

Staff Report
Kamas City Council
December 14, 2021

Subject: Modifying the standards for accessory dwelling units, including modification to code section 15.35.

History: Recent changes to Utah State Code 10-9a-530 Internal Accessory Dwelling Units requires some modifications to our current code regarding accessory apartments.

Planning Commission Action:

Public Hearing: Held on November 16, 2021, pursuant to appropriate public notice.

Commission Action: Recommended approval 5-0 on November 16, 2021.

Discussion Items:

The main adjustments, as shown in the proposed ordinance, reflect the changes to state law. The KMC already allowed internal accessory apartments so the code adjustments are minor. However, state code does allow municipalities the ability to regulate the lot size where an accessory apartment would be allowed. Therefore, we have restricted the lot size to lots of 6,000 square feet or larger. However, State Code now prohibits City's from regulating the size of the accessory apartment.

Additionally, State law only allows municipalities to require 1 additional parking spot beyond what we require for the primary dwelling unit. Accordingly, we removed the requirement for two parking spots for larger accessory apartments. However, we did clarify that any required parking that is removed due to the construction of the apartment must be replaced.

We also added minor adjustments to the approval and enforcement provisions to ensure we can enforce city regulations to the extent allowed by State law. State law now allows us to record notices and impose liens on the property to enforce our code.

Staff Recommendations:

Staff recommends the City Council consider the proposed amendment, consider the recommendation of the Planning Commission, and adopt the proposed ordinance.

City Council Options:

Recommended motion:

Adopt Ordinance. City Council APPROVE and ADOPTS the proposed Code Amendments to section 15.35.020, 15.35.030, 15.35.040 as drafted.

City Council can also adopt additional or different changes from those presented. If so, the motion will need to identify those additional or different changes.

Alternative motion:

Reject Ordinance. City Council DENIES and REJECTS the proposed Code Amendments.

EXHIBITS:

1. Proposed Ordinance