

Mapleton City Planning Commission Staff Report

Meeting Date: October 7, 2010

Item #: 5

Applicant: Mapleton City

Prepared by: Cory Branch

REQUEST

Mapleton City requests to amend Mapleton City Code 18.84.415: SECOND KITCHENS PERMITTED in order to change the provisions relating to multiple kitchens in dwelling units and miscellaneous provisions relating to bedrooms, bathrooms, and kitchens in an accessory building/structure.

FINDINGS OF FACT:

1. Mapleton City has received inquiries to amend Mapleton City Code 18.84.415: SECOND KITCHENS PERMITTED in order to change the provisions relating to multiple kitchens in dwelling units and miscellaneous provisions relating to bedrooms, bathrooms, and kitchens in an accessory building/structure.
2. This item was continued by the Planning Commission on September 9, 2010. The Commission requested that Staff make some additional changes to the proposed text relating to limitations of kitchens within an accessory building/structure and insuring that the registration process takes place at time of building permit.
3. Attachment 1 includes the changes made by Staff as requested by the Planning Commission.

STAFF RECCOMENDATION:

Staff recommends approval of the proposed ordinance amendment.

ATTACHMENT:

Existing and Proposed Ordinance - Mapleton City Code 18.84.415: SECOND KITCHENS PERMITTED

Existing Ordinance	Proposed Ordinance	
<p>18.84.415: SECOND KITCHENS PERMITTED:</p> <p>A. Second kitchens shall be permitted in any single-family residential detached dwelling unit, in any zone, as long as the following requirements are met:</p>	<p>18.84.415: MULTIPLE KITCHENS PERMITTED:</p> <p>(1) The number of kitchens on a parcel or lot that includes a dwelling unit is not regulated except as provided under this section. (2) (a) An owner of a parcel or lot that includes a dwelling unit shall apply for a building permit with the Department of Community Development for each kitchen within the dwelling unit. (b) An owner of a dwelling unit that includes accessory building(s)/structure(s) on the same parcel or lot shall apply for a building permit with the Department of Community Development for each kitchen that is located in the accessory building(s)/structure(s). Only one (1) accessory building/structure may allow for living quarters if: (1) The accessory building/structure is located on a parcel or lot of one acre or more unless specifically prohibited by the zone text; (2) The size of the living quarter shall not exceed fifty percent (50%) of the total size of the accessory building/structure, and the living quarter may not exceed one thousand (1,000) square feet. (3) Only family members, as defined under section 18.08.145 of this title, are residing in the primary dwelling unit and accessory building/structure. (3) The building permit(s) required under this section are for the purpose of enforcement of Section 18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS.</p>	<p>Policy Choice: Does the Planning Commission feel that the only reason to regulate subsequent kitchens is to help enforce the accessory apartment provisions?</p> <p>Existing Ordinance References: <u>Section 18.08.010: Accessory Building/Structure:</u> A detached subordinate building or structure, the appropriate use of which is subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. An accessory building/structure does not include a dwelling unit, guesthouse or separate apartment unit if located in a residential zone.</p> <p>Section 18.08.135: Dwelling Unit: "Dwelling unit" means one or more rooms in a residential building or residential portion of a building that are arranged, designed, used, separated, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.</p>

Existing Ordinance	Proposed Ordinance	
<p>1. The residence shall not be considered as two (2) dwelling units, and shall have only one front entrance.</p>		
<p>2. The residence shall have only one address.</p>		
<p>3. An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.</p>		
<p>4. The residence shall have no more than one electrical meter, and no more than one water or sewer hookup.</p>		
<p>5. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.</p>		
<p>6. Upon a twenty four (24) hour notice of request made by Mapleton City planning and zoning director or building official, the residence owner shall allow, within reasonable hours, an inspection of the residence which has a second kitchen, in order to determine compliance with this section.</p>		
<p>7. The residence owner shall sign a written document prescribed by Mapleton City which declares that the residence will not be converted into two (2) or more units. The signature on such a document shall be notarized and the document shall be recorded with the</p>		

Existing Ordinance	Proposed Ordinance	
<p>Utah County recorder's office prior to issuance of a building permit. Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single-family residence to a family only.</p>		
<p>8. If the property owner, or a later applicant wishes to apply for an owner occupied accessory apartment pursuant to section 18.84.410 of this chapter, the limitations of the second kitchen agreement, if located in the accessory apartment, shall become null and void.</p>		
<p>9. Construction of any such kitchen shall meet international building code standards.</p>		
<p>B. A second kitchen shall not be established in a single-family residential structure which contains an accessory apartment, whether or not such accessory apartment was established pursuant to section 18.84.410 of this chapter.</p>		
<p>C. Outbuildings, such as detached garages or barns, shall not be permitted a kitchen, however, a "wet bar kitchenette" shall be allowed for parcels of property that have a home located on the same lot or parcel. For the purpose of this section a "wet bar kitchenette" shall be defined as a one or two (2) bay sink, a refrigerator, cabinets, and temporary cooking utensils, such as a microwave, or toaster oven for the preparation of snacks. Stoves shall be prohibited. The "wet bar kitchenette"</p>		

Existing Ordinance	Proposed Ordinance	
<p>shall not be intended for use to prepare meals on a regular basis, and shall be considered as a facility for family entertainment. In no case shall an outbuilding be considered separate living quarters. Outbuildings that resemble separate living quarters, such as a building with bedrooms, bathrooms, and a kitchen or "wet bar kitchenette", shall be prohibited. Outbuildings with a washroom (sink) and a toilet, shall not be considered a "bathroom". (Ord. 2003-28, 11-5-2003, eff. 12-11-2003)</p>		