

ORDINANCE 495 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 condition; and

WHEREAS, the purpose of this Accessory Dwelling Land Use Code Amendment (Amendment) is to encourage accessory dwelling units as an affordable housing opportunity while protecting the residential character of neighborhoods and the quality of life in residential zone districts; and

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

WHEREAS, on September 7, 2010, the Council held a duly noticed public hearing for purposes of obtaining and considering public input regarding the Amendment; and

WHEREAS, the Council 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 Amendment 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 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 dwelling units shall meet setback and building height requirements applicable to the principal structure in the underlying zone district.
- c. The maximum square footage of the accessory dwelling unit shall not exceed eight hundred square feet.

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 existing and proposed structures (including such items as building elevation, color, and materials), 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.
- c. ADUs shall be designed to preserve or compliment the architectural design, style, and appearance of the primary single-family dwelling unit. Specifically, whether attached or detached, the roof pitch, siding materials, color, and window treatment of the ADU shall be the same as, similar to, or an improvement to, the appearance of the primary dwelling unit.
- d. If a separate external entrance for the ADU is necessary it shall be screened from view of the street, and where possible, shall be located on the internal side or rear of the structure.

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 (see Index, Addendum D, ADU Restrictive Covenant) shall be signed and recorded by the owner prior to issuance of a building permit for the accessory dwelling unit

3.3.2 Definitions

Accessory Dwelling Unit (ADU): An independent residential living space including provisions for living, sleeping, cooking, and sanitation that can be created within, attached to, or detached from a single family home.

ADOPTED by the Grand County Council in open session this 16 day of November 2010 by the following vote:

Those voting aye: Graham, Baird, Ballantyne, Greenberg, Ciarus

Those voting nay: Holyoak

Absent: Conrad

ATTEST:-

Diana Carroll
Diana Carroll, Clerk / Auditor

Grand County Council
Audrey Graham
Audrey Graham, Chairperson