



Providence City

164 North Gateway Drive
Providence, UT 84332
(435) 752-9441 Fax: (435)753-1586

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-Chapter 12 accessory apartment units to allow for accessory apartment units.

Hearing Date: October 9, 2019

Hearing Time: 6:35 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,

A handwritten signature in blue ink, appearing to read "Skarlet Bankhead".

Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): September 28, 2019

Posting Date: September 29, 2019

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 12
ACCESSORY APARTMENT UNITS
(OM 002-2006, 01/10/2006)(OM 006-2006, 06/27/2006)

SECTION:

- 10-12-1: Purpose
- 10-12-2: Required Conditions
- 10-12-3: Legalizing Existing AAUs
- 10-12-4: Permit Regulations
- 10-12-5: Report to Council

~~10-12-1: **PURPOSE:** The purpose of repealing the ability to grant a temporary conditional use permit for an accessory dwelling unit is to maintain the integrity of single family residential zones.~~

10-12-1: Purpose and Intent

The purpose of this chapter is to establish a city ordinance governing the construction and use of Accessory Apartment Units (AAUs). AAUs are separate dwelling units attached to the primary residence. Chapter 13 of this title covers Accessory Dwelling Units (AAU) which are detached from the primary residence.

10-12-2: Definitions

- A. Accessory Apartment Unit (AAU) - A second dwelling unit which is a self-contained dwelling unit located within a single family dwelling unit, but has a separate entrance. It is a separate housekeeping unit that can be isolated within the original dwelling unit and conforms to all applicable building codes and standards. An AAU maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a separate kitchen.
- B. 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. See Chapter 13 of this title for the ordinance governing Accessory Dwelling Units.

10-12-2: **REQUIRED CONDITIONS:** ~~A temporary conditional use permit that has been granted prior to October 2005 for a use to be known as an~~ An accessory dwelling unit apartment unit (AAU) in a single family dwelling unit shall be allowed to continue in all single-family residential zones provided that the conditions and criteria listed below are complied with.

- ~~A. Separate Unit: The accessory dwelling unit shall be a separate housekeeping unit that can be isolated within the original dwelling unit and conform to all applicable building codes and standards.~~

B. Number Allowed: Only one accessory ~~dwelling unit~~ **apartment unit** shall be permitted within a single-family dwelling unit.

C. Occupancy:

1. ~~The owner of the single family dwelling unit in which the accessory dwelling unit is located shall occupy at least one of the units in the dwelling.~~

An AAU shall only be permitted when the property owner lives on the property within either the principal dwelling or AAU. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide 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 AAU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the AAU 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 AAU.

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, work sabbaticals, or voluntary service.

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

2. The accessory ~~dwelling unit~~ **apartment unit** shall be occupied by a single family or no more than ~~two (2)~~ **four 4** individuals unrelated by blood, marriage or adoption.

D. Design; Size:

1. The accessory ~~unit~~ **apartment unit** shall be designed so that the appearance of the residence remains as that of a single-family dwelling unit. Entrances to the accessory ~~dwelling unit~~ **apartment unit** shall be located on the side or rear of the dwelling unit whenever possible. If a front entrance is required, it shall be visually screened from all public right of ways.

2. The design and size of the accessory ~~dwelling unit~~ **apartment unit** shall conform to all applicable health, building and other codes.

3. The total area of the AAU shall be less than fifty percent (50%) of the total square footage of the primary residence, ~~but not more than 1200 square feet.~~

~~E. Parking: Parking shall be provided as required by Section 10-8-6 of this Zoning Title. (Ord., 2-16-1994)~~ **No off-street parking requirement.**

3. To maintain the appearance of a single-family dwelling unit, accessory ~~dwelling units~~ **apartment units** shall not have a separate driveway.

10-12-3: **LEGALIZING EXISTING AAUs**

Any existing illegal AAU will not be subject to any enforcement action if an application to legalize the AAU is submitted within 12 months of the adoption of these regulations.

Owners of illegal AAUs shall be guilty of a Class B misdemeanor and subject to a penalty listed in Providence City Code Title 1 Chapter 4. Any existing illegal AAU will not be subject to any enforcement action if:

- A. The AAU owner applies for a permit to legalize the illegal AAU within 12 months of the adoption of these regulations;
- B. The AAU complies with the minimum requirements of the International Residential Code within 6 months of the date of applying for a permit under this section.
- C. The AAU complies with the minimum housing code standards within 6 months of the date of applying for a permit under this section.
- D. The AAU owner supplies the City with certification that the water supply and sewage disposal facilities are adequate for the AAU.

10-12-4: **PERMIT REGULATIONS:**

A. ~~Temporary Conditional Use Permit:~~

~~1. Review: Any temporary conditional use permit granted will be reviewed annually by the City. Said permit may, however, be immediately revoked at any time if this Zoning Title or other ordinances or regulations of the City are not continuously complied with.~~

~~2. Sale of Single Family Dwelling: Any temporary conditional use permit granted for the use of an accessory dwelling unit shall continue upon the sale of the single family dwelling unit unless the accessory dwelling unit is not occupied as an accessory dwelling unit for one year or more. If use is abandoned for a period of one year, after October 2005 owners will not be able to apply for a temporary conditional use permit. The residence will revert to one single family unit. (OM 006-2006 06/27/2006)~~

B. Building Permit: A ~~building zoning~~ permit shall be obtained by the homeowner from the City, **and a building permit shall be obtained from Cache County**, before the commencement of any new construction of an accessory ~~dwelling~~ **apartment** unit.

C. Occupancy Permit: Prior to anyone occupying as **an** accessory ~~dwelling~~ **apartment** unit, a certificate of occupancy shall be obtained by the homeowner from ~~the City~~ **Cache County**, ~~as specified by Section 10-3-4 of this Title. (Ord., 2-16-1994)~~

10-12-5: **REPORT TO COUNCIL:**

The mayor and city staff shall report to the council once a year the number of new AAUs 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.