

Chapter 15A-11 - SPECIAL USE STANDARDS

15A-11-01 Accessory Apartments, Extended Living Areas, and Guesthouses

- A. **Purpose.** This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single family dwellings in residential zone districts. These accessory living areas enable housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available which are appropriate for households at a variety of stages in the life cycle.
- B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.
1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.
 2. **Number Permitted Within Each Single Family Dwelling.** Only one accessory apartment/extended living area shall be created within a single family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
 3. **Home to Retain Single Family Dwelling Appearance.** The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence, including retention and enhancement of landscaping. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).
 4. **Utility Meters and Addressing.** It shall be prohibited to install separate utility meters and separate addresses.
 5. **Building Code Compliance Required.** The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.
 6. **Parking.** At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.
 7. **Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

8. **Transferability.** Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire, that is, the approval is not transferable.

- C. **Additional Requirements for Approval of an Accessory Apartment.** Accessory apartments are allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.

The following standards must be met in order to grant a Conditional Use:

1. **Entrances.** All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.
2. **Maximum Size Permitted.** In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.
3. **Occupancy Restrictions.** The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sub-lease any portion of the accessory apartment to other individuals.
4. **Recordation.** Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Building Department.
5. **Duration of Approval.**
 - a. **Approval Non-Transferable.** Upon sale of the home or change of primary occupant, the Conditional Use shall expire and is not transferable.
 - b. **Length of Approval - Renewal Options.** The effective period of the Conditional Use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use.
6. **Other Requirements.** Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Planning Commission.

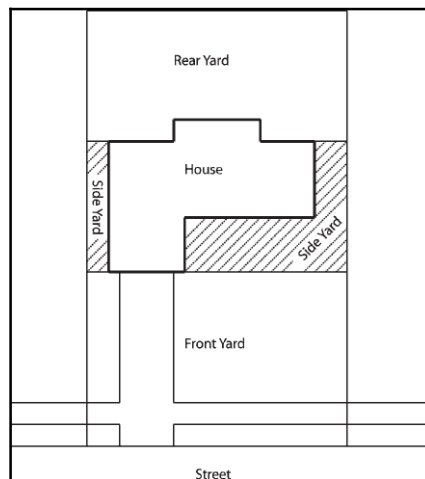
- D. **Additional Requirements for Approval of an Extended Living Area.** Approval for an extended living area may be granted by the Director. The granting of approval for an extended living area shall not exempt the applicant from meeting other applicable ordinances, covenants, codes or laws recognized by

Sandy City. The following standards must be met:

1. **Occupancy Restrictions.** Extended living areas shall be used for extended family members only or for employed household maintenance personnel on a non-rental basis. A letter of application sworn before a notary public by the owner(s) stating that the individuals residing in the extended living area are related by blood/ marriage, adoption, or are employed household maintenance personnel must be provided to the City.
 2. **Recordation.** Approval for an extended living area must be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval.
- E. **Additional Requirements for Approval of a Guesthouse.** A guesthouse may be allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City.

The following standards must be met in order to grant a Conditional Use:

1. **Occupants.** A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guests.
2. **Lot Size.** A guesthouse will only be considered for a Conditional Use on a lot containing at least 20,000 square feet which has an existing owner occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger.
3. **Location.** Guesthouse setbacks shall be no less than ten (10') from the side and rear property lines and six (6') from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten (10') from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.



4. **Maximum Size Permitted.** In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.
5. **Height.** A guesthouse shall be limited to a single story.
6. **Kitchen Facilities.** There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six (6') feet, and a wet bar sink (12 inches wide or less), are permitted.
7. **Site Plan.** A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of a Conditional Use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
8. **Conversion.** Existing accessory structures (shed, garage, workshop, etc) may be converted to a guest house provided that the proposed guesthouse complies with all development code standards and the adopted building code. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.
9. **Basements.** No basements will be allowed within a guesthouse.
10. **Recordation.** Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Building Department.
11. **Inspections.** Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.

15A-11-02 Accessory Structures

A. Residential Standards

1. Setbacks and Location Restrictions.
 - a. General. Eave projections shall not encroach more than 4 inches into the setback area. Accessory buildings shall be constructed in such a manner that the water runoff does not infringe onto adjoining property, the setback areas are kept free of weeds, trash and debris. Accessory buildings located 3 feet or less from the property line shall have concrete, asphalt, or other approved surface between the property line and accessory building. Accessory buildings shall comply with the minimum setback distances listed below: (Ord 09-28, Amended 10-19-2009)
 - b. "A" Designated Zones. Those properties within an "A" designated zone, with at least 40,000 square feet shall be allowed to build an accessory structure, for animals or personal storage, within the front and/or side yard areas provided the structure is beyond the required setbacks for main dwelling units. These accessory structures shall be limited to 20 feet in height, 2,000