

## SECTION 16

### INTERNAL ACCESSORY DWELLING UNITS

ELSINORE TOWN RECOGNIZES THAT INTERNAL ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES CAN BE AN IMPORTANT TOOL IN THE OVERALL HOUSING PLAN FOR ELSINORE.

**PURPOSE:** THE PURPOSE OF THE INTERNAL ACCESSORY DWELLING UNIT.

- A. ALLOWS OPPORTUNITIES FOR PROPERTY OWNERS TO PROVIDE SOCIAL OR PERSONAL SUPPORT FOR FAMILY MEMBERS WHERE INDEPENDENT LIVING IS DESIRABLE.
- B. PROVIDE FOR AFFORDABLE HOUSING OPPORTUNITIES.
- C. MAKE HOUSING UNITS AVAILABLE TO MODERATE INCOME PEOPLE WHO MIGHT OTHERWISE HAVE DIFFICULTY FINDING HOUSING IN ELSINORE.
- D. PROVIDE OPPORTUNITIES FOR ADDITIONAL INCOME TO OFFSET RISING HOUSING COSTS.
- E. PRESERVE THE CHARACTER OF RESIDENTIAL ZONES BY PROVIDING STANDARDS GOVERNING DEVELOPMENT OF INTERNAL ACCESSORY DWELLING UNITS.
- F. ENSURE THAT INTERNAL ACCESSORY DWELLING UNITS ARE PROPERLY REGULATED BY REQUIRING PROPERTY OWNERS TO OBTAIN A CONDITIONAL USE PERMIT AND A BUILDING PERMIT FOR AN INTERNAL ACCESSORY DWELLING UNIT PRIOR TO RENTING THE IADU.

**DEFINITIONS:**

INTERNAL ACCESSORY DWELLING UNIT – (IADU) MEANS A UNIT CREATED;

- A. WITHIN A PRIMARY DWELLING
- B. WITHIN THE FOOTPRINT OF THE PRIMARY DWELLING AT THE TIME THE IADU IS CREATED
- C. FOR THE PURPOSES OF OFFERING A LONG-TERM RENTAL OF 30 CONSECUTIVE DAYS OR LONGER

OWNER OCCUPANCY – MEANS A PROPERTY WHERE THE PROPERTY OWNER, AS REFLECTED IN TITLE RECORDS, MAKES HIS OR HER LEGAL RESIDENCE AT THE SITE.

PRIMARY DWELLING – MEANS A SINGLE-FAMILY DWELLING THAT IS OCCUPIED AS THE PRIMARY RESIDENCE OF THE OWNER OF RECORD.

**ALLOWED ZONES:**

- A. IADU INCORPORATED WITHIN A SINGLE-FAMILY RESIDENCE SHALL BE A PERMITTED USE ON RESIDENTIAL LOTS, IN RESIDENTIAL ZONES. THE MINIMUM LOT SIZE MUST BE 6,000 SQUARE FOOT OR GREATER.
- B. IADU SHALL NOT BE PERMITTED IN COMMERCIAL, OR INDUSTRIAL ZONES.
- C. IN NO CASE SHALL AN IADU BE PERMITTED IN A DETACHED DWELLING THAT IS ACCESSORY TO THE PRIMARY DWELLING.
- D. A MOBILE HOME WILL NOT BE PERMITTED TO HAVE AN IADU.

**SETBACKS:**

SETBACKS ON ALL IADUS SHALL BE CONSISTENT WITH SETBACKS FOR A SINGLE-FAMILY DWELLING IN EACH ZONE.

**PARKING REQUIREMENTS:**

IN ADDITION TO THE REQUIRED PARKING FOR THE EXISTING HOME, THE PROPERTY OWNER MUST DEMONSTRATE THAT ONE (1) ON SITE PARKING SPACE IS AVAILABLE FOR AN IADU. IN CASES WHERE GARAGE CONVERSIONS ARE DONE TO CREATE AN IADU, A REPLACEMENT ON SITE PARKING SPACE IS REQUIRED FOR THE PRIMARY DWELLING IN A NUMBER EQUAL TO THE PARKING SPACES ELIMINATED BY THE IADU.

**OWNER OCCUPANCY:**

THE PRIMARY DWELLING OF THE IADU MUST HAVE OWNER OCCUPANCY. A PERMIT FOR AN IADU SHALL INCLUDE EVIDENCE OF OWNER OCCUPANCY. ONLY ONE (1) IADU IS ALLOWED PER LOT.

**IADU DESIGN STANDARDS:**

- A. AN APPROVED BUILDING PERMIT IS REQUIRED FOR ALL IADUS BEFORE AN IADU IS CONSTRUCTED, AND ALL OTHER APPLICABLE PROVISIONS OF THIS SECTION AND SEVIER COUNTY CODE MUST BE MET BEFORE AN IADU CAN BE RENTED.
- B. THE DESIGN AND SIZE OF AN IADU SHALL CONFORM TO ALL APPLICABLE BUILDING, PLUMBING, ELECTRICAL, MECHANICAL AND HEALTH CODES, INCLUDING APPLICABLE WATER REQUIREMENTS.
- C. CONVERSIONS OF AN EXISTING SPACE TO AN IADU WILL REQUIRE COMPLIANCE WITH SAFETY REQUIREMENTS PER BUILDING CODE INCLUDING, BUT NOT LIMITED TO, EGRESS WINDOWS WITH WINDOW WELLS IF NEEDED, SUFFICIENT HVAC AND/OR CLIMATE CONTROL FOR THE IADU, HARD WIRED SMOKE DETECTORS IN EACH BEDROOM AND HALLWAY AND A WORKING FIRE EXTINGUISHER LOCATED IN A CENTRAL LOCATION.
- D. AN IADU SHALL NOT HAVE A SEPARATE UTILITY METER FROM THE PRIMARY DWELLING.
- E. IF A PRIMARY DWELLING UNIT IS SERVED BY A FAILING SEPTIC TANK (AS DETERMINED BY THE SEVIER COUNTY HEALTH DEPARTMENT) AN IADU WILL BE PROHIBITED.
- F. OWNER SHALL PROVIDE A SEPARATE ADDRESS MARKING FOR EMERGENCY SERVICES AND MAILING SERVICES.
- G. SINGLE-FAMILY RESIDENCES WITH AN IADU SHALL RETAIN THE SAME APPEARANCE AS A SINGLE-FAMILY RESIDENCE.
- H. ONLY ONE FRONT DOOR SHALL BE VISIBLE FROM THE FRONT YARD. ANY NEW ENTRANCES SHALL BE ON THE SIDE OR REAR OF THE PRIMARY DWELLING.
- I. INTERIOR ACCESS BETWEEN THE PRIMARY LIVING AREA AND THE ACCESSORY DWELLING UNIT MUST BE MAINTAINED.

**LETTER AND NOTICE OF INTERNAL ACCESSORY DWELLING UNIT:**

PERMITS FOR AN IADU SHALL PROVIDE A LETTER STATING THAT THE OWNER OF THE PROPERTY WILL LIVE IN EITHER THE PRIMARY OR IADU AS THEIR PERMANENT RESIDENCE. UPON APPROVAL OF THE IADU BY THE PLANNING AND ZONING COMMISSION A NOTICE OF IADU INCLUDING THE LETTER SHALL BE RECORDED AGAINST THE PROPERTY TO PROVIDE NOTICE TO A FUTURE OWNER OF THE OWNER OCCUPANCY REQUIREMENT OF THE IADU. UPON SALE OF THE PROPERTY, THE NEW OWNER SHALL BE REQUIRED TO SIGN AND RECORD A NEW LETTER AND SECURE REAUTHORIZATION OF THE IADU BY THE PLANNING AND ZONING COMMISSION.

**VARIANCES:**

THE PLANNING AND ZONING COMMISSION MAY GRANT VARIANCES TO THE STANDARD OF THIS SECTION BUT MAY NOT GRANT A VARIANCE FROM BUILDING CODE REQUIREMENTS, OWNER OCCUPANCY PROVISIONS, LOT SQUARE FOOTAGE REQUIREMENTS, OR THE NUMBER OF UNITS ALLOWED PER LOT.

**PENALTY:**

ELSINORE TOWN MAY PROSECUTE OR FINE ANY INDIVIDUAL WHO ADVERTISES AN IADU AS A SHORT-TERM RENTAL ON A SHORT-TERM RENTAL WEBSITE.