



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet
Policy Analyst

DATE: May 1, 2018

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

Item Schedule:

1st Briefing: April 10, 2018

2nd Briefing: May 1, 2018

Set Date: TBD

Public Hearing1: TBD

Potential Action: TBD

ISSUE AT A GLANCE

The Council will receive a follow-up briefing about an ordinance that would amend the City's Accessory Dwelling Unit (ADU) regulations. ADUs are small apartments that share a lot with a single-family home. They can be basement apartments, above and inside garages, or entirely separate buildings. Currently, new ADU permits are only available for properties located a half mile or less from a fixed rail transit stop.

The Council discussed the ADU ordinance during a series of briefings in 2017. During the December 5, 2017 work session the Council conducted a straw poll and voted unanimously to send the ADU ordinance back to the Planning Division for modifications and return to the Council with a revised ordinance for consideration, particularly related to recommendations to consider ADUs as a conditional use permit, which would allow ADUs if certain conditions can be met.

Based on the Council's feedback, Planning Staff transmitted a revised ADU ordinance that incorporates the following changes:

1. Eliminates the boundary in the Planning Commission Proposal – allows ADUs citywide.
 - a. Make ADUs a conditional use in the FR (Foothill Residential District) and R-1 (Single Family Residential) zoning districts. *These are the zoning districts that only allow detached single family dwellings.*
 - b. Allow ADUs a permitted use in all other residential zoning districts that already allow duplexes, triplexes, and multi-family as permitted uses. (SR-1, SR-3, R-2 RMF-30 RMF-35, RMF-45, RMF-75, RB R-MU-35, R-MU-45, R-MU, and RO)
2. Prohibits ADUs from being used as short term rentals.
3. Requires properties with ADUs to have a deed restriction stating that the owner must occupy the property.
4. Provides different standards for Attached and Detached ADUs.



5. Amends the wording of some standards for clarity.
6. Adds design standards to address compatibility with principle structures.

May 1 Work Session Summary

During the May 1 work session meeting, the Council voted on several straw polls. *See Attachment B for the straw poll results.*

At that time, the Council asked the Planning Division to bring back options on how to address ADU regulations pertaining to parking, the size of a detached ADUs and the definition of owner occupancy.

Planning Division Recommendations

The Planning Division's recommendations are outlined below. Details of the recommendations, including an outline of potential pros/cons for each issue, are found in the Transmittal Letter dated June 18, 2018 (*Attachment A*).

Parking

Current Requirement: requires one stall for the ADU. Parking requirements can be waived if the principal dwelling meets the current parking requirement (two parking stalls per single-family dwelling) and one of the following is satisfied:

- The property has on street parking in front of it; or
- The property is within ¼ mile of a transit line or bus stop.

Recommended Change: Requires on-site parking for the ADU and allows the driveway or a parking space on the street to satisfy the ADU parking if the house meets the current parking requirement.

“An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide.

The parking requirement may be waived if:

1. Legally located on street parking is available along the street frontage of the subject property; or
2. The subject property is located within ¼ mile of a transit stop.

Does the Council Support including the proposed recommendation in the ADU ordinance?

Owner Occupancy

Current Language: 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.

Recommended Change: Simplify the owner occupant section of the ADU ordinance so it accounts for more ownership possibilities, is easier to enforce, doesn't unnecessarily restrict properties where an ADU could be created, and allows more flexibility when ownership of a property changes.

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

1. An individual who is listed on a recorded deed as an owner of the property
2. Any person who is related by blood, marriage, adoption to an individual who is listed on a recorded deed as an owner of the property;
3. An individual who is a trustor of a family trust who possesses legal ownership of the property."

Does the Council Support including the proposed recommendation in the ADU ordinance?

Maximum Footprint for Detached ADUs

Current Language: must comply with building coverage requirements of underlying zoning, may not occupy more than 50% of the gross square footage of the single family dwelling.

Recommended Change: Exempt the footprint of an accessory building containing an ADU from the maximum total square footage of all accessory buildings when there is an additional accessory building on the property.

Does the Council Support including the proposed recommendation in the ADU ordinance?

Entrance Requirements

In reviewing the entrance requirements, Planning staff identified a few issues with the entrance requirements for attached ADUs. Entrances located on the rear façade of the home or along an interior side yard were not addressed. The Planning Division recommends the following language be added to address this issue:

- Entrances to an ADU be allowed on the rear façade.
- Entrances in an interior side yard be allowed provided the side yard is at least eight feet wide.

Does the Council Support including the proposed recommendation in the ADU ordinance?

ADU Visual Guide

Additionally, during the discussion about entrance requirements, it was mentioned that visuals would be helpful to show what the requirements meant.

Planning Staff is recommending they create an ADU handbook to visually represent what is in the ordinance and serve as a guide on how to build an ADU. This could be included in the ordinance and adopted as law, or it could be supplemental to the ordinance. If it is included in

the ordinance any time the City wanted to improve the visual or fix an error, it would require a text amendment process with City Council action.

Does the Council Support creating an ADU handbook, but not include it in the ordinance?

Public Comment

The Council received many comments and questions about the ADU ordinance. Council staff kept a list of everyone who contacted the office and used that list to let people know about the briefing and will continue to inform these individuals about upcoming public hearings.

Attachment C includes the public comments which have been received.

Next Steps

Once the Council decides on the straw polls mentioned above, the final changes will be incorporated in the ordinance and made public.

Staff will let the public know about the changes by sending an update to the list of individuals who contacted the Council Office about ADUs, Community Council chairs/recognized community organizations to inform them of the key dates, and provide a link to the updated ordinance on the web. Additionally, staff will distribute information via website, email updates and social media.

Two public hearings have been scheduled for October 2 and October 16. The Council could act either immediately after the hearing on October 16th or at a following Council meeting.

The following information was provided for the May 1 work session briefing. It is proved again for background purposes.

April 10 Work Session Summary

Planning Staff briefed the Council on the updated ordinance during the April 10 work session. The Council Chair said that was only the first briefing, and that the Council would have a few more briefings to work out the details of the final ordinance.

The briefing on May 1 is scheduled for the Council to review both the proposed changes to the ADU ordinance and the policy questions outlined in the memo below.

Summary/Comparison of Changes

The following table outlines the notable changes in the proposed ADU ordinance compared to the existing ordinance. The Council may wish to consider straw polling the proposed changes to the ordinance identified in the table to determine if the Council supports including them in the final draft of the ordinance.

ADU Ordinance Summary of Proposed Changes		
Regulation	Existing	Proposed

Location where ADUs are allowed in the City	ADU must be located within (1) a permitted residential district, and (2) ½ mile of an operational fixed rail station.	ADUs would be allowed Citywide as: A conditional use in the FR and R-1 zoning districts. Permitted use in all other residential zoning districts that already allow duplexes, triplexes and multi-family uses.
Permit Limit	None	None
Building Height	Underlying zoning district standards apply, however ADU may not be taller than principal dwelling.	Shall not exceed the height of the single family dwelling on the property or 17', whichever is less. <i>Exception: if the single family dwelling is over 17', and ADU may be equal to the height of the dwelling up to a maximum of 24' for pitched roofs and 20' for flat roofs.</i>
Maximum Square Footage	50% of principal dwelling, or 650 square feet, whichever is less.	Attached ADUs: must comply with building coverage requirements of underlying zoning, may not occupy more than 50% of the gross square footage of the single family dwelling. Detached ADUs: must comply with general yard, bulk and height limitations (21.A.40.050), may not exceed 650 square feet.
Lot Area	Minimum 5,000 square feet for detached ADU, no minimum for attached ADU, however lot coverage restrictions apply.	No minimum lot area
Parking	One parking stall for one bedroom ADU, and two parking stalls for two (or more) bedroom ADU.	A minimum of one on-site parking space that is a minimum of 9' wide by 20' deep. Planning and Transportation Director may approve parking waiver if the parking for the principal dwelling is complied with, and: (1) street parking is available immediately in front of the lot, (2) the lot is located within ¼ mile from a fixed transit line or arterial street with designated bus route.

		Tandem Parking may be allowed.
Entrance Requirements	Additional entrance not allowed on front façade unless setback 20 feet from front façade.	<p>Attached ADU: (1) An existing entrance to the single family dwelling, (2) When located on a building façade that faces a corner side yard, the entrance shall be setback a minimum of 20' from the front building façade, (3) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building.</p> <p>Detached ADU: Must face an alley, public street or face the rear façade of the single family dwelling on the same property. (2) Face a side or rear property line provided the entrance is located a minimum of 10' from the side or rear property line. (3) Exterior stairs leading to an entrance shall be located a minimum of 10' from a side or rear property line unless the applicable side or rear property line is adjacent to an alley, in which case the minimum setback for the accessory building applies to the stairs.</p>
Existing Windows	Must be removed if not compliant with ADU regulation.	<p><u>Attached ADUs</u>: No Specific requirements.</p> <p><u>Detached ADUs</u>: Shall be no larger than necessary to comply with the minimum building code requirements for egress.</p> <p>Glazing shall be used when facing a side or rear property line.</p> <p>Windows on ground floor of an existing accessory structure may be retained if compliant with building/fire codes, However, windows on second level shall be brought into compliance with this section.</p>

Owner Occupancy	Owner occupancy required in either principal or accessory dwelling.	Owner occupancy required in either principal or accessory dwelling.
Deed Restriction	None	Yes. Must be filed with the County Recorder's Office and shall run with the land until the ADU is abandoned or revoked.
Business License	Required	Required
Certificate of Occupancy	Not Required	A certificate of occupancy will be not granted until the property owner completes the registration process.

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CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: June 18, 2018

Date sent to Council: June 20, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE: June 18, 2018

FROM: Mike Reberg, Department of Community & Neighborhoods Director


SUBJECT: ADU options related to parking, size, and owner occupancy

STAFF CONTACT: Nick Norris, Planning Director. 801-535-6173 or nick.norris@slcgov.com

DOCUMENT TYPE: Information only

RECOMMENDATION: Adopt the recommended ordinance

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: At the May 1, 2018 City Council Work Session, the Planning Division briefed the City Council on an updated ADU ordinance. The City Council reviewed the ordinance, voted on several straw polls, and asked that the Planning Division bring back an updated ordinance that reflected the applicable straw polls and options on how to proceed with the ADU regulations related to parking, the size of a detached ADU, and a definition of owner occupancy.

Below is a list of the potential options that the Planning Division has found to be reasonable. If the City Council determines an option that differs from the staff recommendation is the preferred route, the attached ordinance can be modified to reflect that preference. The options requested by the City Council will require an updated ordinance after the Council provides the Administration with direction on the options listed below.

Parking

Current parking requirement: requires one stall for the ADU. Parking requirements can be waived if the principal dwelling meets the current parking requirement (two parking stalls per single-family dwelling) and one of the following is satisfied:

- The property has on street parking in front of it; or
- The property is within ¼ mile of a transit line or bus stop.

Planning Division recommended option:

“An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking requirement may be waived if:

1. Legally located on street parking is available along the street frontage of the subject property; or
2. The subject property is located within ¼ mile of a transit stop.

This option requires on-site parking for the ADU and allows the driveway to satisfy the ADU parking if the house meets the current parking requirement. Currently, a driveway is not allowed to count towards off-street parking requirements. This option would allow the portion of the driveway between the street and a garage, carport, or other legally located off-street parking pad to satisfy the parking requirement for the ADU if the single family home meets the current parking requirement. Historically, front yard parking has not been permitted as a special exception only if the rear and side yards were not accessible. If the single family home does not meet the current parking requirement, the driveway could not be used to satisfy the parking requirement for the ADU.

This option includes two scenarios to waive the parking requirement without any special process. The scenarios were included to address issues with properties that may not be able to add off-street parking. This option requires minimum administrative review time.

This option can be modified in a number of ways, by deleting the option to use an existing driveway, narrowing the two options to waive the requirement, or changing the distance to a transit stop.

The Planning Division analyzed the options of using bus stops on various types of streets, the frequency of transit service, and the maps in the transit plan. Each of these options would increase the review time because more research would be required if an applicant chooses a waiver. The other factor that was considered was the fact that bus routes and schedules are subject to modification by UTA and the city does not have authority over the routes or schedules. It is possible that an ADU would be granted a waiver from the parking requirement because the property is within ¼ mile of a bus stop, only to have that bus stop be relocated or removed.

options	Pros	Cons	Recommendation
No parking requirement	<ul style="list-style-type: none"> • No administrative review • Parking does not limit the ADU market 	<ul style="list-style-type: none"> • Will result in more on street parking • Lack of public support • More on street parking may impact curb-side city services 	
Require one off-street parking stall for the ADU	<ul style="list-style-type: none"> • May reduce impact on curb side city services. • Provides parking options 	<ul style="list-style-type: none"> • Some properties may not be able to provide additional off-street parking. • Increases the cost • May increase impervious surface • May impact heat island effect • May increase storm runoff. 	✓
Allow driveway space to count towards parking requirement	<ul style="list-style-type: none"> • No additional cost • No new impact to storm drain system 	<ul style="list-style-type: none"> • Less convenient • No guarantee that it would be used 	✓
Waive parking requirement if on-street parking is available	<ul style="list-style-type: none"> • Takes advantage of the street • No additional cost • No impact to storm drain system • No vegetation removal for parking area 	<ul style="list-style-type: none"> • May impact curb-side public services • More competition for on street parking 	✓
Waive parking requirement if located within ¼ mile of transit	<ul style="list-style-type: none"> • Promotes transit use • No additional cost • No new impervious surface • No new impact to storm drain system from parking 	<ul style="list-style-type: none"> • No guarantee of transit use • Occupants likely to still own a car 	✓
Require primary dwelling to comply with parking requirement in order to grant a waiver	<ul style="list-style-type: none"> • Addresses a concern raised by some residents 	<ul style="list-style-type: none"> • Only properties that currently comply with parking requirement would be eligible for an ADU • Pushes most ADUs to areas developed after 1950 	

		<ul style="list-style-type: none"> • Increase impervious surface • Increases cost • May increase storm runoff 	
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Owner Occupancy

Planning Division recommendation: The Planning Division recommends simplifying the owner occupant section of the ADU ordinance so it accounts for more ownership possibilities, is easier to enforce, doesn't unnecessarily restrict properties where an ADU could be created, and allows more flexibility when ownership of a property changes. The proposed language is:

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

1. An individual who is listed on a recorded deed as an owner of the property
2. Any person who is related by blood, marriage, adoption to an individual who is listed on a recorded deed as an owner of the property;
3. An individual who is a trustor of a family trust who possesses legal ownership of the property.

This recommendation could be altered in a number of ways, as any of the three meanings of "owner occupancy" could be modified. The proposal includes deleting the section of the ordinance that requires all owners to live on the property and eliminates the section about proving ownership. Documentation of owner occupancy would have to be provided at the time of application and must be provided on legal documents that indicate the owner and their occupancy status.

option	Pros	Cons	Recommendation
Includes an individual listed on a deed as an owner	<ul style="list-style-type: none"> • Easier to administer ordinance • More flexible ordinance 	<ul style="list-style-type: none"> • May force evictions if owner moves off of property. 	✓
Includes any person who is related by blood, marriage, or adoption to an individual who is listed as an owner on a deed	<ul style="list-style-type: none"> • Addresses a variety of family relationships • Allows for more ADUs to be provided for family members • Provides an alternative if the owner moves from the property. 	<ul style="list-style-type: none"> • May result in the owner not actually residing on the property 	✓

Includes an owner who is a trustor of a family trust	<ul style="list-style-type: none"> • Addresses properties that are owned in a trust • Provides some flexibility 	<ul style="list-style-type: none"> • Possible that a trustor could be a corporation 	✓
Require all owners to live on the property	<ul style="list-style-type: none"> • Addresses concerns raised by the community 	<ul style="list-style-type: none"> • Limits the properties that would be eligible for an ADU • Difficult, if not impossible to enforce 	
Include section about proving owner occupancy	<ul style="list-style-type: none"> • Addresses concerns raised by the community 	<ul style="list-style-type: none"> • Not necessary to achieve goals of ADU ordinance • Time intensive to administer • Difficult, if not impossible, to enforce 	
Require ADU applicant to provide proof of ownership at time of application	<ul style="list-style-type: none"> • Puts burden on applicant • Requires minimal administrative time 	<ul style="list-style-type: none"> • May involve the Attorney's Office if there is a question about documents provided. 	✓

Maximum footprint requirements for accessory buildings and ADUs

Planning Division recommendation: Exempt the footprint of an accessory building containing an ADU from the maximum total square footage of all accessory buildings when there is an additional accessory building on the property. This would allow a property to have a detached garage and a second building containing an ADU. A detached ADU would still be limited to no more than 650 square feet of gross area or no more than 50% of the footprint of the principal dwelling, the maximum lot coverage would apply, and the maximum rear yard coverage would apply.

While there are numerous alternatives to this, all of them carry with them some unintended consequences that may restrict the ability to construct an ADU or allow excess accessory buildings. The Planning Division does not recommend broadening this issue at this time.

Option	Pro	Con	Recommendation
Attached ADU can be no larger than 50% of the square footage of the house.			✓
Detached ADU can be no larger than 650 square feet	<ul style="list-style-type: none"> • Limits the size of ADU • Reduces chances of multiple people living in ADU 	<ul style="list-style-type: none"> • May prohibit an ADU from being added as a second story to an accessory building 	✓

		larger than 650 square feet.	
If part of a second accessory structure on the property, allow ADU footprint to be exempt from the total maximum of all accessory buildings on the property	<ul style="list-style-type: none"> • Allows alternatives to properties that already have a garage. • Two accessory buildings may have less impact to neighbors than an ADU above a garage • Allows for more flexible use of back yard. 	<ul style="list-style-type: none"> • Exemption may create some confusion 	✓
Require an individual accessory building containing an ADU to have a footprint no larger than 50% of the footprint of the home.	<ul style="list-style-type: none"> • Ensures ADU remains accessory to the principal structure • Limits the size of accessory buildings 		✓
Do not allow an ADU to exceed the maximum total square footage of all accessory buildings on the property	<ul style="list-style-type: none"> • Requires no additional administrative time 	<ul style="list-style-type: none"> • Limits the properties where an ADU can be constructed • One size fits all • Punishes properties with large back yards and large homes from potential constructing a detached ADU 	

Entrance requirement visuals

Planning Division recommendation: Create an “ADU handbook” that would visually represent what is in the ordinance and serve as a guide on how to build an ADU.

- Alternative: add visuals to the ordinance. Adding visual to ordinance would clarify the entrance location requirement. However, the visual would be considered part of the ordinance and any time the city wanted to improve the visual or fix an error, it would require a text amendment. By creating an ADU handbook that is based on the ordinance, the content of the handbook can be changed as needed provided it does not conflict with the ordinance.

In reviewing the entrance requirements, planning staff identified a few issues with the entrance requirements for attached ADUs. Entrances located on the rear façade of the home or along an interior side yard were not addressed. The Planning Division recommends the following language be added to address this issue:

- Entrances to an ADU be allowed on the rear façade.
- Entrances in an interior side yard be allowed provided the side yard is at least eight feet wide.

PUBLIC PROCESS: The public process for this text amendment has been outlined in previous transmittals. The City Council has indicated that additional public engagement would occur before any ordinance is adopted.

EXHIBITS: None

Evaluation Only. Created with Aspose.Words. Copyright 2003-2017 Aspose Pty Ltd.

#4. 2:20:15 PM RECEIVE A FOLLOW-UP BRIEFING RECEIVE A FOLLOW-UP BRIEFING ABOUT AN ORDINANCE THAT WOULD AMEND THE CITY'S ACCESSORY DWELLING UNIT (ADU) REGULATIONS PURSUANT TO PETITION NO. PLNPCM2014-00447. ADUs are small apartments that share a lot with a single-family home. They can be basement apartments, above and inside garages, or entirely separate buildings. Currently, new ADU permits are only available for properties located a half mile or less from a fixed rail transit stop. The proposal would:

- Allow ADUs citywide
 - as conditional uses in the FR (Foothill Residential District) and R-1 (Single Family Residential) zoning districts.
 - as permitted uses in all other residential zoning districts that already allow duplexes, triplexes, and multi-family as permitted uses.
- Prohibit ADUs from being used as short term rentals.
- Require properties with ADUs to have a deed restriction stating that the owner must occupy the property.
- Create different standards for Attached and Detached ADUs.
- Change the wording of some standards for clarity.
- Add design standards to address compatibility with principle structures. [View Attachments](#)

Nick Tarbet, Wayne Mills, Joel Paterson, Michaela Oktay, Lily Gray, and Paul Nielsen briefed the Council with attachments. Mr. Tarbet provided a summary of the proposal. Discussion was held on the following categories listed in the proposal:

- 1. Locations where ADUs were allowed in the City** (must be located within (1) a permitted residential district, and (2) ½ mile of an operational fixed rail station).

Straw Poll: ADUs would be allowed Citywide as: A conditional use in the FR and R-1 zoning districts and as permitted use in all other residential zoning districts that already allowed duplexes, triplexes and multi-family uses. All Council Members were in favor, except Councilmember Luke who was opposed.

- 2. Permit Limit** (no proposed limit).

Mr. Tarbet said Planning estimated the potential for 25-30 units per year. Comments included comparison to other cities (percentage of housing mix), scenarios being considered in Salt Lake, and internal/external ADUs (smaller number of external vs. internal).

Straw Poll: No limit. All Council Members were in favor, except Councilmember Luke who was opposed.

3. Building Height *(Underlying zoning district standards apply, however ADU may not be taller than principal dwelling).*

Comments included height restriction for accessory structures in residential zones (maximum 24' limit- no higher than principal structure), conditional use vs design review process (allow more Administrative latitude), neighborhood compatibility, mitigation efforts/issues, Planning Commission authority/discretion, established standards, detrimental effects, limited livable space (650 square feet), ensure Council received feedback, neighborhood character preservation, issues with attached vs. detached structures, site/streetscape characteristics, case-by-case evaluation, built-in design/character review, conditional uses being difficult to deny, costs associated with building an ADU, obtain accurate data about where the demand was for ADUs (other cities had not experienced large demand), height exemptions (maintain definition of accessory building), privacy issues, and re-evaluate square footage limitations.

Councilmember Mendenhall said once implemented, it was important for Council to receive feedback from Planning about problems, gaps, missed opportunities, and unintended consequences.

Straw Poll: Building height shall-not-exceed the height of the single family dwelling on the property or 17', whichever is less. Exception: if the single family dwelling is over 17', an ADU may be equal to the height of the dwelling up to a maximum of 24' for pitched roofs and 20' for flat roofs. All Council Members were in favor.

4. Maximum Square Footage *(50% of principal dwelling, or 650 square feet, whichever is less.)*

Councilmember Johnston said he supported the conditional use process but in the future, wanted to explore a "design review" type of concept. Councilmember Mendenhall said if/after an ADU ordinance was adopted, Planning needed to explore whether a "design review" approach could potentially create more success with ADUs.

Straw Poll: Attached ADUs: must comply with building coverage requirements of underlying zoning, may not occupy more than 50% of the gross square footage of the single family dwelling. **Detached ADUs:** must comply with general yard, bulk and height limitations (21.A.40.050), may not exceed 650 square feet. All Council Members

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were in favor, except Council Members Johnston and Kitchen, who were opposed.

5. Lot Area *(Minimum 5,000 square feet for detached ADU, no minimum for attached ADU, however lot coverage restrictions apply)*

Comments included restrictions for attached vs. detached (40% of lot remain open), other existing restrictions, many properties did not meet minimum lot requirements, and lift minimum (evaluate case-by-case).

Straw Poll: No minimum lot area. All Council Members were in favor.

6. Parking *(One parking stall for one bedroom ADU, and two parking stalls for two (or more) bedroom ADU.)*

Comments included waiver authority restriction (specific standards must be considered before granting waiver), dedicated stalls, administrative authority/flexibility, minimum parking requirements, transit accessibility requirement, many properties not located within $\frac{1}{4}$ mile of fixed transit, consider Citywide goals (meet housing needs or provide parking?), and many properties not meeting minimum parking requirements.

Councilmember Johnston suggested reviewing the definition of arterials, collectors, and local streets identified in the City's Street Classification Map in order to potentially expand geographic areas to allow more ADUs. (align 15-minute bus service with 15-minute fixed rail service).

Councilmember Fowler requested information about how many areas or people would be prohibited from building ADUs based on parking requirements (revisit the issue to potentially allow more units to be built).

Straw Poll: (failed) A minimum of one on-site parking space that is a minimum of 9' wide by 20' deep (require the parking space regardless of the exception). Council Members Fowler, Mendenhall, Kitchen, and Johnston were opposed. Council Members Rogers, Luke, and Wharton were in favor.

Straw Poll: (failed) Planning and Transportation Director may approve parking waiver if the parking for the principal dwelling is complied with, and: (1) street parking is available immediately in front of the lot, and (2) the lot is located within $\frac{1}{4}$ mile from a fixed transit line or arterial street with designated bus route. Council Members Fowler, Mendenhall, Luke, Wharton, and Rogers were opposed. Council Members Johnston and Kitchen were in favor.

ADU Meeting Minutes - May 1, 2018 Work Session Briefing

The Council asked Planning Staff for the following:

- Provide clear parking recommendations for further Council discussion/straw polls;
- explore potential for property owners to use one of their two required parking spots for an ADU;
- explore potential to allow property owners with only on-street parking to have ADU use that space;
- provide further clarification about Arterial Streets vs. Transit Corridors as defined in transit master plans.

7. Entrance Requirements *(Additional entrance not allowed on front façade unless setback 20-feet from front façade).*

Comments included privacy concerns, potential to exclude existing homes with front entrance (cost prohibitive to build separate entrance), complicated restrictions, and preserve neighborhood characteristics.

Straw Poll:

Attached ADUs: (1) An existing entrance to the single family dwelling; (2) When located on a building façade that faces a corner side yard, the entrance shall be setback a minimum of 20' from the front building façade; and (3) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building.

Detached ADUs: (1) Must face an alley, public street or face the rear façade of the single family dwelling on the same property; (2) Face a side or rear property line provided the entrance is located a minimum of 10' from the side or rear property line; and (3) Exterior stairs leading to an entrance shall be located a minimum of 10' from a side or rear property line unless the applicable side or rear property line is adjacent to an alley, in which case the minimum setback for the accessory building applies to the stairs. All Council Members were in favor.

Councilmember Johnston requested the use of visuals to better understand the concept.

8. Existing Windows *(Must be removed if not compliant with ADU regulation.)*

Comments included glazing requirements, privacy issues, and ingress/egress.

Straw Poll:

Attached ADU: No Specific requirements.

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Detached ADUs: Shall be no larger than necessary to comply with the minimum building code requirements for egress. Glazing shall be used when facing a side or rear property line. Windows on ground floor of an existing accessory structure may be retained if compliant with building/fire codes, However, windows on second level shall be brought into compliance with this section. All Council Members were in favor.

9. Owner Occupancy (*Owner occupancy required in either principal or accessory dwelling*)

Comments included requiring a majority of "Trust" owners to occupy principal dwelling would deter ADUs, simplify owner occupancy requirements, enforcement ability/issues, impact of investors purchasing properties as rentals (effectiveness of proposal diminished by allowing investors in the equation), and neighborhood accountability.

Straw Poll: Owner occupancy required in either principal or accessory dwelling. All Council Members were in favor.

Straw Poll: Request Planning come back with clear/simplified language about owner occupancy requirements including multiple Trust owners. A majority of the Council was in favor.

10. Deed Restriction (*None*)

Straw Poll: Must be filed with the County Recorder's Office and shall run with the land until the ADU is abandoned or revoked. All Council Members were in favor.

11. Business License (*Required*)

Straw Poll: Remove business license from ADU ordinance (already required in the Business License ordinance). All Council Members were in favor, except Councilmember Kitchen, who was opposed.

Councilmember Rogers wanted to include a caveat requiring the individual living at the home to attend a Good Landlord Program (GLP) class. Ms. Bruno said State law prohibited cities from requiring participation in the GLP if they owned less than three units. She said there might be a way for the City to require them to go through a training program. She said Staff needed more time to review the issue.

12. Certificate of Occupancy (*Not required*)

Straw Poll: A certificate of occupancy would not be granted until the property owner completed the registration process. All Council Members were in favor.

13. Short-Term Rentals (STR)

Comments included ADUs being used as STRs, enforcement issues, prioritize overall policy, rentals under 30-days prohibited in current code, and self-policing.

Councilmember Kitchen said at some point, the Council needed to hold further policy discussions about STRs/Abnbs, etc. before prohibiting them. He suggested adding language to the proposal indicating STRs would not be allowed until a policy was established. He said he did not want to prohibit them outright.

Straw Poll: Eliminate language that would prohibit ADUs from being used as short-term rentals. A majority of the Council was in favor.

14. Rooftop Decks (Prohibited)

Comments included loss of privacy/nuisance issues, overlook neighboring properties, and property lines restrictions/setbacks.

Straw Poll: Prohibit rooftop decks. A majority of the Council was in favor.

Additional discussion was held on utilizing ADUs to increase density/affordable housing and on Councilmember Luke's proposal to require all new ADUs to be rented at 80% Area Median Income (AMI) if rented to a non-family member. Comments included percentage consistent with some new development, ADUs not currently a permitted use so restrictions could be added, enforcement strategies/issues, making ADUs affordable (help people age-in-place), potential liability to ADU owners regarding income/AMI verification, discouraging ADUs with complicated restrictions, potential to base rent on market rate, explore subsidizing ADUs (apply AMI/income restrictions), no rent restriction, and adding ADU uses to areas not currently permitted.

Mr. Nielsen said he reviewed the proposal about imposing an AMI requirement. He said he could not identify any legal impediments but felt there were some practical concerns that needed to be considered such as dealing with a property owner that did not understand AMI, enforcement issues, determining how property owners would obtain information to verify renters met a certain

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income threshold, and handling information from a privacy standpoint.

ADDITIONAL STRAW POLLS:

- Require landlords to go through the Good Landlord training. All Council Members were in support, except Councilmember Kitchen, who abstained.
- Require all new ADUs to be rented at 80% AMI (if rented to non-family). Council Members Johnston, Kitchen, Mendenhall, and Fowler were opposed. Council Members Luke and Rogers were in support. Councilmember Wharton abstained.
- Explore ideas for rent assistance and incentives for ADU (tie AMI to ADUs). A majority of the Council was in favor.
- Eliminate required notice-to-neighbors in zones where duplexes, triplexes, multi-family were already allowed (Staff to clarify since Conditional Use process addresses notice). A majority of the Council was in favor.
- Request additional information/recommendations on existing regulations for accessory buildings which limit the cumulative total footprint of all accessory buildings to no more than 50% of the footprint of the home or 720 square feet. A majority of the Council was in favor.

Mr. Tarbet asked when additional public hearings would be scheduled so Staff could begin the public notification process. Councilmember Mendenhall said public hearings would be determined after the Council received responses to questions/requests.

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, Diane Florez	
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 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 -- Pati	
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, Katie Story	
9/19/2017 10:50	Dear City Council member; My name is Amir Cornell I live on 2700 So 1724 E . 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 o.30 acres you can built 1000 Sq ft and on.... My property is qualify to build 1100 Sq ft because I have o.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.... Mike Mekoy is a planner 801 535 7118 planning dept Thank you for your service Amir cornell District 7 .	

COMMENTS PULLED 09/28/2017

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.	

9/20/2017 12:47	<p>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</p>	
9/20/2017 13:18	Lynn feels that 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

10/2/2017 12:10	<p>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, Julie Myers</p>	
10/2/2017 13:36	<p>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.</p>	D7
10/2/2017 12:37	<p>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.</p>	

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, Heidi Memmott	
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, Deborah Cartwright Chaucer PI SLC	
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. Richard R. Price, MD	
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, Marc and Deb Day Olivier Wasatch Drive, Salt Lake City Tremendous Girls Program Coordinator If your plan is for 1 year, plant rice. If your plan is for 10 years, plant trees. If your plan is for 100 years, educate children. Confucius	
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. -- Ms. Martha D. Shaub, CEM, UCEM Salt Lake City, UT	
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. Nancy Sparrow	
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.	

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. 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. 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. Thank you, The Officers of the East Bench Community Council</p>	
10/3/2017 10:08	<p>Hello, Charlie, We are Doug and Barbara Campbell at 965 Diestel Road 84105. 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. My number is (801) 582-5428. Thanks, Barbara Campbell</p>	

10/3/2017 10:16	<p>I have been a resident of the Avenues for over 30 years. I own and have occupied a National Register-listed adjoining historic properties at 181 B Street (the William F. Beer mansion) and at 222 4th Avenue (the Alfred Tame harness shop and William Beer carriage house. 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. I request Nick Tarbet provide copies of this note to interested members of the council. Stephen C. Pace 801-363-8190 I will return to Salt Lake City in mid-October.</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 are Doug and Barbara Campbell at 965 Diestel Road 84105. 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. My number is (801) 582-5428. Thanks, Barbara Campbell</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>	

10/3/2017 10:46	Asking Charlie to vote no against ADU's. Elizabeth and husband own their home in 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. Please, I strongly urge you to vote against ADU's in SLC.	6
10/3/2017 11:49	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.	
10/3/2017 12:13	D6 Constituents, Keith and Barbara Finlayson called this afternoon to share with the Council that they oppose the ADU.	6

COMMENTS PULLED 10/12/2017

10/3/2017 15:27	Hi Charlie, this message is from Keith and Barbara Finlayson 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.	6
10/3/2017 15:31	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.	
10/4/2017 9:25	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 way 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, Brooke	

10/4/2017 13:28	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	
10/4/2017 13:31	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	
10/5/2017 10:49	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.	
10/5/2017 10:50	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	
10/5/2017 10:51	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.	
10/5/2017 10:52	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.	
10/5/2017 10:53	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 and 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.	
10/5/2017 10:54	I am totally against this proposal as other alternatives are more appropriate	
10/5/2017 10:55	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.	
10/5/2017 10:56	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.	
10/5/2017 10:57	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.	
10/5/2017 10:58	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.	
10/5/2017 10:59	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.	
10/5/2017 14:48	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.	
10/6/2017 8:55	I am owner at 1429 E. Michigan Ave. and 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!	
10/6/2017 10:10	I reside at 1429 E. Michigan Ave. and 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!	
10/6/2017 15:32	Dear Mr. Luke, Your efforts to keep ADU's out of the Yalecrest neighborhood will be most appreciated. Thank you, John and Christa Bates, 1435 Michigan Ave., SLC, UT 84105.	6
10/6/2017 15:34	I am owner at 1429 E. Michigan Ave. and 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! Mariya Melnik Vernassal	6
10/6/2017 15:36	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 Cindy Wright Tel: 801-884-4858 cindy.wright@gs.com	6
10/6/2017 15:37	I reside at 1429 E. Michigan Ave. and 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!	6
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. Ann Taylor and Collin Cowley 1005 S 1500 E SLC, UT 84105	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 it is reasonable to tie in the development of Accessory Dwellings to Transit, as well. Here is an idea to bring 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. John Worlock Sunnyside East	
10/9/2017 13:53	We received an anonymous call, caller states that today is "Columbus Day" and nothing else he is tired of all this change in history that the Mayor is doing. He said that he lives in Davis County but he will not spend any of his money in Salt Lake City. He has five adult children who are also doing the same thing. He recently purchased \$90,000 worth of cars but did not buy them in Salt Lake because he didn't want Salt Lake City to get the tax dollars. He does not like the change at all.	
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	
10/11/2017 13:10	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 is create housing diversity, yet current zoning achieves 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. 3. Our intention is not to be divisive, yet a. City Council progression of the 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 have 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". 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. 6. 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 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 of Yalecrest where duplexes are located on many block corners. g. Disruption of	
10/12/2017 10:51	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". 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. 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	

COMMENTS PULLED 11/16/2017

10/12/2017 15:12	Council - I am a Yalecrest resident on the 1400 Block of Gilmer Dr. Earlier this week, I received a flyer from a neighbor urging me to "Say No to ADU" and disagree and feel that their fears of "more traffic, more cars and "less privacy, less quiet" are unfounded. I am excited at the prospect of Salt Lake City growing and attracting new residents in the coming years and I would much rather see ADUs which allow for a higher utilization of existing buildings rather than see continued sprawl and building of new apartment buildings. ADUs are going to help residents find affordable housing in good neighborhoods, Yalecrest included.	
10/13/2017 9:04	I just wanted to write to express my gratitude for what you are doing with the accessory dwelling unit ordinance. I think this is a great thing for Salt Lake. I've lived here a long time and I believe that guest houses are a much better solution than high rise or other higher density construction. The one thing that I could see being an issue is the ability of neighbors to effectively shut down your ability to construct an ADU. In California they encountered this issue in a similar way to SLC. They wanted more ADU's built but the neighbors would continue to shut them down. As a result of this, the governor passed a law that no public hearing had to be held in order to qualify to build an accessory dwelling unit. I think that was a good solution to the issue and it has helped more of these be built in CA. Hopefully SLC can adopt a similar provision in their amendment to the ordinance. Thank you and I hope you pass the new ordinance allowing these to be built more easily.	
10/16/2017 9:51	Hello, I would like to express my opposition to allowing Accessory Dwelling Units on properties in Yalecrest. I've been in this neighborhood for more than 20 years and am constantly surprised by those who want to live in the Yalecrest neighborhood because of its quaintness yet then want to tear houses down or significantly change them or the property to fit their WANTS, not their needs. Please oppose allowing ADUs.	
10/18/2017 9:21	SLC council Derek Kitchen, Thank you for your time, I was out of the country for the public opinion meetings but am glad I can turn this email into you. My husband and I have been homeowners in the University neighborhood for over 30 years. In the eighties and nineties we saw homes being converted back to single family dwellings again and families returned. What had been a neighborhood composed of predominantly student based residents that were living in homes cut up into apartments returned to a balance of families and those same students. In the last 10 years this trend has reversed and we have seen increased congestion, noise, parking issues and unkempt-trashy homes and yards. As values soar properties are being scooped up by investors and owners who do not live in the neighborhood. Rather they are looking to rent the single family homes to students. The current ADU program even with the proximity to a Trax station limitation should not be allowed in the University neighborhood. The health of this neighborhood requires a balance of the split up party houses and poorly managed non resident single family homes to owner occupied single family residences. Please stop trying to encourage more parking problems and loud parties in our University neighborhood by relaxing the ADU requirements. We believe that relaxing the requirements on the ADU's will make an already bad situation worse. The city's Good Landlord program has helped improve the situation through education and regulations. Multi-unit dwelling management in our area has improved. On our street it is not the 3-18 unit properties that cause the problems but rather the homes with basement apartments or "granny flats above the garage just like those the ADU program promotes. They are exempt from the Good Landlord program I assume under the faulty assumption that they are owner occupied so of course they will be motivated to manage them well. Homes are being bought by out of state or non resident speculators and they don't care about the quality of the properties or care about the neighbors. Thank you for your service and your time.	
10/18/2017 15:28	Hello, I want to share my feelings on Accessory Dwelling Units. First, to call ADU's an option for "affordable housing" is erroneous. The real-estate in Salt Lake City proper is expensive just because of the location. We are located close to the downtown area and all the amenities the city provides; cultural events, major business, wonderful dining etc... We are close to the University of Utah, and the University of Utah Medical Center/ hospital. Because of our location, real estate and housing will always be expensive. Look at NYC for example. Anything near or in the city is extremely costly. I'm sure many people would love to live across the street from Central Park, but that too is tremendously expensive, so they don't. It's about location. It will always be expensive because they are paying for the location. So what happens? Most people live outside of the city and take the subway or the trains into the city. They live where they can afford. My daughter lives in Astoria and a one bedroom tiny apartment is \$2000.00 a month. The further away from the city the more affordable the housing. This is exactly the same it is with Salt Lake City proper. It will always be that way. ADUs will create more housing but it will never be affordable housing, so why label it so? Secondly, homeowners who choose to invest in having a ADU on their property will do so to bring in extra income. They will want to recover the expenses it takes to build or get their units up to code. There may be sewer and waterlines to dig, as well as the building costs, if it is an outside unit. Also there are the remodeling costs, electrical work, etc.. if its in a basement, or over a garage. They will most certainly research what the going rental rate is for an apartment in their area, and they will charge accordingly, plus the amount needed to recover their costs. Therefore the ADU's will not be affordable. Thirdly, my biggest concern is the city does not have enough man power, or money to regulate and supervise these ADU's and make sure the owners are abiding by the rules and codes, especially the rule, "the owner must live on the premises." Investors will try and to get two household rent payments (or more) per property, especially if they know no one is supervising them on a regular basis. It would be easy for an investor to profess they live on the property by changing their mailing address to that property or by paying a tenant to pose as them, or by just by not being available by phone or email. This is the main reason I am very against raising the cap of 25 per year. Lastly; -People will still want the convenience of their cars, so there will be more congested traffic and more crowding because of cars parked in the street. You can see the problem already if you visit areas near the University of Utah or near an apartment area. Just take a drive.	

	<p>CONTINUED: -The potential impact of high-density housing on mental health and longevity, respiratory health and chronic disease, as residents are exposed to environmental stressors such as noise from neighbors and traffic pollution could be a problem. Most of the older homes do not have the noise proof insulation needed for big noisy cities. -Most people do not like and will not pay high prices for being crammed together with the lack of parking, increased noise, more garbage cans, congestion, and overcrowding. -There may be short-term benefits but what about the long term? What will our city look like in 50+ years if the city becomes mostly rentals? Inner city? Over time it could lower the desirability of the area. -The very things that bring the influx of people to this valley is the low density, quality single family neighborhoods, a highly educated and cohesive population. Changing the zoning code will increase density and lower the appeal of living here. I came upon a website about the pro's and con's of living in each state, and interestingly the matter of "high density population" was always part of the "Con's" in every state that had that issue. We are fortunate to have nice R-1 areas so close to the amenities of the city. Many cities do not have this benefit. People have to live far away to live in something nice. We need to be careful not to ruin the quiet beauty of the nicer neighborhoods so people will still want to move here. Spacing out the ADU's carefully over the the whole city and not having too many in a given neighborhood is important too. If done properly they may not even be noticeable or have any negative impact. Its important to move very, carefully and slowly, making sure the new zoning laws are vigorously enforced. (Though I am against the zoning change) Maybe selecting, paying and empowering neighborhood citizens, who are invested and care about their neighborhoods, to enforce the rules??? I understand the necessity for providing more housing and that ADU's are part of the solution, but I think it can go very wrong if not carefully, and strongly enforced. I think there needs to be a cap on how many will be allowed. I'd prefer not to pass the rezoning for ADU's because I think it wont be enforced and it has the potential of ruining our beautiful city down the road. Crime is also an issue to worry about. As the population grows the state needs to invest in more public transit with more convenient light rail to bring people into the city. Too bad we can't have a subway system. I also have a question. Will a homeowner be allowed to have more than one accessory dwelling unit on their property if it's big enough? Example: one built in the back yard, one over the garage and one in the basement. I hope not, I think only one should be allowed per property. Thank you for your time</p>	
10/20/2017 16:45	<p>1) ADUs need more than just a single off-street parking space. We have a house next door that several years ago had renters in the basement apartment with two vehicles parked on the street. During the winter, as the City plow shoved snow to the curb, their parking reached farther and farther into the center of the Circle. Eventually, I had to veer diagonally just to back out of my driveway to avoid the two parked cars. 2) This apartment was grandfathered into legality as I understand it. Any changes to ADU requirements must include these apartments in any new requirements. Just because families only had one car back in the 1950s and earlier is no excuse to ignore present reality of one car per adult. 3) Adding an ADU above a garage potentially impacts solar access. Current provisions basically leave it up to individual landowners to negotiate any shading issues. This is a cop-out on the part of the City (and State?). Please consider strengthening solar ordinances.</p>	6
10/24/2017 14:47	<p>Charlie, I have spoken to you about the ADU next to me before. I want to register some concerns about the new proposals for ADUs in SLC.. Parking is an issue. I have resolved the problem for me at least for the moment, but the city is asking for trouble if there are not very clear stipulations about parking. Permitted parking with adequate enforcement will be necessary. With the two families next to me now, as a result of the ADU, there are 5 vehicles. I was having a problem with one or two of those vehicles in front of my house nearly permanently DESPITE available parking on 23rd, the ADU being in a corner lot. I was not happy to NEVER have a space in front of my single garage house. Family members, who visit me regularly to check on me as a senior citizen living alone had problems parking and I didn't have a place to put my garbage cans out for garbage collection. As I said, I have resolved the problem, but only because my neighbor, the owner, understood the thoughtlessness of the previous problematic parking when clearly presented with the issue a second time. I have lived in this neighborhood for more than 40 years with families next to me and across the street having large families of 4 and 6 kids all with cars. But until this ADU arrived 3 years ago, I never had a problem with one parking space in front of my own house. There is space for two cars in front of my house, so I am willing to share one of them and do so regularly, but not to be permanently crowded out of the space closest to my driveway in front of my own house. I think most people would consider a request for that space reasonable, particularly with the narrow driveway and a single car garage that I have. Winter brings its own special problem. If plows can't do their work because incessant parking prohibits them from getting close to the edge of the street, then huge frozen, icy mounds make it impossible, especially for senior citizens, to even get out of their driveways. I feel fortunate that I have no other problems with this neighbor or the tenants in the ADU. This neighbor attends to the outside of his house faithfully, making many improvements. But changing single family neighborhoods into cityscapes with apts. everywhere will certainly change how I feel about this neighborhood and I suspect how others will feel about it as well. If we wanted to live in a higher density area, we would be renters in downtown apts. So, I hope you will consider my concerns. I would welcome hearing from you about this issue in our neighborhood.</p>	
10/24/2017 15:46	<p>Dear Charlie and the council, I bought my house on Gilmer Drive 30 years ago because I loved the location, bungalow houses and traditions that it represented. It is a very narrow street, as is Thornton Ave and other streets in this section of town. It has beautiful 1920-30's original houses with character and charm. Parking at this time is already difficult on the street, the houses have some of the smallest lots in the city and we live very close to our neighbors. Allowing ADU's to pop up will destroy the feeling of the neighborhood, make us way too crowded and give us less privacy than we already have. I am definitely opposed to allowing accessory Dwelling Units , particularly in my neighborhood. I hope that writing this letter will not be overlooked and over-ridden because of larger homeowners with more money and political pull than they have architectural taste!</p>	
10/25/2017 16:22	<p>To Whom It May Concern: I just heard about the ADU proposal which has not been widely publicized. I want to let you know that from my standpoint this is a very bad idea. My neighborhood, St. Marys/Oak Hills area could be drastically impacted by making ADUs widely available. It would adversely affect the value of my home. I live on the "view side" of my street and if my neighbors below were allowed to build a second story to accommodate an additional apartment, it would significantly decrease the value of my home. When I purchased my home, it was with the understanding that our neighborhood was designed for "single family" dwellings. The concern is also if people want build additional detached "living space" on small city lots. I do not agree at all with this decision. I pay high taxes to prevent these kind of decisions from being made without significant feedback.</p>	

10/27/2017 11:33	I am AGAINST updating the Salt Lake City Accessory Dwelling Unit (ADU) regulations: 1. Approving the latest version of the Salt Lake City ADU ordinance will complete the transformation of ALL single-family zoning to multi-family zoning City-wide. This will have an enormous impact on the safety and character of our neighborhoods as we currently know them. In my opinion, this sweeping, effective change of zoning is the most dangerous aspect of this latest ADU ordinance. 2. One of the City arguments in favor of ADUs is that they will provide more affordable housing. However, just as in Portland, almost all ADUs will be rented for the going rate in that community. The only way ADUs will create more affordable housing is if so many are created that rent and housing prices in the given neighborhood are pushed downwards by a huge margin. ADUs simply will not significantly contribute to whatever affordable housing shortage there may be. 3. If a goal of Salt Lake City is to increase density and provide more affordable housing, then there are alternatives much more conducive to that goal than ADUs. For example, there are entire blocks and areas along main corridors south and west 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 single-family urban neighborhoods.	
10/30/2017 10:27	ADUs are a great idea and restrictions on their development should be reduced. The 25 unit cap per year seems arbitrary and should be much higher if we actually want to increase infill. parking restrictions should be eased as well.	5
10/30/2017 16:02	Hello, I am writing to provide feedback on the allowance of ADU's in all of SLC. I am opposed to these in my neighborhood and would like to see each neighborhood considered separately with public input. I live in Bonneville Hills. 1921 St Marys Drive Thank you for your time.	
11/1/2017 18:26	we strongly oppose expansion of ADU's throughout the city. Our neighborhood is cohesive and safe. Expansion into our neighborhood would be a disaster.	
11/2/2017 12:55	I hope the council examines results from studies of other cities success with ADUs, and not just opinions of community members (for one side vs. the other). As the city continues to thrive and grow, this has proven to be a great tactic to increase population density in existing family neighborhoods without having to add high-rise or multi-unit apartment complexes, which add even more complexity. The following cities have seen success from loosening zoning requirements and allowing for large-scale adoption, including Portland, OR, Santa Cruz, CA, Vancouver, Canada, cities in Massachusetts, and more. The current allotment of 25/year seems significantly low, and the proposed requirements too strict, to collect actionable data about the success/failure of this ordinance. Or to add value to the city and it's residents. I hope you consider relaxing the requirements and expanding the number allowed per-year to benefit the city's projected growth. Some Sources: https://www.huduser.gov/portal/publications/adu.pdf https://sf.uli.org/small-homes-big-benefit-lessons-three-west-coast-cities/ http://www.npr.org/2017/08/15/543481719/granny-pods-help-keep-portland-affordable	District 5
11/2/2017 15:12	Please consider not going City wide with the ADU changes. Ogden is currently city wide and neighborhoods are working to be removed. I'm certain you will be faced with the same issues.	
11/14/2017 10:58	Please do NOT change ADU regulations to allow more ADUs! The Sugar House neighborhood with its small houses already has a high density population. Traffic is often congested, making driving, biking and even walking dangerous. (As a walker, I've had several close calls from frustrated drivers running red lights!) Plus, most rentals are frankly dumps - weedy and poorly maintained. Please, learn to treasure our wonderful family-oriented neighborhoods. Don't ruin a good thing.	6
11/15/2017 9:34	Hello, My name is Micah Jeppsen and I own some property near Trolley Square area of SLC. I have been very confused by the resistance of other residents regarding expanding the possibility of ADU's in SLC. These units are useful for a number of reasons, but one that I find most convincing is housing stock is limited, and these units are useful for people like me that can invest in SLC by providing an additional unit on the market for rent. In terms of short term rentals, I think that the market for short term rentals is flooded as is, and the possibility of these units becoming short term rentals is low. I have a friend that has several short term rentals and he is increasingly facing smaller and smaller profits. Even if some of these units end up as short term rentals, I encourage that as I have seen people who were struggling to get by making their mortgage payments be able to turn it around with some amount of short term rental activity. As Salt Lake City Planning Director, Nick Norris, argued in July 2017, the option to do some amount of short term renting has allowed many people to become homeowners rather than being stuck as renters. Please continue to expand these types of unit offerings. I would like to also suggest that these types of units should be available to multifamily buildings. I have a traditional side by side duplex with no garage. However, I would gladly build one to improve my property and the neighborhood along with removing cars from parking on the street if I were allowed to build a garage with an ADU on top of the garage. It seems strange that we wouldn't expand this opportunity to those who have decided that they couldn't afford a single family home, but went to the multifamily duplex route to try and cover their mortgage payment. Indeed, a duplex is the very same concept of as a single family home with an ADU. Thank you very much for your time and help.	
COMMENTS PULLED 12/01/2017		
11/20/2017 16:03	I'm writing because I became aware of the city council's review of zoning changing allowing for Accessory Dwelling Units (ADUs). I am strongly opposed. I'm concerned they represent an end-run around current restrictions on multi-family development. By allowing ADUs the city would invite over-crowding, exacerbate parking issues, negatively impact public safety and lower the property values of folks like me who have recently made a commitment to owning in a historic downtown neighborhood. Thanks, Rick Bray	

11/27/2017 15:57	Hi Andrew, This is John Armstrong, I met with you in January/February of this year to relay my Mother's situation (73 yr. old on Navajo Street) and how an amendment to the ADU ordinance would allow her an opportunity to continue to live in SLC without having to sell her home of 50 years. When the City Council dropped it as an agenda item in the Spring, I was disheartened and moved on looking for other housing options for her, none of which have panned out. I realize I've missed most of the party having not seen this on the agenda in September and October but I know you will discuss this again tomorrow in private between the council members. I just want to relay that beyond the dramatic statements and politics surrounding this ordinance, there are real people who could benefit from a vote yes. My mother has lived on Navajo Street most of her life but can no longer afford to live in her home that she raised five children in as a single mother. Now that she lives alone she needs something smaller and more manageable but there are few (none actually) affordable options for her in SLC. An amendment to the ADU Ordinance would allow her to take the last of her savings and build a small home in the backyard of an already large lot. She could keep her home, stay in SLC and make ends meet by renting her house- it would be the solution to her personal housing crisis and could be for many others like her. Please don't let East vs. West politics kill something that could be so good. Thank you, John Armstrong	
11/28/2017 9:46	Salt Lake City Council Members, My name is Nathan Webster. I live near Liberty Park, am a practicing Architect and founder/director of non-profit performance/production company NOW-ID. I have lived in Vancouver (I am from there) and have seen the success of ADUs there. I strongly support allowing ADUs in Salt Lake City. I would prefer that they be allowed without a 25 per year limit - I have read they are more broadly successful and prove their benefit without such limits. Besides increasing housing stock, assisting homeowners with income, encouraging diversity, innovation, business and community building and interesting neighborhoods, I love anything that makes a move towards increasing downtown density in the hope that more people see the benefit of downtown living... and drive/pollute less and build in already developed areas. I will leave it at that for now. Thank you for your service!! Nathan Webster, AIA NOW Architecture / NOW-ID 510-501-6915	
11/28/2017 13:55	I am writing to show my support for ADUs, IF AND ONLY IF, they are allowed CITY WIDE. Enough is enough with exceptions for the east side neighborhoods. If it's good enough for Salt Lake City, it's good enough for ALL of Salt Lake City. Sincerely, Karen Harris Livin' on the West Side, Grew up on the East Side	
11/30/2017 10:16	Dear Councilwoman Mendenhall, Please vote NO on the upcoming consideration for permitting the building of ADU's in Salt Lake City. At least vote NO for expanding these additional units in the East Liberty area. I live on Yale Ave, between 7th East and Lake St. In this one block the street supports 10 apartments in 6 buildings including mine, a single family dwelling. Two of these apartments have tenants with 2 cars each. The block East of ours is in similar straits. The neighborhood along Lake St, from 9th South to 13th South Sts, is also loaded with multi-occupancy dwellings. We have low-income housing at several locations around my house. They are good folks and I have no complaints. We have lost some low-income housing as folks have moved on due to the inevitable gentrification of our great neighborhood that is taking place. Ours is an old neighborhood. Our streets are narrow and there are more and more cars, what with friends visiting an already crowded street. We typically park on part of the sidewalk along Yale, at least until someone complains. Then Parking/Traffic Compliance swoops in and tickets all of us for parking violations. I've lived in the neighborhood for almost 40-yrs. I think I've paid almost \$1,000 in parking fines over those years. One year, I paid \$250 in fines until I took my ticket to SLC Justice Courts. They provided me a letter suggesting the waiving future fines. In the last 5-years, however, Traffic Compliance has decided the Courts letter doesn't apply and have begun to ticket us again. They willingly ignore our parking accommodation to traffic, at least until there is a complaint. Many of the apartment houses don't have parking available. Our lots are too small or tenants consider their few parking spots in the alley inconvenient or prone to theft. The house on the corner built an ADU and was able to get SLC to install No Parking signs along his side of the street for half the block. That only made the parking problem worse on our block. With the parking tickets, comes a disruption in the delicate parking balance we have developed along the street. We have had City garbage trucks turn back because they could not drive between the cars. Fire trucks have never turned back, but they crawl passed my house when my neighbors and I park legally. I've even knocked off a neighbors side mirror as I drove between legally parked cars. Heaven forbid we have any fires or health emergencies during Pioneer Days at Liberty Park, volleyball tournaments, Shred Fests, or other fun activities we love to enjoy just across the street. Large trucks cannot go down Yale Ave on those days at all. Should the City permit parking on only one side of Yale, as they have done between 8th East and 9th East or along Princeton Ave, the loss of parking space would only make our problem completely unbearable. I've attached some parking photos and the Court letter for your consideration. I have other photos and letters to the City available dating back to 2000 should you want them for further review. Any further expansion of apartments or ADUs in our area will be an incredible mistake. Thank you for your consideration. And please vote NO on ADU expansion and NO on anymore apartments between 7th East and 8th East from 9th South to 13th South Sts.	
11/30/2017 10:22	Hi Stan, I'm writing to express my opposition to the city's proposal to allow ADUs. I understand that one proposal exempts the Avenues and East Bench, I however live in the Marmalade and feel that ADUs will negatively impact the architectural integrity this historic neighborhood, will create a rabbit-warren effect of increased density in a community with small streets, insufficient parking, as well as a public safety hazard from difficulty of access for emergency vehicles. Ultimately the impact of this will be felt in my property value. It further irks me that this proposal has been modified to exempt the wealthier, more politically connected neighborhoods of the city and thus the burden of additional units will now be more concentrated on those like myself who made the decision to buy a home and raise a young family downtown. I love the charm of the Marmalade, don't allow that charm to be further diluted by ill-thought development. Don't drive me and my family to the suburbs.	

11/30/2017 15:23	<p>Charlie, I would like to express my concern about the law approving mother-in-law apartments. First, I don't think anyone should be fooled by the name. Many of these dwellings will simply be used for student rent and a profit. In the 28 years I've lived in my current home I have never seen so many cars parked on the street, and so many homes being rented. Street parking is nearly out of control on my street and neighbors are complaining. Mother-in-law apartments are typically built on larger lots where existing homes have room to add on. There are very few lots in my neighbor that reasonably allow for the addition of an apartment. I don't consider turning a garage into an apartment valid, or desirable for an established neighborhood. She said the decision is "indicative" of public sentiment around affordable housing and the desire to exclude "upper-income areas of the city" in the effort, which she said is inconsistent with the policy values the council has adopted to address affordable housing issues. This is not an income issue. It is simply an issue of people knowing the truth and the outcome when we allow this kind of thing to happen. It destroys the very thing that made these quiet neighborhoods desirable. It is apparent that quiet desirable neighborhoods are not in the city's interest. It seems the city is completely consumed with the issue of low income housing. It's all I hear coming out of the city's mouth. Yes, housing is a concern, but finding well paying jobs for people to afford good housing will do more for this city than filling every empty lot with cheap apartments. Violent crime is generally higher in high-density housing. Crime in rentals where owners do not live on or near the property is higher. These facts have nothing to do with income - but with knowledge and the desire to keep our neighborhoods safe and desirable for the next generation. Thanks, Darrin Walkenhorst</p>	
11/30/2017 16:51	<p>Dear Salt Lake City Council Members and SLC Officials, I hope you all had a nice Thanksgiving holiday. I'm reaching out to you yet again to ask you to consider changing the law to allow up to 4 non related people to occupy a home, provided certain criteria are met (previous letter attached and past correspondence below). I've followed the great progress you've made on ADUs and NOW would be a great time to include this change/exception. A SLC representative knocked on my tenants door again yesterday asking about the number of people living in the home, even though I notified the City back in September that we asked a tenant to move out in an effort to comply with the law. I could rent the home to a family of 12 but not to 4 non related working professionals or students. This is unreasonable, especially given the City's affordable housing crisis. Provided certain criteria are met, as outlined in my attached letter, an exception to this law should be allowed. I would greatly appreciate a reply to this email and a response as to whether or not you support this change and why. I welcome your call anytime on my cell 801-859-4004. Thank you for your time.</p>	

COMMENTS PULLED 12/19/2017

12/1/2017 14:39	<p>Dear City Council, Attached, please find a letter from the Rose Park Community Council concerning proposed boundaries in the ADU ordinance. This is an issue our neighbors care deeply about, and we hope you will consider their input ahead of any vote. Please let me know if you would like to discuss the issue further. Thank you. Dan Strong Chair of Rose Park Community</p> <p>Dear Salt Lake City Leaders, The Rose Park Community Council is deeply concerned about the recent straw poll vote allowing boundary drawing in the proposed Accessory Dwelling Unit (ADU) ordinance. While we understand the need for compromise in policymaking, we feel the boundary represents an unacceptable compromise, as it will accelerate preexisting inequalities between Salt Lake City neighborhoods. As we have spoken to members of our community about this ordinance, we have heard diverse opinions about ADU's (some opposed, most in support), but across the board, Rose Park residents have been nearly unanimous in their opposition to a boundary that treats East Side communities with special rules. Rose Park residents have long felt underserved and undervalued by city government, and this boundary will further reinforce and validate this sentiment. This boundary will result in divisions deeper than a line on a map. Rather than allowing the City to grow organically which is the principal goal of ADU development the City would create an artificial boundary forcing West Side communities to carry an unequal burden to provide for Salt Lakes increasing housing needs. Why should already wealthy neighborhoods be allowed to encase themselves in amber while historically less affluent neighborhoods continue to bear the costs of the City's rapid growth? The City has changed, and will continue to change and grow dramatically in the near future. We must take the time and put in the effort to create a growth policy for a complete City, available to all, and equitable in opportunity. We urge the City Council to reflect on this decision, look into the future, and make the right choice to foster a unified city. We ask you to please vote against a boundary creating unnecessary and detrimental divisions within our City. Sincerely, Rose Park Community Council</p>	
12/1/2017 15:54	<p>Stan, Derek: I apologize I'm not able to make time to write at length about this issue (I suppose you should be grateful for that), but I wanted to drop you both a quick note regarding the council's recent "straw poll" re: ADUs, specifically a prohibition on detached ADUs in locally designated historic districts. In short: as owner of two contributing properties in the Central City Historic District and a longtime proponent of historic preservation, I ask the council to remove the prohibition of detached ADUs in local historic districts from any final ordinance. I believe the existing historic design review process for modified or newly constructed detached structures provides sufficient historic protection. To deal effectively with SLC's housing crisis we must err (cautiously) on the side of allowing additional dwelling units whenever possible. (In that vein, I am also strongly opposed to geographic boundaries for ADUs, but that's a topic for another email.) As always, thanks for your consideration and for your service to our city.</p>	

12/1/2017 15:56	<p>Further to our brief conversation yesterday, I have attached some comments and insights relating to the council's recent consideration of a policy prohibiting the construction of detached ADUs in local historic district. As we discussed, the existing layer of historic design review afforded by the current ordinance protects these neighborhoods and operates to ensure historically sensitive and compatible design of any modified or newly constructed detached structure, whether it be an ADU, a tool shed, or a garage. Accordingly, I strongly encourage the Council to remove a prohibition of detached ADUs in local historic districts from any final ordinance and allow the City's existing preservation policies and design review processes to ensure compatibility of ADU structures detached or otherwise within the City's local historic districts. I sincerely appreciate your careful consideration of the attached comments. If possible, please share these thoughts with the other councilmembers. Thanks as always for the Council's efforts on behalf of the residents of Salt Lake City. Best regards Hi Derek, Further to my correspondence earlier today, I wanted to send you an excerpt from the Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City. This handbook provides both general and district specific design guidelines, and includes a specific chapter relating to Accessory Structures, which are applied by Planning Staff and the Landmarks Commission in connection with determining historic appropriateness. Notably, these guidelines (1) specifically encourage detached accessory structures in the rear of properties vs. attached structures, (2) include several photos/examples of historic accessory structures that have been converted to include living spaces (one of which in fact I have been through during an open house, (3) specifically contemplate converting existing accessory structures to new uses ("Property owners are encouraged to use period-appropriate roof forms and materials if undertaking more extensive projects, such as converting an accessory structure to a new use"), and (4) articulate specific guidelines for historically-sensitive new accessory buildings that relate to compatible mass, scale, roof form, and materials (Design Guideline 9.2).</p>	
12/4/2017 12:22	<p>Councilmembers - I'm glad that the Council is positioned to greatly expand ADU's in many areas of the city. I'm disappointed our neighborhood will not be one of those areas. Our community master plans and city wide Plan Salt Lake, which you helped adopt in the past two years, specifically calls for increasing diversity of housing types for ALL income levels THROUGHOUT the City (see Plan Salt Lake, p. 21). Why adopt this plan, but then oppose the very strategies and actions that will help advance its goals? Everyone in my neighborhood who shops at local stores, eats at local restaurants, depends on emergency services, has their trash collected, and sends their children to local schools, rely on individuals to provide these services who are priced out of a home in the places near where they work. To rely on such services, but tell those who serve us that they are not welcomed in our neighborhood, is a great tragedy. To those of the Council who I know get this, and have championed the city-wide ADU proposal, I thank you from the bottom of my heart. For those who do not yet understand that ADUs on the east bench will not harm these neighborhoods, I invite you on a field trip where I would love to introduce to you the dozen or so individuals and families on my street, 2100 East between 2100 South and 2600 South, who live in ADUs in our neighborhood today. I'm curious which of these individuals you and others opposed to ADUs in our neighborhood think don't belong here. Heather and I purchased a home in 1998 in Highland Park that had a non-conforming ADU, which was created long before the city removed this provision city-wide in 1995. When we bought the home, we had no children, and didn't need all of the space. Renting the basement apartment helped us afford a house that we had to stretch a bit to buy, in a neighborhood we loved. It also gave us some space to grow into as we had one, and then a second child, in that home. For our renter, who was with us for 4 or 5 years of the dozen years we lived there, it was a wonderful chance for a recently divorced father to be able to give his daughter who was often with him on weekends, a home in a neighborhood with friends and a yard, rather than the alternate of living in an apartment complex. We became life-long friends. ADUs benefit both the renter and the tenant, in very important ways. I would love to be able to convert a portion of my basement to an ADU. My daughter recently started studying as a Freshman at Westminster College. She has chosen to live at home to save on the high costs of housing in Sugar House, which has put much housing near the Westminster campus out of reach. Adding an outdoor entrance to our basement and creating an ADU would give her much-desired independence now, and allow us the option to rent a portion of our basement in a few years when our older children have moved out. Unfortunately, because we don't live in the right part of Salt Lake City, that will be out of reach for us with the ordinance that is before the council today. Where is the equity in that? I know that none of my neighbors would likely oppose us having an ADU, since three of the five homes immediately around us and across the street already have ADUs in them. I'm also curious why there is such a hung-up on parking? I have many neighbors who have several kids, each with their own car, and many have to park their cars on the streets and side streets in our neighborhood because they have older homes with two-car garages and all those cars just don't fit in one small garage. Why is it OK for families to park cars on streets, but not OK for an individual, couple or small family living in an ADU to park a car on the street (assuming they even have a car, which some people I know living in ADUs don't)? I seriously hope that the council will</p>	
12/4/2017 12:25	<p>Hello, My name is Dakotah Reyes and I am a resident of Salt Lake City residing in the Lower Avenues. I'm excited to hear about the expansion of ADU's in SLC, but am concerned about exclusion of The Avenues. The Avenues is such a beautiful part of town, with so much rich history, but unfortunately there isn't much diversity AND costs of living in the area are rising each year. By excluding ADU's in The Avenues, the city is losing a huge chance to diversify this area. Inclusion of ADU's means more housing, lower rent, a higher move in rate, leading to more income for small businesses in the area, and even the opportunity for new business in The Avenues. I hope you will consider allowing ADU's in The Avenues.</p>	
12/4/2017 16:05	<p>Members of the City Council, I am writing in regards to the proposed "Mother in Law" or ADU proposed ordinance. This proposed ordinance is a horrible plan and poorly conceived. The proposed ordinance will not create affordable housing in the City. It will destroy the character of Salt Lake City. I have attached two photos of units that ALREADY exist in Salt lake City. If the ADU ordinance is approved, this is what will spring up all over the City. Having worked for both local Cities and Counties, studied in a Masters in Urban Planning program and in the final stages of a Masters in Real Estate from the U, I am well versed and educated on the proposal, and would state again, this is a HORRIBLE proposal. Please do NOT pass the ordinance and destroy the City as it currently exists.</p>	

12/4/2017 16:39	Dear Councilwoman Mendenhall, Please vote NO on the upcoming consideration for permitting the building of ADU's in Salt Lake City. At least vote NO for expanding these additional units in the East Liberty area. I live on Yale Ave, between 7th East and Lake St. In this one block the street supports 10 apartments in 6 buildings including mine, a single family dwelling. Two of these apartments have tenants with 2 cars each. The block East of ours is in similar straits. The neighborhood along Lake St, from 9th South to 13th South Sts, is also loaded with multi-occupancy dwellings. We have low-income housing at several locations around my house. They are good folks and I have no complaints. We have lost some low-income housing as folks have moved on due to the inevitable gentrification of our great neighborhood that is taking place. Ours is an old neighborhood. Our streets are narrow and there are more and more cars, what with friends visiting an already crowded street. We typically park on part of the sidewalk along Yale, at least until someone complains. Then Parking/Traffic Compliance swoops in and tickets all of us for parking violations. I've lived in the neighborhood for almost 40-yrs. I think I've paid almost \$1,000 in parking fines over those years. One year, I paid \$250 in fines until I took my ticket to SLC Justice Courts. They provided me a letter suggesting the waiving future fines. In the last 5-years, however, Traffic Compliance has decided the Courts letter doesn't apply and have begun to ticket us again. They willingly ignore our parking accommodation to traffic, at least until there is a complaint. Many of the apartment houses don't have parking available. Our lots are too small or tenants consider their few parking spots in the alley inconvenient or prone to theft. The house on the corner built an ADU and was able to get SLC to install No Parking signs along his side of the street for half the block. That only made the parking problem worse on our block. With the parking tickets, comes a disruption in the delicate parking balance we have developed along the street. We have had City garbage trucks turn back because they could not drive between the cars. Fire trucks have never turned back, but they crawl passed my house when my neighbors and I park legally. I've even knocked off a neighbor's side mirror as I drove between legally parked cars. Heaven forbid we have any fires or health emergencies during Pioneer Days at Liberty Park, volleyball tournaments, Shred Fests, or other fun activities we love to enjoy just across the street. Large trucks cannot go down Yale Ave on those days at all. Should the City permit parking on only one side of Yale, as they have done between 8th East and 9th East or along Princeton Ave, the loss of parking space would only make our problem completely unbearable. I've attached some parking photos and the Court letter for your consideration. I have other photos and letters to the City available dating back to 2000 should you want them for further review. Any further expansion of apartments or ADU's in our area will be an incredible mistake. Thank you for your consideration. And please vote NO on ADU expansion and NO on anymore apartments between 7th East and 8th East from 9th South to 13th South Sts.	
12/6/2017 15:58	Hello Charlie, I was going to send email letting you know I was pleased with City council's agreement regarding ADU's, and it seemed everyone could be content with outcome. This morning I read it's back to drawing board and agreement has been placed on hold due to possible discrimination as determined by the Disability Law Center. After all these months of discussion and a compromise finally reached, this discrimination issue just surfaced Monday? Unbelievable. I appreciate your efforts on this issue and am in complete agreement with your view on ADUs. I don't want them in my area for many legitimate concerns. And now what will future bring? Hard to understand all the time and energy and dollars that went into this and now there is nothing to show. I do not Believe ADU's will solve or make an impact on Salt Lake City's affordable housing crisis.	
12/7/2017 13:47	Dear Councilmembers I encourage you to view the news on the wildfires of Southern CA. One of our Safety concerns discussed you with concerning external ADUs on the East Bench, esp in District 3 and 6 was the invasive, extremely flammable cheat grass covering our foothills. Similar fire dangers to that on view in Southern CA is possible in SLC. It is devastating. Please considers these issues when you draft the new ADU ordinance Respectfully and truly concerned Lynn Kennard Pershing Director of Education KEEPYalecrest	

COMMENTS PULLED 01/03/2018

12/31/2017 15:25	Please approve ADU's for all areas of Salt Lake City. This is an important step to providing more affordable housing options within the city limits. Higher population density is what makes the great cities of the world great. Look at Portland, Oregon's growth models for ideas. They have transformed their city through proper zoning for high density.	District 7
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COMMENTS PULLED 02/01/2018

1/26/2018 10:16	Hello, I just wanted to let you all know that we need to put priority on getting the Accessory Dwelling Code reformed and passed ASAP. My Personal Oppinion(s): -- Height restriction should really allow for up to 26 feet (this would allow for a more "liveable" structure to be erected. -- Square footage restriction of 720-750 square feet would be nice As soon as the new code is passed I will be submitting plans the following week. Thank You,	5
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COMMENTS PULLED 02/08/2018

1/29/2018 9:13	I know you are still reviewing the boundaries for ADUs. When is the counsel meeting this spring to announce their decision? Thank you	5
2/5/2018 14:16	Please finish this process and accomplish the main goal. The gridlock surrounding this issue is just dripping with bureaucratic read tape and fear of change. Meanwhile, there are not enough places to live in SLC and finding a decent, affordable rental in-town, which helps tremendously with air quality and transportation when you live in-town, is going unaddressed in this relatively straight forward solution!	

COMMENTS PULLED 02/15/2018

2/14/2018 15:29	Dear Mr. Norris SLC head planner and SLC council members My name is Amir Cornell I live at 1700 E 2700 So in Salt lake city. I reviwed your ADU proposal on page 6 and 6 i notice regardless of size of your property 650 Sqft guest house. I contacted with sarounded cities they have differnt ordinates and zoning .Cities are Milcreek, So Salt lake , West walley, Cottonwood West Jordan , Draper ,Sandy ant Etc. They have differnt ordinates they go by sixe of your prperty . Millcreek city is 1 1/2 block from my house I can built 1050 Sqft whicj half size of my current house or 1/3 acre lot size. All above cities futurte guest houses they go by Lot size. We bought our house with big lot for future improvemens My nieghbore east of my house 1749 E has 0.52 acre she love to put duplex apts for her grand children. Please take your time go ride around block from 2100 So to 2700 So and 2000 E to 900 E Please make it simple 1 2 3 make it easy for good citizen like me If you have any question feel free to call me 801 915 5299. Thank U	
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COMMENTS PULLED 3/7/2018

3/5/2018 10:23	So much discussion / worry about Tiny homes being ADUs. Although they may be the same, it is not necessarily the case. The key issue is affordable housing, which smaller homes should help to address.	
3/5/2018 13:36	AS I read draft copy of ADU (page 5,6) Guest house 650 Sgt . i am recommending adapting your New ADU similar ordinate to Salt lake county cities. please contact Mr Nick Norris planning Dir. 801 535 6173 or Joel Patterson801 535 6141 I live at 1724 E 2700 So Salt lake city south side 1 1/2 block from millcreek city . I have 1/3 acre lot i used less than 25% of my property. If my house was in millcreek city I am qualify for 1100 sft guest house or duplex in my lot. We people of south side of 27700 So bought our properties for refuter development. I contacted with neighboring cities Murry, Midvale , south Salt lake , Holiday , west Jordan , west valley and etc..these cities they go by size if lots . Because of shortage housing in Salt lake city allow to build Duplex in all district. Thank you for your service Amir Cornell 801 915 5299	

COMMENTS PULLED 3/15/18

3/13/2018 15:05	Hello, Please approve Accessory Dwelling Units ASAP. I need to build a new detached garage and can't submit any plans or begin construction until ADU's are approved. Thank You, Aaron Johnson Hard Working Tax Payer	5
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COMMENTS PULLED 4/10/18

4/9/2018 12:26	Dear Council member My name is Amir Cornell I live at 1700 E 2700 So I live one border of SL city and Millcreek city by one block. I sent you two pages on page 8 there is paragraph which is clear to average resident. 13 of 18 city in salt lake county on their ADU ordinate don't size of guest house one size doesn't fit all they go by lots size in addition word Footprints. if my place is in Millcreek city , sandy , holiday,. midvale , west Jordan , and Draper city. i can build guest house up to 1100 Sq Ft Detached with 22 feet height . NO Foot prints 6 out of 14 cities I can build Duplex if I have over 1/3 acar Not over 50% principle stricture please ask planning dept to take off word Footprint out replace actual house size upstairs and down stairs..we the resident when we bought these bigger properties we were thinking future development The avrage .lot size on 2700 So is >37 acrs . our Water bills are \$125 - \$220 per mo.Please listen to US	
4/9/2018 12:27	They are coming and Salt Lake needs them. You can either bury your head in the sand and attempt to prevent them, or be smart and regulate them in a way that makes sense.	
4/10/2018 11:59	i have already expressed to the mayor my opinion about affordable housing in salt lake city in so much as without enough land and my douts about whether families wish to live in tiny sapartments stacked high into the sky, the adu proposal should address some of the problem regarding affordable housing for parties of no more than two and i fully support it . i own 4 properties in salt lake only one of which would i consider this but anything is better than more high rises. further most cities along the pacific ocean already utilized this concept to address ever increasing rents due to higher costs of construction as well as a diminishing supply of land. thank you for the service to our city and attempting to retain our rights with respect to taxation of the nw quadrant.	

COMMENTS PULLED 4/12/2018

4/11/2018 15:58	Hello Councilman Luke, I am writing in regards to the consideration of Accessory Housing in Salt Lake City. I think these types of units would be a great way to increase rental availability, especially in areas near the U of U. I have parents with a large lot in the avenues and this would be an excellent way for them to add to their "fixed" income while also providing a place for students or young couples to live as they finish school or start careers. Salt Lake City lots were designed with agriculture in mind and in many cases, could comfortably hold a small 1-2 bedroom unit. I do agree that there needs to be a dedicated off-street parking spot so that it doesn't increase congestion of the streets, especially in the older neighborhoods. With my kids soon moving out for school, I myself may be interested in building such a unit at my home in St. Marys and with them gone, the net add to local traffic would be zero. I am opposed to forcing them to be "affordable" qualified housing since that will limit the amount that will be constructed. I think letting the market determine the cost of the rental will do far more to increase the number of rental units in the city since it will be attractive to land owners all over the city. I am concerned that if this is restricted to certain neighborhoods, it will further increase the number of low income earners in that area. Thank you for your consideration.	
4/11/2018 16:00	Charlie, Please do not allow this to happen in all neighborhoods this is the type of thing that kills property values over time. The East Side of SL was not built for rentals like this	

4/11/2018 16:31	This comment is for all the Salt Lake City Council members no, no, no to the tiny houses in backyards of single homes in Salt Lake City please no. And no to any of these accessory dwelling units if it were permitted there should be a minimum of two parking places for each unit or I don't think it should be allowed and if a tiny home does go into the backyard I think neighbors of both sides of the property should approve of the tiny homes going in there because they are the neighbors that are going to have to live with the noise, or congestion, and limited parking or whatever but preferably no tiny houses in backyards of single homes in Salt Lake. Thank you!	
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Comments Pulled 4/18/2018

4/13/2018 8:16	"Hi Jason Franklin here I'm just calling about ADU's and Airbnb's just in general I am a fan of homeowners being able to rent out a portion of their homes there's a bunch of reasons for this and they kind of play in the idea here that Airbnb's is also a really good idea especially in a republican run state for the most part it appeals to entrepreneurship the idea that a family is supporting themselves and using the resources that they already have theirs already for people who are worried about riffraff coming in this is a socially run network were the bad actors get voted out by the social network so it is very unlikely that anyone but respectful people are planning to come and stay at your home and on top of that it's a homeowners home so if they feel comfortable with someone coming in it's their space and it's a place where they should be doing the most betting to make sure their own place is safe but then on top of that there are already city ordinances for noise etc. that should govern that but if it were legal this is something that could be taxed and regulated a little bit better to so that's my main point on Airbnb's you don't need to give me a call back but I saw the notification in the mailer that went out and I wanted to say something about it. Thank you"	
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Comments Pulled 4/26/2018

4/20/2018 10:50	To whom it may concern, I have two issues that I would like to address: A thank you for the success of Operation Rio Grande and our concerns about Accessory Dwelling Units (ADU's). In the last year our neighborhood has returned to the more tranquil and safe neighborhood we have resided in since 2005. This is, in part, due to the efforts of the Mayor and City Council and the successful Rio Grande operation. From 2015-to the launch of the Operation, we experienced an exponential growth in the number of homeless individuals passed out on our front parking strip, going through our cars behind our homes, walking around and up our driveways and having the police follow an individual from the hospital into our common area behind our homes. I did not feel safe walking from my car to my back door in the dark, and did not feel safe at home alone. It was getting to the point that we were considering moving out of the neighborhood, because I felt like a hostage in my own home. I made calls to the Mayor's office and spoke to Officer Gibic about my experience of being approached alone in City Creek and the petty crimes around our home. With the successes of Operation Rio Grande, I now feel safe to be in my own home, do not see individuals passed out on lawns, and do not have high and homeless men approach me while running in City Creek. I thank you all for your efforts. Our home is located on B Street, where there are a number of multi-unit rentals. I do not see any reason for there to be additional housing built in this area. Furthermore, this is a historic district and the ADU's do not fit into the historic structure of the neighborhood. I am not in support of making our neighborhoods more dense, making it so I know less people by face and or name, and I certainly do not want to have a neighborhood that attracts the homeless or exceptionally marginalized. I would like to express that I am NOT in support of ADU's in the Greater Avenues area. We are adamant about preserving the single family nature of our neighborhood and preserving the multi-dwelling building that exists and can be preserved.	
4/26/2018 14:42	I would like an update on the planning committee's ADU policy please. I support less restrictions on ADUs to help alleviate the housing crunch and to help seniors age in place.	5

Comments Pulled 5/11/2018

5/1/2018 15:31	"I'm just calling in my support of ADU's I think we need to embrace a little more densely populated city and so I am in favor of those I'm also in favor of keeping Airbnb's in the avenues I think if people are afraid of wild party houses than we can address that situation but I don't think we should eliminate all Airbnb's this is what people are used to being able to have when they come to our city just like UBER or Lyft and most of them work very beautifully and are actually very good for our city they bring in people that have a good experience and encourage them to come back and spend their money and a very positive visit to our city and again I am in favor of ADU's and keeping Airbnb's in our city thank you so much."	
5/8/2018 11:19	Council Member Mendenhall, I am writing you today to communicate my concerns for ADUs in Salt Lake City. I am hoping that if ADUs become something that residents in my area can do that the City will help by only allowing them on properties that can fully support the ADU without encroaching on the properties around them AND a property must be able to support at least 3 cars for off street parking (2 for the original residence and 1 for the ADU). The reason I am specifically asking for this is because I: a) support ADUs for additional housing, given our shortage b) desperately need properties like mine to be restricted from having an ADU Here is why we need to have very specific requirements for allowing a property to have an ADU. I live at 524 Emerson Ave, 84105 and I have a shared driveway. Between myself and my neighbors, we are already busting at the seams. My husband and I have made great efforts to fit on our property, buildings and vehicles, and unfortunately my neighbors have not done the same. We are already having a hard time managing the driveway and the easement for ingress and egress (my neighbors block the driveway all the time-civil matter we are addressing). My fear of my neighbors being allowed an ADU is that this will only cause greater problems for me and my family, or the opposite: if I had an ADU I know my neighbors would be negatively affected. There is already evidence that my neighbors are running an Airbnb; however, so far I cannot fully prove it and this is another matter for another day. In the meantime, I am begging you and your fellow Council Members to put lot size restrictions and accommodation support requirements when allowing ADUs. Thank you, Merili Carter	D5

Comments Pulled 5/24/18

Comments Pulled 5/24/18

5/21/2018 9:50	I have been a long time resident of the avenues (35+ years). I am opposed to ADUs for the following reasons. 1. The crime and noise in the avenues already have increased exponentially in the past 35 years. 2. This will not be an equitable law; somehow those in the upper avenues will manage to exempt themselves from the ordinance. 3. In the requirements that begin "Complete dwelling units..." the final one is "parking." What does that mean? Most available parking is on the street as you know. On L street where we reside there are at least two homes that park the equivalent of 3 cars; one has a long trailer that takes up two spaces. If parking is defined as "first come, first serve" you effectively are penalizing long time residents. Fortunately for us, we have off street parking so we are not directly impacted. But since a shared alley runs along the side of our house where needles and prowlers have been regularly cited the crime issue continues to be a concern and would be exacerbated by ADUs. As you also know, the avenues is a mixed neighborhood with professionals living next to druggies; and I speak from personal experience. All of us have had to call the police at some point.	
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Comments Pulled 6/8/2018

5/29/2018 15:24	I am a constituent in your district in the area east of highland high, and I've been following the new proposed ADU ordinance closely. In the last meeting, the council seemed to hint at allowing ADU's to be built up to a maximum of 50% of the gross square footage of the main house (my house is 1600 feet, so I technically could build 800 sq. ft. ADU) I wanted to affirm my strong support for this measure, as I believe that some lots will allow for a slightly larger ADU to be constructed (given that the lot coverage, etc. is in line with the current restrictions).... if the council thinks a square footage limit needs to be imposed, it should be closer to 800 square feet so the ADU can be more livable.... I have been struggling for years to pay my mortgage, and the ability to legally construct an ADU on my property would change my life (in a good way), so I hope you take that into account when you are representing our district. I will happily provide my property as a case study for how an ADU would fit in District 7 if you (or anyone else on the council) would find that to be helpful. Thank you for your time!	
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Comments Pulled 6/28/2018

6/20/2018 11:28	I am a SLC resident and I implore you to advance and make a decision on Accessory Dwelling Units ASAP. I am chomping at the bit to build a detached garage/ADU and need the City to make and vote on a decision before I can advance with my plans. Please also consider increasing the Height limitation of 24 feet for a detached ADU. Personally, I will need 26 feet building height, and would appreciate more than that.	
6/25/2018 16:30	Good Morning Mrs. Mendenhall; I live on 500 east 1136 south in Salt Lake City and I am chomping at the bit to build a new detached garage on my property, however, I am not going to make any moves until the City makes a decision on Accessory Dwelling Units. I figure that if I am going to build a garage, I might as well also build a small apartment above the garage so that I have a place for my aging Father. My biggest concern with the proposals thus far is the building height limitation of 24 feet; the reason being that I have found the perfect set of plans, however, the height called for is 25.75 feet. I apologize for the long e-mail. Please do what you can to advance the decision of Accessory Dwelling Units in SLC and please consider that the height limitations be increased.	

Comments Pulled 7/17/18

7/9/2018 9:52	We need to continue work on getting Accessory Dwelling Unit Code updated to allow for people like myself to build (my house is not within 0.5 miles of a Trax Station but my lot is rather large and will accommodate an ADU easily), and the max height for a pitched roof should be increased to 26 feet.	5
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Comments Pulled 9/6/2018

9/6/2018 9:26	1)Page 4, item D-the following words should be deleted "but not limited to". When these words are included, the sentence implies that the City can approve ADUs created in ways other than as described in items 1 and 2. If the City uses this language to create an ADUs in another ways, the result will be a process which will end up being inconsistent, more time consuming, unwieldy, and more difficult to manage fairly. It is understood the Planning Staff have indicated they want this flexibility, which will result in the City having a "blank check" to approve who knows what types of ADUs. Items 1 and 2, as stated, are confusing. Clarify by adding an "or" between the various options. 2)Page 5, E1, item after g should be h (Parking)"What happens when an ADU is approved and the requirement for one parking space is waived because the property owner has only one car at time, and after ADU approval gets another car or the property is sold to another family who has two or more cars? Recommend that the Ordinance state that the waiver is terminated and the ADU be required to provide the required one ADU parking space. In addition in E1, h1a,--- the following words should be reinstated and will not cause congestion in area, plus add or impair police and fire vehicle access.	
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9/6/2018 9:27	<p>Cont..3)Page 5, E2b (Size requirements)"Allowing an accessory dwelling unit which is advertised to be a mother-in-law apartment to be 50% of the gross square footage will most likely result in some ADUs being several thousand square feet (2,000 and larger) and capable by law of housing more than 15 people. Allowing ADUs of this size, combined with the City's current inadequate enforcement of the 3 unrelated person law, will have a significant and unfair impact on the Single Family neighborhoods. (Some City employees have admitted the law will be difficult to enforce, and other employees have indicated the City's legal department is concerned that enforcement may result in legal challenges) This scenario would most likely occur in neighborhoods near the Universities in the City. In other words these large ADUs would become similar to a Fraternity/Sorority house, exacerbating the current adverse impact this type of student housing has on a residential community and the associated parking problems. Recommend that the maximum ADU size be changed to less than 1000 square feet as originally proposed or 50% of the primary dwelling footprint. In addition, on page 2, A the wording implies that ADUs are not an option for students as they are not named in the sentence. If ADUs are an option for students, then for clarification and transparency, it is recommend that it be so specified in A4. 4)Page 8, F1, a, Registration Process should the first sentence apply to both permitted use AND conditional use? This section, or another section in the Ordinance, should indicate the conditional use process addresses where in the process the citizen comments will be reviewed, how they will be addressed and a proper response made to those submitting the comments. The Ordinance needs to clearly state that the public will not be notified about ADUs going through the permitted use process, and indicate what action will be taken regarding any public comments received by the City. In addition, the wording which was under F1, should be reinstated----The City shall ensure the accessory dwelling unit is constructed, inspected, approved and operated in compliance with current codes. 5)Page 9, H The report should also include the following important information to provide the Council with the information needed to assess the need for changes to the ADU Ordinance. 1)All comments expressed by the City residents during the ADU application and approval process. 2)All comments expressed by the City residents regarding the existing ADUs. 3)How the resident comments were addressed and what actions if any were taken. 4)The exceptions or waivers which were approved. 5)The address and the City District in which each ADU is located.</p>	
9/6/2018 9:28	<p>Cont..1)The City's commitment to responsibly enforce this Ordinance is a huge issue. 2)The City Council is proposing to eliminate addressing certain ADU requirements in this Ordinance if the subject is already covered in another place in the City's Codes. However, it is essential that those contemplating applying for an ADU fully and clearly understand all of the requirements and what is and is not permitted without having to search through every City Code to see if there is something in it that applies to ADUs. For instance, the proposed deletion of the wording regarding the requirement for a business license. Recommend that if there are requirements or restrictions for ADUs that are not set forth in this Ordinance, that this Ordinance has a section that specifies the specific codes that are applicable to ADUs. This approach will at least give them a heads up that not everything they need to know is included in this Ordinance and which ordinances they need to review. 3)The City's staff report which was prepared to help the City Council evaluate the pros and cons of the various options should be considered in drafting the ADU Ordinance. The report was very informative, however it appears it was drafted with the Planning Department's agenda for ADUs and was not completely transparent which would have been more helpful to the Council in making its critical decisions. For example, the staff report indicated that the University of Utah final study work on ADUs had been reviewed by the Planning Division and the staff report cited some of the data in the University's final report. Although a draft of the report was distributed to the members of the City Council in 2017, it does not appear that the University's final report recommendations were distributed to all 2018 members of the City Council for review, discussion and an up or down vote. At a minimum, the staff report should have highlighted the recommendations in the University's final report which have not been endorsed by the Council and included in the recent draft of the ADU ordinance.</p>	



CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: June 18, 2018

Date sent to Council: June 20, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE: June 18, 2018

FROM: Mike Reberg, Department of Community & Neighborhoods Director


SUBJECT: ADU options related to parking, size, and owner occupancy

STAFF CONTACT: Nick Norris, Planning Director. 801-535-6173 or nick.norris@slcgov.com

DOCUMENT TYPE: Information only

RECOMMENDATION: Adopt the recommended ordinance

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: At the May 1, 2018 City Council Work Session, the Planning Division briefed the City Council on an updated ADU ordinance. The City Council reviewed the ordinance, voted on several straw polls, and asked that the Planning Division bring back an updated ordinance that reflected the applicable straw polls and options on how to proceed with the ADU regulations related to parking, the size of a detached ADU, and a definition of owner occupancy.

Below is a list of the potential options that the Planning Division has found to be reasonable. If the City Council determines an option that differs from the staff recommendation is the preferred route, the attached ordinance can be modified to reflect that preference. The options requested by the City Council will require an updated ordinance after the Council provides the Administration with direction on the options listed below.

Parking

Current parking requirement: requires one stall for the ADU. Parking requirements can be waived if the principal dwelling meets the current parking requirement (two parking stalls per single-family dwelling) and one of the following is satisfied:

- The property has on street parking in front of it; or
- The property is within ¼ mile of a transit line or bus stop.

Planning Division recommended option:

“An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking requirement may be waived if:

1. Legally located on street parking is available along the street frontage of the subject property; or
2. The subject property is located within ¼ mile of a transit stop.

This option requires on-site parking for the ADU and allows the driveway to satisfy the ADU parking if the house meets the current parking requirement. Currently, a driveway is not allowed to count towards off-street parking requirements. This option would allow the portion of the driveway between the street and a garage, carport, or other legally located off-street parking pad to satisfy the parking requirement for the ADU if the single family home meets the current parking requirement. Historically, front yard parking has not been permitted as a special exception only if the rear and side yards were not accessible. If the single family home does not meet the current parking requirement, the driveway could not be used to satisfy the parking requirement for the ADU.

This option includes two scenarios to waive the parking requirement without any special process. The scenarios were included to address issues with properties that may not be able to add off-street parking. This option requires minimum administrative review time.

This option can be modified in a number of ways, by deleting the option to use an existing driveway, narrowing the two options to waive the requirement, or changing the distance to a transit stop.

The Planning Division analyzed the options of using bus stops on various types of streets, the frequency of transit service, and the maps in the transit plan. Each of these options would increase the review time because more research would be required if an applicant chooses a waiver. The other factor that was considered was the fact that bus routes and schedules are subject to modification by UTA and the city does not have authority over the routes or schedules. It is possible that an ADU would be granted a waiver from the parking requirement because the property is within ¼ mile of a bus stop, only to have that bus stop be relocated or removed.

options	Pros	Cons	Recommendation
No parking requirement	<ul style="list-style-type: none"> • No administrative review • Parking does not limit the ADU market 	<ul style="list-style-type: none"> • Will result in more on street parking • Lack of public support • More on street parking may impact curb-side city services 	
Require one off-street parking stall for the ADU	<ul style="list-style-type: none"> • May reduce impact on curb side city services. • Provides parking options 	<ul style="list-style-type: none"> • Some properties may not be able to provide additional off-street parking. • Increases the cost • May increase impervious surface • May impact heat island effect • May increase storm runoff. 	✓
Allow driveway space to count towards parking requirement	<ul style="list-style-type: none"> • No additional cost • No new impact to storm drain system 	<ul style="list-style-type: none"> • Less convenient • No guarantee that it would be used 	✓
Waive parking requirement if on-street parking is available	<ul style="list-style-type: none"> • Takes advantage of the street • No additional cost • No impact to storm drain system • No vegetation removal for parking area 	<ul style="list-style-type: none"> • May impact curb-side public services • More competition for on street parking 	✓
Waive parking requirement if located within ¼ mile of transit	<ul style="list-style-type: none"> • Promotes transit use • No additional cost • No new impervious surface • No new impact to storm drain system from parking 	<ul style="list-style-type: none"> • No guarantee of transit use • Occupants likely to still own a car 	✓
Require primary dwelling to comply with parking requirement in order to grant a waiver	<ul style="list-style-type: none"> • Addresses a concern raised by some residents 	<ul style="list-style-type: none"> • Only properties that currently comply with parking requirement would be eligible for an ADU • Pushes most ADUs to areas developed after 1950 	

		<ul style="list-style-type: none"> • Increase impervious surface • Increases cost • May increase storm runoff 	
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Owner Occupancy

Planning Division recommendation: The Planning Division recommends simplifying the owner occupant section of the ADU ordinance so it accounts for more ownership possibilities, is easier to enforce, doesn't unnecessarily restrict properties where an ADU could be created, and allows more flexibility when ownership of a property changes. The proposed language is:

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

1. An individual who is listed on a recorded deed as an owner of the property
2. Any person who is related by blood, marriage, adoption to an individual who is listed on a recorded deed as an owner of the property;
3. An individual who is a trustor of a family trust who possesses legal ownership of the property.

This recommendation could be altered in a number of ways, as any of the three meanings of "owner occupancy" could be modified. The proposal includes deleting the section of the ordinance that requires all owners to live on the property and eliminates the section about proving ownership. Documentation of owner occupancy would have to be provided at the time of application and must be provided on legal documents that indicate the owner and their occupancy status.

option	Pros	Cons	Recommendation
Includes an individual listed on a deed as an owner	<ul style="list-style-type: none"> • Easier to administer ordinance • More flexible ordinance 	<ul style="list-style-type: none"> • May force evictions if owner moves off of property. 	✓
Includes any person who is related by blood, marriage, or adoption to an individual who is listed as an owner on a deed	<ul style="list-style-type: none"> • Addresses a variety of family relationships • Allows for more ADUs to be provided for family members • Provides an alternative if the owner moves from the property. 	<ul style="list-style-type: none"> • May result in the owner not actually residing on the property 	✓

Includes an owner who is a trustor of a family trust	<ul style="list-style-type: none"> • Addresses properties that are owned in a trust • Provides some flexibility 	<ul style="list-style-type: none"> • Possible that a trustor could be a corporation 	✓
Require all owners to live on the property	<ul style="list-style-type: none"> • Addresses concerns raised by the community 	<ul style="list-style-type: none"> • Limits the properties that would be eligible for an ADU • Difficult, if not impossible to enforce 	
Include section about proving owner occupancy	<ul style="list-style-type: none"> • Addresses concerns raised by the community 	<ul style="list-style-type: none"> • Not necessary to achieve goals of ADU ordinance • Time intensive to administer • Difficult, if not impossible, to enforce 	
Require ADU applicant to provide proof of ownership at time of application	<ul style="list-style-type: none"> • Puts burden on applicant • Requires minimal administrative time 	<ul style="list-style-type: none"> • May involve the Attorney's Office if there is a question about documents provided. 	✓

Maximum footprint requirements for accessory buildings and ADUs

Planning Division recommendation: Exempt the footprint of an accessory building containing an ADU from the maximum total square footage of all accessory buildings when there is an additional accessory building on the property. This would allow a property to have a detached garage and a second building containing an ADU. A detached ADU would still be limited to no more than 650 square feet of gross area or no more than 50% of the footprint of the principal dwelling, the maximum lot coverage would apply, and the maximum rear yard coverage would apply.

While there are numerous alternatives to this, all of them carry with them some unintended consequences that may restrict the ability to construct an ADU or allow excess accessory buildings. The Planning Division does not recommend broadening this issue at this time.

Option	Pro	Con	Recommendation
Attached ADU can be no larger than 50% of the square footage of the house.			✓
Detached ADU can be no larger than 650 square feet	<ul style="list-style-type: none"> • Limits the size of ADU • Reduces chances of multiple people living in ADU 	<ul style="list-style-type: none"> • May prohibit an ADU from being added as a second story to an accessory building 	✓

		larger than 650 square feet.	
If part of a second accessory structure on the property, allow ADU footprint to be exempt from the total maximum of all accessory buildings on the property	<ul style="list-style-type: none"> • Allows alternatives to properties that already have a garage. • Two accessory buildings may have less impact to neighbors than an ADU above a garage • Allows for more flexible use of back yard. 	<ul style="list-style-type: none"> • Exemption may create some confusion 	✓
Require an individual accessory building containing an ADU to have a footprint no larger than 50% of the footprint of the home.	<ul style="list-style-type: none"> • Ensures ADU remains accessory to the principal structure • Limits the size of accessory buildings 		✓
Do not allow an ADU to exceed the maximum total square footage of all accessory buildings on the property	<ul style="list-style-type: none"> • Requires no additional administrative time 	<ul style="list-style-type: none"> • Limits the properties where an ADU can be constructed • One size fits all • Punishes properties with large back yards and large homes from potential constructing a detached ADU 	

Entrance requirement visuals

Planning Division recommendation: Create an “ADU handbook” that would visually represent what is in the ordinance and serve as a guide on how to build an ADU.

- Alternative: add visuals to the ordinance. Adding visual to ordinance would clarify the entrance location requirement. However, the visual would be considered part of the ordinance and any time the city wanted to improve the visual or fix an error, it would require a text amendment. By creating an ADU handbook that is based on the ordinance, the content of the handbook can be changed as needed provided it does not conflict with the ordinance.

In reviewing the entrance requirements, planning staff identified a few issues with the entrance requirements for attached ADUs. Entrances located on the rear façade of the home or along an interior side yard were not addressed. The Planning Division recommends the following language be added to address this issue:

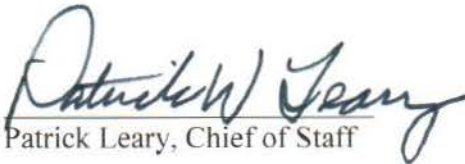
- Entrances to an ADU be allowed on the rear façade.
- Entrances in an interior side yard be allowed provided the side yard is at least eight feet wide.

PUBLIC PROCESS: The public process for this text amendment has been outlined in previous transmittals. The City Council has indicated that additional public engagement would occur before any ordinance is adopted.

EXHIBITS: None




CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: March 9, 2018
Date sent to Council: March 12, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE:

FROM: Mike Reberg, Community & Neighborhoods Director 

SUBJECT: PLNPCM2014-00447 Accessory Dwelling Units

STAFF CONTACT: Nick Norris, Planning Director 801-535-6173

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council consider the options and adopt the ordinance

BUDGET IMPACT: none

BACKGROUND/DISCUSSION: During the December 6, 2017 City Council work session discussion the on proposed ADU ordinance, the Council asked that the Planning Division consider the following items related to the proposed ADU ordinance:

- Consider using the conditional use process for reviewing ADUs;
- Address issues related to using ADUs as short term rental units;
- Address enforcement issues, particularly through recording deed restrictions for approved ADUs;
- Correct some of the technical issues associated with the proposed ordinance so that it is easier to understand and administer; and
- Review some of the public concerns with ADUs and consider addressing those concerns.

The Council stated that they did not expect that any changes be sent back through the Planning Commission for review and input.

The Planning Division has done a review of the ordinance and made modifications to the ordinance based on the direction provided by the Council. An updated ordinance is attached. For the purpose of this transmittal, those changes are discussed in the section titled "Modifications to the ADU Ordinance." This section includes an explanation of what has changed, including some

technical changes being requested by the Planning Division to remove vague language, improve the ability to administer the ordinance, and remove references to certain requirements that are already in city code.

The Planning Division also further analyzed the entire ADU ordinance to better understand the impacts of the ordinance, including:

- What the City can expect in terms of the number of ADUs based on cities with similar ordinances;
- The impact that the proposed updated ordinance would have on Planning Division staff and Planning Commission workload, and
- The effectiveness of the updated ADU ordinance in achieving citywide housing goals now that Growing Salt Lake has been adopted.

This analysis can be found in attachment A.

ADUs and the Conditional Use Process

Current Ordinance: allows ADUs if associated with a single family dwelling unit if that property is also within ½ mile of a transit stop.

Planning Commission Proposal: eliminated the ½ mile requirement but imposed a boundary line that basically would have prohibited ADUs in the Avenues when located east of Memory Grove and north of South Temple as well as in the East Bench if east of 1300 East and north of I-80.

Updated Proposal based on Council Direction:

1. Eliminate the boundary in the Planning Commission Proposal;
2. Make ADU's a conditional use in the FR and R-1 zoning districts. These are the zoning districts that only allow detached single family dwellings; and
3. Make ADU's a permitted use in all other residential zoning districts that already allow duplexes, triplexes, and multi-family as permitted uses.

The recommendation in the updated proposal is based on the land uses that are already allowed in each residential zoning district. The proposal recognizes that in the zones that only allow single family residential uses that ADUs will have some impact that is greater than that of a single family dwelling. The conditional use process was chosen because:

- There is a public process that allows neighbors the opportunity to help identify specific impacts;
- The approval body is the Planning Commission, not staff; and
- The zoning ordinance already has a list of detrimental impacts that are to be considered when reviewing a conditional use.

One of the issues with the conditional process is that a conditional use is required to be approved if impacts can be mitigated. Conditional uses in the city are required to go through an early notification process and be presented to community councils. Often times it is stated that a community does not support an ADU and that it should be denied. Legally the city cannot deny a conditional use based on lack of support. The only way a conditional use can be denied is if there is a detrimental impact that cannot be reasonably mitigated.

The condition use process may not appease all concerned stakeholders. The Planning Commission cannot consider “public clamor” when considering a conditional use. Public clamor can be summarized as emotional or baseless opinion on a matter. Examples of public clamor include statements like “this proposal will lower my property value” or “this proposal will make it impossible to drive up and down my street.” These are opinions that are not typically backed up by any facts.

Conditional uses legally have to be approved if a reasonable, detrimental impact can be mitigated. Mitigated means reduced and does not necessarily mean eliminated or even substantially eliminated. This has been determined through case law in Utah. HB 377 Land Use Amendments is a proposal before the Utah Legislature to codify this by adding the following statement to state code section 10-9a-507(2)(a)(ii):

The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

For example, if a neighbor raised a concern that a dumpster location for a business is right next to their fence and is concerned about the odor, overflow of garbage, and the dumpster attracting rodents, then the Planning Commission can require the dumpster to be located further from the property line to lessen the detrimental impacts of the use.

The conditional use process is a good way to inform the community about development proposals and identify potential impacts. It also establishes a “record” of decision making that is kept forever and used during an appeal process. These considerations often outweigh the negatives of the conditional use process.

The conditional use process does provide the city with additional enforcement tools if an owner of an ADU violates any applicable regulation or condition of approval. It does not make it easier for the City to deny a conditional use for an ADU because it is highly likely that any detrimental impact could have conditions imposed that would reduce detrimental impacts.

After analyzing this issue, the Planning Division would prefer that all ADUs be permitted uses in all residential zoning districts. However, understanding the competing goals and values that have been raised, understand that the conditional use process could be used for ADUs when located in single family zoning districts to help address unforeseen negative impacts. This acknowledges that an ADU may have an impact that is greater than a single family home and that a review process to identify and verify those impacts is appropriate. It should be noted that the conditional use process will discourage some property owners from building ADUs on their property and will add 60-90 days to the approval process. Both of these make it more difficult to develop this type of housing in the city.

In zoning districts that already permit more than one dwelling unit, the Planning Division is recommending that an ADU be a permitted use and not include any sort of special land use approval. This is because the SR-1A, R-2, SR-3 and RMF zones already allow two-family dwellings as permitted uses and the impact of an ADU is somewhere between a single-family

dwelling and a two-family dwelling, but the impact is less than all other residential uses allowed in these zones. ADUs also have size restrictions (floor area, height, lot coverage, rear yard coverage) that are intended to lessen impacts.

There will be an increase in workload for Planning Division staff and the Planning Commission. The approach discussed above would reduce the expected increase in staff workload and Planning Commission workload versus requiring all ADUs to go through a conditional use process. An additional option would be to allow an ADU as a permitted use in all zoning districts, but require a conditional use for detached accessory structures in the single family zoning districts.

In historic districts, requiring a conditional use for an ADU would add an additional process to the processes already required for new construction or major alterations to properties located within a local historic district. Allowing an ADU by right within historic districts supports the goals of preserving historic structures and would take some pressure off of properties that may not have many land use options other than single family dwelling use.

The Impact to Planning Division and Planning Commission Workloads

Requiring ADUs to go through the conditional use process will increase the workloads of the Planning Division and Planning Commission. The Planning Division processes an average of 26 conditional use applications per year. A conditional use for an ADU would have to be reviewed by the Planning Commission because all conditional uses that are located in a residential zoning district are required by ordinance to be reviewed by the Planning Commission. In 2017, the Planning Commission reviewed 87 applications in 23 meetings that took a total of 94 hours; the applications consisted of master plan amendments, zoning amendments, planned developments, conditional uses, design review, special exceptions and subdivisions. This equates to an average of 1.08 hours per application and an average meeting length of 4.08 hours.

The impact of requiring a conditional use for an ADU could only be determined by the number of applications that are received. For every 5 applications received, the workload would increase approximately 5.5%. If 10 applications are submitted, it would be an increase of 11% to the workload of the Planning Commission and extend the Planning Commission meetings by 10.8 hours per year and the average meeting could increase to 4.5 hours in length. The impacts could result in longer meetings and longer processing times for all land use applications. The impact to workloads is reduced by requiring only those ADUs in FR and R-1 zoning districts to go through the conditional use process and listing ADUs in all other residential zoning districts as permitted.

Processing a conditional use takes approximately 40 hours of staff time from the time an application is submitted to the time an application is approved. The 40 hours includes application intake, making sure the application is complete, meeting with the applicant, public engagement, analyzing the proposal, writing a staff report, and all the steps necessary to get the item to the Planning Commission. The 40 hours does not include time required by supervisors to review the staff reports or administrative staff time to prepare everything for the public hearings. If each application averages 40 hours of staff time, there would be approximately 200 hours of staff time that would need to be allocated for every 5 applications. 52 applications would equal a full time

employee. In 2017 we received the equivalent of 54 applications per planner. It is important to note that every ADU application will require some work by the Planning Division even if the proposed ADU is permitted. This extra time is due to the proposed 30 day noticing period, issuing a zoning certificate, and reviewing and recording a deed. These things don't occur with other permitted uses and are additional work not performed with other conditional uses. Utah Code 10-6-160(3)(a) states that "a city shall complete an initial plan review for a one to two family dwelling or townhome by no later than 14 business days after the day on which the plan is submitted to the town." A proposed change being discussed during the 2018 Utah Legislative session would make this section even more restrictive. The proposed ADU ordinance requiring a 30 day waiting period before a zoning certificate is issued could conflict with this state law because a zoning certificate is only issued after a full building permit review is done because it represents the approved development. If we are required to issue the permit within 14 business days, holding the zoning certificate for a full 30 days would not serve any purpose because the city would be required to issue the building permit according to state law.

Increasing the number of applications that the Planning Division is working on reduces the amount of staff resources that the Planning Division has to work on other things. The impact is primarily to master plan implementation and helping other departments and divisions with their planning needs.

The Planning Division has seen a 40% increase in the number of land use applications since 2011. In order to accommodate the increase in number of applications, the Planning Division has had to delay working on city desired or initiated applications and make changes to some land use processes to free up staff time. For example, some public processes have been changed (notice of application for special exceptions vs public hearings) or eliminated (no public process in the form based districts, reduced the number of land uses that were listed as conditional in the land use tables).

There has been some suggestion that the city allocate resources to either develop design standards for ADUs or to designate an ADU planner to answer questions and review ADU proposals. The number of ADU applications that we expect to receive does not warrant the allocation of staff resources at this level to either of these suggestions. The Planning Division would have the capacity to make information sheets to help demonstrate the regulations and process. The projected number of ADUs that can be anticipated indicates that ADUs will play a small role in helping achieve the city's housing goals. Planning Division resources would be better allocated to remove zoning barriers that are limiting the construction of new housing and developing zoning incentives to promote new housing construction because these things are more impactful to helping the City achieve its housing goals.

ADUs and Short Term Rentals

Current Ordinance: the existing ordinance does not address short term rentals.

Planning Commission Proposal: does not address short term rentals.

Updated Proposal based on Council Direction: prohibit an ADU from being used as a short term rental.

The Planning Division is recommending a restriction be placed on using ADUs as a short term rental. The short term rental issue is a growing concern for many communities. Short term rentals require a focused analysis and approach that involves multiple city functions and programs beyond zoning. Until that is done, they should be prohibited in an ADU.

Addressing Enforcement Issues

Current ordinance: doesn't address enforcement directly, but does include a number of requirements that a property owner would have to comply with in order to obtain city approval for an ADU.

Planning Commission Proposal: includes all of the requirements in the current ordinance.

Updated Proposal based on Council Direction: adds the conditional use process for ADUs in single family zoning districts.

One of the primary concerns raised by residents relates to the perceived lack of enforcement of city ordinances. This perception exists regardless of the status of the ADU ordinance. There are a few key elements of ordinance enforcement that have to be present to enforce any regulation:

- The regulations have to be clearly written so there is no dispute regarding what the regulation means;
- The City has to be able to prove that the violation has occurred; and
- The City needs to have the tools to remedy the violation.

One of the key items listed above is that the City has to be able to prove that a violation is occurring. Violations that are clearly visible are relatively easy to prove. Violations that are not clearly visible are much more difficult to prove. Without proof, a city would not have justification to take an enforcement action.

Most of the ADU regulations address visible impacts, such as parking, building location, building height, and design standards. However, enforcing the number of unrelated people living in a dwelling requirement and owner occupancy requirements are going to be difficult to enforce. Complaints about the number of unrelated people living in dwelling are particularly difficult to prove because outside of public records, the city often has no proof whether occupants are related or not.

The owner occupancy requirement would require a search of property transactions that may have involved a property that include an ADU to see if anything has changed. Property can be owned in basically three ways: in an individual name, in joint names with others, or by contract rights. The proposed ordinance requires that a property owner be one of these three. However, it limits the contract rights to those involving a family trust. Other contractual forms of ownership would not be eligible for an ADU. Second, it requires all owners to live on the property. This means that there are some properties owned in joint names would not be eligible unless all of the people named on the deed live on the property. There are countless combinations of relationships that could own a property jointly. If the primary purpose of the owner occupancy requirement is to avoid absentee owners with a lack of attention to the property creating nuisance issues, the

ownership requirement is more restrictive than it has to be to accomplish this goal. It could be modified to be more flexible towards the variety of property ownership arrangements and not require every listed owner or every listed trustor to reside on the property.

The deed restriction requirement helps notify new buyers that owner occupancy is required for the ADU, but it does not help enforce owner occupancy requirement other than providing a counter argument to a claim that an owner did not know about the owner occupancy requirement.

Technical Issues associated with the Planning Commission Proposal

Current Ordinance: not applicable

Planning Commission Proposal: contains multiple instances of vague wording associated with some of the standards for ADUs.

Updated Proposal: includes the following category of changes:

- Reorganizing the ordinance so that standards that apply to ADUs that are internal to a single family dwelling are in one section, standards that apply only to detached ADUs are in one section, and standards that are applicable to all ADUs are in one section.
- Changing the wording of some standards so that they are easier to understand, enforceable, and better address some of the impacts identified by neighbors.
- Adding design standards to address compatibility with principal structures.
- Deleting references to other code sections when they are not necessary because they are found in other code sections.

The technical changes are aimed at making the ordinance easier to administer and understand. The changes also take into account changes to State Statutes that were adopted and made effective in 2017 that address vague language. The intent is to eliminate vague language because language that is vague is required by state law to be interpreted to favor the land use application and results in some standards and requirements not being able to be applied or enforced by the City. In the attached ordinance, the technical changes are indicated by either a double strike-through line for those items being deleted or with a double-underline for those items being added or reorganized to a different section.

How the Ordinance Addresses Concerns Raised by Neighbors

Although not specifically asked for by the Council, the Planning Division received a number of comments from people who feel like their concerns have not been addressed in the ordinance. This section explains how the ordinance addresses specific themes that have been raised throughout the process.

Privacy is often cited as a concern associated with ADUs, particularly when an ADU is located in a detached accessory building. The Zoning Ordinance does not list privacy as one of the general purposes. Privacy is also not one of the considered detrimental impacts associated with conditional uses because it is difficult to measure. Privacy is, however, a by-product of zoning regulations because the zoning regulations establish what property owners can expect to occur next door. Privacy is generally impacted by the setbacks, height, window locations, outdoor

living space, and points of access, although the primary purpose of these types of regulations is to provide adequate light and air and mitigate against safety hazards, such as fire.

Window location on the second level of a detached ADU has the highest impact on the privacy of next door neighbors because a detached ADU can be located within the rear yard setback. The rear yard setback is an area where neighbors do not expect a dwelling unit because the principal building cannot be located in the rear yard setback. The Planning Commission proposal included vague language to address window locations and sizes. The updated proposal states that windows shall be no larger than the minimum required by the building code for egress, light, and air circulation and requires the glass to include glazing that prevents clear views from the windows into adjacent yards or requires the windows to face the interior of the subject property (and not the side or rear property lines) or face a public street or alley. The updated proposal does allow windows in existing structures to remain, but they would need to include obscure glass if located on a second level facing a side or rear property line.

Outdoor living space (such as decks and patios) also generated concerns regarding privacy. The existing ordinance does not address outdoor living space. The Planning Commission proposal limits the size of outdoor decks, balconies, and rooftop gardens and requires them to face an alley or corner side yard and prohibits roof top decks. The updated proposal maintains these requirements when a balcony or deck is located on a second level, but removes limits on rooftop gardens because a green roof does not have an impact on a neighboring property.

Building entrances can also impact privacy, particularly when an ADU is accessed from exterior stairs leading to a second level ADU. Ground level entrances create minor impacts to privacy. The updated proposal includes standards about entrance locations and requires them to be further from a property line if they are accessing an ADU above the ground level of the building.

Setbacks determine how close a building can be to a property line and along with building height are the primary regulations that help determine how much development can occur on a residential property. The updated ADU ordinance requires ADUs that are part of the principal dwelling to meet the same standards as the principal dwelling. Detached ADUs have to be at least 4 feet from a side or rear property line. If a detached ADU includes second story living space, the ADU must be stepped back a minimum of 10 feet unless that side or rear property line is adjacent to an alley.

PUBLIC PROCESS: Prior transmittals have addressed the public process associated with the ADU ordinance. The City Council specifically stated that it was not expected that an updated ordinance would have to go back through a public review process and that the council will hold additional public hearings on the ordinance.

EXHIBITS:

1. Accessory Dwelling Units in Salt Lake City report

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

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

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

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

WHEREAS, the city council finds after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.40.200. That Section 21A.40.200 (Zoning: Accessory Uses, Buildings and Structures: Accessory Dwelling Units) of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

21A.40.200: ACCESSORY DWELLING UNITS:

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

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 ~~C3a~~ 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 ~~C3~~ 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 shall be ~~are a permitted use within the residential and special purpose districts~~ as specified in Chapter 21A.33 Land Use Tables of this title and subject to compliance with the applicable provisions of this title.

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

1. ~~Converting existing living area within a principal single family dwelling, such as a basement, attic space, or enclosed porch, as an addition to an existing single family dwelling, or within a single family dwelling created as new construction; or~~
2. ~~Converting an existing detached accessory building, as an addition to an existing accessory building, or as a newly constructed accessory building. 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;~~
- ~~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.~~

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

1. General Requirements applicable to all accessory dwelling units:

- a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
- b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
- c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
- d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
- e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a “family” as defined in Section 21A.62.040, “Definitions of Terms”, of this title.
- f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per Section 21A.36.030 of this title.
- g. Prohibition on Short Term Rental: No property that contains an accessory dwelling unit, whether the accessory dwelling unit is interior to the principal structure or in a detached accessory structure, shall be rented for less than 30 consecutive days or otherwise used as a short term rental.
- e. Parking: An accessory dwelling unit shall require a minimum of one on-site parking space that is a minimum of nine feet (9’) wide by twenty feet (20’) deep.

(1) The planning director, in consultation with the transportation director, may approve a request to waive the parking requirement for the accessory dwelling unit upon finding that the parking requirement for the principal dwelling unit is complied with, and:

(a) Legally located on street parking is available immediately in front of the lot where the accessory dwelling unit is located; or

(b) The lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed rail 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.

2. ~~Design~~ Additional Requirements for Accessory Dwelling Units Located Within a Single Family Dwelling: Accessory dwelling units located within a single family dwelling shall comply with the following standards:

a. ~~Compatibility: An accessory dwelling unit shall be designed and constructed to be compatible with the principal dwelling.~~ Any addition shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district unless modified by the historic landmark commission for a property located within an H Historic Preservation Overlay District.

b. ~~Underlying Zoning Applies~~ Size Requirements: No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage. ~~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 and rear 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 and rear 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. ~~Entrance Locations: Area of Accessory Dwelling Unit:~~ Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:

- ~~(1) An existing entrance to the single family dwelling; 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) When located on a building façade that faces a corner side yard, the entrance shall be setback a minimum of twenty feet (20’) from the front building facade; 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) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building. The minimum gross floor area of an accessory dwelling unit is that size specified and required by the adopted building code of the city.~~
- ~~(4) Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010.H “Side Entry Buildings”.~~

d. ~~Height of Detached 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, 24’-0” measured to the ridge of a pitched roof building, and 20’-0” of a flat roof building provided the minimum interior side.~~

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.~~

- ~~(e) 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 or rear property lines yards shall be modestly no larger than necessary sized, sufficient to meet the need minimum building code requirements 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 window regulations in this chapter, 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) Balconies and decks shall be located so they face 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. Additional Requirements for an Accessory Dwelling Unit Located in a Detached Accessory Building: An accessory dwelling unit located in a detached accessory building or as an addition to an existing accessory building shall comply with the following standards, (except that any of the standards in this section may be modified by the historic landmark commission for a property located in an H Historic Preservation Overlay District):

a. Shall comply with all applicable general yard, bulk, and height limitations found in Section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section.

b. Shall comply with the building maximum coverage requirements of the underlying zoning district or applicable overlay zoning district, whichever is more restrictive.

c. Setbacks: All accessory dwelling units located in an accessory building shall be located between the rear wall of the single family dwelling and the rear property line and be subject to the following setback requirements:

(1) Shall be located a minimum of ten feet (10') from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property.

(2) Side and Rear Yard Setbacks:

(a) New accessory buildings: Shall be located a minimum of four feet (4') from any side or rear lot line.

(b) Additions to existing accessory buildings: The addition shall be located a minimum of four feet from any side or rear lot line. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted fire code of the city.

(c) Second story additions: A second story addition to an existing accessory building is permitted provided the second story addition has a minimum setback of ten feet from a side or rear property line and the second story addition complies with all applicable regulations for accessory dwelling units located on a second floor of a detached accessory building. If the side or rear lot line is adjacent to an alley, the setback may be reduced to four feet (4')

d. Building Height:

(1) The maximum height of an accessory building containing an accessory dwelling unit shall not exceed the height of the single family dwelling on the property or exceed seventeen feet in height, whichever is less.

Exception: If the single family dwelling on the property is over seventeen feet in height, an accessory building containing an accessory dwelling unit may be equal to the height of the single family dwelling up to a maximum building height of twenty four feet (24') for an accessory building with a pitched roof or twenty feet (20') for an accessory building with a flat roof provided the accessory building is setback a minimum of ten feet (10') from a side or property line. The setback for additional height may be reduced to four feet (4') if the side or rear lot line is adjacent to an alley.

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

e. Size Requirements: An accessory building that contains an accessory dwelling unit shall be subject to the building coverage requirements for accessory buildings found in Section 21A.40.050. In no instance shall any accessory dwelling unit exceed a gross floor area of six hundred and fifty square feet (650 ft²).

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

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

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

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

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

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

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

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

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

(1) Shall not exceed eighty square feet (80 ft²) in size when located above the ground level of the building;

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

(3) Rooftop decks are prohibited.

~~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. Application:

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

i. Prior to the issuance of zoning certificate for an accessory dwelling unit that is listed as a permitted use in the underlying zoning district, the planning director shall provide written notice by first class mail a minimum of thirty (30) days in advance of issuance of the certificate to all abutting properties and those properties located directly across the street from the subject property. A building permit application may be processed concurrent with the zoning certificate notice period.

ii. The zoning administrator shall issue the zoning certificate after the thirty (30) day notice period if the requirements of Subsection 21A.40.200.E are met.

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

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

~~ii. Permit Allocation: The city shall limit the establishment of accessory dwelling units to twenty five (25) units per calendar year.~~

~~iii. 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.~~

~~iv. 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, and shall be filed with the county recorder's office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.

3. 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.

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

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

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

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

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

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

Legend: C = Conditional P = Permitted

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Dwelling, accessory unit	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	P		P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

LEGISLATIVE VERSION

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

Legend: C = Conditional P = Permitted

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

SECTION 5. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2018.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2018.

Published: _____.

HB_ATTYY-#55795-v7-Ordinance_amending_ADU_regs.DOCX

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

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

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

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

WHEREAS, the city council finds after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.40.200. That Section 21A.40.200 (Zoning: Accessory Uses, Buildings and Structures: Accessory Dwelling Units) of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

21A.40.200: ACCESSORY DWELLING UNITS:

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

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

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

1. An individual who:
 - 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 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.
4. The provisions of subsection 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 shall be permitted as specified in Chapter 21A.33 Land Use Tables of this title and subject to compliance with the applicable provisions of this title.
- D. Methods of Creation: An accessory dwelling unit may be created through, but not limited to, the following methods:
1. Converting existing living area within a single family dwelling as an addition to an existing single family dwelling, or within a single family dwelling created as new construction; or
 2. Converting an existing detached accessory building, as an addition to an existing accessory building, or as a newly constructed accessory building.
- E. Standards: Accessory dwelling units shall conform to the following requirements:
1. General Requirements applicable to all accessory dwelling units:
 - a. One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.
 - b. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.
 - c. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.
 - d. Owner Occupancy: The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:
 - (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.
 - e. Number of Residents: The total number of residents that reside in an accessory dwelling unit may not exceed the number allowed for a “family” as defined in Section 21A.62.040, “Definitions of Terms”, of this title.
 - f. Home Occupations: Home occupations may be conducted in an accessory dwelling unit as per Section 21A.36.030 of this title.

- g. **Prohibition on Short Term Rental:** No property that contains an accessory dwelling unit, whether the accessory dwelling unit is interior to the principal structure or in a detached accessory structure, shall be rented for less than 30 consecutive days or otherwise used as a short term rental.
 - e. **Parking:** An accessory dwelling unit shall require a minimum of one on-site parking space that is a minimum of nine feet (9') wide by twenty feet (20') deep.
 - (1) The planning director, in consultation with the transportation director, may approve a request to waive the parking requirement for the accessory dwelling unit upon finding that the parking requirement for the principal dwelling unit is complied with, and:
 - (a) Legally located on street parking is available immediately in front of the lot where the accessory dwelling unit is located; or
 - (b) The lot or parcel containing the accessory dwelling unit is located within a one-fourth (1/4) mile radius from a fixed rail 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.
2. **Additional Requirements for Accessory Dwelling Units Located Within a Single Family Dwelling:** Accessory dwelling units located within a single family dwelling shall comply with the following standards:
- a. Any addition shall comply with the building height, yard requirements, and building coverage requirements of the underlying zoning district or applicable overlay district unless modified by the historic landmark commission for a property located within an H Historic Preservation Overlay District.
 - b. **Size Requirements:** No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage.
 - c. **Entrance Locations:** Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:
 - (1) An existing entrance to the single family dwelling;
 - (2) When located on a building façade that faces a corner side yard, the entrance shall be setback a minimum of twenty feet (20') from the front building facade;

- (3) Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building.
 - (4) Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010.H “Side Entry Buildings”.
- 3. Additional Requirements for an Accessory Dwelling Unit Located in a Detached Accessory Building: An accessory dwelling unit located in a detached accessory building or as an addition to an existing accessory building shall comply with the following standards, (except that any of the standards in this section may be modified by the historic landmark commission for a property located in an H Historic Preservation Overlay District):
 - a. Shall comply with all applicable general yard, bulk, and height limitations found in Section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section.
 - b. Shall comply with the building maximum coverage requirements of the underlying zoning district or applicable overlay zoning district, whichever is more restrictive.
 - c. Setbacks: All accessory dwelling units located in an accessory building shall be located between the rear wall of the single family dwelling and the rear property line and be subject to the following setback requirements:
 - (1) Shall be located a minimum of ten feet (10’) from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property.
 - (2) Side and Rear Yard Setbacks:
 - (a) New accessory buildings: Shall be located a minimum of four feet (4’) from any side or rear lot line.
 - (b) Additions to existing accessory buildings: The addition shall be located a minimum of four feet from any side or rear lot line. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted fire code of the city.
 - (c) Second story additions: A second story addition to an existing accessory building is permitted provided the second story addition has a minimum setback of ten feet from a side or rear property line and the second story

addition complies with all applicable regulations for accessory dwelling units located on a second floor of a detached accessory building. If the side or rear lot line is adjacent to an alley, the setback may be reduced to four feet (4')

d. Building Height:

- (1) The maximum height of an accessory building containing an accessory dwelling unit shall not exceed the height of the single family dwelling on the property or exceed seventeen feet in height, whichever is less.

Exception: If the single family dwelling on the property is over seventeen feet in height, an accessory building containing an accessory dwelling unit may be equal to the height of the single family dwelling up to a maximum building height of twenty four feet (24') for an accessory building with a pitched roof or twenty feet (20') for an accessory building with a flat roof provided the accessory building is setback a minimum of ten feet (10') from a side or property line. The setback for additional height may be reduced to four feet (4') if the side or rear lot line is adjacent to an alley.

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

e. Size Requirements: An accessory building that contains an accessory dwelling unit shall be subject to the building coverage requirements for accessory buildings found in Section 21A.40.050. In no instance shall any accessory dwelling unit exceed a gross floor area of six hundred and fifty square feet (650 ft²).

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

- (1) Facing an alley, public street or facing the rear façade of the single family dwelling on the same property.
- (2) Facing a side or rear property line provided the entrance is located a minimum of ten feet (10') from the side or rear property line.
- (3) Exterior stairs leading to an entrance shall be located a minimum of ten feet (10') from a side or rear property line unless the applicable side or rear property line is adjacent to an alley in which case the minimum setback for the accessory building applies to the stairs.

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

- (1) Windows shall be no larger than necessary to comply with the minimum building code requirements for egress where required. Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum building code requirements for air and light on building elevations that are within ten feet of a side or rear property line unless the side or rear property line is adjacent to an alley.
- (2) Except as required in paragraph a, windows shall maintain a similar dimension and design as the windows found on the principal structure.
- (3) Window openings located on the ground floor within an existing accessory building, whether conforming or non-conforming with window regulations in this chapter, may be retained if compliant with building and fire codes. Existing windows located on a second level within an existing accessory building shall be brought into compliance with this section.

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

- (1) Shall not exceed eighty square feet (80 ft²) in size when located above the ground level of the building;
- (2) Shall be located a minimum of ten feet (10 ft) from a side or rear yard lot line unless the applicable side or rear yard lot line is adjacent to an alley;
- (3) Rooftop decks are prohibited.

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

1. Application:

- a. Zoning Certificate: Apply for a zoning certificate in accordance with Chapter 21A.08 of this title.
 - i. Prior to the issuance of zoning certificate for an accessory dwelling unit that is listed as a permitted use in the underlying zoning district, the planning director shall provide written notice by first class mail a minimum of thirty (30) days in advance of issuance of the certificate to all abutting properties and those properties located directly across the street from the subject property. A building permit application may be processed concurrent with the zoning certificate notice period.
 - ii. The zoning administrator shall issue the zoning certificate after the thirty (30) day notice period if the requirements of Subsection 21A.40.200.E are met.

- b. Building Permit: Apply for and obtain a building permit for the proposed accessory dwelling unit, regardless of method of creation.
- 2. Deed Restriction: A lot approved for development with an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the city attorney, and shall be filed with the county recorder's office. The form shall state that the owner occupant must occupy the property as required within this section. Such deed restriction shall run with the land until the accessory dwelling unit is abandoned or revoked.
- 3. 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.
- H. Reporting: The planning division shall provide an annual report to the city council detailing the number of applications, address of each unit for which an application was submitted, a brief explanation of reasons why an application was denied, and a map showing approved accessory dwelling units. The report shall be transmitted to the city council by February 15th for the previous year.

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

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

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

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

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

Legend: C = Conditional P = Permitted

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Dwelling, accessory unit	C	C	C	C	C	C	P		P	P	P	P	P	P	P	P	P	P	P

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

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

Legend: C = Conditional P = Permitted

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

SECTION 5. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2018.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2018.

Published: _____.

HB_ATTYY-#55795-v8-Ordinance_amending_ADU_regs.docx

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: FEBRUARY 26, 2018

By: Paul C. Nielson
Paul C. Nielson, Senior City Attorney

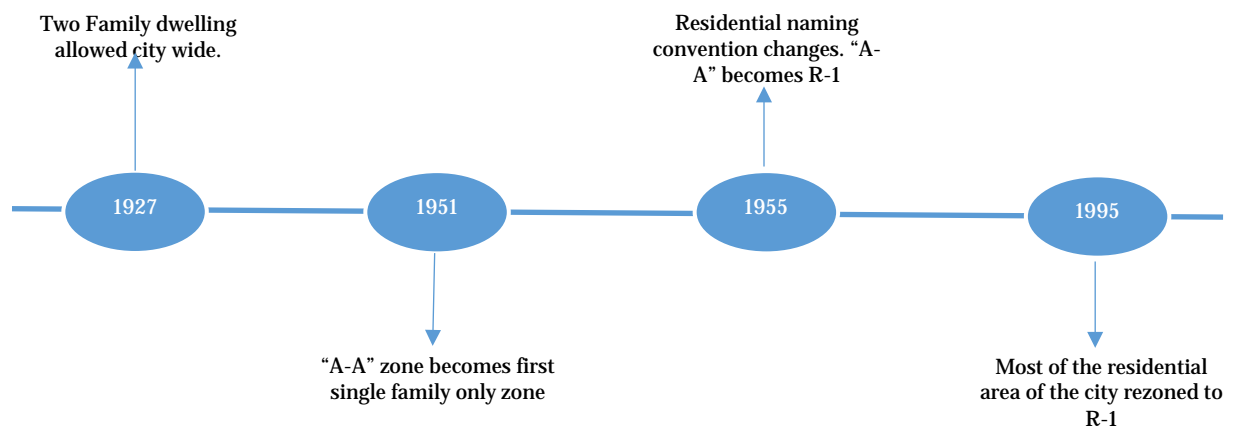
1. Accessory Dwelling Units in Salt Lake City Report

Accessory Dwelling Units in Salt Lake City

This report is intended to provide city decision makers with an analysis of the proposed Accessory Dwelling Unit (ADU) Ordinance as it relates to the housing goals of the city. This analysis also establishes a framework for evaluating ADU's in terms of how they may help to achieve city housing goals and impact neighborhoods.

History of ADU's in Salt Lake City

Accessory dwelling units have been built in Salt Lake City for as long as the city has existed. Early ADU's were built as small additions onto homes and as small, backyard cottages. In the City's first zoning ordinance (1927), a two family dwelling was permitted in all residential zones and the minimum lot sizes depending on the zone were between 3,500 and 9,000 square feet for a two family dwelling. By 1951, the "A-A" zone was adopted and only allowed single family dwellings. It was mapped exclusively in the Federal Heights Neighborhood. By 1955, the residential zones were renamed to R-1, R-2, R-3, R-4, R-6, and R-7. The "AA" zone became R-1 and was mapped in Federal Heights and the upper Avenues, east of 11th Ave. The rest of the city allowed for at least 2 dwelling units on a lot with a minimum lot size of 6,000 square feet. In 1995, most of the city zoned R-2 was rezoned to an R-1 zone and two family dwellings were prohibited in most of the City.



Prior to 1927, backyard cottages, additions to the rear of homes, and second story apartments were constructed throughout the City. After 1927, this trend continued with a number of building permits being issued for additional dwelling units in all residential areas of the city. An unknown number of dwelling units were created without permits. When the city rezoned the entire city in 1995, the zoning ordinance included a process to legalize dwelling units that were built without permits provided the unit met basic life-safety requirements. Since 2004,

approximately 100 accessory dwelling units have been approved through the unit legalization process.

There are approximately 2,300 properties in the City that contain two dwelling units according to Salt Lake County Assessor data. More than 60% of these properties are located in residential zoning districts that only allow single family dwellings. The other 40% are located in zoning districts that allow two-family dwellings. Without field checking each property, the available data does not identify properties that were originally constructed as a two family dwelling (duplex or twin home) or if they were later converted to a two-family dwelling. The Salt Lake County Assessor's office primarily uses building permits to identify properties that change from year to year. It is likely that most of the properties identified in the adjacent table were created through some permitting process.

Zoning District	# of Two Family Dwellings
R-1/5,000	786
R-1/7,000	652
R-1/12,000	5

The purpose of this data is to demonstrate that although the city allowed two family dwellings by right from 1927-1995, a

relatively small number of properties contain two family dwellings. For example, there are approximately 16,644 properties that are zoned R-1/5,000. The number of R-1/5,000 zoned properties that contain a two family dwelling is about 4.7%. One of the reasons why the number of two-family dwellings in the R-1/5,000 and R-1/7,000 zones is substantially higher than the R-1/12,000 zone is that most of the properties in the R-1/5,000 and R-1/7,000 zones were developed prior to 1951 when the minimum lot sizes for a two family dwelling were lower.

Despite not knowing the nature of how the two family dwellings in the city were created, a number of these properties are legally recognized as having two dwellings on the property. If a property was not originally constructed as a two-family dwelling, it likely was created through the conversion of interior space to a second unit, such as a basement or on a second level of the home.



A detached ADU located in the Wasatch Hollow neighborhood.

Second dwelling units were rarely built as a detached structure, although some do exist. Some were built as second dwellings and have remained that way over time. Others were built and eventually subdivided off of the main parcel and are now considered single family dwellings. The aerial view to the right shows properties located on 400 East and about 950 South. The “backyard cottages” were built prior to the city having zoning regulations. The dwellings have a footprint of approximately 800 square feet and the lots are approximately 1,300 square feet. A sizeable amount of the lot goes out into the alley, which skews the lot size.



“Backyard cottages” in Salt Lake City

What can the City expect from the updated ADU ordinance?

The expectations in this section were identified by reviewing the history of ADUs in different cities to see how many ADUs have been constructed under ordinances that are similar to the updated proposal. It only takes into consideration detached single family dwellings and does not include ADUs that may be part of a townhome. Townhomes make up a very small percentage of the total housing units in Salt Lake City and the data does not differentiate between small apartment buildings that have only 4 units and townhomes that have 4 units.

Salt Lake City is following the same path that most cities do with ADUs: take a measured approach with a more restrictive ordinance to see what happens. As a city’s housing shortage continues, communities make fairly bold modifications to the ADU ordinance, such as eliminating owner occupancy, reducing lot coverage requirements, increasing size allowances, waiving parking requirements, and addressing restrictions on height.

Portland, OR and Denver, CO are two cities where data regarding ADUs is readily available, but on opposite ends of the spectrum in terms of number of ADUs constructed. Portland is probably the most successful ADU program in the US. Approximately 1,900 ADUs have been built in Portland since 1997. That equates to 1.3% of all of the single family dwellings in Portland, the equivalent of one ADU for every 76 single family dwellings in the city. From 2000 to 2010, a total of 271 ADUs were permitted in Portland. This is about 0.2% of all single family homes in Portland. In 2010, Portland made changes to the ADU regulations and waived utility hook-up fees for ADUs. That year, 86 ADUs were permitted and that number climbed to 615 ADUs permitted in 2016. More than 98% of single family homes do not have an ADU on the property. This indicates that the impact to single family zoning is limited. If every ADU in Portland had

three adjacent properties, about 4% of all properties would have an ADU next door. Allowing ADUs in all residential districts does increase the development right of properties, but the evidence shows only a small percentage of property owners build ADUs. In other words, nearly all of the single family zoned properties are not impacted by an ADU.

Denver, CO is in a similar situation as Salt Lake City. Between 2010 and September 2016, 84 ADUs were constructed in Denver (source: www.denverite.com/carriage-houses-work-parts-denver-better-others-15159/). Denver has a similar ordinance to the updated proposal but does not allow them citywide. Denver has recently acknowledged that it cannot fully fund the resources necessary to address the housing supply and affordability issue in the City and that ADUs can help them address housing needs. Denver has determined that they can reach city housing goals if three properties per block add an ADU. According to Denver, the typical block has about 30 homes.

Table: projections of ADUs in SLC compared to Portland and Denver

City	# of single family dwellings (2010 census data)	# of ADUs	% of SFD with an ADU	Average ADUs per year since ADU ordinance passed
Portland	145,000	1,900 (since 1997)	1.3%	95
Denver	150,000 (estimated)	84 (From 2010 to Sept. 2016)	0.005%	14
Salt Lake City (projected based on Portland)	42,000	546 (projected)	1.3%	27 (over a 20 year period)
Salt Lake City (projected based on Denver)	42,000	24	0.005%	4

A projection for total number of ADUs Salt Lake City could expect based on what Portland has experienced would result in about 550 ADUs in the City over a 20 year period, which is one ADU for every 77 single family dwelling in the city. Approximately 2,200 properties would have an ADU next door. This equates to about 27 ADUs per year.

A projection based on the Denver experience would result in a total of 24 ADUs over a 6 year period. This equals one ADU for every 1,750 single family dwelling in the City. About 100 homes would have an ADU next door. Salt Lake City would likely see more ADUs than Denver has seen because the proposed ordinance allows them in all residential zoning districts, while Denver only allowed ADUs in certain neighborhoods.

The University of Utah conducted an Urban Design Studio class in the fall of 2017 that focused on ADUs. They did some analysis of what is possible based on an “aspirational” ordinance that was intended to show the impacts of ADUs if 3% of the properties in the city contained an ADU. The study identified approximately 38,500 single family parcels in the city, which is less than what the 2010 census shows and Salt Lake County Assessor data shows. In the table above, census data is used because it was easier to find census data from other cities versus trying to find other housing numbers.

The studio class used various scenarios (15, 5%, 15%, and 33%) to determine how many ADU’s were likely. The 1% scenario identified 356 ADU’s in SLC, which is similar to the numbers in the

above table when adjusted for the census data numbers of total single family dwellings. A snapshot of the ADU scenarios is below.

ADU SCENARIOS

PARTIAL GEOGRAPHIC COVERAGE

UNIVERSAL GEOGRAPHIC COVERAGE

0% Scenario STATUS QUO	SFD Parcels 25,474	0% Scenario 0	SFD Parcels 38,519	0% Scenario 0
1% Scenario BREAKTHROUGH	Potential ADUs 24,183	1% Scenario 242	Potential ADUs 35,595	1% Scenario 356
5% Scenario TRANSFORMATIONAL		5% Scenario 1,209		5% Scenario 1,780
15% Scenario ASPIRATIONAL		15% Scenario 3,627		15% Scenario 5,339
33% Scenario AMERICAN SCI-FI		33% Scenario 7,980		33% Scenario 11,746

Detached ADUs or Attached ADUs?

The University of Utah Urban Design Studio was intended to demonstrate what was possible in SLC, to measure the impacts of ADUs, and to make policy recommendations to the City that would help create an ADU program that was “aspirational.” The work of the Studio Class provides some useful insight into what the city can expect.

The Planning Division reviewed some of the final work of the Studio Class to see how existing accessory building regulations and the proposed ADU regulations will impact the ability of a property owner to build an ADU. The findings indicate that detached ADUs are going to primarily be limited by an existing regulation for accessory buildings that limits the *cumulative total footprint* of all accessory buildings to no more than 50% of the footprint of the home or 720 square feet, whichever is less. This standard applies to all single family dwellings (attached and detached) located in an FR, R1, R2 or SR zoning district. A single family home in an RMF zoning district does not have the cumulative total footprint requirement. The RMF zone is limited only by a yard coverage requirement that limits accessory structures to 50% of the rear yard (the space between the rear wall of the building and rear property line).

It is common for a city to limit the size of accessory structures. Salt Lake City’s regulations appear to be more restrictive than most other communities. A better approach for the City to consider would be to limit an individual accessory dwelling to be a maximum of 50% of the footprint of the principal building and use a rear yard coverage to determine the maximum cumulative size. Ironically, Salt Lake City’s rear yard coverage (50%) is exceptionally large compared to other cities. A rear yard coverage of 25% is more commonly used. This approach allows the regulations to be proportionate to the individual characteristics of the lot and the principal structure.

Given the restrictions within the updated ordinance, the most likely scenario for ADUs will be as attached units. This is because:

- The zoning ordinance allows more lot coverage for principal structures;
- The zoning ordinance allows for more building height for principal structures;
- There will be some cost savings because the principal structure already has all utilities to the building;

Where Can Detached ADUs Be Expected?

Properties that contain homes with large footprints

Homes that have attached, 2 car garages

Properties with large back yards

Properties with 2 story homes

Properties located in RMF zones

- Internal modifications are generally less expensive than making additions or building a detached ADU on the property.

The Planning Division is aware of one development in the Fairpark Neighborhood that could potentially include an ADU in each of the proposed 12 units. This development includes a mix of single family attached dwellings and single family detached in an SR-3 zoning district. It is likely that all of these would be internal to the principal dwelling.

How the ADU Ordinance Could Help Address the City's Housing Issues

Growing Salt Lake establishes a goal that states "Revise the Accessory Dwelling Unit ordinance to expand its application throughout the city and develop measures to promote its use." The proposed updated ordinance would expand the use of the ADU ordinance because it allows ADUs citywide.

The proposed updated ordinance, however, includes a number of regulations that will make it difficult to establish and maintain an ADU in Salt Lake City. It may be that the intent of the regulations is to purposefully limit ADUs because of the unknowns and the fear of certain impacts and to allow ADUs in a cautious manner. This approach does allow a community to become more accepting of ADUs over time, but it reduces the ability of ADUs to help achieve housing needs and goals.

Portland and Santa Cruz are examples of cities that had a restrictive ADU ordinance that produced few ADUs. After removing some of the restrictions, the number of ADUs increased rather dramatically. Santa Cruz has updated their ADU ordinance six times since 2002. Honolulu updated its ADU ordinance in 2015 and has permitted 150 ADUs since then. The Honolulu ordinance is rather simple and includes:

- Limits on the square footage of an ADU;
- A simple owner occupancy requirement that does not require every listed owner to reside on the property;
- Requires one parking stall, but waives the parking requirement if within ½ mile of a rail transit station;
- Requires a deed restriction; and
- Prohibits short term rentals.

The analysis in this report indicates that the city is not likely to see a large number of ADUs constructed in the city. This is primarily due to the restrictions placed on accessory buildings that are currently in the code combined with the proposed ADU regulations. The code could be improved to promote more ADUs, as stated in Growing Salt Lake. The University of Utah Design Studio Class made a number of policy recommendations that would promote ADUs and address some of the impacts. Many of these recommendations have been discussed within this report and some are included in the proposed ordinance. The recommendation to employ a, ADU specialist is not supported by the Planning Division. Assigning a department specialist as a point of contact would be a difficult position to manage given the unknown number of applications that we would receive and the need for increased capacity within the Planning Division. The Division does not dedicate employees to specific tasks because the workload is never balanced and the types of applications received come in waves. This requires a constant shifting of personnel to make sure that all of our applications are processed in a timely manner that matches our resource. Specialized planning offices the size of Salt Lake City do not work

well because the workloads of various programs are not balanced. Specialized staff are often not trained to work on planning work that is outside their area of specialization, which creates uneven workloads amongst staff. A better approach given the resources of the Planning Division would be to have several staff members who are highly familiar with the regulations and processes that can help people navigate the permitting process.

The design of an ADU is often a point of concern in many communities that are seeing an increase in the number of ADUs. Some do include design standards within their ordinance. The Council could decide to apply design standards to ADUs. Common design standards are addressed below:

- **Roof Design:** The design of the roof shall match the shape, pitch, and roofing material of the roof of the principal structure for new accessory structures containing an ADU or when a second level is added to an existing accessory structure.
- **Building Materials:** The exterior building materials of the accessory dwelling unit shall match the type, dimension, and orientation of the exterior building materials of the principal structure for new accessory structures containing an ADU.
- **Windows:** windows shall maintain a similar dimension and design as the windows found on the principal structure.

The use of guidelines are fairly difficult in Utah due to language in State Code and should not be used without adopted review standards. Using more extensive standards than those listed above could be time consuming to produce and would likely require additional zoning text amendments so they are more legally defensible. One of the challenges with writing design standards for ADUs is that it is often difficult to mesh the bulk standards with the design standard. For example, a tudor style home typically has steep roof lines. A requirement to match the roof design would likely mean that the ADU would be taller than what would be allowed under the proposed ordinance. This occurs under the existing standards for accessory buildings because accessory buildings have a strict height limit and exceptions to the height limit are based on the height of other accessory buildings on the block face instead of the relationship between accessory building and primary building.

Other Possible Improvements to the ADU Ordinance

Owner Occupancy

The definition of owner occupancy is too narrow, does not allow for a variety of ownership types, and requires all owners to live on the property. A simpler version of owner occupancy would allow for a property to be owner occupied even if it has multiple owners. For example, two siblings that jointly inherited a house could not create or maintain an ADU under the updated proposal unless they both live in the home. It would also eliminate the sections of the proposed ordinance that requires all listed owners to live on the property. Below is some sample owner occupancy language that could be considered:

For the purpose of this title, an owner occupant shall mean:

1. An individual who is listed on a recorded deed as an owner of the property;
2. Any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as an owner of the property;

3. An individual who is a trustor of a family trust which possesses fee title ownership to the property.

Make Attached ADUs Permitted

An ADU that is internal to an existing structure does not have the same physical impacts on a property as a detached ADU. Allowing them as permitted in all zoning districts would result in more ADUs being built in the City. This would be accomplished by changing the “C” in the land use tables for single family zoning districts to a “P”.

Modify the Cumulative Footprint Requirement for Accessory Buildings

The maximum size for accessory buildings make it very difficult to build a detached accessory dwelling unit and a garage on most properties in the City. This issue is a result of the maximum cumulative size of all accessory buildings on a property being limited to no more than 50% of the footprint of the home or 720 square feet, whichever is less. This could be accomplished in a number of ways:

- Eliminate the maximum, cumulative size of all accessory structures requirement that is found in the accessory use chapter of the zoning ordinance. Accessory buildings would still be regulated by the maximum lot coverage, maximum rear yard coverage, and maximum footprint size of no more than 50% of the principal structure. If a property did not exceed the lot coverage or rear yard coverage, and ADU could be built as a stand-alone structure provided it was less than 50% of the footprint of the home or 650 square feet (whichever is less), it did not result in a rear yard coverage of more than 50% and did not exceed the total lot coverage of the underlying zoning district.
- Exempting an ADU from the cumulative total will also address this issue.
- Eliminating the cumulative maximum footprint size of 50% or 720 ft² so it is not cumulative and modifying the maximum rear yard coverage to 25%. This would eliminate the issue of accessory buildings overwhelming the principal structure but allow more flexibility, particularly for larger lots.

Some of the suggestions to modify the accessory building footprint regulations are outside the scope of the ADU ordinance and would need to be addressed as a separate application.

Parking Requirements

Allow for the ADU parking requirement to be eliminated even if the primary dwelling does not meet the current parking requirement. While the updated proposal includes a process for reducing the parking requirement, it can only occur if the property already has enough parking to meet the parking requirement for the principal dwelling. If the property does not have two legally located off street parking spaces, the ADU has to have an on-site parking stall. Properties built before about 1950 often do not have two on-site parking stalls that meet current parking requirements and would not qualify for a waiver of the parking requirement for an ADU. These properties have a higher likelihood of being located in parts of the city that are served by Trax, the S Line, or high frequency bus routes. Not allowing a waiver for these properties because they were built when the zoning ordinance required less parking contradicts city policies and goals of promoting development along transit routes. This could be accomplished by:

- Adding language to the ADU ordinance that says that the square footage of the ADU footprint is in addition to cumulative total allowed in the accessory use chapter;

- Eliminating the cumulative total of all accessory buildings from the accessory use chapter and rely on the maximum rear yard coverage and total lot coverage.

Notice to Neighbors

The proposed ordinance includes a requirement for a zoning certificate and requires a 30 day notice period before the certificate can be issued. The purpose the 30 day notice period serves is to let the property owners know that a building permit has been submitted for an ADU. This type of notice is a courtesy notice. A notice of a pending zoning certificate does not create any sort of appeal rights for the neighbor because it is not a final decision and does not provide any neighbor with any sort of process to object to the issuance of a zoning certificate. Any sort of appeal would start from the time that a final decision is made and that a person is noticed of that final decision. If the purpose of the notice is to let a neighbor know an ADU has been proposed next door, it shouldn't include a 30 day waiting period and instead provide instruction on how to find out more about the proposal, how to find out if or when a building permit has been issued, and the deadline to file an appeal.

The ordinance could also be changed to state that the notice be sent out once the permit is issued. Doing this would establish the start of an appeal period so that a neighbor could review the building permit and determine if they believe that the permit was issued in error. Those ADUs that require a conditional use would not be subject to the notice because the conditional use process already has a notice period and a clear appeal process.

Business License Requirement

A business license should not be required in every instance. For example, if an ADU is occupied by a family member, there may not be a rental contract or any sort of financial transaction. Furthermore, any rental unit is already required to have a business license under city code so adding it to the ADU section of the zoning ordinance is not necessary.

Abandonment of an ADU

The abandonment section of the code may not be enforceable. The issue is with the requirement to remove "those elements that make the unit an ADU." The language is vague and does not provide enough direction as to specifics of what would have to be removed or when it would have to be removed by. If the modification is simply removing a door or a lock that divides the ADU from the rest of the property, it is an easy modification. But if the ADU is completely separate with a separate outside entrance then it might be extremely difficult to remove the features that make it an ADU and may require internal connections between the principal dwelling and the ADU.

A detached ADU is probably easier to enforce the abandonment requirement because removing a kitchen and bathroom from an accessory building clearly would result in the unit not being an ADU. However, the ordinance does not state what should be removed.