

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL
REVISING THE COPPERTON METRO TOWNSHIP CODE TO AUTHORIZE
AND REGULATE ACCESSORY DWELLING UNITS PER H.B. 82

RECITALS

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance in effect in 2017 when the Copperton Metro Township (“**Copperton**”) incorporated shall remain in effect as a Copperton ordinance “until the metro township council amends or repeals the ordinance;” and

WHEREAS, Title 19 of the Copperton Metro Township Code (the “**Code**”) governs zoning within Copperton; and

WHEREAS, during the 2021 legislative session, the Utah Legislature passed H.B. 82 (Single-Family Housing Modifications), which classified internal accessory dwelling units (“**ADUs**”) built within the existing footprint of a single-family home as a permitted use in any area zoned primarily for residential use, subject to certain restrictions, and

WHEREAS, H.B. 82 went into effect on October 1, 2021; and

WHEREAS, Copperton needs to amend its municipal code to comply with H.B. 82; and

WHEREAS, the Copperton planning and development staff prepared a draft ordinance, which Copperton’s attorney has reviewed, that would enact Chapters 19.15 and 15.50 of the Copperton Metro Township Code to authorize and regulate ADUs in accordance with H.B. 82; and

WHEREAS, in identifying the changes needed to comply with H.B. 82, the Copperton planning and development staff and the Copperton attorney consulted with the Copperton Improvement District (the “**District**”), which supplies water to Copperton and has indicated that its water rights and capacity are limited; and

WHEREAS, the District has enacted requirements of its own to ensure that it will have sufficient water rights and system and source capacity to service ADUs and fulfill its existing water delivery obligations to Copperton residents and to comply with the Safe Drinking Water Act and other requirements; and

WHEREAS, to assist in the fulfillment of its obligations, the District has requested that Copperton: (1) not issue a building permit for an ADU until the District has confirmed in writing that the ADU has complied with the District’s water service requirements; and (2) that Copperton amend its building code requirements to require the use water efficient fixtures and appliances in ADUs; and

WHEREAS, after holding a public hearing on September 28, 2021, and taking public comment pursuant to Utah Code Ann. § 10-9a-502, the Copperton Planning Commission recommended that the Council adopt the attached ADU ordinance; and

WHEREAS, after holding a subsequent public hearing on October 20, 2021, to receive public comment, the Council desires to adopt the attached ordinance to comply with H.B. 82.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL that the attached revisions to the Copperton Metro Township Code are adopted and shall become effective immediately, pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

APPROVED AND ADOPTED in Copperton, Salt Lake County, Utah this 20th day of October, 2021.

COPPERTON METRO TOWNSHIP COUNCIL

By: 
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:



Sherrie Swensen, Clerk/Recorder



Nathan Bracken,
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting	Yea
Council Member Sean Clayton voting	Yea
Council Member David Olsen voting	Yea
Council Member Kevin Severson voting	Yea
Council Member Tessa Stitzer voting	Yea

(Complete as applicable)

Summary of ordinance published on Utah Public Notice Website: October 25, 2021

Date of publication: October 25, 2021

Effective date of ordinance: October 20, 2021

**SUMMARY OF
COPPERTON METRO TOWNSHIP ORDINANCE NO. 2021-10-01**

On October 20, 2021, the Copperton Metro Township Council enacted Ordinance No 2021-10-01, which went into effect on October 20, 2021, and will enact Chapters 19.15 and 15.50 of the Copperton Metro Township Code to authorize and regulate accessory dwelling units to comply with H.B. 82.

COPPERTON METRO TOWNSHIP COUNCIL

By: 

Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:



Sherrie Swensen, Clerk/Recorder



Nathan Bracken,
Metro Township Attorney

VOTING

Council Member Kathleen Bailey voting	Yea
Council Member Sean Clayton voting	Yea
Council Member David Olsen voting	Yea
Council Member Kevin Severson voting	Yea
Council Member Tessa Stitzer voting	Yea

A complete copy of Ordinance No. 2021-10-1 is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

SECTION 1: CHAPTER 19.15 IS ENACTED TO READ AS FOLLOWS:

19.15.010 Purpose.

Copperton recognizes that Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Copperton. The purposes of the Accessory Dwelling Unit standards of this code are to:

A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;

B. Provide for affordable housing opportunities;

C. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Copperton;

D. Provide opportunities for additional income to offset rising housing costs;

E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;

F. Preserve the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and

G. Ensure that Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

19.15.020 Definitions.

A. "Accessory Dwelling Unit (ADU)" means a self-contained dwelling unit located on or within an owner-occupied property and are limited to detached ADUs and IADUs.

B. *“Detached Accessory Dwelling Unit” (Detached ADU) means a self-contained dwelling unit located on an owner-occupied property that is located in a structure that is detached from the primary dwelling.*

C. *“Internal accessory dwelling unit (IADU)” means an accessory dwelling unit that is:*

1. *within a primary dwelling;*
2. *within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and*
3. *offered for a long-term rental of 30 consecutive days or longer.*

D. *“Non-rental Use” means using an ADU for housing that does not include renting the unit to a third-party. Examples that fall under this use may include housing family members, caretakers, nannies, or other in-home employees.*

E. *“Owner Occupancy” means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.*

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

19.15.030 Allowed areas and zones.

A. *ADUs incorporated within the single-family residence shall be a permitted use on single family home lots in primarily residential zones so long as all setback, building code, and other applicable requirements are satisfied.*

B. *In no case shall an ADU be permitted in a townhome, a multi-family PUD, or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.*

19.15.040 Number of residents.

ADUs shall not be occupied by more than four (4) persons.

19.15.050 Setbacks.

Side yard setbacks on all ADUs and all other setbacks on internal ADUs shall be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of 10 feet. Detached ADUs must also be a minimum of 6 feet from the main dwelling. For detached ADUs, if existing public utility easements are greater than the required setback, the minimum setback shall be the public utility boundary.

19.15.060 Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that one (1) dedicated on-site parking space is available for an IADU, and that two dedicated (2) on-site parking spaces are available for a detached ADU. A dedicated parking space may not be located on a shared driveway with a neighboring property. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.

19.15.070 Height requirements.

ADUs shall comply with the following height requirements:

- A. Detached ADU – 20' height limit;*
- B. Above-garage detached ADUs – 28' height limit;*
- C. No detached ADU use may be taller than the existing home.*

19.15.080 Lot coverage.

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

19.15.090 Owner occupancy.

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to two (2) years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

19.15.100 Number of ADUs per lot.

Only one ADU is allowed per lot.

19.15.110 ADU design standards.

An IADU or detached ADU shall comply with all applicable building, fire, and health codes, including but not limited to applicable water service requirements and Chapter 19.50.

19.15.120 Affidavit and Notice of ADU.

Applicants for ADUs shall provide an affidavit stating that the owner of the property shall live in either the primary or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale

of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice shall be provided to the applicant when completed.

19.15.130: Licensing.

A. Prior to renting out any ADU, an Owner must obtain a business license by submitting a written request to the Copperton business official. Business licenses issued for ADUs shall be valid for one-year after the date of their issuance and may be renewed by filing a written request requesting a renewal with the Copperton business official before the expiration of the license. Business license applications for ADUs shall be governed by Title 5 of the Copperton Metro Township Code. The business license must be maintained as long as the ADU is rented.

B. ADUs used for non-rental uses as defined in this chapter shall follow the same process as all other ADUs except that a business license is not required. Should the owner of an ADU used for non-rental uses later decide to rent the Owner must obtain a business license before renting the ADU.

19.15.140: Multi-Family use of ADUs prohibited.

A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.

B. ADUs may not be separately metered apart from the single-family residence.

C. ADUs may not be sold or subdivided separately from the single-family residence.

19.15.150 Short-term rental use prohibited.

Units approved as ADUs shall not be used as short-term rentals of less than thirty (30). Any rentals shall be made for thirty (30) consecutive days or more.

19.15.160 Variances.

The land use hearing officer may grant variances to the standards of this chapter in accordance with section 19.92.040. The land use hearing officer may not grant a variance from Building Code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

SECTION 2: CHAPTER 15.50 IS ENACTED TO READ AS FOLLOWS:

15.50.100 Applicability.

This chapter shall apply to all accessory dwelling units (ADUs) constructed pursuant to Chapter 19.15.

15.50.110 Definitions.

A. *The definitions in Section 19.15.020 shall apply to this chapter in addition to all other applicable definitions set forth in this chapter and in the Copperton Metro Township Code.*

B. *“Energy Star” means the U.S. Environmental Protection Agency and the U.S. Department of Energy program that certifies energy-efficient products.*

C. *“WaterSense” means the U.S. Environmental Protection Agency’s WaterSense program for certifying water efficient appliances and products.*

15.50.120 ADU Standards

A. *Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.*

B. Conversions of an existing space to an ADU shall require compliance with safety requirements per the building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) between the ADU and main unit, and sufficient HVAC and climate control for the ADU.

C. IDUs shall not require a separate HVAC or firewall.

D. Owner shall provide a separate address marking for emergency services and mailing services.

E. A separate entrance to the ADU from the main dwelling is required. This entrance shall not be allowed on the front or corner lot side yard. The separate entrance shall be located to the side or rear of the principal residence.

F. Detached ADUs shall not be located in a front or corner lot side yard.

G. Detached ADUs must be offset 10' or more from the front façade of the main dwelling.

H. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.

I. Single family residences with an ADU shall retain the same appearance as a single-family residence. A detached ADU shall be designed with the same roof pitch and general color of the main dwelling.

J. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

15.50.120 Indoor Fixture Requirements. *All ADUs shall have fixtures that comply with the efficiency standards listed below:*

A. Toilets shall be WaterSense labeled and must use 1.28 gallons per flush or less;

B. Showerheads shall be WaterSense labeled and must use 2.0 gallons per minute or less;

- C. Kitchen faucets shall be WaterSense labeled and use 1.5 gallons per minute or less;*
- D. Bathroom faucets shall be WaterSense labeled and use 0.5 gallons per minute or less;*
- E. Clothes washers shall be Energy Star certified and have an integrated water factor of 4.3 or less; and*
- F. Dishwashers shall be Energy Star certified and use 3.5 gallons per cycle or less.*

15.50.130 Issuance of Building Permits for Accessory Dwelling Units.

A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter, Chapter 19.15, and other applicable provisions of the Copperton Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a building permit and verifying existing work was done according to code.

B. The Copperton building official will process all building permit applications for ADUs in accordance with the applicable provisions of Title 15 of the Copperton Code and any other applicable building codes.

C. The building official may not issue a building permit for and ADU until the applicant submits written confirmation from the Copperton Improvement District that the ADU complies with all applicable Copperton Improvement District requirements.