



MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Michael McNamee, Principal Planner, michael.mcnamee@slcgov.com, 801-535-7226

Date: August 10, 2022

Re: Briefing for ADU Ordinance Amendments

ATTACHMENTS:

[A. Draft of Amendments](#)

INTRODUCTION:

On February 9, 2022 the Planning Commission voted to initiate a petition to amend the zoning ordinance so that detached Accessory Dwelling Units (ADUs) would no longer require conditional use approval across all zoning districts where the use is allowed. On March 8, 2022, the Planning Director discussed the upcoming ADU amendment with the City Council during a Council work session. Planning was given the direction to make some additional changes to the ordinance to make it easier to construct ADUs and address engagement with the public realm.

The purpose of the briefing is to provide Planning Commission an overview of the proposed ordinance changes, receive input on a number of questions, as well as to provide the general public an update on the scope of the proposal. After this scheduled briefing, Planning staff will incorporate the feedback into a revised draft prior to bringing the petition (PLNPCM2022-00475) to the Planning Commission for a public hearing and recommendation. The City Council is the final decision maker for this proposal.

The draft amendments to the zoning ordinance are attached to this Memorandum as Attachment A.

PETITION BACKGROUND:

The current ADU Ordinance was adopted by the City Council in 2018. The 2018 ordinance expanded the ability of property owners to construct ADUs, but several requirements in the ordinance have proven to be difficult for many potential ADU builders to meet. This update is intended to address some of those challenges, while maintaining requirements that minimize potential negative impacts to neighboring properties. Additionally, in 2021 the Utah Legislature passed House Bill 82, which pre-empted several of the requirements put in place under the 2018 ADU Ordinance, and the ordinance needs to be updated to align with that change in state law.

Under the current ordinance, ADUs require conditional use approval in single-family residential zoning districts. Prior to the passage of House Bill 82, conditional use approval was required whether the ADU was internal to the principal building or in a detached accessory structure. HB82 pre-empted the City from being able to require a conditional use approval for internal ADUs, so today only detached ADUs are required to obtain a conditional use.

PUBLIC PROCESS:

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- May 18, 2022 – The Community Councils were sent the 45 day required notice for recognized community organizations. Several community councils were engaged with via phone and email, and Staff attended two meetings organized by the Sugar House Community Council.
- May – August 2022 – The project was posted to the Online Open House webpage.

KEY CHANGES:

The key changes being proposed under this amendment include:

- Removing the conditional use requirement
- Expanding where ADUs can be built
- Eliminating DDUs in FB-UN Districts
- Adjusting Size, Bulk, and Yard Requirements
- Introducing Alley Activation Requirements
- Changing Requirements for Decks, Patios, and Outdoor Space
- Adjusting Parking Requirements
- Changing Window and Entrance Requirements

Remove Conditional Use Requirement

The conditional use requirement is proposed to be removed for all ADUs. Conditional uses generally require a minimum of 3 months to process, although they often take up to 6 months. They also require a filing fee of \$856 (for Fiscal Year 2023), plus the cost of postage to send mailed notices to property owners and residents within 300 feet of the subject property. The processing time and financial cost present an obstacle to many who wish to construct an ADU. State law requires that the city approve a conditional use if potential negative impacts of the use have been reasonably mitigated. ADUs are subject to specific standards regarding bulk, height, and yards, as well as other requirements that are designed to mitigate negative impacts. Therefore, the Planning Commission rarely denies a conditional use application for an ADU, and generally do not require changes to meet the parameters for conditional use approval. The utility of requiring a conditional use is consequently limited the city, applicant, neighboring property owners and residents.

Expand Where ADUs Can Be Built

Currently, ADUs are permitted only on properties that are being used for a single-family dwelling and located in residential zoning districts. Under the proposed amendment, ADUs would be permitted on properties with duplexes, multi-family dwellings, and non-commercial uses. They would also be permitted in a greater number of zoning districts, including all commercial, downtown, transit station area, and form-based districts. ADUs would not be permitted in the manufacturing zoning districts or some special purpose districts such as the Open Space (OS) district.

Eliminate Detached Dwelling Units (DDUs) in FB-UN Districts

Form-based districts currently allow a building form similar to ADUs which are called Detached Dwelling Units (DDUs). Under the proposed amendment, DDUs would be removed from the code so that newly permitted ADUs in the form-based districts can be regulated by the ADU Ordinance.

Adjust Size, Bulk, and Yard Requirements

Staff recognizes that there is a significant barrier to ADU construction caused by the restrictive nature of the city's size, bulk, and yard requirements. Under the proposed amendment, each of these standards would become more permissive. With that said, the proposal still includes minimum standards to mitigate negative impacts on neighboring properties. The standards are proposed to be changed as summarized below:

Internal ADUs		
Standard	Current Requirement	Proposed Requirement
Maximum Size	50% of gross square footage of principal structure.	No maximum. Aligns with HB82.

Detached ADUs		
Standard	Current Requirement	Proposed Requirement
Maximum Size	50% of footprint of principal structure or 650 square feet , whichever is less.	In residential zoning districts: 720 square feet maximum. Can be increased to 1,200 square feet if lot is 12,000 square feet in size or larger. No maximum size if the ADU is located outside of a residential zoning district.
Maximum Height	17 feet. If the principal structure is taller than 17 feet, the ADU can be the same height as the principal structure, up to 24 feet.	17 feet. Can be increased up to 24 feet with an increase in setback.
Minimum Setback	New accessory buildings and additions to existing accessory buildings: 4 feet from any side or rear lot line. Second story additions: 10 feet from any side or rear lot line, unless abutting an alley, in which case setback can be reduced to 4 feet. If accessory building is taller than 17 feet, setback must be increased to 10 feet, unless abutting an alley, in which case setback can be reduced to 4 feet.	3 feet from interior side or rear lot lines. 10 feet from corner side lot line. If accessory building is taller than 17 feet, setback must be increased by 1 foot for every additional foot in height above 17'.

Introduce Alley Activation Requirements

Detached ADUs are often constructed adjacent to public alleys. This presents an opportunity to help activate those alleys, putting more eyes on them and making them more useful public spaces. As proposed, this amendment would require ADUs that abut an alley to have:

1. At least one operable window on the wall(s) of the ADU that face an alley.
2. An exterior light on the wall of the ADU to illuminate portions of the alley adjacent to the ADU. This light would be required to be shielded and pointed down. Up lighting would be prohibited.
3. A 4-foot wide pedestrian path would be required between the alley and the entrance to the ADU. If there is a fence between the ADU and the alley, a gate would be required, and the path would need to lead from the gate to the ADU entrance.
4. There would be an exception in the requirements for “paper alleys,” or those that legally exist on subdivision plats but have not been physically improved or are inaccessible.

Change Requirements for Decks, Patios, and Outdoor Space

Currently, the ADU Ordinance has minimal requirements related to decks, patios, and other outdoor space. It limits balconies to 80 square feet in size, says that a balcony or deck must be located at least 10 feet from a side or rear property line, and prohibits rooftop decks. Under the proposed amendment, the requirements for outdoor space are given more detail for the sake of clarity. Additional requirements are added, and size and setback requirements are proposed to be adjusted. The changes are as follows:

- Decks built more than two feet above grade are only permitted if the ADU is located within the buildable area of the lot, in which case the deck is subject to the same regulations for decks that apply to the principal building.
- Rooftop patios continue to be prohibited.
- Patios are permitted and may be covered with a roof so long as the roof is no larger than 120 square feet and complies with the setback requirements for the ADU. A covered patio would not count towards the maximum square footage for the ADU, but would be included in the maximum lot coverage calculation.
- Balconies are permitted as long as it complies with the setback requirements for the ADU and extends no more than five feet from the exterior wall of the ADU. HVAC equipment is not permitted, and balconies are not allowed to be used for storage.
- Internal ADUs must follow the same requirements for outdoor space that apply to the principal structure.

The proposed amendment would also add definitions for the following terms: *balcony*, *deck*, *porch*, and *rooftop patio*. Adding these definitions to the zoning ordinance will help clarify how to apply these and other regulations related to outdoor space elsewhere in the ordinance.

Adjust Parking Requirements

Under the proposed amendment, the parking requirements for an ADU would remain largely unchanged from the current ordinance. The current ordinance requires one off-street parking stall for an ADU. That requirement can be waived under the following circumstances:

- Legally located on street parking is available along the street frontage of the subject property.
- The subject property is located within one-quarter mile of a transit stop.

The proposed amendment leaves the same requirements in place, and adds the following circumstances under which the requirement to provide an off-street stall can be waived:

- The property is in a zoning district with no minimum off-street parking requirement.
- The property already contains at least one accessible stall above the minimum parking requirement.
- The property is within one-half mile of a designated bicycle lane or path.

The amended language would also clarify that in order to qualify for the exception based on the availability of on-street parking, there must be an uninterrupted curb length of at least 20 feet along the street frontage of the subject property.

Change Window and Entrance Requirements

The current ADU Ordinance has specific entrance requirements for internal and detached ADUs. Under the proposed amendment, those requirements would be eliminated, and entrance locations would be regulated by building code.

Window requirements for detached ADUs in the current ordinance strictly limit the size of windows to what is required for egress under building code. When located within 10 feet of a side or rear property line, windows are required to either be glazed, skylights or clerestory windows. The proposed amendment would create flexibility for the window requirements. The proposed regulations are only applicable to second story windows which would be prohibited unless at least one of the following conditions is met:

- The window is a clerestory window where the bottom is at least six feet above the finished floor of the second story.
- The window is on a wall that faces the rear elevation of the principal building.
- The window is at least 10 feet from a side or rear property line.
- The exterior wall is adjacent to an alley.
- The side or rear property line is adjacent to a property in a zoning district that permits commercial uses or a property that contains a non-residential use.

DISCUSSION:

Planning Staff requests that the Planning Commission discuss the proposed amendments and provide initial input, feedback, and direction to Planning Staff so that following public review of the amendments can be finalized and brought back to the Planning Commission for a recommendation to City Council.

In addition to the proposed amendments, Staff requests that the Planning Commission discuss the following additional proposals:

- Requiring owner occupancy limits the number of ADUs that can be built. It also creates the potential for a no-fault eviction of the ADU renter, should the owner of a property decide to no longer occupy it for a reason not covered in the owner occupancy exceptions. Should the City remove the owner occupancy requirement for ADUs?
- Permitting the subdivision of an ADU as a separate condo unit may create a more affordable path to home ownership for some households. ADUs would still be required to meet all building code and utility requirements for condos. Should the City allow ADUs to be subdivided as condos?

NEXT STEPS:

After the briefing to the Planning Commission is held, Planning Staff will make any recommended modifications to the proposed amendments. The ADU Ordinance amendments will return at a later date to the Planning Commission for any additional recommended modifications and a potential recommendation to City Council. A transmittal to City Council will be created for the amendments to be placed on a future City Council agenda.

The anticipated timeline for the public hearing and review process by the Planning Commission and City Council:

- September 2022: Planning Commission hearing and recommendation
- October 2022 – January 2023: City Council review and Decision

If the City Council voted to approve the proposed changes, they would become City law, and new development would be required to comply with the updated ordinance.

ATTACHMENT A: Draft of Amendments

PLNPCM2022-00475 ADU Ordinance Changes

Version: Planning Commission Briefing

Date prepared: August 3, 2022

Recommended by Planning Commission:

Approved as to Form by City Attorney's Office

Signature and date

This proposed ordinance makes the following amendments to Title 21A. Zoning:

- Strikes section 21A.40.200 and replaces it with new language.
- Changes how and where Accessory Dwelling Units can be created.
- Makes changes to size and form requirements.
- Adds alley activation requirements.
- Amends land use tables (Chapter 21A.33) to make ADUs permitted and add them to more zoning districts.
- Amends definitions (Chapter 21A.62) to include several new definitions, amend some existing definitions, and replace the current definition for Accessory Dwelling Unit.
- Amends section 21A.40.050 to update the standards for accessory building coverage.
- Amends Form-Based Districts (section 21A.27.030) to remove Detached Dwelling Units.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

21A.40.200: ACCESSORY DWELLING UNITS:

~~A. Purpose Statement: The regulatory intentions of this section are to:~~

~~1. Create new housing units while respecting the appearance and scale of single family residential development;~~

~~2. Provide more housing choices in residential districts;~~

~~3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;~~

~~4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;~~

~~5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;~~

~~6. Broaden the range of affordable housing throughout the City;~~

~~7. Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;~~

16 —8. Support transit oriented development and reduce auto usage by increasing density near
17 transit; and

18 —9. Support the economic viability of historic properties and the City's historic preservation
19 goals by allowing accessory dwellings in historic structures.

20 —B. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the following:

21 —1. An individual who is listed on a recorded deed as an owner of the property;

22 —2. Any person who is related by blood, marriage, adoption to an individual who is listed on a
23 recorded deed as an owner of the property; or

24 —3. An individual who is a trustor of a family trust who possesses legal ownership of the
25 property.

26 —C. Applicability: Accessory dwelling units shall be permitted as specified in [chapter 21A.33](#),
27 "Land Use Tables", of this title and subject to compliance with the applicable provisions of this
28 title.

29 —D. Methods Of Creation: An accessory dwelling unit may be created through, but not limited
30 to, the following methods:

31 —1. Converting existing living area within a single family dwelling as an addition to an
32 existing single family dwelling, or within a single family dwelling created as new construction; or

33 —2. Converting an existing detached accessory building, as an addition to an existing
34 accessory building, or as a newly constructed accessory building.

35 —E. Standards: Accessory dwelling units shall conform to the following requirements:

36 —1. General Requirements Applicable To All Accessory Dwelling Units:

37 —a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a
38 single family dwelling.

39 —b. Not A Unit Of Density: Accessory dwelling units are not considered a unit of density and
40 therefore are not included in the density calculation for residential property.

41 —c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from
42 the principal dwelling unit or lot unless compliant with subdivision regulations.

43 —d. Owner Occupaney: The City shall only permit an accessory dwelling unit when an owner
44 occupant lives on the property within either the principal or accessory dwelling unit. Owner
45 occupaney shall not be required when:

46 ———(1) The owner has a bona fide, temporary absence of three (3) years or less for activities
47 such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite
48 periods of absence from the dwelling shall not qualify for this exception); or

49 ———(2) The owner is placed in a hospital, nursing home, assisted living facility or other
50 similar facility that provides regular medical care, excluding retirement living facilities or
51 communities.

52 —e. Number Of Residents: The total number of residents that reside in an accessory
53 dwelling unit may not exceed the number allowed for a "family" as defined in
54 section [21A.62.040](#), "Definitions Of Terms", of this title.

55 — f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit
56 as per section [21A.36.030](#) of this title.

57 — g. Parking: An accessory dwelling unit shall require a minimum of one on-site parking
58 space. If the property has an existing driveway, the driveway area located between the property
59 line with an adjacent street and a legally located off-street parking area can satisfy the parking
60 requirement if the parking requirement for the principal use is complied with and the driveway
61 area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking
62 requirement may be waived if:

63 — (1) Legally located on street parking is available along the street frontage of the subject
64 property; or

65 — (2) The subject property is located within one-quarter ($\frac{1}{4}$) mile of transit stop.

66 — 2. Additional Requirements For Accessory Dwelling Units Located Within A Single Family
67 Dwelling: Accessory dwelling units located within a single family dwelling shall comply with the
68 following standards:

69 — a. Any addition shall comply with the building height, yard requirements, and building
70 coverage requirements of the underlying zoning district or applicable overlay district unless
71 modified by the Historic Landmark Commission for a property located within an H Historic
72 Preservation Overlay District.

73 — b. Size Requirements: No accessory dwelling unit shall occupy more than fifty percent
74 (50%) of the gross square footage of the single family dwelling. The square footage of an
75 attached garage shall not be included in the gross square footage unless the accessory dwelling
76 unit is located in a basement that includes habitable space below the garage.

77 — c. Entrance Locations: Entrances to an accessory dwelling unit that are located within a
78 single family dwelling shall only be permitted in the following locations:

79 — (1) An existing entrance to the single family dwelling;

80 — (2) When located on a building facade that faces a corner side yard, the entrance shall be
81 set back a minimum of twenty feet (20') from the front building facade;

82 — (3) Exterior stairs leading to an entrance above the first level of the principal structure
83 shall only be located on the rear elevation of the building;

84 — (4) Side entrances to an accessory dwelling unit are not considered a principal entry to
85 the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;

86 — (5) Located on the rear facade of the dwelling;

87 — (6) Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs
88 leading to an ADU in the basement are permitted to encroach into the side yard.

89 — 3. Additional Requirements For An Accessory Dwelling Unit Located In A Detached
90 Accessory Building: An accessory dwelling unit located in a detached accessory building or as an
91 addition to an existing accessory building shall comply with the following standards, (except
92 that any of the standards in this section may be modified by the Historic Landmark Commission
93 for a property located in an H Historic Preservation Overlay District):

94 — a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height
95 limitations found in section [21A.40.050](#) of this chapter and any accessory building regulation
96 found in the underlying zoning district or any applicable overlay zoning district unless otherwise

97 regulated by this section. An accessory dwelling unit located in an additional accessory building
98 may be constructed and shall not count towards the maximum square footage of all accessory
99 buildings as stated in subsection 21A.40.050B2 of this chapter. The accessory building
100 containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent
101 (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650)
102 square feet. An accessory building that contains an accessory dwelling unit and any other
103 permitted accessory use shall comply with all building coverage requirements in
104 section [21A.40.050](#) of this chapter.

105 — b. ~~Maximum Coverage:~~ Shall comply with the building maximum coverage requirements
106 of the underlying zoning district or applicable overlay zoning district, whichever is more
107 restrictive.

108 — c. ~~Setbacks:~~ All accessory dwelling units located in an accessory building shall be located
109 between the rear wall of the single family dwelling and the rear property line and be subject to
110 the following setback requirements:

111 — (1) ~~Shall be located a minimum of ten feet (10') from the single family dwelling located~~
112 ~~on the same parcel and any single family dwelling on an adjacent property.~~

113 — (2) ~~Side and rear yard setbacks:~~

114 — (A) ~~New Accessory Buildings:~~ Shall be located a minimum of four feet (4') from any
115 side or rear lot line.

116 — (B) ~~Additions To Existing Accessory Buildings:~~ The addition shall be located a
117 minimum of four feet (4') from any side or rear lot line. If an existing accessory building
118 includes an addition, all of or portions of the existing structure may be used as an accessory
119 dwelling unit provided the existing setbacks are not further reduced and the structure complies
120 or can be altered to comply with the applicable sections of the adopted Fire Code of the City.

121 — (C) ~~Second Story Additions:~~ A second story addition to an existing accessory building is
122 permitted provided the second story addition has a minimum setback of ten feet (10') from a
123 side or rear property line and the second story addition complies with all applicable regulations
124 for accessory dwelling units located on a second floor of a detached accessory building. If the
125 side or rear lot line is adjacent to an alley, the setback may be reduced to four feet (4').

126 — d. ~~Building Height:~~

127 — (1) ~~The maximum height of an accessory building containing an accessory dwelling unit~~
128 ~~shall not exceed the height of the single family dwelling on the property or exceed seventeen feet~~
129 ~~(17') in height, whichever is less.~~

130 ~~Exception: If the single family dwelling on the property is over seventeen feet (17') in height, an~~
131 ~~accessory building containing an accessory dwelling unit may be equal to the height of the single~~
132 ~~family dwelling up to a maximum building height of twenty four feet (24') for an accessory~~
133 ~~building with a pitched roof or twenty feet (20') for an accessory building with a flat roof~~
134 ~~provided the accessory building is set back a minimum of ten feet (10') from a side or rear~~
135 ~~property line. The setback for additional height may be reduced to four feet (4') if the side or~~
136 ~~rear lot line is adjacent to an alley.~~

137 — (2) ~~Accessory building height shall be measured to the ridge of the roof for buildings~~
138 ~~with a pitched roof and to the top of the roof line for a flat roof.~~

139 — e. ~~Size Requirements:~~ An accessory building that contains an accessory dwelling unit shall
140 be subject to the building coverage requirements for accessory buildings found in

141 section ~~21A.40.050~~ of this chapter. In no instance shall any accessory dwelling unit exceed a
142 gross floor area of six hundred fifty (650) square feet.

143 — f. Entrance Locations: The entrance to an accessory dwelling unit in an accessory building
144 shall be located:

145 — (1) Facing an alley, public street or facing the rear facade of the single family dwelling on
146 the same property.

147 — (2) Facing a side or rear property line provided the entrance is located a minimum of ten
148 feet (10') from the side or rear property line.

149 — (3) Exterior stairs leading to an entrance shall be located a minimum of ten feet (10')
150 from a side or rear property line unless the applicable side or rear property line is adjacent to an
151 alley in which case the minimum setback for the accessory building applies to the stairs.

152 — g. Requirements For Windows: Windows on an accessory building containing an
153 accessory dwelling unit shall comply with the following standards:

154 — (1) Windows shall be no larger than necessary to comply with the minimum Building
155 Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing
156 shall be used when facing a side or rear property line to comply with minimum Building Code
157 requirements for air and light on building elevations that are within ten feet (10') of a side or
158 rear property line unless the side or rear property line is adjacent to an alley.

159 — (2) Except as required in subsection E3g(1) of this section, windows shall maintain a
160 similar dimension and design as the windows found on the principal structure.

161 — (3) Window openings located on the ground floor within an existing accessory building,
162 whether conforming or non-conforming with window regulations in this chapter, may be
163 retained if compliant with Building and Fire Codes. Existing windows located on a second level
164 within an existing accessory building shall be brought into compliance with this section.

165 — h. Balconies And Decks: Balconies and decks shall be designed as follows:

166 — (1) Shall not exceed eighty (80) square feet in size when located above the ground level
167 of the building;

168 — (2) Shall be located a minimum of ten feet (10') from a side or rear yard lot line unless
169 the applicable side or rear yard lot line is adjacent to an alley;

170 — (3) Rooftop decks are prohibited.

171 — F. Registration Process: Property owners seeking to establish an accessory dwelling unit shall
172 comply with the following:

173 — 1. Application:

174 — a. Zoning Certificate: Apply for a zoning certificate in accordance with ~~chapter 21A.08~~ of
175 this title.

176 — (1) Certificate Of Occupancy: A certificate of occupancy for the ADU shall not be issued
177 until a zoning certificate is issued. A zoning certificate may be issued at the same time as the
178 certificate of occupancy. If a certificate of occupancy is not required, the zoning certificate shall
179 be issued prior to the ADU being occupied.

180 ——— (2) ~~Good Landlord Program: If a business license is required for the rental of either the~~
181 ~~ADU or the single family dwelling, the owner shall be enrolled in the landlord/tenant initiative~~
182 ~~program as defined in title 5, "Business Taxes, Licenses And Regulations", of this Code prior to~~
183 ~~issuing a zoning certificate.~~

184 — b. ~~Building Permit: Apply for and obtain a building permit for the proposed accessory~~
185 ~~dwelling unit, regardless of method of creation.~~

186 — c. ~~Proof Of Owner Occupancy: An application for an accessory dwelling unit shall include~~
187 ~~documentation that demonstrates an owner occupant resides on the property. The~~
188 ~~documentation shall include any legal document that demonstrates compliance with subsection~~
189 ~~B, "Owner Occupant", of this section.~~

190 — 2. ~~Deed Restriction: A lot approved for development with an accessory dwelling unit shall~~
191 ~~have a deed restriction, the form of which shall be approved by the City Attorney, and shall be~~
192 ~~filed with the County Recorder's Office. The form shall state that the owner occupant must~~
193 ~~occupy the property as required within this section. Such deed restriction shall run with the land~~
194 ~~until the accessory dwelling unit is abandoned or revoked.~~

195 — 3. ~~Certificate Of Occupancy: No accessory dwelling unit shall receive a certificate of~~
196 ~~occupancy or be occupied until the property owner completes the registration process outlined~~
197 ~~in this section. Registration is not required if the ADU is occupied by relatives of the property~~
198 ~~owner.~~

199 — G. ~~Abandonment: If a property owner is unable or unwilling to fulfill the requirements of this~~
200 ~~section, the owner shall remove those features of the accessory dwelling unit that make it a~~
201 ~~dwelling unit. Failure to do so will constitute a violation of this section.~~

202 — H. ~~Reporting: The Planning Division shall provide an annual report to the City Council~~
203 ~~detailing the number of applications, address of each unit for which an application was~~
204 ~~submitted, a brief explanation of reasons why an application was denied, and a map showing~~
205 ~~approved accessory dwelling units. The report shall be transmitted to the City Council by~~
206 ~~February 15th for the previous year. (Ord. 53-18, 2018)~~

207

208 A. Purpose: the regulatory purpose of this section is to promote an increase in the housing stock
209 within the city and promote housing choices by allowing and regulating accessory dwelling units
210 (ADUs).

211 B. Conflicting Regulations. If a regulation found in this section is in conflict with an applicable
212 regulation in the base zoning district, overlay district, or provision of general applicability, the
213 regulation in this chapter shall take precedence, with the following exceptions:

- 214 1. The regulations set forth in the H Historic Preservation Overlay District; and
215 2. The Special Foothills Regulations set forth in section 21A.24.010.P of this Title.

216 C. Owner Occupancy Required*. The owner of the property, as defined in this section, shall
217 reside on the property. For the purposes of this title, "owner occupant" shall mean the
218 following:

- 219 1. An individual who is listed on a recorded deed as an owner of the property;
220 2. Any person who is related by blood, marriage, adoption to an individual who is listed on
221 recorded deed as an owner of the property; or

- 222 3. An individual who is a trustor of a family trust who possesses legal ownership of the
 223 property.
 224 4. Exceptions
 225 a. Owner occupancy is not required for an ADU located on a property with a
 226 principal use as a duplex, multi-family dwelling, or non-residential land use. A
 227 single-family dwelling with an attached ADU does not constitute a duplex.
 228 b. The owner has a bona fide, temporary absence of three (3) years or less for
 229 activities such as military service, temporary job assignments, sabbaticals, or
 230 voluntary service (indefinite periods of absence from the dwelling shall not
 231 qualify for this exception); or
 232 c. The owner is placed in a hospital, nursing home, assisted living facility or other
 233 similar facility that provides regular medical care, excluding retirement living
 234 facilities or communities.

235 *(*Consider removing this section to address equity issues that may be created if an owner*
 236 *moves away from the property, resulting in a city required no fault eviction of a renter on the*
 237 *property.)*

238 D. Number Of Allowed ADUs: A single ADU is allowed on a property where permitted in
 239 chapter 21A.33 of this title.

241 E. Location on property. An ADU is allowed in the following locations on a property as
 242 indicated below:

- 243 1. Internal ADUs shall be located within the buildable area of the property.
 244 2. A detached ADU shall be allowed in required yards as indicated in the table below:

<u>Front yard</u>	<u>Not permitted</u>
<u>Corner Side yard</u>	<u>Only permitted if the ADU complies with the required setbacks in the table below and is no closer to the property line than the principal structure.</u>
<u>Interior Side yard</u>	<u>Permitted when located behind the rear façade of the principal building.</u>
<u>Rear yard</u>	<u>Permitted</u>
<u>Buildable area</u>	<u>Permitted</u>
<u>Notes</u>	
1. <u>The use of the term yard in this section shall be interpreted to mean a required yard as indicated in the underlying zoning district.</u>	

- 245
 246 3. A detached ADU shall be placed at a distance from property lines as indicated below:

<u>Rear property line</u>	<u>3'</u>
<u>Rear property line abutting an alley</u>	<u>3'</u>
<u>Side property line</u>	<u>3'</u>
<u>Side property line abutting an alley</u>	<u>3'</u>
<u>Corner Side property line</u>	<u>10'</u>
<u>Notes:</u>	
1. <u>Additions to an existing accessory building shall comply with the setbacks in this table. This includes additions that add a second story.</u>	

2. An existing accessory building that is being converted to an ADU may maintain the existing setbacks of the accessory building. If a conversion includes an expansion (including adding a second story) the expansion shall comply with all applicable setback requirements in this table and in 21A.40.200.F.

247

248 F. ADU Building Height

- 249 1. The maximum building height for a detached ADU is 17 feet, subject to the following
250 exceptions:
- 251 a. Height may be increased up to 24 feet for a pitched roof or 20 feet for a flat roof
252 provided the side and rear yard setbacks are increased one foot for each
253 additional foot in building height above 17 feet.
 - 254 b. Converting a legally existing accessory building is permitted when the existing
255 accessory building exceeds the permitted height of this section.
 - 256 c. When an ADU is located fully within the buildable area of the property, the
257 height of the ADU is allowed up to the permitted height of the principal building
258 in the underlying zoning district.
 - 259 d. Solar panels attached to the roof of an ADU are permitted to exceed the
260 maximum height of the structure up to four feet.
- 261 2. Building height for a detached ADU shall be measured in the same manner as the height
262 for the principal building.
- 263 3. An internal ADU is subject to the same height requirements as the principal building.

264 G. ADU Parking

- 265 1. The number of parking stalls provided for the principal use shall not be reduced below
266 the minimum identified in Chapter 21A.44 of this Title in order to accommodate an
267 ADU. One parking stall is required for the ADU, except as indicated below:
- 268 a. The property is in a zoning district with no minimum off street parking
269 requirement;
 - 270 b. The property already contains at least one accessible stall above the minimum
271 parking requirement for the principal use;
 - 272 c. The property is within a ¼ mile radius of a public transit stop;
 - 273 d. The property is within ½ mile of a city-designated bicycle lane or path; or
 - 274 e. The City allows on-street parking along the street frontage of the property and
275 there is a minimum, uninterrupted curb length of 20 feet where a vehicle can
276 legally park.

277 H. Regulation of decks, patios, and outdoor space for Detached ADUs

- 278 1. Decks more than 2 feet above the existing grade are prohibited unless the ADU is
279 located within the buildable area of the lot in which case the deck shall be subject to
280 the same regulations for decks that apply to the principal building.
- 281 2. Rooftop patios on a detached ADU are prohibited.
- 282 3. Patios are permitted. A patio may be covered with a roof provided the square footage
283 of the roof is no larger than 120 square feet and the covered patio complies with the
284 setbacks required of the ADU. A covered patio shall not count towards the maximum
285 square footage requirement of the ADU, but does count towards the total building
286 coverage of the lot.

- 287 4. Balconies on ADUs: a balcony is permitted on a building containing an ADU
288 provided the balcony does not extend into a required ADU setback and extends no
289 further than 5 feet from an exterior wall of the ADU. Balconies shall not contain
290 HVAC equipment nor be used as storage areas.
291 5. Internal ADUs shall be subject to the same standards for decks, patios, and other
292 encroachments that apply to the principal building and use.

293 I. ADUs located along a public alley. An ADU that is located within 15 feet of a public alley shall
294 include the following:

- 295 1. There shall be at least one operable window on the façade of the ADU which faces the
296 alley.
297 2. An exterior light shall be located on the exterior wall of the ADU to illuminate
298 portions of the alley adjacent to the ADU. The lighting fixture shall be shielded,
299 oriented and designed to direct light down and avoid light pollution onto adjacent
300 properties. All uplighting is prohibited.
301 3. A 4' wide path from the alley to the entrance of the ADU shall be provided. If there is
302 a fence between the ADU and the alley, a gate shall be provided, and the path shall
303 lead to the gate. If the ADU is located within 15 feet of two or more public alleys, this
304 requirement shall only apply to one of the alleys.
305 4. An ADU located on an alley that exists on the recorded plat maps or Atlas Plats of the
306 city but has not been used for vehicular access or is otherwise blocked by
307 encroachments such as fences or vegetation are exempt from this requirement.
308

309 J. ADU Gross Floor Area:

- 310 1. Detached ADU. None may exceed 720 square feet in gross floor area, except that a
311 maximum of 1,200 square feet in gross floor area shall be allowed when the subject
312 property:
313 a. Is in a zoning district other than those listed in 21A.24 of this Title;
314 b. Exceeds 12,000 square feet in lot area; or
315 c. Is part of a planned development that includes a minimum of four (4) dwelling
316 units.
317 2. Internal ADU. There is no maximum gross floor area provided the building complies
318 with all applicable standards in the underlying zoning district.
319 3. Gross floor area for a detached ADU shall be calculated as follows:
320 a. When the building includes other allowed accessory uses, only the square footage
321 dedicated to the ADU shall be counted.
322 b. When the ADU is on a second level, stairs and required landings providing access
323 to the ADU shall not be counted.
324 c. Loft space with a ceiling height lower than 7 feet within an ADU shall not be
325 counted towards the total square footage of the ADU.
326 d. Basements shall not count towards the maximum gross floor area of the ADU, so
327 long as:
328 i. The basement is only used for storage or a use permitted by section
329 21A.40.040.E of this chapter; and
330 ii. There is no internal circulation between the ADU and the basement.

331 K. Second Story Windows. Windows on the second story of a detached ADU are prohibited on
332 an exterior wall that is adjacent to a side or rear property line unless:

- 333 1. The window is a clerestory window where the bottom of the window is at least 6 feet
334 above the finished floor of the second story;
- 335 2. The window is on a wall that faces an elevation of the principal building;
- 336 3. The window is at least 10 feet from a side or rear property line;
- 337 4. The exterior wall is adjacent to an alley; or
- 338 5. The window faces a side or rear property line that is adjacent to a property in a zoning
339 district that permits commercial uses or a property that contains a nonresidential use.

340 L. Building Permit Required. A building permit is required to establish any ADU in the city. All
341 ADUs are required to comply with all adopted applicable codes including but not limited to
342 building, fire, and public utilities.

343 M. Administrative Regulations: the following administrative regulations are intended to
344 provide direction on applying and interpreting the regulations of this chapter.

- 345 1. There is no minimum lot size required for an ADU.
- 346 2. An ADU does not count towards the density allowed in the underlying zoning district.
- 347 3. ADUs that have been approved prior to (date of adoption), as part of a conditional use
348 are considered legal conforming uses and may be modified if the modification complies
349 with the requirements of this section and any other applicable standard of this title.

350 N. Zoning Certificate and Good Landlord Program:

- 351 1. A certificate of occupancy for the ADU shall not be issued until a zoning certificate is
352 issued. A zoning certificate may be issued at the same time as the certificate of
353 occupancy. If a certificate of occupancy is not required, the zoning certificate shall be
354 issued prior to the ADU being occupied.
- 355 2. If a business license is required for the rental of the ADU, the owner shall be enrolled in
356 the landlord/tenant initiative program as defined in title 5, "Business Taxes, Licenses
357 And Regulations", of this Code prior to issuing a zoning certificate.

358 O. Restrictive Covenant: An ADU that is required to be owner occupied shall have a restrictive
359 covenant filed against the property on which the ADU is located, which restrictive covenant shall
360 include the following information:

- 361 1. A description of the primary dwelling and the ADU, including whether the ADU is within
362 the principal structure or a detached structure, the square footage of both the primary
363 dwelling and the ADU, and how off-street parking is allocated between the primary
364 dwelling and the ADU.
- 365 2. A statement that the ADU may only be used and occupied in accordance with the
366 applicable regulations adopted in the Salt Lake City Code.
- 367 3. The restrictive covenant shall be recorded with the Salt Lake County Recorder's Office
368 against the subject property. A copy of the recorded covenant shall be provided to the
369 Planning Division and attached to the building permit record prior to final inspection of
370 the ADU. If no final inspection is required, the copy of the recorded covenant shall be
371 provided prior to occupying the ADU.

372 P. Use Regulations

- 373 1. An ADU shall not be rented as a short term rental as defined in 21.A.62.040.
374 2. An ADU may include any home occupation authorized by this title.
375 3. An ADU may be converted to any other accessory use that is allowed in the zoning
376 district.
377 4. An ADU cannot be converted to another principal use.

DRAFT

OTHER SECTION CHANGES:

378

379 **21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:**

380 **21A.40.050.B.2**

381 2. Building Coverage:

382 a. In the FR, R-1, R-2 and SR residential districts the ~~maximum building coverage of all~~
383 maximum footprint of any accessory building, excluding hoop houses, greenhouses, and
384 cold frames associated solely with growing food and/or plants, shall not exceed fifty
385 percent (50%) of the building footprint of the principal structure up to a maximum of
386 seven hundred twenty (720) square feet for a single family dwelling and one thousand
387 (1,000) square feet for a two-family dwelling except as follows:

388 (1) ~~The maximum footprint for a primary accessory structure within the SR-1A is~~
389 ~~limited to four hundred eighty (480) square feet with an additional one hundred~~
390 ~~twenty (120) square feet allowed for a secondary accessory structure.~~

391 Notwithstanding the size of the footprint of the principal building, at least four
392 hundred eighty (480) square feet of accessory building coverage shall be allowed
393 subject to the compliance with all other requirements in 21A.40.050.

394 (2) Accessory buildings constructed within the buildable area that are located between
395 the rear façade of the principal building and the rear yard setback may exceed 720
396 square feet provided the building is located entirely within the buildable area and
397 the property complies with the maximum building coverage requirements of the
398 underlying zoning district.

399 (3) The building coverage for a detached accessory dwelling unit shall be subject to the
400 standards in 21A.40.200, regardless of the building coverage requirement in this
401 section.

402 b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not
403 exceed thirty five percent (35%) of the building footprint of the principal structure.

404 **21A.60.020: LIST OF DEFINED TERMS:**

405 Atlas Plat

406 Balcony

407 Bike Lane

408 Bike Path

409 Deck

410 Dwelling, Accessory Unit (Internal)

411 Footprint

412 Non-residential Use

413 Porch

414 Rooftop Patio

415 Short Term Rental

416 Transit Route

417 Uplighting

418 **21A.62.040: DEFINITIONS OF TERMS:**

419 ATLAS PLAT: a map depicting the subdivisions of land within the City. These plats are a scheme
420 of how the City was originally laid out. The City started with plats A through L, Salt Lake City
421 Survey. As the City expanded its boundaries, 5 acre and 10 acre Big Field Survey Plats were
422 added and then the numbered plats 1 through 76. They show information about streets, public
423 right of ways and, some private right of ways.

424 BALCONY: An elevated floor space projecting beyond the exterior walls of a building that is not
425 supported on the ground by posts, columns, or similar supporting structural elements. A
426 balcony shall not be used as a means for entry into a building.

427 BIKE LANE: a division of a road for use by cyclists marked off with painted lines or other
428 means.

429 BIKE PATH: a path or road for bicycles and not motor vehicles. May include paths that also
430 allow pedestrian or equestrian access.

431 DECK: A platform sitting above finished grade and supported on the ground.

432 DWELLING, ACCESSORY UNIT (ADU): A type of accessory use that includes a residential unit
433 that is located on the same lot as a single-family attached or detached dwelling unit, either
434 internal to or attached to the single-family unit or in a detached structure. The accessory
435 dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, and
436 separate kitchen, sleeping area, closet space, and bathroom facilities.

437 A type of accessory use that includes a residential unit located on the same lot as a separate
438 principal use, either within the principal structure or within a separate accessory structure. The
439 accessory dwelling unit shall be a complete housekeeping unit with a shared or separate
440 entrance, and separate kitchen, sleeping area, closet space, and bathroom facilities.

441 DWELLING, ACCESSORY UNIT (DETACHED): An accessory dwelling unit located wholly
442 within a structure that is accessory to the principal use and buildings on a lot or parcel.

443 DWELLING, ACCESSORY UNIT (INTERNAL):

444 An accessory dwelling unit created:

- 445 1. within a primary dwelling;
- 446 2. within the footprint of a primary dwelling at the time the internal accessory dwelling unit is
447 created; and
- 448 3. for the purpose of offering a long-term rental of 30 consecutive days or longer.

449 BUILDING COVERAGE: That percentage of the lot covered by principal or accessory buildings,
450 including cantilevered portions of the building.

451 FOOTPRINT: The measurement of lot area covered by a building, including cantilevered
452 portions of the building.

453 NON-RESIDENTIAL USE: lands, buildings or structures or portions thereof used or designed or
 454 intended for uses other than a residential use, including, but not limited to, commercial,
 455 industrial and institutional uses.

456 PORCH: An unenclosed structure attached to a building, covered by a separate roof, and
 457 providing access to an entrance to a building. Similar structures providing access to an entrance
 458 other than the primary entrance shall be considered a covered deck when located on a platform
 459 that is more than two feet (2') above finished grade.

460 ROOFTOP PATIO: A portion of a flat roof that is dedicated to occupiable space, or a deck sitting
 461 atop a roof.

462 SHORT TERM RENTAL: The use of a dwelling unit or units that are offered for rent or lease for
 463 a period less than 30 days.

464 TRANSIT ROUTE: a route over which a public transit vehicle travels and that is specifically
 465 labeled or numbered for the purpose of picking up and dropping off passengers at regularly
 466 scheduled stops and intervals.

467 UPLIGHTING: Lights that have been designed to throw illumination upward.

468 **21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR**
 469 **RESIDENTIAL DISTRICTS:**

Use	Permitted And Conditional Uses By District																		
	F R- 1/ 4 3, 56 0	F R- 2/ 21 7, 8 0	F R- 3/ 12 0 0	R- 1/ 12 0 0	R- 1/ 7, 0 0	R- 1/ 5, 0 0	S R- 1	S R- 2	S R- 3	R- 2	R M F- 3 0	M F- 35	R M F- 45	R M F- 75	R B	R- M U- 35	R- M U- 45	R- M U	R O
Dwelling, accessory unit	EP	EP	EP	EP	EP	EP	P		P	P	P	P	P	P	P	P	P	P	P

470

471 **21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR**
 472 **COMMERCIAL DISTRICTS:**

Use	Permitted And Conditional Uses By District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Dwelling:							
<u>Accessory unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

473

474 **21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT**
 475 **STATION AREA DISTRICTS:**

Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Dwelling:								
<u>Accessory unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

476

477 **21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN**
 478 **DISTRICTS:**

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Dwelling:				
<u>Accessory unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

479

480 **21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE**
 481 **GATEWAY DISTRICT:**

Use	G-MU
Dwelling:	
<u>Accessory unit</u>	<u>P</u>

482

483 **21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED**
 484 **DISTRICTS:**

Use	Permitted Uses By District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Dwelling:				
<u>Accessory unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

485

486 **21A.27.030: BUILDING CONFIGURATION AND DESIGN STANDARDS:**

- 487 D. Other Applicable Development Standards:
- 488 4. Landscaping: Any applicable standard listed in chapter 21A.48, "Landscaping And
- 489 Buffers", of this title shall be complied with.
- 490 5. Signs: All signs shall comply with the standards found in section 21A.46.096 of this
- 491 title
- 492 6. Accessory Uses, Buildings And Structures: All accessory uses, buildings and
- 493 structures shall comply with the applicable standards in chapter 21A.40 of this title,;
- 494 except as noted below:

- 495 ~~a. Form based urban neighborhood district specific standards for detached~~
496 ~~dwelling units:~~
497 ~~(1) Detached dwelling units may be built in a required yard as a stand alone unit~~
498 ~~or attached to an accessory building, such as a garage.~~
499 ~~(2) Detached dwelling units are only permitted with the urban house, two family~~
500 ~~dwelling, and cottage development building forms.~~
501 ~~(3) No accessory structure containing a detached dwelling unit shall exceed~~
502 ~~twenty five feet (25') in height.~~
503 ~~(4) If a detached dwelling unit is built as a second level, the minimum setback~~
504 ~~from property line shall be a minimum of four feet (4').~~
505 ~~(5) All building configuration standards that apply to the primary building form~~
506 ~~shall also apply to the detached dwelling unit, with the exceptions listed~~
507 ~~below:~~
508 ~~(A) The detached dwelling unit shall have an entry feature that faces or is~~
509 ~~accessible from a public alley when present;~~
510 ~~(B) The entry feature may be a stoop that has a minimum dimension of four~~
511 ~~feet by four feet (4' x 4'); and~~
512 ~~(C) The ground floor transparency requirement does not apply to detached~~
513 ~~dwelling units located on the second floor of an accessory structure.~~