

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL


Lisa Shaffer (Dec 12, 2022 14:58 MST)

Lisa Shaffer, Chief Administrative Officer

Date Received: 12/12/2022

Date sent to Council: 12/12/2022

TO: Salt Lake City Council
Dan Dugan, Chair

DATE: 12/09/2022

FROM: Orion Goff, Deputy Director, Department of Community & Neighborhoods


Orion Goff (Dec 9, 2022 14:38 MST)

SUBJECT: Accessory Dwelling Unit Ordinance Text Amendment
(PLNPCM2022-00475)

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

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council follow the recommendation of the Planning Commission and adopt the changes to the Accessory Dwelling Unit Ordinance.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: The Planning Commission voted to initiate a petition at their February 9, 2022 hearing to eliminate the conditional use requirement for detached accessory dwelling units (ADUs) in single-family residential zoning districts. Subsequently, the City Council discussed the amendment during the March 8, 2022 work session and provided additional direction to staff. Staff expanded the proposal to include significant revisions of the requirements in the City's current ADU Ordinance, many of which have been identified as impediments to the construction of ADUs in Salt Lake City.

In order to address impediments to ADU construction, make ADU requirements easier to understand, and improve the quality of ADU construction, staff revised or introduced the following requirements:

- Remove conditional use requirement for detached ADUs in single-family zoning districts.
- Maximum allowable size of a detached ADU was increased from 650 square feet to 1,000 square feet for residential lots less than 12,000 square feet in size, or 1,200 square feet for other lots. The requirement that ADUs be no larger than 50 percent of the footprint of the principal structure was also removed. This allows for the development of ADUs that can accommodate larger households.
- Setbacks from side and rear property lines for a single-story detached ADU were changed from 4 feet to 3 feet. For second-story and two-story ADUs above 17 feet in height, setbacks were changed so that the increase in setback is commensurate with the increase in height. This is a significant change from the existing 10 foot setback required for all two-story ADUs.
- Introducing ADUs as a permitted accessory use to duplex, multi-family, and non-residential properties, expanding the number of properties where they could be built. Currently, ADUs are only permitted on properties with a single-family home as the principal use.
- Where detached ADUs are located near public alleys, the proposal includes requirements to activate the alley, with the goal of making alleys more useful and safer public spaces.
- In order to create consistency and ease of future reviews, staff included new definitions of short term rental, deck/porch/balcony, bike lane/path, non-residential use, and more.
- The proposed amendment leaves a requirement for one parking stall to be provided for an ADU 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.

Staff also revised the land use tables to permit ADUs in zoning districts outside of the residential zones, but where other types of residential uses are allowed. Currently, ADUs are permitted in 19 zoning districts and allowed as a conditional use in 6 zoning districts. Under the proposal, ADUs would be permitted in 7 of the 7 commercial districts, 4 of the 4 Transit Station Area (TSA) districts, 4 of the 4 Form-Based (FB) districts, 4 of the 4 Downtown districts, and the Gateway Mixed-Use District. In total, ADUs would be permitted by right in 45 of the City's 54 zoning districts. They would continue to be prohibited in zones where no other residential uses are currently permitted. On pages 2-5 of the staff report, there is a discussion of how specific zoning districts would be affected, as well as maps comparing where ADUs are currently permitted to where they would be permitted under the changes.

Staff also adjusted the limitation on accessory structure size in the FR, R-1, R-2 and SR zoning districts. The size limitation will no longer be 720 square feet or 1000 square feet for duplexes, but rather would be limited to 50% of the rear yard and the maximum lot coverage for the zoning district if located within the buildable area.

The Planning Commission considered the request in a public hearing on September 14, 2022 and recommended the City Council approve the proposed amendment. As part of their

recommendation, they included a condition that the maximum allowable size of a detached ADU be increased from what was proposed by staff. The proposal originally had called for a maximum size of 720 square feet for a detached ADU, an increase from the currently adopted ordinance, which allows for up to 650 square feet. In order to accommodate more family-sized ADUs, the Planning Commission added a condition that the maximum allowable size be increased to 1,000 square feet. That maximum would apply to lots in residential zoning districts that are 12,000 square feet in size or less. On other lots, the maximum size would be 1,200 square feet, which is unchanged from the original proposal.

PUBLIC PROCESS:

Community Council Notice: A notice of application was sent to all recognized community organizations on May 18, 2022, per City Code Chapter 2.60 with a link to the online open house webpage. The recognized organizations were given 45 days to respond with any concerns or to request staff to meet with them and discuss the proposed zoning amendment. The 45-day public engagement period ended on July 5, 2022. Staff presented to the Sugar House and Yalecrest Community Councils at their request. After the Planning Commission hearing, staff also presented to the East Liberty Park Community Organization at their request.

Public Open House: An online open house was held from May 17, 2022, to September 14, 2022. Fourteen written comments were submitted to the Planning Division after the publication of the staff report. Those comments have been included in Exhibit 5.

Planning Commission Meeting: The Planning Commission held a public hearing on September 14, 2022. The public hearing was posted on the Planning Division website, the Utah Public Notice website, and shared through the Planning Division email listserv. No entities have requested mailed notice of this proposal and no mailed notice was provided. Written comments were provided to the Planning Commission. There three public comments made during the public hearing. The minutes of the Planning Commission meeting are linked in this document. The Commission voted 7-2 to forward a favorable recommendation to the City Council with the condition that the maximum allowable size of an ADU be increased from 720 square feet to 1,000 square feet.

Planning Commission (PC) Records

- a) [PC Agenda of September 14, 2022](#) (Click to Access)
- b) [PC Minutes of September 14, 2022](#) (Click to Access)
- c) [Planning Commission Staff Report of September 14, 2022](#) (Click to Access Report)

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Ordinance
- 4) Memorandum to the Planning Commission Serving as Record of Decision to Initiate Petition

5) Public Comment Received after Planning Commission Staff Report was Published

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5. PUBLIC COMMENT

1. CHRONOLOGY



PROJECT CHRONOLOGY

Petition: PLNPCM2022-00475

- February 9, 2022** Petition initiated by the a vote of the Planning Commission.
- May 12, 2022** Petition assigned to Michael McNamee, Principal Planner.
- May 17, 2022** Application posted for the online open house.
- May 18, 2022** Notice mailed to all Community Councils.
- September 2, 2022** Planning Commission agenda posted to the website and emailed to the listserv.
- September 8, 2022** Staff report posted to Planning’s website.
- September 14, 2022** Planning Commission Meeting and Public Hearing: A positive recommendation was forwarded to City Council with one condition.

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2022-000475**. The Planning Commission voted on February 9, 2022 to initiate a petition to amend the City's ADU Ordinance. The proposed code revisions would eliminate the conditional use requirement for detached ADUs in single-family residential zones. They would also aim to lower zoning barriers to construction of ADUs in general. The proposed changes would seek to strike a better balance between encouraging construction of ADUs and mitigating impacts to neighboring properties. (Staff Contact: Michael McNamee at 801-535-7226)

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the city Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

DATE: **TBD**

TIME: **7:00 PM**

PLACE: ***Electronic and In-Person Options**
City and County Building
Room 326
451 South State Street,
Salt Lake City, Utah

**** This meeting will be held via electronic means, while also providing for an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including WebEx connection information, please visit www.slc.gov/council/virtual-meetings. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Michael McNamee at 801-535-7226 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail or michael.mcnamee@slcgov.com. The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number PLNPCM2022-00475.

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, (801)535-7600, or relay service 711.

3. ORDINANCE

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SALT LAKE CITY ORDINANCE
No. _____ of 202_

(An ordinance amending various sections of the Title 21A of the
Salt Lake City Code pertaining to accessory dwelling unit regulations)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2022-00475 pertaining to accessory dwelling unit regulations.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on September 14, 2022 to consider a petition submitted by the Planning Commission (Petition No. PLNPCM2022-00475) to amend various sections of Title 21A of the *Salt Lake City Code* pertaining to accessory dwelling unit regulations; and

WHEREAS, at its September 14, 2022 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended to modify only the use category “Dwelling, accessory unit” in the Table of Permitted and Conditional Uses for Residential Districts, which use category shall read and appear in that table as follows:

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Use	Permitted and Conditional Uses by District																			
	FR-1/ 43,560 €P	FR-2/ 21,780 €P	FR-3/ 12,000 €P	R-1/ 12,000 €P	R-1/ 7,000 €P	R-1/ 5,000 €P	SR-1	SR-2	SR-3	R-2	RMF-30	MF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO	
Dwelling, accessory unit							P		P	P	P	P	P	P	P	P	P	P	P	P

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28 SECTION 2. Amending the Text of Salt Lake City Code Section 21A.33.030. That Section
 29 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and
 30 Conditional Uses for Commercial Districts) shall be and hereby is amended only to add a new use
 31 subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and
 32 Conditional Uses for Commercial Districts, which use category shall be inserted into that table in
 33 alphabetical order and shall read and appear in that table as follows:

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>

34
 35 SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.035. That Section
 36 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and
 37 Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add a
 38 new use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and
 39 Conditional Uses for Transit Station Area Districts, which use category shall be inserted into that
 40 table in alphabetical order and shall read and appear in that table as follows:

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>

41
 42 SECTION 4. Amending the Text of Salt Lake City Code Section 21A.33.050. That Section
 43 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and
 44 Conditional Uses for Downtown Districts) shall be and hereby is amended only to add a new use

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45 subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and
46 Conditional Uses for Downtown Districts, which use category shall be inserted into that table in
47 alphabetical order and shall read and appear in that table as follows:

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>

48
49 SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.060. That Section
50 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and
51 Conditional Uses in the Gateway District) shall be and hereby is amended only to add a new use
52 subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and
53 Conditional Uses for Downtown Districts, which use category shall be inserted into that table in
54 alphabetical order and shall read and appear in that table as follows:

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

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56
57 SECTION 6. Amending the Text of Salt Lake City Code Section 21A.33.070. That Section
58 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and
59 Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add a new
60 use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and
61 Conditional Uses for Special Purpose Districts, which use category shall be inserted into that table in
62 alphabetical order and shall read and appear in that table as follows:

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

64

65 SECTION 7. Amending the Text of Salt Lake City Code Subsection 21A.40.050.B.2. That
 66 Subsection 21A.40.050.B.2 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and
 67 Structures: General Yard, Bulk and Height Limitations) shall be and hereby is amended to read as
 68 follows:

69 2. Building Coverage:

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- a. In the FR, R-1, R-2 and SR residential districts the ~~maximum building coverage of all maximum footprint of any accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants,~~ shall not exceed fifty percent (50%) of the building footprint of the principal structure ~~up to a maximum of seven hundred twenty (720) square feet for a single family dwelling and one thousand (1,000) square feet for a two family dwelling. The maximum footprint for a primary accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure.~~ except as follows:
 - (1) Notwithstanding the size of the footprint of the principal building, at least 480 square feet of accessory building coverage shall be allowed subject to the compliance with all other requirements in Section 21A.40.050.
 - (2) Accessory buildings constructed within the buildable area that are located between the rear façade of the principal building and the rear yard setback may exceed 720 square feet provided the building is located entirely within the buildable area and the property complies with the maximum building coverage requirements of the underlying zoning district.
 - (3) The building coverage for a detached accessory dwelling unit shall be subject to the standards in 21A.40.200, regardless of the building coverage requirement in this section.
 - (4) An accessory building that contains an accessory dwelling unit on the second level may exceed the maximum coverage up to the footprint of the accessory dwelling unit.
- b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed thirty five percent (35%) of the building footprint of the principal structure.

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97 SECTION 8. Amending the Text of Salt Lake City Code Section 21A.40.200. That Section
98 21A.40.200 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Accessory
99 Dwelling Units) shall be and hereby is amended to read as follows:

100 **21A.40.200: ACCESSORY DWELLING UNITS:**

101
102 ~~A. Purpose Statement: The regulatory intentions of this section are to:~~

- 103
- 104 ~~1. Create new housing units while respecting the appearance and scale of single family~~
- 105 ~~residential development;~~
- 106 ~~2. Provide more housing choices in residential districts;~~
- 107 ~~3. Allow more efficient use of existing housing stock, public infrastructure, and the~~
- 108 ~~embodied energy contained within existing structures;~~
- 109 ~~4. Provide housing options for family caregivers, adult children, aging parents, and~~
- 110 ~~families seeking smaller households;~~
- 111 ~~5. Offer a means for residents, particularly seniors, single parents, and families with~~
- 112 ~~grown children, to remain in their homes and neighborhoods, and obtain extra~~
- 113 ~~income, security, companionship, and services;~~
- 114 ~~6. Broaden the range of affordable housing throughout the City;~~
- 115 ~~7. Support sustainability objectives by increasing housing close to jobs, schools, and~~
- 116 ~~services, thereby reducing greenhouse gas emissions and fossil fuel consumption;~~
- 117 ~~8. Support transit oriented development and reduce auto usage by increasing density~~
- 118 ~~near transit; and~~
- 119 ~~9. Support the economic viability of historic properties and the City’s historic~~
- 120 ~~preservation goals by allowing accessory dwellings in historic structures.~~

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122 ~~B. Owner Occupant: For the purposes of this title, “owner occupant” shall mean the~~

- 123 ~~following:~~
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- 125 ~~1. An individual who is listed on a recorded deed as an owner of the property;~~
- 126 ~~2. Any person who is related by blood, marriage, adoption to an individual who is listed~~
- 127 ~~on a recorded deed as an owner of the property; or~~
- 128 ~~3. An individual who is a trustor of a family trust who possesses legal ownership of the~~
- 129 ~~property.~~

130
131 ~~C. Applicability: Accessory dwelling units shall be permitted as specified in chapter 21A.33,~~

132 ~~“Land Use Tables”, of this title and subject to compliance with the applicable provisions~~

133 ~~of this title.~~

134 ~~D. Methods Of Creation: An accessory dwelling unit may be created through, but not~~

135 ~~limited to, the following methods:~~

- 136
- 137 ~~1. Converting existing living area within a single family dwelling as an addition to an~~
- 138 ~~existing single family dwelling, or within a single family dwelling created as new~~
- 139 ~~construction; or~~

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140 2. ~~Converting an existing detached accessory building, as an addition to an existing~~
141 ~~accessory building, or as a newly constructed accessory building.~~

142
143 E. ~~Standards: Accessory dwelling units shall conform to the following requirements:~~

144
145 1. ~~General Requirements Applicable To All Accessory Dwelling Units:~~

146 a. ~~One Per Lot: City may permit one accessory dwelling unit for each lot that~~
147 ~~contains a single family dwelling.~~

148 b. ~~Not A Unit Of Density: Accessory dwelling units are not considered a unit of~~
149 ~~density and therefore are not included in the density calculation for residential~~
150 ~~property.~~

151 c. ~~Ownership: An accessory dwelling unit shall not be sold separately or subdivided~~
152 ~~from the principal dwelling unit or lot unless compliant with subdivision~~
153 ~~regulations.~~

154 d. ~~Owner Occupancy: The City shall only permit an accessory dwelling unit when~~
155 ~~an owner occupant lives on the property within either the principal or accessory~~
156 ~~dwelling unit. Owner occupancy shall not be required when:~~

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

161 (2) ~~The owner is placed in a hospital, nursing home, assisted living facility or~~
162 ~~other similar facility that provides regular medical care, excluding retirement~~
163 ~~living facilities or communities.~~

164 e. ~~Number Of Residents: The total number of residents that reside in an accessory~~
165 ~~dwelling unit may not exceed the number allowed for a "family" as defined in~~
166 ~~section 21A.62.040, "Definitions Of Terms", of this title.~~

167 f. ~~Home Occupations: Home occupations may be conducted in an accessory~~
168 ~~dwelling unit as per section 21A.36.030 of this title.~~

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

176 (1) ~~Legally located on-street parking is available along the street frontage of the~~
177 ~~subject property; or~~

178 (2) ~~The subject property is located within one-quarter (1/4) mile of transit stop.~~

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- 2. ~~Additional Requirements For Accessory Dwelling Units Located Within A Single Family Dwelling: Accessory dwelling units located within a single family dwelling shall comply with the following standards:~~
 - a. ~~Any addition shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district unless modified by the Historic Landmark Commission for a property located within an H Historic Preservation Overlay District.~~
 - b. ~~Size Requirements: No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage.~~
 - c. ~~Entrance Locations: Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:~~
 - (1) ~~An existing entrance to the single family dwelling;~~
 - (2) ~~When located on a building facade that faces a corner side yard, the entrance shall be set back a minimum of twenty feet (20') from the front building facade;~~
 - (3) ~~Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building;~~
 - (4) ~~Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;~~
 - (5) ~~Located on the rear facade of the dwelling;~~
 - (6) ~~Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.~~
- 3. ~~Additional Requirements For An Accessory Dwelling Unit Located In A Detached Accessory Building: An accessory dwelling unit located in a detached accessory building or as an addition to an existing accessory building shall comply with the following standards, (except that any of the standards in this section may be modified by the Historic Landmark Commission for a property located in an H Historic Preservation Overlay District):~~
 - a. ~~Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section. An accessory dwelling unit located in an additional accessory building may be constructed and shall not count towards the maximum square footage of all accessory buildings as stated in subsection 21A.40.050B2 of this chapter. The accessory building containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not~~

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230 exceed six hundred fifty (650) square feet. An accessory building that contains an
231 accessory dwelling unit and any other permitted accessory use shall comply with
232 all building coverage requirements in section 21A.40.050 of this chapter.

233 ~~b. Maximum Coverage: Shall comply with the building maximum coverage~~
234 ~~requirements of the underlying zoning district or applicable overlay zoning~~
235 ~~district, whichever is more restrictive.~~

236 ~~e. Setbacks: All accessory dwelling units located in an accessory building shall be~~
237 ~~located between the rear wall of the single family dwelling and the rear property~~
238 ~~line and be subject to the following setback requirements:~~

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

243 ~~(2) Side and rear yard setbacks:~~

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

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

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

262 ~~d. Building Height:~~

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

268 ~~Exception: If the single family dwelling on the property is over seventeen feet~~
269 ~~(17') in height, an accessory building containing an accessory dwelling unit~~
270 ~~may be equal to the height of the single family dwelling up to a maximum~~
271 ~~building height of twenty four feet (24') for an accessory building with a~~
272 ~~pitched roof or twenty feet (20') for an accessory building with a flat roof~~
273 ~~provided the accessory building is set back a minimum of ten feet (10') from a~~
274 ~~side or rear property line. The setback for additional height may be reduced to~~
275 ~~four feet (4') if the side or rear lot line is adjacent to an alley.~~

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

278
279 e. ~~Size Requirements: An accessory building that contains an accessory dwelling~~
280 ~~unit shall be subject to the building coverage requirements for accessory buildings~~
281 ~~found in section 21A.40.050 of this chapter. In no instance shall any accessory~~
282 ~~dwelling unit exceed a gross floor area of six hundred fifty (650) square feet.~~

283 f. ~~Entrance Locations: The entrance to an accessory dwelling unit in an accessory~~
284 ~~building shall be located:~~

- 285
286 (1) ~~Facing an alley, public street or facing the rear facade of the single family~~
287 ~~dwelling on the same property.~~
288 (2) ~~Facing a side or rear property line provided the entrance is located a~~
289 ~~minimum of ten feet (10') from the side or rear property line.~~
290 (3) ~~Exterior stairs leading to an entrance shall be located a minimum of ten feet~~
291 ~~(10') from a side or rear property line unless the applicable side or rear~~
292 ~~property line is adjacent to an alley in which case the minimum setback for the~~
293 ~~accessory building applies to the stairs.~~

294
295 g. ~~Requirements For Windows: Windows on an accessory building containing an~~
296 ~~accessory dwelling unit shall comply with the following standards:~~

- 297
298 (1) ~~Windows shall be no larger than necessary to comply with the minimum~~
299 ~~Building Code requirements for egress where required. Skylights, clerestory~~
300 ~~windows, or obscured glazing shall be used when facing a side or rear~~
301 ~~property line to comply with minimum Building Code requirements for air~~
302 ~~and light on building elevations that are within ten feet (10') of a side or rear~~
303 ~~property line unless the side or rear property line is adjacent to an alley.~~
304 (2) ~~Except as required in subsection E3g(1) of this section, windows shall~~
305 ~~maintain a similar dimension and design as the windows found on the~~
306 ~~principal structure.~~
307 (3) ~~Window openings located on the ground floor within an existing accessory~~
308 ~~building, whether conforming or non-conforming with window regulations in~~
309 ~~this chapter, may be retained if compliant with Building and Fire Codes.~~
310 ~~Existing windows located on a second level within an existing accessory~~
311 ~~building shall be brought into compliance with this section.~~

312
313 h. ~~Balconies And Decks: Balconies and decks shall be designed as follows:~~

- 314
315 (1) ~~Shall not exceed eighty (80) square feet in size when located above the ground~~
316 ~~level of the building;~~
317 (2) ~~Shall be located a minimum of ten feet (10') from a side or rear yard lot line~~
318 ~~unless the applicable side or rear yard lot line is adjacent to an alley;~~
319 (3) ~~Rooftop decks are prohibited.~~

320

LEGISLATIVE DRAFT

321 F. ~~Registration Process: Property owners seeking to establish an accessory dwelling unit~~
322 ~~shall comply with the following:~~

323
324 1. ~~Application:~~

325
326 a. ~~Zoning Certificate: Apply for a zoning certificate in accordance with chapter~~
327 ~~21A.08 of this title.~~

328
329 (1) ~~Certificate Of Occupancy: A certificate of occupancy for the ADU shall not~~
330 ~~be issued until a zoning certificate is issued. A zoning certificate may be~~
331 ~~issued at the same time as the certificate of occupancy. If a certificate of~~
332 ~~occupancy is not required, the zoning certificate shall be issued prior to the~~
333 ~~ADU being occupied.~~

334 (2) ~~Good Landlord Program: If a business license is required for the rental of~~
335 ~~either the ADU or the single family dwelling, the owner shall be enrolled in~~
336 ~~the landlord/tenant initiative program as defined in title 5, "Business Taxes,~~
337 ~~Licenses And Regulations", of this Code prior to issuing a zoning certificate.~~
338

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

341 c. ~~Proof Of Owner Occupancy: An application for an accessory dwelling unit shall~~
342 ~~include documentation that demonstrates an owner occupant resides on the~~
343 ~~property. The documentation shall include any legal document that demonstrates~~
344 ~~compliance with subsection B, "Owner Occupant", of this section.~~
345

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

352 3. ~~Certificate Of Occupancy: No accessory dwelling unit shall receive a certificate of~~
353 ~~occupancy or be occupied until the property owner completes the registration process~~
354 ~~outlined in this section. Registration is not required if the ADU is occupied by~~
355 ~~relatives of the property owner.~~
356

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

360 H. ~~Reporting: The Planning Division shall provide an annual report to the City Council~~
361 ~~detailing the number of applications, address of each unit for which an application was~~
362 ~~submitted, a brief explanation of reasons why an application was denied, and a map~~
363 ~~showing approved accessory dwelling units. The report shall be transmitted to the City~~
364 ~~Council by February 15th for the previous year.~~
365

LEGISLATIVE DRAFT

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

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

- 375 1. The regulations set forth in the H Historic Preservation Overlay District; and
- 376 2. The Special Foothills Regulations set forth in Subsection 21A.24.010.P of this title.

377 C. Owner Occupancy Required. The owner of the property, as defined in this section, shall
378 reside on the property. For the purposes of this title, “owner occupant” shall mean the
379 following:

- 381 1. An individual who is listed on a recorded deed as an owner of the property;
- 382 2. Any person who is related by blood, marriage, adoption to an individual who is listed on
383 recorded deed as an owner of the property; or
- 384 3. An individual who is a trustor of a family trust who possesses legal ownership of the
385 property.
- 386 4. Exceptions:
 - 387
 - 388 a. Owner occupancy is not required for an ADU located on a property with a principal
389 use as a duplex, multi-family dwelling, or non-residential land use. A single-family
390 dwelling with an attached ADU does not constitute a duplex.
 - 391 b. The owner has a bona fide, temporary absence of three (3) years or less for activities
392 such as military service, temporary job assignments, sabbaticals, or voluntary service
393 (indefinite periods of absence from the dwelling shall not qualify for this exception);
394 or
 - 395 c. The owner is placed in a hospital, nursing home, assisted living facility or other
396 similar facility that provides regular medical care, excluding retirement living facilities
397 or communities.

398 D. Number of Allowed ADUs: A single ADU is allowed on a property where permitted in
399 Chapter 21A.33 of this title.

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

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

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LEGISLATIVE DRAFT

<u>Front yard</u>	<u>Not permitted</u>
<u>Corner Side yard</u>	<u>Permitted if the ADU complies with the required setbacks in the table below and is no closer to the corner side property line than the principal structure.</u>
<u>Interior Side yard</u>	<u>Permitted if the ADU complies with the required setbacks in the table below and is located behind the rear façade of the principal building.</u>
<u>Rear yard</u>	<u>Permitted if the ADU complies with the required setbacks in the table below.</u>
<u>Buildable area</u>	<u>Permitted</u>
<u>Notes</u>	
<ol style="list-style-type: none"> 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> 	

409
410
411

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

<u>Rear property line</u>	<u>3'</u>
<u>Side property line</u>	<u>3'</u>
<u>Corner Side property line</u>	<u>10'</u>
<u>Notes:</u>	
<ol style="list-style-type: none"> 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. <u>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 Subsection 21A.40.200.F.</u> 	

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F. ADU Building Height:

1. The maximum building height for a detached ADU is 17 feet, subject to the following exceptions:
 - a. Height may be increased up to 24 feet for a pitched roof or 20 feet for a flat roof provided the side and rear yard setbacks are increased one foot for each additional foot in building height above 17 feet. The setback does not need to be increased above the minimum indicated in Section E on the side of an ADU that abuts an alley or on the side of an ADU that abuts a property that is in a zoning district other than those listed in Chapter 21A.24 of this title.
 - b. Converting a legally existing accessory building is permitted when the existing accessory building exceeds the permitted height of this section.
 - c. When an ADU is located fully within the buildable area of the property, the height of the ADU is allowed up to the permitted height of the principal building in the underlying zoning district.

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d. Solar panels attached to the roof of an ADU are permitted to exceed the maximum height of the structure up to four feet.

2. Building height for a detached ADU shall be measured in the same manner as the height for the principal building.

3. An internal ADU is subject to the same height requirements as the principal building.

G. ADU Parking:

1. The number of parking stalls provided for the principal use shall not be reduced below the minimum identified in Chapter 21A.44 of this Title in order to accommodate an ADU. One parking stall is required for the ADU, except as indicated below:

a. The property is in a zoning district with no minimum off street parking requirement;

b. The property already contains at least one accessible stall above the minimum parking requirement for the principal use;

c. The property is within a ¼ mile radius of a public transit stop;

d. The property is within ½ mile of a city-designated bicycle lane or path; or

e. The City allows on-street parking along the street frontage of the property and there is a minimum, uninterrupted curb length which meets city requirements to accommodate at least one on-street parking stall.

H. Regulation of Decks, Patios, and Outdoor Space for Detached ADUs:

1. Decks more than 2 feet above the existing grade are prohibited unless the ADU is located within the buildable area of the lot in which case the deck shall be subject to the same regulations for decks that apply to the principal building.

2. Rooftop patios on a detached ADU are prohibited.

3. Patios are permitted. A patio may be covered with a roof provided the square footage of the roof is no larger than 120 square feet and the covered patio complies with the setbacks required of the ADU. A covered patio shall not count towards the maximum square footage requirement of the ADU, but does count towards the total building coverage of the lot.

4. Balconies on ADUs: a balcony is permitted on a building containing an ADU provided the balcony does not extend into a required ADU setback and extends no further than 5 feet from an exterior wall of the ADU. Balconies shall not contain HVAC equipment nor be used as storage areas.

5. Internal ADUs shall be subject to the same standards for decks, patios, and other encroachments that apply to the principal building and use.

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

1. An exterior light shall be located on the exterior wall of the ADU to illuminate portions of the alley adjacent to the ADU. The lighting fixture shall be shielded, oriented and

LEGISLATIVE DRAFT

472 designed to direct light down and avoid light pollution onto adjacent properties. All
473 uplighting is prohibited.

474 2. A 4’ wide path from the alley to the entrance of the ADU shall be provided. If there is a
475 fence between the ADU and the alley, a gate shall be provided, and the path shall lead to
476 the gate. If the ADU is located within 15 feet of two or more public alleys, this
477 requirement shall only apply to one of the alleys.

478 3. An ADU located on an alley that exists on the recorded plat maps or Atlas Plats of the city
479 but has not been used for vehicular access or is otherwise blocked by encroachments such
480 as fences or vegetation are exempt from this requirement.

481
482 J. ADU Gross Floor Area:

483
484 1. Detached ADU. None may exceed 1,000 square feet in gross floor area, except that a
485 maximum of 1,200 square feet in gross floor area shall be allowed when the subject
486 property:

- 487
- 488 a. Is in a zoning district other than those listed in Chapter 21A.24 of this title;
- 489 b. Exceeds 12,000 square feet in lot area; or
- 490 c. Is part of a planned development that includes a minimum of four dwelling units.
- 491

492 2. Internal ADU. There is no maximum gross floor area provided the building complies with
493 all applicable standards in the underlying zoning district.

494 3. Gross floor area for a detached ADU shall be calculated as follows:

- 495
- 496 a. When the building includes other allowed accessory uses, only the square footage
497 dedicated to the ADU shall be counted.
- 498 b. When the ADU is on a second level, stairs and required landings providing access to
499 the ADU shall not be counted.
- 500 c. Loft space with a ceiling height lower than 7 feet within an ADU shall not be counted
501 towards the total square footage of the ADU.
- 502 d. Basements shall not count towards the maximum gross floor area of the ADU, so long
503 as:
 - 504
 - 505 i. The basement is only used for storage or a use permitted by section 21A.40.040.E
506 of this chapter; and
 - 507 ii. There is no internal circulation between the ADU and the basement.

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

- 510
- 511 1. The window is a clerestory window where the bottom of the window is at least 6 feet
512 above the finished floor of the second story;
- 513 2. The window is on a wall that faces an elevation of the principal building;
- 514 3. The window faces and is at least 10 feet from a side or rear property line;

LEGISLATIVE DRAFT

- 515 4. The exterior wall is adjacent to an alley; or
- 516 5. The window faces a side or rear property line that is adjacent to a property in a zoning
- 517 district that permits commercial uses or a property that contains a nonresidential use.

518 L. Maximum Building Coverage. Accessory dwelling units are subject to the maximum
519 building and yard coverage requirements of the applicable zoning and overlay districts.

520
521 M. Building Permit Required. A building permit is required to establish any ADU in the
522 city. All ADUs are required to comply with all adopted applicable codes including but
523 not limited to building, fire, and public utilities.

524
525 N. Administrative Regulations: the following administrative regulations are intended to
526 provide direction on applying and interpreting the regulations of this chapter.

- 527 1. There is no minimum lot size required for an ADU.
- 528 2. An ADU does not count towards the density allowed in the underlying zoning district.
- 529 3. ADUs that have been approved prior to (date of adoption), as part of a conditional use are
- 530 considered legal conforming uses and may be modified if the modification complies with
- 531 the requirements of this section and any other applicable standard of this title.
- 532

533 O. Zoning Certificate and Good Landlord Program:

- 534
- 535 1. A certificate of occupancy for the ADU shall not be issued until a zoning certificate is
- 536 issued. A zoning certificate may be issued at the same time as the certificate of occupancy.
- 537 If a certificate of occupancy is not required, the zoning certificate shall be issued prior to
- 538 the ADU being occupied.
- 539 2. If a business license is required for the rental of the ADU, the owner shall be enrolled in
- 540 the landlord/tenant initiative program as defined in Title 5, “Business Taxes, Licenses And
- 541 Regulations”, of this code prior to issuing a zoning certificate.

542 P. Restrictive Covenant: An ADU that is required to be owner occupied shall have a
543 restrictive covenant filed against the property on which the ADU is located, which
544 restrictive covenant shall include the following information:

- 545
- 546 1. A description of the primary dwelling and the ADU, including whether the ADU is within
- 547 the principal structure or a detached structure, the square footage of both the primary
- 548 dwelling and the ADU, and how off-street parking is allocated between the primary
- 549 dwelling and the ADU.
- 550 2. A statement that the ADU may only be used and occupied in accordance with the
- 551 applicable regulations adopted in the Salt Lake City Code.
- 552 3. The restrictive covenant shall be recorded with the Salt Lake County Recorder’s Office
- 553 against the subject property. A copy of the recorded covenant shall be provided to the
- 554 planning division and attached to the building permit record prior to final inspection of the
- 555 ADU. If no final inspection is required, the copy of the recorded covenant shall be
- 556 provided prior to occupying the ADU.

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557 Q. Use Regulations:

- 558
- 559 1. An ADU shall not be rented as a short term rental as defined in Section 21.A.62.040.
 - 560 2. An ADU may include any home occupation authorized by this title.
 - 561 3. An ADU may be converted to any other accessory use that is allowed in the zoning
 - 562 district.
 - 563 4. An ADU cannot be converted to another principal use.

564

565 SECTION 9. Amending the Text of Salt Lake City Code Section 21A.60.020. That Section

566 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and

567 hereby is amended to add the following terms in the list of defined terms to be inserted into that list in

568 alphabetical order:

- 569 Atlas, 5-acre, and 10-acre plats.
- 570 Balcony.
- 571 Bike lane.
- 572 Bike path.
- 573 Deck.
- 574 Dwelling, accessory unit (internal).
- 575 Footprint.
- 576 Non-residential use.
- 577 Porch.
- 578 Rooftop patio.
- 579 Short term rental.
- 580 Transit route.
- 581 Uplighting.
- 582

583 SECTION 10. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section

584 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and

585 hereby is amended as follows:

- 586 a. Amending the definition of “DWELLING, ACCESSORY UNIT (ADU).” That the
- 587 definition of “DWELLING, ACCESSORY UNIT (ADU)” shall be amended to read
- 588 as follows:

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

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

600
601
602 b. Amending the definition of “BUILDING COVERAGE.” That the definition of

603 “BUILDING COVERAGE” shall be amended to read as follows:

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

606

607 c. Adding the definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS.” That the
608 definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS” be added and inserted into
609 the list of definitions in alphabetical order to read as follows:

610 ATLAS, 5-ACRE, AND 10-ACRE PLATS: a map depicting the subdivisions of land
611 within the City. These plats are a scheme of how the City was originally laid out. The
612 City started with plats A through L, Salt Lake City Survey. As the City expanded its
613 boundaries, 5 acre and 10 acre Big Field Survey Plats were added and then the numbered
614 plats 1 through 76. They show information about streets, public right of ways and, some
615 private right of ways.

616

617

618 d. Adding the definition of “BALCONY.” That the definition of “BALCONY” be added
619 and inserted into the list of definitions in alphabetical order to read as follows:

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

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LEGISLATIVE DRAFT

625 e. Adding the definition of “BIKE LANE.” That the definition of “BIKE LANE” be
626 added and inserted into the list of definitions in alphabetical order to read as follows:

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

629
630
631 f. Adding the definition of “BIKE PATH.” That the definition of “BIKE PATH” be
632 added and inserted into the list of definitions in alphabetical order to read as follows:

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

635
636
637 g. Adding the definition of “DECK.” That the definition of “DECK” be added and
638 inserted into the list of definitions in alphabetical order to read as follows:

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

640
641
642 h. Adding the definition of “DWELLING, ACCESSORY UNIT (DETACHED).” That
643 the definition of “DWELLING, ACCESSORY UNIT (DETACHED)” be added and
644 inserted into the list of definitions in alphabetical order to read as follows:

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

648
649
650 i. Adding the definition of “DWELLING, ACCESSORY UNIT (INTERNAL).” That
651 the definition of “DWELLING, ACCESSORY UNIT (INTERNAL)” be added and
652 inserted into the list of definitions in alphabetical order to read as follows:

653 DWELLING, ACCESSORY UNIT (INTERNAL):

654 An accessory dwelling unit created:

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

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j. Adding the definition of “FOOTPRINT.” That the definition of “FOOTPRINT” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

k. Adding the definition of “NON-RESIDENTIAL USE.” That the definition of “NON-RESIDENTIAL USE” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

l. Adding the definition of “PORCH.” That the definition of “PORCH” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

m. Adding the definition of “ROOFTOP PATIO.” That the definition of “ROOFTOP PATIO” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

n. Adding the definition of “SHORT TERM RENTAL.” That the definition of “SHORT TERM RENTAL” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

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696 o. Adding the definition of “TRANSIT ROUTE.” That the definition of “TRANSIT
697 ROUTE” be added and inserted into the list of definitions in alphabetical order to
698 read as follows:

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

702
703
704 p. Adding the definition of “UPLIGHTING.” That the definition of “UPLIGHTING” be
705 added and inserted into the list of definitions in alphabetical order to read as follows:

706 UPLIGHTING: Lights that have been designed to throw illumination upward.
707

708 SECTION 11. Effective Date. This Ordinance shall become effective on the date of its first
709 publication.

710
711 Passed by the City Council of Salt Lake City, Utah this _____ day of
712 _____, 202_.

713 _____
714 CHAIRPERSON

715
716 ATTEST:
717 _____
718
719 CITY RECORDER

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722 Transmitted to Mayor on _____.

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725 Mayor’s Action: _____ Approved. _____ Vetoed.
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LEGISLATIVE DRAFT

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MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 202_.

Published: _____.

Ordinance amending ADU regulations

SALT LAKE CITY ORDINANCE

No. _____ of 202_

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code pertaining to accessory dwelling unit regulations)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2022-00475 pertaining to accessory dwelling unit regulations.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on September 14, 2022 to consider a petition submitted by the Planning Commission (Petition No. PLNPCM2022-00475) to amend various sections of Title 21A of the *Salt Lake City Code* pertaining to accessory dwelling unit regulations; and

WHEREAS, at its September 14, 2022 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended to modify only the use category “Dwelling, accessory unit” in the Table of Permitted and Conditional Uses for Residential Districts, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District																			
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	MF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO	
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P

SECTION 2. Amending the Text of Salt Lake City Code Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only to add a new use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and Conditional Uses for Commercial Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Dwelling:							
Accessory unit	P	P	P	P	P	P	P

SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add a new use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and Conditional Uses for Transit Station Area Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Dwelling:								
Accessory unit	P	P	P	P	P	P	P	P

SECTION 4. Amending the Text of Salt Lake City Code Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add a new use

subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and Conditional Uses for Downtown Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District			
	D-1	D-2	D-3	D-4
Dwelling:				
Accessory unit	P	P	P	P

SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be and hereby is amended only to add a new use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and Conditional Uses for Downtown Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

Use	G-MU
Dwelling:	
Accessory unit	P

SECTION 6. Amending the Text of Salt Lake City Code Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add a new use subcategory titled, “Accessory unit” in the Dwelling category in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

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

SECTION 7. Amending the Text of Salt Lake City Code Subsection 21A.40.050.B.2. That Subsection 21A.40.050.B.2 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: General Yard, Bulk and Height Limitations) shall be and hereby is amended to read as follows:

2. Building Coverage:

- a. In the FR, R-1, R-2 and SR residential districts the maximum footprint of any accessory building, shall not exceed fifty percent (50%) of the building footprint of the principal structure except as follows:
 - (1) Notwithstanding the size of the footprint of the principal building, at least 480 square feet of accessory building coverage shall be allowed subject to the compliance with all other requirements in Section 21A.40.050.
 - (2) Accessory buildings constructed within the buildable area that are located between the rear façade of the principal building and the rear yard setback may exceed 720 square feet provided the building is located entirely within the buildable area and the property complies with the maximum building coverage requirements of the underlying zoning district.
 - (3) The building coverage for a detached accessory dwelling unit shall be subject to the standards in 21A.40.200, regardless of the building coverage requirement in this section.
 - (4) An accessory building that contains an accessory dwelling unit on the second level may exceed the maximum coverage up to the footprint of the accessory dwelling unit.
- b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed thirty five percent (35%) of the building footprint of the principal structure.

SECTION 8. Amending the Text of Salt Lake City Code Section 21A.40.200. That Section 21A.40.200 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Accessory Dwelling Units) shall be and hereby is amended to read as follows:

21A.40.200: ACCESSORY DWELLING UNITS:

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

- B. Conflicting Regulations. If a regulation found in this section is in conflict with an applicable regulation in the base zoning district, overlay district, or provision of general applicability, the regulation in this chapter shall take precedence, with the following exceptions:
 - 1. The regulations set forth in the H Historic Preservation Overlay District; and
 - 2. The Special Foothills Regulations set forth in Subsection 21A.24.010.P of this title.

- C. Owner Occupancy Required. The owner of the property, as defined in this section, shall reside on the property. For the purposes of this title, “owner occupant” shall mean the following:
 - 1. An individual who is listed on a recorded deed as an owner of the property;
 - 2. Any person who is related by blood, marriage, adoption to an individual who is listed on recorded deed as an owner of the property; or
 - 3. An individual who is a trustor of a family trust who possesses legal ownership of the property.
 - 4. Exceptions:
 - a. Owner occupancy is not required for an ADU located on a property with a principal use as a duplex, multi-family dwelling, or non-residential land use. A single-family dwelling with an attached ADU does not constitute a duplex.
 - b. The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - c. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

- D. Number of Allowed ADUs: A single ADU is allowed on a property where permitted in Chapter 21A.33 of this title.

- E. Location on property. An ADU is allowed in the following locations on a property as indicated below:
 - 1. Internal ADUs shall be located within the buildable area of the property.
 - 2. A detached ADU shall be allowed as indicated in the table below:

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

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

Rear property line	3'
Side property line	3'
Corner Side property line	10'

Notes:	
1. Additions to an existing accessory building shall comply with the setbacks in this table. This includes additions that add a second story.	
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 Subsection 21A.40.200.F.	

F. ADU Building Height:

1. The maximum building height for a detached ADU is 17 feet, subject to the following exceptions:
 - a. Height may be increased up to 24 feet for a pitched roof or 20 feet for a flat roof provided the side and rear yard setbacks are increased one foot for each additional foot in building height above 17 feet. The setback does not need to be increased above the minimum indicated in Section E on the side of an ADU that abuts an alley or on the side of an ADU that abuts a property that is in a zoning district other than those listed in Chapter 21A.24 of this title.
 - b. Converting a legally existing accessory building is permitted when the existing accessory building exceeds the permitted height of this section.

- c. When an ADU is located fully within the buildable area of the property, the height of the ADU is allowed up to the permitted height of the principal building in the underlying zoning district.
 - d. Solar panels attached to the roof of an ADU are permitted to exceed the maximum height of the structure up to four feet.
2. Building height for a detached ADU shall be measured in the same manner as the height for the principal building.
 3. An internal ADU is subject to the same height requirements as the principal building.

G. ADU Parking:

1. The number of parking stalls provided for the principal use shall not be reduced below the minimum identified in Chapter 21A.44 of this Title in order to accommodate an ADU. One parking stall is required for the ADU, except as indicated below:
 - a. The property is in a zoning district with no minimum off street parking requirement;
 - b. The property already contains at least one accessible stall above the minimum parking requirement for the principal use;
 - c. The property is within a ¼ mile radius of a public transit stop;
 - d. The property is within ½ mile of a city-designated bicycle lane or path; or
 - e. The City allows on-street parking along the street frontage of the property and there is a minimum, uninterrupted curb length which meets city requirements to accommodate at least one on-street parking stall.

H. Regulation of Decks, Patios, and Outdoor Space for Detached ADUs:

1. Decks more than 2 feet above the existing grade are prohibited unless the ADU is located within the buildable area of the lot in which case the deck shall be subject to the same regulations for decks that apply to the principal building.
2. Rooftop patios on a detached ADU are prohibited.
3. Patios are permitted. A patio may be covered with a roof provided the square footage of the roof is no larger than 120 square feet and the covered patio complies with the setbacks required of the ADU. A covered patio shall not count towards the maximum square footage requirement of the ADU, but does count towards the total building coverage of the lot.
4. Balconies on ADUs: a balcony is permitted on a building containing an ADU provided the balcony does not extend into a required ADU setback and extends no further than 5 feet from an exterior wall of the ADU. Balconies shall not contain HVAC equipment nor be used as storage areas.
5. Internal ADUs shall be subject to the same standards for decks, patios, and other encroachments that apply to the principal building and use.

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

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

J. ADU Gross Floor Area:

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

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

1. The window is a clerestory window where the bottom of the window is at least 6 feet above the finished floor of the second story;
 2. The window is on a wall that faces an elevation of the principal building;
 3. The window faces and is at least 10 feet from a side or rear property line;
 4. The exterior wall is adjacent to an alley; or
 5. The window faces a side or rear property line that is adjacent to a property in a zoning district that permits commercial uses or a property that contains a nonresidential use.
- L. **Maximum Building Coverage.** Accessory dwelling units are subject to the maximum building and yard coverage requirements of the applicable zoning and overlay districts.
- M. **Building Permit Required.** A building permit is required to establish any ADU in the city. All ADUs are required to comply with all adopted applicable codes including but not limited to building, fire, and public utilities.
- N. **Administrative Regulations:** the following administrative regulations are intended to provide direction on applying and interpreting the regulations of this chapter.
1. There is no minimum lot size required for an ADU.
 2. An ADU does not count towards the density allowed in the underlying zoning district.
 3. ADUs that have been approved prior to *(date of adoption)*, as part of a conditional use are considered legal conforming uses and may be modified if the modification complies with the requirements of this section and any other applicable standard of this title.
- O. **Zoning Certificate and Good Landlord Program:**
1. A certificate of occupancy for the ADU shall not be issued until a zoning certificate is issued. A zoning certificate may be issued at the same time as the certificate of occupancy. If a certificate of occupancy is not required, the zoning certificate shall be issued prior to the ADU being occupied.
 2. If a business license is required for the rental of the ADU, the owner shall be enrolled in the landlord/tenant initiative program as defined in Title 5, “Business Taxes, Licenses And Regulations”, of this code prior to issuing a zoning certificate.
- P. **Restrictive Covenant:** An ADU that is required to be owner occupied shall have a restrictive covenant filed against the property on which the ADU is located, which restrictive covenant shall include the following information:
1. A description of the primary dwelling and the ADU, including whether the ADU is within the principal structure or a detached structure, the square footage of both the primary dwelling and the ADU, and how off-street parking is allocated between the primary dwelling and the ADU.
 2. A statement that the ADU may only be used and occupied in accordance with the applicable regulations adopted in the Salt Lake City Code.

3. The restrictive covenant shall be recorded with the Salt Lake County Recorder's Office against the subject property. A copy of the recorded covenant shall be provided to the planning division and attached to the building permit record prior to final inspection of the ADU. If no final inspection is required, the copy of the recorded covenant shall be provided prior to occupying the ADU.

Q. Use Regulations:

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

SECTION 9. Amending the Text of Salt Lake City Code Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Atlas, 5-acre, and 10-acre plats.
Balcony.
Bike lane.
Bike path.
Deck.
Dwelling, accessory unit (internal).
Footprint.
Non-residential use.
Porch.
Rooftop patio.
Short term rental.
Transit route.
Uplighting.

SECTION 10. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

- a. Amending the definition of “DWELLING, ACCESSORY UNIT (ADU).” That the definition of “DWELLING, ACCESSORY UNIT (ADU)” shall be amended to read as follows:

DWELLING, ACCESSORY UNIT (ADU): A type of accessory use that includes a residential unit located on the same lot as a separate principal use, either within the principal structure or within a separate accessory structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, and separate kitchen, sleeping area, closet space, and bathroom facilities.

- b. Amending the definition of “BUILDING COVERAGE.” That the definition of “BUILDING COVERAGE” shall be amended to read as follows:

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

- c. Adding the definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS.” That the definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- d. Adding the definition of “BALCONY.” That the definition of “BALCONY” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- e. Adding the definition of “BIKE LANE.” That the definition of “BIKE LANE” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- f. Adding the definition of “BIKE PATH.” That the definition of “BIKE PATH” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- g. Adding the definition of “DECK.” That the definition of “DECK” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- h. Adding the definition of “DWELLING, ACCESSORY UNIT (DETACHED).” That the definition of “DWELLING, ACCESSORY UNIT (DETACHED)” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- i. Adding the definition of “DWELLING, ACCESSORY UNIT (INTERNAL).” That the definition of “DWELLING, ACCESSORY UNIT (INTERNAL)” be added and inserted into the list of definitions in alphabetical order to read as follows:

DWELLING, ACCESSORY UNIT (INTERNAL):

An accessory dwelling unit created:

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

j. Adding the definition of “FOOTPRINT.” That the definition of “FOOTPRINT” be

added and inserted into the list of definitions in alphabetical order to read as follows:

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

k. Adding the definition of “NON-RESIDENTIAL USE.” That the definition of “NON-

RESIDENTIAL USE” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

l. Adding the definition of “PORCH.” That the definition of “PORCH” be added and

inserted into the list of definitions in alphabetical order to read as follows:

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

m. Adding the definition of “ROOFTOP PATIO.” That the definition of “ROOFTOP

PATIO” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

n. Adding the definition of “SHORT TERM RENTAL.” That the definition of “SHORT

TERM RENTAL” be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- o. Adding the definition of "TRANSIT ROUTE." That the definition of "TRANSIT ROUTE" be added and inserted into the list of definitions in alphabetical order to read as follows:

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

- p. Adding the definition of "UPLIGHTING." That the definition of "UPLIGHTING" be added and inserted into the list of definitions in alphabetical order to read as follows:

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

SECTION 11. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 202_.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

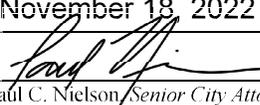
CITY RECORDER

(SEAL)

Bill No. _____ of 202_.

Published: _____.

Ordinance amending ADU regulations (final)

APPROVED AS TO FORM * Salt Lake City Attorney's Office Date: November 18, 2022 By:  Paul C. Nielson / Senior City Attorney

*Subject to the adoption date highlighted
in Section 8 being updated before publication.

**4. MEMORANDUM TO THE PLANNING
COMMISSION**



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Amy Barry, Chair Salt Lake City Planning Commission

Cc: Lisa Shaffer, Chief Administrative Officer; Blake Thomas, Department of Community and Neighborhoods Director; Michaela Oktay, Deputy Planning Director

From: Nick Norris, Planning Director

Date: May 5, 2022

Re: Planning Commission petition initiation to modify the Accessory Dwelling Unit Regulations

On February 9, 2022 the Salt Lake City Planning Division voted to initiate a zoning text amendment that would change the accessory dwelling units from conditional uses to permitted uses across all zoning districts where the use is allowed. The motion the Planning Commission adopted was stated as:

I move that the Planning Commission initiate a petition to update the ADU regulations of the city in order to make all ADUs permitted uses and make other necessary changes to do so, including changes to comply with Utah Code changes adopted in 2021 and clarifying applicable standards so they can be administered as permitted uses

This memo serves as a record of that decision and will be used to start the process of drafting a proposal that would accomplish the intent of this motion. By signing the document as the chair of the Planning Commission, you are acknowledging that the item was listed on the Feb 9, 2022 Planning Commission agenda, that the commission discussed the proposal, and that a motion passed by the Planning Commission initiating the zoning text amendment.

Please contact me at 801-535-6173 or nick.norris@slcgov.com if you have any questions. Thank you.



Amy Barry, Planning Commission Chair

5-11-22

Date

5. PUBLIC COMMENT

Michael McNamee
Salt Lake City Planning
451 South State Street // Room 406
Salt Lake City, UT 84111-5480
michael.mcnamee@slcgov.com

RE: Support of the revised Salt Lake City ADU Ordinance

Dear Michael,

My name is Eric Valchuis and I am writing to support the revised ADU Ordinance which will promote stable homeownership, increase the supply of reliable rental housing, and reduce automobile reliance. To amplify these outcomes, I further encourage the Planning Commission to strike the owner requirement and increase the maximum ADU square footage in the revised ordinance.

ADUs are beneficial for cities, homeowners, and renters, an assertion backed up through work I have completed alongside the Turner Center and the Center for Community Innovation (CCI) at UC Berkeley on ADU [adoption](#), [zoning](#), and [finance](#). ADUs are an excellent way of adding density to cities, especially those like Salt Lake City that are dominated by single-family zoning. By increasing density in areas closer to amenities, vehicle miles traveled may be reduced. Many homeowners rent out their ADUs to generate a rental income stream to increase their financial stability. Others rent to family members, caretakers, or friends, increasing quality of life. In building ADUs, homeowners increase the supply of housing which, at the aggregate, can reduce the cost of housing—an important task given the findings of the City's recent [Thriving in Place](#) study. ADUs are often built in higher wealth areas but more often rented at affordable levels, giving lower-income families the opportunity to live in wealthier areas which has been shown to improve childhood outcomes.¹

I applaud Salt Lake for having taken steps, and continuing to take steps, to reform codes to lower the barriers to ADU construction. Permitting ADUs on residential and non-residential properties, as would be allowed in the revised ordinance, is an especially forward-leaning provision. The absence of lot size minimums and lenient parking requirements are also hallmarks of an exemplary ADU code. However, there remain shortcomings in the revised ordinance that limit the potential positive impacts that ADUs can have on the city.

Most importantly, the owner occupancy requirement increases renter instability; if a homeowner vacates the property, whether by choice or necessity, then the tenant will also be forced to move. Given the city's housing crisis, we know that there are "very limited, if any, housing options available to low-income households after they are displaced. As a result [displaced] families are likely to either leave the city, double up with other households, enter into homelessness, or move out of the region or even state."² Further, the owner occupancy requirement will limit the numbers of ADUs built. Per the [ADU Scorecard](#), a study published by CCI, an owner occupancy requirement "hinders financial viability for homeowners who need the rental income, or have constraints that prohibit them from living on-site." **Given the negative impacts**

1 ADUs in wealthier areas: Chapple, Karen, David Garcia, Eric Valchuis, and Julian Tucker "Reaching California's ADU Potential: Progress to Date and the Need for ADU Finance" Center for Community Innovation and the Turner Center for Housing Innovation: University of California, Berkeley, August 2020 http://turnercenter.berkeley.edu/uploads/Reaching_Californias_ADU_Potential_2020_1.pdf

Unit affordability: Jake Wegmann & Karen Chapple (2014) Hidden density in single family neighborhoods: Backyard cottages as an equitable smart growth strategy, Journal of Urbanism: International Research on Placemaking and Urban Sustainability, 7:3, 307-329, DOI: 10.1080/17549175.2013.879453 See table 3

Opportunity for children: <https://opportunityinsights.org/neighborhoods/>

² "Phase One Summary Report; Thriving in Place: Salt Lake City's Anti-Displacement Strategy July 2022 https://urban-displacement.github.io/edr-ut/slc_edr_report/

ERIC VALCHUIS

1587 S 1500 E, Salt Lake City, UT 84105 1 [REDACTED] 1 [REDACTED]

on tenant stability and the number of potential ADUs that would be built, section C.4. of the revised ordinance should be removed.

Secondly, maximum gross floor areas impede the utility of ADUs. The revised ordinance allows for a detached ADU of up to 720 square feet, with limited exceptions. Given typical apartment layouts, 720 square feet can accommodate up to one bedroom. For many homeowners and many properties, this is an appropriate number of bedrooms. For other homeowners and properties, this square footage limitation is unnecessarily burdensome. Many homeowners use their ADU to house their grown children and their families or their aging parents and their caretakers. For these situations, a one-bedroom unit is insufficient. One-bedroom apartments are also not the unit-size most in need in Salt Lake City.³ **To allow homeowners to construct apartments with at least two bedrooms, the detached ADU maximum gross floor area (Section K.1.) should be increased from 720 to 1,000 square feet.**

Salt Lake City is rising to the challenge to meet its housing crisis. Adopting the revised ordinance, with the owner occupancy and maximum square footage provisions removed and revised, respectively, is another bold step that the Commission can take.

Best regards,



Eric Valchuis

³ Ibid The housing crisis is most severe for families, including married couples with children and single parents with children

From: [REDACTED]
To: [Planning Public Comments](#)
Subject: (EXTERNAL) ADU Amendment comments for the meeting tonight
Date: Wednesday, September 14, 2022 10:36:35 AM

I support more ADU's and making it easier for residents to build them, I agree with most of the requirements but have some concerns about owner occupancy. I understand the issues with enforcement and also the financing issue but other cities have dealt with those issues in positive and creative ways, like working with financial institutions or subsidizing loans, one even allows a 2 year "break" in the requirement. Owner occupancy could be kept now and then re-addressed in a couple of years to allow time to see how it works.

If owner occupancy is not approved then there should be resident occupancy rates (2 for a one bedroom and 3 non-related, 4 related for a 2 bedroom ADU). This needs to be enforced with fines for the landlords if they don't comply. Enforcement of maintenance both inside and outside the dwelling(s) must also be taken more seriously. The decline of properties, including landscaping, and too many residents packed into a rental, is detrimental to the neighborhood and our property values. Owners tend to take care of their properties where landlords and developers/investors are typically only concerned with collecting the rent.

My experience is that code enforcement can decide whether or not to enforce code. I know that the cost of hiring enforcement officers may not be in the budget so residents need to step up and report issues in their neighborhood. Education and reminders about how to report issues could be done with regular participation from Code Enforcement in the Community Council meetings (much like we do with Police and Fire). This would allow residents to escalate issues if they don't see action on a problem they reported.

I would like to see a requirement that the design of a detached ADU matches or complements the exterior of the existing home and not allow "raw" shipping containers or cheap materials. Again, this is to keep the culture of the neighborhoods intact and to maintain property values for homeowners.

Yvonne Martinez



September 14, 2022

Michael McNamee, Principal Planner
Salt Lake City Planning Division

Dear Michael,

It is my pleasure to submit this letter on behalf of SLC Neighbors for More Neighbors. We're a newly formed network of SLC neighbors working for housing that is affordable for all income levels through policies that are pro-housing and pro-tenant.

We support the proposed [Accessory Dwelling Unit \(ADU\) Code Changes](#) because ADUs are an important part of Salt Lake City's housing future. While they are not a silver bullet that can fully meet all of SLC's housing needs, they are a critical part of establishing neighborhood scale infill housing and affordable units. As a simple and affordable option for many people, these units can provide much needed workforce housing, housing for students, and for aging parents.

ADUs are also a way to build wealth and opportunity in SLC's neighborhoods by providing every homeowner with the opportunity to participate in incremental development of their neighborhoods.

The changes proposed by SLC will make ADUs easier to build. We support this policy as a necessary first step toward incremental density and increased housing in every neighborhood in SLC.

Thank you,
Turner Bitton, Executive Director

A handwritten signature in blue ink, appearing to read "Turner Bitton".

SLC Neighbors for More Neighbors

PLNPCM2022-00475 - ADU Changes Transmittal Full Packet

Final Audit Report

2022-12-09

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