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MEMORANDUM

September 2, 2021

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments Related to Accessory Apartments CA08052021-0006126
(Internal Accessory Dwelling Units, I-ADUs)
Amend Title 21, Chapter 7, Permitted Land Uses in Residential Districts; Title 21, Chapter 8, Permitted Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts; Title 21, Chapter 11, Special Use Standards; and Title 21, Chapter 37, Definitions, of the Sandy Municipal Code

HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper 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, Chapter 7, Permitted Land Uses in Residential Districts; Title 21, Chapter 8, Permitted Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts; Title 21, Chapter 11, Special Use Standards; and Title 21, Chapter 37, Definitions, of the Sandy Municipal Code. The purpose of the Code Amendment is to implement new state legislation regarding internal dwelling units (I-ADUs), known in Sandy as accessory apartments. There are several chapters and sections of code that need to be updated to bring our code into alignment with the recent State legislation.

BACKGROUND

During the 2021 Utah Legislative session, the [House Bill 82](#) was passed which made several amendments related to single-family housing, in particular internal accessory dwelling units (I-ADUs). Below is a summary list of those proposed changes:

- Requires municipalities to allow for the creation of internal dwelling units (I-ADUs)
- Modifies definitions

- Intent of the State law is to create additional long-term rentals (longer than 30 days) –not to create short term rentals
- Changes International Building Code to reduce prohibitive regulations
- Provides enforcement mechanisms
- Cities are limited in what regulations they may place on I-ADU's
- HOA's are prohibited from restricting I-ADU's
- Olene Walker Housing Fund to provide loans for new I-ADUs

ANALYSIS

The legislation makes updates to the Land Use Management Act (LUDMA) and the Building Code. The effect of the bill is to remove barriers to the creation of new dwelling units within existing housing stock. It intends to remove barriers of regulations and costs prohibitive improvements that discourage or limit the potential creation of accessory dwelling units.

It requires certain minimum items to be implemented by municipalities. The following are the “shall” items:

- allow one internal accessory dwelling units (I-ADU's) within a detached single-family dwelling within the existing footprint
- not regulate based on “related” status
- allow I-ADUs as a permitted use in any area zoned primarily for residential use
- require that the primary dwelling be owner occupied
- not limit total size of I-ADU as compared to primary dwelling square footage, total lot size, or lot street frontage
- require I-ADUs to comply with all applicable building, health, and fire codes

It also gives municipalities optional requirements and enforcement mechanisms that can be implemented:

- prohibit separate utility meters
- design requirements to maintain appearance of single-family dwelling
- require 1 additional parking stall
- prohibit I-ADUs in mobile homes
- require land use permit and/or business license
- restrict I-ADUs within a certain area (up to 25% of all areas zoned primarily for residential use)
- restrict on lots with less than 6,000 sq. ft.
- restrict properties with failing septic systems
- prohibit use of I-ADU for use as a STR
- hold a lien on an illegal I-ADU (enhanced code enforcement mechanism)
- record a “Notice of Approval” for an I-ADU

Staff presented this information to the City Council on August 24, 2021 in order to obtain guidance on a policy direction on the optional requirements the City can impose on these accessory apartments (see the attached presentation slides. Based on that discussion, staff has prepared amendments to several sections and chapters of code as shown in Exhibit “A” (redlined version) and Exhibit “B” (final clean version).

NON-CONFORMING USES

This Code Amendment would not create any non-conforming use 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.

One of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City. Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: 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.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, Chapter 7, Permitted Land Uses in Residential Districts; Title 21, Chapter 8, Permitted Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research

and Development Districts; Title 21, Chapter 11, Special Use Standards; and Title 21, Chapter 37, Definitions, of the Sandy Municipal Code, as shown in Exhibit “A,” based on the following findings:

1. Compliance with the Purpose of the Land Development Code by promoting and facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Mike Wilcox
Zoning Administrator

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