



ACCESSORY DWELLING UNITS

13 September 2021

Presenter: Francis Xavier Lilly, AICP, Planning Director

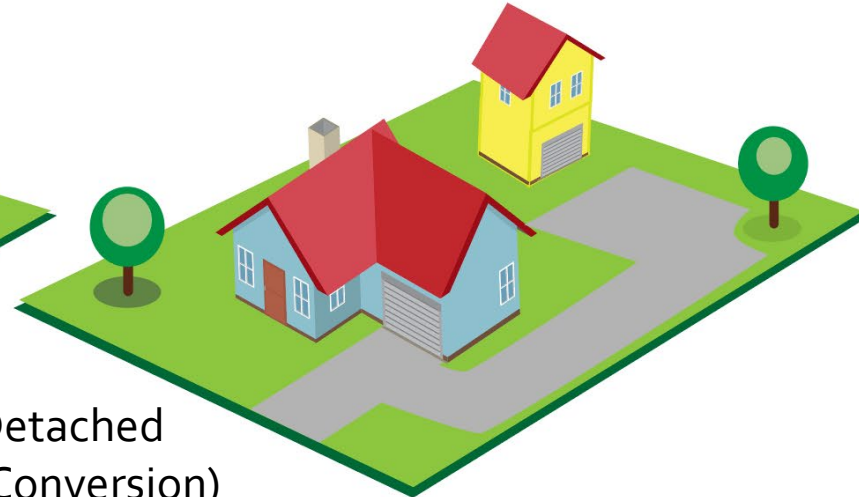


Three (or 3.5) Types of ADU

Attached



Detached
(Conversion)



Internal



Detached



I want to build an internal ADU – a Mother-in-Law Apartment



Who Approves It:

Staff approves. Internal ADUs are permissible under Utah Code Ann. 10-9a-530.

Minimum Lot Size:

6,000 square feet.

Design Requirement:

By definition, an internal ADU does not change the footprint of the home.

Parking:

1 additional off street parking stall required.

Owner Occupancy:

Required for the primary residence to qualify as an ADU.

Short Term Rental?

No.



I want to build a New Attached ADU...



Who Approves It:

Staff approves. Attached ADUs must meet all RCOZ and setback requirements, just like any other home addition.

Minimum Lot Size:

6,000 square feet.

Design Requirement:

Entrances must not be visible from a right-of-way.

Parking:

1 stall per bedroom + required off-street parking for primary residence.

Owner Occupancy:

Required for the primary residence to qualify as an ADU.

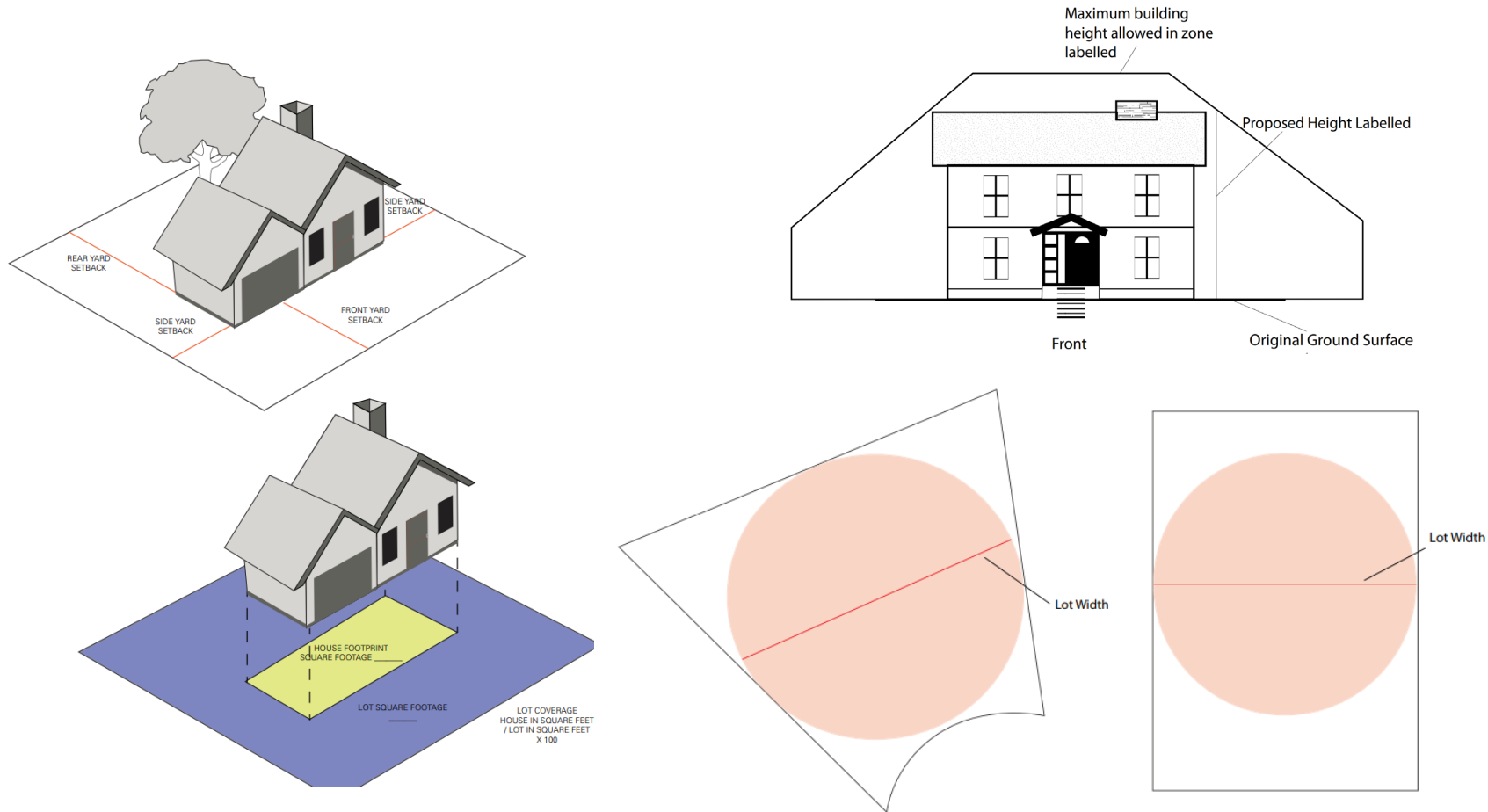
Short Term Rental?

No.



I want to build a New Attached ADU...

Don't Forget RCOZ as a tool to protect compatibility. It applies on virtually every single-family lot.



...While standards can be modified for primary residences, they cannot be modified for ADUs.



I want to build a New Detached ADU...



Who Approves It:

If the building meets all requirements for height and setbacks, then staff approves it.

Minimum Setbacks:

Eight feet from side and rear property lines.
Six feet from primary residence.

Maximum Height:

No more than 10% taller than the primary residence, up to 24 feet tall.

Parking:

1 stall per bedroom + required off-street parking for primary residence.

Owner Occupancy:

Required for the primary residence to qualify as an ADU.

Short Term Rental?

No.

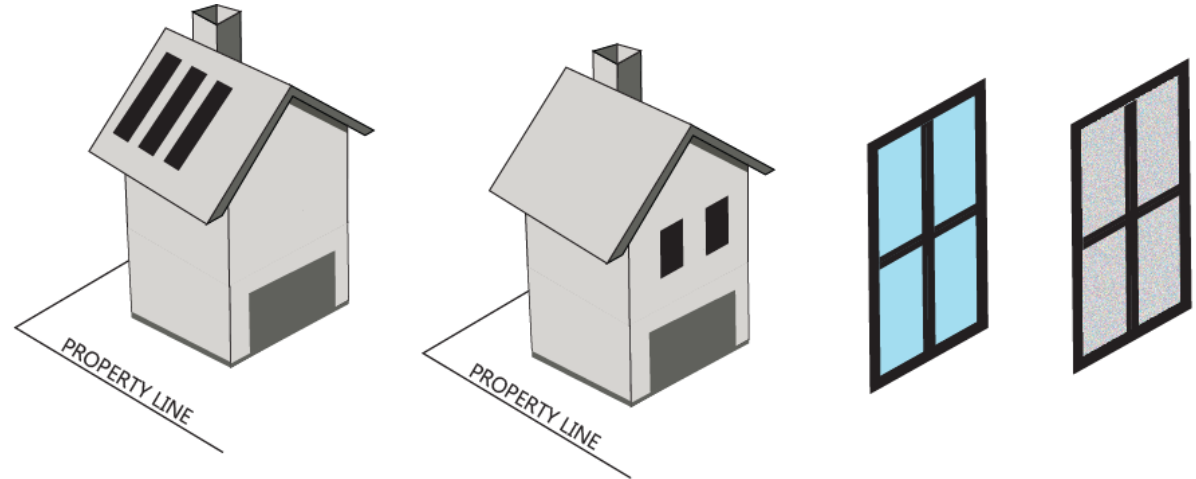


I want to build a New Detached ADU...

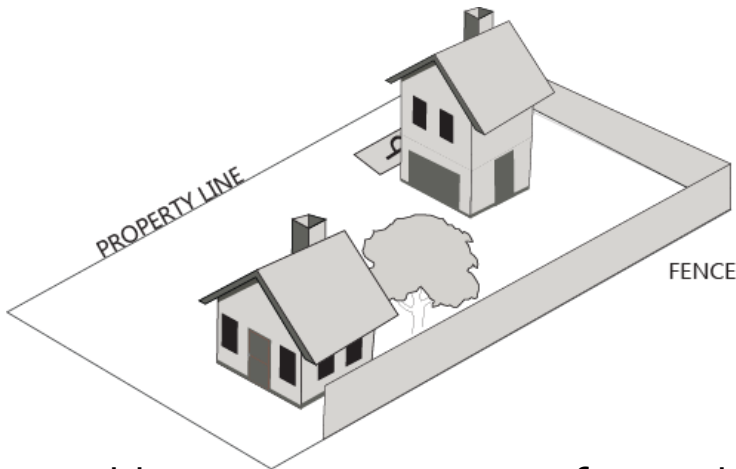
Other Requirements:



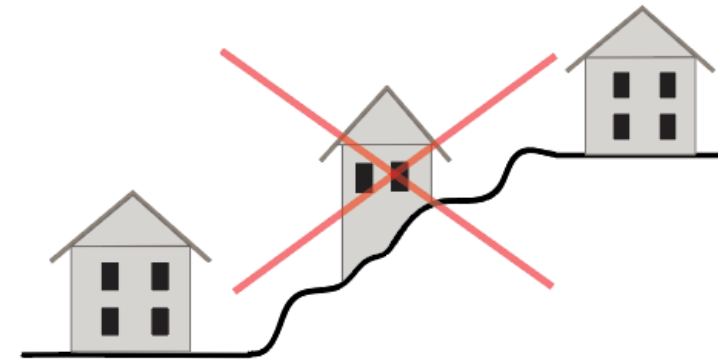
No light trespass on adjoining properties



Windows within 15 feet of neighbor's property line must be translucent or not visible from neighbor's property.



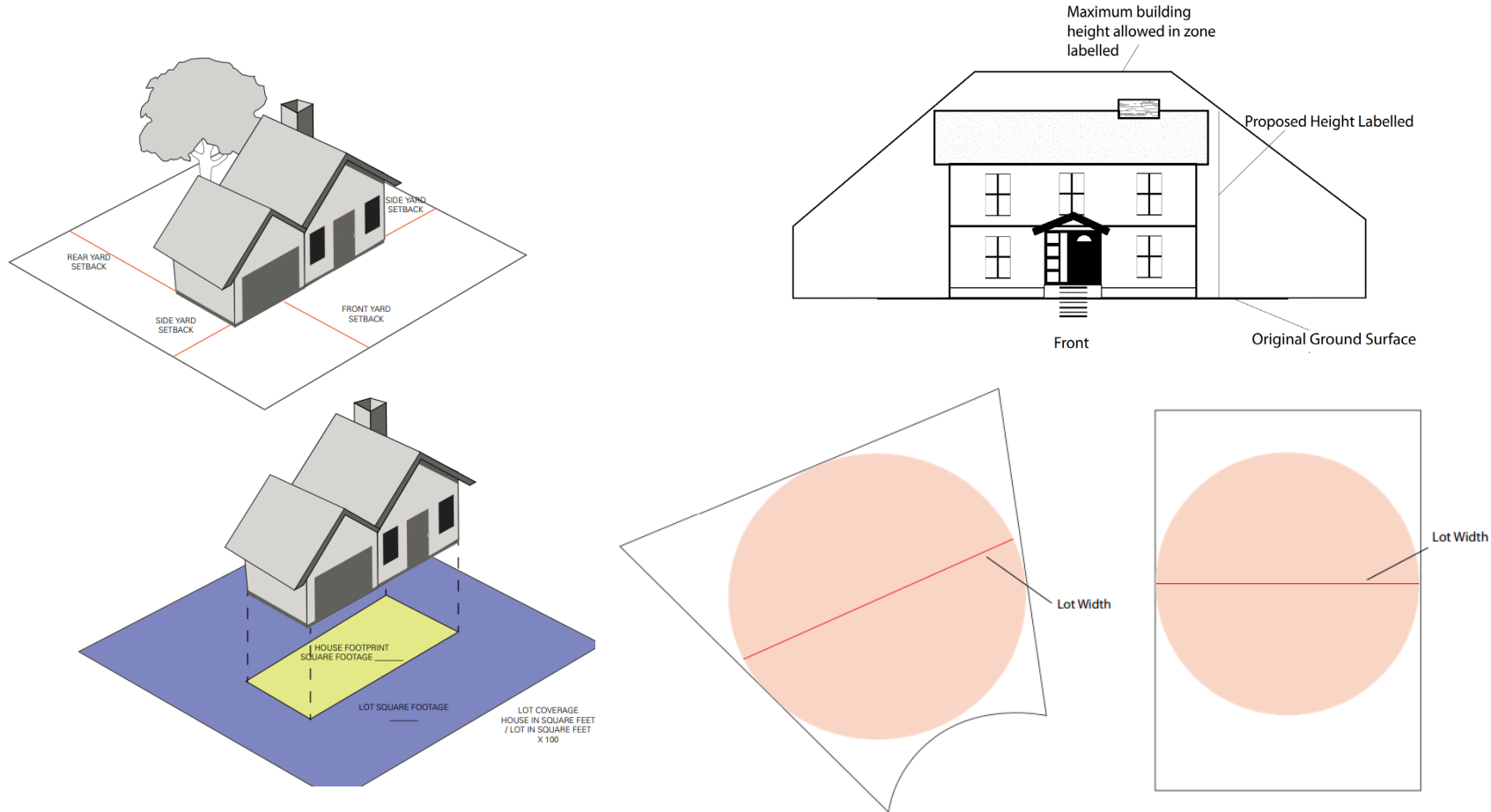
No visible stairways or entries from adjoining properties



ADUs prohibited on slopes of 30% or greater.

I want to build a New Detached ADU...

Don't Forget RCOZ as a tool to protect compatibility. It applies on virtually every single-family lot.



...While standards can be modified for primary residences, they cannot be modified for ADUs.



I have an existing ADU. I would like to have it legalized.

Who Approves It:



If the existing ADU meets all requirements in the ordinance, then staff approves it.

If it appears to never have complied with code, then an ADU can be legalized through a special exception by the Planning Commission. There are no special height or setback requirements.

This is similar to a process we already use. The Planning Commission has approved 7 residential special exceptions for ADUs in the last three years.

What this Means:

It will be harder to convert a garage or accessory building into a dwelling than it will be to convert an old accessory dwelling that was never legal in the first place.



I want to convert my existing detached garage into an ADU...

Who Approves It:



If the building meets all requirements for height, setbacks, lot coverage, design standards, and lot size, then staff approves it as though it were a detached ADU.

If the building is **noncompliant** with height and setback regulations, then staff has to determine if the building complied with code at some point in the past, then the Land Use Hearing Officer must issue a permit.

We assume that many of these requests involve noncompliant buildings.

Minimum Setbacks:

Four feet from side and rear property lines.

Maximum Height:

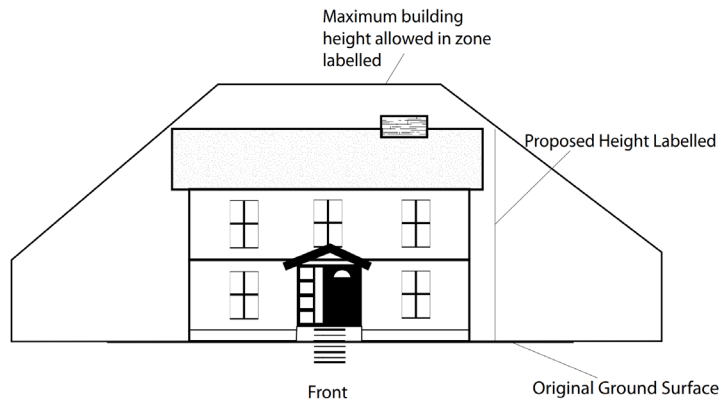
No additional height allowed, unless property abuts an RM or C Zone. In those cases, an ADU can be in a building that's up to 24 feet tall.



I want to convert my existing detached garage into an ADU...

What this means: It will be difficult to convert an existing garage into an ADU, whether or not the setback is 30 inches or 4 feet:

- If the building is noncomplying, you can't go taller.
- Building and fire code issues may make it difficult to convert.
- Don't forget the RCOZ height envelope.
- You'll have to replace the parking in the garage with one new covered parking stall, **AND** you will have to find additional parking for the ADU.
- **It may be easier to just build new.**
- However, if you build new, you're held to an 8 foot setback.
- **Remember there are other options: Our ordinance allows for an attached or internal ADU as well.**



I want to convert my existing detached garage into an ADU...

Staff Considerations:

- Do we allow detached ADUs at all?*
- If so, do we allow existing accessory structures to be converted? Or should someone just build a new ADU?*
- Should we treat accessory structures differently than detached accessory dwellings?*
- Could someone build a garage now, and ask to have it converted later?*
- How we answer the above questions will tell us how easy it will be to convert an existing accessory building into an ADU.*



I want to convert my existing detached garage into an ADU...

- Our recommendation was that IF the City wanted to permit detached ADUs, we needed to have an option in place to convert existing structures.*
- State Law does not require us to create a process for detached ADU's at all. We only have to create a process to allow for an internal ADU, on lots greater than 6,000 square feet, and provided off-street parking is available.*
- Staff recommended an option to the Planning Commission where accessory dwelling units would have the same setbacks as accessory structures. Given the additional design standards for ADUs, the detrimental impacts of ad accessory dwelling could be resolved to make it similar in impact to an accessory structure.*
- In order to promote equity between the different types of applicants, staff expressed a desire to apply the same standards to a new detached ADU that the City would apply to a conversion of an existing structure.*



I want to convert my existing detached garage into an ADU...

Planning Commission Rationale Regarding Detached ADU Setbacks (paraphrased from minutes and my observations during meeting):

- Accessory structures not intended for human occupancy are fundamentally different than accessory dwellings. The time spent in an art studio in an accessory structure is typically shorter than the time spent sleeping, bathing, and cooking in an accessory dwelling unit.
- Conversions of such structures should consider not just the design of the structure itself, but the fact that human occupancy is inherently more impactful than a hobbyist in a garage.
- The existing R-1 zone setbacks were designed to ensure an appropriate space between dwellings, and setbacks as narrow as 30" for an intervening dwelling can change the character of an established single-family neighborhood.



So, how do other cities treat detached ADUs and conversions?



Existing structures may be converted provided setbacks aren't further reduced.

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.



So, how do other cities treat detached ADUs and conversions?

Conversions are allowed...as long as the accessory building has a 1-foot setback.

Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

BUT: Detached ADUs, including conversions, are only allowed on lots 12,000 sf in area or greater.



So, how do other cities treat detached ADUs and conversions?



Draper does not discuss conversions per se, but they have a pretty aggressive standard for any detached ADU:

“An ADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located.”

No ADUs in a rear yard setback, period.



So, how do other cities treat detached ADUs and conversions?



All detached ADUs in Bountiful are conditional uses. Otherwise, a detached ADU is subject to the standards of a detached accessory building.

Minimum lot size of 8,000 square feet.

ADUs must be in a rear yard. Side and rear setbacks are 3 feet.



So, how do other cities treat detached ADUs and conversions?



M

All detached ADUs in Midvale are conditional uses, subject to specific standards. Midvale took pains to distinguish between an “Accessory Building (Unoccupied)” and an “Accessory Apartment”.

No minimum lot size.

ADUs must be in a rear yard. Side and rear setbacks are 10 feet.



Community Council Recommendations

Millcreek	East Mill Creek	Mt Olympus	Canyon Rim
Opposes as written. Recommends additional changes:	Recommends approval with conditions.	Recommends approval with conditions.	Recommends approval "as presented"
Conditions:	Conditions:	Conditions:	
Request a statistically valid survey be done.	Adjustment to 8-foot setback for detached ADUs for new construction. 30 inches for existing.	Concern regarding short –term rentals. Request more review of enforcement methods.	New detached ADUs should be set back 30".
Detached ADUs should not follow requirements of accessory buildings in 19.14. Especially 30 inch setback.	Off-street parking still provided for detached if garages are converted.	Request that on-street parking at night is specifically prohibited.	A conversion mechanism similar to the one used by Salt Lake City is recommended.
Greater lot area requirement for detached ADUs. Not 8,000 SF. Recommend: 12,000 SF	No ADUs should be allowed on a property line.	Do not support the 30-inch setback for new detached.	
Detached ADU conversions should have the same setbacks as new detached ADU's.		Adjustment to the rear yard setback for detached to 20 or 30 feet.	



Planning Commission Recommendation – 21 July 2021

Commissioner Stephens, as respects to ZT-21-004 a Recommendation to Amend the Millcreek Zoning Ordinance for Internal, Attached, and Detached Accessory Dwelling Units in Residential Zones, moved to make a positive recommendation for adoption of the draft ordinance as presented with one major exception, and that is the Planning Commission highly recommends that for new construction detached ADUs that the minimum side and rear yard setback be not less than 8 feet or existing accessory structures, whether it be a garage or some other accessory structure, that the minimum setback on the side and rear yard would have to be not less than 48 inches in order to qualify for conversion for a detached ADU. Commissioner Reid seconded. Commissioner Stephens added to the motion that it was very important that on street parking be prohibited by ADU residents. Commissioner Reid seconded the addition.



Final Staff Observations

- Broad consensus that Millcreek should allow attached and detached ADUs under certain circumstances.
- Significant differences of opinion on the appropriate setbacks for detached ADUs.
- Since ADUs are subject to RCOZ and specific design standards, no conditional use process is necessary. ADUs should be approved by staff.
- The Land Use Hearing Officer is the best venue to hear ADU conversions in noncomplying structures.
- ADUs should be associated with owner-occupied single-family dwellings.



Final Staff Observations

- ADUs should have off-street parking.
- Short-term rentals should be prohibited in ADUs.
- Enforcement is a concern.
- RCOZ and design standards will make it difficult for many lots to accommodate a detached ADU, no matter what the setback is. Attached or internal ADUs are more likely.



Next Steps

- **If the City Council adopts an ordinance based off the Planning Commission Recommendation, staff recommend some changes:**
 - Accessory building conversions should only be available to accessory buildings in existence prior to the date of the ordinance adoption.
 - Special exceptions for an ADU legalization should only be available to second dwellings in existence on an R-1 property prior to the date of the ordinance adoption.
- **Set an effective date for the ordinance for early October, to ensure compliance with State Statute and to provide staff time to write procedures, design handouts, and update permitting processes.**



APPLICATION FILE #ZM-21-001



Applicant:
**The Community
Development
Corporation of Utah
(CDCU)**

Location:
**4074 South West
Temple**

**A REZONE REQUEST FROM AN R-M
ZONE TO A MD ZONE**



CDCU
Community Development
Corporation of Utah

The Community Development Corporation of Utah empowers residents to become and remain successful homeowners and renters, creating vibrant, sustainable communities.

MISSION

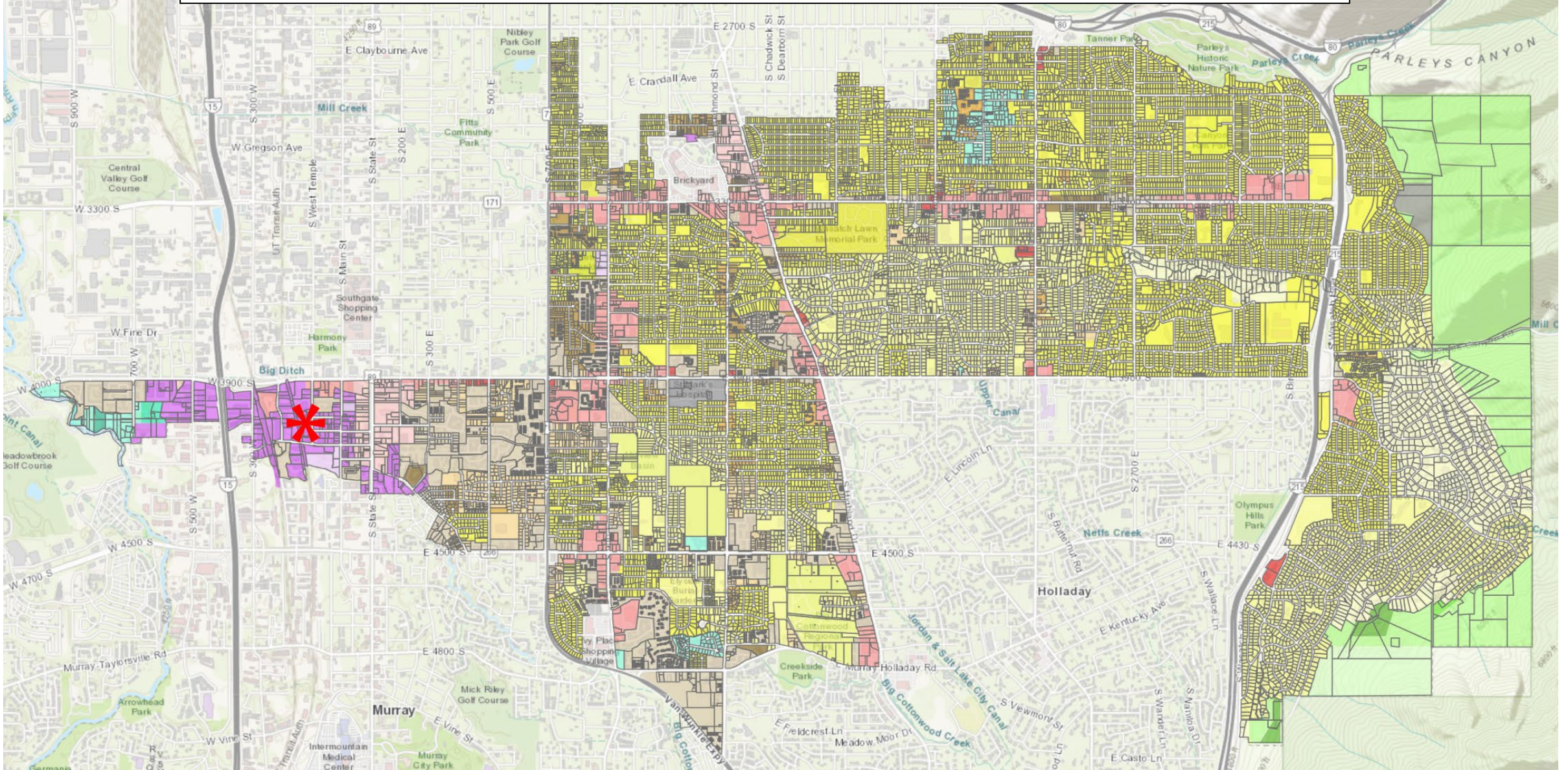
Community Development Corporation of Utah (CDCU) strengthens our communities by empowering all Utahns through access to affordable housing and financial security.

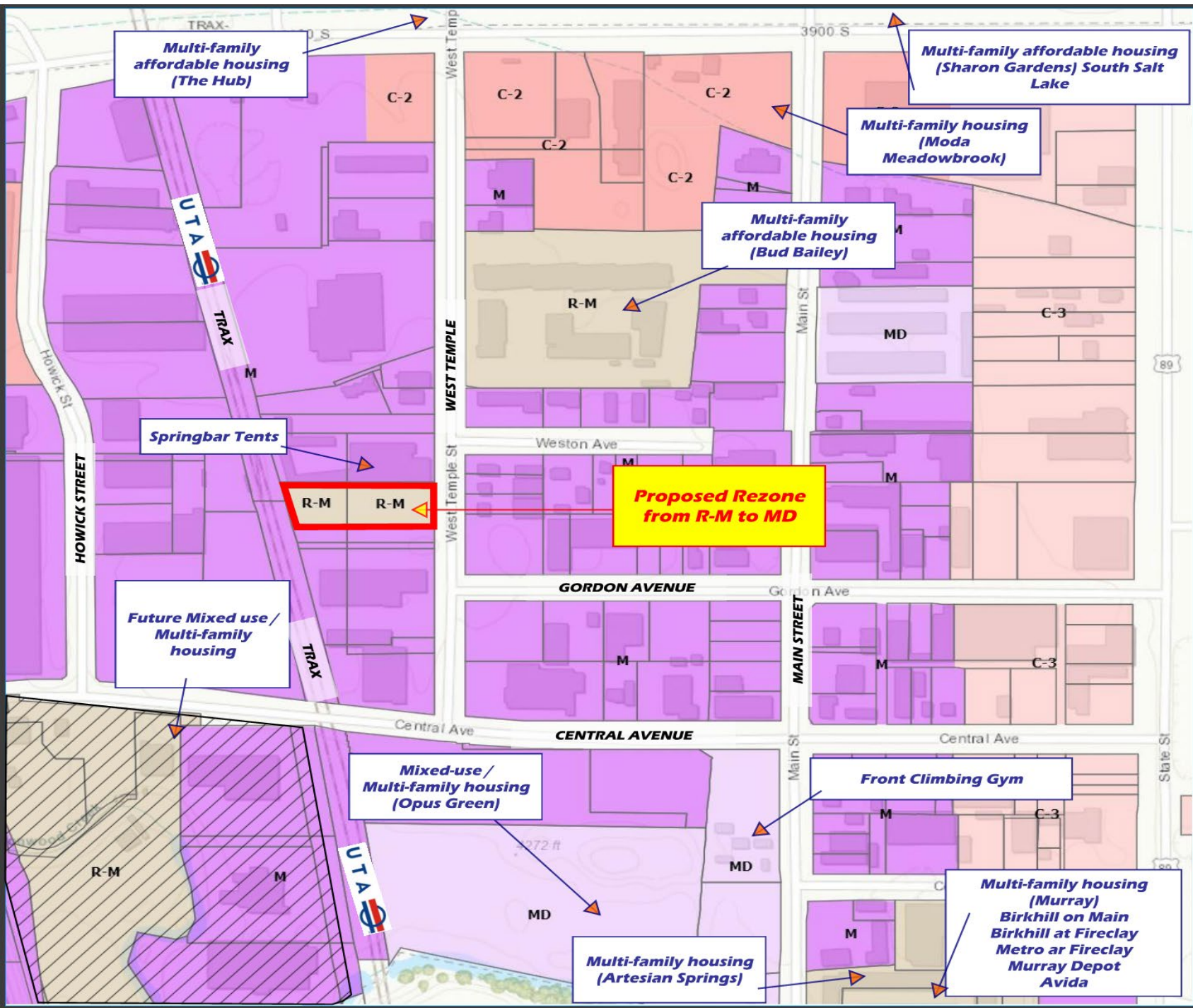
VISION

CDCU assists in alleviating the burdens of poverty and financial insecurity so that all Utahns can develop their full potential.

<https://cdcutah.org/about>

The application location lies in the Meadowbrook Center of Millcreek





The proposed rezone from R-M (Multi-Family Residential) to MD (Mixed Development) will allow for a 64-unit affordable senior housing project

The area (including South Salt Lake to the north and Murray to the south) consists of very similar uses and development



4074 SOUTH WEST TEMPLE

CDCU will be applying for a 9% Low Income Housing Tax Credits in September 2021 for this property and, if funded, will construct 64-one-bedroom units for low-income seniors between 25% and 55% AMI

WEST MILLCREEK CRA

Published: 25 July 2019
Sources: Utah State AGRC, Salt Lake County, Millcreek

Millcreek
3330 South 1300 East
Millcreek, UT 84106
(801) 214-2700



- Map Legend -
West Millcreek CRA

Spatial Reference: WGS 1984 Web Mercator Auxiliary Sphere
Data: eCIS Project 2019 Economic Development, UCR 2019 Data Layer



Currently the subject property is vacant and has been used as a dumping ground with overgrown vegetation.

Historically the property has always been used as outside storage and unimproved parking and has remained undeveloped.



The property has no improvements in terms of curb, gutter or sidewalk and serves as a gap for pedestrians using the sidewalk on adjacent properties.

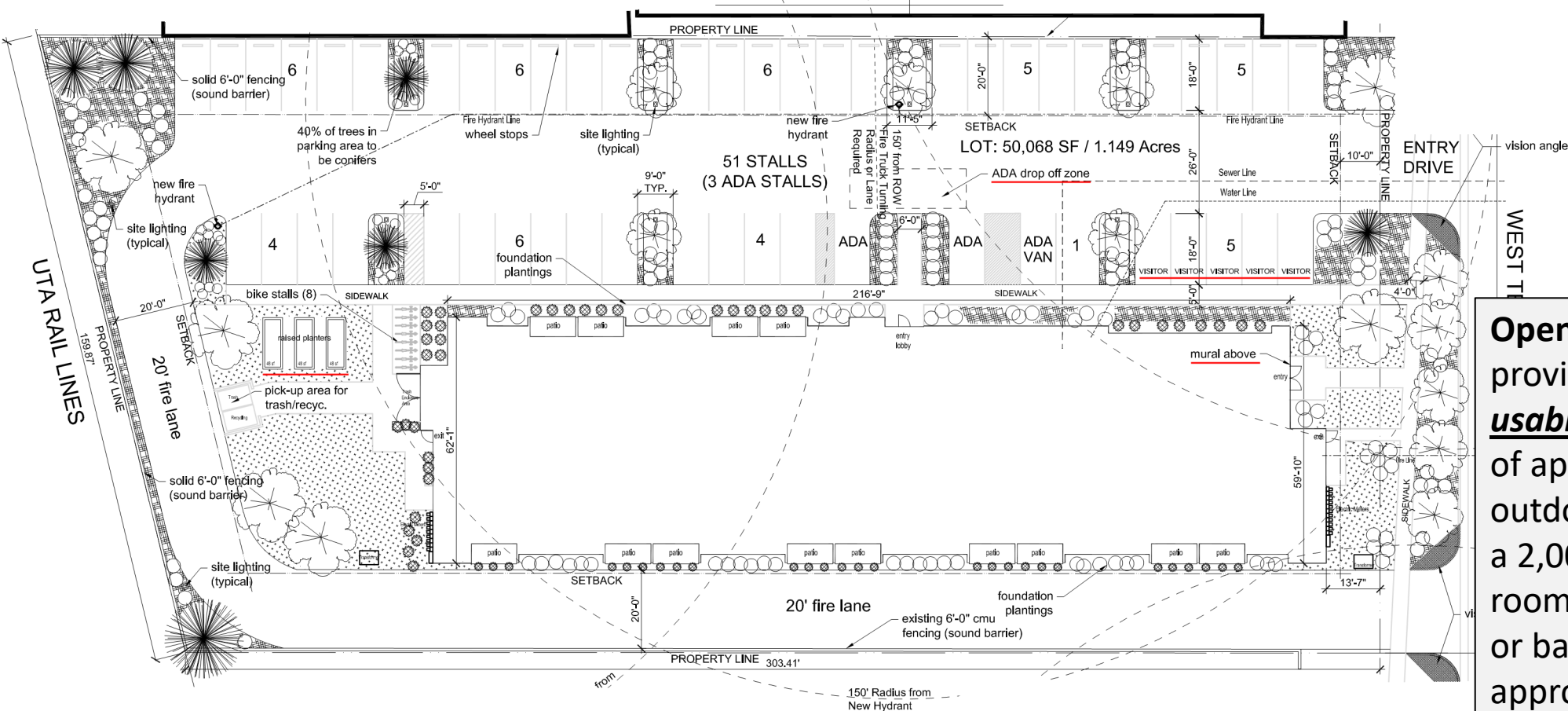
Site Layout. A 4-story structure with an approximate 12,170 sf footprint which is roughly 24% of the total lot square footage. Structure is designed to have fire access completely around perimeter and is situated such to allow for adequate parking and usable open space.

Site Plan Information:
 Current Zoning District: RM - Residential Multi-Family
 Proposed Zoning District: MD - Mixed Development

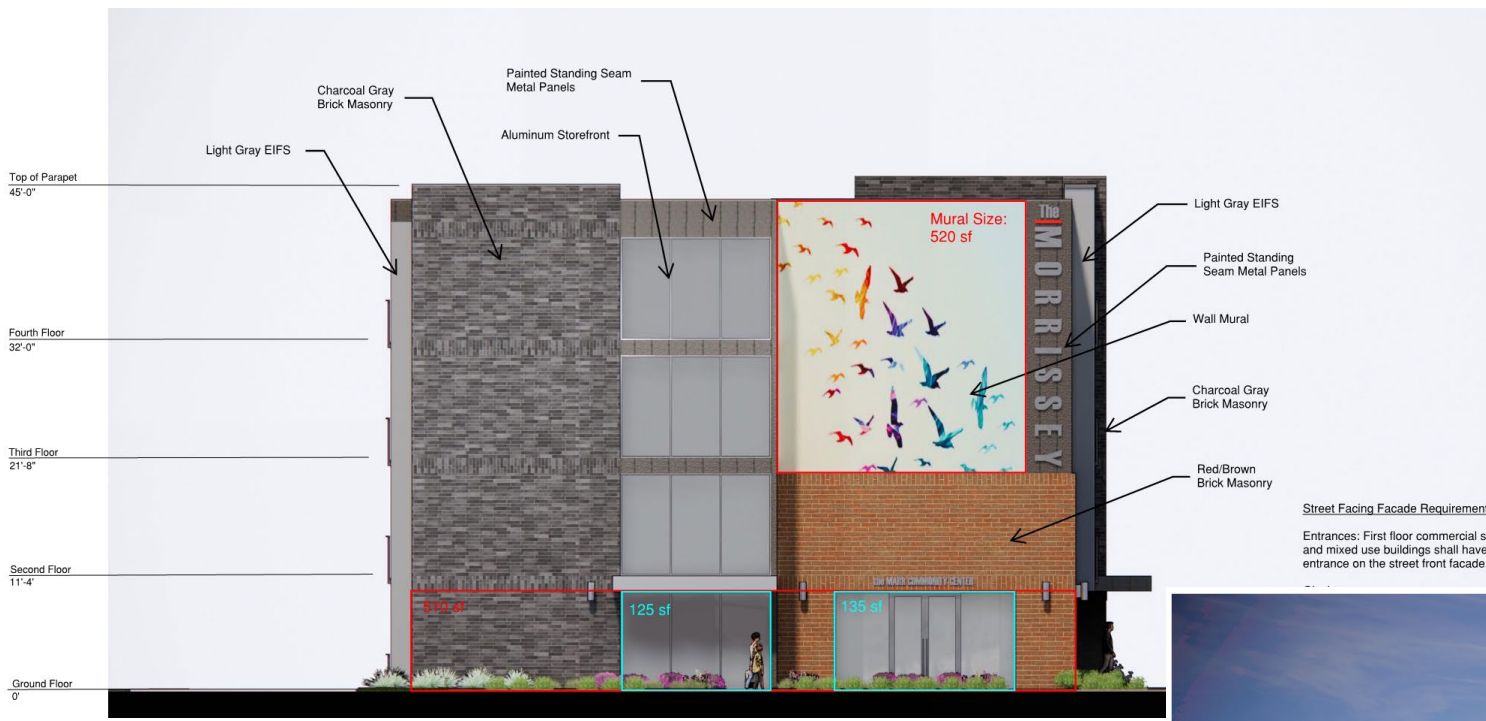
Lot Information:
 Lot Size: 50,068 SF / 1.149 Acres
 Building Footprint: 12,170 SF / 24% of Lot Area
 Landscaping: 9,990 SF / 20% of Lot Area

Units:
 Level 1: 13 1-Bedroom Units
 Level 2: 17 1-Bedroom Units
 Level 3: 17 1-Bedroom Units
 Level 4: 17 1-Bedroom Units
 Total: 64 Units

Parking Provided:
 51 Stalls (4 Accessible one of which is Van Accessible)



Open Space. The developer is providing roughly 5,000 sf of **usable** open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community / fitness room. Each unit includes a patio or balcony consisting of approximately 60 sf.



Building Design. A mostly flat roof, 4-story building with a diverse range of articulation and materials.

Height: Ground floor to top of parapet is at 45' feet.

Setbacks: Front: 10' Rear: 20' Side: 20'

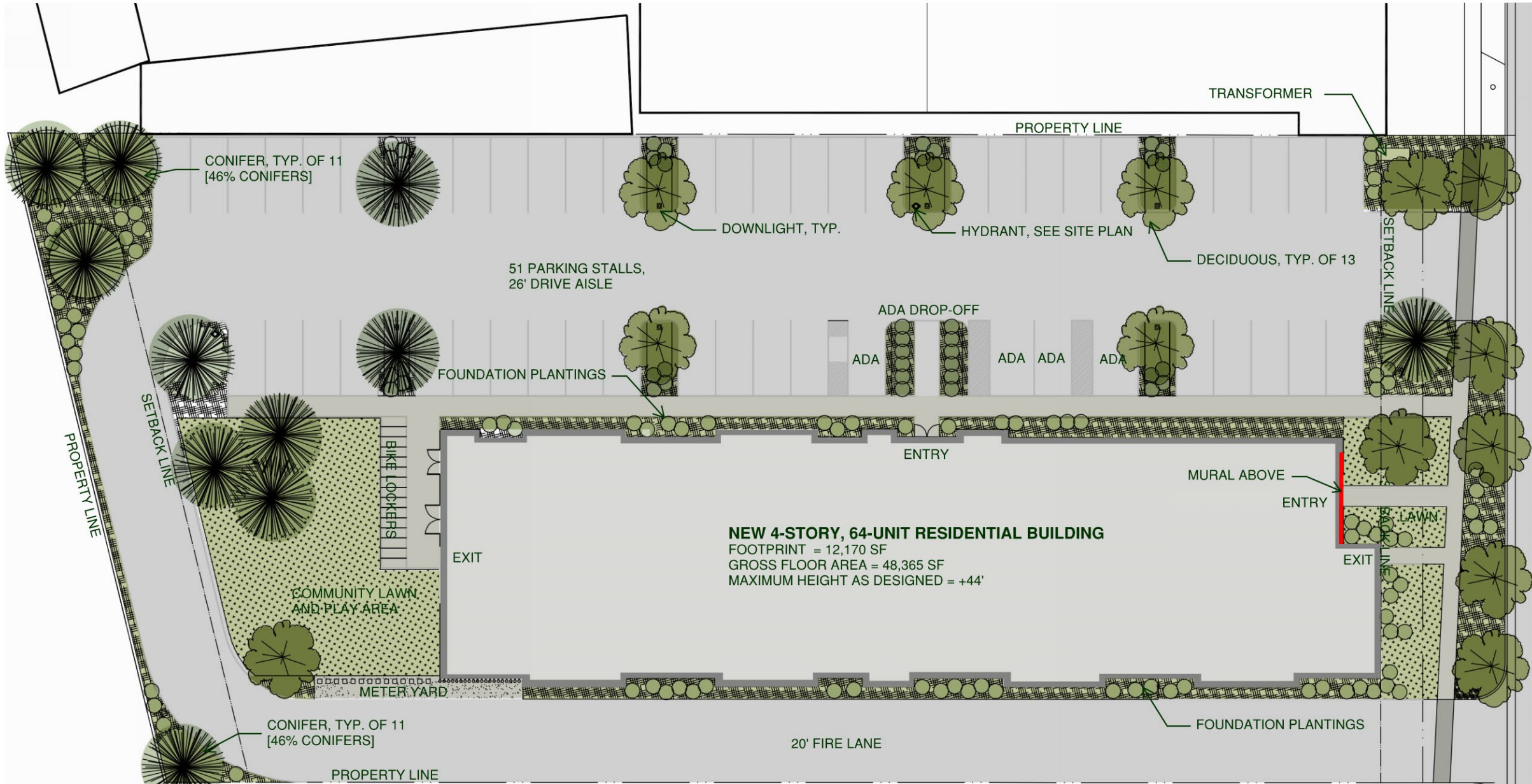
Materials: A mixture of charcoal grey and red/brown brick, metal panels with aluminum siding. A beautiful mural wall showcasing a rainbow of birds flying aimlessly that faces West Temple.

Massing: Although mostly broken up, the width of the building is roughly 57' feet wide and 216' feet long.



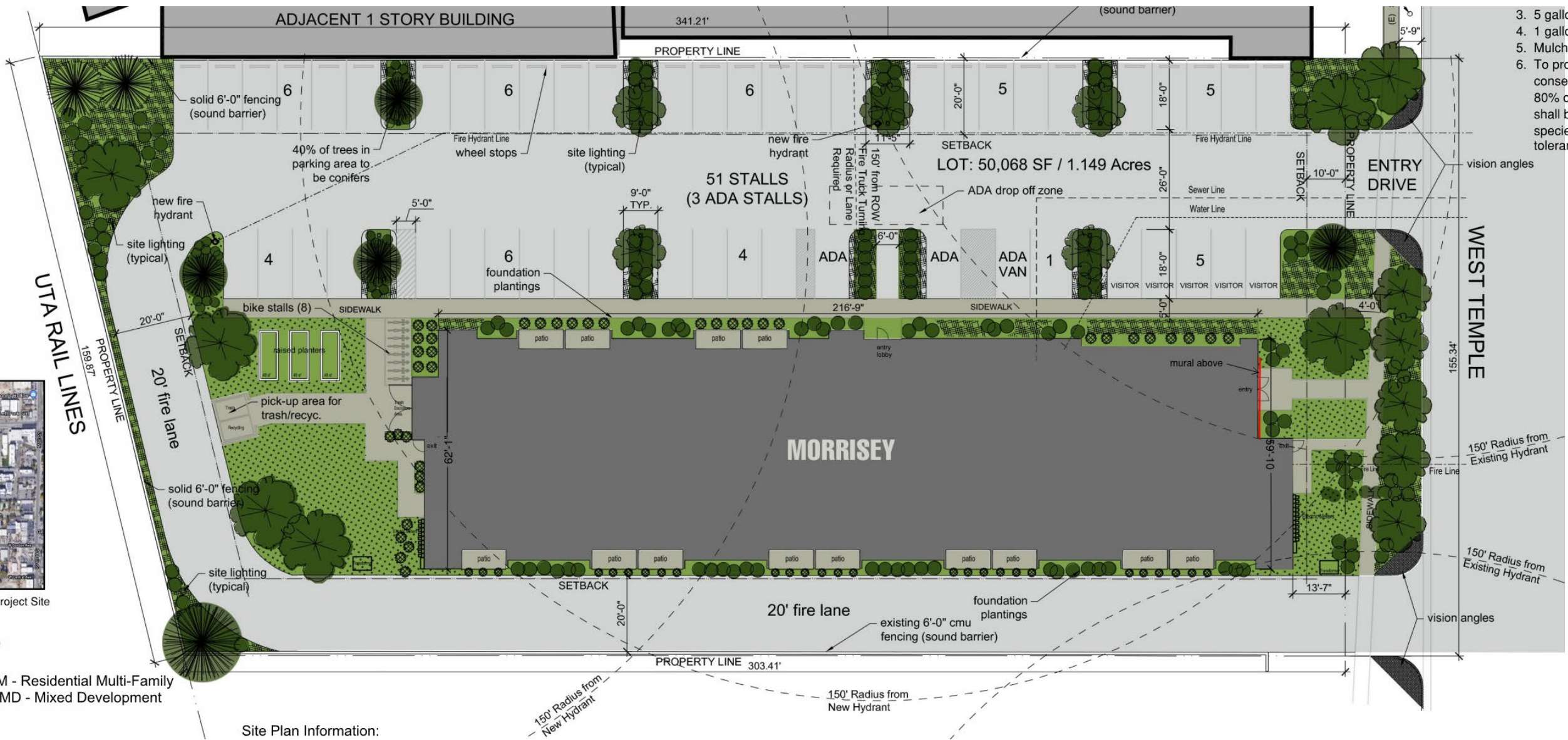


North and South elevations



LANDSCAPE PLAN





- 5 gallon n
- 1 gallon m
- Mulch m
- To promo
- conserva
- 80% of th
- shall be w
- species (n
- tolerant p

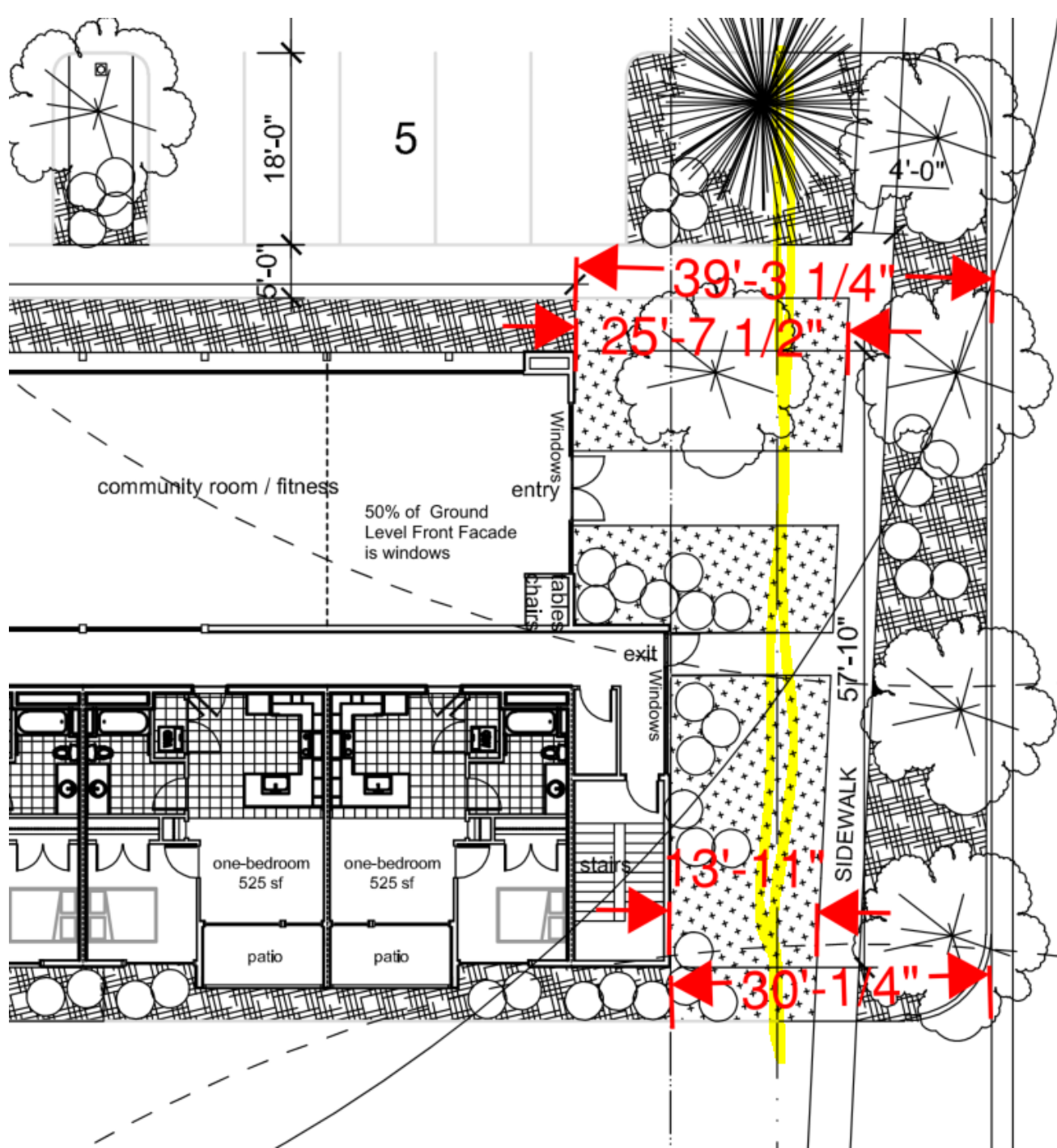


Project Site

e

RM - Residential Multi-Family
 MD - Mixed Development

Site Plan Information:



WEST TEMPLE

150' Radius Existing Hy

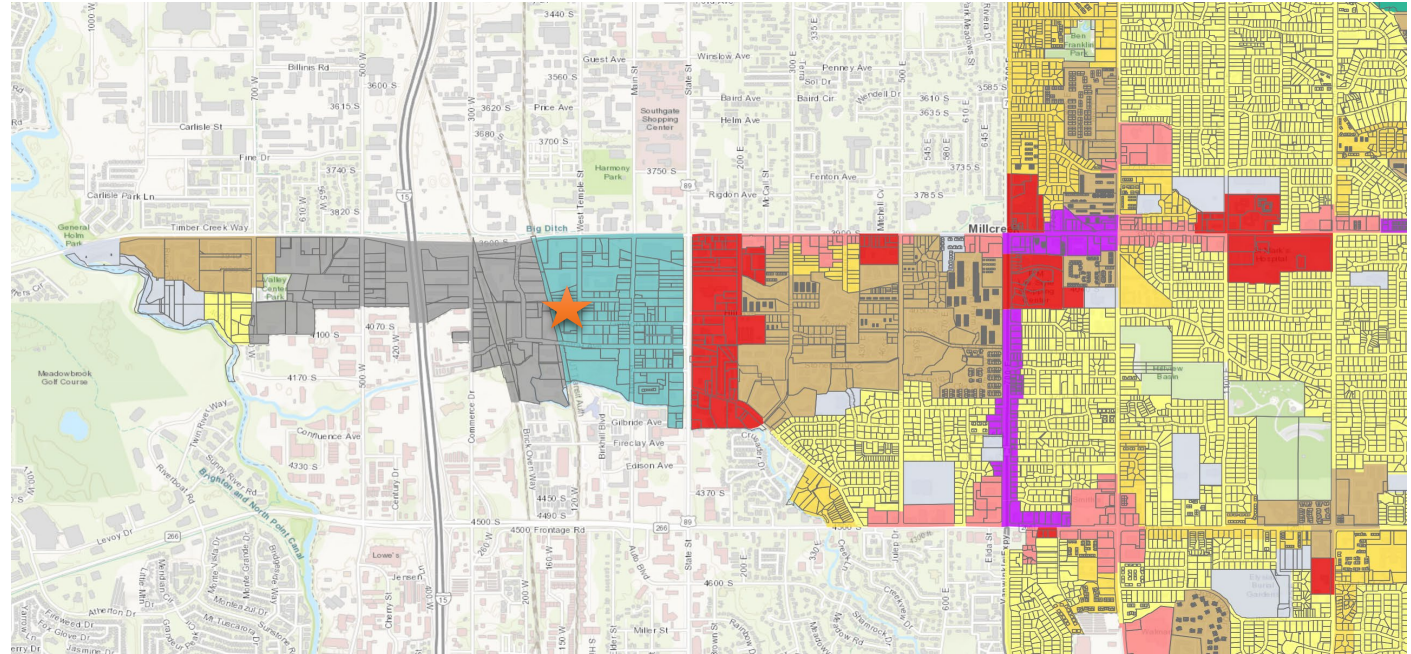
150' Radius Existing Hydr

Millcreek Together General Plan

The proposed affordable housing project intended for low-income seniors between 25% and 55% area median income and will help Millcreek further meet its obligation to provide diverse and affordable housing options.

Per the Millcreek General Plan, the greatest demand is for households making less than 50% AMI. Under Utah Code, municipalities must assure the production of moderate-income housing and submit an annual update for its Moderate-Income Housing Plan.

A rezone to accommodate the proposed affordable housing project will help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.



<p>MEADOWBROOK CENTER</p>	<p>Primary: Diverse mix of uses, including multifamily condominiums or apartments, office, retail, and restaurants.</p> <p>Secondary: Cultural and public facilities, health services, plazas, squares, pocket parks, community gardens, and other gathering spaces. Flex uses are also appropriate in this area. (See Glossary page 116 for Flex definition).</p>	<p>Building heights range from 2 - 6; however, there is potential for increased heights depending on proximity to transit stops and major streets.</p>	<ul style="list-style-type: none"> • Intended to develop as a concentrated and dense mix of uses. • Scaled to create a functional, walkable, pedestrian-friendly urban environment with public gathering spaces. • Vertical and horizontal mix of uses that integrates high density residential units with retail, commercial, office and restaurant uses. • Sited adjacent to major regional roadways and potential future transit facilities. • Promote cohesive urban design with consistent development standards.
----------------------------------	--	--	---

Estimate of the need for moderate income housing

	2018			2022	2025
	Affordable Units	Households	Housing Need	Housing Need	Housing Need
< 30% AMI	655	2,968	1928	2,011	2,073
30%-50% AMI	2,287	3,224	324	413	480
50%-80% AMI	5,503	4,567	(1,375)	(1,696)	(1,937)

Source: Millcreek General Plan Moderate Income Housing Analysis, 2018, Table 34, Table 4C

A parking study commissioned by Millcreek was performed by Fehr and Peers that analyzed other senior and affordable housing parking requirement rates ranging from neighboring jurisdictions and suggested state of the art practices from the Institute of Transportation Engineers and the Urban Land Institute. The study took into account key characteristics at each development that included at minimum, number of units and bedroom counts, age restrictions, income restrictions, available transit services within a half (0.5) mile and existing pedestrian infrastructure.

Based on the findings of the literature review and the collected data, Fehr & Peers recommends that Millcreek implement a parking requirement for senior housing developments, such as the proposed 4074 West Temple development, based on the following standard:

- 0.75 parking stalls per single-bedroom dwelling unit
- 1 parking stall per two-bedroom dwelling unit
- 1.25 parking stalls per dwelling unit with three or more bedrooms.

Conditions in the Determination Letter and Development Agreement

TABLE 2: STUDY DEVELOPMENT CHARACTERISTICS

Site	Unit Types	Total Units	Total Bedrooms	Age Restriction	Income Restriction	Vacancy Rate	Transit Access
Sharon Gardens	1 Bedroom	58	58	Yes, 62+	Yes, rent=30% income	5%	TRAX, 15-min Bus
Bud Bailey	1-3 Bedrooms	136	285	No	Most ≤55% AMI, a few market rate	4%	TRAX, 15-min Bus
The Hub	1-3 Bedrooms	157	234	No	Mix of subsidized and market	2%	TRAX, 15-min Bus
Kelly Benson	Studio, 1-2 Bedrooms	59	70	Yes, 55+	Yes, rent=30% income	8%	30-min Bus
Preston Place	1 Bedroom	65	65	Yes, 65+	Yes, 50% AMI	0%	30-min Bus

Site	Bikeability	Walkability	Overflow Parking	Parking Supply	Stalls per Unit	Stalls per Bedroom
✓ Sharon Gardens	Poor	Fair	On-Street	57	1.0	1.0
Bud Bailey	Poor	Fair	On-Street	216	1.6	0.75
The Hub	Fair	Fair	On-Street, TRAX Lot	137	0.875	0.6
✓ Kelly Benson	Poor	Far	None	43	0.75	0.6
✓ Preston Place	Fair	Good	On-Street	32	0.5	0.5

Source: Fehr & Peers, 2021

1. A minimum of 48 required stalls.
2. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
3. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

NEIGHBORHOOD RESPONSE

Although the proposed affordable housing project did not create a large public response, there were two nearby residents that voiced their concern regarding the proposal. Each explained their concerns about the projects provided parking and raised the issue of the possibility it may be under parked. Their concern was that if under parked, residents and guests would park elsewhere and create unnecessary congestion. It was also communicated to staff and the MCCC that in addition to the lack of available parking along West Temple, there were issues with local crime that ranged from vandalism to theft.

COMMUNITY COUNCIL RESPONSE

At their regularly schedule meeting on July 6, 2021, the Millcreek Community Council (MCCC) **voted unanimously (5-0) to recommend approval with the understanding that there was some concern regarding the proposed parking.** Of the five council members that were in attendance, it was discussed that the parking reduction of 0.75 stalls per unit recommended by staff did not provide adequate parking. Despite the parking study performed by Feir and Peers outlining the data collection and similar affordable senior housing projects in the area, the consensus among the five MCCC council members was that a **few more stalls could be added.** Each member agreed that more affordable housing for seniors in Millcreek was needed.

PLANNING COMMISSION RECOMMENDATION

At their regularly schedule meeting on July 21, 2021, the Millcreek Planning Commission **voted unanimously (7-0) to recommend approval subject to the conditions in the development agreement, including:**

- Change of use language
- A review of the bike locker storage capacity
- Mural scale and size
- Endemic/waterwise plants and trees be planted
- Designated guest parking
- Adding garden beds

DEVELOPMENT AGREEMENT CONSIDERATIONS

1. Use of property is limited to an affordable multi-family senior housing project for low-income seniors that are of 62 years of age or older and fall within a 25% - 55% area median income range. Development and use of property must qualify for affordable senior housing under the requirements set by the U.S Department of Housing and Urban Development.
2. Development shall consist of 64 one-bedroom units.
3. A minimum of 48 parking stalls is required. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
4. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.
5. Development shall include an ADA vehicle drop off and vehicle pick-up area that includes an unobstructed path of travel to and from the building.
6. Five parking stalls out of the 48 stalls provided must be identified as guest parking with signage.
7. The approved parking ratio is for one-bedroom units in an affordable senior housing development. If the use changes within the term of the development agreement, the new use must satisfy the then current parking ordinance and parking required for that use.
8. Maximum height of the building is limited to 45 feet measured from original ground surface.
9. Building footprint shall not exceed 12,750 square feet.

10. Exterior building materials of a durable or resilient nature such as brick, stone, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer lasting roof materials are required.
11. Arrangement of the materials and the windows will be substantially the same as indicated on the attached renderings, Exhibit C. All other character defining features such as size, craftsmanship and design, including the form and massing of the building shall remain the same as indicated on the attached renderings in Exhibit C.
12. The mural on the east building façade shall be at least 500 square feet in area and be the same scale and quality as depicted in the plans shown in Exhibit C.
13. Developer shall provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. The developer shall include at minimum, three 48 sf raised garden beds as part of the amenities for this development.
14. Each unit shall include a patio or balcony consisting of a minimum fifty square feet and a minimum depth of at least five feet.
15. The developer will install three interior light poles within the parking lot as established on the attached site plan, Exhibit C
16. Landscaping will be provided as provided in the attached landscape plan as established on the attached landscape plan, Exhibit C. Trees and plantings shall include only endemic or waterwise plant species that are appropriate to the region.
17. Developer shall include a minimum of 24 trees, having a minimum caliper of two inches in size consisting of seven conifers and seventeen deciduous trees.
18. Developer shall perform a lot consolidation that is approved by the city and recorded at Salt Lake County Recorder's Office.

STAFF FINDINGS

- ☐ Staff finds that a .75 parking ratio with the conditions located in the determination letter and development agreement will help further mitigate the public's parking concerns.***

- ☐ Staff finds that the rezone request and proposal by CDCU will provide an excellent repurpose of the existing property and that the development aligns with the characteristics and uses deliberately intended for the Meadowbrook district.***

- ☐ Staff finds that the proposed affordable housing project closely follows the standards and principles found in the Millcreek Together General Plan, and that the slated land use frame within the Future Land Use Map supports the rezone.***

- ☐ Staff finds that the proposed rezone will accommodate the affordable housing project and help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.***

- ☐ Staff finds that the rezone request and proposal will enhance the curb appeal and beautify the property through its building design, landscape plans. The required public improvements will connect the sidewalk creating a safe pedestrian route and make way for curb, gutter, and park strip. Staff finds that the proposal would be a valuable addition to the community and that many of the concerns can be mitigated with a carefully crafted development agreement that outlines conditions for use, parking, density, building height, materials, and landscaping.***

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Based on staff findings, staff recommends to City Council to grant rezone application ZM-21-001 accompanied with a development agreement containing the following conditions recommended by staff

Model Motion:

Motion to approval rezone application ZM-21-001, from the R-M Zone to the MD Zone for a 64-unit affordable senior housing project subject to a development agreement and conditions recommended by staff.