



**Planning and Development Services**

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GREATER SALT LAKE  
**Municipal Services  
District**

## Salt Lake County Council

Public Meeting Agenda

### Tuesday, December 1, 2020 4:00 P.M.

#### Location

SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, ROOM N1-110  
NORTH BUILDING, MAIN FLOOR  
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

#### **PUBLIC HEARING(S)**

#### **To Be Set**

**31222** – Proposed ordinance to enact Chapter 19.15 of the Salt Lake County Code regarding accessory dwelling units, particularly (i) authorizing accessory dwelling units in single-family detached units and (ii) regulating accessory dwelling units. **Presenter:** Travis Hair (Motion/Voting)

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G R E A T E R   S A L T   L A K E

## Municipal Services District

To: Salt Lake County Council  
From: Travis Hair, Planner II  
Date: December 1, 2020  
Re: Accessory Dwelling Unit Ordinance 19.15

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**Recommendation:** Update the ordinance to include a section for Accessory Dwelling Units (ADUs) throughout the unincorporated parts of Salt Lake County in order to come into compliance with Senate Bill 34 regarding moderate income housing.

**Issue:** In 2019 under direction from the State of Utah and SB 34, counties and municipalities throughout the state were required to add to their general plans options and strategies to increase the availability of Moderate-Income Housing. Unincorporated Salt Lake County as well as municipalities throughout the Wasatch Front chose allowing for and incentivizing ADUs as one of the options and added it to the general plan for the county. In order to make progress on that item in the plan, Salt Lake County needs to adopt a code that will allow for ADUs and regulate the conditions under which they are allowable.

The code supplied to the county allows for what staff believes to be adequate regulation of size and scale and controls for other known issues with ADUs while also being simple enough that owners will be able to construct some units.

The draft supplied has been reviewed by the Salt Lake County Planning Commission and incorporates changes made by them as well as changes made with input from the community councils.

## SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2020

### AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL CREATING CHAPTER 19.15 OF THE SALT LAKE COUNTY CODE TO AUTHORIZE ACCESSORY DWELLING UNITS IN CERTAIN RESIDENTIAL ZONES AND TO ENACT RELATED REGULATIONS

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Salt Lake County Code of Ordinances is enacted as follows in order to authorize accessory dwelling units in certain residential zones and to enact related regulations.

#### **19.15.010 Purpose**

Salt Lake County recognizes that ADUs in single-family residential zones can be an important tool in the overall housing plan for the unincorporated County. The purposes of the ADU standards of this code are to:

A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;

B. Provide for affordable housing opportunities;

C. Make housing units available to moderate income people who might otherwise have difficulty finding housing within the unincorporated County;

D. Provide opportunities for additional income to offset rising housing costs;

E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;

F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs; and

G. 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.

### **19.15.020 Definitions**

ACCESSORY DWELLING UNIT (ADU): A self-contained dwelling unit located on an owner occupied property that is either incorporated within the single-family residence or in a detached building, which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation (i.e., a separate kitchen). An ADU is part of the single-family residence and is not a multi-family unit.

OWNER OCCUPANCY: When a 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.

PUBLIC UTILITY EASEMENT (PUE): An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

### **19.15.030 Allowed Areas/Zones**

- a. ADUs shall be a permitted use on single family home lots in R Zones that require 5,000 square foot minimum lot sizes or greater, A zones, and PC Zone. However, detached units may only be built on lots with an area of 12,000 square feet or greater.
- b. PC Zone developments require design standards as a part of the community structure plan that includes ADUs only being permitted on lots 5,000 sq. ft. or greater. PC zone developments may allow for detached units on lots 5,000 square feet or greater if a part of the development plan.

- c. 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.

<u>Permitted Use</u>	<u>Not Allowed</u>
<u>R-1-5*</u>	<u>R-1-3</u>
<u>R-1-6*</u>	<u>R-1-4</u>
<u>R-1-7*</u>	<u>R-4-8.5</u>
<u>R-1-8*</u>	<u>S-1-G</u>
<u>R-1-10*</u>	<u>R-M</u>
<u>R-1-15</u>	<u>ORD</u>
<u>R-1-21</u>	<u>RMH</u>
<u>R-1-43</u>	<u>F-1</u>
<u>A-1*</u>	<u>All FA Zones</u>
<u>A-2</u>	<u>All FM Zones</u>
<u>A-5</u>	<u>All FR Zones</u>
<u>A-10</u>	<u>All C Zones</u>
<u>A-20</u>	<u>All M-Z Zones</u>
<u>P-C (Only allowed if approved ADU standards are in the Community Structure Plans)</u>	<u>FCOZ</u>
	<u>Any other zones not specifically permitted</u>
<u>*Indicates zones with required acreage less than 12,000 square feet.</u>	

#### **19.15.040 Number of Residents**

ADUs shall be occupied by no more than two (2) related or unrelated adults and their dependents.

#### **19.15.050 Setbacks**

Side yard setbacks will be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks are a minimum of 10 feet. Detached ADUs must also be a minimum of 6 feet from the main dwelling. If existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.

#### **19.15.060 Floor Area (Minimums/Maximums) In conjunction with Lot Area**

The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet and contain no more than 2 bedrooms.

#### **19.15.070 Parking Requirements**

In addition to the required parking for the existing home, the property owner must demonstrate that two (2) on-site parking spaces are available for each ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available.

#### **19.15.080 Height Requirements**

ADUs shall comply with the following height requirements:

- A. Detached ADU – 20' height limit;
- B. Above-garage detached ADUs – 28' height limit;
- C. Home addition – No taller than existing home;

- D. No ADU use may be taller than the existing home and single level homes cannot have two story ADUs

### **19.15.090 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 shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks as outlined in 19.15.050.

### **19.15.100 – Owner Occupancy**

The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence and may not at any time receive rent for the owner-occupied unit. Application for an ADU shall include evidence of owner occupancy.

### **19.15.110 – Number of ADUs per lot**

Only one ADU is allowed per lot or property in single-family zones.

### **19.15.120 – 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. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.



- C. All ADUs must be on permanent foundations. Detached ADUs shall have a permanent concrete slab on which they are built. Detached ADUs are not allowed to be built on a foundation with a basement, on piers or on any temporary or wheeled structure.
- D. 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, close off door(s) between the ADU and main unit, and sufficient HVAC and climate control for the ADU.
- E. Attached ADUs will not require a separate HVAC or firewall.
- F. If the ADU is connected to the same HVAC as the main unit, emergency heating must be available in the form of space heaters or other safe heating in the event the main HVAC fails while the owner is not available.
- G. Installing separate utility meters for the ADU is prohibited.
- H. Owner shall provide a separate address marking for emergency services and mailing services.
- I. A separate entrance to the ADU from the main dwelling is required. This entrance shall not be allowed on the front or corner lot side yard. The separate entrance shall be located to the side or rear of the principal residence.
- J. Detached ADUs shall not be located in a front or corner lot side yard.
- K. Detached ADUs must be setback 10' or more from the front façade of the main dwelling.
- L. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.

- M. Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Single family residences with interior accessory dwelling units shall retain the appearance of a single-family home. An accessory dwelling unit in an accessory structure shall be designed so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).
- O. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements (or nonconforming use/noncomplying structure requirements) and meets the applicable building code requirements.

**19.15.130: Affidavit**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the building official and upon the issuance of a business license pursuant to Section 19.15.140, the affidavit shall be recorded against the property (if the property owner decides to sell the home) to alert the future owner of the regulations 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.

**19.15.140: 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.

**19.15.150: Multi-Family Use of ADUs Prohibited**

- A. ADUs are part of a single-family residence and is not a multi-family unit.
- 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.

**19.15.160: Short-Term Rental Use Prohibited**

Units approved as Accessory Dwelling Units shall not be used as short-term rentals. Any rentals shall be made for 30 days or more.

**19.15.170 Variances**

Variances to the standards of this chapter may be approved by the appeal authority in accordance with section 19.92.040 of this title. In no case shall a variance be approved for the Building Code requirements, owner occupancy provisions, minimum square footage or number of units allowed per property.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Burdick voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Jensen voting	_____
Councilmember Snelgrove voting	_____
Councilmember Ghorbani voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_

Ordinance Published in Newspaper: Date\_\_\_\_\_

Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2020, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, creating chapter 19.15 of the Salt Lake County Code to authorize accessory dwelling units in certain residential zones and to enact related regulations

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Burdick voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Jensen voting	_____
Councilmember Snelgrove voting	_____
Councilmember Ghorbani voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.