

CHAPTER 19  
INTERNAL ACCESSORY DWELLING UNITS

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10-19-1 Purpose

To provide regulations for the construction and use of internal accessory dwelling units as prescribed in state statute. To ensure that such uses comply with all applicable building codes. To prevent such uses from being detrimental to the character of residential zones within South Weber City.

10-19-2 Definitions

The definitions contained in this Chapter shall have such meanings as may be found in Title 10, Chapter 1, Section 10 of this code.

10-19-3 Permitted Use - Limitations

- A. Internal Accessory Dwelling Units (IADU) shall be permitted in those zones identified in Title 10, Chapter 1, Section 10-A of this code, also known as the South Weber City land use matrix.
- B. Regardless of the location of a proposed IADU, no IADU may be located on parcels which:
  - a. Are smaller than 6,000 square feet
  - b. Are serviced by a failing septic tank
  - c. Have a recreational vehicle as the primary dwelling unit
- C. IADUs shall not be rented for less than thirty-day periods
- D. IADUs shall not be listed for rental on a short-term rental website or through other short-term rental media.
- E. No primary structure may contain more than one IADU.
- F. External accessory dwelling units are prohibited.

10-19-4 Business License Required

Prior to occupancy of an IADU, the owner of record of any parcel shall first apply for and obtain a business license from South Weber City.

10-19-5 Building Permit Required

Prior to beginning construction on a new IADU, the owner of record, or their designee, shall apply for and receive a building permit from South Weber City.

#### 10-19-6 Standards of Approval- General

IADUs located in South Weber City shall adhere to the following standards:

- A. Single-family homes with an IADU shall be the primary or principal place of residence of the property owner, as defined in Utah Code Annotated, Section 20-a-105.
- B. Either the IADU or the primary dwelling unit shall be owner-occupied.
- C. The primary dwelling unit and IADU shall be served by a single utility meter.
- D. A separate mailing address shall be created for the IADU.
- E. IADUs may not be rented to more than one family unit, as defined in South Weber City Code.

#### 10-19-7 Standards of Approval- Construction

Construction of all IADUs shall adhere to the State Construction Code and Title 9 of South Weber City Code. In addition, the following construction guidelines shall apply:

- A. In order to qualify as an IADU, a minimum of 15' common wall or floor space with the primary dwelling unit is required.
- B. Each IADU shall have separate eating, bathing, living, and sleeping areas.
- C. One off-street parking spot per IADU shall be provided, in addition to any off-street parking provided for the primary dwelling.
- D. In the event a garage or carport is converted to an IADU, off-street parking shall be replaced on a space-per-space basis.
- E. All IADUs shall have egress windows in any such room as required by the State Construction Code and Title 9 of South Weber City Code.
- F. An IADU may be constructed either as an addition to an existing home, a remodel of a garage, carport, or basement, or as part of new construction.
  - a. Regardless of the manner of construction, all setbacks, height limits and other similar regulations shall be adhered to.
  - b. Each unit's entrance shall be distinct from the other and shall be on separate planes of the primary dwelling unit.
- G. If an IADU is constructed as an addition to an existing home, to the greatest extent possible, similar construction materials and design shall be used.

#### 10-19-8 Violation

Failure to adhere to any of the provisions contained in this Chapter shall constitute a violation of city code and may result in one or more of the following:

- A. Following the procedures outlined in State law, a lien may be filed with the Davis County recorder until such time as the violation is remedied.
- B. Prosecution of the property owner.
- C. Daily fines not to exceed \$100 per day.
- D. Revocation of a business license until such time as the violations are remedied.
- E. Any and all other fines and penalties available under City or State code.