

INTERNAL ACCESSORY DWELLING UNITS

This chapter details the regulations associated internal accessory dwelling units

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11.1 Definitions Used In This Chapter

11.1.1 Internal accessory dwelling units

An accessory dwelling unit created:

- (i) within a primary dwelling;
- (ii) within the footprint of the primary dwelling described in 11.1.1(i) at the time the internal accessory dwelling unit is created; and
- (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

11.1.2 Mobile Home

A transportable structure in one or more sections with the plumbing, heating, and electrical systems contained within the unit, which when erected on a site, may be used with or without a permanent foundation as a family dwelling.

11.1.2 Primary dwelling

A single-family dwelling that:

- (i) is detached; and
- (ii) is occupied as the primary residence of the owner of record.

11.2 State of Utah Internal Accessory Dwelling Regulations

11.2.1 In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use; and

(b) except as provided in 11.2.2) and 11.2.3, a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling

unit

within a primary dwelling, including a restriction or requirement governing:

- (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- (ii) total lot size; or
- (iii) street frontage.

11.2.2 An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

11.2.3 Bear River City shall:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

- (i) to include one additional on-site parking space for an internal accessory dwelling
- unit, regardless of whether the primary dwelling is existing or new construction;
- and
- (ii) to replace any parking spaces contained within a garage or carport if an internal
- accessory dwelling unit is created within the garage or carport;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in 11.1.2;

(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;

(f) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a septic tank that is not designed for the additional occupants of the accessory dwelling unit as determined by the Bear River Health Department;

(g) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;

(h) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

(i) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

(j) hold a lien against a property that contains an internal accessory dwelling unit in accordance with 11.2.4; and

(k) record a notice for an internal accessory dwelling unit in accordance with 11.2.5

11.2.4 Violation Affects

(a) In addition to any other legal or equitable remedies available to Bear River City, Bear River City may hold a lien against a property that contains an internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or under 11.2.3;

(ii) Bear River City provides a written notice of violation in accordance with 11.2.4(b);

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with 11.2.4(d), if the owner files a written objection in accordance

with 11.2.4(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under 11.2.4 (5)(b);

(v) Bear River City provides a written notice of lien in accordance with 11.2.4(c);

and (vi) the municipality records a copy of the written notice of lien described in 11.2.4(a)(iv) with the Box Elder County Recorder.

(b) The written notice of violation shall: (i) describe the specific violation;

opportunity (ii) provide the owner of the internal accessory dwelling unit a reasonable

to cure the violation that is:

(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner

- renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
- (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
- (iii) state that if the owner of the property fails to cure the violation within the time period described in 11.2.4(b)(ii), Bear River City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
- (iv) notify the owner of the property:
- (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
- (B) of the name and address of the municipal office where the owner may file the written objection;
- (v) be mailed to:
- (A) the property's owner of record; and
- (B) any other individual designated to receive notice in the owner's license or permit records; and
- (vi) be posted on the property.
- (c) The written notice of lien shall:
- (i) comply with the requirements of Utah State Code Section 38-12-102;
- (ii) state that the property is subject to a lien;
- (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
- (iv) be mailed to:
- (A) the property's owner of record; and
- (B) any other individual designated to receive notice in the owner's license or permit records; and
- (v) be posted on the property.
- (d)
- (i) If an owner of property files a written objection in accordance with 11.2.4(b)(iv), the municipality shall:
- (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under 11.2.4(b) has occurred; and
- (B) notify the owner in writing of the date, time, and location of the hearing described in 11.2.4(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- (ii) If an owner of property files a written objection under 11.2.4(b)(iv), Bear River City may not record a lien until Bear River City holds a hearing and determines that the specific violation has occurred.
- (iii) If Bear River City determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under 11.2.4(b), Bear River City may not hold a lien against the property, or

impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under 11.2.4(b).

11.2.5 Recording of Presents of an Internal Accessory Dwelling Unit

(a) When Bear River City issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of Box Elder County.

(b) The notice described in 11.2.5(a) shall include:

- (i) a description of the primary dwelling;
- (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
- (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

(c) Bear River City shall, upon recording the notice described in 11.2.5(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.