

Chapter 19.20. Internal Accessory Dwelling Units (IADUs)

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19.20.01. Purpose.

This chapter is established to provide guidance related to the standards and location of an Internal Accessory Dwelling Unit (IADU) as part of a detached single-family primary dwelling. IADUs create new housing units, provide more housing options, and broaden the range of affordable housing in the City.

(Ord. 21-39)

19.20.02. Definitions.

For the purpose of interpreting this Chapter and to comply with Utah Code regarding IADUs, the following definitions shall apply to the construction of an IADU.

1. **“Internal Accessory Dwelling Unit (IADU)”** means a residential unit that is located on the same lot as a detached single-family dwelling unit and is internal or attached to a detached single-family dwelling.
2. **“Owner Occupant”** means an individual who:
 - a. Possesses, as shown by a recorded deed, and who is listed on the Utah County tax assessment rolls, fifty (50) percent ownership in a dwelling and occupies the dwelling as their primary residence, or who is a trustor in a family trust that possesses the fee title ownership of the dwelling and which trust was created for estate planning purposes by one (1) or more trustors of the trust. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor’s temporary absence; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence.
3. **“Primary Dwelling”** means a single-family dwelling that is detached and occupied as the primary residence of the Owner Occupant. A dwelling with an IADU shall be considered to be a “Dwelling, Single-Family” as defined in Chapter 19.02 of the Land Development Code.

4. **“Short-Term Rental”** shall mean a residential unit or any portion of a residential unit that the Owner Occupant or the lessee of the residential unit offers for occupancy for less than thirty (30) consecutive calendar days.

(Ord. 21-39)

19.20.03. General Provisions.

An Internal Accessory Dwelling Unit (IADU) that is registered with the City is a permitted use in a single family dwellings in the following zones: A, RR, RA-5, R1-40, R1-20, R1-10, R1-9, R2-8, R3-6, MF-10, MF-14, and MF-18, MR, and PC zones, subject to the following standards.

1. **Number of Units.** A maximum of one (1) IADU shall be permitted on a lot with a Primary Dwelling.
2. **Owner Occupied.** The owner of a single-family property with an IADU shall occupy a portion of the dwelling, either the principal living area or the IADU. Except as provided herein, owner occupancy shall be maintained unless the owner has a bona-fide temporary absence of three (3) years or less for a temporary job assignment, sabbatical, military service, or voluntary service, documentation may be required. If the owner leaves for one of the aforementioned absences, then:
 - a. the single-family property with and IADU may be rented or occupied in its entirety by one Family, as defined in Chapter 19.02; or
 - b. One of the dwelling units may be rented to a Family with the second unit remaining vacant.
3. **Minimum Lot Size.** The minimum lot size for a property with an internal accessory dwelling unit shall be greater than 6,000 square feet.
4. **Living Areas.** An IADU shall have living areas separate from the principal dwelling unit, including 1) a sleeping area; 2) a kitchen, including facilities to store, prepare and cook food; and 3) a bathroom, consisting of a toilet, a sink, and a bathtub or shower.
5. **Parking.** A single-family dwelling with an IADU shall provide at least one (1) paved off-street parking space for the IADU, in addition to the minimum required for the primary dwelling, measured a minimum of 9’x18’ and located behind the front setback line.
 - a. No parking spaces may be located within the side yard setbacks adjacent to a street, except for within an approved driveway.
 - b. On-street parking does not meet the parking requirement.
 - c. Garage space shall not be counted towards required parking unless the minimum of two enclosed spaces are provided to serve the needs of the primary dwelling.

6. **Building Code.** All construction and remodeling of IADUs, shall comply with all building and fire codes and ordinance requirements in effect at the time of legal construction or remodeling.
7. **Separate Entrance.** An IADU shall have a separate exterior entrance. All entrances, whether at or below grade, covered or uncovered, shall meet the applicable setbacks required by the underlying zone.
8. **Single Family Appearance.** The primary dwelling shall be architecturally compatible with adjacent single-family homes and not appear as a structure with two dwelling units.
9. **Address.** The principal dwelling unit and the IADU shall have the same address number, but shall refer to the IADU as unit B. Addresses must be located in a visible location on the street frontage side of the home.
10. **Utilities.** A single-family dwelling with an IADU may have separate meters for water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.
11. **Not for Short-Term Rental.** An IADU shall not be used as a Short-Term Rental and shall only be rented for a term of not less than 30 days.
12. **Home Occupation.** A home occupation may be located in an IADU but shall be restricted to a home office or use which does not generate customer traffic, and the IADU resident shall obtain the approval of the property owner.
13. **Registration.** Any person owning an existing IADU that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an IADU, or any person remodeling or causing the remodeling of a residence for an IADU, shall register the IADU with the Community Development Department. This shall be in addition to a building permit for any work to be performed. In order to meet the requirements of the registration, the applicant shall:
 - a. Submit a fee to be determined by the approved Fee Schedule with a completed registration form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed additions, dimensions from additions to property lines, the location of parking stalls, and utility meters,
 - b. Include detailed floor plans with labels on rooms indicating uses or proposed uses,
 - c. Obtain a building permit and pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,
 - d. Make all corrections identified as necessary to comply with building code requirements, as identified by the building official or his designee, and

- e. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance and applicable law.

14. Failure to Complete Registration. If a property owner does not complete the registration as outlined above, the IADU shall not be considered legal or approved. Failure to complete the registration of an existing accessory apartment within twelve (12) months of the passing of this section, may result in a fine to be determined by the approved Fee Schedule which may result in a lien on the property as provided by law. A deadline of sixty (60) days for compliance shall be established after the fine is assessed. The Building Official or his designee may approve an extension for compliance. An additional fine may be assessed for each deadline that is not met.

15. Lien. In addition to any other legal or equitable remedies available, as provided by law, the City may hold a lien against a property that contains a non-compliant IADU.

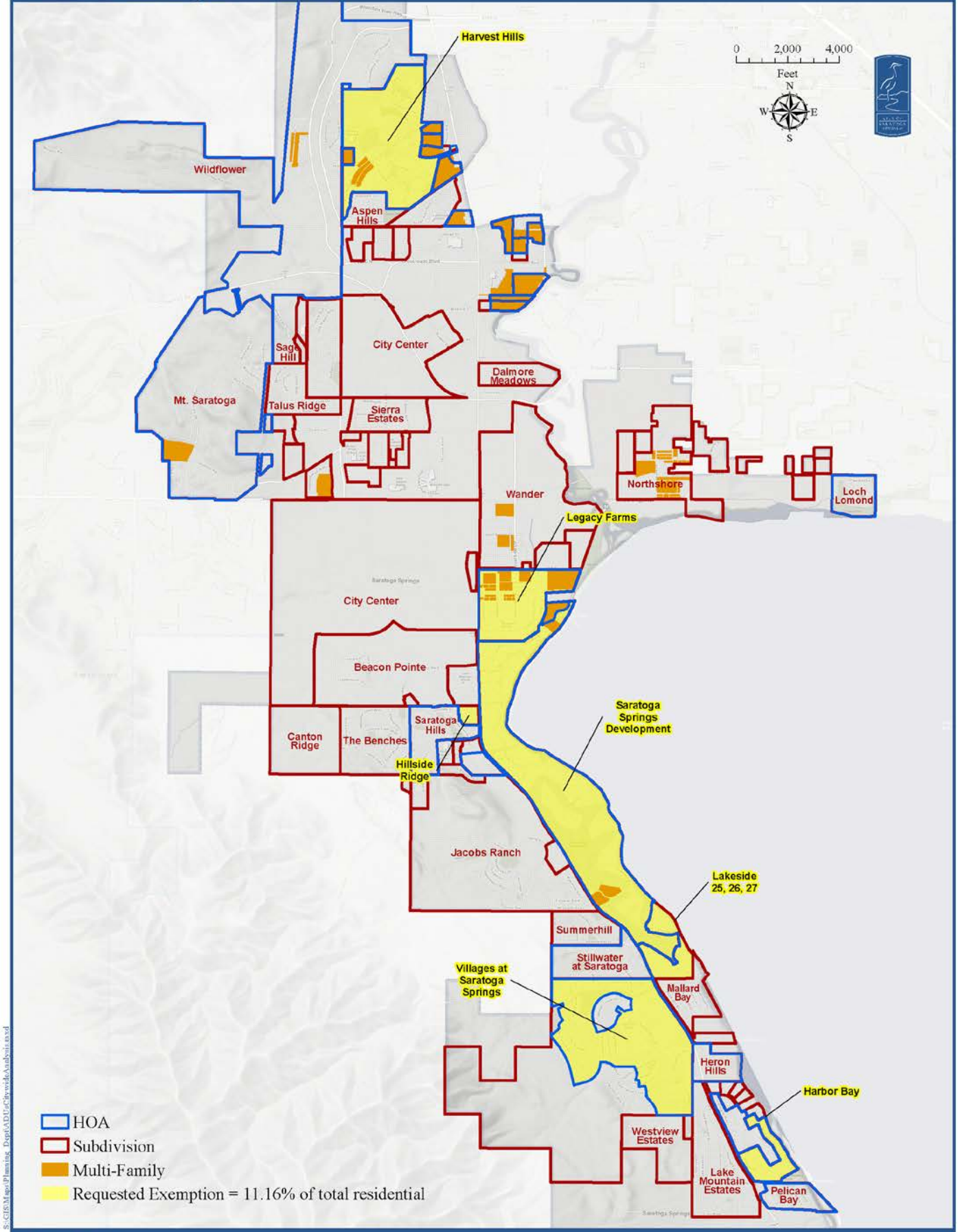
(Ord. 21-39)

19.20.04. Permitted Locations of IADUs.

The City may prohibit an IADU in up to 25% of the residential area of the City. Locations within the City that are approved to locate an IADU in compliance with Section 19.20 are identified on the map in this Chapter. The approved location map may be modified from time to time by the City Council in accordance with the same requirements of an ordinance amendment.

(Ord. 21-39)

IADU Exemption Areas



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