

**01-07-25- AN ORDINANCE DEALING WITH INTERNAL
ACCESSORY DWELLING UNITS**

WHEREAS, Trenton Town recognizes that accessory dwelling units can be an important tool in meeting Trenton's moderate income housing needs. The purposes of the internal accessory dwelling unit ("IADU") standards of this code are to:

- A. Comply with State of Utah legislation which allows for internal ADUs generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for moderate income housing opportunities;
- D. Make housing units available to households with moderate incomes who might otherwise have difficulty finding housing in Trenton;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of Trenton by providing standards governing development of internal ADUs; and
- H. Ensure that internal ADUs are properly regulated by requiring property owners to obtain a permit for an ADU prior to renting the internal ADU.

NOW, THEREFOR,, BE IT ORDAINED by the Council that Ordinance 01-07-25 as set forth be adopted thereof.

Internal Accessory Dwelling Units

- 1) Definition: An Internal Accessory Dwelling Unit (IADU) is an accessory dwelling unit is a subordinate dwelling which has its own eating, sleep and sanitation facilities which is created within the footprint of a single family detached residence for the purpose of offering a long-term rental where the property owner resides on site.
- 2) IADU must meet the following regulations.
 - a) An IADU shall comply with all applicable building, health, and fire codes.
 - b) The owner of the property shall occupy either the IADU or the primary dwelling where the IADU is located as their place of primary residence.

- c) Dwelling unit Occupancy: The occupants of an IADU unit shall be limited by one of the following family categories:
 - i) One person living alone; or
 - ii) Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children; or
 - iii) Up to four (4) unrelated persons living as a single housekeeping unit.
 - iv) Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.
 - v) For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.
- d) An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
 - i) The architectural style, building style, building materials and building colors of a IADU must be compatible and consistent with the primary dwelling unit
- e) A minimum of one extra parking space beyond the parking required for the primary dwelling shall be provided on a property where an IADU is proposed.
 - i) Any parking spaces displaced by the construction of an IADU (i.e. parking within a garage or carport displaced after the construction of an IADU within the garage or carport) shall be replaced to meet the requirement above.
 - ii) The required parking shall be paved with gravel or crushed composite material and shall not be in tandem with parking required for the primary dwelling unit.
- f) An IADU shall maintain the same address as the primary dwelling with the addition of 'Unit B'
- g) An IADU shall not operate on separate utility meters from the primary dwelling.
- h) An IADU shall not be permitted within a mobile home or within the property area of a mobile home
- i) An IADU shall not be permitted on a property with a total lot size of 6,000 square feet or less.

- j) An IADU shall not be permitted on a property with a failing septic tank.
- k) Attached ADU's must share a common wall and roof for a minimum of twenty (20) linear feet with the primary dwelling and include an internal connection into a common living area of the primary dwelling, or an administrative exception of less than 20 feet may be granted for the full width of a shared exterior wall elevation of the existing structure. The internal connection can be closed off by a door. A basement or attic accessory apartment meets this requirement with the common floor, but must maintain an internal connection to the primary dwelling.
 - i) Common living area: An enclosed area or room which is available for use by more than one person, is intended as a gathering area for living cooking, or recreational purposes, and is a habitable space as defined by the building code. Examples include: living rooms, kitchen, family room, recreational room, laundry room and similar areas. Common areas that do not meet this definition include: corridors, stairways, hallways, breezeways, bathrooms, closets, garage, storage room, patio, sunroom and similar areas.

3) IADU Rental Provisions

- a) An Internal Accessory Dwelling Unit shall not be made available to rent without the owner of the property on which the IADU is located without first obtaining a valid permit for the purpose of renting an IADU from Trenton Town.
- b) An IADU shall not be made available for use as a short term rental (any rental occupancy for a period of less than 30 consecutive days).
- c) An IADU shall not be made available to rent where the owner does not reside within the primary dwelling unit on the property.

4) APPLICATION PROCEDURES:

- a) Application for a permit for an Internal Accessory Dwelling Unit shall be made to the Planning and Zoning Commission and shall include:
 - i) A notarized letter accompanying the application from the owner(s) stating that the owner will occupy one of the dwelling units in the single family dwelling except for periods of bona fide temporary absences;
 - ii) A floor plan to the scale of one-fourth inch (1/4") to the foot showing the current layout or any proposed changes to the single family dwelling;
 - iii) A site plan;
 - iv) The fee as set forth by the most recent prevailing fee schedule adopted by resolution of the Town Council to cover the costs of processing the application, legal notices and code inspection.
- b) Within forty five (45) days of the receipt of an application, the Planning and Zoning Commission shall review the submitted application.

- c) The purchasers of a single family dwelling that had or has an Internal Accessory Dwelling Unit (IADU) permit for an accessory apartment who want to continue renting the apartment must reapply for a conditional use permit and must demonstrate that all conditions prerequisite to obtaining the relevant permit, in particular their residence in the single family dwelling, have been met.

5) Penalty

- a) In addition to applicable remedies for correction of non-compliance found in in Utah Code, Trenton Town may hold a lien of up to \$100 per day against a property that contains an Internal Accessory Dwelling Unit if the Internal Accessory Dwelling Unit is in violation of any of the provisions of Utah Code 10-9a-530 or of any provisions of this chapter.
 - i) The lien shall be removed after the violations are resolved