

ORDINANCE 26-09-04

AN ORDINANCE AMENDING SECTION 17-31-3 OF KAYSVILLE CITY CODE TO ALLOW DETACHED ACCESSORY DWELLING UNITS UNDER CERTAIN CONDITIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kaysville City is authorized under the Utah Constitution, the Utah Municipal Land Use, Development, and Management Act, and its general police powers to regulate land use and adopt zoning regulations that promote the public health, safety, and welfare of its residents; and

WHEREAS, the Utah Legislature amended Utah law to require municipalities to allow Detached Accessory Dwelling Units on qualifying residential properties, subject to reasonable local regulations authorized by state law; and

WHEREAS, the City Council finds it necessary to amend Title 17 of the Kaysville City Code to bring the City's land use regulations into compliance with current requirements of Utah law governing Accessory Dwelling Units; and

WHEREAS, Utah law authorizes municipalities to establish objective standards governing Detached Accessory Dwelling Units, including standards related to design, setbacks, parking, owner occupancy, utilities, and other development requirements; and

WHEREAS, on August 13, 2026, the Kaysville City Planning Commission held a public hearing and voted 6-0 to recommend approval to the City Council subject to amendments regarding minimum square footage, setbacks, size, and minimum rental period; and

WHEREAS, The City Council of Kaysville City finds it to be in the best interest of its citizens to adopt these amendments to the Kaysville City Code to ensure compliance with Utah law while providing clear and consistent standards for the establishment and regulation of Internal and Detached Accessory Dwelling Units.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith, they are hereby repealed.

SECTION II: Repeal and Readoption. Title 17, Chapter 31, Section 3 of the Kaysville City Code is hereby repealed and readopted in its entirety to read as follows:

17-31-3 Accessory Dwelling Units.

1. Purpose and Intent. The purpose of these regulations is to provide accessory long-term residential units in conjunction with primary single-family detached dwellings located on individual lots or parcels. Accessory Dwelling Units (ADUs) provide a long-term subordinate residence that can serve as an additional dwelling space for family members or others and can aide in providing an affordable housing option within established neighbors with minimal impacts on adjacent properties or the overall neighborhood. The regulations herein are intended to minimize the impact of an accessory unit on neighboring properties and maintain the residential character of a neighborhood in which they are located. The regulations are intended to promote the health, safety, and welfare or property owners and residents of an ADU.

2. Definitions:

Detached Accessory Dwelling Unit (DADU) - An accessory dwelling unit that is not attached to or within a primary single-family detached dwelling and located on the same lot or parcel as the primary single-family detached dwelling.

Internal Accessory Dwelling Unit (IADU) - An accessory dwelling unit created within the footprint of a single-family detached dwelling.

2. General ADU Standards.

- a. ADUs are permitted as an accessory use to a legal conforming single-family detached dwelling located on a single lot or parcel within all primarily residential zones.
- b. ADUs shall comply with all applicable building, health, and fire codes.
- c. No more than one ADU (IADU or DADU) shall be permitted on a lot or parcel.
- d. The owner of a lot or parcel where an ADU is located shall reside in the single-family detached dwelling or the ADU as their primary residence. Upon application for an ADU the owner(s) shall complete and submit an owner occupancy affidavit attesting to the occupancy of either unit as the primary residence of the owner(s) of the property.
- e. Occupancy of any ADU shall be limited to a single family as defined by KCC 17-2-2.
- f. An ADU shall maintain the same address as the primary single-family detached dwelling with the addition of "Unit B."
- g. An ADU shall not be made available for rent without the owner of the property first obtaining a valid permit for the ADU and license from Kaysville City to rent the ADU.
- h. Parking Provisions. The minimum amount of off-street parking spaces shall be provided as outlined per the type of ADU.
 - i. Any parking spaces displaced by the construction of an ADU (i.e., parking within a garage or carport displaced after the construction of an ADU within the garage or carport) shall be replaced to meet the requirement above.
 - ii. The required parking shall be paved with an asphalt or concrete surface and shall not be in tandem with parking required for the primary dwelling unit.
- i. Utilities. ADUs shall not operate on separate utility meters from the primary dwelling and shall not be permitted on a property with a failing septic tank.

3. IADU Standards.

- a. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
- b. An IADU shall not be permitted on a property with a total lot size of 6,000 square feet or less.
- c. A minimum of one off-street parking space shall be provided.
- d. An IADU shall not be rented for less than 30 consecutive days.

4. DADU Standards.

- a. A DADU is permitted on any lot or parcel that is:
 - i. 11,000 square feet or larger; and
 - ii. contains a single-family detached dwelling that is a permitted use on the lot or parcel.
- b. A legally existing accessory structure on a qualifying lot or parcel may be converted to a DADU, pending compliance with this section and all applicable building, health, and fire codes.
- c. A DADU shall be designed consistent with the design of the single-family dwelling on the lot or parcel on which it is located.

- d. Size. A DADU shall be limited to no larger than 50% of the footprint of the primary dwelling (including a garage) or 1,200 square feet, whichever is smaller. The size of a two-story DADU with a garage space on the first story (loft DADU) shall be measured by the livable area and not include the square footage of the first story garage.
- e. A DADU shall not be located in a front-yard area of a lot or parcel.
- f. A DADU shall comply with the following setback regulations:

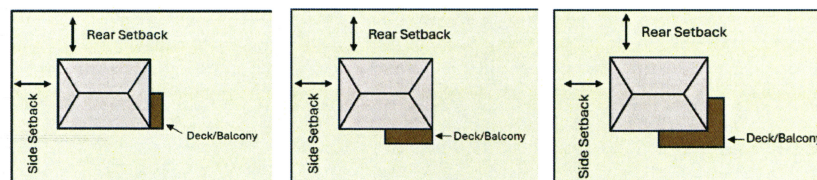
		DADU Type	
		Single Story	Two Story
Setback Type	Side Yard	Same side and rear yard setbacks for primary dwelling as required by the underlying zone.	Increased to meet the rear yard setback for primary dwellings as required by the underlying zone.
	Rear Yard		Same rear yard setbacks for primary dwelling as required by the underlying zone.

- g. The maximum height of a DADU shall be the height of the primary single-family detached dwelling or 25 feet, whichever is less. The maximum height of a DADU is measured to the peak roof line.
- h. Parking. DADUs shall comply with the following parking regulations.

DADU $\leq$ 650 Sq. Ft.	DADU $>$ 650 Sq. Ft.
Minimum of 1 off-street parking space.	Minimum of 2 off-street parking spaces.

- i. Outdoor Living Space. Decks, patios, or other outdoor living space on the first floor or ground level shall comply with all applicable building, health, and fire code standards related to construction type, height, and location on the property. A deck or balcony on a two story DADU that is projecting from the second story shall:
 - i. Only be permitted on an interior yard facing façade;
 - ii. Shall be limited to no more than one half (1/2) the width of an interior yard facing façade upon which it is located, and be so located and designed as shown in the Diagram 4a. Any design or configuration not in accordance with those shown in Diagram 4a are not permitted.

Diagram 4a: Permitted second story deck/balcony location and design.



- iii. A second story deck or balcony shall count towards the maximum square footage of the DADU.
- j. A DADU shall not be located within a public utility easement or any other recorded easement.
- k. A DADU shall not be permitted if a utility service that is a system improvement (including sanitary sewer, culinary water, electrical, or storm water, to which the DADU is required to connect) does not have sufficient capacity to support the addition of the DADU to the utility service system improvements.
- l. A DADU shall not be rented for less than 90 consecutive days.

- m. Prohibited Structures. The following structures are prohibited for the use or construction of a DADU: recreational vehicles, travel trailers, trailers, mobile homes, or any other temporary structure that cannot be placed on a permanent foundation and comply with all other standards outlined herein.

5. Penalty.

- a. In addition to applicable remedies for correction of non-compliance found in KCC 17-1-8 and in the Utah Code, Kaysville City may hold a lien of up to \$100.00 per day against a property that contains an ADU if the ADU is in violation of any of the provisions of Utah Code 10-21-304, as amended, or of any provisions of this section. The lien shall be removed after the violations are resolved.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

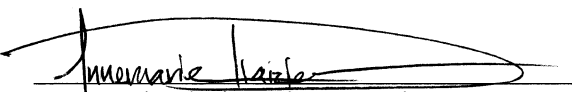
SECTION IV: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 17th day of September, 2026.



Tamara Tran, Mayor

ATTEST:



Annemarie Plazier, City Recorder

