



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet
Policy Analyst

DATE: October 17, 2017

**RE: Text Amendment: Accessory Dwelling Unit Regulations
PLNPCM2014-00447**

Item Schedule:

Briefing: Jan 17, July 11, Sept 5
& Oct 17, 2017

Set Date: July 25, 2017

Public Hearing: Sept 19, Oct 3,
2017

Potential Action: TBD

NEW INFORMATION

The Council held two public hearings on the proposed ADU ordinance. The following items have been identified by staff as points of potential discussion for the Council to consider. The Council may wish to discuss these items and give staff further direction as to which of these items should be changed in the final draft of the ordinance, and whether the Council is interested in pursuing additional public notice, such as a city-wide mailing.

o Maximum size of an ADU

Some constituents have raised concerns that the maximum size of an attached ADU could be very large and have recommended the ordinance be revised to only allow smaller units in attached ADUs.

- Currently, the maximum size for ADUs depends on the whether it is an attached or detached units:
 - Attached: may not exceed 50% of the gross floor area of the principal dwelling
 - Detached: may not exceed 50% of the gross floor area of the principal dwelling or 650 sf, whichever is less.

Does the Council wish to consider revising the ADU ordinance pertaining to the maximum size of attached units?



- Outdoor Roof Decks and Balconies

Some constituents have raised privacy concerns about allowing outdoor roof decks and balconies with an ADU

- Currently, these are allowed if they do not exceed 86 sf, are located facing an alleyway

Does the Council wish to consider revising the ADU ordinance pertaining to outdoor roof decks and balconies?

- Design Guidelines

Some have suggested the proposed ordinance needs more detailed design guidelines that will help make ADUs more compatible with the surrounding properties. Others have suggested there should be different standards for attached and detached ADUs.

Currently, the draft ordinance outlines the requirements for height, setbacks, maximum size, entrances to the ADU, parking, and the location of upper level windows.

Does the Council wish to consider requesting more information on the process to create detailed design guidelines for ADUs?

- Parking Requirements

The current Draft Ordinance requires one off-street parking stall for one and two bedrooms units. Many comments received have focused on parking concerns, specifically about the impact increased demand for on street parking might have on neighborhoods where street parking is already scarce. Some comments suggested that certain neighborhoods can handle more cars parking on the street, while other neighborhoods may not have the capacity.

Does the Council wish to discuss parking requirements and request more information on ways to potentially mitigate concerns from specific neighborhoods?

- Minimum Lot Area

Some raised concerns about removing the minimum lot area requirements. The current ordinance requires a minimum lot area of 5,000 sf for detached ADUs. Although there is no minimum lot area for internal or attached ADUs in the draft ordinance, underlying lot coverage restrictions still apply.

Does the Council wish to discuss minimum lot areas for ADUs?

- Enforcement Issues

Many comments were focused on enforcement concerns that the City would be unable to enforce on the owner occupied requirement, ensuring that no more than 3 unrelated adults live in a property or the parking requirements.

Some suggested the Council needs to hire more staff to focus on ADUs, for both permitting and enforcements.

The Administration provided the following response on how Civil Enforcement handles complaints about illegally occupied ADUs with no record of a building permit:

- Initiate enforcement for work done without appropriate permits and approvals
- Check our records to ascertain owner information
- If the conversion took away the legally situated off street parking include that in enforcement
- Start with a friendly notice and hope for a response from responsible party (Owner)
- If the property owner is cooperative and wants to bring the property into compliance we're flexible on timeframes as long as they're reasonable.
- Consider fire and life safety concerns in expediency to force compliance

- If we get no response or it's clear that a property owner isn't interested in bringing the property into compliance a notice and order is issued. Before any fines are ever imposed there is a five day notice that goes out prior to the expiration date of a notice and order. If an extension is granted another five day notice is issued prior to the expiration of that extension.

- Building Services has only done four of these types of units since the previous ordinance was passed, so limiting these units to 25, will most likely, have little impact on the civil enforcement team.

Does the Council wish to further discuss enforcement of ADUs, including potential staffing needs that may arise? Does the Council wish to ask the Administration what a staffing model would need to look like to fully address enforcement concerns, and how that might be funded?

- Reporting Requirements

The Council requested reporting requirements to be included in the ADU ordinance so the City can adequately track where ADUs are being built and how they are impacting neighborhoods. The following language has been added to the draft ordinance:

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.

The proposed language may not sufficiently address the Council's desire to track potential impacts from ADUs on neighborhoods.

Does the Council wish to add more requirements in the reporting section of the ADU ordinance? Additional information may include: enforcement cases pertaining to issues such as; complaints of any kind to the City, reported parking problems and Housing and Zoning enforcement.

ADDITIONAL FOLLOWUP

- **Does the current version of the ordinance which allows ADUs citywide need a recommendation from the Planning Commission**
 - Based on public comments, Council Staff requested a legal opinion from the Attorney's Office on whether or not the current draft ordinance to allow ADUs citywide should also receive a recommendation from the Planning Commission. (*The Planning Commission's recommendation included a boundary delineating areas of the City where ADUs would be permitted.*)
 - The Attorney's Office responded that the ordinance does not need to go back to the Planning Commission for a recommendation based on the following reasons:
 - The notice of the planning commission hearing from June 22, 2016 at which the planning commission voted to forward a positive recommendation to the council, indicates that the ADU regulations were proposed to apply to certain zoning districts and the notice did not include language indicating a proposal to geographically limit the ADU regulations in any other way.
 - The Planning Commission staff report listed as "options" for the commission that it could forward a recommendation to the city council with "[r]emoval or modification of proposed 'Accessory Dwelling Units Boundary'" and the commission discussed whether its recommendation should remove that boundary area limitation. Accordingly, the planning commission was presented with a proposal that omitted the recommended ADU boundary area, though it voted to recommend its inclusion.

- **Comments from University of Utah, Department of City and Metropolitan Planning professor**
 - Professor Michael Larice met with a few of the Council Members to discuss ADUs. He is currently teaching an urban design studio focused on ADUs. His class has done research on other cities who have implemented an ADU ordinance.
 - He provided the attached white paper (**ATTACHMENT A**) with 12 recommendations. The Council may wish to discuss these comments.

- **Enforcement of ADU family Trust Rules**

In order for a trust owned property to have an ADU, the current ordinance states: "Each living trustor of the trust shall so occupy the dwelling unit."

It is further clarified that all parties of a trust or 50% ownership must live in the property in order to have an ADU:

"Even if a person meets the requirements of subsection B.1 or B.2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence."

- The Council's Attorney, Neil Lindberg, was asked to provide a response on the enforceability of provisions regarding a person who occupies an accessory dwelling unit located on property owned by a family trust.

- According to the memorandum (**Attachment B**), successful enforcement depends on the degree to which the regulations are explicit and objective because ambiguous regulations will be construed to favor the property owner. It is his opinion that these provisions should be readily enforceable based on the following reasons:
 - They are based on a Provo ordinance upheld by the Utah Supreme Court.
 - Relevant language in the proposed ordinance should be readily enforceable as written because it is consistent with the Anderson case and unambiguous

Public Hearings Summary

Public hearings were held on September 19 and October 3. At the conclusion of the October 3 hearing, it was noted a follow-up briefing will be held on October 17 to discuss the comments raised during the public hearings. Additionally, another public hearing could be scheduled in the future if the Council makes changes to the current DRAFT ordinance based on the public comments.

A general summary of the comments from both public hearings is provided below.

Comments in general support of the proposed ADU ordinance

- Could provide new type of affordable housing.
- Communication could have been better, but generally support.
- Good policy that allows incremental growth.
- Eliminate any boundaries or limitations to where ADUs are allowed.
- The owner occupied requirement is good.
- ADUs can help alleviate the City's housing shortage
- ADUs can enhance family and community by helping families who want to live close together
- City should consider allowing tiny houses.
- ADUs can provide supplemental income to some who need it.
- ADUs can help provide affordable housing in every neighborhood
- Helps increase density
- University of Utah students are doing research that shows ADUs can be successful.
- The ordinance needs refining, but could be a good pilot program.
- More housing everywhere in the City is needed – ADUs can help create more housing.
- The limit of 25 per year is a good start.
- ADUs are good when close to transit; can help alleviate traffic.
- Eliminate the off street parking requirements when close to transit.
- ADUs could create more housing in SLC and decrease the need to commute to SLC for work.
- The cap of 25 is too low. Should allow more ADUs every year.
- The height restriction that keeps the ADU subordinate to the primary dwelling will prevent many ADUs from being built; need to eliminate that restriction.

Comments in general opposition to the proposed ADU ordinance

- Survey on Council website is biased
- The proposal changes all single-family zones in the city to multi-family.
- There hasn't been sufficient public outreach and notice for this big of a change to the City's zoning.

- Poor communication with city residents about the changes.
- ADUs will simply create more rentals and more nuisance issues
- ADUs are not an affordable housing solution.
- Increases density.
- Increased nuisance issues for neighborhoods such as: traffic, parking, garbage and snow removal
- Written notice about the proposed change needs to be mailed Citywide before the Council takes action.
- This is a citywide up-zone that changes the character of the City.
- City should require two off-street parking stalls if an ADU has two bedrooms
- Because of the recent change to allow ADU citywide, a new mailing and public process is needed
- The proposal will make some neighborhoods student housing for the universities.
- There needs to be different standards for attached vs. detached ADUs
- More demolitions to existing housing will occur as a result in order to build bigger homes with ADUs.
- Don't allow greater heights for ADUs.
- Concerns that the design requirements are not done very well.
- Adding ADUs could increase taxes so that homes are no longer affordable.
- Concerns that ADUs will be used as nightly rentals.

The following information was provided for the September 19 public hearing. It is provided again for background purposes.

September 5 Work Session Summary

During the September 5 work session the Council conducted a series of straw polls to amend the final proposed draft. The following changes were of the result of the straw poll voting:

- ADUs will be allowed Citywide (though still an annual limit of 25 per year).
- Administrative review process that includes a 30 day notification of proposed ADUs to abutting property owners (including across the street).
- Reporting requirements to be included so the City can adequately track how ADUs are impacting neighborhoods, and where they are being built, so future changes could be made if needed.
- More information was requested on how the owner occupied requirement affects properties owned by Trusts and how enforcement issues will be addressed.

The following information was provided for the September 5 briefing. It is provided again for background purposes.

ISSUE AT-A-GLANCE

The Council will hold a third discussion about an ordinance that would amend the City's accessory dwelling unit (ADU) regulations. The amendments would generally allow ADUs west of Canyon Road, south of South Temple, west of 1300 East and north of I-80. Currently, new ADU permits are only available for

properties located a half mile or less from a fixed rail transit stop. Additionally, the amendments will limit the number of ADU permits issued per year to 25.

At the Council's first briefing, the Council asked some questions about enforcement, role of ADUs within affordable housing, and other sample city ADU ordinances. Some Council Members raised the broader questions about the ADU ordinance and its role in housing.

The Council's Affordable Housing priority identifies the following goals and potential solutions:

- **Goal** – Create more affordable housing for all income levels, with specific focus on creating affordable units for individuals at or below the poverty level.

- **Solutions** - Success includes adopting a new citywide Housing Plan, implementing action steps that will lead to the creation of more affordable housing and identifying funding sources that can help fill the financial gaps in order to create more affordable housing.
 - Funding Solutions – Identify and establish a long-term funding source for affordable housing
 - Policy Solutions – Identify and change City ordinances and policies that are roadblocks to creating more housing options.

Because Affordable Housing is one of the Council's priorities, the Council may wish to begin with a discussion of whether there is value in having ADUs as a tool to expand affordable housing options in the City, and whether they fit in other / all areas of the City. The Council may also discuss if there are ways to make them compatible citywide and if they should they be limited geographically.

July 11 WORK SESSION SUMMARY

During the July 11 work session briefing, much of the Council's discussion revolved around the need to increase the supply of housing without creating major disruptions for existing neighborhoods. Some Council Members commented that neighborhoods could be negatively impacted if ADUs are used as short-term rentals, and asked whether or not the City can adequately enforce the ordinance.

The Council asked staff to outline a robust public engagement plan that will help inform the public about the propose ordinance. On July 25, the Council was provided the following outline for public engagement:

Timeline

- Council approval of timeline: July 25, 2017 via announcements/work session discussion
Begin Public Engagement & Notification to interested parties. Will continue through Council action.

- Consent – Set Date August 8, 2017 (early notice of public hearings)
- Follow-up Work Session September 5, 2017
- Public Hearing #1 September 19, 2017
- Public Hearing #2 October 3, 2017
- Potential Action October 17, 2017 *or later*

Public Engagement Tools

- Direct email to Community Council Chairs/recognized community organizations

- Include key dates
- Include link to OCH site
- Provide an option to be added to the email list for the topic.
- Ask them to share with their membership lists
- Open City Hall
 - Includes key meeting dates
 - Ways to provide feedback
 - Fact sheet
- Distribute information via website/email updates/social media
 - Link to OCH website
 - Ways to provide feedback
- Following Council action, provide information back to those who have provided feedback or asked questions throughout the process.

POLICY QUESTIONS FOR CONSIDERATION

1. The Council may wish to weigh the benefits of ADUs with the concerns that have been raised. The Council may identify priorities or policy direction based on a balance of the benefits and concerns.

The purpose statement of the proposed ADU ordinance outlines some potential or intended benefits:

- Create new housing units
- Provide more housing options in residential districts
- Allow more efficient use of existing housing stock
- Support affordable housing options
- Support transit oriented development and reduce automobile dependency
- Support economic viability of historic structures

Additionally, though not in the purpose statement:

- Support aging in place for older residents

Concerns that have been raised in relation to ADUs include:

- Negatively impacting the character of single-family residential neighborhoods through increased density
- Increases traffic and parking issues
- Inability to adequately enforce the ordinance and monitor for these impacts

2. On January 10 the Council discussed the East Bench Master Plan. The proposed Accessory Dwelling Unit (ADU) Ordinance would prohibit ADUs east of 1300 East. However, the East Bench Master plan identifies Accessory Dwelling Units for possible consideration (page 43) in the East Bench master plan area:

INITIATIVE N-3.2: Housing Affordability, Access, and Choices:

“Additional lower density housing choices, such as allowing an additional dwelling unit in an existing single-family dwelling, should be allowed within neighborhoods that are supported by public transportation or near major transportation corridors.”

During that discussion, some Council Members expressed concern about including support for ADUs in the East Bench Master Plan area.

The proposed ADU ordinance and the proposed EBMP have conflicting policy goals with regards to ADUs. Would the Council like to further discuss and/or resolve this policy conflict?

POTENTIAL STRAW POLLS

Over the course of the ADU discussion, potential changes to the ADU ordinance have been identified by Council Members, staff and the public. The Council may wish to consider straw polling the options identified below to determine if any of them should be included in the final draft of the ordinance.

Does the Council support:

1. Removing the owner occupancy requirement?
2. Increasing off-street parking requirement to: 1 parking stall for a 1 bedroom unit, and 2 parking stalls for a 2 bedroom unit (*This change would be consistent with the existing ADU regulations*)?
3. Including a minimum rental requirement of 30 consecutive days within residential zoning districts in order to minimize the impact of short term rentals of ADUs?
4. Amending the proposal to incorporate one of the following options in order to notify neighbors of a pending ADU development:
 - Specify an application and administrative review process that includes notification of abutting property owners and residents, or
 - Specify an application and administrative review process that includes notification of property owners and residents within 300 feet, or
 - Reclassify ADUs as a special exception, which would require amending section 21A.52.030, titled Special Exceptions Authorized?
5. Keeping, modifying or removing the proposed boundary where ADUs can be located throughout the City?

If the currently proposed ADU boundary is kept, #6 could be considered.
6. Allowing internal or attached accessory dwelling units—not detached—east of “Accessory Dwelling Units Boundary”?
7. Keeping, modifying or removing the annual permit allocation (proposed maximum of 25 units per year)?
8. Including potential exceptions to the annual permit limit of 25 ADUs, such as:
 - projects in RDA areas
 - units that meet accessibility standards
9. Changing the owner occupied requirement so properties that are owned by two or more people are not required to have both/all owners living in the principal structure?

- *The current ordinance language requires all owners of the property to live there in order to have an ADU.*

10. Allowing a parking waiver for ADUs that are along arterial streets or bus routes that meet the following requirements, as identified in the Transit Master Plan:

- *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*
- *The lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed transit line or an arterial street with a designated bus route.*

The following information was provided for the January 17 briefing. It is provided again for background purposes.

JANUARY 17 WORK SESSION SUMMARY

The Council first discussed the proposed ADU ordinance on January 17, 2017. At that time the Council decided to wait to hold future discussions on ADUs until after the State's legislative session because there was potential legislation that could impact the ordinance.

Additionally, during the January 17 briefing, the Council requested more information on the following items:

- Enforcement Concerns – what is the enforcement plan for the following provisions of the ordinance:
 - Owner occupied
 - Parking
 - Short term rentals / Airbnb
- Do ADUs contribute to affordable housing stock? If so, how?
- Could staff review the Durango Colorado ADU ordinance as example to learn more about establishing good feedback loops between the City and the public?

The Administration transmitted the new information requested by the Council, including a response to State legislation regarding short term rentals. The transmittal letter includes a full discussion about each issue raised by the Council. Additionally, it includes options for each issue the Council may wish to consider.

A short description of each issue raised by the Council is provided below. Please see the transmittal letter for full details and analysis.

- **How will Salt Lake City enforce ADU provisions such as owner occupancy, parking and short term rentals? (pages 1 - 5)**
 - The transmittal letter outlines how the following enforcement issues will be handled to ensure ADUs are in compliance:
 - Zoning violations
 - Permitting
 - Owner Occupancy
 - Off and On street parking

- ***Options identified in the Transmittal letter***
 - To broaden applicability of ADU regulation, consider removing the owner occupancy requirement.
 - To increase off-street parking, require 1 parking stall for a 1 bedroom unit, and 2 parking stalls for a 2 bedroom unit, which is consistent with the existing ADU regulation.

- **How does Utah Code impact or regulate short term rentals like those advertised through Airbnb.com (pages 5-6)**
 - During the 2017 General Session, the Utah State Legislature passed House Bill (HB) 253 entitled Short-Term Rental Amendments.
 - According to the transmittal letter, HB 253 prohibits a city from using a “short term rental website” as evidence for enforcement, and a city may not “fine, charge, prosecute, or otherwise punish” an individual for “listing” a short term rental.
 - However, HB 253 does not prevent a city from prohibiting short term rentals.

 - ***Options identified in the Transmittal letter***
 - To prohibit short term rental of ADUs and promote affordable housing, specify the duration of a rental agreement for an ADU must be a minimum of 30 consecutive days within residential zoning districts that currently prohibit short term rentals.

- **How will ADUs contribute to affordable housing stock? (page 6)**
 - The Transmittal Letter provides a few bullet points on how ADUs contribute to affordable housing.
 - Internal ADUs are generally less expensive
 - Costs savings from not having to purchase the land
 - Rental fees are lower for smaller units
 - Renting to family and friends is still a factor in the overall affordable housing market

- **Does the City of Durango, Colorado have a “good feedback loop” between the city and the public regarding ADUs? (pages 6-8)**
 - The Transmittal Letter provides a summary of Durango Colorado’s ADU regulations, which includes a notification sent to property owners within 300 feet of a proposed ADU to notify neighbors and discover pertinent, unknown information.
 - The decision is administrative no public meeting is held.
 - This is similar to Salt Lake City special exception process.

 - ***Options identified in the Transmittal letter***
 - To notify neighbors of a pending ADU development, amend the proposal to incorporate one of the following options:
 - Specify an application and administrative review process that includes notification of abutting property owners and residents, or
 - Specify an application and administrative review process that includes notification of property owners and residents within 300 feet, or
 - Reclassify ADUs as a special exception, which would require amendment of section 21A.52.030, entitled Special Exceptions Authorized.

POLICY QUESTIONS & POTENTIAL STRAW POLLS

2. In review of the proposal, the Council may wish to evaluate the benefits of ADUs along with some concerns about impacts that have been raised. The Council may identify priorities or policy direction based on some balance between the benefits and concerns.

The purpose statement of the proposed ADU ordinance outlines some potential or intended benefits:

- Create new housing units
- Provide more housing options in residential districts
- Allow more efficient use of existing housing stock
- Support affordable housing options
- Support transit oriented development and reduce auto dependency
- Support economic viability of historic structures
- In addition to the purpose statement: this may also relate to aging in place issues.

These potential benefits could be considered along with some concerns that have been raised in relation to ADUs, such as:

- Impact on the character of single family residential neighborhoods through increased density
- Potential impact of increase traffic and parking issues
- Ability to adequately enforce the ordinance and monitor for these impacts

3. The Council may wish to consider straw polling the options identified in the transmittal letter to determine if any of them should be included in the final draft of the ordinance.
 11. To broaden applicability of ADU regulation, consider removing the owner occupancy requirement.
 12. To increase off-street parking, require 1 parking stall for a 1 bedroom unit, and 2 parking stalls for a 2 bedroom unit, which is consistent with the existing ADU regulation.
 13. To prohibit short term rental of ADUs and promote affordable housing, specify duration of a rental agreement for an ADU must be a minimum of 30 consecutive days within residential zoning districts that currently prohibit short term rentals.
 14. To notify neighbors of a pending ADU development, amend the proposal to incorporate one of the following options:
 - Specify an application and administrative review process that includes notification of abutting property owners and residents, or
 - Specify an application and administrative review process that includes notification of property owners and residents within 300 feet, or
 - Reclassify ADUs as a special exception, which would require amendment of section 21A.52.030, entitled Special Exceptions Authorized.

The following Policy Questions were provided for the January 17 briefing. They may still be relevant and the Council may wish to discuss these further and consider

conducting straw polls to determine if any of these changes should be included in the final ordinance.

POLICY QUESTIONS

15. The Transmittal Letter identified the following potential modifications that could be made to the proposed ADU ordinance in order to adjust where ADUs could be located throughout the City:
- Removal or modification of the “Accessory Dwelling Units Boundary”
 - Permit internal or attached accessory dwelling units—not detached—east of “Accessory Dwelling Units Boundary.”
 - Removal or modification of annual permit allocation (proposed maximum of 25 units per year)

Does the Council wish to further discuss the potential changes to the proposed ordinance that would change the boundary map?

16. The Transmittal Letter identifies potential exceptions to the annual permit limit of 25 ADUs, including: projects in RDA areas and for units that meet accessibility standards.

Is the Council supportive of including these exemptions to the maximum annual limit?

17. On January 10 the Council discussed the East Bench Master Plan. The proposed Accessory Dwelling Unit (ADU) Ordinance would prohibit ADUs east of 1300 East. However, the East Bench Master plan identifies Accessory Dwelling Units for possible consideration (page 43) in the East Bench master plan area:

INITIATIVE N-3.2: Housing Affordability, Access, and Choices:

“Additional lower density housing choices, such as allowing an additional dwelling unit in an existing single-family dwelling, should be allowed within neighborhoods that are supported by public transportation or near major transportation corridors.”

During that discussion, some Council Members expressed concern about including support for ADUs in the East Bench Master Plan area.

The proposed ADU ordinance and the proposed EBMP have conflicting policy goals with regards to ADUs. Would the Council like to further discuss and/or resolve this policy conflict?

18. A questions has been raised by a constituent regarding the owner occupied requirements. Their concern is if they own a property with a partner, but both don't live there, they would not be allowed to have an ADU.

The section regarding Owner Occupants includes the following:

Even if a person meets the requirements of subsection B.1 or B.2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

Does the Council wish to further discuss the owner occupied requirements?

19. The proposed ordinance would require one parking space per ADU. However, a waiver may be obtained for the parking requirement if:

- 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
- The lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed transit line or an arterial street with a designated bus route.

A suggestion has been raised about potentially including language about allowing the waiver for ADUs that are along arterial streets or bus routes that, as defined by the Transit Master Plan?

Would the Council support including language about the Transit Master Plan to the parking waiver?

The following information was provided for the January 17 work session briefing. It is provided again for background purposes.

ADDITIONAL INFORMATION

The City's existing ADU ordinance has been in effect since September 2012. According to the Planning Commission Staff report, city staff has responded to dozens of inquiries from residents interested in establishing an ADU—however, only one ADU has been constructed to date. “Staff found that the primary reason the ordinance failed to achieve its purpose is the requirement to locate ADUs within one-half mile of an operational fixed transit stop, which narrows the applicability of the ordinance” (*Planning Commission staff report, page 2*).

In June of 2014, former Mayor Ralph Becker initiated a petition to amend the City's ADU regulations. The ordinance before the Council is the result of that petition.

The zoning districts that would be impacted include: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 and MU.

An outline of the public process is outlined on pages 5-6 of the transmittal letter. The process included three open houses, two Planning Commission public hearings and visits to community councils.

The following table, found on page 2 of the transmittal, outlines the proposed amendments in comparison to the existing regulations.

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

Pages 2-4 of the transmittal letter identifies four key issues. A short description of each issue and the finding is provided below for reference. Please see the transmittal letter for full analysis.

- **Issue 1 - Location Restrictions:** Replace the 1/2-mile location restriction with a “boundary line” that permits ADUs in neighborhoods that generally favor them.
- **Issue 2 – Annual Limitation:** To address concerns with potential or unforeseen impacts of ADUs, an annual limit of 25 permits is recommended with the following exceptions:
 - Accessory dwelling units located within a Redevelopment Agency (RDA) of Salt Lake City project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.
 - Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.
- **Issue 3 – Building Height:** increase the height of detached ADUs to 24 feet for a pitched roof structure, and 20 feet for a flat roof structure.

- Existing maximum heights do not provide sufficient height to develop ADUs over an accessory structure.
- **Issue 4 – Amendment Options:** Based on public feedback, Planning staff has provided the following options that could be considered:
 - Removal or modification of the “Accessory Dwelling Units Boundary” as described in 21A.40.200.C.1 of the proposed amendment.
 - Permit internal or attached accessory dwelling units—not detached—east of “Accessory Dwelling Units Boundary” as described in 21A.40.200.C.1 of the proposed amendment.
 - Removal or modification of annual permit allocation (*proposed maximum of 25 units per year*)

Attachment B of the Planning Commission staff report outline the standards that should be considered as the Council reviews this proposal. *An outline of the analysis is summarized below, please see Planning’s staff report for full details.*

- **Standard 1**
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.
 - **Finding:** Proposal is consistent with the purpose, goals, etc. of the adopted planning documents.
- **Standard 2**
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.
 - **Finding:** Proposal does further the specific purpose statements of the zoning ordinance.
- **Standard 3**
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;
 - **Finding:** The proposed text amendment is subordinate to the purposes and provisions of any applicable overlay zoning districts that may impose additional standards, such as the H Historic Preservation Overlay District.
- **Standard 4**
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
 - **Finding:** the proposal is consistent with this standard.

POLICY QUESTIONS

20. The Transmittal Letter identified the following potential modifications that could be made to the proposed ADU ordinance in order to adjust where ADUs could be located throughout the City:

- Removal or modification of the “Accessory Dwelling Units Boundary”
- Permit internal or attached accessory dwelling units—not detached—east of “Accessory Dwelling Units Boundary.”
- Removal or modification of annual permit allocation (proposed maximum of 25 units per year)

Does the Council wish to further discuss the potential changes to the proposed ordinance that would change the boundary map?

21. The Transmittal Letter identifies potential exceptions to the annual permit limit of 25 ADUs, including: projects in RDA areas and for units that meet accessibility standards.

Is the Council supportive of including these exemptions to the maximum annual limit?

22. On January 10 the Council discussed the East Bench Master Plan. The proposed Accessory Dwelling Unit (ADU) Ordinance would prohibit ADUs east of 1300 East. However, the East Bench Master plan identifies Accessory Dwelling Units for possible consideration (page 43) in the East Bench master plan area:

INITIATIVE N-3.2: Housing Affordability, Access, and Choices:

“Additional lower density housing choices, such as allowing an additional dwelling unit in an existing single-family dwelling, should be allowed within neighborhoods that are supported by public transportation or near major transportation corridors.”

During that discussion, some Council Members expressed concern about including support for ADUs in the East Bench Master Plan area.

The proposed ADU ordinance and the proposed EBMP have conflicting policy goals with regards to ADUs. Would the Council like to further discuss and/or resolve this policy conflict?

23. A questions has been raised by a constituent regarding the owner occupied requirements. Their concern is if they own a property with a partner, but both don't live there, they would not be allowed to have an ADU.

The section regarding Owner Occupants includes the following:

Even if a person meets the requirements of subsection B.1 or B.2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

Does the Council wish to further discuss the owner occupied requirements?

24. The proposed ordinance would require one parking space per ADU. However, a waiver may be obtained for the parking requirement if:

- 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
- The lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed transit line or an arterial street with a designated bus route.

A suggestion has been raised about potentially including language about allowing the waiver for ADUs that are along arterial streets or bus routes that, as defined by the Transit Master Plan?

Would the Council support including language about the Transit Master Plan to the parking waiver?

Preliminary Discussion Points on Accessory Dwelling Unit Policy in Salt Lake City

Instructor: Associate Professor Michael Larice
email: larice@arch.utah.edu **cell:** (801) 696 4636

STUDIO DESCRIPTION: This intensive urban design research studio focuses on the issue of Accessory Dwelling Units in Salt Lake City. In boom towns across the west, housing prices are rising dramatically and pricing consumers out of the market. Supply of affordable housing and desirable starter homes is not keeping pace with demand. While housing at the suburban periphery continues apace, desirable housing at the center is difficult to manifest. Suburban sprawl and longer work commutes are endangering quality of life, decreasing air quality, and wasting time for commuters. Accessory dwelling units (ADUs) and smaller houses are a means of addressing the supply constraints of inner city housing in creative ways. However, despite their wide-ranging benefits, these housing types are debated and politically opposed in some communities by NIMBY (Not In My Backyard) assaults. Interesting in the context of Utah because of larger properties (from the many Plats of Zion) is that these have already been subdivided many times over in the early part of the 20th Century. In a way, ADUs have historically helped to develop Wasatch Front cities. Challenges to ADUs are newly being answered by recent YIMBY (Yes In My Backyard) movements found in the following cities: Helsinki, Finland, New York NY, San Francisco CA, Austin TX, Vancouver BC, London UK, Seattle WA, Portland OR, and Los Angeles CA, to name just a few of the dozens of cities where YIMBY has taken hold.

Our client for this studio is Salt Lake City's Department of Housing and Neighborhood Development (HAND). This studio is a pilot test for the widespread adoption of ADU policies and development standards in the Salt Lake Valley, and could be extended to other municipalities along the Wasatch Front. HAND will be joining us periodically for reviews periodically during the semester with advice and counsel to help design efforts. The studio this semester will be producing a monograph for our client that provides both research, policy suggestion, development standards and illustrative designs. The first half of the semester will be dedicated to research, analysis and land categorization, as well as development standard development. The second half will involve illustrative designs of ADU types and impacts on neighborhoods. Matching funds have been provided by WFRC.

ANTICIPATED STUDIO PRODUCTS: Key deliverables from this research studio include:

1. A full set of literature, readings, and case studies to educate our client on ADU issues;
2. A complete set of written arguments on the benefits of ADUs to the municipality and cities in general;
3. Parcel level land analysis to understand the potential for ADUs in various neighborhoods;
4. Categorization of residential land types related to different ADU types;
5. Regulatory requirements for each of these land and housing types;
6. Building type illustrations;
7. Neighborhood buildout illustrations by scenario; and,
8. Impact analysis.

POLICY RECOMMENDATIONS

The following policy recommendations are based on a consensus finding of graduate studio participants (Associate Professor / PhD level Teaching Assistant / 3 PhD students / 5 master students) in a graduate level *Accessory Dwelling Unit Urban Design Research Studio* at the University of Utah. Several other policies were discussed, but are not included herein because consensus was not reached. The recommendations are based on practices found in other cities across the US and Canada, where ADUs are succeeding as housing policy and through implementation: Santa Cruz, CA; San Francisco, CA; Portland, OR; Seattle, WA; State of Hawaii; Barnstable / Wellfleet / Lexington, MA; Vancouver, BC.

1 EMBED ADU POLICY INTO THE CITY'S LARGER HOUSING POLICY VISION: In those cities where officials are serious about implementing ADUs as part of the larger housing policy, little opposition to ADUs is felt across the city. Some cities are projecting ADUs into longer term housing supply and depending on their construction to meet housing supply needs. The city's housing policy vision should support ADUs; and, ADUs should support the city's larger housing policy vision. ADUs can fulfill a variety of housing policy objectives depending on program development; eg, in Santa Cruz in response to housing affordability crisis; in Hawaii in response to mid-market housing crunch; in Vancouver in response to long term projected need. Avoid lip-service to ADU policy; Be Bolder than Boulder.

2 DO NOT UP-ZONE SINGLE FAMILY PARCELS / ALLOW CONDITIONAL USE PERMIT FOR ADUS: To help preserve single-family neighborhoods and avoid unwanted optics associated with multi-family housing, do not up-zone single family parcels to higher density levels. Rather than up-zoning consider ADUs as conditional uses on single-family parcels. This will diminish the need for cumbersome zoning changes. ADUs should be considered part-and-parcel of the larger single-family dwelling unit. Take the example of many well-to-do neighborhoods, eg, Beverly Hills CA, and allow ADUs to serve as guest-houses, cabanas, in-law units (whether as rental or non-rental based accommodations). Allowing ADUs as conditional uses will require individual review on a case by case basis and help ensure they are within regulatory and design review parameters.

3 PROVIDE DEPARTMENTAL AND INSTITUTIONAL SUPPORT FOR ADU PERMITTING, DESIGN REVIEW, AND ENFORCEMENT: Many of our case study cities have supplied additional departmental support for ADUs by hiring an ADU specialist or assigning an existing employee with ADU permitting, design review, and enforcement responsibilities. This specialist employee can provide permitting services and approve conditional uses for newly desired ADUs, in addition to setting up design guidelines, tailoring ADU expectations on a neighborhood-by-neighborhood basis, understanding neighborhood character issues, and creating a positive experience for ADU construction and implementation. One of the better examples from our case studies is found in Seattle where an individual record of each ADU is kept to ensure institutional and regulatory memory of the permitting for the specific parcel. The goal of this policy is to transform the ADU experience from 'enforcement by complaint' to 'enforcement through permitting.'

4 PROVIDE INCENTIVE-BASED PROGRAM SUPPORTS FOR ADU IMPLEMENTATION: The most progressive ADU case study cities provided a variety of different program supports tied to housing policy goals to incentivize ADU construction. Most cities provided some type of guidebook (either paper-based or online) to help homeowners understand the steps and processes to get ADUs implemented. Several

cities provided permit fee waivers or property tax discounts in exchange for affordable renter agreements. The City of Portland, Oregon is probably the most progressive in providing programming in support of ADU expansion, helped in no small part by the local non-profit ADU support group. These program supports include: local tours of successful ADUs, ongoing research and metrics for ADU achievement in the city, how-to instruction guides and fee waiver advocacy. Hawaii provides full how-to kits for their Ohana Units ('ohana' means family). Santa Cruz, CA hired a handful of architects to develop illustrative ADU designs to show how ADUs could be designed and developed. Here in SLC, the research design studio is suggesting other programs, including: experimental designs associated with slim tower ADUs, tiny houses on wheels, and front yard ADUs that become additions to the primary dwelling unit. One of our more innovative suggestions is a neighborhood nexus where fees collected within a neighborhood or council district be collected into a discreet fund to be reinvested back into the neighborhood for local improvements and urban design upgrades.

5 ALLOW ADUs IN COUNCIL DISTRICTS WHERE THEY ARE DESIRED: To avoid pushback by neighborhoods where ADUs are unwanted, do not force ADUs on those Council members or neighborhoods where they are perceived as a potential threat to current quality of life. In several of our case study cities the goal of universal city coverage was achieved through an incremental rollout of ADU policy over time. San Francisco started out with ADUs in only two districts before it was expanded to complete coverage over the City. Daybreak Utah is also using an incremental model of rollout to determine acceptability of higher intensity land uses. Gradual geographic adoption of ADU policy allows hesitant parts of the city understand the benefits of ADUs and associated policy as it is tested in other areas of the city first. These first adopters of ADU policy will enable the city to test policy, uncover loopholes, and understand benefits toward the larger universal coverage. Time will also allow various incentive programs and ideas to be developed and checked on the way to citywide adoption.

6 LET ADUs DEVELOP NATURALLY WITHOUT LIMITS ON THE NUMBER OF PERMITS PER YEAR: To better test ADU popularity and appeal, do not limit the number of ADUs allowed for permitting each year. One of the better metrics that we've discovered in our case study examples is the growth of ADU permitting and construction over time as a metric of success. Examining the changes in ADUs per year is a great gauge of how various program supports can help in the expansion of ADU implementation over time. In Portland, it is not surprising that ADU implementation expanded considerably when the fee waiver program was implemented. Putting a cap on ADU permits may ease the worries of those who would not adopt ADU policy outright (or universally across the city) at the beginning of the policy, but it also hampers potential success.

7 ALLOW ONLY ONE DETACHED OR ADDITION-BASED ADU PER SINGLE FAMILY PARCEL: To help preserve neighborhood quality and guide neighborhood improvement, allowing only one detached or addition-based ADU per parcel should be the norm. While this research studio has not engaged the attic or basement ADU type (the IADU: Interior ADU), we think that only one additional ADU should be allowed per parcel. Vancouver BC allows one detached or addition-based ADU, in addition to another IADU. Most IADUs in Salt Lake City are currently illegal units, which should be considered in a different policy. We are comfortable in the belief that a single new ADU outside of (or attached to) the original dwelling unit can be guided and constructed successfully with overall benefits to homeowners, housing consumers, and the city itself.

8 REQUIRE THE HOMEOWNER OF A SINGLE-FAMILY PARCEL TO BE A RESIDENT ON THE PARCEL IN EITHER THE PRIMARY DWELLING UNIT OR THE ACCESSORY DWELLING UNIT: Nearly all of our case study cities require the homeowner of the parcel to be a resident on the parcel. This serves several purposes: to keep an eye on upkeep and maintenance of the grounds and units; to help control the design of the ADU in conformance with primary residence and the larger neighborhood; to continue seeing the ADU as an investment in the long-term value of the property; and to be able to control renter selection with respect to their own personal limits and tastes. Research studio participants took umbrage with suggestions that renters have an adverse impact on neighborhood quality, particularly since homeowners are self-selecting their renters (and typically since half of ADU residents are family members). Over time a good percentage of homeowners are likely to move into the ADUs themselves. On the flipside of this policy, **we are also recommending that absentee landlords not be allowed to construct ADUs** to avoid the poor maintenance often seen on single-family rental parcels; but also with respect to renter selection (which can often be at odds with neighbors).

9 THROUGH DESIGN REVIEW PROCESSES, THE ADU SHOULD BE MATERIALLY AND/OR STYLISTICALLY COMPATIBLE WITH THE PRIMARY DWELLING UNIT TO HELP PRESERVE NEIGHBORHOOD CHARACTER: To calm fears of current residents that neighborhood quality of life might be diminished, new ADUs should be designed to be in consonance with primary residences, if not exceeding them in quality. One of the objectives of ADU policy should be to improve the value of both neighborhoods and residences (optically both the homeowners dwelling unit value, as well as their neighbor's). Through design review (of the conditional use permit), the new ADU should be designed in a manner that harmonizes positively with the neighborhood and the primary residence. Where the primary residence is dated and aesthetically unpleasing, the ADU should seek to improve the overall property value through higher level design. Design guidelines should be developed for various stylistic interpretations of current SLC housing types. This policy recommendation in no way suggests that current design replicate antiquated styles, but rather is compatible and harmonizes with the spirit of primary dwelling units, as well as the larger neighborhood.

10 THE MAXIMUM COVERAGE AREA OF THE ADU SHOULD NOT EXCEED 15% OF THE PARCEL SIZE AND OTHERWISE BE CONDITIONALLY APPROVED BY THE ADU TYPE: To control overbuilding and maintain an acceptable amount of open space on the parcel, the parcel coverage of any new ADU should not exceed 15% of the parcel. This 15% is in addition to any detached garage with its primary dwelling unit. What we are discussing here is parcel coverage and not overall square footage of the new ADU, which will be regulated by development standards per ADU type. Four ADU types are being considered for this policy: 1. An addition to the existing primary dwelling unit; 2. A laneway cottage that is accessed by an alleyway to the rear of the property; 3. A backyard detached cottage; and, 4. An over-garage unit. Different volumetric square footage allowances will be developed for each of these types. The exact design and siting of the ADU on any parcel in the city will be controlled through departmental design review. This standard of 15% is in accord with the case study example cities we have researched.

11 MAXIMUM ADU HEIGHTS SHOULD BE TIED TO THE EXISTING DEVELOPMENT STANDARDS OF THE PARCEL, WHILE TAKING PRIVACY AND VIEWSHEDS INTO CONSIDERATION: Rather than limiting the heights of new ADUs to primary dwelling units (which are often under-designed according to the development standards allowable for the zone and parcel), heights should be controlled by that same zone development standard. Much of the worker housing that was constructed in Sugar House, Center City, and the Westside could be improved by increased intensification of the new ADU with increased

heights. However, in conjunction with allowing the current zone's development standard to control height of the unit, neighbor privacy and views should also be taken into consideration. Windows should avoid overlooking into a neighbor's parcels where possible. When not possible, windows should be glazed with obscured glass, while still allowing light into a room and allowing emergency egress. Building elevations with the minimum side and rear setback should take this into consideration. Balconies should only be allowed to overlook the backyard of the primary dwelling unit of the homeowner's parcel. Through design review and site visits, planning or ADU officials should examine parcels and potential ADU siting to understand the privacy and view concerns of neighbors.

12 ONE ON-SITE PARKING SPACE SHOULD BE REQUIRED FOR AN ADU, ALLOWING A VARIANCE

WHERE THIS IS SPATIALLY NOT POSSIBLE: In most of our case study cities, parking is a major concern in adopting ADU policies. One on-site parking space should be required per new ADU that is approved in the city. This parking space can be configured in a number of ways to fit to the parcel. However, in support of the overall expansion of housing stock in the city, the construction of new ADUs should remain a possibility, even when parking cannot be accommodated on-site within the parcel boundaries. When this is not possible, the ADU applicant should apply for a variance to allow curbside parking. Potential complaints from existing residents about excessive curbside parking should be taken with a 'grain of salt' with regard to ADUs. Parking research in Portland suggests that curbside parking of ADUs hovers around .49 spaces of curbside parking per new ADU, and that alternative means of transportation are typically sought by Portlanders in ADUs. Through design review in the allowance of variances, permitting agencies should perform random site visits to determine curbside capacities. In many cases, parking is limited within primary residences because garages are filled with stuff unrelated to parking. In flat areas of the City where cycling is a true opportunity, or areas within ¼ mile of primary transit stations, the City should probably lower the parking requirement of new ADUs.

TYPICAL ARGUMENTS FOR AND AGAINST ADUs

As part of the larger studio document that will be produced at the University of Utah, students will be writing typical arguments for and against Accessory Dwelling Units. These arguments have been culled from research on ADUs associated with NIMBY and YIMBY movements, as well as the city case studies undertaken by each student. The arguments are divided into five categories as illustrated below. Through all of our research, the argument in favor of ADUs has far outweighed the arguments against.

A: CITY / PUBLIC SECTOR ARGUMENTS FOR ADUs

- A1. increase the intensity and density of the city
- A2. improve environmental quality / reduce carbon footprint / air quality
- A3. reduce commuting and VMT
- A4. increase tax revenue for the city / possibly with a neighborhood nexus return
- A5. inhibit sprawl and conserve land resources
- A6. help to fill the mid-market housing gap
- A7. aid in economic development for city/region, especially construction and materials
- A8. encourage broader and increased modes of alternative transportation
- A9. aids in transit ridership numbers
- A10. can be embedded within the city's larger and long-term housing policy

B: HOMEOWNER / PRIVATE SECTOR ARGUMENTS FOR ADUs

- B1. increase property values with new investments
- B2. provide additional rental income to boost domestic budgets
- B3. provide de facto security / eyes / house sitters / dog watchers / babysitters
- B4. can enhance neighborhood quality of life, stability, livability
- B5. provides numbers for new service provision: transit, parks, schools
- B6. provide opportunity for extended family housing and aging in place
- B7. infrastructure is already in place / land is already acquired
- B8. homeowners have choice in renters / known entities / 'people like us'
- B9. domestic control over the quality of construction and development / based in local taste
- B10. retains the small-scale quality and character of neighborhoods (with design supports)

C: HOUSING CONSUMER ARGUMENTS FOR ADUs

- C1. produce new and diversified housing stock
- C2. encourage new affordable housing or starter spots for housing-gap consumers
- C3. provide more fine grain / human-scaled housing with home-like supply choices
- C4. reduce stress associated with anonymous high density living & commuting
- C5. provide more individuated space than corporate affordable and market rate rentals
- C6. reduce prevalence of absentee landlords who abdicate property upkeep
- C7. general increase in the quality of life.

D: SOCIAL ARGUMENTS FOR ADUs

- D1. provide multi-generational housing and learning opportunities
- D2. improve potential for social sustainability
- D3. private sector produced housing is less expensive than NPO/Govt produced housing
- D4. enhance retail resiliency and provide new retail opportunities
- D5. may provide housing opportunities for the homeless and disenfranchised (with supports)
- D6. it takes a village / so make a village
- D7. cater to changing demographic trends / changing nature of the economy
- D8. greater neighborhood vitality / intensity / more people / enriched community life
- D9. decrease reliance, institutional pressures & growth of hospice care for rapidly aging society
- D10. can help reinforce or newly brand a sense of local place / difference in neighborhoods

E: ARGUMENTS AGAINST ADUs

- E1. impairs the privacy homeowners enjoy / overlooking onto neighboring property
- E2. harms the character of the neighborhood / doesn't match existing character
- E3. inability of the city to enforce ADU regulations and upkeep of the units
- E4. creates too much curbside parking / "my guests will have no place to park"
- E5. will introduce renters into the community who don't respect the neighborhood
- E6. poor ADU implementation and upkeep will harm the value of primary residences
- E7. endangers the few single-family housing neighborhoods still existing today
- E8. will raise my property taxes too much / especially while on a fixed income

MEMORANDUM

To: Council Members
From: Neil Lindberg
Date: September 26, 2017
Re: Enforcement of ADU Family Trust Rules

An ordinance has been proposed to amend accessory dwelling unit provisions in the city's zoning ordinance. Among the amendments are provisions that would permit an accessory dwelling unit only when an "owner occupant" lives on the property within either the principal or accessory dwelling unit. This memorandum addresses the enforceability of provisions regarding a person who occupies an accessory dwelling unit located on property owned by a family trust.

Here are the relevant ordinance provisions. Subsection 21A.40.200.B of the proposed ordinance defines an owner occupant as:

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.

Subsection B.3 of the proposed ordinance further provides that:

3. Even if a person meets the requirements of subsection B.1 or B.2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the department of community and neighborhoods, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:

- (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
- (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;

- (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
- (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
- (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.

b. Any person who fails, upon request of the department of community and neighborhoods, to provide any of the documents set forth in subsection B.3.a of this section or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this title that such person shall not be deemed an "owner occupant" of the dwelling unit in question.

The proposed ordinance does not require owner occupancy 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.

The Council has ample authority to enact the proposed ordinance. Under the Municipal Land Use, Development, and Management Act (LUDMA) municipalities "may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality . . . unless expressly prohibited by law." UCA 10-9a-102(2).

LUDMA contains numerous procedural and substantive requirements that apply to adoption of zoning ordinances. Fundamental to the enforceability of any zoning rule is whether the procedure by which it is adopted has been correctly followed. So long as that procedure comports with applicable state law and city ordinance, it is very unlikely the ordinance will be struck down on procedural grounds. I am not aware of any procedural flaws regarding the proposed ordinance and for the purpose of this memorandum I have assumed proper procedure has been followed.

A second fundamental question regarding the enforceability of an ordinance is whether it violates any state or federal constitutional rule or statute. In addition, long-standing common law requires that ambiguous ordinances be construed against the government. A 1998 case, *Brown v. Sandy City Board of Adjustment*, 957 P.2d 207 (Utah App. 1998), reaffirmed the principle that zoning ordinances are to be strictly construed against the municipality because they are "in derogation of a property owner's common-law right to unrestricted use of his or her property." See, e.g., *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (Utah Ct.App.1995). A recent amendment to LUDMA, enacted by HB 232 in the 2017 legislative session, codified this rule:

- (1) A land use authority shall apply the plain language of land use regulations.
 - (2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application. . . .
- UCA 10-9a-306.

The proposed ordinance is very similar to one adopted by the city of Provo which was the subject of

litigation in *Anderson v. Provo*, 108 P.3d 701 (2005). The Provo ordinance also included a virtually identical owner occupancy rule regarding property owned by a family trust. A prior overlay zone, enacted years earlier and designed to ease student housing shortages, allowed both resident and non-resident owners of single family homes to rent accessory apartments. Due to concerns that absentee landlords did little to address congestion and nuisance problems, the Provo Municipal Council created a new overlay zone that allowed only resident owners to rent accessory apartments. Several property owners sued the city challenging the ordinance. After the trial court granted summary judgment to the city, the owners appealed. They argued the ordinance (i) impermissibly regulated ownership rather than the use of land and (ii) was illegal because it violated (a) their rights to equal protection and uniform operation of the law; (b) the public policy against restraints on the alienation (sale) of property; and (c) their right to travel.

The Utah Supreme Court rejected the owners' challenge because the ownership restriction justifiably balanced the city's interest in accommodating student housing needs while preserving the character of single-family residential neighborhoods. Non-resident owners were not prevented from renting their homes, but only from renting accessory apartments, an activity that would have been prohibited but for adoption of the prior overlay zone. The court determined the amendment was thus within the city's zoning power and did not violate the uniform operation of laws provision of Utah Const. art. I, § 24. The court also determined the ordinance amendment did not burden the right to travel or improperly restrain alienation of property. Even assuming the amendment placed an indirect restraint on alienation, the court said it was reasonably necessary to protect the city's legitimate interest in preserving the character of the affected neighborhoods. Regarding the family trust rule the court said:

The Owners suggest that the amendment's definition of "owner occupancy," which requires an owner to be either a human being or a family trust, Provo City Code § 14.30.030(2)(d), unlawfully discriminates by excluding partnership or corporate forms of ownership. However, we believe such an exclusion is a legitimate means of preventing circumvention of the owner occupancy requirement. The Owners also suggest that the stated exception to the owner occupancy requirement for those owners who have "a bona fide, temporary absence of three years or less for activities such as temporary job assignments, sabbaticals, or voluntary service," *id.* § 14.30.030(c), amounts to discriminatory "religious tailoring." Regardless of whether Provo had in mind the maximum three-year missionary service of members of the Church of Jesus Christ of Latter-day Saints when formulating this exception, however, the exception by its plain language is not limited to LDS Church missionaries. It clearly applies to anyone who is away for vocational or voluntary service purposes, secular or religious, for three years or less. We thus perceive no basis in this language for holding the amendment invalid.

Successful enforcement of the proposed ordinance depends, in part, on the degree to which the regulations are explicit and objective. The relevant language in the proposed ordinance is consistent with the *Anderson* case and is unambiguous. It not only describes in detail the rules that apply to such occupancy, but also describes the evidence which may be obtained from an owner to determine whether an accessory dwelling unit is in fact owner occupied.

For the foregoing reasons, I believe the proposed "family trust occupancy" language is enforceable. Attached copies of the *Anderson* and *Brown* cases provide additional insight and analysis of this issue.

COMMENTS PULLED 09/19/2017

| Date Submitted | message | district |
|-----------------|---|----------|
| 9/22/2015 21:51 | As a soon-to-be first-time homeowner in SLC, I would really appreciate it if you would vote to allow ADUs to become legal in SLC. It would make housing cheaper and would allow me to be able to more easily afford to own a home. Please vote to increase urban density thereby improving the quality of life of everyone. Thanks! | |
| 7/20/2017 13:14 | Please reconsider expanding the ADU ordinance. Rose Park was built with small single family homes and was meant to stay that way. Many have already started renting out rooms and renovating garages into rental units and our streets and driveways cannot hold the extra cars that this brings into our neighborhoods. This is not what Rose Park was meant to be and I would not like to see it become this. If it is now illegal for this to be happening, it would be nice to see City Ordinance officials doing something about it. | 1 |
| 7/20/2017 13:21 | it seems counter productive to allow ADU's only to block short term rentals. The owner should be allowed to choose between allowing short term rentals or long term rentals. Short term rentals do allow tax incentives for the city as they are already included in the fees from the websites that manage the short term rentals. | |
| 7/20/2017 13:22 | We need more ADU's without short term rental restrictions. We also need to remove the restriction that says ADU's can't be taller than the primary residence. This eliminates all Sugar House homes from being allowed to build above their detached garages. I am looking forward to improving tourism and promote aging in place! | |
| 7/20/2017 13:23 | Allow more ADUs! Don't restrict location within the city | |
| 9/15/2017 12:22 | Council members, Please do not give blanket approval to ADUs anywhere in SLC. Please limit where ADUs may be built. Please keep single-family home neighborhoods, without ADUs. Thank you. | |
| 9/18/2017 12:31 | Have talked with so many that are having troubled neighborhoods, campgrounds other area's that the homeless are being moved to. There is already more crime in area's they have been taken to. Now instead of having one problem area we are going to end with problems all over the city. Increased crime, loitering and drug dealing will be a problem everywhere. ADU's are an investment the city cannot afford, we already are over 300K in debt. This will downgrade existing neighborhoods and have the same problems as the homeless shelters. There is no parking available now, that can only go downhill. We paid good money to be able to live in desirable neighborhoods. When the government gives people a comfortable life style, why should anyone want to bother working. I already work until July to pay all my taxes - income state and federal, property taxes (\$4600 last year), etc and you want the homeless and low income to live here. Am totally against both proposals. | |
| 9/18/2017 15:44 | Dear Salt Lake City Council Members, I'm reaching out to you again to ask you to consider changing Housing Ordinance 21A.62.040 to allow for up to four (4) non-related people to occupy a single family home. You'll recall I sent you the attached email and letter in May and attended a City Council meeting and spoke during the public comment portion. I am hopeful that my actions have caused you to discuss this ordinance, as it is an important part of Salt Lake City's housing plan. Last month I had to ask one of my tenants to move out and not renew the lease in order to comply with the law and in an effort to avoid fees and civil action by the City. The home now has a perfectly good bedroom that is not being occupied as a result of this ordinance. I would welcome the opportunity to speak with you and invite you to call or email. Respectfully. | |
| 9/19/2017 10:50 | Dear City Council member; I hope you have recovered ADU package from city council office I am sending this Email on behalf my neighbors on south side of 2700 So from 700 E to 2300 E . On page 5&6 written page 6 you have Guesthouse up to 650 Sq ft . Planning dept believed on size fist for everyone. . our neighborhood house lot size goes from 0.18 it'd .051 acres . I contacted to Salt county 16 cities they have something similar like SLC ADU ordinate calls for depend on Lot size or size of existing building on the properties. these cities allows you to build guest house 5)% of your existing house considering setback. On the lot size from .from 0.15 to 0.20 acres you can build Guest house 650 Sq ft from 0.21- to0.25 you built 825 Sq ft from 0.26 to 0.30 acres you can built 1000 Sq ft and on.... My property is qualify to build 1100 Sq ft because I have 0.321 acres. or by 50% existing house. please ask your planning dept to change propose ordinate or you can contact Sandy , Draper , West Jordan South Jordan , Hermen , West Valley City , Midale , Murry Etc... | |

COMMENTS PULLED 09/28/2017

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| 9/19/2017 16:13 | An anonymous caller left a message stating that she doesn't think it would be a good idea to let people have the tiny houses in there backyard she thinks that there should be a designated area for that. That has a lot of parking room. | |
| 9/20/2017 11:24 | Opposed to this Ordinance! | |
| 9/20/2017 11:26 | I support the expansion of the ADU units to be city wide as the canal has proposed. Please increase the number of permits from 25 a year to 100 a year in light of projected population growth and affordable housing crisis. | |
| 9/20/2017 11:27 | My concerns with these ADU provisions is that they may open the door for a lot of developers to come in and insert apartments on back lots and backyards, therefore altering the character of our neighborhood and negatively affecting the value of our properties. | |
| 9/20/2017 11:28 | if you walk around my neighborhood, the avenues, you will notice a variety of housing choices, there are single family homes, duplexes, townhouses, apt buildings small and large, condo buildings small and large. There are even homes broken into apartments. As well, if you walk around especially in the evening when folks are home from work, what you will not notice is a variety of parking choices. Allowing a density increase without allowances for off street parking will create havoc in the fight for street parking, not to mention that more cars parked on the street also creates more opportunity for car prowlers. I also feel that encouraging extra buildup and 2nd stories to garages will take away too much privacy from residents. We are already at a premium given the size of the lots and close proximity of homes. If anything, ADU's should be more regulated not less. | |

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| 9/20/2017 12:47 | Dear Salt Lake City Council Members, The Rose Park Community Council would like to express its support for adoption of a city-wide ADU amendment. A city and its constituent neighborhoods are living things, and like all living things a city is either growing or it is dying. Fighting to keep a neighborhood exactly as it is forever is about as healthy as trying to keep a child from growing up, and just as hopeless. Just as preventing a child's maturity would inevitably lead to sickness and imbalance, so does trying to prevent a city's maturity. We have already seen the symptoms of this sickness in rising housing prices, pervasive homelessness and economic and racial segregation. The question can never be, should we grow?@the only question is how we grow. We believe that the proposed ADU amendment is an important step toward allowing residents to take control of growth and benefit from the opportunities that growth provides. A city-wide ADU amendment re-establishes a time-tested process for a city to naturally and incrementally respond to housing needs, without dramatically transforming the character of our neighborhoods. It empowers the smallest property owner to invest in their wealth and the wealth of their neighborhoods, and it creates greater housing opportunities for the most vulnerable populations among us. Providing housing is an obligation that falls upon every neighborhood of our city. To make exceptions only further ingrains the economic and racial segregation that already exist. We urge the city council to adopt the ADU amendment and strongly urge them to adopt it city-wide. Sincerely, Rose Park Community Council | |
| 9/20/2017 13:18 | The ADU ordinance needs to be removed and delayed until Oct.3rd or until a revised ordinance is available for the public to view. | |

COMMENTS PULLED 10/03/2017

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| 10/2/2017 12:10 | Dear Councilman Luke, As a concerned resident of the Harvard/Yale Yalecrest neighborhood, please do not allow Accessory Dwelling Units (ADUs) in our neighborhood. We already have parking issues with University of Utah students and football games. We have heavy traffic through our neighborhoods as commuters seek back ways to avoid traffic on main arteries. Our property acreage is already very small in our neighborhood with homes closely built and small yards that would not handle additional structures well. Many homes have one car garages with two cars necessitating street parking for home owners - let alone renters. Thank you for your loyal commitment to our community and city. I appreciate your consideration of these concerns. Sincerely, | |
| 10/2/2017 12:36 | Dear Stan and Charlie, I recently read about the new proposed ADU ordinance, and as though we do not live in your district (we are District 7 residents) we strongly support your vote against this proposal. The way to increase density--if that is the city's goal and a questionable one at that--is not by sticking more rental units into residential single-family neighborhoods, where residents have paid a premium to purchase houses in lower-density neighborhoods. There would be little to no enforcement--as the city is already unable or unwilling to enforce existing regulations without significant, constant pressure and action often takes months, if at all. These existing code violations make our neighborhoods unlivable. For example, my wife and I recently moved from a home in Sugar House east of 1300 E. & south of 1700 S. to get away from code violations. One neighbor has been running an AirBnB for at least one year. There are usually several different sets of people staying there each week--often 8 at a time. There are parties, driveways are blocked, often 4 more cars parked on the street. It's a nightmare for the neighbors still living there. On the other side of our home (where we lived for 12 years until all this started happening) the absentee landlord neighbor rented the house to 5 students. There was constant turnover in the tenants, parties, overnight guests, often 5-7 cars on the street. There was constant conflict with parents of the students, the landlord, etc. It's absolutely unrealistic to think that the city is going to manage the parking ordinances, the number of tenants, whether the property owner person actually lives in the home and so forth. In short, the city council can not pass this measure and make this sort of this more common. We appreciate your support. | D7 |
| 10/2/2017 12:37 | This ill concocted "ADU solution", that is being pushed down the throats of long time Salt Lake Residents, as a solution to the city housing shortage, is wolf in sheep's clothing. Let's just call it like it is @down zoning residential neighborhoods to solve a problem. @ Changing our neighborhood zoning is barking up the wrong tree for a solution. For one example, I have a duplex by Judge Memorial. The city told me this spring, my license fee this year was \$828 a year. I provide good quality, very low cost housing. But, I may be dumb, but I'm not stupid. I've looked around at what is happening to the housing market here in the city. If the city is adamant and continues down the path of pushing ADUs as a solution, I'm going to do what others have done: What's good for the goose is good for the gander. The city does not enforce the short-term rental market that has proliferated in not only our city, but also valley wide. Saturday, (9/30/17) I went to the air BnB site for rentals in SLC. In just a small east side area of the Avenues down to Sugar House there were over three hundred short term nightly rentals available, in which. 107 of those were entire apartments for rent or entire houses for rent. These short-term nightly rentals, were once, long term rental units, which have been removed from the long-term market, consequently creating a shortage of monthly rentals in the city and driving up existing rental prices. These short-term rentals are illegal in the city. The hundreds of nightly rentals pay NO business license like I have, no income tax under a certain amount of rent profits; require no city fire code or safety regulations etc. Why don't we enforce the city ordinances in our residential neighborhoods? That would open up 107 monthly rentals right there? Short-term landlords are making \$85 a night vs. monthly landlords, \$600 a month. Do the math if you're a landlord: \$600 a month or 20 nights x \$85 =\$1700. And no businesses licenses or city fees or regulations. My point being, the city needs to take this proposal and throw it in the garbage. Then, sit down at the table again and explore more of the real reasons for the housing shortage and generate some better alternative solutions that can add density, which the city wants, but not on the backs of existing homeowners. | |

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| 10/2/2017 12:39 | I am adamantly opposed to allowing the city to amend various SLC codes to allow accessory dwelling units. It is utterly, unbelievable, to think that some city officials would even come up with such a hair brain idea of an ordinance so poorly written, so blatantly unable to be monitored or regulated, and has such total ill regard for present home owners, who have worked over the years, to build SLC neighborhoods into a vibrant community. Residents, purposely, have purchased homes in city areas because of the specific, existing, residential zoning and regulations. Strong neighborhoods are the backbones of our city. This uncreative and ill thought out idea of adding ADU's is an example of poor thinking and analysis on the part of the city officials to solve our housing shortage. This proposal will destroy exiting neighborhoods, whose residents have worked so incredibly hard over the years to combat the very problems that these ADUs create..more traffic, more noise, more garbage, more parties, absentee owners, run down properties, nightly rentals, etc. as we all know were problematic in the Avenues and other areas in the past. Until you have to actually live directly next to one of the above mentioned and put up with the problems, you don't really know what it's really like to live next to it. In addition to these problems, presently, our city does not have funding to enforce our exiting zoning regulations. How will the city find the money to enforce another layer of bureaucracy that will have to deal with the problems that these ADUs will create? | |
| 10/2/2017 16:20 | Hi City Council, Thank you for the weekly city council e-mail updates. I appreciate the organized information and being informed. I am writing you to request NO ADUs in Harvard/Yale or Yalecrest! It is not OK with me to have more traffic, more cars, less parking, more VBROs/Air BnBs, less privacy, less quiet, more too-tall garages. ADUs will significantly change the feel of this special neighborhood. Yalecrest is not the right place for ADUs. Thank you. | |
| 10/2/2017 16:20 | I am strongly opposed to the idea that all the single-family zoning be changed to multi-family in Salt Lake City. This has no provable upside that I can see and has proven to decrease appearances and safety of neighborhoods in areas where this is the rule. Please vote no on this issue. Sincerely, | |
| 10/2/2017 16:21 | would you please be transparent as to the success of the existing ADU program. AND why this new version would be expected to be any more successful. | |
| 10/2/2017 16:22 | I am adamantly opposed to the ADU proposal!! This ridiculous proposal will, over time, insure that Salt Lake City will no longer be a family friendly city in which to live, but become a run-down, trashy, Detroit-like cesspool!! Please, please, please do not approve such a disastrous proposal and keep Salt Lake City a decent place to live. | |
| 10/2/2017 16:23 | Hello Ladies and Gentlemen, Please vote AGAINST the proposed ADU ordinance. I live on the east bench, there are many ADUs already. It causes parking and congestion problems. This used to be an upper middle class neighborhood. Adding more ADUs is not the direction we hope to see. Recently young families, with babies and children, have been moving in. We look forward to continuing as a (close) suburb of Salt Lake City. Please, we want to keep the character of our neighborhood. Yes we need more affordable housing. In Portland increasing ADUs did not lower the rental rate, new units were rented for the going rate. There are entire blocks and areas along main corridors south of downtown Salt Lake City which could be developed as mixed-use areas for business and apartments, including affordable housing units. This type of approach would help Salt Lake City achieve the goal of increased density and more affordable housing, with the added benefit of these developments having access to mass transit, and all of this without the destruction of our urban neighborhoods, which will happen with ADUs. Unfortunately Deb has a long planned trip to the Navajo reservation as food coordinator for Adopt A Native Elder and will be unable to attend the meeting Oct. 3. Please do increase the affordable housing in our city, but not in our neighbor's backyard. Respectfully. | |
| 10/2/2017 16:23 | I respectfully disagree with allowing the latest version of the ADU ordinance. I believe this will have an enormous impact on the safety and character of our neighborhoods. It will not significantly impact the need for more affordable housing, but it certainly can and will impact parking, infrastructure strain and basic support services such as snow removal and street cleaning. Our neighborhoods simply were not developed for this kind of population load. A "Mother-in-Law" unit used as intended is not the same as a rental unit on property. | |
| 10/2/2017 16:24 | I am one of your constituents. I live in the St. Mary's area on the East Bench. Please vote against the latest version of the ADU ordinance. | |
| 10/2/2017 16:39 | Anonymous caller-She does not think it is a good idea to build tiny homes she states there is not enough room for parking there are too many people in those areas already and doesn't think this would be a good idea. | |

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| 10/2/2017 16:48 | <p>I am adamantly opposed to allowing the city to amend various SLC codes to allow accessory dwelling units. It is utterly, unbelievable, to think that some city officials would even come up with such a hair brain idea of an ordinance so poorly written, so blatantly unable to be monitored or regulated, and has such total ill regard for present home owners, who have worked over the years, to build SLC neighborhoods into a vibrant community. Residents, purposely, have purchased homes in city areas because of the specific, existing, residential zoning and regulations. Strong neighborhoods are the backbones of our city. This uncreative and ill thought out idea of adding ADU's is an example of poor thinking and analysis on the part of the city officials to solve our housing shortage. This proposal will destroy exiting neighborhoods, whose residents have worked so incredibly hard over the years to combat the very problems that these ADUs create! ..more traffic, more noise, more garbage, more parties, absentee owners, run down properties, nightly rentals, etc. as we all know were problematic in the Avenues and other areas in the past. Until you have to actually live directly next to one of the above mentioned and put up with the problems, you don't really know what it's really like to live next to it. In addition to these problems, presently, our city does not have funding to enforce our exiting zoning regulations. How will the city find the money to enforce another layer of bureaucracy that will have to deal with the problems that these ADUs will create? This ill concocted "ADU solution" that is being pushed down the throats of long time Salt Lake Residents, as a solution to the city housing shortage, is wolf in sheep's clothing. Let's just call it like it is! ..down zoning residential neighborhoods to solve a problem. Changing our neighborhood zoning is barking up the wrong tree for a solution. For one example, I have a duplex by Judge Memorial. The city told me this spring, my license fee this year was \$828 a year. I provide good quality, very low cost housing. But, I may be dumb, but I'm not stupid. I've looked around at what is happening to the housing market here in the city. If the city is adamant and continues down the path of pushing ADUs as a solution, I'm going to do what others have done: What's good for the goose is good for the gander. The city does not enforce the short-term rental market that has proliferated in not only our city, but also valley wide.</p> <p>Saturday, (9/30/17) I went to the air BNB site for rentals in SLC.</p> | |
| | <p>CONTINUED: In just a small east side area of the Avenues down to Sugar House there were over three hundred short term nightly rentals available, in which! . 107 of those were entire apartments for rent or entire houses for rent. These short-term nightly rentals, were once, long term rental units, which have been removed from the long-term market, consequently creating a shortage of monthly rentals in the city and driving up existing rental prices. These short-term rentals are illegal in the city. The hundreds of nightly rentals pay NO business license like I have, no income tax under a certain amount of rent profits; require no city fire code or safety regulations etc. Why don't we enforce the city ordinances in our residential neighborhoods? That would open up 107 monthly rentals right there? Short-term landlords are making \$85 a night vs. monthly landlords, \$600 a month. Do the math if you're a landlord: \$600 a month or 20 nights x \$85 = \$1700. And no businesses licenses or city fees or regulations. My point being, the city needs to take this proposal and throw it in the garbage. Then, sit down at the table again and explore more of the real reasons for the housing shortage and generate some better alternative solutions that can add density, which the city wants, but not on the backs of existing homeowners.</p> | |
| 10/3/2017 10:02 | <p>Rebecca is calling on behalf of herself and her 6 neighbors they live in district 6 and they are against the zoning changes they want to keep single family dwelling and are against seeing ADU's they do not want ADU's in their neighborhood. They think this is the worst idea and do not want rezoning.</p> | 6 |
| 10/3/2017 10:06 | <p>I understand that this has been utilized in many states and municipalities as a way to help control the costs of living in downtown areas and make things more affordable for individuals. But with the current investment in in multifamily habitational structures downtown and in the eastern bench areas it seems the idea of ADU's is premature especially for more historic areas. I would ask that while ADU's may make sense in some areas that other areas like the Avenue's, Yalecrest, Federal Heights, Marmalade, Liberty Heights and Capital Hill areas be exempt. With our proximity to the University of Utah our neighborhoods could become over run with college kids renting more affordable housing and changing our family friendly neighborhood. Thank you for your consideration.</p> <p>Sincerely,</p> | |
| 10/3/2017 10:07 | <p>The Salt Lake City Council appears to be leaning toward approving the latest version of the ADU ordinance. We believe this is one of the most important and impactful pieces of legislation the Council will ever consider and that everyone should get involved and express an opinion, especially if you are opposed to this ordinance. There are three things we each need to do: 1. At 7:00PM tomorrow, Tuesday, Oct. 3rd, there will be a public hearing at the City and County building at 451 South State, Room 304. We need a huge showing at this hearing with people signing up to speak, which could be nothing more than expressing opposition - Numbers count! This is late notice, but PLEASE plan to attend and speak at this hearing if at all possible! 2. Also, please go to http://www.slcgov.com/opencityhall and then to the "Accessory Dwelling Unit Changes" topic and express your opinion. Comments will be accepted on this subject for a little while longer, but please do it before the issue is closed. 3. Lastly, please email your comments to the Salt Lake City Council members at council.comments@slcgov.com. Again, there is still some time left to do this, but please do it while there's still time. Together, we might have a chance to keep the City Council from making what we believe will be a big mistake regarding neighborhoods in Salt Lake City.</p> | |
| 10/3/2017 10:08 | <p>Hello, Charlie, We would like to go on record as stating our opposition to ADUs in our neighborhood, the Yalecrest area. I have been dismayed over a number of years with what is allowed to be torn down and replaced throughout the neighborhood and believe allowing ADUs would be the final straw in destroying the charm and uniqueness of the neighborhood. Have you personally seen that huge garage going up behind the house on Fairview? I would love to know who in the SLC planning department approved that monstrosity!! I assume that is what would pass for a ADU? While I know change is inevitable, some changes should not be allowed.</p> <p>Feel free to call me if you would like to discuss this.</p> | |

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| 10/3/2017 10:16 | <p>I have been a resident of the Avenues for over 30 years. These properties have been managed as a single-residential site since the late 1890s. I am only the second owner of this property since the 1890s. When I acquired the property, I restored the Beer mansion and, by removing a variety of sloppy 20th-century add-ons, restored the harness shop to its appearance when it was built in the mid-1860s, and have used it since as a single-family detached rental house. I won an award from the state for its adaptive reuse in the 1980s. My long-term plan was always to restore Dr. Beer's carriage house (at the back of the 222 lot) to something like the way it appeared in 1899--a single-family two-bedroom structure, available for rent with ample room for the storage of "carriages" (now cars!) and for Dr. Beer's liveryman and spouse (who also served as a house servant at the mansion), but, without the livestock. Unfortunately, my plans have been frustrated by SLC Planning and Zoning for going on 30 years. The fact that I rehabbed the harness shop instead of flattening it 30 years ago has counted against me ever since. It's apparently anathema to rehab more than one residential structure on a single lot, even if both are already there. The best P & Z suggestion I could get was to add on to the harness shop to make it a duplex or a triplex by, in effect, re-vandalizing it and tacking on a modern building to the historic structure. This has no appeal for me. I do live here, after all. So I am left currently with an approximate 8500 sq. foot lot with a 500-square-foot building footprint on it, close to the sidewalk, and with no reasonable possible economic use for about 5-6,000 square feet, at the middle of the block, with the carriage-house ruins on it. I suspect this is about the biggest single piece of unused (and legally unusable) land left in the lower Avenues. (To be fair, I did get a second suggestion from P & Z that I could rehab the carriage house ruins into a five- or six-car garage, but this did not seem like a reasonable appurtenance for a one-bedroom house!). My reading of the proposed ADU changes is that I could possibly seek city approval to adjust the lot lines of my properties to make the carriage house ground an "accessory" to the Beer Mansion (which, of course, is what it has been since 1899), and then rehab/rebuild it with concurrence from the neighbors and the Landmarks Office. This would be a "win" for housing supply, for more sensible land use, and for historic preservation in general. If the ADU proposal can move things in this direction, I'm for it.</p> | |
| 10/3/2017 10:17 | <p>Hi Charlie, this voicemail is from the Clarks on Devonshire Drive, calling to say we need to retain single family areas and to say please don't push out everyone who has a vested interest in the City. "Stack n' pack" has a negative effect on people because rental interests overwhelm the community and promote poverty, they report. They support "No" on ADUs.</p> | |
| 10/3/2017 10:21 | <p>Dear Councilmen Luke and Rogers, I live in Yalecrest, which is Councilman Luke's district. I am writing to oppose ADUs in Yalecrest. I am emailing Councilman Rogers because I listened to the recording of the work session where the Council discussed ADUs and Councilman Rogers suggested prohibiting ADUs in historic districts. While not all of Yalecrest is currently an historic district, my neighborhood (1300 South to 900 South, 1300 East to 1800 East) is in the Yalecrest Overlay Zone and ADUs could easily be excluded from that overlay zone. ADUs are not right for this historic, unique neighborhood of Salt Lake City. The neighborhood has a special character that will be detrimentally affected by ADUs. There will be more congestion, more traffic, less privacy, and a reduction of property values. My neighbor is currently building a 22 foot tall garage that was permitted by the City even though the Yalecrest Overlay Zone only allows 15 foot tall garages. I appealed this to the City's appeals hearing officer and she agreed that it was too tall. One of the main reasons I appealed was because the garage looms over my backyard and has front dormer windows that look right into my yard and my master bedroom. My neighbor is putting a full bathroom in the garage, and I suspect that she plans to use it as an ADU. This is a perfect example of why ADUs are not appropriate in this neighborhood--they negatively affect neighboring properties and impact privacy and private property rights. I urge you to vote against Citywide ADUs and vote to exclude them from the Yalecrest Overlay. They are not appropriate in this neighborhood.</p> | |
| 10/3/2017 10:22 | <p>Dear Members: Justifications for changes to existing zoning ordinances should be compelling; they should enjoy broad consensus among the affected population; and they should be supported by local experience with relevant pilot tests of the changes. Justifications for the latest version of the ADU ordinance that is before the Salt Lake City Council are not compelling: the economic and social benefits of the proposed ADU ordinance have been poorly enunciated and documented. The justifications do not have broad consensus: many citizens in the city are adamantly opposed to the ordinance. Finally, the justifications are not supported by the city's experience with ADUs that are currently allowed. In sum, the justifications for the latest version of the ADU ordinance are weak. They fail to justify changes to the existing ADU ordinance.</p> | |
| 10/3/2017 10:23 | <p>Please do not change the boundaries to allow more ADU's in Salt Lake City. Single family housing should be just that, SINGLE FAMILIES! Our neighborhoods are crowded enough with the boom in apartment and town home dwellings for example, in Sugar House. Some residents are already renting out rooms in their houses or renting out their basements. And not to family members. This is already creating parking problems on our narrow streets. Keep our neighborhoods intact with the single family ordinances, period.</p> | 6 |
| 10/3/2017 10:24 | <p>Hello, Charlie, We would like to go on record as stating our opposition to ADUs in our neighborhood, the Yalecrest area. I have been dismayed over a number of years with what is allowed to be torn down and replaced throughout the neighborhood and believe allowing ADUs would be the final straw in destroying the charm and uniqueness of the neighborhood. Have you personally seen that huge garage going up behind the house on Fairview? I would love to know who in the SLC planning department approved that monstrosity!! I assume that is what would pass for a ADU? While I know change is inevitable, some changes should not be allowed. Feel free to call me if you would like to discuss this.</p> | |
| 10/3/2017 10:24 | <p>Please vote NO on the suggested changes to allow ADU's anywhere in the city. Such decisions should be made be individual neighborhoods.</p> | |
| 10/3/2017 10:25 | <p>Dear City Council Members, I want you to know that I strongly oppose the ordinance allowing ADU's in single family zoned areas. I am all for affordable housing but I don't believe this is the way to achieve it.</p> | |
| 10/3/2017 10:26 | <p>Parking is already a nightmare, putting low income families in backyards will just add to the problem. It will cause more crime, crowding, and decrease property values. Worked hard my whole life to be able to live in a nice neighborhood and now you want to fill it with people who do not believe in hard work and paying taxes. Most of these units will subsidized by those of us who pay taxes. it is very unfair!!!!!!!</p> | |

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| 10/3/2017 10:46 | <p>Asking Charlie to vote no against ADU's. own their home is SLC and lived in it for 41 years. They recently put home up for rent and moved temporarily to Irvine, California. Elizabeth said they live in the middle of stack and pack's and are speaking from experience that ADU's will only increase poverty and homelessness in SLC. Elizabeth stated there is 60% poverty in Irvine and that this form of building does not help. That although Irvine was a leader building ADU's that there are now tent city's popping up all over there.</p> <p>Please, I strongly urge you to vote against ADU's in SLC.</p> | 6 |
| 10/3/2017 11:49 | <p>I am unable to attend the hearing this evening regarding the proposal to allow Accessory Dwelling Units in all homes in Salt Lake City currently zoned for single-family homes, which would in effect eliminate single-family home zoning throughout the city. I would greatly appreciate you distributing my concerns to all members of the Salt Lake City Council, and making my comments a matter of record. My name is Craig Peterson, and I reside in Charles Luke's district, 1365 Ambassador Way. For many years, I served as Community and Development Director for Salt Lake City during the transition from a commission form of government to a city council form of government. One of the reasons for this transition to install a council form of government was to insure that representatives would be sensitive to the preservation of neighborhoods adjacent to the downtown. Councils elected since that time have been successful beyond my widest hopes, with vibrant and vital neighborhoods throughout the city. You only need to drive down Bryan Avenue adjacent to Liberty Park or Lake Street east of 7th east or the lower avenues or areas around the Fairgrounds to see amazing changes and preservation. I am proud of our city, and all that has been accomplished. However, I fear this Council may be reverting back to the old Commission form of government where financial gain and "highest and best use" development at all costs is more important than neighborhood preservation. The only reason for such a change is to provide additional revenue to various owners throughout the city by destroying single family dwellings. Once ADUs are approved, single family dwellings are destroyed for ever. The City needs a balance of all types of housing units in the city, particularly with the dramatic change of household size, and proper zoning tools permit this. Please keep the liberal tradition of the City alive, and don't revert to the philosophies we see in the rest of the State where development rules, and neighborhoods are destroyed.</p> | 6 |
| 10/3/2017 12:13 | <p>D6 Constituents, called this afternoon to share with the Council that they oppose the ADU.</p> | 6 |

COMMENTS PULLED 10/12/2017

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| 10/3/2017 15:27 | <p>Hi Charlie, this message is from who live on Devonshire Drive in District Six. They want to register their opposition to pending changes on ADU provisions. They ask for no multiple family dwellings in their District.</p> | 6 |
| 10/3/2017 15:31 | <p>Dear Council- As a resident in District 6, I am firmly against the ADU proposal for the following reasons: - the intent was to create a form of living arrangement that allows us older residents, single parents and families with small children to stay in our homes with a relative or care-giver living on-site. From my analysis this is nothing more than a glorified attempt to broaden and condone rental units in single family neighborhoods since the language of the proposal allows up to three unrelated persons (as specified in 21A.62.040 Definition of Terms, number of residents allowed for a 'family', Part B). We have had this issue of single family housing stock being turned into rental units in our neighborhood and the 'family' definition being ignored time and time again. Requests to City Enforcement fall on deaf ears due to the difficulty to enforce (and determine) the relationships of these individuals. My fear is this ADU and especially the city-wide portion of the proposal will allow my neighborhood to be turned into nothing more than an abusive rental method that will compromise the quality of the neighborhood. I am not a novice on this issue. I was a Chair of the East Bench Community Council for many years, I spent two years working with the SLC Planning Commission on the East Bench Small Area Master Plan and have participated on many City Planning and Zoning issues and policy determinations. Rental unit grievances were the most common complaint (followed by lack of City enforcement on this complaint) that I encountered in my twenty plus years of volunteer service to SLC. I urge you to reconsider the city-wide aspect of this proposal as well as the entire concept of the ADU until it can be better tailored to the intended purpose: mother-in-law apartments - not wholesale transformation of the valuable single-family housing stock that has formed the foundation of this successful community.</p> | 6 |

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| 10/4/2017 9:25 | <p>Good morning Charlie: Please forgive a business email on your day off; I want to communicate an alternative while it's fresh on my mind. Our arguments will be stronger if we propose viable alternatives. I propose the following instead of a change to the zoning of single family dwellings: Focus residential growth in the corridor south of downtown - If the objective is to increase density and provide affordable housing, the blocks south of downtown are ideal for this purpose. For example, the section bordered by 500 South, State Street, 1300 South, and West Temple is close to transit, close to services, close to downtown. It's a logical place for the vibrant city to grow. There is space and need to rejuvenate the area - these blocks are not the ones that get showcased to visiting dignitaries, and we have an opportunity to steer the conversation to gentrify this area rather than piecemealing a solution by implementing ADUs. For example, the Sears block has much unused space that could support some residential/ retail towers without much disruption to existing businesses. The same can be said for the stretch along Main between 900 and 1300 South. Additionally, the NE corner of 700 South and State houses a vacant building that's been empty for a few years, it's an eyesore and could be replaced with housing. It's adjacent to the new homeless resource center, and obviously along transit lines. What's currently in these blocks is not necessarily the wisest use of cubic space - As I drive those blocks south of downtown there are vacancies, blighted and dilapidated buildings, and businesses that could benefit from apartment/urban retail towers like we talked about last week. There is space to construct multi-story buildings and accompaniments like landscaping, transit ways, etc. The tax base from such projects would be far greater than what's currently there - Revenues from new projects can be used to fund further growth long term. Residential towers could have urban retail on the street level for restaurants, grocery stores and other shops. Greater housing numbers get created by these developments - the current proposal to add 25 ADU permits annually affect 25 families. One apartment structure houses 100-300 units, four to twelve times greater than ADUs. One structure could be permitted and constructed within a year, while the ADU process would take four to twelve years to equal the impact of one apartment structure. Transit planning - increased density can create transit challenges, so Main and West Temple between 500 and 1300 South could become one ways on week days between 7:00-9:00 am for northbounders, and 3:00-6:00 pm for southbounders. I'm sure I'm not the first one to think of this, and I realize I'm late to the conversation. I need to add examples and solidify my proposals, but in our discussion about density and affordable housing we have a better way than ADUs. At your convenience I would love to talk further. I'm planning to attend the hearing on the 3rd. Thanks for all you do for our community.</p> | |
| 10/4/2017 13:28 | <p>Council, The all city ADU proposal should not pass. Salt Lake City historically has provided both a multi-family and single family living opportunity. If you travel through the Sugarhouse area which was planned as single family housing given street layout, school plan and access to the more major hub of SLC, you will experience what high density construction has done to traffic, parking, noise and general positive experience in this area. I am aware that more affordable housing is important but if current prices are known, it will be discovered that this high impact housing is not so affordable. Adding to the congestion in all areas of the city or the impact on many of our older schools is not a good answer. I urge you to vote against the all city ADU proposal</p> | |
| 10/4/2017 13:31 | <p>I am writing to advise my non agreement to ADU's in the Harvard/Yale/Yalecrest Zone. This neighborhood has remained unique to its layout for many years and allowing ADU's will have a negative impact on our community. Thanks</p> | |
| 10/5/2017 10:49 | <p>Yes, I support this ordinance if anything, I would like this ordinance to be more robust. Instead of a cap at 25, I would rather 25 be a push in which the council considers adding more ADU's city wide.</p> | |
| 10/5/2017 10:50 | <p>I am opposed to ADU in Salt Lake City, my neighborhood will NOT accommodate more cars parked on the street. Single family neighborhoods should remain as such</p> | |
| 10/5/2017 10:51 | <p>I support the ADU proposal. It is a very important step in creating a more workable, diverse, vibrant, and dense city. The 25 unit cap should be removed, the height restriction should be modified to allow 2nd story units be added to garages, and no parking spaces should be requires as this city is full of parking.</p> | |
| 10/5/2017 10:52 | <p>Pollution, congestion, and horrible roads-enough already. ADU's would worsen those problems and devalue neighborhoods. Our infrastructure is critically under stress don't make it weaker. I've worked all my life to acquire a single family dwelling in a quiet neighborhood. Please don't destroy that common American Dream.</p> | |
| 10/5/2017 10:53 | <p>I would like to show my support to amend the ADU provisions. Please expand and allow ADU's throughout the city. I would also ask that the amount of permits issued per year be increased. I am single, work full time, and go to school full time. Having an ADU would allow me to have some additional income by renting it out. I live in Sugarhouse area and the cost of living is high. I believe it fosters a community of diversity as well as helping those financially, plus helping those help others.</p> | |
| 10/5/2017 10:54 | <p>I am totally against this proposal as other alternatives are more appropriate</p> | |
| 10/5/2017 10:55 | <p>Height restrictions should not be dependent on the primary dwelling. This eliminates a vast majority of potential ADU's about detached garages because most houses are single story and are around 18 feet tall. Make the policy 24 feet high, regardless of primary dwelling. Do not restrict ADU's to just long-term rentals. Short-term rentals should be allowed as it facilitates the home owner to use their rental as they see fit several studies show that short term rentals benefit the city.</p> | |
| 10/5/2017 10:56 | <p>Utterly oppose Do not want more density in my neighborhood. I oppose. You will damage property values. Who benefits-do you have a financial stake in this, I do my home. I moved to my home to get away from high density.</p> | |
| 10/5/2017 10:57 | <p>I do not want more people, more traffic, more crime in my neighborhood. Cannot afford to have property values fall. Can see no advantage to this.</p> | |
| 10/5/2017 10:58 | <p>I am against the ADU proposal. I am against more traffic and people in our neighborhood. We paid premium to live in this neighborhood and do not want to see property values fall.</p> | |
| 10/5/2017 10:59 | <p>no to proposal on ADU's due to safety issues. Small narrow streets. With more cars parked on the street it will be difficult for emergency vehicles and snow plows to navigate.</p> | |
| 10/5/2017 14:48 | <p>James, Please vote against the initiative to allow oversized garages to be built in the Harvard Yale neighborhood or otherwise known as the Yalecrest Overlay Salt Lake City has Unique area and to destroy it with ADU's would be a same. It would add traffic issues and increase the parking problems.</p> | |
| 10/6/2017 10:10 | <p>I strongly appose allowing accessory dwelling units to be built in the Harvard/Yale/Yalecrest area of Salt Lake City as well as the overlay zone which is where we live!</p> | |
| 10/6/2017 15:32 | <p>Dear Mr. Luke, Your efforts to keep ADU's out of the Yalecrest neighborhood will be most appreciated. Thank you.</p> | 6 |
| 10/6/2017 15:36 | <p>I am writing to advise my non agreement to ADU's in the Harvard/Yale/Yalecrest Zone. This neighborhood has remained unique to its layout for many years and allowing ADU's will have a negative impact on our community. Thanks</p> | 6 |

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| 10/6/2017 15:40 | Hi Charlie. My husband and I live in the Harvard/Yale area. We SUPPORT allowing accessory dwelling units in our neighborhood. We believe a diverse community is a healthier, and more interesting one. | 6 |
| 10/9/2017 9:30 | Please don't approve ADU's in the Harvard/Yale and Yalecrest areas! This is a quaint neighborhood that is very much in demand because of that. Please don't allow Garage-ma-hall your construction of garages or houses that tower over the neighbours. | |
| 10/9/2017 9:34 | I just wanted to write to express my full support of the changes you are making to accessory dwelling unit ordinance. I wish there were more of them in Salt Lake as we would love to rent one long term. When we get to the stage where we can buy a home, we would like to be able to construct one as well so we can afford our home. I hope you take our support into account and move forward with amending the current ordinance so ADU's can be more easily permitted and built. Thank you. | |
| 10/9/2017 9:35 | Salt Lake City Council, I am writing to urge you NOT to allow Accessory Dwelling Units in the Harvard/Yale or Yalecrest area. We do not want more traffic, less parking, more crime, less quiet and a less private neighborhood. Keep this historic part of town quaint. | |
| 10/9/2017 9:39 | The Harvard/Yale Yalecrest neighborhoods are not the right place for ADU'S. Please vote NO on this proposal | |
| 10/9/2017 9:40 | I am pleased that you and the council are discussing housing in the city, Ever since we have begun building fixed transportation systems (e.g. Trax and ForeRunner) I have been happy to see Transit Oriented Development as one of our goals and our accomplishments. I think is is reasonable to tie in the development of Accessory Dwellings to Transit, as well. Here is an idea to bruit about: "Development Oriented Transit." This would suggest that bus lines would reorganize themselves in the future in order to serve densely populated sites, and especially those sites with a large concentration of working people who would be more likely to use the transit option. It would also suggest efforts to concentrate the housing for potential transit-riders, so as to attract the most useful bus routes. | |
| 10/11/2017 12:09 | Hello, I support no ADUs in the Yalecrest area. We have so much building going on in our area. I support everyone taking a deep breath and address traffic issues before supporting more cars and people in our community. Thank you Geraldine Storbeck | |
| 10/12/2017 10:51 | ADU Ordinance Discussion SUMMARY for City Council Members A. Overview 1. We understand the legislative authority and responsibility of the City Council for the health, safety and welfare of City residents 2. " Citywide zoning is zoning for no one ADU ordinance supports indiscriminate housing zoning. It currently undermines all zoning across the board for City "One size does not fit all" Rezoning entire City is inappropriate. City's mission to create housing diversity is noble, yet current zoning achieves already that. This is an opportunity to develop the best possible ADU ordinance for addition housing in Salt Lake City NOW in lieu of making continuous future modifications. Each District has unique opportunities and limitations. 3. Our intention is not to be divisive, yet a. City Council progression of the proposed ADU ordinance is a precedence-setting policy, which will have implications for zoning types in residential neighborhoods b. Previous uniform base code allowed rezoning of many areas for developers/builders with the understanding that a percent of lower income housing would be provided in those developments, but the number of affordable units has been few to none. c. The burden of providing affordable housing is being shifted to existing property owners instead of new City development. 4. It is NOT clear how this ADU ordinance a. Helps bring illegal rental units out of the shadows, b. Provides more affordable housing, c. Will influence property taxes d. Will be Enforced on issues of "relatedness or "number of unrelated occupants e. Requirements for a business license f. Differentiates between short and long term rentals. 5. We in District 6 are welcoming neighborhoods. We have a diversity of people, housing stock types (single family, duplexes, house and basement rentals, married student/family apartments and senior assisted living), sizes and affordability on the East Bench. All types have proximity to large educational institutions, business and cultural venues that shaped the development on the East Bench, but no public transportation. 6. Lack of National/State/Local Experience a. Although other surrounding states have accepted this type of zoning, there is insufficient experience to evaluate the PROS and CONS of such zoning b. Some Cities have limited areas for ADUs based on overtaxed infrastructure and topographical challenges c. 2017 League of Cities and Towns Conference: ADUs was major topic of local negative experiences with ADUs being used to provide University student housing. d. SLC experience on rentals: Avenues neighborhood experienced the subdivision of large houses into 4-5 small rental units which sadly led to the deterioration of physical structures, loss of home values, loss of neighborhood identity/cohesiveness and increased crime. 7. | |

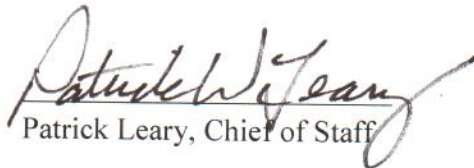
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| | <p>CONTINUED: You don't want to be the leadership that repeats those bad lessons of yesterday B. Reasons for District 6 removal from ADU boundaries 1. Choice of Housing Options: Single Family Housing a. City Council has provided a vision for multiple types of housing in the City b. Single family housing is another viable housing choice c. SLC is one of the envy of a multitude of mid-sized Cities in having well-maintained, viable single family housing neighborhoods within City limits. d. The more options a City has to offer for housing, the more diverse the people living in the City. e. The East Bench has a broad array of viable and affordable housing types currently available (single family owner occupied and landlord rentals, duplexes, apartments, grandfathered basement rentals, University family/married student housing and Assisted Senior Living facilities). f. Disruption to neighborhood identity and cohesion. Mixing multi-family housing within single-family housing zoning is disrupting to neighborhood identity and cohesion. Current national discussion focuses on building neighborhoods, not disrupting them. Diversity of housing stock was used in the development pattern of Yalecrest where duplexes are located on many block corners. g. Disruption of neighborhood and identity often results in mass exodus of single family housing owners out of cities and into the suburbs"Note that experience in mid-to large size Cities in 1960-70's leaving blighted neighborhoods and poorly maintained rentals that resulted in the deterioration of the inner city. It took another 40 years before new families and house values returned. The Avenues experience. h. Institutional Impacts: ADU ordinance will increase student housing in residential neighborhoods surrounding Higher Education Institutions on East Bench (Westminster and University of Utah) leading to their deterioration, noise complaints and crime i. Please do not make the mistake of compromising single family housing as a housing option only to yearn 5 years later (like East Central City) for those smaller, viable and affordable, single family houses 2. Public Infrastructure ADU Ordinance claims that ADU offers a "more efficient use of public infrastructure which makes "purposeful use of embodied energy already contained within existing structures"YET a. Density Matters: overcrowding effects on green space, health, safety and welfare (crime). b. East Bench public infrastructure is severely overtaxed (water, sewer, storm drains, and traffic flow), due to its date of development and proximity to large educational and health institutions, businesses and cultural entertainment entities located on the East Bench. c. "One size does not fit all"€Historic districts, property lot sizes, fire danger, flash flood potential associated with slope topography, public utility infrastructure CA state law: Choose the right area for ADUs.</p> | |
| | <p>CONTINUED: If an area is a fire risk area such as East of Foothill Drive, or if area has overtaxed water, sewer lines, traffic flow use. 3. Transportation a. We strongly support ADU creation/development near public transportation service (fixed station and public bus service) b. Currently, there is low-level public transportation service provided on the East Bench (local, visitor and commuter). c. There is a mistaken view that the East Bench is an idyllic, quiet area of SLC, yet the sheer volume of nonpermanent persons and vehicles support a different experience 1) # Cars on Foothill Drive (50,000 cars/day), 2) # UU students (FTE, PTE) enrollment (32,388), on-campus student housing (4,350) constitutes a 7.5X deficit in housing 3) # Employees in Medical Facilities on the East Bench (total 37,113): UU campus & Med Center, Primary Children's Hospital employee and VA employees 4) # Visitors to the East Bench Medical facilities (University of Utah, and VA) are 1,400,000/yr and growing 5) Research Park (127,056/yr) 6) Ft Douglas (103,416/yr) 7) 3 of the 5 cultural venues Utah visitors visit are located on the East Bench (2,041,000/yr): including Zoo, Natural History Museum of Utah, This is the Place Monument, Red Butte Gardens, Utah Museum of Fine Arts. d. Level of transport service matters 1) Walking distance less than ¼ mile 2) Frequency 3) 18 hour service over 24 time frame 4) Local resident, visitor and commuter needs vs residential neighborhood overflow e. Question: Why does the SLC Transit Master Plan not mention public mass transportation on the East Bench? The East Bench Master Plan states public transportation needs. D. Health, Safety and Welfare (Lynn) 1. Health a. Land use efficiency does not equate to health efficacy Overcrowding is bad for health: well-known overcrowding stress studies have effects on height, weight, immunity, illness, aggression, and crime. b. Density Calculation: 1) Note that the density calculation is NOT based on size and number of structures on a given property parcel size 2) Density calculations are based on public utility service demand. 3) ADUs in current ordinance do not require separate metering for public utilities. 4) If increase rental properties is the objective of the ADU ordinance, separate utility metering of those units must be required. c. ADU-associated vehicles (within and outside District 6) add to density of commuter traffic on the East Bench of District 6, further compromising air quality due to deficits due to deficits in both fixed and bus public transportation and is in direct conflict with the City's Clean Air Initiative. 2. Safety in District 6 a. Fire 1) Emergency vehicle Access on East Bench is compromised by a) Driveway Tandem parking on narrow driveways 10' wide with detached garages is difficult logistically b) Narrow Roads in District 6 residential neighborhoods with concurrently parked owner vehicles + construction vehicles make 2 way traffic passage and emergency vehicle navigation almost impossible.</p> | |

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| | <p>CONTINUED: 2) Cross fire contamination between closely contiguous structures on small lots and abutting property parcels a) Detached structures set on or 1' interior to property lines are vulnerable to cross fire contamination within and between property parcels. b) Resulting unintended abutting property owner damage from detached ADUs. 3) The urban/wild land interface is a grassland fire hazard a) Foothills covered with the invasive, highly flammable "cheat grass" and canyon winds (source of many Western US wildfires) see https://www.usu.edu/weeds/plant_species/weedspecies/cheatgrass.html b) East Bench grass fires are a significant public safety issue to local residential neighborhoods and the larger City safety (remember the massive foothill fires of early 1990s) b. Seismic Issues High risk Seismic activity zone with major fault lines at 1300 East and running along the Wasatch foothills. c. Superfund Site 1) District 6 and 5 are part of the declared a Superfund Site (VA, EPA and UDEQ) for the 700 South 1600 East PCE (tetrachlorinatedethylene or perchloroethylene) Plume. 2) Anticipated to require 10 years for cleanup d. Snow removal 1) Narrow, steep, winding roads East of Foothill Drive make snow removal and navigation very hazardous with more on street parking. 2) Residential neighborhoods west of Foothill Drive located on east/west roadway streets are narrow with on street parking on both sides of the road, obstructing road snow removal. e. Flash flooding 1) Slope overbuilding, increased hard, impervious parking lot surfaces at UU, Research Park, cultural and shopping sites lends itself to large surface water drainage 2) Nonexistent or insufficient and undersized storm drains leads to flash flooding in small creeks and roadways west of Foothill Drive with damage to property owners and public green space 3. Welfare a. Unintended consequences 1) "Methods of Creation Section D1-4 of current ADU ordinance a) Teardowns: the new construction wording will unintentionally allow teardowns of viable, affordable historically contributing houses to construct new incompatible housing structures with either attached or detached ADUs We are emphatically against teardowns in historic neighborhoods in District 6 (LHDs and National Register of Historic Places). This practice is against previous City Council approved Master Plans to protect such neighborhoods as stated in the East Bench Master Plan (2017) and the Salt Lake City Community Preservation Plan (2012) b) Skybridges/breezeways: the "new construction" wording will unintentionally allow 2nd story walkways (skybridges) to connect detached ADU structures to the principal dwelling Single Family Housing. Loss of contributing Historic structures in City and National Register of Historic Places designated areas.</p> | |
| | <p>CONTINUED: We are resolutely against opposed the use of elevated skybridges or breezeways between the principal dwelling and detached ADUs or additions in District 6. 2) Extension of University student housing into residential neighborhoods. There is a 7.5 X deficit of number of students enrolled in the University of Utah (32,388) compared to student housing available (4,350). District 6 does not want to become an extended UU student housing project. City needs to institute a ban We are resolutely opposed to using the ADU ordinance to create attached or detached ADUs in residential neighborhoods surrounding Institutions of Higher Education. City needs to institute a ban on ADUs within a particular distance from institutions of Higher Education. b. Advance notification of abutting property owners. We SUPPORT 60 day advance notification of abutting property owners and an appeal process for both applicant and abutting neighbors who oppose the ADU. c. ADU size: 1) Maximum ADU size should be set at "650 SF or 50% of footprint whichever is lesser" for ADUs. a) We do not support the use of "Gross floor space" to calculate the ADU size. b) ADUs (attached or detached) on small property parcel lot will have a higher density "feel" size in historic neighborhoods if more than 650 SF above grade is allowed. c) "Gross floor space should be changed to "floor space above grade or "perimeter, whichever is less" 2) Maximum size for ADUs above detached garage (DGADU) should be calculated on the "50% of the footprint of the garage" not the principal dwelling. ADU living floor space in a detached garage should occur within the gables of the roof to prevent overly tall garages. d. Rooftop gardens, decks and balconies on ADU rooftops. 1) These amenities will increase noise and privacy complaints by abutting property owners. 2) We do NOT support these inclusions on ADUs. e. Design Review 1) Design review will be important in historic neighborhoods and those neighborhoods with sloped lots. Garages should have similar pitches as the principal dwelling. 2) We SUPPORT creation of a Design Review process for size, scale and architectural compatibility). No design review proposed in ordinance. "Compatibility will not be insured with loss of contributing status in historic principal dwellings. District 6 has NRHP designations. No protection for these desirably neighborhoods. f. On-street Public Parking 1) Shared concern of citizens who supporter and oppose at Sept 26 CC public hearing 2) Maintain ADU creation in City areas within ¼ mile of public transportation Fixed station or bus transportation service availability will obviate the issue 3) ADU-associated vehicles must be resident-permitted to park ONLY in front of ADU containing owner occupant residence. g. Insufficient Text in need of clarification 1) ADU ordinance currently does not DENY or SUPPORT rentals a) When is an ADU a rental? When is it not? IF not, what is it? b) When is an attached addition NOT an ADU? c) Who needs a business license? Who does Not? d) Who pays rent? Who does not? e) Who is related? Who is not? How to enforce? f)</p> | |

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| | <p>CONTINUED: How are ADUs different from AirBnB, VRBOs? Differentiate in the ordinance. g) Eliminate the use of 2nd story walkways (skybridges) connecting principal dwelling to detached independent ADU and Garage ADUs. 2) Enforcement: a) Citizen required complaint reporting for enforcement of noncompliance pits neighbor against neighbor degrading neighborhood cohesion. Create a passive (citizen)/active (City enforcement) reporting system. b) When is a building permit for an "addition to principal dwelling" really an ADU? c) Proof material required of determining "Relatedness" Criteria required to defined and document "Number of unrelated occupants" in the family unit living in an ADU e) Assurance of appropriate licensing requirement 3) Due Process: The proposed ordinance does not provide a description of due process for abutting neighbors who oppose an ADU application. 4) Better descriptions/guidelines needed to differentiating ADU types: a) Attached internal (AIADU), Attached Addition (AAADU), Detached Independent structure (DIADU), Detached above Garage ADU (DGADU), Internal footprint repurpose ADU (en suite, basement IRADU). b) "One size, one type does not fit all neighborhood" Internal ADUs are appropriate everywhere, detached ADUs are not. 5) Impact fees on public utilities, water, sewer need to be declared/stated in the proposed ordinance 6) Density calculation: ADUs must be included in the "Density calculation ADUs must be required to have separate public utilities meter(s) 7) A 3 year absence of owner occupant is allowed, but clarification needed for a) What situations qualify (assisted living? Sabbatical, missions, prisoners?) b) Relocation of owner occupant to Assisted Living (in or out of state) should be held to same terms c) What is allowed to be rented in the above situations and what is not (missing owner occupant)? E.g., principal dwelling only vs ADU only vs both? All must be specifically addressed. d) What happens after 3 years of absence? e) If not addressed, it will be allowed according to recent State Law changes. D. Text in ADU Ordinance needing attention/review PURPOSE STATEMENT 1. B2b----Change "temporarily" to less than one year. Change would make Ordinance easier to administer and avoid inconsistencies as it would establish a specific maximum amount of time. 2. D----Delete "but not limited to". If this phrase is left in, it means there are no fixed rules, and that the City can agree to anything it wants to define as acceptable for an ADU. Not only would this lead to inconsistencies on the part of the City, but would also establish a policy that the City has the right to approve anything that is proposed. This would almost certainly also result in more contentious arguments between neighbors, and would make the City's administration of the Ordinance a nightmare! 3. D3----This section is very confusing. Add a #6--No covered walkways or 2nd story skywalks can be used to convert an otherwise detached ADU into qualifying as an attached ADU. GENERAL REQUIREMENTS</p> | |
| | <p>CONTINUED: 1. 1d---- need to clarify if this allows owner to have 2 rentals when absent? 2. 1d2----should also be limited to 3 years, as someone could be in "assisted living" for 15-20 years 3. 1e----specify 3 individuals instead of referring to Section 21A.62.040 to avoid unintended changes to this Ordinance. DESIGN REQUIREMENTS 1. c(1)----City staff indicated they were of the understanding that the following should be added at the end of the sentence---"or six hundred fifty (650) square feet, whichever is less". If this is not added, then "gross floor area" in c1, 2, and 3 should be changed to--"principal dwelling footprint", not including the garage. If the wording is not changed to "footprint", having a 2000 sq. ft. main floor with 2000 sq. ft. in the basement and the upstairs would allow an ADU of 3000 sq. ft. 2. d(1)----insert exceed "the height of " of the principal---and add at end of sentence---dwelling as it existed in 2017. This change will avoid owner/developer adding to main dwelling or leveling original dwelling and building a bigger house to justify a bigger ADU. 3. g----delete and clarify no "outdoor decks and balconies" for privacy, noise and view issues, if it is retained, need to clarify that nothing on deck or patio can exceed height restrictions. 4. h----Parking---should be returned to what is in existing Ordinance---2 off-street parking places for 2 or more bedroom ADUs to reduce the the concern about on street parking expressed by both those in favor of and opposed to ADUs. Doesn't make sense to increase potential size of ADU, as compared to the existing Ordinance, and then reduce off street parking when everyone is concerned about impact of on street parking. 5. h----Parking---in response to our concerns about criteria, City staff indicated it should read 2a and 2b, not "or"----we agreed. 6. h----"congestion" needs to be defined to ensure consistency. REPORTING 1. Annual report should also include comments submitted by owners of abutting properties and those across the street. REGISTRATION PROCESS 1. 1a-----change to 60 days to ensure those on an extended absence or vacation have a reasonable chance to provide comments. 2. 1b----add v. the City will be responsible for enforcement of this Ordinance. EDITORIAL SUGGESTIONS 1) When there are 2 or more items listed under an item, they should always be separated by an "and" or "or" to clarify intent. 2) Make sure that the words "dwelling unit", "accessory dwelling unit", "principal dwelling" etc. are all used consistently throughout document. E.g. are dwelling unit and principal dwelling the same? E. Closing remarks 1. We understand and respect the issue of "Fairness, Fairness includes "One size does not fit all" Some Districts at first public hearing Sept 26 requested a. Increased options b. Increased permits/year c. Increased clarity on ADU-associated vehicle parking. 2. We support each District's self-determination whether they 1) want ADUs, 2) location(s) of ADUs, 3) types of ADUs, 4) number of ADUs per year. District 6 does NOT currently support ADUs</p> | |
| | <p>CONTINUED: 3. One size does not fit all is bad public policy. District 6 has some unique infrastructure and transportation service issues that need to be addressed before the City goes forward with citywide application 4. "Citywide zoning is zoning for no one Cities thrive with different areas that offer different amenities for different people. 5. District 6 has some unique characteristics. a. District 6 has unique developmental patterns, historic neighborhoods, and deficits in public transportation service; fire/seismic/flash flood/hazardous waste superfund site issue with significant institutional/corporate/culture site impacts. b. Location abutting the University of Utah and its 8X deficits in student housing c. We oppose eliminating single family housing neighborhood zoning. d. We oppose any above grade ADUs in historic neighborhoods e. Each City Councilperson knows what fits and what doesn't fit for their District, Please respect City Council members and their constituents who may not want ADUs and those who do. 6. Please respect City Council members and their constituents who may not want ADUs and those who do. 7. District 6 and our representative on the City Council supports removal of District 6 from the proposed ADU Ordinance boundaries.</p> | |



CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: May 22, 2017

Date sent to Council: May 23, 2017

TO: Salt Lake City Council
Stan Penfold, Chair

DATE: _____

FROM: Mike Reberg, Community & Neighborhoods Director 

SUBJECT: Additional information on petition PLNPCM2014-00447 to amend City Code 21A.40.200 Accessory Dwelling Units.

STAFF CONTACT: Michael Maloy, AICP, Senior Planner, (801) 535-7118

DOCUMENT TYPE: Information only

RECOMMENDATION: That the City Council schedule a briefing and public hearing on Petition No. PLNPCM2014-00447 for the accessory dwelling unit ordinance amendment.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: On January 17, 2017, the City Council was briefed on petition PLNPCM2014-00447 to amend the accessory dwelling unit ordinance. During the work session, the City Council requested additional information on several issues relative to the proposal. As directed, staff conducted the additional research and prepared the following response for consideration.

Question How will Salt Lake City enforce ADU provisions such as owner occupancy, parking, and short term rentals?

Answer *Enforcement of the zoning ordinance is a responsibility of Civil Enforcement. Civil Enforcement is part of the Building Services Division, which is within the Department of Community & Neighborhoods. As a matter of city policy, a zoning enforcement action is initiated in response to a "complaint"—which may be submitted anonymously to the city. However, enforcement may be initiated by the city if there is a visible threat to life, health, or safety. Currently, there are seven (7) full-time civil enforcement officers that compass the city and enforce zoning ordinances.*

City Code specifies fines for violations. Chapter 21A.20 regulates enforcement of Zoning Title 21A. Within this chapter, the following provisions establish civil penalties for violation:

21A.20.040 Fines for Violations:

- A. Violations of the provisions of this (Zoning) title or failure to comply with any of its requirements shall be punishable as a class B misdemeanor upon conviction.
- B. This title may also be enforced by injunction, mandamus, abatement, civil fines or any other appropriate action in law or equity.
- C. Each day that any violation continues after the citation deadline shall be considered a separate offense for purposes of the fines and remedies available to the city.
- D. Accumulation of fines for violations, but not the obligation for payment of fines already accrued, shall stop upon correction of the violation.
- E. Any one or more of the fines and remedies identified herein may be used to enforce this title.

21A.20.050 Civil Fines. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars (\$25.00) a day per violation for properties in residential zoning districts and one hundred dollars (\$100.00) per day per violation for properties in nonresidential zoning districts.

21A.20.060 Daily Violations. Each day a violation continues after the citation deadline shall give rise to a separate civil fine.

21A.20.070: Compliance. The city may use such lawful means as are available to obtain compliance and to collect the amount of any fines accrued, including costs and attorney fees.

Enforcement begins with permitting. Whether a proposed ADU is located within an existing or new structure, the permitting process will require the following steps to ensure compliance with all applicable regulations, including building, fire, health, and zoning codes:

- A building permit application must be submitted, reviewed, and issued by the city—even if the proposed ADU has already been constructed. For example, if a property has a pre-existing but unlicensed accessory dwelling unit it must be *brought into compliance with all applicable regulations*, including current building code.
- The proposed ADU must pass all required building inspections to ensure compliance with *current* City Code and adopted regulations.
- The city will record with the Salt Lake County Recorder a “deed restriction” that states “the owner occupant must occupy the property as required” by City Code. Such deed restriction shall “run with the land” until the accessory dwelling unit is abandoned or revoked. When the property is sold, subsequent

owners will be notified of the owner occupancy requirement through the property title report.

- If a property owner intends to rent an ADU, the owner must obtain an annual Salt Lake City Business License, however participation in the “Good Landlord” program is optional.
- Once the property owner has complied with all applicable regulations, and the ADU has passed inspections, a “certificate of occupancy” will be issued by the city.

Owner occupancy is enforceable. Regarding enforcement of the “owner occupancy” requirement, which is part of the existing ordinance and proposed amendment, Planning Division staff is confident that the regulation is enforceable. The provision is derived from a regulation adopted by Provo City in April 2000, which was challenged in 2005 by property owners in *Anderson v Provo City*. The owner occupancy requirement was successfully upheld by the Supreme Court of Utah, which concluded:

“In allowing property owners in some single-family residential zones near BYU to rent accessory apartments on condition that the owner resides in the primary dwelling, Provo has struck a balance between providing more housing alternatives and availability in these neighborhoods and preserving their single-family residential character. The provision at issue here places no restriction on owners' right to rent their primary residence but merely regulates a secondary use that could otherwise not be available at all. We hold that the owner occupancy requirement for accessory apartment rental is within Provo's zoning power, does not violate owners' constitutional rights to the uniform operation of laws, to equal protection, or to travel, and is not an invalid restraint on alienation.”

If a complaint is received regarding compliance with the owner occupancy provision, the property owner of record will be required to produce documentation—specified in City Code—to verify occupancy. If the property owner no longer occupies the property, the ADU would be subject to enforcement procedures, which may include civil fines, permit revocation, and removal of the ADU.

Common but questionable. However, it should also be noted that some residents have questioned or criticized the owner occupancy provision, and several northwestern cities have recently removed or avoided owner occupancy requirements for ADUs, such as Vancouver, Richmond, and Victoria, BC; Portland, Bend, and Ashland, Oregon; Yakima, Washington; and Nampa, Idaho. According to a 2013 article published by Sightline Institute, an independent, nonprofit research and communications center, it concluded:

“This rule (owner occupancy) gives bankers the jitters, which prevents many homeowners from securing home loans to finance the ADU construction. Owner occupancy sharply limits the value appraisers can assign to a house and ADU and makes the property less valuable as loan collateral. If a bank forecloses on a house and suite covered by an owner-occupancy rule, it cannot rent out both units.

Portland repealed its owner occupancy provision in 1998, but most other communities retain the rule.”

In general, ADU proponents have accepted owner occupancy requirements as a distinguishing feature that separates ADUs from other land uses, such twin-homes or duplex dwellings. Owner occupancy provisions have also made ADUs generally more acceptable in existing single-family residential neighborhoods.

Off-street parking required. Regarding parking, the proposed amendment requires one off-street parking stall for an ADU. The location and dimensions of the stall must be shown on a site plan and constructed prior to occupancy. The parking requirement may be modified if the property is within ¼ mile of a fixed rail station.

On street parking regulated. On street parking is enforced by Parking Enforcement which is part of the Salt Lake City Public Services Compliance Division. If necessary, a Salt Lake City Police Officer may also enforce parking regulations, which includes the following City Code, which is applicable in all residential districts:

12.56.440 Stopping, Standing or Parking, Prohibited in Certain Areas.

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:
 - 1. On a sidewalk area;
 - 2. In front or within five feet (5') of a driveway;
 - 3. Within ten feet (10') of a driveway, on Mondays through Saturdays (except holidays) between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., when a mailbox is located within five feet (5') of such driveway;
 - 4. Within an intersection;
 - 5. Within five feet (5') of a fire hydrant, as measured in both directions along the street or highway curb line from the line extending from the center of the hydrant to the curb line at its nearest point;
 - 6. On a crosswalk;
 - 7. Within twenty feet (20') of a crosswalk at an intersection;
 - 8. Within thirty feet (30') upon the approach of any flashing beacon or traffic control device located at the side of a roadway;

With regard to “short term” rental of a dwelling, Salt Lake City Code 5.14.010 defines a “rental unit” as a building or portion of a building that is:

- A. Used or designated for use as a dwelling by one or more persons; and
- B.
 - 1. Available to be rented, loaned, leased, or hired out for a period of one month or longer; or
 - 2. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.

Through application of this definition, the Salt Lake City Business Licensing Division classifies any “business” that offers a rental agreement for less than 30 days as a type of

commercial lodging service. As such, a short term rental property may not be licensed in most residential zoning districts.

- Options*
1. To broaden applicability of ADU regulation, remove owner occupancy requirement.
 2. To increase off-street parking, require 1 parking stall for a 1 bedroom unit, and 2 parking stalls for a 2 bedroom unit, which is consistent with the existing ADU regulation.

Question. How does Utah Code impact or regulate short term rentals, like those advertised through Airbnb.com?

Answer. *Little or no impact.* During the 2017 General Session, the Utah State Legislature passed House Bill (HB) 253 entitled Short-Term Rental Amendments. HB 253 states that a municipality may not:

- a) Enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
- b) Use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

Essentially, HB 253 prohibits a city from using a “short term rental website” as evidence for enforcement, and a city may not “fine, charge, prosecute, or otherwise punish” an individual for “listing” a short term rental. However, HB 253 does not prevent a city from prohibiting short term rentals. HB 253 was signed by Governor Herbert on March 24, 2017, and will be effective on May 8, 2017.

While the impact of short term rentals on long term or affordable housing is unknown, some preliminary research has been published by accessorydwelling.org, which is a proponent of ADU development. Within an online article entitled “Will Short Term Rentals Actually Reduce Long Term Housing in Granny Flats?” published in 2016, several observations were made:

- Based on research of listings on Airbnb, most short term rentals are “short lived” and listed for less than one year.
- How an ADU is used may change quickly and easily, but long term rental is generally the preferred or “fall back” option.
- In an Oregon survey, 90% of respondents who use their ADU for long term rental plan on maintaining that use.

Within this article, the author speculated that short term rental listings do not last because “operating a short term rental is a lot of work” or “there is no financial advantage to operating a short term rental when long term rental (rates) are fairly high.”

Case Study. For more information on the impact of short term rental policies on long term use of dwelling units—including accessory dwelling units—in Santa Cruz, California, and Portland, Oregon, City Council members may review an online article

at <https://accessorydwellings.org/2016/04/04/adustr/>, which was published in 2016 by accessorydwellings.org, a proponent of ADU development.

- Option* 3. To prohibit short term rental of ADUs and promote affordable housing, specify duration of a rental agreement for an ADU must be a minimum of 30 consecutive days within residential zoning districts that currently prohibit short term rentals.

Question. How will ADUs contribute to affordable housing stock?

Answer. *Smaller dwellings, smaller rents.* In response to this question, Planning Division staff offers the following information:

- In general, the average per square foot construction costs of a detached ADU are similar to a single-family home. However, an “internal” or “attached” ADU is generally less expensive to develop than a detached ADU.
- The primary “cost savings” associated with ADUs are “land costs” that have already been factored in the purchase price of a single-family home. A secondary cost savings may be derived from sharing utilities or other existing features, such as a driveway.
- While construction costs may be similar to other forms of residential construction, because ADUs are smaller than conventional dwelling units, ADU rental fees tend to be lower or more affordable than nearby dwelling units.
- “In general, due to their smaller unit sizes, ADUs should occupy the lower end of the rental spectrum. As an NYU Furman Center working paper noted: ‘Micro-units [ADUs and compact apartments] in many cities frequently rent at rather high rates per square foot, but at lower total monthly rent levels, than larger apartments.’ In this sense, ADUs remain a source of affordable housing. In supply-constrained housing markets, any production of additional dwelling space will help ease rental market pressure, and production of low total rent units is all the more welcome” (see Exhibit 1 – *R Street Policy Study No. 89 March 2017 Accessory Dwelling Units*, p.3).
- “Further, as Brown and Palmieri note, the zero and below-market rents that are presumably charged to family members or friends should not be dismissed. Voluntarily discounting rent to those with whom the property owner has pre-existing relationships is still a provision of affordable housing. Where the housing is provided to elderly relations who might otherwise require costly personal care, it also represents a potentially large government savings” (see Exhibit 1 – *R Street Policy Study No. 89 March 2017 Accessory Dwelling Units*, p.3).

Case Study. For information on the impact of accessory dwelling units on affordable housing, City Council members may review an online article at <https://accessorydwellings.org/2014/08/07/do-adus-provide-affordable-housing/>, which was published in 2014 by accessorydwellings.org, a proponent of ADU development.

Question. Does the City of Durango, Colorado have a “good feedback loop” between the city and the public regarding ADUs?

Answer. *Public notice required.* Planning Division staff spoke with Heather Bailey, a planner for the City of Durango, Colorado, about Durango’s accessory dwelling unit regulation, which was adopted in 2014. To educate residences on ADUs, the City of Durango produced a 6 minute video called “Know Your ADUs” and a two page “Land Use & Development Guidebook” (see Exhibit 2 – Development Guidebook).

Durango requires a property owner obtain a “limited use permit” prior to building an ADU. The limited use permit (LUP) process requires the city to mail a public notice to all property owners within 300 feet of the proposed ADU prior to making an administrative decision by staff. No public meeting is held for the administrative process. The purpose of the LUP process is to (1) notify neighbors of the proposal, and (2) discover relative information that may be unknown to the applicant or staff. If the proposal is deemed compliant, the *ADU must be approved regardless of public concern or opposition.* According to Ms. Bailey, Durango is pleased with the LUP process and results.

Durango’s LUP process is similar to the “special exception” process used by Salt Lake City for legalization of excess dwelling units” currently authorized in section 21A.52.030 of City Code. For reference, staff has summarized and compared both processes in the following table:

| Process | City of Durango Limited Use | Salt Lake City Special Exception |
|------------------------|--|--|
| Pre-application | Required | Optional |
| Notice | Public notice required within 300 feet | Public notice required for abutting residents and property owners |
| Authority | Staff will approve, approve with conditions, refer to the Planning Commission, or deny the application | Administrative review by staff, but refer to Planning Commission if reasonable objection is received. May be denied for failure to comply with standards |
| Appeal | Administrative decisions may be appealed to the Planning Commission. All Planning Commission decisions may be appealed to the City Council | Administrative decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to an Appeals Hearing Officer. Any subsequent appeal is to 3 rd District Court |

Regarding special exceptions, Salt Lake City Code provides the following purpose statement and definition:

21A.52.010 Purpose Statement. The planning commission or historic landmark commission may delegate its authority as necessary to the planning director to make a determination regarding special exceptions. The planning director may approve the special exceptions authorized by this title in accordance with the procedures

and standards set out in this chapter and other regulations applicable to the district in which the subject property is located.

21A.52.020 Definition. A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.

However, based on research and recommended best practices, the Planning Division has advocated ADUs be classified as permitted uses, which means that a permit to build an ADU relies solely on compliance with established City Code and applicable regulations, such as the Uniform Building Code and the International Fire Code. This approach is also consistent with the existing "detached dwelling unit" regulation in Form Based Urban Neighborhood zoning districts (see section 21A.27.030 of City Code).

- Option* 4. To notify neighbors of a pending ADU development, amend the proposal to incorporate *one* of the following options:
- Specify an application and administrative review process that includes notification of abutting property owners and residents, *or*
 - Specify an application and administrative review process that includes notification of property owners and residents within 300 feet, *or*
 - Reclassify ADUs as a special exception, which would require amendment of section 21A.52.030, entitled Special Exceptions Authorized.

PUBLIC PROCESS: A detailed history of the public process for the proposed accessory dwelling units ordinance amendment is attached to the January 17, 2017, City Council Staff Report.

EXHIBITS:

1. R STREET POLICY STUDY NO. 89 ACCESSORY DWELLING UNITS
2. DEVELOPMENT GUIDEBOOK

1. R STREET POLICY STUDY NO. 89 ACCESSORY DWELLING UNITS



Free markets. Real solutions.

R STREET POLICY STUDY NO. 89
March 2017

ACCESSORY DWELLING UNITS: A FLEXIBLE FREE-MARKET HOUSING SOLUTION

Jonathan Coppage

INTRODUCTION

Much of the American built environment was constructed in the post-World War II era, when government policy and planning fashion favored a highly dispersed development model centered on the primacy of the single-family detached home. Subsequent developments in zoning law tended to further privilege and protect the single-family detached home from any neighboring diversity of land use or building form.

As a pattern popularized at the peak of American nuclear family formation, such models initially met consumer preferences and served the needs of many. As the 20th century progressed, however, American demographic patterns and housing needs dramatically changed. The built environment was, by this point, too calcified by accumulated land-use regulations to adapt to these changes, producing significant distortion in high-demand housing markets and unresponsive legal environments across the country.

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As housing supply constraints choke productivity in hot economic regions, and household structure and demographics continue to shift nationally, significant public-policy debates have been opened about the appropriate responses to these developments. These range from debates over national entitlement programs like Social Security and Medicare to battles over gentrification in urban centers. The political disputes often are characterized by high tempers and little perceptible progress.

While these important, high-intensity debates continue, there is opportunity simultaneously to pursue lower-profile solutions that could alleviate pressure on the market, even if they cannot provide complete resolution to all of its problems. One supplemental policy priority would be to ease significantly existing obstacles to the construction and permitting of accessory dwelling units in single-family residential zones.

ACCESSORY DWELLING UNITS

An accessory dwelling unit (ADU) is defined as “a secondary dwelling unit with complete independent living facilities for one or more persons” on a single-family lot, whether attached to the primary structure, detached from it or contained within it.¹ ADUs commonly are referred to by a wide variety of less formal names, including “granny flat,” “mother-in-law suite,” “carriage house,” “secondary unit” and “backyard cottage.”

ADUs, then, are dependent apartments built onto otherwise typical single-family homes. They are often created by means of garage conversion, basement finishing, wing addition or even as free-standing construction behind a house. A fully independent ADU will contain its own entrance and full kitchen and bathroom facilities; it may even have separate

1. California Department Housing and Community Development, “Accessory Dwelling Unit Memorandum,” December 2016. <http://www.hcd.ca.gov/policy-research/docs/2016-12-12-ADU-TA-Memo.docx.pdf>

and independent utility metering. While there was significant scholarly interest in ADUs in the 1980s, it waned until recent years, leaving a relative shortage of studies of and data on the current state of secondary units. Filling the informational gap could prove especially difficult, given the large proportion of secondary units that exist as illegal conversions, without permits or official recognition in government databases. One 2001 study estimated that fully one in five San Francisco residential buildings included an illegal secondary unit² and that supply-constrained coastal cities could expect 2 to 10 percent of their housing stock to be illegal secondary units.

The ADU is starting to recover attention, as demographic shifts also lead many groups to revisit accessory dwelling units as an option for the increasing number of multigenerational households. There are any number of causes of this trend, including the aging of the baby boomer generation, a persistent “boomerang” young adult cohort, and growth in the Hispanic and Asian populations. Moreover, housing shortages in hot urban markets have raised interest in creative means to expand supply.

Before accessory dwelling units can be brought to bear on those challenges, however, there is a need to popularize and pass significant reforms to accommodate this flexible, free-market solution.

BRIEF HISTORY OF ZONING

The basic tenets of American zoning were set by the mid-1930s, which is also when the federal government began to provide assistance to the detached single-family house as an ideal base for American life.³ In the postwar period, the relatively simple and compact single-family zoning pattern—originally designed to protect residential neighborhoods from noxious industrial activity—was expanded and complicated, with explicit federal housing policies that reinforced single-family housing on ever larger lots with rapidly diminishing tolerance of diversity. Zoning shifted from prohibiting industrial and commercial development in residential zones to prescribing the shape and structure that residential housing could take within those already protected neighborhoods.

As University of Chicago’s Emily Talen wrote in her book *City Rules*: “The zoning changes of one small town in central Illinois, Urbana, home of the University of Illinois, illustrate

the traditional progression.”⁴ As she recounts, Urbana’s first zoning ordinance was passed in 1936, but there were no minimum lot widths and no lot areas were required per unit until 1950. In 1950, six zones were introduced, two each for residential, commercial and industrial uses. By 1979, however, 16 districts and two overlay zones had been introduced, apartments in single-family areas were banned, and minimum lot sizes and floor-area ratio rules were brought into effect.

The introduction of a few zoning regulations metastasized into a narrowly prescriptive regime that, as Sonia Hirt described in *Zoned in the USA*, “has exceeded historic and international precedent to build what may well be the lowest-density settlements in the history of the world [emphasis original].”⁵

America’s hyperdispersed, land-use-segregated settlement pattern is functional for adults who drive cars but the carless are significantly inhibited from accessing any activities or areas other than the ones in their immediate neighborhood. Functionally, this prevents nondriving children from contributing to the household by running errands to a corner store, for instance, in addition to placing severe limits on the independence of elderly adults who no longer drive.⁶

The recently observed recovery of multigenerational households and parallel decline of intact nuclear families takes place, then, in a regulatory environment rigidly designed for a very different population. As Reihan Salam has written:

Since the initial rise of the suburbs, families have changed. Married couples with children have fallen from 42.9 percent of all households in 1940 to 20.2 percent of all households in 2010, while married couples without children have fallen from 33.4 to 28.2 percent of all households. Single-parent families have also increased, of course, from 4.3 percent to 9.6 percent. The most dramatic change has been the steep increase in one-person households, from 7.8 to 26.7 percent of the total. Families have also been transformed by rising female labor force participation, with women now serving as the sole or primary wage earner in four in 10 U.S. households with children. ...

Viewed through this lens, the problem we face is clear: Much of our built environment still bears the imprint of the postwar era, despite the fact that the families that were characteristic of that era are no longer dominant.⁷

4. Emily Talen, *City Rules*, Island Press, pp. 120-2, 2012.

5. Hirt, p. 28.

6. Andres Duany, Elizabeth Plater-Zyberk, and Jeff Speck, *Suburban Nation: The Rise of sprawl and the Decline of the American Dream*, North Point Press, p. 115, 2000.

7. Reihan Salam, “How the Suburbs Got Poor,” *Slate*, Sept. 4, 2014, http://www.slate.com/articles/news_and_politics/politics/2014/09/poverty_in_the_suburbs_places_that_thrived_in_the_era_of_two_parent_families.html

2. George Williams, “Secondary Units: A Painless Way to Increase the Supply of Housing,” San Francisco Planning and Urban Research Association, August 2001. <https://sfaa.org/0110williams.html>

3. Sonia Hirt, *Zoned in the USA: The Origins and Implications of American Land-Use Regulation*, Cornell University Press, p. 32, 2014.

BENEFITS OF ADUS

Rental income

According to a recent Oregon study of Portland ADUs, the largest primary motivation among ADU developers was additional income.⁸ By converting part of a house, building an addition or constructing a free-standing unit, homeowners were able to create a supplementary stream of income for themselves, while adding housing to the constrained market.

The great majority of this additional income comes via long-term rentals: Atlanta architect Eric Kronberg estimates that, when he constructs ADUs for his market under current regulatory conditions, they can reasonably command rents of \$950 to \$1400 a month. By contrast, “you have an all-in cost of \$550-\$715 a month. The two bedroom unit would range \$700-\$900 all-in,” both of which are estimated very conservatively assuming entirely home equity financed, no cash projects. This means Atlanta ADUs could pay for their own financing while providing a homeowner with hundreds of dollars in additional income per month. Most impressively, Kronberg’s projections are for detached ADU prototypes, which are much more expensive to produce than attached ADUs that come from conversions or additions on an existing building.⁹

In the Portland study, 80 percent of ADUs rented for market rates comparable to those in multifamily development. However, between 13 and 18 percent of Portland ADUs go for zero or very low rents. In a separate study, University of California researchers Jake Wegmann and Karen Chapple likewise found 17 percent of San Francisco Bay Area ADUs were occupied for zero rent.¹⁰ As Martin J. Brown and Jordan Palmeri note in the Portland study, this pattern “suggests some unique phenomenon is occurring in ADU developments.” Indeed, in that same survey, “owners reported that 26 percent of ADU tenants were family or friends when they moved in.” This would indicate that a small but significant fraction of ADU development is, indeed, intended for personal relationships, as planners and advocates have traditionally assumed.

The Portland study also marked an interesting departure from earlier studies when it came to its findings on affordability. According to Brown and Palmeri, Portland ADU rents were market competitive with comparable rental apartments

only if zero-rent units were included; they actually rented for a premium if those outliers were excluded. Previous studies had indicated that ADUs were cheaper than comparable rentals. Brown and Palmieri tried to adjust market comparables by unit size via the number of bedrooms. In their report on the Bay Area, Wegman and Chapman did not attempt to adjust for unit sizes, but noted that the ADUs were smaller than their market comparables, as well as often being unpermitted.

Taken at face value, the Portland results could undermine the perception of ADUs as an inherently affordable housing solution. Although the results certainly indicate a need for further study, such reasoning should be tempered by a robust understanding of the ADU context. ADUs are more expensive to build per-square-foot, which could partially explain why owners would demand higher rents per-square-foot.

In general, due to their smaller unit sizes, ADUs should occupy the lower end of the rental spectrum. As an NYU Furman Center working paper noted: “Micro-units [ADUs and compact apartments] in many cities frequently rent at rather high rates per square foot, but at lower total monthly rent levels, than larger apartments.”¹¹ In this sense, ADUs remain a source of affordable housing. In supply-constrained housing markets, any production of additional dwelling space will help ease rental market pressure, and production of low total rent units is all the more welcome.

Further, as Brown and Palmieri note, the zero and below-market rents that are presumably charged to family members or friends should not be dismissed. Voluntarily discounting rent to those with whom the property owner has pre-existing relationships is still a provision of affordable housing. Where the housing is provided to elderly relations who might otherwise require costly personal care, it also represents a potentially large government savings. Rejoining multiple generations in close living arrangements allows for child care or eldercare to be provided by the family, instead of relying on expensive market services. Such arrangements can benefit the whole family by strengthening their relationships and shared experiences. Anecdotally, children can benefit from the experience of elders in quilting, crafting or carpentry. Elders, meanwhile, sometimes can benefit from younger generations’ greater familiarity with maintaining and navigating each new wave of domestic technology.

Further study of ADU rents would bring welcome clarity. For the great majority of homeowners who plan to rent their ADU at market-competitive rents, ADUs can provide a

8. Martin J. Brown and Jordan Palmeri, “Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners,” Oregon Department of Environmental Quality, June 1, 2014. <https://accessorydwellings.files.wordpress.com/2014/06/adusurveyinterpret.pdf>

9. Eric Kronberg, “ADU Math,” Kronberg Wall, Feb. 24, 2017. <http://kronbergwall.com/adu-math/>

10. Jake Wegmann and Karen Chapple, “Understanding the Market for Secondary Units in the East Bay,” IURD Working Paper Series, October 2012. <http://escholarship.org/uc/item/9932417c>

11. Vicki Been, Benjamin Gross, and John Infranca, “Responding to Changing Households: Regulatory Challenges for Micro-Units and Accessory Dwelling Units,” NYU Furman Center, January 2014. http://furmancenter.org/files/NYUFurmanCenter_RespondingtoChangingHouseholds_2014_1.pdf

reliable stream of additional income which should, in most circumstances, pay for itself.

Multigenerational housing

Almost one-in-five Americans now live in a multigenerational household, according to a recent Pew analysis of U.S. Census Bureau data.¹² That is a record absolute number and the highest proportion of the American population since 1950. Once a near-universal feature of the American lifecycle in the mid-19th century, the proportion of households living with multiple adult generations had been declining since 1860, with more than half the collapse in multigenerational living occurring between 1940 and 1980.¹³

ADUs are often preferred for multigenerational living arrangements because they allow family members to share a residence, assist each other in day-to-day tasks and share a life without erasing all boundaries between the primary household and the additional generation. When equipped with independent entrances and kitchen units, residents of ADUs are able to maintain a modicum of independence, coming and going as they please and entertaining their own guests, while still remaining tightly bound to their family.

The AARP has advocated for relaxation of rules around accessory dwelling units in order to accommodate a desire among its members (current and prospective) to “age in place” whenever possible. Expanded ADU capability allows older Americans either to move into their children’s homes or to construct a more modest apartment that suits their needs. Toward that end, the AARP in 2000 commissioned the American Planning Association to draft an ADU “model state act and local ordinance.”¹⁴

Older Americans are not, however, the largest consumer of multigenerational housing today. In 2014, more 18-to-34-year-olds lived with their parents than in other arrangements for the first time in 130 years,¹⁵ and 31 percent of 25-to-29-year-olds lived in multigenerational households. The persistence of the millennial generation living at home, even as the economy emerged from the Great Recession, has been a topic of great concern and headlines. For the pur-

poses of this paper, it is enough to note simply that the trend exists and seems likely to continue, thus further adding to the number of multigenerational homes and potential demand for ADUs.

Finally, ethnic demographic patterns also suggest that multigenerational housing will continue to grow in the United States. As Pew found, Asian and Hispanic households both are significantly more likely to be multigenerational than non-Hispanic white households. Both of those subgroups are experiencing significant population growth.

Flexibility

In Brown and Palmeri’s study, only about 80 percent of Portland ADUs were occupied as independent housing. The rest served as some combination of extra space, home offices or other nonresidential use: 11 percent of units were used as a work or living space, while 5 percent were used for short-term rentals.¹⁶

Short-term rentals are one of the most interesting alternative uses for ADUs going forward, as the recent explosion of room and homesharing services like Airbnb and VRBO make it easier for homeowners to find short-term tenants for their properties, and the independence of ADUs make them particularly well-suited for such service. The Portland study was conducted in 2013, relatively early in the growth of such services. It would be interesting to update the survey to see how short-term-rental use has grown.

OBSTACLES TO ADU DEVELOPMENT

The single biggest obstacle to ADU development is their widespread illegality. Burdensome regulatory requirements often will depress ADU production, even where zoning codes theoretically allow them. In order to allow ADUs to serve as a flexible, free-market solution to ease pressures in supply-constrained housing markets, such regulatory burdens need to be lifted. Such regulations fall into two broad categories: structural and occupancy.

Structural regulations

Structural regulations regulate the size, shape and facilities of an ADU, as well as its connection to the broader city utility networks.

As with many other forms of housing production, minimum parking requirements can be a significant obstacle to ADU production. While competition for on-street parking is one of the most frequently cited concerns and complaints about

12. D’Vera Cohn and Jeffrey S. Passel, “A Record 60.6 Americans Live in Multigenerational Households,” Pew Research Center, Aug. 11, 2016. <http://www.pewresearch.org/fact-tank/2016/08/11/a-record-60-6-million-americans-live-in-multigenerational-households/>

13. Steven Ruggles, “Multigenerational Families in Nineteenth Century America,” *Continuity and Change*, 18: 139-165, 2003. <http://users.hist.umn.edu/~ruggles/multigenerational.pdf>

14. Rodney L. Cobb and Scott Dvorak, “Accessory Dwelling Units: Model State Act and Local Ordinance,” AARP, April 2000. http://www.aarp.org/home-garden/housing/info-2000/accessory_dwelling_units_model_state_act_and_local_ordinance.html

15. Richard Fry, “For First Time in Modern Era, Living With Parents Edges out Other Living Arrangements for 18- to 34-Year-Olds,” Pew Research Center, May 24, 2016. <http://www.pewsocialtrends.org/2016/05/24/for-first-time-in-modern-era-living-with-parents-edges-out-other-living-arrangements-for-18-to-34-year-olds/>

16. Brown and Palmeri, 2014.

ADUs, imposed off-street requirements are often excessive and counterproductive.

Until 2015, for instance, Austin, Texas combined onerous parking requirements (two spots each for both the main dwelling and the accessory unit) and an impervious surface cap. If the main dwelling was built before off-street parking requirements, the construction of an ADU would cost the property its grandfathered status, meaning four parking spots would have to be built for one accessory unit to be constructed. As the Furman Center noted, “built structures may not cover more than 40 percent of a lot, and the combination of structures and any other impervious surfaces may not exceed 45 percent of the lot.” Since any parking space is counted as impervious surface regardless of its construction material, Austin homeowners could easily have a hard time fitting everything onto their lots even if they were willing to comply.¹⁷ Encouragingly, the Austin City Council adopted a much liberalized ADU system in November 2015, with very light parking requirements, a standard minimum lot size and nearly citywide applicability.¹⁸

Portland does not require any off-street parking for ADUs, so it should be most vulnerable to street parking overcrowding. Yet the city’s 2013 survey found that one in five ADUs had no cars associated with it whatsoever, and 63 percent had no cars parked on the street. The mean number of cars parked on the street associated with ADUs was a mere 0.46. These findings are similar to results of the Bay Area study in 2012. While these are necessarily limited results, they should encourage cities to loosen or relieve their own parking requirements in the service of ADU production.

ADUs are also subject to a variety of size regulations: minimum and maximum unit sizes; minimum and maximum ratio of unit-to-main-dwellings; minimum and maximum ratio of unit-to-lot-size. All of these can vary by whether the ADU is attached or detached. Attempts to build ADUs can be subject to regulations that bar the construction of kitchen facilities in secondary units, as well as restrictions on independent entrances. Some governments restrict where ADUs can be placed on a lot, whether it or its entrance can be visible from the street and whether the unit’s architectural design is required to match the main dwelling. While reasonable regulations can be inoffensive, cities should take care to set their minimum or maximum levels within the bounds of normal ADU production, and to give homeowners as much flexibility as possible.¹⁹

17. Been, Gross and Infranca, 2014.

18. Jennifer Curington, “Austin City Council lessens restrictions on accessory dwelling units,” *Community Impact*, Nov. 19, 2015. <https://communityimpact.com/austin/city-county/2015/11/19/city-council-lessens-restrictions-on-accessory-dwelling-units/>

19. California Department of Housing and Community Development, 2016.

Finally, city services fees and regulations can pose an overwhelming and unreasonable burden to the development of accessory units where they are not tailored appropriately. Portland chose to give financial relief to ADU construction by waiving the systems development charges (SDCs) usually imposed to pay for utility and other public-service impacts. Such charges average around \$8,000 for ADUs, which explains why the city’s reprieve began a significant ADU boom. Ultimately, the waiver was extended. Even without opting for a full waiver, cities can adjust their SDCs for the true impact of accessory units, which will be dramatically less than other new construction.

Under normal conditions, extending utility services like water, sewer, electricity and gas should be relatively painless for accessory unit construction, as most of the fixed costs have already been built for the main dwelling. Cities that require separate utility metering can quickly undermine this advantage and even make ADUs outright uneconomical. *Architects Newspaper* reports that, in Austin, separate water metering alone can cost a builder \$20,000.²⁰

Local governments often discourage ADU production by prohibiting qualities that would make them attractive and usable as an independent dwelling unit. This can include restrictions on independent entrances and the visibility of those entrances from the street. Often, they will include prohibitions on kitchen facilities. In Atlanta, for instance, ADUs are permitted but they cannot possess a stove, oven or similar cooking appliance. The most cooking capability occupants can hope for under code is a hot plate they can plug in. These barriers are best removed whenever possible, as they give homeowners more flexibility in how they can use their ADU over its life span, and so will make their production more attractive.

Occupancy restrictions

Occupancy regulations regulate who may stay in ADUs and what their relationship to the property’s owner may be.

A frequent and significant ADU regulation requires owner occupancy of the property. ADU construction is, in fact, usually undertaken by homeowners occupying the property, so this requirement often is presented as bearing limited negative consequences. According to the NYU Furman Center report, owner occupancy is seen by advocates as a shortcut to prevent more detailed and onerous restrictions and inspections from being imposed on ADU development. In this reasoning, an owner-occupant’s presence assures against ADU tenants inflicting nuisances on the surrounding neighborhood. Because the owner-occupant is a neighbor, he or she

20. Jack Murphy, “As housing costs and economic segregation increase, Austin’s granny flats proliferate,” *The Architects Newspaper*, Sept. 12, 2016. <https://archpaper.com/2016/09/austin-granny-flats-affordability/#gallery-0-slide-0>

would be more likely to supervise and head off any nuisances than an absentee landlord would. Those building ADUs in order to accommodate family or friends would seem to have even less reason to object to such laws.

But owner-occupancy restrictions have the potential to impede ADU financing and homeowner flexibility significantly. As the NYU Furman Center report notes: “Lenders may fear that, if they foreclose on the property, they will be unable to rent both the primary residence and the ADU,” resulting in less favorable financing or outright opposition. Homeowners may also face difficulty selling their own home, as the house and ADU bear restrictions lacked by competitive properties, such as duplexes. They would thus be unable to recoup the full value of their property should a nonresidential buyer be interested. This comes on top of what Brown and Watkins identify as an already significant gap in appraisal practices that often prevents ADUs from being measured appropriately in home valuation.²¹

Furthermore, while ADUs are usually constructed by owner-occupants with owner occupancy in mind, they are most attractive when they can accommodate a variety of contingencies. Young retirees who build an ADU intending to live with family or move into the smaller unit and rent out the bigger house may find themselves in need of more professionalized care than is available in most home settings. The family they were planning to live with may need to move. In any of these conditions, the house would shift from an asset to a liability, as the property owner would be precluded by the owner-occupancy restrictions from renting out both the main house and the accessory unit. They would be forced to either leave the house vacant and unattended, or to sell it.

Furthermore, as the NYU Furman Center roundtable participants noted, ADU owner-occupancy would, in many cases, introduce a unique restriction to properties. There generally are no such restrictions banning owners of a single-family home from renting it to others, and duplex units rarely come so bound either.²² Portland, Oregon, has one of the strongest ADU development markets in the country, and notably lacks an owner-occupancy requirement. Such liberalization is fairly rare, however, as owner-occupant requirements are widespread.

In some cases, governments considering ADU legalization want to go even further, and restrict to whom the property can be rented, or whether it can be rented at all. Most often, these restrictions come in the form of requiring ADU occupants to be related to the homeowner for the unit to be used

21. Martin John Brown and Taylor Watkins, “Understanding and Appraising Properties with Accessory Dwelling Units,” *The Appraisal Journal*, Fall 2012. <https://accessorydwellings.files.wordpress.com/2012/12/appraisingpropertieswithadusbrownwatkins-nov2012.pdf>

22. Been, Gross and Infranca, 2014.

as a residence. Total or near-total rental bans are likely to chill the construction of ADUs significantly and foreclose any of the benefits they provide.

SHORT-TERM RENTALS

ADUs are interesting platforms to evaluate with regard to short-term rentals, both because of their natural suitability to the use and because even ADU advocates sometimes are made uncomfortable by the use. Because ADUs are independent dwelling units, they have the potential to be more appealing to some renters and homeowners who prefer not to live quite as intimately with visiting strangers. Because ADUs are dependent, they share any neighborhood attractiveness equally with their primary dwellings. ADUs equipped with kitchens allow renters to cook for themselves, which may be a particular advantage in the eyes of short-term renters, who are more likely than hotel guests to stay for multiple days.²³

For advocates who see ADU growth as a provision of affordable housing and a relief valve on constrained regional supply, the seeming diversion of ADU stock into short-term rentals is feared to be a distraction, or even counterproductive. In tourism-heavy cities, some voice concerns about residential neighborhoods hollowing out in community and character as owner-occupied residences convert into short-term rental pads with a constantly rotating cast of characters.²⁴ Santa Cruz, California, which has been one of the most aggressive cities in liberalizing its ADU regulations and promoting ADU production recently revised its laws specifically to outlaw ADU short-term rentals going forward.²⁵ Austin’s new, more liberal ADU law restricts short-term rental of ADUs to 30 nights a year, and prohibits it on properties that aren’t occupied by the owners.²⁶

Survey respondents have said that one of the central appeals of ADU construction is their flexibility.²⁷ Though the upfront costs are considerable for a homeowner, they can justify that investment by the ADU’s potential to bring in additional income; to use as a home office or extra living space for a growing family; or to be used by adult family members as needed. Short-term rental services can expand that flexibility further by not requiring homeowners to lock their ADU

23. Andrew Moylan, “Roomscore 2016: Short-term-rental regulation in U.S. cities,” R Street Institute, March 16, 2016. <http://www.rstreet.org/policy-study/roomscore-2016-short-term-rental-regulation-in-u-s-cities/>

24. Martin John Brown provides one of the best detailed considerations of these claims: <https://accessorydwellings.org/2016/04/04/adustr/>

25. City of Santa Cruz, Ordinance No. 2015-15, Nov. 10, 2015. <http://www.cityofsanta-cruz.com/home/showdocument?id=46552>

26. Jennifer Curington, 2015.

27. Brown and Palmeri, 2014.

into a long-term lease, but rather to use it for income purposes on an as-needed basis.

SPECIAL CHALLENGES

In contrast to almost all other housing production and construction, ADUs are primarily built by homeowners, not professional developers. While professionals generally regard regulatory compliance costs to be expected, if often frustrating, homeowners trying to build accessory units are unlikely to have much familiarity with the permitting and compliance process. Cities looking to take advantage of accessory dwelling unit production will need to make their process as transparent and easily navigable as possible.

Toward this end, Santa Cruz, California produced an “ADU Manual” that offers step-by-step instructions to complete the ADU permitting and construction process successfully. Santa Cruz also maintains a set of draft architectural plans to get interested homeowners started, and even goes so far as to offer financing assistance for those willing to commit to renting the unit at affordable rates for 15 to 20 years.

Portland, Oregon, meanwhile, has maintained a relatively libertarian regulatory environment, relieving homeowners from having to forecast for and navigate parking requirements, owner occupancy rules, or many other often-imposed constraints. It allows widespread building of ADUs by right, so homeowners are not required to convene public hearings on the subject of planned construction on their property.

Local governments that desire to take advantage of accessory dwelling units should take care to write their codes and policies into as easily accessible a format as possible, and make that information widely available.

CONCLUSION

At a time when many housing markets are experiencing severe supply constraints and housing affordability is under stress nationwide, accessory dwelling unit legalization represents a low-profile free-market solution that requires little from government actors beyond getting out of the way. Production is undertaken by private actors on their own property, and diversifies a local housing stock without introducing large potentially contentious or character-transforming multifamily buildings to a single family neighborhood. This incremental infill further empowers homeowners by allowing them to increase the value of their property and receive an additional income stream. It offers renters more neighborhood options and cheaper rents.

While there are federal-level financing reforms that could further ease ADU development, local governments usually have all the tools they need to take advantage of ADU con-

struction without asking permission or seeking assistance from any higher bureaucracy. Reforming outdated zoning systems to accommodate the changing needs of American households, including the return of multigenerational living arrangements, should be an urgent priority. Such reforms should take care not to introduce new and unnecessary regulations, such as owner-occupancy requirements and short-term rental bans. These could chill the market’s response to ADU legalization.

Accessory dwelling units will not solve housing affordability crises by themselves, nor will they be suited to widespread adoption in every market. But there is little reason for towns and cities to persist in outlawing a flexible housing form that was widespread in the first half of the 20th century, just because it fell afoul of trendy regulations in the second half. The American built environment was notably adaptable throughout the growing country’s many changes up until the postwar land use codes were imposed and accumulated. Given the significant national changes still unfolding, land-use and building regulations need to provide as much adaptability and flexibility as cities can provide. Legalizing accessory dwelling units should be a simple way to engage that process.

ABOUT THE AUTHOR

Jonathan Coppage is a visiting senior fellow with the R Street Institute, focused on regulatory obstacles to the traditional, walkable development patterns that strengthen communities socially and fiscally.

Jonathan was a 2016 Publius Fellow at the Claremont Institute and a 2012 fellow in the Hertog Political Studies Program.

A graduate of North Carolina State University, Jonathan previously studied in the fundamentals program at University of Chicago. He is a contributing editor to *The American Conservative* and has also been published in *The Washington Post* and *First Things*.

2. DEVELOPMENT GUIDEBOOK

Accessory Dwelling Units (LIMITED USE PERMIT)

Summary

Accessory Dwelling Units (ADUs) may be allowed as a major accessory use to single-family detached dwelling units by limited use review according to the standards of Section 2-3-2-3. ADUs may be allowed in EN-1, EN-2, EN-MF, RA, RL, RM and MU-N zones, if the property meets the minimum lot size as indicated in Table 2-3-2-3A.

ADUs must meet the following standards:

- ADU cannot exceed 550 sq. ft. in size.
- Owner must live on-site in one of the two units.
- One additional parking space must be provided on-site for the ADU, two parking spaces must be provided if no parking currently exists on the property.
- Design must meet the standards for dormers, window placement, stairs and decks/balconies, as outlined in Section 2-3-2-3I.
- Additional standards as outlined in Section 2-3-2-3.

ADUs cannot obtain any variances from the standards of the LUDC. ADUs are an accessory use to a single-family residence and cannot be used for other purposes such as a vacation rental.

ADUs must obtain a Limited Use Permit (LUP) prior to initiating construction. The limited use review is an administrative process to ensure that a proposed use is compatible with surrounding uses, will not cause negative impacts and meets all of the standards of the code. The LUP will only be granted if all of the standards of Section 2-3-2-3, Accessory Dwelling Units, are met, in addition to the applicable standards listed in Section 2-2-2-1 and the other applicable sections of the City of Durango's [Land Use and Development Code](#).

The applicant must clearly demonstrate that the use will comply with the applicable standards by submitting a complete application that includes all of the required materials listed below. City staff will follow the applicable procedures and notify the applicant when a decision has been made regarding the proposed use.

Applicable Sections of Code

[Division 2-1-3, Use/Zone Matrices](#)

[Section 2-2-2-1, Standards for All Limited Uses](#)

[Section 2-3-2-3, Accessory Dwelling Units](#)

[Section 4-5-2-2, Required Off-Street Parking Spaces \(Parking Table 4-5-2-2A\) and Section 2-3-2-3J.](#)

[Division 6-3-3, Standard Development Approval Procedures](#)

Note: A limited use must meet all applicable LUDC requirements. The LUDC sections listed above are the primary sections concerning ADUs, but other requirements may apply.

Accessory Dwelling Units *(LIMITED USE PERMIT)*

Fee & Required Materials

The application fee for an Accessory Dwelling Unit Limited Use Permit is \$550.

The following materials are required as part of a complete application for an LUP.

- A completed [Land Use Application](#).
- Fee.
- Names and addresses of all property owners within 300 feet of the property boundaries.
- A notarized affidavit attesting to owner occupancy.
- A written Narrative describing the proposed use, proposed site or building improvements, and existing conditions.
- A site plan including existing and proposed parking and useable outdoor area
- Scaled elevations of existing and/or proposed structures.
- Floor plans of existing and proposed structures.
- Site calculations including lot coverage, floor area ratio, useable outdoor area, etc.
- Any additional materials, which in the opinion of the Administrator, are necessary to adequately review the application as determined by the Staff within five (5) working days following the application filing date.

Procedural Summary

Within five (5) days of receiving a complete LUP application, City staff will post a notice on the property for fourteen (14) days containing information about the proposed use. Staff will also send letters to property owners within 300 feet of the lot for which application is being made. During this posting time, City staff will conduct a site visit and building inspection of the property. City staff will approve, approve with conditions, refer to the Planning Commission, or deny the application, within thirty (30) calendar days of the date that the application is filed, unless a longer period is agreed to by the applicant.

If the application is denied by City staff, the applicant may appeal the denial to the City's Planning Commission. If the application is referred to the Planning Commission, and the Planning Commission denies the application, the applicant may appeal the Planning Commission's denial to City Council.

Additional Information

An applicant may appeal the Administrator's decision within seven (7) days of the decision as set forth in [Division 6-3-17](#).

Developments and uses granted by a limited use permit shall be developed or established in accordance with an approved development schedule, or within one (1) year of the date of approval if no development schedule is established. Failure to develop or establish such development or uses in accordance with the time period approved on the permit shall cause the Administrator to revoke the permit.

An LUP is valid as long as conditions of approval are maintained by the applicant, unless a specific time limit for the use is set forth as part of the approval. If the conditions of the permit are not met, the LUP can be revoked.

Purchasers of homes with an accessory dwelling unit must register with the Department within 60 days of purchase by submitting a notarized owner-occupancy affidavit.

Contact Information

Questions and other inquiries can be directed to the City of Durango Community Development Department—Planning Division at (970) 375-4850 or by visiting River City Hall at 1235 Camino Del Rio (Durango, CO) during normal business hours.



CITY COUNCIL TRANSMITTAL

Patrick W. Leary
Patrick Leary, Chief of Staff

Date Received: October 24, 2014

Date Sent to City Council: October 25, 2014

TO: Salt Lake City Council
James Rogers, Chair

DATE: _____

FROM: Michael Reberg, CAN Director *[Signature]*

SUBJECT: Petition PLNPCM2014-00447 to amend City Code 21A.40.200 Accessory Dwelling Units. Related provisions of Title 21A Zoning may also be amended as part of this petition.

STAFF CONTACTS: Michael Maloy, AICP, Senior Planner
(801) 535-7118 or michael.maloy@slcgov.com

COUNCIL SPONSOR: Exempt

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council adopt the Planning Commission's recommendation to approve the proposed zoning text amendments.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Issue Origin: On September 18, 2012, the City Council approved Ordinance 62 of 2012, which established Section 21A.40.200 Accessory Dwelling Units of the Salt Lake City Code. An accessory dwelling unit (ADU) is a residential unit that is established on the same lot as a single-family dwelling unit. An ADU may be located within (1) an existing single-family dwelling, (2) an addition to a single-family dwelling, or (3) in a detached accessory structure. The accessory dwelling unit must be a complete housekeeping unit with a separate kitchen, sleeping area, closet space, bathroom facilities, and a shared or separate entrance.

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

Staff has found that the primary reason the ordinance failed to achieve its purpose is the requirement to locate ADUs within one-half mile of an operational fixed transit stop, which narrows the applicability of the ordinance. While there are other regulations that limit development of ADUs, the one-half mile requirement is preclusive and counter-productive to the broader purpose of the ordinance. To address these issues, the City initiated a petition to amend the regulations for accessory dwelling units.

Issue Summary: The following table summarizes primary features of the existing and proposed ADU ordinance:

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

Issue Discussion: The Planning Commission considered and addressed the following key issues within the recommended amendment:

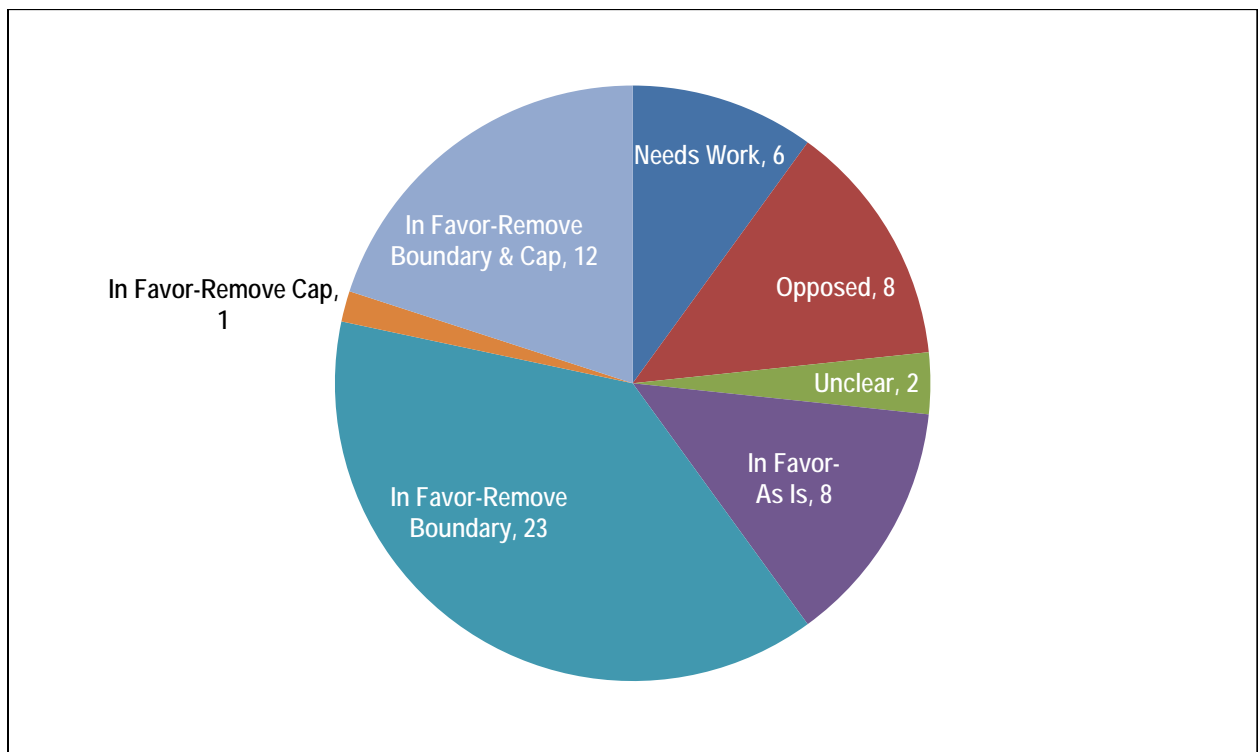
Issue 1 – Location Restrictions. The Planning Commission recommends replacing the ½-mile location restriction with a “boundary line” that permits ADUs in neighborhoods that generally favor them. The Commission also recommends ADUs be permitted within the following additional residential and special purpose zoning districts: RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU.

The proposed ADU boundary line is primarily based on comments received from The Greater Avenues Community Council, Yalecrest Neighborhood Council, and Open House attendees. However, the proposed boundary is contrary to a majority of written comments submitted on Open City Hall. Approximately 35 of 60 respondents—58%—recommended removal of the boundary. Open City Hall comments have been summarized by Planning Division staff in the following table and chart:

Open City Hall Comments by Council District

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

Open City Hall Comments Combined



To review the complete Open City Hall report on Accessory Dwelling Units see Attachment F—Public Process and Comments in the June 22, 2016, Planning Commission Staff Report.

Issue 2 – Annual Limitation. To address concerns with potential or unforeseen impacts of ADUs, the Planning Commission recommends the ordinance include an annual limit of 25 permits with the following exceptions:

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

The annual permit limitation was originally recommended by the Planning Commission on June 22, 2011, but later removed by the City Council in favor of the ½-mile restriction. If the proposal is adopted, the Planning Division will study the effects of the ordinance, and recommend future amendments if warranted. Once the city is satisfied with the regulations and results of the ordinance, the city may consider removal of the annual limitation, which would require additional public review and legislative action.

Issue 3 – Building Height. During development of the existing ordinance, the City retained the services of Clarion Associates, a private land use and real estate consulting firm, to draft the ordinance. The original draft included a provision to allow additional height for an ADU over an accessory structure, such as a garage. Due to privacy concerns, the Planning Commission modified the draft and recommended reducing the height of detached ADUs. Furthermore, during City Council review, additional window regulations were added to address privacy concerns, which also mitigate some concerns with ADU height.

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

Issue 4 – Amendment Options. With respect to public comments received, the Planning Commission also considered the following options prepared by Planning Division staff:

- Removal or modification of the “Accessory Dwelling Units Boundary” as described in 21A.40.200.C.1 of the proposed amendment.
- Permit internal or attached accessory dwelling units—not detached—east of “Accessory Dwelling Units Boundary” as described in 21A.40.200.C.1 of the proposed amendment.
- Removal or modification of annual “Permit Allocation” as described in 21A.40.200.F.1.b of the proposed amendment.

None of the above options were included within the Planning Commission’s recommendation to approve the proposed amendment.

PUBLIC PROCESS:

The following is a list of public meetings, and other public input opportunities, that the City coordinated for the zoning text amendment.

Open House 1:

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

Planning Commission Public Hearing 1:

The Planning Commission conducted a public hearing on September 23, 2015. The Commission received public testimony from 10 individuals: 6 in favor, 2 recommended additional amendments, and 2 opposed. In response to requests for more time to review the proposal and provide additional public comment, the Commission tabled the petition.

Open House 2:

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

Sugar House Community Council Land Use Committee:

Planning staff attended the December 21, 2015, Sugar House Community Council Land Use Committee meeting. Approximately 65 people were in attendance. Following the meeting, Judi Short, Sugar House Community Council Land Use Committee Chair, provided a written response that identified a number of concerns and recommendations (see June 22, 2016, Planning Commission Staff Report Attachment F – Public Process & Comments).

Greater Avenues Community Council:

Planning staff attended the January 6, 2016, Greater Avenues Community Council meeting to discuss the proposed amendment. Approximately 42 people were in attendance. Most attendees expressed concern and opposition, while a few expressed support. On February 3, 2016, staff received a letter from David Alderman, the Greater Avenues Community Council Chair, which opposed expansion of ADUs in the Avenues (see June 22, 2016, Planning Commission Staff Report Attachment F – Public Process & Comments).

Open House 3:

The Salt Lake City Planning Division held a *third* Open House meeting at the City County Building on April 21, 2016. Approximately 6 people attended the meeting. Based on comments received, most attendees supported the revised proposal, which includes a “boundary line” that permits ADUs west of Canyon Road, south of South Temple, west of 1300 East, and south of I-80.

Yalecrest Community Council Meeting:

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

Ball Park Community Council Meeting:

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

Capitol Hill Community Council Meeting:

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

Planning Commission Public Hearing 2:

The Planning Commission conducted a second public hearing on June 22, 2016. The Commission received public testimony from 4 individuals, 3 of which supported the proposal—with additional amendments—while 1 was opposed. Testimonials included (1) question regarding ability to enforce owner occupancy requirement, (2) concern with construction costs and potential lack of affordability, and (3) recommendations to broaden the applicability of the proposed ordinance.

Open City Hall:

Approximately 350 individuals reviewed the draft Accessory Dwelling Units ordinance—with the proposed boundary line—on Open City Hall, of which 60 submitted written comments. Planning Division staff reviewed all written comments and estimated that 44 respondents (73.3%) favored amending the existing ordinance in some form, 8 (13.3%) recommended denial, 6 (10%) recommended the proposal needs additional work, and 2 (3.3%) comments were neither favorable or unfavorable.

RELEVANT ORDINANCES:

Chapter 21A.50 of the Salt Lake City Zoning Title identifies the authority and establishes the process for amending the Zoning Ordinance. Paragraph 21A.50.050 states, “A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.” However, it does list five standards that the City Council should consider prior to amending the zoning ordinance (Section 21A.50.050A). The standards are discussed in detail within Attachment B of the June 22, 2016, Planning Commission Staff Report.

EXHIBITS:

1. PROJECT CHRONOLOGY
2. NOTICE OF CITY COUNCIL HEARING
3. PLANNING COMMISSION – September 23, 2015
 - A) NEWSPAPER NOTICE
 - B) STAFF REPORT
 - C) AGENDA & MINUTES
4. PLANNING COMMISSION – June 22, 2016
 - A) NEWSPAPER NOTICE
 - B) STAFF REPORT
 - C) AGENDA & MINUTES
5. ORIGINAL PETITION
6. MAILING LIST

SALT LAKE CITY ORDINANCE
No. _____ of 2016
(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:

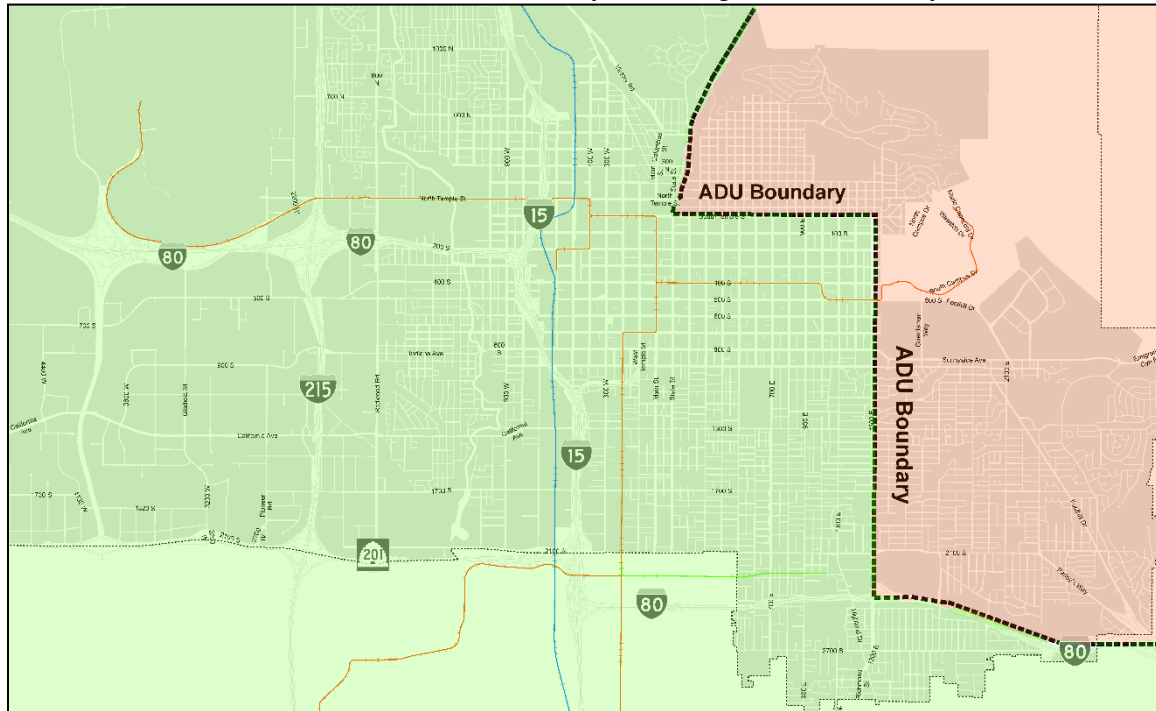
21A.40.200: ACCESSORY DWELLING UNITS:

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:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
 2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and

1. Location: Accessory dwelling units permitted by this section shall be located west of a boundary line generally described as beginning at the north city limit; thence south to west line of Canyon Road, thence southwest along said west line to north line of Second Avenue, thence west along said north line to the east line of State Street, thence south along said east line to north line of South Temple Street, thence east along said north line to west line of 1300 East Street, thence south along said west line to north line of Interstate-80, thence east along said north line to the east city limit as illustrated in Figure 21A.40.200.C.1 Accessory Dwelling Units Boundary.

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



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

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

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

1. General Requirements:

- a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a “family” as defined in Section 21A.62.040, “Definitions of Terms”, of this title.
- f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per Section 21A.36.030 of this title.

2. Design Requirements:

- a. Compatibility: An accessory dwelling unit shall be designed and constructed to be compatible with the principal dwelling.
- b. Underlying Zoning Applies: Unless specifically provided in this section, an accessory dwelling unit shall conform to the lot and bulk requirements of the underlying zoning district, including building and wall height, setbacks, yard requirements, and building coverage.
 - (1) On a corner lot, all detached accessory dwelling units shall comply with the corner side yard setback requirement of the underlying zoning district.
 - (2) A detached accessory dwelling unit that has habitable space above the first floor shall have a minimum side yard setback of four feet (4’).
 - (3) A detached accessory dwelling unit that exceeds the maximum height of an accessory structure, as permitted by the underlying zoning district, shall increase the minimum interior side yard setback one foot (1’) for every additional foot of building height.

- (4) An existing accessory structure that does not conform with the lot and bulk controls of this chapter may be converted into an accessory dwelling unit pursuant to the procedures and standards set forth in Chapter 21A.38, “Nonconforming Uses and Noncomplying Structures” of this title.

c. Area of Accessory Dwelling Unit:

- (1) The maximum gross floor area of an attached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling.
- (2) The maximum gross floor area of a detached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling or six hundred fifty (650) square feet, whichever is less.
- (3) The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city.

d. Height of Accessory Dwelling Unit:

- (1) Maximum height of an accessory dwelling unit shall not exceed the principal dwelling; and
- (2) Maximum height of a detached accessory dwelling unit located over an accessory use, such as parking or storage, may not exceed 24’-0” measured to the ridge of a pitched roof building, and 20’-0” of a flat roof building.

e. Location of Entrance to Accessory Dwelling Unit:

- (1) Internal or Attached Units: Accessory dwelling units that are internal or attached to a principal dwelling may be accessible from the following:

(a) An existing entrance to the principal dwelling.

(b) An additional entrance on a street-facing facade provided:

- i. Entrance is located at least twenty feet (20’) behind the front facade of the principal dwelling; or
- ii. Entrance is screened from public view by landscaping or architectural feature that is compatible with the design of the principal dwelling.

(c) An existing or additional entrance that faces the interior side yard or rear yard of lot.

- (2) Detached Units: Accessory dwelling units that are detached from the principal dwelling may be accessible from an:

(a) Entrance located at least twenty feet (20’) behind the front facade of the principal dwelling; or

(b) Entrance that faces the interior side yard or rear yard of lot.

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

- (3) The planning director, in consultation with the transportation director, may allow tandem parking, located in front of or behind existing on-site parking, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.
 3. Historic Preservation Overlay District: Accessory dwelling units located in an H Historic Preservation Overlay District are subject to the applicable regulations and review processes of Section 21A.34.020 of this title, including related guidelines and standards adopted by Salt Lake City to ensure compatible building and preservation of historic resources.
- F. Registration Process: Property owners seeking to establish an accessory dwelling unit shall comply with the following:
 1. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation.
 - a. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit application.
 - b. Permit Allocation: The city shall limit the establishment of accessory dwelling units to twenty-five (25) units per calendar year, with the following exceptions:
 - (1) Accessory dwelling units located within a Redevelopment Agency of Salt Lake City (RDA) project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.
 - (2) Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.
 - c. The city shall process building permit applications in the order received, however building permit issuance shall be in the order of compliance with current building code.
 - d. Inspection: The city shall ensure the accessory dwelling unit is constructed, inspected, and approved in compliance with current building code.
 2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
 3. Business License: In accordance with applicable provisions of the city, the property owner shall apply for and obtain an annual business license for the accessory dwelling unit.

4. Certificate of Occupancy: No accessory dwelling unit shall receive a certificate of occupancy or be occupied until the property owner completes the registration process outlined in this section.

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

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 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 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 |
| Accessory use, except those that are otherwise specifically regulated elsewhere in this title | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Adaptive reuse of a landmark site | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | P | P | P | P | P ⁶ |
| Alcohol, brewpub (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | C ⁹ | C ⁹ | C ⁹ | |
| Alcohol, dining club (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | C ^{9,10} | C ⁹ | C ⁹ | C ⁹ | |
| Alcohol, social club (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | C ⁹ | C ⁹ | C ⁹ | |

| | | | | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|-----------------|---|---|---|---|--|---|---|---|---|---|---|---|---|---|---|----------------|--|
| Alcohol, tavern (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | | | | C ⁹ | |
| Animal, veterinary office | | | | | | | | | | | | | | | C | C | C | P | P ⁶ | |
| Art gallery | | | | | | | | | | | | | | | P | P | P | P | P | |
| Bed and breakfast inn | | | | | | | | | | | | | | | P | | P | P | P | |
| Bed and breakfast manor | | | | | | | | | | | | | | | | | | P | | |
| Clinic (medical, dental) | | | | | | | | | | | | | | | P | P | P | P | P ⁶ | |
| Community garden | C | C | C | C | C | C | C | | C | C | P | P | P | P | P | P | P | P | P | |
| Crematorium | | | | | | | | | | | | | | | | C | C | C | | |
| Daycare center, adult | | | | | | | | | | | | | | P | P | P | P | P | P | |
| Daycare center, child | | | | | | | | | | | | | | P | P | P | P | P | P | |
| Dwelling, accessory guest and servant's quarter | P ¹¹ | P ¹¹ | P ¹¹ | | | | | | | | | | | | | | | | | |
| Dwelling, accessory unit | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P | |
| Dwelling, assisted living facility (large) | | | | | | | | | | | | C | P | P | | C | P | P | | |
| Dwelling, assisted living | C | C | C | C | C | C | C | | | C | C | P | P | P | P | P | P | P | P | |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|--|---|----------------|---|---|---|---|----------------|---|---|---|----------------|
| Dwelling, single-family (detached) | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Dwelling, twin home and two-family | | | | | | | P | | P | P ² | P | P | | | P | P | P | P | P |
| Eleemosynary facility | C | C | C | C | C | C | C | | C | C | C | C | P | P | | C | P | P | P |
| Financial institution | | | | | | | | | | | | | | | | P | P | P | P ⁶ |
| Funeral home | | | | | | | | | | | | | | | | P | P | P | P |
| Governmental facility | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C ⁶ |
| Laboratory (medical, dental, optical) | | | | | | | | | | | | | | | P | P | P | P | P |
| Library | | | | | | | | | | | | | | | C | C | C | C | C |
| Mixed use development | | | | | | | | | | | | | | | P ¹ | P | P | P | P |
| Mobile food business (operation on private property) | | | | | | | | | | | | | | | | P | P | P | |
| Municipal service use, including city utility use and police and fire station | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |
| Museum | | | | | | | | | | | | | | | P | C | P | P | P |

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| wire, line, pipe or pole | | | | | | | | | | | | | | | | | | | |
| Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | | | | | | | | | | | | | |

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. No large group home shall be located within 800 feet of another group home.
15. No small group home shall be located within 800 feet of another group home.
16. No large residential support shall be located within 800 feet of another residential support.
17. No small residential support shall be located within 800 feet of another residential support.
18. Large group homes established in the RB and RO districts shall be located above the ground floor.
19. Small group homes established in the RB and RO districts shall be located above the ground floor.
20. Large residential support established in RO districts shall be located above the ground floor.
21. Small residential support established in RO districts shall be located above the ground floor.

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 read as follows:

| | | | | | | | | | | | | | | | | | |
|---|-----------------|-----------------|---|----------------|----------------|----------------|----------------|------------------|--|---|---|-----------------|----------------|---|---|---|---|
| Ambulance service (outdoor) | P ¹⁰ | P ¹⁰ | | | | | | | | | | | | | | | |
| Amphitheater | | | | | | | | | | | | C | | | | | |
| Animal: | | | | | | | | | | | | | | | | | |
| Kennel on lots of 5 acres or larger | | C | | P ⁸ | P ⁸ | P ⁸ | P ⁸ | | | | | | | | | | |
| Pet cemetery | | | | P ⁴ | P ⁴ | P ⁴ | P ⁴ | P ^{4.5} | | | | | | | | | |
| Stable (private) | | | | P | P | P | P | | | | | | | | | | |
| Stable (public) | | | | P | P | P | P | | | | | | | | | | |
| Veterinary office | | P | | | | | | | | | | | | | | | P |
| Antenna, communication tower | P | P | C | P | P | P | P | | | P | P | C | P | P | | P | |
| Antenna, communication tower, exceeding the maximum building height in the zone | C | C | | | | | | | | P | | P ¹¹ | C | C | | C | |
| Art gallery | | | | | | | | | | | P | P | P | P | | | P |
| Bed and breakfast | | | | | | | | | | | | | P ² | P | | | P |
| Bed and breakfast inn | | | | | | | | | | | | | P ² | P | | | P |
| Bed and breakfast manor | | | | | | | | | | | | | P ² | P | | | P |
| Botanical garden | P | | | | | | | | | | P | P | | | | | |
| Cemetery | | | | | | | | P | | | | | | | | | |
| Clinic (medical, dental) | P | P | | | | | | | | | | | P | P | | | P |
| Community garden | P | P | P | P | P | P | P | P | | | P | P | P | P | P | | P |
| Convent/monastery | | | | | | | | | | | | | P | P | | | |
| Daycare center, adult | P | P | | | | | | | | | P | P | P | P | | | P |
| Daycare center, child | P | P | | | | | | | | P | P | P | P | P | | | P |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|--|--|---|---|---------------------------------|-----------------------------|---|---|--|---|
| Dental laboratory/research facility | P | P | | | | | | | | | | | C | C | | | P |
| Dwelling: | | | | | | | | | | | | | | | | | |
| Accessory Unit | | | P | P | P | P | P | | | | | | | | | | P |
| Assisted living facility (large) | | | | | | | | | | | | | P ¹ ₆ | P | | | P |
| Assisted living facility (limited capacity) | | | | | | | | | | | | | P | P | | | P |
| Assisted living facility (small) | | | | | | | | | | | | | P | P | | | P |
| Group home (large) ¹⁷ | | | | | | | | | | | | | | | | | C |
| Group home (small) ¹⁸ | | | P | P | P | P | | | | | | | | | | | P |
| Living quarters for caretaker or security guard | P | P | | | | | | | | | P | | P | P | | | P |
| Manufactured home | | | | P | P | P | | | | | | | | | | | P |
| Mobile home | | | | | | | | | | | | | | | P | | |
| Multi-family | | | | | | | | | | | | | | P | | | P |
| Residential support (large) ¹⁹ | | | | | | | | | | | | | | | | | C |
| Residential support (small) ²⁰ | | | | | | | | | | | | | | | | | P |
| Rooming (boarding) house | | | | | | | | | | | | | | | | | P |
| Single-family (attached) | | | | | | | | | | | | | | | | | P |
| Single-family (detached) | | | P | P | P | P | | | | | | | | | | | P |
| Twin home and two-family | | | | | | | | | | | | | | | | | P |
| Eleemosynary facilities | | | | | | | | | | P | P | P ¹ _{6, 21} | P | | | | P |

| | | | | | | | | | | | | | | | | | |
|--|---|----------------|---|---|---|---|---|---|----------------|---|---|---|-----------------------------|---|---|---|---|
| Meeting hall of membership organization | | P | | | | | | | | | | P | P | P | | | P |
| Mixed use development | | | | | | | | | | | | | | | | | P |
| Mobile food business (operation on private property) | P | P | | | | | | | | | | | | P | P | | P |
| Municipal service uses, including city utility uses and police and fire stations | C | C | | | | | | | | P | C | C | C ¹ ₄ | C | | P | C |
| Museum | C | | | | | | | P | | | P | P | P | P | | | P |
| Nursing care facility | | | | | | | | | | | | | P | P | | | P |
| Office | P | P | | | | | | | | P | P | P | P | P | | | P |
| Open space | P | P | P | P | P | P | P | P | P ⁹ | P | P | P | P | P | P | P | P |
| Park | C | | | | | | | P | | | P | P | | P | | | P |
| Parking: | | | | | | | | | | | | | | | | | |
| Commercial | | C | | | | | | | | | | | | | | | |
| Off site | | | | | | | | | | P | P | P | P | P | | | C |
| Park and ride lot | | | | | | | | | | P | C | | | | | | |
| Park and ride lot shared with existing use | P | P | | | | | | | | P | P | | P | P | | P | P |
| Performing arts production facility | | P | | | | | | | | | | | | | | | P |
| Philanthropic use | | | | | | | | | | | | P | P | P | | | P |
| Place of worship | P | P | | | | | | | | | | | P | P | | | P |
| Radio, television station | | P ⁶ | | | | | | | | | | P | | | | | |
| Reception center | | | | | | | | | | | C | P | P | P | | | P |
| Recreation (indoor) | | C | | | | | | P | | | P | P | P | P | | | P |
| Recreation (outdoor) | | | | | | | | P | | P | P | | | | | | |

| | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|--|----------------|-----------------|-----------------|-----------------------------|-----------------|----------------|----------------|-----------------|
| Theater, live performance | C ¹⁵ | C ¹⁵ | | | | | | | | | C ¹⁵ | C ¹⁵ | C ¹ ₅ | C ¹⁵ | | | C ¹⁵ |
| Theater, movie | | | | | | | | | | | | C | | | | | C |
| Transportation terminal, including bus, rail and trucking | | | | | | | | | | P | | | | | | | |
| Urban farm | P | P | P | P | P | P | P | P | | | P | P | P | P | | | |
| Utility, building or structure | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ |
| Utility, transmission wire, line, pipe or pole | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ |
| Vehicle, automobile rental agency | | P | | | | | | | | P | | | | | | | |
| Vending cart, private property | P | P | | | | | | | | | | | | | | | |
| Vending cart, public property | | | | | | | | P | | | | | | | | | |
| Warehouse | | P | | | | | | | | P | | | | | | | |
| Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate) | | | | | | | | | | | | | | | | | P |
| Wholesale distribution | | P | | | | | | | | P | | | | | | | |
| Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | | | | | | | | | | | |
| Zoological park | | | | | | | | P | | | | | | | | | |

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.

6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. Occupancy shall be limited to 25 persons.
17. No large group home shall be located within 800 feet of another group home.
18. No small group home shall be located within 800 feet of another group home.
19. No large residential support shall be located within 800 feet of another residential support.
20. No small residential support shall be located within 800 feet of another residential support.
21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.

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 _____, 2016.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2016.

Published: _____.

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| APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>SEPTEMBER 23, 2016</u> By: <u>Paul C. Nielson</u> Paul C. Nielson, Senior City Attorney |
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SALT LAKE CITY ORDINANCE
No. _____ of 2016
(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:~~

A. Purpose Statement: ~~The purposes of the accessory dwelling unit provisions~~ regulatory intentions of this section are to:

1. ~~Create new housing units while respecting the look~~ appearance and scale of single-dwelling~~family residential~~ development;
2. ~~Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives~~ 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 a mix of housing options that responds to changing family needs and smaller households~~ 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. ~~Promote a broader~~ Broaden the range of affordable housing throughout the city;
7. ~~Provide opportunity for work force housing in developed and new neighborhoods, close to places of work, thus reducing greenhouse gas emissions and reducing fossil fuel consumption through less car commuting~~ 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 stops; and
9. Support the economic viability of historic properties and the city's historic preservation goals by allowing accessory ~~residential uses~~ dwellings in historic structures.

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

€ Owner Occupant: For the purposes of this title, “owner occupant” shall mean the following:

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor’s temporary absence.
3. Even if a person meets the requirements of subsection ~~€1 B.1~~ or ~~€2 B.2~~ of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the department of community and neighborhoods, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
 - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
 - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;
 - (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;

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

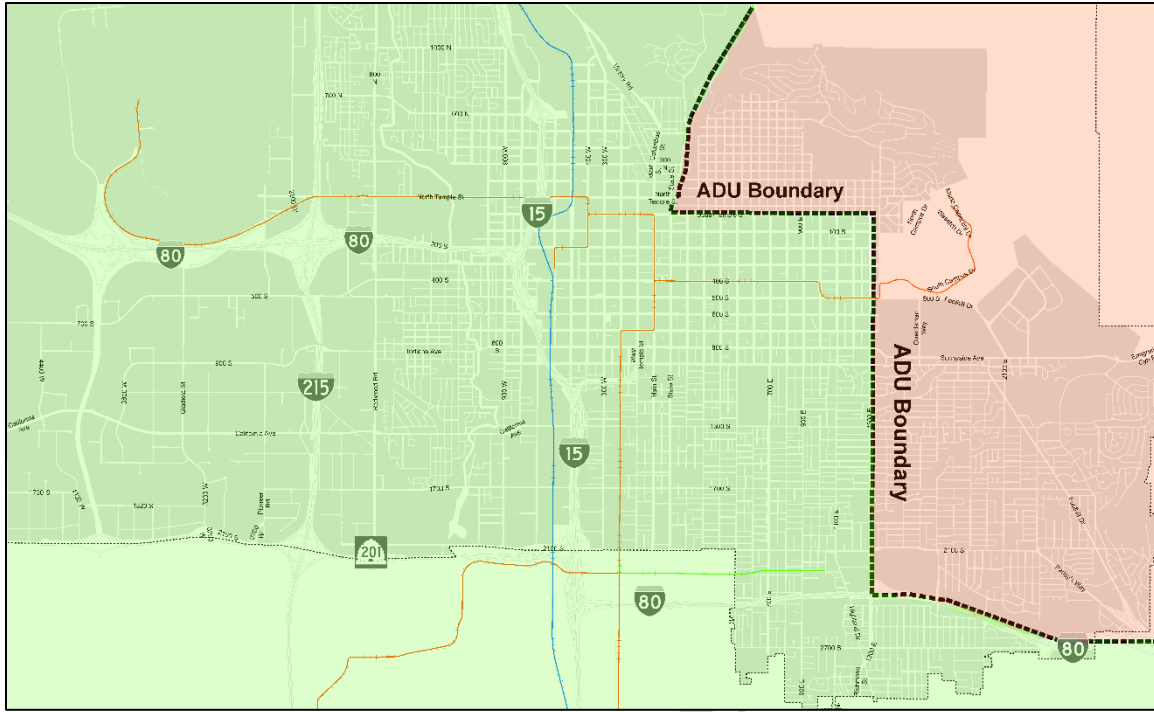
(5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.

- b. Any person who fails, upon request of the department of community and neighborhoods, to provide any of the documents set forth in subsection ~~€3a~~ B.3.a of this section or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this title that such person shall not be deemed an “owner occupant” of the dwelling unit in question.
4. The provisions of subsection ~~€3~~ B.3 of this section shall apply to any person who began a period of owner occupancy after September 18, 2012, regardless of when the person purchased the property.

C. Applicability: Accessory dwelling units are a permitted use within the residential and special purpose districts specified in Chapter 21A.33 Land Use Tables, subject to compliance with the applicable provisions of this title.

1. Location: Accessory dwelling units permitted by this section shall be located west of a boundary line generally described as beginning at the north city limit; thence south to west line of Canyon Road, thence southwest along said west line to north line of Second Avenue, thence west along said north line to the east line of State Street, thence south along said east line to north line of South Temple Street, thence east along said north line to west line of 1300 East Street, thence south along said west line to north line of Interstate-80, thence east along said north line to the east city limit as illustrated in Figure 21A.40.200.C.1 Accessory Dwelling Units Boundary.

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



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

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

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

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

 - ~~a. Compatible with the desired character and livability of the residential zoning districts;~~
 - ~~b. Compatible with the historic district and landmark resources of the city;~~~~

- ~~e. Compatible with the general building scales and placement of structures to allow sharing of common space on the lot, such as yards and driveways; and~~
- ~~d. Smaller in size than the principal dwelling on the site.~~

~~2. General Requirements:~~

- ~~a. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
 - ~~(1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or~~
 - ~~(2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.~~~~
- ~~b. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office indicating such owner occupied requirement of the property prior to issuance of a final certificate of occupancy for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.~~
- ~~c. One Per Lot: One accessory dwelling unit is permitted per residential lot.~~
- ~~d. Underlying Zoning Applies: Unless specifically provided otherwise in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot and bulk standards, such as building and wall height, setbacks, yard requirements, and building coverage.
 - ~~(1) The requirements of section 21A.40.050 of this chapter, which govern all nonresidential accessory structures, do not apply to accessory dwelling units; and~~
 - ~~(2) Accessory dwelling units may have the same building setbacks as that allowed in the zoning district for the principal dwelling on the property. An existing accessory structure whose setbacks do not meet the setback requirements for a dwelling as noted above may be converted into an accessory dwelling unit but any noncomplying setbacks may not become more noncomplying.~~~~

- e. ~~Existing Development On Lot: A single family dwelling shall exist on the lot or will be constructed in conjunction with the accessory dwelling unit.~~
- f. ~~Internal, Attached, Or Detached: While accessory dwelling units are allowed only in conjunction with a principal dwelling on a lot, the unit may be built internal to, attached to, or as a separate unit detached from the principal dwelling.~~
- g. ~~Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:
 - (1) ~~Internal: For accessory dwelling units located within the principal single family structure, no minimum lot area is required;~~
 - (2) ~~Attached: For accessory dwelling units located within an addition to the single family structure, no minimum lot area is required; or~~
 - (3) ~~Detached: For accessory dwelling units located within a detached structure, a minimum lot area of five thousand (5,000) square feet is required.~~~~
- h. ~~Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit approval.~~
- i. ~~Public Utilities: No structure that is not connected to the public water and sanitary sewer systems shall have an accessory dwelling unit.~~
- j. ~~Multi-Family Districts With Single-Family Dwelling On Lot: A lot located within a multi-family zoning district that is currently built out with a single family detached dwelling and does not have the required minimum amount of land to add additional units pursuant to the multi-family zoning district requirement, one accessory dwelling unit may be permitted.~~
- k. ~~Not A Unit Of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.~~
- l. ~~Rooming House: Neither dwelling unit may be used as a “dwelling, rooming (boarding) house” as defined by section 21A.62.040 of this title.~~
- m. ~~Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.~~
- n. ~~Historic Preservation Overlay District: Accessory dwelling units located in an H historic preservation overlay district are subject to the applicable regulations and review processes of section 21A.34.020 of this title, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.~~

- ~~o. Fixed Transit Stop: The property on which an accessory dwelling unit is permitted shall be located in whole or in part within a one-half ($\frac{1}{2}$) mile radius of an operational fixed transit stop (i.e., commuter rail, light rail, streetcar, etc.).~~
- ~~p. Windows: In an accessory dwelling unit that does not comply with the setback regulations for a single family dwelling, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line, except under the following conditions:
 - ~~(1) Windows adjacent to a rear yard property line may be allowed within ten feet (10') of the rear yard property line if the rear yard abuts an alley, or~~
 - ~~(2) Windows located within ten feet (10') of a property line may be allowed if the bottom of the windowsill is located at least six feet (6') above the corresponding floor plate.~~~~
- ~~3. Methods Of Creation: An accessory dwelling unit may only be created through one or more of the following methods:
 - ~~a. Converting existing living area within a principal structure, such as a basement or attic space;~~
 - ~~b. Adding floor area to a principal structure;~~
 - ~~c. Constructing a new single family detached dwelling unit structure with an internal or detached accessory dwelling unit;~~
 - ~~d. Converting or adding onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; or~~
 - ~~e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.~~~~
- ~~4. Size Of Accessory Dwelling Unit: The maximum size of an accessory dwelling unit may be no more than fifty percent (50%) of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet whichever is less. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.~~
- ~~5. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.~~
- ~~6. Number Of Residents: The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a "family" as defined in section 21A.62.040, "Definitions Of Terms", of this title.~~

7. ~~Parking:~~

- a. ~~An accessory dwelling unit that contains a studio or single bedroom, one additional on-site parking space is required.~~
- b. ~~An accessory dwelling unit that contains two (2) or more bedrooms, two (2) additional on-site parking spaces are required.~~
- c. ~~The city transportation director may approve a request to waive, or modify the dimensions of, the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met, and~~
 - (1) ~~Adequate on-street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or~~
 - (2) ~~The accessory dwelling unit is located within one fourth ($\frac{1}{4}$) mile of a fixed transit line or an arterial street with a designated bus route.~~
- d. ~~The city transportation director may allow tandem parking, within a legal location behind an existing on-site parking space, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.~~

8. ~~Location Of Entrance To Accessory Dwelling Unit:~~

- a. ~~Internal Or Attached Units: Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front facade of the principal dwelling. No new entrances may be added to the front facade of a principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front facade of the principal dwelling unit.~~
- b. ~~Detached Units: Accessory dwelling units that are detached from the principal dwelling:~~
 - (1) ~~May utilize an existing street-facing front facade entrance as long as the entrance is located a minimum of twenty feet (20') behind the front facade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of lot.~~
 - (2) ~~Shall be located no closer than thirty feet (30') from the front property line and shall take access from an alley when one is present and accessible.~~
- c. ~~Corner Lots: On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing~~

~~toward the rear property line or interior side yard, or toward the back of the principal dwelling.~~

- ~~d. H Historic Preservation Overlay District: When accessory dwelling units are proposed in an H historic preservation overlay district, the regulations and design guidelines governing these properties in section 21A.34.020 of this title shall take precedence over the location of entrance provisions above.~~
- ~~e. Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.~~

~~9. Exterior Design:~~

- ~~a. Within An H Historic Preservation Overlay District: Accessory dwelling units located within an H historic preservation overlay district shall meet the process, regulations, and applicable design guidelines in section 21A.34.020 of this title.~~
- ~~b. Outside H Historic Preservation Overlay District Or Historic Landmark Site: Accessory dwelling units shall be regulated by the following exterior design standards:~~

- ~~(1) The maximum height of a detached accessory dwelling unit shall not exceed the principal structure; and~~
- ~~(2) An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure.~~

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

- ~~a. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation;~~
- ~~b. Inspection: Ensure accessory dwelling unit is constructed, inspected, and approved in compliance with current building code; and~~
- ~~c. Business License: Apply for and obtain an annual business license for the accessory dwelling unit in accordance with the applicable provisions of the city.~~

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

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

1. General Requirements:

- a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a “family” as defined in Section 21A.62.040, “Definitions of Terms”, of this title.
- f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per Section 21A.36.030 of this title.

2. Design Requirements:

- a. Compatibility: An accessory dwelling unit shall be designed and constructed to be compatible with the principal dwelling.
- b. Underlying Zoning Applies: Unless specifically provided in this section, an accessory dwelling unit shall conform to the lot and bulk requirements of the underlying zoning district, including building and wall height, setbacks, yard requirements, and building coverage.
 - (1) On a corner lot, all detached accessory dwelling units shall comply with the corner side yard setback requirement of the underlying zoning district.
 - (2) A detached accessory dwelling unit that has habitable space above the first floor shall have a minimum side yard setback of four feet (4’).

- (3) A detached accessory dwelling unit that exceeds the maximum height of an accessory structure, as permitted by the underlying zoning district, shall increase the minimum interior side yard setback one foot (1') for every additional foot of building height.
- (4) An existing accessory structure that does not conform with the lot and bulk controls of this chapter may be converted into an accessory dwelling unit pursuant to the procedures and standards set forth in Chapter 21A.38, "Nonconforming Uses and Noncomplying Structures" of this title.

c. Area of Accessory Dwelling Unit:

- (1) The maximum gross floor area of an attached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling.
- (2) The maximum gross floor area of a detached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling or six hundred fifty (650) square feet, whichever is less.
- (3) The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city.

d. Height of Accessory Dwelling Unit:

- (1) Maximum height of an accessory dwelling unit shall not exceed the principal dwelling; and
- (2) Maximum height of a detached accessory dwelling unit located over an accessory use, such as parking or storage, may not exceed 24'-0" measured to the ridge of a pitched roof building, and 20'-0" of a flat roof building.

e. Location of Entrance to Accessory Dwelling Unit:

- (1) Internal or Attached Units: Accessory dwelling units that are internal or attached to a principal dwelling may be accessible from the following:
 - (a) An existing entrance to the principal dwelling.
 - (b) An additional entrance on a street-facing facade provided:
 - i. Entrance is located at least twenty feet (20') behind the front facade of the principal dwelling; or
 - ii. Entrance is screened from public view by landscaping or architectural feature that is compatible with the design of the principal dwelling.
 - (c) An existing or additional entrance that faces the interior side yard or rear yard of lot.
- (2) Detached Units: Accessory dwelling units that are detached from the principal dwelling may be accessible from an:

- (a) Entrance located at least twenty feet (20') behind the front facade of the principal dwelling; or
 - (b) Entrance that faces the interior side yard or rear yard of lot.
 - (3) Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010.H, "Side Entry Buildings", of this title.
- f. Upper Level Windows in Detached Accessory Dwelling Unit: As with lot and bulk regulations, the following standards are intended to ensure that detached accessory dwelling units maintain a neighborly relationship with adjacent properties:
 - (1) Living space on an upper level shall have their primary windows facing the interior of the lot or overlooking an alley or public street.
 - (2) Upper level windows facing side yards shall be modestly sized, sufficient to meet the need for light, air, and egress where required. Skylights, clerestory windows, or obscured glazing should be considered as the means to enhance interior daylighting without creating overlook into a neighboring property.
 - (3) A detached dwelling unit shall be designed with consideration given to the relationship between desired window size and placement and the scale of building facades, projections and dormers. Dormers and building facades should not be windowless.
 - (4) Window openings located within an existing accessory structure, whether conforming or non-conforming with setback regulations, may be retained if compliant with building and fire codes.
- g. Outdoor Roof Decks and Balconies: Balconies and roof decks, including rooftop gardens, shall be designed and located as follows:
 - (1) The total area shall not exceed 86 square feet;
 - (2) Located facing an alley or corner side yard; and
 - (3) Flat roofs above an upper level or story may not be used as roof deck areas, and must not have stair access or railings. Ladder and roof hatch access necessary for green roof maintenance may be provided.
- h. Parking:
 - (1) An accessory dwelling unit requires one on-site parking space.
 - (2) The planning director, in consultation with the transportation director, may approve a request to waive, or modify the dimensions of, the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met, and:
 - (a) Adequate on street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or

- (b) The lot or parcel containing the accessory dwelling unit is located within a one-fourth ($\frac{1}{4}$) mile radius from a fixed transit line or an arterial street with a designated bus route.
- (3) The planning director, in consultation with the transportation director, may allow tandem parking, located in front of or behind existing on-site parking, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.
3. Historic Preservation Overlay District: Accessory dwelling units located in an H Historic Preservation Overlay District are subject to the applicable regulations and review processes of Section 21A.34.020 of this title, including related guidelines and standards adopted by Salt Lake City to ensure compatible building and preservation of historic resources.
- F. Registration Process: Property owners seeking to establish an accessory dwelling unit shall comply with the following:
1. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation.
- a. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit application.
- b. Permit Allocation: The city shall limit the establishment of accessory dwelling units to twenty-five (25) units per calendar year, with the following exceptions:
- (1) Accessory dwelling units located within a Redevelopment Agency of Salt Lake City (RDA) project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.
- (2) Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.
- c. The city shall process building permit applications in the order received, however building permit issuance shall be in the order of compliance with current building code.
- d. Inspection: The city shall ensure the accessory dwelling unit is constructed, inspected, and approved in compliance with current building code.
2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.

3. Business License: In accordance with applicable provisions of the city, the property owner shall apply for and obtain an annual business license for the accessory dwelling unit.
4. Certificate of Occupancy: No accessory dwelling unit shall receive a certificate of occupancy or be occupied until the property owner completes the registration process outlined in this section.

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

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 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 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 |
| Accessory use, except those that are otherwise specifically regulated elsewhere in this title | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Adaptive reuse of a landmark site | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | C ⁸ | P | P | P | P | P ⁶ |
| Alcohol, brewpub (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | C ⁹ | C ⁹ | C ⁹ | |
| Alcohol, dining club (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | C ^{9,10} | C ⁹ | C ⁹ | C ⁹ | |
| Alcohol, social club (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | C ⁹ | C ⁹ | C ⁹ | |

| | | | | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|-----------------|---|---|---|---|--|---|---|---|---|---|---|---|---|---|---|----------------|--|
| Alcohol, tavern (2,500 square feet or less in floor area) | | | | | | | | | | | | | | | | | | | C ⁹ | |
| Animal, veterinary office | | | | | | | | | | | | | | | C | C | C | P | P ⁶ | |
| Art gallery | | | | | | | | | | | | | | | P | P | P | P | P | |
| Bed and breakfast inn | | | | | | | | | | | | | | | P | | P | P | P | |
| Bed and breakfast manor | | | | | | | | | | | | | | | | | | P | | |
| Clinic (medical, dental) | | | | | | | | | | | | | | | P | P | P | P | P ⁶ | |
| Community garden | C | C | C | C | C | C | C | | C | C | P | P | P | P | P | P | P | P | P | |
| Crematorium | | | | | | | | | | | | | | | | C | C | C | | |
| Daycare center, adult | | | | | | | | | | | | | | P | P | P | P | P | P | |
| Daycare center, child | | | | | | | | | | | | | | P | P | P | P | P | P | |
| Dwelling, accessory guest and servant's quarter | P ¹¹ | P ¹¹ | P ¹¹ | | | | | | | | | | | | | | | | | |
| Dwelling, accessory unit | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P | |
| Dwelling, assisted living facility (large) | | | | | | | | | | | | C | P | P | | C | P | P | | |
| Dwelling, assisted living | C | C | C | C | C | C | C | | | C | C | P | P | P | P | P | P | P | P | |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|--|---|----------------|---|---|---|---|---|----------------|---|---|----------------|
| Dwelling, single-family (detached) | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Dwelling, twin home and two-family | | | | | | | P | | P | P ² | P | P | | | P | P | P | P | P |
| Eleemosynary facility | C | C | C | C | C | C | C | | C | C | C | C | P | P | | C | P | P | P |
| Financial institution | | | | | | | | | | | | | | | | P | P | P | P ⁶ |
| Funeral home | | | | | | | | | | | | | | | | P | P | P | P |
| Governmental facility | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C ⁶ |
| Laboratory (medical, dental, optical) | | | | | | | | | | | | | | | P | P | P | P | P |
| Library | | | | | | | | | | | | | | | | C | C | C | C |
| Mixed use development | | | | | | | | | | | | | | | | P ¹ | P | P | P |
| Mobile food business (operation on private property) | | | | | | | | | | | | | | | | P | P | P | |
| Municipal service use, including city utility use and police and fire station | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |
| Museum | | | | | | | | | | | | | | | | P | C | P | P |

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| wire, line, pipe or pole | | | | | | | | | | | | | | | | | | | |
| Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | | | | | | | | | | | | | |

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. No large group home shall be located within 800 feet of another group home.
15. No small group home shall be located within 800 feet of another group home.
16. No large residential support shall be located within 800 feet of another residential support.
17. No small residential support shall be located within 800 feet of another residential support.
18. Large group homes established in the RB and RO districts shall be located above the ground floor.
19. Small group homes established in the RB and RO districts shall be located above the ground floor.
20. Large residential support established in RO districts shall be located above the ground floor.
21. Small residential support established in RO districts shall be located above the ground floor.

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 read as follows:

LEGISLATIVE VERSION

| | | | | | | | | | | | | | | | | | |
|---|-----------------|-----------------|---|----------------|----------------|----------------|----------------|------------------|--|---|---|-----------------|----------------|---|---|--|---|
| Ambulance service (outdoor) | P ¹⁰ | P ¹⁰ | | | | | | | | | | | | | | | |
| Amphitheater | | | | | | | | | | | | C | | | | | |
| Animal: | | | | | | | | | | | | | | | | | |
| Kennel on lots of 5 acres or larger | | C | | P ⁸ | P ⁸ | P ⁸ | P ⁸ | | | | | | | | | | |
| Pet cemetery | | | | P ⁴ | P ⁴ | P ⁴ | P ⁴ | P ^{4.5} | | | | | | | | | |
| Stable (private) | | | | P | P | P | P | | | | | | | | | | |
| Stable (public) | | | | P | P | P | P | | | | | | | | | | |
| Veterinary office | | P | | | | | | | | | | | | | | | P |
| Antenna, communication tower | P | P | C | P | P | P | P | | | P | P | C | P | P | | | P |
| Antenna, communication tower, exceeding the maximum building height in the zone | C | C | | | | | | | | P | | P ¹¹ | C | C | | | C |
| Art gallery | | | | | | | | | | | P | P | P | P | | | P |
| Bed and breakfast | | | | | | | | | | | | | P ² | P | | | P |
| Bed and breakfast inn | | | | | | | | | | | | | P ² | P | | | P |
| Bed and breakfast manor | | | | | | | | | | | | | P ² | P | | | P |
| Botanical garden | P | | | | | | | | | | P | P | | | | | |
| Cemetery | | | | | | | | P | | | | | | | | | |
| Clinic (medical, dental) | P | P | | | | | | | | | | | P | P | | | P |
| Community garden | P | P | P | P | P | P | P | P | | | P | P | P | P | P | | P |
| Convent/monastery | | | | | | | | | | | | | P | P | | | |
| Daycare center, adult | P | P | | | | | | | | | P | P | P | P | | | P |
| Daycare center, child | P | P | | | | | | | | P | P | P | P | P | | | P |

| | | | | | | | | | | | | | | | | | |
|---|---|---|----------|----------|----------|----------|----------|--|--|--|--|--|-----------------------------|---|---------------------------------|---|----------|
| Dental laboratory/research facility | P | P | | | | | | | | | | | C | C | | | P |
| Dwelling: | | | | | | | | | | | | | | | | | |
| Accessory Unit | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | | | | | <u>P</u> |
| Assisted living facility (large) | | | | | | | | | | | | | P ¹ ₆ | P | | | P |
| Assisted living facility (limited capacity) | | | | | | | | | | | | | P | P | | | P |
| Assisted living facility (small) | | | | | | | | | | | | | P | P | | | P |
| Group home (large) ¹⁷ | | | | | | | | | | | | | | | | | C |
| Group home (small) ¹⁸ | | | P | P | P | P | | | | | | | | | | | P |
| Living quarters for caretaker or security guard | P | P | | | | | | | | | | | P | P | | | P |
| Manufactured home | | | | P | P | P | | | | | | | | | | | P |
| Mobile home | | | | | | | | | | | | | | | | P | |
| Multi-family | | | | | | | | | | | | | | P | | | P |
| Residential support (large) ¹⁹ | | | | | | | | | | | | | | | | | C |
| Residential support (small) ²⁰ | | | | | | | | | | | | | | | | | P |
| Rooming (boarding) house | | | | | | | | | | | | | | | | | P |
| Single-family (attached) | | | | | | | | | | | | | | | | | P |
| Single-family (detached) | | | P | P | P | P | | | | | | | | | | | P |
| Twin home and two-family | | | | | | | | | | | | | | | | | P |
| Eleemosynary facilities | | | | | | | | | | | | | P | P | P ¹ _{6, 21} | P | P |

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|--|---|----------------|---|---|---|---|---|---|----------------|---|---|---|-----------------------------|---|---|---|---|
| Meeting hall of membership organization | | P | | | | | | | | | | P | P | P | | | P |
| Mixed use development | | | | | | | | | | | | | | | | | P |
| Mobile food business (operation on private property) | P | P | | | | | | | | | | | | P | P | | P |
| Municipal service uses, including city utility uses and police and fire stations | C | C | | | | | | | | P | C | C | C ¹ ₄ | C | | P | C |
| Museum | C | | | | | | | P | | | P | P | P | P | | | P |
| Nursing care facility | | | | | | | | | | | | | P | P | | | P |
| Office | P | P | | | | | | | | P | P | P | P | P | | | P |
| Open space | P | P | P | P | P | P | P | P | P ⁹ | P | P | P | P | P | P | P | P |
| Park | C | | | | | | | P | | | P | P | | P | | | P |
| Parking: | | | | | | | | | | | | | | | | | |
| Commercial | | C | | | | | | | | | | | | | | | |
| Off site | | | | | | | | | | P | P | P | P | P | | | C |
| Park and ride lot | | | | | | | | | | P | C | | | | | | |
| Park and ride lot shared with existing use | P | P | | | | | | | | P | P | | P | P | | P | P |
| Performing arts production facility | | P | | | | | | | | | | | | | | | P |
| Philanthropic use | | | | | | | | | | | | P | P | P | | | P |
| Place of worship | P | P | | | | | | | | | | | P | P | | | P |
| Radio, television station | | P ⁶ | | | | | | | | | | P | | | | | |
| Reception center | | | | | | | | | | | C | P | P | P | | | P |
| Recreation (indoor) | | C | | | | | | P | | | P | P | P | P | | | P |
| Recreation (outdoor) | | | | | | | | P | | P | P | | | | | | |

| | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|-----------------|-----------------------------|-----------------|----------------|----------------|-----------------|
| Theater, live performance | C ¹⁵ | C ¹⁵ | | | | | | | | | C ¹⁵ | C ¹⁵ | C ¹ ₅ | C ¹⁵ | | | C ¹⁵ |
| Theater, movie | | | | | | | | | | | | C | | | | | C |
| Transportation terminal, including bus, rail and trucking | | | | | | | | | | P | | | | | | | |
| Urban farm | P | P | P | P | P | P | P | P | | | P | P | P | P | | | |
| Utility, building or structure | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ |
| Utility, transmission wire, line, pipe or pole | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ | P ¹ |
| Vehicle, automobile rental agency | | P | | | | | | | | | P | | | | | | |
| Vending cart, private property | P | P | | | | | | | | | | | | | | | |
| Vending cart, public property | | | | | | | | P | | | | | | | | | |
| Warehouse | | P | | | | | | | | P | | | | | | | |
| Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate) | | | | | | | | | | | | | | | | | P |
| Wholesale distribution | | P | | | | | | | | P | | | | | | | |
| Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | | | | | | | | | | | |
| Zoological park | | | | | | | | P | | | | | | | | | |

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.

6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. Occupancy shall be limited to 25 persons.
17. No large group home shall be located within 800 feet of another group home.
18. No small group home shall be located within 800 feet of another group home.
19. No large residential support shall be located within 800 feet of another residential support.
20. No small residential support shall be located within 800 feet of another residential support.
21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.

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 _____, 2016.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2016.

Published: _____.

HB_ATTY-#55795-v1-Ordinance_amending_ADU_regs.docx

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 - A) NEWSPAPER NOTICE**
 - B) STAFF REPORT**
 - C) AGENDA & MINUTES**
- 5. ORIGINAL PETITION**
- 6. MAILING LIST**

1. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY
Petitions No. PLNPCM2014-00447

| | |
|--------------------|---|
| July 16, 2014 | Petition to amend Accessory Dwelling Units ordinance assigned to Planning Division staff member |
| May 21, 2015 | Conducted Open House meeting at City Hall. Approximately 3 individuals attended meeting |
| September 12, 2015 | Newspaper notice of Planning Commission public hearing published in The Salt Lake Tribune and Deseret News |
| September 12, 2015 | Public notice posted on City and State websites, and Planning Division list serve |
| September 23, 2015 | Planning Commission conducted public hearing and received comments from 10 individuals. Voted 4-2 to table petition and solicit additional public comment |
| October 14, 2015 | Planning Commission approved minutes for September 23, 2015 meeting |
| December 17, 2015 | Conducted second Open House meeting at City Hall. Approximately 6 individuals attended meeting |
| December 21, 2015 | Planning Division staff presented draft ordinance to Sugar House Community Council Land Use Committee. Approximately 65 individuals attended meeting |
| January 6, 2016 | Planning Division staff presented draft ordinance to Greater Avenues Community Council. Approximately 42 individuals attended meeting |
| April 21, 2016 | Conducted third Open House meeting at City Hall. Approximately 6 individuals attended meeting |
| June 1, 2016 | Planning Division staff presented draft ordinance to Yalecrest Community Council. Approximately 10 individuals attended meeting |
| June 1, 2016 | Planning Division staff presented draft ordinance to Ball Park Community Council. Approximately 20 individuals attended meeting |
| June 2, 2016 | Open City Hall published proposed ordinance. Approximately 350 individuals reviewed the proposal and 60 provided written comments |
| June 11, 2016 | Newspaper notice of Planning Commission public hearing published in The Salt Lake Tribune and Deseret News |
| June 11, 2016 | Public notice posted on City and State websites, and Planning Division list serve |
| June 15, 2016 | Planning Division staff presented draft ordinance to Capitol Hill Community Council. Approximately 22 individuals attended meeting |
| June 22, 2016 | Planning Commission conducted public hearing and received comments from 4 individuals. Voted 4-1 to forward a positive recommendation to City Council |
| June 27, 2016 | Requested ordinance from Salt Lake City Attorney |
| July 13, 2016 | Planning Commission approved minutes for June 22, 2016 meeting |

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering a request to amend the accessory dwelling units regulation, which affects the following zoning districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 and MU. The purpose of the petition is to broaden and clarify existing regulations for accessory dwelling units. Related provisions of Title 21A Zoning may also be amended as part of this petition.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Michael Maloy, AICP, Senior Planner, at (801) 535-7118 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at michael.maloy@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

3. PLANNING COMMISSION
September 23, 2015

3.A PLANNING COMMISSION
Newspaper Notice



PROOF OF PUBLICATION

CUSTOMER'S COPY

| CUSTOMER NAME AND ADDRESS | ACCOUNT NUMBER | DATE |
|---|----------------|-----------|
| PLANNING DIVISION, 451 SOUTH STATE STREET, ROOM 4 SALT LAKE CITY UT 84111 | 9001394298 | 9/14/2015 |

| | |
|---|-----------------------|
| ACCOUNT NAME | |
| PLANNING DIVISION, | |
| TELEPHONE | ADORDER# / INVOICE NU |
| 8015357759 | 0001049595 / |
| SCHEDULE | |
| Start 09/12/2015 | End 09/12/2015 |
| CUST. REF. NO. | |
| PH 9/23 | |
| CAPTION | |
| Notice of Public Hearing On Wednesday, September 23, 2015, the Salt Lake City | |
| SIZE | |
| 69 Lines | 2.00 COLUMN |
| TIMES | RATE |
| 2 | |
| MISC. CHARGES | AD CHARGES |
| | |
| TOTAL COST | |
| 177.50 | |

Notice of Public Hearing

On Wednesday, September 23, 2015, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

- M-1 Light Manufacturing Zoning District to Allow Bus Line Yard and Repair** - A request by Dennis Copyak, representing Le Bus, to amend section 21A.33.040 Table of Permitted Uses for Manufacturing Districts to allow Bus Line Yard and Repair Facility as a permitted use in the M-1 (Light Manufacturing District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply city-wide. (Staff contact: Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com.) Case number PLNPCM2015-00578
- SNB Zone to Allow Single-Practitioner Medical and Dental Offices** - A request by City Council, to amend section 21A.33.030 Table of Permitted Uses for Commercial Districts to allow Single-Practitioner Medical and Dental Offices as a permitted use in the SNB (Small Neighborhood Business District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply city-wide. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.) Case number PLNPCM2015-00644
- Accessory Dwelling Units Amendment** - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNPCM2014-00447
- Electric Vehicle Charging Station Amendment** - A request by Mayor Ralph Becker to modify the electric vehicle parking ordinance, which requires parking for electric vehicles for some types of development throughout the City. The amendment will affect section 21A.44.050 of the zoning ordinance. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Tracy Tran at (801)535-7645 or tracy.tran@slcgov.com.) Case number PLNPCM2015-00148.

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

1049595 UPAXLP

AFFIDAVIT OF PUBLICATION

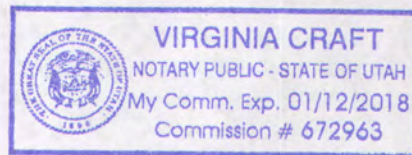
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Public Hearing On Wednesday, September 23, 2015, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 09/12/2015 End 09/12/2015

SIGNATURE *Michael Maloy*

DATE 9/14/2015

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT



Virginia Craft
 NOTARY SIGNATURE

3.B PLANNING COMMISSION
Staff Report – September 23, 2015



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Michael Maloy, AICP, Senior Planner, (801) 535-7118 or michael.maloy@slcgov.com
Date: September 23, 2015
Re: PLNPCM2014-00447 Accessory Dwelling Units Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Not Applicable

PARCEL IDENTIFICATION: Not Applicable

MASTER PLAN: Not Applicable

ZONING DISTRICT: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, MU, FB-UN1, and FB-UN2.

REQUEST: Salt Lake City Mayor Ralph Becker has requested the existing regulations for accessory dwelling units be amended to simplify, clarify, and broaden the ordinance (see Attachment A – Petition to Initiate). In response, the Planning Division is proposing amendments that would expand the ability to develop accessory dwelling units and detached dwelling units within the city. The proposed regulation changes will affect FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, MU, FB-UN1, and FB-UN2 zoning districts. Related provisions of title 21A-Zoning may also be amended as part of this petition.

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

The following motion is provided in support of the recommendation:

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

ATTACHMENTS:

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

PROJECT DESCRIPTION

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

An accessory dwelling unit (ADU) is a residential unit that is established on the same lot as a single-family dwelling unit, and may be located within a single-family dwelling, attached to a single-family dwelling (such as in an addition), or in a detached structure (such as in a garage or separate accessory structure). The accessory dwelling unit must be a complete housekeeping unit with a separate kitchen, sleeping area, closet space, bathroom facilities, and a shared or separate entrance.

Following approval of the accessory dwelling unit ordinance, Planning Division and Building Services staff responded to dozens of inquiries from residents interested in establishing an ADU—however, the city has not permitted a single ADU to date.

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

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

The proposed ordinance was reviewed during an Open House meeting held on May 21, 2015 (see Attachment F – Public Process & Comments). The petition was also routed to all pertinent City Departments and Divisions for review and comment on September 1, 2015 (see Attachment G – Department Comments).

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

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

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

KEY ISSUES

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

Issue 1 – Master Plan Compliance. Within the *Salt Lake City Community Housing Plan*, which was prepared by the Housing and Neighborhood Division of Community and Economic Development Department and adopted by the Salt Lake City Council in April of 2000, the following policy statements and implementation strategies are applicable:

- **City Council Policy Statement.** The City Council supports a citywide variety of housing units, including affordable housing and supports accommodating different types and intensities of residential development (page 8).
- **City Council Policy Statement.** The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services... (page 19).
- **Affordable and Transitional Housing Implementation Strategy 1.** Review “Best Practices” from other cities and establish new programs or expand existing programs that meet housing needs and maximize housing opportunities for all residents within Salt Lake City (page 24).
- **City Council Policy Statement.** On a citywide basis, the City Council endorses accessory housing units in single-family zones, subject to restrictions designed to limit impacts and protect neighborhood character (page 32).

- **Action Step for Implementation Strategy 5.** Define accessory housing units. Determine residential zones that could support such changes. Prepare necessary criteria and amendments for future ordinances on accessory units (page 33).

In another policy document entitled *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which was commissioned in February 1996 by former Mayor Ted Wilson and delivered to the City Council in March 1998 the following assertions, goals, and recommendations are applicable:

- **Assertion M: There is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. Services for those less fortunate are seen as a positive attribute and are nurtured within our community.**
 - Recommendation 1: Amend zoning laws to encourage mixed use in appropriate areas.
 - Proposed Action: Adopt amendments to city zoning ordinances that allow mixed-use development in designated areas of the city. Identify areas to be included in ordinances, define types of mixed uses allowed (page 13).
- **Goal B: The ideal neighborhood will be diverse.** Neighborhoods will encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles, and familial statuses to be active community stakeholders. Families of various size and composition can be well served through a variety of programs and services. Service organizations will also be available to special-needs populations (page 41).
- **Goal D: The ideal neighborhood will be well maintained.** Landlords, tenants, and homeowners will share responsibility for keeping properties in good condition. Home ownership will be encouraged where possible. Neighborhoods should contain a variety of housing types, but more units should be owner occupied than renter occupied. This leads to longer term residents and stabilizes property values. Owners of rental units will be responsible and will maintain their properties. Mechanisms need to be in place to address problems caused by owners/renters who fail to maintain their properties. Landlords must screen tenants to ensure that they will be responsible renters. Landlords must also make repairs to their housing units to keep them as viable assets in the neighborhood. Housing should be designed for the changing needs of our current and future population (page 43).

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

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

More recently, the *West Side Master Plan* addressed accessory dwelling units as a potential infill tool:

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

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

Although not an approved master plan of the city, the *Mayoral Agenda: Livability in Salt Lake City* (2012-2016) by Mayor Ralph Becker includes the following supportive statement:

Increasing Housing Options for Residents

Enable moderate density increases in existing neighborhoods—with an emphasis on those served well by transit—by permitting accessory dwelling units and moderate-density attached single-family (and) multi-family developments (page 11).

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

Issue 2 – Zoning Ordinance Compliance. Chapter 21A.02.030 of the Zoning Ordinance states:

Purpose and Intent: The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment.

Additionally, Section 21A.24.010 of the Zoning Ordinance provides the following “general provision” for all residential districts:

Statement of Intent: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.

Although accessory dwelling units may marginally increase congestion and parking on neighborhood streets, permitting accessory dwelling units will:

- Improve viability of public transit;
- Improve property values;
- Is an economical use of public and private infrastructure;
- Protect the environment through reduction of vehicle miles driven within the region;
- Provide a range of housing choices;
- Preserve and maintain neighborhoods as safe and convenient places to live;
- Increase walkability; and
- Support small neighborhood business districts.

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

Issue 3 – Location Restrictions. As stated previously, prior to publication of the September 23, 2015, Planning Commission Staff Report, Salt Lake City has not issued any permits for an accessory dwelling unit under the provisions of Section 21A.40.200, as adopted by the Salt Lake City Council on September 18, 2012. Based on observation, Staff has concluded that the current requirement to

locate accessory dwelling units within a “one-half (1/2) mile radius of an operational fixed transit stop” is the primary obstacle to ADU development. In response to this issue, staff recommends removal of the 1/2-mile location restriction. Planning Division staff also recommends the ADU ordinance be extended to additional zoning districts where single-family dwellings are permitted, which includes: RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU Districts (see Attachment H – Proposed Zoning Map for ADUs).

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

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

The annual permit limitation was originally recommended by the Planning Commission on June 22, 2011, but later removed by the City Council in favor of the 1/2-mile restriction. If this provision is adopted, the Planning Division intends to study the effectiveness—and impacts—of the ordinance, and recommend future amendments if warranted. Once the city is satisfied with the effectiveness of the ordinance, the Planning Division will likely recommend removal of the annual limitation.

Issue 4 – Building Height. During development of the existing ordinance, the City retained the services of Clarion Associates, a private land use and real estate consulting firm, to draft the ordinance. The original draft included a provision to allow additional height for an ADU over an accessory structure, such as a garage. Due to privacy concerns, the Planning Commission modified the draft and recommended reducing the height of detached ADUs. However, during City Council review, additional window regulations were added to address privacy concerns, which also mitigate some concerns with ADU height.

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

Issue 5 – Simplify and Clarify Regulation. In response to Mayor Becker’s petition to amend the accessory dwelling unit regulation, Planning Division staff sought to simplify and clarify the regulation to improve use and administration. Although the City has not permitted any ADUs, staff has discussed the intent, interpretation, and application of the regulation with dozens of individuals. Based on these conversations, and significant feedback from Building Services staff, Planning Division staff recommends the ordinance be simplified where feasible, and clarified where warranted. Although the proposed ordinance includes additional provisions, the overall length of the ordinance has been reduced by approximately 20 percent. However, due to the extent of the proposed amendments, and reorganization of the ordinance, staff proposes to completely strike the existing code and replace it with the proposed amendment (see Attachment E – Proposed Zoning Amendments).

Issue 6 – Form Based Amendment. Within the FB-UN1 and FB-UN2 Form Based Urban Neighborhood Districts, a similar—but much simpler regulation—currently allows development of a “detached dwelling unit.” Recently, during the review of a building permit for a detached dwelling unit, staff determined that the following minor amendments were warranted:

- Reduce building setback for detached dwelling units from 5 feet to 4 feet;
- Clarify applicability of the ordinance in Form Based Urban Neighborhood Districts; and
- Expand the pedestrian entry regulation from a public alley.

See page 6 of Attachment E to review proposed text amendments.

NEXT STEPS

Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendment—or the approval of some modification of the amendment—and shall then submit its recommendation to the City Council (see Attachment J – Motions).

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

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

ATTACHMENT A: PETITION TO INITIATE

JUN 25 2014

Salt Lake City Mayor



Petition Initiation

Planning Division
Community & Economic Development Department

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

To: Wilf Sommerkorn, Planning Director *WS*

From: Mayor Ralph Becker

Date: June 25, 2014

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

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

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

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

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

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

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

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

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

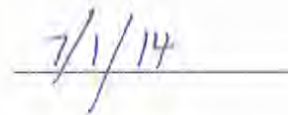
If you have any questions, please contact me.

Thank you.

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



Ralph Becker, Mayor



Date

ATTACHMENT B: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENT STANDARDS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the city council (and planning commission) should consider the following factors:

| Factor | Finding | Rationale |
|--|----------|---|
| 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents; | Complies | As discussed on pages three through five of the September 23, 2015, Planning Commission Staff Report, the proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents. |
| 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance; | Complies | As discussed on page five of the September 23, 2015, Planning Commission Staff Report, the proposed text amendment furthers the specific purpose statements of the zoning ordinance. |
| 3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and | Complies | The proposed text amendment is subordinate to the purposes and provisions of any applicable overlay zoning districts that may impose additional standards, such as the H Historic Preservation Overlay District. |
| 4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design. | Complies | <p>The proposed text amendment was originally crafted after reviewing “best practices” of various cities, such as Portland, OR; Santa Cruz and Chula Vista, CA; Seattle, WA; Lexington, MA; and Aspen, CO. As stated within Attachment I of the September 23, 2015, Planning Commission Staff Report, the American Planning Association (APA) recommends that “...communities would do well to seriously consider adopting an approach that ... allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard.”</p> <p>Although the proposed text amendment does not strictly achieve all of the recommendations of the American Planning Association, the proposal does reflect best practices tempered by local concerns, such as preference for owner occupancy requirements.</p> <p>Furthermore staff, routed the proposed text amendment to all pertinent Departments and Divisions of the City for review. Salt Lake City’s Engineering Division, Fire Department, Planning Division, Police Department, Public Utilities Department, and Transportation Division, reviewed the proposed amendment and recommended approval.</p> <p>Based on the above information, staff finds the proposal is consistent with this factor.</p> |

ATTACHMENT C: CURRENT ZONING ORDINANCE

21A.40.200: ACCESSORY DWELLING UNITS:

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

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

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

- C. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the following:
 - 1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
 - 2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a

disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.

3. Even if a person meets the requirements of subsection C1 or C2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
 - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
 - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;
 - (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
 - (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
 - (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.
 - b. Any person who fails, upon request of the community and economic development department, to provide any of the documents set forth in subsection C3a of this section or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this title that such person shall not be deemed an "owner occupant" of the dwelling unit in question.
4. The provisions of subsection C3 of this section shall apply to any person who began a period of owner occupancy after September 1, 2012, regardless of when the person purchased the property.

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

1. Purpose: These design and development standards are intended to ensure that accessory dwelling units are:
 - a. Compatible with the desired character and livability of the residential zoning districts;
 - b. Compatible with the historic district and landmark resources of the city;
 - c. Compatible with the general building scales and placement of structures to allow sharing of common space on the lot, such as yards and driveways; and
 - d. Smaller in size than the principal dwelling on the site.
2. General Requirements:
 - a. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or

- voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
- (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- b. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office indicating such owner occupied requirement of the property prior to issuance of a final certificate of occupancy for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
 - c. One per Lot: One accessory dwelling unit is permitted per residential lot.
 - d. Underlying Zoning Applies: Unless specifically provided otherwise in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot and bulk standards, such as building and wall height, setbacks, yard requirements, and building coverage.
 - (1) The requirements of section 21A.40.050 of this chapter, which govern all nonresidential accessory structures, do not apply to accessory dwelling units; and
 - (2) Accessory dwelling units may have the same building setbacks as that allowed in the zoning district for the principal dwelling on the property. An existing accessory structure whose setbacks do not meet the setback requirements for a dwelling as noted above may be converted into an accessory dwelling unit but any noncomplying setbacks may not become more noncomplying.
 - e. Existing Development on Lot: A single-family dwelling shall exist on the lot or will be constructed in conjunction with the accessory dwelling unit.
 - f. Internal, Attached, Or Detached: While accessory dwelling units are allowed only in conjunction with a principal dwelling on a lot, the unit may be built internal to, attached to, or as a separate unit detached from the principal dwelling.
 - g. Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:
 - (1) Internal: For accessory dwelling units located within the principal single-family structure, no minimum lot area is required;
 - (2) Attached: For accessory dwelling units located within an addition to the single-family structure, no minimum lot area is required; or
 - (3) Detached: For accessory dwelling units located within a detached structure, a minimum lot area of five thousand (5,000) square feet is required.
 - h. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit approval.
 - i. Public Utilities: No structure that is not connected to the public water and sanitary sewer systems shall have an accessory dwelling unit.
 - j. Multi-Family Districts With Single-Family Dwelling On Lot: A lot located within a multi-family zoning district that is currently built out with a single-family detached dwelling and does not have the required minimum amount of land to add additional units pursuant to the multi-family zoning district requirement, one accessory dwelling unit may be permitted.

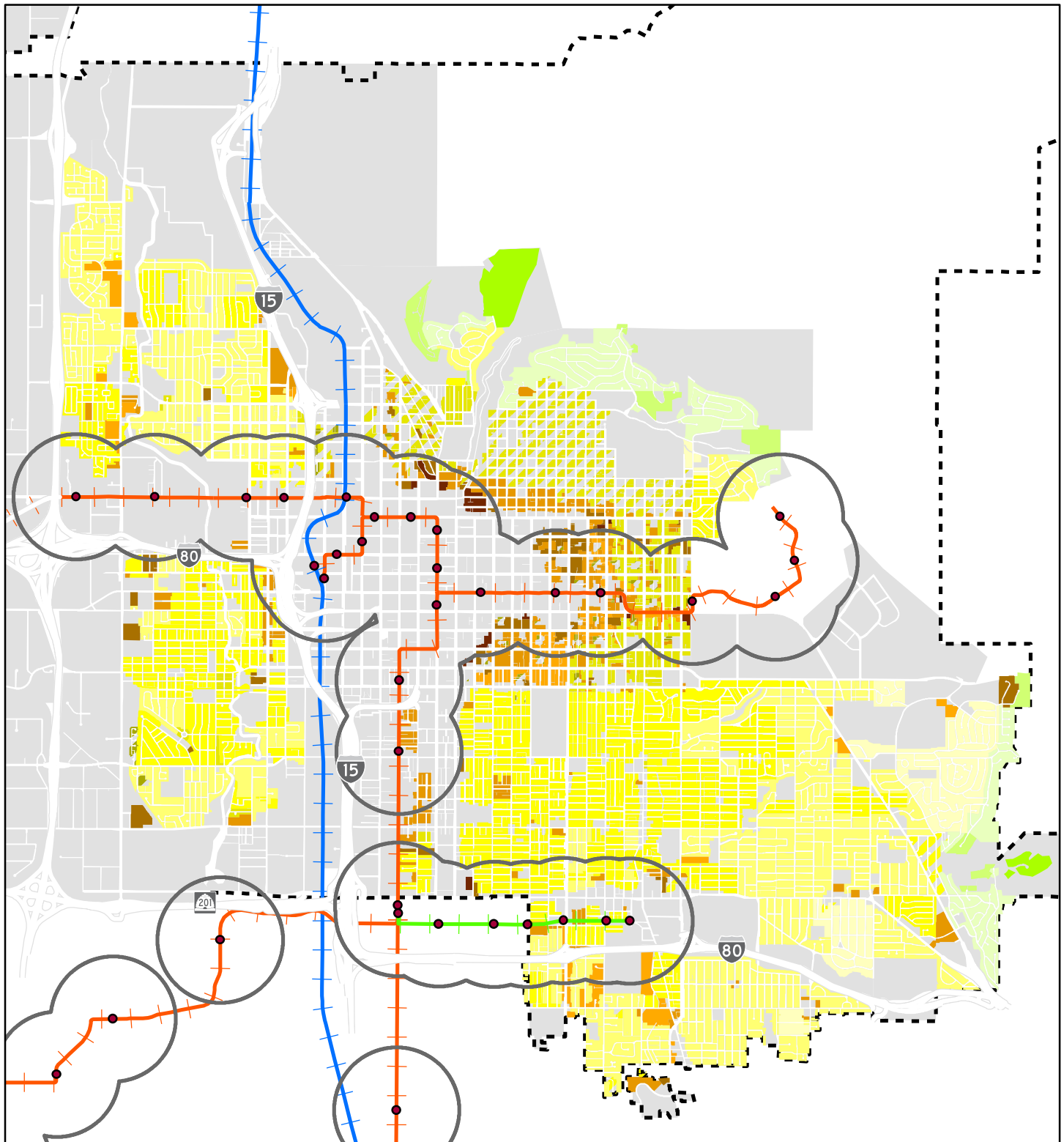
- k. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
 - l. Rooming House: Neither dwelling unit may be used as a "dwelling, rooming (boarding) house" as defined by section 21A.62.040 of this title.
 - m. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.
 - n. Historic Preservation Overlay District: Accessory dwelling units located in an H historic preservation overlay district are subject to the applicable regulations and review processes of section 21A.34.020 of this title, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.
 - o. Fixed Transit Stop: The property on which an accessory dwelling unit is permitted shall be located in whole or in part within a one-half ($\frac{1}{2}$) mile radius of an operational fixed transit stop (i.e., commuter rail, light rail, streetcar, etc.).
 - p. Windows: In an accessory dwelling unit that does not comply with the setback regulations for a single-family dwelling, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line, except under the following conditions:
 - (1) Windows adjacent to a rear yard property line may be allowed within ten feet (10') of the rear yard property line if the rear yard abuts an alley, or
 - (2) Windows located within ten feet (10') of a property line may be allowed if the bottom of the windowsill is located at least six feet (6') above the corresponding floor plate.
3. Methods of Creation: An accessory dwelling unit may only be created through one or more of the following methods:
- a. Converting existing living area within a principal structure, such as a basement or attic space;
 - b. Adding floor area to a principal structure;
 - c. Constructing a new single-family detached dwelling unit structure with an internal or detached accessory dwelling unit;
 - d. Converting or adding onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; or
 - e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.
4. Size of Accessory Dwelling Unit: The maximum size of an accessory dwelling unit may be no more than fifty percent (50%) of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet whichever is less. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.
5. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.
6. Number of Residents: The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a "family" as defined in section 21A.62.040, "Definitions Of Terms", of this title.
7. Parking:

- a. An accessory dwelling unit that contains a studio or single bedroom, one additional on site parking space is required.
 - b. An accessory dwelling unit that contains two (2) or more bedrooms, two (2) additional on site parking spaces are required.
 - c. The city transportation director may approve a request to waive, or modify the dimensions of, the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met, and
 - (1) Adequate on street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or
 - (2) The accessory dwelling unit is located within one-fourth ($\frac{1}{4}$) mile of a fixed transit line or an arterial street with a designated bus route.
 - d. The city transportation director may allow tandem parking, within a legal location behind an existing on site parking space, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.
8. Location of Entrance To Accessory Dwelling Unit:
- a. Internal Or Attached Units: Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front facade of the principal dwelling. No new entrances may be added to the front facade of a principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front facade of the principal dwelling unit.
 - b. Detached Units: Accessory dwelling units that are detached from the principal dwelling:
 - (1) May utilize an existing street-facing front facade entrance as long as the entrance is located a minimum of twenty feet (20') behind the front facade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of lot.
 - (2) Shall be located no closer than thirty feet (30') from the front property line and shall take access from an alley when one is present and accessible.
 - c. Corner Lots: On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.
 - d. H Historic Preservation Overlay District: When accessory dwelling units are proposed in an H historic preservation overlay district, the regulations and design guidelines governing these properties in section 21A.34.020 of this title shall take precedence over the location of entrance provisions above.
 - e. Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.
9. Exterior Design:
- a. Within An H Historic Preservation Overlay District: Accessory dwelling units located within an H historic preservation overlay district shall meet the process, regulations, and applicable design guidelines in section 21A.34.020 of this title.

- b. Outside H Historic Preservation Overlay District Or Historic Landmark Site: Accessory dwelling units shall be regulated by the following exterior design standards:
 - (1) The maximum height of a detached accessory dwelling unit shall not exceed the principal structure; and
 - (2) An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure.
- 10. Registration: Accessory dwelling units shall be registered with the city to evaluate whether the accessory dwelling unit initially meets applicable requirements; to ensure that the accessory dwelling unit meets health and safety requirements; to ensure that the property owner is aware of all city regulations governing accessory dwelling units; to ensure that the distribution and location of accessory dwelling units is known, to assist the city in assessing housing supply and demand; and to fulfill the accessory dwelling units purpose statement listed above. To accomplish this, property owners seeking to establish an accessory dwelling unit shall comply with the following:
 - a. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation;
 - b. Inspection: Ensure accessory dwelling unit is constructed, inspected, and approved in compliance with current building code; and
 - c. Business License: Apply for and obtain an annual business license for the accessory dwelling unit in accordance with the applicable provisions of the city.
- 11. Occupancy: No accessory dwelling unit shall be occupied until the property owner obtains a business license for the accessory dwelling unit from the city.

ATTACHMENT D: CURRENT ZONING MAP FOR ADUs

Current Zoning Map for ADUs



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

ATTACHMENT E: PROPOSED ZONING AMENDMENTS

21A.40.200: ACCESSORY DWELLING UNITS:

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

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

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

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. Even if a person meets the requirements of subsection B1 or B2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
 - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;

- (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;
- (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
- (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
- (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.

b. Any person who fails, upon request of the community and economic development department, to provide any of the documents set forth in subsection B3a of this section or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this title that such person shall not be deemed an "owner occupant" of the dwelling unit in question.

4. The provisions of subsection B3 of this section shall apply to any person who began a period of owner occupancy after September 18, 2012, regardless of when the person purchased the property.

C. Applicability: Accessory dwelling units are permitted in districts specified in Chapter 21A.33 Land Use Tables.

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

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

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

1. General Requirements:

- a. One per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.

- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
 - e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a "family" as defined in section 21A.62.040, "Definitions of Terms", of this title.
 - f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.
2. Design Requirements:
- a. An accessory dwelling unit shall be designed and constructed to be compatible with the principal dwelling.
 - b. Underlying Zoning Applies: Unless specifically provided in this section, accessory dwelling units are subject to the regulations of the underlying zoning district with regard to lot and bulk standards, including building and wall height, setbacks, yard requirements, and building coverage.
 - (1) Accessory dwelling units may have the same building setbacks as that allowed in the zoning district for the principal dwelling on the property. An existing accessory structure whose setbacks do not meet the setback requirements for a dwelling as noted above may be converted into an accessory dwelling unit but any noncomplying setbacks may not become more noncomplying.
 - c. Area of Accessory Dwelling Unit:
 - (1) The maximum gross floor area of an attached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling.
 - (2) The maximum gross floor area of a detached accessory dwelling unit may not exceed fifty percent (50%) of the gross floor area of the principal dwelling or six hundred fifty (650) square feet, whichever is less.
 - (3) The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city.
 - d. Height of Accessory Dwelling Unit:
 - (1) Maximum height of an accessory dwelling unit shall not exceed the principal dwelling; and
 - (2) Maximum height of a detached accessory dwelling unit located over an accessory use, such as parking or storage, may not exceed 24'-0" measured to the ridge of a pitched roof building, and 20'-0" of a flat roof building.

- e. Location of Entrance to Accessory Dwelling Unit:
- (1) Internal or Attached Units: Accessory dwelling units that are internal or attached to a principal dwelling may be accessible from the following:
 - (a) An existing entrance to the principal dwelling.
 - (b) An additional entrance on a street-facing facade provided:
 - i. Entrance is located at least twenty feet (20') behind the front facade of the principal dwelling; or
 - ii. Entrance is screened from public view by landscaping or architectural feature that is compatible with the design of the principal dwelling.
 - (c) An existing or additional entrance that faces the interior side yard or rear yard of lot.
 - (2) Detached Units: Accessory dwelling units that are detached from the principal dwelling may be accessible from an:
 - (a) Entrance located at least twenty feet (20') behind the front facade of the principal dwelling; or
 - (b) Entrance that faces the interior side yard or rear yard of lot.
 - (3) Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.
- f. Windows: In an accessory dwelling unit that does not comply with the setback regulations for a single-family dwelling, windows shall not be allowed within ten feet (10') of a side yard or rear yard property line except under the following conditions:
- (1) Windows adjacent to a rear yard property line may be allowed if the rear yard abuts an alley.
 - (2) Windows adjacent to a side yard or rear yard property line may be allowed if the bottom of the windowsill is located at least six feet (6') above the corresponding floor plate.
 - (3) Windows located within an existing structure, whether conforming or non-conforming with setback regulations, may be retained.
- g. Parking:
- (1) An accessory dwelling unit requires one on-site parking space.
 - (2) The planning director, in consultation with the transportation director, may approve a request to waive, or modify the dimensions of, the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met, and:
 - (a) Adequate on street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or
 - (b) The lot or parcel containing the accessory dwelling unit is located within a one-fourth ($\frac{1}{4}$) mile radius from a fixed transit line or an arterial street with a designated bus route.

(3) The planning director, in consultation with the transportation director, may allow tandem parking, located in front of or behind existing on-site parking, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.

3. Historic Preservation Overlay District: Accessory dwelling units located in an H historic preservation overlay district are subject to the applicable regulations and review processes of section 21A.34.020 of this title, including related guidelines and standards adopted by Salt Lake City to ensure compatible building and preservation of historic resources.

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

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

(1) Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit application.

(2) Permit Allocation: The city shall limit the establishment of accessory dwelling units to twenty-five (25) units per calendar year, with the following exceptions;

i. Accessory dwelling units located within a Redevelopment Agency (RDA) of Salt Lake City project area, or funded in part by RDA housing funds, shall be exempt from annual permit allocation limits.

ii. Accessory dwelling units that comply with all accessibility standards for Type B units, as specified in American National Standards Institute A117.1 (2009) Accessible and Usable Buildings and Facilities, shall be exempt from annual permit allocation limits.

(3) The City shall process building permit applications in order received; however building permit issuance shall be in order of compliance with current building code.

b. Inspection: City shall ensure the accessory dwelling unit is constructed, inspected, and approved in compliance with current building code.

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

d. Business License: In accordance with the applicable provisions of the city, apply for and obtain an annual business license for the accessory dwelling unit.

e. Certificate of Occupancy: No accessory dwelling unit shall receive a certificate of occupancy or be occupied until the property owner completes the registration process outlined in this section.

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

21A.62.040: DEFINITIONS OF TERMS:

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

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

Chapter 21A.27 Form Based Districts

Section 21A.27.030 Building Configuration and Design Standards

C. Other Applicable Development Standards

1. Landscaping. Any applicable standard listed in 21A.48 Landscaping shall be complied with.
2. Signs. All signs shall comply with the standards found in 21A.46.096.
3. Accessory Uses, Building and Structures. All accessory uses, buildings and structures shall comply with the applicable standards in 21A.40, except as noted below:
 - a. Form Based Urban Neighborhood District Specific Standards for Detached Dwelling Units:
 - (1) Detached dwelling units may be built in a required yard as a stand-alone unit or attached to an accessory building, such as a garage.
 - (2) Detached dwelling units are only permitted with the urban house, two-family dwelling, and row house building forms.
 - (3) No accessory structure containing a detached dwelling unit shall exceed twenty-five feet (25') in height.
 - (4) If a detached dwelling unit is built as a second level, the minimum setback from property line shall be a minimum of ~~five~~ four feet (~~54~~').
 - (5) All building configuration standards that apply to the primary building form shall also apply to the detached dwelling unit, with the exceptions listed below:
 - (A) The detached dwelling unit shall have an entry feature that faces or is accessible from a public alley when present;
 - (B) The entry feature may be a stoop that has a minimum dimension of four feet by four feet (4' x 4'); and
 - (C) The ground floor transparency requirement does not apply to detached dwelling units located on the second floor of an accessory structure.

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

Legend: C = Conditional P = Permitted

| Permitted And Conditional Uses By District | | | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|-----------------|----------------|---------------|---------------|----------|----------|----------|---------|------------|------------|------------|------------|----------|-------------|-------------|----------|----------|
| Use | 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 | P | P | P | P | P | P | P | | P | P | P | P | P | P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |

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

Legend: C = Conditional P = Permitted

| Permitted And Conditional Uses By District | | | | | | | | | | | | | | | | | | | |
|--|----|----|----------|----------|----------|----------|----------|----|-----|---|----|------|---|----|----|----|----------|--|--|
| Use | RP | BP | FP | AG | AG-2 | AG-5 | AG-20 | OS | NOS | A | PL | PL-2 | I | UI | MH | EI | MU | | |
| Dwelling, accessory unit | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | | | | | <u>P</u> | | |

ATTACHMENT F: PUBLIC PROCESS & COMMENTS

PUBLIC NOTICE, MEETINGS, AND COMMENTS

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

Open House:

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

Notice of Public Hearing:

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

ATTACHMENT G: DEPARTMENT COMMENTS



DEPARTMENT REVIEW COMMENTS

ACCESSORY DWELLING UNITS

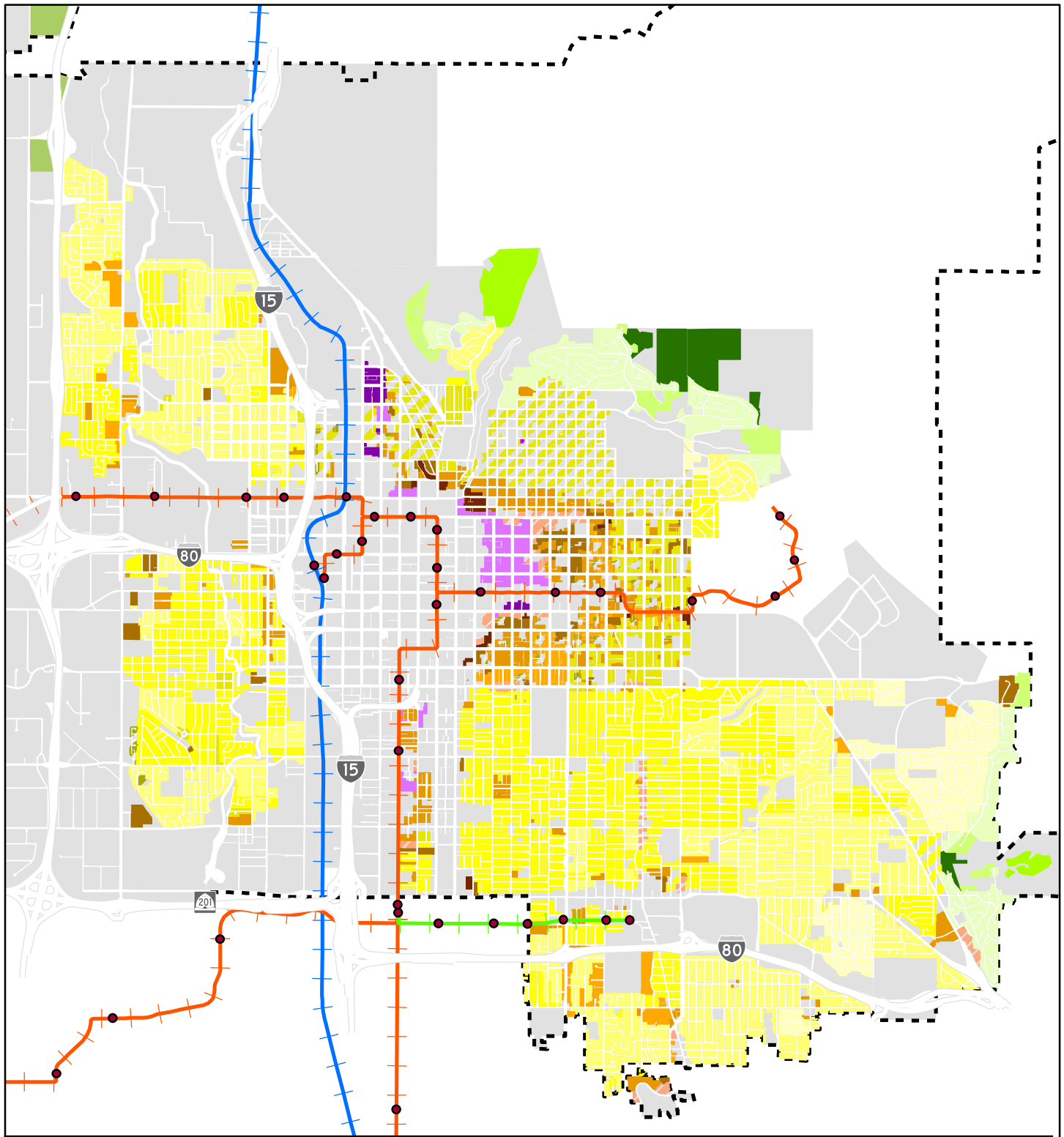
ZONING TEXT AMENDMENT

PLNPCM2014-00447

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

ATTACHMENT H: PROPOSED ZONING MAP FOR ADUs

Proposed Zoning Map for ADUs



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

ATTACHMENT I: QUICK NOTES ON ADUs

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and
counties across the
country have done
the right thing by
proactively
amending local
zoning ordinances
to allow ADUs."



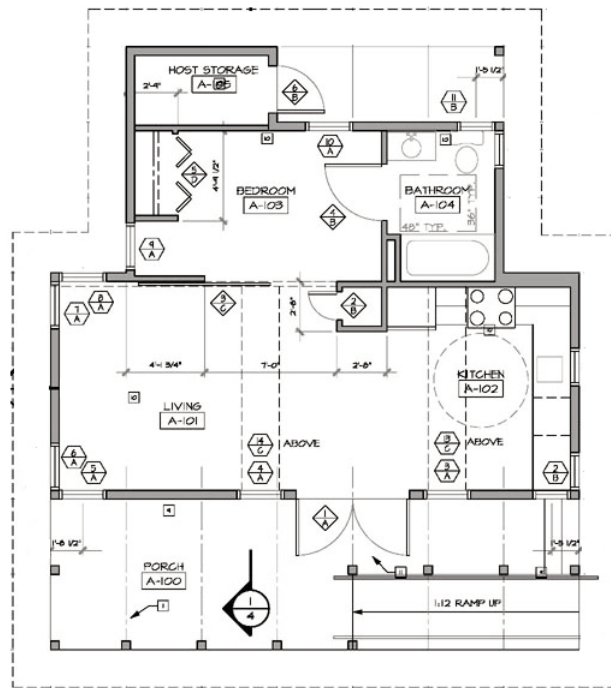
American Planning Association

Making Great Communities Happen

adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

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

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

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For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

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For more information on this topic visit www.planning.org.

ATTACHMENT J: MOTIONS

POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION

Staff Recommendation:

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

Not Consistent with Staff Recommendation:

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

Zoning Amendment Standards:

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

City Code 21A.50.050 Standards for general (zoning) amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the city council (and planning commission) should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

3.C PLANNING COMMISSION
Agenda & Minutes – September 23, 2015

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, September 23, 2015, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR SEPTEMBER 9, 2015

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

Administrative Matters

1. **Conditional Use Flag Lot and Lot Split at approximately 3101 South 900 East** - A request by Adam Nash, authorized agent, for Conditional Use and Preliminary Subdivision approval to subdivide and create a flag lot at the above listed address. The subject property is located in the R-1/7,000 (Single Family Residential District) zoning district and is located in City Council District 7, represented by Lisa Ramsey Adams. (Staff contact: Katia Pace, (801)535-6354, or katia.pace@slcgov.com)
 - a. **Conditional Use**-Request to allow the creation of a flag lot. Case number PLNPCM2015-00580
 - b. **Preliminary Subdivision** - Request to create two (2) lots from one existing parcel. Case number PLNSUB2015-00646

2. **600 South Apartments Planned Development and Conditional Building & Site Design Review at approximately 616 S State Street** - Adam Lankford, representing the developer The Wasatch Group, is requesting approval from the City to develop a proposed 270-unit apartment building at the above listed address. The applicant is requesting Planned Development approval for relaxation of certain required zoning standards related to ground floor commercial uses and building length. The development also requires Conditional Building and Site Design Review as the proposal exceeds certain height and setback limitations. Currently the land is vacant and the property is within Council District 4, represented by Luke Garrott. (Staff contact: Daniel Echeverria at (801)535-7165 or daniel.echeverria@slcgov.com.)
 - a. **Planned Development** - In order to build the above referenced project, the applicant is requesting Planned Development approval for relaxation of the requirement for ground floor commercial uses next to parking structures. The applicant is also requesting approval for relaxation of the 300' limit to building length. Case PLNSUB2015-00624.
 - b. **Conditional Building & Site Design (CBSD) Review** - In order to build the above referenced project, the applicant is requesting approval of building height lower than the 100' minimum on corner D-1 properties. The applicant is also requesting additional building height in the D-2 zoned area of the site, which has a maximum height of 65 feet. The proposed building is approximately 74' in height. The applicant is also requesting modification of the maximum 5' front yard setback standard in order to incorporate small entry courtyards. These standards are allowed to be modified through the CBSD process. Case number PLNPCM2015-00625.

Legislative Matters

3. **M-1 Light Manufacturing Zoning District to Allow Bus Line Yard and Repair** - A request by Dennis Copyak, representing Le Bus, to amend section 21A.33.040 Table of Permitted Uses for Manufacturing Districts to allow Bus Line Yard and Repair Facility as a permitted use in the M-1 (Light Manufacturing District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply citywide. (Staff contact: Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com.) Case number PLNPCM2015-00578
4. **SNB Zone to Allow Single-Practitioner Medical and Dental Offices** - A request by City Council, to amend section 21A.33.030 Table of Permitted Uses for Commercial Districts to allow Single-Practitioner Medical and Dental Offices as a permitted use in the SNB (Small Neighborhood Business District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply citywide. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.) Case number PLNPCM2015-00644
5. **Accessory Dwelling Units Amendment** - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNPCM2014-00447
6. **Electric Vehicle Charging Station Amendment** - A request by Mayor Ralph Becker to modify the electric vehicle parking ordinance, which requires parking for electric vehicles for some types of development throughout the City. The amendment will affect section 21A.44.050 of the zoning ordinance. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Tracy Tran at (801)535-7645 or tracy.tran@slcgov.com). Case number PLNPCM2015-00148.

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 23, 2015

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

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

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

Field Trip

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

The following site was visited:

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

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

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

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

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

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

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

Chairperson Guilkey stated he had nothing to report.

Vice Chairperson Paredes stated he had nothing to report.

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

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

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

[6:59:37 PM](#)

Accessory Dwelling Units Amendment - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNPCM2014-00447

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

The Commission and Staff discussed the following:

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

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

Chairperson Guilkey opened the Public Hearing.

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

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

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

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

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

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

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

Chairperson Guilkey read the following cards:

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

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

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

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

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

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

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

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

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

The motion died due to a tie vote.

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

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

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

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

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

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

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

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

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

[8:04:19 PM](#)

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

[8:10:36 PM](#)

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

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

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

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

4. PLANNING COMMISSION
June 22, 2016

4.A PLANNING COMMISSION
Newspaper Notice

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

ACCOUNT NUMBER

PLANNING DIVISION,
451 SOUTH STATE STREET, ROOM 4
SALT LAKE CITY UT 84111

ACCOUNT NAME

PLANNING DIVISION,

TELEPHONE

8015357759

ORDER # / INV

0001095676 /

PUBLICATION SCHEDULE

START 06/11/2016 END 06/11/2016

CUSTOMER REFERENCE NUMBER

PH 6/22

CAPTION

Notice of Public Hearing On Wednesday, June 22, 2016, the Salt Lake

SIZE

60 LINES

3 COLUMN(S)

TIMES

2

TOTAL COST

230.00

Notice of Public Hearing

On Wednesday, June 22, 2016, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

Map Amendment at approximately 475 South 300 East - A request by Salt Lake City Corporation, represented by Daniel Rip, to amend a small portion of the subject lot located at the above listed address. The purpose of the amendment is to rezone the portion to TSA-UC-C, so that it is consistent with the zoning of the parcels to the north. The subject property is located in the PL-2 (Public Lands) Zoning District and is located in Council District #4, represented by Derek Kitchen. (Staff contact: Kelsey Lindquist at (801)535-7930 or kelsey.lindquist@slcgov.com.) Case Number: PLNPCM2016-00303

Master Plan and Zoning Map Amendment at approximately 550 East 2100 South - A request by Alec Harwin, on behalf of Myriad Capital, for a Master Plan Amendment and Zoning Map Amendment at the above listed address. These amendments will allow for the development of a mixed-used project which will have ground floor retail along 2100 South and two stories of residential units above. The development will have between 30 and 44 residential units with appropriate parking to serve residents and visitors. Currently the land is used as an indoor recreational facility and a single-family home, and is zoned in the CB (Community Business) District. The proposed project will require a Master Plan Amendment and a Zoning Map Amendment. The subject property is within Council District 5, represented by Erin Mendenhall. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.)

a. Master Plan Amendment - In order to build the project noted above, a master plan amendment is required. The site is addressed in the Central Community Master Plan and is currently designated Community Commercial. The proposal is to amend the Future Land Use map of the Central Community Master Plan such that the project site, the properties between 527 East 2100 South and 559 East 2100 South, is indicated as Medium-Density Residential Mixed Use. Case Number: PLNPCM2016-00080 b. Zoning Map Amendment - In order to build the project noted above, a Zoning Map Amendment is required to allow the development of the proposed mixed-use residential project, as outlined above. The site is currently zoned CB (Community Business), and the applicant is requesting the site be rezoned to RMU-35 (Residential/Mixed Use). Case Number: PLNPCM2016-00081

Accessory Dwelling Units Amendment - A request by Salt Lake City to broaden and clarify accessory dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 and MU. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case Number: PLNPCM2014-00447

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

1095676 UPAKLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Notice of Public Hearing On Wednesday, June 22, 2016, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to t FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

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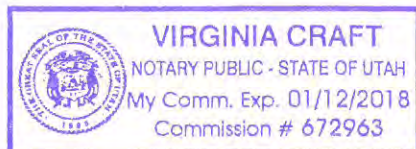
SIGNATURE *Ann Dartnell*

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 13TH DAY OF JUNE IN THE YEAR 2016

BY ANN DARTNELL



Virginia Craft
NOTARY PUBLIC SIGNATURE

4.B PLANNING COMMISSION
Staff Report – June 22, 2016



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

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

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Not Applicable

PARCEL IDENTIFICATION: Not Applicable

MASTER PLAN: Not Applicable

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

REQUEST: Salt Lake City has requested the existing regulations for accessory dwelling units be amended to simplify, clarify, and broaden the ordinance (see Attachment A – Petition to Initiate). In response, the Planning Division is proposing amendments that would expand the ability to develop accessory dwelling units within the city. The proposed regulation changes will affect FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU zoning districts. Related provisions of Title 21A Zoning may also be amended as part of this petition.

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

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

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

ATTACHMENTS:

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

PROJECT DESCRIPTION

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

An accessory dwelling unit (ADU) is a residential unit that is established on the same lot as a single-family dwelling unit, and may be located within a single-family dwelling, attached to a single-family dwelling (such as in an addition), or in a detached structure (such as in a garage or separate accessory structure). The accessory dwelling unit must be a complete housekeeping unit with a separate kitchen, sleeping area, closet space, bathroom facilities, and a shared or separate entrance.

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

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

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

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

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

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

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

KEY ISSUES

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

Issue 1 – Master Plan Compliance. Within the *Salt Lake City Community Housing Plan*, which was prepared by the Housing and Neighborhood Division of Community and Economic Development Department and adopted by the Salt Lake City Council in April of 2000, the following policy statements and implementation strategies are applicable:

- **City Council Policy Statement.** The City Council supports a citywide variety of housing units, including affordable housing and supports accommodating different types and intensities of residential development (page 8).
- **City Council Policy Statement.** The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services (page 19).
- **Affordable and Transitional Housing Implementation Strategy 1.** Review “Best Practices” from other cities and establish new programs or expand existing programs that meet housing needs and maximize housing opportunities for all residents within Salt Lake City (page 24).

- **City Council Policy Statement.** On a citywide basis, the City Council endorses accessory housing units in single-family zones, subject to restrictions designed to limit impacts and protect neighborhood character (page 32).
- **Action Step for Implementation Strategy 5.** Define accessory housing units. Determine residential zones that could support such changes. Prepare necessary criteria and amendments for future ordinances on accessory units (page 33).

In another policy document, entitled *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which was commissioned in February 1996 by former Mayor DeeDee Corradini and delivered to the City Council in March 1998, the following assertions, goals, and recommendations are applicable:

- **Assertion M: There is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. Services for those less fortunate are seen as a positive attribute and are nurtured within our community.**
 - Recommendation 1: Amend zoning laws to encourage mixed use in appropriate areas.
 - Proposed Action: Adopt amendments to city zoning ordinances that allow mixed-use development in designated areas of the city. Identify areas to be included in ordinances, define types of mixed uses allowed (page 13).
- **Goal B: The ideal neighborhood will be diverse.** Neighborhoods will encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles, and familial statuses to be active community stakeholders. Families of various size and composition can be well served through a variety of programs and services. Service organizations will also be available to special-needs populations (page 41).
- **Goal D: The ideal neighborhood will be well maintained.** Landlords, tenants, and homeowners will share responsibility for keeping properties in good condition. Home ownership will be encouraged where possible. Neighborhoods should contain a variety of housing types, but more units should be owner occupied than renter occupied. This leads to longer term residents and stabilizes property values. Owners of rental units will be responsible and will maintain their properties. Mechanisms need to be in place to address problems caused by owners/renters who fail to maintain their properties. Landlords must screen tenants to ensure that they will be responsible renters. Landlords must also make repairs to their housing units to keep them as viable assets in the neighborhood. Housing should be designed for the changing needs of our current and future population (page 43).

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

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

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

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

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

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

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

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

Issue 2 – Zoning Ordinance Compliance. Chapter 21A.02.030 of the Zoning Ordinance states:

Purpose and Intent: The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment.

Additionally, Section 21A.24.010 of the Zoning Ordinance provides the following “general provision” for all residential districts:

Statement of Intent: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.

Although accessory dwelling units may marginally increase congestion and parking on neighborhood streets, permitting accessory dwelling units will:

- Improve viability of public transit;
- Improve property values;
- Is an economical use of public and private infrastructure;
- Protect the environment through reduction of vehicle miles driven within the region;
- Provide a range of housing choices;

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

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

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

In response to this issue, staff recommends removal of the 1/2-mile location restriction. However, due to public comments received, Planning Division staff recommends the ADU ordinance be extended to neighborhoods that favor ADUs. Furthermore, staff recommends ADUs be a permitted use within the following additional residential and special purpose zoning districts: RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20, and MU Districts (see Attachment H – Proposed Zoning Map for ADUs).

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

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

The annual permit limitation was originally recommended by the Planning Commission on June 22, 2011, but later removed by the City Council in favor of the 1/2-mile restriction. If this provision is adopted, the Planning Division intends to study the effectiveness—and impacts—of the ordinance, and recommend future amendments if warranted. Once the city is satisfied with the effectiveness of the ordinance, the Planning Division will likely recommend removal of the annual limitation (see Attachment I - APA Quick Notes on ADUs).

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

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

Issue 6 – Simplify and Clarify Regulation. In response to Mayor Becker’s petition to amend accessory dwelling unit regulations, Planning Division staff sought to simplify and clarify the regulation to improve use and administration. Although the City has permitted only one ADU to date, staff has discussed the intent, interpretation, and application of the regulation with dozens of individuals. Based on these conversations, and significant feedback from Building Services staff, Planning Division staff recommends the ordinance be simplified where feasible, and clarified where warranted. Although the proposed ordinance includes additional provisions, the overall length of the ordinance has been reduced by approximately 20 percent. However, due to the extent of the proposed amendments, and reorganization of the ordinance, staff proposes to completely strike the existing code and replace it with the proposed amendment (see Attachment E – Proposed Zoning Amendments).

OPTIONS

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

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

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

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

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

NEXT STEPS

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

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

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

ATTACHMENT A: PETITION TO INITIATE

JUN 25 2014

Salt Lake City Mayor



Petition Initiation

Planning Division
Community & Economic Development Department

SCANNED TO: *plg*
SCANNED BY: *Paul*
DATE: *6/26/14*

To: Wilf Sommerkorn, Planning Director *WS*

From: Mayor Ralph Becker

Date: June 25, 2014

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

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

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

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

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

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

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

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

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

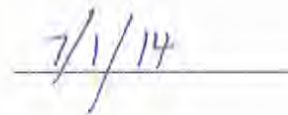
If you have any questions, please contact me.

Thank you.

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



Ralph Becker, Mayor



Date

ATTACHMENT B: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENT STANDARDS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the city council (and planning commission) should consider the following factors:

| Factor | Finding | Rationale |
|--|----------|--|
| 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents; | Complies | As discussed on pages three through five of the June 22, 2016, Planning Commission Staff Report, the proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents. |
| 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance; | Complies | As discussed on pages five through six of the June 22, 2016, Planning Commission Staff Report, the proposed text amendment furthers the specific purpose statements of the zoning ordinance. |
| 3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and | Complies | The proposed text amendment is subordinate to the purposes and provisions of any applicable overlay zoning districts that may impose additional standards, such as the H Historic Preservation Overlay District. |
| 4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design. | Complies | <p>The proposed text amendment was originally crafted after reviewing “best practices” of various cities, such as Portland, OR; Santa Cruz and Chula Vista, CA; Seattle, WA; Lexington, MA; and Aspen, CO. As stated within Attachment I of the June 22, 2016, Planning Commission Staff Report, the American Planning Association (APA) recommends that “...communities would do well to seriously consider adopting an approach that ... allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard.”</p> <p>Although the proposed text amendment does not strictly achieve all of the recommendations of the American Planning Association, the proposal does reflect best practices tempered by local concerns, such as preference for owner occupancy requirements.</p> <p>Furthermore staff, routed the proposed text amendment to all pertinent Departments and Divisions of the City for review. Salt Lake City’s Engineering Division, Fire Department, Planning Division, Police Department, Public Utilities Department, and Transportation Division, reviewed the proposed amendment and recommended approval.</p> <p>Based on the above information, staff finds the proposal is consistent with this factor.</p> |

ATTACHMENT C: CURRENT ZONING ORDINANCE

21A.40.200: ACCESSORY DWELLING UNITS:

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

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

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

- C. Owner Occupant: For the purposes of this title, "owner occupant" shall mean the following:
 - 1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
 - 2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a

disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.

3. Even if a person meets the requirements of subsection C1 or C2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
 - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
 - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;
 - (3) Rental documents and agreements with any tenant who occupies the dwelling unit, including an accessory apartment;
 - (4) Insurance, utility, appraisal, or other contractual documents related to the property which name the person as the property owner; and
 - (5) Documents which show the person is a full time resident of Utah for Utah state income tax purposes.
 - b. Any person who fails, upon request of the community and economic development department, to provide any of the documents set forth in subsection C3a of this section or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this title that such person shall not be deemed an "owner occupant" of the dwelling unit in question.
4. The provisions of subsection C3 of this section shall apply to any person who began a period of owner occupancy after September 1, 2012, regardless of when the person purchased the property.

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

1. Purpose: These design and development standards are intended to ensure that accessory dwelling units are:
 - a. Compatible with the desired character and livability of the residential zoning districts;
 - b. Compatible with the historic district and landmark resources of the city;
 - c. Compatible with the general building scales and placement of structures to allow sharing of common space on the lot, such as yards and driveways; and
 - d. Smaller in size than the principal dwelling on the site.
2. General Requirements:
 - a. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or

voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

- (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- b. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, filed with the county recorder's office indicating such owner occupied requirement of the property prior to issuance of a final certificate of occupancy for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
- c. One per Lot: One accessory dwelling unit is permitted per residential lot.
- d. Underlying Zoning Applies: Unless specifically provided otherwise in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot and bulk standards, such as building and wall height, setbacks, yard requirements, and building coverage.
 - (1) The requirements of section 21A.40.050 of this chapter, which govern all nonresidential accessory structures, do not apply to accessory dwelling units; and
 - (2) Accessory dwelling units may have the same building setbacks as that allowed in the zoning district for the principal dwelling on the property. An existing accessory structure whose setbacks do not meet the setback requirements for a dwelling as noted above may be converted into an accessory dwelling unit but any noncomplying setbacks may not become more noncomplying.
- e. Existing Development on Lot: A single-family dwelling shall exist on the lot or will be constructed in conjunction with the accessory dwelling unit.
- f. Internal, Attached, Or Detached: While accessory dwelling units are allowed only in conjunction with a principal dwelling on a lot, the unit may be built internal to, attached to, or as a separate unit detached from the principal dwelling.
- g. Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:
 - (1) Internal: For accessory dwelling units located within the principal single-family structure, no minimum lot area is required;
 - (2) Attached: For accessory dwelling units located within an addition to the single-family structure, no minimum lot area is required; or
 - (3) Detached: For accessory dwelling units located within a detached structure, a minimum lot area of five thousand (5,000) square feet is required.
- h. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code at time of permit approval.
- i. Public Utilities: No structure that is not connected to the public water and sanitary sewer systems shall have an accessory dwelling unit.
- j. Multi-Family Districts With Single-Family Dwelling On Lot: A lot located within a multi-family zoning district that is currently built out with a single-family detached dwelling and does not have the required minimum amount of land to add additional units pursuant to the multi-family zoning district requirement, one accessory dwelling unit may be permitted.

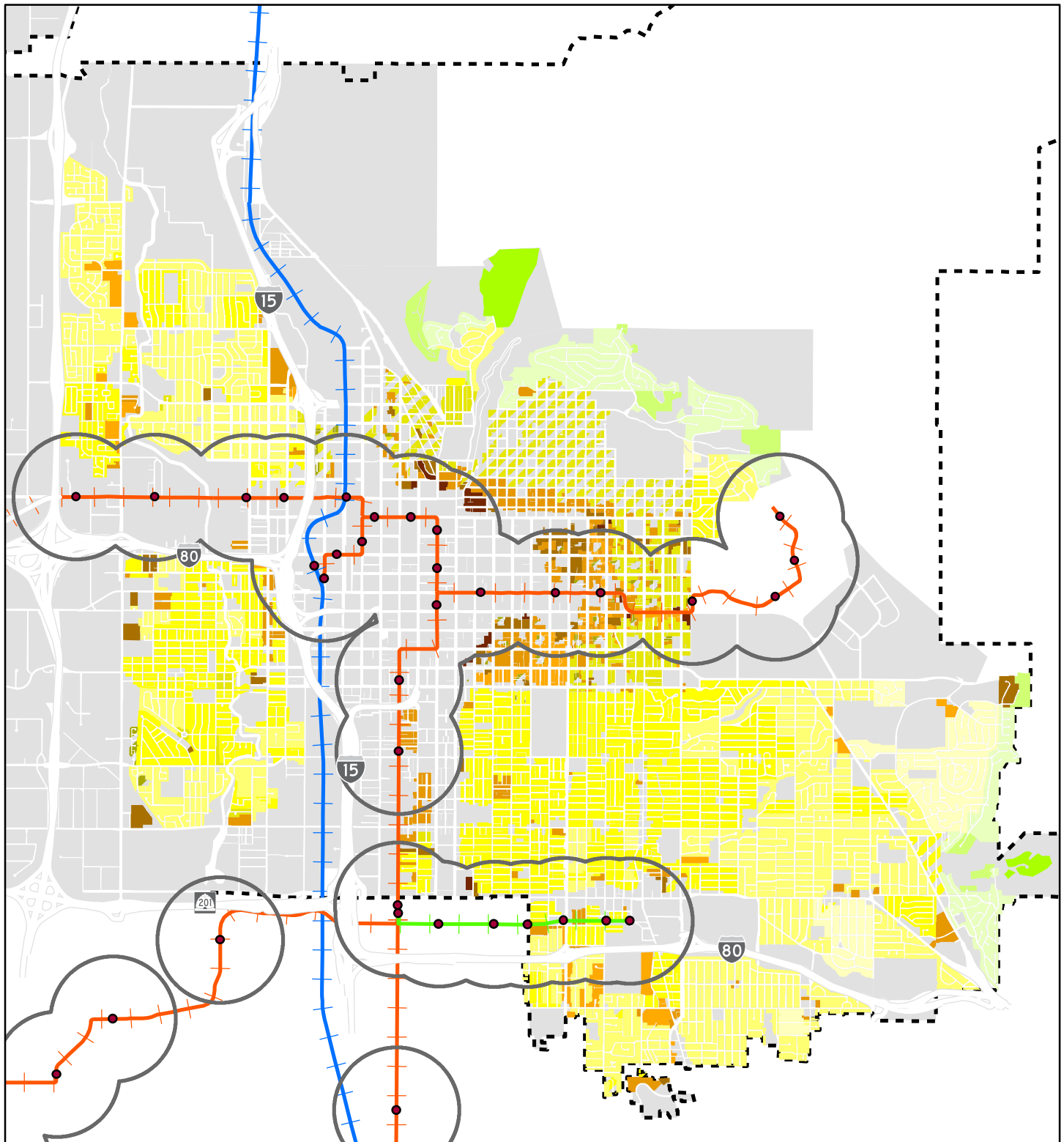
- k. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
 - l. Rooming House: Neither dwelling unit may be used as a "dwelling, rooming (boarding) house" as defined by section 21A.62.040 of this title.
 - m. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.
 - n. Historic Preservation Overlay District: Accessory dwelling units located in an H historic preservation overlay district are subject to the applicable regulations and review processes of section 21A.34.020 of this title, including the related guidelines and standards as adopted by Salt Lake City to ensure compatible building and preservation of historic resources.
 - o. Fixed Transit Stop: The property on which an accessory dwelling unit is permitted shall be located in whole or in part within a one-half ($1/2$) mile radius of an operational fixed transit stop (i.e., commuter rail, light rail, streetcar, etc.).
 - p. Windows: In an accessory dwelling unit that does not comply with the setback regulations for a single-family dwelling, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line, except under the following conditions:
 - (1) Windows adjacent to a rear yard property line may be allowed within ten feet (10') of the rear yard property line if the rear yard abuts an alley, or
 - (2) Windows located within ten feet (10') of a property line may be allowed if the bottom of the windowsill is located at least six feet (6') above the corresponding floor plate.
3. Methods of Creation: An accessory dwelling unit may only be created through one or more of the following methods:
- a. Converting existing living area within a principal structure, such as a basement or attic space;
 - b. Adding floor area to a principal structure;
 - c. Constructing a new single-family detached dwelling unit structure with an internal or detached accessory dwelling unit;
 - d. Converting or adding onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; or
 - e. Constructing a new accessory dwelling unit within a separate detached structure in compliance with applicable lot coverage regulations.
4. Size of Accessory Dwelling Unit: The maximum size of an accessory dwelling unit may be no more than fifty percent (50%) of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet whichever is less. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.
5. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.
6. Number of Residents: The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a "family" as defined in section 21A.62.040, "Definitions Of Terms", of this title.
7. Parking:

- a. An accessory dwelling unit that contains a studio or single bedroom, one additional on site parking space is required.
 - b. An accessory dwelling unit that contains two (2) or more bedrooms, two (2) additional on site parking spaces are required.
 - c. The city transportation director may approve a request to waive, or modify the dimensions of, the accessory dwelling unit parking space upon finding that the parking requirement for the principal dwelling is met, and
 - (1) Adequate on street parking in the immediate vicinity is available to serve the accessory dwelling unit and will not cause congestion in the area; or
 - (2) The accessory dwelling unit is located within one-fourth ($\frac{1}{4}$) mile of a fixed transit line or an arterial street with a designated bus route.
 - d. The city transportation director may allow tandem parking, within a legal location behind an existing on site parking space, to meet the accessory dwelling unit parking requirement so long as the parking space requirement is met for the principal dwelling.
8. Location of Entrance To Accessory Dwelling Unit:
- a. Internal Or Attached Units: Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front facade of the principal dwelling. No new entrances may be added to the front facade of a principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front facade of the principal dwelling unit.
 - b. Detached Units: Accessory dwelling units that are detached from the principal dwelling:
 - (1) May utilize an existing street-facing front facade entrance as long as the entrance is located a minimum of twenty feet (20') behind the front facade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance is facing the rear or side of lot.
 - (2) Shall be located no closer than thirty feet (30') from the front property line and shall take access from an alley when one is present and accessible.
 - c. Corner Lots: On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.
 - d. H Historic Preservation Overlay District: When accessory dwelling units are proposed in an H historic preservation overlay district, the regulations and design guidelines governing these properties in section 21A.34.020 of this title shall take precedence over the location of entrance provisions above.
 - e. Side Entrance Exemption: Side entrance for an accessory dwelling unit shall not be subject to compliance with subsection 21A.24.010H, "Side Entry Buildings", of this title.
9. Exterior Design:
- a. Within An H Historic Preservation Overlay District: Accessory dwelling units located within an H historic preservation overlay district shall meet the process, regulations, and applicable design guidelines in section 21A.34.020 of this title.

- b. Outside H Historic Preservation Overlay District Or Historic Landmark Site: Accessory dwelling units shall be regulated by the following exterior design standards:
 - (1) The maximum height of a detached accessory dwelling unit shall not exceed the principal structure; and
 - (2) An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure.
- 10. Registration: Accessory dwelling units shall be registered with the city to evaluate whether the accessory dwelling unit initially meets applicable requirements; to ensure that the accessory dwelling unit meets health and safety requirements; to ensure that the property owner is aware of all city regulations governing accessory dwelling units; to ensure that the distribution and location of accessory dwelling units is known, to assist the city in assessing housing supply and demand; and to fulfill the accessory dwelling units purpose statement listed above. To accomplish this, property owners seeking to establish an accessory dwelling unit shall comply with the following:
 - a. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation;
 - b. Inspection: Ensure accessory dwelling unit is constructed, inspected, and approved in compliance with current building code; and
 - c. Business License: Apply for and obtain an annual business license for the accessory dwelling unit in accordance with the applicable provisions of the city.
- 11. Occupancy: No accessory dwelling unit shall be occupied until the property owner obtains a business license for the accessory dwelling unit from the city.

ATTACHMENT D: CURRENT ZONING MAP FOR ADUs

Current Zoning Map for ADUs



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

ATTACHMENT E: PROPOSED ZONING AMENDMENTS

21A.40.200: ACCESSORY DWELLING UNITS:

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

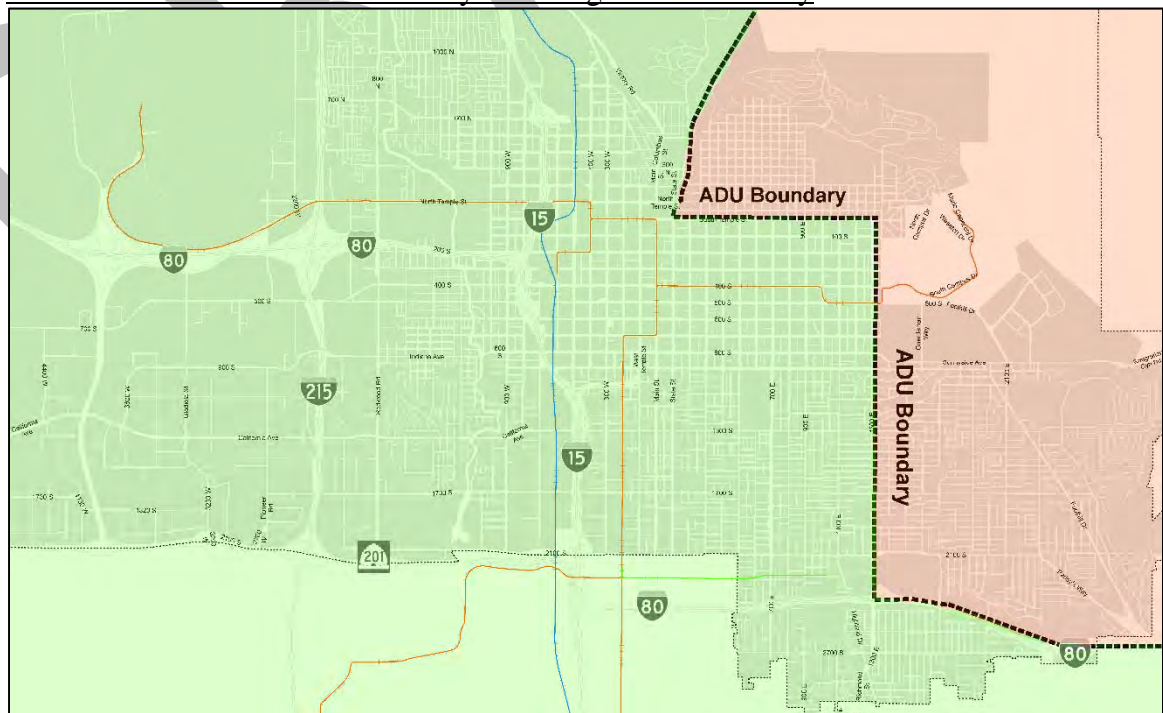
1. Create new housing units while respecting the appearance and scale of single-family residential development;
2. Provide more housing choices in residential districts;
3. Allow for more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing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

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

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty percent (50%) or more ownership in a dwelling unit; and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - (1) Possesses fee title ownership to a dwelling unit;
 - (2) Was created for estate planning purposes by one or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the family trust with a bona fide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. Even if a person meets the requirements of subsection B1 or B2 of this section, such person shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim by the city that a person is not an owner occupant may be rebutted only by documentation, submitted to the community and economic development department, showing such person has a bona fide intent to make the dwelling unit his or her primary residence. Such intent shall be shown by:
 - (1) Documents for any loan presently applicable to the property where the dwelling unit is located which name the person as a borrower;
 - (2) Tax returns which show the person has claimed income, deductions, or depreciation from the property;

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

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



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

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

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

1. General Requirements:

- a. One per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a "family" as defined in section 21A.62.040, "Definitions of Terms", of this title.
- f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per section 21A.36.030 of this title.

2. Design Requirements:

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

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

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

processes of section 21A.34.020 of this title, including related guidelines and standards adopted by Salt Lake City to ensure compatible building and preservation of historic resources.

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

21A.62.040: DEFINITIONS OF TERMS:

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

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

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

Legend: C = Conditional P = Permitted

| Permitted And Conditional Uses By District | | | | | | | | | | | | | | | | | | | |
|--|-----------------|-----------------|-----------------|----------------|---------------|---------------|----------|----------|----------|---------|------------|------------|------------|------------|----------|-------------|-------------|----------|----------|
| Use | 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 | P | P | P | P | P | P | P | | P | P | P | P | P | P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |

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

Legend: C = Conditional P = Permitted

| Permitted And Conditional Uses By District | | | | | | | | | | | | | | | | | | | |
|--|----|----|----------|----------|----------|----------|----------|----|-----|---|----|------|---|----|----|----|----------|--|--|
| Use | RP | BP | FP | AG | AG-2 | AG-5 | AG-20 | OS | NOS | A | PL | PL-2 | I | UI | MH | EI | MU | | |
| Dwelling, accessory unit | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | | | | | <u>P</u> | | |

ATTACHMENT F: PUBLIC PROCESS & COMMENTS

PUBLIC NOTICE, MEETINGS, AND COMMENTS

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

Open House:

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

Planning Commission Public Hearing:

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

Open House:

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

Sugar House Community Council Land Use Committee:

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

Greater Avenues Community Council:

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

Open House:

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

Yalecrest Community Council Meeting:

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

Ball Park Community Council Meeting:

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

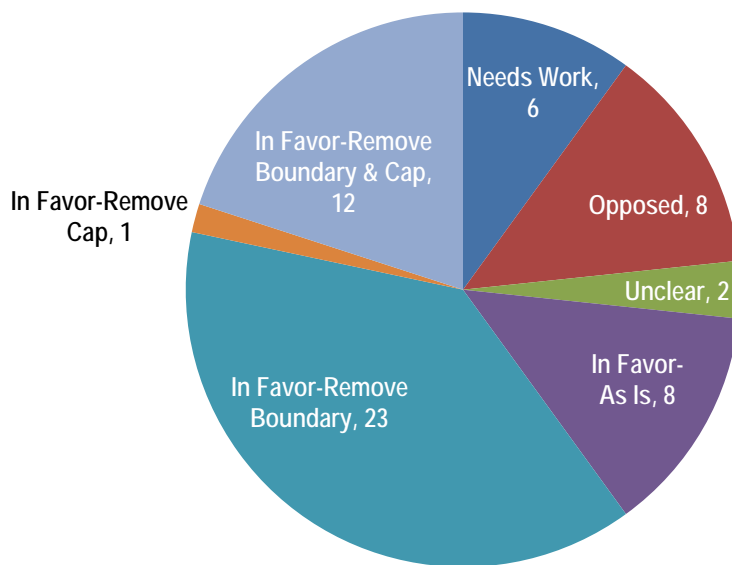
Capitol Hill Community Council Meeting:

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

Open City Hall:

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

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



Notice of Public Hearing:

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

Accessory Dwelling Units

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

All Statements sorted chronologically

As of June 16, 2016, 8:54 AM



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Accessory Dwelling Units

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

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

Attendees: 350

All Statements: 60

Hours of Public Comment: 3.0

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

Accessory Dwelling Units

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

Name not available (unclaimed)

June 15, 2016, 9:54 AM

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

Name not shown inside Council District 3 (on forum)

June 14, 2016, 10:20 PM

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

1 Supporter

Name not shown inside Council District 3 (on forum)

June 14, 2016, 10:03 PM

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

1 Supporter

Nathan Auck inside Council District 3 (on forum)

June 14, 2016, 5:57 PM

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

Name not shown inside Council District 3 (on forum)

June 14, 2016, 5:20 PM

Accessory Dwelling Units

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

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

1 Supporter

Brian Burnett inside Council District 6 (unverified)

June 13, 2016, 4:18 PM

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

Name not available (unclaimed)

June 12, 2016, 6:14 PM

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

Name not shown inside Council District 7 (on forum)

June 12, 2016, 11:18 AM

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

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

2 Supporters

Colin Strasser inside Council District 7 (on forum)

June 10, 2016, 4:32 PM

Accessory Dwelling Units

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

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

1 Supporter

Name not shown inside Council District 4 (on forum)

June 10, 2016, 8:54 AM

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

3 Supporters

Name not shown inside Council District 6 (on forum)

June 9, 2016, 3:25 PM

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

3 Supporters

Name not available (unclaimed)

June 9, 2016, 3:21 PM

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

Robert Lunt inside Council District 6 (on forum)

June 9, 2016, 2:30 PM

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

5 Supporters

Name not shown inside Council District 3 (on forum)

June 9, 2016, 12:54 PM

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

Accessory Dwelling Units

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

3 Supporters

Name not shown inside Council District 7 (on forum)

June 9, 2016, 12:05 AM

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

3 Supporters

John Samuel Garfield inside Council District 5 (on forum)

June 8, 2016, 10:59 PM

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

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

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

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

Name not shown inside Council District 6 (on forum)

June 8, 2016, 8:54 PM

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

Chris Biltoft inside Council District 3 (on forum)

June 8, 2016, 8:04 PM

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

Accessory Dwelling Units

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

1 Supporter

Name not shown inside Council District 2 (on forum)

June 8, 2016, 3:31 PM

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

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

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

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

4 Supporters

Name not shown inside Council District 3 (on forum)

June 8, 2016, 3:07 PM

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

Martha Klein inside Council District 6 (on forum)

June 7, 2016, 10:27 AM

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

4 Supporters

Steven Labrum inside Council District 3 (on forum)

June 7, 2016, 9:30 AM

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

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

2 Supporters

Lori Wagner inside Council District 6 (on forum)

June 7, 2016, 12:20 AM

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

1 Supporter

Name not available (unclaimed)

June 7, 2016, 12:13 AM

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

Phil Mattingly inside Council District 6 (on forum)

June 6, 2016, 8:50 PM

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

3 Supporters

Name not shown inside Council District 5 (on forum)

June 6, 2016, 6:24 PM

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

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

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

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proposal seeks to alter in a manner that will decrease each. The environmental chaos that is present day Sugarhouse is a stark example of the effects of concentrating many people in a small place.

3) The "highest and best use" theory of zoning would logically dictate that all single family, detached housing be bulldozed in favor of high density, high traffic rental units everywhere throughout the city - including the tonier neighborhoods of Yalecrest, Federal Heights, the Avenues, and the East Bench east of 1300 East. It seems to have been forgotten that landlords also apply this theory in the form of "highest and best rent." What evidence supports "affordable" units being offered to the general public under this plan? Even a very modest studio crafted out of a basement will now be rented for at least \$750 per month in my neighborhood.

4) In my neighborhood there are already many "seconds units," most of them illegally constructed by either landlords or homeowners, that contribute to the daily parking problems, noise, foot and vehicular traffic, and general transience of the population. People who live in a neighborhood temporarily do not seem to have the same investment in the quality of neighborhood life as those who have made a tangible investment.

4) I am unable to connect the concept of "transit adjacent" with second unit rentals. Is the City assuming that those who rent subdivided residential property are necessarily those who are patrons of public transit? I find this idea extremely classist and rudely condescending.

5) Many years ago, the residents of the Avenues fought City planning and zoning ordinances to stop the subdividing of residential properties into apartments and "second units" (the old name for Ancillary Dwelling Units). They did this because of parking problems, transience, burden on public services and utilities, and increased crime. Their objective was to improve the quality of life in their neighborhood. It seems the City has forgotten the lessons learned in this long-ago conflict and is tempted, with this plan, to repeat them.

As you can plainly see, I am much against this plan for many reasons. I think it is unsound, at the very least, and represents a reckless disregard for the investment many, many of us have made in our formerly undesirable neighborhoods in order to make them attractive and livable again. I guess everything contains the seeds of its own destruction...

2 Supporters

Matt Miller inside Council District 4 (on forum)

June 6, 2016, 5:35 PM

1) I'm excited to see the legality of ADU's extended outside the half mile radius from TRAX stations. There are a few homes (~1000) that meet the criteria of being both over 5000 SF and within a half mile of a rail transit station that the current ordinance represents. I'm a little surprised to see the requirement removed--the intent was to ensure homes with ADU's were near transit, thus reducing the need to drive, and thus the demand for parking. Restricting them to just TRAX stations is unreasonable on that basis. The intent was to ensure that only places guaranteed transit service could build ADUs. I think that represents too high of a bar, and 15-minute bus service should be included.

2) I recognize that there is a premium for single family neighborhoods, and that there are nuisances associated with density (parking, garbage cans, strange people). I recognize these nuisances reduce the value of single family detached homes. But as a landlord, I have a single family house I would like to add an ADU to, to increase my rental income. The highest and best use of that property is no longer as a single family home--the location appreciates, the structure depreciates.

3) As a renter, I want everything possible done to keep the average rent low. The only thing that is going to keep rents low is a proportional increase in the number of apartments. Adding a few 'affordable units' to new structures is not enough.

4) We can't build apartment buildings everywhere. Most of the land between I-80 and South Temple consists of

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

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

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

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

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

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

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

1 Supporter

Name not shown inside Council District 5 (on forum)

June 6, 2016, 5:03 PM

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

3 Supporters

Name not shown inside Council District 5 (on forum)

June 6, 2016, 4:50 PM

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

2 Supporters

Name not shown inside Council District 4 (on forum)

June 6, 2016, 4:40 PM

Accessory Dwelling Units

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

2 Supporters

Name not shown inside Council District 5 (on forum)

June 6, 2016, 4:30 PM

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

1 Supporter

Jacque Bernard inside Council District 5 (on forum)

June 6, 2016, 3:12 PM

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

1 Supporter

Mike Bender inside Council District 5 (on forum)

June 6, 2016, 2:48 PM

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

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

Accessory Dwelling Units

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

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

1 Supporter

Ben Hadlock inside Council District 7 (on forum)

June 6, 2016, 2:38 PM

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

2 Supporters

Douglas MacLean inside Council District 6 (on forum)

June 6, 2016, 2:23 PM

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

3 Supporters

Name not shown inside Council District 5 (on forum)

June 6, 2016, 2:12 PM

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

Accessory Dwelling Units

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

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

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

Just my 2 1/2 cents.

3 Supporters

Kenneth Kohler inside Council District 5 (on forum)

June 6, 2016, 2:01 PM

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

2 Supporters

Name not shown inside Council District 4 (on forum)

June 6, 2016, 1:39 PM

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

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

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

Accessory Dwelling Units

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

4 Supporters

Name not shown inside Council District 4 (on forum)

June 6, 2016, 1:15 PM

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

1 Supporter

michael budig inside Council District 2 (on forum)

June 6, 2016, 12:59 PM

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

2 Supporters

Name not shown inside Council District 6 (on forum)

June 6, 2016, 11:39 AM

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

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

1 Supporter

Name not shown inside Council District 1 (on forum)

June 6, 2016, 11:23 AM

There seems to be more than one issue at hand:

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

Accessory Dwelling Units

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

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

To address these issues, I propose the following:

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

5 Supporters

Kasey O. inside Council District 1 (on forum)

June 6, 2016, 11:06 AM

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

3 Supporters

Name not shown inside Council District 3 (on forum)

June 6, 2016, 11:01 AM

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

5 Supporters

Scott Christensen (unverified)

June 6, 2016, 10:53 AM

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

Accessory Dwelling Units

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

Name not shown inside Council District 5 (on forum)

June 6, 2016, 10:52 AM

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

8 Supporters

Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:40 AM

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

2 Supporters

Stanton Porter inside Council District 5 (on forum)

June 6, 2016, 10:35 AM

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

Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:27 AM

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

4 Supporters

Aaron Sebright inside Council District 3 (on forum)

June 6, 2016, 10:25 AM

Accessory Dwelling Units

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

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

1 Supporter

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

June 6, 2016, 10:21 AM

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

1 Supporter

Name not shown inside Council District 6 (on forum)

June 6, 2016, 10:20 AM

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

4 Supporters

Name not shown inside Council District 7 (on forum)

June 6, 2016, 10:19 AM

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

1 Supporter

Jesse Hulse inside Council District 4 (on forum)

June 6, 2016, 10:15 AM

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

Accessory Dwelling Units

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

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

3 Supporters

John Davis inside Council District 4 (on forum)

June 6, 2016, 10:14 AM

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

William Littig inside Council District 3 (on forum)

June 6, 2016, 10:13 AM

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

2 Supporters

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

June 6, 2016, 10:11 AM

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

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

2 Supporters

Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:11 AM

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

Name not shown inside Council District 3 (on forum)

June 6, 2016, 10:08 AM

Accessory Dwelling Units

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

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

1 Supporter

Name not shown inside Council District 4 (on forum)

June 6, 2016, 9:14 AM

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

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

2 Supporters



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

May 5, 2016

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

Dear Salt Lake City Planning Division,

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

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

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

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

Sincerely,

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

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

Re: ADU Question

Adam Collings [REDACTED]

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

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

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

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

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

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* ECONOMIC DEVELOPMENT

SALT LAKE CITY CORPORATION

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

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

**OPEN HOUSE
PUBLIC COMMENT FORM**

April 21, 2016



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: K. Marie Taylor

Address: 176 S. 1100 E. #2

SLC Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

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

**OPEN HOUSE
PUBLIC COMMENT FORM**

April 21, 2016



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: George Chapman

Address: 1186 S 1100 E

SLC Zip Code 84105

Phone: [REDACTED] E-mail [REDACTED]

Comments: I think requirements are so
stringent that it won't help much.
Cost for attached ADU is 40K, detached
(garage) 100K. We want more housing
but this is too limiting.
Max occupancy (parking, traffic)
should be considered. On site parking
(remove grass) should be allowed.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

ADU

marie taylor [REDACTED]

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

Michael Maloy,

I live in Derek Kitchen's district.

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

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

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

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

Thank you,
Marie Taylor

ADU comments

Norris, Nick

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

To: Maloy, Michael

Cc: Oktay, Michaela

Michael,

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

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

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

Nick



The Greater Avenues Community Council
PO Box 1679
Salt Lake City, UT 84110
www.slc-avenues.org

February 3, 2016

Planning Division
Community and Economic Development
Salt Lake City Corporation

Attention: Michael Maloy, AICP

Re: Accessory Dwelling Units

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

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

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

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

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

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

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

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

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

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

We appreciate the opportunity to comment. Please contact me at gaccchair@slc-avenues.org with any questions.

Regards,

David H. Alderman

David H. Alderman

GACC Chair

Cc: Stan Penfold

Re: ADU Comments

Kirk Huffaker [REDACTED]

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

Michael,

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

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

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

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
[REDACTED]

www.utahheritagefoundation.org

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

| Kirk,

FW: ADU - Accessory Dwelling Units

Tarbet, Nick

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

To: Maloy, Michael

Cc: Tarbet, Nick

Michael-

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

Nick Tarbet

From: Campbell, Kristin [REDACTED]

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

To: Council Comments

Subject: ADU - Accessory Dwelling Units

Greetings,

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

Thank you

Kristin Campbell
District 4

January 6, 2016

TO: Michael Maloy, Senior Planner
Salt Lake City Corporation

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



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

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

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

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

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

ADU - Accessory Dwelling Units

marie taylor [REDACTED]

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

To: Council Comments

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

Salt Lake City Council,

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

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

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

Thank you for your time,
Marie Taylor
District 4

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

www.SheJumps.org

**OPEN HOUSE
PUBLIC COMMENT FORM**

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: LANCE LEE

Address: 158 W. BARRY LINKS WAY

SALT LAKE CITY Zip Code 84115

Phone: [REDACTED] E-mail [REDACTED]

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

THANK YOU!
[Signature]

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

OPEN HOUSE PUBLIC COMMENT FORM

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: KERIC HUFFAKER

Address: UTAH HERITAGE FOUNDATION

Zip Code _____

Phone: [REDACTED] E-mail [REDACTED]

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE
PUBLIC COMMENT FORM**

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: Kelly Donahue

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

Zip Code 84111

Phone: [REDACTED] E-mail [REDACTED]

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE
PUBLIC COMMENT FORM**

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: Chase Steffensen

Address: 446 E 300 S
#18

SLC UT Zip Code 84111

Phone: [REDACTED] **E-mail:** [REDACTED]

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE
PUBLIC COMMENT FORM**

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: Natalie Banks

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

Phone: [REDACTED] E-mail [REDACTED]

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

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**OPEN HOUSE
PUBLIC COMMENT FORM**

December 17, 2015



Planning Division
Department of Community &
Economic Development

Accessory Dwelling Units Amendment

Name: Cynthia Wong

Address: 7390 South 705 East

Zip Code 84047

Phone: [REDACTED] E-mail [REDACTED]

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

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

open house on ADU's

cindy cromer [REDACTED]

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

To: Maloy, Michael

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

My persistent thoughts on the subject are--

to ditch the owner-occupied requirement and

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

Sincerely, cindy

Re: ADU amendments

LYNN Pershing [REDACTED]

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

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

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

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

Lynn

Sent from my iPhone

On Dec 8, 2015, at 11:21 PM, Maloy, Michael <Michael.Maloy@slcgov.com> wrote:

Lynn,

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

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* ECONOMIC DEVELOPMENT

SALT LAKE CITY CORPORATION

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

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

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

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

Field Trip

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

The following site was visited:

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

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

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

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

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

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

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

Chairperson Guilkey stated he had nothing to report.

Vice Chairperson Paredes stated he had nothing to report.

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

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

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

[6:59:37 PM](#)

Accessory Dwelling Units Amendment - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNPCM2014-00447

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

The Commission and Staff discussed the following:

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

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

Chairperson Guilkey opened the Public Hearing.

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

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

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

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

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

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

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

Chairperson Guilkey read the following cards:

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

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

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

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

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

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

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

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

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

The motion died due to a tie vote.

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

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

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

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

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

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

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

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

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

[8:04:19 PM](#)

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

[8:10:36 PM](#)

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

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

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

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

Proposed Changes to ADU Ordinance

Dianne Leonard [REDACTED]

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

To: Maloy, Michael

Cc: [REDACTED]

Michael,

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

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

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

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

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

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

Best,

Dianne

--

Dianne Leonard

GACC Chair

Gaccchair@slc-avenues.org

[REDACTED]

Accessory Dwelling Units

Judi Short [REDACTED]

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

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

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

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

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

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

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

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

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

--

Judi Short

[REDACTED]

ADU amendment

LYNN Pershing [REDACTED]

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

Hi Michael

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

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

Thanks for your consideration.

Lynn Kennard Pershing, Ph.D.

Chair

Yalecrest Neighborhood Council

tel: [REDACTED]

email: [REDACTED]

ATTACHMENT G: DEPARTMENT COMMENTS



DEPARTMENT REVIEW COMMENTS

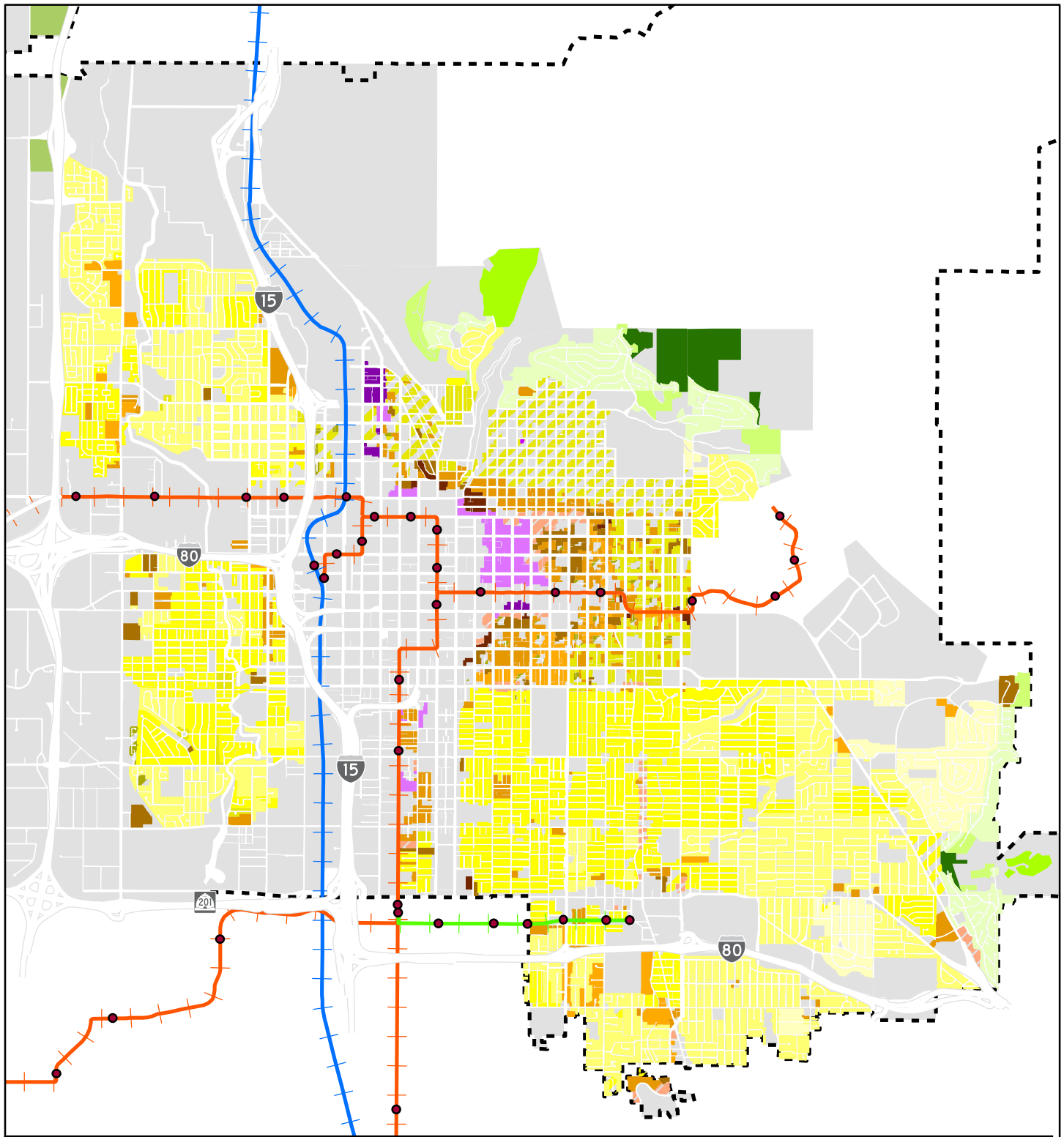
ACCESSORY DWELLING UNITS ZONING TEXT AMENDMENT

PLNPCM2014-00447

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

ATTACHMENT H: PROPOSED ZONING MAP FOR ADUs

Proposed Zoning Map for ADUs



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

ATTACHMENT I: QUICK NOTES ON ADUs

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and
counties across the
country have done
the right thing by
proactively
amending local
zoning ordinances
to allow ADUs."



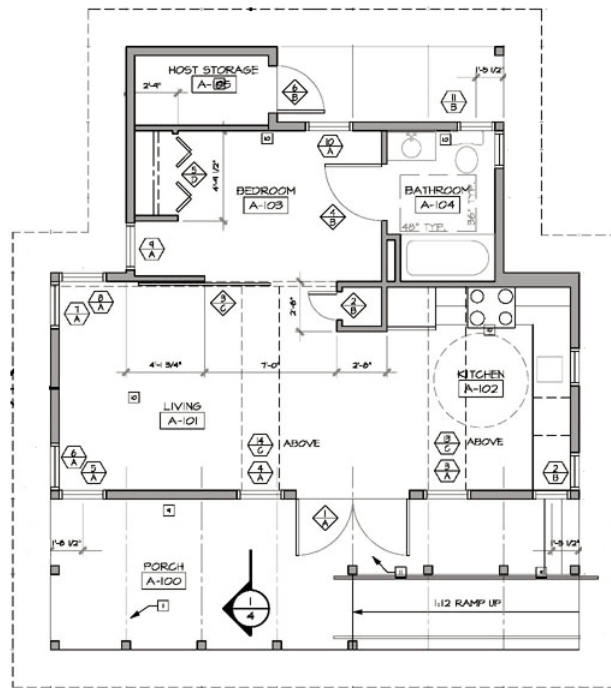
American Planning Association

Making Great Communities Happen

adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, certifying local ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

David Baker and Partners Architects

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

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

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

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For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

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For more information on this topic visit www.planning.org.

ATTACHMENT J: MOTIONS

POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION

Staff Recommendation:

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

Not Consistent with Staff Recommendation:

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

Zoning Amendment Standards:

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

City Code 21A.50.050 Standards for general (zoning) amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the city council (and planning commission) should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

4.C PLANNING COMMISSION
Agenda & Minutes – June 22, 2016

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, June 22, 2016, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR JUNE 8, 2016

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

Administrative Matters

1. **Zenith 1 Planned Development 1176/1182 South 400 East** - A request by Mitchell Spence, the owner of the properties, for a Planned Development to create five lots to construct single family detached dwellings with reduced required rear yard setbacks, and four of the dwellings would not have frontage on a public street. The properties are located at the above listed addresses in the R-1/5000 (Single Family Development) zoning district within Council District 5, represented by Erin Mendenhall. (Staff contact: Amy Thompson at (801)535-7281 or amy.thompson@slcgov.com.) Case Number: **PLNSUB2015-01008**

2. **Apartment building Conditional Building and Site Design Review at approximately 974 E 2100 S.** - A request by John Gardiner for approval from the city for a new 126-unit multi-family apartment project. Specifically, the proposed development gross floor area (165,425 square feet) and building height (60 feet) requires additional consideration. In this zoning district (CSHBD2 Commercial Sugar House Business District), new construction of buildings that exceed 30 feet in height or 20,000 square feet in size are subject to the Planning Division's Conditional Building and Site Design Review (CBSDR) process outlined in chapter 21A.59 of the Salt Lake City Zoning Ordinance. The subject property is within Council District 7, represented by Lisa Adams. (Staff contact: Molly Robinson at (801)535-7261 or molly.robinson@slcgov.com.) Case Number: **PLCPCM2016-00299**

Legislative Matters

3. **Master Plan and Zoning Map Amendment at approximately 550 East 2100 South** - A request by Alec Harwin, on behalf of Myriad Capital, for a Master Plan Amendment and Zoning Map Amendment at the above listed address. These amendments will allow for the development of a mixed-used project which will have ground floor retail along 2100 South and two stories of residential units above. The development will have between 30 and 44 residential units with appropriate parking to serve residents and visitors. Currently the land is used as an indoor recreational facility and a single-family home, and is zoned in the CB (Community Business) District. The proposed project will require a Master Plan Amendment and a Zoning Map Amendment. The subject property is within Council District 5, represented by Erin Mendenhall. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.)
 - a. **Master Plan Amendment** - In order to build the project noted above, a master plan amendment is required. The site is addressed in the Central Community Master Plan and is currently designated Community Commercial. The proposal is to amend the Future Land Use map of the Central Community Master Plan such that the project site, the properties between 527 East 2100 South and 559 East 2100 South, is indicated as Medium-Density Residential Mixed Use. Case Number: **PLNPCM2016-00080**
 - b. **Zoning Map Amendment** - In order to build the project noted above, a Zoning Map Amendment is required to allow the development of the proposed mixed-use residential project, as outlined above. The site is currently zoned CB (Community Business), and the applicant is requesting the site be rezoned to RMU-35 (Residential/Mixed Use). Case Number: **PLNPCM2016-00081**
4. **Map Amendment at approximately 475 S 300 East** - A request by Salt Lake City Corporation, represented by Daniel Rip to amend a small portion of the subject lot located at the above listed address. The purpose of the amendment is to rezone the portion to TSA-UC-C, so that it is consistent with the zoning of the parcels to the north. The subject property is located in the PL-2 (Public Lands) Zoning District and is located in Council District #4, represented by Derek Kitchen. (Staff contact: Kelsey Lindquist at (801)535-7930 or kelsey.lindquist@slcgov.com.) Case Number: **PLNPCM2016-00303**
5. **Accessory Dwelling Units Amendment** - A request by Salt Lake City to broaden and clarify accessory dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 and MU. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case Number: **PLNPCM2014-00447**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 22, 2016

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:29:54 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Emily Drown, Vice Chairperson Andres Paredes; Commissioners Maurine Bachman, Michael Fife, Carolyn Hoskins, Matt Lyon and Clark Ruttinger. Commissioners Angela Dean, Michael Gallegos, Jamie Bowen and Ivis Garcia were excused.

Planning Staff members present at the meeting were Ms. Nora Shepard, Planning Director; Michaela Oktay, Planning Manager; Michael Maloy, Senior Planner; Molly Robinson, Urban Designer, Anthony Riederer, Principal Planner; Amy Thompson, Principal Planner; Kelsey Lindquist, Associate Planner, Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

APPROVAL OF THE JUNE 8, 2016, MEETING MINUTES. [5:30:23 PM](#)

MOTION [5:30:28 PM](#)

Commissioner Fife moved to approve the June 8, 2016, meeting minutes. Commissioner Bachman seconded the motion. The motion passed unanimously. Commissioners Hoskins and Paredes abstained from voting as they were not present at the meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:00 PM](#)

Chairperson Drown stated thanked the Staff for their effort on finding new members of the Commission.

Vice Chairperson Paredes stated he had nothing to report.

REPORT OF THE DIRECTOR [5:31:19 PM](#)

Ms. Nora Shepard, Planning Director, reviewed the flyer sent out to recruit Planning and Historic Landmark Commission members. She reported on the name change for the department to Community and Neighborhoods.

[7:58:55 PM](#)

Accessory Dwelling Units Amendment - A request by Salt Lake City to broaden and clarify accessory dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75,

RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 and MU. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case Number: PLNPCM2014-00447

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

The Commission and Staff discussed the following:

- How attached ADU's were different than traditional additions to homes.
- The allowable height of an ADU.
- The difference between hobby shops and ADUs.
- The reasons ADUs are allowed in one place versus another.

PUBLIC HEARING [8:22:55 PM](#)

Chairperson Drown opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, stated there should be a minimum lot size for ADUs and only approved if there was available parking. She stated there should be only one person in charge of approving these types of units. Ms. Short stated this would be someone that would research each application to see if they fit with the neighborhoods. She stated some zones would not be adequate for ADUs like RMF.

The following people spoke to the petition: Ms. Cindy Cromer and Mr. Jim Burdett.

The following comments were made:

- Thanked Staff for their work on the proposal.
- Need to figure out the result of the ordinance and its outcome.
- Was impossible to require one of the units be occupied by the property owner.
- ADUs are very expensive to construct.
- The ordinance was a great addition for the city and should be approved.
- Should be forwarded to the Council with no borders and let them decide what should be done.

Chairperson Drown read the following cards:

Ms. Marie Taylor – Owner occupied should be removed, should be able to go from two to three or three to four, ADU opportunity to resolve odd units that don't qualify for other unity legalization methods.

Mr. George Chapman- in opposition to the proposal.

Chairperson Drown closed the Public Hearing.

The Commission and Staff discussed the following:

- If there something that hold up when the proposal went to the City Council.
- The review process for ADUs.
- How the City Council would review the proposal and if there was an end point for the ordinance.

MOTION [8:42:09 PM](#)

Commissioner Lyon stated regarding, PLNPCM2014-00447 Accessory Dwelling Units Amendment, based on the findings and analysis in the Staff Report, testimony received, and discussion at the public hearing, he moved that the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units in districts that permit single-family dwellings. Commissioner Bachman seconded the motion. Commissioners Ruttinger, Hoskins, Bachman and Lyon voted aye. Commissioner Fife voted nay. The motion passed 4-1

Commissioner Ruttinger stated it should be left to the City Council to decide the boundaries for the proposal and let the zoning regulate the size and percentage of the lot could be covered by the ADU.

The meeting adjourned at [8:43:51 PM](#)

5. ORIGINAL PETITION

JUN 25 2014

Salt Lake City Mayor



Petition Initiation

Planning Division
Community & Economic Development Department

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

To: Wilf Sommerkorn, Planning Director *WS*

From: Mayor Ralph Becker

Date: June 25, 2014

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

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

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

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

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

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

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

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

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

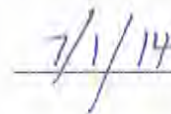
If you have any questions, please contact me.

Thank you.

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



Ralph Becker, Mayor



Date

6. MAILING LIST

| Name | Group | Address | City State | Zip |
|-------------------------|--------------------------|----------------------------------|-------------------|------------|
| Erin Youngberg | Westpointe | 1910 Bridge Crest Circle | Salt Lake City UT | 84116 |
| Blake Perez | Rose Park | 768 N Oakley Street | Salt Lake City UT | 84116 |
| Jim Goostrey | Jordan Meadows | 1975 W Floisand Circle | Salt Lake City UT | 84116 |
| Bryce Garner | Fairpark | 170 N 800 West Street | Salt Lake City UT | 84116 |
| Marti Woolford | Poplar Grove | PO BOX 193 | Salt Lake City UT | 84110 |
| Sean Crossland | Glendale | 2223 S Highland #E6 | Salt Lake City UT | 84106 |
| Eric Jergensen | Capitol Hill | 480 Wall # A 202 | Salt Lake City UT | 84103 |
| Gwen Springmeyer | Greater Avenues | 53 E 200 North Street | Salt Lake City UT | 84103 |
| Gene Fitzgerald | Federal Heights | 1385 Butler Avenue | Salt Lake City UT | 84102-1803 |
| D Christian Harrison | Downtown | 336 W Broadway # 308 | Salt Lake City UT | 84101 |
| Bill Davis | Ball Park | 335 Hansen Avenue | Salt Lake City UT | 84115 |
| Michael Iverson | Central City | 210 S 300 E Street #116 | Salt Lake City UT | 84111 |
| Ester Hunter | East Central | 606 Trolley Square | Salt Lake City UT | 84102 |
| Darryl High (co-chair) | East Liberty Park | 980 S Lincoln Street | Salt Lake City UT | 84105 |
| Bryce Garner (co-chair) | East Liberty Park | 170 N 800 West Street | Salt Lake City UT | 84116 |
| Valerie Vaughn | Liberty Wells | PO BOX 520442 | Salt Lake City UT | 84152-0442 |
| Ester Hunter | University Gardens | 606 Trolley Square | Salt Lake City UT | 84102 |
| Robin Carabugh | Yalecrest | 1428 E Sunnyside Avenue | Salt Lake City UT | 84105 |
| Michael Dodd | Wasatch Hollow | 1577 E 1700 South | Salt Lake City UT | 84105 |
| Matt Nelson | Sunnyside East | 914 S 2300 East Street | Salt Lake City UT | 84108 |
| Ellen Reddick | Bonneville Hills | 1338 S Foothill Dr Ste 205 | Salt Lake City UT | 84108 |
| Laurel H Young | Foothill Sunnyside | 2049 Herbert Avenue | Salt Lake City UT | 84108 |
| Kim Peterson | East Bench | 3069 Carrigan Canyon Drive | Salt Lake City UT | 84109 |
| Amy Barry | Sugar House | 1178 Ramona Avenue | Salt Lake City UT | 84105 |
| Michael Maloy | Salt Lake City Planning | PO BOX | Salt Lake City UT | 84114-5480 |
| Judy Short | | 862 Harrison Avenue | Salt Lake City UT | 84105 |
| Cindy Cromer | | 816 E 100 South | Salt Lake City UT | 84102 |
| Marie Taylor | | 176 S 1100 East #2 | Salt Lake City UT | 84102 |
| Darin Mano | Raw Design Studio LLC | 517 S 200 W Garden Level Suite D | Salt Lake City UT | 84101 |
| Will Warlick | | 2813 Alden Street | Salt Lake City UT | 84104 |
| Dave Robinson | | 115 S 1100 East #308 | Salt Lake City UT | 84102 |
| Dennis Eyre | | 2741 Apache Circle | Salt Lake City UT | 84108 |
| George Chapman | | 1186 S 1100 East | Salt Lake City UT | 84105 |
| Kirk Huffaker | Utah Heritage Foundation | 375 N Canyon Road | Salt Lake City UT | 84103 |
| Kristin Campbell | | 167 S McClelland Street | Salt Lake City UT | 84102 |
| Jim Burdett | | 2827 S Beverly Street | Salt Lake City UT | 84106 |
| Tom Landes | | 950 E 100 South | Salt Lake City UT | 84102 |
| Chase Steffensen | | 446 E 300 South #8 | Salt Lake City UT | 84111 |
| Lance Lee | | 158 W Barry Links Way | Salt Lake City UT | 84115 |
| Kelly Donahue | | 446 E 300 S #8 | Salt Lake City UT | 84111 |
| Natalie Banks | | 5562 W 11200 North | Highland UT | 84003 |
| Cynthia Wong | | 7390 S 705 East | Midvale UT | 84047 |
| Dianne Leonard | | 183 K Street | Salt Lake City UT | 84103 |
| Eric Tindall | | 1456 N 2425 West | Layton UT | 84041 |
| Jana Garrett | | 420 A Street | Salt Lake City UT | 84103 |
| Josh Levey | | 932 S 1000 East | Salt Lake City UT | 84105 |
| David Walker | | 854 E Harrison Avenue | Salt Lake City UT | 84105 |