

Page 1 CHAPTER 4 PERMITTED AND CONDITIONAL USES - 4.16 (addition)
4.16 - INTERNAL ACCESSORY DWELLING UNIT

Page 6 DWELLING definition:

Any building or structure that is used and occupied as a residence regardless of the type of building, facilities it contains, or intended future use. Residing in additional structures, such as but not limited to accessory buildings, Temporary Dwellings and other temporary structures that cannot be given building permits such as Yurts and Teepees, is not permitted if another structure is being used as a residence. A dwelling is also defined as any building or portion of a building that includes all of the following: facilities for living/sleeping, food preparation, bathing, and sanitation (toilet, sink, and approved wastewater disposal system.) Only one structure is allowed per legally platted lot that contains all of these facilities. Only one kitchen as defined in this Land Use Ordinance is allowed per legally permitted dwelling. Additional kitchens may be allowed in a separate building through an approved conditional use permit. Yurts, teepees and other temporary structures that cannot be given building permits are considered dwellings if used and occupied as a residence.

Page 7 INTERNAL ACCESSORY DWELLING UNIT definition (addition):

An accessory dwelling unit used as a rental dwelling or guest dwelling, created within the footprint of the one allowed dwelling per legally platted lot, as described in Chapter 5 Section 10.

Page 7 KITCHEN definition:

An area within a building used, or designed or intended to be used, for the preparation of food. Only one kitchen is allowed per legally permitted dwelling. Additional kitchens may be allowed in a separate building through an approved conditional use permit.

PAGE 8 PRIMARY DWELLING definition (addition):

A single-family dwelling that is detached and occupied as the primary residence of the owner of record, as recognized by the Grand County Assessor.

Page 8 RENTAL DWELLING definition (addition):

A building or portion of a building that is used or designated for use as a residence by one or more persons, and is available to be rented, leased, or hired out for a period of thirty (30) days or longer.

Page 9 SHORT-TERM RENTAL definition:

Rental of property or improvements on property for a period of less than thirty (30) days. The short-term rental of property as defined herein is a commercial use of property. In this land use ordinance, Short-term Rentals are not permitted.

3.1.1 Building Permit Agent

The Building Permit Agent shall act as the Land Use Authority to perform Grade Reviews prior to any earth-moving. They shall review and determine whether an application for a Land Use Decision is routine or nonroutine and act on routine requests for a Land Use Decision for

routine building permits, routine requests for Conditional Use Permits, routine requests for Temporary Dwelling Permits, routine requests for Internal Accessory Dwelling Unit permits, routine requests for Electrical or Solar Energy System permits, routine requests for Certificates of Land Use Compliance, routine requests for a Decommissioning Contract, requests for Septic permits and requests for Certificates of Occupancy. The Building Permit Agent shall determine if, upon renewal, a Temporary Dwelling Permit shall require additional conditions for its continued use as a temporary dwelling and refer those that require conditions to the Planning and Land Use Commission. The Building Permit Agent may not deny or condition a routine Land Use Application, but shall deem an application which may be denied or conditioned to be nonroutine. The Building Permit Agent shall deem all Land Use Applications as nonroutine that require advice or other services to the Town by professional parties to properly evaluate its compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

Page 19 4.2-C:

One Single-family dwelling and one Internal Accessory Dwelling Unit per legally platted lot, and buildings or structures accessory thereto.

Page 19 4.3:

Single-family dwelling and Internal Accessory Dwelling Unit.

Page 19 4.4-A:

Short-term rentals are prohibited. The use of property through rental arrangements for a period of less than thirty (30) days is a commercial use of property and is not permitted unless specifically allowed under other provisions of this Land Use Ordinance. The intent of this provision is to prohibit use of property for commercial rental as Short-term Rental accommodations

Page 19 4.4-E:

Accessory Dwelling Units not within the footprint of the Primary Dwelling are prohibited.

Page 32 TAD [Just a heads-up about use of “primary dwelling”]

4.10.5 Expiration Of Permit

A. A TAD permit will expire immediately when any one (1) of the following occurs:

- 1) At the end of two (2) years, if the permit has not been renewed.
- 2) When the designated users of the TAD or the principal residence can no longer maintain a separate residence.
- 3) When there is no longer someone residing in the principal residence who can provide the needed assistance for the residents of the TAD.

Page 34 4.10.7 Compliance

F. All applicants must sign an acknowledgement of the one dwelling per lot requirement of this land use ordinance.

Page 37 4.15 ADDITIONAL KITCHENS EXCEEDING ONE PER LEGALLY PERMITTED DWELLING

Conditional Use Permits for kitchens exceeding one kitchen per legally permitted dwelling shall be deemed Nonroutine. The purpose of this section is to allow lot owners to have additional

kitchens in accessory structures, such as canning kitchens or kitchens that are part of a home-based business, while protecting the Town's residential and rural character and prevent short term rentals, multiple dwellings, duplexes and mother-in-law apartments beyond what is allowed with an Internal Accessory Dwelling Unit. Additional kitchens that are used as part of a premises occupation Conditional Use Permit shall also follow the provisions as further provided for in Section 4.8 of this Land Use Ordinance. Property owners may have additional kitchens (as defined by this Land Use Ordinance) beyond one per legally permitted dwelling through a nonpermanent Conditional Use Permit provided that the kitchen: does not create more than one kitchen per accessory structure; does not create a detached dwelling as defined by this Land Use Ordinance; and is never used as part of an illegal short-term rental. If any of said instances occur, the nonpermanent Conditional Use Permit may be revoked or denied annual renewal, and removal of the kitchen will be required. This may include removal of some of the fixtures, facilities, or plumbing that are part of what defines a Kitchen in this Land Use Ordinance such as the removal and walling over of any 220 receptacles and gas line stubs used for cooking facilities, all the way to the attic or the crawl space. Conditional Use Permit applicants for additional kitchens are required to sign a statement of intended use, and a guarantee that the kitchen will never be used as part of an illegal detached dwelling or short-term rental.

Page 39 5.5 ONLY ONE SINGLE-FAMILY DWELLING AND INTERNAL ACCESSORY DWELLING UNIT PER PLATTED LOT

Repeated Town surveys regarding owners' and residents' preferences have continually supported limiting the number of dwellings per lot and protecting the Town's rural character and drinking water quality. The purpose of limiting the number of dwellings per legally platted lot is to protect the Town's drinking water supply by reducing septic density, and to protect the rural character and sense of open space in the Town. Only one (1) building which contains a Single-family Dwelling and one (1) Internal Accessory Dwelling Unit as defined in this Land Use Ordinance shall be located and maintained on a legally platted lot in the Town of Castle Valley. One (1) Temporary Accessory Dwelling for Medical Purposes (TAD), as provided for in Chapter 4 of this Land Use Ordinance, may also be located on a legally platted lot in the Town of Castle Valley. One Temporary Accessory Dwelling may be located on a legally platted lot with a new dwelling under construction, along with a Decommissioning Contract, as provided for in Chapter 4 of this Land Use Ordinance. A new dwelling may be constructed on a legally platted lot already containing an existing dwelling along with a Decommissioning Contract, as provided for in Chapter 5 of this Land Use Ordinance. Residing in additional structures, such as, but not limited to, accessory structures, Temporary Dwellings, and other temporary structures that cannot be given building permits such as Yurts and Teepees, are not permitted if another structure is being used as a residence. Only one structure is allowed per legally platted lot that contains all of the following: facilities for living/sleeping, food preparation, bathing and sanitation (toilet, sink, and approved wastewater disposal system). Yurts, teepees, and other temporary structures that cannot be given building permits are considered dwellings if used and occupied as a residence. Only one kitchen as defined by this Land Use Ordinance is allowed per permitted dwelling. Additional kitchens may be allowed in a separate building through an approved Conditional Use Permit. The intent of the regulations in this section is to prevent guest houses, apartments, duplexes, mother-in-law apartments, or other construction creating more than one Single-family Dwelling and Internal Accessory Dwelling Unit per legally platted lot, and to prevent short-term overnight rentals, which are prohibited.

Page 41 5.10 INTERNAL ACCESSORY DWELLING UNIT (IADU):

One Internal Accessory Dwelling Unit is allowed within the building footprint of the Primary Dwelling. The IADU shall require a permit with annual renewal, whether used as a Rental Dwelling or a guest dwelling. The IADU Permit is non transferable. New owners of a lot that has a legally permitted IADU installed by previous owners must apply for a new IADU Permit in their own name, or decommission the IADU kitchen as provided for in this Section. Reinstating a previously-decommissioned IADU shall require a new IADU Permit application.

5.10.1 Prohibitions:

- A. IADUs are prohibited in detached structures.
- B. IADUs are prohibited within mobile homes.
- C. IADUs, if rented, shall not be rented for a period of less than 30 days.

5.10.2 Requirements

- A. Verification that the property owner of record occupies the Primary Dwelling as their Primary Residence as recognized by the Grand County Assessor.
- B. Compliance with current Building Codes, including but not limited to egress window requirements. This is to ensure the health and safety of all occupants of the building.
- C. Septic inspection and approval by Southeast Utah Health Department to ensure the septic system is adequate for the proposed use.
- D. Notice of the approved Internal Accessory Dwelling Unit, including Decommissioning Contract, signed by all of the property owners of the subject property and their signatures notarized, and recorded by the Town with the Grand County County Recorder. The notice shall include: a description of the primary dwelling; a statement that the primary dwelling contains an internal accessory dwelling unit; and a statement that the internal accessory dwelling unit may only be used in accordance with the Town's land use regulations. Upon recording the notice, the Town shall deliver a copy of the notice to the owner of the IADU.

5.10.3 Renewal of Permits

The IADU Permit shall be renewed annually to confirm continued compliance.

5.10.4 Internal Accessory Dwelling Unit Decommissioning

- A. The IADU must be decommissioned no later than thirty (30) days after revocation or cancellation of the IADU Permit.
- B. Decommissioning the IADU shall consist of removal and walling over of any 220 receptacles and gas line stubs used for cooking facilities, all the way to the attic or the crawl space.

5.10.5 Enforcement

[Considering adapting Moab's outline, below]

- i. The municipality provides a written notice of violation
- ii. The municipality holds a hearing and determines that the violation has occurred
- iii. If the owner files a written objection
- iv. The owner fails to cure the violation within the time period prescribed
- v. The municipality records a copy of the written notice of lien with the county recorder
- vi. The written notice of violation shall
 - ✓ Describe the specific violation

- ✓ Provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation no less than 14 days after the day on which the municipality notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days
 - ✓ State that if the owner of the property fails to cure the violation within the time period, the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires
 - ✓ Notify the owner of the property that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and of the name and address of the municipal office where the owner may file the written objection to be mailed to the property's owner of record; any other individuals designated to receive notice in the owner's license or permit records.
 - ✓ Posted on the property
- vii. The written notice of lien shall state that the property is subject to a lien, specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the property's owner of record; and any other individual designated to receive notice in the owner's license or permit record and be posted on the property.
- viii. If an owner of property files a written objection in accordance with Subsection the municipality shall:
- ✓ hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under has occurred; and
 - ✓ notify the owner in writing of the date, time, and location of the hearing. The hearing notice shall be send no less than 14 days before the day on which the hearing is held.
- ix. If an owner of property files a written objection a municipality may not record a lien until the municipality holds a hearing and determines that the specific violation has occurred.
- x. If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- xi. If an owner cures a violation within the time period prescribed in the written notice of violation the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.