

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2018  
(Amending various sections of the *Salt Lake City Code*  
pertaining to accessory dwelling units)

An ordinance amending various sections of the *Salt Lake City Code* pertaining to accessory dwelling units, pursuant to Petition No. PLNPCM2014-00447.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on June 22, 2016 to consider a request made by the Salt Lake City Mayor (per the petition of former mayor, Ralph Becker) (“Applicant”) (Petition No. PLNPCM2014-00447) to amend Sections 21A.40.200 (Zoning: Accessory Uses, Buildings and Structures: Accessory Dwelling Units), 21A.62.040 (Zoning: Definitions: Definitions of Terms), 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), and 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) pertaining to accessory dwelling units; and

WHEREAS, at its June 22, 2016 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, 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.40.200. That Section 21A.40.200 (Zoning: Accessory Uses, Buildings and Structures: Accessory Dwelling Units) of the Salt Lake City Code 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
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.
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 façade that faces a corner side yard, the entrance shall be setback 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.24.010.H "Side Entry Buildings";
    - (5) Located on the rear façade 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. 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.40.050.B.2. The accessory building containing an accessory dwelling unit shall not have a footprint that is greater than 50% of the footprint of the principal dwelling, and shall not exceed 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.

- b. 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 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 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 in height, whichever is less.

*Exception:* If the single family dwelling on the property is over seventeen feet 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 setback a minimum of ten feet (10') from a side or 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.

- (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. In no instance shall any accessory dwelling unit exceed a gross floor area of six hundred and fifty square feet (650 ft<sup>2</sup>).
  - 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 façade 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 of a side or rear property line unless the side or rear property line is adjacent to an alley.

- (2) Except as required in paragraph a, 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 square feet (80 ft<sup>2</sup>) 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.

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 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 21A.40.200.B Owner Occupant.

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 15<sup>th</sup> for the previous year.

SECTION 2. Amending the Text of Salt Lake City Code Section 21A.62.040. That

Section 21A.62.040 (Zoning: Definitions: Definitions of Terms) of the Salt Lake City Code shall be, and hereby is, amended modify only the definition of "DWELLING, ACCESSORY UNIT", which definition shall read as follows:

DWELLING, ACCESSORY UNIT: 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.

The codifier is instructed to modify only the aforementioned definition and make no other revisions to Section 21A.62.040 as part of this ordinance.

SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.020. That

Section 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) of the Salt Lake City Code shall be, and hereby is, amended to modify that



table only as it pertains to the use “Dwelling, accessory unit”, which use category shall read as follows:

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

Legend: C = Conditional P = Permitted

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	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Dwelling, accessory unit	C	C	C	C	C	C	P		P	P	P	P	P	P	P	P	P	P	P

SECTION 4. Amending the Text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) of the Salt Lake City Code shall be, and hereby is, amended to modify that table only as it pertains to the use “Dwelling, accessory unit”, which use category shall read as follows:

**21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:**

Legend: C = Conditional    P = Permitted

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG -2	AG -5	AG -20	OS	NOS	A	PL	PL- 2	I	UI	M H	EI	MU
Dwelling:																	
Accessory Unit			P	P	P	P	P										P

SECTION 5. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2018.

Published: \_\_\_\_\_.

HB\_ATTYY-#55795-v12-Ordinance\_amending\_ADU\_regs.docx

<p><b>APPROVED AS TO FORM</b> Salt Lake City Attorney's Office</p> <p>Date: _____</p> <p>By: _____ Paul C. Nielson, <i>Senior City Attorney</i></p>
---