Providence City

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PROVIDENCE CITY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Project Type:	City Code Amendment
Applicant:	Providence City
Project Description:	Amendments to Providence City Code Title 10 Zoning Regulations, by adding Chapter 13 Accessory Dwelling Units. The purpose of this chapter is to establish a city ordinance governing the construction and use of Accessory Dwelling Units (ADUs). ADUs are separate units detached from the primary residence. Chapter 12 of this Title covers Accessory Apartment Units (AAU), which are attached to the primary residence.
Hearing Date:	December 12, 2018
Hearing Time:	6:30 PM
Hearing Location:	Providence City Office Building, 164 North Gateway Drive, Providence UT

Prior to making a recommendation on the proposed code amendment, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments. You may also email comments to the City Recorder, sbankhead@providence.utah.gov by 2:00 PM the day of the meeting. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): 12·01·2018

Posting Date: 11·30·2018
Posting Locations:

1. Providence City Office Building, 164 North Gateway Drive, Providence UT
2. Providence City website www.providencecity.com
3. Utah Public Notice Website

Chapter 13

ACCESSORY DWELLING UNIT ORDINANCE

SECTION:

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10-13-1: Purpose and Intent

The purpose of this chapter is to establish a city ordinance governing the , construction and use of Accessory Dwelling Units (ADUs). ADUs are separate units detached from the primary residence. Chapter 12 of this title covers Accessory Apartment Units (AAU) which are attached to the primary residence.

It is the policy of Providence City to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods while respecting the existing look and scale of single-family dwellings. The intent of this ordinance is to provide for a broader range of affordable housing options that generate these benefits:

- Provide an alternative for older homeowners who want to remain in their home and would like a family member, caretaker or renter to help make that possible so that elderly can "age in place" rather than inhabit senior living centers.
- Make housing affordable for young people to live in desirable communities where single-family homes are out of their reach.
- Contribute to solving the housing shortage rather than developers who may have no ties to the neighborhood.

- Open up areas for development potential without threatening the existing character of a neighborhood.
- Add inexpensive rental units to the housing stock to meet the needs of smaller households, both old and young.
- Develop housing units in single-family neighborhoods to serve the needs of the residents through a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for services.
- Requirement that owner be on the premises decreases the chance of ADU tenants inflicting nuisances on the surrounding neighborhood.
- Provide a home office or extra living space for a growing family.
- Is intended to be a family friendly ordinance allowing for young and old to live together and for grown children to stay in the community that they love.
- Enhance neighborhood stability with owners more likely to remain; allow current neighbors to stay through different stages of life.
- Promote more efficient use of existing housing stock and City infrastructure.

10-13-2: Definitions

A. *Accessory Dwelling Unit (ADU)* - A second dwelling unit which is a self-contained dwelling unit located on an owner-occupied lot or parcel. It 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. It is also known as:

- *Granny flat*
- *Caretaker dwelling*
- *Mother-in-law suite*
- *Carriage house*
- *Guest quarters*
- *Backyard cottage*
- *Nanny suite*
- *Housekeeping suite*
- *Teenagers' retreat*
- *In-law suite*
- *Grandparents suite*
- *Newly-wed suite saving for permanent housing*
- *Home office*
- *Rental income suite*

B. *Accessory Apartment* – a dwelling unit that is an integral part of the primary dwelling unit, but has a separate entrance; see Chapter 12 of this Title for the ordinance governing Accessory Apartments.

10-13-3: Permitted Use

An ADU is permitted "by right" as long as all conditions of this ordinance are met.

10-13-4: Owner Occupied Requirement

An ADU shall only be permitted when the property owner lives on the property within either the principal dwelling or ADU. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the property owner(s) as shown on the Cache County tax assessment rolls, or by any person who is related by blood, marriage or adoption, or a trustor of a family trust that possesses legal ownership of the property.

Within 30 days of securing approval for construction of an ADU, the owner shall record against the deed to the subject property, a deed restriction in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the City prior to issuance of the occupancy permit for the ADU.

Owner occupancy shall not be required when an owner has a bona fide temporary absence of two (2) years or less for activities such as military service, temporary job assignments, sabbaticals or voluntary service.

Neither the primary dwelling unit nor the ADU may be sold or conveyed separately.

10-13-5: Number of Accessory Dwelling Units

A maximum of one ADU shall be allowed on each property associated with a single-family dwelling.

10-13-6: Accessory Dwelling Unit Size

The total area of the ADU shall be less than fifty percent (50%) of the total square footage of the primary residence for a detached accessory dwelling, but not more than 1200 square feet.

10-13-7: Rear Yard Limitation

Accessory buildings of any kind, which are customarily incidental to the permitted uses, are limited to twenty-five percent (25%) of the rear lot area. Accessory buildings shall not be located in front of the primary dwelling unit.

10-13-8: Building Height

An ADU shall not exceed the height permitted by the zone assigned to the primary dwelling unit.

10-13-9: Building Setbacks

ADUs are subject to the same ordinances that apply to the principal dwelling unit concerning zoning and setbacks.

10-13-10: Design and Materials

An ADU shall be of compatible design and materials and incorporate the same or substantially similar architectural features with respect to roof pitch, building materials, colors and design details of the primary dwelling unit.

10-13-11: Fire, Building, and Health Codes

An ADU shall comply with all building construction, fire codes and municipal codes in effect at the time the ADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.

10-13-12: Parking

No off-street parking requirement.

10-13-13: Utilities

An ADU may utilize the existing utilities (City supplied culinary water and sanitary sewer) of the principal dwelling. An ADU that requires separate utility hookups will be subject to metering and City connection fees.

10-13-14: Screening

The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.

10-13-15: Legalizing Accessory Dwelling Units

Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within *[specify number]* months of the adoption of these regulations.

Owners of illegal ADUs shall be guilty of a misdemeanor and subject to a penalty of *[specify the maximum allowed by law]*. Any existing illegal ADU will not be subject to any enforcement action if:

A. The ADU owner applies for a permit to legalize the illegal ADU permit within *[specify]* months of the adoption of these regulations;

B. The ADU complies with the minimum requirements of the Uniform Building Code within *[specify]* months of the date of applying for a permit under this section

C. The ADU complies with the minimum housing code standards within *[specify]* months of the date of applying for a permit under this section of the ordinance

D. The ADU owner supplies the City with certification that the water supply and sewage disposal facilities are adequate for the ADU.

10-13-16: Report to Council

The mayor and city staff shall report to the council once a year the number of new ADUs permitted during the previous 12 months. This report shall be made to the council no later than 30 days after the end of the calendar year.

Additions?

Draft pre-approved Architectural plans

The City staff shall when available provide to a property owner pre-approved plans for ADUs.

(Can translate in to reduced housing costs, lower design costs, less review time, shorter construction loan time and related interest costs.)

Checklist

The City staff shall prepare and provide a checklist to a property owner of required steps for getting a building permit to construct an ADU.

(Can simplify the task for a homeowner who likely has little or no experience with contractors and building permits.)

Construction

Manufactured homes and "tiny" homes are not permitted by this ordinance.