

**TOOELE COUNTY
ORDINANCE 2022-22**

**AN ORDINANCE AMENDING TABLE 15-5-3.3, DWELLINGS, LIVING
QUARTERS AND LONG OR SHORT-TERM RESIDENCES, OF
CHAPTER 15, MULTIPLE USE, AGRICULTURAL, AND RURAL
RESIDENTIAL DISTRICTS, OF THE TOOELE COUNTY LAND USE
ORDINANCE**

WHEREAS, the Community Development Department proposed various amendments to Table 15-5-3.3 to comply with recent statutory amendments affecting internal accessory dwelling units and to modify existing requirements for internal accessory dwelling units and detached accessory dwelling units; and

WHEREAS, public notice of the proposed amendments was provided as required by UCA Section 17-27a-205; and

WHEREAS, the Planning Commission conducted a public hearing and discussed the requested land use amendment; and

WHEREAS, the Planning Commission voted to recommend amendments to Table 15-5-3.3 of the Tooele County Land Use Ordinance;

**NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF TOOELE
COUNTY ORDAINS AS FOLLOWS:**

SECTION I – TABLE AMENDED. *Table 15-5-3.3, Dwellings, living quarters and long or short-term residences, of Chapter 15, Multiple Use, Agricultural, and Rural Residential Districts, of the Tooele County Land Use Ordinance is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.*

SECTION II – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

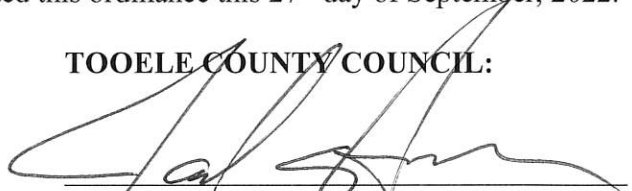
SECTION III – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

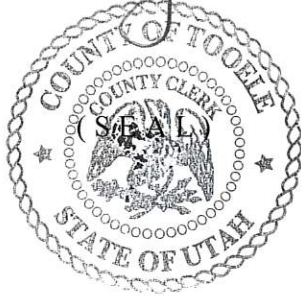
IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 27th day of September, 2022.

ATTEST:

TOOELE COUNTY COUNCIL:



TRACY D. SHAW, County Clerk

JARED S. HAMNER, Chair

Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted absent
Council Member Wardle voted aye

APPROVED AS TO FORM:



COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 15

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

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	5	10	20	40	1	5	10
c	<p>Accessory dwelling units (internal)</p> <p>Subject to the following conditions, one internal accessory dwelling unit ("internal ADU") may be located within each primary dwelling:</p> <ol style="list-style-type: none"> 1. No more than one ADU may be located on any parcel 2. The primary dwelling must be occupied as the primary residence of an owner of record 3. The internal ADU must be subordinate to the primary dwelling 4. The internal ADU must use the same house number as the primary dwelling 5. Each internal ADU must have at least one on-parcel parking space, which must be in addition to the parking space(s) required for the primary dwelling 6. The internal ADU must not exceed 1,500 square feet of gross floor area 7. No internal ADU may be rented for a period of less than 30 consecutive days 	P	P	P	P	P	P	P	P	P	P

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	5	10	20	40	1	5	10
	<p>8. Internal ADUs must comply with all applicable building, health, and fire codes</p> <p>9. The county will record a notice stating that the primary dwelling contains an internal ADU and that the internal ADU may only be used in accordance with the county's regulations</p>										
d	<p>Accessory dwelling units (detached)</p> <p>Subject to the following conditions, one detached accessory dwelling unit ("detached ADU") may be located on each parcel that contains a primary dwelling:</p> <ol style="list-style-type: none"> 1. No more than one ADU may be located on any parcel 2. The primary dwelling must be occupied as the primary residence of an owner of record 3. The detached ADU must be, or must be located in, a structure that is subordinate to the primary dwelling 4. The detached ADU cannot be converted to an autonomous dwelling and cannot be partitioned or conveyed separately from the primary dwelling 5. The detached ADU must use the same house 	C	C	C	C	C	C	C	C	C	C

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	5	10	20	40	1	5	10
	number as the primary dwelling 6. Each studio or one bedroom detached ADU must have at least one on-parcel parking space, which must be in addition to the parking space(s) required for the primary dwelling 7. Each two or more bedroom detached ADU must have at least two on-parcel parking spaces, which must be in addition to the parking space(s) required for the primary dwelling 8. The detached ADU must not exceed 1,500 square feet of gross floor area 9. The exterior design (architectural style, construction, materials, colors, landscaping, etc.) of the detached ADU must be compatible with the exterior design of the primary dwelling 10. The location of the detached ADU must not significantly impair the privacy, light, air, solar access, access or parking of adjacent properties 11. The total of all structures on the parcel must not exceed the maximum building coverage allowed in the zoning district										

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		40	80	160	5	10	20	40	1	5	10
	<p>12. The detached ADU must meet the setback requirements of the zoning district</p> <p>13. The height of the detached ADU must not exceed the height of the primary dwelling</p> <p>14. No detached ADU may be rented for a period of less than 30 consecutive days</p> <p>15. Detached ADUs must comply with all applicable building, health, and fire codes</p> <p>16. The county will record a notice stating that the parcel includes a detached ADU and that the detached ADU may only be used in accordance with the county's regulations</p>										

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MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

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#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
c	<p style="color: red; font-size: small;">One accessory housing unit located within the single family dwelling structure. On lots or parcels only be located in the with less than one acre, accessory housing shall single family dwelling. The single family dwelling shall be owner occupied. No townhouses, manufactured or mobile homes shall have accessory housing units. The accessory housing unit shall comply with the following conditions:</p> <ol style="list-style-type: none"> 1. Any separate entrance shall be located so that the appearance of a single family dwelling is preserved; 2. The accessory housing unit shall be subordinate to the single family dwelling; 3. The accessory housing unit does not result in excessive noise, traffic, or parking congestion; 4. The accessory housing unit shall have the same address as the main house; 5. One parking space shall be provided on-site for each studio and one bedroom accessory housing unit. Two parking spaces shall 	C-P	C-P	C-P	C-P	C-P	C-P	C-P	C-P	C-P	C-P

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#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
	<p>be provided on-site for each two-bedroom accessory housing unit. The parking requirements for the accessory housing unit is in addition to the required parking for the single family dwelling;</p> <p>6. The floor area for the accessory housing unit shall not exceed five-hundred (500) square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory housing unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet.</p> <p>7. The conditional 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; and</p> <p>8. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.</p> <p><u>Accessory dwelling units (internal)</u></p> <p><u>Subject to the following conditions, one internal</u></p>										

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	5	10	20	40	1	5	10
	<p><u>accessory dwelling unit ("internal ADU") may be located within each primary dwelling:</u></p> <ol style="list-style-type: none"> 1. <u>No more than one ADU may be located on any parcel</u> 2. <u>The primary dwelling must be occupied as the primary residence of an owner of record</u> 3. <u>The internal ADU must be subordinate to the primary dwelling</u> 4. <u>The internal ADU must use the same house number as the primary dwelling</u> 5. <u>Each internal ADU must have at least one on-parcel parking space, which must be in addition to the parking space(s) required for the primary dwelling</u> 6. <u>The internal ADU must not exceed 1,500 square feet of gross floor area</u> 7. <u>No internal ADU may be rented for a period of less than 30 consecutive days</u> 8. <u>Internal ADUs must comply with all applicable building, health, and fire codes</u> 9. <u>The county will record a notice stating that the primary dwelling contains an internal ADU and that the internal ADU may only be used in accordance with the county's regulations</u> 										

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

#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
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d	<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> <p>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;</p> <p>2. The accessory housing unit shall be subordinate to the single family dwelling. A single family dwelling exists or will constructed in conjunction with the accessory housing unit;</p> <p>3. The accessory housing unit shall not result in excessive noise, traffic, or parking congestion;</p>	C	C	C	C	C	C	C	C	C	C

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	5	10	20	40	1	5	10
	<p>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;</p> <p>5. The accessory housing unit shall have the same address as the single family dwelling;</p> <p>6. There shall be one parking space 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;</p> <p>7. The floor area for the 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 1,500 square feet or 30% of the primary residence,</p>										

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	<p>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;</p> <p>8. Accessory housing units shall meet the same setbacks as a single family dwelling in the zoning district;</p> <p>9. Building height and stories shall be as follows:</p> <p>a. A one-story detached accessory housing unit shall be no more than thirteen feet in height.</p> <p>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.</p> <p>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.</p> <p>d. If the design of the main dwelling has special roof features that should be matched on the detached accessory</p>										

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	<p>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;</p> <p>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;</p> <p>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</p> <p>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.</p>										

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	<p><u>Accessory dwelling units (detached)</u></p> <p><u>Subject to the following conditions, one detached accessory dwelling unit ("detached ADU") may be located on each parcel that contains a primary dwelling:</u></p> <ol style="list-style-type: none"> <u>1. No more than one ADU may be located on any parcel</u> <u>2. The primary dwelling must be occupied as the primary residence of an owner of record</u> <u>3. The detached ADU must be, or must be located in, a structure that is subordinate to the primary dwelling</u> <u>4. The detached ADU cannot be converted to an autonomous dwelling and cannot be partitioned or conveyed separately from the primary dwelling</u> <u>5. The detached ADU must use the same house number as the primary dwelling</u> <u>6. Each studio or one bedroom detached ADU must have at least one on-parcel parking space, which must be in addition to the parking space(s) required for the primary dwelling</u> 										

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	<p>7. <u>Each two or more bedroom detached ADU must have at least two on-parcel parking spaces, which must be in addition to the parking space(s) required for the primary dwelling</u></p> <p>8. <u>The detached ADU must not exceed 1,500 square feet of gross floor area</u></p> <p>9. <u>The exterior design (architectural style, construction, materials, colors, landscaping, etc.) of the detached ADU must be compatible with the exterior design of the primary dwelling</u></p> <p>10. <u>The location of the detached ADU must not significantly impair the privacy, light, air, solar access, access or parking of adjacent properties</u></p> <p>11. <u>The total of all structures on the parcel must not exceed the maximum building coverage allowed in the zoning district</u></p> <p>12. <u>The detached ADU must meet the setback requirements of the zoning district</u></p> <p>13. <u>The height of the detached ADU must not exceed the height of the primary dwelling</u></p>										

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