16.12.103: ACCESSORY DWELLING UNITS

The purpose and intent of requirements for allowing accessory dwelling units is to provide additional living accommodations in the community as well as provide supplementary income opportunities for property owners. They are an important tool for the overall housing goals and needs of the City and allow for alternative and flexible housing options in owner-occupied single-family residences. These provisions are intended to provide for more affordable housing with reasonable limitations to minimize the impact on neighboring properties, and to promote the health, safety and welfare of the property owners and residents of accessory dwelling units. These standards are created to:

(a) Create new housing units while respecting the appearance, neighborhood character, and scale of sing-family residential development.
(b) Provide more housing options in residential zones.

(c) Allow more efficient use of existing housing and large underutilized yards.

(d) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.

(e) Offer a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.

(f) Broaden the range of affordable housing options throughout the City.

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. No accessory dwelling unit may be allowed in any multi-family dwelling or multi-family lot. No accessory dwelling unit may be allowed within any zone on any lot that cannot satisfy the parking, setbacks, or lot coverage requirements listed herein. A maximum of one accessory dwelling unit shall be allowed in each owner-occupied single-family dwelling, or in detached accessory structure associated with a single-family dwelling.

1. Definitions:

(a) Accessory Dwelling Unit (ADU): A self-contained dwelling unit located on an owner-occupied property that is in a detached building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, including a separate kitchen.

(b) Internal Accessory Dwelling Unit (IADU): An accessory dwelling unit within the footprint or attached to a single-family residential building providing complete independent living facilities for one or more persons, including permanent provisions for

living, sleeping, eating, cooking and sanitation including a separate kitchen and complies with Chapter 11 of this Code and Utah State Law 10-9a-530

(c) Accessory Unit Agriculture (AUA): Accessory Unit for the use of livestock or fowl.

(d) Accessory Unit Garage (AUG): detached carport or garage for motor vehicle use.

(e) Family: An individual; or

i. The immediate family members and up to one (1) additional unrelated person living with them as a single housekeeping unit in a dwelling unit; or

ii. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children. “Related” shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term “related” does not include other, more distant relationships.

iii. 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

iv. Two (2) unrelated persons and any children related to either of them living together as a single housekeeping unit.

v. Any of the above categories plus a temporary guest. A “temporary guest” is defined as a person who stays with a family for a period of less than (30) days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

(f) Owner Occupied: No accessory dwelling unit shall be created, established or occupied in a sing-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term “owner-occupied” shall be defined as full-time residency within the home by the bona fide property owner(s) as shown on the County tax assessment website.

2. General Regulations:

(a) Except as provided in this Code, no ADU or IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with regulations.

(b) All ADUs and IADUs hereafter erected in Ivins City shall comply with the current standards, codes, and ordinances adopted by Ivins City.

(c) An ADU or IADU may be allowed in any zone that allows a single-family residence.

(d) 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.

3. Development Standards:

(a) The property owner, which shall include the titleholder, must occupy either the principal unit, the ADU, or the IADU as their permanent residence. Applications for an ADU or IADU will require evidence of owner occupancy.

(b) ADUs or IADUs shall not be sold separately from the primary housing unit.

(c) A maximum of one (1) ADU may be established on each individual, separate legal lot, such that the lot meets all requirements, including minimum lot size, for the zoning district in which the lot is located. Property can also have an IADU.

(d) The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and other applicable codes.

(e) Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.

(f) The square footage of an external ADU shall not exceed one thousand (1000) square feet. The minimum square footage is six hundred (600) square feet. Both will be required to meet the lot coverage requirements.

(g) The occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.

(h) ADUs and IADUs and the main dwelling must be on the same parcel and may not be subdivided.

(i) ADUs and IADUs shall be constructed of materials and colors designed to blend with the primary building and meet Chapter 19 Design Requirements of the Ivins City Code. LINK

(j) A minimum of one (1) off-street parking space must be provided for the ADUs or IADUs 600 square feet or less. ADUs or IADUs greater than 600 square feet shall provide two (2) off-street parking spaces.

(k) The construction of all ADUs shall meet all the requirements of the adopted City Building Code. LINK

(l) An ADU shall be located in a permanent structure on the lot. No mobile homes, travel trailers, boats, recreational vehicles, Cargo containers, shipping crates, boxes, campers, tents, or other temporary structures/vehicles shall qualify as an ADU or IADU.

(m) The lot proposed for an ADU shall have an existing family dwelling unit established or approved prior to the consideration of the use applications to allow the ADU.

(n) No stormwater runoff from any accessory building shall be allowed to run onto adjacent property.

(o) Accessory buildings, located on corner lots, shall meet the required corner side yard setback applicable in the zoning district in which the accessory building is located.

(p) No ADU may be allowed in any multi-family residential zone or multi-family lot, or on any lot that cannot satisfy the parking requirements, setback requirements, or lot coverage requirements.

(q) The ADU shall not be intended for sale or detached by deed and shall only be rented.

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

4. Garages/Carports:

(a) An accessory garage may be attached to or detached from the primary building.

(b) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.

(c) An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.

(d) Accessory carports are allowed.

(e) A detached carport is a shelter structure open on at least three (3) sides used generally for covering an automobile or recreational vehicle. It may be freestanding. Freestanding carports shall be open on four (4) sides. The floor surface can be concrete, gravel, or asphalt. There can be no enclosed use above a carport. Any structure that does not comply with the above definition must comply with all applicable regulations related to garages.

(f) Height: Detached carports shall be as per Table 16-1.

(g) No detached garage shall be greater in height than Table 16-1

(i) No detached garage or other accessory buildings shall be located in any required front yard. (Ord. 2018-04, 2018; and. Ord. 2021-14, 2021)

(j) Metal carports are only approved for restricted portions of the city. 16.12.103(17) (Ord. 2018-04, 2018)

5. Accessory Units for Agriculture:

(a) Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building or meet Chapter 19 Design Requirements. LINK

(b) Agricultural use accessory buildings, including barns and stables, shall be constructed of materials and colors designed to blend with the primary building or meet Chapter 19 Design Requirements. LINK

(c) Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of section 16.12.113 of this chapter, and specifically subsection 16.12.113(8) of this chapter.

(d) All accessory buildings associated with a commercial kennel shall comply with the requirements of section 16.12.115 of this chapter.

(e) Agricultural use accessory building constructed prior to the primary building as allowed in the agriculture (A) zone and residential agriculture (RA) zone shall be a maximum of two thousand five hundred (2,500) total square footage and shall be constructed of materials and colors that blend with the natural environment or comply with Chapter 19 Design Requirements for this Code. LINK

(f) Agricultural use accessory buildings larger than two thousand five hundred (2,500) square feet shall require a Class II Conditional Use Permit. LINK

6. Lot Coverage:

In an effort to avoid the appearance of overcrowding in residential zones and to protect setbacks and against fire hazards, the following requirements apply to combining structures and the total number of structures.

(a) Detached structures are limited as follows:

(i) Limited to two (2) 1,000 square feet structures or one (1) 2,000 square foot structure on parcels smaller than 37,000 square feet.

(ii) Limited to three (3) 2,000 square feet structures or two (2) 3,000 square feet structures on parcels 37,000 square feet and greater.

(b) Accessory structure uses can be combined as long as external accessory dwelling units do not exceed 1,000 square feet.

(c) Structures need to comply with the total lot coverage in Chapter 11 of this code, 16.11.128 LINK

7. Setbacks and Building Heights

(a)Height and Size Restrictions: All external accessory dwelling units shall be constructed according to Table 16-1. The City Council may approve a special exception to the height and size restrictions for accessory dwelling units, 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, of the architecture and style of the primary building.

(b)All garages or other accessory buildings located more than ten feet (10') away from the primary building shall have setbacks for the rear and side property lines and maximum wall height limitations in accordance with Table 16-1 of this subsection:

TABLE 16-1

Setback	Maximum Wall Height	Maximum Building Height
3'	8'	12'
5'	10'	15'
10'	16'	20'
12'	18'	22'
15'	20'	24'

Exception: Detached accessory dwelling units and the required parking for the detached accessory dwelling unit can be within 5 feet of the property line when the lot is less than 20,000 square feet.

8. Permits Required:

(a) An accessory building with a maximum height of ten feet (10') and a maximum size of less than two hundred (200) square feet shall not require a building permit, provided all setback requirements for the zoning district in which the accessory building is located are met. (Ord. 2013-04, 2013)

(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~~ d) Legalizing Existing Guesthouses And IADU: Owners of accessory dwelling units existing on the effective date hereof, and that have not been approved

as required herein, shall apply for approval within one hundred eighty (180) days of the effective date hereof.

(~~16 c~~) Noncomplying Guesthouses and IADU: 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. 2005-13, 2005; and. Ord. 2006-32, 2006; Ord. 2007-35, 2008; Ord. 2016-06, 2016; Ord. 2021-21, 2021)

9. Parking:

A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off-street parking spaces for the accessory unit, above the minimum spaces required for a single family dwelling. Accessory dwelling unit parking may not be in tandem with required parking of the main dwelling. One additional off-street-parking spaces shall be required accessory dwelling units with 2 or more bedrooms. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except within an approved driveway.

10. Address:

The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as Unit B. Addresses must be located in a visible location on the street frontage side of the home.

11. Not Intended For Sale:

The accessory dwelling unit shall not be intended for sale or detached by deed, and shall only be rented.

12. Home Occupation Business:

Home occupation businesses in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner and pertinent licensing.

13. Tiny Homes:

a. Only one tiny home shall be permitted as an accessory dwelling unit per residential lot. The tiny home shall be permanently connected to and approved for all required utilities and must be attached to a site-built permanent foundation which meets building code. The type of foundation could be a slab-on grade or a perimeter foundation. Building inspections are required for the construction of the foundation, as well as to ensure the correct installation of the structure, and to approve the correct connection to utilities. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation and shall be constructed with materials

that are weather resistant and aesthetically consistent with the main dwelling, complying with Ivins City design guidelines.

14. Design Standards:

The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for twenty percent (20%) of all facades of the structure. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat or pitched roof. The ADU shall maintain the same color of the primary dwelling for at least fifty percent (50%) of all facades and comply with Ivins City Design guidelines. Balconies on the second story of an ADU are prohibited.

16.11.128: BUILDABLE AREA:

The buildable area for all accumulative structures are regulated by the size of the parcel and is limited to a percental of total square footage of the property. See Table 16.11.128

Square Foot of Lot	Percentage Coverage Allowed
0-19,999	90%
20,000-25,000	50%
25,001-30,000	45%
30,001-35,000	40%
35,001-40,000	35%
40,001 and greater	30%

Amounts previously discussed:

21-31,000 sq ft	35%
31-42,000 sq ft	30%
42,000 and greater	25%

16.11.128: TIME LIMITS FOR USE AND BUILDING PERMIT APPROVALS:

All use approvals, and all building permit approvals, shall be valid for a maximum period of one hundred eighty (180) days from the date of approval. If work has not commenced, or a use or building established within one hundred eighty (180) days from date of approval, the

approval, permit or license, as required and approved, shall be void and a new application, approval, permit or license required. (Ord. 2005-13, 2005)