

ORDINANCE NO. 19-10

AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE TO AMEND A PORTION OF THE CODE REGARDING ACCESSORY RESIDENTIAL UNITS (ARU'S).

WHEREAS, Title 16 currently allows for accessory residential units (ARU's), accessory dwelling units (ADU's), caretaker units and guest units; and

WHEREAS, it has also been determined that additional regulation and clarification for ARU's should be required; and

WHEREAS, concerns have been raised regarding the limitation on square footage for an ARU; and

WHEREAS, after discussion and public meetings it has been determined that the ordinance should be amended; and

WHEREAS, the planning commission and the county council have determined that allowing residential units for immediate family members is more beneficial than the negative effects of impacts on traffic and that the proposal promotes the health, safety, and welfare while promoting prosperity, peace, and good order; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meeting and public hearings related to this ordinance as required, and the planning commission held a public hearing on Nov. 14, 2019; and

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I: Repealer. If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. The following changes to the Wasatch County Code are hereby enacted:

See attachment

SECTION III: Effective Date. This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

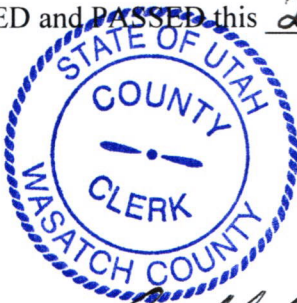
SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 20 day of November, 2019.

Attest:



Cal Griffiths
Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

MARK NELSON VICE CHAIR
Wasatch County Council

| | VOTE |
|-----------------------|------|
| Danny Goode, Chairman | — |
| Spencer Park | ✓ |
| Kendall Crittenden | — |
| Jeff Wade | ✓ |
| Marilyn Crittenden | ✓ |
| Steve Farrell | ✓ |
| Mark Nelson | ✓ |

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

: ss.

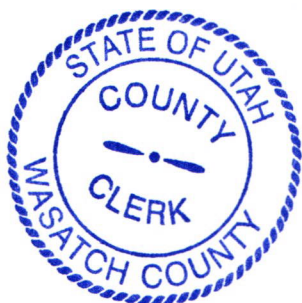
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [✓] (a) Causing this ordinance to be entered at length in the ordinance book;
- [✓] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [✓] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch

Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this 20 day of November, 2019.



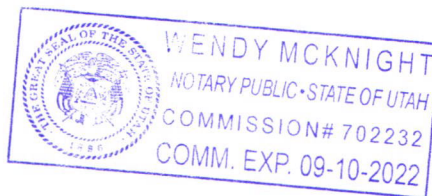
Cal Griffiths
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 20 day of NOVember, 2019.

Notary Public

Residing in: Wasatch

My commission expires: 09-10-2022



16.21.46: ACCESSORY RESIDENTIAL UNITS, CARETAKER ACCESSORY DWELLING UNITS, GUEST UNITS AND SECOND KITCHENS

Purpose: the purpose of this section is to provide reasonable accommodations for family members, guests and caretaker employees of residents of the County that live in the main dwelling on the site. All stated uses are secondary to the main use and are not intended to significantly increase density, traffic, sewer and water impacts or other impacts to the neighborhood or greater community on a permanent basis. A single-family zoning district's primary use shall remain single-family. Regulations limiting square footage, aesthetics, parking and uses are intended to maintain the character of a single family neighborhood.

General Definitions of Accessory Unit Types: Accessory residential units (ARU's) are units within the main building under the common roofline or in the basement for family members that are deed restricted so they will not become short or long term rental units. Caretaker accessory dwelling units (caretaker ADU's) are separate residential living quarters located on the same lot as the main dwelling unit for the purpose of housing an immediate family member or employee for the purpose of providing a caretaker for larger acreage properties with caretaker needs. Guest ADU's are detached dwellings used on a part time basis not intended to be permanent residents for guests of the main dwelling and not short or long term rentals. The other use covered by regulations of this code are second kitchens within the main dwelling that are regulated under the ARU ordinance. This ordinance only allows for the above noted uses if they do not alter the character of the neighborhood or create unreasonable impacts to the county.

A. Accessory Residential Units (ARU's):

Accessory residential units (ARU's) are units for immediate family members that are structurally part of the main dwelling but can be a stand-alone dwelling unit in that it may have a separate entrance and kitchen and which must be in compliance with the below restrictions.

- A. Allowed only in single family detached homes.
- B. Must be part of the main dwelling unit and share common walls. Common walls and roof lines do not include covered or enclosed walkways. The unit must have the ability to be accessible through conditioned space through the main dwelling unit.
- C. No separate meters are allowed for utilities including water, sewer, gas and power. Required utilities (water, sewer, power, gas) shall be connected through the same connections and hookups as the main dwelling unit.
- D. If connected to an on-site septic system, special conditions may be imposed by the Wasatch County Health department to protect the surface water and groundwater quality from increased degradation above that of a single residence on the property. This may include the use of an alternative on site system for nitrogen reduction, compliance with R317-4-4.2 method 1 for determining lot size, or other property specific requirements. The Health department may also not approve the additional load on the septic system, in which case the conditional use shall be denied.

The same address and driveway used for the main dwelling must be used for the ARU.

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F. ~~The ARU is limited to 1,000 square feet and two bedrooms.~~ The ARU is limited to 1,000 square feet and two bedrooms except in instances where the ARU is entirely within the basement of the

main dwelling, the size of the ARU may be increased up to a maximum of 80% of the main dwelling unit's footprint based on a measurement of the main dwelling unit's exterior foundation walls (excluding the garage). In no case shall the size of the ARU exceed 40% of the overall square footage of the main dwelling. For purposes of this calculation the garage is excluded but all other areas including the ARU square footage shall be counted.

E.

E.G. There must be one off-street parking stall provided in addition to the required parking for the main dwelling, and in addition to any requirements for parking for an accessory dwelling as per section 16.33.

G.H. Must go through an administrative conditional use process as per section 16.23.03. The H.I. main dwelling unit must be owner occupied.

I.J. Conditional uses that violate approvals shall be reviewed under section 16.23.

I.K. A building permit issued by Wasatch County is required for any ARU.

K.L. Any violation of this section is a class B misdemeanor.

L.M. The ARU is intended to fit in with the neighborhood aesthetically. Impacts, if any, should not detract from the residential nature of the neighborhood.

M.N. An ARU shall not be allowed on any parcel that is considered non-conforming in any way even on lots that are considered lots of record.

N.O. Applications for ARU's within a subdivision regulated by a homeowners' or property owners' association shall submit official written notice from said POA or HOA stating that the proposed guest ADU is allowed by subdivision regulations, covenants, and also submit approval from the HOA architectural committee if required. The exterior appearance of a newly constructed ARU shall fit in with the neighborhood aesthetically and shall be structurally built using materials and designs similar to existing dwellings on the parcel though more modern materials may be used in the event that the materials used on existing dwellings cannot meet building code requirements.