

1 SALT LAKE CITY ORDINANCE
2 No. _____ of 2023
3

4 (Amending chapter 21A.33, sections 21A.40.200, 21A.40.050, and 21A.27.030 related to
5 Accessory Dwelling Units, and Amending definitions in Title 21A associated with the foregoing)
6

7 An ordinance amending sections 21A.40.200, 21A.40.050, and 21A.27.030 related to
8 Accessory Dwelling Unit creation, size and form, amending Chapter 21A.33 to make Accessory
9 Dwelling Units a permitted use across several zoning districts, and amending definitions in Title
10 21A associated with the foregoing all pursuant to Petition No. PLNPCM2022-00475.

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

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

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

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

21 SECTION 1. Amending Section 21A.40.200. That Section 21A.40.200 of the *Salt Lake*
22 *City Code* shall be and hereby is adopted as follows:

23 **21A.40.200: ACCESSORY DWELLING UNITS:**

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

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

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

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- 28 —3. Allow more efficient use of existing housing stock, public infrastructure, and the
29 embodied energy contained within existing structures;
- 30 —4. Provide housing options for family caregivers, adult children, aging parents, and families
31 seeking smaller households;
- 32 —5. Offer a means for residents, particularly seniors, single parents, and families with grown
33 children, to remain in their homes and neighborhoods, and obtain extra income, security,
34 companionship, and services;
- 35 —6. Broaden the range of affordable housing throughout the City;
- 36 —7. Support sustainability objectives by increasing housing close to jobs, schools, and
37 services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
- 38 —8. Support transit oriented development and reduce auto usage by increasing density near
39 transit; and
- 40 —9. Support the economic viability of historic properties and the City's historic preservation
41 goals by allowing accessory dwellings in historic structures.
- 42 —B. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the
43 following:
- 44 —1. An individual who is listed on a recorded deed as an owner of the property;
- 45 —2. Any person who is related by blood, marriage, adoption to an individual who is listed on
46 a recorded deed as an owner of the property; or
- 47 —3. An individual who is a trustor of a family trust who possesses legal ownership of the
48 property.
- 49 —C. Applicability: Accessory dwelling units shall be permitted as specified in [chapter 21A.33](#),
50 "Land Use Tables", of this title and subject to compliance with the applicable provisions of this
51 title.
- 52 —D. Methods Of Creation: An accessory dwelling unit may be created through, but not limited
53 to, the following methods:
- 54 —1. Converting existing living area within a single family dwelling as an addition to an
55 existing single family dwelling, or within a single family dwelling created as new construction;
56 or
- 57 —2. Converting an existing detached accessory building, as an addition to an existing
58 accessory building, or as a newly constructed accessory building.
- 59 —E. Standards: Accessory dwelling units shall conform to the following requirements:
- 60 —1. General Requirements Applicable To All Accessory Dwelling Units:
- 61 —a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a
62 single family dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

97 — b. ~~Size Requirements: No accessory dwelling unit shall occupy more than fifty percent~~
98 ~~(50%) of the gross square footage of the single family dwelling. The square footage of an~~
99 ~~attached garage shall not be included in the gross square footage unless the accessory dwelling~~
100 ~~unit is located in a basement that includes habitable space below the garage.~~

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

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

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

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

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

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

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

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

118 ——— a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height
119 limitations found in section [21A.40.050](#) of this chapter and any accessory building regulation
120 found in the underlying zoning district or any applicable overlay zoning district unless otherwise
121 regulated by this section. An accessory dwelling unit located in an additional accessory building
122 may be constructed and shall not count towards the maximum square footage of all accessory
123 buildings as stated in subsection 21A.40.050B2 of this chapter. The accessory building
124 containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent
125 (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650)
126 square feet. An accessory building that contains an accessory dwelling unit and any other
127 permitted accessory use shall comply with all building coverage requirements in
128 section [21A.40.050](#) of this chapter.

129 ——— b. Maximum Coverage: Shall comply with the building maximum coverage requirements
130 of the underlying zoning district or applicable overlay zoning district, whichever is more
131 restrictive.

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

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

137 ——— (2) Side and rear yard setbacks:

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

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

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

150 ——— d. ~~Building Height:~~

151 ——— (1) ~~The maximum height of an accessory building containing an accessory dwelling unit~~
 152 ~~shall not exceed the height of the single family dwelling on the property or exceed seventeen feet~~
 153 ~~(17') in height, whichever is less.~~

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

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

163 ——— e. ~~Size Requirements: An accessory building that contains an accessory dwelling unit~~
 164 ~~shall be subject to the building coverage requirements for accessory buildings found in~~
 165 ~~section [21A.40.050](#) of this chapter. In no instance shall any accessory dwelling unit exceed a~~
 166 ~~gross floor area of six hundred fifty (650) square feet.~~

167 ——— f. ~~Entrance Locations: The entrance to an accessory dwelling unit in an accessory building~~
 168 ~~shall be located:~~

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

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

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

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

178 ——— (1) ~~Windows shall be no larger than necessary to comply with the minimum Building~~
 179 ~~Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing~~

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180 shall be used when facing a side or rear property line to comply with minimum Building Code
181 requirements for air and light on building elevations that are within ten feet (10') of a side or rear
182 property line unless the side or rear property line is adjacent to an alley.

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

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

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

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

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

194 ——— (3) Rooftop decks are prohibited.

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

197 ——— 1. Application:

198 ——— a. Zoning Certificate: Apply for a zoning certificate in accordance with [chapter 21A.08](#) of
199 this title.

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

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

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

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

214 ——— 2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall
215 have a deed restriction, the form of which shall be approved by the City Attorney, and shall be
216 filed with the County Recorder's Office. The form shall state that the owner occupant must

217 occupy the property as required within this section. Such deed restriction shall run with the land
 218 until the accessory dwelling unit is abandoned or revoked.

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

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

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

231

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

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

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

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

- 242 1. An individual who is listed on a recorded deed as an owner of the property;
- 243 2. Any person who is related by blood, marriage, or adoption to an individual who is listed
 244 on recorded deed as an owner of the property; or
- 245 3. An individual who is a trustor of a family trust who possesses legal ownership of the
 246 property.
- 247 4. Exceptions
 - 248 a. Owner occupancy is not required for an ADU located on a property with a
 249 principal use as a duplex, multi-family dwelling, or non-residential land use. A
 250 single-family dwelling with an attached ADU does not constitute a duplex.
 - 251 b. The owner has a bona fide, temporary absence of three (3) years or less for
 252 activities such as military service, temporary job assignments, sabbaticals, or
 253 voluntary service (indefinite periods of absence from the dwelling shall not
 254 qualify for this exception); or

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255 c. The owner is placed in a hospital, nursing home, assisted living facility or other
 256 similar facility that provides regular medical care, excluding retirement living
 257 facilities or communities.

258 D. Number Of Allowed ADUs: A single ADU is allowed on a property where permitted in
 259 chapter 21A.33 of this Title.

261 E. Location on Property. An ADU is allowed in the following locations on a property as
 262 indicated below:

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

<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. If the property is less than 50' in width, the ADU may be 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>	
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>	

- 265
 266 3. A detached ADU shall be placed at a minimum distance from property lines as indicated
 267 below:

<u>Rear property line</u>	<u>3'</u>
<u>Side property line</u>	<u>3'</u>
<u>Corner Side property line</u>	<u>20% of the lot width, or 10', whichever is less</u>
<u>Notes:</u>	
1. <u>Additions to an existing accessory building shall comply with the setbacks in this table. This includes additions that add a second story.</u>	
2. <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>	

268
 269 F. ADU Building Height

- 270 1. The maximum building height for a detached ADU is 17 feet, subject to the following
 271 exceptions:
 272 a. Height may be increased up to 24 feet for a pitched roof or 20 feet for a flat roof
 273 provided the side and rear yard setbacks are increased one foot for each additional
 274 foot in building height above 17 feet. The setback does not need to be increased
 275 above the minimum indicated in Section E on the side of an ADU that abuts an
 276 alley or on the side of an ADU that abuts a property that is in a zoning district
 277 other than those listed in section 21A.24 of this Title.
 278 b. Converting a legally existing accessory building is permitted when the existing
 279 accessory building exceeds the permitted height of this section.
 280 c. When an ADU is located fully within the buildable area of the property, the
 281 height of the ADU is allowed up to the permitted height of the principal building
 282 in the underlying zoning district.
 283 d. Solar panels attached to the roof of an ADU are permitted to exceed the maximum
 284 height of the structure up to four feet.
 285 2. Building height for a detached ADU shall be measured in the same manner as the height
 286 for the principal building.
 287 3. An internal ADU is subject to the same height requirements as the principal building.

288 G. ADU Parking

- 289 1. The number of parking stalls provided for the principal use shall not be reduced below
 290 the minimum identified in Chapter 21A.44 of this Title in order to accommodate an
 291 ADU. One parking stall is required for the ADU, except as indicated below:
 292 a. The property is in a zoning district with no minimum off street parking
 293 requirement;
 294 b. The property already contains at least one accessible stall above the minimum
 295 parking requirement for the principal use;
 296 c. The property is within a ¼ mile radius of a public transit stop; or
 297 d. The property is within ½ mile of a city-designated bicycle lane or path.

298 H. Regulation of decks, patios, and outdoor space for detached ADUs

- 299 1. Decks more than 2 feet above the existing grade are prohibited unless the ADU is
 300 located within the buildable area of the lot in which case the deck shall be subject to
 301 the same regulations for decks that apply to the principal building.
 302 2. Rooftop patios on a detached ADU are prohibited.
 303 3. Patios are permitted. A patio may be covered with a roof provided the square footage
 304 of the roof is no larger than 120 square feet and the covered patio complies with the
 305 setbacks required of the ADU. A covered patio shall not count towards the maximum
 306 square footage requirement of the ADU, but does count towards the total building
 307 coverage of the lot.
 308 4. Balconies on ADUs: a balcony is permitted on a building containing an ADU
 309 provided the balcony does not extend into a required ADU setback and extends no

310 further than 5 feet from an exterior wall of the ADU. Balconies shall not contain
 311 HVAC equipment nor be used as storage areas.

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

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

- 316 1. An exterior light shall be located on the exterior wall of the ADU to illuminate
 317 portions of the alley adjacent to the ADU. The lighting fixture shall be shielded,
 318 oriented and designed to direct light down and avoid light pollution onto adjacent
 319 properties. All uplighting is prohibited.
- 320 2. A 4' wide path from the alley to the entrance of the ADU shall be provided. If there is
 321 a fence between the ADU and the alley, a gate shall be provided, and the path shall
 322 lead to the gate. If the ADU is located within 15 feet of two or more public alleys, this
 323 requirement shall only apply to one of the alleys.
- 324 3. An ADU located on an alley that exists on the recorded plat maps or Atlas Plats of the
 325 city but has not been used for vehicular access or is otherwise blocked by
 326 encroachments such as fences or vegetation are exempt from this requirement.
 327

328 J. ADU Gross Floor Area:

- 329 1. Detached ADU. None may exceed 1,000 square feet in gross floor area.
- 330 2. Internal ADU. There is no maximum gross floor area provided the building complies
 331 with all applicable standards in the underlying zoning district.
- 332 3. Gross floor area for a detached ADU shall be calculated as follows:
 - 333 a. When the building includes other allowed accessory uses, only the square footage
 334 dedicated to the ADU shall be counted.
 - 335 b. When the ADU is on a second level, stairs and required landings providing access
 336 to the ADU shall not be counted.
 - 337 c. Loft space with a ceiling height lower than 7 feet within an ADU shall not be
 338 counted towards the total square footage of the ADU.
 - 339 d. Basements shall not count towards the maximum gross floor area of the ADU, so
 340 long as:
 - 341 i. The basement is only used for storage or a use permitted by section
 342 21A.40.040.E of this chapter; and
 - 343 ii. There is no internal circulation between the ADU and the basement.

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

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

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

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

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

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

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

365 O. Zoning Certificate and Good Landlord Program:

- 366 1. A certificate of occupancy for the ADU shall not be issued until a zoning certificate is
367 issued. A zoning certificate may be issued at the same time as the certificate of
368 occupancy. If a certificate of occupancy is not required, the zoning certificate shall be
369 issued prior to the ADU being occupied.
370 2. If a business license is required for the rental of the ADU, the owner shall be enrolled in
371 the landlord/tenant initiative program as defined in title 5, "Business Taxes, Licenses And
372 Regulations", of this Code prior to issuing a zoning certificate.

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

- 376 1. A description of the primary dwelling and the ADU, including whether the ADU is
377 within the principal structure or a detached structure, the square footage of both the
378 primary dwelling and the ADU, and how off-street parking is allocated between the
379 primary dwelling and the ADU.
380 2. A statement that the ADU may only be used and occupied in accordance with the
381 applicable regulations adopted in the Salt Lake City Code.
382 3. The restrictive covenant shall be recorded with the Salt Lake County Recorder's Office
383 against the subject property. A copy of the recorded covenant shall be provided to the
384 Planning Division and attached to the building permit record prior to final inspection of
385 the ADU. If no final inspection is required, the copy of the recorded covenant shall be
386 provided prior to occupying the ADU.

387 Q. Use Regulations

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

393 SECTION 2. Amending the Text of Section 21A.40.050.B.2. That Section
394 21A.40.050.B.2 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

- 395 2. Building Coverage:
 - 396 a. In the FR, R-1, R-2 and SR residential districts the ~~maximum building coverage of all~~
 - 397 maximum footprint of any accessory buildings, excluding hoop houses, greenhouses, and
 - 398 cold frames associated solely with growing food and/or plants, shall not exceed fifty
 - 399 percent (50%) of the building footprint of the principal structure up to a maximum of
 - 400 seven hundred twenty (720) square feet for a single family dwelling and one thousand
 - 401 (1,000) square feet for a two family dwelling except as follows:
 - 402 (1) The maximum footprint for a primary accessory structure within the SR-1A is
 - 403 limited to four hundred eighty (480) square feet with an additional one hundred
 - 404 twenty (120) square feet allowed for a secondary accessory structure.
 - 405 Notwithstanding the size of the footprint of the principal building, at least four
 - 406 hundred eighty (480) square feet of accessory building coverage shall be allowed
 - 407 subject to the compliance ~~with subsection B1 of this section~~ with all other
 - 408 requirements in section 21A.40.050.
 - 409 (2) Accessory buildings constructed within the buildable area that are located between
 - 410 the rear façade of the principal building and the rear yard setback may exceed 720
 - 411 square feet provided the building is located entirely within the buildable area and the
 - 412 property complies with the maximum building coverage requirements of the
 - 413 underlying zoning district.
 - 414 (3) The building coverage for a detached accessory dwelling unit shall be subject to the
 - 415 standards in 21A.40.200, regardless of the building coverage requirement in this
 - 416 section.
 - 417 (4) An accessory building that contains an accessory dwelling unit on the second level
 - 418 may exceed the maximum coverage up to the footprint of the accessory dwelling
 - 419 unit.
 - 420 b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not
 - 421 exceed thirty five percent (35%) of the building footprint of the principal structure.

422 SECTION 3. Amending the Text of Section 21A.33.020. That Section 21A.33.020 of
423 the *Salt Lake City Code* shall be amended as follows:

424 **21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR**
425 **RESIDENTIAL DISTRICTS:**

LEGISLATIVE DRAFT

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	R M F- 45	R M F- 75	R B B	R- M U- 35	R- M U- 45	R- M U U	R O O
Dwelling, accessory unit	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	P		P	P	P	P	P	P	P	P	P	P	P

426

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

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

429 **21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR**
 430 **COMMERCIAL DISTRICTS:**

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

431

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

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

434 **21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT**
 435 **STATION AREA DISTRICTS:**

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

436

437 SECTION 6. Amending the Text of Section 21A.33.050. That Section 21A.33.050 of

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

LEGISLATIVE DRAFT

439 **21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN**
 440 **DISTRICTS:**

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

441

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

444 **21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE**
 445 **GATEWAY DISTRICT:**

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

446

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

449 **21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED**
 450 **DISTRICTS:**

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

451

452 SECTION 9. Amending the Text of Section 21A.27.030.D.3. That Section
 453 21A.27.030.D.3 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

- 454 D. Other Applicable Development Standards:
- 455 3. Accessory Uses, Buildings And Structures: All accessory uses, buildings and
- 456 structures shall comply with the applicable standards in chapter 21A.40 of this title,;
- 457 ~~except as noted below:~~
- 458 ~~a. Form based urban neighborhood district specific standards for detached dwelling~~
- 459 ~~units:~~

LEGISLATIVE DRAFT

- 460 ~~(1) Detached dwelling units may be built in a required yard as a stand alone unit~~
- 461 ~~or attached to an accessory building, such as a garage.~~
- 462 ~~(2) Detached dwelling units are only permitted with the urban house, two-family~~
- 463 ~~dwelling, and cottage development building forms.~~
- 464 ~~(3) No accessory structure containing a detached dwelling unit shall exceed~~
- 465 ~~twenty five feet (25') in height.~~
- 466 ~~(4) If a detached dwelling unit is built as a second level, the minimum setback~~
- 467 ~~from property line shall be a minimum of four feet (4').~~
- 468 ~~(5) All building configuration standards that apply to the primary building form~~
- 469 ~~shall also apply to the detached dwelling unit, with the exceptions listed~~
- 470 ~~below:~~
- 471 ~~(A) The detached dwelling unit shall have an entry feature that faces or is~~
- 472 ~~accessible from a public alley when present;~~
- 473 ~~(B) The entry feature may be a stoop that has a minimum dimension of four~~
- 474 ~~feet by four feet (4' x 4'); and~~
- 475 ~~(C) The ground floor transparency requirement does not apply to detached~~
- 476 ~~dwelling units located on the second floor of an accessory structure.~~
- 477 ~~ba.~~ Form Based Special Purpose Corridor District specific standards for
- 478 detached or accessory parking garages or structures:
- 479 (1) Detached or accessory multilevel parking garages or structures shall have the
- 480 same setback requirements for principal structures.
- 481 (2) The minimum setback required shall be landscaped to provide a buffer to the
- 482 abutting Residential District. No structure (primary or accessory) shall be
- 483 permitted within this landscaped buffer.

484 SECTION 10. Amending the Text of Section 21A.60.020. That Section 21A.60.020 of

485 the *Salt Lake City Code* shall be amended to include the following terms:

- 486 Atlas, 5-Acre, And 10-Acre Plats
- 487 Balcony
- 488 Bike Lane
- 489 Bike Path
- 490 Deck
- 491 Dwelling, Accessory Unit (Internal)
- 492 Footprint
- 493 Non-residential Use
- 494 Porch
- 495 Rooftop Patio

496 Short Term Rental

497 Transit Route

498 Uplighting

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

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

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

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

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

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

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

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

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

530 DWELLING, ACCESSORY UNIT (INTERNAL):

531 An accessory dwelling unit created:

532 4. within a primary building; and

533 5. for the purpose of offering a long-term rental of 30 consecutive days or longer.

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

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

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

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

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

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

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

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

553 SECTION 12. Effective Date. This ordinance shall become effective on the date of its
554 first publication.

555 Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
556 2023.

557 _____
558 CHAIRPERSON

559
560 ATTEST AND COUNTERSIGN:

LEGISLATIVE DRAFT

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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: _____
By: _____
Katherine D. Pasker, *Senior City Attorney*