



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: March 7, 2023
FROM: Mike DeSimone, Director
SUBJECT: Accessory Dwelling Unit (ADU) Workshop

The purpose of this workshop is to discuss the “state” of Accessory Dwelling Units in Logan and determine whether there is a demonstrated need or desire to expand the current ADU program, or retain the current ADU approach as is. When Ord. No. 21-14 was adopted approximately 18 months ago, the Council directed staff to bring back ADU’s for an update to the Council. This workshop also satisfies the City’s commitments under our 2022 Moderate Income Housing Plan to consider the expansion of ADU’s to allow for detached ADU’s as well as expand the program citywide.

Ordinance No. 21-14 was adopted on September 21, 2021 amending the Land Development Code to permit internal ADU’s in certain residential areas of the City. The impetus behind the regulations was House Bill 82 mandating “internal” ADU’s effective October 1, 2021. The Bill included a provision for cities with a university to be able to limit internal ADU’s to an area equal to 33% of the total land area zoned residential, or approximately 1,436 acres rather than permit them citywide. The result was to define an area around the university where ADU’s are not permitted.

Attached with this memo are Ord. 21-14, LDC code language, the ADU map, the application packet, and a list of current ADU’s. Since the adoption of Ord. No. 21-14, five ADU’s have been permitted while another one is in the review process.

The 2022 Moderate Income Housing Plan identifies as one of its goals & supporting objectives evaluating expanding ADU’s to permit detached ADU’s while also allowing ADU’s citywide. This is a specific State strategy for the provision of Moderate Income Housing, and one that many jurisdictions have adopted. Because the State views ADU’s as a way to get less expensive housing quickly into the market, there has been a significant push to expand the types and locations of where ADU’s could be permitted. Regardless of the State’s viewpoint on ADU’s, the expansion of ADU’s either geographically or through applicability (internal vs detached), is a local decision that needs local scrutiny especially given the wide range of issues that come with a large, student age population and the demand for rental housing.

The specific 2022 Moderate Income Housing Plan Goal for Accessory Dwelling Units:

Goal 3: Accessory Dwelling Units
Objective 1: Evaluate expanding the Accessory Dwelling Unit (ADU) program citywide
Objective 2: Evaluate expanding the Accessory Dwelling Unit (ADU) program to also permit detached ADU's
State Strategy being addressed: (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

Positives and Negatives of ADU's

Some of the Potential Benefits of ADU's are:

- New Housing in a tight housing market
- Affordability
- Capitalize on Existing Infrastructure
- Allows Aging in Place for Seniors
- Rental Housing for Students near the University
- Supplemental Income for Homeowners

Some of the Potential Downfalls of ADU's are:

- Undermines Residential Character
- Parking & Congestion Problems
- Occupancy & Over Occupancy
- Questionable whether this creates Affordable Housing or just a windfall for some
- Rental Housing for Students in SFR Areas

Moving Forward

We have permitted five internal ADU's with a sixth ADU in the review process. No complaints on these five.

We get frequent inquiries about ADU's in the "off limits" zone around USU.

Are we ok with the current state of "internal" ADU's?

Is there a pressing demand to expand the ADU program? Or, will expansion, whether it is geographically or allowing detached ADU's, create additional problems for existing neighborhoods.

A variety of mitigating factors that could be applied if the decision is to allow for expansion:

Limit ADU's by Zone, require minimum lot sizes, limit their geographical location as well as their location on a property, mandate min/max ADU sizes (proportionate to primary dwelling), place occupancy limits on them, require minimum design standards, require additional parking, require owner occupancy of primary dwelling, prohibit use as a short term rental, and require permitting & licensing.

If you have any questions about this matter, please let me know.

CITY OF LOGAN, UTAH
ORDINANCE NO. 21-14

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF
LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN,
STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah"
Chapter 17.37 "Additional Development Standards" are amended as attached hereto as Exhibit
A.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 21
THIS DAY OF September, 2021.

AYES: A. Anderson, M. Anderson, Jensen, Lopez, Simmonds
NAYS: none
ABSENT: none

ATTEST:

Teresa Harris
Teresa Harris, City Recorder



Mark A. Anderson
Mark A. Anderson, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the 21 day of September, 2021.

Mark A. Anderson
Mark A. Anderson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 21 day of September,
2021.

Holly H. Daines
Holly H. Daines, Mayor

§17.37.070. Accessory Dwelling Units (Internal)

- A. The purpose of these requirements is to permit accessory dwelling units internal to a primary dwelling in certain areas while minimizing adverse impacts to surrounding properties.
- B. Applicability. An accessory dwelling unit is allowed in all residential zones excepting those areas shown on the map labeled “Map #MC1: Small USU Buffer” in subsection 17.37.070.P.
- C. An accessory dwelling unit shall only be established in conjunction with a detached, owner occupied, single family residential dwelling. The residence shall be the owner’s primary place of residence (Primary Dwelling). Non-owner occupied single family dwellings are not eligible for an ADU.
- D. An accessory dwelling unit shall only be established within the footprint of the primary dwelling at the time the accessory dwelling unit is created.
- E. An accessory dwelling unit is prohibited in any other housing type (townhome, duplex, apartment, etc.).
- G. Detached accessory dwelling units are prohibited.
- H. An accessory dwelling unit shall comply with all building, health, and fire codes. A Logan City Building Permit may be required for the creation of an accessory dwelling unit.
- I. An accessory dwelling unit shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family residence.
- J. In addition to meeting the minimum single family residential dwelling parking requirements of two parking stalls, at least one additional off-street parking stall consistent with the standards of Title 17 shall be provided for an accessory dwelling unit.
- K. Accessory dwelling units in mobile or manufactured homes are prohibited.
- L. The minimum lot size for the creation of an accessory dwelling unit shall be at least 6,000 square feet.
- M. An accessory dwelling unit shall not be rented or offered for rent for a period of less than 30 consecutive days. An accessory dwelling unit shall not be used as a vacation rental or for short term occupancy.
- N. A property owner shall obtain a Landlord License (Business License) from Logan City prior to creating the accessory dwelling unit.
- O. A property owner is prohibited from installing a separate utility meter for an accessory dwelling unit
- P. ADU Applicability Map:



**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

290 N 100 W, Logan, UT 84321
Ph: (435) 716-9230 / Fax: (435) 716-9001
www.loganutah.org
businesslicense@loganutah.org

Logan City Factsheet Accessory Dwelling Unit (ADU)

Section I: Eligibility

- **Eligible Area** – ADUs are only permitted in certain areas of Logan, reference the ADU Overlay Map for property eligibility.
- **Owner Occupancy** – ADUs are only permitted in owner occupied dwellings.
- **Structure Type** – ADUs are only permitted within detached single-family residential dwelling.
- **ADU Type** – Only interior ADUs are permitted. Interior ADU means an ADU established within the footprint of the primary structure. No accessory or detached structures can be used as an ADU.
- **No Short-Term Rental** – ADUs cannot be rented for less than 30 days.
- **Parking Requirement** – A minimum of one (1) additional off-street parking stall shall be provided for an ADU. The additional parking stall must comply with Logan City's Land Development Code and shall be located outside of the front setback and not between the primary structure and the street.
- **ADU Design** – ADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family residence. Entrances for the ADU cannot be placed on the street facing façade.
- **Lot Size** – the minimum lot size for the creation of an ADU is 6,000 sf (approx. .14 acres).
- **Utilities** – A property owner is prohibited from installing a separate utility meter for an ADU. However, two (2) utility fixed rate charges (Flats) will be assessed to the property.
- **Building Permit** – An ADU is required to conform with all building, health, and fire codes (See ADU Building Requirements Section).
- **Landlord License** – An ADU Landlord license is required (see Application Requirements Section). An ADU Landlord License is not transferable. Following a change in ownership, a new ADU Landlord License is required.

- **Occupancy** – Residential occupancy of a dwelling unit allows a family, OR no more than three (3) individuals.
- **Abandonment** – An ADU is considered abandoned if an ADU Landlord License lapses for twelve (12) months, if the ADU is not occupied for twelve (12) months, or if the property is no longer owner-occupied.

Section II: ADU Building Requirements

Building Permits are required for all new, remodel and finish work. If construction has occurred without a permit, you will have to obtain a building permit and have the project inspected prior to approval of an ADU. In addition to the minimal building requirements listed below, construction documents may be required for framing/construction, electrical, plumbing, and mechanical alterations, and remodels. Additional building requirements may apply.

Minimal building requirements for establishment of an ADU include:

- Every dwelling unit is required to have a living space/bedroom, kitchen, bathroom, and shower area.
- Doors in the common walls shall be 20-minute fire-rated and self-closing.
- Egress windows must be provided per code (one for each bedroom) with a minimum opening of 5.7 square feet, when windowsill is 44" or more below finish grade. Grade floor openings shall have a minimum net clear opening of 5 square feet. Opening shall measure a minimum of 20" wide and 24" high.
- Window wells for egress windows shall have all minimum dimensions of 36 inches or 24" minimum when installed to earlier code.
- Handrails must be built per code and provided as needed.
- A smoke detector must be provided in each bedroom and in a hallway or room leading to each bedroom, with a minimum of one on each floor.
- A carbon monoxide detector must be provided on each level of home.
- All gas-fueled appliances must be provided with the proper amount of air for efficient combustion.
- All clothes dryers must be vented to the exterior of the building.
- All outlets in bathrooms, outside, garage, unfinished parts of basement, and all outlets on the kitchen countertops need to be protected with a ground-fault-interrupter receptacle or breaker.
- Electrical outlets must be tamper-resistant type.
- Minimum ceiling height must be 7'0".
- Bedrooms must be a minimum of 70 square feet for a single occupant. Bedrooms for more than a single occupant must be 50 square feet for each occupant.

Section III: Application Requirements

The following materials are required for an ADU License:

- Complete ADU Landlord License Application.
- Declaration of Owner Occupancy.
- Two documents to verify owner address (copy of driver's license, property tax receipt, utility bill, or mortgage statement).
- Site Plan drawn to scale (including property lines, setbacks, structures, entrances, walkways, and parking areas).
- Street facing elevations drawn to scale (if exterior changes are proposed).
- Interior Floor Plan for the ADU drawn to scale (including rooms, doors, windows, ceiling height, new and existing construction, and location of smoke detectors and carbon monoxide detectors).
- Building Permit Application, copy of Building Permit or copy of the Certificate of Occupancy for the ADU if already obtained.
- Fees - ADU Landlord License Application Fee (\$75) & Building Permit Fees (min. \$100).

Section IV: Review Process

The following Divisions Review ADU Applications:

Planning Division (435-716-9036)

- Reviews property eligible and design, including location, lot size, structure type, parking requirements, and alterations or modifications to the exterior of the home.
- Contact Planning Division regarding requirements on the site plan and street facing elevations.

Building Division (435-716-9030)

- Reviews conformance with building code, including interior and exterior alterations.
- Contact Building Division regarding building and safety requirements for the ADU and any Building Permit Requirements.

Business Licensing (435-716-9230)

- Reviews and issues ADU Landlord License.
- Verifies owner-occupancy of the dwelling unit.
- Processes annual renewal of license.

Section V: Additional Information

- **Utility billing** will change how utilities are billed. You will be assessed two separate flats, one for the primary dwelling and one for the ADU.
- For information regarding Accessory Dwelling Units (ADU's) in Logan City, please reference Logan City Land Development Code §17.37.070.



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Declaration of Owner Occupancy Accessory Dwelling Units

Declaration required with all ADU applications.

License No. _____

Date Received _____

I/We, _____

Am/are the owner(s) of the single-family residence located at _____

Property tax id # _____

Please initial to indicate compliance:

_____ I/We understand that in order to maintain an ADU in Logan City, the property must be owner occupied.

_____ I/We own this property, and it is my/our primary residence.

_____ For as long as the accessory apartment exists as a rental unit, I/we will occupy a dwelling unit at this address, as per Chapter §17.37.070 of the Logan City Land Development Code.

_____ I/We understand that providing false guarantee or failure to maintain owner occupancy shall result in code enforcement actions against the property and revocation of permits.

_____ I/We agree that this document will be recorded as a deed restriction with the Cache County Recorder's Office.

I/We certify under penalty of perjury that the foregoing is true and correct:

Owner(s) Signature: _____ Owner(s) Signature: _____

Printed name: _____ Printed name: _____

Date: _____ Date: _____

State of Utah
County of Utah

Subscribed and sworn before me this ____ day of _____, 20____ by _____.

Notary Public
My commission expires _____



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☐ Initial Application Fee: \$75

ADU Landlord License will be valid until June 30th
at which time a \$50 annual renewal fee is incurred.

ADU Landlord License Application

For homeowners with an ADU legally established within Logan City limits
An ADU is only permitted in single-family, owner-occupied dwellings
An ADU Landlord License is not transferable.
Following a change in ownership, a new ADU Landlord License is required.

License No. _____

Date Received _____

Section I: Licensee Information

Owner Contact

Name: _____

Street Address: _____
Street City State Zip

Mailing Address: _____
Street City State Zip

☐ Same as "Street Address"

☐ Use this address for all
correspondence

Phone: _____ Email: _____

Section II: Property Information

Street Address: _____
Street City State Zip

County Tax ID #: _____ Parcel Size (minimum 6,000 sf or .14 acres): _____

Property Owner(s): _____
(The individual(s), ownership group, and/or Trust as listed on the Cache County ownership records)

Section III: Application Check List (the following items are required to be submitted with the application)

- ☐ Declaration of Owner Occupation
- ☐ Two documents to verify owner address (copy of driver's license, property tax receipt, utility bill, or mortgage statement).
- ☐ Site Plan drawn to scale (including property lines, setbacks, structures, entrances, and parking)
- ☐ Street facing elevations (if exterior changes are proposed)
- ☐ Interior Floor Plan for the ADU
- ☐ Certificate of Occupancy or copy of Building Permit for the ADU

Section IV: Application Certification

I certify that (i) I am the owner of the above-listed dwelling; and (ii) that I occupy the dwelling as my primary residence; and (iii) to the best of my knowledge or belief, the use and occupancy of the Accessory Dwelling Unit conforms to applicable ordinances.

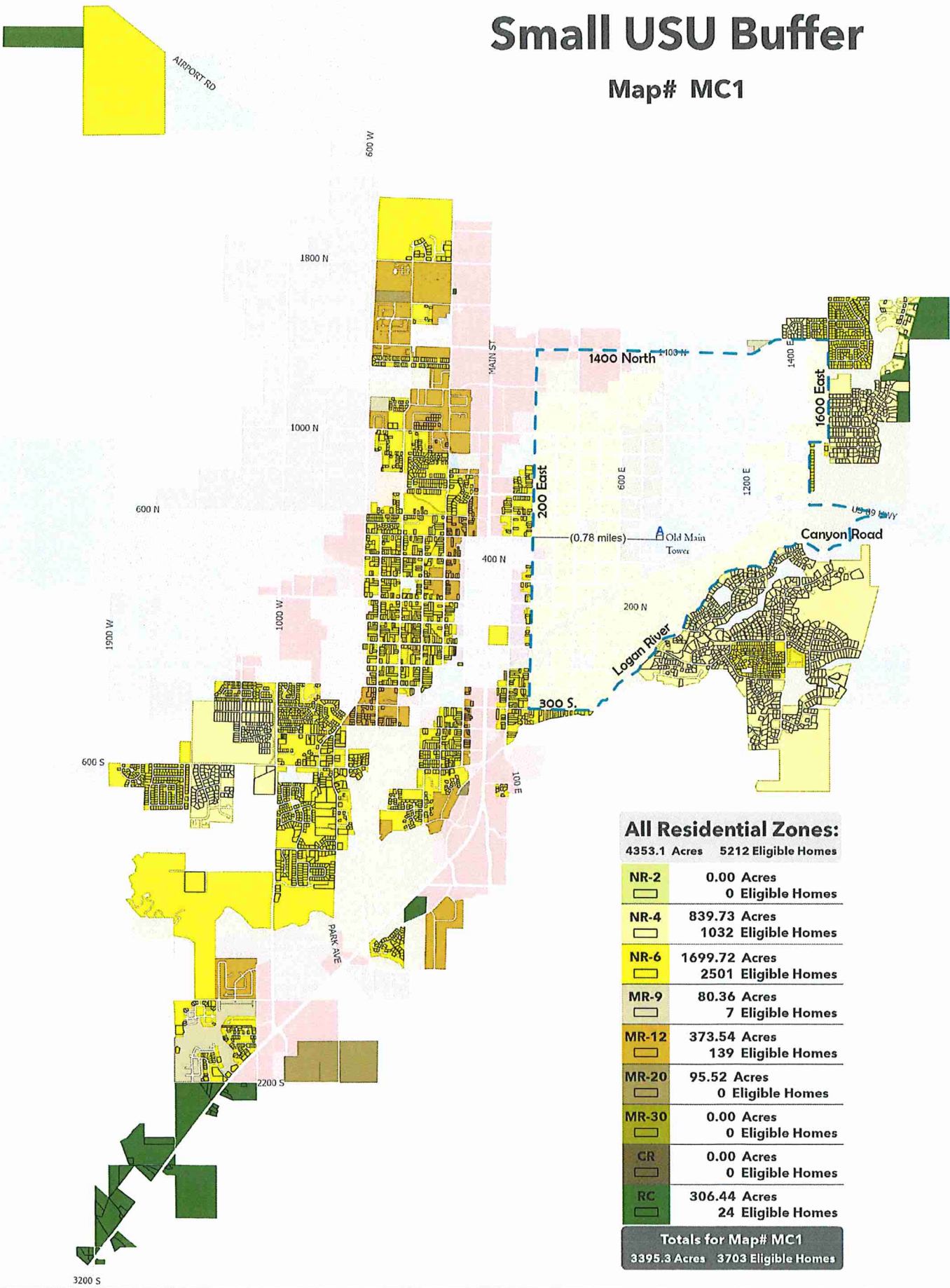
Signature

Printed Name

Date

Small USU Buffer

Map# MC1



All Residential Zones:

4353.1 Acres 5212 Eligible Homes

NR-2	0.00 Acres
	0 Eligible Homes
NR-4	839.73 Acres
	1032 Eligible Homes
NR-6	1699.72 Acres
	2501 Eligible Homes
MR-9	80.36 Acres
	7 Eligible Homes
MR-12	373.54 Acres
	139 Eligible Homes
MR-20	95.52 Acres
	0 Eligible Homes
MR-30	0.00 Acres
	0 Eligible Homes
CR	0.00 Acres
	0 Eligible Homes
RC	306.44 Acres
	24 Eligible Homes

Totals for Map# MC1
3395.3 Acres 3703 Eligible Homes

