

ORDINANCE NO. 20-23

AN ORDINANCE AMENDING SECTIONS 16.21.46, ACCESSORY DWELLINGS, AND 16.22.09, LOT OF RECORD LAND USE REGULATIONS, IN ORDER TO ALLOW ACCESSORY RESIDENTIAL UNITS (ARU'S) ON LOTS OF RECORD.

WHEREAS, the code does not allow for ARU's on lots of record; and

WHEREAS, the proposal allows for an ARU on a lot of record if the lot of record is larger than the underlying zone requires; and

WHEREAS, the county wishes to maintain the rural atmosphere of the County which is enhanced by a larger lot and a requirement in the code to deed restrict the parcel from further subdivision; and

WHEREAS, the proposed language outlines requirements for submittals in furtherance of County ideals; and

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

SEE ATTACHMENT

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 If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment.

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.

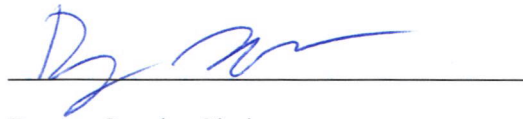
APPROVED and PASSED this 25 day of November, 2020.

Attest:

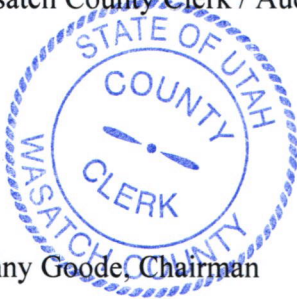
WASATCH COUNTY COUNCIL:



Calvin Griffiths
Wasatch County Clerk / Auditor



Danny Goode, Chair
Wasatch County Council



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

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 25 day of November, 2020.



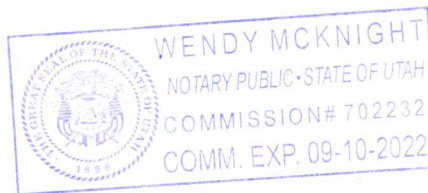
Calvin Griffiths

Calvin Griffiths
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 25 day of November, 2020.

Wendy MCKnight
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 an 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 Unity 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, and, in the case of lots of record, that there will be no further subdivision of the subject property. 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 and must be in compliance with the below restrictions:

...

14. 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, unless the nonconforming parcel or lot of record has acreage 50% greater than that required by the underlying zone, and is greater than 5 acres.

(a) A deed restriction must be filed by the applicant on a form provided by the county that prohibits any further subdivision of the parcel. The applicant must provide the recorded deed restriction prior to occupancy being granted.

(b) Additional units cannot result in a total unit count greater than 31 units on a dead end road, including secondary access only being available through a seasonal road. If the ARU will so increase the unit count, another access road must be provided by the applicant and built to county standards.

15. 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.

16.22.09: NONCONFORMING LOTS OF RECORD LAND USE REGULATIONS

Nonconforming lots of record are only exempt from the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located. Before a building permit may be issued, nonconforming lots of record shall have access on a road built to county standards and shall comply with all other land use, zoning and development standards applicable to the particular zone the nonconforming lot of record is located in. A nonconforming lot of record determination does not guarantee a building permit.

A. Lot With Building: If a lot is unable to receive lot of record status and contains a building legally established on or before July 28, 1972, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity.

1. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback of the lot coverage requirements of the underlying zone are exceeded by the increase.
2. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the planning director as though the lot conforms to the requirements of this title.
3. At least 75% of the framing and foundation of the original building must remain intact to continue the then existing use of the building, or to expand the building, unless the structure was involuntarily destroyed in whole or in part by fire or other calamity, and the owner reconstructs or restores the structure in conformity with the requirements of Utah Code 17-27a-510(3) (2018) as amended, and Wasatch County Code.

B. Uses Granted for Nonconforming Lots of Record: Lots that are determined to be nonconforming lots of record may be granted a building right for a single family dwelling, accessory residential units only if allowed in section 16.21.46, and accessory uses as outlined in the underlying zone. So long as all other standards applicable to that use are complied with and so long as the use is permitted in the zone, nonconforming lots of record may also be permitted utility uses under use code 4800 and agricultural uses under use code 8000. The uses outlined in this paragraph and no others are granted for nonconforming lots of record.