



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 ½ 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 ½-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 ½-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.

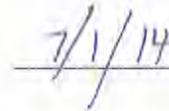
If you have any questions, please contact me.

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.

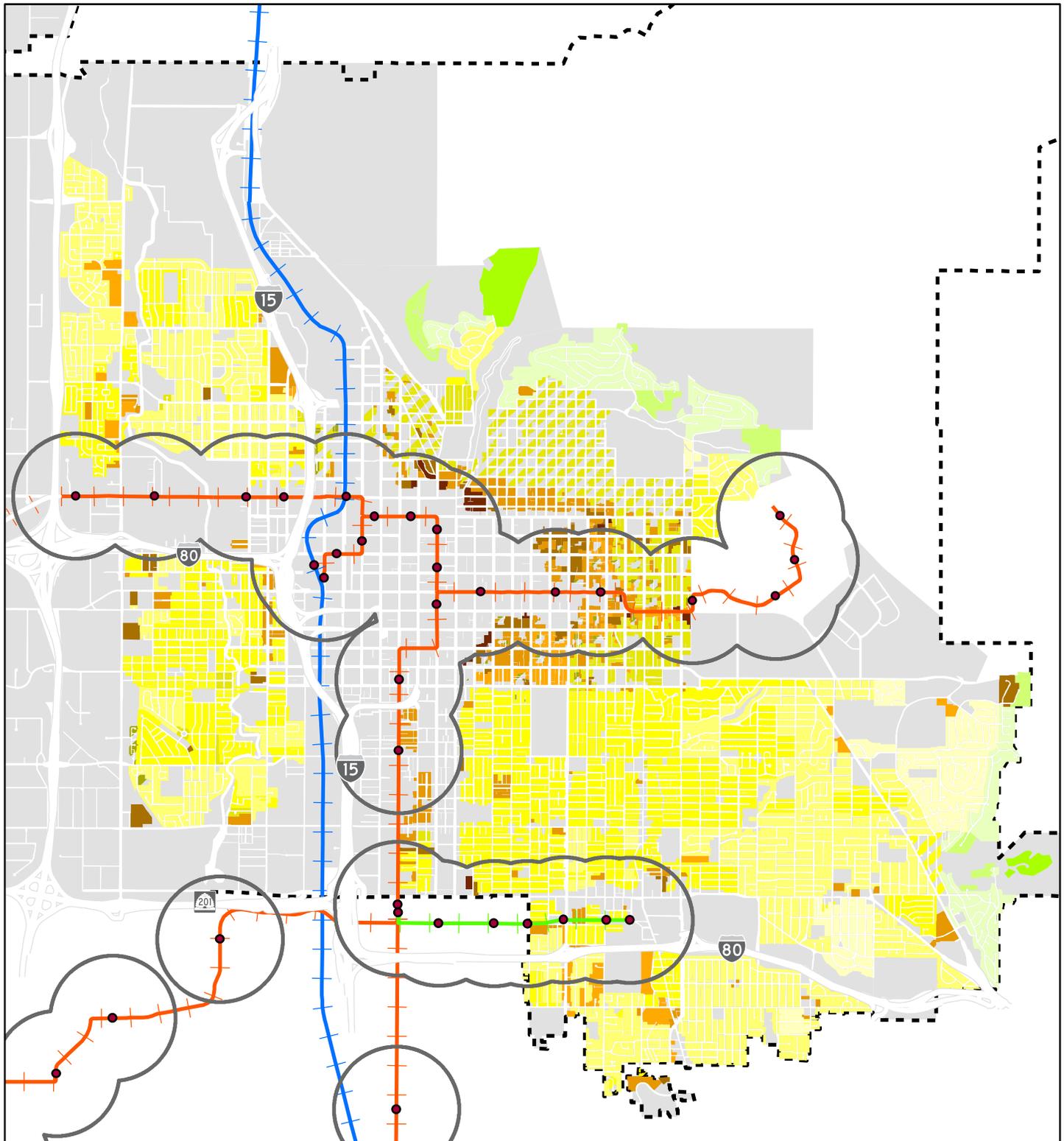
- k. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
 - l. Rooming House: Neither dwelling unit may be used as a "dwelling, rooming (boarding) house" as defined by section 21A.62.040 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 (~~5~~4').
 - (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

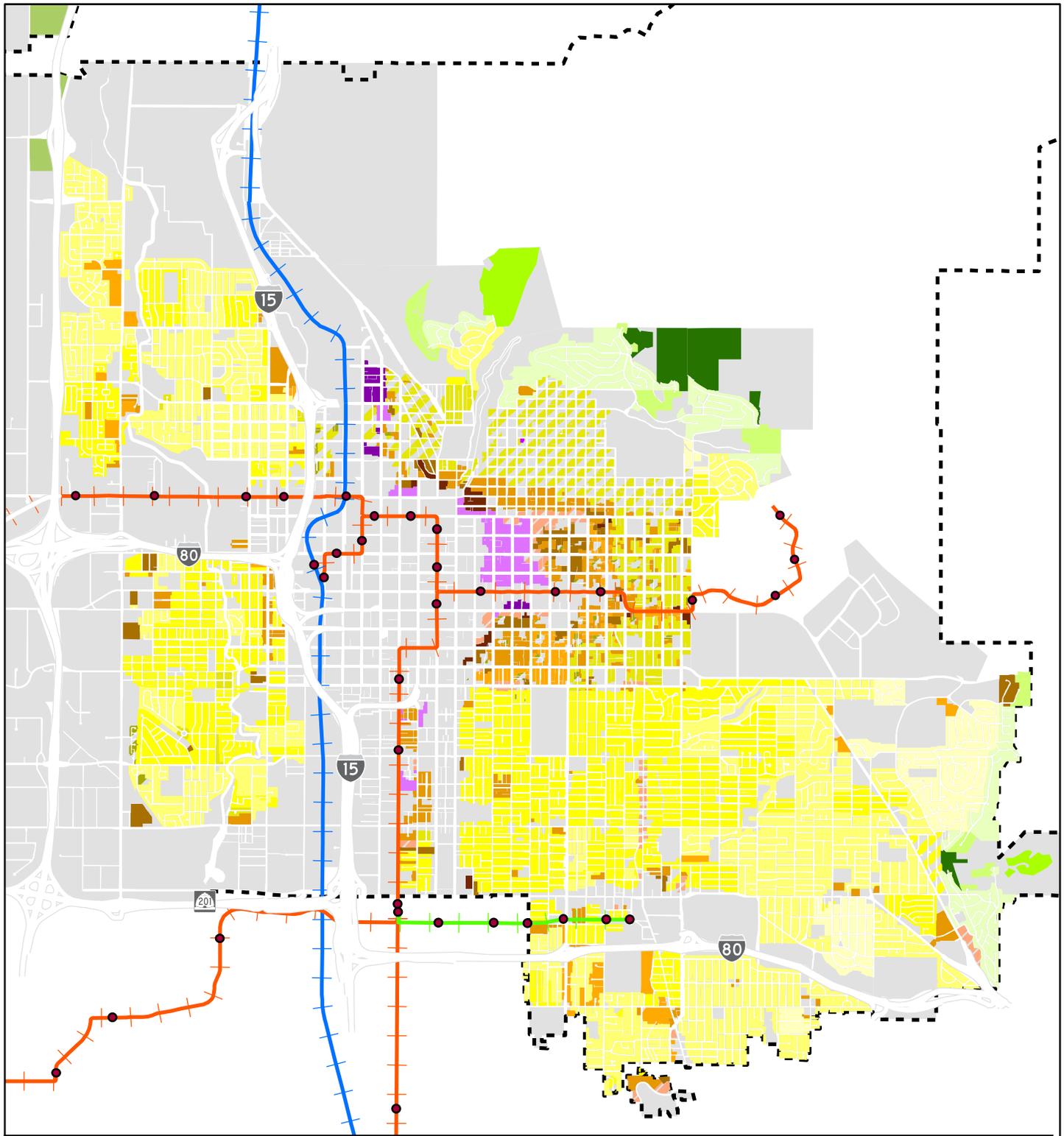
ZONING TEXT AMENDMENT

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."



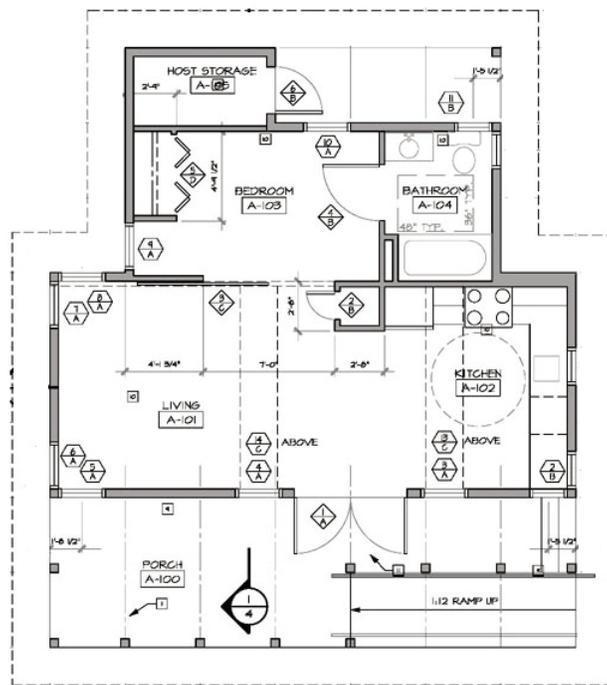
American Planning Association

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.