FAMILY:

An individual, or

The Immediate family members and up to one additional unrelated person living with them as a single housekeeping unit in a dwelling unit; or

A group of not more than four (4) persons, who need not be immediate family members, living together as a single housekeeping unit in a dwelling unit; or Two (2) unrelated persons and any children related to either of them living together as a single housekeeping unit. Ivins City Ord. Definitions: 16.34.102 - H.B. 82 Line 83

10-17A-3 Accessory Dwelling Unit, Specific Standards.

An accessory dwelling unit shall meet the following additional standards:

A. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations. Ivins City Ord. 16.12.107(1) & (2)

B. Occupancy: The City shall only permit an accessory dwelling unit when an owner occupant lives on the property for at least six months per year within either the principal or accessory dwelling unit. Short term rental of an accessory dwelling unit is not permitted. H.B. 82 Lines 101, 148, 186, 299, 530, 556

C. The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a "family" as defined in this title.

D. Number of Accessory Units Per Parcel: An accessory dwelling unit (ADU) shall be allowed only on parcels containing a single-family dwelling. Only one (1) accessory dwelling unit or guesthouse shall be allowed on a lot or parcel. Ivins City Ord. 16.12.107(2)

E. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property. All ADU's will impact all utilities provided as well as the zones they are permitted in.

F. Parking: An additional off street parking space is required. Tandem parking is permitted for accessory dwelling units. Ivins City Ord. 16.12.107(7) - H.B. 82 Line 164

G. Size and Location Requirements:

1. If located within a single-family dwelling Ivins City Ord. Addresses attached or detached casitas.

a. No accessory dwelling unit shall occupy more than forty percent (40%) of the gross square footage of the single-family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage. Ivins City Ord. 16.12.107(5) (regulated square footage) - H.B. 82 Line 151 (unlimited square footage)

b. Entrance Locations: Entrances to accessory dwelling units that are located within a single-family dwelling are permitted in the following locations:

i. An existing entrance to the single-family dwelling. Ivins City Ord. 16.11.133

ii. On the side or rear of the building. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.

iii. Exterior stairs leading to an entrance above the first level of the principal structure must not be visible from the street.

2. If located in a detached accessory building:

a. The accessory dwelling unit must meet the setbacks for the main structure for the zone. Ivins City Ord. 16.12.107(6)

b. The accessory dwelling unit and all accessory structures combined on the parcel must not cover more than twenty-five percent (25%) of the rear lot area. (The rear lot area is the area lying between the rear lot line and rear wall of the single-family dwelling extended to the side lot lines.) Ivins City Ord. 16.12.104(e)

c. In addition to other limitations contained in this chapter, a detached accessory dwelling unit shall have a minimum gross floor area of three hundred square feet (300 sf) and shall not exceed a gross floor area of twelve hundred square feet (1200 sf). Ivins City Ord. 16.12.107(5)

d. Height: The maximum height of a detached accessory building containing an accessory dwelling unit shall not exceed the height of the single-family dwelling on the property or exceed twenty-five feet (25') in height, whichever is less. Ivins City Ord. 16.12.107(10)

3. Design:

a. Architectural design, materials, and construction shall match the primary residential structure. Ivins City Ord. 16.12.107(9)

b. Utilities shall not be metered separately for an accessory dwelling unit, but must meet all applicable building ordinances. Ivins City Ord. 16.12.106(5) - H.B. 82 Line 568

c. Address: For emergency purposes, the main unit and accessory dwelling unit must have addresses with separate designations. For example, the main unit could have an “A” after the street address and the accessory dwelling unit could have a “B” after the same street address.

4. Application Requirement: Any homeowner who resides in a single-family dwelling and whose property is in a residential zone and desires an accessory dwelling unit is required to obtain an accessory dwelling permit. The accessory dwelling permit shall be in addition to any building permits that may be necessary to create the accessory dwelling unit. The applicant shall submit the following as part of the application for an accessory dwelling permit:

a. A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.

b. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

c. Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. A recorded deed restriction acknowledging that the single-family dwelling will remain owner-occupied as set forth in herein, in order for an accessory dwelling unit to be rented.

d. Rental dwelling business license.

5. Dispensation for Existing Accessory Dwelling Units. For properties that have accessory units built in violation of the previous prohibition on accessory dwelling units, property owners may obtain an accessory dwelling unit permit to legally allow occupancy of the accessory dwelling unit by doing the following:

a. Building Inspection: the City will conduct a visual building inspection. Following that building inspection, the property owner will (i) make any repairs or upgrades noted by the inspector as required by the building code, (ii) sign an acknowledgement with the City that the inspection is limited to construction and potential hazards readily visible without the removal of construction materials, and (iii) disclose as part of any lease or rental agreement or otherwise ensure that any future occupants of the accessory dwelling unit have a copy of said acknowledgment.

b. Application: submit an application to the City and comply with all requirements of Section 4.