



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: Michael Maloy, AICP, Senior Planner, (801) 535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)  
Date: June 22, 2016  
Re: PLNPCM2014-00447 Accessory Dwelling Units Amendment

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## ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Not Applicable  
PARCEL IDENTIFICATION: Not Applicable  
MASTER PLAN: Not Applicable

ZONING DISTRICT: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU.

REQUEST: Salt Lake City has requested the existing regulations for accessory dwelling units be amended to simplify, clarify, and broaden the ordinance (see Attachment A – Petition to Initiate). In response, the Planning Division is proposing amendments that would expand the ability to develop accessory dwelling units and detached dwelling units within the city. The proposed regulation changes will affect 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-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU zoning districts. Related provisions of title 21A-Zoning may also be amended as part of this petition.

RECOMMENDATION: Based on information contained within the staff report, Planning Division staff finds the proposed amendment adequately meets the standards for general text amendments, as summarized in Attachment B – Analysis of Standards, and therefore recommends the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units and detached dwelling units.

MOTION: The following motion is provided in support of the recommendation:

*Based on the findings and analysis in the staff report, testimony received, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units in districts that permit single-family dwellings.*

### ATTACHMENTS:

- A. Petition to Initiate
- B. Analysis of Standards
- C. Current Zoning Ordinance
- D. Current Zoning Map for ADUs
- E. Proposed Zoning Amendments
- F. Public Process & Comments
- G. Department Comments
- H. Proposed Zoning Map for ADUs
- I. APA Quick Notes on ADUs
- J. Motions

## PROJECT DESCRIPTION

On September 18, 2012, the City Council approved Ordinance 62 of 2012, which established Section 21A.40.200 Accessory Dwelling Units within Salt Lake City Code (see Attachment C – Current Zoning Ordinance). The ordinance was part of a series of administrative policies and legislative petitions known as the “Sustainability City Code Initiative” to encourage sustainable land use within Salt Lake City. Mayor Ralph Becker, in cooperation with the City Council, promoted the initiative.

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.

Following approval of the accessory dwelling unit ordinance, Planning Division and Building Services staff responded to dozens of inquiries from residents interested in establishing an ADU—however, only one ADU has been constructed to date.

Staff found that the primary reason the ordinance failed to achieve its purpose is the requirement to locate ADUs within one-half mile of an operational fixed transit stop, which narrows the applicability of the ordinance (see Attachment D – Current Zoning Map for ADUs). While there are other regulations that limit development of ADUs, the one-half mile requirement is preclusive and counter-productive to the broader purpose of the ordinance.

In response to a petition initiated by the City on June 25, 2014, to amend regulations for accessory dwelling units, staff drafted a zoning text amendment for review and consideration (see Attachment E – Proposed Zoning Amendments).

Proposed amendments have been reviewed during three open house meetings, five community council meetings, and a previous Planning Commission public hearing. It has also been a topic of discussion on Open City Hall (see Attachment F – Public Process & Comments). The petition was also routed to all pertinent City Departments and Divisions for review and comment on September 1, 2015 (see Attachment G – Department Comments).

The proposed ordinance still requires owner occupancy of the principal or accessory dwelling and compliance with current building codes. And to ensure an accessory dwelling unit is subordinate to the principal dwelling, the amendment limits building square footage, building height, building setbacks, and lot coverage. The proposed ordinance also contains design requirements that regulate placement of doors—to maintain single-family development patterns, and windows—to protect privacy. Additional off-street parking is also required.

To assist members of the general public—and the Planning Commission—who are interested in reviewing the proposal, the Planning Division has prepared the following table of primary regulations within the existing and proposed accessory dwelling unit ordinance:

Regulation	Existing	Proposed
Location	ADU must be located within ½ mile of operational fixed rail station, and within a permitted residential zoning district	ADU must be located (1) within a permitted residential or special purpose zoning district, <i>and</i> (2) west of Canyon Road, south of South Temple, west of 1300 East, and south of I-80
Permit Limit	None	25 permits per year
Building Height	Underlying zoning district standards apply, however ADU may not be taller than principal dwelling	Up to 24 feet for pitched roof, and 20 feet for flat roof, however ADU may not be taller than principal dwelling
Maximum Square Footage	50% of principal dwelling, or 650 square feet, whichever is less	50% of principal dwelling for attached ADU  50% of principal dwelling, or 650 square feet, whichever is less, for detached ADU
Lot Area	Minimum 5,000 square feet for detached ADU, no minimum for attached ADU, however lot coverage restrictions apply	No minimum lot area requirement, however lot coverage restrictions apply
Parking	One parking stall for one bedroom ADU, and two parking stalls for two (or more) bedroom ADU	One parking stall for ADU
Entrance Requirements	Additional entrance not allowed on front façade unless setback 20 feet from front façade	Additional entrance may be allowed on front or corner façade if screened from view by architectural or landscaping features
Existing windows	Must be removed if not compliant with ADU regulation	May be retained if not compliant with ADU regulation
Owner Occupancy	Owner occupancy required in either principal or accessory dwelling	Owner occupancy required in either principal or accessory dwelling

## KEY ISSUES

Through analysis of the project, community input, and departmental review, staff identified the following key issues:

Issue 1 – Master Plan Compliance. 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 (page 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 (page 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** (page 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 (page 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 (page 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 (page 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 (page 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 (page 43).

Within national and local historic districts, the final draft of the *Community Preservation Plan*, dated October 2012, stated the following:

Policy 6.5e: Allow the development of additional dwelling units as an incentive for preservation of historic structures (page VI-22).

The *West Side Master Plan* also addressed accessory dwelling units as a potential infill tool:

Determine unique and compatible ways to add incremental density through infill development.

Accessory Dwelling Units. Salt Lake City should expand the geographic area where accessory dwelling units are permitted to include the single-family districts in the Westside. Application of the accessory dwelling unit ordinance in this community would provide opportunities for additional density and a wider variety of housing choices without impacting the predominant development pattern (page 34).

Most recently, *Plan Salt Lake*, which was adopted by the City Council on December 1, 2015, as a “citywide vision for Salt Lake City for the next 25 years” states the following “Targets” and “Initiatives” for housing:

- 2040 Target 1. Increase diversity of housing types for all income levels throughout the city.
- 2040 Target 2. Decrease percent of income spent on housing for cost-burdened households.
- Initiative 1. Ensure access to affordable housing citywide (including rental and very low income).
- Initiative 2. Increase the number of medium density housing types and options.
- Initiative 3. Encourage housing options that accommodate aging in place.
- Initiative 4. Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented.
- Initiative 5. Enable moderate density increases within existing neighborhoods where appropriate.

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

Issue 2 – Zoning Ordinance Compliance. 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 accessory dwelling units may marginally 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;

- Preserve and maintain neighborhoods as safe and convenient places to live;
- Increase walkability; and
- Support small neighborhood business districts.

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

Issue 3 – Location Restrictions. As stated previously, prior to publication of the June 22, 2016, Planning Commission Staff Report, only one accessory dwelling unit has been constructed under the provisions of Section 21A.40.200, as adopted by the Salt Lake City Council on September 18, 2012. Based on observation, Staff has concluded that the current requirement to locate accessory dwelling **units within a “one-half (1/2) mile radius of an operational fixed transit stop” is the primary obstacle** to ADU development.

In response to this issue, staff recommends removal of the ½-mile location restriction. However, due to public comments received, Planning Division staff recommends the ADU ordinance be extended to neighborhoods that favor ADUs. Furthermore, staff recommends ADUs be a permitted use within the following additional residential and special purpose zoning districts: RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU Districts (see Attachment H – Proposed Zoning Map for ADUs).

Issue 4 – Annual Limitation. To address concerns with the impact of ADUs, staff recommends the ordinance include an annual limitation of 25 permits, with the following two exceptions requested by other divisions within the City:

- **Accessory dwelling units located within a Redevelopment Agency (RDA) of Salt Lake City project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.**
- **Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.**

The annual permit limitation was originally recommended by the Planning Commission on June 22, 2011, but later removed by the City Council in favor of the ½-mile restriction. If this provision is adopted, the Planning Division intends to study the effectiveness—and impacts—of the ordinance, and recommend future amendments if warranted. Once the city is satisfied with the effectiveness of the ordinance, the Planning Division will likely recommend removal of the annual limitation (see Attachment I - APA Quick Notes on ADUs).

Issue 5 – Building Height. During development of the existing ordinance, the City retained the services of Clarion Associates, a private land use and real estate consulting firm, to draft the ordinance. The original draft included a provision to allow additional height for an ADU over an accessory structure, such as a garage. Due to privacy concerns, the Planning Commission modified the draft and recommended reducing the height of detached ADUs. Furthermore, during City Council review, additional window regulations were added to address privacy concerns, which also mitigate some concerns with ADU height.

The current ADU regulation requires compliance with the underlying zoning district, including the height of an accessory structure. In most residential districts, the maximum height of an accessory structure is 17 feet to the ridge of a pitched roof, and 12 feet for a flat roof. The existing height restriction does not provide sufficient height to develop an ADU over an accessory structure. To address this issue, staff recommends increasing the height of detached ADUs to 24 feet for a pitched roof structure, and 20 feet for a flat roof structure.

Issue 6 – Simplify and Clarify Regulation. **In response to Mayor Becker’s petition to amend** the accessory dwelling unit regulation, Planning Division staff sought to simplify and clarify the regulation to improve use and administration. Although the City has not permitted any ADUs, staff has discussed the intent, interpretation, and application of the regulation with dozens of individuals. Based on these conversations, and significant feedback from Building Services staff, Planning Division staff recommends the ordinance be simplified where feasible, and clarified where warranted. Although the proposed ordinance includes additional provisions, the overall length of the ordinance has been reduced by approximately 20 percent. However, due to the extent of the proposed amendments, and reorganization of the ordinance, staff proposes to completely strike the existing code and replace it with the proposed amendment (see Attachment E – Proposed Zoning Amendments).

## OPTIONS

*Approve.* The Planning Commission may forward a positive recommendation to the City Council of the proposed ordinance.

*Amend.* The Planning Commission may forward a positive recommendation to the City Council of the proposed ordinance with any of the following potential amendments or other amendments specified by the Planning Commission:

- **Removal or modification of proposed “Accessory Dwelling Units Boundary”** (see 21A.40.200.C.1. in Attachment E – Proposed Zoning Amendments)
- Permit internal or attached accessory dwelling units—not detached—east of proposed **“Accessory Dwelling Units Boundary”** (see 21A.40.200.C.1. in Attachment E – Proposed Zoning Amendments)
- Removal or modification of proposed **annual “Permit Allocation”** (see 21A.40.200.F.1.b in Attachment E – Proposed Zoning Amendments)

*Table.* The Planning Commission may “table” or “continue” the proposed ordinance and direct staff to complete additional research or modifications to the proposal.

*Deny.* The Planning Commission may forward a negative recommendation to the City Council of the proposed ordinance.

## NEXT STEPS

Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendment—or the approval of some modification of the amendment—and shall then submit its recommendation to the City Council (see Attachment J – Motions). The Planning **Commission may also “table” or “continue” the petition to a future meeting (date may be specified by the Commission).**

The City Council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of a public hearing as set forth in Chapter 21A.10, which is entitled “General Application and Public Hearing Procedures” of the Zoning Title.

Following the hearing, the City Council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional zoning districts may be included within the proposed amendment without a new notice and hearing.

## ATTACHMENT A: PETITION TO INITIATE

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JUN 25 2014

Salt Lake City Mayor



# Petition Initiation

**Planning Division**  
**Community & Economic Development Department**

SCANNED TO: *lagu*  
SCANNED BY: *Paula*  
DATE: *6/26/14*

**To:** Wilf Sommerkorn, Planning Director *WS*

**From:** Mayor Ralph Becker

**Date:** June 25, 2014

**CC:** David Everitt, Chief of Staff  
Eric Shaw, Community & Economic Development Director  
Mary De La Mare-Schaefer, Community & Economic Development Deputy Director  
Cheri Coffey, Assistant Planning Director

**RE:** **Amendment of Accessory Dwelling Units Ordinance**

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending various sections of the Zoning Ordinance to facilitate the development of Accessory Dwelling Units in appropriate zoning districts within Salt Lake City.

On September 18, 2012, the City Council approved Ordinance 62 of 2012, which established Chapter 21A.40.200 Accessory Dwelling Units (ADU) within Salt Lake City Code. Following approval of this ordinance, Planning Division and Building Services staff has responded to dozens of residents interested in establishing an ADU. However, the City has not permitted a single ADU to date.

According to reports, the primary reason the ordinance has failed to achieve its purpose is the requirement to locate ADUs within one-half mile of an operational fixed transit stop, which narrows the applicability of the ordinance.

The analysis relating to the proposed amendments will address the following:

1. Simplify or reduce language within the ADU ordinance to remove redundant purpose statements and methods of creation. This language may be unnecessary or overstated (see 21A.40.200.A and 21A.40.200.D.1).
2. Clarify applicability of the underlying zoning district as described in 21A.40.200.D.2.d to improve administration. This may include the requirement to record a deed restriction in the registration process outlined in 21A.40.200.D.10.
3. In addition to single-family detached structures, allow ADUs to be located within owner occupied single-family attached dwellings, such as town-houses, in specified residential districts (21A.40.200.B).
4. Eliminate the "Number of Residents" per ADU; this provision is unnecessary given the applicability of existing ordinances that prohibit overcrowding (see 21A.40.200.D.6).
5. Eliminate minimum lot area requirements for detached ADUs; this regulation is unnecessary, due to existing lot coverage and setback restrictions (see 21A.40.200.D.2.g.3).
6. Insert language from the original draft ordinance produced by Clarion Associates that allowed additional height for ADUs in accessory structures. The current height limit of 17 feet (in most residential districts) is insufficient to construct an ADU over a garage (21.A40.200.D.2.d).

7. Reduce parking requirement to 1 stall per ADU; the ordinance currently requires 2 stalls for units with 2 or more bedrooms. The original draft required only 1 parking stall, but was amended in response to public comment. However additional parking diminishes landscaping, and increases storm water runoff, which impacts are contrary to sustainability objectives (see 21A.40.200.D.7).
8. Review regulations on location of ADU entrance, and consider allowance for screened or below grade entries on or near front façade (see 21A.40.200.D.8).
9. Review and consider regulatory modifications of “detached dwelling units” in Form Based Urban Neighborhood Districts (see 21A.27.050.L.5.a).
10. With respect to the one-half mile radius restriction as stated in 21A.40.200.D.2.o, the following options should be considered:
  - a. Include parcels located within one-half mile of bus stops on arterial streets (see Attachment C – Roadway Functional Classification Map); or
  - b. In addition to the one-half mile regulation, establish an overlay that permits ADUs in prescribed neighborhoods that favor ADUs—such as Capitol Hill, Rose Park, Fairpark, and Sugar House (see Attachment D – Community Council Districts Map); or
  - c. Eliminate the one-half mile restriction and revert to an earlier draft that allowed 25 ADU permits per year; or
  - d. Allow ADUs outside the one-half mile restriction as a special exception or conditional use.

As part of the process, the Planning Division shall follow the City adoption processes including citizen input and public hearings with the Planning Commission and City Council.

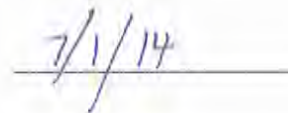
If you have any questions, please contact me.

Thank you.

***Concurrence to initiate the zoning text amendment petition as noted above.***



**Ralph Becker, Mayor**



**Date**

## ATTACHMENT B: ANALYSIS OF STANDARDS

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## ZONING TEXT AMENDMENT STANDARDS

**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. In making its decision concerning a proposed text amendment, the city council (and planning commission) should consider the following factors:

Factor	Finding	Rationale
<b>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;</b>	Complies	As discussed on pages three through five of the June 22, 2016, Planning Commission Staff Report, the proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.
<b>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</b>	Complies	As discussed on pages five through 6 of the June 22, 2016, Planning Commission Staff Report, the proposed text amendment furthers the specific purpose statements of the zoning ordinance.
<b>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</b>	Complies	The proposed text amendment is subordinate to the purposes and provisions of any applicable overlay zoning districts that may impose additional standards, such as the H Historic Preservation Overlay District.
<b>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</b>	Complies	<p>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 stated within Attachment I of the September 23, 2015, Planning Commission Staff Report, the American Planning Association (APA) 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.”</p> <p>Although the proposed text amendment does not strictly achieve all of the recommendations of the American Planning Association, the proposal does reflect best practices tempered by local concerns, such as preference for owner occupancy requirements.</p> <p>Furthermore staff, routed the proposed text amendment to all pertinent Departments and Divisions of the City for review. Salt Lake City’s Engineering Division, Fire Department, Planning Division, Police Department, Public Utilities Department, and Transportation Division, reviewed the proposed amendment and recommended approval.</p> <p>Based on the above information, staff finds the proposal is consistent with this factor.</p>

# ATTACHMENT C: CURRENT ZONING ORDINANCE

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

Accessory dwelling units, as defined in chapter 21A.62 of this title, shall be subject to the following:

- 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 work force 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: An accessory dwelling unit 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-2, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75 subject to the provisions of this section.
  
- C. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the following:
  - 1. An individual who:
    - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
    - b. Occupies the dwelling unit with a bona fide 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 or more trustors of the trust; and
    - b. Occupies the dwelling unit owned by the family trust with a bona fide 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. Even if a person meets the requirements of subsection C1 or C2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one 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 by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
    - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
    - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;
    - (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
    - (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
    - (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.
  - b. Any person who fails, upon request of the community and economic development department, to provide any of the documents set forth in subsection C3a of this section 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 shall not be deemed an "owner occupant" of the dwelling unit in question.
4. The provisions of subsection C3 of this section shall apply to any person who began a period of owner occupancy after September 1, 2012, regardless of when the person purchased the property.

D. Standards: Accessory dwelling units shall conform to the following purpose statement and requirements:

1. Purpose: These design and development standards are intended to ensure that accessory dwelling units are:
  - a. 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. Smaller in size than the principal dwelling on the site.
2. General Requirements:
  - a. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant 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 military service, 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 shall have a deed restriction, the form of which shall be approved by the city attorney, 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 provided otherwise 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, such as building and wall height, setbacks, yard requirements, and building coverage.
  - (1) The requirements of section 21A.40.050 of this chapter, which govern all nonresidential accessory structures, do not apply to accessory dwelling units; and
  - (2) Accessory dwelling units may have the same building 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 noncomplying setbacks may not become more noncomplying.
- e. Existing Development on Lot: A single-family dwelling shall exist on the lot or will be constructed in conjunction with the accessory dwelling unit.
- f. 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.
- g. Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:
  - (1) Internal: For accessory dwelling units located within the principal single-family structure, no minimum lot area is required;
  - (2) Attached: For accessory dwelling units located within an addition to the single-family structure, no minimum lot area is required; or
  - (3) Detached: For accessory dwelling units located within a detached structure, a minimum lot area of five thousand (5,000) square feet is required.
- h. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit approval.
- i. Public Utilities: No structure that is not connected to the public water and sanitary sewer systems shall have an accessory dwelling unit.
- j. Multi-Family Districts With Single-Family Dwelling On Lot: A lot located within a multi-family zoning district that is currently built out with a single-family detached dwelling and does not have the required minimum amount of land to add additional units pursuant to the multi-family zoning district requirement, one accessory dwelling unit may be permitted.



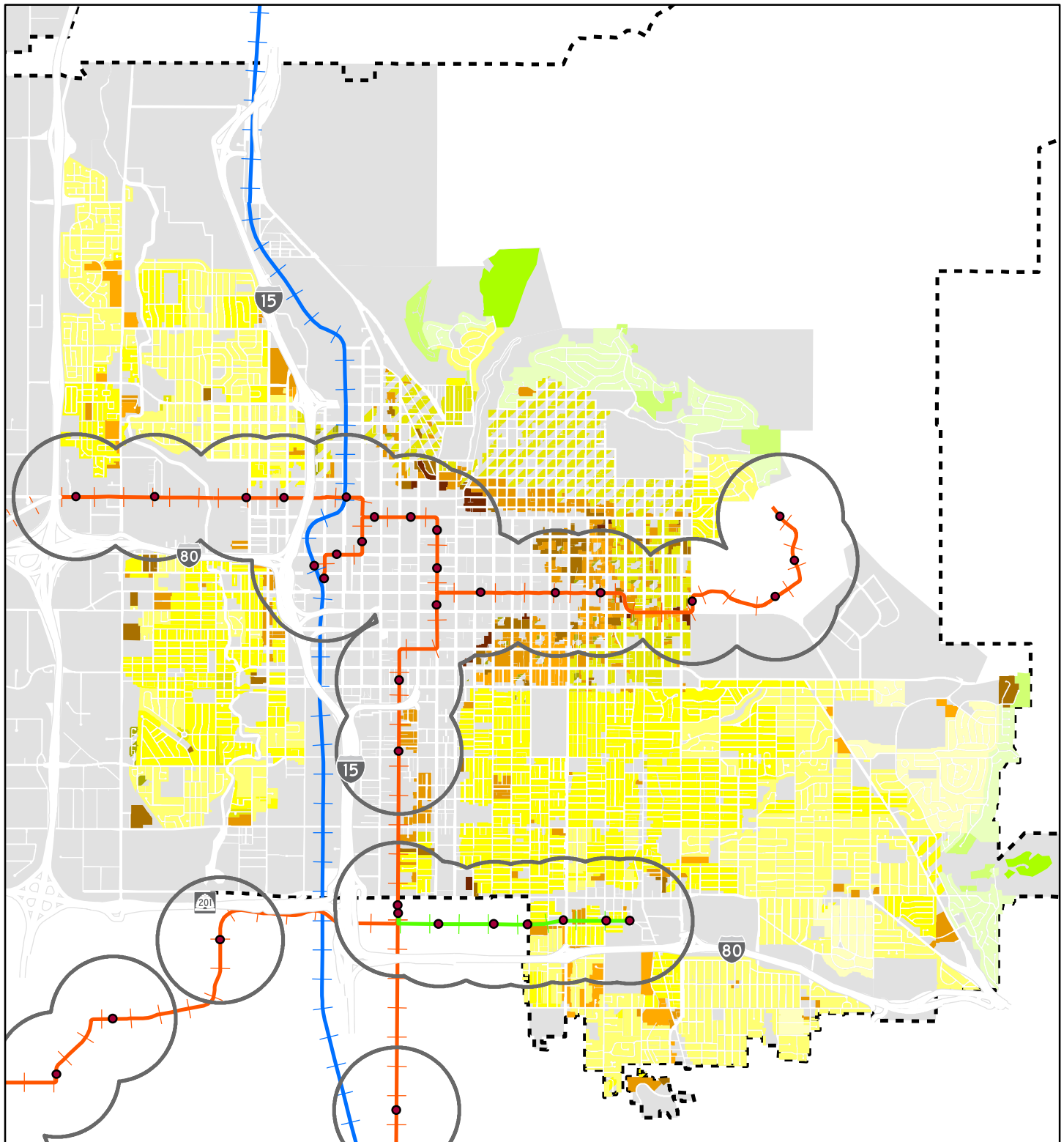
- k. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
  - l. Rooming House: Neither dwelling unit may be used as a "dwelling, rooming (boarding) house" as defined by section 21A.62.040 of this title.
  - m. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.
  - n. 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 of this title, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.
  - o. Fixed Transit Stop: The property on which an accessory dwelling unit is permitted shall be located in whole or in part within a one-half ( $\frac{1}{2}$ ) mile radius of an operational fixed transit stop (i.e., commuter rail, light rail, streetcar, etc.).
  - p. Windows: In an accessory dwelling unit that does not comply with the setback regulations for a single-family dwelling, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line, except under the following conditions:
    - (1) Windows adjacent to a rear yard property line may be allowed within ten feet (10') of the rear yard property line if the rear yard abuts an alley, or
    - (2) Windows located within ten feet (10') of a property line may be allowed if the bottom of the windowsill is located at least six feet (6') above the corresponding floor plate.
3. Methods of Creation: An accessory dwelling unit may only be created through one or 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; or
  - e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.
4. Size of Accessory Dwelling Unit: The maximum size of an accessory dwelling unit may be no more than fifty percent (50%) of the gross square footage of the principal dwelling unit or six hundred fifty (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: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.
6. Number of Residents: 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, "Definitions Of Terms", of this title.
7. Parking:

- a. An accessory dwelling unit that contains a studio or single bedroom, one additional on site parking space is required.
  - b. An accessory dwelling unit that contains two (2) or more bedrooms, two (2) additional on site parking spaces are required.
  - c. 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
    - (1) 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
    - (2) The accessory dwelling unit is located within one-fourth ( $\frac{1}{4}$ ) mile of a fixed transit line or an arterial street with a designated bus route.
  - d. The city transportation director may allow tandem parking, within a legal location 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.
8. Location of Entrance To Accessory Dwelling Unit:
- 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 facade of the principal dwelling. No new entrances may be added to the front facade of a principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front facade 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 facade entrance as long as the entrance is located a minimum of twenty feet (20') behind the front facade 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 feet (30') from the front property line and shall take access from an alley when one is present and accessible.
  - 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 of this title shall take precedence over the location of entrance provisions above.
  - e. Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.
9. 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 this title.

- 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; and
  - (2) An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure.
- 10. Registration: Accessory dwelling units shall be registered with the city to evaluate whether the accessory dwelling unit initially meets applicable requirements; to ensure that the accessory dwelling unit meets health and safety requirements; to ensure that the property owner is aware of all city regulations governing accessory dwelling units; to ensure that the distribution and location of accessory dwelling units is known, to assist the city in assessing housing supply and demand; and to fulfill the accessory dwelling units purpose statement listed above. To accomplish this, property owners seeking to establish an accessory dwelling unit shall comply with the following:
  - a. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation;
  - b. Inspection: Ensure accessory dwelling unit is constructed, inspected, and approved in compliance with current building code; and
  - c. Business License: Apply for and obtain an annual business license for the accessory dwelling unit in accordance with the applicable provisions of the city.
- 11. Occupancy: No accessory dwelling unit shall be occupied until the property owner obtains a business license for the accessory dwelling unit from the city.

ATTACHMENT D: CURRENT ZONING MAP FOR ADUs

# Current Zoning Map for ADUs



Legend		Rail Transit Lines	
Half-Mile Buffer From Rail Transit Stop	R-2	FrontRunner	
Rail Transit Stop	RMF-30	S-Line	
<b>Zoning Districts Proposed to Allow ADUs</b>	RMF-35	TRAX	
FR-1/43,560 Foothills Estate Residential	RMF-45		
FR-2/21,780 Foothills Residential	RMF-75		
FR-3/12,000 Foothills Residential	SR-1		
R-1/12,000 Single-Family Residential	SR-1A		
R-1/7,000 Single-Family Residential	SR-3		
R-1/5,000 Single-Family Residential			
	<i>Single- and Two-Family Residential</i>		
	<i>Low Density Multi-Family Residential</i>		
	<i>Moderate Density Multi-Family Residential</i>		
	<i>Moderate/High Density Multi-Family Residential</i>		
	<i>High Density Multi-Family Residential</i>		
	<i>Special Development Pattern Residential</i>		
	<i>Special Development Pattern Residential</i>		
	<i>Special Development Pattern Residential</i>		

ATTACHMENT E: PROPOSED ZONING AMENDMENTS

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

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

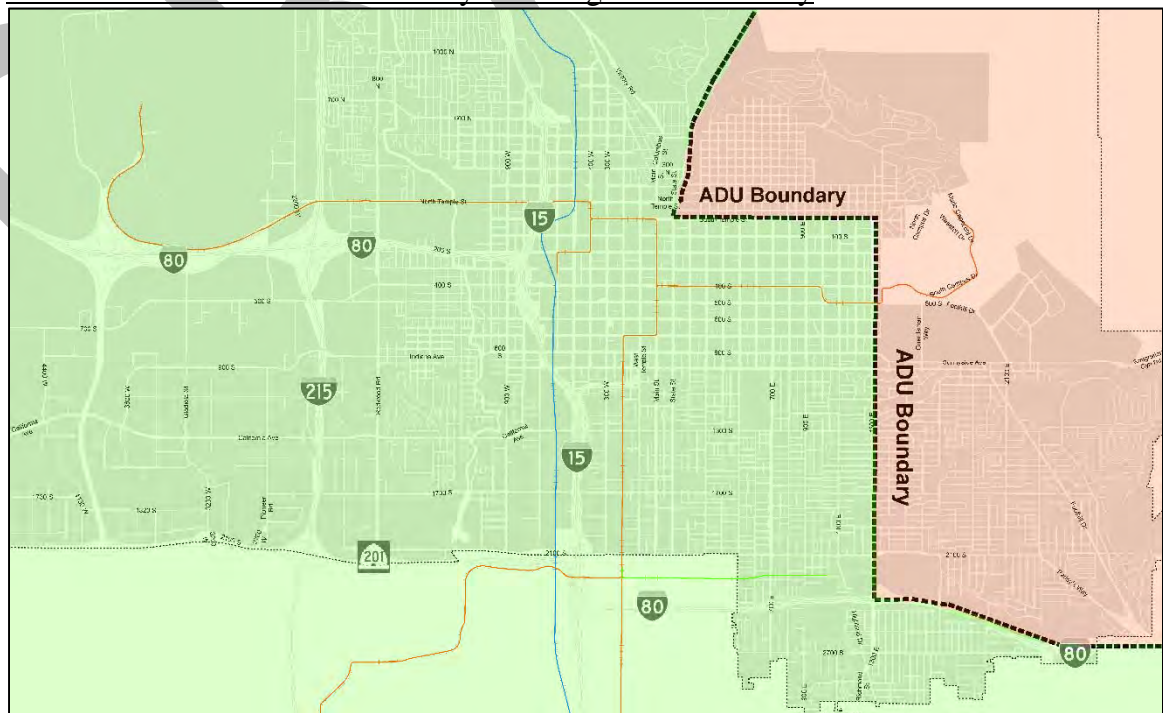
1. Create new housing units while respecting the appearance and scale of single-family residential development;
2. Provide more housing choices in residential districts;
3. Allow for more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing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

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

1. An individual who:
  - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
  - b. Occupies the dwelling unit with a bona fide 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 or more trustors of the trust; and
  - b. Occupies the dwelling unit owned by the family trust with a bona fide 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. Even if a person meets the requirements of subsection B1 or B2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one 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 by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
    - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
    - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;

- (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
  - (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
  - (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.
- b. Any person who fails, upon request of the community and economic development department, to provide any of the documents set forth in subsection B3a of this section 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 shall not be deemed an "owner occupant" of the dwelling unit in question.
4. The provisions of subsection B3 of this section shall apply to any person who began a period of owner occupancy after September 18, 2012, regardless of when the person purchased the property.
- C. Applicability: Accessory dwelling units are a permitted use within the residential and special purpose districts specified in Chapter 21A.33 Land Use Tables, subject to compliance with the applicable provisions of this title.
1. Location: Accessory dwelling units permitted by this section shall be located west of a boundary line generally described as beginning at the north city limit; thence south to west line of Canyon Road, thence southwest along said west line to north line of Second Avenue, thence west along said north line to the east line of State Street, thence south along said east line to north line of South Temple Street, thence east along said north line to west line of 1300 East Street, thence south along said west line to north line of Interstate-80, thence east along said north line to the east city limit as illustrated in Figure 21A.40.200.C.1 Accessory Dwelling Units Boundary.

**FIGURE 21A.40.200.C.1 Accessory Dwelling Units Boundary**





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

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

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

1. General Requirements:

- a. One per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. 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 residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal 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 military service, 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.
- e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a "family" as defined in section 21A.62.040, "Definitions of Terms", of this title.
- f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.

2. Design Requirements:

- a. Compatibility: An accessory dwelling unit shall be designed and constructed to be compatible with the principal dwelling.
- b. Underlying Zoning Applies: Unless specifically provided in this section, an accessory dwelling unit shall conform to the lot and bulk requirements of the underlying zoning district, including building and wall height, setbacks, yard requirements, and building coverage.

- (1) On a corner lot, all detached accessory dwelling units shall comply with the corner side yard setback requirement of the underlying zoning district.
  - (2) A detached accessory dwelling unit that has habitable space above the first floor shall have a minimum side yard setback of four (4) feet.
  - (3) A detached accessory dwelling unit that exceeds the maximum height of an accessory structure, as permitted by the underlying zoning district, shall increase the minimum interior side yard setback one (1) foot for every additional foot of building height.
  - (4) An existing accessory structure that does not conform with the lot and bulk controls of this chapter may be converted into an accessory dwelling unit pursuant to the procedures and standards set forth in Chapter 21A.38, "Nonconforming Uses and Noncomplying Structures" of this title.
- c. Area of Accessory Dwelling Unit:
- (1) The maximum gross floor area of an attached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling.
  - (2) The maximum gross floor area of a detached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling or six hundred fifty (650) square feet, whichever is less.
  - (3) The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city.
- d. Height of Accessory Dwelling Unit:
- (1) Maximum height of an accessory dwelling unit shall not exceed the principal dwelling; and
  - (2) Maximum height of a detached accessory dwelling unit located over an accessory use, such as parking or storage, may not exceed 24'-0" measured to the ridge of a pitched roof building, and 20'-0" of a flat roof building.
- e. Location of Entrance to Accessory Dwelling Unit:
- (1) Internal or Attached Units: Accessory dwelling units that are internal or attached to a principal dwelling may be accessible from the following:
    - (a) An existing entrance to the principal dwelling.
    - (b) An additional entrance on a street-facing facade provided:
      - i. Entrance is located at least twenty feet (20') behind the front facade of the principal dwelling; or
      - ii. Entrance is screened from public view by landscaping or architectural feature that is compatible with the design of the principal dwelling.
    - (c) An existing or additional entrance that faces the interior side yard or rear yard of lot.
  - (2) Detached Units: Accessory dwelling units that are detached from the principal dwelling may be accessible from an:
    - (a) Entrance located at least twenty feet (20') behind the front facade of the principal dwelling; or
    - (b) Entrance that faces the interior side yard or rear yard of lot.

- (3) Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.
- f. Upper Level Windows in Detached Accessory Dwelling Unit: As with lot and bulk regulations, the following standards are intended to ensure that detached accessory dwelling units maintain a neighborly relationship with adjacent properties:
- (1) Living space on an upper level shall have their primary windows facing the interior of the lot or overlooking an alley or public street.
  - (2) Upper level windows facing side yards shall be modestly sized, sufficient to meet the need for light, air, and egress where required. Skylights, clerestory windows, or obscured glazing should be considered as the means to enhance interior daylighting without creating overlook into a neighboring property.
  - (4) A detached dwelling unit shall be designed with consideration given to the relationship between desired window size and placement and the scale of building facades, projections and dormers. Dormers and building facades should not be windowless.
  - (5) Window openings located within an existing accessory structure, whether conforming or non-conforming with setback regulations, may be retained if compliant with building and fire codes.
- g. Outdoor Roof Decks and Balconies: Balconies and roof decks, including rooftop gardens, shall be designed and located as follows:
- (1) The total area shall not exceed 86 square feet;
  - (2) Located facing an alley or corner side yard; and
  - (3) Flat roofs above an upper level or story may not be used as roof deck areas, and must not have stair access or railings. Ladder and roof hatch access necessary for green roof maintenance may be provided.
- h. Parking:
- (1) An accessory dwelling unit requires one on-site parking space.
  - (2) The planning director, in consultation with the 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 lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed transit line or an arterial street with a designated bus route.
  - (3) The planning director, in consultation with the transportation director, may allow tandem parking, located in front of or behind existing on-site parking, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.
3. 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 of this title, including related guidelines and standards adopted by Salt Lake City to ensure compatible building and preservation of historic resources.

- F. Registration Process: Property owners seeking to establish an accessory dwelling unit shall comply with the following:
1. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation.
    - a. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit application.
    - b. Permit Allocation: The city shall limit the establishment of accessory dwelling units to twenty-five (25) units per calendar year, with the following exceptions;
      - (1) Accessory dwelling units located within a Redevelopment Agency (RDA) of Salt Lake City project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.
      - (2) Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.
    - c. The City shall process building permit applications in order received; however building permit issuance shall be in order of compliance with current building code.
    - d. Inspection: City shall ensure the accessory dwelling unit is constructed, inspected, and approved in compliance with current building code.
  2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
  3. Business License: In accordance with applicable provisions of the city, the property owner shall apply for and obtain an annual business license for the accessory dwelling unit.
  4. Certificate of Occupancy: No accessory dwelling unit shall receive a certificate of occupancy or be occupied until the property owner completes the registration process outlined in this section.
- G. Abandonment: If a property owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

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

For the purposes of this title, the following terms shall have the following meanings:

**DWELLING, ACCESSORY UNIT:** A residential unit that is located on the same lot as a single-family attached or detached 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, and separate kitchen, sleeping area, closet space, and bathroom facilities.

## ATTACHMENT F: PUBLIC PROCESS & COMMENTS

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## PUBLIC NOTICE, MEETINGS, AND COMMENTS

The following is a list of public meetings, and other public input opportunities, that the City coordinated for the proposed master plan and zoning map amendments.

### *Open House:*

The Salt Lake City Planning Division held an Open House meeting at the City County Building on May 21, 2015. Approximately 3 people attended the meeting; however, none provided written comments. Based on conversations with staff, most attendees favored the proposed amendment.

### *Planning Commission Public Hearing:*

The Planning Commission conducted a public hearing on September 23, 2015. The Commission received public testimony from 10 individuals: 6 in favor, 2 favored additional amendments, and 2 opposed (see attached minutes).

### *Open House:*

The Salt Lake City Planning Division held a *second* Open House meeting at the City County Building on December 17, 2015. Approximately 6 people attended the meeting. Based on comments received, attendees favored the proposed amendment, however several requested the **ADU ordinance be amended to permit a “tiny house” on wheels instead of a permanent foundation**, which is currently required by City Code (see attached comments).

### *Sugar House Community Council Land Use Committee:*

Planning staff attended the December 21, 2015, Sugar House Community Council Land Use Committee meeting. Approximately 65 people were in attendance. Following the meeting, Judi Short, Sugar House Community Council Land Use Committee Chair, provided a written response that identified a number of concerns and recommendations (see attached letter).

### *Greater Avenues Community Council:*

Planning staff attended the January 6, 2016, Greater Avenues Community Council meeting to discuss the proposed amendment. Approximately 42 people were in attendance. Most attendees expressed concern and opposition, while a few expressed support. On February 3, 2016, staff received a letter from David Alderman, the Greater Avenues Community Council Chair, which opposed expansion of ADUs in the Avenues (see attached letter).

### *Open House:*

The Salt Lake City Planning Division held a *third* Open House meeting at the City County Building on April 21, 2016. Approximately 6 people attended the meeting (see attached comments). Based on comments received, most attendees supported the revised proposal, which includes a **“boundary line”** that prohibits ADUs in Yalecrest.

### *Yalecrest Community Council Meeting:*

Planning staff attended the June 1, 2016, Yalecrest Community Council meeting to discuss the proposed amendment. Approximately 10 people were in attendance. Most attendees expressed concern with ADUs, however the proposed boundary line was generally viewed favorably.

### *Ball Park Community Council Meeting:*

Planning staff attended the June 2, 2016, Ball Park Community Council meeting to discuss the proposed amendment. Approximately 22 people were in attendance. While there were numerous questions, and some concern and opposition was expressed, staff was unable to ascertain whether the community favored or opposed the proposal.

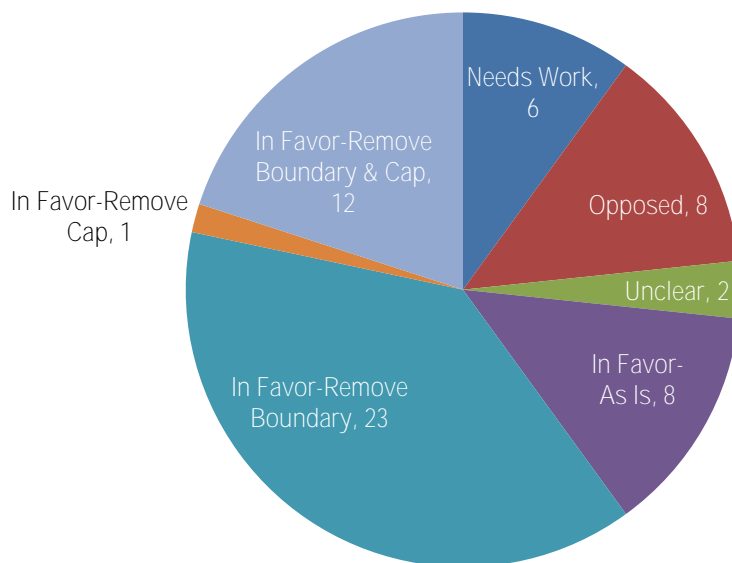
*Capitol Hill Community Council Meeting:*

Planning staff attended the June 15, 2016, Capitol Hill Community Council meeting to discuss the proposed amendment. Approximately 22 people were in attendance. While some attendees favored the proposal, a majority of attendees expressed concern and recommended additional regulations or denial of the proposal.

*Open City Hall:*

Approximately 350 individuals reviewed the draft Accessory Dwelling Units ordinance—with the proposed boundary line—on Open City Hall, and provided 60 written comments (see attached Open City Hall report). Staff summarized the comments into the following table and chart:

Response	Council-District-1	Council-District-2	Council-District-3	Council-District-4	Council-District-5	Council-District-6	Council-District-7	Location-Unknown	Totals
In-Favor—As-Is	0	0	2	1	2	2	1	0	8
In-Favor—Remove-Boundary	2	0	9	1	4	3	2	2	23
In-Favor—Remove-Cap	0	0	0	0	0	0	0	1	1
In-Favor—Remove-Boundary-&-Cap	0	2	2	2	2	3	0	1	12
Needs-Work	0	0	1	3	0	1	1	0	6
Opposed	0	0	1	1	3	1	0	2	8
Unclear	0	0	0	0	0	0	0	2	2



*Notice of Public Hearing:*

- Public hearing notice posted on City and State websites on September 10, 2015
- Public hearing notice emailed to Planning Division list serve on September 10, 2015
- Public hearing notice published in the Salt Lake Tribune and Deseret News on September 11, 2015
- Public hearing notice posted on City and State websites on June 10, 2016
- Public hearing notice emailed to Planning Division list serve on June 10, 2016
- Public hearing notice published in the Salt Lake Tribune and Deseret News on June 11, 2016



# Accessory Dwelling Units

*The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think.”*

All Statements sorted chronologically

As of June 16, 2016, 8:54 AM



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

# Accessory Dwelling Units

*The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think.”*

As of June 16, 2016, 8:54 AM, this forum had:

Attendees: 350

All Statements: 60

Hours of Public Comment: 3.0

This topic started on May 31, 2016, 12:54 PM.

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

Name not available (unclaimed)

June 15, 2016, 9:54 AM

The current draft ADU amendment, preventing construction of ADUs in the Avenues and East Bench communities, would be a disappointment and missed opportunity for the city. As a current resident, the Avenues neighborhood is one the most diverse in housing and pricing options in the entire city. And with rising rents as a result of large-scale construction of rental buildings in Downtown and Sugar House, ADU's would be an effective method in helping create affordability, offering more options and filling in the missing middle. I'd offer that the Planning Division revisit the restriction of ADU's in the Avenues and move forward to adopt an amendment with the Greater Avenues included in the proposed boundary changes.

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Name not shown inside Council District 3 (on forum)

June 14, 2016, 10:20 PM

As an Avenues resident I also support broadening the ADU boundary to include all of Salt Lake, including our neighborhood. I believe many of the concerns with parking, garbage receptacles, and "temporary" residents either can be or already are addressed in the proposed amendment. It will also legitimize a practice already going on, and improve the quality of future rental units inside these mostly oversized houses up here. Family sizes are smaller now than what these places were built for, heating and cooling is expensive, and increased density is the future. This is a smart way to do it. The requirement for owner-occupation of the property should ease a lot of concerns over future ADUs being poorly maintained or managed or generally obnoxious.

1 Supporter

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Name not shown inside Council District 3 (on forum)

June 14, 2016, 10:03 PM

I support the zoning amendment for ADUs throughout Salt Lake City. As an avenues resident and homeowner, I think ADUs should be permitted in the Avenues as well. ADUs are consistent with the historical development patterns of the Avenues. The draft amendment promotes investment in the property and a very controlled densification of the neighborhood. I would also advocate for eliminating the parking requirement. The reason many people live here is so they don't have to drive (support a walkable city, not a car-centered city). I support it fully and would include the Avenues and eliminate the parking requirement.

1 Supporter

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Nathan Auck inside Council District 3 (on forum)

June 14, 2016, 5:57 PM

I am all for adopting this draft including the avenues neighborhood, but abandoning the parking stall requirement. We want a space to use as an office, workshop and guest space. I would even be open to adopting the ADU without the right to rent the space out as an apartment.

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Name not shown inside Council District 3 (on forum)

June 14, 2016, 5:20 PM

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

The proposed ADU location boundary line that would prevent construction of ADUs in the Greater Avenues and East Bench communities is not appropriate. The boundary should be amended to include Greater Avenues and the East Bench. Why is there a limit on the number of ADU's that can be established per year to 25?

1 Supporter

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Brian Burnett inside Council District 6 (unverified)

June 13, 2016, 4:18 PM

My name is Brian Burnett and I live at 2022 East Princeton Drive. I do not want this proposal to be implemented in my neighborhood. As I understand the current proposal, it does not. I believe that this proposal essentially rezones the neighborhood, allowing the area to have duplexes. SLC does not have the personnel to enforce the owner occupied requirement. Also, the lessening of the parking requirement makes parking one of the principle problems. Almost no one realizes that this proposal is happening. Years ago when the proposal was considered, I checked with several neighbors and they had no idea this was happening. Having a group of college kids move in to an apartment above the garage next to me would dramatically impact how I would feel about my home. Please let me know in advance if you apply this to my neighborhood, so that I can market my home and move to a single family zoning location in another city. Thank you for your consideration of my comments. Brian Burnett, brianburnett@cnmlaw.com, Cell: 801-913-1648

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Name not available (unclaimed)

June 12, 2016, 6:14 PM

Could I be too suspicious to suspect this forum has been hijacked by shills? It seems that the vested interests (probably ambitious real estate people, flippers, and serial landlords) have come here in all their sympathetic disguises to offer pitiful pleas on behalf of what they suggest are the disenfranchised. I hope the Council and the various planning boards weigh in this obvious sampling bias before they make any decisions using the "evidence" presented here.

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Name not shown inside Council District 7 (on forum)

June 12, 2016, 11:18 AM

Being able to afford to own a single-family house in Salt Lake City is becoming more and more difficult as prices continue to rise. I think that the city should be more liberal in allowing ADUs in Salt Lake City. There may be some specific neighborhoods that choose to disallow them, but I think the location restrictions as stated are much too narrow. Certainly the proximity to public transportation is excessive. Let the renter determine the logistics of their place of residence.

As long as there are sensible other regulations to address problems (occupancy limits, noise and disturbance issues) when they occur and the ADU main unit has to be owner-occupied, I cannot see that this will be a huge problem. Otherwise, people will simply do this underground. And frankly, the city does not have the resources to police this nearly as well as it may believe.

2 Supporters

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Colin Strasser inside Council District 7 (on forum)

June 10, 2016, 4:32 PM

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

Why is there an arbitrary limit of 25 permits per year? Why not 26 or 33?. The Market should determine how many there are per year.

1 Supporter

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Name not shown inside Council District 4 (on forum)

June 10, 2016, 8:54 AM

ADUs are great for home owners to help pay down mortgages, drive extra spending to help the local economy and add value to the neighborhood by not haves giant apartment complexes that's people may have a harder time affording.

3 Supporters

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Name not shown inside Council District 6 (on forum)

June 9, 2016, 3:25 PM

Great idea. Wish it was allowed on the east side above foothills. There are lots of mother-in-laws in houses around here. They may be illegal.

3 Supporters

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Name not available (unclaimed)

June 9, 2016, 3:21 PM

I think this is a great idea. Many people have multi-generations living with them and having a separate unit is a great idea. I wish the east side above Foothills could do the same. There must be some illegal ones as I have seen many houses with mother-in-laws in the basement.

Robert Lunt inside Council District 6 (on forum)

June 9, 2016, 2:30 PM

I am an East Bench resident, and I strongly feel that ADUs should be permitted anywhere in Salt Lake City. If diversity and freedom of use of property are of value anywhere, they should be of equal value everywhere. Many residences in my area were constructed with "mother in law apartments" which already (or with minimum modification could) meet the ADU attached requirements. If these facilities are no longer needed for live in care of relatives, there is no good reason that they shouldn't be available for rent to those who need housing. Those who need housing should be able to find housing in all areas of the city. It seems the only people who lose by removing geographical boundaries for ADUs might be elitists who want to preserve archaic class distinctions or functional class segregation by limiting accessibility to what they perceive are elite neighborhoods .

5 Supporters

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Name not shown inside Council District 3 (on forum)

June 9, 2016, 12:54 PM

Why are these neighborhoods being excluded? I live in Marmalade and am very interested in ADUs being allowed there. They should either be allowed in the entire city or the current 1/2 mile radius should be extended

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

to 1 mile. Do not completely leave out certain neighborhoods!

3 Supporters

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Name not shown inside Council District 7 (on forum)

June 9, 2016, 12:05 AM

How is it remotely fair and equitable to exclude the Avenues and East Bench from a proposal to distribute housing opportunities the city so badly needs? The City Council has an obligation to implement the goals set forth in citywide plans and that means housing options and opportunities CITYWIDE. The boundary is a capricious segregation of socioeconomic situations demanded by a very few highly vocal individuals.

3 Supporters

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John Samuel Garfield inside Council District 5 (on forum)

June 8, 2016, 10:59 PM

I have been looking for over a year for a home to buy. Among other things, a primary goal for this home would be for me and a few room mates to live in an area where we can bike or take public transportation for all of our day to day activities. After learning about SLC's ADU program I decided to find a home that is within the 1/2 mile limit. I would be able to build an ADU and promote a few more tenants who want to join me in a lifestyle that is less reliant on cars.

In addition, an ADU seems to me to be a sound investment in a property and a great way to both increase density (without changing the character of our neighborhoods) and provide more plentiful and affordable housing options. When more people are able to build ADU's, we can increase housing inventory and perhaps reduce rental costs for everyone.

I can say this for a fact: for someone who wants to buy a home where I can build an ADU there has been an amazingly low number of homes to pick from. It's already a rough market - to try to find something that meets my needs within the ADU limits is nearly impossible. Being able to expand my search to the area proposed would be a dream.

I support the new proposed zoning amendment and hope to see it passed!

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Name not shown inside Council District 6 (on forum)

June 8, 2016, 8:54 PM

I support this amendment, but don't think there should be any neighborhood boundaries or limit on number of permits issued a year. I would support on street parking permits if that would allay fears of parking issues.

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Chris Biltoft inside Council District 3 (on forum)

June 8, 2016, 8:04 PM

I am in favor of ADUs under appropriate circumstances. Excluding the east and north bench areas seems arbitrary. Whether or not an ADU is appropriate should be evaluated on an individual basis using sensible rules,

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

for example, lot size and whether or not off street parking is available. For example, many Upper Avenues homes are huge (greater than 2500 sq ft) and could easily accommodate a "mother-in-law" type of apartment and an additional vehicle with no adverse impact on neighbors. Conversely, increasing density in the Lower Avenues with its existing parking problems and smaller lots and homes might not make sense. Please try re-drafting the zoning amendment to include sensible rules and limits.

1 Supporter

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Name not shown inside Council District 2 (on forum)

June 8, 2016, 3:31 PM

I'm a young homeowner. I'm on .67 acre. In my neighborhood ADUs would be great! If we want to see Salt Lake City grow in a different way than several floor apt. buildings we've got to find other ways to increase density and ADU's are a great way to do it. I like the idea of the size of the ADU being determined on the amount of property available for it.

The old rule to have them half a mile from a trax station is ridiculous.

I don't support creating zones for this. I think it should be legal across the valley. I definitely see it as classist.

The 25 permits a year has got to go. I'm excited about this and will want to start building next year, not in 5.

4 Supporters

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Name not shown inside Council District 3 (on forum)

June 8, 2016, 3:07 PM

Parking, traffic, and congestion diminish the community feel of neighborhoods. Neighborhoods with already-existing issues of parking should be excluded from ADUs. It's easy to think that two bedroom ADU with common areas and kitchen mean two people... but in a single family neighborhood with students or young professionals, two bedrooms easily means four cars if each person has a special extended relationship. I don't buy into the concept that more crowded neighborhoods are better for our city.

Martha Klein inside Council District 6 (on forum)

June 7, 2016, 10:27 AM

This proposal sounds very good. Density is important for the growth of the city without creating additional traffic, and this is a very neighborhood-friendly way of achieving it. I particularly agree with the elimination of the public transportation restriction, which is just too idealistic. I hope this passes.

4 Supporters

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Steven Labrum inside Council District 3 (on forum)

June 7, 2016, 9:30 AM

In my opinion, there shouldn't be arbitrary restrictions based on neighborhood, but rather the rights of the property owner to build or have additional residents on their property should be respected. I do think that it is

## Accessory Dwelling Units

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reasonable to limit structural build out on a property to respect the codes already in place for a neighborhood (i.e. so that you don't have someone turning their lot into a multi-unit property with what appears to be single unit properties in the same zone).

2 Supporters

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Lori Wagner inside Council District 6 (on forum)

June 7, 2016, 12:20 AM

I want no restrictions on ADUs. Homelessness is rampant and people need to make a living without excessive government intervention. Rents are going up and up and more ADUs are necessary.

1 Supporter

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Name not available (unclaimed)

June 7, 2016, 12:13 AM

I would like the rules on ADUs to be as unrestrictive as possible. I don't think it should be tightly regulated. There is so much homelessness and landlords need to make money without excessive government regulation. With the tight rules that are in place now, our economy is being killed and people are sleeping on the streets. In addition, much tax revenue is lost because so many people rent illegally.

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Phil Mattingly inside Council District 6 (on forum)

June 6, 2016, 8:50 PM

Reading the comments it is almost universally agreed that to limit the ADU's to a specific targeted area is no acceptable. It should be made available to anywhere in SLC. The other bad idea is limiting the number of units approved each year to only 25. Who picked this number? Why should there be a number anyway? Let the dreaded capitalistic market determine how many units should be built. When the market gets too many and rents drop then there will be fewer request for new units. But a capitalist market approach to these liberal progressives that run city hall is a dirty word to be avoided at all costs. After all the public is incapable of making decisions like this on their own and must have the government make it for them.....

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3 Supporters

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 6:24 PM

I am discouraged to see this proposal surface again. The first iteration of this idea (ADUs) appeared several years ago and those participating in this forum, for the most part, have the same concerns now as then.

1) Why does this proposal specifically exclude areas of Salt Lake with higher property values and higher income residents from having additional residential density added to their neighborhoods? Why would this idea be a good idea for my neighborhood (9th and 9th) and a bad idea for theirs?

2) Has anyone in the Planning and Zoning Departments considered the effects of increased density (additional cars, trash cans in the street, burden on public utilities, water use, noise, traffic, etc.) on the residents of the neighborhoods designated to shoulder the burden of additional rental units? It seems the very neighborhoods the City values for their "charm," "human scale," and historic architectural qualities are the same ones this



## Accessory Dwelling Units

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- proposal seeks to alter in a manner that will decrease each. The environmental chaos that is present day Sugarhouse is a stark example of the effects of concentrating many people in a small place.
- 3) The "highest and best use" theory of zoning would logically dictate that all single family, detached housing be bulldozed in favor of high density, high traffic rental units everywhere throughout the city - including the tonier neighborhoods of Yalecrest, Federal Heights, the Avenues, and the East Bench east of 1300 East. It seems to have been forgotten that landlords also apply this theory in the form of "highest and best rent." What evidence supports "affordable" units being offered to the general public under this plan? Even a very modest studio crafted out of a basement will now be rented for at least \$750 per month in my neighborhood.
- 4) In my neighborhood there are already many "seconds units," most of them illegally constructed by either landlords or homeowners, that contribute to the daily parking problems, noise, foot and vehicular traffic, and general transience of the population. People who live in a neighborhood temporarily do not seem to have the same investment in the quality of neighborhood life as those who have made a tangible investment.
- 4) I am unable to connect the concept of "transit adjacent" with second unit rentals. Is the City assuming that those who rent subdivided residential property are necessarily those who are patrons of public transit? I find this idea extremely classist and rudely condescending.
- 5) Many years ago, the residents of the Avenues fought City planning and zoning ordinances to stop the subdividing of residential properties into apartments and "second units" (the old name for Ancillary Dwelling Units). They did this because of parking problems, transience, burden on public services and utilities, and increased crime. Their objective was to improve the quality of life in their neighborhood. It seems the City has forgotten the lessons learned in this long-ago conflict and is tempted, with this plan, to repeat them.
- As you can plainly see, I am much against this plan for many reasons. I think it is unsound, at the very least, and represents a reckless disregard for the investment many, many of us have made in our formerly undesirable neighborhoods in order to make them attractive and livable again. I guess everything contains the seeds of its own destruction...

### 2 Supporters

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Matt Miller inside Council District 4 (on forum)

June 6, 2016, 5:35 PM

- 1) I'm excited to see the legality of ADU's extended outside the half mile radius from TRAX stations. There are a few homes (~1000) that meet the criteria of being both over 5000 SF and within a half mile of a rail transit station that the current ordinance represents. I'm a little surprised to see the requirement removed--the intent was to ensure homes with ADU's were near transit, thus reducing the need to drive, and thus the demand for parking. Restricting them to just TRAX stations is unreasonable on that basis. The intent was to ensure that only places guaranteed transit service could build ADUs. I think that represents too high of a bar, and 15-minute bus service should be included.
- 2) I recognize that there is a premium for single family neighborhoods, and that there are nuisances associated with density (parking, garbage cans, strange people). I recognize these nuisances reduce the value of single family detached homes. But as a landlord, I have a single family house I would like to add an ADU to, to increase my rental income. The highest and best use of that property is no longer as a single family home--the location appreciates, the structure depreciates.
- 3) As a renter, I want everything possible done to keep the average rent low. The only thing that is going to keep rents low is a proportional increase in the number of apartments. Adding a few 'affordable units' to new structures is not enough.
- 4) We can't build apartment buildings everywhere. Most of the land between I-80 and South Temple consists of

## Accessory Dwelling Units

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detached houses. The value of those houses is too high to tear them down and replace them with apartment buildings. Yet the value of the location is too high for most people to afford. I'd prefer them to become multi-family houses for many than mansions for the few.

5) Most 'single family neighborhoods' aren't. Illegally added accessory dwelling units are extremely common, typically in the form of the basement duplex, or rear duplex.

6) Not permitting ADU's inside the desirable/wealthy neighborhoods of the Avenues/Yalecrest raises equity issues. If that's the price of having them permitted in the rest of the city, I'm ok with that.

7) The building height limit is unreasonable. It should be 2-3' higher. Assuming a half-basement 3' below grade, two stories requires two 8' ceiling heights, plus room for the floor and ceiling joists, which each add nearly a foot.

8) The ratio aspect of the square footage is unreasonable. Just say "650 SF or less" and be done with it. It provides for a one bedroom or studio apartment. Adding a 400 SF ADU to a 800 SF house doesn't work, financially. Far better would be to make the size of the ADU dependent on the size of the lot. If I have a small house on a big lot, adding a big ADU makes sense.

9) I'm pleased to see a change in the size of the house lot; it is actually the big problem in adding ADU's--most SLC house lots are too small. The lot coverage may be a tetchy issue. With a 33' x 66' lot, assuming an 8' setback on all sides, that doesn't leave a whole lot of buildable area (~1500 SF).

10) The entrance requirement strikes me as reasonable. 'Twinhomes' are consistently ugly.

1 Supporter

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 5:03 PM

Allow more ADU's but provide more guidance for landlords and legal rights for tenants to encourage positive outcomes. And all neighborhoods should be included in the expansion. To those who whine about their property values; feel blessed to be where you are and have some compassion for your fellow tax paying citizens. Do you know how impossible it is to find an affordable place to rent if you work downtown? Some of us would like to reduce or eliminate our reliance on driving and the air-polluting commute. We'd like to live somewhere that feels like home, where we can be a neighbor and contribute to our community - not in some absurdly over-priced box off the freeway. The population of Utah is increasing exponentially - we are going to need to get creative in our solutions. About the parking - what about switching to parking by permit only in those areas of concern? It is a revenue source that could be directed to more transit options for us all - including those lucky enough to be living in single family homes.

3 Supporters

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 4:50 PM

To allow some parts of the city to be excluded is very wrong. Why must certain parts of the city shoulder the responsibility for more housing? It's all or none for me. I understand the concept of building up not out, but with increased density comes other problems that I don't want to be forced to deal with. Zoned single-family neighborhoods should remain that way. I purposefully invested in a home in a single-family zone and if the city makes this change in my neighborhood, I'd be very angry.

2 Supporters

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Name not shown inside Council District 4 (on forum)

June 6, 2016, 4:40 PM

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

I support efforts to increase ADUs throughout the city. I don't think there should be any boundaries and I do not support the limit of 25 units/year. They are a great way to increase density and a sense of community in a city with a quickly growing population. There is little to no evidence that ADUs reduce property values (<https://accessorydwellings.org/2014/07/02/how-do-adus-affect-property-values/>)

2 Supporters

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 4:30 PM

I live next door to a very high frequency bus stop. Why is that being excluded as a transit option? I, like many other responders, don't support excluding certain "special" neighborhoods from being allowed to have ADUs. We already live in a city of have's and have not's. These units typically provide much of the affordable rentals in the city. Developers are not providing affordable units in the many new apartment eyesores that seem to pop up weekly. They don't have to since there are many loop holes that allow them to keep within a certain height or number of units to avoid providing any affordable units. Another bad idea.

1 Supporter

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Jacque Bernard inside Council District 5 (on forum)

June 6, 2016, 3:12 PM

So Harvard Yale and Upper Avenues residents remain protected from the detrimental effects of increased rentals and the rest of the city just takes it--that's the plan?! No way! Either we're all in or we're all out. ADUs are a terrible idea for densely packed SFR neighborhoods. All they contribute is more cars on the street, more garbage cans in front of houses, more traffic day and night, more barking dogs, more property value decline, more negative impact for next door neighbors of ADUs. How would you like it if your neighbors added ADUs on each side of you and in back? What do you think that would do to your privacy, your ability to enjoy your garden, your ability to park, and your property values? All would plummet, as your neighborhood turned into a rental community. Unless and until all neighborhoods, including the well-heeled, share the burden of ADUs, this proposal should not be foisted on the up and coming neighborhoods in 9th and 9th, Liberty Park, and Marmalade.

1 Supporter

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Mike Bender inside Council District 5 (on forum)

June 6, 2016, 2:48 PM

I don't understand what the end game is here.

- 1) Why is the city mandating these specific remodeling restrictions on an owner occupied home?
- 2) What is the intent of allowing ADU's in a neighborhood? If it's to increase the rental market in what have been, to date, ostensibly single family dwellings, then I am against allowing ADU's anywhere. If that's not the intent, then who cares if someone puts in a second kitchen and bathroom.
- 3) What prevents the owner from selling the home as a rental duplex the day after construction completion and certification?
- 4) Why not clean up and enforce the existing rental regulations rather than create another category that will be

## Accessory Dwelling Units

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- summarily ignored by some, if not many property owners and further ignored by city code enforcement?
- 5) Given the lack of viability of UTA for many people, requiring proximity to a transit station is ridiculous. If you're trying to encourage use of mass transit what does it matter if you take a Trax train, Frontrunner or the bus to work?
- 6) There should be enough off street parking for each vehicle at the address. Between the bike lanes that took away on-street parking, integration of business districts with inadequate parking and the propensity of multi-car houses, many surface streets in the residential areas look like parking lots rather than routes of egress.

It's bad enough the city allows unkempt rentals in neighborhoods. Turning current single family dwellings into some weird form of high density housing makes no sense to me.

### 1 Supporter

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Ben Hadlock inside Council District 7 (on forum)

June 6, 2016, 2:38 PM

I strongly support this effort to allow ADU's. They're all over the place anyway (as they should). The existing zoning for a lot of areas such as Sugarhouse are from the 1950's or earlier when the prison was located at the park and it was a rural area (it isn't any more). R-7000 is ridiculous for a 1,100 sq ft rambler that accommodates 1 or 2 people in this area. Zoning has got to be dynamic to adapt to better uses as the need arises. The city should embrace this to make better land uses and not be an obstacle for people who want to improve their properties and make better land uses, but can't because of rules put into place 60 years ago. If they don't sprawl, increased miles driven/traffic will be the result.

### 2 Supporters

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Douglas MacLean inside Council District 6 (on forum)

June 6, 2016, 2:23 PM

I do not favor adu's everywhere. They will change the character of neighborhoods. i am in favor of maintaining single family zoning where it currently exists.

### 3 Supporters

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 2:12 PM

Part of the problem is that the transit stops themselves were not geared towards residential service, they were placed according to access to available commercial services. Secondly, city building staff has been arbitrarily enforcing the 1/2 mile radius to emanate from a single point on one end of the train platform, further narrowing who they will allow to apply. My home is .48 miles (property line to property line) from the Ballpark Trax Station but was told my property did not qualify because the staff decided to measure from the far end of the platform and not the closer corner of the UTA park and ride ( a difference of .09 miles). I also happen to be .35 miles from the SL Community College Campus, which would be the target rental demographic. Utilizing fixed transit as the only factor in determining ADU locations is too limiting.

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

I am generally in favor of allowing ADU's on any owner occupied property and do not completely agree with the map eliminating them from the East side and Avenues areas. I wonder however if north and east of the dividing line if the caveat could be added that the unit rent had to be affordable (i.e. affordable to someone making only 50% of AMI). I do agree with other statements that have been made that ADU's not be allowed to be short term rentals.

Another area that is problematic is the limit of 25 building permits per year. What will happen when the ADU option is opened to practically everyone? Will there be a waiting list for the next year, and the next, and the next?

Perhaps a better option is to slowly open the door rather than flinging it wide open. First, stop defining transit stations so narrowly. Second, include proximity locations other than rail stops, such as major campus locations like the U of U, Westminster, and SLCC. Finally, remove the the requirement that square footage be 50% percent of the main unit and just limit maximum ADU size to be less than the main unit but no more than 800 square feet. The current size limits are an impediment as most homes near the Trax lines are 1000 sq. ft. (or smaller) bungalows, and you need at least 800 sq. ft. for a respectable/typical 2 bedroom apartment. The current size limits significantly reduce the potential pool of renters which affects the desirability of adding an ADU for many current owners. Also, any revision to the ordinance needs to include a simple process where an owner can petition a hearing officer for minor exceptions to these rules.

Just my 2 1/2 cents.

3 Supporters

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Kenneth Kohler inside Council District 5 (on forum)

June 6, 2016, 2:01 PM

I live in district 5 within the allowed ADU area and I have four exceptions to the drafted zoning amendment as listed: I would like to see the zoning increased city wide; the permit limit increased; and the building size increased to allow a larger footprint on bigger lots.

2 Supporters

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Name not shown inside Council District 4 (on forum)

June 6, 2016, 1:39 PM

The boundaries explicitly segregate ADUs from the wealthiest neighborhoods. Does the city really want to further contribute to SLCs income segregation? The boundary should be removed.

There is no good reason why the lower aves (S temple to 11th ave) should not have ADUs with all of the multi family housing currently available in that area. Why exclude that area but include the East central and east Liberty neighborhoods?

Instead of a flat 25 unit per year cap, why not see how demand goes the first two years and maybe set the cap based on that? Then it can truly track demand. Some sort of cap will be necessary, as some neighborhoods (such as east central) really need some infrastructure upgrades before adding a large influx of ADUs, but 25 units per year will definitely not make a meaningful difference in SLCs affordable housing crisis...

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

### 4 Supporters

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Name not shown inside Council District 4 (on forum)

June 6, 2016, 1:15 PM

Limiting to 25 per year makes no sense. ALL ADU's should be required to have a legal parking space and/or stall. I am a few blocks from the "U" with no on street parking restrictions and, a ton of high density rentals. We have NO parking. Those of us who own homes and/or rentals have "Parking Enforcement" on speed dial. They can't keep up with the enormous amount of illegal parking. Your ADU idea needs a ton of tweaking. However, I do not agree with ADU's for any reason. IF it does past, why are you even considering "certain" neighborhoods? or, how close to trax? Silly, as the ones who live in wealthy neighborhoods will find a way to be exempt. The Planning Division is getting to the point I am almost afraid to see what u will propose next? How about enforcing existing laws first? How many duplex/triplex owners have a business license and/or paying for them? None that I know of and, this is the law (not enforced). Picking and choosing with impunity? Enforcement? hmmm BIG parking issues? YES! Historic district's who do not allow us to upgrade and/or protect our homes with a fence? Not a way to move forward and/or improve our homes and or rentals? Too many bad choices by the Planning and Historic people.

### 1 Supporter

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michael budig inside Council District 2 (on forum)

June 6, 2016, 12:59 PM

I support the changes, except I don't think there should be any boundaries and I do not support the limit of 25 units/year. I think the process would be given a year or two to pan out and then see about placing limit on numbers.

### 2 Supporters

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Name not shown inside Council District 6 (on forum)

June 6, 2016, 11:39 AM

With greater ADU concentration comes an inverse effect on property value. Add more ADUs...lower the porperty values. And of course we know property value is a direct reflection of quality of life...declining or stagnant property value reflects a declining or stagnant quality of life.

The only properties where ADUs should be allowed are those with 1/3 an acre or greater. Anything less, and with less than two parking slots is irresponsible overcrowding. The east boundary for such structures should be scaled back to 9th east....13 east is too far and the area is already starting to ruin from overcrowding. ADUs should be approved by surrounding neighbors, not central planners.

### 1 Supporter

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Name not shown inside Council District 1 (on forum)

June 6, 2016, 11:23 AM

There seems to be more than one issue at hand:

1. Whether ADU's should be relegated to .5miles from a Trax, S-line or Front Runner station. This requirement

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

may be removed as it doesn't necessarily serve a purpose.

2. The division of what neighbors are allowed to have the ADU's. As others have posted, adding ADU's is detrimental to property values, increases on-street parking, creates unsightly neighborhoods, puts extra strain on public utilities and services which drives up property taxes. This second issue comes hand in hand with the boundary lines, the upscale neighborhoods are excluded from the permission to add ADU's while lower income neighborhoods (which are already at a disadvantage) will have to lift the weight of the higher population density burden.

To address these issues, I propose the following:

1. In property parking for the ADU should be required. This will limit ADU's to properties that can handle the extra occupants and will avoid more street parking.
2. There should be no limits as to what neighborhoods may have ADU's. The number 1 above will already work to disqualify any properties that are in high density areas.
3. Overnight on-street parking should be limited in areas of high density to further discourage the addition of ADU's. This can be in lieu of limiting the number of permits per year.

5 Supporters

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Kasey O. inside Council District 1 (on forum)

June 6, 2016, 11:06 AM

Who decided to cherry pick what areas are allowed for the addidtion and what areas are not? If its good for Salt Lake its good for Salt Lake; we all pay taxes...

3 Supporters

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Name not shown inside Council District 3 (on forum)

June 6, 2016, 11:01 AM

I think that you should remove the parking stall requirement, which will limit the number of ADUs. Planning should be promoting a walkable, bikeable, public transit-able city. Zoning should also remove the need to screen the separate entrance. As long as the separate entrance conforms to urban design or FBC standards, that should be fine. Also, if there is a way to make it happen, there should be a requirement by the city that ADUs be occupied by one renter for more than 60 days at a time. We have an affordable housing crisis in the city, and we need to make sure that ADU's don't become AirBnB rentals and exclude people who want to live in the City, or take away from hotel bookings. Also, ADUs should be allowed in all neighborhoods. The wealthy neighborhoods are just trying to use class privilege to keep less-wealthy people out. That is not what Salt Lake City should be about.

5 Supporters

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Scott Christensen (unverified)

June 6, 2016, 10:53 AM

My Neighborhood already has several unauthorized ADU's. Enforcement has been very poor. We are supposed to be single family dwellings and I know of at least three on my street that have multiple occupants, some related some not. I personally would like the current law enforced and our area to remain single family

## Accessory Dwelling Units

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dwellings. The reason being I have observed the when you have multiple families in the same dwelling they don't take care of the residents very good, and they drive on the lawns, there are people coming and going all hours of the day and night, they also have late night parties that I have had to call police on. No one take responsibility for the home when more than one family dwells in the home. They seem to think the other will take care of it. Then they leave in the middle of the night and abandon the home. Renters do the same thing. Leaving the place a mess and requiring lots of work to get back to rent-able or sell-able status.  
Stay single family dwellings.

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Name not shown inside Council District 5 (on forum)

June 6, 2016, 10:52 AM

Any changes to the ordinance should apply to all areas of the city and should not be excluded from the "high rent" districts. It is not right to allow certain groups in the city to exclude themselves from what could be detrimental to property values in a neighborhood. Also, adequate on-property parking must be required; changing the ordinance to require parking space for only one car is ill advised as it forces yet more on street parking.

8 Supporters

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Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:40 AM

As a renter in the avenues neighborhood, I would be happy renting in this neighborhood for years, but there isn't adequate supply. I would like to see the avenues and bench restrictions removed. Additionally, limiting permits to 25 per year concerns me. If requested permits don't greatly exceed that number I see no reason to change, but if they do I think the limit should rise. Housing supply seems to be lagging far behind demand and allowing more ADUs may help rectify the disparity.

2 Supporters

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Stanton Porter inside Council District 5 (on forum)

June 6, 2016, 10:35 AM

I completely agree and support the amendment. The boundaries are reasonable.

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Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:27 AM

I think that every property owner in the city boundaries should have the equal opportunity to add an ADU, based on the proposed requirements. Please remove the boundary specifications - it is divisive to our communities.

4 Supporters

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Aaron Sebright inside Council District 3 (on forum)

June 6, 2016, 10:25 AM



## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

I like that the process for adding a unit would be much simpler. Most people probably don't know their exact distance to a transit station, and this would allow a lot more people to add these structures. But, by capping it at 25 a year, it also gives the city some control over decision making which is probably a good idea. I am a resident of the Avenues, and I would personally like to see more of these structures in my neighborhood. In the part of the Avenues that I live in, closer to downtown, there is already such a wonderful diversity of housing types. Historic apartment buildings, small post war homes, older pioneer era homes, and new apartments. Adding more accessory structures would help even out some of the density in this neighborhood and allow more people to get to enjoy life in this area with big, new, intrusive construction.

1 Supporter

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Name not shown outside Salt Lake City Council Districts (on forum)

June 6, 2016, 10:21 AM

By stating that these must be owner occupied, I'm assuming they are not available for renting? I would be opposed to it if these became rental properties.

1 Supporter

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Name not shown inside Council District 6 (on forum)

June 6, 2016, 10:20 AM

I live in the proposed non ADUs section. I do not agree that zoning should disallow me from the freedom to add an ADU to you my home based on my specific neighborhood. It looks like most of Salt Lake City will have the ability to apply for an ADU, while those in higher priced neighborhoods with a higher demand for housing, will not be allowed to apply for one. If there is a high demand to live in these areas, why do we not allow more housing units? I do not support a boundry to exclude high end neighborhoods from doing this to their home if they so choose to.

4 Supporters

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Name not shown inside Council District 7 (on forum)

June 6, 2016, 10:19 AM

The proposed zoning amendment shouldn't pass - aren't we trying to unify our community? The distinct East Bench vs Everyone Else aspect of the amendment is bad. I agree with the earlier statement about keeping the Trax/FrontRunner restrictions, and adding high-frequency bus routes. I think we need to ADD off-street parking rules for any ADU as well.

1 Supporter

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Jesse Hulse inside Council District 4 (on forum)

June 6, 2016, 10:15 AM

The proposed height restrictions are not practical for good ceiling height, conventional framing and good parapets on flat roofs, I recommend allowing an additional 4 feet for flat roofs. Also, more height should be allowed for pitched roofs to allow them to respond contextually to primary structure and adjacent properties. Making the ADU's more livable and rentable will yield better outcomes for the homeowner and the City. It is in

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

everyone's best interest that ADU's are of the best quality possible spatially and materially.

It's important that ADU's be of good quality to promote good neighborhood outcomes and maintain property values, so facade material and fenestration should also be defined to complement the primary structure and adjacent properties. Something similar to FB-UN2's facade requirements could be considered for guidance.

3 Supporters

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John Davis inside Council District 4 (on forum)

June 6, 2016, 10:14 AM

I am supportive of ADUs, but I also strongly believe they should be located near transit to minimize detrimental impacts on existing neighborhoods. Permitting ADUs in large areas that have not organized in opposition the same manner as the Avenues and Yalecrast seems to be an overly simplistic and not well reasoned solution - an attempt at surgery with a machete rather than a scalpel. Perhaps expanding permitted areas with ADU zoning to be within a certain distance of both rail transit stations stations and high-frequency bus stops would achieve stated goals while not disproportionately impacting certain neighborhoods.

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William Littig inside Council District 3 (on forum)

June 6, 2016, 10:13 AM

With density comes responsibility i.e. off street parking without paving a large part of the yard. A special assessment to insure parks, open space, trees. All properties with accessory buildings should have street trees as part of the application and permitting. These properties should not later be listed and sold as duplexes.

2 Supporters

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Name not shown outside Salt Lake City Council Districts (on forum)

June 6, 2016, 10:11 AM

Please do NOT pass this amendment! The trend in SLC toward cramming more and more housing on existing lots really needs to stop. If my neighbor built what amounts to a second home on their lot, I would be livid. At the very least, approval of an ADU should require unanimous consent of all surrounding property owners.

I have lived in multiple cities where these sorts of units were commonplace. It was awful.

2 Supporters

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Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:11 AM

I agree with the former statement about adding more transit stations.  
In the meantime, I support the suggested revisions. They seem realistic.

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Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:08 AM

## Accessory Dwelling Units

The Salt Lake City Planning Division is drafting a zoning amendment to broaden and clarify existing regulations for Accessory Dwelling Units (ADUs) and wants to know what you think."

I believe that ADU's should be approved for the entire City. I understand some community councils have articulated a different position but I disagree with those. While I do not, nor do I anticipate, having an ADU it seems only fair to allow others that sometimes important economic opportunity.

1 Supporter

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Name not shown inside Council District 4 (on forum)

June 6, 2016, 9:14 AM

I am fine with ADUs, but I do think they need to be near transit stations.

This shouldn't mean we water down this zoning, it means we should add more transit stations.

2 Supporters

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Raw Design Studio LLC,  
517 S. 200 W.  
Garden Level Suite D  
Salt Lake City, Utah 84101  
Phone: [REDACTED]

May 5, 2016

Salt Lake City Planning Division  
c/o Michael Maloy, AICP  
PO Box 145480  
Salt Lake City, UT 84114-5480

Dear Salt Lake City Planning Division,

The purpose of this letter is to provide feedback on the current and proposed ADU ordinances within Salt Lake City's Municipal Code. I am homeowner in Salt Lake City, a licensed architect, small business owner, and a faculty member of the University of Utah's College of Architecture+Planning. I feel strongly that urban density is important for the development of vibrant and successful communities. Accessory Dwellings are a very effective way to increase density within already developed residential neighborhoods. ADU's are also a good way to increase property values and allow for a mixture of housing types within otherwise homogeneous single-family-residential dominated suburban neighborhoods.

The current ADU ordinance is far too restrictive and does not allow for responsible and effective development of Accessory Dwellings. Having reviewed the proposed changes to the Accessory Dwelling ordinance I would like to offer my support for an amendment to the ADU ordinance and suggest a couple additional changes which should be incorporated. Of particular importance is the increase in the allowable height of the accessory structures (21A.40.200.E.2.d). Allowing 20' for flat roofed structures and 25' for pitched roof structures makes the development of a dwelling unit above a garage possible. However, even with the additional height, it is still somewhat tight. An additional 24" would comfortably allow for 8-9' ceilings with 1-2' of structure and 24" for a parapet wall. Taller parapets will make greater insulation values and energy efficiency more attainable.

One additional change which I feel needs to be added is an adjustment in section 21A.40.200.D.2.d, which currently states that new accessory dwelling units must fall into the current setback limitations for the principal dwelling. This requirement is overly restrictive for lots which have alley access. Where an alley is available, the ADU is required to be accessed from the alley. This is a reasonable and responsible pattern of development and reduces potential traffic congestion on the main street. However, an ADU accessed from the rear of the property which also needs to fall within the setback of the principal dwelling may be very far away from the alley (25' for RMF zones) from which it gains access. This leads to a reduction in the usable internal yard and an overall poor use of available space. Additionally, activation of the alleyway and pedestrian safety are increased by dwellings constructed up to the alley. It should be written into the ADU ordinance that where an alley is the primary means of access for the dwelling, the structure should be built no further than 5' from the property line. At the very least, an exception should be added to allow for this.

Thank you for considering my feedback. I feel the ADU ordinance is important and will put Salt Lake on the forefront of urban redevelopment but as it currently stands it is much too restrictive and makes development of ADU's all but impossible. If I can provide any additional feedback or assistance please contact me at [dmano@rawdignstudio.com](mailto:dmano@rawdignstudio.com) or 801-633-5273.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darin M. Mano", written in a cursive style.

Darin M. Mano, AIA  
Assistant Professor, University of Utah  
Principal Architect, Raw Design Studio

**Re: ADU Question**

Adam Collings [REDACTED]

**Sent:** Monday, May 02, 2016 10:36 AM**To:** Maloy, Michael

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First I'd like to thank you for taking time on a Monday morning to help me get the information I'm looking for. I know my Mondays are usually pretty busy.

I think a lot of people would benefit from having an expanded ADU area, and I'd be willing to support a motion to have it passed. I live in the lower avenues and I think it would benefit a lot of people.

On Mon, May 2, 2016 at 10:18 AM, Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

The Planning Commission has not yet forwarded a recommendation to the City Council on this matter. Regarding the draft from last September, I am still working on refining it in hopes of getting sufficient community support. For example, right now the Planning Division has been talking about proposing a "boundary line" for ADUs in the City. In this scenario ADUs would be permitted in specific zoning districts that are located south of South Temple Street and west of 1300 East. This potential boundary is because the Greater Avenues Community Council, and residents living within the East Bench Master Plan area, seem to oppose ADUs. What do you think of this concept? Clearly, it would allow more potential locations than the current ½ mile restriction.

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* ECONOMIC DEVELOPMENT

SALT LAKE CITY CORPORATION

TEL [801-535-7118](tel:801-535-7118)

FAX [801-535-6174](tel:801-535-6174)

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**April 21, 2016**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name: K. Marie Taylor

Address: 176 S. 1100 E. #2

SLC Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I feel ADU's are excellent for ONE of the tools in the tool box. Concern is for smaller streets that cannot handle the extra demand on infrastructure, parking, etc.... Please, since there are only 25 per year, each should go through a conditional use review to

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

be sure they don't negatively impact neighborhoods. there are some places that are east of 1300 that might work. they should be considered.

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**April 21, 2016**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name:

*George Chapman*

Address:

*1186 S 1100 E*

*SLC*

Zip Code

*84105*

Phone:

E-mail

Comments:

*I think requirements are so  
stringent that it won't help much.  
Cost for attached ADU is 40K, detached  
(garage) 100K. We want more housing  
but this is too limiting.*

*Max occupancy (parking, traffic)  
should be considered. On site parking  
(remove grass) should be allowed.*

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**ADU**

marie taylor [REDACTED]

**Sent:** Friday, April 08, 2016 1:30 PM**To:** Maloy, Michael**Cc:** Kitchen, Derek

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Michael Maloy,

I live in Derek Kitchen's district.

I am in favor of ADU's. My concerns are their potential impact on smaller streets. I would like to suggest that one way streets, and streets that dead end (such as some of the charming courts) require an additional layer for approval. This layer including a parking analysis, and a study of the street on trash day.

The dynamics of our City change very quickly from block to block, even within the same neighborhood. There are several streets in our area that are maxed out for parking on any given day. If they are a one way street, trash day is an exciting and colorful experience. ALL of the trash cans are on one side, the streets are narrow, and with the full parking, the cans are often out making driving difficult. An obstacle course at best. Add snow, its often impassable.

Some of the homes on these streets are so close together, their trash cans cannot be moved behind the house. They remain in the strip between the sidewalk and the street or in the street, 365 days per year. One example of this is McClelland Street (1050 East, between 100 and 200 South).

My support of ADU's is that it be one tool, in the effort to create housing and keep the foot print of our neighborhoods intact. I would like ADU's to be an option, and allow other options, such as density credits for PDU's to maximize and respond to unique circumstances.

Thank you,  
Marie Taylor

[REDACTED]



## ADU comments

Norris, Nick

**Sent:** Friday, February 12, 2016 8:19 AM

**To:** Maloy, Michael

**Cc:** Oktay, Michaela

---

Michael,

I took the following comments from a person named Dennis at the East Bench Master Plan meeting last night. He would like you to call him at [REDACTED]. He would like these comments added to the record:

- Opposed to ADU's east of Foothill
- Limiting them to a certain number per year city wide essentially rezones the entire city.
- Will destroy property values and significantly change the character of neighborhoods.
- Adverse impact on safety
- Example:
  - In the east bench, many people buy properties because of the views. ADU's provide an additional incentive to block views beyond what the single family zoning already allows.
  - If an ADU is rented out to college aged kids, each will have their own car. 3 or 4 additional cars would change the character of a cul-de-sac. People buy homes on cul-de-sacs because they have less traffic and the front yards are safer for kids to play in. Increasing the number of cars makes it more dangerous.
  - More cars parking in a cul-de-sac will cause problems with snow removal.
- On hills, more on street parking makes it more difficult to remove snow and provide services. ADU's will make this problem worse.
- If more people knew about the City's proposal to allow ADU's, they would be opposed to them. The City should not force ADU's on neighborhoods that do not want them.
- The existing East Bench Master Plan is against any density increase in the East Bench. Allowing ADU's goes against the East Bench Master Plan. The neighborhood is on record opposing ADU's.
- What protects the individual property owners from the impact of ADU's?

I wrote these word for word as he said his concerns and read them back to him. I am sure that these are similar to other comments that you have heard. In the staff report we should review and discuss these in the "Issues" section.

Nick



The Greater Avenues Community Council  
PO Box 1679  
Salt Lake City, UT 84110  
[www.slc-avenues.org](http://www.slc-avenues.org)

February 3, 2016

Planning Division  
Community and Economic Development  
Salt Lake City Corporation

Attention: Michael Maloy, AICP

Re: Accessory Dwelling Units

Thank you again for coming to the Greater Avenues Community Council meeting on 6 January. At that meeting, you heard several of the concerns of the community with regards to the proposed revisions in the Accessory Dwelling Units ordinance. After having time to review the proposed new policy in more detail, there are some additional comments. In the letter below, I have consolidated those comments.

We have heard from some Avenues community members who are in favor of ADUs. However, we have heard from many more that have concerns about the impact on the neighborhood. Undoubtedly there would be a benefit to homeowners who can afford to install an ADU, but the policy needs to protect the neighborhood character and ensure that the impact on others is minimal.

The Avenues already achieves one of the primary goals stated in the September 23<sup>rd</sup> Staff Report of neighborhoods containing a mix of housing types, densities, and costs so that people of various economic groups can co-exist. Given this existing diversity and our concerns regarding the potential impacts of ADUs in the Avenues, we do not support ADUs in the Avenues at this time. If other communities wish to implement the policy, we could support the option under 10b in the Petition to Initiate to allow ADUs in prescribed neighborhoods that favor ADUs.

The GACC took an official position against ADUs before the current ordinance was passed. We did not take an official vote this time; however, many of the same issues were raised. Specific issues that were raised this time include impact on the neighborhood character, parking, intrusion on neighbors, scope creep, and enforcement.

Neighborhood Character – The Avenues has a history where single family houses were sub-divided into multiple apartment units. A concern is that the ADU ordinance will allow this to start over again. This proposed ordinance also runs counter to the Avenues Master Plan.

Parking - ADUs will negatively impact on-street parking, exacerbating what is already a problem area in many parts of the Avenues. Two new proposals in particular are problematic. These are to allow the Planning Director to waive any parking space requirements when within ¼ mile of an arterial bus line and to allow tandem parking to count for a space. Both would effectively increase on-street parking.

Intrusion on neighbors - This issue is especially concerning with stand-alone or ADUs built above existing detached structures. With the small lot size, especially in the Lower Avenues, adding additional structures, especially taller structures, will intrude on adjoining homes and yards. This is likely to have the impact of lowering property values of the adjacent homes. Or the adjacent homeowners would be required to spend funds to install landscaping or other means to maintain their privacy.

Scope creep – Another concern was that the policy would continue to be liberalized over time. Just as the proposed version is less restrictive than the current policy with regard to parking requirements, unit size, building height, and minimum lot size; future versions could be even less restrictive. For example, per the staff report, the 25 per year restriction is likely to be phased out.

Enforcement concerns – A large number of Community Council members are concerned about the enforcement procedures. Reliance upon complaint-based enforcement is uneven at best and pits neighbor against neighbor.

We recognize that there could be potential benefits, if these concerns could be addressed. Perhaps the inclusion of ADUs in the Avenues could be re-considered, after the Planning Department can study the effectiveness and impacts of the ordinance in other neighborhoods, and show that the neighborhood character has been protected and the impact on neighbors has been minimal.

We appreciate the opportunity to comment. Please contact me at [gaccchair@slc-avenues.org](mailto:gaccchair@slc-avenues.org) with any questions.

Regards,

*David H. Alderman*

David H. Alderman

GACC Chair

Cc: Stan Penfold

**Re: ADU Comments**

Kirk Huffaker [REDACTED]

**Sent:** Friday, January 15, 2016 6:02 AM**To:** Maloy, Michael

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Michael,

Here are my additional comments to what I submitted in the open house. These were spurred by some valid points made at the Sugar House Community Council zoning meeting.

- 1) Adjacent owners should be required to provide approval. There is concern that an ADU would be high impact to neighbors due to location of new construction on the lot, size of the new unit, and/or the need for additional parking, for example. Therefore, I think it only right that directly adjacent neighbors should buy into the proposal.
- 2) The city should consider a sunset period in order to force a limited time period to test the ordinance and review the results of how the current parameters are working. I believe it should not be longer than five years.
- 3) It doesn't seem like an ADU ordinance, whether citywide or neighborhood specific, can be an all sizes fit one model. It doesn't work for the neighborhoods and it probably doesn't work for the counter approval process. This is just a germ of an idea and not completely thought out but I'll suggest the framework here in case it might be something to look at before the proposal moves forward. I'd propose that the city look at a model that could be scaleable based on the characteristics of a property including lot size, parking availability, location of the ADU (new building or within the current main structure), proposed new construction location/size, location relative to transit, etc. Then use these characteristics to generate a score. There may be two or three tiers of scores that a project falls into. If it falls into the lowest category, the property doesn't meet basic criteria for development of an ADU and the application is denied. Having an upper tier(s) would then allow further assessment of the challenges that may exist with a proposal. The top tier may be over the counter approval while the middle tier would require further consultation with planning.

Happy to talk if you would like to follow up. Thanks for all your work on this.

Kirk

Kirk Huffaker  
Executive Director  
Utah Heritage Foundation  
[REDACTED]

[www.utahheritagefoundation.org](http://www.utahheritagefoundation.org)

On Wed, Jan 13, 2016 at 3:20 PM, Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

| Kirk,

## **FW: ADU - Accessory Dwelling Units**

Tarbet, Nick

**Sent:** Wednesday, January 06, 2016 12:21 PM

**To:** Maloy, Michael

**Cc:** Tarbet, Nick

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Michael-

Just passing along a comment we received regarding ADUs. Thanks.

Nick Tarbet

---

**From:** Campbell, Kristin [REDACTED]

**Sent:** Tuesday, January 05, 2016 5:13 PM

**To:** Council Comments

**Subject:** ADU - Accessory Dwelling Units

Greetings,

I am concerned about the accessory dwelling units being allowed on one-way streets. I live on McClelland St between 100 and 200 south. We currently have a problem with parking. Since it is one way, there is additional problems on garbage pick-up days. There is not enough parking for the current units besides the sewer problems that have plagued our area.

Thank you

Kristin Campbell  
District 4

January 6, 2016

TO: Michael Maloy, Senior Planner  
Salt Lake City Corporation

FROM: Judi Short, Land Use Chair  
Sugar House Community Council



The Sugar House Community Council has reviewed the issue of Accessory Dwelling Units (ADU's) and has the following comments:

We think the idea has merit, but the locations where they are approved should be limited based on traffic and parking in the area. Therefore, we can support the idea of ADU's in residential zones with the following conditions:

- There needs to be a minimum lot size. The number I have seen proposed is 5000 square feet, and this is hardly big enough. Even on my lot of 6750 square feet, without access from the alley to a garage in the rear (my parcel has no garage) there would barely be enough space without giving up most of the garden.
- We need to comply with the sustainability standards of our city and not cover a lot completely with driveway.
- These need to only be allowed if there is a functioning alley behind the property.
- Street width needs to allow for parking on both sides of the street and plenty of room to pass down the middle.
- These need to only be approved if there is available parking. That means if on my block someone wants one of these dwellings, you look at the neighborhood surrounding the parcel and take into account the fact that eight properties on my block have no driveway and each of those houses has two cars. Can't pretend that three miles away there is a TRAX line and so they don't need two cars because they can take TRAX. You need to count up all the needed spaces on a block, say two per house, four per duplex, and then count available driveway space and street space, to determine if a particular proposal is feasible. The occasional rental house with 6 college students and 6 cars needs to be factored in.
- There needs to be a process for approval. One knowledgeable person does it, for consistency, at least during the test period.
- We support the concept of 25 permits per year. That number can be expanded down the road when we see it is working well. What about a two-year test period and then review the program?
- We support the requirement that the owner of the parcel needs to live in one of the units. We don't want people who speculate and live in California.
- On page 4 of the staff report dated September 23, 2015 Implementation strategy 5 is referenced but we cannot find it explained.
- We support removing the requirement that these be located within ½ mile of TRAX
- We are worried about windows in a second story garage taking away privacy of neighbors, especially on small lots.

In reviewing Proposed Ordinance 21A.40.200 Accessory Dwelling Units, we have the following comments:

- We are not sure we could support this in the RMF zones unless there is an existing single-family house on the parcel. If there is an apartment building, this makes no sense.
- We recommend some neighborhoods of the city be excluded, because they are already dense enough, due to lot size or are at parking capacity.

## ADU - Accessory Dwelling Units

marie taylor [REDACTED]

**Sent:** Tuesday, January 05, 2016 3:17 PM

**To:** Council Comments

**Cc:** Maloy, Michael; Kitchen, Derek; esther hunter [REDACTED]

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Salt Lake City Council,

I would like to suggest that all culde-sacs/ dead-end and one way streets be required to go through a conditional use, review. Many of these streets in Salt Lake have very small lot sizes and limited off street parking. Everyday, they struggle with parking. And on trash morning, on the one way streets, all of the trash and recycling cans are on one side of the street. Add snow the recipe. Capacity is already maxed out.

Recently, we have had sewer overload on some of these small streets near the University of Utah. The last thing that is needed, is for these streets to double the number of units.

I feel that creating a level of review for the smaller streets is necessary, to deal with these individual streets, in our unique city.

Thank you for your time,  
Marie Taylor  
District 4

"what would you dare to accomplish if you knew the only possible outcome was success ?"

[www.SheJumps.org](http://www.SheJumps.org)

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**December 17, 2015**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name: LANCE LEE

Address: 158 W. BARRY LINKS WAY

SALT LAKE CITY Zip Code 84115

Phone: [REDACTED] E-mail [REDACTED]

Comments: PLEASE CONSIDER EXPANDING THE  
AREAS IN WHICH ADU'S ARE PERMITTED AND  
INCLUDE A PROVISION TO ALLOW TINY HOMES  
ON WHEELS AS AN ADU AS WELL.

THANK YOU!  
[Signature]

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.



# OPEN HOUSE PUBLIC COMMENT FORM

December 17, 2015



Planning Division  
Department of Community &  
Economic Development

## Accessory Dwelling Units Amendment

Name: KERIC HUFFAKER

Address: UTAH HERITAGE FOUNDATION

Zip Code \_\_\_\_\_

Phone: [REDACTED] E-mail [REDACTED]

Comments: IN FAVOR OF ADUs PERMITTED WITHIN 1/2 MILE OF  
RAIL TRANSIT AND WITHIN DESIGNATED (LOCAL AND/OR  
NATIONAL) HISTORIC NEIGHBORHOODS & INDIVIDUALLY LISTED  
HISTORIC LANDMARK SITES.

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**December 17, 2015**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name: Kelly Donahue

Address: 446 E 300 S Apt #8  
Salt Lake City, UT

Zip Code 84111

Phone: [REDACTED] E-mail [REDACTED]

Comments: I feel this is a very good start,  
but would love to see it greatly extended.  
My fiancé and I hope to start our live together  
in a tiny home, but doing so legally is  
challenging. We look forward to further discussion  
& development.

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

# OPEN HOUSE PUBLIC COMMENT FORM

December 17, 2015



Planning Division  
Department of Community &  
Economic Development

## Accessory Dwelling Units Amendment

Name: Chase Steffensen

Address: 446 E 300 S  
#18

SLC UT Zip Code 84111

Phone: [REDACTED] E-mail [REDACTED]

Comments: \$ Opening up options for housing  
that doesn't require giant mortgages is a great  
idea that will help people live fuller lives.

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 at [michael.maloy@slc.gov](mailto:michael.maloy@slc.gov) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**December 17, 2015**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name: Natalie Banks

Address: 5562 W 112nd N  
Highland, UT  
Zip Code 84003

Phone: [REDACTED] E-mail [REDACTED]

Comments: Moving back to SLCC soon; lived in SLCC for  
18 years:

Please include a provision in ADU zoning  
to allow for tiny homes on wheels as  
permitted Accessory Dwelling units

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**December 17, 2015**



Planning Division  
Department of Community &  
Economic Development

**Accessory Dwelling Units Amendment**

Name: Cynthia Wong

Address: 7390 South 705 East

Zip Code 84047

Phone: [REDACTED] E-mail [REDACTED]

Comments: Please extend the boundaries to the  
entire Salt Lake County and include tiny houses /  
tiny homes in the definition of ADA's.

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 at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com) or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

## open house on ADU's

cindy cromer [REDACTED]

**Sent:** Wednesday, December 16, 2015 9:57 PM

**To:** Maloy, Michael

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Michael-I had planned to come back into town for the open house but the storms have delayed my departure. I asked Judi if I could attend the LUZ meeting on Monday. I'll catch up with you there.

My persistent thoughts on the subject are--

to ditch the owner-occupied requirement and

to present options as the staff did with the electric charging stations and the height in the D4 Downtown. (Of course ditching the owner-occupied requirement is one of the possible options.)

Sincerely, cindy

**Re: ADU amendments**

LYNN Pershing [REDACTED]

**Sent:** Wednesday, December 09, 2015 8:43 AM**To:** Maloy, Michael

---

Thanks Michael for the additional information. My review of the revisions to the ADU noted that the number of guaranteed parking stalls in property were reduced from 2 to 1. This doesn't help our on street parking issue when both sides of the street are occupied. Our streets are narrow. Navigating construction, maintenance (snow plows, garbage/recycling pickup) and emergency vehicles through them is difficult when vehicles are parked on both sides of the street.

Also the revised ADU ordinance stipulates that the owner must live on the property. Correct? This reduces landlords from adding more rental units to their properties, correct? Although it may lead to some residents in YC becoming landlords.

Some citizens are concerned that it will compromise the historic characteristics of the neighborhood that is listed on the National register of historic places and may compromise the "contributing status" of a house

Lynn

Sent from my iPhone

On Dec 8, 2015, at 11:21 PM, Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

Lynn,

The current draft of the proposed ordinance permits up to 25 owner occupied ADUs citywide per year. All ADUs must be associated with a single-family home (no duplexes or other multi-family dwellings are eligible). All ADUs require compliance with current building code, off-street parking regulations, and business licensing.

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* ECONOMIC DEVELOPMENT

SALT LAKE CITY CORPORATION

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, September 23, 2015**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:41 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson James Guilkey; Vice Chairperson Andres Paredes; Commissioners Emily Drown, Michael Fife,Carolynn Hoskins and Clark Ruttinger. Commissioner Angela Dean, Michael Gallegos, Jamie Bowen and Matt Lyon were excused.

Planning Staff members present at the meeting were: Nick Norris, Planning Manager; Michaela Oktay, Planning Manager; Michael Maloy, Senior Planner; Daniel Echeverria, Principal Planner; Katia Pace, Principal Planner; Anthony Riederer, Principal Planner; Amy Thompson, Principal Planner; Tracy Tran, Principal Planner; Michelle Moeller, Administrative Secretary and Katie Lewis, Senior City Attorney.

**Field Trip**

A field trip was held prior to the work session. Planning Commissioners present were: Michael Fife, James Guilkey, Carolynn Hoskins and Clark Ruttinger. Staff members in attendance were Michaela Oktay, Katia Pace and Daniel Echeverria.

The following site was visited:

- **3101 South 900 East**- Staff gave an overview of the project.
- **600 South Apartments** - Staff gave an overview of the project.

The Commission thanked Marie Taylor for her services on the Commission.

Ms. Taylor thanked the Commission for their friendships and reflected on the knowledge she gained while participating on the Commission.

**APPROVAL OF THE SEPTEMBER 9, 2015, MEETING MINUTES. [5:36:07 PM](#)**

**MOTION [5:36:11 PM](#)**

**Commissioner Fife moved to approve the September 9, 2015, meeting minutes. Commissioner Ruttinger seconded the motion. The motion passed unanimously. Commissioner Drown abstained as she was not present at the subject meeting.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:36:28 PM](#)**

Chairperson Guilkey stated he had nothing to report.

Vice Chairperson Paredes stated he had nothing to report.



**REPORT OF THE DIRECTOR [5:36:37 PM](#)**

Mr. Nick Norris, Planning Manager, stated he had nothing to report.

Chairperson Guilkey asked about the status of Commissioner Lyon's leave of absence. Mr. Norris stated he would look into the issue and report back to the Commission in October.

**[6:59:37 PM](#)**

**Accessory Dwelling Units Amendment - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: 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-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com).) Case number PLNPCM2014-00447**

Mr. Michael Maloy, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council.

The Commission and Staff discussed the following:

- Allowable height for ADUs.
- Where the form based code was applicable in the City.
- Where the six hundred and fifty square feet size (650) came from and if it was a good size for an ADU.
- The cost of building or bringing an ADU up to code.

**PUBLIC HEARING [7:24:01 PM](#)**

Chairperson Guilkey opened the Public Hearing.

Ms. Diane Leonard, Greater Avenues Community Council, stated they are concerned that the petition was not following the correct process. She reviewed the prior process for the ordinance and stated the current process was not transparent. Ms. Leonard reviewed the issues with meeting notification regarding the petition and asked the Commission to postpone the petition until the Community had time to express their opinion. She stated there was a concern over the transportation information being removed from the ordinance and if the plan was to promote people living in ADUs to use public transportation it needed to be available and outlined in the plan.

Ms. Cindy Cromer stated this petition had been long in coming and there were no results from the current proposal. She stated reviewing the results of the ordinance was a good thing but did not happen enough as the transit ordinance needed to be reviewed. Ms. Cromer reviewed why the City had not seen more ADUs constructed under the current ordinance and stated incentives needed to be offered to property owners along the transit

corridor. She stated if there was a cap on the number of ADUs that could be created each year, only wealthy neighborhoods would have the units and they would not be affordable.

Mr. Eric Tindall stated there are some people that could not afford to even pay the six hundred seventy five dollars (\$675) a month for rental of these units and these were the people that desperately needed housing. He reviewed how these types of houses can be constructed in a manner to help families and asked the Commission to approve the petition allowing more ADUs to be constructed.

Mr. Tom Landes stated the property owner on 950 East had been trying to approve his unit over the last few months. He reviewed the specs of the unit that were prohibiting the unit from being approved. Mr. Landes asked the Commission to increase the allowable square footage and height for units where they would fit with the surrounding neighborhoods. Mr. Landis stated it made more sense for people to build above garages versus stand alone buildings. He reviewed the issues with mechanical features in a unit of six hundred and fifty (650) square feet.

Ms. Jana Garrett stated as a new resident of Salt Lake City they were looking for a property where an ADU could be built. She stated it was very difficult to find a property that allowed an ADU and it would make sense to let more of these units be created. Ms. Garrett stated the basis of home location in conjunction to transportation should not be an issue and limited the ability to create ADUs.

Mr. Dave Robinson reviewed the townhomes in Sugar House and how they accommodated the current ordinance. He stated Staff had done a great job with the new proposal and accommodating ADUs but the current ordinance did not make sense or help to spread ADUs throughout the city. Mr. Robinson stated the cost of construction was high but was doable. He stated there are a lot of people that want ADUs on their property but are prohibited under the current ordinance. Mr. Robinson stated the notices were sent out and people knew of the meetings so that should not hold up the proposal.

Chairperson Guilkey read the following cards:

Ms. Marie Taylor - Many street in SLC are too narrow, already maxed out with traffic and utility use (ie. McClelland Street between 100 and 200 S). They are one way with all trash cans on one side of the street on trash day. Cul-de-sacs also are too congested in older areas. Needs to be some specific criteria to address these small streets with small lots, no setbacks etc.

Ms. Judy Short, Sugar House Community Council – This needs more public input, there are zero comments in the Staff Report. This could create chaos in some areas. It needs revision and reviewing. See my email to Michael Maloy this afternoon.

Mr. Josh Levey – Allows for more efficient use of land, creation of affordable housing both for the tenant and the owner. In our case would also lead to improvement in safety and appearance of alley.

Mr. David Walker and Ms Mihaela Chelaru – We support the proposed ordinance mainly because of the proposed removal of the fixed transit line requirement. We would like a space to be an art studio and possibly house an elderly parent in the future. We have the space but just need the permit. Thanks

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

- If the size and height of the units could be increased and how larger units could be accommodated.
- It would be beneficial to consider the comments of the community before forwarding the proposal to the City Council.
- A cap should not be placed on the number of ADU units allowed to be constructed in a year.
- If the petition should be tabled or moved forward.
- If the noticing ordinance was met for the petition.

**MOTION [7:51:53 PM](#)**

**Commissioner Drown stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, She moved that the Planning Commission continue the Public Hearing and table the discussion to allow Staff to move forward with conversations with the Community Councils and bring the petition back to the Commission for further review at a future meeting. Commissioner Hoskins seconded the motion. Commissioners Paredes, Ruttinger and Fife voted “nay”. Commissioners Drown, Hoskins and Guilkey voted “aye”.**

The Commission discussed what happened to the motion if there was a tie vote and if an alternate motion could be made.

**The motion died due to a tie vote.**

**MOTION [7:55:37 PM](#)**

**Commissioner Ruttinger stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, based on the findings and analysis in the Staff Report, testimony received, and discussion at the Public Hearing, he moved that the Planning Commission Transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units and detached dwelling units in districts that permit single-family dwellings. Commissioner Fife seconded the motion.**

**ALTERNATE MOTION [7:56:14 PM](#)**

**Commissioner Drown stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, She moved that the Planning Commission continue the Public Hearing and table the discussion to allow Staff to move forward with conversations**

**with the Community Councils and bring the petition back to the Commission for further review at a future meeting.**

The Commission discussed how the motions should be addressed and if a motion that had been voted on and failed could be made again.

**Commissioner Drown amended her motion to close the public hearing but allow further conversation with the Community Councils and return to the Commission with the findings. Commissioner Hoskins seconded the motion.**

The Commissioners discussed tabling the petition and if additional information would benefit the petition.

The Commission and Staff discussed the process for making the next motion and what the language should be in the motion.

[8:04:19 PM](#)

The Commission took a short break to allow Staff to clarify the Policies and Procedures regarding the motion

[8:10:36 PM](#)

Ms. Katie Lewis, City Attorney, clarified the Policies and Procedures for making the motion and how to move forward with the process.

**AMENDMENT** [8:12:39 PM](#)

**Commissioner Fife amended the motion to keep the Public Hearing open. Commissioner Drown approved the amendment. Commissioner Hoskins seconded the amendment. Commissioners Paredes, Drown, Hoskins and Guilkey voted “aye”. Commissioners Ruttinger and Fife voted “nay”. The motion passed 4-2.**

**The meeting adjourned at [8:55:28 PM](#)**

## Proposed Changes to ADU Ordinance

Dianne Leonard [REDACTED]

**Sent:** Tuesday, September 22, 2015 5:33 PM

**To:** Maloy, Michael

**Cc:** [REDACTED]

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Michael,

The notification about the proposed changes to the ADU Ordinance came to us with VERY short notice.

This will have significant impact on the Lower Avenues. I am writing to ask that this item be postponed or tabled until we have sufficient time to notify our residents and give them the chance to make arrangements to attend a Planning Commission meeting. I feel very strongly that this shows a lack of transparency in the Planning Department process. The agreement that is in place was prepared after meetings with a focus group and with much input from residents of neighborhoods throughout the city.

This was not an easy compromise to reach but seemingly this amendment process has sailed through without any consultation with residents. I don't see this as the best way to get things done. Residents of the Avenues who were part of the initial focus group received notification overnight last night—waking to find your email in their inboxes. This indicates to me, and to them, that you didn't really want any feedback, just to do your duty to notify.

Is there a representative on the Planning Commission that represents the Avenues or is representation broadly covering all areas of the city?

I have been contacted about projects that are not located on the Avenues but might have impact on our residents. I am wondering why there wasn't an attempt made to contact Community Council Chairs for input as these changes were being considered.

Again, I ask that this item be tabled or postponed until November so that we have time to consult with residents in our communities.

Best,  
Dianne

--

Dianne Leonard

GACC Chair

[Gaccchair@slc-avenues.org](mailto:Gaccchair@slc-avenues.org)

## Accessory Dwelling Units

Judi Short [REDACTED]

**Sent:** Wednesday, September 23, 2015 4:39 PM

**To:** Maloy, Michael; Shepard, Nora; Mendenhall, Erin; Luedtke, Benjamin

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MICHAEL - PLEASE FORWARD THIS TO ALL PLANNING COMMISSIONERS BEFORE TONIGHT'S MEETING --

I am sorry that you didn't send me the notice of the Accessory Dwelling Units item on the meeting tonight. I had sent you some comments on May 15, and thought that should at least get me on your mailing list, but I did not even get a response from you. I think this item deserves some public input, and don't believe this has been noticed sufficiently. As I read your staff report, it appears that this will be allowed in nearly every neighborhood in the city. Have you received feedback from all the community councils? This concept will particularly squeeze areas of Sugar House, East Liberty, and the Avenues. I'm sure there are many places on the West side, such as Rose Park, that will have challenges because of small lot size.

My first thought is that we should at least be able to review a zoning map that would allow us to get up close and personal to see exactly which lots in the city are affected.

What does this sentence mean (p3 of your draft code 2c)? "The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city" This seems to be a circular reference.

You need to be sure that the parking requirement is written such that it does not create congestion in the area, but you need to make that very clear. "Congestion" is not a clear term. One off-site parking space is required is clear. But then allowing 3 unrelated family members to live there creates need for probably 3 parking spaces. If three of these go in on a block, that is an additional 6 vehicles that need to search for street parking. On my block, there is no available street parking. There are at least 6 homes without a driveway, there are duplexes and an apartment building that use street parking, homes with 4-6 adults living in them already. There is no place for visitors to park, much less another resident or two. One of the abutting alleys is already closed. You don't want to make the congestion worse.

If this is approved, it should ONLY be approved IF the City Council changes to alley closure policy to be "No city alley will be closed in areas where the ADU's are allowed." Many neighborhoods have tiny lots, and if you put an ADU above a garage, their entire back yard will need to be paved, to accommodate access. If you keep the alley open, the original resident can park in the driveway and the person living above the garage can access their parking place (in the garage) from the alley. We don't need to have all our back yards turned into asphalt, we need room to grow our vegetables. You need to define the maximum amount of pavement allowed. Not to be determined by Conditional Site Design Review which will approve any request.

I think this ordinance is not ready for prime time and needs more public input. I urge you to keep the public hearing open and study the issue further before adopting.

--

Judi Short

[REDACTED]

**ADU amendment**

LYNN Pershing [REDACTED]

**Sent:** Tuesday, September 22, 2015 9:08 PM**To:** Maloy, Michael

---

Hi Michael

I am concerned with the broadening of the ADU ordinance proposed by the Mayor's office. This change in zoning will affect R1-5000 and R1-7000 zoning in Yalecrest. Yalecrest residents have been opposed to ADU's due to the already limited street parking, narrow roads and small lots.

I suggest holding off on hearing the proposed amendments until next month, so I can get more feedback from our residents on this issue.

Thanks for your consideration.

Lynn Kennard Pershing, Ph.D.

Chair

Yalecrest Neighborhood Council

tel: [REDACTED]

email: [REDACTED]

## ATTACHMENT G: DEPARTMENT COMMENTS

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# DEPARTMENT REVIEW COMMENTS

## ACCESSORY DWELLING UNITS

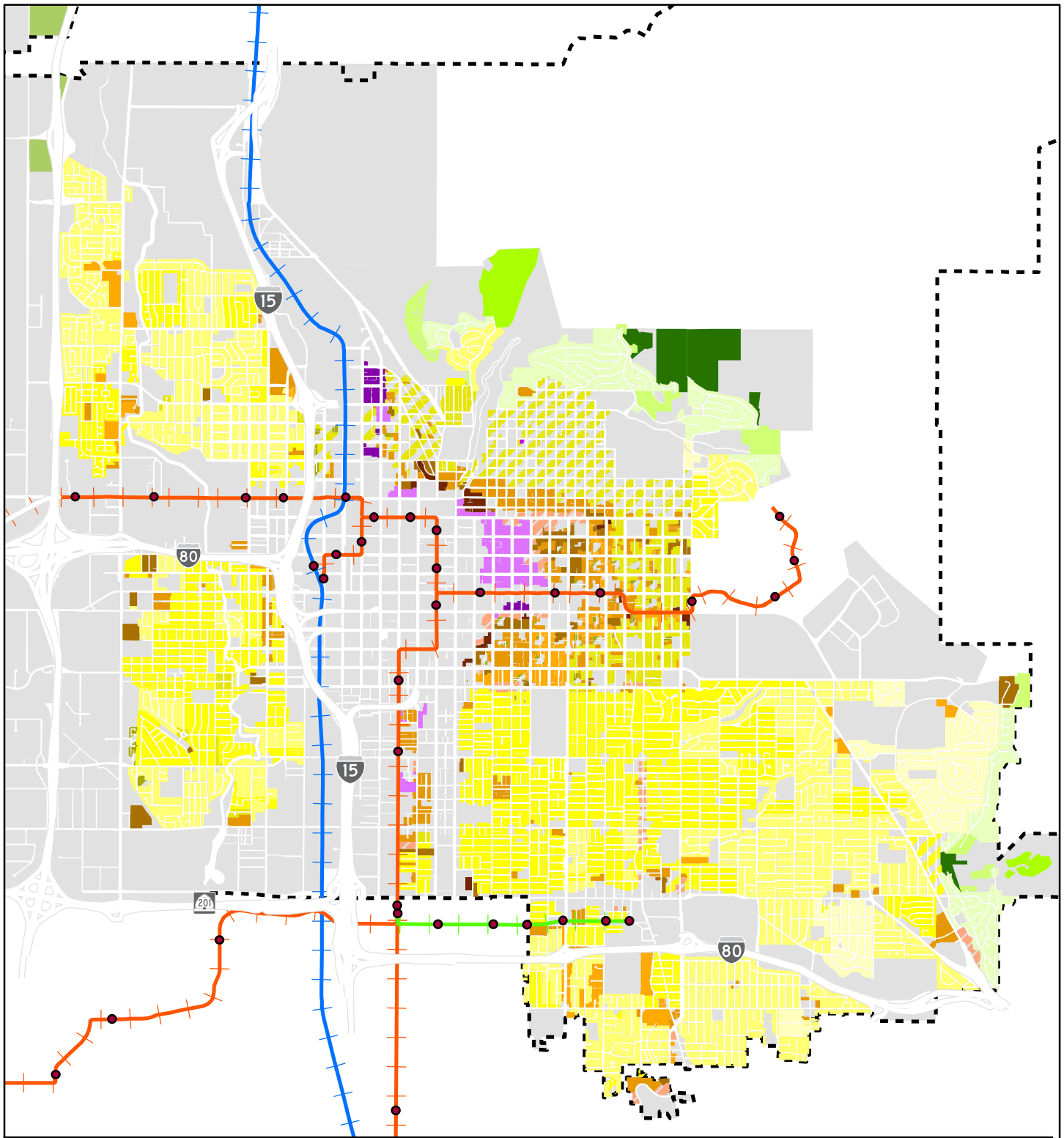
### ZONING TEXT AMENDMENT

#### PLNPCM2014-00447

Date	Task	Status	Action By	Comments
8/31/2015	Planning Review	Complete	Maloy, Michael	Recommend approval as proposed.
9/2/2015	Fire Code Review	Complete	Itchon, Edward	Review completed. No comments or concerns noted.
9/3/2015	Police Review	Complete	Teerlink, Scott	Police has no comments.  Scott Teerlink Police Lieutenant
9/15/2015	Engineering Review	Complete	Weiler, Scott	No comment.
9/17/2015	Transportation Review	Complete	Vaterlaus, Scott	Transportation Division has no issues with the proposed zoning amendment petition.
9/21/2015	Public Utilities	Complete	Draper, Jason	No public utilities issues with the proposed amendment.

ATTACHMENT H: PROPOSED ZONING MAP FOR ADUs

# Proposed Zoning Map for ADUs



Legend	
● Rail Transit Stop	
<b>Zoning Districts Proposed to Allow ADUs</b>	
AG Agricultural	MU Mixed Use
AG-2 Agricultural-2	R-1/12,000 Single-Family Residential
AG-5 Agricultural-3	R-1/7,000 Single-Family Residential
FP Foothill Protection	R-1/5,000 Single-Family Residential
FR-1/43,560 Foothills Estate Residential	R-2 Single- and Two-Family Residential
FR-2/21,780 Foothills Residential	R-MU Residential/Mixed Use
FR-3/12,000 Foothills Residential	R-MU-35 Residential/Mixed Use
	R-MU-45 Residential/Mixed Use
	RB Residential/Business
	RO Residential/Office
	RMF-30 Low Density Multi-Family Residential
	RMF-35 Moderate Density Multi-Family Residential
	RMF-45 Moderate/High Density Multi-Family Residential
	RMF-75 High Density Multi-Family Residential
	SR-1 Special Development Pattern Residential
	SR-1A Special Development Pattern Residential
	SR-3 Special Development Pattern Residential
	<b>Rail Transit Lines</b>
	FrontRunner
	S-Line
	TRAX

## ATTACHMENT I: QUICK NOTES ON ADUs

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# 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?

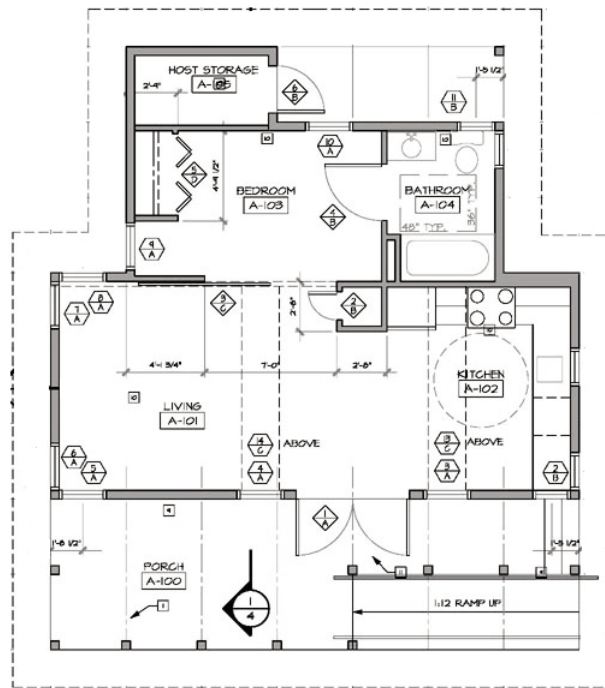
**Preexisting, nonconforming ADUs.** How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

**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. □

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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 J: MOTIONS

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## POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION

### Staff Recommendation:

*Based on the findings and analysis in the staff report, testimony received, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling in districts that permit single-family dwellings.*

### Not Consistent with Staff Recommendation:

*Based on the findings and analysis in the staff report, testimony received, and discussion at the public hearing, I move that the Planning Commission transmit a negative recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units in districts that permit single-family dwellings.*

### Zoning Amendment Standards:

If motion is to recommend denial, the Planning Commission shall make findings based on the following zoning amendment standards and specifically state which standard or standards are not compliant:

City Code 21A.50.050 Standards for general (zoning) amendments. 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. In making a decision to amend the zoning map, the city council (and planning commission) 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;
2. Whether a proposed text amendment 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
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.