

DRAFT
ORDINANCE _____
2010

ACCESSORY DWELLING UNIT LAND USE CODE AMENDMENT

WHEREAS, the Grand County Council (Council) adopted the Grand County General Plan (General Plan) by Resolution No. 2301 on August 5, 1996 and amended by Resolution No. 2654 on April 6, 2004; and

WHEREAS, the Council adopted the Land Use Code (LUC) with Ordinance No. 299 on January 4, 1999 for the purpose of regulating land use, subdivision, and development in Grand County in accordance with the General Plan; and

WHEREAS, the Council adopted the Grand County and City of Moab Housing Study and Affordable Housing Plan by Resolution No. 2908 on November 4, 2009 as an amendment to the General Plan; and

WHEREAS, low and median income workers find themselves priced out of single family homes and many are unable to find lower priced rental units in good conditions; and

WHEREAS, the intent and purpose of the LUC amendment is to encourage accessory dwelling units as an affordable housing opportunity while protecting neighborhood character and the quality of life in residential zone districts; and

WHEREAS, the Planning Commission reviewed the draft Ordinance in a public hearing on July 14th continued to August 11th and recommended approval; and

WHEREAS, due notice was given that the Council would meet to hear and consider this item in a public hearing on **September 7th**; and

WHEREAS, the Council has heard and considered all evidence and testimony presented with respect to the amendment and has determined, subsequent to said public hearing that the adoption of this Ordinance is in the best interests of the citizens of Grand County, Utah.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF GRAND COUNTY, UTAH that the LUC is hereby amended by repeal and re-enaction of Section 3.3.2B Accessory Dwelling Unit to read as follows:

3.3.2 Use-Specific Standards for Accessory Uses

B. Accessory Dwelling Unit

The intent and purpose of this section is to encourage accessory dwelling units as an affordable housing opportunity while protecting the neighborhood character and quality of life in residential zone districts. Accessory dwelling units shall comply with the following standards:

1. Area, Setback, and Size Restrictions

- a. An accessory dwelling may be permitted as an accessory use to an otherwise allowed single-family dwelling unit that is the principal use on a lot or parcel of at least 9,000 square feet. Only one accessory dwelling unit shall be permitted per lot / parcel of record.
- b. Accessory dwellings shall adhere to the required rear and side setbacks for principal structures within the underlying zone district. The height of the accessory dwelling shall not exceed the height of the principal structure or 15 ft. whichever is ~~less~~ more.
- c. Accessory dwelling units shall be setback a minimum of five feet further from the street than the principal structure ~~and shall not occupy more than twenty-five percent of the gross square footage of rear and side yards.~~
- d. The maximum square footage of the accessory dwelling unit shall not exceed ~~50% of the gross square footage of the primary residence or~~ eight hundred square feet, ~~whichever is smaller.~~

2. Site Plan and Design Requirements

- a. A site plan shall be required prior to issuance of a building permit. The site plan shall be drawn to scale and clearly show the location and dimensions of all existing and proposed structures, setbacks, parking, easements, and driveways.
- b. An accessory dwelling unit shall be a permanent structure. No travel trailer, boat, or similar recreational vehicle shall be used as an accessory dwelling unit.

3. Occupancy Requirements

- a. The owner of the property shall occupy either the primary structure or the accessory dwelling as his/her primary residence.
- b. Accessory dwelling units shall not be condominiumized or sold separately, and shall not be rented to guests for periods of less than 30 consecutive days. A restricted use covenant shall be signed and recorded by the owner prior to issuance of a building permit for the accessory dwelling unit.
- c. Maximum occupancy of accessory dwelling units shall be limited to two (2) persons per bedroom.

ADOPTED by the Grand County Council in open session this **X** day of September 2010 by the following vote:

Those voting aye: _____

Those voting nay: _____

Absent: _____

Grand County Council

ATTEST:

Diana Carroll, Clerk / Auditor

Audrey Graham, Chairperson