

ENT 109473:2022 PG 1 of 5  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2022 Oct 13 10:01 am FEE 0.00 BY NG  
RECORDED FOR COMMUNITY DEVELOPMENT

**ORDINANCE NO. 2022 - 949**

**AN ORDINANCE AMENDING SECTIONS 2.08, AND 8.116 OF THE UTAH COUNTY LAND USE ORDINANCE RELATIVE TO SQUARE FOOTAGE LIMITATIONS AND OTHER REQUIREMENTS FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, an applicant has initiated a review of Chapter 8.116 of the Utah County Land Use Ordinance (UCLUO), to change the condition of the amount of square footage needed to build an accessory dwelling; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County General Plan, and to the Utah County Land Use Ordinance, during a regularly scheduled meeting of the Planning Commission on September 20, 2022, 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 from the Utah County Planning Commission meeting and 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 is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors; and

**WHEREAS**, the Board of County Commissioners finds amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 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 2.08 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to include the following definitions:

**2.08 Definitions – Land Use**

"Accessory Dwelling Unit" A habitable one-family dwelling unit added to, created within, or detached from, a primary one-family dwelling or farm caretaker dwelling and contained on a single lot or parcel.

- A. "Attached Accessory Dwelling Unit" An accessory dwelling unit added to a one-family dwelling or farm caretaker dwelling which is not required to be within the footprint of the primary dwelling.
- B. "Detached Accessory Dwelling Unit" An accessory dwelling unit which is not connected to the primary dwelling.
- C. "Internal Accessory Dwelling Unit" An accessory dwelling unit as defined under Utah Code 17-27a-526 as amended.

"Dwelling" A building of residence or sleeping including, but not limited to, the following mutually exclusive types: conventional dwellings or mobile homes.

- J. "Primary Dwelling" A One-Family Dwelling that is detached and is occupied as the primary residence of the owner of record or an approved farm caretaker dwelling.

**Part II:**

Section 8.116 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as follows:

**8.116 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. **General Accessory Dwelling Unit Standards:**
  - 1. A maximum of one (1) accessory dwelling unit shall be permitted on a lot or parcel.
    - a. Exception: One (1) accessory dwelling unit shall be permitted on a lot or parcel for each approved farm caretaker dwelling located within a recorded "Declaration of Farm Unit" as provided for in UCLUO 8.84.
  - 2. The design, size, and location of the accessory dwelling unit shall be subordinate to the primary 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 meet all adopted state and county health codes and requirements for the provision of culinary water and sewage disposal.
4. 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.
5. The accessory dwelling unit shall utilize the same street address as the primary one-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.
6. The accessory dwelling unit shall only be occupied by one (1) family.
7. The accessory dwelling unit shall be accessed by an independent entrance.
8. The accessory dwelling unit shall be located on a lot or parcel which qualifies for the one-family dwelling or farm caretaker dwelling to which the accessory dwelling unit is accessory.

**D. Internal Accessory Dwelling Unit Standards:**

1. An internal accessory dwelling shall have no total maximum floor area.
2. An internal accessory dwelling unit shall be provided with a minimum one (1) additional off-street parking space.
3. Any addition to the primary dwelling may not be converted to an internal accessory dwelling for a period of one (1) year from the date a certificate of occupancy is issued for the addition, unless an equal or greater amount of the addition will remain as part of the primary dwelling.

**E. Attached Accessory Dwelling Unit Standards:**

1. An attached accessory dwelling unit shall have a total maximum floor area of:
  - a. 1,000 square feet for all habitable stories; or
  - b. between 1,001 and 1,500 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.
2. An attached accessory dwelling unit shall have a minimum lot or parcel area of one (1) acre.
3. An attached accessory dwelling unit shall be provided with a minimum two (2) additional off-street parking space.

**F. Detached Accessory Dwelling Unit Standards:**

1. A detached accessory dwelling unit shall have a total maximum floor area of:
  - a. 1,000 square feet for all habitable stories, or
  - b. between 1,001 and 1,500 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.

2. The detached accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit floor area shall be limited as allowed in this section.
3. The total floor area calculation of a detached accessory dwelling unit shall not include garages or covered or enclosed porches or decks.
4. The total floor area calculation of a detached accessory dwelling unit located within an accessory structure shall not include areas used as part of the approved accessory structure use.
5. A detached accessory dwelling unit located within an accessory structure, shall have separate outside entrances for both the accessory dwelling unit and the accessory structure and shall not include any interior connection between the accessory structure and the dwelling unit.
6. A detached accessory dwelling unit shall be provided with a minimum of two (2) additional off-street parking spaces.
7. A detached accessory dwelling unit shall have a minimum lot or parcel area of one (1) acre.

### **Part III:**

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 IV:**


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 V:**


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 5<sup>th</sup> day of October 2022.

**UTAH COUNTY COMMISSION**

  
THOMAS V. SAKIEVICH, CHAIR

THOMAS V. SAKIEVICH, CHAIR

  
AMELIA POWERS GARDNER, VICE-CHAIR

AMELIA POWERS GARDNER, VICE-CHAIR

  
WILLIAM C. LEE, COMMISSIONER

WILLIAM C. LEE, COMMISSIONER

**VOTE**

Yea

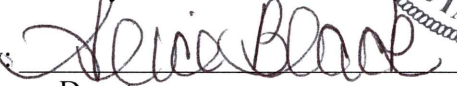
Yea

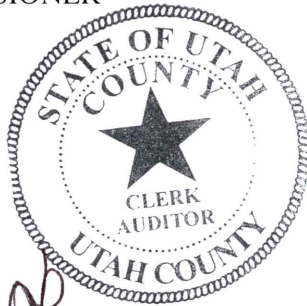
Yea

**ATTEST:**

**JOSH DANIELS**

Utah County Clerk/Auditor

By:   
Deputy



**APPROVED AS TO FORM:**

**DAVID O. LEAVITT**

Utah County Attorney

Approved

Disapproved

By:   
Deputy

Date of Publication: Once only, as soon as possible