

October 3, 2025

This document is being prepared to address the phone calls, text messages, and e-mails the Board received this week over the building of a home at 2413 West Carmel Canyon Drive. (the corner of Carmel Canyon Drive and Cove Drive) as being a “duplex”. Also, the home that was completed around July of 2025 at 2559 West Carmel Canyon Drive was also built under the new law, and has had complaints of the car parking on the street and being a “duplex.”

On May 3, 2023 a state law became effective allowing an ADU (Accessory Dwelling Unit) to be built in any residential zone, which is an ADU created within a primary dwelling. The state Code and the Cedar City ordinances are included for reference after the summary points have been covered.

Summary points

From Utah Code 10-9a-530:

As used in this section:

- * “Internal accessory dwelling unit” means an accessory dwelling unit created:
 1. within a primary dwelling;
 2. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.
 3. for the purpose of offering a long-term rental of 30 consecutive days or longer.
- * “primary dwelling” means a single-family dwelling that:
 1. is occupied as the primary residence of the owner of record.
- * in any area zoned primarily for residential use.
- * a municipality’s regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units.
- * A municipality may:
 1. prohibit the installation of a separate utility meter for an internal accessory dwelling unit.
 2. require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
 3. require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit.

4. prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days.

5. prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence.

Cedar City Ordinances

Section 26-1-4 Definitions

1. Accessory Dwelling Unit-Internal: A unit as defined by UCA 10-9a-530(1)(a) as amended.

2. Family: Family means one or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than (4) unrelated persons living together as a single unit.

3. Duplex: A building of single ownership which is designed for two separate dwelling units. There is one set of utility connections for the building. The dwellings may be separated vertically or horizontally.

4. Dwelling: A building or a portion thereof containing one or more dwelling units exclusively for residential occupancy, but not including hotels, tourist cabins or boarding houses.

5. Dwelling unit: One or more rooms providing complete living facilities, including room or rooms for living, sleeping and eating.

Section 26-III-2 R-1 Residential Zone

Objectives and Characteristics of Zone: The objective in establishing the R-1 Residential Zone is to encourage the creation and maintenance of a residential environment within the City which is characterized by large lots (at least 10,000 square feet) on which single family dwellings are situated, surrounded by well-kept lawns, trees, and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. Representative of the uses within R-1 zone are one-family dwellings, parks, agriculture, playgrounds, schools, churches, and other community facilities designed in harmony with the characteristics of the zone. 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 as are commercial and industrial uses and home occupations are strictly limited. Owners and developers of property are advised that primacy is given in this zone to one-family dwellings situated on lots averaging from ninety (90) to one

hundred (100) feet in width and from ten thousand (10,000) to fifteen thousand (15,000) square feet in area, and property should be developed and maintained in recognition thereof. In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this zone, the following precise regulations shall apply in the R-1 Residential Zone.

Permitted uses: The following uses shall be permitted in the R-1 Residential Zone:

1. Internal Accessory Dwelling Units which have a separate address.
2. Home occupations when approved by the Board of Adjustment.

Section 26-V-2 Required Parking; Residential Uses

1. One unit dwelling per lot: Two (2) parking spaces for each dwelling unit. Tandem parking shall be allowed.
2. Two unit dwelling per lot: Two (2) parking spaces for each unit that contains one or two bedrooms. Units that contain three bedrooms and above: one and one third (1.30) parking stalls for each bedroom. Tandem parking shall be allowed.

REFERENCE

Utah Code

Title 10

Utah Municipal Code

Chapter 9a

Municipal Land Use, Development, and Management Act

Part 5

Land Use Regulations

Section 530

Internal accessory dwelling units.

(Effective 5/3/2023)

Effective 5/3/2023

10-9a-530. Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) (i) "Primary dwelling" means a single-family dwelling that:

(A) is detached; and

(B) is occupied as the primary residence of the owner of record.

(ii) "Primary dwelling" includes a garage if the garage:

(A) is a habitable space; and

(B) is connected to the primary dwelling by a common wall.

(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use;

(b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size;

(iii) street frontage; or

(iv) internal connectivity; and

(c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A municipality may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection [\(4\)\(c\)\(i\)](#); and

(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section [57-16-3](#);

- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;**
 - (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:**

 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:**

 - (A) have a final plat approval dated on or after October 1, 2021; and**
 - (B) comply with applicable land use regulations; or**
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;**
 - (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;**
 - (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;**
 - (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;**
 - (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;**
 - (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and**
 - (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).**
- (5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:**

- (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);*
- (ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);*
- (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);*
- (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);*
- (v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and*
- (vi) the municipality records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.*

Effective 5/5/2021

10-9a-511.5. Changes to dwellings -- Egress windows.

(1) As used in this section:

- (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:**
 - (i) within a primary dwelling;**

Cedar City Ordinances

Section 26-I-4 Definitions

1. Purpose: For the purpose of this ordinance certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular number include the plural and the plural the singular. The word district is synonymous with the word zone. And the word Zoning Administrator synonymous

with the word Building Inspector. Words not included herein, but defined in the Building Code shall be construed as defined therein.

2. Definitions: The following definitions shall apply for this chapter.

1. **Accessory Dwelling Unit – Internal:** A unit as defined by UCA 10-9a-530(1)(a) as amended.
2. **Accessory Dwelling Unit – External:** A unit as defined by UCA 10-9a-530(1)(a) as amended which shall be detached from the primary structure.

60. Family: Family means one or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than four (4) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. "Family" does not exclude the care of foster children. A family may also be defined in the R-2-2, R-3-M and SHD zones as not more than one (1) person per bedroom when the dwelling unit is being used as a long-term rental to unrelated individuals.

50. Duplex: A building of single ownership which is designed for two separate dwelling units. There is one set of utility connections for the building. The dwellings may be separated vertically or horizontally.

51. Dwelling: A building or a portion thereof containing one or more dwelling units exclusively for residential occupancy, but not including hotels, tourist cabins or boarding houses.

52. Dwelling, Single Unit: A building arranged or designed to be occupied by one family, the structure having one dwelling unit.

53. Dwelling, Two-Unit: A building arranged or designed to be occupied by two families, the structure having two dwelling units.

54. Dwelling, Multiple-Unit (3 or more): A building arranged or designed to have three or more dwelling units.

55. Dwelling Group: A group of two or more dwellings, not more than two and one half (2 1/2) stories in height, located on a parcel of land in one ownership and having one yard or court in common. Dwelling groups are regulated as apartments regarding setbacks, parking, fencing, landscaping, etc. yard or court in common. Dwelling groups are regulated as apartments regarding setbacks, parking, fencing, landscaping, etc.

56. Dwelling Unit: One or more rooms providing complete living facilities, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Section 26-III-2 R-1 Residential Zone

B. Permitted Uses: The following uses shall be permitted in the R-1 Residential Zone:

15. Internal Accessory Dwelling Units which have a separate address;
16. External Accessory Dwelling Units with a separate address which are no greater than 800 square feet, encompass no more than 2 bedrooms, and do not exceed one story (16 feet). Units must be located behind the primary dwelling, meet the setbacks of the primary dwelling (not an accessory building) and match the primary dwelling's color and roof design. Parking to the rear of the primary dwelling shall be served by a driveway that is a minimum of 12-feet wide. Parking shall be located behind the front setback. All detached units shall meet the provisions of the currently adopted Building and Fire Codes. Existing guest houses may be converted to an External Accessory Unit subject to the criteria above.

Section 26-III-2 R-1 Residential Zone

1. **Objectives and Characteristics of Zone:** The objective in establishing the R-1 Residential Zone is to encourage the creation and maintenance of a residential environment within the City which is characterized by large lots (at least 10,000 square feet) on which single family dwellings are situated, surrounded by well-kept lawns, trees, and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. Representative of the uses within R-1 zone are one-family dwellings, parks, agriculture, playgrounds, schools, churches, and other community facilities designed in harmony with the characteristics of the zone. 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 as are commercial and industrial uses and home occupations are strictly limited. Owners and developers of property are advised that primacy is given in this zone to one-family dwellings situated on lots averaging from ninety (90) to one hundred (100) feet in width and from ten thousand (10,000) to fifteen thousand (15,000) square feet in area, and property should be developed and maintained in recognition thereof. In order to accomplish the objectives and

purposes of this ordinance, and to promote the characteristics of this zone, the following precise regulations shall apply in the R-1 Residential Zone.

2. Permitted Uses: The following uses shall be permitted in the R-1 Residential Zone:
 1. One-family dwellings and the following accessory buildings and structures; guest house not to exceed 800 square feet and subject to the setbacks of a one-family dwelling, private garage and/or carport for the storage of automobiles owned by persons residing on the premises, greenhouse for private use only, private swimming pools, pergolas, arbors;
 2. Bulletin boards not exceeding eight (8) square feet in area pertaining to the lease or sale of property; also name plates in connection with dwellings not exceeding one and one half (1 1/2) square feet in area and constructed and maintained in harmony with the residential character of the zone.
 3. Fences, walls, and hedges. (See 26-IV-4)
 4. Public schools, public libraries, public recreation buildings and similar public buildings and grounds, churches, but not including temporary revival tents or buildings. Public utility buildings and structures, providing that no storage yard shall be maintained on the premises;
 5. A temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a house development, utilities, or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than two (2) years, at the expiration of which time the said building or yard shall be removed from the premises and said use discontinued;
 6. A temporary office building used as an office in connection with the sale of property within a subdivision under construction provided that the temporary office is located on the same part of land as the subdivision. A permit therefor shall be valid for no more than two (2) years, at the expiration of which time said use shall be discontinued;
 7. Customary household pets, including, but not limited to dogs, cats, and canaries, but not including the breeding of dogs and cats for sale;
 8. Home occupations when approved by the Board of Adjustment;

9. Planned Unit Developments (PUD's) approved per this ordinance;
10. Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
11. Public and private parks, playgrounds, green ways, trails, and open space;
12. Public and private golf courses;
13. Public and private recreation centers;
14. Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations;
15. Internal Accessory Dwelling Units which have a separate address;
16. External Accessory Dwelling Units with a separate address which are no greater than 800 square feet, encompass no more than 2 bedrooms, and do not exceed one story (16 feet). Units must be located behind the primary dwelling, meet the setbacks of the primary dwelling (not an accessory building) and match the primary dwelling's color and roof design. Parking to the rear of the primary dwelling shall be served by a driveway that is a minimum of 12-feet wide. Parking shall be located behind the front setback. All detached units shall meet the provisions of the currently adopted Building and Fire Codes. Existing guest houses may be converted to an External Accessory Unit subject to the criteria above.



Cedar City Building Permit

Application Accepted Date: 07/09/2025

Type of Improvement: Residential

Scope of Work: New construction on residential lot with ADU

Tenant / Project Name: Carmel Canyon Corner

Bldg. Address: 2413 W Carmel Canyon Dr

City: Cedar City State: UT Zip: 84720

Subdivision: Carmel Canyon Phase: 1

Block: Lot #: 11 Parcel ID #: B-1780-0011-0000

Zone: R-1

Property Owner: Bryan and Kassidy Spendlove

Permit Contact: Loren Spendlove P: (435) 233-3059

Email: mh.loren@gmail.com

CONTACT INFORMATION

Engineer of Record: Robert Corry

Email: robert@gemenginc.com P: (435) 867-6478

Design Professional: Bryan Spendlove

Contact Name: Bryan Spendlove P: (435) 233-3059

City: Cedar City State: UT Zip: 84720

Email: mh.loren@gmail.com

General Contractor: Bryan Spendlove

License #: P: (435) 233-3059

Address: 614 South Cove Drive

City: Cedar City State: UT Zip: 84720

Email: mh.loren@gmail.com

Soil Engineer: GEM Engineering

Electrical Contractor: Bryan Spendlove

License #: P: (435) 233-3059

Address: 614 South Cove Drive

City: CEDAR CITY State: UT Zip: 84720

Email: mh.loren@gmail.com

Plumbing Contractor:

License #: P:
City: State: Zip:

Email:

Mechanical Contractor:

License #: P:
City: State: Zip:

Email:

APPLICATION DETAILS

Main Floor: 5052 sq. ft. VB R-3 Residential, one- a.

Second Floor: 964 sq. ft. VB R-3 Residential, one- a.

Garage: 973 sq. ft. VB U Utility, miscellaneous

Other: 311 sq. ft. VB U Utility, miscellaneous

Bedrooms: 7 # Bathrooms: 4 full 1 half

Covered Parking: 2 car and 1 c. # Stories: 2

Fire Sprinkler: No Const. Material: Wood framing, s.

Formulation

	\$	636,303.00
PERMIT FEES		
Building Fee	\$	4,136.16
Eng. Plan Check Fee	\$	0.00
Electrical Fee	\$	432.30
Plumbing Fee	\$	321.45
Mechanical Fee	\$	141.10
State Subtotal	\$	5,031.01
State Fee - 1%	\$	50.31
Subtotal	\$	5,081.32
Water Meter [1"]	\$	629.00
Water Acquisition Fee	\$	9,928.58
Refuse Can	\$	120.00
Water Impact [1"]	\$	3,892.00
Sewer Plant Impact [1"]	\$	957.61
Sewer Collection Impact [1"]	\$	977.39
Drainage Impact	\$	294.00
Police Impact	\$	89.00
Fire Impact	\$	404.00
Parks & Recreation Impact	\$	1,350.00
Transportation Impact	\$	636.00
Sub Total:	\$	24,358.90
Permit Total:	\$	24,358.90
Amount Paid:	\$	0.00
Remaining Due:	\$	24,358.90

APPROVALS

Plan Review Approved:	Yes	DATE	INFO
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Setbacks	Front:	Rear:	Left:	Right:
Min.	25'	8' on corner	20'	8' min 20' tot
Actual:	28'	8'	55'	8'

Notes: RESIDENTIAL CONSERVATION RATE! Single family dwelling with attached ADU.

APPLICATION NUMBER:

TEMP25-638

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time work is commenced. In all zones requiring a front yard setback, no obstruction to view in excess of thirty (30) inches in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the property lines. Owner/Contractor is advised that Cedar City Corporation does not accept any responsibility or liability for adequacy of structural components of buildings, setbacks, or problems related to soils. The City requires that all buildings, structures and materials should be reviewed by a qualified soils engineer. I will place curb, gutter, and sidewalk along property frontage before a Final Inspection I hereby certify that I have read and examined this permit and know the owner to be true and correct. All provisions of laws and ordinances violate or cancel the provisions of any other state or local laws regulating construction or the performance of construction.

Applicant Name: Bryan Spendlove

Signature of Company/Authorized Agent or Owner: Date:

Bryan Spendlove 07/28/2025

Application Approved By: Date:

Drew Jackson 07/28/2025

Permit Issued By: Date:

Receipt #: