



Lindon City Accessory Apartment Requirements Handbook

This handbook has been produced to outline city requirements regarding accessory apartments. Owner occupied accessory apartments are a legal use in all residential zones within Lindon. This booklet outlines the required steps of those constructing a new apartment as well as those seeking approval for an existing unapproved apartment.

There are three primary steps required to have an apartment approval:

1. Submit building and site plans for staff review (refer to the enclosed list of requirements for accessory apartments),
2. The City completes public noticing requirement. If the public believes that the applicant does not meet the application criteria standards listed in the Lindon City Code Section 17.46.100, they may request a review of your plans by the Planning Commission; however, approval is based solely on whether or not the project meets the requirements and not on the opinions of the neighbors or Planning Commission, and
3. Have an inspection performed by a Lindon City building inspector to verify compliance with building and safety codes.

Assuming the proposed (or existing) apartment meets all zoning and building requirements, the approval process will require about 2-3 weeks from the time you submit your application. If the public requests a planning commission review, an additional 2-3 weeks may be required. For those wishing to bring an existing apartment into compliance with city code, any adjustments required for the property to bring it into compliance should be taken into consideration.

If you have any further questions, don't hesitate to call us at 801-785-7687.

Sincerely,

Lindon City Planning Department Staff

SUMMARY OF ACCESSORY APARTMENT REQUIREMENTS

(Summary of Section 17.46.100) Accessory Apartments – This division established requirements and regulations regarding accessory apartments. It is the intent of the R2 Overlay Zone to allow owner occupied accessory apartments in single family homes where such single family homes were not approved as part of an R2 Overlay project.

1. Accessory Apartment Requirements:

- a. Location.** Accessory apartments shall be allowed only in owner occupied single-family dwellings.
- b. Number of Accessory Apartments.** A maximum number of one (1) accessory apartment shall be allowed in each owner occupied single family dwelling.
- c. Parking.** A single family dwelling with an accessory apartment shall provide at least four total off-street parking stalls (2 for the single-family dwelling and 2 for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the two additional required parking stalls for the accessory apartment unless the garage is sized for more than two vehicles and clear access from the garage parking to the accessory apartment can be maintained. No required parking shall be within the front or street-side yard setback. Tandem (end-to-end) parking in a side-yard may be acceptable for the required accessory apartment parking. Parking areas and driveways shall be provided with a dustless, hard surface material such as concrete, asphalt, compacted gravel, masonry, or concrete pavers. A hard surfaced path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stall.
- d. Utility Meters.** A single-family dwelling with an accessory apartment shall have no more than two (2) meters for each water, gas, and electric utility service and each meter shall be in the property owner's name.
- e. Minimum Size – Maximum Size.** The size of an accessory apartment shall be at least three hundred (300) square feet. An accessory apartment shall not exceed twelve hundred (1200) square feet nor shall it contain more than three (3) bedrooms. In addition, the single-family dwelling shall maintain a minimum of one thousand (1000) square feet of finished living space separate from the accessory apartment.
- f. Building Code.** All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.
- g. Building Entrances.** A new single-family structure approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing the street where the sole purpose of the entrance is to provide access to the accessory apartment. An accessory apartment approved in an existing structure shall use existing entrances on any side of the structure that faces a street. The purpose of this requirement is to preserve the single-family residential appearance of the building.

- h. Attached Apartments.** Accessory Apartment may be created:
 - 1. Over an attached garage (to the main dwelling unit), provided the parking within the garage is not converted.
 - 2. Inside the home through an internal conversion of the housing unit.
 - 3. By an addition to the house, containing an internal connection between the dwelling units, provided that the addition will not alter the single family character of the building.
- i. Garages and accessory buildings** substantially attached to the main dwelling by covered walkways, covered breeze ways, and covered porches may include an accessory apartment when approved by the Planning Commission. In such instances, the garage/accessory building shall not be more than a distance of fifteen feet (15') from the main dwelling unit measured linearly, and any structural alterations or additions shall be consistent with the architecture and décor of the main dwelling unit. This shall be determined by the Planning Commission. The accessory apartment shall be above or behind the garage.
- j. Detached Apartments.** Detached accessory apartments are not permitted. Accessory apartments as part of detached garages and/or outbuildings shall also not be permitted.

- 2. Accessory Apartment Permit.** Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain a permit from the Planning Department. 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 and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
 - b.** Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
 - c.** Pay fees in accordance with adopted fees and charges.
 - i.** Once a permit is received, the City will send notice of the application for an accessory apartment by US Mail to all surrounding property owners within three hundred feet (300'). This Notice will summarize the nature of the request, give the location of the apartment and inform the neighboring property owners that if they feel the permit is not in accordance with Lindon City Code they may request that the accessory apartment application be reviewed by the Planning Commission. Any interested party requesting Planning Commission review shall submit a written request to the Planning Department within fourteen (14) days after the date of the notice received.
 - ii.** Upon submittal to the Planning Department of a written request for Planning Commission review, the Planning Commission shall hear the item at their next regularly scheduled meeting and shall review the request as per section 17.20 – Conditional Uses, of the Lindon City Code.

- 3. Prior Uses.** The Planning and Building Departments will issue a permit for any accessory apartment existing at the time of the adoption of this ordinance if the following conditions are met:

 - a.** The accessory apartment is in compliance with the zoning ordinance, and
 - b.** A building permit was issued when the apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official (CBO) or designee shall inspect the apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued.
- 4. Affidavit Requirements.** It shall be required once an accessory apartment is approved by the Lindon City Planning Department that the owners of any single-family dwelling requesting an accessory apartment sign an affidavit stating that the home containing the accessory apartment will be owner occupied. These affidavits will be recorded at the Utah County Records office. This requirement applies only to an accessory apartment approved after the date of approval of this ordinance.

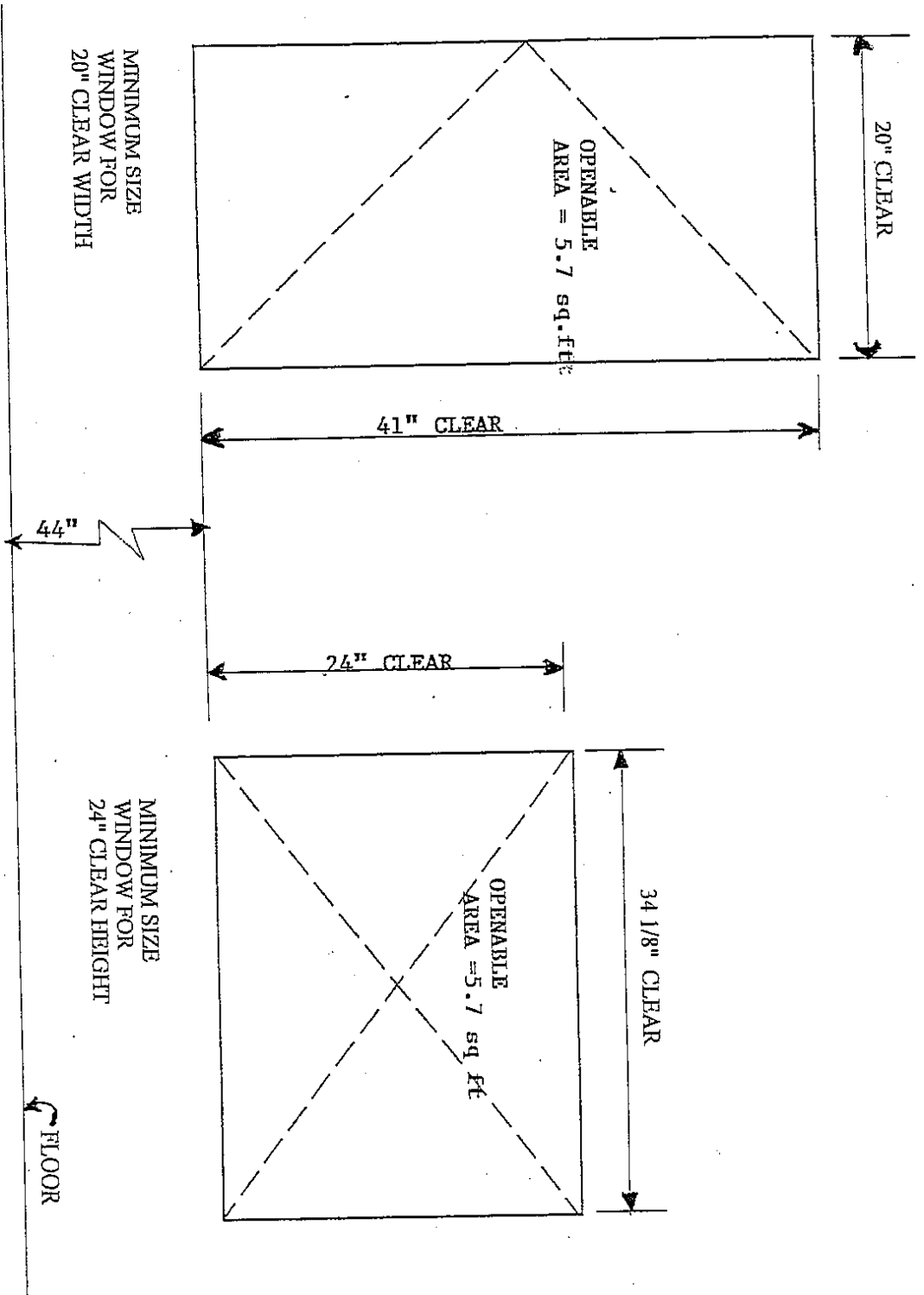
ACCESSORY APARTMENT BUILDING CODE ISSUES

1. Minimum one entrance 3'-0" x 6'-8" door directly exterior.
2. One egress window in each bedroom (see handout).
3. Smoke detectors in each bedroom and hallway leading to bedrooms on each level.
4. Separate electrical panels (breaker panels). Panel must be located in dwelling unit served.
5. Separate heating and cooling systems. Systems **cannot** be shared or common to other units: including cold air returns. Heating and cooling control devices – thermostats - must be located in unit served. Access to maintain equipment must be located in unit served.
6. One-hour fire separation must be maintained between units (side-to-side or any walls or ceilings common with other dwelling units).
 - a. One-hour fire separation can be several options:
 - i. 5/8" type "X" sheetrock on both side of a common wall
 - ii. Double layer 5/8" type "X" on one side
 - iii. One layer 5/8" type "X" sheetrock on ceiling with plywood sub floor insulated above.

NO PENETRATIONS FOR PLUMING OR DUCT WORK ARE ALLOWED BETWEEN UNITS.

*** Insulations for sound control is a good idea but not required by code.***

(Updated 8.15.08)



MINIMUM SIZED RESCUE OR EGRESS
 WINDOWS FROM SLEEPING ROOM

EMERGENCY ESCAPE AND RESCUE WINDOW