



Sandy City Council Office

10000 South Centennial
Parkway Suite 231
Sandy, UT 84070
O | 801-568-7141
Sandy.Utah.Gov

MEMORANDUM

February 4, 2025

To: City Council Members

CC: Dustin Fratto, Council Executive Director

From: Brooke D'Sousa, Council Member At-large

Subject: First Reading: Accessory Dwelling Unit (ADU) Code Amendments

Background and Proposal

Last year, in combination with Council Member Dekeyzer, I initiated a review of our municipal code concerning external accessory dwelling units (E-ADUs) with the intent of expanding and refining existing regulations. Following discussions with Council Member Dekeyzer and staff, it was determined that proposed amendments would be deferred until after the adoption of the General Plan.

As a member of the Council, I recognize the potential of E-ADUs to contribute to addressing the affordable housing challenge. Resident support for expanded E-ADU utilization is substantial (approximately 79%, as indicated by General Plan surveys), and the recently adopted General Plan explicitly encourages their development. Expanding E-ADU allowances offers numerous potential benefits, including:

- Increased opportunities for multi-generational living and aging in place.
- Creation of new and diverse housing options within established neighborhoods.
- Generation of supplemental income for homeowners, thereby supporting homeownership.
- Provision of additional, potentially affordable housing units.
- Efficient utilization of existing public infrastructure.
- Implementation of a key strategy outlined in the Moderate-Income Housing Plan.

This proposal provides a summary of current code provisions, an overview of the General Plan's guidance on ADUs, and my proposed process for expanding E-ADU allowances within Sandy City.

What does our existing code allow?

Currently, the city allows for several different types of Accessory Living Areas: Extended Living Areas (second kitchen), Accessory Apartments (known as Internal Accessory Dwelling Units (I-ADUs)), and Guesthouses (for non-paying short-term guests). I-ADUs are allowed in all residential zones, as is mandated by the Utah Code; however, Sandy does not currently allow E-ADUs, except for small

guesthouses (≤400 s.f.) on large lots (≥20,000 s.f.) that may only be used by the homeowner's family or non-paying guests. Currently, none of these are counted as additional dwelling units by the City.

Although each of these accessory living areas provides some form of additional residential space, they have significantly different levels of impact on a neighborhood. Internal ADUs exist within the primary home and function as a more integrated housing option, often used for extended family members or long-term guests. Guesthouses, while detached, are limited in size and usage and do not operate as independent residences.

E-ADUs, however, function distinctly from these other accessory living areas. While they may be categorized as "accessory," their impact is far greater than that of an extended living area or a guesthouse. Unlike an I-ADU, an E-ADU is a fully independent dwelling unit, supporting a separate household with its own daily routines, vehicles, and service needs. The term "accessory" may suggest that these units function as minor or secondary additions, but in reality, they introduce a distinct and separate residential presence on a lot. This distinction is important when considering how they should be regulated within our zoning framework and their overall effect on neighborhoods.

What does the General Plan say about ADUs?

ADU's are an important part of the General Plan and are addressed in Sections 1, 2, 3, 7, and 8. Below, I've outlined what each of these sections says about ADU's.

General Plan Section 1 – Overview

- Key Strategies
 - Strengthen Neighborhoods
 - Provide for ongoing vibrancy of neighborhoods through selective infill strategies including external and internal Accessory Dwelling Units

General Plan Section 2 – Livability

- Moderate-Income Housing Goals: Sandy's 2024 Moderate Income Strategies include (p. L4):
 - State Strategy E. "Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones."
 - "The General Plan update process identified the following prioritized potential strategies:
 - Encourage internal ADU's
 - Allow for external ADU's
 - Implementation Plan (p. L29)
 - Internal ADU's allowed. City Council considering legislation to allow external ADU's
 - 6 plans for implementation are included in the table.
- Goals, objectives, policies, and actions:
 - Goal – Sandy Includes a wide variety of housing types appropriate and attainable for a diversity of households (p. L15)
 - Objective – External and internal accessory dwelling units are allowed on lots of adequate size and configuration
 - Policies

- External ADU regulations establish minimum requirements to mitigate impacts on surrounding properties including parking, setbacks, and privacy
 - ADUs are required to be subordinate to the primary structure as measured by building height, footprint, and massing
 - Owner occupancy of one of the units on the property including an ADU is required
- Goal – Sandy’s neighborhoods in stasis are stable and enduring (p. L16)
 - Objective – Tax burden is minimized through the continued wise use of existing assets and funds
 - Policies
 - Internal and external ADU’s are allowed where appropriate
- What the Community Said (p. L26)
 - In addition, the community and the Housing Technical Committee indicated support for the following approaches to affordable housing:
 - Accessory Dwelling Units – External and Internal

(General Plan Section 2 – Livability (Continued))

- Key Strategies
 - Strengthen Neighborhoods (p. L28)
 - Sandy’s MIH strategies represent opportunities to attract new investment and new families. The strategies include internal and external ADUs, opportunities to reduce lot size and add one or more units on very large lots, as well as opportunities to create new neighborhoods adjacent to existing housing.

General Plan Section 3 – Community

- Goals, objectives, policies, and actions:
 - Goal - Sandy encourages opportunities for senior citizens to participate in all aspects of civic life
 - Objective - Sandy’s neighborhoods and housing types include opportunities for seniors to relocate to senior housing within the community
 - Policies
 - Neighborhoods in stasis include opportunities for internal and external ADUs

Section 7 – Targeted Growth Plan

- ADU’s are included as one of the options on the dashboard under Housing Mix (Dwelling Units) for each land use type
- ADU’s are included under the projected growth section (p.T5)
- ADU’s are included as a housing type on the Land Use Mix description (p. T13)

Section 8 – Implementation Plan

- The implementation plan includes the following as “short term” goals related to ADU’s
 - External ADU regulations establish minimum requirements to mitigate impacts on surrounding properties including parking, setbacks, and privacy

- External ADU regulations establish minimum requirements to mitigate impacts on surrounding properties including parking, setbacks, and privacy
- Owner occupancy of one of the units on the property including an ADU is required
- The following as “Medium Term”
 - Internal and external ADUs are allowed where appropriate
 - Neighborhoods in stasis include opportunities for internal and external ADUs

My Proposal

While mine and Council Member Dekeyzer’s proposals are very similar, there is one key difference - my recommendation that E-ADUs be considered and counted as separate secondary dwelling units. I fully understand that this may require us to rethink some of our current zoning and processes moving forward, however, I feel it’s an important discussion to have. I would like E-ADUs to be counted as separate and secondary dwelling units, not to prevent them from being built, but to ensure that we aren’t inadvertently creating a regulatory loophole that misrepresents their impact on neighborhoods. It also ensures that E-ADUs are considered in school planning, utility demand projections, traffic studies, and other city services rather than being overlooked as minor additions to existing homes. The term "accessory" works for internal ADUs because they exist within the primary structure and do not fundamentally alter the built environment. That is not the case with E-ADUs. These are separate, independent structures that fundamentally function as an additional home (dwelling unit) on a single property. This is the case regardless of whether we label them as “accessory” or not. While I’ll continue referring to these as “Accessory Dwelling Units,” for the remainder of this memorandum, I’d prefer that we begin referring to them as “Secondary Dwelling Units.”

In alignment with the recently adopted general plan, I propose that the Council provide its direction to city staff to begin drafting amendments to the Sandy Municipal Code with the intention of permitting external accessory dwelling units in Sandy City. These amendments should be carefully considered, align with the General Plan, include regulations recommended by staff and the Planning Commission, and include regulations for the following:

- Each E-ADU shall be counted as an additional dwelling unit.
- An E-ADU should be a clearly subordinate structure in both size and living area to that of the primary dwelling.
- Any property with an E-ADU should maintain the look and character of a single-family property.
- Either the primary dwelling or the E-ADU should be owner occupied.
- The design of the E-ADU should be compatible with that of the main dwelling.
- Limit the height and location of living space within a detached structure to help maintain the privacy of surrounding neighbors.
- Limit habitable space and/or square footage based upon lot size and/or available buildable lot acreage.
- Ensure adequate provisions for placement, setback, height, scale, design, and use are included
- Provide adequate off-street parking.
- Require permanent foundation to prohibit mobile/portable units (this should not prevent the use of prefabricated structures)
- Limit to one ADU (whether internal or external) per lot.

- Considerations for privacy (e.g. exterior window placement, exterior lighting, upper-level decks/balconies, etc.).
- Establish appropriate standards for conversion of existing external accessory structures to E-ADUs.

With the support of the Council, I would like City staff to begin the code amendment process by drafting the necessary amendments, presenting them to the Planning Commission for their review and recommendation, and finally presenting them to the Council for our consideration and possible adoption.

Conclusion

As this evening, I am presenting this item as a first reading, I am looking for feedback from my colleagues on the City Council. If the Council has additional regulations that you'd like to ensure get included in our final bulleted list, please tell me this evening. Once I've received your feedback, I'll bring this item back for a second reading. At that time, I'll ask the council to provide formal directions for staff to move forward with the code amendment process.

Background Reference Articles

Cities on the Wasatch Front are cutting red tape to allow more houses in backyards (by Samantha Hawkins, June 10, 2024; Building Salt Lake online magazine)

[Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction](#) (published by American Planning Association in collaboration with AARP, May, 2023)

[Accessory Dwelling Units Model State Act and Local Ordinance](#) (published by APA and AARP, 2000)

[Accessory Dwelling Units](#) (by American Planning Association, Knowledgebase Collection)