

SOUTH JORDAN CITY COUNCIL STAFF REPORT

MEETING DATE: SEPTEMBER 15, 2026

FILE OVERVIEW

Item Name	Legislative Updates to ADU and Accessory Building Standards in Chapters 17.08 , 17.30 , 17.40 , 17.130.030 of City Code
Address	1600 W Towne Center Drive
File Number	PLZTA202600164 , ORDINANCE NO. 2026 – 24
Applicant	City of South Jordan
Staff Author	Joe Moss, Long Range Planner

ITEM SUMMARY

The proposed modifications to city code will allow for compliance with changes in State legislation (contained in [S.B. 284](#)) that allows detached accessory dwelling units (DADUs) on most residential lots over 11,000 square feet. The new legislation prohibits the use of conditional use permits for DADUs. The current ordinance relies heavily on conditional use permits for both DADUs and accessory buildings, which are frequently combined into a single structure. The proposed changes remove the conditional use permit process in favor of modified development standards that are in compliance with the new legislation.

TIMELINE

- **March 18, 2026** [S.B. 284](#) was signed into law by Governor Cox. The portion of the legislation affecting DADUs is set to go into effect October 1, 2026.
- **July 21, 2026** Planning Staff discussed the legislation and possible changes in the code with the City Council at a Study Session.
- **August 18, 2026** Planning Staff continued the discussion with the City Council at a study Session.
- **September 8, 2026** The Planning Commission heard the item at a public hearing and voted 6-0 in favor of recommendation.

REPORT ANALYSIS

Application Summary: [S.B. 284](#) contains modifications to how the state regulates detached accessory dwelling units (DADUs) which are scheduled to go into effect on October 1, 2026. This includes allowing DADUs on lots that are at least 11,000 square feet and allow single-family residential as an allowed use. It also prohibits cities from requiring conditional use permits and limits what architectural and design elements can be regulated on the DADUs. It does allow for things to be regulated via setbacks and massing standards.

The proposed modifications of City code cover four chapters: [17.08 Definitions](#), [17.30 Agriculture Zones](#), [17.40 Residential Zones](#), and [17.130.030 Accessory Dwelling Unit Floating Zone](#). The changes to each section are discussed below.

[17.08 Definitions](#): The current ordinance describes detached ADUs as guesthouses. In order to be consistent with state statutes the term has been updated to “detached accessory dwelling unit or DADU” throughout the code. This definition was also updated to refer to the state code which does define a DADU. The current and proposed ordinance for this chapter are fully depicted in Exhibit D.

[17.30 Agriculture Zones](#) and [17.40 Residential Zones](#): The proposed modifications to these chapters are nearly identical. The current and proposed ordinance for these chapters are fully depicted in Exhibit A and Exhibit B. The proposed modifications include:

- Reorganized side and rear setback requirements. The standards were not modified, but the language and organization have been modified for clarity. A definition of the term “habitable space” has also been included.
- In order to maintain privacy for neighboring properties, the proposed ordinance includes a new prohibition on occupiable outdoor space within 20 feet of a property line if it is more than four feet above grade. This includes roof decks, balconies, exterior staircases, and elevated decks.
- Current requirements for accessory buildings to have a pitched roof have been removed in order to avoid conflicts with state legislation.

- The maximum height requirement of an accessory building has been modified. Currently accessory buildings can be up to 25 feet tall as long as they are lower than the height of the primary structure. However through a conditional use permit, the Planning Commission could allow a taller building up to 25 feet. The new requirement maintains the 25-foot maximum height but allows accessory buildings to be up to five feet taller than the primary structure and eliminates the conditional use option.
- The current ordinance allows the Planning Commission to consider a conditional use permit for accessory building walls that average more than 16 feet tall and accessory building footprints that exceed the maximum allowance. Because the state now prohibits DADUs from requiring a conditional use permit, these regulations have been removed in the proposed amendment. The overall height, lot coverage, and setback regulations currently in place will serve as primary regulations instead.
- The current ordinance prohibits second-story doors or windows within 20 feet of a property line unless otherwise approved by the Planning Commission with a conditional use permit. Whenever a DADU is involved that process is no longer available due to the state legislation. The proposed retains the 20-foot setback for second-story windows and doors however, does allow for two exemptions to it:
 - Windows over seven feet from the floor, such as clearstory windows.
 - Doors and windows rotated a minimum of 80 degrees from the property line.

17.130.030 Accessory Dwelling Unit Floating Zone: The current and proposed ordinance for this chapter is fully depicted in Exhibit C. The proposed modifications to this section include the following:

- Revision of the term “guesthouse” to be “detached accessory building” or “DADU” to be consistent with state language.
- Removes any references to conditional use permits for DADUs which are now prohibited by state law.
- A revision of where DADUs are permitted. Currently they are allowed only in certain zones. The new legislation allows them in any zone where single-family is a permitted use. Development agreements in place prior to May 6, 2026 are exempt from this change and thus Daybreak DADU requirements remain unaffected.
- The minimum lot size for a DADU has been reduced to 6,000 square feet, consistent with the minimum required square footage of an internal ADU. While smaller lots are unlikely to be able to fit a DADU, the setbacks, lot coverage, and lot configuration will be the primary limiting factor for most DADUs.
- Language around architectural compatibility has been re-worded to comply with state legislation. The new language also includes a description for what it means for a building to be “consistent with the primary dwelling.”
- The maximum size of a DADU remains 1,500 square feet, however the maximum percentage of the primary dwelling living area has been increased to 50% since a

conditional use permit for something beyond the current 35% limit is no longer available.

- Addresses setbacks in conversions of existing structures to DADUs.

FINDINGS AND RECOMMENDATION

General Plan Conformance

The application is in conformance with the following goals and strategies from the general plan:

- LIVE GOAL 1: Ensure development of well-designed housing that qualifies as Affordable Housing to meet the needs of moderate income households within the City
- LIVE GOAL 2: Promote the development of diverse housing types which provide life-cycle housing for a full spectrum of users
- GATHER GOAL 3: Promote infill and redevelopment of underutilized properties and public spaces
- GROW GOAL 4: Develop and maintain a pattern of residential land uses that provides for a variety of densities and types and maintains the high standards of existing development

Strategic Priorities Conformance:

The application is in conformance with the following directives from the Strategic Direction:

- BRE-1. Develops effective, well-balanced, and consistently applied ordinances and policies
- BRE-2. Implements ordinances and policies that encourage quality community growth and development

Findings:

- The proposed modifications will bring the City's ADU and accessory building ordinances into compliance with [S.B.284](#).
- The proposed modifications will eliminate conditional use permits for DADUs and accessory buildings.
- The proposed ordinance will modify maximum height of accessory buildings from no taller than the primary structure up to 25 feet to up to five feet taller than the primary structure up to 25 feet.
- The proposed ordinance eliminates the maximum footprint limits, the 16-foot maximum average wall height requirement, and pitched roof for accessory buildings.
- The proposed ordinances would allow for some second story windows within 20 feet of a property line, but they must be located 7 feet above the floor or oriented away from the property line.

- The proposed ordinance prohibits elevated outdoor occupiable space within 20 feet of a property line.
- The proposed ordinance modifies the maximum allowed square footage of a DADU from 35% to 50%, up to 1,500 square feet.
- The proposed ordinance maintains existing standards for accessory building setbacks, enhanced setbacks for buildings above 16 feet, and ADU parking requirements.

Conclusions:

- The application is in conformance with the General Plan and the City's Strategic Priorities.

Planning Staff Recommendation:

Staff recommends approval of the application based on the report analysis, findings, and conclusions listed above.

CITY COUNCIL ACTION

Required Action:

Final Decision

Scope of Decision:

This is a legislative item. The decision should consider prior adopted policies, especially the General Plan.

Motion Ready:

I move that the City Council approves:

1. Ordinance 2026-24, amending chapters 17.08 (Definitions), 17.30 (Agricultural Zones), 17.40 (Residential Zones), and 17.130.030 (Accessory Dwelling Unit Floating Zone) of the City Municipal Code to conform with recent changes in State law.

Alternatives:

1. Recommend approval with conditions.
2. Recommend denial.
3. Schedule the application for a decision at some future date.

SUPPORTING MATERIALS

1. Ordinance 2026-24
 - a. Exhibit A, 17.30 Agriculture Zones

- b. Exhibit B 17.40 Residential Zones
- c. Exhibit C Accessory Dwelling Unit Floating Zone
- d. Exhibit D Definitions

ORDINANCE NO. 2026 - 24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CHAPTERS 17.08 (DEFINITIONS), 17.30 (AGRICULTURAL ZONES), 17.40 (RESIDENTIAL ZONES), AND 17.130.030 (ACCESSORY DWELLING UNIT FLOATING ZONE) OF THE CITY MUNICIPAL CODE TO CONFORM WITH RECENT CHANGES IN STATE LAW.

WHEREAS, Utah Code Section 10-9a-102 grants the City of South Jordan (the “City”) authority to enact ordinances that the South Jordan City Council (the “City Council”) considers necessary or appropriate for the use and development of land within the City; and

WHEREAS, updating the City Code will enable the City to comply with recent changes in State Law; and

WHEREAS, the South Jordan Planning Commission held a public hearing and reviewed proposed text amendments set forth in the attached **Exhibit A, Exhibit B, Exhibit C, and Exhibit D**, and made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing and reviewed the proposed text amendments; and

WHEREAS, the City Council finds that the proposed text amendments, set forth in the attached **Exhibit A, Exhibit B, Exhibit C, and Exhibit D**, will enhance the public health, safety and welfare in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. Section 17.30 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit A**, is hereby amended.

SECTION 2. Amendment. Section 17.40 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit B**, is hereby amended.

SECTION 3. Amendment. Section 17.130.030 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit C**, is hereby amended.

SECTION 4. Amendment. Section 17.08 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit D**, is hereby amended.

SECTION 5. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

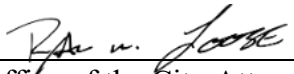
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2026 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
Anna Crookston, City Recorder

Approved as to form:



Office of the City Attorney

Exhibit A

17.30.020 Agriculture Zones

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.30.020.F.2. Minimum Yard Area Requirements For Accessory Buildings: a. Location: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area. b. Side Yard: An accessory building may be located in a side yard, including a street side, if located no closer than the minimum side yard requirement for the main building pursuant to this subsection F, except that accessory buildings no greater than ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line or boundary. c. Rear Yard: An accessory building may be located in a rear yard no closer than three feet (3') from the side or rear property line or boundary and increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').	<i>Proposed:</i> 17.30.020.F.2. Minimum Yard and Setback Requirements for Accessory Buildings: a. Front Yard: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area. b. Side Yard: An accessory building may be located in a side yard, including a street side, if in compliance with the following: <u>i. An accessory building with habitable space (defined as a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces) or a height of ten feet (10') or more shall be setback from a side property line a minimum distance equal to the minimum side yard requirement for the main building pursuant to this subsection F.</u> <u>ii. An accessory building less than ten feet (10') in height containing no habitable space may be located no closer than five feet (5') from the side property line.</u> <u>iii. Any accessory building greater than sixteen feet (16') in height shall require an additional one foot (1') setback for each foot of building height over sixteen feet (16').</u> c. Rear Yard: An accessory building may be located in a rear yard if in compliance with the following: <u>i. An accessory building may be</u> no closer than three feet (3') from the side or rear property line or boundary, except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way. <u>ii. Any accessory building greater than sixteen feet (16') in height shall require an additional one foot (1') setback for each foot of building height over sixteen feet (16').</u> <u>d. Windows and doors serving a floor located more than four feet (4') above the adjacent finished grade shall be set back from the property line a minimum of twenty feet (20') unless it meets one or more of the following criteria:</u> <u>i: The window or door opening is rotated a minimum of eighty (80) degrees away from the adjacent property line.</u> <u>ii: The window is located at least seven feet (7') from the floor elevation. This shall be measured from the floor elevation to the bottom of the window.</u> <u>e. Occupiable outdoor space (including but not limited to roof terraces, decks, exterior staircases, and balconies) that are elevated more than four feet (4') from finished grade shall be a minimum of twenty feet (20') from a property line.</u>

<i>Current:</i> 17.30.020.F.3. Architectural Standards For Accessory Buildings:	<i>Proposed:</i> Accessory Building Height Requirements: Accessory buildings may be up to five feet (5') taller than the main building. In no case shall an accessory building be greater than twenty five feet (25') high.
<i>Current:</i> 17.30.020.F.3.a. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.	<i>Proposed:</i> None
<i>Current:</i> 17.30.020.F.3.b. The footprint of an accessory building in Agricultural Zones shall not exceed the footprint of the main building, including the footprint of an attached garage, except as approved by the Planning Commission as a conditional use permit.	<i>Proposed:</i> None
<i>Current:</i> 17.30.020.F.3.c. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit: Openings (e.g., windows and doors) that are visible from the subject property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade. The average wall height shall not exceed sixteen feet (16') above grade.	<i>Proposed:</i> None
<i>Current:</i> 17.30.020.F.3. d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch over a majority of the structure.	<i>Proposed:</i> None

Exhibit B

17.40 Residential Zones

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.40.020.F.2. Accessory Buildings: Minimum yard area requirements for accessory buildings are as follows: a. Location: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area. b. Side Yard: An accessory building may be located in a side yard, including a street side, if located no closer than the minimum side yard requirement for the main building pursuant to this subsection F, except that accessory buildings less than ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line. c. Rear Yard: An accessory building may be located in a rear yard no closer than three feet (3') from the side or rear property line or boundary and increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').	<i>Proposed:</i> 17.40.020.F.2. Accessory Buildings: Minimum yard and setback requirements for accessory buildings are as follows: a. Front Yard: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area. b. Side Yard: An accessory building may be located in a side yard, including a street side, if in compliance with the following: <u>i. An accessory building with habitable space (defined as a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces) or a height of ten feet (10') or more shall be setback from a side property line a minimum distance equal to</u> the minimum side yard requirement for the main building pursuant to this subsection F. <u>ii. An</u> accessory building less than ten feet (10') in height containing <u>no</u> habitable space may be located no closer than five feet (5') from the side property line. <u>iii. Any accessory building greater than sixteen feet (16') in height shall require an additional one foot (1') setback for each foot of building height over sixteen feet (16').</u> c. Rear Yard: An accessory building may be located in a rear yard if in compliance with the following: <u>i. An accessory building may be</u> no closer than three feet (3') from the side or rear property line or boundary, except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way. <u>ii. Any accessory building greater than sixteen feet (16') in height shall require an additional one foot (1') setback for each foot of building height over sixteen feet (16').</u> <u>d. Windows and doors serving a floor located more than four feet (4') above the adjacent finished grade shall be set back from the property line a minimum of twenty feet (20') unless it meets one or more of the following criteria:</u> <u>i: The window or door opening is rotated a minimum of eighty (80) degrees away from the adjacent property line.</u> <u>ii: The window is located at least seven feet (7') from the floor elevation. This shall be measured from the floor elevation to the bottom of the window.</u> <u>e. Occupiable outdoor space (including but not limited to roof terraces, decks, exterior staircases, and balconies) that are elevated more than four feet (4') from finished grade shall be a minimum of twenty feet (20') from a property line.</u>

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.40.020.I.3. Architectural Standards For Accessory Buildings:	<i>Proposed:</i> 17.30.020.I.3. Accessory Building Height Requirements: Accessory buildings may be up to five feet (5') taller than the main building. In no case shall an accessory building be greater than twenty five feet (25') high.
<i>Current:</i> 17.40.020.I.3.a. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.	<i>Proposed:</i> None
<i>Current:</i> 17.40.020.I.3.b. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M Zones shall not exceed sixty percent (60%) of the footprint of the main building, including the footprint of an attached garage, except that the Planning Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty percent (60%) but in no case shall exceed the footprint of the main building. In the R-1.8 Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the Planning Commission.	<i>Proposed:</i> None

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.40.020.1.3.c. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements; except as approved by the Planning Commission as a conditional use permit: 1.—Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade. 2.—The average wall height shall not exceed sixteen feet (16') above grade.	<i>Proposed:</i> None
<i>Current:</i> 17.40.020.1.3.d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch in the R-1.8 Zone, and a minimum three to twelve (3:12) roof pitch over a majority of the structure in all other Residential Zones.	<i>Proposed:</i> None

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.40.020.1.3.e. Applications for a conditional use permit under subsections 13a, 13b and 13c of this section shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred feet (300') of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled Planning Commission meeting.	<i>Proposed:</i> None

Exhibit C

17.130.030 Accessory Dwelling Unit Floating Zone

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> 17.130.030.10: Purpose Accessory dwelling units or ADUs, as defined in section 17.08.010 of this Title, are intended to provide affordable housing units, economic relief to homeowners, and create desirable housing forms that appeal to households and individuals at a variety of stages in the life cycle. The Accessory Dwelling Unit Floating Zone provides regulations and design standards for ADUs. Acceptable ADUs shall be one of the following two (2) types (see section 17.08.010 of this Title for definitions): Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one unit, that includes a kitchen and bathroom. <u>Guesthouse</u>: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.	<i>Proposed:</i> 17.130.030.10: Purpose Accessory dwelling units or ADUs, as defined in section 17.08.010 of this Title, are intended to provide affordable housing units, economic relief to homeowners, and create desirable housing forms that appeal to households and individuals at a variety of stages in the life cycle. The Accessory Dwelling Unit Floating Zone provides regulations and design standards for ADUs. Acceptable ADUs shall be one of the following two (2) types (see section 17.08.010 of this Title for definitions): Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Section 10-21-101 of Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one unit, that includes a kitchen and bathroom. Detached Accessory Dwelling Unit or DADU: An ADU that qualifies as a DADU under Section 10-21-101 of Utah State Law, and is detached a from the primary dwelling, that includes a kitchen and bathroom.
<i>Current:</i> 17.130.030.020 Review Process The use of the Accessory Dwelling Unit Floating Zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements, and standards of this Code. The use of the Accessory Dwelling Unit Floating Zone shall be conducted in accordance with approved plans.	<i>Proposed:</i> 17.130.030.020 Review Process The use of the Accessory Dwelling Unit Floating Zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements, and standards of this Code. The use of the Accessory Dwelling Unit Floating Zone shall be conducted in accordance with approved plans.

<i>Current:</i> 17.130.030.020.A. Planning Department Approval: All Internal Accessory Dwelling Units and Guesthouses shall require the approval of the Planning Department before they are occupied. Applicants shall electronically submit to the Planning Department an accessory dwelling unit application that includes (1) a site plan that is drawn to scale that clearly shows the location of all existing and new structures, parking, driveways, and walkways; and (2) a floor plan that is drawn to scale with room labels and indicating designated use	<i>Proposed:</i> 17.130.030.020.A. Planning Department Approval: All Accessory Dwelling Units shall require the approval of the Planning Department before they are occupied. Applicants shall electronically submit to the Planning Department an accessory dwelling unit application that includes (1) a site plan that is drawn to scale that clearly shows the location of all existing and new structures, parking, driveways, and walkways; and (2) a floor plan that is drawn to scale with room labels and indicating designated use
<i>Current:</i> 17.130.030.020.A.1. Resident Occupancy: For all accessory dwelling units, the owner of the property, as reflected in title records, shall make his or her legal residence on the property as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.	<i>Proposed:</i> 17.130.030.020.A.1. Resident Occupancy: For all accessory dwelling units, the owner of the property, as reflected in title records, shall make his or her legal residence on the property as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.
<i>Current:</i> 17.130.030.020.A.2. Standards: The Planning Department shall approve accessory dwelling unit applications upon the following standards being met:	<i>Proposed:</i> 17.130.030.020.A.2. Standards: The Planning Department shall approve accessory dwelling unit applications upon the following standards being met:
<i>Current:</i> 17.130.030.020.A.2.a. Zoning: The Accessory Dwelling Unit Floating Zone shall be applied to conforming single-family dwellings in the following zones: A-5, A-1, R-1.8, R-2.5, R-3, R-4 and R-5. Approved accessory dwelling units shall meet the requirements of the underlying zone. Only one (1) ADU is allowed per lot. ADUs are not allowed in conjunction with mobile homes or any form of attached housing units.	<i>Proposed:</i> 17.130.030.020.A.2.a. Zoning: The Accessory Dwelling Unit Floating Zone shall be applied to conforming single-family dwellings in zones where single-family is permitted use, unless located in areas with a development agreement adopted prior to May 6, 2026 that prohibits ADUs. Approved accessory dwelling units shall meet the requirements of the underlying zone. Only one (1) ADU is allowed per lot. ADUs are not allowed in conjunction with mobile homes or any form of attached housing units.

<i>Current:</i> 17.130.030.020.A.2.b. Lot Size: An internal ADU shall only be approved on a lot that is greater than six thousand (6,000) square feet in area. A Guesthouse shall only be approved on a lot that is equal to or greater than fourteen thousand five hundred twenty (14,520) square feet in area. The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in Sections 17.40.020 and 17.30.020 of this Title. Guesthouses on flag lots are prohibited.	<i>Proposed:</i> 17.130.030.020.A.2.b. Lot Size: An ADU shall only be approved on a lot that is greater than six thousand (6,000) square feet in area. The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in Sections 17.40.020 and 17.30.020 of this Title.
<i>Current:</i> 17.130.030.020.A.2.c. Parking: A minimum of one (1) off-street parking spaces, in addition to those already required for the single-family home, shall be provided for an accessory dwelling unit and shall not render the required parking spaces for the single-family home inaccessible. All parking spots shall meet the requirements of Chapter 16.26 of this Code.	<i>Proposed:</i> 17.130.030.020.A.2.c. Parking: A minimum of one (1) off-street parking spaces, in addition to those already required for the single-family home, shall be provided for an accessory dwelling unit and shall not render the required parking spaces for the single-family home inaccessible. All parking spots shall meet the requirements of Chapter 16.26 of this Code.

Current:

17.130.030.020.A.2.d. Setbacks: All ADUs that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling or construction of a Guesthouse) shall comply with the following requirements:

1. Setbacks: ADUs shall comply with the setbacks of the underlying zone or as approved with the subdivision. Guesthouses shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a Guesthouse be located closer than ten feet (10') from a side or rear property line.
2. Exterior Appearance: ADUs shall be designed ~~so that the appearance of the lot, building structure, and landscaping retain the character of a single-family neighborhood.~~
3. Architectural Compatibility: ADUs shall ~~be designed and constructed to be compatible with the exterior of the primary dwelling (e.g., exterior materials, colors, and roof pitch) in order to maintain the appearance of the primary dwelling as a single-family dwelling.~~

Proposed:

17.130.030.020.A.2.d. Setbacks **and Design Standards:** All ADUs that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling or construction of a DADU) shall comply with the following requirements:

1. Setbacks: ADUs shall comply with the setbacks of the underlying zone or as approved with the subdivision. **Detached ADUs** shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a **DADU** be located closer than ten feet (10') from a side or rear property line. **An existing accessory structure may be converted to a DADU, provided that all portions of the structure used as, or incorporated into, the DADU are located a minimum of 10 feet (10') from any property line. A portion of an existing structure located within 10 feet (10') of a property line may remain as an accessory structure but shall not be used as or incorporated into the DADU.**
2. **Design: Internal** ADUs shall be designed **to maintain the appearance of the primary dwelling as a single-family dwelling. Detached ADUs shall be designed to be consistent with the primary dwelling. A DADU is consistent with the design of the single-family dwelling when its building placement, orientation, massing, scale, and overall visual relationship to the single-family dwelling result in a coordinated and subordinate accessory structure.**

<i>Current:</i> 17.130.030.020.A.2.e. Guesthouse Maximum Size: In all cases a Guesthouse shall remain subordinate and incidental to the primary dwelling. No Guesthouse shall have more than three (3) bedrooms. The floor space of a Guesthouse shall comprise no more than thirty-five percent (35%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet, whichever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted.	<i>Proposed:</i> 17.130.030.020.A.2.e. Detached ADU Maximum Size: In all cases a DADU shall remain subordinate and incidental to the primary dwelling. No DADU shall comprise no more than fifty percent (50%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet.
<i>Current:</i> 17.130.030.020.A.3. Affidavit: Applicants for ADUs shall sign and record an affidavit stating that the owner will comply with all regulations of the Accessory Dwelling Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence. The affidavit shall also include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone.	<i>Proposed:</i> 17.130.030.020.A.3. Affidavit: Applicants for ADUs shall sign and record an affidavit stating that the owner will comply with all regulations of the Accessory Dwelling Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence. The affidavit shall also include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone.
<i>Current:</i> 17.130.030.020.B. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling units that propose construction or remodeling shall require a building permit from the Building Division and shall conform to all applicable standards in the City's adopted Building Codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to any construction, remodeling, or use of any ADU. ADUs shall not be approved on properties that have outstanding ordinance or building violations or are nonconforming uses or structures. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the Building Division.	<i>Proposed:</i> 17.130.030.020.B. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling units that propose construction or remodeling shall require a building permit from the Building Division and shall conform to all applicable standards in the City's adopted Building Codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to any construction, remodeling, or use of any ADU. ADUs shall not be approved on properties that have outstanding ordinance or building violations or are nonconforming uses or structures. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the Building Division.

<i>Current:</i> 17.130.030.020.C. Guesthouse Planning Commission Approval: In addition to the requirements of subsections A and B of this section, Guesthouses that propose a floor area greater than thirty-five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet shall require review and approval by the Planning Commission.	<i>Proposed:</i> None
<i>Current:</i> 17.130.030.030: Prohibitions A. A. To preserve the appearance of the primary dwelling as a single-family dwelling, the following items are prohibited: 1. The installation of additional outside entrances that are: a. located on the front or primary elevation of the primary dwelling (as defined as the most prominent elevation facing the primary street frontage), or b. located on a side elevation that faces a street unless the entrance is at least 75% below grade or screened by a six foot (6') tall fence. 2. Separate utility meters, mailboxes, and addresses. B. Internal ADUs shall not be rented or offered as rental units for any period less than thirty (30) consecutive days.	<i>Proposed:</i> 17.130.030.030: Prohibitions A. A. To preserve the appearance of the primary dwelling as a single-family dwelling, the following items are prohibited for internal ADUs: 1. The installation of additional outside entrances that are: a. located on the front or primary elevation of the primary dwelling (as defined as the most prominent elevation facing the primary street frontage), or b. located on a side elevation that faces a street unless the entrance is at least 75% below grade or screened by a six foot (6') tall fence. B. ADUs shall not be rented or offered as rental units for any period less than thirty (30) consecutive days. C. Separate utility meters, mailboxes, and addresses are prohibited for internal and detached ADUs.
<i>Current:</i> 17.10.030.040: Inspections Yearly interior and exterior inspections may be required to determine compliance with all regulations of the Accessory Dwelling Unit Floating Zone, as may be deemed appropriate by City Staff. If the owner of the property containing an ADU violates the provisions of this Code, the City may hold a lien against the property as allowed in the Utah State Code.	<i>Proposed:</i> 17.10.030.040: Inspections Yearly interior and exterior inspections may be required to determine compliance with all regulations of the Accessory Dwelling Unit Floating Zone, as may be deemed appropriate by City Staff. If the owner of the property containing an ADU violates the provisions of this Code, the City may hold a lien against the property as allowed in the Utah State Code.

<i>Current:</i> 17.130.030.050: Prior Use An existing accessory dwelling unit may be approved if the ADU complies with the requirements of this section 17.130.030. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the ADU for Code compliance. All documented violations shall be corrected prior to approval of the ADU. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section 17.130.030, shall be permitted to continue as a legal nonconforming use	<i>Proposed:</i> 17.130.030.050: Prior Use An existing accessory dwelling unit may be approved if the ADU complies with the requirements of this section 17.130.030. If a certificate of occupancy was not issued at the time of construction or remodeling, the applicant shall apply for a building permit and the chief building official, or his designee, shall inspect the ADU for Code compliance. All documented violations shall be corrected prior to approval of the ADU. Any uses or dwellings which previously conformed to prior ordinances, including having obtained all necessary and applicable permits, but do not now conform due to adoption of this section 17.130.030, shall be permitted to continue as a legal nonconforming use
<i>Current:</i> 17.130.030.060: Appeals Decisions by the Planning Department and/or the Planning Commission regarding the issuance or denial of an accessory dwelling unit may be appealed to the Appeals and Variance Hearing Officer in accordance with section 17.16.020.020 of this Code.	<i>Proposed:</i> 17.130.030.060: Appeals Decisions by the Planning Department regarding the issuance or denial of an accessory dwelling unit may be appealed to the Appeals and Variance Hearing Officer in accordance with section 17.16.020.020 of this Code.

Exhibit D

17.08.010 Definitions

Current Ordinance Text	Proposed Ordinance Text
<i>Current:</i> ACCESSORY DWELLING UNIT OR ADU: A Life Safety and Building Code compliant dwelling unit with contiguous floor space that is incidental and subordinate to a single-family residential unit of one of the following two (2) types: Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one (1) unit, that includes a kitchen and bathroom. Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.	<i>Proposed:</i> ACCESSORY DWELLING UNIT OR ADU: A Life Safety and Building Code compliant dwelling unit with contiguous floor space that is incidental and subordinate to a single-family residential unit of one of the following two (2) types: Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under <u>Section 10-21-101 of</u> Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one (1) unit, that includes a kitchen and bathroom. <u>Detached Accessory Dwelling Unit or DADU:</u> An ADU that <u>qualifies as a DADU under Section 10-21-101 of Utah State Law, and</u> is detached from the primary dwelling, that includes a kitchen and bathroom. <u>HABITABLE SPACE: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.</u>