

IRON COUNTY ORDINANCE 2021-6

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.16.030 – TABLE OF USES, AND SECTION 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS; SECTION 17.36.400 – ACCESSORY DWELLING UNIT (ADU); SECTION 17.20.010 – USE DEFINITIONS; SECTION 17.84.010 – DEFINITIONS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Iron County has determined in accordance with need for more affordable and attainable housing options, certain provisions and regulations need to be modified that permit accessory dwelling units (ADUs) in existing and new single-family residences; and

WHEREAS, in the 2021 Utah Legislative session the legislature adopted HB 82 that made modification to state code regarding duplexes and requirement of the building code that necessitates the county amend certain provision in its land management code;

WHEREAS, the proposed ordinance is designed to comply with Utah state code and implement the objectives of the County to promote options for housing opportunities while reasonably regulating the same to serve the purposes Utah law and the Iron County Zoning Ordinance; and

WHEREAS, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

WHEREAS, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning and Subdivision Ordinances of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

WHEREAS, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. Within **Section 17.16.030 – Table of Uses**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

17.16.030 Table of uses.

TABLE OF USES												
USES	ZONE DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	R4K	C	LI	I	IA
Accessory agricultural sales	P	P	X	P	P	P	P	P	P	P	P	P
Accessory dwelling unit (ADU)	P	P	P	P	P	P	P	X	X	X	X	X
Accessory outside storage	P	P	X	X	X	X	X	X	A	P	P	P

SECTION 2. Within **Section 17.16.020 – Definitions**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

17.16.020 - Definitions.

"Accessory agricultural retail sales" means a location for the retail or wholesale of agricultural or horticultural products which are grown on site: (1) products can only be sold on a seasonal basis with no permanent structure; and (2) products must be grown on site, not having been purchased for the purpose of resale.

"Accessory dwelling unit (ADU)" means a second dwelling unit located within the footprint of the primary dwelling, or attached to another dwelling unit, for use as an independent living or dwelling unit and is determined to be secondary to the primary dwelling unit or guest house.

"Accessory outside storage" means the outside placement of items which are customary and incidental to the principal use of the property, but excluding the outside storage and placement of flammable and hazardous materials.

SECTION 3. Within **Section 17.84.010 - DEFINITIONS**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

"Permitted use" means a use of land for which no conditional use permit is required.

“Primary Dwelling” means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

"Principal use" means the primary purpose or function for which a parcel is used.

SECTION 4. Within **Section 17.36.400 – Accessory Dwelling Units**, of the Iron County Code, shall be, and hereby is, identified and added to read as follow:

17.36.400– Accessory Dwelling Units (ADUs)

A. Purpose and intent.

The purposes and reasons for creating provisions and regulations for accessory dwelling units (ADUs) include the following:

1. Increasing the supply of a more affordable type of housing not requiring government subsidies;
2. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of housing options, prices, rents and locations;
3. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
4. Providing homeowners with extra income to help meet rising homeownership costs;
5. Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
6. Providing an opportunity for increased security, home care and companionship for older and other homeowners;
7. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
8. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution; and,
9. Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

Accessory dwelling units are, therefore, an essential component of housing choices and supply in Iron County.

B. General requirements.

1. An accessory dwelling unit (ADU) shall:

- a. be connected to the same utility connection for water, sewer, power, gas, etc. as the primary dwelling for which the ADU is secondary. If an ADU is proposed to be connected to an existing on-site wastewater treatment system, verification from Southwest Utah Public Health Department must be provided, stating that the wastewater system is of adequate size;
- b. meet the residency requirement that the legal owner of record occupy one of the two dwellings of the residential structure in which the ADU is located;
- c. provide at least one off-street parking space, in addition to those required by the primary dwelling or guesthouse on the same lot;
- d. replace any parking spaces contained within a garage or carport if the ADU is created within the garage or carport;
- e. be no greater than eight hundred (800) square feet in size if created as an addition to the existing dwelling and not within the footprint of the primary dwelling structure, prior to the addition;
- f. be less than fifty (50) percent in size of the primary dwelling when within the same footprint of the primary dwelling;
- g. comply with all applicable building, health, and fire codes; and,
- h. be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling, while considering privacy concerns with screening, landscaping, and orientation.

2. An accessory dwelling unit (ADU) shall be prohibited:

- a. to be created within a mobile home as defined in Section 17.80.010;
 - b. to be created if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size;
 - c. to be rented or offered for rent for a period of less than thirty (30) consecutive days;
- and,
- d. to be constructed as a duplex according to the current adopted building code.

C. Distinction from Guest House.

1. An accessory dwelling unit (ADU) is distinguished from a guest house and the associated regulations for a guest house (see Section 17.36.270 – Guest House) as follows:

a. an ADU is a permitted use in all residential zones that allow a single-family dwelling; whereas a guest house requires an administrative land use permit;

b. an ADU is to be located within the footprint of a primary dwelling, or as an addition to a primary dwelling with a size increase limitation of eight hundred (800) square feet; whereas a guest house must be separated from the primary dwelling by at least 15 feet and has no size limitation, subject to setbacks and maximum coverage regulations;

c. an ADU must utilize the same utility service connections as the primary dwelling; whereas a guest house may be required to have separate utility service connections depending on its size, location, and other factors; and,

d. an ADU may be located with a guest house and must provide for one additional off-street parking space; whereas a guest house must provide for two additional off-street parking spaces.

SECTION 5. Within **Section 17.16.040 – Table of Site Development Standards**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

	ZONING DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2 ⁽²⁾	R4K	C	LI	I	I-A
Maximum/ minimum building height (feet/stories)	NR	NR	NR	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories / 1 story	30 ft. or 2 stories/ 1 story	3 stories / 1 story	3 stories / 1 story	NR	NR
Minimum lot size (acres) ⁽¹⁰⁾	20 ⁽³⁾⁽⁵⁾	20 ⁽³⁾⁽⁵⁾	20 ⁽⁵⁾	5	2	1	1/2	0.0918 (4000 sq. ft.)	NR	NR	NR	80
Maximum total lot coverage (all buildings)	NR	NR	NR	5% ⁽⁹⁾	10%	15%	30%	75%	50%	50%	50%	NR

Notes:

(2) The R-1/2 zone, where a "Performance Subdivision Option" is approved, shall incorporate minimum and/or maximum values for setbacks, lot sizes and widths, building separation and heights, and maximum building coverage as prescribed in Section 16.23.040 (Development standards).

(3) If a lot or parcel of property is located within an RA-20 or A-20 zone and is less than twenty acres but at least five (5) or more acres, and provided that the lot was legally created or existed prior to August 14, 2000, the lot or parcel shall be considered suitable for uses identified as permitted or conditional as set forth in the RA-20 or A-20 zone, except for kennels; provided that all listed uses (permitted and/or conditional) in the RA-20 or A-20 zone shall be considered conditional uses for lots or parcels in the RA-20 or A-20 zone and smaller than twenty acres, but at least five (5) or more acres, subject to the following provisions:

a. The requested use is allowed in the RA-20 or A-20 zone as a permitted, administrative land use, or conditional use;

b. The requested use complies with the requirements for the RA-20 or A-20 zone with respect to yard requirements, setback requirements, height, buffer and landscape standards, and all other requirements applicable to the district are sufficient to permit the requested use, other than the minimum area requirement; and

c. The requested use will not substantially impair or adversely impact the neighboring property owners, but if so asserted, or the planning commission believes that the requested use will negatively impact or impair a neighboring property owner, then the planning commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest.

d. Conditional use permit applications for a kennel in the RA-20 or A-20 zone shall only be considered eligible for lots with twenty or more acres.

If the proposed use requested does not comply with the requirements of this title, or cannot be reasonably mitigated by the property owner, the planning commission shall deny the application. Upon finding that the proposed use, building or structure complies with the standards and requirements of this title, the requirements of the land management code, can be adequately serviced by the existing or proposed infrastructure, and the negative impacts can be reasonably mitigated, the planning commission shall authorize the conditional use permit.

(4) Accessory Building Setbacks and Separations. Unless determined otherwise by the county commission, accessory building setbacks shall be five feet minimum for rear and side yard setbacks. Front yard setbacks are the same as for the principle building and accessory buildings

may not be set closer to the front property line than the principle building. Accessory buildings may not be located in utility easements. Building separation distances for accessory buildings shall be regulated by the building code.

SECTION 6. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing administrative land use permits to be issued by the zoning administrator for uses such as guest houses and expanded home occupations in accordance with Utah State code and Iron County code.

SECTION 7. Severability.

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

SECTION 8. Effective Date.

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 28TH day of JUNE, 2021.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Michael Bleak, Chair

ATTEST:

Jonathan T. Whittaker, County Clerk

VOTING:

Michael P. Bleak	<u> Aye </u>
Paul Cozzens	<u> Aye </u>
Marilyn Wood	<u> Aye </u>