

ORDINANCE NO. 2019- 29

**AN ORDINANCE AMENDING CHAPTER 2, CHAPTER 3, AND CHAPTER 5 OF THE
UTAH COUNTY LAND USE ORDINANCE RELATED TO DESIGNATING
ACCESSORY DWELLING UNITS AS A PERMITTED USE IN CERTAIN ZONES**

WHEREAS, the Utah County Commission initiated a review of Chapter 2, Chapter 3, and Chapter 5 of the Utah County Land Use Ordinance (UCLUO) related to designating accessory dwelling units as a permitted use in certain zones; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on July 16, 2019, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 2-2-A of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

2-2: DEFINITIONS



- A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:
1. **Accessory Dwelling Unit:** A habitable one-family dwelling unit added to, created within, or detached from, a primary one-family dwelling and contained on a single lot or parcel.
 138. **Subordinate:** Secondary or lesser to a use or structure as it relates to size, height, or distance from approved access point along frontage.

Part II:

Chapter 3 of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

3-54: ACCESSORY DWELLING UNITS

A. INTENT

It is the intent of this section to provide opportunities for the creation of more dwelling units in unincorporated Utah County for persons or families of various income levels, while establishing standards for such dwelling units that will not be detrimental to other uses or industries.

B. SCOPE

Upon receipt of a complete application, the Zoning Administrator shall approve an accessory dwelling unit in any zone in which such use is listed as a permitted use, provided that all of the following standards and requirements are met.

C. STANDARDS

1. A maximum of one(1) accessory dwelling unit shall be permitted on a lot or parcel.
2. The design, size, and location of the accessory dwelling unit shall be subordinate to the main dwelling on the lot or parcel and shall meet all applicable adopted building, fire, and health codes and requirements.
3. The accessory dwelling unit shall have a total maximum floor area of 1,000 square feet for all habitable stories.

Exception: An accessory dwelling unit may have a total maximum floor area of more than 1,000 square feet provided the property owner of record has signed and recorded a restrictive covenant and acknowledgement in a form acceptable to the Utah County Attorney's Office which acknowledges the accessory dwelling unit on the subject property shall only be rented at an amount which qualifies as moderate income housing as defined by Utah State Code. Such form shall be recorded in the Utah County Recorder's Office prior to issuance of any applicable permits associated with the accessory dwelling unit. In addition, an accessory dwelling unit which is detached from the single-family dwelling on the subject property shall have a total maximum floor area not to exceed 40% of the total

floor area of the primary dwelling up to a maximum of 1,500 square feet. For purposes of this calculation, total floor area shall not include garages and covered or enclosed porches or decks.

4. The accessory dwelling unit shall meet all adopted state and county health codes and requirements for the provision of culinary water and sewage disposal.
5. The accessory dwelling unit may have a separate utility meter for gas and/or electrical service provided each meter is in the name of the property owner.
6. The accessory dwelling unit shall utilize the same street address as the primary single-family dwelling on the lot or parcel. However, the accessory dwelling unit may be identified as a separate unit for mail and other addressing purposes.
7. The accessory dwelling unit shall be provided with a minimum of two(2) additional off-street parking spaces.
8. The accessory dwelling unit shall only be occupied by one(1) family.
9. The accessory dwelling unit shall be accessed by an independent entrance. Any accessory dwelling unit added to, or created within, an existing single-family dwelling shall have its entrance located at the side or rear of the dwelling.
10. The accessory dwelling unit shall be located on a lot or parcel that meets the minimum area and width requirements for a single-family dwelling of the zone in which the lot or parcel lies, or on a lot within an approved and recorded large scale development.

Part III:

Chapter 5 of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

5-2 RA-5 RESIDENTIAL AGRICULTURAL ZONE

B. PERMITTED USES

33. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-3 RR-5 RURAL RESIDENTIAL ZONE

B. PERMITTED USES

17. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-4 TR-5 TRANSITIONAL RESIDENTIAL ZONE

B. PERMITTED USES

17. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-5 CE-1 CRITICAL ENVIRONMENT ZONE

B. PERMITTED USES

23. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-6 CE-2 CRITICAL ENVIRONMENT ZONE

B. PERMITTED USES

22. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-7 M&G-1 MINING AND GRAZING ZONE

B. PERMITTED USES

35. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-13 A-40 AGRICULTURAL ZONE

B. PERMITTED USES

28. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

5-18 G-1 GRAZING ZONE

B. PERMITTED USES

32. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of chapter 3 of this land use ordinance

Part IV:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part V:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part VI:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 20th day of August 2019.

UTAH COUNTY COMMISSION

VOTE



WILLIAM C. LEE, CHAIR

yes



TANNER AINGE, VICE-CHAIR

yes



NATHAN IVIE, COMMISSIONER

yes

ATTEST:
AMELIA A. POWERS
Utah County Clerk/Auditor

APPROVED AS TO FORM:
DAVID O. LEAVITT
Utah County Attorney

By: 

Deputy

Approved

Disapproved

By: 

Deputy



Date of Publication: Once only, as soon as possible