

## **ORDINANCE NO. 2019-XX**

### **AN ORDINANCE OF IVINS CITY, UTAH, REGARDING ACCESSORY DWELLING UNITS**

**WHEREAS,**

**NOW, THEREFORE, BE IT ORDAINED** by the Ivins City Council ... as follows:

#### **16.12.103: Accessory Buildings and Accessory Uses; General Requirements.**

- (1) Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- (2) Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.

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- (10) No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings.
- (11) No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- (12) No accessory building shall be used as a permanent dwelling unit.

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#### **16.12.106. Accessory Dwelling Units for an Owner or Employee.**

- (1) An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.
- (2) A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- (3) The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.
- (4) Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located.

- (5) An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee.
- (6) An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.
- (7) The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted Building Code, as applicable.
- (8) The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.
- (9) Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.
- (10) The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.
- (11) As a condition of approval required to establish an accessory dwelling unit for an owner or employee, 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 rental, lease or sale of the accessory dwelling unit for an owner or employee separately from the rental, lease or sale of the primary use or building. 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 for an owner or employee. (Ord. 2005-13, 2005)

**16.12.107 Guesthouses or Casitas.** The purpose and intent of requirements for allowing guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- (1) Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the Building Code are met.
- (2) Maximum Number: A maximum of one guesthouse or casita 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: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- (4) Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita. (Ord. 2005-13, 2005)
- (5) Square Footage: The square footage of a guesthouse or casita 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. (Ord. 2007-35, 2008)

(6) Setbacks: All guesthouses or casitas 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. (Ord. 2006-32, 2006)

(7) Parking: All guesthouses or casitas shall provide a minimum of one off street parking space.

(8) Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.

(9) Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas 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 guesthouses or casitas 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 Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.

(12) Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.

(13) Deed Restriction: As a condition of approval required to establish a guesthouse or casita, 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 rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of 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 guesthouse or casita.

(14) Permits Required:

(a) The use application approval for a guesthouse or casita shall be received before a building permit is issued. (Ord. 2005-13, 2005)

(b) The zoning administrator is authorized to approve a class II use application for a guesthouse or casita 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. (Ord. 2005-13, 2005; amd. Ord. 2016-06, 2016)

(c) The zoning administrator is authorized to approve a class II use application for a guesthouse or casita 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 guesthouses or casitas 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. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

(16) Noncomplying Guesthouses And Casitas: All owners of guesthouses or casitas, 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)

**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 \_\_\_\_\_, 2019 BY THE FOLLOWING VOTE:**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Miriah Elliott	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

\_\_\_\_\_  
Chris Hart, Mayor

ATTEST:

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Kari Jimenez, City Recorder