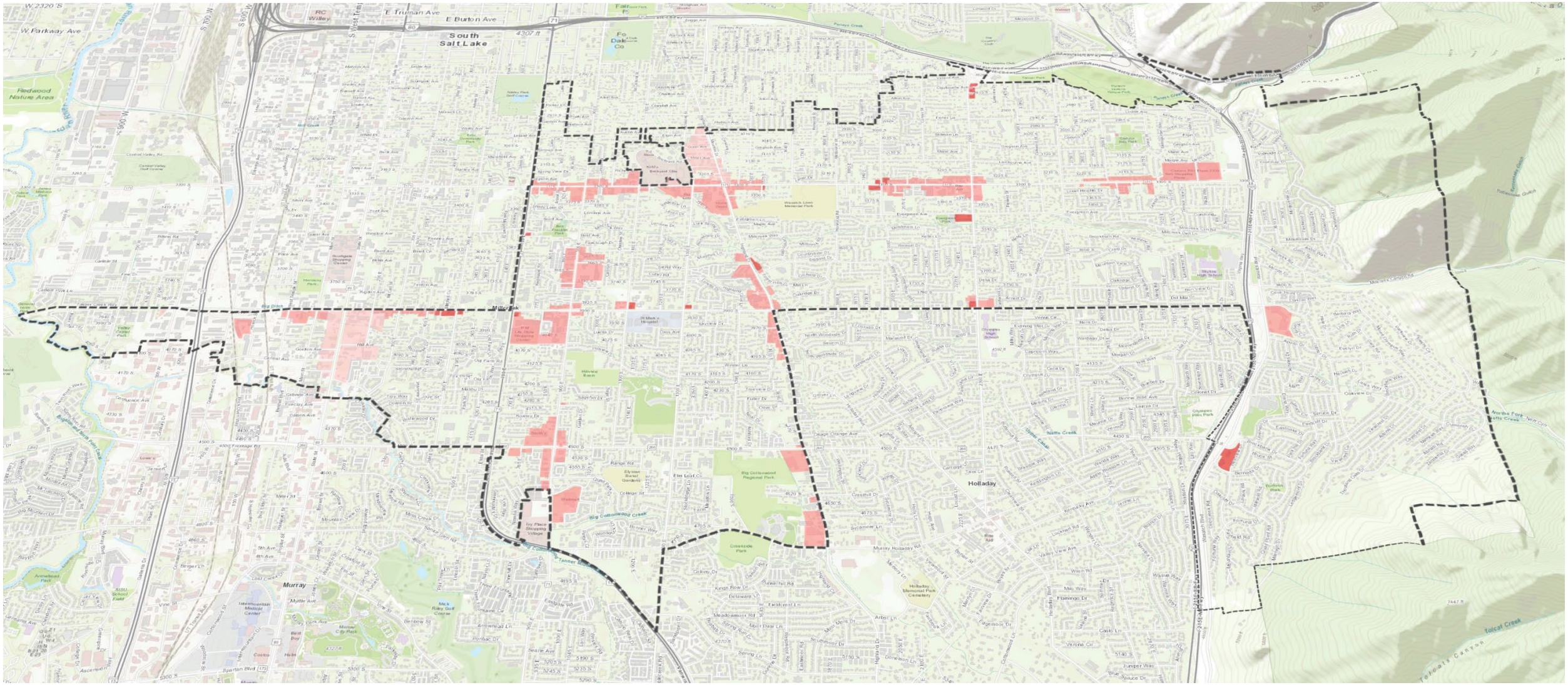
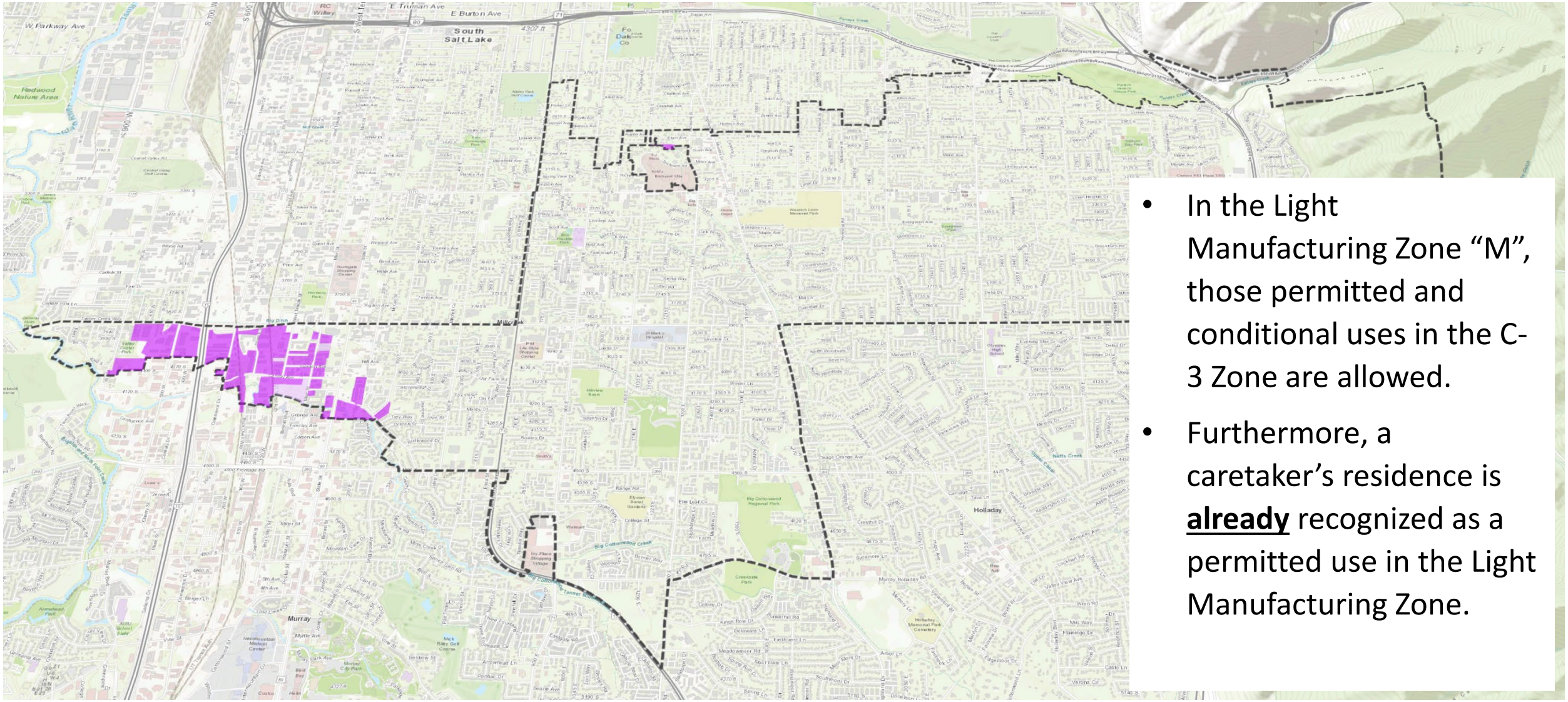
TEXT AMENDMENT ZT-21-008

ADOPTION ALLOWING A CARETAKER DWELLING AS A PERMITTED USE WITHIN COMMERCIAL ZONES TO THE ZONING ORDINANCE

Commercial Zones (C-1, C-2 and C-3)



Light Manufacturing Zone “M”



- In the Light Manufacturing Zone “M”, those permitted and conditional uses in the C-3 Zone are allowed.
- Furthermore, a caretaker’s residence is **already** recognized as a permitted use in the Light Manufacturing Zone.

Applicants proposed definition

Dwelling, Caretaker: ***Caretaker dwelling means a single Dwelling Unit that is under common ownership with and integrated into a commercial building and is used by an employee of the commercial building for security or maintenance purposes.***

Staff's proposed definition

19.04.XXX Dwelling, Caretaker : ***means no more than one dwelling unit that is under common ownership and is attached or internal to the main building and its commercial and is used for the accommodation of an employee, business owner and person under contract of the commercial use and main building for security or maintenance purposes.***

STAFF FINDINGS

The following five findings provides the reasoning and justification for staff's recommended specific use standards for a caretaker dwelling.

1. Staff finds that requiring an affidavit by the property owner stating that the caretaker dwelling will not be leased, rented, or sold separately will avoid the caretaker dwelling from just being another residential unit or being used outside of the intent for a caretaker dwelling.
2. Staff finds that applying a size constraint would restrict any unnecessary or obnoxious dwelling and floor plans that could possibly be used for other uses outside of being a caretaker.
3. Staff finds that an eight-hundred (800) square foot floor plan would adequately satisfy the ability to have a housekeeping establishment with separate toilets and facilities for cooking and sleeping. **(*Staff realizes that the caretaker dwelling may be occupied by a family, therefore adjusting the language in the definition regarding one caretaker*).**
4. Although minimal, staff finds that the caretaker dwelling would have an impact on the project in terms of parking and will need to be adequately parked and therefore should meet the minimum requirements of the Off-Street Parking Code Section 19.80 of the Millcreek Code. In addition, staff finds that the parking spaces required for the caretaker dwelling should not be eligible to be included in any requested parking reduction. Staff's reason is for this is similar to how the off street parking code refers to ADA parking spaces for multi-family residential developments and that the required caretaker spaces shall be provided in addition to the number of stalls required for the development.
5. Staff finds that the ability to operate a home business from the caretaker dwelling would put an unnecessary impact on the development and fall outside of the primary purpose of the caretaker use.

Per Table 19.60-1 of the Commercial Code, a caretaker dwelling must meet the following specific use standards:

a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.
b. Caretaker dwelling shall consist of a minimum habitable floor area of 800 square feet and not to exceed a maximum habitable floor area of 1,200 square feet.
c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ.
d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
e. Home Businesses shall be prohibited

CARETAKER DWELLING COMPARABLES BY CITY

	MURRAY	SOUTH SALT LAKE CITY	SALT LAKE CITY	MIDVALE	SANDY	TAYLORSVILLE	WEST VALLEY
	NO	YES	YES	NO	YES	YES	YES
CARETAKER DWELLING DESCRIPTION		*SOUTH SALT LAKE CITY ALLOWS FOR ACCESSORY CARETAKER FACILITIES FOR FUNERAL HOME/MORTUARY USES.*	*SALT LAKE CITY ALLOWS FOR LIVING QUARTERS FOR CARETAKER OR SECURITY GUARDS.*		*SANDY CITY ALLOWS FOR A CARETAKER RESIDENCE WHEN OPERATING A STORAGE UNIT AND AS AN OPTION FOR THE FARMER'S MARKET*	*SANDY CITY ALLOWS FOR A CARETAKER RESIDENCE WHEN OPERATING A STORAGE UNIT*	*WEST VALLEY CITY ALLOWS FOR A CARETAKER DWELLING WHEN OPERATING A STORAGE UNIT AND AS AN OPTION FOR THE FARMER'S MARKET*
	DOES NOT DEFINE OR ADDRESS CARETAKER DWELLINGS	*NO DEFINITION*	*DEFINITION: "A residence, secondary amd accessory to a principle use for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances on-site or on contiguious lots under the same ownership"*	*DOES NOT DEFINE OR ADDRESS CARETAKER DWELLINGS*	*DEFINITION: "occupants of [caretaker] dwellings shall be limited to the owners or employess of the on-site business"*	*NO DEFINITION*	*DEFINITION: "Caretaker Dwelling means a dwelling unit for the caretaker of an otherwise non-residential building that is completely contained within the non-residential building. No caretaker's dwelling shall be rented, leased, or otherwise hired out. At least one occupant of a caretaker's dwelling shall be employed by the business and shall have on-site responsibilities".*
		FUNERAL HOMES AND MORTUARIES ARE A CONDITIONAL USE IN THEIR COMMERCIAL DISTRICT	*PERMITTED IN THEIR MANUFACTURING, COMMERCIAL AND TRANSIT AREA DISTRICTS*		*PRIMARILY PERMITTED IN THEIR COMMERCIAL ZONES. A CONDITIONAL USE WITH SOME LOCATION RESTRICTIONS IN NON-RESIDENTIAL ZONES. ALLOWED FOR LONG-TERM FARMERS MARKETS*	*PERMITTED IN THEIR MANUFACTURING AND COMMERCIAL ZONES*	
			LIMITED TO USES ON LOTS 1 ACRE IN SIZE OR LARGER AND ACCESSORY TO A PRINCIPLE USE ALLOWED BY THE ZONE				*PERMITTED IN THEIR COMMERCIAL ZONES PRIMARILY*

COMMUNITY COUNCIL INPUT

- All Community Councils felt as though the caretaker dwelling floor area could be increased but that a minimum and maximum floor area should be included in the standards.
- All Community Councils agreed that the caretaker dwelling should be subject to the off-street parking requirements Chapter 19.80 of the MKZ and that parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
- All Community Councils had no concerns about the caretaker dwelling being integrated into the main building.
- East Millcreek Community Council did not want the caretaker dwelling to be detached or in a separate building.
- Canyon Rim Citizens Association discussed the caretaker dwelling being detached and was not necessarily opposed so long as standards were in place similar to a detached ADU.
- Each Community Council discussed the ability to have a home business in a caretakers dwelling and were not opposed to allowing it but wanted the home business to be limited to specific standards and uses. Discussions included limiting the home business to:
  - Businesses with no customer base;
  - Businesses that would have the least amount of impact to surrounding uses; and
  - Home businesses limited to office uses that only require internet and phone.

PLANNING COMMISSION INPUT AND RECOMMENDATION

Allowing a caretaker dwelling as a permitted use in the commercial zones did not stir up any initial concerns based on just principle. However, through expressive dialog and conversation between the commissioner's and staff, some common ground and standards were extracted and noted by staff. Below are some bullet points listing the items commissioners found common ground on.

- Home businesses with no customer base visiting the caretaker dwelling
- Shall be subject to the off-street parking requirements of Chapter 19.80 of the MKZ
- Caretaker dwelling size range from minimum 600 sf to a maximum of 1,500 sf
- Caretaker dwelling preferably being internal/attached but not opposed to having a detached option with the right standards in place

The Millcreek Planning Commission voted unanimously (8-0) to recommend approval of the proposed ordinance ZT-21-008, emphasizing the following minimum standards be applied.

- **Home businesses with no customer base**
- **Caretaker dwelling size range from minimum 600 sf to a maximum of 1,500 sf**
- **Caretaker dwelling being internal/attached**

So, after having meaningful discussions with planning commission and community council, staff's recommendation……

STAFF RECOMMENDATION

Staff is recommending approval to the City Council on the ordinance changes proposed by staff in file ZT-21-008, based on staff's findings and input from the Planning Commission and Community Councils.

The following three ordinance changes are being proposed.

1.

Allowing the use of a Caretaker dwelling with standards as a permitted use in the commercial zones.

a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.
b. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet.
c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ.
d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
e. Home Businesses with a customer base visiting the caretaker dwelling shall be prohibited

19.60.020 Permitted And Conditional Uses

A. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKZ 19.84.

B. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKZ 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Bed & Breakfast		C	C	No Hotels are allowed in the C-1 zone. Hotels must be located on development sites with at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	Mixed use allowed subject to requirements of this chapter.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code
Caretaker dwelling	P	P	P	a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately. b. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet. c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ. d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking. e. Home Businesses with a customer base visiting the caretaker dwelling shall be prohibited

2.

Adoption of Caretaker Dwelling definition proposed by staff.

Dwelling, Caretaker: means no more than one dwelling unit that is under common ownership and is attached or internal to the main building and its commercial use and is used for the accommodation of an employee, business owner and person under contract of the commercial use and main building for security or maintenance purposes.

Chapter 19.04 DEFINITIONS

19.04.181 Dwelling, Caretaker: means no more than one dwelling unit that is under common ownership and is attached or internal to the main building and its commercial and is used for the accommodation of an employee, business owner and person under contract of the commercial use and main building for security or maintenance purposes.

3.

Amend the permitted and conditional use section 19.66.020 of the Light Manufacturing “M” Zone so that the permitted use “Caretaker residence” reads “Caretaker dwelling” and is subject to proposed standards.

19.66.020 PERMITTED AND CONDITIONAL USES

Table 19.66-1: Manufacturing Zoning District–Permitted and Conditional Uses

“P” indicates that a use is permitted within that zoning district.

“C” indicates that a use is a conditional use within that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84.

No letter (i.e., a blank space), or the absence of a use from the table, indicates that use is not a permitted use nor a conditional use within the zoning district. Uses may be subject to additional restrictions and limitations found in 19.88.030 Prohibited Uses, Limitations.

Table 19.66-1

USES	M	SPECIFIC USE STANDARDS
Light Manufacturing	P	
Warehousing	P	
Commercial		Allowed uses: those permitted and conditional uses in the C-3 Zone as per CHAPTER MKZ 19.32 COMMERCIAL ZONES
Any development that shares a common boundary with a residential use and/or zone	C	Transitions are required as per Table 19.66-3
Outdoor Storage as an accessory to a principle use	P	See section MKZ 19.66.050 A (4)
State Store or Packing Agency	P	
Sexually Oriented Business	C	Subject to Chapter MKZ 19.91
Truck Transfer Company	C	Temporary outside storage of trucks and trailers allowed as defined by MKZ 19.66.050 A (4)
Vehicle and Equipment repair & auto body shops	P	See outdoor storage restrictions in MKZ 19.66.050 A (4)
Accessory uses and buildings customarily incidental to conditional and permitted uses. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products	P	
~~Caretaker's residents~~ Caretaker dwelling	P	~~Only as a secondary use to a principle use~~ a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately. b. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet. c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ. d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking. e. Home Businesses with a customer base visiting the caretaker dwelling shall be prohibited

MODEL MOTION

Motion to approve the ordinance changes proposed by staff in file ZT-21-008, based on staff's findings and input from the Planning Commission and Community Councils,

including the changes made to the Light Manufacturing "M" Zone Chapter 19.66 of the Millcreek Code, under permitted and conditional uses section 19.66.020 so that the permitted use "caretaker residence" is amended to read as proposed along with the specific use standards proposed by staff.