ORDINANCE NO. 2021-21

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 16.12.107 OF THE IVINS CITY ZONING ORDINANCE TO ALLOW RENTAL OF ACCESSORY DWELLING UNITS

WHEREAS the Ivins City Council desires to comply with recent State mandate to make interior accessory dwelling units available for rent with terms longer than 30 days and would like to make similar allowance for external accessory dwelling units in areas where not prohibited by CC&R's;

WHEREAS, in the exercise of its legislative authority, the Ivins City Council finds that this ordinance would provide affordable housing alternatives and would be in the best interest of the City and for the general health, safety and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Section 16.12.107 of the Ivins City Code be amended to now read as follows:

16.12.107: RENTAL OF ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES:

The purpose and intent of requirements for allowing accessory dwelling units is to provide additional housing opportunities.. For purposes of this section, "accessory dwelling unit" means a dwelling unit that is located on a single-family residential lot in addition to the primary dwelling unit. An accessory dwelling unit can be either an "internal accessory dwelling unit" or an "external accessory dwelling unit." "Internal accessory dwelling unit" means an accessory dwelling unit that is located within the footprint of the primary dwelling unit. "External accessory dwelling unit" means an accessory dwelling unit that is located in a structure other than the primary dwelling unit. References herein to an "accessory dwelling unit" without designating either external or internal is a reference to both internal and external dwelling units.

(1) Authorized: Accessory dwelling units may be authorized on all lots located in medium density and low density single-family residential zones, provided all requirements of this title, all other land use ordinances and the Building Code are met.

(2) Maximum Number: A maximum of one accessory dwelling unit may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

(3) Permanent Structure: An accessory dwelling unit shall be located in a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as an accessory dwelling unit.

(4) Single-Family Dwelling; Lot: The lot proposed for an accessory dwelling unit shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow accessory dwelling unit.

(5) Square Footage: The square footage of an external accessory dwelling unit shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or six hundred (600) square feet, whichever is larger.

(6) Setbacks: All external accessory dwelling units shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.

(7) Parking: All accessory dwelling units shall provide a minimum of one additional off street parking space.

(8) Construction: The construction of all accessory dwelling units shall meet all requirements of the adopted building code.

(9) Style, Materials, Colors: The architectural style, building materials and colors of all external accessory dwelling units shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.

(10) Height And Size Restrictions: All external accessory dwelling units shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas, as provided by chapter 28 of this title, with consideration given to larger lots than required by the minimum lot size of the applicable residential zone and the architecture and style of the primary building.

(11) Occupancy: Accessory dwelling units shall only be provided for the occupancy of one family.

(12) Owner Must Occupy: The owner of the lot must live full-time in either the primary dwelling unit or the accessory dwelling unit.

(13) Deed Restriction: As a condition of approval required to establish an accessory dwelling unit, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the sale of the accessory dwelling unit separately from the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit.

(14) Permits Required:

(a) A Casita Agreement for an external accessory dwelling unit shall be received before a building permit is issued.

(b) The zoning administrator is authorized to approve a class II use application for an accessory dwelling unit that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

(c) The zoning administrator is authorized to approve a class II use application for an accessory dwelling unit that is part of construction associated with a new single-family

dwelling, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

(15) Legalizing Existing Guesthouses And Casitas: Owners of accessory dwelling units existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof.

(16) Noncomplying Guesthouses And Casitas: All owners of accessory dwelling units, determined to be noncomplying structures, shall be subject to the provisions for noncomplying structures, as provided herein by Chapter 25 of this Title. (Ord. 2021-21, 2021).

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF OCTOBER, 2021 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Derek Larsen	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder