



**Planning and Development Services**

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<https://msd.utah.gov/agendas/>



GREATER SALT LAKE  
**Municipal Services  
District**

## Salt Lake County Planning Commission

Public Meeting Agenda

### Wednesday, October 13, 2021 8:30 A.M.

**\*\*AMENDED\*\***

Due to the current COVID-19 pandemic, the Public Hearing will occur electronically with no physical location, as authorized by Utah Code Ann. § 52-4-207(5) and written determinations issued by the Chair of the Salt Lake County Planning Commission. The public can join the Public Meeting via live broadcast using Cisco Webex.

#### Location

##### Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

##### Tap to join from a mobile device (attendees only)

[+1-213-306-3065,961841420##](tel:+12133063065961841420) United States Toll (Los Angeles)

[+1-602-666-0783,961841420##](tel:+16026660783961841420) United States Toll (Phoenix)

##### Join by phone

+1-213-306-3065 United States Toll (Los Angeles)

+1-602-666-0783 United States Toll (Phoenix)

Access code: 961 841 420

[Global call-in numbers](#)

##### Join from a video conferencing system or application

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### PUBLIC HEARING(S)

**OAM2021-000275** - A proposed ordinance of the Salt Lake County Council creating Chapter 19.15 of the Salt Lake County Code of Ordinances allowing for and regulating Accessory Dwelling Units (ADUs) and Interior Accessory Dwelling Units (IADUs) in single-family detached

dwellings in accordance with limits in State Law and to enact related regulations. **Planner:** Travis Hair (Motion/Voting)

The Planning Commission will act on the proposed ordinance amendments after taking comments from the public during their respective public hearings. Public comments will be provided pursuant to the planning commissions' rules of conduct. Public comments will be limited to three minutes per person. The public is also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> under the respective Planning Commissions' agendas.

### **BUSINESS MEETING**

- 1) Approval of the September 15, 2021 Planning Commission Meeting Minutes.  
(Motion/Voting)
- 2) Planning Commissioner discussion on Utah APA conference.
- 3) Other Business Items. (As Needed)

### **ADJOURN**

## Rules of Conduct for the Planning Commission Meeting

1. Applications will be introduced by a Staff Member.
2. The applicant will be allowed up to 15 minutes to make their presentation.
3. The Community Council representative can present their comments.
4. Persons in favor of, or not opposed to, the application will be invited to speak.
  - a. Speakers will be called to the podium by the Chairman.
  - b. Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
  - c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
  - d. For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson.
5. Persons opposed to the application will be invited to speak.
6. The applicant will be allowed 5 minutes to provide concluding statements.
  - a. After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

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G R E A T E R   S A L T   L A K E

## Municipal Services District

To: Salt Lake County Planning Commission

From: Travis Hair, MSD Planner

Date: October 13, 2021

Re: OAM2021-000275 - ADU Ordinance

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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 10-9a-530 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 spaced 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.

**Recommendation:**

The MSD Planning Staff recommends that Salt Lake County Planning Commission recommend approval of the ADU ordinance to the County Council.

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2021

**AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL CREATING  
CHAPTER 19.15 OF THE SALT LAKE COUNTY CODE TO AUTHORIZE  
ACCESSORY DWELLING UNITS IN ACCORDANCE WITH LIMITS IN  
STATE LAW AND TO ENACT RELATED REGULATIONS**

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Salt Lake County Code of Ordinances is enacted as follows in order to authorize accessory dwelling units in accordance with limits in State law and to enact related regulations.

**19.15.010 Purpose.**

Salt Lake County recognizes that Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Salt Lake County. The purposes of the Accessory Dwelling Unit standards of this code are to:

- A. Comply with pending State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires counties to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for affordable housing opportunities;

- D. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Salt Lake County;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and
- H. Ensure that Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

**19.15.020 Definitions.**

“Accessory Dwelling Unit” (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

“Internal Accessory Dwelling Unit” (IADU) means an accessory dwelling unit created:

- A. within a primary dwelling;
- B. within the footprint of the primary dwelling at the time the internal accessory dwellingunit is created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer.

“Owner Occupancy” means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

“Primary Dwelling” means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

“Public Utility Easement” (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

**19.15.30 Allowed areas and zones.**

- A. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of 6,000 square feet or greater, including R zones, A zones, Forestry zones, and the PC Zone. Detached ADUs are also permitted but may only be built on lots with an area of 12,000 square feet or greater, except that detached ADUs in a PC Zone are permitted on lots with a minimum area of 6,000 square feet if the County has approved design standards for the same.
- B. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

**19.15.040 Number of residents.**

ADUs shall not be occupied by more than one family.

**19.15.050 Setbacks.**

Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone. Side yard setbacks on detached ADUs will be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of 10 feet. Detached ADUs must also be a minimum of 6 feet from the main dwelling. For detached ADUs, if existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.

**19.15.060 Parking requirements.**

In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU, and that two (2) on-site parking spaces are available for a detached ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.

**19.15.070 Height requirements.**

Detached ADUs shall be no taller than the existing home.

**19.15.080 Lot coverage.**

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

**19.15.090 – Owner occupancy.**

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to 2 years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

**19.15.100 – Number of ADUs per lot.**

If one IADU on a lot exists, a detached ADU is not allowed.

**19.15.110 – ADU design standards.**

- A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Salt Lake County Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
- B. A building permit may not issue for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.
- C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.
- D. Detached ADUs shall have a permanent foundation on which they are built. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
- E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.
- F. IADUs will not require a separate HVAC or firewall.
- G. Owner shall provide a separate address marking for emergency services and mailing services.
- H. Detached ADUs shall not be located in a front or corner lot side yard.

- I. Detached ADUs must be offset 10' or more from the front façade of the main dwelling.
- J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.
- K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.
- L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

**19.15.120: Affidavit and Notice of Accessory Dwelling Unit.**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice will be provided to the applicant when completed.

**19.15.130: Business licensing.**

Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the unit is rented out.

**19.15.140: Retention of single-family residence status**

- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ADUs may not be separately metered apart from the single-family residence.

C. ADUs may not be sold or subdivided separately from the single-family residence.

**19.15.150: Short-term rental use prohibited.**

Units approved as ADUs shall not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

**19.15.160 Variances.**

The land use hearing officer may grant variances to the standards of this chapter in accordance with section 19.92.040. The land use hearing officer may not grant a variance from Building Code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

SECTION III. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilmember Bradley voting \_\_\_\_\_  
Councilmember Bradshaw voting \_\_\_\_\_  
Councilmember Theodore voting \_\_\_\_\_  
Councilmember DeBry voting \_\_\_\_\_  
Councilmember Granato voting \_\_\_\_\_  
Councilmember Winder Newton voting \_\_\_\_\_  
Councilmember Alvord voting \_\_\_\_\_  
Councilmember Snelgrove voting \_\_\_\_\_  
Councilmember Stringham voting \_\_\_\_\_

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_  
Ordinance Published in Newspaper: Date\_\_\_\_\_  
Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, an ordinance of general revision, creating chapter 19.15 of the Salt Lake County Code to authorize accessory dwelling units in accordance with limits in State law and to enact related regulations

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.