

# **ZONING ORDINANCE**

## **ACCESSORY DWELLING UNITS**

### **TITLE**

The regulations contained in this Ordinance shall be known and may be cited as “Accessory Dwelling Unit Regulations” of Wallsburg Town (the “Town”) and its Land Use and Development Code.

### **PURPOSES AND OBJECTIVES**

For the purposes and objectives of this Ordinance, External Accessory Dwelling Units (“EADUs”) shall not currently be permitted within the Town. However, the Town recognizes that Internal Accessory Dwelling Units (“IADUs”) in zones that allow single-family residence can be an important tool in the overall housing plan for the Town. The purposes and objectives of this ordinance are to:

- A. Meet community demands and provide residential accommodation for extended family residents and long-term renters with reasonable limitations on their use and impact on neighboring properties and neighborhoods.
- B. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life.
- C. Provide additional affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing the development of IADUs.

### **GENERAL REGULATIONS**

Except as provided in this Ordinance, no IADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations specified herein in the zone in which it is located. All IADUs hereafter created in the Town shall comply with the current standards of the International Building Code and all other codes and ordinances adopted by the Town. All IADUs shall be maintained in good condition. No person may engage in erecting, altering, relocating, or constructing IADUs without a valid Utah contractor’s license and valid business license. EADUs are currently not allowed in the Town.

### **DEFINITIONS**

**External Accessory Dwelling Unit (EADU):** An EADU is a self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking, and sanitation including a separate kitchen.

**Internal Accessory Dwelling Unit (IADU):** An IADU is a self-contained dwelling unit within or attached to a single-family residential building which maintains complete independent living facilities for one or more people and includes permanent provisions for living, sleeping, eating, cooking, and sanitation including a separate kitchen.

**Owner Occupancy:** When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by adequate documentation such as voter registration, vehicle registration, driver’s license, county assessor’s records, or similar and approved means.

### **ZONING AND DEVELOPMENT STANDARDS**

The following standards govern the development and use of IADUs in the Town:

- A. Currently, EADUs or detached dwelling units shall not be permitted in the Town. The dwelling unit must, at a minimum, share a substantial portion of a wall with the primary dwelling unit.
- B. IADUs shall be permitted uses in all Zones where single-family dwellings are permitted including R-1 - Residential Zone and RA – Residential Agricultural Zone.
- C. IADUs shall not be allowed on any parcel except those containing a single-family dwelling.
- D. A maximum of one IADU shall be allowed on any one parcel. This shall include basement rentals, caretaker apartments, and other units of similar nature.
- E. The property owner, which shall include titleholders and contract purchasers, must occupy either the

principal unit or IADU as their permanent residence. Applications for an IADU shall include evidence of owner occupancy as defined in this Ordinance.

- F. IADUs shall not be sold separately from the main unit and shall not be used as a short-term rental (for periods of less than thirty (30) days).
- G. The design and size of any IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- H. Any construction or remodeling shall conform with all applicable standards and necessary approvals in effect at the time of the construction or remodeling. This includes approval from the Wasatch County Health Department.
- I. Any home or dwelling unit that has been sectioned off so any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and a kitchen, regardless of the relationship of the occupants, is prohibited unless it meets all the requirements of this section.
- J. Adequate off-street parking must be provided for the IADU.

## **LOCATION**

An IADU may be created:

- A. Within a single-family residential building or attached garage through an internal conversion of the structure maintaining an internal connection between living areas; or
- B. By an addition to a single-family residential building which shares a wall between the IADU and the principal part of the dwelling unit.

## **UTILITIES**

A single-family residential building with an IADU shall have no more than one meter for each water, electricity, and gas utility service, and each meter shall be in the property owner's name. The property owner shall be responsible for payment of all utilities provided by the Town.

## **OCCUPANCY**

Either the primary dwelling unit or the IADU shall be occupied by a full-time resident property owner as shown on the Wasatch County tax assessment rolls. The occupancy requirement may also be met by a full-time resident who is a beneficiary of a trust or an estate that owns the property.

## **EXCEPTION TO OWNER OCCUPANCY**

Owner occupancy shall not be required:

- A. When the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception);
- B. When the owner is living in a hospital, nursing home, assisted living facility, or other similar facility; or
- C. Within one year of the death of the owner of the property.

## **RECORDING**

Property owners must report through an Affidavit and Notice that their home contains an IADU to the Town offices/Town clerk for recording. The Town may request evidence that the IADU complies with the purposes and requirements of the Town zoning ordinances. The Town's Building Official, or other designated and qualified representatives, may inspect the dwelling to ensure compliance. However, burden of proof shall be on the property owner to allow a primary residence to add or begin renting an IADU. Upon sale of the property, the new owner shall be required to sign and record a new Affidavit and Notice to the Town offices/Town clerk for recording.

# AFFIDAVIT AND NOTICE OF INTERNAL ACCESSORY DWELLING UNITS AND RELATED REGULATIONS

(To Be Completed, Signed, and Recorded at Wallsburg Town by the Property Owner)

Property Owner(s) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address(es): \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_

Complete Legal Description(s): \_\_\_\_\_

I (we) \_\_\_\_\_, being duly sworn, depose and say that I (we) am (are) the current owner(s) of the property or properties listed above: that I (we) occupy the property or properties listed above. I (we) certify that the second dwelling unit on the property is an internal accessory dwelling unit and understand that a future purchaser of the property will be required to reauthorize the internal accessory dwelling unit to continue the use. I (we) also understand that any use of the internal accessory dwelling on the property or properties is contingent on the owner of the property or properties occupying either the principal or internal accessory dwelling and compliance with the provisions of the Wallsburg Town Code.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_