



Midway

UTAH

INTERNAL ACCESSORY DWELLING UNIT (IADU) REGISTRATION

Property Owner: _____ **Contact Person:** _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Phone: _____ **Cell:** _____ **Email:** _____

Lot Size: _____ **Square Footage:** _____ **Property Serial Number:** _____

Requirements of Chapter 16.13.38 of the Midway City Land Use Code (Check all that comply):

- | | |
|--|--|
| <input type="checkbox"/> Maximum of 1 IADU per lot | <input type="checkbox"/> Complies with all building and fire codes |
| <input type="checkbox"/> Unit is owner occupied | <input type="checkbox"/> Separate entrance |
| <input type="checkbox"/> Lot size is greater than 6,000 sq ft | <input type="checkbox"/> Single family appearance |
| <input type="checkbox"/> Includes kitchen, bathroom and sleeping area | <input type="checkbox"/> IADU addressed a Unit B |
| <input type="checkbox"/> At least 1 off street parking stall behind the front
Setback of the house (setbacks will vary with
Planning Dept) | <input type="checkbox"/> Utility meters in property owner's name |
| | <input type="checkbox"/> Not used as short-term rental |

APPROVAL: This registration is in compliance with Midway City's Building Code and City Code requirements and is approved.

_____	_____
Building Official or Designee	Date
_____	_____
Planning Manager or Designee	Date

Supporting Materials

To provide the best service and most efficient review of your registration, it will not be accepted unless the registration is determined to be complete, containing all items on the registration checklist. Submit the signed registration and supporting materials to megan@midwaycityut.org. Please contact the planning department at 435-654-3223 x106 with questions.

Registration

Any person owning an existing IADU that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an IADU, or any person remodeling or causing the remodeling of a residence for an IADU, shall register the IADU with the Planning Department. This shall be in addition to a building permit for any work to be performed. To meet the requirements of the registration, the applicant shall:

- a. Submit a fee to be determined by the approved fee schedule with a completed registration form including a site plan that shows property lines and dimensions, to location of existing buildings and proposed building entrances, and the location of the IADU parking stall,
- b. Include a detailed IADU floor plan with labels on rooms indication uses or proposed uses,
- c. Obtain a building permit and pay the permit fees, if applicable, for the construction of a new dwelling. Or the remodeling of and existing dwelling, in accordance with the established fees and charges,
- d. Make all corrections identified as necessary to comply with building code requirements, as identified by the building official or his designee, and
- e. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance and applicable law.

Applicant	City Staff	Please check the applicable box to indicate the materials have been included with the registration
		1. Registration form.
		2. Registration of \$0.
		3. Signature of the property owner on the registration form.
		4. Site plan that shows property lines and dimensions, to location of existing buildings and proposed building entrances, and the location of the IADU parking stall.
		5. Detailed floor plans with labels on rooms indication uses or proposed uses.

Please refer to Chapter 16.13.38 Of the Land Use Code for all IADU requirements and regulations at

<http://www.midwaycityut.org/Planning-Department-For-Land-Use-Applications>

Owner's Internal Accessory Dwelling Unit Affidavit

STATE OF _____)
) ss:
COUNTY OF _____)

THIS OWNER'S INTRNAL ACCESSORY DWELLING UNITY AFFIDAVIT (this "Affidavit") is made effective _____ 20 ____ by the undersigned owner(s) (collectively, "Owner") of the Property (defined below), in favor of the city of Midway City, a Utah municipality whose address is 75 N 100 W, Midway City, UT 84049 and its successors and assigns ("City").

Being first duly sworn, Owner deposes and says:

1. I am aware that City's code of ordinances (the "Code") prohibits the construction or use of a second dwelling unit (sometimes called an "internal accessory dwelling unit") (each, an "IADU") within any residence located in a City single-family zone (such as City's R-1-11, R-1-15, R-1-22 and RA-1-43 zones) except pursuant to Code Chapter 16.13.38 (Chapter "16.13.38").
2. I am the record owner of the realty (the "Property") that is described on the attached exhibit (the "Exhibit). The Exhibit also includes a description of the primary dwelling unit (i.e., the primary residence) on the Property.
3. I desire to maintain and IADU within the primary called an "Internal ADU" as detailed in an application for an IADU Registration ("Registration") that I have filed with City as provided in Chapter 16.13.38. The proposed IADU also is described on the Exhibit.
4. I acknowledge and agree that the IADU within the primary residence may only be used as a long-term rental in accordance with the Code and City's other land use regulations. This IADU shall not be used as a short-term rental.
5. I further acknowledge and agree that the Registration is not transferrable to a subsequent record owner of the Property, but instead that continued use of the IADU shall require and updated Registration, site inspection (if applicable), and affidavit to supersede this Affidavit, and such other actions as may be required by the then Code.
6. I give this Affidavit as required by Code section 16.13.38 to induce City to issue the Registration as I have requested. I acknowledge that City will rely on this Affidavit as being complete and truthful in its decision to issue the Registration.

Exhibit to Affidavit

ADDRESS OF PROPERTY: _____, Midway City, Utah

PROPERTY'S TAX PARCEL NUMBERS(S): _____

ACREAGE OF LOT OR PARCEL: _____

OWNER:

Print Name: _____

Address: _____

Print Name: _____

Address: _____

Subscribed And sworn to before me this ____ day of _____ 20__ by

_____ and _____.

NOTARY PUBLIC

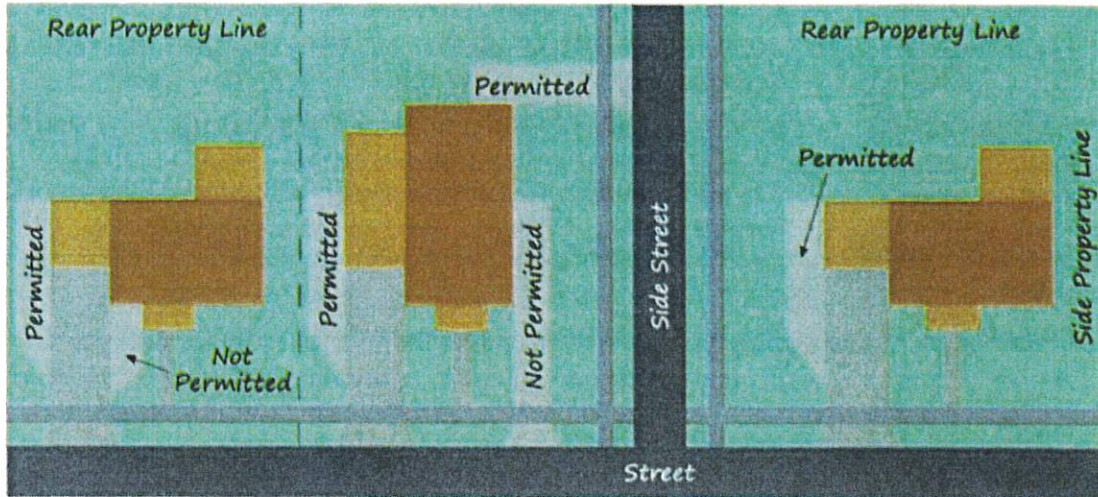
Section 16.13.38

Internal Accessory Dwelling Units

1. As used in this section:
 - a. "Internal Accessory Dwelling Unit" means an accessory dwelling unit created:
 - i. Within a primary dwelling;
 - ii. Within the existing footprint of the primary dwelling 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 or habitation without fee.
 - b. "Primary dwelling" means a single-family dwelling that:
 - i. Is detached; and
 - ii. Is occupied as the primary residence of the owner of record.
2. Permitted Use.
 - a. The use of one internal accessory dwelling unit within a primary dwelling is a permitted use in any area zoned primarily for residential use.
 - b. An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes, except that:
 - i. A structure whose egress window in an existing bedroom complied with the construction code in effect at the time that the bedroom was finished is not required to undergo a physical change to conform to the current construction code if the change would compromise the structural integrity of the structure;
 - ii. The discharge of return air from an accessory dwelling unit into another dwelling unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited; and
 - iii. An occupant of an accessory dwelling unit is not required to have access to the disconnect serving the dwelling unit in which they reside.
3. Restrictions and Requirements:
 - a. The following are prohibited in all internal accessory dwelling units located in the City:
 - i. Installing a separate utility meter;
 - ii. Creating an internal accessory dwelling unit within a mobile home;
 - iii. Creating an internal accessory dwelling unit within a primary dwelling served by a failing septic tank;
 - iv. Renting an internal accessory dwelling unit located within a dwelling that is not the owner's primary residence;
 - v. Renting or offering to rent an internal accessory dwelling unit for a period of less than 30 consecutive days;
 - b. The following are required of all internal accessory dwelling units located in the City:
 - i. One additional on-site parking space, regardless of whether the primary dwelling is existing or new construction;

- ii. Any required parking spaces contained within a garage or carport removed for the creation of an internal accessory dwelling unit must be replaced, which could require the creation of new onsite parking spaces. Parking shall comply with the following standards:
 - 1. Parking associated with an internal accessory dwelling unit may not be in tandem with required parking of the main dwelling, or on the existing primary dwelling access driveway unless all the following criteria are met:
 - a. All parking spaces shall comply with the general size requirements for parking stalls (9' x 20').
 - b. Parking shall not be on a sidewalk or trail.
 - c. Parking shall be located on the lot or parcel where the IADU is located.
 - d. Parking shall not limit access to another parking area.
 - i. To limit access means that a hypothetical 20' long vehicle could be reasonably expected to have access to any space at any time. In particular, spaces that are aligned in tandem:
 - 1. Require an unblocked lane of travel for each lane that is to be counted as parking (min 9' width per lane).
 - 2. Where parallel parking access is not possible, there must be an extra 20' of spacing between counted spaces to allow pull-in access to each counted space.
 - 3. Where parallel parking is possible, each space accessed in this manner requires 2' of extra length (24' total) front-to-back.
- iii. The owner of a primary dwelling desiring to rent out an internal accessory dwelling unit must obtain a City license and any applicable permits to do so;
- iv. Lot containing the primary dwelling shall be a minimum of 6,000 square feet in size;
 - 1. No common or limited common area may count towards the 6,000 square foot minimum.
- v. An internal accessory dwelling unit should be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling. Specifically, it must comply with the following:
 - 1. New exterior entrances that benefit an internal accessory dwelling unit are prohibited along the front façade of the structure. This does not prevent the internal accessory dwelling unit from using an existing front entrance but prevents the creation of a new entrance for the internal accessory dwelling unit along the front façade of the structure. An additional entrance may be added along the side or rear façades of the structure.
 - 2. No parking spaces may be located within the front setback or the secondary frontage setback adjacent to a street, except for within an approved driveway as described in 3(b)(ii). A required IADU

parking stall shall not be in front of the dwelling except as described in 3(b)(ii). A driveway associated with an IADU or parking stall associated with an IADU may not be located in the secondary frontage setback.



3. The minimum dimension of the parking stall is 9' x 20' and shall have a surface consisting of either asphalt, concrete, pavers, gravel, or road base.
- c. The City has discretion to pursue the following concerning internal accessory dwelling units:
 - i. The City may hold a lien against a property containing an internal accessory dwelling unit in accordance with Subsection 4; and
 - ii. The City may record a notice for an internal accessory dwelling unit in accordance with Subsection 5.
4. Liens.
 - a. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against a property containing an internal accessory dwelling unit if:
 - i. The owner of the property violates any of the provisions of Subsections 3 or 4;
 - ii. The City provides a written notice of violation in accordance with Subsection (4)(b);
 - iii. The City holds a hearing and determines that the violation has occurred in accordance with Subsection (4)(d), if the owner files a written objection in accordance with Subsection (4)(b)(iv);
 - iv. The owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (4)(b);
 - v. The City provides a written notice of lien in accordance with Subsection (4)(c); and

- vi. The City records a copy of the written notice of lien described in Subsection (4)(a)(iv) with the Wasatch County recorder.
- b. The written notice of violation shall:
 - i. Describe the specific violation;
 - ii. Provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
 - 1. No less than 14 days after the day on which the City 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
 - 2. No less than 30 days after the day on which the City 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 Subsection (4)(b)(ii), the 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:
 - 1. 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
 - 2. Of the name and address of the City office where the owner may file the written objection;
 - v. Be mailed to:
 - 1. The property's owner of record; and
 - 2. 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. State that the property is subject to a lien;
 - ii. 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;
 - iii. Be mailed to:
 - 1. The property's owner of record; and
 - 2. Any other individual designated to receive notice in the owner's license or permit records; and
 - iv. Be posted on the property.
- d. If an owner of property files a written objection in accordance with Subsection (4)(b)(iv), the City shall:
 - i. Hold a public hearing to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (4)(b) has occurred; and
 - ii. Notify the owner in writing of the date, time, and location of the hearing described in Subsection (4)(d)(i) no less than 14 days before the day on which the hearing is held.
 - iii. If an owner of property files a written objection under Subsection (4)(b)(iv), the City may not record a lien under this Subsection 4 until

the City holds a hearing and determines that the specific violation has occurred.

- iv. If the City determines at the hearing that the specific violation has occurred, the City 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 Subsection (4)(b), the 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 Subsection (4)(b).

5. Recording Notices.

- a. If the City issues a license and any applicable permits 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, the City may record a notice in the office of the Wasatch County recorder.
- b. The notice described in Subsection (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 City's land use regulations.
- c. The City shall, upon recording the notice described in Subsection (5)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

6. Home Owner Associations.

- a. A home owner association may not restrict or prohibit the rental of an internal accessory dwelling unit constructed within a lot owner's residential lot, if the internal accessory dwelling unit complies with all applicable:
 - i. Land use ordinances;
 - ii. Building codes;
 - iii. Health codes; and
 - iv. Fire codes.

(2022-06, Section (Internal Accessory Dwelling Units) Added, eff. 3/17/2022; 2010-04, Section (Protection of Older Buildings for Historic Preservation) Repealed, eff. 7/28/2010)