

SALT LAKE CITY

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 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; or
3. An individual who is a trustor of a family trust who possesses legal ownership of 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. Parking: 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 one-quarter ($1/4$) mile of transit stop.
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 facade that faces a corner side yard, the entrance shall be set back 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.24.010H](#), "Side Entry Buildings", of this title;
 - (5) Located on the rear facade of the dwelling;
 - (6) Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.
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. Bulk Requirements: 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. An accessory dwelling unit located in an additional accessory building may be constructed and shall not count towards the maximum square footage of all accessory buildings as stated in subsection [21A.40.050B2](#) of this chapter. The accessory building containing an accessory dwelling unit shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650) square feet. An accessory building that contains an accessory dwelling unit and any other permitted accessory use shall comply with all building coverage requirements in section [21A.40.050](#) of this chapter.
 - b. Maximum Coverage: 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 (4') 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 (10') 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 (17') in height, whichever is less.

Exception: If the single family dwelling on the property is over seventeen feet (17') 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 set back a minimum of ten feet (10') from a side or rear 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](#) of this chapter. In no instance shall any accessory dwelling unit exceed a gross floor area of six hundred fifty (650) square feet.

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 facade 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 (10') of a side or rear property line unless the side or rear property line is adjacent to an alley.

(2) Except as required in subsection E3g(1) of this section, 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 (80) square feet in size when located above the ground level of the building;

(2) Shall be located a minimum of ten feet (10') 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.

(1) Certificate Of Occupancy: A certificate of occupancy for the ADU shall not be issued until a zoning certificate is issued. A zoning certificate may be issued at the same time as the certificate of occupancy. If a certificate of occupancy is not required, the zoning certificate shall be issued prior to the ADU being occupied.

(2) Good Landlord Program: If a business license is required for the rental of either the ADU or the single family dwelling, the owner shall be enrolled in the landlord/tenant initiative program as defined in [title 5](#), "Business Taxes, Licenses And Regulations", of this Code prior to issuing a zoning certificate.

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

- c. Proof Of Owner Occupancy: An application for an accessory dwelling unit shall include documentation that demonstrates an owner occupant resides on the property. The documentation shall include any legal document that demonstrates compliance with subsection B, "Owner Occupant", of this section.
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. 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. Registration is not required if the ADU is occupied by relatives of the property owner.

- 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. (Ord. 53-18, 2018)