

BOX ELDER COUNTY PLANNING COMMISSION

Thursday, February 21, 2013

Application Type: Ordinance Text Amendment

Agenda Item: 6a

Applicant: Box Elder County Community Development Staff

Code Section: Chapter 5-6: Regulations of General Applicability – Accessory Dwelling Units

Staff Coordinator: Scott Lyons

First Staff Review: 4/5/2011

First Planning Commission Review: 4/21/2011

I. DISCUSSION:

From Box Elder County Code:

- **Dwelling Unit:** One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, all for exclusive use by a single family maintaining a household.
- **Dwelling, Single Family:** A building containing only 1 dwelling unit.
- **Dwelling, Single-Family with Accessory Dwelling:** A building having only one (1) dwelling unit and one (1) accessory dwelling unit.
- **Dwelling, Two Family (Duplex):** A building containing only two (2) dwelling units.
- **3-6-030. Location.**
 - A. No mobile home shall be located anywhere within the corporate boundaries of the County except in a licensed mobile home park or approved mobile home subdivision, or as temporary living quarters by conditional use permit. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding twenty-four (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas.

Purpose of Proposed Ordinance:

- Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
- Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- Provide for affordable housing opportunities.
- Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

Definition:

- ACCESSORY DWELLING UNIT (ADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or 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 and/or laundry facilities.

Conditional Use Permit Required:

- An ADU meeting the development standards, as specified below, may be allowed after approval of a conditional use permit by the planning commission.

Proposed Development Standards:

- The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence.
- ADUs shall not be rented on a transient basis (periods less than 30 days).
- Only one ADU may be created per lot.
- 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.
- Installing separate utility meters and separate addresses for the ADU is prohibited.
- A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed 650/800 square feet.
- ADUs shall not contain more than two (2) bedrooms.
- ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- The minimum lot size required for construction of an attached ADU in all zones that allow single-family dwellings shall be six thousand (6,000) square feet.
- The minimum lot size required for construction of a detached ADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- Detached 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.
- Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- 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.

- 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.

II. LAND USE ORDINANCE STANDARDS REVIEW

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for Zoning Map and Text Amendments.

- A. Whether the proposed amendment is consistent with the goals, objectives and policies of the County's General Plan;**
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**
- C. The extent to which the proposed amendment may adversely affect adjacent property; and**
- D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.**