

ORDINANCE # 24-11

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE, CHAPTER 11, "SPECIAL USE STANDARDS", SECTION 1, "ACCESSORY APARTMENTS, EXTENDED LIVING AREAS, AND GUESTHOUSES"; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 11, "Special Use Standards", Section 1, "Accessory Apartments, Extended Living Areas, and Guesthouses". The purpose of the code amendment is to align the land uses and standards for Extended Living Areas and Accessory Apartments with Utah Code; and

WHEREAS, the Planning Commission held a public hearing on May 16, 2024, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on April 29, 2024; and

WHEREAS, following the public hearing before the Planning Commission, the Commission made a recommendation to the City Council regarding the amendment; and

WHEREAS, a public meeting was held by the Sandy City Council on June 18, 2024 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of _____, 2024.

Ryan Mecham, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2024.

Sec. 21-11-1. 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 primarily residential zone districts. These accessory living areas enable additional dwelling units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make dwelling 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) *Number Permitted.* Only one accessory apartment or extended living area shall be created within a single-family dwelling structure. The accessory apartment or extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
 - (2) *Retain Single-Family Dwelling Appearance.* The accessory apartment, extended living area, or guesthouse shall be designed so that the appearance of the building remains that of a single-family residence, including the following:
 - a. *Entrances.* Only one primary entrance into the existing dwelling is allowed facing the street or front property. No additional entryways or access to these accessory living areas shall be visible from the street or front property line. All entrances for an accessory living area shall be located on the side or in the rear of the dwelling or from within the home or garage.
 - b. *Design.* Any additions to the existing dwelling unit or detached guesthouse, shall be designed and constructed as to blend in and be compatible with the architectural components of the primary dwelling unit (including but not limited to matching exterior materials, colors, windows, architectural style, building articulations, design elements, and roof pitch). Accessory apartments or extended living areas ~~do not require internal connectivity; however, they~~ must be connected to the existing living area of the home by a common wall and not connected through a breezeway or non-habitable space (e.g. garage, storage area, etc.).
 - c. *Utilities and Meters.* It shall be prohibited to install separate utility connections or meters. Private utility meters installed behind the primary meters and internal to the dwelling may be allowed.
 - d. *Addressing.* No separate addresses will be assigned to the property. Additional mailboxes are also prohibited.
 - c. *Landscaping.* The retention and enhancement of landscaping and property maintenance standards shall be met with any site or building alterations.
 - (3) *Building Code Compliance Required.* The design of the accessory apartments, extended living areas, or guesthouses 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.
 - (4) *Parking.* ~~At least one additional off~~ Off-street parking shall be available for use by the occupants of the accessory apartment, extended living area, or guesthouse. ~~This space shall be in addition to those required for residents of the primary dwelling~~ and shall comply with the City's adopted residential parking standards. A non-conforming single-family dwelling must be brought into conformity with all required parking requirements. If a required parking area is to be modified in the creation of an accessory living area, the required parking shall be replaced on-site. Any additional vehicles owned by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.
 - (5) *Mobile Homes.* It shall be prohibited to construct an accessory apartment or extended living area within a mobile home.

Exhibit "A"

- (6) *Septic Systems.* Any dwelling that is using a septic system, must show proof by a licensed professional that the system is in property working condition or be required to connect to the existing sewer infrastructure.
- (7) *Short Term Rental (STR).* It is prohibited to rent or offer the rental of an accessory apartment, extended living area, or guesthouse for a period of less than 30 consecutive days unless the property has obtained approvals for such use as found in the Land Development Code and all other Sandy City Code. In no event, shall any portion of the property be rented out for both short and long-term rentals at the same time.

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(LDC 2008, § 15A-11-01; Ord. No. 21-28 , § 1(Exh. A), 9-28-2021)