

# PLANNING COMMISSION STAFF REPORT

## Accessory Dwelling Units Zoning Text Amendment Petition No. PLNPCM2010-00116 March 23, 2011



Planning Division  
Department of Community &  
Economic Development

**Applicant:**

Salt Lake City Mayor Ralph Becker

**Staff:**

Michael Maloy AICP at (801) 535-7118 or  
[michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)

**Tax ID:**

Citywide

**Current Zone:**

Citywide

**Master Plan Designation:**

Citywide

**Council District:**

Citywide

**Lot Size:**

Citywide

**Current Use:**

Single-family dwellings

**Applicable Land Use Regulations:**

- Chapter 21A.24 Residential Districts
- Chapter 21A.40 Accessory Uses, Buildings and Structures
- Chapter 21A.62 Definitions

**Notification:**

- Notice published in Salt Lake Tribune on March 11, 2011
- Notice mailed to Community Councils on March 11, 2011
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on March 11, 2011

**Attachments:**

- A. Accessory Dwelling Units Ordinance
- B. Residential Districts Map
- C. Quarter Mile Transit Overlay Map
- D. Half Mile Transit Overlay Map
- E. Sample Illustrations
- F. APA Quick Notes
- G. Public Input Chronology and Notes
- H. Public Comments
- I. Community Council Comments
- J. Department Comments

### ***Request***

A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within the following single-family and multi-family residential districts: 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-1A, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75. This request is part of the Sustainability City Code Initiative and would affect areas City-wide. The Planning Commission's authority in this matter is advisory to the City Council, which has the legislative authority to make the final decision.

### ***Staff Recommendation***

Based on the analysis and findings contained within the staff report, staff recommends; the Planning Commission conduct a public hearing on the proposed ordinance, discuss the proposal, and if needed direct staff to provide additional information or modification of the ordinance, and "table" the petition for consideration during a future public meeting.

## **Background**

### **Project Description**

Mayor Ralph Becker, in cooperation with the City Council, has initiated a series of administrative policies and legislative petitions to encourage sustainable land use within Salt Lake City. The petitions address various city codes, including zoning. In support of this effort—which is generally known as the Sustainability City Code Initiative—the City retained the services of Clarion Associates, an experienced and respected land use planning and real estate consulting firm to research and produce draft ordinances.

Petition PLNPCM2010-00612 proposes to permit accessory dwelling units in single-family and multi-family residential districts (see Attachment A – Accessory Dwelling Units Ordinance). An accessory dwelling unit (ADU) is a residential unit that is established on the same lot as a single-family dwelling unit, and may be located within a single-family dwelling, attached to a single-family dwelling (such as in an addition), or in a detached structure (such as in a garage or separate accessory structure). The accessory dwelling unit must be a complete housekeeping unit with a separate kitchen, sleeping area, closet space, bathroom facilities, and a shared or separate entrance.

The proposed ordinance requires owner occupancy of the principal or accessory dwelling, one additional parking stall, and compliance with current building codes. To ensure the accessory dwelling is subordinate to the principal dwelling, the draft ordinance establishes a maximum building square footage, a scalable building height limit, and requires building setbacks and lot coverage be compliant with the underlying zone.

Accessory dwelling units (ADUs) have become an important component of the housing stock in many communities—both large and small—in the United States. By providing housing on existing lots in developed neighborhoods, ADUs are a form of land use that makes good use of land and public infrastructure investment. Accessory Dwelling Units, when located near employment and retail centers, help increase the use of circulation alternatives—such as walking, cycling, mass transit—leading to a reduction in green house gas emissions and energy (fuel) use. Additionally, the changing face of the American public and its housing needs supports the inclusion of ADUs as a housing alternative. More people are aging, are “empty nesters,” and desire to down-size. In addition, the work force continues to be challenged to find affordable housing and ADUs can help address that demand (see Attachment F – APA Quick Notes).

With respect to observable trends in sustainability, demographics, land use development, and economic conditions, the stated purposes for Petition PLNPCM2010-00612 Accessory Dwelling Units are:

1. Create new housing units while respecting the look and scale of single-dwelling development;
2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
4. Provide a mix of housing options that responds to changing family needs and smaller households;
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
6. Promote a broader range of affordable housing;
7. Provide opportunity for workforce housing in developed and new neighborhoods, close to places of work, thus reducing greenhouse gas emissions and reducing fossil fuel consumption through less car commuting;
8. Support transit-oriented development and reduce auto usage by increasing density near transit stops; and
9. Support the economic viability of historic properties and the city’s historic preservation goals by allowing accessory residential uses in historic structures.

## Comments

### Public Comments

Since December of 2009, the Planning Division has discussed the proposal in more than 20 public meetings (see Attachment G – Public Input Chronology and Notes). All public comments received to date have been included for review and consideration (see Attachment H – Public Comments).

Based on a review of public comment, staff has provided the following summary of issues:

- **Density.** In 2010, the United States Census Bureau estimated the population of Salt Lake City at 186,440, which is up from 181,743 in 2000. Salt Lake City's population per square mile is 1,688. Because the development pattern of Salt Lake City is unique within Utah—due to extensive commercial development, an international airport, and notable quantities of undeveloped land—it is difficult to compare density with other communities. However, for reference purposes only, the Census Bureau in May of 2001 identified the City of Taylorsville as the most densely populated city in the state with 5,376.2 persons per square mile. Other densely populated Utah cities include Midvale (4,627.4), Orem (4,573.6), Washington Terrace (4,477.4), Roy (4,330.8), Sandy (3,961.5), and South Ogden (3,917.1).

If approved, the proposed ordinance will impact all single-family and multi-family districts within the City. The area contained within the impacted residential districts is 8,777 acres, which is approximately 12.42% of the total area of Salt Lake City.

A significant element of density is the average household size. The United States Census Bureau defines household as:

A household includes all the persons who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Based on information gleaned from Census reports, the average household size within in Salt Lake City is declining:

Census Year	Salt Lake City Average Household Size	United States Average Household Size
1950	3.38 persons	3.40 persons
1960	3.29 persons	3.29 persons
1970	2.93 persons	3.10 persons
1980	2.60 persons	2.76 persons
1990	2.33 persons	2.63 persons
2000	2.48 persons	2.59 persons
2010	Data not yet published	2.59 persons

During the past 50 years, the decline in average household size is clear. However, the anomalous increase in the average household size in 2000 is due to the notable population growth among minorities. In 1990, minorities in Salt Lake City were 9.77% of the total population. In 2010, minorities in Salt Lake City form 20.8% of the total population. This issue is further explained in a report entitled *Age and Family Structure by Race, Ethnicity and Place of Residence* published by the United States Department of Agriculture, minority groups have a larger average household size than whites:

Both household and family size declined between 1980 and 1990 in urban and rural areas. In 1990, average household size was 2.5 persons for Whites, 2.9 for Blacks, and 3.5 for Hispanics. Average family size in 1990, regardless of residence, was 3.1 for Whites, 3.5 for Blacks, and 3.9 for Hispanics. Both Whites and Blacks experienced declines in household and family size between 1980 and 1990. As declines were larger for the Black population, the racial gap contracted. Much of the decline in household and family size is due to decreased childbearing and a drop in the average number of children and other household members under age 18 (Hernandez, 1993). Large families usually reduce the amount of time and resources parents can devote to each child. Smaller family size implies improved educational, occupational, and economic opportunities for children.

Minorities tend to have larger families and households than Whites, with Hispanics having the largest families. About 12 percent of Hispanic households in 1991 had 6 or more members, compared with 3 percent of non-Hispanic households (U.S. Bureau of the Census, 1991).

Opponents of the proposal often cite the comprehensive 1995 zoning update that reduced development density in many Salt Lake City residential neighborhoods (see Attachment I – Community Council Comments). Opponents believe that ADUs represent a reversal of that previous legislative action. In response, some residents have suggested that ADUs should be limited to zoning districts that permit multi-family development. Within multi-family districts, the proposed ordinance will allow development of an accessory dwelling unit—regardless of lot size—if compliant with all other applicable building and zoning regulations.

- **Option 1.** Approve regulation as proposed (citywide, limited to 25 permits per calendar year).
- **Option 2.** Modify regulation to restrict accessory dwelling units to zoning districts that currently allow more than one dwelling unit per lot, such as SR-1, SR-1A, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75 (see Attachment B – Residential Districts Map).
- **Location.** As previously described, the proposal is restricted to single-family dwellings within specific residential zoning districts. Some opponents of the proposal have recommended prohibiting ADUs within specific communities, such as the Avenues, or requiring ADUs to locate within a specified distance (4 blocks) from a fixed public transportation line, such as TRAX or the future Sugar House streetcar line (see Attachment D – Half Mile Transit Overlay Map).
  - **Option 1.** Approve regulation as proposed (citywide, limited to 25 permits per calendar year).
  - **Option 2.** Modify regulation to restrict ADUs to specific neighborhoods or areas.
  - **Option 3.** Modify regulation to restrict ADUs to single-family dwellings within ½ mile of transit lines.
- **Design.** The proposal recommends compliance with all underlying zoning requirements, including overlays such as the H Historic District. Additional development requirements are included to ensure compatibility with established development patterns, such as limitations on building height and placement of entrances. However, opponents remain concerned that the proposal will alter the character of single-family neighborhoods (see Attachment E – Sample Illustrations).
  - **Option 1.** Approve regulation as proposed (design subject to overlays, compatible with principal dwelling).
  - **Option 2.** Modify regulation to include additional design and material regulations (to be specified).
- **Privacy.** A common concern when dealing with residential infill development is privacy. Although privacy is an issue that is addressed within portions of City Code, assurance of privacy—within a rear a rear yard for example—is not listed within the Purpose and Intent Statement (21A.020.030) of Title 21A Zoning, and is

only identified as a type of fence within the General Provisions (21A.24.010) of Chapter 21A.24 Residential Districts.

In a 1961 landmark book on planning, *The Death and Life of Great American Cities*, famed author and urbanist Jane Jacobs offers the following comment on privacy:

Architectural and planning literature deals with privacy in terms of windows, overlooks, sight lines. The idea is that if no one from outside can peek into where you live—behold, privacy. This is simple minded. Window privacy is the easiest commodity in the world to get. You just pull down the shades or adjust the blinds. The privacy of keeping one’s personal affairs to those selected to know them, and the privacy of having reasonable control over who shall make inroads on your time and when, are rare commodities in most of this world, however, and they have nothing to do with the orientation of windows (p. 77).

Whereas the proposal requires compliance with all applicable yard and bulk regulations when located within the buildable area for a single-family dwelling—identical to limitations on a residential addition permitted under current regulations—staff does not recommend additional restrictions in response to this concern. However, when an ADU is located outside the buildable area for a principal dwelling, the Commission may consider additional regulations for the placement of windows, similar to the following standard for a “hobby shop” when located in a residential district:

**21A.52.100: Specific Conditions for Special Exceptions:**

If the accessory building is located within ten feet (10') of a property line, no windows shall be allowed in the walls adjacent to the property lines.

- **Option 1.** Approve regulation as proposed (no additional criteria regulating privacy).
- **Option 2.** Modify regulation to limit the placement of windows if the accessory dwelling is located outside the buildable area for a single-family dwelling and within ten feet (10') of a property line.
- **Owner Occupancy.** Although there has been some support to remove the owner occupancy requirement, most comments recommend that this is an essential component of the proposal. The primary concern regarding owner occupancy is the city’s ability to enforce the proposed regulation. The proposed owner occupancy regulation is derived from language used by Provo City for a similar ordinance, which has been successfully upheld by the Supreme Court of Utah (Case No. 20030679).
  - **Option 1.** Approve regulation as proposed (owner occupancy required).
  - **Option 2.** Modify regulation to reduce length of bona fide absence from three years to one year.
- **Parking.** The proposed regulation generally requires only one parking stall for an ADU, in addition to two off-street parking stalls for a single-family dwelling. However, under certain conditions the Transportation Division may modify the requirement if located within ¼ mile of a fixed transit line or an arterial street with a designated bus route (see Attachment C – Quarter Mile Transit Overlay Map). The proposal represents a balance between requiring parking and discouraging additional pavement. Additional pavement increases storm water drainage—as well as the “urban heat island”—which impacts are contrary to sustainability. Opponents have expressed concerns that insufficient off-street parking will increase on-street parking—which in some neighborhoods is severely limited—and attracts “car prowlers.” However, Police Sergeant Michelle Ross did not identify this issue as a concern (see Attachment J – Department Comments).
  - **Option 1.** Approve regulation as proposed (one parking stall, which may be tandem).
  - **Option 2.** Require one off-street parking stall, without tandem parking.

- **Option 3.** Require two off-street stalls, may use tandem parking.
  - **Option 4.** Require two off-street parking stalls, without tandem parking.
- **Traffic.** Whereas Salt Lake City is a significant source of employment and services, proponents of the proposal argue that permitting ADUs within the City—rather than forcing growth into suburban communities—will reduce the total amount of vehicle miles traveled (VMT). Although the Institute of Transportation Engineers (ITE) does not publish a report on traffic generation for ADUs, the ITE finds that a rental townhouse will generate (on average) 0.73 trips during the weekday a.m. peak hour, and 0.73 trips during the weekday p.m. peak hour. In comparison, a single-family detached house will generate (on average) 0.77 trips per a.m. peak hours, and 1.02 trips per p.m. peak hour. Although this issue, along with parking, has been a significant concern for opponents, the Transportation Division and Engineering Division did not identify traffic as a notable concern (see Attachment J – Department Comments).
    - **Option 1.** Approve regulation as proposed (no restriction relative to street classification, encourages use of alleys).
    - **Option 2.** Modify regulation to restrict location of ADUs to parcels that are accessible from a City arterial or collector street.
  - **Accessibility.** On February 22, 2011, staff presented the proposed ADU ordinance to the Mayor's Accessible Services Advisory Council. In response, the committee prepared a statement in support of the proposal, with recommendations to modify the regulation to encourage development of visitable or accessible ADUs (see Attachment G – Public Input Chronology and Notes).
    - **Option 1.** Approve regulation as proposed (no requirement for visitable or accessible improvements).
    - **Option 2.** Modify regulation to increase the square foot maximum for an accessible ADU by 150 square feet (specified amount may be modified).
    - **Option 3.** Modify regulation to require 20 percent of ADU permits to meet accessibility standards.
    - **Option 4.** Modify regulation to exempt accessible ADUs from annual permit limit.
    - **Option 5.** Modify regulation to reduce building permit fee for ADUs (amount to be specified).

## City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment J – Department Comments. Although the Planning Division has not received any comments from applicable City Departments / Divisions that cannot be reasonably fulfilled or that warrant denial of the petition, staff recommends discussion of the following issues:

- **Utilities.** One of the arguments in favor of the proposal is its efficient use of existing public infrastructure, which reduces pressure to develop new streets and utility lines. However, opponents of the proposal have expressed concern regarding capacity of existing public utilities. In a 1981 report entitled *Accessory Apartments: Using Surplus Space in Single Family Houses* published by the American Planning Association (APA) the authors addressed the following question:

***How Many Units are Likely to be Built?*** Civic groups are frequently fearful about the number of units that may be created under an ordinance. A little guidance is provided by the experience of towns that have ordinances. When Portland, Oregon's Add-A-Rental went into effect in January, 1981, after considerable controversy, almost nothing happened. It was five months before Portland had its first three applications, and, by the end of the year, only five had come in. Babylon, Long Island (New York), estimated in 1979 that it had accessory apartments in 10-20 percent of its stock. Lydenhurst, next to Babylon, has had an accessory apartment ordinance since 1955, and only 10 percent of its single-family stock has been converted legally. Weston, Connecticut, has about 10 percent of its housing stock in

accessory apartments, even though it has had an ordinance since the early 1960s. Renton, Washington, with an ordinance since 1955, has conversions in about eight percent of its house.

*There is one lesson to be drawn: the presence of an ordinance permitting accessory apartments doesn't necessarily stimulate conversion to accessory apartments, and the absence of one doesn't necessarily discourage them* (italics added for emphasis).

Locally, Daybreak—a successful planned development community in South Jordan, Utah that is modeled after older Salt Lake City neighborhoods—includes provisions for accessory apartments. George Shaw, Community Development Director for the City of South Jordan, reported that there are approximately 20 detached accessory dwellings, and 6 attached accessory dwellings within Daybreak, which contains approximately 2,500 households and 9,000 residents.

Based upon research, and upon receipt of a letter of recommendation from the Department of Public Utilities that did not identify utility capacity as a concern, staff finds that this issue is not a significant concern (see Attachment J – Department Comments).

Another issue relative to utilities that has persisted throughout the development of the draft ordinance is whether to require separate utility meters for ADUs. Because an ADU may be attached to or detached from the principal dwelling, and construction of utility infrastructure will vary, the proposed ordinance allows for property owner preference (subject to compliance with City regulations). However, some have argued that prohibiting separate utility meters may encourage compliance with owner occupancy provisions. In response to this issue, Justin Stoker (Engineer V with the Department of Public Utilities) recommended approval of the proposed regulation with the following modification:

*If sewer or water utility service will be connected through the primary residence and not connected through a separate connection to the sewer or water main, the deed restriction will also identify any sewer or water connections into or through the primary residence.*

- **Option 1.** Approve regulation as proposed (limit number of permits issued per calendar year, separate utility meters for ADU are not required but may be installed by a licensed contractor upon approval of the City and utility company).
- **Option 2.** Modify regulation to include deed restriction regarding utility services when connected through principal (or primary) residence.
- **Option 2.** Modify regulation to require installation of separate utility meters for an ADU.
- **Option 3.** Modify regulation to prohibit the installation of additional utility meters for an ADU.

**Enforcement.** As a matter of legislative policy, Salt Lake City desires to preserve housing that “substantially complies with life and safety codes.” Currently, Salt Lake City administrates a process to legalize existing dwelling units that were constructed before 1970 and have been continuously used. This process is known as “Legalization of Excess Dwelling Units” and is governed by Section 21A.52.100 of the Zoning Title. However, the unit legalization process is completely separate and independent from the proposed ADU regulation.

A common concern is the City’s ability to enforce the proposed ADU regulation. To address this issue, the City will require an annual business license for each ADU. In turn, the business license fee will be used to administrate inspection and enforcement of ADUs. Violation of business license regulations are specified in Article I of Chapter 5.04 of Title 5 Business Taxes, Licensing and Regulation. However, violators of the proposed ordinance would also be subject to the following zoning enforcement regulations:

**21A.20.040: Fines for Violations:**

- A. Violations of the provisions of this title or failure to comply with any of its requirements shall be *punishable as a class B misdemeanor upon conviction* (italics added for emphasis).

- B. This title may also be enforced by injunction, mandamus, abatement, civil fines or any other appropriate action in law or equity.
- C. *Each day* that any violation continues after the citation deadline *shall be considered a separate offense for purposes of the fines* and remedies available to the city (italics added for emphasis).
- D. Accumulation of fines for violations, but not the obligation for payment of fines already accrued, shall stop upon correction of the violation.
- E. Any one or more of the fines and remedies identified herein may be used to enforce this title.

**21A.20.050: Civil Fines:**

If the violations are not corrected by the citation deadline, *civil fines shall accrue at twenty five dollars (\$25.00) a day per violation* for properties in residential zoning districts and one hundred dollars (\$100.00) per day per violation for properties in nonresidential zoning districts (italics added for emphasis).

In response to the proposal, Craig Spangenberg, Civil Enforcement Manager, recommended that the “draft ordinance should contain specific, verifiable criteria to be used in order to meet the owner occupied requirement” (see Attachment J – Department Comments).

- **Option 1.** Approve regulation as proposed.
- **Option 2.** Modify regulation to improve capability of enforcement (recommendations to be specified).

**Project Review**

- **Focus Group.** On July 14, 2010, the Planning Division conducted a “focus group” to review and discuss the proposed accessory dwelling units regulation. During the meeting, Chris Duerksen and Joyce Allgaier with Clarion Associates presented a comprehensive overview on the proposal, answered questions, and noted concerns for future consideration. The ADU focus group was comprised of the following individuals:

NAME	REPRESENTATION	ATTENDANCE
Cindy Cromer	Property Owner	Yes
George Kelner	Yalecrest Community Council	No
Gordon Storrs	Fairpark Community Council	Yes
DeWitt Smith	Liberty Wells Community Council	No
Jim Jenkin	Greater Avenues Community Council	No
Philip Carlson	Sugar House Community Council	Yes
David Richardson	Capitol Hill Construction	No
Michael Mahaffey	Contractor	Yes
Bryson Garbett	Developer	Yes
Ed Sperry	Realtor	No
Tim Funk	Crossroads Urban Center	No
Maria Garciaz	Neighborworks Salt Lake	Yes
Jon Lear	Downey Mansion	No
Paul Smith	Utah Apartment Association	Yes
Mike Ostermiller	Utah Association of Realtors	No
Justin Allen	Salt Lake Board of Realtors	Yes
Sonya Martinez	Community Action Agency	Yes
Roger Borgenicht	ASSIST	Yes
Philip Carroll	Community Housing Services Inc	Yes
Arla Funk	Historic Landmark Commission	Yes
Claudia O’Grady	Utah Housing Corporation	No
Ashken Tanielian	Housing Advocate	No
Dan Bethel	Architect	No
Annalisa Steggell Holcombe	Westminster College	Yes
Francisca Blanc	Utah Housing Coalition	Yes



- **Revisions.** The Planning Division and Clarion Associates have revised the proposed regulation numerous times during the past year. Primarily, changes in the draft ordinance addressed owner occupancy requirements, building height regulations, minimum setbacks, building design, and limiting the number of ADU permits issued per calendar year.

## ***Analysis and Findings***

### **Options**

Whereas the City Council has final legislative authority over the petition, the Planning Commission may:

- Recommend approval of the proposal based on testimony and findings contained within the staff report;
- Recommend approval with specific modifications;
- Recommend denial of the petition based on testimony and findings; or
- Table the proposal for further review.

If the Commission votes to table the petition, the Planning Division respectfully requests the Commission provide specific direction to staff.

### **Findings**

**Section 21A.50.050. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:**

- 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;**

**Finding:** Within the *Salt Lake City Community Housing Plan*, which was prepared by the Housing and Neighborhood Division of Community and Economic Development Department and adopted by the Salt Lake City Council in April of 2000, the following policy statements and implementation strategies are applicable:

- **City Council Policy Statement.** The City Council supports a citywide variety of housing units, including affordable housing and supports accommodating different types and intensities of residential development. (p. 8)
- **City Council Policy Statement.** The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services... (p. 19)
- **Affordable and Transitional Housing Implementation Strategy 1.** Review “Best Practices” from other cities and establish new programs or expand existing programs that meet housing needs and maximize housing opportunities for all residents within Salt Lake City. (p. 24)
- **City Council Policy Statement.** On a citywide basis, the City Council endorses accessory housing units in single-family zones, subject to restrictions designed to limit impacts and protect neighborhood character. (p. 32)
- **Action Step for Implementation Strategy 5.** Define accessory housing units. Determine residential zones that could support such changes. Prepare necessary criteria and amendments for future ordinances on accessory units. (p. 33)

In another policy document entitled *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which was commissioned in February 1996 by former Mayor Ted Wilson and delivered to the City Council in March 1998 the following assertions, goals, and recommendations are applicable:

- **Assertion M: There is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. Services for those less fortunate are seen as a positive attribute and are nurtured within our community.**
  - Recommendation 1: Amend zoning laws to encourage mixed use in appropriate areas.
    - Proposed Action: Adopt amendments to city zoning ordinances that allow mixed-use development in designated areas of the city. Identify areas to be included in ordinances, define types of mixed uses allowed (p. 13).
- **Goal B: The ideal neighborhood will be diverse.** Neighborhoods will encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles, and familial statuses to be active community stakeholders. Families of various size and composition can be well served through a variety of programs and services. Service organizations will also be available to special-needs populations (p. 41).
- **Goal D: The ideal neighborhood will be well maintained.** Landlords, tenants, and homeowners will share responsibility for keeping properties in good condition. Home ownership will be encouraged where possible. Neighborhoods should contain a variety of housing types, but more units should be owner occupied than renter occupied. This leads to longer term residents and stabilizes property values. Owners of rental units will be responsible and will maintain their properties. Mechanisms need to be in place to address problems caused by owners/renters who fail to maintain their properties. Landlords must screen tenants to ensure that they will be responsible renters. Landlords must also make repairs to their housing units to keep them as viable assets in the neighborhood. Housing should be designed for the changing needs of our current and future population (p. 43).

Based on a review of the *Salt Lake City Community Housing Plan*, and the *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which documents are applicable citywide, staff finds the proposal is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

**2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**

**Finding:** Chapter 21A.02.030 of the Zoning Ordinance states:

**Purpose and Intent:** The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment.

Additionally, Section 21A.24.010 of the Zoning Ordinance provides the following “general provision” for all residential districts:

**Statement of Intent:** The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.

Although staff agrees with opponents that accessory dwelling units may increase congestion and parking on neighborhood streets, permitting accessory dwelling units will:

- Improve viability of public transit;
- Improve property values;
- Is an economical use of public and private infrastructure;
- Protect the environment through reduction of vehicle miles driven within the region;
- Provide a range of housing choices; and
- Preserve and maintain neighborhoods as safe and convenient places to live.

Therefore, staff finds that the proposal furthers the specific purpose statements of the zoning ordinance.

**3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Finding:** As stated within the proposed text amendment, accessory dwelling units shall be subject to compliance with the underlying zoning ordinance, which includes any applicable overlay zoning districts, such as the H Historic Preservation Overlay District and the YCI Yalecrest Compatible Infill Overlay District. Therefore, the proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standard.

**4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Finding:** The proposed text amendment was originally crafted after reviewing “best practices” of various cities, such as Portland, OR, Santa Cruz and Chula Vista, CA, Seattle, WA, Lexington, MA, and Aspen, CO. As summarized within Attachment F – APA Quick Notes, the American Planning Association recommends that “...communities would do well to seriously consider adopting an approach that...allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard.”

Although the proposed text amendment does not strictly achieve all of the recommendations provided by the American Planning Association, the proposal does reflect best practices tempered by local concerns, such as preference for owner occupancy requirements. Therefore, staff finds the proposal is consistent with this factor.

**Attachment A**  
**Accessory Dwelling Units Ordinance**

**CHAPTER 21A.XX**

**21A.XX.XX: ACCESSORY DWELLING UNITS**

**A. Purpose Statement.....2**  
**B. Applicability.....2**  
**C. Definitions.....4**  
**D. Standards.....4**

DRAFT

## ACCESSORY DWELLING UNITS

### **Background/Commentary:**

Accessory dwelling units (ADUs) have become an important component of the housing stock in many communities—both large and small—in the United States. Noted ADU programs include Portland, OR, Santa Cruz and Chula Vista, CA, Seattle, WA, Lexington, MA, and Aspen, CO. By providing housing on existing lots in developed neighborhoods, ADUs are a form of land use that makes good use of land and public infrastructure investment. ADUs, when located near employment and retail centers, help increase use of mobility alternatives leading to a reduction in green house gas emissions and energy (fuel) use. Additionally, the changing face of the American public and its housing needs supports the inclusion of ADUs as a housing alternative. More people are aging, are “empty nesters”, and desire to down-size. The work force continues to be challenged to find affordable housing and ADUs can help address that demand.

Clarion’s approach to addressing ADUs in the Salt Lake City context, where the zoning code currently does not address ADUs, is straight-forward and relatively simple. ADUs would be allowed in specific residential zones, but only in conjunction with an owner-occupied single-family dwelling and a number of design and use related standards are provided to address neighborhood compatibility.

### **A. PURPOSE STATEMENT**

The purposes of the accessory dwelling unit provisions are to:

1. Create new housing units while respecting the look and scale of single-dwelling development;
2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
4. Provide a mix of housing options that responds to changing family needs and smaller households;
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
6. Promote a broader range of affordable housing;
7. Provide opportunity for workforce housing in developed and new neighborhoods, close to places of work, thus reducing greenhouse gas emissions and reducing fossil fuel consumption through less car commuting;
8. Support transit-oriented development and reduce auto usage by increasing density near transit stops; and
9. Support the economic viability of historic properties and the city’s historic preservation goals by allowing accessory residential uses in historic structures.

### **B. APPLICABILITY**

Accessory dwelling units may be incorporated within or added onto an existing house, garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists. Accessory dwelling units are allowed in the following residential zone districts: 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-1A, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75 subject to the provisions of this section.

Accessory dwelling units are subject to the applicable adopted building codes of the city.

## C. PERMIT ALLOCATION

The city shall limit issuance of accessory dwelling unit permits pursuant to this ordinance to twenty-five (25) permits per calendar year within the corporate limits of the city. After a two (2) year period beginning on the date this ordinance takes effect, the city council may evaluate the appropriateness of the number of permits allocated.

## D. DEFINITION

**Accessory Dwelling Unit:** A residential unit that is located on the same lot as a single-family detached dwelling, either internal to or attached to the single-family detached dwelling or in a detached 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.<sup>1</sup>

**Owner Occupant:** Except as set forth in subsection 3 of this definition:

1. An individual who:
  - a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit, and
  - b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
2. An individual who:
  - a. is a trustor of a family trust which:
    - (1) possesses fee title ownership to a dwelling unit;
    - (2) was created for estate planning purposes by one (1) or more trustors of the trust; and
  - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. A person who meets the requirements of subsections 1 and 2 of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
  - a. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Community and Economic Development Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
    - (1) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
    - (2) has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;
    - (3) is the owner listed on all rental documents and agreements with tenants who occupy the principal dwelling unit or accessory dwelling unit
    - (4) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
    - (5) is a full-time resident of Utah for Utah State income tax purposes.

---

<sup>1</sup> This definition will be inserted in Chapter 21A.62, Definitions, of the current zoning code. The definition of, "dwelling, single-family" is used intentionally in this section to exclude mobile homes, travel homes, and temporary housing to qualify as the principal dwelling for the purposes of accessory unit on the same lot.

- b. In a dispute with any person who claims to be an owner of the dwelling unit, but who does not occupy it, such person shall provide documentation to the Community and Economic Development Department which shows such person:
    - (1) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
    - (2) is not listed as an owner on any rental document or agreement with any tenant who occupies the principal or accessory dwelling unit; and
    - (3) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.
  - c. Any person, or group of persons, who fails, upon request of the Community and Economic Development Department, to provide any of the documents set forth in subsections 3a or 3b of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.
4. The provisions of subsection 3 of this definition shall apply to any person who began a period of owner occupancy after \_\_\_\_\_, 20\_\_, regardless of when the person purchased the property where such person resides.

## E. STANDARDS

### 1. Purpose

These design and development standards are intended to ensure that accessory dwelling units:

- a. Are compatible with the desired character and livability of the residential zoning districts;
- b. Compatible with the historic district and landmark resources of the city;
- c. Compatible with the general building scales and placement of structures to allow sharing of common space on the lot, such as yards and driveways; and
- d. Are smaller in size than the principal dwelling on the site.

### 2. General Requirements

- a. **Owner-occupied Property Required.** Accessory dwelling units shall only be permitted when the property owner lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
  - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception), or
  - (2) 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.
- b. **Deed Restriction.** A lot approved for development with an accessory dwelling unit must have a deed restriction filed with the county recorder's office indicating such owner-occupied requirement of the property prior to issuance of a final certificate of occupancy for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
- c. **One per Lot.** One accessory dwelling unit is permitted per residential lot.
- d. **Underlying Zoning Applies.** Unless specifically addressed in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with



regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage, etc.).

(1) The requirements of Section 21A.40.050, Accessory Uses, Buildings, and Structures, which govern all non-residential accessory structures, do not apply to accessory dwelling units.

(2) Accessory dwelling units may be of the same height and have the same setbacks as that allowed in the zoning district for the principal dwelling on the property. An existing accessory structure whose setbacks do not meet the setback requirements for a dwelling as noted above may be converted into an accessory dwelling unit but any non-complying setbacks may not become more non-complying.

e. **Multi-Family Districts with Single Family Dwelling on Lot.** In multi-family zoning districts that are currently built out with a single-family detached dwelling and do not have the required minimum amount of land to add additional units pursuant to the multifamily zoning district requirement, one accessory dwelling unit is allowed.

f. **Not a Unit of Density.** Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for a single-family residential property.

g. **Home Occupations.** Home occupations listed in Section 21A36.030 B, Permitted Home Occupations, may be conducted in an accessory dwelling unit. Those home occupations listed in this section under "Conditional Home Occupations" are explicitly not allowed in accessory dwelling units in order to maintain the residential nature of the dwelling unit.

h. **Internal, Attached, or Detached.** While accessory dwelling units are allowed only in conjunction with a principal dwelling on a lot, the unit may be built internal to, attached to, or as a separate unit detached from the principal dwelling.

i. **H Historic Preservation Overlay District.** Accessory dwelling units located in an H Historic Preservation Overlay District are subject to the applicable regulations and review processes of Section 21A.34.020, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.

### 3. Methods of Creation

An accessory dwelling unit may only be created through one of more of the following methods:

- a. Converting existing living area within a principal structure, such as a basement or attic space;
- b. Adding floor area to a principal structure;
- c. Constructing a new single-family detached dwelling unit structure with an internal or detached accessory dwelling unit;
- d. Converting or adding onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; and
- e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.

### 4. Size

The maximum size of an accessory dwelling unit may be no more than 50% of the gross square footage of the principal dwelling unit or 650 square feet whichever is less. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.

## 5. Ownership/Number of Residents

The accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot. The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a family as defined in Section 21A.62.040, Definition of Terms.

## 6. Parking

One additional on-site parking space is required for an accessory dwelling unit. The City Transportation Director may approve a request to waive or modify the dimensions of the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met and:

- a. Adequate on-street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or
- b. The accessory dwelling unit is located within ¼ mile of a fixed transit line or an arterial street with a designated bus route.

Additionally, the City Transportation Director may allow a tandem parking space, which is located behind an existing on-site parking space, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.

## 7. Location of Entrances/Units

a. **Internal or Attached Units.** Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front façade of the principal dwelling. No new entrances may be added to the front façade of a principal dwelling for an accessory dwelling unit unless such access is located at least twenty (20) feet behind the front façade of the principal dwelling unit.

b. **Detached Units.**

Accessory dwelling units that are detached from the principal dwelling:

- (1) May utilize an existing street-facing front façade entrance as long as the entrance is located a minimum of twenty (20) feet behind the front façade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of lot.
  - (2) Shall be located no closer than thirty (30) feet from the front property line and shall take access from an alley when one is present.
- c. **Corner Lots.** On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.
- d. **H Historic Preservation Overlay District.** When accessory dwelling units are proposed in an H Historic Preservation Overlay District, the regulations and design guidelines governing these properties in Section 21A.34.020 shall take precedence over the location of entrance provisions above.

## 8. Exterior Design

- a. **Within an H Historic Preservation Overlay District.** Accessory dwelling units located within an H Historic Preservation Overlay District shall meet the process, regulations, and applicable design guidelines in Section 21A.34.020 of the zoning code.
- b. **Outside H Historic Preservation Overlay District or Historic Landmark Site.** Accessory dwelling units shall be regulated by the following exterior design standards:
  - (1) The maximum height of a detached accessory dwelling unit shall not exceed the principal structure.
  - (2) An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure.

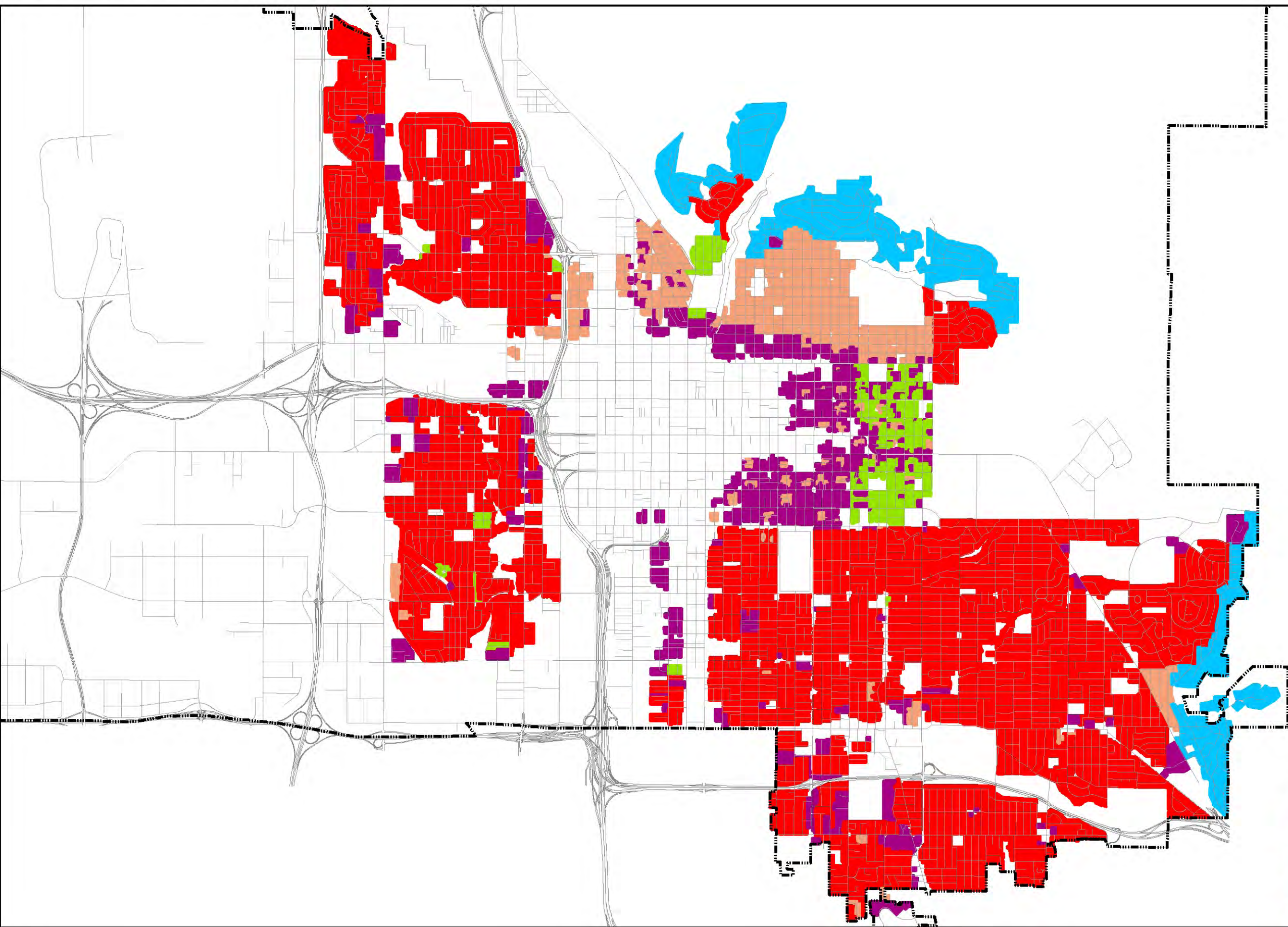
## 9. Registration







Accessory dwelling units are required to be registered with the city to ensure compliance with applicable regulations, to assist the City in assessing housing supply and demand, and to fulfill the Accessory Dwelling Unit Purpose Statement, above.

- a. No accessory dwelling unit shall be occupied until the owner obtains a business license for the dwelling unit from the city. The requirement for licensing is intended to ensure that the applicant is aware of all city regulations governing accessory dwelling units; that the city has all information necessary to evaluate whether the accessory dwelling unit initially meets and continues to comply with applicable requirements; that the accessory dwelling unit meets health and safety requirements; and that the distribution and location of accessory dwelling units is known.
- b. Accessory dwelling units used for rental purposes shall be licensed and certified in accordance with the applicable provisions of the city.

**Attachment B  
Residential Districts Map**

# Residential Zoning Districts

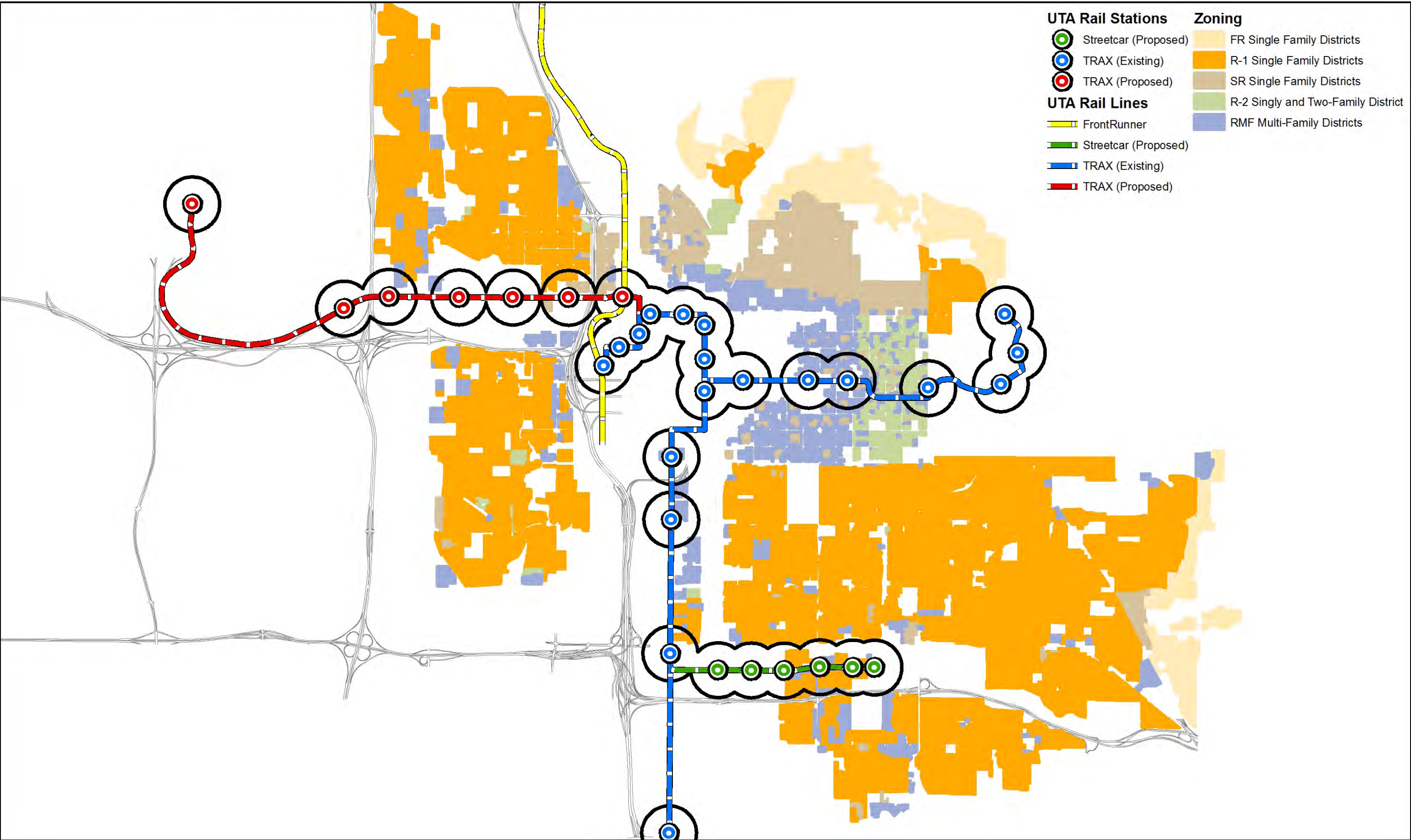


- Legend**
-  City Boundary
  -  FR Single Family Districts
  -  R-1 Single Family Districts
  -  SR Single Family Districts
  -  R-2 Singly and Two-Family District
  -  RMF Multi-Family Districts

**Attachment C**  
**Quarter Mile Transit Overlay Map**



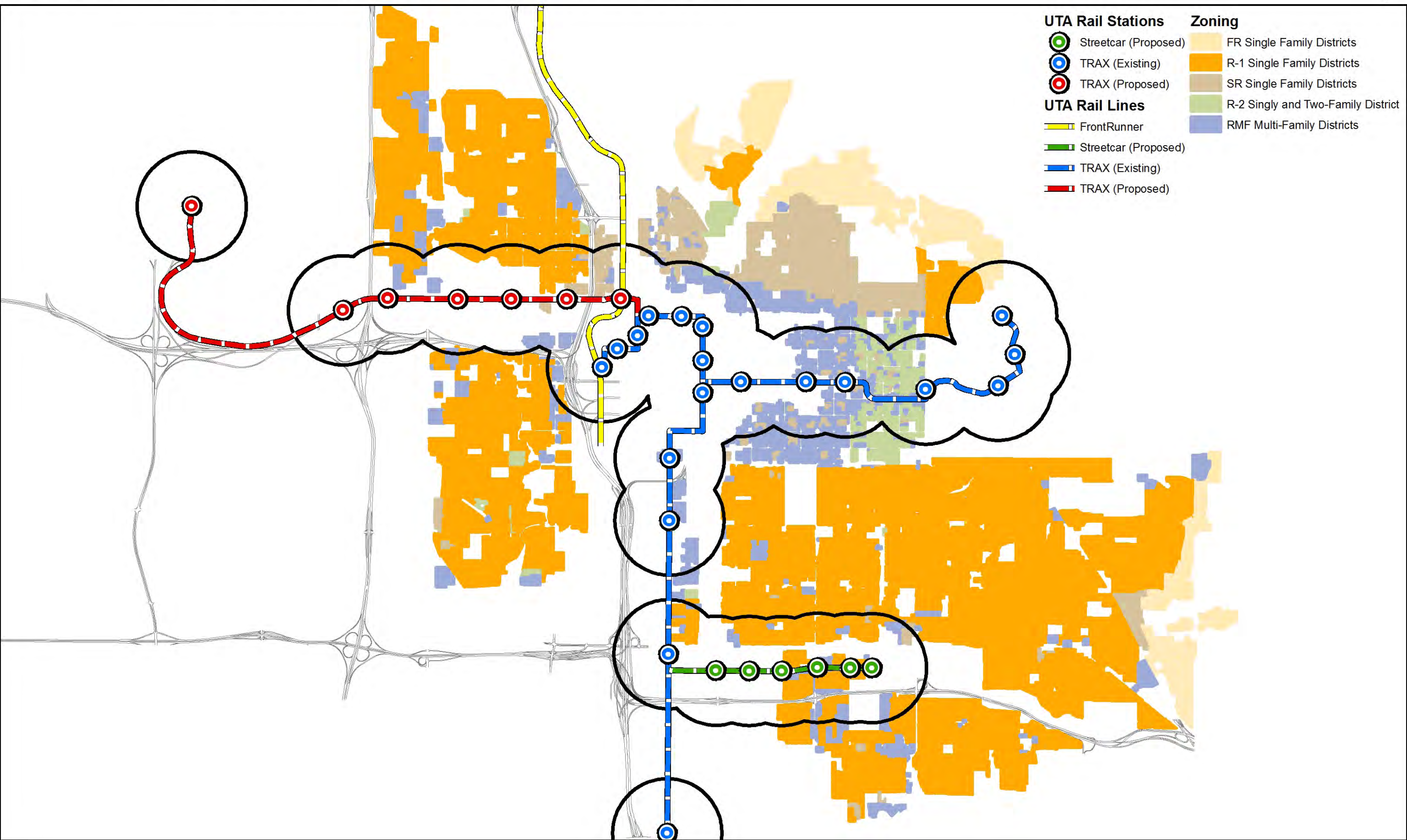
# Residential Zoning Districts, 1/4 Mile Buffer Around Stations



**Attachment D**  
**Half Mile Transit Overlay Map**

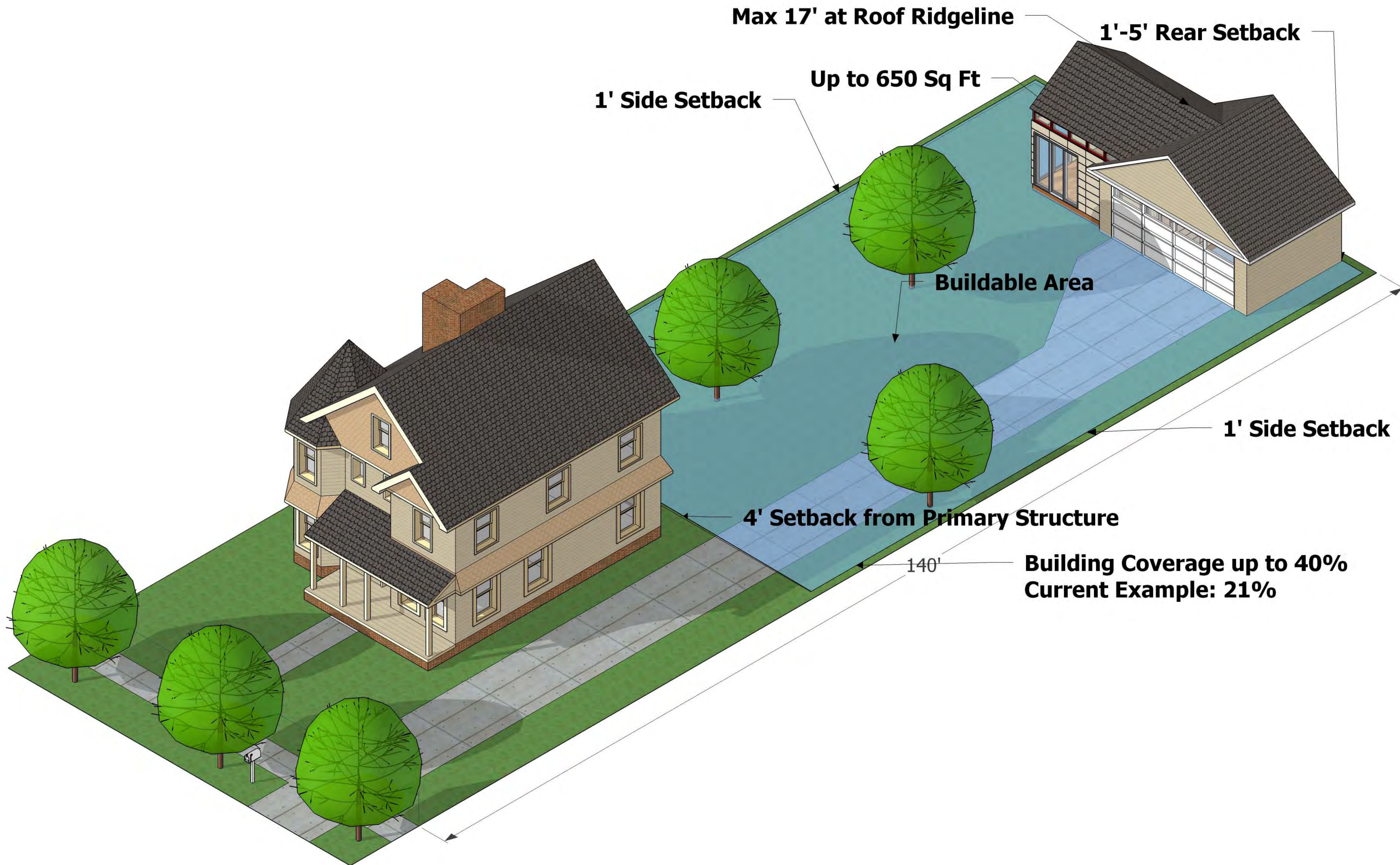


# Residential Zoning Districts, 1/2 Mile Buffer Around Stations



**Attachment E**  
**Sample Illustrations**







**Max 28' at Roof Ridgeline**

**20' Rear Setback**

**Up to 650 Sq Ft**

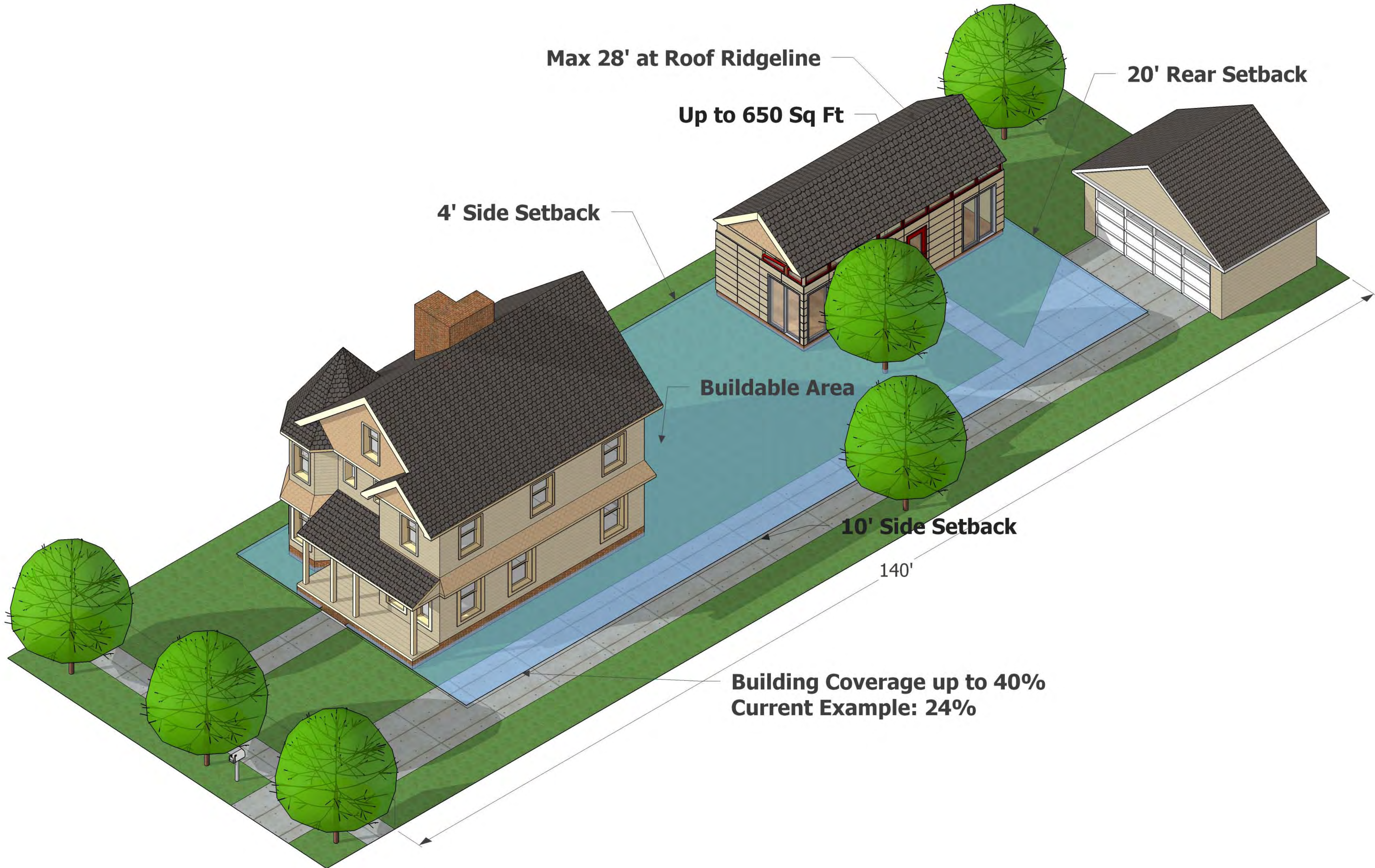
**4' Side Setback**

**Buildable Area**

**10' Side Setback**

140'

**Building Coverage up to 40%**  
**Current Example: 24%**





**17' Max Height at Roof Ridgeline**

**1'-5' Rear Setback**

**650 Sq Ft Max**

**1' Side Setback**

**4' Setback from Primary Building**

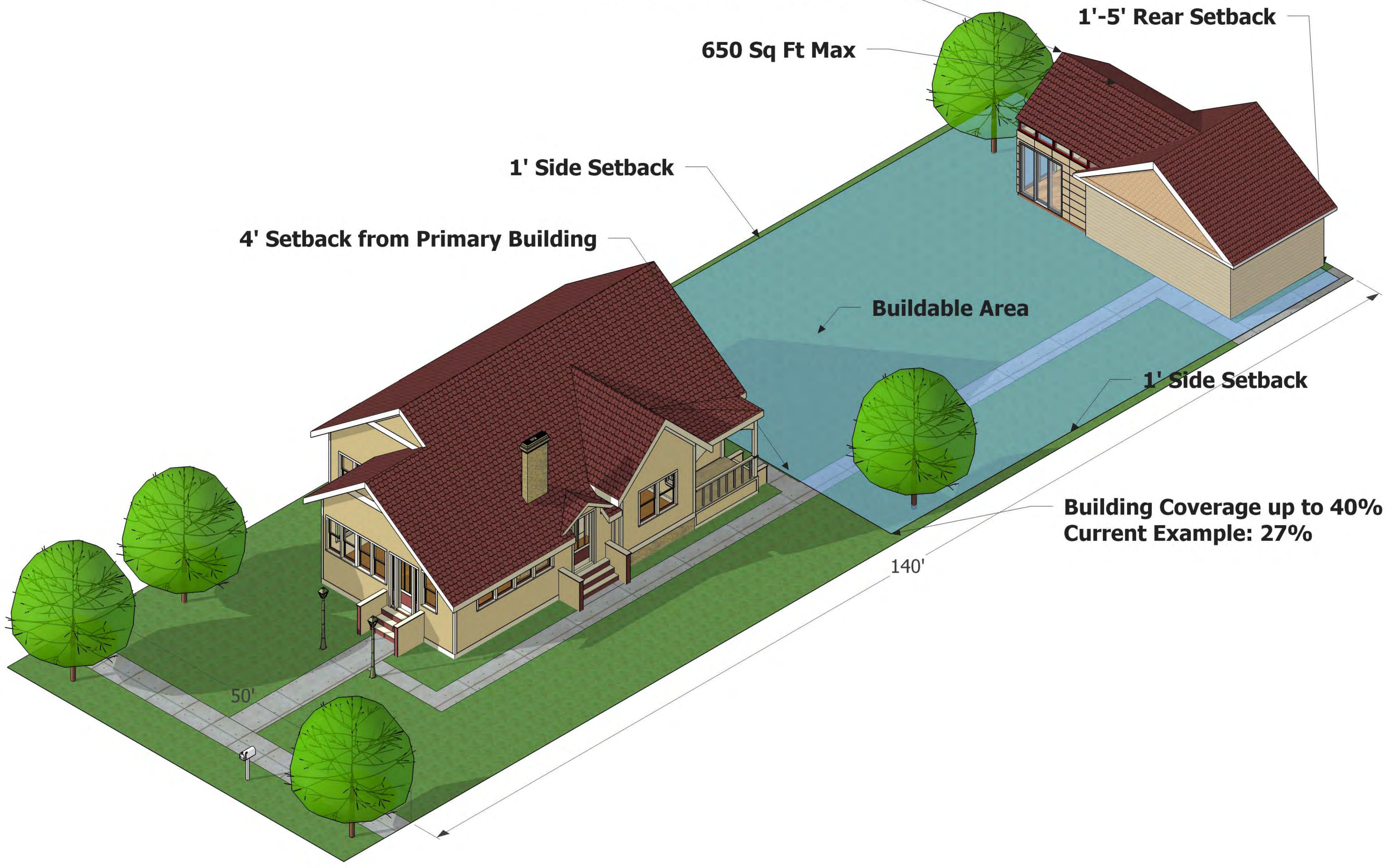
**Buildable Area**

**1' Side Setback**

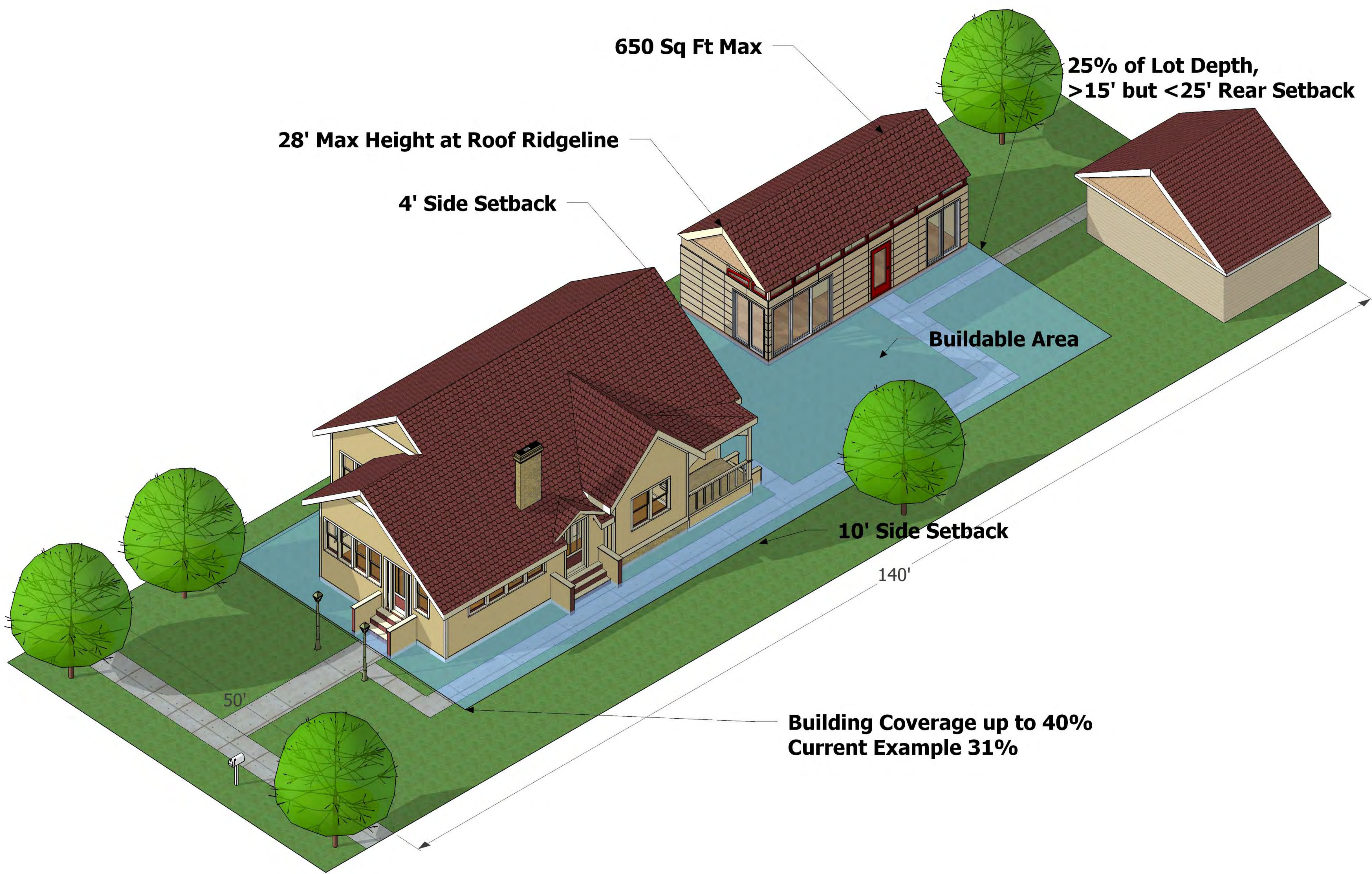
**Building Coverage up to 40%  
Current Example: 27%**

140'

50'







**650 Sq Ft Max**

**25% of Lot Depth,  
>15' but <25' Rear Setback**

**28' Max Height at Roof Ridgeline**

**4' Side Setback**

**Buildable Area**

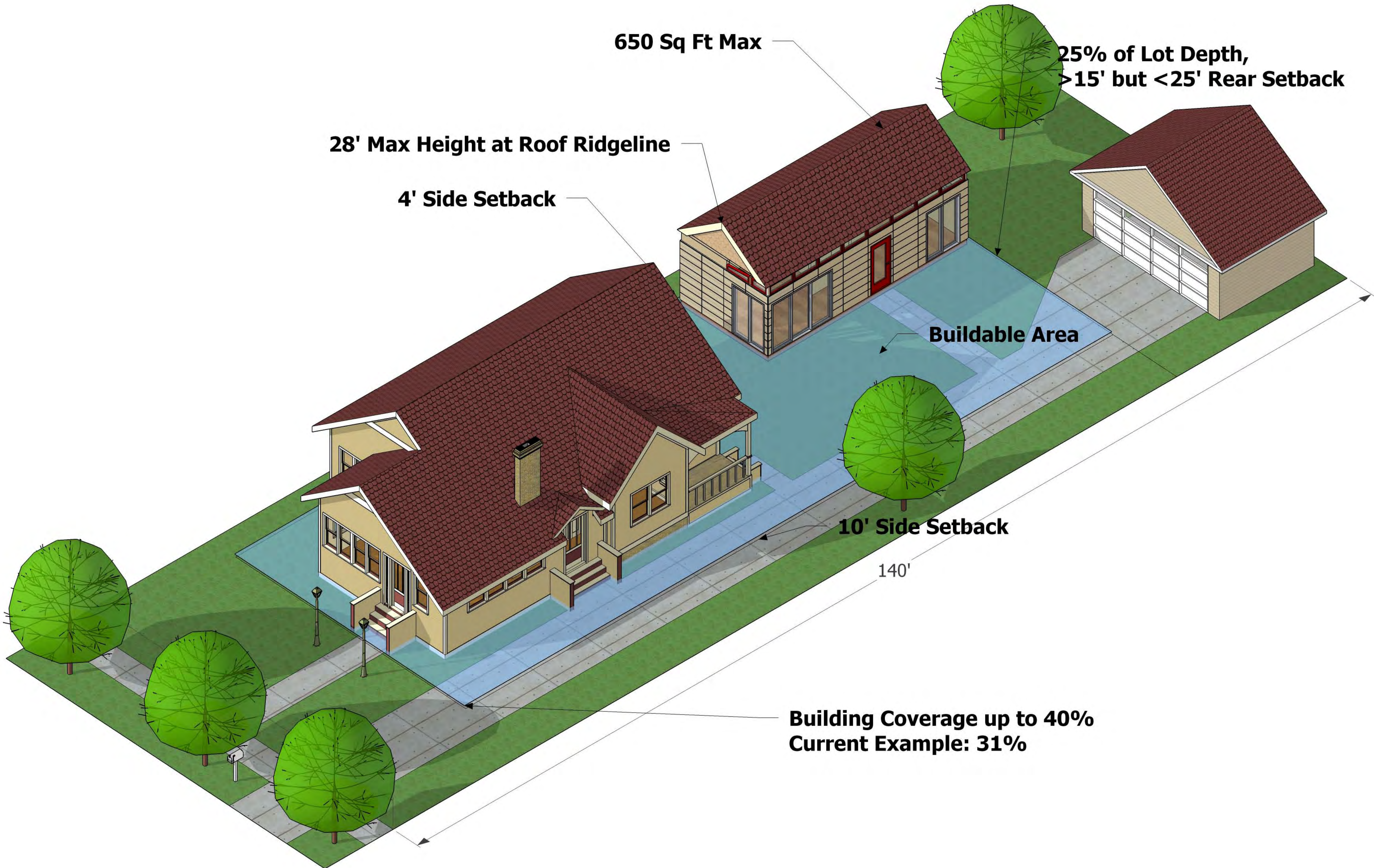
**10' Side Setback**

140'

50'

**Building Coverage up to 40%  
Current Example 31%**





650 Sq Ft Max

25% of Lot Depth,  
>15' but <25' Rear Setback

28' Max Height at Roof Ridgeline

4' Side Setback

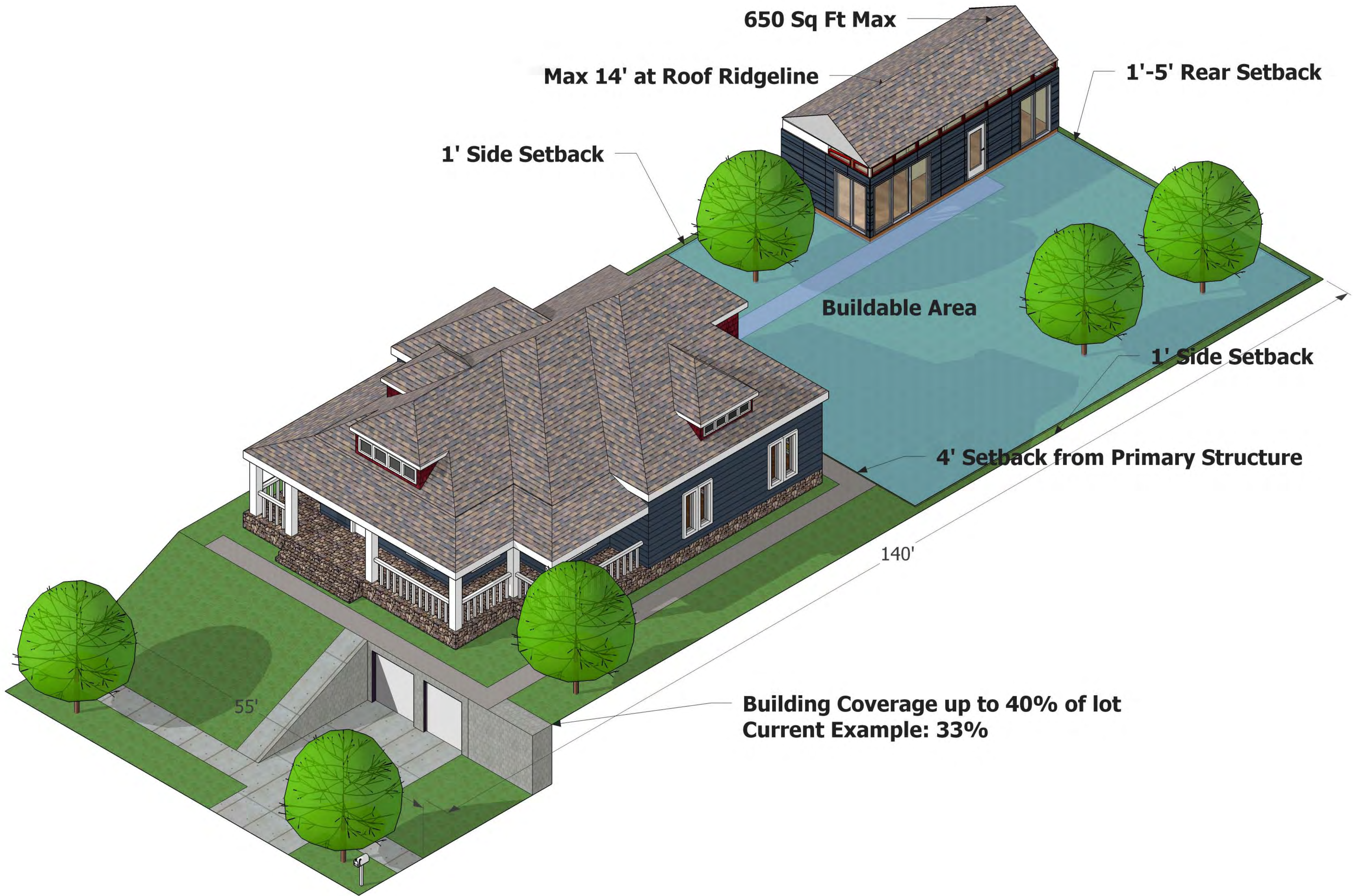
Buildable Area

10' Side Setback

140'

Building Coverage up to 40%  
Current Example: 31%





650 Sq Ft Max

Max 14' at Roof Ridgeline

1'-5' Rear Setback

1' Side Setback

Buildable Area

1' Side Setback

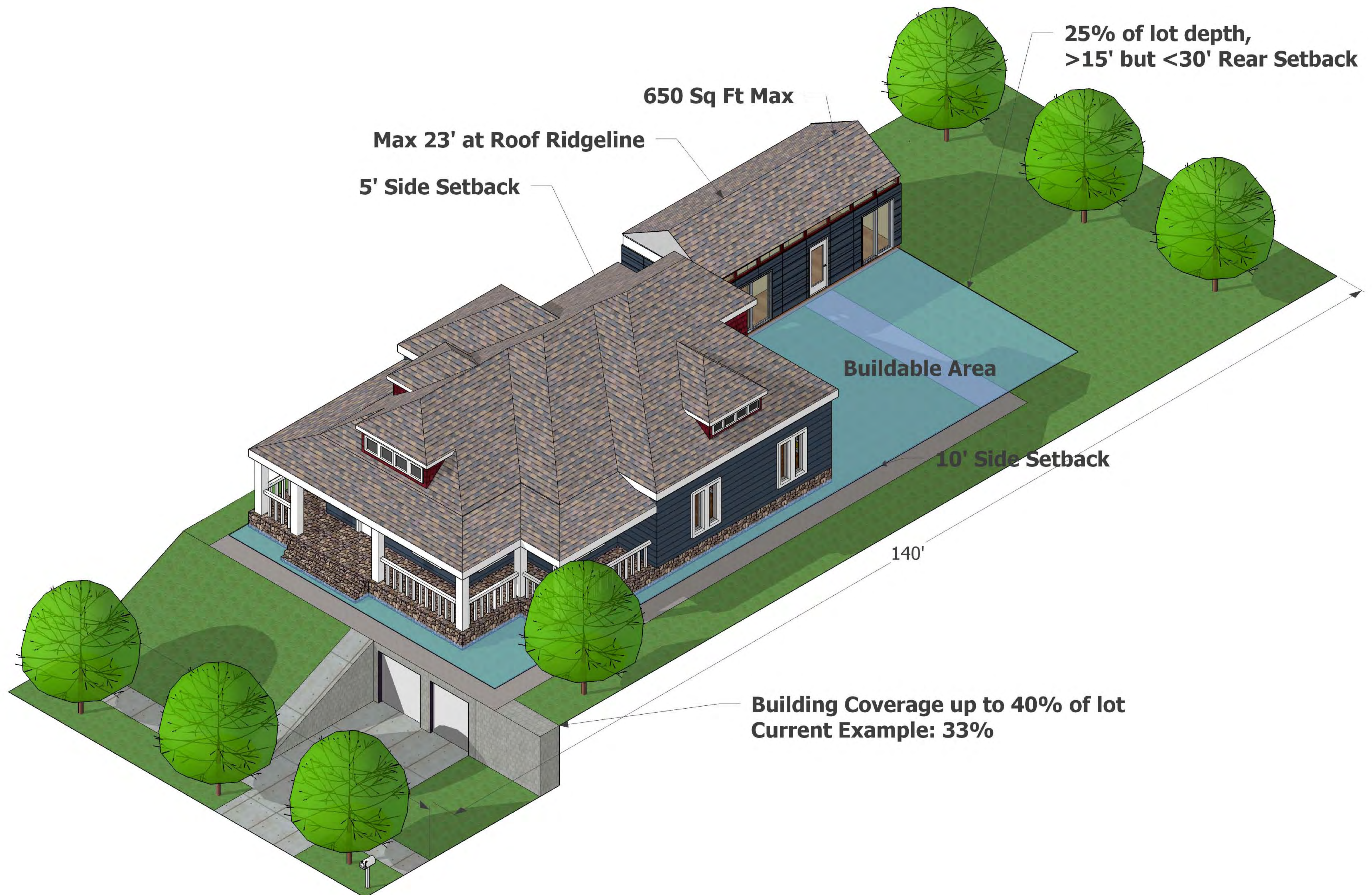
4' Setback from Primary Structure

140'

55'

Building Coverage up to 40% of lot  
Current Example: 33%





650 Sq Ft Max

Max 23' at Roof Ridgeline

5' Side Setback

25% of lot depth,  
>15' but <30' Rear Setback

Buildable Area

10' Side Setback

140'

Building Coverage up to 40% of lot  
Current Example: 33%



**Attachment F**  
**APA Quick Notes**

# QUICKNOTES

## Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

### LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

*The Model Local Ordinance* suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and  
counties across the  
country have done  
the right thing by  
proactively  
amending local  
zoning ordinances  
to allow ADUs."



**American Planning Association**

*Making Great Communities Happen*

adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

### WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.

**By-right Permitting.** Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

**Occupancy.** Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

**Form of Ownership.** Should the ordinance prohibit converting the ADU unit into a condominium?

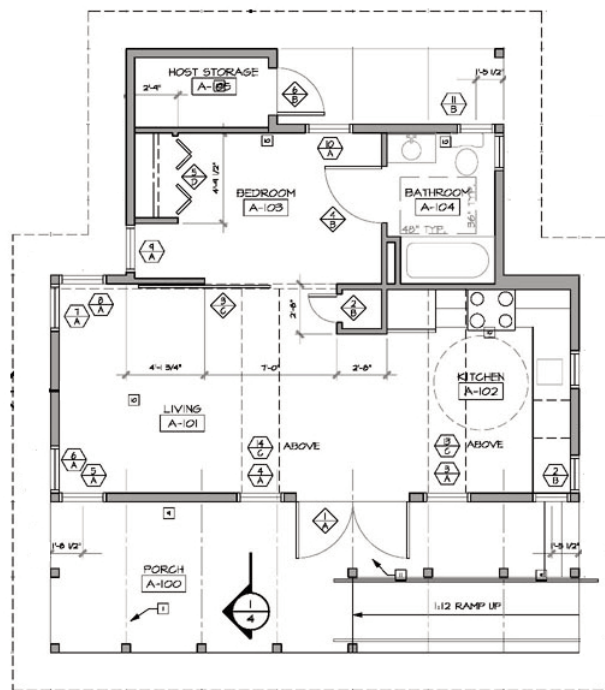
**Preexisting, nonconforming ADUs.** How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

**Unit Size:** Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

**Adequacy of Water and Sewer Services.** How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

*PAS QuickNotes is a publication of the American Planning Association's Planning Advisory Service (PAS). Copyright © 2009. Visit PAS online at [www.planning.org/pas](http://www.planning.org/pas) to find out how PAS can work for you. American Planning Association staff: W. Paul Farmer, FAICP, Executive Director and CEO; William R. Klein, AICP, Director of Research and Advisory Services; Tre Jerdon, QuickNotes Editor; Tim Mennel, Senior Editor; Julie Von Bergen, Assistant Editor; Susan Deegan, Senior Graphic Designer.*



Single story ADU floor plan.

David Baker and Partners Architects

For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

## REFERENCES

### 1. Published by American Planning Association

American Planning Association. "Affordable Housing Reader: Articles from Zoning News and Zoning Practice. Available at <http://myapa.planning.org/affordablereader> (members-only access).

American Planning Association. 2006. *Policy Guide on Housing*. Chicago: American Planning Association. Available at [www.planning.org/policy/guides/pdf/housing.pdf](http://www.planning.org/policy/guides/pdf/housing.pdf).

Baggett, Sharon, Nancy Chapman, and Deborah Howe. 1994. *Planning for an Aging Society*. Planning Advisory Service Report no. 451. Chicago: American Planning Association.

For more information on this topic visit [www.planning.org](http://www.planning.org).

**Attachment G**  
**Public Input Chronology and Notes**

## Public Input Chronology

### Sustainable City Code Initiative—Accessory Dwelling Units

December 2009	General Information about Accessory Dwelling Units (ADUs) in <i>Urbanus</i> —the monthly Planning Division e-newsletter.
December 2009	Fact sheet and draft ordinance posted to Planning Division website.
December 17, 2009	Open House (all people on ListServe notified of open house, including all community council chairs).
July 1, 2010	Second article about ADUs in <i>Urbanus</i> —the monthly Planning Division e-newsletter.
July 14, 2010	Focus Group. Clarion met with Focus Group made up of community council chairs, citizens, housing builders and housing advocates.
July 15, 2010	Open House / Public Forum at Salt Lake City Library conducted by Clarion Associates.
September 1, 2010	Open City Hall forum began (20 comments as of November 4, 2010).
September 2, 2010	Presented information to Community Council Chairs at Mayor's breakfast meeting with Community Council Chairs.
September 16, 2010	Presented information at Salt Lake Network meeting.
October 21, 2010	Public Forum – City Hall.
October 27, 2010	Wasatch Hollow Community Council.
November 10, 2010	Planning Commission Work Session.
December 9, 2010	Planning Commission Briefing. Clarion Associates and Mayor Becker attended meeting.
January 5, 2011	Presentation to the Utah Housing Coalition.
February 3, 2011	Presented information to Community Council Chairs at Mayor's breakfast meeting with Community Council Chairs.
February 9, 2011	Presentation at the Housing Advisory and Appeals Board Meeting.
February 17, 2011	Presentation at Housing Trust Fund Board Lunch.
February 17, 2011	Open House (all people on ListServe notified of open house, including all community council chairs).
February 22, 2011	Presentation at the Mayor's Accessible Services Advisory Council.
February 23, 2011	Planning Commission Work Session.
March 2, 2011	Historic Landmark Commission Work Session.
March 9, 2011	Follow-up meeting with Housing Advisory and Appeals Board
March 23, 2011	Planning Commission Public Hearing.

# ADU Focus Group

July 14, 2010

## Present:

Cindy Cromer-Property Owner/ Landlord

Roger Borgenicht- Assist

Phil Carlson- Sugar House Community Council Chair

Gordon Storrs- Fairpark Community Council Chair

Phil Carroll- Community Housing Services and Avenues Community Council member

Bob Lund- NeighborWorks

Sonya Martinez-Community Action Program

Francisca Blanc- Utah Housing Corporation

Justin Allen- Salt Lake Board of Realty

Paul Smith- Utah Apartment Association

Annalisa Steggell Holcombe- Westminster College

Michael Michaffey- Contractor

Arla Funk- Landlord and East Central Community Council member

Richard Welch- Garbett Homes

## Staff

Cheri Coffey- Planning Staff

Joyce Algiers- Clarion Associates

Chris Duerkson-Clarion Associates

## Questions and Comments

Richard Welch. The Accessory Structure with Dwelling Unit on Capitol Hill that was built by Bryson Garbett is much bigger than proposal would allow. It is basically a carriage house for the Wolfe Mansion. The regulation should allow the ADU to be larger if lot and structure can handle it. Requirement for a

setback of a garage versus a setback for a residential setback is conflicting. The setback for the garage is too much (has to be within 5 feet of rear yard setback).

Cheri Coffey- Should we only require a duplex to have a minimum of 6,000 square feet like we used to have, rather than the minimum lot size of 8,000 square feet that was put in place with the 1995 Zoning Rewrite Project?

Phil Carlson- SHMP policy supports ADUs. The requirement for owner occupancy is important. Many ADUs already exist.

Roger Borgenicht- The owner occupancy regulation is good to help manage problems but what if owner moves. Parking is not an issue. Do not pave more of the lot. Just allow them to park on street. Benefit of ADUs is that it provides more eyes in the neighborhood. Privacy in backyard may be an issue. Require them to be built so they don't overlook the neighbor's. (Regulate where windows can be, etc.)

Michael Michaffey- Parking is an issue in Avenues and Sugar House. Should allow parking in front of the front wall of the house. Current regulations require the parking to be located behind the front wall of the house.

Analissa Steggell Holcombe. It is good to have more housing options near the college. Young professionals (staff, faculty of college, etc) like to live near the college. An ADU would minimize the price of housing and allow them to reduce their commute times. Owner occupied-The regulation may not work well. Good landlords can result in the same benefit that an owner occupied rental would have (solving problems quickly).

Arla Funk- The timing of the proposal is inappropriate. There currently are a lot of vacant apartments. Don't believe that everyone in an R-1 zone should be able to have an ADU. If you want to have two family, just rezone to R-2 and call them duplexes. Allowing a two story garage with ADU for a single-story home is conflicting. Don't allow Conditional Home Occupations where someone can come to the home. That would only increase the disturbance in the neighborhood. Don't allow someone to convert more than 650 square feet to an ADU. You need to specify a minimum size. You need to be very specific because enforcement doesn't work. Being able to address problems will be very difficult.

Gordon Storrs- There are many benefits to ADUs: they increase housing options, keep people in the neighborhood, allows elderly to stay in the neighborhood. Allow younger married kids to get help when they are just starting out (help from parents); strengthens families and increases owner occupancy. How do you maintain an ADU if the owner sells the property (what happens to the tenant? Increases permanent housing in the City. Allow ADUs to be built within one foot of rear yards. The size should be geared to the size of the lot. Some lots are really deep. Allowing a use like this would help clean up rear yards that now are so deep, they just are unkempt.

Paul Smith- Agrees with the requirement for owner occupancy. Landlords want to be good neighbors. One bedroom units are hard to rent. May have a saturated market of one bedroom units. If they have more than one bedroom, you should require more parking. ADUs should be licensed.

Justin Allen- The requirement for owner occupancy will be difficult because the owner may need to sell the property. Encourage them to be located near transit / streetcar. Good landlord program is a good idea. It may help with enforcement.

Francisca Blanc. We support ADUs as an affordable housing type in single family neighborhoods. Utah Housing Corporation focuses more on multi-family. ADUs should be licensed to protect tenants. Perhaps you could have a pilot program relating to parking. If they are located near TRAX they aren't required to have parking. If not located near TRAX, they would need to meet a parking requirement.



Sonya Martinez. CAP's focus is on low income population. They support more choices for affordable housing. They support requiring a license for the units. They want to ensure they are inspected. They support allowing the owner to live in the ADU with the rental unit being the primary unit. They believe there needs to be some type of tenant protection. Allow the lease to transfer with the property if it is sold. What happens if the property goes in to foreclosure?

Bob Lund- Large lots present a good opportunity for ADUs. Must address issues with how the ADU is placed on the lot to address privacy, egress windows etc. Must ensure they meet some type of health, safety code.

Cindy Cromer- ADUs should be allowed where they are served by fixed mass transit. Requiring a license for single family and two family dwellings is being reviewed. The City is bad at enforcement. Allow more units when they are zoned multi-family but are on small lots that wouldn't otherwise allow for an additional unit. How does this relate to the Unit legalization process? How does it relate to compatible infill regulations? How do you enforce on ADUs if the criteria is not met? Need to allow these incrementally. Create a pilot program to see how it works. Try it in areas where the master plan supports it, near transit, and historic districts (as an incentive). ADUs will compete with landlords who are trying to rent small units in multi-family buildings.

Phil Carroll- All rental units, including ADUs should be licensed. They should all meet minimum standards for health and safety. All ADUs should be accessible. Allow the person who develops these to determine how big they should be. Some larger units you can't rent. A two bedroom, two bath unit is usually 1100 square foot minimum. Need to overcome issues / problems with rental houses.

## **Accessory Dwelling Units: Mayor's Monthly Meeting with Community Council Chairs September 1, 2010**

### Comments:

Judi Short- Sugar House Land Use Chair- How are you going to address enforcement of illegal units. It is already an issue and the City's enforcement is not adequate.

Christian Harrison- Downtown Chair- The requirement to have off-street parking is not square with the goals of the transportation to encourage walking and other non-private automobile forms of circulation.

Christian Harrison-Downtown Chair As a phase II for ADUs, you should allow them as Condos so it addresses Downtown Housing. Sometimes you may buy two units, combine them and then separate them again to allow for a smaller unit (mother-in-law etc.)

Phil Carlson- Sugar House Chair(I'm not sure if he said the regulations for parking are ok, or if it is ok if people park on the street.

Jim Jenkin- Avenues Chair- in the SR-1A, there is a restriction on height for accessory structures. The reason for this is that you don't have a right to have your accessory structure impact your neighbor from a privacy issue. Therefore, you wouldn't be able to have a unit over a garage. How do you address that?

Bill Davis-Ballpark Chair There should be design guidelines for Accessory Dwelling Units. The City needs to move more towards design guidelines.

Christian Harrison-Downtown Chair; The City needs design guidelines and review in areas other than just in historic districts.

Esther Hunter; East Central Chair- There are a lot of illegal units in East Central. There needs to be criteria for parking. There is a lot of transit in the area but people don't use it. They now address the lack of parking in the area with 45 degree on-street parking. How does the Transportation Division decide if there is enough parking on the whole block. Some uses were built without parking and aren't required to have it but their lack of parking, impacts the whole block and the on-street parking is used for those uses that are under parked.

Other East Central Guy? If you allow on-street parking to meet the requirement and you can't park on the street for more than 72 hours at a time, what do you do with your car when you go on vacation?

How do smaller lots deal with this? There are many lots in East Central that have back alleys. Ideally, you would put the ADU back there but if the lot is too small, can you still do it?

How does this relate to Unit Legalization?

ORION GOFF  
BUILDING OFFICIAL

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
BUILDING SERVICES DIVISION

FRANK B. GRAY  
DIRECTOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

March 10, 2011

During the monthly Housing Advisory & Appeals Board meeting held on March 9, 2011, the HAAB unanimously voted that the following concerns should be taken into consideration regarding the Accessory Dwelling Unit Initiative.

1. Neighborhood issues are, infrastructure's ability to handle additional density, parking, a lack of market demand and change of neighborhood character.
2. More information should be compiled from other cities regarding the success of their ADU programs.
3. Parking issues should be addressed in the ordinance to meet the needs of the neighborhoods.
4. Limit ADU's to certain zoning districts. Also limit ADU's to a specific number during the test period.
5. Exactly what constitutes owner occupied? This is especially relevant due to the complexities of ownership such as LLC's, trusts, partnerships etc. Criteria should be established that would be used to substantiate the owner occupied status and to assist in any enforcement action that may become necessary.
6. Consider allowing ADU's in multi-family zoning districts first.
7. The ADU initiative should address the area master plan.

During the same meeting the HAAB unanimously voted their support for the Proposed Housing Diversity Sustainability Ordinance, provided there is a mix of housing types in multi-family housing developments. However a specific number of each type of unit should not be mandated. Instead the ordinance should be more market responsive. The ordinance should also address the need for open space and other amenities near more dense housing developments.

Sincerely,



Diana Hansen, Secretary  
Housing Advisory and Appeals Board



# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

Public Comments as of March 21, 2011, 7:31 AM



# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## Introduction

As part of the Sustainability Code Amendment Project, the Planning Division is currently working with Clarion Associates to propose regulations which would allow accessory dwelling units in Salt Lake City. The Planning Division is currently working to obtain public feedback on the proposed regulations prior to scheduling a public hearing with the Planning Commission. The proposed regulations would be a text amendment to the City's Zoning Ordinance.

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## Summary of Statements

Users

Total: 33

---

As of March 21, 2011, 7:31 AM, this forum had:

Attendees:	381
Participants:	33
Hours of Public Comment:	1.7

As with any public comment process, participation in Open City Hall is voluntary. The tally and statements in this record are not necessarily a representative sample of the whole population, nor do they reflect the opinions of any government agency or elected officials.

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

Semi-anonymous inside Salt Lake City

February 24, 2011, 9:32 AM

I oppose implementation of ADU in the areas outlined by Mayor Becker and his plan.

---

Semi-anonymous inside Salt Lake City

February 20, 2011, 7:47 AM

I am against ADU's. Time and time again, during our local historic district discussions, many of us have been saying we do not want a sea of rentals. Is the City listening? ADU's will increase the number of rentals and end up lowering our property values. It takes away from the style and charm of Yalecrest.

---

Brad Bartholomew inside Salt Lake City

February 16, 2011, 2:04 AM

I think that this is fantastic and would be beneficial to the Rose Park area. The owner occupancy is a MUST and I'm not sure if I agree with the exceptions. ADU's could be an incentive to bring more home ownership into the westside neighborhoods and fewer absentee rentals. I'm not sure why there is a square foot size limit - it should just be a percentage of the lot, 50%. Set backs shouldn't be any different from conforming principle dwelling. I don't see the need of the entrance requirements, its also a burden on corner lots that already have smaller usable lots. Exterior design should be required to match the existing residence. If you do decide with a test area first, I hope that it is the westside of SLC.

---

Semi-anonymous inside Salt Lake City

February 1, 2011, 12:48 PM

Some years ago the home owners of our surrounding neighborhoods worked in conjunction with then Mayor Ted Wilson to change our communities zoning back to single family residential (R1). This change was motivated by the fact that this section of the city was in bad shape and deteriorating. Crime rates were high and low property values lured developers to target our vintage neighborhoods to build apartment units or divide existing homes into duplexes. At that time, the Mayor's office deemed this downward trend unacceptable and believed that the preservation of single family homes and strong neighborhood communities were in the vital interest of Salt Lake City. As a result of this zoning change, our quaint and quiet neighborhoods have flourished. New families have moved in, pride in ownership has soared, homes have been restored, and our property values have appreciated. Our neighborhoods are amongst the most desirable to live in the Salt Lake valley.

Unfortunately, Mayor Ralph Becker is proposing an initiative that will circumvent our current zoning laws, posing a direct threat to our neighborhoods as they currently exists. Mayor Becker wants Accessory Dwelling Units, or ADU's, be allowed to be built on existing single family lots. This proposal completely undermines the single family philosophy that was successfully promoted by Mayor Wilson and takes us back to what previously plagued our community.

In short, Mayor Becker's proposed change to the zoning laws that have allowed our neighborhood to prosper, will, in effect, promote the subdivision of houses back to the same cheap rental properties that threatened our community in the past. The Mayor's office attempts to mask the monumental impact that this change will have on our neighborhoods by promoting alleged benefits that a very small portion of our community may gain. The Mayor's plan increases population density, but does not provide for increased infrastructure or services; as if these additional people will be without need or will not put additional strain on existing services and dismisses the reality that they will have cars to park and trash to empty. The Mayor's plan



# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

proposes very vague concepts, backs them up with little substance, yet wants to implement this plan faster and more aggressively than any other city that has allowed ADU's.

The ADU proposal is not about existing rentals, it is about the encouragement of developing new, additional rentals. I have researched other cities' ADU's and the Salt Lake City plan is vague and doesn't take neighborhood impact into consideration.

These are my specific suggestions:

Issues not addressed in this proposal:

1. Minimum lot size 5000sq ft
2. Require formal review for design compatibility with adjacent properties and impact of privacy, light, air, solar access or adjacent property parking
3. Open space and landscaping requirements (would you like a cement covered lot?)
4. Minimize windows that impact privacy - Little or no direct view into neighbor's property
5. Regulate the concentration of ADU's in specific neighborhoods
6. Power, water, sewer connections should be through current house
7. Number of bedrooms tied to number of mandatory parking spaces (no waivers for proximity to bus, rail or business districts)
8. Require review process similar to variance procedures

Issues addressed in this proposal and my suggestions:

D.2.a. Owner occupied property required

- What is the definition of an owner? How far does this reach to extended family?
- What defines owner occupied? 6 months occupancy? a year? This should require a yearly certification.
- If the owner does not occupy either unit, the ADU should be declared:
  - a. non-habitable space, and
  - b. may not be used as a dwelling ,and
  - c. may not be used as a rented space

D.2.c. Underlying Zoning applies. "if there is a conflict...the provisions of this section shall take precedence."

- There should be additional restrictions in place in addition to the existing setbacks.
- Currently:

Max height (pitched) 28' and flat (20') (21A.24.070)

Setbacks:

-accessory building 10' from residential building on adjacent lot, located at least 1' from side property line (21A.34.020)

- primary residence corner lot 4', interior lot 4' on one side and 10' on the other (24A.24.200)

- Create decreased height allowances and increased distances from property line for the ADU
- Max height for 1 story- 13', 1.5 or 2 story – 22' at roof peak,
- for ADU's higher than 1 story, increase setback additional 2 to 5 feet

[www.PeakDemocracy.com/512](http://www.PeakDemocracy.com/512)

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

- Lot coverage of ADU count toward parcel maximum building coverage (40% of lot – also known as the 60/40 rule) – this should be reduced to 35% on lots with ADU's
- Only allowed with existing single family PRIMARY residence

### D.3. Methods of Creation

- Specifically prohibit trailers and mobile homes
- Set a minimum size to 220-400 sq ft
- Maximum size 500 sq ft for 5000 to 7500 sq ft lot, 650 sq ft for larger lots
- Demolition of existing unit not allowed for ADU construction
- Require similar exterior wall materials, window types, door and window trim, roofing materials to existing home

### D.5 Ownership/ Number of residents

“the total number of residents...may not [be] exceed[ed]...as defined in the zoning code”

- Limit the number of bedrooms to one (1) and define number of residents in ADU by number (2-3 people max), not by definition of family

Zoning Ordinance limits occupancy through the definition of a family. Family is defined as blood relatives, a couple or legal guardians living together with their children, or a group of not more than three unrelated individuals living together as a single housekeeping unit. The definition controls occupancy regardless of the size of the unit.

For example: 10 individuals could occupy a 650 sq ft ADU (myself, my husband, my parents, his father and 5 children)

This ADU proposal is not well thought out and will have a significant impact on our communities as neighborhoods.

I oppose this proposal.

---

Semi-anonymous inside Salt Lake City

January 27, 2011, 12:57 PM

I DO NOT Support ADU's. I do not support and increased number of rental apartments in my neighborhood. I am opposed to someone legally building an overlooking apartment into my back yard.

---

Semi-anonymous inside Salt Lake City

January 14, 2011, 10:54 PM

Great idea, with owner occupancy required no harm done to neighborhoods. Size restrictions should also prevent "Monster ADU's" from becoming a problem. Great way to utilize additional available land while respecting the traditional nature of our neighborhoods.

---

Paige Pitcher inside Salt Lake City

January 11, 2011, 1:13 PM

I am in strong support of the ADU ordinance, so long as the application and adoption is sensitive to the valid concerns of residents like those below. ADU's need not be an allowed use

[www.PeakDemocracy.com/512](http://www.PeakDemocracy.com/512)

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

in every zone. There are some communities that they are obviously not compatible with. On this matter, I am sympathetic to the wise observations of Beverly Nelson.

So far, only the neighborhoods of Federal Heights and Avenues have cried out in opposition, saying-- NO! Not Here! But just because they don't want it in their backyards doesn't mean that ADU's don't have a purpose and place somewhere in SLC. One of the questions the fact sheet posed, that no one has yet answered, was, "Where?" My suggestions are next to transit, business districts, employment centers, educational institutions, and other draws where a mix of housing types makes sense. Locating some appropriate spots for a pilot program would be a great approach and example.

May I also entertain some other applications of ADU's for neighborhoods in need. Neighborhoods that want to increase home ownership might be the same neighborhoods to implement ADU's in order to reward people who choose to buy and live in the area. Coupled with home ownership incentives this might be one way to create a diverse, cohesive community while rewarding home owners.

ADU's are an important part of housing choices, and the legalization of this legitimate housing option needs to be addressed. As our demographic continues to shift, the demand for centrally located, attainable housing will continue to be raised by our aging boomers, young professionals and families. This flexible option will help us respond to demographic shifts before they become an issue.

So long as design and quality standards for ADU's remain high, I believe they can be integrated into our existing amenities, community fabric, and public infrastructure systems to increase our resiliency, sustainability and unity.

---

Semi-anonymous inside Salt Lake City

January 10, 2011, 3:23 PM

I live in the Fremont Heights neighborhood of Salt Lake City. Having been raised in a California community with legal and illegal "mother-in-laws" adjacent and included in existing homes I must register my opinion on this proposal as I believe I have adequate experience with the consequences.

Allowing carve-out rental units in existing houses and permitting the construction of "stand-alone" apartment-type units on developed lots simply increases population density and facilitates a more transient character in a residential neighborhood. Parking is always a problem, as is noise, street activity, and conflict between neighbors.

Additional garbage collection is required, as is additional utilities maintenance, adding a burden to the delivery of city services. Additional people draw additional services. The frequency of delivery vehicles in the neighborhood rises, as does the traffic generated by gardeners, housekeepers, baby sitters, and visiting medical, mechanical maintenance and repair people, and a multitude of "soft" services.

In short, the character of the neighborhood radically changes over time and the long-term residents find that they now live in a neighborhood they would never have chosen had the "mother-in-laws" not been permitted in the first place. This leads to an embittered, hostile population that becomes "super-sensitive" to any changes in the neighborhood, even positive ones that benefit everyone.

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

Legal "mother-in-laws" are not a win-win situation. I have lived in an older neighborhood sandwiched in between two properties with legal mother-in-laws and have personally experienced the helplessness of watching my neighborhood become an indifferent, transient, "I don't care, it doesn't effect me" kind of place. The homeowners on either side were generally embarrassed by their indifferent tenants and avoided others in the neighborhood, ignoring our common concerns and removing themselves from cooperative projects and issues. I hope Salt Lake City does not want this kind of atmosphere to take hold in its greatly-varied, generally well-maintained and pleasant older neighborhoods.

Despite all the altruistic arguments in favor of ADUs, my direct experience has been that such an ordinance would allow those who want to squeeze additional revenue from their real property, at the expense of those living around them, to do so without restriction. Permitting sand-alone and carve-out "mother-in-laws" degrades residential property values and the quality of life in R1 residential neighborhoods. Such an ordinance would create an underclass of renters in a residential neighborhood with little political power and likely no interest in the rational development and quality of life in the neighborhood as a whole. I feel that permitting ADUs in R1 neighborhoods is a very bad idea.

Also, please note that Mike Kephart, who has posted a comment here and has promoted ADUs in other discussions on this site, designs stand-alone ADUs and lives in Colorado. He would obviously personally benefit from the passage of this ordinance.

I strongly recommend that Salt Lake City reject this proposed ordinance.

---

Michel Weekley inside Salt Lake City

January 7, 2011, 10:51 PM

I agree with Susan Fisher's November 1 posting completely.

I am against ADUs in the already crowded & densely populated Avenues neighborhood. As an Avenues homeowner, I am shocked & saddened that this proposal is even being considered. The proposal would undo all the good that years of work to get the Avenues back to a "single-family dwelling" atmosphere have achieved. There are very few aesthetically pleasing neighborhoods in the Salt Lake Valley, and encouraging more development in and around many "historic" and beautiful Avenues homes is an unwise choice.

I believe we can work toward "sustainability" in Salt Lake, not by more development & the building of ever more structures....but rather by filling the plethora of empty homes & rentals currently available en masse.

A "sustainability" topic that gets very little attention these days is to encourage the creation of smaller families....NOT the continuing accomodation of huge ones! Fewer people in the first place equals less pollution, less development, less crowding....and a better quality of life for everyone. Responsible population growth could alleviate many of our societal challenges, both locally & globally.

---

Matt Johnson inside Salt Lake City

December 8, 2010, 4:12 PM

I like the general idea but I have a few concerns.

Why 650 sqft? Is that the difference between a duplex and an ADU? If a lot is big enough

[www.PeakDemocracy.com/512](http://www.PeakDemocracy.com/512)

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

could the ADU not be bigger?

What about new home construction? Can a new home be built with an ADU included in the plans? Where would the door be?

What about end of life scenarios? The plan says that it must be an owner occupied situation, but what if the home is sold, the tenants are kicked out and the new owners now have extra living space that they get taxed extra for? And if the tenants decide to move out, does that mean I now have an above-the-garage shop where I couldn't have one before?

I also agree that we should allow businesses similar accommodations as ADUs like an in-home office, but for someone else.

---

Mike Kephart outside Salt Lake City

November 28, 2010, 2:59 PM

ADUs use resources very efficiently compared to many other types of residential development. They require no additional land for development and use existing infrastructure (such as water, sewer, roads, and other utilities), so they increase the supply of affordable housing without promoting sprawl or requiring the construction of expensive new infrastructure.

Clarion, your code consultant, helped us here in Denver as well. As unbelievably contentious as the subject was for us the atmosphere immediately cooled upon passage of the ordinance by our city council. The fear of a rush to build is a red herring that has not proven real in any of the 20 or 30 cities in Colorado that have passed similar ordinances in the last few years. It was over two years before the first ADU was built in Arvada, CO after they passed their ordinance without major public debate. I believe ADUs are a legitimate housing type that over time can do much to diversify our neighborhoods economically. I support your efforts to include provisions for ADUs in your neighborhoods. The excitement will quickly dissipate.

Mike Kephart, Denver, CO

---

Semi-anonymous inside Salt Lake City

November 10, 2010, 11:17 AM

Owner occupancy, owner occupancy, owner occupancy, strict enforcement of owner occupancy. Otherwise this is a carte blanche for house flippers, and slumlords.

Occupancy of one unit must be full time by the actual living person with majority interest listed on the ownership deed. Do not allow ownership by "trusts", "corporations" or any other entity. Otherwise they will always claim that their family trust allows them to rent to "family" with different last names (aka, someone who isn't family at all, but the true owner is willing to bet that the city will never check because it is too expensive and time consuming)

---

Semi-anonymous inside Salt Lake City

November 7, 2010, 9:10 AM

I support ADU's

---

Susan Fisher inside Salt Lake City

November 1, 2010, 3:09 PM

As a 41-year resident of the Greater Avenues, I have some perspective on their history. First, let me say that the quality of the Avenues as a place to live and raise a family is far better now than it was even twenty years ago, and one of the principle reasons is that residents have fought to limit density, often by re-converting apartments back into single-family structures. Furthermore,

[www.PeakDemocracy.com/512](http://www.PeakDemocracy.com/512)

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

the few apartments that existed in lower Federal Heights from the Depression era have been phased out over the years. One can scarcely argue that residents found an additional apartment in their home a desirable thing. We appreciate R-1 zoning precisely because it disallows multiple-family dwellings.

There are two density issues in this proposed ADU ordinance, and they are not clearly and separately addressed: building density and population density. I was astounded to read in the proposed ordinance that an ADU is expressly interpreted as NOT increasing density! Clearly, only structural density is considered here at all, and adding an additional structure would increase even that parameter. Common sense indicates that increased population density means more cars, more traffic, more ambient noise, more school children (in already overcrowded schools), increased use of already overburdened parks, less play area at home per child, etc. The proposed ordinance even stipulated that additional off-street parking space provisions can be waived, thus adding to street congestion. I cannot see that this would improve quality of life in any respect. I saw the dramatic results of decreased population density and noise – and increased resident satisfaction – in my own neighborhood when the Pi Kappa Alpha house burned and the fraternity was relocated.

Furthermore, the implied altruism for assisting an aging population is weak. As an older resident, I cannot believe that having a separate apartment in my home would provide me with increased “companionship and services.” No renter is legally bound to watch out for the landlord. In addition, it would be a long time before the cost of creating an apartment would be amortized by rental income; even a reverse mortgage would be faster and less demoralizing for both resident and neighborhood. The proposed ordinance does not offer any protection at all for the character of the existing neighborhood. It is inappropriate to force such a far-reaching ordinance change upon us when Historic District designation for Federal Heights is under consideration. The City Council should consider carefully the vested interests of those who propose to change the integral character of a single-family district. I think the respondent who proposed high-rise apartments (with underground parking) on already existing parking lots is on the right track.

The truth of the matter is that one of the first things people buy is privacy, and this is usually expressed first in the space they can place between themselves and their neighbors. Federal Heights has larger lots, and the coverage is far less than the city-allowed 40%. Indeed, even the smallest lots in this zone average only 25-30% coverage, while on the larger lots the coverage is even less. This lower density is directly correlated to house prices and the increased taxes they generate. People consistently demonstrate they are willing to pay for privacy and what it brings: less traffic, less noise, more space – and the joy of more big trees. This proposed ordinance would degrade our quality of life.

---

Beverly Nelson inside Salt Lake City

October 28, 2010, 12:41 AM

An ordinance allowing homeowners to build accessory dwelling units on their property could provide benefits to homeowners, families, the elderly and renters in some Salt Lake communities. But ADUs should not be considered to be a panacea for every neighborhood in Salt Lake. There are neighborhoods in Salt Lake where accessory dwellings would not be appropriate, particularly those where high density is already an issue, where crime is high, and where schools already suffer from over-population. To allow residents to built accessory

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

dwelling units on properties in these neighborhoods would only serve to exacerbate the problems they are already dealing with and would be detrimental to the entire community.

In regard to my own community, I live in lower Federal Heights in close proximity to University fraternities and sororities. My community already suffers from lack of parking, traffic congestion, excessive noise and crime. We already have problems with duplexes that started out as mother-in-law apartments 20 or 30 years ago, but that now house University students who, unfortunately, think it is cool to disrespect the community in which they live. I would not support an ordinance that allowed my neighbors, or residents in areas of the City that are experiencing the problems I have listed to build accessory dwellings on their properties.

---

Gene Fitzgerald inside Salt Lake City

October 27, 2010, 9:32 AM

As president of the Federal Heights Neighborhood association and a member of the board of the GACC I think I can say that in general we oppose the move toward allowing accessory dwelling units. In our neighborhoods especially (Butler ave, Federal way etc) over the years we have had many rental units that were merely extensions of Greek housing and the problems that accompany those organizations. In the past 20 years or so, we have been moving toward and achieving more restrictive zoning rather than moving toward rental units in family homes. The ADU would significantly change that dynamic and open up homes in the area to the sort of abuse that we have seen in the past. We feel this way despite the restrictions the ADU has put on renting--people have a way of skirting those restrictions especially when we do not see an adequate oversight by the city to enforce them. So that is my feeling at this point and I sense that many neighbors agree with me

---

Esther Hunter inside Salt Lake City

October 26, 2010, 8:24 PM

I believe there is a justified need for the ability to legalize accessory dwelling units in the City.

This can be useful and helpful to many. I support the owner occupied requirement. Having said that, I also believe that this ordinance is not yet ready for prime time. This is a significant change.

While we need to step forward, a blanket approach rather than a carefully planned, appropriately applied approach will further exacerbate many city issues and problems such as our failing and underfunded infrastructure especially evident in many older neighborhoods. The benefit of not being first is that we can learn from and avoid the long term problems this type of change has created in other cities.

This ordinance needs to be built on a firm foundation.

The foundation should come first.

In Salt Lake the very zones/properties that could best absorb additional density due to their size and stature will not likely be utilized in this manner but instead it will be the older already more dense, smaller lots that will be further compromised.

This is not socially responsible.

This type of significant change should be carefully trialed, have a great deal more thought out criteria (ie design guidelines), correlation with other ordinances (ie the duplex legalization

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

process), and have more details developed that give specific criteria for approval.

Is it near transit, what does the master plan say, how much density already exists, how much parking is available, is there a lit street lamp, impact to property values, what is the crime rate, roads/water/sewer impacts to name but a few.

What exactly tips the balance into the negative for a particular block face, a neighborhood?

Instead, we could begin by having the ordinance trialed through a one off review process such as conditional use or Board of Adjustments rather than implemented in a blanket fashion. Maybe where the least negative impact is likely but where a thoughtfully assessed minimum criteria has been met (ie new Sugar House streetcar line).

While the manpower to prepare a case for review is staggering, the ability of the City to manage/enforce/police this ordinance city wide as written is not likely feasible at all.

If a more restricted/one off trial run proves successful, this gate can always be widened.

As Dr. Chris Nelson (UU FAICP Presidential Professor City and Metropolitan Planning) has stated,

ALL of the Cities anticipated growth could be absorbed by utilizing the many existing flat surface parking lots which also coincides with one of the goals of the Downtown Community Council.

Incentives for this type of development would meet the need for additional tax base, density/growth while at the same time enriching the City without disrupting existing neighborhoods.

I sincerely hope the administration will take the additional time to develop this into a win-win approach that does not harm some areas while protecting others. This is doable.

---

quinn mcallum-law inside Salt Lake City

October 25, 2010, 6:26 PM

I think this plan has great potential to both preserve existing buildings and create new housing opportunities. I currently live in an owner occupied legal triplex and it works well for my wife and I but I think we could take it further as a city. What about "ABU's" or accessory business units as well on owner occupied properties? I am aware of home-occupation permits but within many area's of the city this could contribute to the liveliness of up and coming areas as well as create places for people to actually walk to, something that is still lacking in SLC albeit growing. I see so many of these buildings around the city going to waste because the current owners see no value in commercial space, yet, seemingly, are disinterested in selling them (I've found 1 for sale publicly in the last five years.) So letting others build businesses as well would be as or more beneficial than the ADU's. I am still all for the ADU ordinance in the interim.

---

Kelly Stevens inside Salt Lake City

October 25, 2010, 9:37 AM

I am a 15 year resident of the Avenues. I have owned two owner-occupied duplexes and have been working with the city to legalize a triplex that was non-conforming. I am absolutely opposed to ADU's. Residents of the Avenues have protected this neighborhood for decades, working hard to make it a safe, live-able community. When rampant development of apartment complexes and creation of non-conforming apartments was the norm for the Avenues, it was a dangerous, drug-ridden neighborhood on the decline. With the hard work of many citizens, regulations have made it difficult to add apartments and break up single-family dwellings. This



# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

trend has protected our neighborhood and created a GREAT place to live. The avenues can be seen as an at-risk neighborhood in SLC. Crime is relatively high within our boundaries. With more apartments and a more transient population, the scale could be tipped. Parking is another complicated issue with negative implications from allowing ADU's especially with an allowance for 'limited' exemptions. The requirement for an owner-occupied house seems very tenuous and difficult to regulate down-the-line.

---

Stephanie Churchill Jackel outside Salt Lake City

October 23, 2010, 1:32 PM

I'm concerned that the "fact sheet" and the draft ordinance don't agree as to the size of ADU allowed. The fact sheet says 50% of sq. ftg. of primary structure or 650 sq.ft., whichever is GREATER, while the ordinance says 50% or 650 sq.ft., whichever is LESS. This is a serious discrepancy. I also think strict design guidelines should apply wherever the ADU is located, historic district or not.

---

Dana Schaffer inside Salt Lake City

October 16, 2010, 4:51 PM

I'm an Avenues Homeowner. This is a city and neighborhoods closest to the city should become more dense. Also, I agree with this proposal because it is environmentally friendly to increase density within the city and limit sprawl. The more the merrier. I think this will allow our neighborhood to be diverse and it will keep it so that people providing services within the community and others like teachers, can afford to live in the neighborhood in which they are contributors. Since we are experiencing severe property tax increases, I imagine this move may allow many people (e.g. fixed incomes) who are a valuable part of the neighborhood to keep their homes. Also, if our neighborhood becomes more dense, we might actually be able to support some more small businesses. I for one would like a few more restaurant options within walking distance and perhaps a store other than Smith's. Someone brought up parking. I'm not really worried about that, having lived in San Francisco and Seattle. The more dense it becomes, the more people will take public transit and hopefully those people won't need cars at all, if there are businesses within walking distance and transit to the U and downtown. I do hope they will consider adding traffic lights and enforce the speed limit so that we can be pedestrian friendly, even if we increase density. However, even recent requests for those services/changes have fallen on deaf ears.

---

Jon Parrish inside Salt Lake City

October 8, 2010, 12:41 PM

Highly in favor of ADU. What a great way to stimulate economy, provide low cost housing to grad students, young couples, and young families; not to mention bringing extra taxes in which will keep my taxes lower! Let's ask the business owner who just shut down due to the lack of business, the school teacher who just got laid off due to the lack of students, or the student who just took the semester off to pay for the gas it takes to drive from out of town if they are in favor of infill. I vote yes.

---

linda burr outside Salt Lake City

October 6, 2010, 8:16 AM

As a former Avenues resident for over twenty years, I think having Accessory Dwellings are not going to detract from the neighborhood. There are many already being used. I know the area had a bad period where many Victorians were split up as apartments, but now that many are single family dwellings again, a small cottage for students or for working singles/couple residences would be great infill. Of course there would be zoning still in place for fire safety, noise, parking, etc. We have the countries' worst air pollution partly because people drive to get

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

downtown for work and school. I'm sure many would like to have a closer, quiet, residential, more affordable place to live.

---

Hilary Verson inside Salt Lake City

October 1, 2010, 5:12 PM

I support ADU. As long as these rentals are on owner-occupied property, they will be well-maintained. ADU's will increase the population density & increase property tax without causing duress. Additionally, I suggest a small annual rental unit tax for apartment dwellers to help maintain infrastructure and services, perhaps \$25/year. I think this would provide about \$750,000/year without raising residential property tax.

---

Jim Ferguson inside Salt Lake City

October 1, 2010, 3:54 PM

This is a terrible idea. It will turn back years of work making the Avenues one of the nicest places in the city to live. We have all worked for years to get rid of Accessory Dwelling Units. There is no rational reason, other than greed, to bring back the blight.

---

James Ferguson.

---

Pax Rasmussen inside Salt Lake City

September 24, 2010, 11:58 PM

I strongly support this ordinance. I keep hearing about the 'inevitability' of growth in the valley, and it makes me sick. There really is only so much space, not to mention water. And the more we sprawl, the worse the already terrible air gets. Instead of dinking around with ideas like the northwest quadrant, we should focus on INFILL. I find the comment referring to Tokyo offensive: To that commenter, I ask, "Would you prefer Tokyo or L.A.?" Because L.A. is the direction we're headed. If you don't like density, move to the country. Up to a point, the denser the city, the better—the city becomes more walkable, more supportive of independent, locally-owned business, and more community-oriented. Hurrah for the ADU!

---

Mike Kephart outside Salt Lake City

September 22, 2010, 7:25 AM

Here in the city of Denver we included ADUs in our new zoning ordinance adopted recently. I would suggest letting the maximum size of an ADU increase with the size of the lot. We included this provision in our code. I would also suggest that you ask families to tell their stories rather than trying to appeal to the populace with logic and reason. This is a change and people generally fear change unless they can personalize it. We failed in this respect and it became a divisive issue when it could have been seen as good for families.

---

bruce beck inside Salt Lake City

September 20, 2010, 7:51 AM

I agree with Alysa K

---

Semi-anonymous inside Salt Lake City

September 15, 2010, 9:08 PM

If this can be accomplished without creating mega houses or mega barns then go for it along with the following: I believe a ratio between property size and house foot print needs to be established. There should also be a limit on number of people based on family relation and total number per square foot.

---

Kathryn Fitzgerald inside Salt Lake City

September 10, 2010, 4:25 PM

I am concerned about the parking consequences of this ordinance in the University area, especially near the blocks zoned for Greeks. The Greek houses are already allowed virtually

---

[www.PeakDemocracy.com/512](http://www.PeakDemocracy.com/512)

# Accessory Dwelling Units (ADU)

*What do you think about the proposed ordinance allowing Accessory Dwelling Units?*

## All Statements

unlimited parking permits while single family homes are limited to three permits. This should not be a blanket citywide ordinance. It must examine the differences among neighborhoods and differing consequences of the change.

---

Philip Carlson inside Salt Lake City  
I hope this moves along!

September 2, 2010, 3:58 PM

We need more residents in the City. This will not likely increase density dramatically, but even a slight increase will be good for our community.

The owner occupation requirement is an important part of the proposal. Really, I would hope that few houses are divided, but that accessory units would be detached keeping the main house intact for larger families. Units above garages or even separate buildings would be best.

---

Semi-anonymous inside Salt Lake City

September 1, 2010, 8:39 PM

I am opposed to this proposed ordinance as it will increase population density in already crowded areas. We are already suffering from crime, congestion, transportation problems, lack of privacy and other intrusions to a calm and peaceful life. Is Tokyo really the city we want to morph into?

---

Alyssa Kay inside Salt Lake City

September 1, 2010, 6:30 PM

This is a positive move for Salt Lake City. Accessory Dwelling Units will allow extended families to live closer together, provide rental income and increase the city's density (without significant impact on character) to mitigate urban sprawl. I am in favor of this ordinance.

Some of the specifics of the ordinance, however, are unnecessarily restrictive such as the Owner-Occupied Property requirement. There are many renters who would benefit from this kind of living arrangement. This section seems to be prejudiced against renters.

Section 7.b.(1) is unclear. If the accessory unit is detached how/why would an existing entrance be used? Why would a new entrance be required to face away from the street? In my opinion that would create a mass that would be unattractive from the streetscape.

Overall, this is a good start. Thanks!

---



State of Utah

GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

Department of Agriculture and Food

LEONARD M. BLACKHAM  
Commissioner

KYLE R. STEPHENS  
Deputy Commissioner

KATHLEEN CLARKE  
Deputy Commissioner

February 23, 2011

Utah Department of Agriculture and Food  
supports ADUs and Salt Lake City's Sustainable Code

The Utah Department of Agriculture and Food would like to offer its support for the creation of Accessory Dwelling Units (ADUs) in Salt Lake City. With regards to our Utah agricultural food production system, our consumers, and our environment, we view ADUs as a tool that can help benefit these interests.

- We support the concept that by adding ADUs to a city's dwelling mix there will be reduced demand to develop suburban farmland into residential subdivisions.
- We support the concept that housing units located closer to employment centers will increase participation in public transportation and decrease automobile traffic on our interstate freeways and arterial highways.
- We support the concept that during this economic downturn, families may need to reside closer together, and ADUs can meet these families' needs.

With regard to the City's Sustainable City Code Initiative;

- We fully support code provisions that enable citizens to grow, consume and even sell raw produce from their private or community gardens provided that reasonable qualifying provisions are offered to protect the health of neighbors and children.
- We encourage EVERY Utahn to embrace agriculture and become more aware of the food system and the role our 16,000 farmers and ranchers play in their lives.
- The energy savings associated with backyard or community gardens can be significant.
- We support organized educational efforts that disseminate growing and harvesting techniques that protect food supply and safety interests.

A moment to reflect on the historical importance of agriculture.

This July 24<sup>th</sup> will be the 164th anniversary of our pioneer forefathers' entrance into the Salt Lake valley. Even before Brigham Young uttered his famous statement, "This is the Place" the pioneers were already digging up the soil and planting crops just one block north of Salt Lake City Hall.

Agriculture came first for them. We would like to work with you to make agriculture first AGAIN for our citizens and leaders.

Sincerely,

Leonard M. Blackham, Commissioner  
Utah Department of Agriculture and Food

## Maloy, Michael

---

**From:** Ruthann Povinelli [rpov@comcast.net]  
**Sent:** Tuesday, February 01, 2011 12:30 PM  
**To:** 'Leeann Sudbury'; Mayor; Maloy, Michael  
**Cc:** 'Ann Maloy'; 'CERT Amy Smith'; 'CERT Annette Gillis'; 'CERT Barr Christensen'; 'CERT Ben Anjeweirden'; 'CERT Bob and Judy Jaggi'; 'CERT Brandon Howlett'; 'CERT Eric Hull'; 'CERT Eric Madsen'; 'CERT Jean Robinson'; 'CERT Jeff Yancey'; 'CERT Jeremy Jackson'; 'CERT Jessica Hill'; 'CERT Karen Geertsen'; 'CERT Kari Hull'; 'CERT Kim Gillis'; 'CERT Kim Ventura'; 'CERT Laurie Goodsell'; 'CERT Lisa Marley'; 'CERT Monica Ruegner'; 'CERT Patrick Quinn'; 'CERT Patty Henetz'; 'CERT Penny Catanzaro'; 'CERT Rhonda Parker'; 'CERT Stacey Denison'; 'CERT Stan Heaton'; 'CERT Susan Helier'; 'CERT Suzanne Hennefer'; 'CERT Tara Daniels'; 'CERT Tim Geertsen'; 'CERT W.D. Robinson'; 'Southers'; stacey.denison@hotmail.com; tom.denison@hotmail.com; annlschmidt@gmail.com; 'Dianne Fuller'; Douvilles@comcast.net; 'Julie S Steele'; 'Julie Personal Email'; 'Gillian Tufts'; 'Leissa Roberts'; 'Michael Povinelli'  
**Subject:** RE: It is URGENT that you protect our neighborhood from allowing Accessory dwellings on our properties!!  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Other

Some 15 years ago the home owners of our surrounding neighborhoods worked in conjunction with then Mayor Ted Wilson to change our communities zoning back to single family residential (R1). This change was motivated by the fact that this section of the city was in bad shape and deteriorating. Crime rates were high and low property values lured developers to target our vintage neighborhoods to build apartment units or divide existing homes into duplexes. At that time, the Mayor's office deemed this downward trend unacceptable and believed that the preservation of single family homes and strong neighborhood communities were in the vital interest of Salt Lake City. As a result of this zoning change, our quaint and quiet neighborhoods have flourished. New families have moved in, pride in ownership has soared, homes have been restored, and our property values have appreciated. Our neighborhoods are amongst the most desirable to live in the Salt Lake valley.

Unfortunately, Salt Lake City's current Mayor does not apparently value strong neighborhood communities based on single family homes. To the contrary, Ralph Becker is proposing an initiative that will circumvent our current zoning laws, posing a direct threat to our neighborhood as it currently exists. Mayor Becker wants Accessory Dwelling Units or ADU's be allowed to be built on existing single family lots. This proposal completely undermines the single family philosophy that was successfully promoted by Mayor Wilson and takes us back to what previously plagued our community.

In short, Mayor Becker wants to change the zoning laws that have allowed our neighborhood to prosper and in effect, promote the subdivision of houses and new construction of the same cheap rental prosperities that threatened our community in the past. The Mayor's office attempts to mask the monumental impact that this change will have on our neighborhood by promoting alleged benefits that a very small portion of our community may gain. The Mayor's plan increases population density, but does not provide for increased infrastructure or services; as if these additional people will be without need or will not put additional strain on existing service and dismisses the reality that they will have cars to park and trash to empty. The Mayor's plan proposes very vague concepts, backs them up with little if any substance, yet wants to implement this plan faster and more aggressively than any other city that has allowed ADU's.

The ADU proposal is not about existing rentals, it is about the encouragement of developing new, additional rentals. I have researched other cities' ADU's and the Salt Lake City plan is vague and doesn't take neighborhood impact into consideration.

These are my specific suggestions:

Issues not addressed in this proposal:

1. Minimum lot size (5000sq ft)
2. Require formal review for design compatibility with adjacent properties and impact of privacy, light, air, solar access or adjacent property parking
3. Open space and landscaping requirements (would you like a cement covered lot?)
4. Minimize windows that impact privacy
5. Regulate the concentration of ADU's in specific neighborhoods
6. Power, water, sewer connections? Through current house?
7. Number of bedrooms tied to number of mandatory parking spaces (no waivers for proximity to bus, rail or business districts)

Issues addressed in this proposal and my suggestions:

#### **D.2.a. Owner occupied property required**

- What is the definition of an owner? How far does this reach to extended family?
- What defines owner occupied? 6 months a year? This should require a yearly certification.
- If the owner does not occupy either unit, the ADU should be declared:
  - a. non-habitable space, and
  - b. may not be used as a dwelling ,and
  - c. may not be used as a rented space

#### **D.2.c. Underlying Zoning applies. "if there is a conflict...the provisions of this section shall take precedence."**

- There should be additional restrictions in place in addition to the existing setbacks.
  - Currently:
    - Max height (pitched) 28' and flat (20') (21A.24.070)
    - Setbacks:
      - accessory building 10' from residential building on adjacent lot, located at least 1' from side property line (21A.34.020)
      - primary residence corner lot 4', interior lot 4' on one side and 10' on the other (24A.24.200)
- Create decreased height allowances and increased distances from property line for the ADU
  - Max height for 1 story- 13', 1.5 or 2 story – 22' at roof peak,
  - for ADU's higher than 1 story, increase setback additional 2-5'
- Lot coverage of ADU count toward parcel maximum building coverage (40% of lot – also known as the 60/40 rule) – this should be reduced to 35% on lots with ADU's
- Only allowed with existing single family primary residence onsite.

#### **D.3. Methods of Creation**

- Specifically prohibit trailers and mobile homes
- Set a minimum size to 220-400 sq ft
- Maximum size 500 sq ft for 5000 -7500 sq ft lot, 650 sq ft for larger lots
- Demolition of existing unit not allowed for ADU construction
- Require similar exterior wall materials, window types, door and window trim, roofing materials

#### **D.5 Ownership/ Number of residents**

**"the total number of residents...may not [be] exceed[ed]...as defined in the zoning code"**

- Limit the number of bedrooms to one (1) and define number of residents in ADU by number (2-3 people max), not by definition of family

Zoning Ordinance limits occupancy through the definition of a *family*. *Family* is defined as blood relatives, a couple or legal guardians living together with their children, or a group of not more than three unrelated individuals living together as a single housekeeping unit. The definition controls occupancy regardless of the size of the unit.

For example: 10 individuals could occupy a 650 sq ft ADU (myself, my husband, my parents, his father and 5 children)

This ADU proposal as it stands is not well thought out and will have a significant impact on our communities as neighborhoods.

I oppose this proposal.

Ruthann Povinelli  
1027 E Herbert Ave  
Salt Lake City, UT

**From:** Leeann Sudbury [mailto:leeann.sudbury@yahoo.com]

**Sent:** Sunday, January 30, 2011 9:30 AM

**To:** mayor@slcgov.com; Michael.Maloy@slcgov.com

**Cc:** Ann Maloy; CERT; CERT Amy Smith; CERT Annette Gillis; CERT Barr Christensen; CERT Ben Anjewerden; CERT Bob and Judy Jaggi; CERT Brandon Howlett; CERT Eric Hull; CERT Eric Madsen; CERT Jean Robinson; CERT Jeff Yancey; CERT Jeremy Jackson; CERT Jessica Hill; CERT Karen Geertsen; CERT Kari Hull; CERT Kim Gillis; CERT Kim Ventura; CERT Laurie Goodsell; CERT Lisa Marley; CERT Monica Ruegner; CERT Patrick Quinn; CERT Patty Henetz; CERT Penny Catanzaro; CERT Rhonda Parker; CERT Stacey Denison; CERT Stan Heaton; CERT Susan Helier; CERT Suzanne Hennefer; CERT Tara Daniels; CERT Tim Geertsen; CERT W.D. Robinson; Southers

**Subject:** It is URGENT that you protect our neighborhood from allowing Accessory dwellings on our properties!!

Years ago the East Liberty Park neighborhood worked with the city to make our area a single family neighborhood with the exception of those apartments that already existed. The city actually initiated the project until it got enough support from the neighborhood. At the time, they felt that keeping a neighborhood a non-rental neighborhood near the center of the city would actually help protect the city from being vulnerable and would increase the values of the neighborhood. Ted Wilson came to many back yard meetings and spoke, asking us to help the city to fight those developers who would want to break down the strength of the neighborhood by putting in accessory building units and turning the houses into multiple unit dwellings. It worked! Our neighborhood became a good, strong neighborhood with increasing property property values. Nothing has changed since then except that the neighborhood has become more appealing. By keeping the properties single family dwellings in this neighborhood, it has remained strong and has continued to hold property values. If people are allowed to do "whatever" and are allowed to build houses in the backyard or over the garage, our neighborhood will become like those to the west and north and south of us. We have a unique little niche and we do not want it destroyed or changed!! We have chosen to buy in this neighborhood because of its characteristics of stability and inner strength. Now it appears that someone wants to destroy that strength, by creating rental spaces under the guise of "taking care of elderly parents".

Suzanne Hennefer; CERT Tara Daniels; CERT Tim Geertsen; CERT W.D. Robinson; Southers

**Subject:** It is URGENT that you protect our neighborhood from allowing Accessory dwellings on our properties!!

Years ago the East Liberty Park neighborhood worked with the city to make our area a single family neighborhood with the exception of those apartments that already existed. The city actually initiated the project until it got enough support from the neighborhood. At the time, they felt that keeping a neighborhood a non-rental neighborhood near the center of the city would actually help protect the city from being vulnerable and would increase the values of the neighborhood. Ted Wilson came to many back yard meetings and spoke, asking us to help the city to fight those developers who would want to break down the strength of the neighborhood by putting in accessory building units and turning the houses into multiple unit dwellings. It worked! Our neighborhood became a good, strong neighborhood with increasing property property values. Nothing has changed since then except that the neighborhood has become more appealing. By keeping the properties single family dwellings in this neighborhood, it has remained strong and has continued to hold property values. If people are allowed to do "whatever" and are allowed to build houses in the backyard or over the garage, our neighborhood will become like those to the west and north and south of us. We have a unique little niche and we do not want it destroyed or changed!! We have chosen to buy in this neighborhood because of its characteristics of stability and inner strength. Now it appears that someone wants to destroy that strength, by creating rental spaces under the guise of "taking care of elderly parents". They feel that over the garage or in backyards is a perfect place for this type of space.

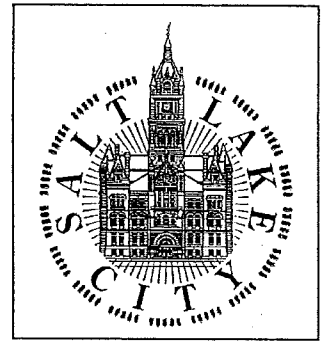
I took care of all the elderly in my family, including older aunts and uncles, until they died. I brought them into my home because if the elderly are too old to live alone, they are too old to live alone over your garage. Elderly who cannot care for themselves are typically bought into your home or put in an assisted living center, not placed in a apartment over a garage or put outback in a shack. If people legitimately need more space, they should increase the space in what they already have by adding an extra bedroom in the attic or the basement. Just as Ted Wilson asked us years ago to protect the strength of our neighborhood, we are now asking you to please help us. These accessory units will destroy the appeal and strength of our neighborhood. We would appreciate all you can do to prevent the breakdown of our neighborhood.

We know that you are the people who have the power to keep our neighborhoods safe from these kinds of structures, and we are asking you to help us, please. (Others may express their opinions by writing [mayor@slcgov.com](mailto:mayor@slcgov.com) and [Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com), but we want you to know this is how we feel!!)

Thank you,  
The Sudburys  
1232 South McClelland Street  
Salt Lake City, Utah 84105  
801-548-0543



**Public Meeting  
PUBLIC COMMENT FORM  
December 9, 2010**



Planning and Zoning Division  
Department of Community and  
Economic Development

**Sustainability City Code Initiative**

Name: Dave Van Lanen

Address: 807 Northcliffe Dr.

SLC, UT Zip Code 84103

Phone: 801-359-8513 E-mail davevanlanen@msn.com

Please circle all that apply  City Resident/ Owner  Practitioner  Special Interest

Please circle topics you are interested in  Accessory Dwelling Units  Outdoor Lighting  
 Housing Diversity  Recycling  Transportation Demand Management  All

Please provide your contact information so we can notify you of other meetings or hearings on this issue.

You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to [cheri.coffey@slcgov.com](mailto:cheri.coffey@slcgov.com) or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. **Please provide your comments by Friday December 31, 2010.**

Other opportunities for public comment will be available as specific draft ordinances are process. Look for updates on this project by visiting our website at [www.slcgov.com/CED/Planning](http://www.slcgov.com/CED/Planning)

Questions? Cheri Coffey 801-535-6188

Comments: I am very concerned about ADUs including the  
proposed height adjustment for ADU. Parking issues.  
Major concerns with enforcement (lack of it.)  
Landmarks - Allowing use of energy efficient  
materials such as energy efficient windows.

Continue comments on back

## Maloy, Michael

---

**From:** Beth Bowman [bbowman@hsc.utah.edu]  
**Sent:** Wednesday, November 10, 2010 2:41 PM  
**To:** Coffey, Cheri; Maloy, Michael  
**Cc:** angela.hansenberg@slcgov.com  
**Subject:** Accessory Dwelling Units

**Categories:** Other

To: Cheri Coffey  
Michael Maloy  
Planning Commission Members

As a resident of an older (1920's) neighborhood, (not included in Yalecrest) I am **not** in favor of the proposed creation of zoning for accessory dwelling units. There are many requirements included in the the amendment project memorandum concerning Accessory Dwelling Units which seem to me to be impossible to enforce.

Few other comments:

1) I do not have any confidence that any of the zoning and building code changes and requirements as listed in the fact sheet for ADU's could be adequately regulated by the city. From personal experience with construction projects on our street, current enforcement of the building codes does not work.

2) The older neighborhoods already have a population density that is consistent with sustainable living.

There already is a mix in our older neighborhoods of varying size homes as well as numerous duplexes. It is the newer building projects that have not been required to include housing units for all incomes. This should include the new building in the downtown area as well as newer projects along the light-rail tracks.

3) How is the city able to regulate who buys property with an accessory dwelling? There is no way to prevent the dwelling from becoming two rental properties. The city cannot enforce the number of residents that reside in a unit.

4) There is an infrastructure concern. The old city sewer lines are already a problem. Parking is a problem as well. Most garages in our area are small and most residents already park on the street. The narrow streets are a concern for emergency vehicles when cars are parked on both sides of the street.

Beth Bowman  
1445 Harrison Ave  
SLC, Ut 84105  
801-582-0708

## Maloy, Michael

---

**From:** Mary Ann Wright [MAW@pbageo.com]  
**Sent:** Friday, November 05, 2010 11:45 AM  
**To:** Maloy, Michael  
**Subject:** ADUs

**Categories:** Other

I am writing in support of the ADUs ordinance for Salt Lake City, This makes good sense in that it retains urban character but allows for greater use of property within the city for living space. The idea of not gobbling up natural habitat for more buildings is sound. I wish the county had a better handle on this idea for commercial space.

## Maloy, Michael

---

**From:** cindy cromer [3cinslc@live.com]  
**Sent:** Thursday, October 21, 2010 9:02 PM  
**To:** Maloy, Michael  
**Subject:** more on ADU's

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

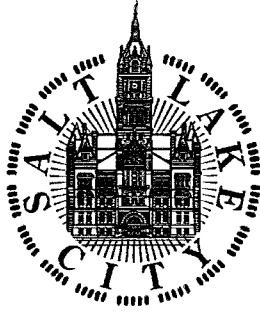
**Categories:** Other

Michael-Thanks for your patience regarding my numerous objections to Clarion's proposal for ADU's. I just spotted the following information in a much longer list of incentives for historic preservation that I proposed to Planning in January. Again, the City gives away development rights that it could use to leverage the kind of reinvestment it wants in housing. It is not getting enough benefit in the right places under Clarion's proposal. cindy

excerpt from a list of proposed incentives for historic preservation, submitted to Planning in January 2010:

Restrict **ACCESSORY DWELLING UNITS** initially to historic properties (either as stand alone Register sites or in City Register Districts) located in multiple family zoning districts. Focus on RMF-30 and RMF-35 zones especially in the Capitol Hill, Avenues, and Central City Districts. Rationale: These zones are established for multiple unit occupancy. The current residents and property owners EXPECT tenants as neighbors. The Landmarks Commission is currently doing an excellent job of implementing the design guidelines and ordinances that are available. The regulatory process for infill in historic districts is working far better than the compatible infill ordinances for single family zoning districts. Structures in historic districts have higher maintenance costs and would benefit from the additional income that accessory dwelling units could provide. The majority of the City's surviving carriage houses are concentrated in the historic districts and on stand alone Register sites

Provide **DENSITY BONUSES** for property owners who are reinvesting in historic Districts and stand alone historic sites. (This would be one way the City could create incentives for protecting excellent historic buildings that would qualify for stand alone status but are not surrounded by the critical mass of surviving historic buildings to be in a District).



**Public Forum  
COMMENT FORM  
October 21, 2010**

**Accessory Dwelling Unit—Draft Ordinance**

NAME	Ray Gardner
ADDRESS	93 Laurel St
ZIP CODE	84103
E-MAIL	roggardiner@gmail.com
COMMENT	I believe this proposal is ill advised and will be very detrimental to Salt Lake City
NAME	Rich Welch Garbett Home
ADDRESS	273 East Capital Street
ZIP CODE	84003
E-MAIL	rich@garbetthomes.com
COMMENT	Increase size to 1200 sq ft; reduce set back to 1' from PL
NAME	Sonya Martinez
ADDRESS	
ZIP CODE	
E-MAIL	smartinez@slcap.org
COMMENT	Require units to be licensed, ensure protections for tenants ↳ transient oriented

## Maloy, Michael

---

**From:** esther e. hunter [estherehunter@hotmail.com]  
**Sent:** Wednesday, October 27, 2010 8:17 AM  
**To:** Coffey, Cheri; Maloy, Michael  
**Subject:** Re: ADU question

**Categories:** Other

### *Concerns:*

*Does the sentence "If there is any conflict between the provisions of this section shall take precedence." not undo many protections in place to make sure the ADU do not negatively impact an area. This concern is based on my experience of code interpretations in Building Services when permits are actually pulled. Can this be clarified to avoid conflicts in the future.*

*Experience has taught us that the review criteria utilized by various departments when they approve exceptions and plans is not specific and does not encompass neighborhood concerns. Specific criteria for assessment for parking, infrastructure, etc. would make this ordinance more sellable.*

*Right now many communities are mounting opposition. Those that have the strongest land use experience will be most vocal (ie GACC) and those that are not as organized or versed (ie Central City) will not. Since the Mayor has stated we will start with a trial where this is wanted, I am concerned.*

*Can something more be done to clarify parking? Exceptions given due to transit does not mean the current or future tenant does not own a car. I am sure transportation has some guidelines for if there is enough parking on a street for the housing units in the area. What is the break even point? Concern that people will pull up back yards to put in asphalt and additional flat surface parking which does nothing to keep the character of an area. Concern that parking pads will appear in the front of homes. Is this allowed and when?*

*This ordinance and process needs to be integrated with the legalization process. Again since at one point leasing rooms in all homes during and after the war was allowed in the UNC area, this does not establish a documented right for a duplex, triplex, etc. Since this is not clear, many are obtaining approval by staff and the BOA. What is realistic for an established neighborhood in terms of infrastructure, parking, density, enforcement, etc. when you take this process and the ADU plan into consideration. Should there be a limit to allow a neighborhood to be stable? The single family owners are losing in this context what they thought they were acquiring in neighborhood feel if the density of these two programs is too high. Have not brainstormed how but let me know if talking more about this could help clarify the issue. I think there are solutions.*

*Maybe the community could help identify a trial area that agrees. To have buy in to be a trial area that agrees would be excellent. The community might form a committee that gives monthly feedback to the staff and work jointly to form what can work city wide.*

*More as I have time. best, e*

**From:** esther e. hunter  
**Sent:** Wednesday, October 27, 2010 7:29 AM  
**To:** Cheri Coffey ; michael.maloy@slcgov.com  
**Subject:** ADU question

*Hi,*

*The fact sheet states that we do not have design guidelines for areas besides historic districts. Does the compatible infill guideline not apply?*

*Thanks, e*

*Esther Hunter*

*801.583.9804*

## Maloy, Michael

---

**From:** esther e. hunter [estherehunter@hotmail.com]  
**Sent:** Wednesday, October 27, 2010 8:25 AM  
**To:** Maloy, Michael  
**Subject:** Re: ADU question

**Categories:** Other

*Thank you Michael.*

*Maybe this could be clarified in a Question and Answer type of added piece. Most in the community give the name design to all of the things in both.  
best, e*

**From:** Maloy, Michael  
**Sent:** Wednesday, October 27, 2010 8:16 AM  
**To:** 'esther e. hunter'  
**Subject:** RE: ADU question

Esther:

Thanks for the question. Any compatible infill regulation would still apply under the proposed ADU ordinance. I think when we made the summary statement regarding "design guidelines" we were thinking more about aesthetic controls (i.e. material, architectural design, etc.) rather than height, bulk, or spatial relationships, which our infill regulations primarily address.

Sincerely,

Michael Maloy, AICP  
Principal Planner  
Salt Lake City Corp  
PO Box 145480  
451 S State Street Rm 406  
Salt Lake City, Utah 84114-5480  
(801) 535-7118 Office  
(801) 535-6174 Fax  
[michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)

---

**From:** esther e. hunter [mailto:estherehunter@hotmail.com]  
**Sent:** Wednesday, October 27, 2010 7:29 AM  
**To:** Coffey, Cheri; Maloy, Michael  
**Subject:** ADU question

*Hi,  
The fact sheet states that we do not have design guidelines for areas besides historic districts. Does the compatible infill guideline not apply?  
Thanks, e  
Esther Hunter  
801.583.9804*



## Maloy, Michael

---

**From:** esther e. hunter [estherehunter@hotmail.com]  
**Sent:** Wednesday, October 27, 2010 9:40 AM  
**To:** Coffey, Cheri; Maloy, Michael  
**Subject:** ADU Pilot Idea

**Categories:** Other

*Hi...  
Had an after thought...not sure if the goal right now is still attempting to go city wide or to have a 3-6 month pilot somewhere.*

*Do you have any areas interested? All I am hearing is mounting opposition.  
If you are looking to pilot, how large would the area have to be? Would 16 blocks be enough....thinking of the UNC.*

*What about the idea of having a working committee from the community pilot area that works collaboratively to help sort out some solutions in a positive way for the issues listed in my previous email?*

*Not sure I could sell my board but maybe? Right now they are opposed but they are reasonable and if they could have a hand it forming a win win solution, I think they would be all over this. I know it would require the community committee with allowance for real team work like we did with IHC.*

*IHC was a terrific example. We were in and out of the PC within 10 minutes due to our joint steering efforts yet this was from a very long negative starting point.*

*Besides...we love a challenge.*

*Benefits of the UNC are:*

*transit*

*R2 zone*

*Historic*

*next to UU*

*Tons of illegal units*

*Have strong working committee that already speaks land use with extensive experience working/thinking win win*

*Small area that has all issues in spades so we have realistic experience to work out what could work City wide.*

*It could be a real win win example of showing how the community can work together with the City in a pilot vs what has been going on in Yalecrest, etc.*

*See what you think.*

*best, e*

*Esther Hunter*

*801.583.9804*

## Maloy, Michael

---

**From:** esther e. hunter [estherehunter@hotmail.com]  
**Sent:** Friday, August 20, 2010 12:43 AM  
**To:** Maloy, Michael  
**Subject:** ADU's

**Categories:** Other

*Hi Michael,*

*I have just come back from a very long ECCC Executive Board meeting where ADU's were discussed at great length. The interest in our council area is very high.*

*However, this interest is being heightened due to Cindy's document has made it's way around several of the neighborhoods.*

*As we wrote before, Gary and I are very interested in making sure that our council area is providing accurate and fair information to our members regarding this potential concept and have not had the opportunity to have a representative attend the special focus groups. We believe the ECCC is one of the most impacted areas. We would very much appreciate your help in this area. The neighbors Gary and I have spoken with (this week alone) number in the low 50's. This is unusual high for an early policy discussion when the concept is not yet fully developed.*

*The informal majority opinion is that neighbors are very concerned that this policy be inclusive and allow all residential zones the ability to earn this extra income for their building even if they are not historic or in a higher density zone. Many are also wanting to conform with City law since they have been illegal for many a year. As you know, we have a very high rate of illegal duplexes.*

*When you are ready, we would greatly appreciate anything you can give us so that we can distribute it to our council area so they have a full picture of the concept. Or if you are able to attend a general meeting we would welcome this very much.*

*Please let us know your suggestion and ideas.*

*best, Esther*

*Co-Chair, ECCC*

*Esther Hunter  
801.583.9804*

## Maloy, Michael

---

**From:** cindy cromer [3cinslc@live.com]  
**Sent:** Thursday, August 19, 2010 8:45 PM  
**To:** Coffey, Cheri; Maloy, Michael  
**Subject:** ADU's  
**Attachments:** ADU71410.rtf

**Categories:** Other

Cheri and Michael-The Community Network asked me to talk about ADU's at the August meeting. I suggested that the Network invite Planning to talk about Clarion's proposal and I would talk about mine. I passed out the attachment this morning at the Network meeting and hope that the topic will be scheduled again next month with someone from Planning in attendance.

The longer I consider Clarion's proposal, the more problems I see with it. The City could NEVER enforce the owner occupancy requirement. I cannot imagine a judge deciding against a property owner who had an ADU and could no longer live in the property. It would not happen. Maybe it would in Colorado but it wouldn't happen in Utah. EVER.

The attachment is the same one I circulated in July with a few minor tweaks. c

## Maloy, Michael

---

**From:** Allen Family [mecj@me.com]  
**Sent:** Friday, July 23, 2010 10:28 AM  
**To:** Maloy, Michael  
**Subject:** Complete-Sustainability and ADU's in R-2 district

**Categories:** Other

Mr. Maloy,

I am writing to ask that zoning district R-2 be included in the ADU section of the proposed sustainability ordinance. Living in a rental district and trying to rent out a duplex apartment in an owner occupied home is unnecessarily difficult. Zoning and code impose guidelines for renting that are outdated and outlandish. I would like to see restrictions such as lot size and frontal space removed from city code. I would also like to see the R-2 district included in the upcoming ADU portion of the sustainability ordinance.

I appreciate your attention to this matter.

Liz Allen

## Accessory Dwelling Units

What would it take to put them in Single-family zoning districts?

Comments by Cindy Cromer

July 14, 2010, revised August 18, 2010

Clarion has proposed that Accessory Dwelling Units (ADU's) be allowed in single-family zoning districts, in owner-occupied housing. I want to start by identifying the prerequisites for such an approach to work.

The City would have to have **effective enforcement** regarding violations of its zoning ordinance and permitting process. While there are effective employees who work in enforcement in Salt Lake, we do not have consistent and comprehensive enforcement. The City will not be able to enforce the "owner occupancy" requirement.

The City would need a **successful program for compatible infill** to address design issues associated with ADU's. The current ordinance for infill has not been successful and is under revision.

Logically there would need to be a **demand for additional units**, or the City would be undermining the efforts of existing landlords to fill their vacancies. As every landlord I know would attest, the last couple of years have been very challenging with higher vacancy rates, concessions, and stagnant rents in the face of rising taxes and utilities. The Clarion proposal restricts ADU's to one-bedroom apartments. That is the very part of the market that is the weakest right now, as people have downsized to studios or rented rooms or move in with someone to share expenses.

There would need to be **public support for unit legalization** and expansion of housing in low density neighborhoods. The Board of Adjustment did an about face a year and a half ago and began approving unit legalizations that it would have denied previously. Public opinion has not made a similar shift. Recent cases on the Board's agenda in the University and Gilmer Park Neighborhoods indicate that property owners in low density areas do not always share the Administration's enthusiasm for additional units.

It would make sense to have additional housing **located in areas served by mass transit**. Clarion's proposal to restrict ADU's to single family zoning districts introduces new units of housing in areas that typically have

limited or no mass transit.

In order to have safe housing as part of an ADU initiative, the City has to have a process for **business licensing in single family structures**. Currently, the City licenses buildings with 3 or more units. While the City has discussed requiring business licenses for rental properties that are single family and duplex structures, the City does not have a process in place to regulate rental housing already in single family structures, much less to regulate the additional units created as ADU's.

Some of the deficits mentioned above are long standing and cannot be overcome by the Mayor' directive to improve/create the tool. The one involving public opinion is not under the Mayor's control.

So what could the City do that would increase housing without aggravating existing problems and creating a firestorm of opposition?

The City could begin the implementation of ADU's in the existing multiple-family zoning districts, RMF-30 and RMF-35. It could narrow the opportunity even further initially by restricting ADU's to the City's historic districts where there is a design review process that is working well. The residents in these zoning districts expect renters as neighbors. These parts of the City have much better service by mass transit, especially TRAX. The City is already licensing many of these buildings as businesses.

Because of current market conditions, it is important that the City take an incremental approach. Starting in the multi-family zones within historic districts allows that. The City could start with the RMF-30 and -35 zones and then add the R-2 zone. Or, it could add properties within the National Register Historic Districts using guidelines similar to those used for additions in historic districts.

Not only would this approach have a greater potential for success, the City would also be offering an incentive for historic preservation, which already has a longer approval process.

The immediate risk of Clarion's approach is that it will create a nonproductive uproar of opposition from residents in some of the City's more exclusive neighborhoods. The long term risk is that it will create a mess on a City-wide level, which like so many previous bad ideas, the

City's planners will not be able to fix.

Accessory Dwelling Units  
What would it take to put them in Single-family zoning districts?  
Comments by Cindy Cromer  
July 14, 2010

Clarion has proposed that Accessory Dwelling Units (ADU's) be allowed in single-family zoning districts, in owner-occupied housing. I want to start by identifying the prerequisites for such an approach to work.

The City would have to have **effective enforcement** regarding violations of its zoning ordinance and permitting process. While there are effective employees who work in enforcement in Salt Lake, we do not have consistent and comprehensive enforcement. The City will not be able to enforce the "owner occupancy" requirement.

The City would need a **successful program for compatible infill** to address design issues associated with ADU's. The current ordinance for infill has not been successful and is under revision.

Logically there would need to be a **demand for additional units**, or the City would be undermining the efforts of existing landlords to fill their vacancies. As every landlord I know would attest, the last couple of years have been very challenging with higher vacancy rates, concessions, and stagnant rents in the face of rising taxes and utilities.

There would need to be **public support for unit legalization** and expansion of housing in low density neighborhoods. The Board of Adjustment did an about face a year and a half ago and began approving unit legalizations that it would have denied previously. Public opinion has not made a similar shift. The case on the Board's agenda this coming Monday is likely to be another demonstration of how neighbors in low density neighborhoods feel about legalizations and rental units in general.

It would make sense to have additional housing **located in areas served by mass transit**. Clarion's proposal to restrict ADU's to single family zoning districts introduces new units of housing in areas that typically have limited or no mass transit.

In order to have safe housing as part of an ADU initiative, the City has to have a process for **business licensing in single family structures**. Currently, the City licenses buildings with 3 or more units. While the City has discussed requiring business licenses for rental properties that are single family and duplex structures, the City does not have a process in place to regulate rental housing already in single family structures, much less to regulate the additional units created as ADU's.

Some of the deficits mentioned above are long standing and cannot be overcome by the Mayor's directive to improve/create the tool. The one involving public opinion is not under the Mayor's control.

So what could the City do that would increase housing without aggravating existing problems and creating a firestorm of opposition?

The City could begin the implementation of ADU's in the existing multiple-family zoning districts, RMF-30 and RMF-35. It could narrow the opportunity even further initially by restricting ADU's to the City's historic districts where there is a design review process that is working well. The residents in these zoning districts expect renters as neighbors. These parts of the City have much better service by mass transit, especially TRAX. The City is already licensing many of these buildings as businesses.

Because of current market conditions, it is important that the City take an incremental approach. Starting in the multi-family zones within historic districts allows that. The City could start with the RMF-30 and -35 zones and then add the R-2 zone. Or, it could add properties within the National Register Historic Districts using guidelines similar to those used for additions in historic districts. Not only would this approach have a greater potential for success, the City would also be offering an incentive for historic preservation, which already has a longer approval process.



The immediate risk of Clarion's approach is that it will create a nonproductive uproar of opposition from residents in some of the City's more exclusive neighborhoods. The long term risk is that it will create a mess on a City-wide level, which like so many previous bad ideas, the City's planners will not be able to fix.

## Maloy, Michael

---

**From:** robert daniels [bipdaniels@gmail.com]  
**Sent:** Tuesday, July 06, 2010 8:38 AM  
**To:** Maloy, Michael  
**Subject:** ADU's

**Categories:** Other

Good morning Michael.....

I am both pleased and interested in the city developing plans regarding ADU's. They are in integral part of this city's housing stock. I am, however, concerned that they will be inappropriately regulated. A foreseeable problem might be Mrs. Murphy's Exemption. I will not try to explain this outmoded loophole to you but I will say that it is a part of the Fair Housing law that has outlived its useful existence. I was a victim of it and know of others who were also adversely affected. It would be so simple for the city to create an ordinance to render it obsolete. I would appreciate your looking into that.

Thanks,

Bip

## Coffey, Cheri

---

**From:** Gary Harding [garyh99@comcast.net]  
**Sent:** Tuesday, January 19, 2010 1:40 PM  
**To:** Coffey, Cheri  
**Cc:** Yalecrest CC Chair  
**Subject:** RE: Comments---FW: Yalecrest Notice - Accessory Dwelling Units proposed by SLC  
**Attachments:** Accessory Dwelling Units Purpose and Background.pdf

Ms. Coffey,

I read the brief attachment. First I observe that the attachment has very little definition it just floats a broad concept. Deviating from the current residential zoning restrictions by allowing people to add ADU's is just that, a violation of the existing zoning concepts. I would oppose any broad based variance such as this. After the opposition stated above my thoughts on your General Questions are:

1. Yes on-site parking should be required along with any new dwellings. If an ADU is approved the owner should have to periodically submit (say with property tax payments) a certification that they still have the required on-site parking.
2. Definitely not in R1 zones.
3. Size should be seriously restricted and definitely not on par with a Principal Structure.
4. Any regulations should be subordinated to existing regulations and infill restrictions.
5. Yes, any structure (on or beyond the scale of a 2 car garage) on residential property in the city should be subject to design guidelines.
6. Businesses and Home Occupations should be prohibited in ADUs. Otherwise they would be built specifically as business locations despite whatever guidelines are offered.
7. If ADU's are made available the property owner should have to submit with property tax payments a certification that the structure is not longer used as a Dwelling, or was vacant all year, or that the occupancy still complies with the ADU requirements.

As you can tell I think this initiative would just be used as a vehicle to increase population density and undermine the character of the residential districts for which the city is justifiably proud.

---

**From:** dmgib@xmission.com [mailto:dmgib@xmission.com]  
**Sent:** Monday, December 21, 2009 11:38 AM  
**To:** dmgib@xmission.com  
**Subject:** Yalecrest Notice - Accessory Dwelling Units proposed by SLC

Neighbors,

The Salt Lake City Planning Division is currently looking at creating an ordinance that, if approved, could greatly impact our neighborhood. The City is moving forward with a Sustainability Code Revision Project that includes, among other items, Allowing "Accessory Dwelling Units".

I encourage you to read the attached document and send your comments to the staff contact, Cheri Coffey, 801.535.6188, or ([cheri.coffey@slc.gov](mailto:cheri.coffey@slc.gov)). The proposed ordinance is in the early stages and the City is eager to receive comments.

You can sign up for SLC Planning notices at:  
<http://www.slc.gov/CED/planning/pages/projects.htm>

Reminder - NO Jan. 6 Yalecrest Meeting

Happy Holidays!  
Lisette Gibson  
Yalecrest Neighborhood Council Chair  
day 801-583-9316

Accessory Dwelling Unit (definition):

A residential unit that is located on the same lot as a single-family dwelling unit, either internal to or attached to the single family unit or in a detached structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, kitchen, sleeping area, closet space, and bathroom facilities.

Public Open House Notification

Sustainability Code Revision Project. The Planning Division is currently working with Clarion Associates to develop various amendments to the City's Zoning, Site Development and Subdivision Ordinances relating to sustainability regulations.

The proposed changes include allowance for **ACCESSORY DWELLING**

**UNITS**, Alternative Energy Systems (Solar Oriented Subdivisions, Small Wind Energy Systems, Solar Arrays, Solar Collection Systems); Urban Agriculture (Community Gardens, Seasonal Farm Stands, Community Supported Agriculture, hoopouses, greenhouses and coldframes) and Street and Pedestrian Connectivity Standards for new development (Staff contact: Cheri Coffey at 801.535.6188 or [cheri.coffey@slcgov.com](mailto:cheri.coffey@slcgov.com)).

## Coffey, Cheri

---

**From:** Dan Jones [djones7530@hotmail.com]  
**Sent:** Tuesday, January 05, 2010 6:17 PM  
**To:** Coffey, Cheri  
**Subject:** Accessory Dwelling Units

Ms.Coffey, I am a resident at 1738 Yale Avenue in the "Harvard-Yale" area of the city.

I have learned some news from our neighborhood council that has me quite concerned, to wit, that the city is considering rezoning fo allow "Accessory Dwelling Units" to be constructed in our neighborhood. My comments below refer to an information circular I received from ARCH giving the definition, background, and purpose statement of ADUs.

My concerns fall into three areas:

1. This is already a high-density (small-lot) neighborhood with challenging parking. We don't need to increase the density by "increasing the housing stock of existing neighborhoods"!
2. It is a neighborhood with great charm. In the recent past the city has realized this and taken steps to prevent architectural monstrosities from being built (in some cases, alas, too late.) This ordinance if passed could kick off another cycle of ugly remodelling. The picture shown in the ARCH circular of an attached ADU above-garage was anything but reassuring in this regard.
3. This is a very safe, family-oriented neighborhood. No matter how well-intentioned, these units once built will certainly turn into rentals that will forever change the historically stable character of our neighborhood.

I would appreciate hearing from regarding any public fora that will be provided for feedback on this proposal. I am quite sure that if our neighborhood was canvassed in any manner, an overwhelming negative response would be turned in.

Thank you in advance for your consideration of these comments.

Dan Jones  
1738 Yale Ave.  
SLC 84108

---

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

## Coffey, Cheri

---

**From:** dmgib@xmission.com  
**Sent:** Monday, January 04, 2010 11:54 AM  
**To:** Warren Lloyd  
**Cc:** Coffey, Cheri; Hunter Esther; Oliver Anne; Schwemmer AIA Annie; Huffaker Kirk; Love, Jill; Garrott, Luke; Martin, JT; Simonsen Soren; Virginia Hylton home; GEORGE CATHY KELNER; Sally Patrick; Michael F. Jones; Jon Dewey; Yalecrest CC Chair  
**Subject:** Re: ADU Zoning

Warren,

Thank you for copying us on your email regarding the City's proposed idea of allowing Accessory Dwelling Units. Personally, I think this is a terrible idea and it should NOT be implemented city wide. The Yalecrest Executive Board is opposed to the idea.

Here are my comments to the Accessory Dwelling Unit section that was included with the "Sustainability Code Revision Project".

The Accessory Dwelling Unit section language should be removed from the Sustainability Project. It needs to stand alone as a separate ordinance as this is a huge issue that would have tremendous impact on our neighborhoods.

These units would not work in the Yalecrest neighborhood. Yalecrest is a Single-Family Residential Neighborhood (R-1-5000 and R-1-7000) with the exception of two businesses (zoned CN).

**Allowing accessory dwelling units would essentially change the underlying zoning from single family to multi-family.** Allowing these dwellings would eliminate the predictability of living (or moving into) a quiet single family neighborhood. We already have the problem in the Yalecrest area of "lack of privacy" when oversized new and existing garages and home additions loom over neighboring yards and homes. These units should NOT be allowed in R-1 zoned areas.

Character - Yalecrest already has a huge problem in maintaining the character of our historic neighborhood due to historically insensitive new construction and additions. Encouraging this type of development would only add to the problem. The "worse case" has to be considered. As with the Hubbard McMansion and the new detached garage at 1605 Princeton Avenue, people WILL take advantage of the City's ordinances and push the limits. The garage at 1605 Princeton has three dormers on the east side, has a sliding glass door on the southwest side and is almost as tall as the primary structure. An illegal sewer line was "caught" by the city and plugged. It is clear this detached garage was planned as a dwelling unit. Please drive by and see the garage for yourself!

Don't apply this city wide. If it appears that this ordinance would be appropriate for a particular area of SLC (and you have the public support), try it out and see how it goes first. This idea might work in some areas of SLC (possibly along existing public transit lines).

UTA has eliminated a tremendous amount of public transportation in the Yalecrest area over the years and there are no nearby businesses to easily walk to (#7 and #8).

Lot coverage - how would these units impact the current lot coverage requirements? The lot coverage percentage was reduced in 2005 with the city-wide compatible infill zoning.

Units and Occupancy - would there be a cap on units per lot? What about the rule of "no more than three unrelated adults living together"? How many occupants would be allowed in these units?

Parking - As I mentioned, large out of scale garages are a huge issue for the Yalecrest area. And who would want to see parking pads added to our lots (and is getting rid of green space for asphalt or concrete parking pads sustainable)? I don't see how the parking could work. Most lots and garages in our area are small and a lot of residents already park one car on the street. Where would all the cars be parked? Off street parking has to be a requirement.

This should NOT take precedence over other existing regulations. This section should NOT be rushed through.

I moved into our neighborhood years ago with the assumption (and the zoning) that only single-family homes would be line our streets and garages (containing cars) would line most backyards.

Thank you,

Lisette Gibson,  
Chair - Yalecrest Neighborhood Council

Quoting Warren Lloyd <warren@lloyd-arch.com>:

> Cheri:

>

> Thanks for your work on the Sustainability Code Project.

>

> I am responding (in red) to the General questions with some brief  
> comments with a cc to several neighborhood advocates for their  
thoughts.

>

- > Happy New Year!
- >
- >
- > Warren
- >
- > General Concepts
- > Regulations to ensure mitigation of negative impacts
- >
- > 1. Limit Size of Unit: Proposal is to limit the size of Accessory Dwelling Unit to ensure it is subordinate of the principal structure.
- >
- >
- > 2. Owner Occupancy: Require either the principal unit or the ADU to be occupied by the owner of the lot.
- >
- > General Questions
- >
- > 1. Parking Requirement: Should an Accessory Dwelling Unit have to include on-site parking?
- >
- > In general I would be opposed to additional on-site parking requirements for the ADU but would suggest a tool that would give planning staff ability to respond to specific conditions where on-street parking problems have been documented.
- >
- > 2. Where to Allow: In what zoning districts should Accessory Dwelling Units be allowed?
- >
- > I would consider it in ALL residential zones
- >
- > 3. Should the size of the structure conform to the regulations of Principal Structures or Accessory Structures?
- >
- > I would use the Accessory Structure standards
- >
- > 4. Should these regulations take precedence over other existing regulations if there is a conflict (such as those relating to compatible infill or historic preservation regulations?)
- >
- > No, but they should be a criteria for approving a special exception or variance.
- >
- > In H overlay districts, the ADU could be noted in a staff report as mitigating or supporting condition to an application
- >
- > Is there a way to confirm the intent of an applicant to provide additional housing?



- > Have we now come full circle from requiring homeowners to verify that
- > the accessory structure (ADU) WON'T be used for housing to requiring
- > that it WILL be housing?
- >
- > 5. Should there be design guidelines for these types of structures
- > (where they are detached?)
- >
- > Yes, There should be a Design guideline for detached ADU's
- > They could be developed from the patterns established in the
- > Compatible Infill Overlay and the Residential Design Guidelines from
- > the H Overlay.
- >
- > 6. Should home occupations be allowed in Accessory Dwelling Units?
- >
- > Yes
- >
- > 7. Other
- >
- >
- >
- > Warren K Lloyd, AIA LEED AP
- > Principal
- >
- >
- > LloydArchitects
- > Salt Lake City + Seattle
- >
- > 573 E 600 S, Salt Lake City UT 84102
- > ph 801.328.3245 / fax 801.328.3246
- > lloyd-arch.com

## Coffey, Cheri

---

**From:** Warren Lloyd [warren@lloyd-arch.com]  
**Sent:** Saturday, January 02, 2010 10:03 AM  
**To:** Coffey, Cheri  
**Cc:** Yalecrest CC Chair; Hunter Esther; Oliver Anne; Schwemmer AIA Annie; Huffaker Kirk; Love, Jill; Garrott, Luke; Martin, JT; Simonsen Soren  
**Subject:** ADU Zoning

### Cheri:

Thanks for your work on the Sustainability Code Project.

I am responding (in red) to the General questions with some brief comments with a cc to several neighborhood advocates for their thoughts.

Happy New Year!

### Warren

#### General Concepts

Regulations to ensure mitigation of negative impacts

1. Limit Size of Unit: Proposal is to limit the size of Accessory Dwelling Unit to ensure it is subordinate of the principal structure.
2. Owner Occupancy: Require either the principal unit or the ADU to be occupied by the owner of the lot.

#### General Questions

1. Parking Requirement: Should an Accessory Dwelling Unit have to include on-site parking?

In general I would be opposed to additional on-site parking requirements for the ADU but would suggest a tool that would give planning staff ability to respond to specific conditions where on-street parking problems have been documented.

2. Where to Allow: In what zoning districts should Accessory Dwelling Units be allowed?

I would consider it in ALL residential zones

3. Should the size of the structure conform to the regulations of Principal Structures or Accessory Structures?

I would use the Accessory Structure standards

4. Should these regulations take precedence over other existing regulations if there is a conflict (such as those relating to compatible infill or historic preservation regulations?)

No, but they should be a criteria for approving a special exception or variance.

In H overlay districts, the ADU could be noted in a staff report as mitigating or supporting condition to an application

Is there a way to confirm the intent of an applicant to provide additional housing?

Have we now come full circle from requiring homeowners to verify that the accessory structure (ADU) WON'T be used for housing to requiring that it WILL be housing?

5. Should there be design guidelines for these types of structures (where they are detached?)

Yes, There should be a Design guideline for detached ADU's

They could be developed from the patterns established in the Compatible Infill Overlay and the Residential Design Guidelines from the H Overlay.

6. Should home occupations be allowed in Accessory Dwelling Units?

Yes

7. Other

Warren K Lloyd, AIA LEED AP  
Principal

## LloydArchitects

Salt Lake City + Seattle

573 E 600 S, Salt Lake City UT 84102  
ph 801.328.3245 / fax 801.328.3246  
lloyd-arch.com

**Coffey, Cheri**

---

**From:** Owen & Deanna Lunt [odlunt@juno.com]  
**Sent:** Monday, December 28, 2009 4:52 PM  
**To:** Coffey, Cheri  
**Subject:** Accessory Dwelling Units

I belong to the Yalecrest Community Council, and I oppose the "Accessory Dwelling Units" proposal by SLC.

Deanna Lunt  
1870 Harvard Ave.  
Salt Lake City, Ut 84108

---

Criminal Lawyer  
Criminal Lawyers - Click here.  
<http://thirdpartyoffers.juno.com/TGL2131/c?cp=3WlSwGVJ-yHzEg9nABsd8QAAJz1Gjldoot8yPQSjfqOF0tsYAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAAAAiFgAAAAA=>

## Coffey, Cheri

---

**From:** vankays5@aol.com  
**Sent:** Thursday, December 24, 2009 10:39 AM  
**To:** Coffey, Cheri  
**Subject:** ADU'S

As a resident of the Yalecrest community (residing at 1234 So. 1800 E.) I encourage making ADU's a viable option to our neighborhood. I think the economic advantages would make living in this area accessible to more people, and might make it possible for my wife and I to stay here.

Neil vanKeizerswaard

**Coffey, Cheri**

---

**From:** Tom A. Lund [talund@tannerco.com]  
**Sent:** Wednesday, December 23, 2009 10:08 AM  
**To:** Coffey, Cheri  
**Cc:** Gretchen Lund  
**Subject:** "Accessory Dwelling Units" proposal

Cheri,

My wife, Gretchen, and I have lived in the Harvard/Yale area for almost 20 years. Even though most of the lots and houses are small, it's been a wonderful place to raise our children.

We recently learned that the Salt Lake City Planning Division is considering an ordinance allowing "Accessory Dwelling Units", and we wanted to give you our input:

We are against such an ordinance because we feel that our neighborhood already has a high density, old quaint density but density nevertheless. Simply put, one would be hard pressed to find another historical neighborhood, other than the avenues and central city, with the density that exists in the Harvard/Yale area. This proposed ordinance would create additional traffic and "new rental density" that would detract from, not add to, the quality of life in our area. The small lots in our area already don't have very much open space. At a time when we are hearing more and more about "open space", it is hard for us to understand why a proposed ordinance like this is even being considered!

Thank you for taking our input. Please share our input with the SLC Planning Division. Please feel free to call us as well!

Thank you.

Tom & Gretchen Lund  
1553 Laird Avenue  
Salt Lake City, Utah 84105  
C-(801) 856-2005

-----  
This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.  
-----

To ensure compliance with U.S. Treasury rules, unless expressly stated otherwise, any U.S. Tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, by the recipient for the purpose of 1) avoiding penalties that may be imposed under the Internal Revenue Code, and 2) promoting, marketing, or recommending to another party any tax-related matters addressed in this communication.

## Coffey, Cheri

---

**From:** Coffey, Cheri  
**Sent:** Tuesday, December 22, 2009 4:23 PM  
**To:** Coffey, Cheri  
**Subject:** ADU Public Comment

Received a voice mail message today from Wayne Cannon at 1373 East Harvard Avenue. He is supportive of Accessory Dwelling Units if they require on-site parking (and they don't generate a parking problem) and they are built in a way that is compatible with the neighborhood (no garage mahals). He is not sure how regulations can address that but if they can he supports them.

12/22/09

## Coffey, Cheri

---

**From:** LYNN Pershing [lkpershing@gmail.com]  
**Sent:** Tuesday, December 22, 2009 2:39 PM  
**To:** Coffey, Cheri; dmgib@mission.com  
**Subject:** accessory dwelling units

Dear Ms Coffey

I implore you to stop the madness and continuous, aggressive destruction of one of SLC most charming neighborhoods (YaleCrest).

I have read the accessory dwelling units and sustainability code revisions and have concluded it allows for rental additions to existing family dwellings. Provisions for consistency with existing architecture, etc are always "good speak" but have "no teeth to defend or protect" these provisions.

Homes in Yalecrest neighborhood are small-medium sized single family dwelling units and a fair number of already existing rental duplexes. We don't need nor want to become rental units. It is important to the city that this neighborhood retains its property values. Rental additions will only decrease home values. Previous city approval of 'megamansions' and new commercial business has surely been beneficial to the city's tax base, but is destroying the very charming fiber of this historic neighborhood that has been critical to its high real estate demand, excellent property values and high quality of life (walkability) which benefits the city's tax base.

The City speaks of 'improving our city neighborhoods' but doesn't interact with residents to identify how that might be best accomplished.

Stop the Madness, the Greed and the Destruction of what is inherently good. Protect what is precious and so easily lost to good intentions. Go change something that is NOT working--the DOWNTOWN. Get the massive downtown projects completed, give free parking for year to re-establish downtown shopping behavior and get commerce rolling there again. Leave us alone--we're already a great neighborhood and doing our part to insure a "better Downtown living experience".

DO NOT implement this proposed city ordinance/zoning change. It will DESTROY the YaleCrest neighborhood, its charm, congeniality and high quality of life.

Respectfully,  
Lynn K. Pershing, Ph.D.  
Consultant  
Dermatopharmaceutics  
tel: 801/971-4959  
email: [lkpershing@gmail.com](mailto:lkpershing@gmail.com)



## Coffey, Cheri

---

**From:** Sally M Patrick [Sally.Patrick@utah.edu]  
**Sent:** Tuesday, December 22, 2009 9:01 AM  
**To:** Yalecrest CC Chair; Coffey, Cheri  
**Cc:** Sally M Patrick  
**Subject:** RE: Accessory Dwelling Units Comments

Cheri-

Lisette did a great job of expanding on my initial comments to you-I second these 100% on behalf of Yalecrest.

Sally M. Patrick  
1413 Laird Circle  
YCC Secretary/Treasurer

---

**From:** dmgib@xmission.com [dmgib@xmission.com]  
**Sent:** Monday, December 21, 2009 2:50 PM  
**To:** Coffey, Cheri  
**Cc:** dmgib@xmission.com  
**Subject:** Accessory Dwelling Units Comments

Cheri,

Here are my comments to the Accessory Dwelling Unit section that was included with the Sustainability Code Revision Project.

I feel that the Accessory Dwelling Unit section language should be removed from the Sustainability Project. It needs to stand alone as a separate ordinance as this is a huge issue that would have tremendous impacts on our neighborhoods.

These units would not work in the Yalecrest neighborhood.

Yalecrest is an entirely single-family residential neighborhood (R-1-5000 and R-1-7000) with the exception of two businesses (zoned CN).

Allowing accessory dwelling units would essentially change the underlying zoning from single family to multi-family. Allowing these dwellings would eliminate the predictability of living (or moving into) a quiet single family neighborhood. We already have the problem of "lack of privacy" when oversized new and existing garages and home additions loom over neighboring yards. These units should not be allowed in R-1 zoned areas.

Character - Yalecrest already has a huge problem in maintaining the character of our historic neighborhood due to historically insensitive new construction and additions. Encouraging this type of development would only add to the problem.

Don't apply this City-Wide. If it appears to be appropriate for a particular area of SLC (and you have the public support), try it out and see how it goes. This idea might work in some areas of SLC (possibly along existing public transit lines).

UTA has eliminated a tremendous amount of public transportation in the Yalecrest area over the years and there are no nearby businesses to easily walk to (#7 and #8).

Lot coverage - how would allowing these dwellings impact lot coverage requirements? The lot coverage percentage was reduced in 2005 with the city-wide compatible infill zoning.

Units - would there be a cap on units per lot and what about the rule of "no more than three unrelated adults living together"?

Parking - As I mentioned, large out of scale garages are a huge issue for the Yalecrest area. And who would want to see parking pads added to our lots (and is getting rid of green space for asphalt or concrete parking pads sustainable)? I don't see how the parking could work. Most lots and garages in our area are small and a lot of residents already park one car on the street.

This should NOT take precedence over other existing regulations. This section should NOT be rushed through.

I am in favor of the other sustainable measures.

Thank you,

Lisette Gibson  
Yalecrest Neighborhood Council Chair  
Yalecrest Compatible Infill Ordinance Committee

**Coffey, Cheri**

---

**From:** k moncla [kmonc2003@yahoo.com]  
**Sent:** Tuesday, December 22, 2009 8:49 AM  
**To:** Coffey, Cheri

I am opposed to this, It seems that it would just increase rental units in our older neighborhoods, to which we have to many already. It would increase traffic and congestion and it is a terrible idea.

## Coffey, Cheri

---

**From:** Michael F. Jones [mjones@mfjlaw.com]  
**Sent:** Tuesday, December 22, 2009 7:44 AM  
**To:** Coffey, Cheri  
**Cc:** DeLaMare-Schaefer, Mary; Yalecrest CC Chair  
**Subject:** FW: Yalecrest Notice - Accessory Dwelling Units proposed by SLC  
**Attachments:** Accessory Dwelling Units Purpose and Background.pdf

Cheri,

You may recall that I was a member of the Board of Adjustment for 15 years starting in 1993, and Chair of the Board from 2001 to the end of my service in 2008.

I noted this morning that you're the staff contact for this ADU idea, so I'm sending you my comment to Mary next below.

In order not to be selfish and to look at this not just from the perspective of my own Yalecrest neighborhood but also the rest of the City, I must say that this is a terrible idea for much if not all of the City. It would change the scale and appearance of any neighborhood where it was permitted – destroying Federal Heights, the Avenues, Sugarhouse, and so on. The owner-occupancy aspect would be impossible to enforce.

Please stop this terrible idea before it gains any traction at all.

Respectfully,  
Mike

Michael F. Jones | Michael F. Jones, P.C. | Wells Fargo Center | 299 South Main Street, Suite 1300, Salt Lake City, Utah 84111  
T 801.582.2400 | F 801.582.4353 | [mjones@mfjlaw.com](mailto:mjones@mfjlaw.com) | [www.mfjlaw.com](http://www.mfjlaw.com)

*This e-mail may contain information that is privileged or confidential. If you are not an intended recipient, please delete the e-mail and any attachments and immediately notify this law firm by replying to this message, and then delete the communication from any computer or network system. This e-mail does not create an attorney-client relationship with you if you are not already a client of this law firm.*

---

**From:** Michael F. Jones [mailto:mjones@mfjlaw.com]  
**Sent:** Monday, December 21, 2009 17:22  
**To:** 'De La Mare-Schaefer, Mary'  
**Cc:** 'dmgib@xmission.com'  
**Subject:** FW: Yalecrest Notice - Accessory Dwelling Units proposed by SLC

Hi Mary,

This ADU idea is simply a terrible one as it relates to my Yalecrest neighborhood. Without doubt, it would result in even larger garages, and even more of a scale problem than my neighborhood already has, not to mention tearing asunder the historical fabric of the neighborhood once and for all.

Respectfully,  
Mike

Michael F. Jones | Michael F. Jones, P.C. | Wells Fargo Center | 299 South Main Street, Suite 1300, Salt Lake City, Utah 84111  
T 801.582.2400 | F 801.582.4353 | [mjones@mfjlaw.com](mailto:mjones@mfjlaw.com) | [www.mfjlaw.com](http://www.mfjlaw.com)

*This e-mail may contain information that is privileged or confidential. If you are not an intended recipient, please delete the e-mail and any attachments and immediately notify this law firm by replying to this message, and then delete the*

communication from any computer or network system. This e-mail does not create an attorney-client relationship with you if you are not already a client of this law firm.

---

**From:** dmgib@xmission.com [mailto:dmgib@xmission.com]  
**Sent:** Monday, December 21, 2009 11:38  
**To:** dmgib@xmission.com  
**Subject:** Yalecrest Notice - Accessory Dwelling Units proposed by SLC

Neighbors,

The Salt Lake City Planning Division is currently looking at creating an ordinance that, if approved, could greatly impact our neighborhood. The City is moving forward with a Sustainability Code Revision Project that includes, among other items, Allowing "Accessory Dwelling Units".

I encourage you to read the attached document and send your comments to the staff contact, Cheri Coffey, 801.535.6188, or ([cheri.coffey@slcgov.com](mailto:cheri.coffey@slcgov.com)). The proposed ordinance is in the early stages and the City is eager to receive comments.

You can sign up for SLC Planning notices at:  
<http://www.slcgov.com/CED/planning/pages/projects.htm>

Reminder - NO Jan. 6 Yalecrest Meeting

Happy Holidays!  
Lisette Gibson  
Yalecrest Neighborhood Council Chair  
day 801-583-9316

Accessory Dwelling Unit (definition):

A residential unit that is located on the same lot as a single-family dwelling unit, either internal to or attached to the single family unit or in a detached structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, kitchen, sleeping area, closet space, and bathroom facilities.

Public Open House Notification

Sustainability Code Revision Project. The Planning Division is currently working with Clarion Associates to develop various amendments to the City's Zoning, Site Development and Subdivision Ordinances relating to sustainability regulations.

The proposed changes include allowance for **ACCESSORY DWELLING UNITS**, Alternative Energy Systems (Solar Oriented Subdivisions, Small Wind Energy Systems, Solar Arrays, Solar Collection Systems); Urban Agriculture (Community Gardens, Seasonal Farm Stands, Community Supported Agriculture, hoopouses, greenhouses and coldframes) and Street and Pedestrian Connectivity Standards for new development (Staff contact: Cheri Coffey at 801.535.6188 or [cheri.coffey@slcgov.com](mailto:cheri.coffey@slcgov.com)).

## Coffey, Cheri

---

**From:** dm gib@xmission.com  
**Sent:** Monday, December 21, 2009 2:51 PM  
**To:** Coffey, Cheri  
**Cc:** Yalecrest CC Chair  
**Subject:** Accessory Dwelling Units Comments  
**Attachments:** Plaintext Version of Message; HTML Version of Message

Cheri,

Here are my comments to the Accessory Dwelling Unit section that was included with the Sustainability Code Revision Project.

I feel that the Accessory Dwelling Unit section language should be removed from the Sustainability Project. It needs to stand alone as a separate ordinance as this is a huge issue that would have tremendous impacts on our neighborhoods.

These units would not work in the Yalecrest neighborhood. Yalecrest is an entirely single-family residential neighborhood (R-1-5000 and R-1-7000) with the exception of two businesses (zoned CN).

Allowing accessory dwelling units would essentially change the underlying zoning from single family to multi-family. Allowing these dwellings would eliminate the predictability of living (or moving into) a quiet single family neighborhood. We already have the problem of "lack of privacy" when oversized new and existing garages and home additions loom over neighboring yards. These units should not be allowed in R-1 zoned areas.

Character - Yalecrest already has a huge problem in maintaining the character of our historic neighborhood due to historically insensitive new construction and additions. Encouraging this type of development would only add to the problem.

Don't apply this City-Wide. If it appears to be appropriate for a particular area of SLC (and you have the public support), try it out and see how it goes. This idea might work in some areas of SLC (possibly along existing public transit lines).

UTA has eliminated a tremendous amount of public transportation in the Yalecrest area over the years and there are no nearby businesses to easily walk to (#7 and #8).

Lot coverage - how would allowing these dwellings impact lot coverage requirements? The lot coverage percentage was reduced in 2005 with the city-wide compatible infill zoning.

Units - would there be a cap on units per lot and what about the rule of "no more than three unrelated adults living together"?

Parking - As I mentioned, large out of scale garages are a huge issue for the Yalecrest area. And who would want to see parking pads added

to our lots (and is getting rid of green space for asphalt or concrete parking pads sustainable)? I don't see how the parking could work. Most lots and garages in our area are small and a lot of residents already park one car on the street.

This should NOT take precedence over other existing regulations. This section should NOT be rushed through.

I am in favor of the other sustainable measures.

Thank you,

Lisette Gibson  
Yalecrest Neighborhood Council Chair  
Yalecrest Compatible Infill Ordinance Committee

## Coffey, Cheri

---

**From:** GEORGE CATHY KELNER [kelnergeo@msn.com]  
**Sent:** Monday, December 21, 2009 1:38 PM  
**To:** Coffey, Cheri  
**Subject:** accessory dwelling unit proposal

Dear Ms. Coffey,

We have taken the opportunity to review the information you sent out regarding the possibility of creating regulations that would allow accessory dwelling units in existing residential neighborhoods. We live in the Yalecrest neighborhood and have been working to have it designated as a local historic district. While we appreciate the city's efforts to develop sustainable green policies, we absolutely and wholeheartedly oppose opening up the Yalecrest neighborhood or other city neighborhoods that are historically significant to the character of our city to accessory dwelling units. The character of our Yalecrest neighborhood has eroded significantly with teardowns and oversized out of character additions. The privacy of neighbors has been encroached upon, traffic has increased, parking problems have grown, property values have suffered and ill will has replaced neighborhood cohesion. We strongly believe that these problems would grow exponentially if our beautiful old neighborhoods would be subjected to accessory dwelling units. We urge the city to drop this proposal.

George and Cathy Kelner  
1000 Military Drive



**From:** Virginia Hylton [virginiahylton@gmail.com]  
**Sent:** Thursday, December 17, 2009 5:11 PM  
**To:** Coffey, Cheri; GEORGE CATHY KELNER; Sally M Patrick; Yalecrest CC Chair  
**Subject:** Proposed Accessory Dwelling Unit Ordinance

Ms. Coffey;

While I completely support sustainability, I do not feel that wholesale zoning for accessory dwelling units throughout Salt Lake's residential neighborhoods is in the best interest of Salt Lake's residents. There are many neighborhoods that have a well recognized development pattern and sense of place. My Yalecrest neighborhood is one example. We would like to be recognized for our architectural and historic contribution to Salt Lake City, as well as our quality of life. Allowing additions, remodels and construction of new detached structures to accommodate a second residential unit in a single-family neighborhood and the concomitant increase in traffic and parking pressure on our residential streets is contrary to our goals.

Respectfully,  
Virginia Hylton

**From:** Sally M Patrick [Sally.Patrick@utah.edu]  
**Sent:** Thursday, December 17, 2009 3:18 PM  
**To:** Coffey, Cheri  
**Cc:** GEORGE CATHY KELNER; Jon Dewey; Virginia Hylton home; Yalecrest CC Chair  
**Subject:** Accessory Dwelling Units Comment

Hello Cheri-

As Secretary/Treasurer of the Yalecrest Community Council, Lisette Gibson forwarded to several of us the Accessory Dwelling Units Info on the agenda for the open house tonight. Here are my comments back to Lisette which I am also sending to you for tonight's discussion. I strongly support our YCC letter to the City Council requesting consideration for Historic District designation and expect those considerations to take precedence over other Accessory Dwelling Unit considerations.

This is indeed an important issue and could indeed be a Trojan horse  
 > as a way to supersede the Historic District issues of compatible  
 > design and size we are pushing. While I support the "green" and  
 > aging population issues, I would not want allowances made to our  
 > direction in order to allow for encroachment for accessory  
 > structures-I've got one right next door!

Sally Patrick  
 1413 Laird Circle  
 (1210 South 1410 East)

---

**From:** dmgib@xmission.com [mailto:dmgib@xmission.com]  
**Sent:** Thursday, December 17, 2009 3:04 PM  
**To:** Sally M Patrick  
**Cc:** Virginia Hylton home; GEORGE CATHY KELNER; Jon Dewey; sally.patrick@gmail.com  
**Subject:** RE: RE: Accessory Dwelling Units Info

Good comments Sally!

All, we need to get on this NOW! Everyone, please send your comments to Cheri Coffey.

What do you think of me emailing it out to our distribution list?

Thanks, Lisette

Quoting Sally M Patrick <Sally.Patrick@utah.edu>:

> Hi Lisette-  
 > This is indeed an important issue and could indeed be a Trojan horse  
 > as a way to supersede the Historic District issues of compatible  
 > design and size we are pushing. While I support the "green" and  
 > aging population issues, I would not want allowances made to our  
 > direction in order to allow for encroachment for accessory  
 > structures-I've got one right next door!  
 >  
 > My 2 cents  
 > Sally  
 >  
 > PS all-please note new personal e-mail. [sally.patrick@gmail.com](mailto:sally.patrick@gmail.com)

>  
 >  
 > From: dm gib@xmission.com [mailto:dm gib@xmission.com]  
 > Sent: Thursday, December 17, 2009 1:08 PM  
 > To: Virginia Hylton home; GEORGE CATHY KELNER; Jon Dewey;  
 > sally.patrick@gmail.com; dm gib@xmission.com  
 > Subject: Fwd: RE: Accessority Dwelling Units Info  
 >  
 > See attached from Cheri Coffey. Accessory Dwelling Units are just  
 > one item that will be presented at the SLC Planning Open House  
 > tonight that is included with other "Sustainability Code  
 > Revisions".  
 >  
 > Here is the Open House info and Cheri's contact info. I will try to  
 > attend the open house tonight. I think this one is very important  
 > and we should all send comments! What do you all think?  
 >  
 > Thanks, Lisette  
 >  
 > Sustainability Code Revision Project?The Planning Division is  
 > currently working with Clarion Associates to develop various  
 > amendments to the City's Zoning, Site Development and Subdivision  
 > Ordinances relating to sustainability regulations. The proposed  
 > changes include allowance for Accessory Dwelling Units, Alternative  
 > Energy Systems (Solar Oriented Subdivisions, Small Wind Energy  
 > Systems, Solar Arrays, Solar Collection Systems); Urban Agriculture  
 > (Community Gardens, Seasonal Farm Stands, Community Supported  
 > Agriculture, hoopouses, greenhouses and coldframes) and Street and  
 > Pedestrian Connectivity Standards for new development (Staff contact:  
 > Cheri Coffey at 801.535.6188 or cheri.coffey@slcgov.com).  
 >  
 > Thursday December 17, 2009  
 > From 4:30 to 6:00 P.M.  
 > FIRST FLOOR HALLWAY  
 > SALT LAKE CITY AND COUNTY BUILDING  
 >  
 >  
 > ----- Forwarded message from Cheri.Coffey@slcgov.com -----  
 > Date: Thu, 17 Dec 2009 12:36:32 -0700  
 > From: "Coffey, Cheri" <Cheri.Coffey@slcgov.com>  
 > Reply-To: "Coffey, Cheri" <Cheri.Coffey@slcgov.com>  
 > Subject: RE: Accessority Dwelling Units Info  
 > To: Yalecrest CC Chair <dm gib@xmission.com>  
 >  
 > Lisette,  
 >  
 > I have attached the open house materials. We don't have a finalized  
 > version of the ordinance. We are taking the opportunity at  
 > tonight's meeting to pose general questions to the public on the  
 > issues to get a better understanding of what issues you may have.  
 >

> Please send me your comments. We will use them to help us  
> finalize the draft ordinance. Once we get a draft ordinance, we  
> will send it back out for the public to comment on as and hold  
> meetings to receive public input.  
>  
> Thanks for your interest. (Please forward to anyone who may be  
> interested.)  
>  
> Cheri  
>  
> From: [dmgib@xmission.com](mailto:dmgib@xmission.com) [mailto:[dmgib@xmission.com](mailto:dmgib@xmission.com)]  
> Sent: Thursday, December 17, 2009 12:24 PM  
> To: Coffey, Cheri  
> Subject: Accessory Dwelling Units Info  
>  
> Hi Cheri,  
> I would like to know if there is any information you could email to  
> me on the Accessory Dwelling Units that will be presented at today's  
> Open House. I don't know if I will be able to attend the open  
> house.  
>  
> Are you looking at proposing the Dwellings Units for all parts of the  
> City and in all residential areas (like the Yalecrest area)?  
>  
> Any information would be appreciated.  
>  
> Thanks!  
> Lisette Gibson  
> Yalecrest Neighborhood Council Chair  
>  
> ----- End forwarded message -----  
>

Comments to Historic Landmarks Commission  
Re draft Sustainability ordinances  
12/2/09

Speaking about the 4 draft ordinances in the sustainability initiative:

These proposals are being fast-tracked and because of their potential impact on historic preservation are worth your attention. The draft ordinances address connectivity, urban agriculture, alternative energy, and accessory dwelling units. They were developed for other communities, in different economic times...communities that must not have the historic resources that ours does.

A problem that a member of the ZAP group identified is the trumping of ALL other zoning regulations. So if there's a conflict between historic preservation and the provisions of the urban agriculture ordinance, urban agriculture prevails.

My greatest disappointment is the proposed ordinance for accessory dwelling units. More on that shortly. Here are some scenarios that could happen and could have a negative impact on historical resources.

- private vegetable gardens in our historic parks with the associated maintenance issues,
- connectivity requirements that disrupt the historical development pattern of our blocks,
- the absence of any provisions for solar in multiple family or mixed use projects--and the failure to protect solar access in those parts of the City.

The focus on single- and two-family dwellings reflects how disconnected the proposed ordinance is with Salt Lake and with our economic times. When do you expect to see a new subdivision with more than 25 single-family and twin-family dwellings on the Planning Commission's agenda?

My greatest disappointment is the proposal to restrict accessory dwelling units to owner-occupied single family dwellings. The huge irony is that accessory dwelling units won't be allowed at all in the very parts of the City that retain most of the historic carriage houses. I had viewed accessory dwelling units as a possible incentive for historic preservation. The path that the consultant has chosen offers nothing for property owners in historic districts. In fact, accessory dwellings under this proposed ordinance offer nothing for me on any of my properties.

There is a significant opportunity for historic preservation here that is being lost as these proposals ignore structures that already have a history of being sustainable.

Cindy Cromer

**Attachment I**  
**Community Council Comments**



*Greater Avenues Community Council*



March 3, 2011

The Honorable Ralph Becker  
Mayor of Salt Lake City  
451 South State Street  
Salt Lake City, UT 84111

*Greater Avenues Community Council*  
*Dave Van Langeveld, Chairman*  
*807 Northcliffe Drive*  
*Salt Lake City, UT 84103-3342*

SCANNED TO: *Mayor*  
SCANNED BY: *Rachel*  
DATE: *3-9-11*  
*hand-delivered*

Dear Mayor Becker,

The Greater Avenues Community Council took an official position last evening in opposition to the proposed City Ordinance on Accessory Dwelling Units. This position was passed by a vote of 30 to 2. The vote was taken after months of discussion and input from residents as well as attendance at informational hearings on the subject. We also had city planning people attend meetings to explain the proposal in detail.

Numerous points of concern were raised with the ADU proposal. A few of those concerns are:

1. The ordinance would go against the Master Plan created in and supported by our community for the last 30 years and as a City-wide mandate would subvert the whole Master Plan-based planning process.
2. The Avenues has worked for years to control deterioration of our neighborhoods, including gaining the adoption of SR1-A zoning for most of the Avenues. The ADU proposal would subvert the existing zoning.
3. The owner occupancy requirement would be very difficult to enforce and if it were enforced could lead to empty ADUs being used for business uses the area is not zoned for.
4. Most one bedroom units would add two vehicles to the already crowded streets and parking problems related to that crowding.
5. There already is an abundance of available housing of this size in the City currently with more being brought on-line in the near term.
6. Avenue residents have little if any confidence in the Planning and Zoning Office's ability to enforce the existing ordinances let a lone a new ordinance. Complaint based enforcement pits neighbor against neighbor and that is all we have known for years.

It is for these and many other reasons that we have taken this action. We hope that the City Council will understand the depth of these concerns and not pass an ordinance allowing ADUs.

Sincerely,

*Dave Van Langeveld*  
Dave Van Langeveld  
Chairman, GACC

cc: Stan Penfold



606 Trolley Square  
Salt Lake City, Utah 84102  
east.central@live.com

Page | 1

March 17, 2011

Michael Maloy, AICP  
Principal Planner  
Salt Lake City Corporation

Salt Lake City Planning Commission  
c/o Angela Hasenberg, Senior Secretary  
Salt Lake City Corporation  
[angela.hasenberg@slctgov.com](mailto:angela.hasenberg@slctgov.com)

Regarding: **PLNPCM2010-00612 Accessory Dwelling Units**

Dear Planning Commissioners;

Gary and I have been asked to write to you in behalf of the general membership and the Executive Board of the Eastside Community Council & East Central Planning District (formerly called East Central) to consider our recommendations for a successful pilot of the ADU policy. Our area represents from South Temple to 1700 South, 1365 East to 700 East or 9 neighborhoods, 3 business districts.

First a thank you and also a plea for your ongoing support.

Our community council area is not opposed to change or to growth.

We have educated ourselves to clearly understand the many changes that need to take place to ready for the growth and housing options anticipated by 2040.

On the other hand, this area is also **uniquely fragile**.

It's location within walking distance to downtown, the University of Utah, Westminster and Sugar House, with transit intersecting the area and charming business districts such as Ninth and Ninth and the proposed Canal District makes it highly desirable. For the same reasons it is also at risk.

It is a rich fabric with an extensive history and undisputed character (example please see the This Old House article included with this letter). A neighborhood where on the same block you see a 5 story apartment buildings, a group home, a medical clinic, duplexes, single family homes, neighborhood businesses such as a coffee shop and a yoga studio.

**In other words, we have organically grown the very sustainable and walkable community that the City hopes to encourage throughout Salt Lake.**





606 Trolley Square  
Salt Lake City, Utah 84102  
east.central@live.com

A thoughtful approach to land use policy that takes into account our fully developed neighborhood can never be done in a broad paint brush manner or we end up loosing what we all cherish with unintended consequences. We believe detailed planning as well as extensive community vetting/buy in ensures that good growth can be realized.

We do not simply fight for single family homes but instead for the full fabric of our council area.

So next we would like to add our applause to the administration for taking the added time to develop this particular land use policy. To date, we feel that the community involvement and the time invested to create a tailored ADU policy for Salt Lake City has been handled with good communication and care. We hope this continues.

**Last, we understand that this pilot may be restricted to areas with fixed transit such as ours.**

We believe better would be a pilot spread across the different areas of the City and the different zones which would give better data for when later the City opens this policy to all areas; would give equal access to this new and lucrative property right and instead of negatively “packing” our less affluent areas of the city, provide this option to areas with larger lots better able to absorb the impacts.

However, long familiar with multiple units and multiple uses in our area, in concept, the membership and the ECPD Executive Board are highly interested in and fully supportive of the “idea” of ADU’s.

**The following are what we believe we will need for a successful and supported pilot should you propose it be in our area.**

**Please consider:**

1. The **owner occupied** requirement be upheld.
2. These **units be counted when calculating density**.
3. The first time a unit is approved it include an **on site inspection for both building and health/life/safety**. (Could be administered through a third party.)



606 Trolley Square  
Salt Lake City, Utah 84102  
east.central@live.com

4. The program be **fully self funding including all necessary enforcement**. We encourage this same thought for the business licensing of existing units down to 2 units.
5. Design standards include the requirement to **maintain the green, open space characteristics of the neighborhood in front, side and backyards** rather than the wholesale tearing up of property frontage, side yards and back yards to install parking lots, parking pads, and asphalt instead of a yard.  
We ask that standards be included to protect this point.
6. We would need a **targeted education/enforcement effort in this area**. We have a disproportionately high amount of existing illegal duplexes, triplexes, fourplexes, etc. that are causing both the City and neighborhood extensive impact/cost/deterioration.
7. **Eliminate the special exception unit legalization process** currently in place that bypasses the standards put in place in each zone and the master plan. Put in place as a 1-2 year temporary measure to protect property rights in 95 is being used to bypass the system now 16 years later. It more than any other program has caused significant problems in the area and between neighbors.  
Also, costs to City to administer this program are very high in staff and board time.
8. Implementation of the **Good Landlord Program**.

Thank you for considering our thoughts and recommendations.

In behalf of the Executive Board and General Membership

Gary Felt  
Esther Hunter  
Co-Chairs  
East Central Planning District

cc ECPD Executive Board  
Luke Garrott  
Jill Love  
Wilf Sommerkorn

[http://www.thisoldhouse.com/toh/photos/0,,20466527\\_20917999,00.html](http://www.thisoldhouse.com/toh/photos/0,,20466527_20917999,00.html)



## Ten Best Old House Neighborhoods 2011: The West and Northwest

By: Keith Pandolfi, Gillian Barth, Carole Braden, Amanda Keiser, Eric Hagerman, Sal Vaglica, and Danielle Blundell, This Old House online

For the fourth year in a row, we've tracked down North America's most timeless neighborhoods—places where lovingly crafted old houses have extraordinary pasts and unarguably promising futures. With help from our friends at Portland, Oregon-based [PreservationDirectory.com](http://PreservationDirectory.com)—who distributed our nomination forms to more than 14,000 historical societies, neighborhood groups, and preservation nonprofits—we've assembled our biggest-ever list of off-the-beaten-path places that are worth eyeing for a great old home.

From quaint New England villages to bustling urban enclaves, here are a dozen places where you can find a perfect old house of your own along the northern Atlantic coast.

Here are our picks for the perfect spots to buy a home in the land west of the Rockies.



## University District, Salt Lake City, Utah



< >

Photo: Courtesy of Alison Flanders

Young families live alongside professors and college students in this Salt Lake City neighborhood between downtown and the University of Utah campus. Think of the University District as a perfect college town, where residential streets divided by grassy medians are within walking distance of locally owned pizza parlors and coffee shops; and where a sea of residents, donning their finest red and white, migrate to nearby Rice-Eccles stadium on autumnal Saturdays to watch their beloved Utes play football. "People love this neighborhood," says Realtor Celeste Council, whose clients are drawn to its progressive vibe and the close-set houses, which she says adds to the University District's sense of community. The neighborhood had a scare in the 1970s when developers started knocking down historic houses to make way for apartments and commercial buildings. But residents fought back, secured new zoning laws, and got a large chunk of the neighborhood listed on the National Register of Historic Places.

### **The Houses**

Most are brick or clapboard Folk Victorians built for University of Utah professors and employees between 1900 and 1920. Other styles include Gothic Revival, Queen Anne,



606 Trolley Square  
Salt Lake City, Utah 84102  
east.central@live.com

Tudor, and Craftsman. You can get a modest two-bedroom Folk Victorian for less than \$200,000, though larger homes are priced \$500,000 and up.

### **Why Buy Here?**

Preservation-minded buyers are purchasing and renovating an increasing number of the old houses here, ensuring that this historic neighborhood retains its classic architecture and character. Many smaller, low-carbon-footprint houses are also bringing eco-savvy buyers, who install solar panels, swap thirsty lawns for xeriscaping, and use rain barrels to collect water for gardens. University District residents are also eschewing cars, relying on bicycles and Salt Lake City's light-rail system to get to and from downtown.

Gallery: Best Old House Neighborhoods 2011:

## EAST LIBERTY PARK COMMUNITY ORGANIZATION

PO Box 520123  
Salt Lake City, UT 84125

March 21, 2011

**Ms. Jill Remington Love**

Salt Lake City Council Chair and District 5 Council Member  
451 South State Street, Room 304  
Salt Lake City, UT 84114

Dear Ms. Love,

The East Liberty Park Community Organization (ELPCO) met Thursday evening, January 27, 2011 to discuss the proposed Accessory Dwelling Unit portion of Mayor Becker's Sustainability Initiative. At the conclusion of the discussion, the members present voted overwhelmingly against adopting the Accessory Dwelling Unit portion of the Mayor's Sustainability ordinance. The vote was against ADU's being allowed in East Liberty Park.

Specifically cited as concerns were (in no particular order):

1. Ultimately, ADU's will negatively affect the essential character of the East Liberty Park area. Several residents said they moved here for the "feel" of East Liberty Park.
2. There are already too many renters in this area anyway, and renters continue to display an "I don't care" attitude about the neighborhood.
3. The potential created for overcrowded and canyon-like alleys. The current condition and maintenance of the alleys was a related concern.
4. Concerns about parking, traffic, and the large number of already boarded up alley garages where the occupants/owners are parking on the street.
5. The failure in the past of the City to properly and thoroughly enforce current ordinances related to planning and housing issues.

6. The general vagueness of the actual ordinance and the lack of information about enforcement and administrative costs that might be associated with enforcement.
7. General concerns about the ability of the existing infrastructure to properly handle additional density.
8. Questioned whether the proposed ordinance would reduce driving and reliance on automobiles within East Liberty Park.

As co-chairperson of ELPCO, and as a result of the vote taken Thursday, January 27, 2011, I advise you that as a neighborhood, the East Liberty Park Community Organization is against Accessory Dwelling Units in any form within East Liberty Park.

Sincerely,

**Michael A. Cohn, Co-Chairperson**  
**East Liberty Park Community Organization (ELPCO)**  
PO Box 520123  
Salt Lake City, UT 84125  
[macohn9@comcast.net](mailto:macohn9@comcast.net)  
801.521.9450 phone  
801.770.2040 fax  
macohn9 skype

Cc Honorable Ralph Becker, Mayor, Salt Lake City, UT  
Mr. David Everitt, Chief of Staff, Mayor's Office, Salt Lake City, UT  
Planning Department, Salt Lake City, UT  
Salt Lake Community Network & Community Council Chairs  
Ms. Marielle Siraa, Co-Chairperson, East Liberty Park Community Organization

**Attachment J  
Department Comments**



# Engineering Department Comments

AcceLa Automation® - Windows Internet Explorer

https://sv.slgov.com/jetspeed/portal

File Edit View Favorites Tools Help

Convert Select Google

Free Hotmail Yellow Pages & Online Pho... Recorder Home

Salt Lake City Int... Accela Autom... Salt Lake City (d... PZ Locator Log Salt Lake City Se...

Home - Planning ...

PLNSUB2010-00814 Homestead Village Lot 3 Amended 01/03/2011

Health Review

Record

Menu Search New GIS Help

Petition #	Petition Type	Opened Date	Number	Direction	Street Name	Street Type	First Name	Last Name
PLNPCM2010-00612	Planning/Planning Commission/Zoning Amendment/NA	09/16/2010					Ralph	Becker

PETITION #: PLNPCM2010-00612

Menu Cancel Help

Go To Workflow

**Workflow Tasks**

- Staff Assignment
- Planning Dept Review
- Public Utility Review
- Zoning Review
- Building Review
- Engineering Review
- Transporation Review
- Fire Code Review
- Police Review
- Community Open House
- Community Council Review
- Staff Review and Report
- Planning Commission Hearing
- Transmittal Package
- Community Dev Review
- City Council Briefing
- City Council Hearing
- Close or Final Ordinance

There currently are no ad hoc tasks defined.

**Task Details: Engineering Review**

Assigned Date: 03/07/2011

Assigned to: Randy Drummond

Current Status: Complete

Action By: Randy Drummond

**Comments:**  
Inasmuch as there appears to be no impact on the Public Way, we have no concerns regarding this proposed amendment to the Zoning Code.

End Time:

Billable: No

Time Tracking Start Date

In Possession Time (hrs)

Display Comment in ACA

**Due Date:** 03/07/2011

**Assigned to Department:** Engineering Engineer

**Status Date:** 03/07/2011

**Overtime:** No

**Start Time:**

**Hours Spent:**

**Action by Department:** Engineering Engineer

**Est. Completion Date:**

Display Email Address in ACA

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

**Reports**

- My Reports
- Building
- Business License
- CEC
- Engineering
- Finance
- Fire
- General Reports
- Ground Transportation
- HAZE
- Inspections
- Parking Meter
- Planning
- Transportation
- Utilities
- Walk-In

**Quicklinks**

**Preference**

Submit Pref Chg PW Reset

Default Module \*  
Planning

## Maloy, Michael

---

**From:** Spangenberg, Craig  
**Sent:** Thursday, March 10, 2011 11:29 AM  
**To:** Maloy, Michael  
**Cc:** Isbell, Randy  
**Subject:** ADU's

**Categories:** Other

Michael:

As per your request, the following addresses concerns from an enforcement standpoint:

**E.2.a. Owner-occupied property required.** Accessory dwelling units shall only be permitted when the property owner lives on the property within either the principal dwelling or accessory dwelling unit.

During our normal enforcement activities, we sometimes find it necessary to confirm who actually resides at a particular dwelling. Many times, this can prove to be difficult. No matter how many utility bills or ownership records are provided showing the mailing address of the property owner, we have no proof that the individual actually resides at that location. The net result can be frustrated neighbors who say that the City will not enforce their ordinances, when in actuality we have no proof that what the neighbors allege is accurate regarding the occupancy of the property.

In order to provide effective enforcement, the draft ordinance should contain specific, verifiable criteria to be used in order to meet the owner occupied requirements. If the requirements are met, the property is considered to be owner occupied. If the criteria cannot be met, the property is not considered to be owner occupied and will not be eligible as an accessory dwelling unit.

## Maloy, Michael

---

**From:** Walsh, Barry  
**Sent:** Thursday, March 10, 2011 12:28 PM  
**To:** Maloy, Michael  
**Cc:** Young, Kevin; Weiler, Scott; Itchon, Edward; Garcia, Peggy; Butcher, Larry  
**Subject:** PLNPCM2010- 00612 ADU

**Categories:** Other

March 10, 2011

Michael Maloy, Planning

Re: Petition PLNPCM2010-00612 to amend the Salt Lake City Zoning Code to allow Accessory Dwelling Units within single-family and multi-family residential districts.

The division of transportation review comments and recommendations are for approval as follows:

The Accessory Dwelling Units code suggest that this is not duplexes or apartments, but living units within a owner occupied controlled residence. Where parking is in compliance and the accessory unit will requiring one parking stall per ADU. As written, the parking would be required but the transportation division could modify the requirements (such as allow tandem parking or no parking) where certain factors are evident (such as where there is available on-street parking, parking is within 1/4 mile of a trax station, the unit is within walking distance to a business district areas , etc. and home occupations are limited to no visitors or parking generators etc.)

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Scott Weiler, P.E.  
Ted Itchon, Fire  
Peggy Garcia, Public Utilities  
Larry Butcher, Permits  
File

## Maloy, Michael

---

**From:** Ross, Michelle  
**Sent:** Monday, March 14, 2011 10:41 AM  
**To:** Maloy, Michael  
**Subject:** PLNPCM2010-00612

**Categories:** Other

Michael,

The PD has no issues.

Thanks,  
Sgt. Michelle Ross

## Maloy, Michael

---

**From:** Stoker, Justin  
**Sent:** Tuesday, March 15, 2011 12:48 PM  
**To:** Maloy, Michael  
**Subject:** FW: Accessory Dwelling Unit - Request for Comment

**Importance:** High

**Categories:** Other

---

**From:** Vetter, Rusty  
**Sent:** Monday, March 14, 2011 4:39 PM  
**To:** Stoker, Justin  
**Cc:** Garcia, Peggy; Stewart, Brad  
**Subject:** RE: Accessory Dwelling Unit - Request for Comment

I talked to Michael and Paul Nielson about this. They are very happy to work with us and asked for proposed language from us. Michael just said he needs it by Wednesday morning.

There is a provision in the proposed ordinance that a deed restriction be placed on the property to indicate that there is an owner-occupied requirement on the property. We could add in a provision also alerting people of the existence of a connection of sewer or water service through the primary residence. Here is some proposed language highlighted in yellow:

**b. Deed Restriction.** A lot approved for development with an accessory dwelling unit must have a deed restriction filed with the county recorder's office indicating such owner-occupied requirement of the property prior to issuance of a final certificated occupancy for the accessory dwelling unity by the city. If sewer or water utility service will be connected through the primary residence and not connected through a separate connection to the sewer or water main, the deed restriction will also identify any sewer or water connections into or through the primary residence. Such deed restriction shall run with the land until the accessory dwelling unity is abandoned.

Let me know if this works for you or what changes are needed and I'll send it to Michael.

## Maloy, Michael

---

**From:** Nielson, Paul  
**Sent:** Tuesday, March 15, 2011 4:37 PM  
**To:** Maloy, Michael  
**Subject:** Accessory Dwelling Units draft ordinance

**Categories:** Other

Michael:

I have some brief comments regarding the draft accessory dwelling units ordinance.

- Definition of “owner occupant” at paragraph 2(a)(2): how do we determine what the purpose was for creating a family trust? This is a rhetorical question as it can be safely assumed that all family trusts were done as part of estate planning, but the language of the draft makes it seem like this needs to be verified. Just my two cents on that.
- E(2)(e) (Standards: General Requirements: Multi-Family Districts with Single Family Dwelling on Lot): what does “built out” mean. I have my guesses, but I shouldn’t have to guess.
- E(4): I assume that the size of an ADU is still restricted even if it is within the principal dwelling.
- E(7)(a): last sentence re: adding entrances to principal dwelling front façade is confusing and probably contradictory. How can a new entrance be located on the front façade of a principal dwelling only if it is located at least 20 feet behind the front façade?
- E(9): requiring a business license for an accessory dwelling unit may not work with SLC Code sec. 5.14.020, which only requires business licenses for 3+ units. The attorney in my office for Business Licensing commented that this could present a significant increase in administrative efforts as all one (and possibly two-) unit apartments associated with a principal, single-family dwelling could require hiring of additional personnel to manage. The question also arose as to whether business licensing was the best choice to process applications for these.
- In light of the prior comment, comments should be sought from Jamie Allred in Business Licensing on the proposed ordinance.

PAUL C. NIELSON  
SENIOR CITY ATTORNEY  
801.535.7216

**IMPORTANT:** E-mail from the City Attorney's Office is likely to contain confidential and privileged material for the sole use of the intended recipient. The use, distribution, transmittal or re-transmittal of any such communication is prohibited without the express approval of the City Attorney or a Deputy City Attorney in writing or by e-mail. If you are not the intended recipient, please contact the sender and delete all copies.