

11.32 ACCESSORY DWELLING UNITS

A. PURPOSE

The purposes of the ADU standards of this chapter are to:

1. Establish and maintain standards required for residential occupancy through the creation of a regulatory process for ADUs;
2. Preserve the character of single-family neighborhoods through adequate standards governing ADUs; and
3. Comply with UTAH CODE ANN. ~~40-9a-530~~ 10-21-303, which designates internal ADUs as permitted uses in single-family residential zones and imposes limitations on the extent that municipalities may regulate ADUs.

B. ALLOWED LOCATIONS

1. IADUs are permitted in primary residential dwellings under owner occupancy on lots containing more than 6,000 square feet located in the city's Residential-Agricultural (RA) Zone, and Business Commercial (BC) Zone and Sensitive Lands (SL) Zone, subject to the approval process detailed in this chapter. IADUs are prohibited on any lot containing 6,000 or fewer square feet, or on lots where the primary dwelling is served by a failing septic tank.
2. Detached ADUs are prohibited within the city.

C. APPROVAL PROCESS

An IADU may be allowed, with a license, upon the city's receipt of a full, notarized copy of the affidavit required by this chapter, proof of filing of said affidavit with the county, and compliance with all other applicable requirements of this chapter. Licenses for compliant IADUs are to be reviewed annually for continued compliance with applicable requirements of this chapter. IADUs shall comply with all other applicable building permits, zoning code, fire code and building code requirements.

D. DEVELOPMENT STANDARDS

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Final copy approved by Fountain Green City Council February 18, 2008. Minor changes to 11.3E April 19, 2012. Amended 11.6A and 11.19/20 October 18, 2012. Amended 11.6A September 27, 2018, Subsection 11.31 added October 10, 2019. Subsection 11.32 added July 21, 2022. Added subsection 11.6 A and corrected 11.6 C January 18, 2024. Add section 11.7 new B August 15, 2024. Section 11.33 added June 19, 2025. Revise A3, B1, D3, D11, & D14 August 202, 2026.

1. The property's record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved IADU as such owner's permanent residence. An application for an IADU permit shall include evidence of owner occupancy in the form of the affidavit required in this chapter and such other verification(s) as the city reasonably may require. A conditional use permit for exception to owner-occupancy requirements for a dwelling with an accessory dwelling unit may be obtained when:

- a. The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
- b. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
- c. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical, or voluntary service.

2. Neither the primary dwelling unit nor the IADU shall be condominiumized or sold separately.

3. ~~IADUs shall not be used as short-term rentals.~~

4. Only one IADU may be created per lot or property.

5. Each IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

6. Each IADU must provide areas for eating, sleeping, and sanitation facilities separate from the principal dwelling unit.

7. The occupants of an accessory dwelling unit shall be limited by one of the following family categories:

- a. One person living alone; or

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- b. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship, or foster children; or
 - c. Up to four (4) unrelated persons living as a single housekeeping unit.
8. A new single-family structure built with an attached IADU shall have a separate, accessible entrance or stairway on the side or rear of the building.
9. An IADU constructed within a pre-existing structure may use existing entrances on any side of the structure.
- a. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit with the exception of dwellings where the second door provides direct access to the dwelling basement. The purpose of this requirement is to preserve the single-family residential appearance of the building.
10. An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the fire department.
11. ~~If the IADUs has a passageway into the primary residence,~~ there must be a shall have interior occupancy separation doors where it connects to the primary dwelling.
12. The design and size of the IADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new IADU is proposed in an existing home, the entire IADU shall comply with all other applicable building permits, zoning code, fire code and building code requirements.
13. The installation of separate utility meters for an IADU is prohibited.
14. Each IADU shall require one off-street parking space in addition to required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for

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any property with an IADU. The additional required parking space shall not be located behind or in front of one of the required parking spaces for the primary dwelling (i.e., tandem parking is prohibited). In all cases, the parking spaces must be on the owner's property.

15. Any parking spaces contained within a garage or carport shall be replaced if an IADU is created within the garage or carport.

16. An IADU may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended.

17. The single-family dwelling and IADU shall have unique addresses.

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