

**ESCALANTE CITY
ORDINANCE 2024-16**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO. 10.22.030, 10.22.040
AND 10.22.050 AMENDING REQUIREMENTS OF OWNER OCCUPIED 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 amend 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** “10.22.030 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: 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 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. 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 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 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 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 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. 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 four hundred and fifty (450) 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 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.

SECTION 2: AMENDMENT “10.22.040 Affidavit” of the Escalante Zoning Code is hereby *amended* as follows:

A M E N D M E N T

10.22.040 Affidavit

~~Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the planning commission, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of one hundred dollars (\$100.00).~~

SECTION 3: AMENDMENT “10.22.050 Termination” of the Escalante Zoning Code is hereby *amended* as follows:

AMENDMENT

10.22.050 Termination

~~In the event that the property owner no longer resides in either the primary or accessory dwelling unit (ADU), the ADU must be immediately vacated and may not be inhabited until a new permit has been applied for and has been granted.~~

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL AUGUST 06, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chad Lyman	_____	_____	<u> X </u>	_____
Councilmember Sally Orme	<u> X </u>	_____	_____	_____
Councilmember Marlene Stowe	<u> X </u>	_____	_____	_____
Councilmember Blaine Porter	<u> X </u>	_____	_____	_____
Councilmember Lenza Wilson	<u> X </u>	_____	_____	_____

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante City



Stephanie Steed, MMC, City Recorder, Escalante City

