



GREATER SALT LAKE

Municipal Services District

To: Salt Lake County Council
From: Travis Hair, MSD Planner
Date: October 13, 2021
Re: OAM2021-000275 - ADU Ordinance

The Greater Salt Lake Municipal Services District (“MSD”) and the Salt Lake County District Attorney’s Office prepared the proposed accessory dwelling unit (“ADU”) ordinance for consideration by Salt Lake County (“County”). This ordinance also includes regulation of internal accessory dwelling units (“IADU”) as mandated by state legislation. This memo outlines the mandatory substantive requirements to comply with state law, identifies areas where Salt Lake County retains discretion, and outlines requirements for detached ADUs.

The proposed ordinance satisfies the minimum statutory requirements while allowing the County to retain as much regulatory authority as permitted under the state law.

Generally speaking, any ordinance that conflicts with state law is deemed invalid and no effect. Taking no action therefore could result in vacuum of regulation where property owners lack guidance and standards with respect to IADUs. 2021 Mandatory Requirements – Allowing Certain ADUs and Prohibiting Certain Municipal Regulation

2021 House Bill 82 (the “Bill”) was signed by the Governor in 2021, effective May 5, 2021. The deadline for establishing conforming ordinances under UCA 17-27a-526 is October 1, 2021.

The Bill requires “internal” ADUs (“IADUs”) to be permitted in any residential zone. An internal ADU is defined as an accessory dwelling unit created (i) within a primary dwelling, (ii) within the footprint of the primary dwelling ... at the time the internal accessory dwelling unit is created, and (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer in UCA Section 10-9a-530(1)(a).

The Bill allows the County to regulate all IADUs to the extent that:

- The County may identify up to 25% of the area of residential zones where IADUs are prohibited.
- The County may prohibit the installation of a separate utility meter.
- The County may require that IADUs be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
- The County may require one additional on-site parking for an IADU – regardless of whether the primary dwelling is existing or newly-constructed.
- The County may prohibit creation of IADUs if:
 - The property is served by a failing septic tank; and/or
 - The lot is 6,000 square feet or less.
- The County may prohibit the rental of an IADU:
 - For a period of less than 30 consecutive days; and/or

- If the primary dwelling is not occupied as the owner's primary residence.

The above items are incorporated into the proposed ordinance. The proposed ordinance also requires:

- IADUs shall have a separate address marking for emergency services and mailing.
- Property owners must obtain a business license prior to renting an IADU.

Detached ADUs

In addition to the requirements and options outlined, the proposed draft also allows for detached ADUs so long as they meet requirements. Many of the requirements remain the same however there are additional requirements specifically for Detached ADUs. Those requirements include:

- 2 required parking spaces for detached units
- Detached ADUs only allowed on lots 12,000 square feet or greater; or 6,000 square feet as approved by development agreement in a PC zone.
- Limited by height and lot coverage requirements.
- Height not taller than the existing home.
- Must be in the rear of the home not in front or side yards.

Drafting language to allow for ADU's has been discussed among appointed and elected officials, and with the public as a viable option to increase opportunities for moderate income housing. HB 82 mandated additional requirements and the proposed ordinance complies with state code requirements.

The following findings are in support of the proposed ADU Ordinance:

- The proposed ordinance follows State Code Requirements as outlined by H.B. 82 and Utah State Code 17-27a.
- The proposed ordinance allows opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- The proposed ordinance provides for affordable housing opportunities;
- The proposed housing ordinance makes housing units available to moderate income people who might otherwise have difficulty finding housing in Salt Lake County;
- The proposed ordinance preserves the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and
- The proposed ordinance ensure that Accessory Dwelling Units and Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU or IADU prior to renting the ADU or IADU.
- The Mountainous Planning Commission approved a motion to recommend the ordinance on October 7th, 2021 and the Salt Lake County Planning Commission approved a similar motion to recommend the ordinance on October 13th, 2021.

Recommendation:

The MSD Planning Staff recommends that Salt Lake County Council approve the proposed ordinance.