

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 202_

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

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

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

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

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

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

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

LEGISLATIVE DRAFT

26

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

27

LEGISLATIVE DRAFT

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

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

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

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

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

LEGISLATIVE DRAFT

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

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

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

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

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

LEGISLATIVE DRAFT

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

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

2. Building Coverage:

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

LEGISLATIVE DRAFT

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

21A.40.200: ACCESSORY DWELLING UNITS:

~~A. Purpose 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 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 is listed on a recorded deed as an owner of the property;~~
- ~~2. Any person who is related by blood, marriage, adoption to an individual who is listed on a recorded deed as an owner of the property; or~~
- ~~3. An individual who is a trustor of a family trust who possesses legal ownership of the property.~~

~~C. Applicability: Accessory dwelling units shall be permitted as specified in chapter 21A.33, "Land Use Tables", of this title and subject to compliance with the applicable provisions of this title.~~

~~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 single family dwelling as an addition to an existing single family dwelling, or within a single family dwelling created as new construction; or~~

LEGISLATIVE DRAFT

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

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

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

- 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.~~
- g. ~~Parking: An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking requirement may be waived if:~~
 - (1) ~~Legally located on-street parking is available along the street frontage of the subject property; or~~
 - (2) ~~The subject property is located within one-quarter (1/4) mile of transit stop.~~

LEGISLATIVE DRAFT

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

- ~~a. Any addition shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district unless modified by the Historic Landmark Commission for a property located within an H Historic Preservation Overlay District.~~
- ~~b. Size Requirements: No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage.~~
- ~~c. Entrance Locations: Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:~~
 - ~~(1) An existing entrance to the single family dwelling;~~
 - ~~(2) When located on a building facade that faces a corner side yard, the entrance shall be set back a minimum of twenty feet (20') from the front building facade;~~
 - ~~(3) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building;~~
 - ~~(4) Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;~~
 - ~~(5) Located on the rear facade of the dwelling;~~
 - ~~(6) Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.~~

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

- ~~a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section. An accessory dwelling unit located in an additional accessory building may be constructed and shall not count towards the maximum square footage of all accessory buildings as stated in subsection 21A.40.050B2 of this chapter. The accessory building containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not~~

LEGISLATIVE DRAFT

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

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

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

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

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

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

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

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

d. ~~Building Height:~~

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

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

LEGISLATIVE DRAFT

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

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

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

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

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

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

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

(1) ~~Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum Building Code requirements for air and light on building elevations that are within ten feet (10') of a side or rear property line unless the side or rear property line is adjacent to an alley.~~

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

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

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

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

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

(3) ~~Rooftop decks are prohibited.~~

LEGISLATIVE DRAFT

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

~~1. Application:~~

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

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

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

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

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

~~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, and shall be 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. 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. Registration is not required if the ADU is occupied by relatives of the property owner.~~

~~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.~~

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

LEGISLATIVE DRAFT

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

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

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

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

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

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

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

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

LEGISLATIVE DRAFT

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

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

<u>Rear property line</u>	<u>3'</u>
<u>Side property line</u>	<u>3'</u>
<u>Corner Side property line</u>	<u>10'</u>
<u>Notes:</u>	
1. <u>Additions to an existing accessory building shall comply with the setbacks in this table. This includes additions that add a second story.</u>	
2. <u>An existing accessory building that is being converted to an ADU may maintain the existing setbacks of the accessory building. If a conversion includes an expansion (including adding a second story) the expansion shall comply with all applicable setback requirements in this table and in Subsection 21A.40.200.F.</u>	

F. ADU Building Height:

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

LEGISLATIVE DRAFT

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

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

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

G. ADU Parking:

1. The number of parking stalls provided for the principal use shall not be reduced below the minimum identified in Chapter 21A.44 of this Title in order to accommodate an ADU.

One parking stall is required for the ADU, except as indicated below:

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

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

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

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

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

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

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

2. Rooftop patios on a detached ADU are prohibited.

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

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

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

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

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

LEGISLATIVE DRAFT

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

2. A 4' wide path from the alley to the entrance of the ADU shall be provided. If there is a fence between the ADU and the alley, a gate shall be provided, and the path shall lead to the gate. If the ADU is located within 15 feet of two or more public alleys, this requirement shall only apply to one of the alleys.
3. An ADU located on an alley that exists on the recorded plat maps or Atlas Plats of the city but has not been used for vehicular access or is otherwise blocked by encroachments such as fences or vegetation are exempt from this requirement.

J. ADU Gross Floor Area:

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

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

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

LEGISLATIVE DRAFT

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

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

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

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

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

O. Zoning Certificate and Good Landlord Program:

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

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

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

LEGISLATIVE DRAFT

Q. Use Regulations:

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

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

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

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

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

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

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

LEGISLATIVE DRAFT

~~DWELLING, ACCESSORY UNIT (ADU): A type of accessory use that includes 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.~~

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

b. Amending the definition of “BUILDING COVERAGE.” That the definition of

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

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

c. Adding the definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS.” That the

definition of “ATLAS, 5-ACRE, AND 10-ACRE PLATS” be added and inserted into

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

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

d. Adding the definition of “BALCONY.” That the definition of “BALCONY” be added

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

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

LEGISLATIVE DRAFT

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

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

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

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

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

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

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

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

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

DWELLING, ACCESSORY UNIT (INTERNAL):

An accessory dwelling unit created:

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

LEGISLATIVE DRAFT

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

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

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

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

RESIDENTIAL USE” be added and inserted into the list of definitions in alphabetical

order to read as follows:

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

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

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

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

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

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

as follows:

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

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

TERM RENTAL” be added and inserted into the list of definitions in alphabetical

order to read as follows:

LEGISLATIVE DRAFT

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

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

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

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

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

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

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

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor’s Action: _____ Approved. _____ Vetoed.

LEGISLATIVE DRAFT

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MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 202__.

Published: _____.

Ordinance amending ADU regulations