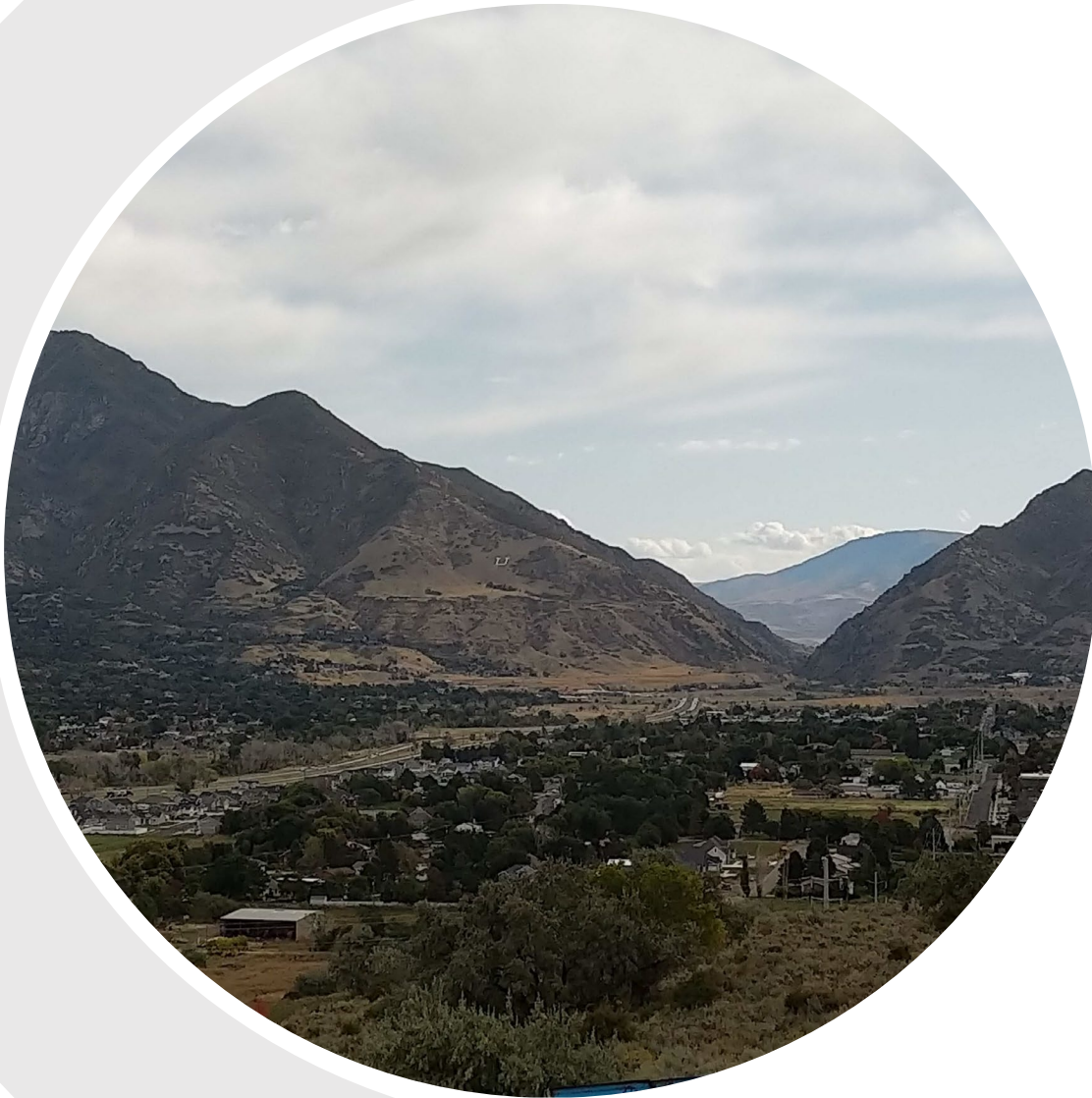


# IADU ORDINANCE

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TREVOR CAHOON – COMMUNITY SERVICES DIRECTOR



# PURPOSE

Consider the Draft Ordinance and make a recommendation to the City Council for adoption of an IADU Ordinance in compliance with State Statute





# CONTEXT

In the 2021 general session, the Utah Legislature passed HB82, requiring that cities allow internal accessory dwelling units in no less than 75% of residential zones.

By October 1, 2021, we are required to have an ordinance in place that complies with the provisions of HB82 or IADU will be expressly allowed within the city.



# CONTEXT

A municipality may not establish restrictions on the construction or use of an IADU, including IADU size within the primary dwelling, total lot size, or street frontage.

- Require bedroom window egress
- Prohibit installation of a separate utility meter
- ➔ • Require that the IADU design not change the appearance of the primary dwelling
- Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- Prohibit an IADU in a mobile home
- Require an IADU permit or license
- Prohibit an IADU if the primary dwelling is served by a failing septic tank
- Prohibit an IADU if the lot is 6,000 sf or less
- Prohibit the renting of the IADU for less than 30 consecutive days
- Prohibit renting an IADU that is not in an owner-occupied primary dwelling.





# DRAFT ORDINANCE SUMMARY

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THE DRAFT ORDINANCE FOLLOWS STATE LAW IN WHAT CITIES MUST DO AND CANNOT DO. WHILE THE CITY HAS SOME DISCRETION ON SEVERAL ITEMS WITHIN THE CODE, WHAT CAN BE PROHIBITED IS REFLECTED WITHIN THE DRAFT ORDINANCE WITH FEW EXCEPTIONS.



**THE PREROGATIVE OF THE PLANNING COMMISSION IS TO MAKE RECOMMENDATIONS ON WHAT RESTRICTIONS OR PROHIBITIONS, ALLOWABLE UNDER STATE LAW, ARE TO BE RECOMMENDED TO THE CITY COUNCIL.**



# ORDINANCE HIGHLIGHTS



## EXTERNAL APPEARANCE

There is no prohibition on changing of external appearance.

Materials should be constructed of similar materials and design.

Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.



## OWNER OCCUPATION

Either the IADU or the primary dwelling unit shall be owner-occupied.



## COMMON WALL OR FLOOR

In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.



## ZONING

IADUs are allowed in all residential zones, excluding the Residential Patio (R-P) Residential Multi-Family (R-7).

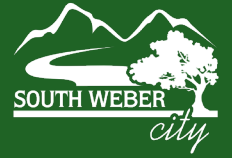


# RESIDENTIAL ZONING INFORMATION

	# of Parcels	Acreage	Area %	# Parcels < 6000 Sq Ft
Residential Very Low Density (A)	232	916.02	49%	1
Residential Low Density (R-L)	416	247.54	13%	2
Residential Low Moderate Density (R-LM)	118	60.68	3%	1
Residential Moderate Density (R-M)	1598	593.81	32%	17
Residential Patio (R-P)	96	18.44	1%	10
Residential Multi-Family (R-7)	202	17.49	1%	198

A clear criteria should be set to exclude zones or areas within the city to disallow IADUs. Upon review of city zoning code, and the specific prohibitions that are allowed under the state statute, it is recommended that the R-7 and R-P are the most defensible zones to prohibit IADUs in order to create a standard criteria.





# DISCUSSION

# WHAT CAN WE DO?

## WHAT CITIES CAN DO

- ✓ Require bedroom window egress
- ✓ Prohibit installation of a separate utility meter
- Require that the IADU design not change the appearance of the primary dwelling
- ✓ Require one additional on-site parking space and replace any garage or carport parking spaces if the IADU is created in the garage or carport
- ✓ Prohibit an IADU in a mobile home
- ✓ Require an IADU permit or license
- ✓ Prohibit an IADU if the primary dwelling is served by a failing septic tank
- ✓ Prohibit an IADU if the lot is 6,000 sf or less
- ✓ Prohibit the renting of the IADU for less than 30 consecutive days
- ✓ Prohibit renting an IADU that is not in an owner-occupied primary dwelling.

- Limit the size of an IADU
- Issue a blanket ban on IADUs
- Limit the lot size and frontage of lots containing IADU (noted exception above)
- Prohibit IADUs in more than 25% of residentially zone areas in the City
- Require installation of a separate utility meter

## WHAT CITIES CANNOT DO