

ACCESSORY DWELLING UNITS- PUBLIC DRAFT ORDINANCE

A. PURPOSE STATEMENT

The purposes of the accessory dwelling unit provisions are to:

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

B. APPLICABILITY

Accessory dwelling units may be incorporated within or added onto an existing house, garage, or other accessory structure, or may be built as a separate, detached structure on a lot where a single-family dwelling exists. Accessory dwelling units are allowed in the following residential zone districts: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-1A, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75 subject to the provisions of this section.

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

C. PERMIT ALLOCATION

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

D. DEFINITION

Accessory dwelling unit: A residential unit that is located on the same lot as a single-family 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.¹

E. STANDARDS

1. Purpose

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

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

2. General Requirements

- a. **Owner-occupied Property Required.** Accessory dwelling units shall only be permitted when the property owner lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception), or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- b. **Deed Restriction.** A lot approved for development with an accessory dwelling unit must have a deed restriction filed with the county recorder's office indicating such owner-occupied requirement of the property prior to issuance of a final certificate of occupancy for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned and no longer used for residential dwelling purposes.
- c. **One per Lot.** One accessory dwelling unit is permitted per residential lot.
- d. **Underlying Zoning Applies.** Unless specifically addressed in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying

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

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

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

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

(3) For density provisions, see Not a Unit of Density listed below.

- e. **Multi-Family Districts with Single Family Dwelling on Lot.** In multi-family zoning districts that are currently built out with a single-family dwelling and do not have the required minimum amount of land to add additional units pursuant to the multifamily zoning district requirement, one accessory dwelling unit is allowed.
- f. **Not a Unit of Density.** Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for a single-family residential property.
- g. **Home Occupations.** Home occupations listed in Section 21A36.030 B, Permitted Home Occupations, are allowed to be conducted in an accessory dwelling unit. Those home occupations listed in this section under “Conditional Home Occupations” are explicitly not allowed in accessory dwelling units in order to maintain the residential nature of the dwelling unit.
- h. **Internal, Attached, or Detached.** While accessory dwelling units are allowed only in conjunction with a principal dwelling on a lot, the unit may be built internal to, attached to, or as a separate unit detached from the principal dwelling.
- i. **Historic Preservation Overlay Districts and Landmark Sites.** Accessory dwelling units located in a Historic Preservation Overlay District are subject to the applicable regulations and review processes of Section 21A.34.020, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.

3. Methods of Creation

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

- a. Converting existing living area within a principal dwelling, such as a basement or attic space;
- b. Adding floor area;
- c. Constructing a new principal dwelling 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.
- e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.

4. Size

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

5. Ownership/Number of Residents

The accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot. The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a family as defined in the zoning code.

6. Parking

One additional on-site parking space is required for an accessory dwelling unit. The accessory dwelling unit parking space requirement may be modified by the City Transportation Director upon finding that the parking requirement for the principal dwelling is met and:

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

Additionally, the City Transportation Director may allow a tandem space (behind an existing on-site parking space) to serve the accessory dwelling unit when the parking space requirement is met for the principal dwelling.

7. Location of Entrances/Units

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

b. Detached Units

Accessory dwelling units that are detached from the principal dwelling:

- (1) May utilize an existing street-facing front façade entrance as long as the entrance is located a minimum of twenty (20) feet behind the front façade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of lot.

- (2) Shall be located no closer than thirty (30) feet from the front property line and shall take access from an alley when one is present.
- c. **Corner Lots.** On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear or internal lot line, or toward the back of the principal dwelling.
 - d. **Historic Preservation Overlay Districts and Landmark Sites.** When accessory dwelling units are proposed in an H Historic Preservation Overlay Districts, the regulations and design guidelines governing these properties in Section 21A.34.020 will take precedence over the location of entrance provisions above.

8. Exterior Design

- a. **Within an H Historic Preservation Overlay District.** Accessory dwelling units located within an H Historic Preservation Overlay District shall meet the process, regulations, and applicable design guidelines in Section 21A.34.020 of the zoning code.

- b. **Outside H Historic Preservation Overlay District or Historic Landmark Site.**

Some communities impose exterior design standards while others do not address ADU architectural design at all. Such standards could address ADU exterior finish, roof pitch, window pattern and size, height relationship to principal dwelling, etc. More regulations could impede ADU creation, but on the other hand, consideration should be given to ensure neighborhood compatibility.

9. Registration

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

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