

# Mapleton City Planning Commission Staff Report

Meeting Date: October 23, 2008

**Item #:** 7

**Applicant:** Mapleton City

**Prepared by:** Cory Branch

**REQUEST:**

Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.08, Definitions, in order to redefine Section 18.08.005, Accessory Apartment, Section 18.08.010, Accessory Building, Section 18.08.135, Dwelling Unit, Section 18.08.145, Family, and enact Section 18.08.149, Flag.

**STAFF ANALYSIS:**

1. It is the opinion of staff a text amendment is needed to Chapter 18.08, Definitions, to update language, clarify meaning, and aid in enforcement. .
2. Attachment 1 includes the proposed text.

**PLANNING COMMISSION DISCUSSION ITEMS:**

Will the proposed changes to Chapter 18.08 help aid in enforcement?

**STAFF RECOMMENDATION:**

Staff is prepared to discuss and answer any questions at the night of the Planning Commission meeting. If the Commission determines that the City should amend Chapter 18.08, staff recommends careful review of the attached text proposing changes that the Commission feels should be included to assist staff in enforcing the ordinance.

**ATTACHMENT:**

1. Proposed text

Definition Amendments to Chapter 18.08		
The following provides amendments to definitions of TITLE 18 DEVELOPMENT CODE, PART III; ZONING for Mapleton City. These amendments are intended to update language, clarify meaning, and aid in enforcement of Mapleton’s Development Code.		
Current Ordinance	Draft Revised Ordinance	Policy Issues/Comments
<p>18.08.005: ACCESSORY APARTMENT: An "accessory apartment" is a subordinate portion of a single-family dwelling, and is a dwelling unit as defined in the international residential and commercial code, which includes provisions for sleeping, eating, cooking and sanitation for persons who are not members of the family residing therein, as "family" is defined by section 18.08.145 of this chapter. (Ord. 2002-24, 12-4-2002)</p>	<p>18.08.005: ACCESSORY APARTMENT: An "accessory apartment" is a subordinate portion of a single-family dwelling, and is a dwelling unit as defined in the international residential <del>[and commercial]</del> code <u>(IRC), under Section 18.08.135, and under Section 18.84.410</u>, which includes provisions for sleeping, eating, cooking and sanitation <del>[for persons who are not members of the family residing therein, as "family" is defined by section 18.08.145 of this chapter]</del>.</p>	<p>Keep definition as a definition – Move family exemption to the ordinance its self PC (Planning Commission) did not amend because the section was not included on the agenda for public notice</p>
<p>18.08.010: ACCESSORY BUILDING: A building, not to be used for dwelling purposes, located on a lot or parcel of land, the use of which is appropriate, subordinate, and customarily incidental to that of the main building and/or principal use of the land. (Ord. 2002-24, 12-4-2002)</p>	<p>18.08.010 ACCESSORY BUILDING/STRUCTURE means a detached subordinate building or structure, the appropriate use of which is subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. An accessory building/structure does not include a dwelling unit, guest house or separate apartment unit if located in a residential zone.</p>	<p>Revise existing definition of accessory building to include structure using Section 22-2-1 of Orem’s Code Mapleton existing definition: 18.08.010: ACCESSORY BUILDING: “A building, not to be used for dwelling purposes, located on a lot or parcel of land, the use of which is appropriate, subordinate, and customarily incidental to that of the main building and/or principal use of the land.” (Ord. 2002-24, 12-4-2002)</p>

Current Ordinance	Draft Revised Ordinance	Policy Issues/Comments
<p>18.08.135: DWELLING UNIT:            "Dwelling unit" means one or more rooms in a building designed for or occupied by one family or group of single adults for living or sleeping purposes, and having one kitchen or set of cooking facilities. (Ord. 2002-24, 12-4-2002)</p> <p>Orem's Ordinance            Dwelling Unit shall mean one (1) or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.</p>	<p>18.08.135: DWELLING UNIT:            "Dwelling Unit" means one or more rooms in a residential building or residential portion of a building that are arranged, designed, used, <u>separated</u>, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.</p>	<p>Use Orem's to add preciseness            Add "separated" to help tie to accessory apartment ordinance</p>
<p>18.08.145: FAMILY:            "Family" means an individual or two (2) or more persons related by blood, marriage or adoption and limited to the relationship of parent, spouse, child, (including foster children), and any parent, grandparent, grandchild, brother, or sister, and their dependents. "Family" shall also mean an individual living with no more than two (2) unrelated persons. (Ord. 2002-24, 12-4-2002)</p>	<p>Replace with the version below</p>	<p>a good definition but does not address several types of common living arrangements (see below)</p>

Current Ordinance	Draft Revised Ordinance	Policy Issues/Comments
<p><b>Orem’s Ordinance</b>  <b>Family</b> shall mean one of the following groups of individuals, but not more than one at the same time:</p> <p>(1) an individual living alone; or</p> <p>(2) two or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two other unrelated persons who do not pay rent; or</p> <p>(3) up to three related or unrelated individuals who live and cook together as a single housekeeping unit;</p> <p>(4) two unrelated individuals and any children of either of them living as a single housekeeping unit; or</p> <p>(5) up to six unrelated individuals living in the Student Housing Overlay zone or PD-21 zone.</p> <p>The definition of family includes up to two guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. A guest under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.</p> <p>For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild. The term “related” does not include other, more distant relationships such as cousins.</p>	<p>(1) “Family” means one of the following groups of individuals, but not more than one group at the same time:</p> <p>(a) an individual living alone; or</p> <p>(b) two or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two other unrelated persons who do not pay rent; or</p> <p>(c) up to three related or unrelated individuals who live and cook together as a single housekeeping unit;</p> <p>(d) two unrelated individuals and any children of either of them living as a single housekeeping unit; or</p> <p>(e) up to six unrelated individuals living in the a zone where student housing is permitted.</p> <p>(2) (a) Family includes up to two guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family.</p> <p>(b) A guest under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.</p> <p>(3) (a) For purposes of the definition of family, the term “related” means <u>the following and their dependents</u>: a spouse, parent, child, grandparent, grandchild, brother, sister, <del>[uncle, aunt, nephew, niece,]</del> great-grandparent, and great-grandchild.</p> <p>(b) The term “related” does not include other, more distant relationships like <u>uncle, aunt, nephew, niece</u> cousins.</p>	<p>Use Orem’s to add preciseness and address a broad range of common living arrangements</p> <p>Single person</p> <p>Family</p> <p>plus up to two other unrelated persons (who do not pay rent) ( this would allow volunteer representatives if they don’t pay rent)</p> <p>Roommates</p> <p>Roommates</p> <p>Student apartments (not currently provided in a Mapleton zone?)</p> <p>Temporary guests in addition to the unrelated persons above</p> <p>30 day limit in a rolling year</p> <p>“Related” definition changes to conform to Mapleton’s current definition of Family</p> <p><b>Policy Choice:</b>  Should uncle, aunt, nephew, or niece be include as family? This draft says no to conform to Mapleton’s current definition of Family.</p>
None	18.08.149: FLAG: A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or charitable organization.	See Orem Ordinance 14-3-2.

