

# Accessory Living Units Permit Requirements



*(Required for Accessory Apartments and Guesthouses)*

## Submittal Checklist

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- 0 Application  
*Note. Use 'General Planning' application*
- 0 Fee  
*Note. A fee has not yet been adopted for an ALU permit (May 2012). A building permit application will be required with applicable fees if no proof of existing Certificate of Occupancy.*
- Site Plan  
*Note. Designate off-street parking allocated to ALU and all exterior modifications, additions, new construction, or existing structures pertaining to the ALU.*
- 0 Floor Plan  
*Note: Show floor plan of area to be used for the ALU, including dimensions and room labels. Include area in square feet of the primary dwelling.*
- 0 Elevations (if applicable)  
*Note: Provide elevations if the ALU is intended to involve exterior modifications, additions, new construction, or existing structures.*
- 0 Owner-Occupancy Letter  
*Note: Letter must portray that the property owner is familiar with the ordinance, will comply with the ordinance, and will occupy the property. Letter must be notarized. Notaries may be available at the City offices.*

## General Process

1. Complete Submittal (see above)
2. Confirmation of a Certificate of Occupancy (if existing)
3. Community Development Department Review
4. Corrections (if necessary)
5. Planning Commission Review (if applicable)
6. Building Permit Submittal (if applicable, Certificate of Occupancy may be required prior to approval if existing.)

For additional questions contact a Planner with the Community Development Department at 801 254-3742.

## **Chapter 17.08**

# **DEFINITIONS GENERALLY**

### **17.08.010: DEFINITIONS:**

The purpose of this chapter is to provide specific meanings for terms as they are used in this title and to facilitate the understanding and administration of the provisions of this title. Meanings shall apply to the singular or plural and to any tense of a verb. Definitions of pertinent terms provided in Utah Code Annotated are adopted as part of this title.

**ACCESSORY LIVING UNIT:** A living unit which is an extension of (being attached or detached), and incidental and subordinate to, a single-family residential unit and shall be one of the following three (3) types:

**Accessory Apartment:** A life safety compliant "accessory living unit", allowed within applicable zones by approval from the community development department and with applicable building permits, which may include a kitchen, bathroom, and sleeping areas. It is contained within the primary dwelling, may be separated with a dedicated access, and may be occupied by no more than four (4) individuals related by blood, marriage, adoption, or approved foster care; or no more than two (2) unrelated individuals in addition to the "family or household" that occupies the primary dwelling.

**Extended Living Area:** A life safety compliant "accessory living unit" which may include a kitchen, bathroom, and living areas, and shall provide continuous free flow access between living areas within the primary dwelling, which may not be occupied by individuals in addition to the "family or household" that occupies the primary dwelling.

**Guesthouse:** A life safety compliant "accessory living unit", allowed within applicable zones by approval from the community development department and with applicable building permits, which may include a kitchen, bathroom, and sleeping areas. It is typically detached from the primary dwelling and may be occupied by no more than four (4) individuals related by blood, marriage, adoption, or approved foster care; or no more than two (2) unrelated individuals in addition to the "family or household" that occupies the primary dwelling.

**FAMILY OR HOUSEHOLD:** One or more persons related by blood, marriage, adoption or approved foster care, and up to two (2) unrelated persons; or a group of not more than four (4) unrelated persons occupying a dwelling unit or a group of persons as defined by state law as elderly or disabled.

## **17.130.030: ACCESSORY LIVING UNIT FLOATING ZONE:**

### **17.130.030.010: PURPOSE:**

Accessory living units, as defined in section [17.08.010](#) of this title, may be approved in order to provide affordable housing units, economic relief to homeowners, and create housing types appropriate for households and individuals at a variety of stages in the life cycle. The accessory living unit floating zone provides regulations and design standards for accessory living units. Acceptable accessory living units shall be one of the following three (3) types (see section [17.08.010](#) of this title for definitions):

Accessory apartments.

Extended living areas.

Guesthouses. (Ord. 2010-09, 4-17-2012)

### **17.130.030.020: REVIEW PROCESS:**

The use of the accessory living unit floating zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements, and standards of this code. The use of the accessory living unit floating zone shall be conducted in accordance with the documents submitted for approval.

A. Community Development Department Approval: All accessory apartments and guesthouses shall require the approval of the community development department. A site plan shall be submitted to the community development department, drawn to scale and clearly showing the location of all existing and new structures, parking, driveways, and walkways. A floor plan shall be submitted, drawn to scale with room labels and indicating designated use, in order to determine compliance with the requirements herein.

Extended living areas may be allowed by the underlying zone and do not need additional approval for the use itself by the community development department, however a building permit may still be required whenever construction is involved.

1. Resident Occupancy: All accessory living units approved under this section [17.130.030](#) require that the owner of the property live within the primary dwelling, except for legitimate temporary absences.
  - a. Accessory Apartments: The owner of the property on which an accessory apartment has been approved may occupy the primary dwelling unit or the accessory apartment.
  - b. Guesthouses: The owner of the property shall be required to live in the primary dwelling on the property for which the guesthouse is approved.
2. Standards: The community development department may approve accessory living units based upon the following standards being met:
  - a. Zoning: The accessory living unit floating zone may be applied to single-family dwellings in the following zones: A-5, A-1, R-1.8, R-2.5, R-3, R-4 and R-5. Guesthouses shall only be approved in the A-5, A-1, and R-1.8 zones. In no case shall a guesthouse be approved on a single-family lot that

is less than fourteen thousand five hundred twenty (14,520) square feet in area. Except for standards herein allowed under the accessory living unit floating zone, approved accessory living units shall meet the requirements of the underlying zone. Only one accessory apartment or guesthouse is allowed per lot. Accessory living units are not allowed in conjunction with mobile homes or any form of attached housing units.

- b. **Maximum Size:** The floor space of an accessory living unit shall comprise no more than thirty five percent (35%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet, whichever is less, unless, in the opinion of the planning commission, a greater amount of floor area is warranted. In all cases an accessory living unit shall remain subordinate and incidental to the primary dwelling. No accessory living unit shall have more than three (3) bedrooms.
  - c. **Parking:** A minimum of one off street parking space, in addition to those already required, shall be provided for accessory living units. Additional spaces shall be provided, as needed, to ensure that all additional occupant vehicles will be accommodated on site, reserving on street parking for visitors.
  - d. **Setbacks:** All accessory living units that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling, guesthouses) shall comply with the setbacks of the underlying zone or as approved with the subdivision. Guesthouses shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a guesthouse be located closer than ten feet (10') from a side or rear property line.
3. **Approval Letter:** For all approved accessory living units, a letter shall be required from the owner, and sworn before a public notary, stating that the owner will comply with all regulations of the accessory living unit floating zone and will occupy the property. The letter shall also state that the owner assumes responsibility to comply with further restrictions that may be imposed by a homeowners' association and/or codes, covenants, and restrictions (CC&Rs). Upon approval of the accessory living unit, the original letter shall be stamped, documenting approval, and kept on file with the community development department. A copy may be provided to the homeowner.

**B. Building Permit Requirements:** In addition to the approval required from the community development department, all accessory living units that propose construction or remodeling shall require a building permit from the building division and shall conform to all applicable standards in the city's adopted building codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to construction, remodeling, or use of any accessory living unit. Accessory living units shall not be approved on properties that have outstanding ordinance or building violations. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the building division.

**C. Planning Commission Approval:** In addition to the requirements of subsections A and B of this section, accessory living units that propose a floor area greater than thirty five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet, accessory apartments that propose the alteration of the exterior or expansion of the primary dwelling (including the addition of doors, stairs, walkways, etc.), and all guesthouses shall require review and approval by the planning commission.

1. **Standards:** The planning commission may approve accessory living units affecting the exterior of the primary structure or lot based on the following standards:

- a. Exterior Appearance: Any new construction or alteration of the exterior of the existing structure required to add an accessory living unit shall be designed so that the appearance of the lot, building structure, and landscaping shall retain the character of a single-family neighborhood.
- b. Architectural Compatibility: An accessory living unit with proposed construction or remodeling shall be designed and constructed to be compatible with the exterior of the primary dwelling (i.e., exterior materials, colors, roof pitch, etc.).
- c. Additional Requirements: The planning commission may impose other appropriate requirements, more stringent than those requirements contained within this section [17.130.030](#), if deemed necessary to ensure the public health, safety, and welfare. (Ord. 2010-09, 4-17-2012)

### **17.130.030.030: PROHIBITIONS:**

The installation of separate utility meters, mailboxes, addresses, and additional outside entrances visible from the street is not permitted. (Ord. 2010-09, 4-17-2012)

### **17.130.030.040: APPLICABILITY:**

Regardless of an approval granted by the city, accessory living units may be further restricted by homeowners' association agreements and/or codes, covenants, and restrictions (CC&Rs). It is not the city's responsibility to ensure or enforce compliance with such agreements or CC&Rs. Homeowners are responsible to ensure that they are in compliance with applicable homeowners' association agreements and/or CC&Rs. (Ord. 2010-09, 4-17-2012)

### **17.130.030.050: INSPECTIONS:**

Periodic inspections may be required to determine compliance, as may be deemed appropriate by city staff. (Ord. 2010-09, 4-17-2012)

### **17.130.030.060: PRIOR USE:**

An existing accessory living unit may be approved if the use complies with the requirements of this section 17.130.030. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the accessory living unit for code compliance. All documented violations shall be corrected prior to approval of the accessory living unit. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section [17.130.030](#), shall be permitted to continue as a legal nonconforming use. (Ord. 2010-09, 4-17-2012)

### **17.130.030.070: TRANSFERABILITY:**

Accessory living unit approval is not transferable. Upon the sale of the home or the change of primary occupant, the approval for an accessory apartment or guesthouse shall expire, unless otherwise renewed by the new owner. (Ord. 2010-09, 4-17-2012)

### **17.130.030.080: APPEALS:**

Decisions by the community development department and/or the planning commission regarding the issuance or denial of an accessory living unit may be appealed to the city council. (Ord. 2010-09, 4-17-2012)