

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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### **Chapter 5-6 – Accessory Dwelling Units**

Box Elder Zoning Ordinance 375 as Adopted \_\_\_\_\_ November 6, 2013 \_\_\_\_\_

- 5-6-010. Title.
- 5-6-020. Purpose.
- 5-6-030. General Regulations.
- 5-6-040. Definitions.
- 5-6-050. Conditional Use Permit Required.
- 5-6-060. Development Standards.
- 5-6-070. Inspections.
- 5-6-080. Affidavit.

#### **5-6-010. Title.**

The regulations contained in this Chapter shall be known and may be cited as “Accessory Dwelling Unit Regulations” of Box Elder County and its Land Use Management and Development Code.

#### **5-6-020. Purpose.**

The county recognizes that accessory dwelling units (ADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the county. The purposes of the ADU 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. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- C. Provide for affordable housing opportunities.
- D. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

#### **5-6-030. General Regulations.**

- A. Except as provided in this Code, no ADU shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the use district in which it is located.
- B. All ADUs hereafter erected in Box Elder County shall comply with the current standards of the International Residential Code, and all other codes and ordinances adopted by Box Elder County.
- C. All ADUs must be reviewed and approved for septic feasibility by the Bear River Health Department.

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- D. All ADUs shall be maintained in good condition.
- E. No person may engage in the business of erecting, altering, relocating, or constructing ADUs without a valid Utah contractor's license, and valid County business license.

### **5-6-040. Definitions.**

**Accessory Dwelling Unit:** A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

**Owner Occupancy:** When a 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.

### **5-6-050. Conditional Use Permit Required.**

An ADU meeting the development standards, as specified in section 5-6-060 of this chapter, may be allowed in any zone that allows a single-family residence after approval of a conditional use permit (§2-2-100) by the planning commission.

### **5-6-060. Development Standards.**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence. Application for an ADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
- B. ADUs shall not be sold separately from the main unit.
- C. ADUs shall not be rented on a transient basis (periods less than 30 days).
- D. Only one (1) ADU may be created per lot or property in zones that allow single-family dwellings.
- E. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- F. Installing separate utility meters and separate addresses for the ADU is prohibited.
- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
- H. ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- I. The minimum lot size required for construction of an ADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- J. ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- K. ADUs and the main dwelling must be on the same parcel and may not be subdivided.
- L. ADUs shall be compatible with the exterior color and materials of the principal dwelling.

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- M. The maximum height for ADUs is limited to one story and to twenty six (26) feet or the height of the principal structure, whichever is less.
- N. A minimum of one (1) off street parking space must be provided for the ADU.
- O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
- P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood.

### **5-6-070. Inspections.**

Following the issuance of a conditional use permit, the Building Official of Box Elder County may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the building department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued.

### **5-6-080. Affidavit.**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will occupy either the primary or accessory dwelling unit as defined in section 5-6-040 and comply with all other requirements of this chapter. 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.

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### "EXHIBIT A"

Affidavit and Notice of Accessory Dwelling Unit and Related Regulations  
(To Be Completed, Signed and Recorded at Box Elder County by Property Owner)

Property Owner(s) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Complete Legal Description:

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property listed above: that I (we) occupy the property listed above. I (we) certify that the second dwelling unit on the property is an accessory dwelling and understand that a future purchaser of the property will be required to reauthorize the accessory dwelling unit in order to continue the use. I (we) also understand that any use of the accessory dwelling unit on the property is contingent on the owner of the property occupying either the principal or accessory dwelling unit and compliance with the provisions of the Box Elder County Code (attached).

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

After recording, provide a copy to: Box Elder County Planning & Zoning Office 1 S. Main Brigham City, UT 84302

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**Reg. of General Applicability: Accessory Dwelling Units 5-6-4**