



SANDY CITY COMMUNITY DEVELOPMENT

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Staff Report Memorandum May 16, 2024

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments to Title 21 of the Land Development Code related to Accessory Apartments (aka Internal Accessory Dwelling Units (IADUs)) CA04182024-0006755

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

On behalf of Sandy City, the Community Development Department is proposing to amend Title 21, *Land Development Code*, Chapter 11, *Special Use Standards*, Section 1, *Accessory Apartments, Extended Living Areas and Guesthouses*. The code amendments would ensure the standards for Internal Accessory Dwelling Units are consistent with Utah Code. The specific amendments to the Land Development Code are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

Background

During the 2023 Utah Legislative Session, [Senate Bill 174](#) was passed, which enacted language that modify standards for internal accessory dwelling units (IADUs) (see UCA 10-9a-530), which Sandy City Code defines as "accessory apartments". The new legislation restricts cities from requiring internal connectivity between the primary dwelling and the internal accessory dwelling unit. Cities are also restricted from requiring an additional parking space if four off-street parking spaces are already required. The proposed code amendment will bring the City's land use code under [Sec. 21-11-1](#) into compliance with these state law provisions.

Case History	
Case Number	Case Summary
Ord. No. 21-28 CAO08052021-0006126	The code amendment implements HB082, which was adopted during the 2021 Utah Legislative Session regarding internal accessory dwelling units (I-ADUs), known in Sandy as "accessory apartments."

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance

with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

Currently, the Land Development Code requires all internal accessory dwelling units to have internal connectivity between the primary dwelling and the accessory dwelling unit. The Code also requires one off-street parking space for the internal accessory dwelling unit, in addition to the four off-street parking spaces that are required for all single-family homes. Neither provision is consistent with Utah State Code.

The proposed code amendment will bring the City's Land Development Code into compliance with state law by removing the requirements for internal connectivity between the primary dwelling and the internal accessory dwelling unit, and by requiring compliance with existing off-street parking requirements for single-family homes (see [section 21-20-05](#)). That means that an attached or detached two car garage with space for at least two other parking spaces in the driveway must be provided to qualify for an accessory living area. The specific language of the proposed code amendment is shown under Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

Non-Conforming Uses

This code amendment would not create any non-conforming situations.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.*
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes fair procedures that are efficient and effective in terms of time and expense; facilitates the orderly growth and development of Sandy City; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

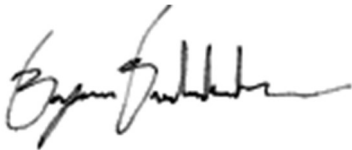
Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to accessory apartments as shown in Exhibit “A”, based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety, and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Brynn Bohlender
Zoning Technician

Exhibits:

- A. Proposed code amendments (red-lined version)
- B. Proposed code amendments (clean version)

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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)

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 - (4) *Parking.* Off-street parking shall be available for use by the occupants of the accessory apartment, extended living area, or guesthouse, 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.
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(LDC 2008, § 15A-11-01; Ord. No. 21-28 , § 1(Exh. A), 9-28-2021)