

Chapter 19.15 - Accessory Dwelling Units

Proposed Revisions to County Code Chapter 19.15, for Review Purposes Only

Sections:

19.15.010 - Purpose.

Salt Lake County recognizes that accessory dwelling units in single-family residential zones can be an important tool in meeting Salt Lake County's moderate income housing needs. The purposes of the accessory dwelling unit ("ADU") standards of this code are to:

- A. Comply with State of Utah legislation which allows for internal ADUs generally and requires counties to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for moderate income housing opportunities;
- D. Make housing units available to households with moderate incomes who might otherwise have difficulty finding housing in Salt Lake County;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs; and
- H. Ensure that ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

(Ord. No. 1886, § II, 11-2-2021)

19.15.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Accessory dwelling unit" (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence (IADU) or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

"Internal accessory dwelling unit" (IADU) means an accessory dwelling unit created:

- A. Within a primary dwelling;
- B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and

C. For the purpose of offering a long-term rental of thirty consecutive days or longer.

"Owner occupancy" means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

A. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

"Public utility easement" (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(Ord. No. 1886, § II, 11-2-2021)

19.15.030 - Allowed areas and zones.

A. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of six thousand square feet or greater, including R zones, A zones, Forestry zones, and the PC Zone. Detached ADUs are also permitted but may only be built on single family home lots with an area of seven thousand square feet or greater, except that detached ADUs in a PC Zone are permitted on single family home lots with a minimum area of six thousand square feet if the county has approved design standards for the same.

B. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

(Ord. No. 1886, § II, 11-2-2021)

19.15.040 - Number of residents.

ADUs shall not be occupied by more than one family.

(Ord. No. 1886, § II, 11-2-2021)

19.15.050 - Setbacks.

A. Internal ADUs. Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone.

B. Detached ADUs Built After Adoption of this Chapter. Side yard setbacks for such ADUs shall be a minimum of five feet (5'). Rear yard setbacks on such ADUs shall be a minimum of five feet (5'). Such ADUs shall also be a minimum of six feet (6') from the primary dwelling. For such ADUs, if

existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.

C. Conversion of Existing Accessory Structures Built Prior to the Adoption of this Chapter. Side yard and rear yard setbacks on existing accessory structures built prior to the adoption of this Chapter, which are to be converted to a detached ADU, shall comply with the accessory structure setback standards at the time the structure was legally erected. The detached ADU shall be set back a minimum of six feet (6') from the primary dwelling. An exception to these setbacks is an existing structure that has been declared a noncomplying structure under section 19.88.150.

Figure 19.15.050.C(A): Setback Standards for a Detached ADU Built After Adoption of this Chapter.

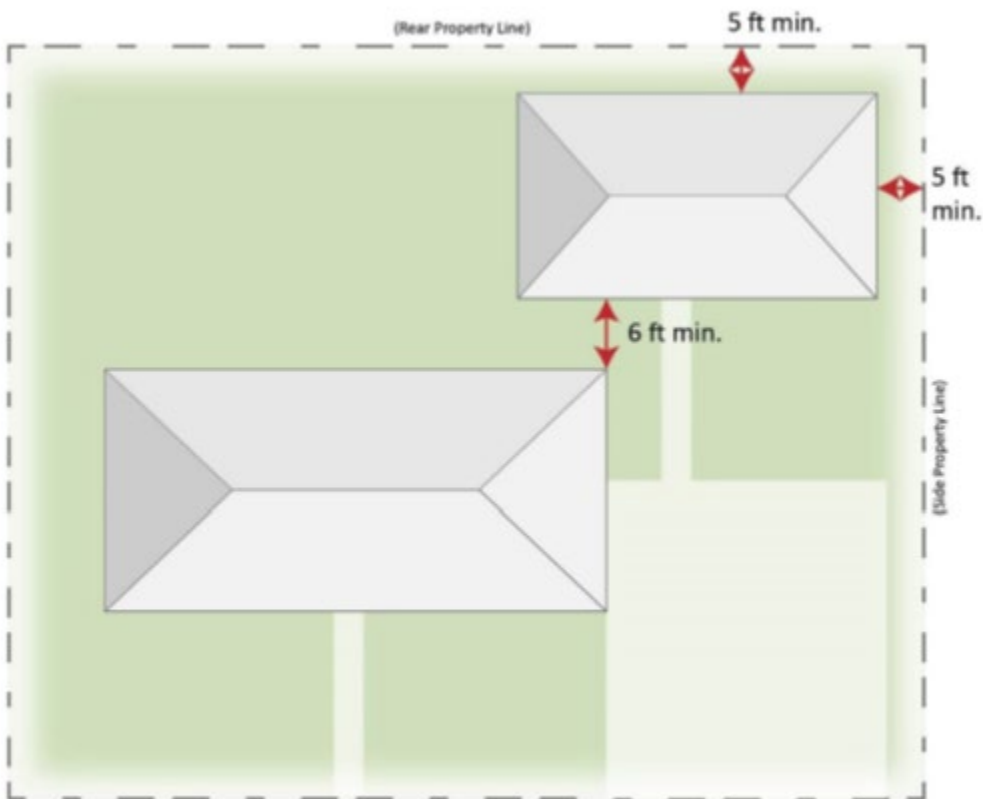
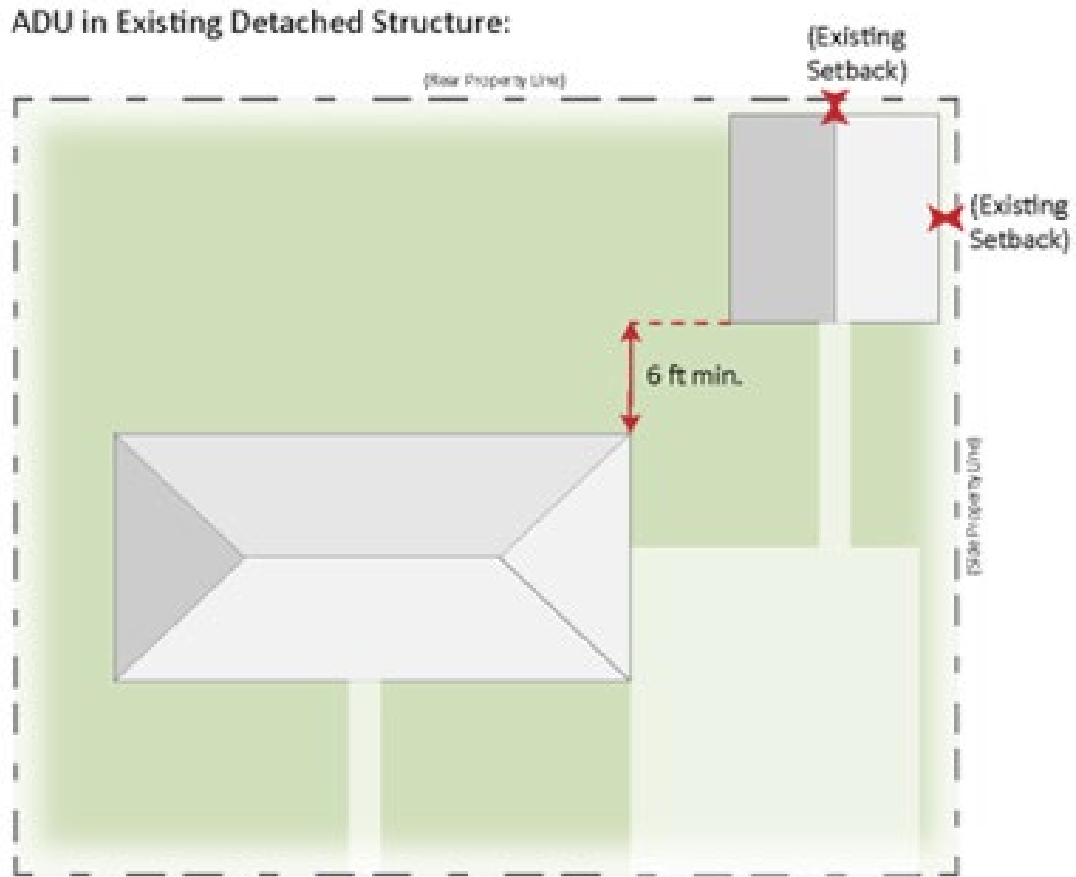


Figure 19.15.050.C(B): Setback Standards for an Existing Accessory Structure Built Prior to the Adoption of this Chapter and Converted to a Detached ADU.



(Ord. No. 1886, § II, 11-2-2021)

19.15.060 - Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that at least one on-site parking space is available for the ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, any parking spaces that previously existed and were required to meet off-street parking requirements for the primary dwelling shall be replaced.

(Ord. No. 1886, § II, 11-2-2021)

19.15.070 - Height requirements.

Height restrictions for IADUs shall be consistent with the height standards for single-family dwellings in the zone. Detached ADUs shall comply with the following height requirements:

1. Detached ADU – maximum of twenty feet (20') height, but no taller than the existing primary dwelling;
2. Above-garage Detached ADU – may be no taller than the existing primary dwelling.

(Ord. No. 1886, § II, 11-2-2021)

19.15.080 - Lot coverage.

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

(Ord. No. 1886, § II, 11-2-2021)

19.15.090 - Owner occupancy.

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

(Ord. No. 1886, § II, 11-2-2021)

19.15.100 - Number of ADUs per lot.

No more than one ADU, whether internal or detached, is permitted per lot.

(Ord. No. 1886, § II, 11-2-2021)

19.15.110 - ADU design standards.

A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Salt Lake County Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.

B. A building permit may not be issued for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.

C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.

D. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.

E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.

F. IADUs shall not require a separate HVAC or firewall.

G. The owner shall provide a separate address marking for emergency services and mailing services.

H. Detached ADUs shall not be located in a front or corner lot side yard unless the lot size is at least one acre and the detached ADU is at least thirty feet (30') from the front lot line.

I. New Detached ADUs must be offset ten feet or more from the front facade of the main dwelling.

J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.

K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.

L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

(Ord. No. 1886, § II, 11-2-2021)

19.15.120 - Affidavit and notice of accessory dwelling unit.

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a notice of accessory dwelling unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice shall be provided to the applicant when completed.

(Ord. No. 1886, § II, 11-2-2021)

19.15.130 - Business licensing.

Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the unit is rented out.

(Ord. No. 1886, § II, 11-2-2021)

19.15.140 - Retention of single-family residence status.

- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ADUs may not be separately metered apart from the single-family residence.
- C. ADUs may not be sold or subdivided separately from the single-family residence.

(Ord. No. 1886, § II, 11-2-2021)

19.15.150 - Short-term rental use prohibited.

Units approved as ADUs shall not be used as short-term rentals. Any rentals shall be made for thirty consecutive days or more.

(Ord. No. 1886, § II, 11-2-2021)

19.15.160 - Variances.

The land use hearing officer may grant variances to the standards of this chapter in accordance with Section 19.92.040. The land use hearing officer may not grant a variance from building code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

(Ord. No. 1886, § II, 11-2-2021)