

LEGISLATIVE DRAFT

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:

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

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- 29 A. Purpose Statement: The ~~purposes of the accessory dwelling unit provisions~~ regulatory  
30 intentions of this section are to:
- 31 1. Create new housing units while respecting the ~~look~~ appearance and scale of single-  
32 ~~dwelling~~family residential development;
- 33 2. ~~Increase the housing stock of existing neighborhoods in a manner that is less intense~~  
34 ~~than alternatives~~ Provide more housing choices in residential districts;
- 35 3. Allow more efficient use of existing housing stock, public infrastructure, and the  
36 embodied energy contained within existing structures;
- 37 4. ~~Provide a mix of housing options that responds to changing family needs and smaller~~  
38 ~~households~~ Provide housing options for family caregivers, adult children, aging  
39 parents, and families seeking smaller households;
- 40 5. Offer a means for residents, particularly seniors, single parents, and families with  
41 grown children, to remain in their homes and neighborhoods, and obtain extra  
42 income, security, companionship, and services;
- 43 6. ~~Promote a broader~~ Broaden the range of affordable housing throughout the city;
- 44 7. ~~Provide opportunity for work force housing in developed and new neighborhoods,~~  
45 ~~close to places of work, thus reducing greenhouse gas emissions and reducing fossil~~  
46 ~~fuel consumption through less car commuting~~ Support sustainability objectives by  
47 increasing housing close to jobs, schools, and services, thereby reducing greenhouse  
48 gas emissions and fossil fuel consumption;
- 49 8. Support transit oriented development and reduce auto usage by increasing density  
50 near transit ~~stops~~; and
- 51 9. Support the economic viability of historic properties and the city’s historic  
52 preservation goals by allowing accessory ~~residential uses~~ dwellings in historic  
53 structures.
- 54 B. ~~Applicability: An accessory dwelling unit may be incorporated within or added onto an~~  
55 ~~existing house, garage, or other accessory structure, or may be built as a separate,~~  
56 ~~detached structure on a lot where a single-family dwelling exists. Accessory dwelling~~  
57 ~~units are allowed in the following residential zone districts: FR 1/43,560, FR 2/21,780,~~  
58 ~~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-~~  
59 ~~30, RMF 35, RMF 45, and RMF 75 subject to the provisions of this section.~~
- 60 C. Owner Occupant: For the purposes of this title, “owner occupant” shall mean the  
61 following:
- 62 1. An individual who is listed on a recorded deed as an owner of the property;;

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- 63           2. Any person who is related by blood, marriage, adoption to an individual who is listed  
64           on a recorded deed as an owner of the property; or
- 65           3. An individual who is a trustor of a family trust who possesses legal ownership of the  
66           property.
- 67           a. ~~Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in~~  
68           ~~a dwelling unit; and~~
- 69           b. ~~Occupies the dwelling unit with a bona fide intent to make it his or her primary~~  
70           ~~residence; or~~
- 71           2. ~~An individual who:~~
- 72           a. ~~Is a trustor of a family trust which:~~
- 73                   (1) ~~Possesses fee title ownership to a dwelling unit;~~
- 74                   (2) ~~Was created for estate planning purposes by one or more trustors of the trust;~~  
75                   ~~and~~
- 76           b. ~~Occupies the dwelling unit owned by the family trust with a bona fide intent to~~  
77           ~~make it his or her primary residence. Each living trustor of the trust shall so~~  
78           ~~occupy the dwelling unit except for a trustor who temporarily resides elsewhere~~  
79           ~~due to a disability or infirmity. In such event, the dwelling unit shall nevertheless~~  
80           ~~be the domicile of the trustor during the trustor's temporary absence.~~
- 81           3. ~~Even if a person meets the requirements of subsection C1 or C2 of this section, such~~  
82           ~~person shall not be deemed an owner occupant if the property on which the dwelling~~  
83           ~~unit is located has more than one owner and all owners of the property do not occupy~~  
84           ~~the dwelling unit with a bona fide intent to make the dwelling unit their primary~~  
85           ~~residence.~~
- 86           a. ~~A claim by the city that a person is not an owner occupant may be rebutted only~~  
87           ~~by documentation, submitted to the department of community and neighborhoods,~~  
88           ~~showing such person has a bona fide intent to make the dwelling unit his or her~~  
89           ~~primary residence. Such intent shall be shown by:~~
- 90                   (1) ~~Documents for any loan presently applicable to the property where the~~  
91                   ~~dwelling unit is located which name the person as a borrower;~~
- 92                   (2) ~~Tax returns which show the person has claimed income, deductions, or~~  
93                   ~~depreciation from the property;~~
- 94                   (3) ~~Rental documents and agreements with any tenant who occupies the dwelling~~  
95                   ~~unit, including an accessory apartment;~~

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96                   ~~(4) Insurance, utility, appraisal, or other contractual documents related to the~~  
97                   ~~property which name the person as the property owner; and~~

98                   ~~(5) Documents which show the person is a full time resident of Utah for Utah~~  
99                   ~~state income tax purposes.~~

100                   ~~b. Any person who fails, upon request of the department of community and~~  
101                   ~~neighborhoods, to provide any of the documents set forth in subsection C3a of~~  
102                   ~~this section or who provides a document showing that ownership of a dwelling~~  
103                   ~~unit is shared among persons who do not all occupy the dwelling unit shall mean~~  
104                   ~~for the purpose of this title that such person shall not be deemed an “owner~~  
105                   ~~occupant” of the dwelling unit in question.~~

106                   ~~4. The provisions of subsection C3 of this section shall apply to any person who began a~~  
107                   ~~period of owner occupancy after September 1, 2012, regardless of when the person~~  
108                   ~~purchased the property.~~

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

112  
113                   ~~D. Methods of Creation: An accessory dwelling unit may be created through, but not limited~~  
114                   ~~to, the following methods:~~

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116                   ~~1. Converting existing living area within a single family dwelling as an addition to an~~  
117                   ~~existing single family dwelling, or within a single family dwelling created as new~~  
118                   ~~construction; or~~  
119                   ~~2. Converting an existing detached accessory building, as an addition to an existing~~  
120                   ~~accessory building, or as a newly constructed accessory building.~~

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

123                   ~~1. Purpose: These design and development standards are intended to ensure that~~  
124                   ~~accessory dwelling units are:~~

125                   ~~a. Compatible with the desired character and livability of the residential zoning~~  
126                   ~~districts;~~

127                   ~~b. Compatible with the historic district and landmark resources of the city;~~

128                   ~~c. Compatible with the general building scales and placement of structures to allow~~  
129                   ~~sharing of common space on the lot, such as yards and driveways; and~~

130                   ~~d. Smaller in size than the principal dwelling on the site.~~

131                   ~~2. General Requirements:~~

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132 a. ~~Owner Occupant Requirement: Accessory dwelling units shall only be permitted~~  
133 ~~when an owner occupant lives on the property within either the principal dwelling~~  
134 ~~or accessory dwelling unit. Owner occupancy shall not be required when:~~

135 ~~(1) The owner has a bona fide, temporary absence of three (3) years or less for~~  
136 ~~activities such as military service, temporary job assignments, sabbaticals, or~~  
137 ~~voluntary service (indefinite periods of absence from the dwelling shall not~~  
138 ~~qualify for this exception); or~~

139 ~~(2) The owner is placed in a hospital, nursing home, assisted living facility or~~  
140 ~~other similar facility that provides regular medical care, excluding retirement~~  
141 ~~living facilities or communities.~~

142 b. ~~Deed Restriction: A lot approved for development with an accessory dwelling~~  
143 ~~unit shall have a deed restriction, the form of which shall be approved by the city~~  
144 ~~attorney, filed with the county recorder's office indicating such owner occupied~~  
145 ~~requirement of the property prior to issuance of a final certificate of occupancy~~  
146 ~~for the accessory dwelling unit by the city. Such deed restriction shall run with the~~  
147 ~~land until the accessory dwelling unit is abandoned or revoked.~~

148 c. ~~One Per Lot: One accessory dwelling unit is permitted per residential lot.~~

149 d. ~~Underlying Zoning Applies: Unless specifically provided otherwise in this~~  
150 ~~section, accessory dwelling units are subject to the regulations for a principal~~  
151 ~~building of the underlying zoning district with regard to lot and bulk standards,~~  
152 ~~such as building and wall height, setbacks, yard requirements, and building~~  
153 ~~coverage.~~

154 ~~(1) The requirements of section 21A.40.050 of this chapter, which govern all~~  
155 ~~nonresidential accessory structures, do not apply to accessory dwelling units;~~  
156 ~~and~~

157 ~~(2) Accessory dwelling units may have the same building setbacks as that allowed~~  
158 ~~in the zoning district for the principal dwelling on the property. An existing~~  
159 ~~accessory structure whose setbacks do not meet the setback requirements for a~~  
160 ~~dwelling as noted above may be converted into an accessory dwelling unit but~~  
161 ~~any noncomplying setbacks may not become more noncomplying.~~

162 e. ~~Existing Development On Lot: A single family dwelling shall exist on the lot or~~  
163 ~~will be constructed in conjunction with the accessory dwelling unit.~~

164 f. ~~Internal, Attached, Or Detached: While accessory dwelling units are allowed only~~  
165 ~~in conjunction with a principal dwelling on a lot, the unit may be built internal to,~~  
166 ~~attached to, or as a separate unit detached from the principal dwelling.~~

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- 167 ~~g. Minimum Lot Area: Within permissible zoning districts, the minimum lot area~~  
168 ~~required for an accessory dwelling unit shall be:~~
- 169 ~~(1) Internal: For accessory dwelling units located within the principal single-~~  
170 ~~family structure, no minimum lot area is required;~~
- 171 ~~(2) Attached: For accessory dwelling units located within an addition to the~~  
172 ~~single family structure, no minimum lot area is required; or~~
- 173 ~~(3) Detached: For accessory dwelling units located within a detached structure, a~~  
174 ~~minimum lot area of five thousand (5,000) square feet is required.~~
- 175 ~~h. Building Code Compliance: Accessory dwelling units are subject to compliance~~  
176 ~~with current building code at time of permit approval.~~
- 177 ~~i. Public Utilities: No structure that is not connected to the public water and sanitary~~  
178 ~~sewer systems shall have an accessory dwelling unit.~~
- 179 ~~j. Multi-Family Districts With Single-Family Dwelling On Lot: A lot located within~~  
180 ~~a multi-family zoning district that is currently built out with a single family~~  
181 ~~detached dwelling and does not have the required minimum amount of land to add~~  
182 ~~additional units pursuant to the multi-family zoning district requirement, one~~  
183 ~~accessory dwelling unit may be permitted.~~
- 184 ~~k. Not A Unit Of Density: Accessory dwelling units are not considered a unit of~~  
185 ~~density and therefore are not included in the density calculation for residential~~  
186 ~~property.~~
- 187 ~~l. Rooming House: Neither dwelling unit may be used as a “dwelling, rooming~~  
188 ~~(boarding) house” as defined by section 21A.62.040 of this title.~~
- 189 ~~m. Home Occupations: Home occupations may be conducted in an accessory~~  
190 ~~dwelling unit as per section 21A.36.030 of this title.~~
- 191 ~~n. Historic Preservation Overlay District: Accessory dwelling units located in an H~~  
192 ~~historic preservation overlay district are subject to the applicable regulations and~~  
193 ~~review processes of section 21A.34.020 of this title, including the related~~  
194 ~~guidelines and standards as adopted by Salt Lake City to ensure compatible~~  
195 ~~building and preservation of historic resources.~~
- 196 ~~o. Fixed Transit Stop: The property on which an accessory dwelling unit is permitted~~  
197 ~~shall be located in whole or in part within a one-half ( $\frac{1}{2}$ ) mile radius of an~~  
198 ~~operational fixed transit stop (i.e., commuter rail, light rail, streetcar, etc.).~~
- 199 ~~p. Windows: In an accessory dwelling unit that does not comply with the setback~~  
200 ~~regulations for a single family dwelling, the placement of windows within the~~

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201 ~~accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or~~  
202 ~~rear yard property line, except under the following conditions:~~

203 ~~(1) Windows adjacent to a rear yard property line may be allowed within ten feet~~  
204 ~~(10') of the rear yard property line if the rear yard abuts an alley, or~~

205 ~~(2) Windows located within ten feet (10') of a property line may be allowed if the~~  
206 ~~bottom of the windowsill is located at least six feet (6') above the~~  
207 ~~corresponding floor plate.~~

208 ~~3. Methods Of Creation: An accessory dwelling unit may only be created through one or~~  
209 ~~more of the following methods:~~

210 ~~a. Converting existing living area within a principal structure, such as a basement or~~  
211 ~~attic space;~~

212 ~~b. Adding floor area to a principal structure;~~

213 ~~c. Constructing a new single family detached dwelling unit structure with an internal~~  
214 ~~or detached accessory dwelling unit;~~

215 ~~d. Converting or adding onto an existing accessory structure on a lot, such as to a~~  
216 ~~garage or other outbuilding, where no required parking for the principal dwelling~~  
217 ~~is eliminated by the accessory dwelling unit; or~~

218 ~~e. Constructing a new accessory dwelling unit within a separate detached structure~~  
219 ~~in compliance with applicable lot coverage regulations.~~

220 ~~4. Size Of Accessory Dwelling Unit: The maximum size of an accessory dwelling unit~~  
221 ~~may be no more than fifty percent (50%) of the gross square footage of the principal~~  
222 ~~dwelling unit or six hundred fifty (650) square feet whichever is less. The minimum~~  
223 ~~size of an accessory dwelling unit is that size specified and required by the adopted~~  
224 ~~building code of the city.~~

225 ~~5. Ownership: An accessory dwelling unit shall not be sold separately or subdivided~~  
226 ~~from the principal dwelling unit or lot.~~

227 ~~6. Number Of Residents: The total number of residents that may reside in an accessory~~  
228 ~~dwelling unit may not exceed the number that is allowed for a "family" as defined in~~  
229 ~~section 21A.62.040, "Definitions Of Terms", of this title.~~

230 ~~7. Parking:~~

231 ~~a. An accessory dwelling unit that contains a studio or single bedroom, one~~  
232 ~~additional on site parking space is required.~~

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- 233 b. ~~An accessory dwelling unit that contains two (2) or more bedrooms, two (2)~~  
234 ~~additional on site parking spaces are required.~~
- 235 e. ~~The city transportation director may approve a request to waive, or modify the~~  
236 ~~dimensions of, the accessory dwelling unit parking space upon finding that the~~  
237 ~~parking requirement for the principal dwelling is met, and~~
- 238 (1) ~~Adequate on street parking in the immediate vicinity is available to serve the~~  
239 ~~accessory dwelling unit and will not cause congestion in the area; or~~
- 240 (2) ~~The accessory dwelling unit is located within one fourth ( $\frac{1}{4}$ ) mile of a fixed~~  
241 ~~transit line or an arterial street with a designated bus route.~~
- 242 d. ~~The city transportation director may allow tandem parking, within a legal location~~  
243 ~~behind an existing on site parking space, to meet the accessory dwelling unit~~  
244 ~~parking requirement so long as the parking space requirement is met for the~~  
245 ~~principal dwelling.~~
- 246 8. ~~Location Of Entrance To Accessory Dwelling Unit:~~
- 247 a. ~~Internal Or Attached Units: Accessory dwelling units that are internal to or~~  
248 ~~attached to a principal dwelling may take access from an existing entrance on a~~  
249 ~~street facing front facade of the principal dwelling. No new entrances may be~~  
250 ~~added to the front facade of a principal dwelling for an accessory dwelling unit~~  
251 ~~unless such access is located at least twenty feet (20') behind the front facade of~~  
252 ~~the principal dwelling unit.~~
- 253 b. ~~Detached Units: Accessory dwelling units that are detached from the principal~~  
254 ~~dwelling:~~
- 255 (1) ~~May utilize an existing street facing front facade entrance as long as the~~  
256 ~~entrance is located a minimum of twenty feet (20') behind the front facade of~~  
257 ~~the principal dwelling, or install a new entrance to the existing or new~~  
258 ~~detached structure for the purpose of serving the accessory dwelling unit as~~  
259 ~~long as the entrance is facing the rear or side of lot.~~
- 260 (2) ~~Shall be located no closer than thirty feet (30') from the front property line~~  
261 ~~and shall take access from an alley when one is present and accessible.~~
- 262 e. ~~Corner Lots: On corner lots, existing entrances on the street facing sides may be~~  
263 ~~used for an accessory dwelling unit, but any new entrance shall be located facing~~  
264 ~~toward the rear property line or interior side yard, or toward the back of the~~  
265 ~~principal dwelling.~~
- 266 d. ~~H Historic Preservation Overlay District: When accessory dwelling units are~~  
267 ~~proposed in an H historic preservation overlay district, the regulations and design~~

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268 ~~guidelines governing these properties in section 21A.34.020 of this title shall take~~  
269 ~~precedence over the location of entrance provisions above.~~

270 ~~e. Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not~~  
271 ~~be subject to compliance with subsection 21A.24.010H, “Side Entry Buildings”,~~  
272 ~~of this title.~~

273 ~~9. Exterior Design:~~

274 ~~a. Within An H Historic Preservation Overlay District: Accessory dwelling units~~  
275 ~~located within an H historic preservation overlay district shall meet the process,~~  
276 ~~regulations, and applicable design guidelines in section 21A.34.020 of this title.~~

277 ~~b. Outside H Historic Preservation Overlay District Or Historic Landmark Site:~~  
278 ~~Accessory dwelling units shall be regulated by the following exterior design~~  
279 ~~standards:~~

280 ~~(1) The maximum height of a detached accessory dwelling unit shall not exceed~~  
281 ~~the principal structure; and~~

282 ~~(2) An accessory dwelling unit shall be designed and constructed to be~~  
283 ~~compatible with the principal structure.~~

284 ~~10. Registration: Accessory dwelling units shall be registered with the city to evaluate~~  
285 ~~whether the accessory dwelling unit initially meets applicable requirements; to ensure~~  
286 ~~that the accessory dwelling unit meets health and safety requirements; to ensure that~~  
287 ~~the property owner is aware of all city regulations governing accessory dwelling~~  
288 ~~units; to ensure that the distribution and location of accessory dwelling units is~~  
289 ~~known, to assist the city in assessing housing supply and demand; and to fulfill the~~  
290 ~~accessory dwelling units purpose statement listed above. To accomplish this, property~~  
291 ~~owners seeking to establish an accessory dwelling unit shall comply with the~~  
292 ~~following:~~

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

295 ~~b. Inspection: Ensure accessory dwelling unit is constructed, inspected, and~~  
296 ~~approved in compliance with current building code; and~~

297 ~~e. Business License: Apply for and obtain an annual business license for the~~  
298 ~~accessory dwelling unit in accordance with the applicable provisions of the city.~~

299 ~~11. Occupancy: No accessory dwelling unit shall be occupied until the property owner~~  
300 ~~obtains a business license for the accessory dwelling unit from the city.~~

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

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### 1. General Requirements applicable to all accessory dwelling units:

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- 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.

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347 2. Additional Requirements for Accessory Dwelling Units Located Within a Single  
348 Family Dwelling: Accessory dwelling units located within a single family dwelling  
349 shall comply with the following standards:  
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351 a. Any addition shall comply with the building height, yard requirements, and  
352 building coverage requirements of the underlying zoning district or applicable  
353 overlay district unless modified by the historic landmark commission for a  
354 property located within an H Historic Preservation Overlay District.  
355

356 b. Size Requirements: No accessory dwelling unit shall occupy more than fifty  
357 percent (50%) of the gross square footage of the single family dwelling. The  
358 square footage of an attached garage shall not be included in the gross square  
359 footage unless the accessory dwelling unit is located in a basement that includes  
360 habitable space below the garage.  
361

362 c. Entrance Locations: Entrances to an accessory dwelling unit that are located within a  
363 single family dwelling shall only be permitted in the following locations:  
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365 (1) An existing entrance to the single family dwelling;

366 (2) When located on a building façade that faces a corner side yard, the entrance shall  
367 be setback a minimum of twenty feet (20') from the front building facade;

368 (3) Exterior stairs leading to an entrance above the first level of the principal  
369 structure shall only be located on the rear elevation of the building;

370 (4) Side entrances to an accessory dwelling unit are not considered a principal entry  
371 to the building and are exempt from Subsection 21A.24.010.H "Side Entry  
372 Buildings";

373 (5) Located on the rear façade of the dwelling;

374 (6) Located in a side yard provided the side yard is at least eight feet (8') in width.  
375 Stairs leading to an ADU in the basement are permitted to encroach into the side  
376 yard.  
377

378 3. Additional Requirements for an Accessory Dwelling Unit Located in a Detached  
379 Accessory Building: An accessory dwelling unit located in a detached accessory  
380 building or as an addition to an existing accessory building shall comply with the  
381 following standards, (except that any of the standards in this section may be modified  
382 by the historic landmark commission for a property located in an H Historic  
383 Preservation Overlay District):  
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385 a. Shall comply with all applicable general yard, bulk, and height limitations found  
386 in Section 21A.40.050 of this chapter and any accessory building regulation found  
387 in the underlying zoning district or any applicable overlay zoning district unless  
388 otherwise regulated by this section. An accessory dwelling unit located in an  
389 additional accessory building may be constructed and shall not count towards the  
390 maximum square footage of all accessory buildings as stated in Subsection  
391 21A.40.050.B.2. The accessory building containing an accessory dwelling unit  
392 shall not have a footprint that is greater than 50% of the footprint of the principal

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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

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439 height of twenty four feet (24') for an accessory building with a pitched roof  
440 or twenty feet (20') for an accessory building with a flat roof provided the  
441 accessory building is setback a minimum of ten feet (10') from a side or  
442 property line. The setback for additional height may be reduced to four feet  
443 (4') if the side or rear lot line is adjacent to an alley.

444  
445 (2) Accessory building height shall be measured to the ridge of the roof for  
446 buildings with a pitched roof and to the top of the roof line for a flat roof.

447  
448 e. Size Requirements: An accessory building that contains an accessory dwelling  
449 unit shall be subject to the building coverage requirements for accessory buildings  
450 found in Section 21A.40.050. In no instance shall any accessory dwelling unit  
451 exceed a gross floor area of six hundred and fifty square feet (650 ft<sup>2</sup>).

452  
453 f. Entrance Locations: The entrance to an accessory dwelling unit in an accessory  
454 building shall be located:

455  
456 (1) Facing an alley, public street or facing the rear façade of the single family  
457 dwelling on the same property.

458  
459 (2) Facing a side or rear property line provided the entrance is located a minimum  
460 of ten feet (10') from the side or rear property line.

461  
462 (3) Exterior stairs leading to an entrance shall be located a minimum of ten feet  
463 (10') from a side or rear property line unless the applicable side or rear  
464 property line is adjacent to an alley in which case the minimum setback for the  
465 accessory building applies to the stairs.

466  
467 g. Requirements for Windows: Windows on an accessory building containing an  
468 accessory dwelling unit shall comply with the following standards:

469  
470 (1) Windows shall be no larger than necessary to comply with the minimum  
471 building code requirements for egress where required. Skylights, clerestory  
472 windows, or obscured glazing shall be used when facing a side or rear  
473 property line to comply with minimum building code requirements for air and  
474 light on building elevations that are within ten feet of a side or rear property  
475 line unless the side or rear property line is adjacent to an alley.

476  
477 (2) Except as required in paragraph a, windows shall maintain a similar  
478 dimension and design as the windows found on the principal structure.

479  
480 (3) Window openings located on the ground floor within an existing accessory  
481 building, whether conforming or non-conforming with window regulations in  
482 this chapter, may be retained if compliant with building and fire codes.  
483 Existing windows located on a second level within an existing accessory  
484 building shall be brought into compliance with this section.

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485  
486 h. Balconies and Decks: balconies and decks shall be designed as follows:

487  
488 (1) Shall not exceed eighty square feet (80 ft<sup>2</sup>) in size when located above the  
489 ground level of the building;

490  
491 (2) Shall be located a minimum of ten feet (10') from a side or rear yard lot line  
492 unless the applicable side or rear yard lot line is adjacent to an alley;

493  
494 (3) Rooftop decks are prohibited.

495  
496 F. Registration Process: Property owners seeking to establish an accessory dwelling unit  
497 shall comply with the following:

498  
499 1. Application:

500  
501 a. Zoning Certificate: Apply for a zoning certificate in accordance with Chapter  
502 21A.08 of this title.

503  
504 (1) Certificate of Occupancy: A certificate of occupancy for the ADU shall not be  
505 issued until a zoning certificate is issued. A zoning certificate may be issued at  
506 the same time as the certificate of occupancy. If a certificate of occupancy is  
507 not required, the zoning certificate shall be issued prior to the ADU being  
508 occupied.

509 (2) Good Landlord Program: If a business license is required for the rental of  
510 either the ADU or the single family dwelling, the owner shall be enrolled in  
511 the landlord/tenant initiative program as defined in Title 5 Business Taxes,  
512 Licenses and Regulations prior to issuing a zoning certificate.

513  
514 b. Building Permit: Apply for and obtain a building permit for the proposed  
515 accessory dwelling unit, regardless of method of creation.

516  
517 c. Proof of Owner Occupancy: An application for an accessory dwelling unit shall  
518 include documentation that demonstrates an owner occupant resides on the  
519 property. The documentation shall include any legal document that demonstrates  
520 compliance with Subsection 21A.40.200.B Owner Occupant.

521  
522 2. Deed Restriction: A lot approved for development with an accessory dwelling unit  
523 shall have a deed restriction, the form of which shall be approved by the city attorney,  
524 and shall be filed with the county recorder's office. The form shall state that the  
525 owner occupant must occupy the property as required within this section. Such deed  
526 restriction shall run with the land until the accessory dwelling unit is abandoned or  
527 revoked.

528  
529 3. Certificate of Occupancy: No accessory dwelling unit shall receive a certificate of  
530 occupancy or be occupied until the property owner completes the registration process

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531 outlined in this section. Registration is not required if the ADU is occupied by  
532 relatives of the property owner.

533  
534 G. Abandonment: If a property owner is unable or unwilling to fulfill the requirements of  
535 this section, the owner shall remove those features of the accessory dwelling unit that  
536 make it a dwelling unit. Failure to do so will constitute a violation of this section.

537  
538 H. Reporting: The planning division shall provide an annual report to the city council  
539 detailing the number of applications, address of each unit for which an application was  
540 submitted, a brief explanation of reasons why an application was denied, and a map  
541 showing approved accessory dwelling units. The report shall be transmitted to the city  
542 council by February 15<sup>th</sup> for the previous year.

543  
544 SECTION 2. Amending the Text of Salt Lake City Code Section 21A.62.040. That  
545 Section 21A.62.040 (Zoning: Definitions: Definitions of Terms) of the Salt Lake City Code shall  
546 be, and hereby is, amended modify only the definition of “DWELLING, ACCESSORY UNIT”,  
547 which definition shall read as follows:

548 DWELLING, ACCESSORY UNIT: A type of accessory use that includes a residential unit  
549 that is located on the same lot as a single-family attached or detached dwelling unit, either  
550 internal to or attached to the single-family unit or in a detached structure. The accessory  
551 dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, and  
552 separate kitchen, sleeping area, closet space, and bathroom facilities.

553  
554 The codifier is instructed to modify only the aforementioned definition and make no other  
555 revisions to Section 21A.62.040 as part of this ordinance.  
556

557 SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.020. That  
558 Section 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for  
559 Residential Districts) of the Salt Lake City Code shall be, and hereby is, amended to modify that  
560 table only as it pertains to the use “Dwelling, accessory unit”, which use category shall read as  
561 follows:  
562

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**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/<br>43,560                            | FR-2/<br>21,780 | FR-3/<br>12,000 | R-1/<br>12,000 | R-1/<br>7,000 | R-1/<br>5,000 | SR-1 | SR-2 | SR-3 | R-2 | RMF-<br>30 | RMF-<br>35 | RMF-<br>45 | RMF-<br>75 | RB       | R-MU-<br>35 | R-MU-<br>45 | R-MU     | RO       |  |
| Dwelling,<br>accessory unit | <u>PC</u>                                  | <u>PC</u>       | <u>PC</u>       | <u>PC</u>      | <u>PC</u>     | <u>PC</u>     | P    |      | P    | P   | P          | P          | P          | P          | <u>P</u> | <u>P</u>    | <u>P</u>    | <u>P</u> | <u>P</u> |  |

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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:

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**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<br>-2 | AG<br>-5 | AG<br>-20 | OS | NOS | A | PL | PL-<br>2 | I | UI | M<br>H | EI | MU       |
| Dwelling:      |                                            |    |          |          |          |          |           |    |     |   |    |          |   |    |        |    |          |
| Accessory Unit |                                            |    | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u>  |    |     |   |    |          |   |    |        |    | <u>P</u> |

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

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