

**Date: September 15, 2025**

**To: LPC**

**From: ULCT staff**

**RE: outline of potential path forward on detached ADUs (DADUs)**

Background

The State Housing Plan is considering prioritizing state action on detached accessory dwelling units (DADUs). Over the last few months, ULCT has surveyed our membership during the summer of 2025 on a variety of potential paths forward—some of which include state legislation and some do not—and the following concept reflects the membership input. The Utah Association of Counties has not considered the following concept yet.

- 1) Station Area Plan approach to DADUs: state objectives, local flexibility
  - a. Req't: 10-9a-403.1(7)(a)
    - i. every city with a fixed guideway public transit station shall have a station area plan by Dec. 2025 (longer time frame for cities with more than four stops)
  - b. Objectives:
    - i. Increasing the availability and affordability of housing, including moderate income housing
    - ii. Promoting sustainable environmental conditions
    - iii. Enhancing access to opportunities
    - iv. Increasing transportation choices and connections
  - c. Implementation details:
    - i. Defer to local governments, tied to MIHP compliance
- 2) Missing middle housing toolkit as a resource (NEW!)
  - a. [Utah Missing Middle Housing Toolkit - Land Use Academy of Utah](#)
- 3) Center visualization toolkit (NEW!)
  - a. [Centers - Wasatch Choice](#)
- 4) Potential DADU path forward (bold and italics added for emphasis)
  - a. Our surveys of both LPC and the LPC advisory subgroup on housing show that the majority of respondents are very or somewhat comfortable with a state requirement to allow DADUs so long as the local government is responsible for most implementation details

DRAFT LANGUAGE:

- (1) Detached accessory dwelling unit means an accessory dwelling unit that is:
  - a. A subordinate dwelling with its own eating, sleeping, and sanitation facilities which is within a detached accessory structure with no physical connection to the primary single-family dwelling

- (2) An MIHP city **shall have an ordinance** allowing detached accessory dwelling units by October 1, 2026
- (3) **The city shall, subject to infrastructure capacity and other zoning requirements outlined in the ordinance referenced in (2), allow detached accessory dwelling units on lots that are 10,000 square feet or larger in zones that are zoned primarily residential**
- (4) The detached accessory dwelling unit shall comply with all applicable **building, health, and fire codes**
- (5) Either the detached accessory dwelling unit or the primary residential unit shall be **owner-occupied** unless the city ordinance allows both to be rented
- (6) A city may require in the ordinance described in (2) that a detached accessory dwelling unit **be rented** as a residential use for **at least 90 consecutive days**
- (7) The detached accessory dwelling unit may not **exceed the size of the primary unit** unless the city ordinance allows the detached accessory dwelling unit to be larger
- (8) The city may not require more than two additional **on-site parking spaces** for the detached accessory dwelling unit
- (9) A city may not require a conditional use permit for a detached accessory dwelling unit
- (10) The requirement in (2) does not supersede **existing development agreements as of March 7, 2026**
- (11) **The city ordinance referenced in (2) shall consider:**
  - a. Standards for conversion of an existing structure
  - b. Standards for the construction of a new structure
  - c. Size and height parameters
  - d. Setbacks between the detached accessory dwelling unit and the adjacent property line and the primary structure
  - e. Location of detached accessory dwelling unit on the lot
  - f. Utility access and easements for the detached accessory dwelling unit and primary dwelling
  - g. Sufficient system and project infrastructure access and capacity
  - h. Development fees
  - i. Impact fees
  - j. Existence of an internal accessory dwelling unit and detached accessory dwelling unit on the same lot
  - k. The city ordinance referenced in (2) **may consider:**
    - i. Lot coverage of the detached accessory dwelling unit and the primary dwelling
    - ii. Design standards for the detached accessory dwelling unit
    - iii. Environmental conditions
    - iv. Business licenses
    - v. Affordability of the DADU
    - vi. Any other policy consideration that the municipality sees fit