

Internal Accessory Dwelling Unit Ordinance – Draft - August 2021

CHAPTER 13.04 DEFINITIONS

13.04.040: DEFINITIONS OF TERMS

DWELLING, DWELLING UNIT:

- A. A building, or portion thereof, which is one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.
- B. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the Community Development Director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include, but are not limited to:
 1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
 2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
 3. There is only one electric and/or gas meter for the building.

DWELLING, INTERNAL ACCESSORY DWELLING UNIT (IADU):

- A. One unit created within an existing owner-occupied, single-family primary dwelling;
- B. Within the footprint of the primary dwelling unit and/or is connected in a structurally substantial manner, by an enclosed conditioned space, at the time the internal accessory dwelling unit is created;
- ~~B.C.~~ For the purpose of offering a long-term rental of 30 consecutive days or longer; and
- ~~C.D.~~ Housing a maximum of four (4) unrelated tenants.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed or intended to be used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, related or unrelated, the structure having only one primary dwelling unit and one permitted internal accessory dwelling unit.

DWELLING, PRIMARY: A single-family dwelling unit that is detached and occupied as the primary residence of the owner of record.

DWELLING, RENTAL: A building or portion of a building used as a home or residence by one or more persons available to be rented, loaned, leased, or hired out for a period of 30 consecutive days or longer.

EXPANSION: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: For the purposes of chapter 13.74, "Flood Damage Prevention Regulations", of this title, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY: One of the following, but not more than one at the same time, who occupy a dwelling unit:

- A. One person living alone;
- B. Any number of Two (2) or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two (2) additional ~~unrelated~~ persons living with the family, such as domestic staff, living together as a single housekeeping unit; or
- C. Up to four (4) ~~unrelated~~ persons living together as a single housekeeping unit and the minor children of any of them.

FAMILY FOOD PRODUCTION: The keeping of animals on a lot for exclusive use by persons residing thereon. See section 13.76.240, "Animal And Fowl Restrictions", of this title.

FAULT: A fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other.

GUESTHOUSE, CARETAKER QUARTERS: A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling. If the primary structure is owner occupied, the guest house, caretaker quarters can be rented as an accessory dwelling unit.

HEALTH DEPARTMENT: The Salt Lake Valley Health Department.

CHAPTER 13.14 R-1-4, R-1-8, R-1-10, R-1-15, R-1-21, R-1-43, R-1-87 SINGLE-FAMILY RESIDENTIAL ZONES

13.14.010: PURPOSE OF PROVISIONS:

The majority of land use in the City of Holladay is low density, single-family, detached dwellings. Most of these dwellings are located in areas zoned R-1, ~~meaning "one family per dwelling in a residential setting"~~. The purpose of the R-1 zones is to establish and maintain low density single-family neighborhoods that provide persons who reside therein a comfortable, healthy, safe and pleasant environment. Furthermore, the rules below should support the goals of the general plan such as the preservation of housing by allowing for reasonable expansion within limits and for responsible growth. Also, it is the intent of the rules to ensure that development within these zones is harmonious and compatible with the character of existing development patterns in the immediate vicinity including building mass, setback, lot coverage, height, etc. Specific techniques, among others, that shall be applied in approval of all development are:

- A. Graduated height/building envelope rules.
- B. Maximum building footprint coverage percentages.
- C. Maximum height allowances.
- D. Averaging of building setbacks. (Ord. 2012-15, 9-20-2012)

13.14.020: PRIMARY USES:

- A. Primary Uses Allowed: The permitted and conditional uses allowed in the Single-Family Residential (R-1) Zones shall be as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title. Any primary land use not shown as a permitted or conditional use in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be prohibited.

1 **13.100.010: TABLE OF ALLOWED USES:**

C = Conditional use		P = Permitted use						- = Not allowed			SDMP = Site development master plan				
Use	All FR Zone	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8/ R-2-10	RM	PO	O-R-D	P	RO	NC	C-1	C-2	HV	R/M-U	LU
Accessory Uses*															
Alcoholic beverage retail sales ¹⁴ :														See SDMP	See chapter 13.63 of this title
Bar establishment	-	-	-	-	-	-	C	-	-	-	-	C	-		
Bar establishment, equity	-	-	-	-	-	-	C	C	-	-	-	C	-		
Bar establishment, fraternal	-	-	-	-	-	-	C	-	-	-	-	C	-		
Brewery	-	-	-	-	-	-	C	-	-	-	-	C	-		
Off premises	-	-	-	-	-	-	-	-	-	P	P	P	P		
On premises banquet and catering	-	-	-	-	-	-	C	P	-	-	-	C	P		
On premises beer retailer	-	-	-	-	-	-	P	P	-	-	-	P	P		
Restaurant - beer only	-	-	-	-	-	-	P	P	-	P	P	P	P		
Restaurant - full service	-	-	-	-	-	-	P	P	-	P	P	P	P		
Restaurant - limited service	-	-	-	-	-	-	P	P	-	P	P	P	P		
Single event permit	-	P	P	P	P	P	P	P	-	P	P	P	P		
Drive-through	-	-	-	-	-	-	P	-	-	-	C	P	-		
Family food production	P ¹	P ¹	P ¹	-	-	-	-	-	-	-	-	-	-		
Flea market/farmers'	-	-	-	-	-	-	-	P	-	-	P	P	P		
Guesthouse and/or caretaker quarters	C ³	C ³	C ³	-	-	-	-	-	-	-	-	-	-		
Home daycare/preschool	C ³	C ³	C ³	C ³	C ³	C ³	-	-	-	-	-	-	-		
Home daycare/preschool, small	C ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	-	-	-	-	-	-	-		
Home occupation	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	-	-	-	-	-	-	-	-		
Household pets	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	-	-	-	-	-	-	-	-		

Internal Accessory Dwelling Unit	P ¹⁹	P ¹⁹	P ¹⁹	-	-	-	-	-	-	-	-	-	-	-	-
Livestock, large	P ¹	-	P ¹	-	-	-	-	-	-	-	-	-	-	-	-
Livestock, small	P ¹	P ¹	P ¹	-	-	-	-	-	-	-	-	-	-	-	-
Merchandise vending machine, outside	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Mobile food trailer	-	-	-	-	-	-	P	P ¹⁷	-	-	P	P	P	-	-
Mobile food truck	-	-	-	-	-	C ¹⁸	P	P ¹⁷	-	-	P	P	P	-	-
Outside dining	-	-	-	-	-	-	C	C	-	C	C	C	C	-	-
Outside display	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-
Outside storage	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Permanent cosmetics	-	-	-	-	-	C ¹⁴	P ¹⁴	-	-	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	-	-
Resource recycling collection	-	-	-	-	-	-	P ⁸	P ⁸	-	P ⁸	P ⁸	P ⁸	-	-	-
Seasonal sales	-	-	-	-	-	-	P ¹³	P ¹³	-	P ¹³	P ¹³	P ¹³	P ¹³	-	-
Short term rental	-	-	-	C ⁶	C ⁶	-	-	-	-	-	-	-	-	-	-
Sportsman's kennel, cattery, animal hobby permit	P ¹¹	P ¹¹	P ¹¹	-	-	-	-	-	-	-	-	-	-	-	-
Stable, private	-	-	P ¹	-	-	-	-	-	-	-	-	-	-	-	-
Temporary buildings incidental to construction, including living quarters for security	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	P ¹³	P ¹³	-	P ¹³	P ¹³	P ¹³	P ¹³	-	-
Temporary sales/use	-	-	-	-	-	-	-	P ¹³	-	-	P ¹³	P ¹³	-	-	-

Notes:

18. Subject to section 13.76.770 of this title.

19. Subject to section 13.14.030 of this title.

13.14.030: INTERNAL ACCESSORY DWELLING UNITS

Internal Accessory Dwelling Units are meant to assist in the creation of new housing units; support a more efficient use of existing housing stock and infrastructure; and provide housing that responds to changing family needs, smaller households, and increasing housing costs.

Internal Accessory Dwelling Units are defined in section 13.04.040. Existing, or new construction of, Internal Accessory Dwelling Units are permitted in all single-family residential zones (R-1, FR-1, FR-2.5, FR-20) when the following are met:

- A. Approval of a Building Permit as per section 13.08.100 and the issuance of a Certificate of Occupancy as per 13.04.050 and 13.01.060.

- B. Annual review and approval of a License as per Section 5.68.020. The annual licensing fee for an internal accessory dwelling unit can be found in the consolidated Fee Schedule.
- C. The design of the IADU shall be compatible with the neighborhood residential vernacular.
- D. IADUs must be offered for a long-term rental of 30 consecutive days or longer which eliminates the ability for an IADU to be offered as a short-term rental.
- E. One additional onsite parking stall above the minimum required set forth in section 13.80.040; and replace any parking spaces contained within a garage or carport if an IADU is created within the garage or carport.
- F. Egress window for existing and new construction meets minimum size standards as per Chapter 15.08 Building Codes.
- G. If served by a septic tank or leach field, approval from the Salt Lake County Health Department.
- H. IADUs do not require additional utility meter connections for gas, electricity, and water.

No person or entity, whether as an owner, agent or representative, shall use, permit the use of, or facilitate the use of any property within the City in violation of Utah Code nor use, permit the use of or facilitate the use of any property as an IADU without the issuance of an approval by the City. Any property found in violation of these provisions are subject to a fine in the amount of \$100 for each day of violation after the day on which the opportunity to cure the violation expires. Violations of this section will be enforced as per the Fee Schedule.

CHAPTER 13.76 SUPPLEMENTARY REGULATIONS

13.76.040: DWELLINGS TO BE ON LOTS:

- A. Every dwelling shall be located and maintained on a single "lot", as defined in this title. Except for group dwellings, internal accessory dwelling units, and guesthouses, not more than one dwelling structure shall occupy one lot.
- B. If a dwelling has been built across one or more property lines, all affected parcels and/or lots, whether metes and bounds or platted, shall be deemed consolidated and shall not thereafter be treated as multiple lots without an approved subdivision as per this title. (Ord. 2012-15, 9-20-2012)

CHAPTER 13.80 OFF STREET PARKING REQUIREMENTS

13.80.040: NUMBER OF SPACES REQUIRED:

Under no circumstances shall there be less parking spaces provided than actually required by the use.

- A. Number Specified: The minimum number of off-street parking spaces required in all zones except the HV Zone, shall be as follows:

Dwellings, multiple	2 spaces for each dwelling unit
Dwellings, single-family	2 spaces for each dwelling unit
<u>Dwellings, internal accessory dwelling unit</u>	<u>1 space for each dwelling unit</u>
Funeral homes, mortuaries	1 space for each 40 square feet of floor area in assembly room

CHAPTER 5.68 MULTIPLE RENTAL DWELLING UNITS

5.68.010: DEFINITIONS:

Refer to Chapter 13.04 Definitions for any terms herein.

5.68.020: LICENSE REQUIRED:

- A. License; Fee: Every owner of a multiple family dwelling unit ~~or~~ of three (3) or more rental dwelling units shall obtain and maintain current a business license and pay the general business license fee and the special fees as set forth on the Fee Schedule at the time of application or renewal of license.
- B. Multiple Owners: If there is more than one owner, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fee. (Ord. 03-02, 1-23-2003)
- C. Internal Accessory Dwelling Unit: Every owner of an internal accessory dwelling unit shall obtain and maintain a current license and pay an annual license fee as set forth by the City of Holladay Fee Schedule at the time of application or renewal of license.

5.68.030: PENALTY:

Any person or party who violates the provisions of this chapter shall be deemed guilty of a misdemeanor.
(1999 Code)

~~5.68.050: LICENSE FEES:~~

- ~~—A.— Required: Owners of multiple family dwelling units or rental dwelling units shall pay the general business license fee and the special fees set forth in the fee schedule adopted pursuant to section 5.06.050 of this title.~~
- ~~—B.— Time Of Payment: The base business license fee shall be paid at the time of application for a new or renewal license.~~
- ~~C.— Failure: Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this title.
(1999 Code)~~

External Accessory Dwelling Unit / Accessory Uses - Text Amendments - August 2021

CHAPTER 13.14 R-1-4, R-1-8, R-1-10, R-1-15, R-1-21, R-1-43, R-1-87 SINGLE-FAMILY RESIDENTIAL ZONES

13.14.0430: ACCESSORY USES:

Permitted and conditional uses set forth in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by [chapter 13.100](#), "Appendix A - Allowed Uses", of this title. Up to two (2) occupiable units on any lot. Properties found in violation of this section are subject to enforcement of 13.94.

- A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the zone except as otherwise expressly provided in this title.
- B. No accessory use, building or structure shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel, except as allowed by section [13.09.020](#) of this title.
- C. Specific accessory uses allowed in the Single-Family Residential (R-1) Zones are as set forth in [chapter 13.100](#), "Appendix A - Allowed Uses", of this title.
- D. Accessory uses and buildings customarily incidental to a permitted or conditional use may be allowed in the Single-Family Residential (R-1) Zones, provided the total footprint square footage of all accessory buildings does not exceed the maximum square footage as allowed in section [13.14.110](#), chart 13.14.101 of this chapter.
- E. Any detached accessory building or buildings incidental to a permitted use where the total footprint square footage exceeds the square footage as allowed in section [13.14.110](#), chart 13.14.101 of this chapter or which measures greater than the footprint of the primary residential structure on lots measuring one acre or less, shall be reviewed by the Planning Commission as a conditional use pursuant to the provisions of section [13.08.040](#) of this title.
- F. The permitted size of a guesthouse or detached Accessory Dwelling Unit (ADU) may be permitted in the Single-Family Residential (~~R-1~~) Zones if it meets the following:
 1. A maximum footprint of one thousand two hundred (1,200) square feet on lots greater than twenty-one thousand seven hundred eighty (21,780) square feet but smaller than forty-three thousand five hundred sixty (43,560) square feet.
 2. A maximum footprint of two thousand (2,000) square feet on lots greater than forty-three thousand five hundred sixty (43,560) square feet.
- G. The Planning Commission may approve a conditional use permit for a guesthouse or an external ADU which meets the following:
 1. A footprint greater than one thousand two hundred (1,200) square feet on lots larger than twenty-one thousand seven hundred eighty (21,780) square feet but smaller than forty-three thousand five hundred sixty (43,560) square feet.
 2. A footprint greater than two thousand (2,000) square feet on lots larger than forty-three thousand five hundred sixty (43,560) square feet.
 3. A footprint greater than the footprint of the primary residential structure. (Ord. 2018-17, 11-1-2018).