

**ESCALANTE CITY
ORDINANCE 2024-05**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO. 10.22.020
DEFINITIONS, 10.22.030 DEVELOPMENT STANDARDS AND PROVIDING
REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF UTAH.**

WHEREAS, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amending the following Ordinance; and

WHEREAS, The City Council and Mayor wish to amend such an Ordinance.

NOW THEREFORE, be it ordained by the Council of the Escalante City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.22.020 Definitions - Accessory Dwelling Unit” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.22.020 Definitions - Accessory Dwelling Unit

The Following words and phrases shall have definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there are contradiction as their meaning, the definitions set forth in this section shall control the Accessory Dwelling Unit Ordinance.

ACCESSORY DWELLING UNIT (ADU): A self-contained dwelling unit with an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, including a bathroom and a kitchen.

~~**ATTACHED-INTERNAL**~~ **ADU:** An accessory dwelling unit created within a primary dwelling and within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.

~~An ADU contained entirely within the footprint of the principal dwelling unit,~~

~~**DETACHED-EXTERNAL**~~ **ADU:** An ADU as a stand-alone building on the same parcel as the principal dwelling or in a building such as a garage not attached to the primary single-family dwelling.

DWELLING: Any building or portion thereof designed or used as the permanent residence or sleeping place of one or more persons, but not including a tent, recreational coach, hotel, hospital, or nursing home.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Two structures connected by a Breezeway IS NOT a single dwelling.

DWELLING UNIT: A portion of a building designed as the residence of one family or individual with suitable approved provisions for eating, sleeping, including a bathroom and kitchen.

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal primary residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

PRIMARY DWELLING: A single-family dwelling that is detached, is occupied as the primary residence of the owner of record and has a certificate of occupancy from Garfield County

SECTION 2:AMENDMENT “10.22.030 Development Standards” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.22.030 Development Standards

- A. The property owner must occupy either the principal unit or the ADU, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in EZC 10.22.020. Owner occupancy shall not be required when:
 1. The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 2. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- B. ADUs shall not be allowed as short-term rentals.
- C. Only one ADU may be created per lot or property in single-family zones.
- D. Installing separate utility meters for the ADU is prohibited.
- E. ADUs shall not contain more than three (3) bedrooms. ADUs shall be occupied by no more than three (3) related or unrelated adults and their children.
- F. The minimum lot size required for construction of a detached ADU in all single-family

residential zones shall be fourteen thousand five hundred (14,500) square feet.

- G. ~~Detached~~ External ADUs shall meet the same setbacks as required for a primary residence in the zone and at least ten (10) feet from the existing primary residence.
- H. Any ~~detached-external~~ ADU located in a required side yard must comply with the setbacks for the principal residence and shall have adequate facilities for all discharge from roof and other drainage.
- I. Any ~~detached~~ external ADU shall be architecturally compatible with the principal dwelling in order to maintain the appearance of the property as a single-family residence. A material and color board shall be required to ensure compatibility.
- J. Any ~~Detached~~ external ADU shall be a permanent structure. Mobile homes, travel trailers, boats, Shipping Containers, yurts or similar portable structures shall not be permitted as detached ADUs or primary structures for this section. The City Planning and Zoning and Council shall make the determination of whether or not a structure is permanent.
- K. The maximum height for external ~~detached~~ ADUs is limited to one story above ground and to twenty feet (20') or the height of the principal structure, whichever is less. A basement for storage is permitted.
- L. ~~Detached~~ External ADUs shall not exceed the greater of fifty percent (50%) of the size of the principle dwelling or one thousand (1,000) square feet excluding the basement. In no case shall the accessory dwelling unit contain habitable square footage less than ~~three-four~~ hundred and fifty (34500) square feet.
- M. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for the primary residence in the zone and meets the applicable building code.
- N. Any Internal ~~attached~~ accessory dwelling unit shall not alter the appearance of the structure as a single-family residence. There shall be no external evidence of occupancy by more than one (1) family. The architectural style, building materials and building colors of an accessory dwelling unit shall be compatible and consistent with the architectural style, materials and color of the primary building.
- O. Pets per City Ordinance per property.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chad Lyman	_____	_____	_____	_____
Councilmember Sally Orme	_____	_____	_____	_____
Councilmember Marlene Stowe	_____	_____	_____	_____
Councilmember Guy Graham	_____	_____	_____	_____
Councilmember Lenza Wilson	_____	_____	_____	_____

Presiding Officer

Attest

Melani Torgersen, Mayor, Escalante
City

Stephanie Steed, MMC, City
Recorder, Escalante City