



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to discuss and take action on a proposal to amend the following section of Weber County Code: Standards for Detached Single-Family Dwellings (Chapter 108 Title 15) to add standards for single family dwellings with secondary kitchens.
<b>Agenda Date:</b>	Tuesday, August 28, 2018
<b>Applicant:</b>	Weber County Planning Division
<b>File Number:</b>	ZTA 2018-02

### Staff Information

<b>Report Presenter:</b>	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- Weber County Land Use Code, Title 108, Chapter 15 (Standards for Detached Single-Family Dwellings).

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

The current Uniform Land Use Code of Weber County, Utah (LUC) does not define “Second Kitchen” and does not specify its permissibility in Detached Single-Family Dwellings. A recent change to the County Land Use, Development, and Management Act (H.B. 232) states “If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.” By adding specific standards for more than one kitchen in a detached single family dwelling to the LUC Title 108, Chapter 15, the County will be able to regulate that the secondary kitchen is for the benefit of one family and will not be used to turn a detached single family dwelling into a multi-family dwelling. A detached single family dwelling is defined in LUC §101-1-7 as “a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit”. A single-family is defined as “one or more persons related by blood, marriage, or adoption, plus domestic employees serving on the premises, or a group of not more than four persons who need not be so related, living together as a single nonprofit housekeeping unit”. Detached single family dwellings should only be occupied by a single family unit unless authorized by a conditional use permit for an accessory apartment.

## Policy Analysis

Detached Single-Family Dwellings are considered a permitted use in most zones in Weber County and it is permissible to have more than one kitchen in the dwelling as long as the dwelling is only being occupied by one family unit. Weber County has had a policy of recording a “Second Kitchen Covenant” when a building permit is being issued that has more than one kitchen to ensure that the dwelling will remain a single family dwelling, however, the LUC does not have specific standards for dwellings with more than one kitchen. By adding provisions for detached single-family dwellings with more than one kitchen, Weber County will adhere to H.B. 232 by adding plain language to the LUC to ensure that one family occupies the single-family dwelling with more than one kitchen.

## **Conformance to the General Plan**

The current one-acre residential zoning dominant in the area is desired, as is the general concept of large lot development. Overall preference is for a continuation of single-family residential development, not high-density development described as apartments or condominiums (see West Central Weber County General Plan Adopted September 23, 2003).

## **Past Action on this Item**

A public hearing was held and public comment was taken during the May 22, 2018 Ogden Valley Planning Commission Meeting.

A public hearing was held and public comment was taken during the August 14, 2018 Western Weber Planning Commission Meeting.

## **Noticing Compliance**

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

## **Planning Commission Recommendation**

The Planning Commissions recommend that the Western Weber County Commission approval of the text included as Exhibit A and Exhibit B of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

## **Exhibits**

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

# Exhibit A

## CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

### Sec. 108-15-1. - Codes and standards.

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data plates.

(Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

### Sec. 108-15-2. - Other standards and requirements.

In addition to the above, the following standards and requirements shall also be met:

- (1) Single-family dwellings shall:
  - a. Be attached to a site-built permanent foundation which meets all applicable codes; and
  - b. Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
  - c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
  - d. Be permanently connected to all required utilities; and
  - e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (2) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
  - a. Concrete or masonry materials; or
  - b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
  - c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (3) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:
  - a. A roof pitch of not less than a 2:12 ratio; and
  - b. Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and

## Exhibit A

- c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all zones, where single family dwellings are permitted, if all of the following requirements are met:
  - a. The dwelling unit shall have only one (1) front entrance.
  - b. The dwelling unit shall have only one (1) address.
  - c. An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental.
  - d. The dwelling unit shall have no more than one (1) electrical meter.
  - e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory or "out" building provided the use and occupancy limitations of this Section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.
  - f. The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that the dwelling unit, including any accessory building, may not be converted into two (2) or more dwelling units unless allowed by and in accordance with applicable provisions of this Title. The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit.
  - g. An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to Title 108 Chapter 19.

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

Sec. 108-15-3. - Exceptions.

The planning director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- (1) Explains his/her agreement to the waiver of any particular standard; and
- (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

( Ord. No. 2017-17 , Exh. A, 5-9-2017)

## Exhibit B

### 1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

#### 2 Sec. 108-15-1. - Codes and standards.

3 Any structure that is designed to be lived in by one family, and is located outside of a mobile or  
4 manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD),  
5 shall meet all applicable standards and requirements including the International Building Code and those  
6 others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or  
7 manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting  
8 the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and  
9 Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data  
10 plates.

11 (Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

#### 12 Sec. 108-15-2. - Other standards and requirements.

13 In addition to the above, the following standards and requirements shall also be met:

14 (1) —Single-family dwellings shall:

- 15 a. Be attached to a site-built permanent foundation which meets all applicable codes; and
- 16 b. Have all installation and transportation components, consisting of but not limited to, lifting  
17 shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- 18 c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement,  
19 stucco, Masonite, metal, or vinyl; and
- 20 d. Be permanently connected to all required utilities; and
- 21 e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has  
22 previously been issued a certificate of title, the owner shall follow and meet all applicable  
23 Utah State Code titling provisions that result in the mobile or manufactured home being  
24 converted to an improvement to real property.

25 (2) —Single-family dwellings, except for those located within a mobile or manufactured home park,  
26 camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured  
27 home PRUD, a county approved master planned community, or the Ogden Valley Destination  
28 and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a  
29 crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls  
30 shall be constructed of or faced with the following:

- 31 a. Concrete or masonry materials; or
- 32 b. Weather resistant materials that aesthetically imitate concrete or masonry foundation  
33 materials; or
- 34 c. Materials that are the same as those used on the portion of the dwelling's exterior walls  
35 that enclose and create the habitable space of the dwelling.

36 (3) —Single-family dwellings, except for those located within a mobile or manufactured home park,  
37 camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured  
38 home PRUD, a county approved master planned community, or the Ogden Valley Destination  
39 and Recreation Resort Zone, shall have:

- 40 a. A roof pitch of not less than a 2:12 ratio; and
- 41 b. Eaves that project a distance of not less than one foot as measured from the vertical side  
42 of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or  
43 other similar architectural cantilevers; and

## Exhibit B

44 c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is  
45 determined by identifying the lesser of two dimensions when comparing a front elevation to  
46 a side elevation.

47 (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all  
48 zones, where single family dwellings are permitted, if all of the following requirements are met:

49 a. The dwelling unit shall have only one (1) front entrance.

50 b. The dwelling unit shall have only one (1) address.

51 c. An interior access shall be maintained to all parts of the dwelling unit to assure that an  
52 accessory apartment is not created. ~~There shall be no keyed or dead bolt locks, or other~~  
53 ~~manner of limiting or restricting access from the additional kitchen(s) to the remainder of~~  
54 ~~the dwelling unit. No portion of the single family dwelling shall be locked off for the purpose of~~  
55 rental.

56 d. The dwelling unit shall have no more than one (1) electrical meter.

57 e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an  
58 accessory or "out" building provided the use and occupancy limitations of this Section are met  
59 and no second dwelling unit or accessory apartment is established in the primary or accessory  
60 buildings.

61 f. The dwelling unit owner shall sign a notarized ~~agreement~~ covenant to run with the land, as  
62 prescribed by Weber County, which provides that the dwelling unit, including any accessory  
63 building, may not be converted into two (2) or more dwelling units unless allowed by and in  
64 accordance with applicable provisions of this Title. The document shall be recorded with the  
65 Weber County Recorder's Office prior to issuance of a building permit.

66 g. An additional kitchen shall not be established in a one-family dwelling unit which contains an  
67 accessory apartment, whether or not such apartment was established pursuant to Title 108  
68 Chapter 19. ~~19.~~

69

70 (Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

71 Sec. 108-15-3. - Exceptions.

72 The planning director, or his/her designee, may waive any of the above architectural and/or massing  
73 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

74 (1) Explains his/her agreement to the waiver of any particular standard; and

**Commented [K1]:** The Planning Director added the language due to some zones not allowing single family dwellings

**Commented [K2]:** The OVPC modified the additional language which will allow the property owner the freedom to lock their home as they wished and put in language that made it clear what the restriction is and why.

**Commented [K3]:** The County Attorney modified agreement to covenant due to being consistent with what we are having signed.

## Exhibit B

75 (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered  
76 architecturally compatible with the surrounding neighborhood due to the integration and use of  
77 compensating materials and/or architectural features.

78 ( Ord. No. 2017-17 , Exh. A, 5-9-2017)