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ORDINANCE 2013-49.

AN ORDINANCE AMENDING SECTION 14.06, INTERPRETATION AND DEFINITIONS, TO CHANGE THE DEFINITION OF "DWELLING UNIT" AND SECTIONS 14.30, SUPPLEMENTARY RESIDENTIAL OVERLAY AND 14.46, ACCESSORY APARTMENT OVERLAY, IN ORDER TO MAKE THE WORDING SIMILAR AND PROVIDE CLARIFICATION. CITY WIDE IMPACT. (12-0013OA)

WHEREAS, it is proposed that an Ordinance Text Amendment be approved for Section 14.06, Interpretation and Definitions, to amend the definition of "Dwelling Unit" and Sections 14.30, Supplementary Residential Overlay and 14.46, Accessory Apartment Overlay, in order to make the wording similar and provide clarification; and

WHEREAS, on October 9, 2013, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be approved as proposed; and

WHEREAS, on December 17, 2013 the Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Ordinance Text Amendment should be approved and (ii) the Ordinance Text Amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Sections 14.06, 14.30 and 14.46 of the Provo City Code are hereby amended as described in Exhibit "A."

PART II:

A. If a provision of this Ordinance 2013-49 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

46 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
47 updated to reflect the provisions enacted by this ordinance.

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49 D. This ordinance shall take effect immediately after being posted or published as
50 required by law.

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52 END OF ORDINANCE.

14.06.020. Definitions.

"Dwelling Unit" means one (1) or more rooms in a dwelling designed and used for living and sleeping purposes, and having a kitchen and a bathroom. Accessory and supplementary apartments are not separate dwelling units. They are located within and are subordinate to a one-family dwelling.

Chapter 14.30. S - Supplementary Residential Overlay Zone.

- 14.30.010. Purpose and Objectives.
- 14.30.020. Use in Combination.
- 14.30.030. Permitted Uses.
- 14.30.040. Development Standards.
- 14.30.050. Area of Zone.
- 14.30.060. Petition for Zone Adoption.
- 14.30.070. Parking Requirements.
- 14.30.080. Nonconforming Uses.
- 14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

14.30.010. Purpose and Objectives.

The purpose of the Supplementary Residential (S) Overlay Zone is to recognize the unique character of Provo City as a "university community" and to accommodate supplementary living accommodations in some appropriate one-family residential areas of the community. These provisions are intended to meet community demands for residential accommodations for semi-transient residents in areas of the community adjacent to major educational and institutional uses. This overlay zone is designed to provide an alternative living environment for said semi-transient residents to that normally found within the higher density multiple residential zones. The (S) overlay zone will therefore protect and enhance the desirable aesthetic characteristics of the underlying one-family residential zone. An R1 zone with a Supplementary Residential (S) Overlay as described in this Chapter is intended to continue the very low density of an R1 zone. The sole function of the overlay is to permit alternate methods of housing the occupancy otherwise permitted in an R1 zone.

14.30.020. Use in Combination.

(1) The Supplementary Residential (S) Overlay Zone may be used only in combination with the R1 (One-family Residential) Zone as designated herein. The provisions of the (S) Overlay Zone shall ~~become~~ be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the (S) Overlay Zone and the provisions of the R1 zone with which it is combined, the provisions of the (S) Overlay Zone shall be deemed controlling. The (S) Overlay Zone shall not be applied to any land area as an independent zone.

14.30.030. Permitted Uses.

~~(1)~~ (1) Uses permitted in the Supplementary Residential (S) Overlay Zone shall be limited to ~~those uses listed as permitted uses in an R1 zone with the following additional permitted uses~~ the following:

- (a) Those uses listed as permitted uses in the R1 zone, and
- (b) Accessory apartments which meet the development standards of Subsection (2) of this Section.

~~(1)~~ (2) Accessory Apartment: ~~For purposes of the Supplementary Residential Overlay Zone, a structure which is in all respects by design, construction, and appearance a one family dwelling, qualifying as such within an R1 zone, may include an accessory apartment; if the accessory~~

~~apartment:~~ Accessory apartments shall be allowed only in one-family dwellings, subject to the following development standards:

~~(a) Number. No more than one (1) accessory apartment shall be permitted in each one-family dwelling.~~

~~(b) Location. The accessory apartment may be~~ is located in a basement or in a second level above ground-level ~~and if~~ there is a useable interior connection between the accessory apartment and the principal part of the dwelling unit; and,

~~(b) (c) Appearance. The accessory apartment shall~~ does not alter the appearance of the structure as a one family dwelling, and does not cause the dwelling unit within which the accessory apartment is located to resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence of occupancy by more than one-family, such as two (2) front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.

~~(c) is a one-family dwelling having an accessory apartment under the provisions of this section shall have no more than two (2) kitchens within the dwelling.~~

~~(2) (d) Occupancy:~~ ~~(a) A one-family dwelling with an accessory apartment, which is authorized by and conforms to the requirements set forth in this section, shall be occupied, either in the accessory apartment or in the principal part of the dwelling unit,~~ as follows:

(i) The dwelling shall be the owner's primary residence as defined in Title 14.06.

The dwelling must be owner-occupied by:

(A) One (1) person living alone; or

(B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild. For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.

(C) Two additional unrelated individuals are not permitted under (A) or (B) of this section.

(ii) The accessory apartment within the structure may be occupied by no more than four (4) related or unrelated adults, with or without minor children.

~~(i) one (1) person living alone; or~~

~~(ii) the head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild. Two (2) or more of these persons shall share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent shall actually reside in the subject dwelling and the dwelling shall be the principal residence of any such person.~~

~~(b) That part of the dwelling unit which is not occupied by the persons described in Subsection (2)(a) may be occupied by not more than four (4) related or unrelated persons.~~

~~(iii) (c) Either the principal part of the dwelling unit or the accessory apartment shall be occupied by the owner of the dwelling. Owner occupancy shall not be required when the owner has submitted a Temporary Absence Application prior to beginning the temporary absence and meets the following criteria:~~

~~(i) (A) the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception), or~~

~~(ii) (B) the owner is placed in a hospital, nursing home, assisted living facility or other similar facility.~~

~~(iii) (C) Owner occupancy shall have the meaning set forth in Section 14.06.020 of this Title.~~

~~(D) the owner has resided in the residence for at least one year prior to beginning the temporary absence.~~

~~(e) Parking. A one-family dwelling with an accessory apartment shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of 14.37 of this Title.~~

~~(f) Utility Meters. A one-family dwelling with an accessory apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.~~

~~(g) Addresses. The accessory apartment shall have its own address.~~

~~(h) Outside Entrances. Outside entrances to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.~~

~~(i) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed accessory apartments shall meet current building codes.~~

~~(j) Kitchens. A one-family dwelling with an accessory apartment is permitted two kitchens; one for the principal part of the dwelling and one for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Section 14.06, Interpretation and Definitions, "Kitchen" for the definition of what constitutes a kitchen per the Provo City Code.~~

~~(k) Accessory Apartment Permit. Any person constructing or causing the construction of a one-family dwelling that has an accessory apartment or any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment shall obtain an Accessory Apartment Permit from the Community Development Department. Such permit shall be in addition to any building permits that may be necessary. Before an accessory apartment permit is issued, the applicant shall:~~

~~(i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed~~

buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(iii) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council

(iv) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of an accessory apartment permit. Revocation shall be decided based upon the findings of fact at an administrative hearing before a hearing officer, per Title 3.06, Provo City Code.

(v) The approval of a permit for an accessory apartment shall automatically expire three (3) years after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such accessory apartment permit.

(vi) The owner shall record a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in the (S) Overlay Zone, or otherwise contains an accessory apartment as provided in this Chapter.

(l) Prior Uses. The Community Development Department shall issue a permit for any accessory apartment existing at the time of the adoption of this Chapter if the following conditions are met:

(i) The accessory apartment complies with this Title, and

(ii) A building permit was issued when the accessory apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued.

14.30.040. Development Standards.

All development standards required in the Supplementary Residential (S) Overlay Zone shall be the same as those required by the provisions of the underlying zone with which the (S) zone is combined.

14.30.050. Area of Zone.

The Supplementary Residential (S) Overlay Zone shall be applied to a land area ten (10) acres or more which contains at least forty (40) existing dwelling structures, and which is at least fifty percent (50%) developed. The land area shall be free from islands or peninsulas or any other unreasonable boundary line configurations. Additions to an existing (S) Overlay Zone shall be by petition which conforms to all provisions of this Chapter except acreage, and number of dwellings.

(Am 1991-07)

14.30.060. Petition for Zone Adoption.

Rep 2007-32

14.30.070. Parking Requirements.

Parking requirements for the Supplementary Residential (S) Overlay Zone shall be as required by the provisions of Section 14.37.090, Provo City Code, except that any single dwelling with an occupied accessory dwelling shall have at least two (2) additional off street parking spaces, for a total of four (4) spaces. In no case shall the number of off street parking spaces be less than the number of vehicles being maintained on the premises. If the owner wishes to rent to more unrelated individuals than there are supplementary parking spaces, this shall only be allowed under the following conditions:

- (1) Owners shall take the initiative in enforcing compliance by tenants with the limitations imposed herein upon the number of vehicles allowed their tenants and if a tenant fails to comply with such limitations after appropriate notice, owners shall forthwith evict such tenant;
- (2) Owners shall maintain a list of all tenants, together with the make and license plate number of their respective vehicles, which owners shall provide to Provo City upon request;
- (3) Owners shall enter into a covenant with Provo City that they will not rent to tenants having a total number of vehicles in excess of the total number of supplementary parking spaces (over and above the two (2) spaces required for the resident family) provided by owners, without the prior written consent of Provo City, which covenant shall be binding on all subsequent owners of the subject apartments.

(Am1990-31)

14.30.080. Nonconforming Uses.

- (1) After April 4, 2000, except as provided in subparagraph (2) of this Section, every dwelling unit in the (S) Overlay zone shall conform to the requirements of this Chapter.
- (2) Notwithstanding the provisions of Chapter 14.36 of this Title, a one family dwelling with an accessory dwelling unit which on April 4, 2000 is not owner occupied and which was legally established shall not be required to conform to the owner occupancy and other development standards of this Chapter until April 4, 2003. An owner of property affected by this Subsection may apply for an extension of time to comply with such occupancy and development standards subject to the provisions of Section 14.30.090 of this Chapter.

(Am2000-15)

14.30.090. Termination of Nonconforming Uses – Recovery of Investment.

(1) The Community Development Director or his designee shall grant an owner of property affected by Subsection 14.30.080(2) of this Chapter an extension of the time required to conform with such Section if:

- (a) the owner:
 - (i) by August 4, 2000 files a notice of intent to apply for a time extension as provided in this Section; and
 - (ii) by April 4, 2001 files a complete application for an extension of time as provided in this Section.

- ~~(b) the owner's application for an extension of time demonstrates by a preponderance of evidence that:~~
- ~~(i) the nonconforming use which is the subject of the application was legally established; and~~
 - ~~(ii) subject to the formula in Subsection (2) of this Section, the owner is unable to recover prior to April 4, 2003 the amount of the owner's investment in the property.~~
- ~~(2) — (a) The time period during which an owner may recover the amount of his investment in property affected by Section 14.30.080(2) of this Chapter shall be determined by dividing the residual value of the property by the average monthly net rental income from the property. The resulting figure is the number of months which the owner shall have to recover his investment in the property.~~
- ~~(b) For the purposes of this Subsection the following definitions shall apply:~~
- ~~"Amount of the owner's investment" means the adjusted present value of a property as of April 4, 2000.~~
 - ~~"Adjusted present value" means a property's original purchase price plus any capital improvements and less depreciation and net income from the property, all as adjusted for inflation to April 4, 2000.~~
 - ~~"Compliance value" means the appraised value of the property on April 4, 2000 based on compliance with the requirements of this Chapter.~~
 - ~~"Residual value" means the difference between a property's adjusted present value and its compliance value as of April 4, 2000.~~
- ~~(c) The time period determined under Subsection (a) of this Section shall apply to the property for which the owner made an application for extension and to the owner's successors, if any, until such time period has run.~~
- ~~(3) Any person aggrieved by a decision of the Community Development Director or his designee applying this Section may appeal such decision to the Board of Adjustment as provided in Chapter 14.05 of this Title.~~
- ~~(4) The Community Development Director may adopt reasonable regulations to carry out the purpose of this Section.~~
- ~~(Enacted 2000-15)~~

Chapter 14.46. A - Accessory Apartment Overlay Zone.

- 14.46.010. Purpose and Objectives.
- 14.46.020. Use in Combination.
- 14.46.030. Permitted Uses.
- 14.46.040. Additional Development Standards.
- 14.46.050. Area of Zone.
- 14.46.060. Petition for Zone Adoption.
- 14.46.070. Nonconforming Uses.

14.46.010. Purposes and Objectives.

The Accessory ~~Dwelling~~ Apartment Overlay Zone ("A Overlay") is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of accessory ~~dwellings~~ apartments in one-family detached dwellings on individual lots. The Accessory ~~Dwelling~~ Apartment Overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age.

14.46.020. Use in Combination.

(1) The Accessory ~~Dwelling~~ Apartment (A) Overlay Zone may be used in combination with any of the following zones: A1, RA, R1, ~~R2, R2.5, R3, R4 or R5~~. The provisions of the (A) Overlay Zone shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the (A) Overlay Zone and the provisions of any zone with which it is combined, the provisions of the (A) Overlay Zone shall be deemed controlling. The (A) Overlay Zone shall not be applied to any land area as an independent zone.

(2) The Accessory ~~Dwelling~~ Apartment Overlay Zone designation (A) shall become a suffix to the designation of the zone with which it is combined and shall be shown in parentheses. When applied to a land area, said combined designation shall be shown on the zone map of Provo City as set forth in the following example: When the Accessory ~~Dwelling~~ Apartment (A) Overlay Zone is combined with the one-family Residential (R1) Zone having an eight thousand (8,000) square foot minimum lot size, it shall be designated upon the zone map of Provo City as "R1.8(A)."

14.46.030. Permitted Uses.

- (1) Uses permitted in the Accessory ~~Dwelling~~ Apartment (A) Overlay Zone shall be limited to the following:
- (a) Those uses listed as permitted uses in the underlying zone, and
 - (b) Accessory ~~dwellings~~ apartments which meet the development standards of Subsection (2) of this Section.
- (2) Accessory ~~dwellings~~ apartments shall be allowed only in one-family dwellings, subject to the following development standards:
- (a) Number. No more than one (1) accessory ~~dwelling~~ apartment shall all be permitted in each one-family dwelling.
 - (b) Location. The accessory ~~dwelling~~ apartment may be created:

- (i) Over a an attached garage, provided the parking within the garage is not eliminated or converted to living space, stairs or otherwise disrupts required covered parking; or
 - (ii) inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas; or
 - (iii) by an addition to the house, containing an internal connection between ~~dwelling units~~ the accessory apartment and the principal part of the dwelling unit, provided that the addition will not alter the one-family character of the building.
- (c) Appearance. The accessory ~~dwelling~~ apartment shall not alter the appearance of the structure as a one-family residence dwelling. There shall be no external evidence of occupancy by more than one-family, such as two front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.
- (d) Occupancy. For purposes of a one-family dwelling with an accessory ~~dwelling unit~~ apartment, which is authorized by and conforms to the requirements stated in this Section, the following occupancy rules shall apply:
- (i) ~~One of the dwelling units within the structure shall~~ The dwelling shall be the owner's primary residence as defined in Title 14.06. The dwelling must be owner-occupied by:
 - (A) One (1) person living alone; or
 - (B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild. For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.
 - (C) Two additional unrelated individuals are not permitted under (A) or (B) of this section.
 - (ii) ~~The remaining dwelling unit within the structure shall~~ The accessory apartment within the structure may be occupied by no more than two (2) related or unrelated adults, with or without minor children.
 - (iii) Owner occupancy shall not be required when the owner has submitted a Temporary Absence Application prior to beginning the temporary absence and meets the following criteria:
 - (A) the owner has a bonafide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception), or
 - (B) the owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (C) Owner occupancy shall have the meaning set forth in Section 14.06.020 of this Title;
 - (D) The owner has resided in the residence for at least one year prior to beginning the temporary absence.

- (e) Parking. A one-family dwelling with an accessory ~~dwelling~~ apartment shall ~~provide~~ have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve ~~the same dwelling unit~~ either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front ~~building~~ setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of 14.37 of this Title.
- (f) Utility Meters. A one-family dwelling with an accessory ~~dwelling~~ apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.
- (g) Addresses. ~~Each dwelling unit~~ The accessory apartment and the principal part of the dwelling unit shall each have its own address.
- (h) Outside Entrances. Any new outside entrance to the accessory ~~dwelling unit~~ apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.
- (i) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed accessory apartments shall meet current building codes.
- ~~(j)~~ (j) Kitchens. A one-family dwelling with an accessory apartment is permitted two kitchens; one for the principal part of the dwelling and one for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Section 14.06, Interpretation and Definitions, "Kitchen" for the definition of what constitutes a kitchen per the Provo City Code.
- ~~(j)~~ (k) Accessory Dwelling Apartment Permit. Any person constructing or causing the construction of a one-family dwelling that has an accessory ~~dwelling~~ apartment or any person remodeling or causing the remodeling of a one-family dwelling for an accessory ~~dwelling~~ apartment, or any person desiring an accessory ~~dwelling~~ apartment shall obtain an accessory ~~dwelling~~ apartment permit from the Community Development Department. Such permit shall be in addition to any building permits that may be necessary. Before an accessory ~~dwelling~~ apartment permit is issued, the applicant shall:
- (i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
 - (ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.
 - (iii) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council
 - (iv) Noncompliance with the standards of this Section shall be just cause for the revocation or denial of an accessory ~~dwelling~~ apartment permit. Revocation shall be decided based upon the findings of fact at an administrative hearing before ~~the Zoning Administrator~~ a hearing officer per Title 3.06, Provo City Code.
 - (v) The approval of ~~an~~ a permit for an accessory ~~dwelling~~ apartment shall automatically expire three (3) years after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that

the existing owner may reapply or the new owner may apply for an extension of such accessory ~~use~~ apartment permit.

(vi) The owner shall record a deed restriction with the County Recorder evidencing the restrictions under which the accessory ~~dwelling unit~~ apartment is constructed and occupied. This deed restriction shall run with the land as long as the property is in the (A) Overlay Zone, or otherwise contains an accessory ~~dwelling~~ apartment as provided in this Chapter.

~~(k)~~ **(l)** Prior Uses. The Community Development Department shall issue a permit for any accessory ~~dwelling~~ apartment existing at the time of the adoption of this Chapter if the following conditions are met:

(i) The accessory apartment complies with this Title, and

(ii) A building permit was issued when the accessory ~~dwelling~~ apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory ~~dwelling~~ apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued. (Enacted 1993-13, Ren 1994-15, Am 1999-56, Am 2006-15)

14.46.040. Additional Development Standards.

Each one-family dwelling with an accessory ~~dwelling~~ apartment shall conform to the development standards required by the provisions of the underlying zone with which the (A) zone is combined. (Enacted 1993-13, Ren 1994-15, Am 1999-56)

14.46.050. Area of Zone.

Within any A1, RA, or R1 zone, the Accessory Apartment (A) Overlay Zone shall be applied only to a land area of four (4) acres or more which contains at least sixteen (16) existing dwelling structures, and which is at least fifty percent (50%) developed. Such land area shall be free from islands or peninsulas or any other unreasonable boundary line configurations.

14.46.060. Petition for Zone Adoption.

(New 1993-13, Am 1999-56, Rep 2007-14)

14.46.070. Nonconforming Uses.

Properties nonconforming as to use and occupancy, created by the application of this zone, shall be issued, upon request, a Certificate of Nonconforming Use, which shall permit the continued use of the property as is, provided that the use complied with all regulations at the time the occupancy was established, and that all necessary permits were obtained.