in the vicinity.

5. There shall be no structural or landscaping requirements that would change the structure's residential character.

6. There must be adequate off street parking.

7. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons.

8. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

9. A residential facility for elderly persons may not operate as a business.

10. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

11. A residential facility must be occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.

B. Any permit issued pursuant to this section shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for the elderly, or the structure fails to comply with all building, safety, health and zoning requirements applicable to similar structures.

C. No facility for the elderly may be located within three-fourths (3/4) of a mile (3,960 feet) from any other residential facility for elderly persons or for persons with a disability.

**Section 10:15:23 ACCESSORY BUILDINGS AND ACCESSORY USES,
GENERAL REQUIREMENTS**

A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.

B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.

C. An accessory garage may be attached to, or detached from, the primary building.

1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.

(a) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply

(b) See also section 10:15:24 of this chapter.

D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.

(a) All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.

(b) No storm water runoff from any accessory building shall be allowed to run onto adjacent property.

(c) See also section 10:15:24 of this chapter.

- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of section 10:15:23.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
- N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.

- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of Section 10:8:2 of chapter 8.

Section 10:15:24 LIMITATIONS ON HEIGHT, SIZES AND LOCATION OF GARAGES AND OTHER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES:

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

A. Maximum Garage Height:

1. No detached garage shall be higher than twenty feet (20'), measured from finish grade to the highest point of its roof, or higher than the highest point of the roof of the primary building, whichever is less. Exception: Detached garages located a minimum of forty feet (40') from the primary building may be twenty feet (20') maximum height regardless of the height of the primary building.
2. No attached garage shall be higher than the primary building.

- B. Number Of Garages: A maximum of one attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit. C. Maximum Accessory Building Height: No accessory building, with the exception of detached garages, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finished grade, unless a higher finished grade is required by the city for proper drainage, in which case, it will be measured from the finished grade.

D. Size, Location and Construction of Attached and Detached Garages and other Accessory Buildings in Residential Zones:

1. The total square footage of any attached garage and non-living space shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure, excluding the attached garage.
2. The total square footage of any detached garage or other accessory building, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the footprint of the primary structure, including the attached garage. Note: Habitable space located in the attic areas of detached garages shall be included in the total square footage.
3. The cumulative total square footage of any attached garage, detached garage and all other accessory buildings, including agricultural use accessory buildings, shall not

be greater than twenty five percent (25%) of the rear yard. For the purposes of this section, the "rear yard" is defined as the area located behind the rear wall line of the primary structure. Note: Habitable space located in the attic areas of detached garages or other accessory buildings shall be included in the total square footage.

4. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.

5. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.

6. No detached garage or other accessory buildings shall be located in any required front yard.

Section 10:15:25 SMALLER ACCESSORY BUILDINGS, EXEMPT FROM BUILDING PERMIT REQUIREMENTS

An accessory building with a maximum height of ten feet (10') and a maximum size less than two hundred (200) square feet shall not require a building permit, provided all setback requirements for the zoning district in which the accessory building is located are met, no portion of the accessory building is within one foot (1') of any property line, and no storm water runoff from the accessory building is allowed to run onto adjacent property. The accessory building shall be painted and maintained to blend in with the primary structure. The total size of multiple structures allowed without building permits shall not exceed one percent (1%) of the lot size. No power or water shall be included in the building.

Section 10:15:26 ACCESSORY DWELLING UNITS FOR AN OWNER OR EMPLOYEE:

- A. An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.
- B. A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.

- D. Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located.
- E. An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee. Unless required by building code.
- F. An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.
- G. The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted building code, as applicable.
- H. The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.
- I. Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.
- J. The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.
- K. As a condition of approval required to establish an accessory dwelling unit for an owner or employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the accessory dwelling unit for an owner or employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit for an owner or employee.

Section 10:15:27 GUESTHOUSES OR CASITAS:

The purpose and intent of requirements for allowing guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.

- B. **Maximum Number:** A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. **Permanent Structure:** A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. **Single-Family Dwelling; Lot:** The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. **Square Footage:** The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. **Setbacks:** All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. **Parking:** All guesthouses or casitas shall provide a minimum of one off street parking space.
- H. **Construction:** The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. **Style, Materials, Colors:** The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. **Height and Size Restrictions:** All guesthouses or casitas shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.
- K. **Occupancy Without Compensation:** Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.
- L. **Owner May Occupy:** The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.

- M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.
- N. Permits Required:
- (a) The use application approval for a guesthouse or casita shall be received before a building permit is issued.
- (b) The commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.
- O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.