
ORDINANCE NO. 2021-09

**AN ORDINANCE TO AMEND SECTION 15.35 RELATED TO ACCESSORY
APARTMENTS IN THE KAMAS MUNICIPAL CODE**

WHEREAS, Kamas City, pursuant to state law, must comply with 2021 State Legislation regarding attached accessory apartments thereof;

WHEREAS, Kamas City previously allowed attached accessory apartments, the Kamas Municipal Code must be updated with the changes made to Utah State Code;

WHEREAS, the Planning Commission provided public notice of and held a public hearing on the proposed amendments on November 16, 2021; and

WHEREAS, the Planning Commission reviewed the proposed amendments and recommended to the City Council the approval of the proposed changes.

NOW, THEREFORE, be it ordained by the Kamas City Council, Kamas, Utah, as follows:

Section 1. Kamas City Code is hereby amended as set forth in the attached Exhibit A: Amendments to Title 15, Chapter 35 of Kamas Municipal Code.

Section 2. This ordinance shall take effect 20 days after publication, in accordance with state law.

PASSED and ADOPTED by the Kamas City Council on December 14, 2021.

KAMAS CITY

Matt McCormick, Mayor

ATTEST:

Kim Peacock, City Recorder

EXHIBIT A: AMENDMENTS TO TITLE 15, CHAPTER 35 OF KAMAS CITY CODE

Sec. 15.35.010. Purpose.

The purpose of the accessory apartment ordinance is to promote areas in the city to accommodate an expanding population, establish regulations to address the health, safety and welfare of the community, to provide flexibility for changes in household size associated with life cycle and to enable a level of financial security for home owners.

(Ord. 2019-06, 7/9/2019)

Sec. 15.35.020. Regulations and standards.

1. *Definition.* Attached means sharing a common wall.
2. *Location.* Accessory apartments are allowed as an accessory use for single-family residences and are limited to the following development configurations:
 - a. Within an attached garage, provided the parking within the garage is not eliminated to disrupt required parking;
 - b. Within the home through an internal conversion of the housing unit maintaining an internal connection between living areas; or
 - c. An addition to the home, containing an internal connection.
3. *Development standards.*
 - a. Mobile homes, travel trailers, boats, tiny homes or similar recreational vehicles shall not be used as an accessory apartment.
 - b. The single-family dwelling and accessory apartment shall be served by the city's sewer system or by another adequate sewer or septic system.
 - c. Construction, use, and occupancy of the accessory apartment shall conform to all applicable building, fire, and safety codes.
 - db. Refer to KMC 15.27, Supplementary Development Standards, for more information.
4. *Sale.* An accessory apartment shall not be sold separately from the principal dwelling located on the same lot.
5. *Owner occupied.* The property owner shall reside on the premises as their primary residence. An owner is an individual who is listed on a recorded deed as an owner of the property; any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as an owner of the property; or an individual who is a trustor of a trust who possesses legal ownership of the property.
6. *Number of units.* A maximum of one accessory apartment may be permitted per principal dwelling.
7. *Unit Lot size.* Accessory apartments shall not be permitted on lots of 6,000 square feet or smaller. exceed 50 percent of the size of the principal dwelling, not including a garage. In no case shall the accessory apartment contain habitable square footage less than 300 square feet.

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8. *Dimensional standards.* Accessory apartments shall comply with required building height, setbacks and all applicable dimensional standards for the underlying zone. Egress and accessibility must be maintained according to KMC 15.21 and other applicable building and fire codes.
 9. *Utilities.* An accessory apartment may be connected to and served by the same utility lines as the principal dwelling; however, the property owner shall have two city utility service accounts with the owner responsible for both accounts. The two dwelling units will total 150 percent of water allotted by the city. In the event of an overage, the principal dwelling account will be charged additionally.
 10. *Parking.* A single-family dwelling with an accessory apartment shall provide appropriate off-street parking spaces as noted in KMC 15.10.070.
 - a. A minimum of one additional off-street parking space **beyond the required parking for the single-family dwelling** shall be ~~designated~~ **provided** for the use of those residing in the accessory apartment. ~~if the apartment is a studio.~~
 - b. **All required parking spaces that are removed or limited in connection with the construction of the accessory apartment shall be replaced with other appropriate off-street parking.** ~~A minimum of two additional off-street parking spaces shall be designated for use of those residing in the accessory apartment if the apartment is a one-bedroom or larger unit.~~
 - c. See KMC 15.25, Parking Standards, for more information.
 11. *Addresses.* The single-family dwelling and accessory apartment shall have unique addresses that are known by the post office and the fire district.
 12. *Entrance.* The exterior entrance to the accessory apartment shall be on the side or rear of the building. Only one front entrance shall be visible from the front yard.

(Ord. 2019-06, 7/9/2019)

Sec. 15.35.030. Application.

An accessory apartment application may only be approved by the planning commission if the property meets the standards listed in this section. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations or unpaid taxes. **If the accessory apartment is approved, the planning commission shall issue a written notice or permit of authorization.**

(Ord. 2019-06, 7/9/2019)

Sec. 15.35.040. Compliance and enforcement.

1. *Compliance with adopted codes.* Accessory apartments shall meet all requirements of the adopted building code and other applicable city ordinances and regulations.
2. *Existing accessory apartments.* Existing accessory apartments shall be inspected by a city building official within 120 days of the adoption of this ordinance. Failure of the city to issue a warning shall not affect the validity of any prosecution for an infraction.

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3. *Enforcement.* The City may enforce the requirements of this ordinance through all means and remedies available to the city, including imposing a lien on the property or recording a notice against the title of the property in accordance with state law.