

## ORDINANCE 2012-10

**AN ORDINANCE AMENDING CHAPTER 15, TABLE 15-5-3.3(B) OF THE TOOELE COUNTY LAND USE ORDINANCE, INCREASING THE OVERALL SQUARE FOOTAGE ALLOWANCE FOR ACCESSORY HOUSING UNITS AND ADDRESSING LOCATION AND OWNERSHIP RESTRICTIONS** – [RESULTS OF THIS CHANGE: (1) THE LOCATION AND DESIGN OF AN ACCESSORY HOUSING UNIT MUST BE IN CLOSE PROXIMITY TO THE PRIMARY RESIDENCE; (2) THE OVERALL SQUARE FOOTAGE FOR ACCESSORY HOUSING UNITS ON PARCELS 4.7 ACRES OR LARGER CAN BE UP TO 1,500 SQ FT OR 30% OF THE PRIMARY RESIDENCE, WHICHEVER IS GREATER (INSTEAD OF BEING LIMITED TO 1,000 SQ FT); (3) THE OVERALL SQUARE FOOTAGE FOR ACCESSORY HOUSING UNITS ON PARCELS 1.0 TO 4.69 ACRES CAN BE UP TO 30% OF THE PRIMARY RESIDENCE (INSTEAD OF BEING LIMITED TO ONLY 800 SQ FT); (4) AN ACCESSORY HOUSING UNIT CANNOT BE CONVERTED TO A CONDOMINIUM OR HAVE ANY FORM OF LEGAL OWNERSHIP DIFFERENT FROM THE OWNERSHIP OF THE PRIMARY RESIDENCE]

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I - PURPOSE.** A proposal to amend the Tooele County Land Use Ordinance was submitted by Randy Salt. The petitioner has requested an increase in the square footage allowance for detached accessory structures on parcels five acres and larger. The requested amendment would also require that the accessory structure be similar in design to the primary dwelling and ensure the length and width of the property surrounding the dwelling is enough as to not encumber utility easements. Planning and Zoning staff suggested additional restrictions regarding location and ownership of accessory dwelling units as well as an increase to the square footage allowance for parcels which are less than five acres but greater than one acre. The Erda, Pine Canyon, and Tooele County Planning Commissions held public hearings on the amendment and recommend passage of this ordinance.

**SECTION II - TABLE AMENDED.** Chapter 15, Table 15-5-3.3(b) of the Tooele County Land Use Ordinance is hereby amended to read as follows:



Table 15-5-3.3. Dwellings, living quarters and long or short term residences.									
#	Use	Multiple Use (MU-)			Agriculture (A-)		Rural Residential (RR-)		
		40	80	160	20	40	1	5	10
	notice of this limitation against the property upon issuance of the permit; 11. The use permit for the accessory housing unit shall be in effect only so long as the single family dwelling is occupied by the owner of record as the principal residence; and 12. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for ordinance enforcement and revoking the conditional use permit.								

**SECTION III - REPEALER.** Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION IV - EFFECTIVE DATE.** This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

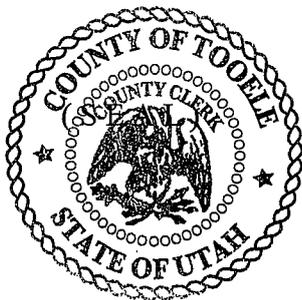
**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 3<sup>rd</sup> day of April 2012.

**ATTEST:**

*Marilyn K. Gillette*  
MARILYN K. GILLETTE, Clerk

**TOOELE COUNTY COMMISSION:**

*Colleen S. Johnson*  
COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye  
Commissioner Clegg voted aye  
Commissioner Hurst voted aye

**APPROVED AS TO FORM:**

*Doug Hogan*  
DOUG HOGAN  
Tooele County Attorney

**Table 15-5-3.3. Dwellings, living quarters and long or short term residences.**

#	Use	Multiple Use (MU-)			Agriculture (A-)		Rural Residential (RR-)		
		40	80	160	20	40	1	5	10
		b	<p>For lots or parcels larger than one acre, one detached accessory housing unit in conjunction with a single family dwelling that is owner occupied. No townhouses manufactured or mobile homes shall have accessory housing units. The accessory housing unit may be a separate structure or part of a garage structure that is accessory to a single family dwelling. Only one accessory housing unit shall be allowed for each parcel and shall comply with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Exterior design of the accessory housing unit shall be compatible with the existing single family dwelling on the lot through architectural use of building forms, construction, materials, colors, landscaping, and other methods that conform to acceptable construction practices;</li> <li>2. The accessory housing unit shall be subordinate to the single family dwelling. A single-family dwelling exists or will be constructed in conjunction with the accessory housing unit;</li> <li>3. The accessory housing unit shall not result in excessive noise, traffic or parking congestion;</li> <li>4. The location and design of the accessory housing unit shall be in close proximity to the primary residence and maintain a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties;</li> <li>5. The accessory housing unit shall have the same address as the single family dwelling;</li> <li>6. There shall be one parking space shall be provided on-site for each studio and one bedroom accessory housing unit. Two parking spaces shall be provided on-site for each two bedroom accessory housing unit. Parking for the accessory housing unit is in addition to the required parking for the primary residence;</li> <li>7. The floor area for accessory housing unit shall not exceed 800 square feet or 30% of the primary residence, whichever is greater, for lots between 1 and 4.69 acres. For lots 4.7 and larger, accessory housing shall not exceed 1,000 1,500 sq ft or 30% of the primary residence, whichever is greater. In no case may any combination of buildings occupy more than the required rear yard for the district in which it is located;</li> <li>8. Attached accessory housing units shall meet the same setbacks as a single family dwelling in the zoning district;</li> <li>9. Building height and stories shall be as follows: <ol style="list-style-type: none"> <li>a. A one story detached accessory housing unit shall be no more than thirteen feet in height.</li> <li>b. A one and one-half to two story detached accessory housing unit shall be no more than twenty-two feet in height measured to the roof peak.</li> <li>c. An attached accessory housing unit may occupy a first or second story of a main residence if it is designed as an integral part of the single family dwelling and meets the setbacks required for the single family dwelling.</li> <li>d. If the design of the main dwelling has special roof features that should be matched on the detached accessory housing unit, the maximum building height of the accessory housing unit may be exceeded to include such similar special roof features subject to review and approval of the Zoning Administrator;</li> </ol> </li> <li>10. The accessory housing unit shall not be sold separately or converted to a condominium or any other form of legal ownership different from the ownership of the primary residence. The Engineering Department shall record a notice of this limitation against the property upon issuance of the permit;</li> <li>11. The use permit for the accessory housing unit shall be in effect only so long as the single family dwelling is occupied by the owner of record as the principal residence; and</li> <li>12. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for ordinance enforcement and revoking the conditional use permit.</li> </ol>	C	C	C	C	C	C