

EMIGRATION CANYON METRO TOWNSHIP, UTAH

ORDINANCE NO. 2021-09-01

DATE: 09-28-2021

AN ORDINANCE ADOPTING TITLE 19, CHAPTER 15 TO REGULATE INTERNAL
ACCESSORY DWELLING UNITS

WHEREAS, Emigration Canyon Metro Township recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Emigration Canyon Metro Township.

WHEREAS, State of Utah legislation allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;

WHEREAS, Emigration Canyon Metro Township wishes to ensure that building permits or licenses are not issued for an IADU until the applicant has provided written confirmation from the applicable water supplier that the IADU complies with all applicable water service requirements.

WHEREAS, Emigration Canyon Metro Township wishes to allow opportunities for property owners to provide social or personal support for family members where independent living is desirable and to provide for affordable housing opportunities;

WHEREAS, Emigration Canyon Metro Township wishes to preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and

WHEREAS, Emigration Canyon Metro Township wishes to ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.

WHEREAS, the Planning Commission noticed and conducted a public hearing on September 16, 2021, forwarded a recommendation to the Metro Township Council;

WHEREAS, legal notice was properly published;

WHEREAS, the Emigration Canyon Metro Township Council ("Council) met in a regular session on September 28, 2021 to consider this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Emigration Canyon Metro Township Council that:

Section 1. Adopt. Title 19, Chapter 15 of the Emigration Canyon Metro Township Code is hereby adopted as indicated in Attachment A.

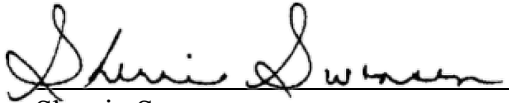
Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED THIS 28th Day of September 2021.

EMIGRATION CANYON METRO TOWNSHIP

By: Joe Smolka
Joe Smolka, Mayor

ATTEST



Sherrie Swensen
Metro Township Clerk

Voting

Mayor Smolka voting	<u>Aye</u>
Deputy Mayor Hawkes	<u>Aye</u>
Council Member Brems	<u>Aye</u>
Council Member Harris	<u>Aye</u>
Council Member Bowen	<u>Aye</u>

Attachment A - Title 19, Chapter 15

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Emigration Canyon Metro Township Code of Ordinances is enacted as follows in order to authorize internal accessory dwelling units in certain residential zones and to enact related regulations.

19.15.010 Purpose.

The Emigration Canyon Metro Township (“Emigration Canyon”) recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Emigration Canyon. The purposes of the Internal Accessory Dwelling Unit standards of this code are to:

- A. Comply with pending State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Ensure that building permits or licenses are not issued for an IADU until the applicant has provided written confirmation from the applicable water supplier that the IADU complies with all applicable water service requirements.
- C. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- D. Provide for affordable housing opportunities;
- E. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Emigration Canyon;
- F. Provide opportunities for additional income to offset rising housing costs;

- G. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- H. Preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and
- I. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.

19.15.020 Definitions.

"Internal Accessory Dwelling Unit" or "IADU" means an accessory dwelling unit created:

- A. within a primary dwelling;
- B. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer.

"Non-rental Use" means using an IADU for housing that does not include renting the unit to a third-party. Examples that fall under this use may include housing family members, caretakers, nannies, or other in-home employees.

"Owner Occupancy" means a property where the property owner, as reflected in title records, makes his or her legal primary residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

19.15.030 Allowed areas and zones.

- a. IADUs incorporated within the single-family residence shall be a permitted use on single-family home lots in primarily residential zones.
- b. The lot of the Primary Dwelling must be over 6,000 square feet.
- c. In no case shall an IADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, or other conditions of the code.
- d. There is no restriction on the size of the IADU withing the Primary Dwelling.

19.15.040 Number of residents.

IADUs shall not be occupied by more than four persons.

19.15.050 Parking requirements.

- a. In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU.
- b. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available.
- c. In cases where an existing attached garage is proposed to be converted to an IADU, replacement on-site parking spaces are required for the Primary Dwelling in a number equal to the parking spaces eliminated by such IADU.

19.15.060 – Owner occupancy.

The Primary Dwelling or the IADU must be owner occupied as the owner’s primary residence. .

An application for an IADU shall include evidence of owner occupancy and primary residence.

19.15.070 – Number of IADUs per lot.

Only one IADU is allowed per lot.

19.15.080 – IADU standards.

- A. An approved building permit is required for all IADUs before an IADU is constructed.
- B. An approved building permit or an inspection is required for units already constructed, and all other applicable provisions of this chapter and the Emigration Canyon Municipal Code must be met before an IADU can be rented.
- C. Existing non-compliant IADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
- D. The IADU shall comply with all applicable building, fire, and health codes, including applicable water service and sewer or septic requirements.
- E. Conversions of an existing space to an IADU shall require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) if needed between the IADU and main unit, and sufficient HVAC and climate control for the IADU. IADUs will not require a separate HVAC or firewall.
- F. Owner shall provide a separate address marking for emergency services and mailing services.
- G. Single-family residences with an IADU shall retain the same appearance as a single-family residence.
- H. IADUs shall not be located in detached structures connected by a breezeway.
- I. No IADU may be located in a Primary Dwelling that is served by a failing septic tank.

19.15.090 : Retention of single-family residence status

- A. IADUs are part of a single-family residence and shall not be treated as a multi-family residence.
- B. IADUs shall not have a separate utility meter apart from the single-family residence.

C. IADUs may not be sold or subdivided separately from the single-family residence.

19.15.100: Business licensing.

Renting of any IADU, requires a business license. That license must be maintained and renewed annually as long as the unit is rented.

19.15.110: Short-term rental use prohibited.

Units approved as IADUs shall not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

19.15.120: Affidavit and Notice of Accessory Dwelling Unit

A. Upon approval of the IADU by the building official or upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Internal Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the IADU.

B. The Notice shall include an affidavit by the Owner stating that the owner of the property will live in the Primary Dwelling as their primary residence.

C. The Notice shall include

(i) a description of the Primary Dwelling;

(ii) a statement that the Primary Dwelling contains an internal accessory dwelling unit;

and

(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the regulations in this Chapter.

D. Upon sale of the property, if the new owner wishes to continue use of a previously approved IADU, the new owner shall be required to sign and a new affidavit, update their information with

the planning and business license departments, and comply with current administrative IADU requirements.

E. A copy of the notice will be provided to the applicant when recorded. .

19.15.130 Remedies for Violations

In addition to any other legal or equitable remedies available to a municipality, Emigration Canyon may hold a lien against a property that contains an internal accessory dwelling unit in accordance with the provisions and procedures of Utah Code Annotated Section 10-9a-530, if the owner of the property violates any of the provisions of that Section or any of the provisions of this ordinance.

19.15.140 Non-Rental Use of IADUs

IADUs used for non-rental uses as defined in this chapter will follow the same approval process as all other IADUs including recordation of the Affidavit and Notice except that a business license is not required. Should an IADU used for non-rental uses later be rented, a business license must be obtained prior to doing so.

19.15.150 Water Availability

Applications for an IADU must include submittal of a written approval from the water company servicing the property stating that sufficient water is available for the IADU.

SECTION III. This ordinance shall become effective upon publication.