

Updating an ADU Ordinance: A Practical Guide with Options for Cities

The following guide outlines practical updates cities can consider when adopting or revising an ADU ordinance. Each provision highlights common issues local governments encounter and presents clear policy options for addressing them. Cities may adopt these provisions individually or incorporate them collectively as part of a comprehensive ADU ordinance update.

1. Update and Add Definitions

Key Detail to Specify: Clarify what is—and is not—an ADU, while distinguishing between internal, attached, and detached types. Whether to address common ambiguities such as what counts as a permanent foundation, what the existence of a connected breezeway does, and differences related to attached vs detached garage conversions.

Common Approaches:

- Rely on a single definition of ADU to both define what is and is not an ADU.
- Add definitions for the three primary ADU types—Internal, Attached, and Detached.

Innovative Option: Provide a dedicated ADU definitions section at the beginning of the ordinance containing key terms and a reference to an appendix containing a full glossary of ADU-specific terms. For example:

Accessory Dwelling Unit.

Accessory Dwelling Unit, Internal.

Accessory Dwelling Unit, Attached.

Accessory Dwelling Unit, Detached.

Accessory Structure.

Appendix A: Building Footprint, Breezeway, Clerestory Window, Dwelling Unit, Emergency Egress, Fire-Rated Construction, Footprint (of a Structure), Gross Floor Area, Habitable Space, Height (Building Height), Household, Livable Floor Area, Lot Coverage, Primary Dwelling (or Primary Residence), Rear Yard, Setback, Side Yard, Skylight, Utility Easement, Zoning District.

2. Outline the ADU Application Process in Ordinance and Include an Optional Pre-Application Review

Key Detail to Specify: Decide whether to outline the ADU approval process in ordinance and whether to include an optional Pre-Application Review that helps residents confirm eligibility, identify easements, and understand building, inspection, and site-plan requirements before submitting formal plans.

Common Approach: Leave potential applicants and residents wondering who at the city to contact for questions and fail to provide staff a conclusive process.

Innovative Option: Outline each step of the ADU approval and permitting process in the ordinance and briefly explain its purpose and benefit. For example:

ADU Application Steps:

- Informal Pre-Application Review (Optional).
- Formal Application Submission
- Staff Review
- Building Permit Issuance
- Final Inspection and Occupancy

Implementation Tip: Develop an ADU Handbook that provides an overview of applicable regulations and the step-by-step approval process. Include a summary of the ADU Application Steps outlined in the ordinance to inform prospective applicants and serve as a training resource for staff.

3 Number of ADUs Allowed.

Key Detail to Specify: Whether larger lots may contain both an internal and a detached ADU, or if only one ADU is permitted in total.

Common Approach: Permit one Accessory Dwelling Unit per lot, either internal, attached, or detached.

Innovative Option: Smithfield allows two ADUs (one attached, one detached) with no minimum lot size specified. Moab and Hurricane permit two on lots exceeding 20,000 sq. ft. and 0.8 acres, respectively.

4. Location of ADU on Lot (Front, Side, and Rear Yards).

Key Detail to Specify: Which yards attached and detached ADUs may be located in and whether the ADU can extend past the front façade of the primary dwelling or simply meet the front setback.

Common Approach: Prohibit detached ADUs in front yards. Permit placement in side or rear yards, provided required setbacks are met.

Innovative Option: Allow detached ADUs in front yards on deep/large lots. Lindon permits front-yard ADUs under such conditions.

5. Corner Lot Provisions.

Key Detail to Specify: How front, side, and rear yards are defined on corner lots and whether more placement flexibility is allowed for ADUs on corner lots.

Common Approach: Treat both street-facing sides as front yards and determine side and rear

yards by the direction the house faces.

Innovative Option: For purposes of ADU placement, allow the property owner to identify which yard functions as the side or rear yard based on site conditions and lot layout.

6. What Lot Size Can Accommodate What Size ADU?

Key Detail to Specify: Which lot size and ADU size restrictions could exist.

Common Approaches:

- No minimum lot size for ADUs, but use other provisions such as parking and lot coverage to determine eligibility. (A few dozen cities choose this option).
- Set a 5,000 to 6,000 sq. ft. minimum lot size requirement in addition to parking and lot coverage requirements.
- Detached ADUs on larger lots only. (Cities who choose this option tend to allow for larger and taller ADUs).

Innovative Option: Use parking availability as the primary criteria for ADU eligibility and scale the allowed ADU size by lot size. For example:

Detached ADU Maximum Size. The maximum allowable gross floor area of a detached accessory dwelling unit shall be determined based on the size of the lot as follows:

- i. On lots less than 6,000 square feet, the maximum size of a detached ADU shall be 600 square feet.
- ii. On lots at least 6,000 square feet but less than 8,000 square feet, the maximum size of a detached ADU shall be 800 square feet.
- iii. On lots at least 8,000 square feet but less than 12,000 square feet, the maximum size of a detached ADU shall be 1,200 square feet.
- iv. On lots at least 12,000 square feet but less than 15,000 square feet, the maximum size of a detached ADU shall be 1,500 square feet.
- v. On lots at least 15,000 square feet but less than 21,780 square feet ($\frac{1}{2}$ acre), the maximum size of a detached ADU shall be 1,600 square feet.
- vi. On lots 21,780 square feet ($\frac{1}{2}$ acre) or larger, the maximum size of a detached ADU shall not exceed the gross floor area of the primary dwelling.

7. Maximum Lot Coverage Requirements.

Key Detail to Specify: Determine how to regulate total impervious surface or lot coverage to prevent excessive paving in front yards while maintaining adequate on-site drainage. Clarify whether any rear yard lot coverage limits should be adjusted or exempted for ADUs on side or corner lots.

Common Approaches:

- Treat ADUs the same as other accessory structures for purposes of lot coverage and impervious-surface calculations.
- Apply an additional rear yard lot coverage requirement for ADUs placed in backyards. (this is more common when no minimum lot size applies).

Innovative Option: Create custom parking and front-yard paving standards for lots with detached ADUs, while applying a single overall lot coverage limit to the entire property rather than separate front, side, and rear calculations. Provide flexibility in lot coverage for properties with access to drainage improvements, such as gutters, storm drains, or permeable driveways.

8. Setbacks and Separation Between Structures.

Key Detail to Specify: Whether setback distances for detached ADUs are based on the fire separation standards of the International Residential Code (IRC), or debate on and select fixed zoning distances unrelated to building code safety criteria.

Common Approaches:

- Determine one uniform setback distance that applies to all ADUs citywide.
- Apply a setback of 10-15 feet that apply to all ADUs citywide.
- Apply a minimal setback of 2-5 feet that apply to all ADUs citywide. (Midvale allows 2 feet from the property line with fire-resistant materials, SLC and a few others allow 3.)

Innovative Options:

- Align setbacks with the IRC fire separation requirements. A setback of 5 feet from side and rear property lines—or 3 feet where fire-rated construction is provided—ensures safety, simplifies administration, and is especially appropriate for smaller ADUs on small and medium lots.
- Apply a setback that increases with property size. Grant setback reductions down to fire separation distances for single-story ADUs, privacy fencing, designs incorporating privacy windows, directed lighting, or when a neighbor signs an affidavit indicating no objection. (Holladay has a similar system)

Note: In many jurisdictions, garages and other accessory structures may be placed as close as two or three feet from property lines. Applying the same standard to detached ADUs resolves the common “garage problem,” allowing homeowners to convert or rebuild existing accessory structures as ADUs without triggering new setback conflicts.

Implementation Tip: Provide an illustrated setback and separation guide showing typical ADU placements and fire-rating options to help applicants and reviewers quickly verify compliance during design and site-plan review.

9. Height Restrictions.

Key Detail to Specify: Under what conditions a two-story ADU may be permitted.

Common Approaches:

- One-story near property lines, two-story if further away
- One-story only in almost all cases
- Two stories allowed in almost all cases

Innovative Option: Layton allows two story ADUs if located in the side yard, and two story in backyards if they comply with privacy window restrictions.

Note: Maximum Heights below 25' restrict most two stories ADU designs, including the common above garage ADU unit.

Implementation Tip: Provide a height diagram in the ADU design guide illustrating how roof forms and window placement can reduce visual bulk and increase neighbor privacy.

10. Water and Sewer Provisions.

Key Detail to Specify: Clarify what choices a property owner has for metering when adding water and sewer lines to service an ADU.

Common Approach: Include a statement prohibiting the construction of an ADU on any property with failing private water or sewer laterals, or with a noncompliant septic system.

Innovative Option: Clarify that property owners have the option to share a water meter and sewer laterals or install new, separate water meter and sewer lateral for the ADU. Allow ADU construction on lots with failing laterals if the applicant agrees to replace or upgrade private service lines as part of the building permit process, with inspection at final occupancy.

Note: Plumbing code and inspections ensure the health, safety, and adequacy of private water and sewer lines. It is therefore unnecessary to impose a uniform requirement for separate meters or new laterals when existing connections are adequate.

11. Building, Fire, and Emergency Access Compliance.

Key Detail to Specify: Decide whether to cite the specific editions of the International Residential Code (IRC), International Fire Code (IFC), International Plumbing Code (IPC) and applicable state-specific amendments to them governing ADU construction, or to make a general reference to the Utah state construction code package.

Common Approach: Make a general statement that all ADUs must comply with building, fire, and safety codes.

Innovative Option: Reference the Utah state construction code package generally but also highlight the most relevant provisions that apply to the earliest stages of site planning—like egress window requirements, fire separation distances, and fire department access standards—directly in the ordinance.

Note: References to building codes or state statutes are not legally required, as these codes apply automatically once adopted by the state. Local amendments are permitted only to the extent authorized by state law.

12. Addressing and Unit Identification.

Key Detail to Specify: Because emergency responders, mail carriers, and utility providers rely on clear and consistent addressing, determine how ADUs—especially those located behind the primary dwelling—will be identified and made visible from the street or access route.

Common Approach: Assign the ADU a unit or suffix identifier appended to the primary dwelling's address (e.g., "123 Main St, Unit B" or "123-B Main St"). Require that both the primary and ADU identifiers be posted visibly from the street or driveway in compliance with fire code standards for legibility and illumination.

Innovative Option: Allow property owners to choose between a unit suffix or a fully distinct numeric address, subject to the city's addressing authority and fire department review. Require a signage plan or notation on the site plan showing how emergency responders will locate the ADU from the primary access route, alley, or driveway.

Implementation Tip: Provide applicants with a short "ADU Addressing Checklist" summarizing posting height, visibility, and location requirements for emergency access approval. Including this at the permit stage helps avoid inspection delays and ensures long-term compliance.

13. Utility Provisions.

Key Detail to Specify: Clarify what choices a property owner has when connecting an ADU to electrical and gas service—whether through a shared connection, submeter, or separate meter.

Common Approaches:

- Require that the ADU share utility service with the primary dwelling under a single meter.
- Require the installation of a second meter for each utility (electricity, gas).

Innovative Option: Allow the homeowner to choose which utility service is shared (with or without submetering) or separate utility meters, as long as the installation complies with adopted codes and utility provider standards. This flexible approach allows homeowners to weigh the advantages of tracking tenant usage and additional costs incurred with separate meters on a utility-by-utility basis.

Implementation Tip: Coordinate with local utility providers to create a brief ADU Utility Service Guide outlining approved configurations for shared service, submetering, and separate metering. Including this guidance in the permitting packet helps homeowners make informed choices early in the design process.

14. Easements

Key Detail to Specify: Clarify how easements affect ADU eligibility and placement.

Common Approach: Prohibit ADUs on any lot containing an easement or within any recorded easement area, regardless of whether the ADU could be designed to avoid interference.

Innovative Option: Allow property owners to build an ADU within an easement if all easement holders consent in writing and the ADU's placement or construction method will not interfere with the easement's intended use. Require the owner to acknowledge responsibility for any future costs associated with granting access or relocating utilities. This approach preserves flexibility while maintaining legal and functional protection for easement holders.

Implementation Tip: Provide a simple Easement Consent Form or checklist in the ADU permit packet so property owners can document written consent from all affected parties and verify that the proposed structure does not obstruct access. This streamlines review while maintaining clear records for future maintenance or inspections.

15. Entrance Requirements.

Key Detail to Specify: Determine whether the ADU's primary entrance may face the street or must be oriented to the side or rear of the property. Clarify if this applies only to attached ADUs or also to detached units visible from the street.

Common Approach: Prohibit ADU entrances from facing the same street frontage as the primary dwelling to preserve the appearance of a single-house façade. This approach simplifies review but can lead to awkward or costly designs, especially on narrow lots or corner properties.

Innovative Approach: Allow ADU entrances to face any direction when:

- The entrance is not readily visible from the street or
- The ADU is detached and clearly secondary in scale or placement.

16. Existing and Nonconforming ADUs.

Key Detail to Specify: Clarify how to address ADUs that were built before ADU regulations existed, or that are currently unpermitted or nonconforming. Decide how the updated ordinance will provide a pathway for these units to achieve compliance.

Common Approach: Treat all unpermitted ADUs as code violations requiring full and immediate compliance.

Innovative Approach: Establish a process that allows property owners to bring existing ADUs into compliance through prompt correction of any critical health and safety issues, while providing additional time to address zoning or administrative requirements.

Implementation Tip: Provide an Existing ADU Legalization Guide summarizing eligibility, inspection steps, and typical costs to help property owners navigate the process.

17. Parking.

Key Detail to Specify: Clarify how parking must be provided for ADUs and identify acceptable access routes to the ADU, including shared driveways, alleys, or walkways.

Common Approaches:

- Apply the same parking requirements for properties with internal ADUs to all properties with any kind of ADUs. Require parking consistent with Utah Code §10-9a-530, which allows a city to require no more than one off-street parking space per ADU and permits tandem spaces to count toward this requirement. A typical standard provides two (2) off-street spaces for the primary dwelling and one (1) for the ADU.
- Establish parking requirements that vary by ADU type, distinguishing between internal, attached, and detached units.

Innovative Option: Create an ADU Parking Agreement that provides a choice between a standard parking arrangement or an alternative parking arrangement (for limited vehicle households), both of which ensure that parking does not spill over onto neighboring properties and provides a clear standard and mechanism for potential enforcement.

Implementation Tip: Include a parking and access worksheet in the ADU application packet so applicants can quickly demonstrate compliance using a site plan sketch. Highlight alternative options—like tandem or alley access—that may be approved administratively.