

SALT LAKE CITY ORDINANCE

No. _____ of 2023

(Amending chapter 21A.33, sections 21A.40.200, 21A.40.050, and 21A.27.030 related to Accessory Dwelling Units, and Amending definitions in Title 21A associated with the foregoing)

An ordinance amending sections 21A.40.200, 21A.40.050, and 21A.27.030 related to Accessory Dwelling Unit creation, size and form, amending Chapter 21A.33 to make Accessory Dwelling Units a permitted use across several zoning districts, and amending definitions in Title 21A associated with the foregoing all pursuant to Petition No. PLNPCM2022-00475.

WHEREAS, on September 14, 2022, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition submitted by the Planning Commission to amend land use regulations pertaining to accessory dwelling units (Petition No. PLNPCM2022-00475); and

WHEREAS, at its September 14, 2022, meeting, the Planning Commission voted in favor of forwarding 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 Section 21A.40.200. That Section 21A.40.200 of the *Salt Lake City Code* shall be and hereby is adopted 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 section 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, or 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. If the property is less than 50' in width, the ADU may be 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	20% of the lot width, or 10’, whichever is less
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 section 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; or
 - d. The property is within ½ mile of a city-designated bicycle lane or path.

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.
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 (*effective date*), 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 21A.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 2. Amending the Text of Section 21A.40.050.B.2. That Section

21A.40.050.B.2 of the *Salt Lake City Code* 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 buildings 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 four hundred eighty (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 3. Amending the Text of Section 21A.33.020. That Section 21A.33.020 of

the *Salt Lake City Code* shall be amended as follows:

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

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

SECTION 4. Amending the Text of Section 21A.33.030. That Section 21A.33.030 of

the *Salt Lake City Code* shall be amended as follows:

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

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 5. Amending the Text of Section 21A.33.035. That Section 21A.33.035 of

the *Salt Lake City Code* shall be amended as follows:

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

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

SECTION 6. Amending the Text of Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* shall be amended as follows:

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

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

SECTION 7. Amending the Text of Section 21A.33.060. That Section 21A.33.050 of the *Salt Lake City Code* shall be amended as follows:

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

Use	G-MU
Dwelling:	
Accessory unit	P

SECTION 8. Amending the Text of Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* shall be amended as follows:

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

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

SECTION 9. Amending the Text of Section 21A.27.030.D.3. That Section 21A.27.030.D.3 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

D. Other Applicable Development Standards:

3. Accessory Uses, Buildings And Structures: All accessory uses, buildings and structures shall comply with the applicable standards in chapter 21A.40 of this title.
 - a. Form Based Special Purpose Corridor District specific standards for detached or accessory parking garages or structures:
 - (1) Detached or accessory multilevel parking garages or structures shall have the same setback requirements for principal structures.
 - (2) The minimum setback required shall be landscaped to provide a buffer to the abutting Residential District. No structure (primary or accessory) shall be permitted within this landscaped buffer.

SECTION 10. Amending the Text of Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* shall be amended to include the following terms:

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 11. Amending the Text of Section 21A.62.040. That definitions of the terms “Atlas, 5-Acre and 10-Acre Plats”, “Balcony”, “Bike Lane”, “Bike Path”, “Deck”, “Dwelling, Accessory Unit (Detached)”, “Dwelling, Accessory Unit (Internal)”, “Footprint”, “Non-Residential Use”, “Porch”, “Rooftop Patio”, “Short Term Rental”, “Transit Route”, and “Uplighting” be added to Section 21A.62.040 and amending the terms “Dwelling, Accessory Unit (ADU)”, and “Building Coverage” in Section 21A.62.040 of the *Salt Lake City Code* 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.

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.

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

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

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

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.

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.

DWELLING, ACCESSORY UNIT (INTERNAL):

An accessory dwelling unit created:

4. within a primary building; and
5. for the purpose of offering a long-term rental of 30 consecutive days or longer.

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

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

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.

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.

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

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.

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.

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

SECTION 12. 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 _____, 2023.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2023.

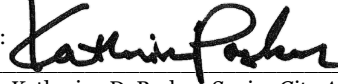
Published: _____.

Ordinance Amending Accessory Dwelling Units

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: February 15, 2023

By: _____



Katherine D. Pasker, *Senior City Attorney*