



# Mapleton City

## Owner-Occupied Accessory Apartment Application

125 West Community Center Way (400 North), Mapleton, UT 84664

Phone (801) 489-6138

Fax (801) 489-5657

- **IMPORTANT:** Please carefully read this form and provide all the information requested. Incomplete applications will not be processed, and the required approvals will not be given.
- Do not use any portion of the home or property as an accessory apartment, until first approved by the Community Development Department.
- Owner-Occupied Accessory Apartments are approved only for single-family occupancy. Any apartment found to be in violation of Section 18.84.410 (Owner-Occupied Accessory Apartment Ordinance, attached hereto) can be fined a minimum of \$300 per violation.
- Please print or type legibly, and provide the following required information:

### Property and Owner Information

Name of Property Owner(s) as officially recognized by the Utah County Recorder Office:

\_\_\_\_\_

Property Tax ID# \_\_\_\_\_

Property Address: \_\_\_\_\_

### Required Basic Information

Proposed location of the accessory apartment: \_\_\_\_\_

Size of main dwelling unit (home): \_\_\_\_\_ Size of proposed accessory apartment: \_\_\_\_\_

Number of bedroom(s) proposed: \_\_\_\_\_ Current off-street parking spaces on property: \_\_\_\_\_

Number of paved off-street parking spaces proposed (2 minimum): \_\_\_\_\_

### Please indicate the intended use of the accessory apartment:

Family ("Mother-in-Law Apartment")  Rental (unrelated family)  Rental (single individuals)  Other

- ❖ Mapleton City Code restricts family occupancy to three unrelated individuals or a "Family" as defined in the Mapleton City Code.

### Utilities

Do you require a second water meter?  YES  NO

Do you require a separate sewer line?  YES  NO

Do you require a separate electrical meter?  YES  NO

Attached hereto is a copy of Section 18.84.410 of the Mapleton City Code, as well as list of minimum life safety/International-Residential Building Code requirements. Please carefully read these attachments.

I/We \_\_\_\_\_, have read the application, Section 18.84.410, the International-Residential Code improvements list, and have provided all of the required information, and swear under penalty of law that the information provided herein is accurate and true.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

STATE OF UTAH    )  
                          SS.  
COUNTY OF UTAH )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ personally appeared before me, a Notary Public, and identified him/herself/themselves as the signer(s) of the foregoing instrument and who duly acknowledge that he/she/they executed the same.

Signed: \_\_\_\_\_

NOTARY PUBLIC, in and for the County of: \_\_\_\_\_

State of Utah. My Commission Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

**DO NOT WRITE BELOW – OFFICAL USE ONLY**

Current Zone Designation: \_\_\_\_\_ Present Use: \_\_\_\_\_

Parking Spaces & Parking Approved: \_\_\_\_\_ Entrances Approved: \_\_\_\_\_

Connections Approved: \_\_\_\_\_ Secondary Water/Electrical Meter Approved: \_\_\_\_\_

Comments: \_\_\_\_\_

Community Development Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Building Official Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Total Fee Amount: \_\_\_\_\_ Initial Amount Paid: \_\_\_\_\_ Date: \_\_\_\_\_

Monthly Payment Amount (if using the payment option): \_\_\_\_\_

Comments: \_\_\_\_\_

## **18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS:**

A. Purpose And Objective: The purpose and objective of the owner occupied accessory apartment ordinance is to accommodate supplementary living accommodations in some appropriate areas of the community. These provisions are intended to meet community demands for affordable housing and residential accommodations for transient residents and extended family residents with reasonable limitations on their use and impact on neighboring properties and neighborhoods.

B. Exemptions: Except as provided under subsection I of this section regarding a separate dwelling unit, the provisions of this section do not apply if only family members, as defined under section [18.08.145](#) of this title, are residing at the residence.

### C. Limitations On Owner Occupied Accessory Apartments:

1. Use And Location: An owner occupied accessory apartment is a permitted use in all residential zones, unless specifically prohibited by the zone text, under the following conditions:

a. Only one accessory apartment is allowed for a:

(1) Lot or parcel of land; and

(2) Primary dwelling unit;

b. The primary dwelling unit shall be a single-family detached dwelling unit;

c. Either the primary dwelling unit or the accessory apartment shall be occupied by a full time resident property owner as shown on the Utah County tax assessment rolls;

d. The minimum lot size where the primary dwelling unit is located shall not be less than fourteen thousand five hundred (14,500) square feet.

### 2. Parking:

a. A single-family dwelling with an owner occupied accessory apartment shall provide at least two (2) off street parking stalls designated for use by the accessory apartment in addition to the required off street parking required for the single-family dwelling.

b. A designated parking stall may not be located within a garage, unless at least two (2) other parking stalls within a garage are available for the primary dwelling unit.

c. Not more than one of the designated parking stalls may be located within:

(1) The front yard setback; or

(2) Side yard setback that is adjacent to a street.

d. A parking stall designated for use by the accessory apartment under subsection C2a of this section shall be paved or hard surface.

### 3. Utility Charges:

a. A single-family dwelling with an owner occupied accessory apartment shall be charged for the number of actual water connections and sewer connections.

b. All city provided utilities, including sewer, water, and garbage collection shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.

c. In addition to the utilities charged under subsections C3a and C3b of this section, a single-family dwelling with an owner occupied accessory apartment shall be charged the equivalent of one hundred fifty percent (150%) of a monthly sewer connection fee, unless the single-family dwelling is not legally required to connect to the sewer system.

### 4. Minimum Dwelling Unit Size:

a. The size of an accessory apartment shall be at least three hundred (300) square feet and shall not exceed the size of the primary dwelling unit.

b. The primary dwelling unit shall maintain one thousand (1,000) square feet of finished living space separate from the accessory apartment.

c. The provisions of subsections C4a and C4b of this section do not apply to a single-family dwelling unit that existed prior to November 5, 2003, and converts the basement into an owner occupied accessory apartment.

### 5. Apartment Entrances:

a. The design, construction, and appearance of the single-family residence shall be maintained.

b. In accordance with the provisions of subsection C5a of this section, an entrance or exit to or from the apartment shall be:

(1) On the side or rear of the structure; or

(2) Not visible from the street.

- c. The single-family residence shall maintain an internal entrance into the accessory apartment.
- 6. Arrangements: A structure having an accessory dwelling unit under the provisions of this section shall provide separate kitchen, sleeping, and sanitary facilities for the accessory dwelling, that is separate from those provided as part of the primary dwelling unit.
- 7. Detached Buildings:
  - a. One owner occupied accessory apartment may be located within a detached garage or barn if:
    - (1) The lot is located on a parcel of one acre or more unless specifically prohibited by the zone text;
    - (2) The building serves as a function other than a separate dwelling unit; and
    - (3) The property owner resides in either the primary dwelling unit or the accessory apartment.
  - b. The detached garage or barn shall appear as if it was not a separate dwelling unit.
  - c. The size of the accessory apartment shall not exceed fifty percent (50%) of the total size of the garage or barn, and the apartment may not exceed one thousand (1,000) square feet.
  - d. The garage or barn shall be located on the same lot or parcel of property as the primary dwelling unit.

D. Owner Occupied Accessory Apartment Permit:

- 1. A person shall obtain a permit from the city if the person:
  - a. Is constructing or causing the construction of a residence that has an accessory apartment;
  - b. Is remodeling or causing the remodeling of a residence for an accessory apartment; or
  - c. Desires an accessory apartment.
- 2. Before the permit is issued, the applicant shall:

- a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, the location of parking stalls, and utility meters.
  - b. Include detailed floor plans drawn to scale with labels on the primary dwelling unit and the accessory apartment rooms indicating uses or proposed uses.
  - c. Pay fees, including a onetime owner occupied accessory apartment permit fee as established by Mapleton City for an accessory apartment in accordance with Mapleton City's established fee schedule, available at the Mapleton City offices.
3. a. After an owner occupied accessory apartment permit fee has been paid for an accessory apartment use at one location, no owner occupied accessory apartment permit fee will be required for future accessory apartment use of the same building.
  - b. If the proposed accessory apartment is located within a proposed new home, the owner occupied accessory apartment permit fee shall be paid for the new home.
  - c. The planning and zoning director in consultation with the city administrator and city controller, may establish a payment schedule by written agreement for the payment of the owner occupied accessory apartment permit fee for existing accessory apartments under this section.

(1) The agreement shall:

- (A) Allow an applicant up to three (3) years to pay the onetime owner occupied accessory apartment permit fee, without interest charges, in equal payments made on a monthly or annual basis using a payment method specified by the city; and
  - (B) Provide for penalties for late payments consistent with existing city policies.
- d. The owner occupied accessory apartment permit fee for an accessory apartment planned for a new home shall be paid at the time the impact fee is paid for the primary dwelling unit.
4. If the planning and zoning director denies an owner occupied accessory apartment permit, the decision is appealable to the city council. Appeal must be made to the city council within forty five (45) days, or the decision of the planning and zoning director is final.

E. Withdrawal Of Permit:

1. A permit for an accessory apartment may be withdrawn by the city planning and zoning director if:

- a. The conditions upon which the permit has been issued no longer are maintained by the property owner; or
  - b. The property owner applies for a withdrawal which application shall include an affidavit that the property owner is not and will not allow any occupant to use the accessory apartment as a dwelling unit except in accordance with this section.
2. If made under this subsection E, a withdrawal allows the applicant to cancel additional city utility fees required under subsection C3 of this section while the accessory apartment is not occupied.
  3. If the property owner allows the accessory apartment to be occupied as a dwelling unit during the period of a withdrawal under this section, all city utility fees from the date of the withdrawal are immediately due and payable to the city along with ongoing city utility fees required under subsection C3 of this section.
  4. A withdrawal may be canceled under this section if the applicant applies for a new permit, pays an application and inspection fee in accordance with the city fee schedule, and obtains a permit under this section for an owner occupied accessory apartment.
  5. If the planning and zoning director withdraws a permit or denies a new permit, the decision is appealable to the city council. Appeal must be made to the city council within forty five (45) days, or the decision of the planning and zoning director is final.

F. Building Codes: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling, except that it is optional with the property owner whether to provide separate gas, water, and electrical systems.

G. Prior Uses:

1. Owner occupied accessory apartments have not been, prior to November 5, 2003, a legal use of land within Mapleton City.
2. No accessory apartments existing prior to November 5, 2003, shall be "grandfathered", or considered legal solely because they were previously used as an accessory apartment.
3. It is the intent of the city council that all owners of an accessory apartment promptly apply for and, upon compliance with this section, be issued a permit.

H. Addressing: An owner occupied accessory apartment will not be given a new address by the city. Homes with owner occupied accessory apartments can refer to mail to its accessory apartment by the same address as the home and refer to the main address as "A" and the accessory apartment address as "B".

I. Separate Dwelling Units:

1. Except as provided under this section or as specifically provided by ordinance, no other type of apartment is allowed.
2. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, is prohibited unless:
  - a. It meets all of the requirements of this section; and
  - b. An application has been made and a permit issued in accordance with the requirements of this section. (Ord. 2008-14, 8-6-2008, eff. 9-24-2008)