


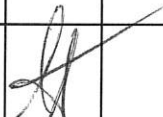
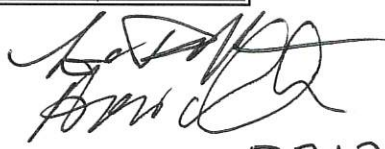


ORDINANCE No. 72121C

ROLL CALL

VOTING	YES	NO
<b>KURT L CHRISTENSEN</b> <i>Mayor (votes only in case of tie)</i>		
<b>HOWARD CHUNTZ</b> <i>Council member</i>		
<b>TIM DeGRAW</b> <i>Council member</i>		
<b>STERLING M. REES</b> <i>Council member</i>		
<b>DELYS SNYDER</b> <i>Council member</i>	DS	
<b>SETH SORENSEN</b> <i>Council member</i>		

I MOVE this ordinance be adopted:  
I SECOND the foregoing motion:



ORDINANCE No. 72121C

**AN ORDINANCE AMENDING TITLE 14 OF THE SALEM CITY MUNICIPAL CODE  
RELATED TO DETACHED ACCESSORY DWELLING UNITS.**

WHEREAS the Salem City Council has adopted ordinances regulating accessory dwelling units (ADU) in single-family dwellings;

WHEREAS the Salem City Council desires to amend Section 14-1-065 of the Salem City Municipal Code to allow some larger lots to have an ADU in a detached structure, subject to certain conditions and restrictions;

WHEREAS the Salem City Council recognizes allowing ADUs and some external ADUs

is an important tool to increase the availability of moderate-income housing within the City, and finds this measure is a deliberate step towards fulfilling the goals of its moderate-income housing plan;

WHEREAS a public hearing was held before the Salem City Planning and Zoning Commission on 7-14, 2021, where public input was received;

WHEREAS a public hearing was held before the Salem City Council on 7-21, 2021, where additional public input was received; and

WHEREAS to further the health, safety, and welfare of the residents of the City it is appropriate to amend the text of the Salem City Municipal Code;

**NOW, THEREFORE**, be it ordained by the City Council of Salem City as follows:

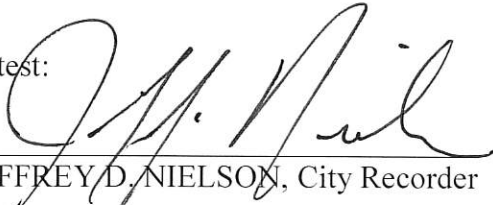
**Section 1. Amendment of Salem City Municipal Code.** Section 14-1-065 of the Salem City Municipal Code is hereby amended as set forth in the attached Exhibit. Only the section shown in the Exhibit is modified by this ordinance. All other sections remain unchanged.

**Section 2. Effective Date.** This ordinance shall become effective twenty (20) days after passage and posting.

PASSED AND ORDERED POSTED BY THE SALEM CITY COUNCIL OF SALEM, UTAH:

7-21, 2021.

Attest:

  
JEFFREY D. NIELSON, City Recorder

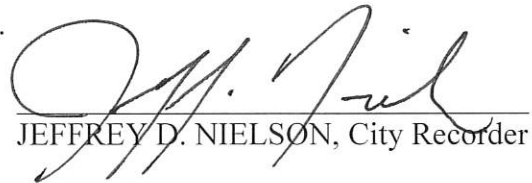
  
KURT L. CHRISTENSEN, Mayor



**AFFIDAVIT OF POSTING**

JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of the City of Salem, a Municipal Corporation of the State of Utah, and that on 7-22, 2021, he posted a true and correct copy of Ordinance No. 72121C as enacted by Salem City Council on July 21, 2021, said posting being made at the City Offices, at the United States Post Office, and at the Salem City Library, all being public places and located within the City Limits of Salem, Utah County, Utah.

DATED: July 22, 2021.

  
JEFFREY D. NIELSON, City Recorder

STATE OF UTAH     )  
                              : ss  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 22nd day of July, 2021, by Jeffrey D. Nielson.



  
NOTARY PUBLIC

## SALEM CITY MUNICIPAL CODE AMENDMENTS

**14-1-065. Accessory Dwelling Units:**

An accessory dwelling unit (ADU) located within a primary dwelling ("Internal ADU") is a permitted use in all residential zones. In the zones where they are permitted, an ADU shall meet these requirements:

- a. The owner of the property must reside on the property. Exceptions shall be permitted if the property owner applies to have the occupancy requirement suspended, if the owner has resided on the property for at least one (1) year, and if any of the following situations exist:
  - i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this suspension).
  - ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- b. All ADUs must be located on an existing lot or parcel with a single-family dwelling. Only one ADU may be created on a parcel. Except as provided herein, the ADU may only be located within a single-family dwelling. The building containing an Internal ADU shall maintain the appearance of a single-family dwelling. Entrances for an Internal ADU must be on the side or rear of the dwelling, unless an existing dwelling already has two doors facing the front. ~~A building containing a detached ADU shall coordinate its architectural style and materials with that of the main single-family dwelling.~~
- c. For Internal ADUs, an interior access between the main living area and the accessory apartment must be maintained.
- d. Each ADU must have its own mailing address provided by Salem City.
- e. Internal ADUs are only permitted in single-family dwellings on lots 6,000 square feet or larger. Lots or parcels in residential zones larger than two acres may have an ADU in a detached accessory structure such as a garage. A detached ADU shall be located in an accessory structure. It may not be a stand-alone dwelling unit.
- f. Single-family dwellings with ADU's must have a total of five (5) off street parking spaces. Tandem parking arrangements are allowed. Any parking spaces contained within a garage or carport that are lost by creation of an internal ADU within the garage or carport shall be replaced. An ADU shall have legal access from the lot upon which the main dwelling is located or a recorded easement. The access to the ADU shall be an approved fire apparatus access road per the adopted fire code. All ADUs shall be located within 500 feet of a fire hydrant.
- g. Utility connections shall be shared with the main dwelling. If utility service to the main dwelling is not large enough to accommodate an ADU, it shall be upsized at the

- applicant's expense.
- h. An ADU may not be created within a mobile home.
  - i. The minimum time period for rental of an ADU shall be 30 consecutive days.
  - j. The ADU must be registered with the City. Any fees required for registration shall be established in the City's Annual Budget.
  - k. The ADU shall meet all applicable building and fire codes. Building permits are required to assure inspections and compliance with codes.
  - l. ADU's previously created without a building permit shall comply with minimum health and safety standards, including, but not limited to, the following:
    - i. Minimum height, measured from floor to ceiling in each room, shall not be less than seven feet, or mitigated to the satisfaction of the Chief Building Official;
    - ii. Smoke detectors must be installed in each bedroom and the hallway or room adjacent to the bedrooms;
    - iii. GFCI protection must be provided in all required circuits per the IRC Building Code;
    - iv. One window in each bedroom must meet the emergency egress standards established in the building code, or mitigated to the satisfaction of the Chief Building Official;
    - v. Handrails must be installed for any interior or exterior stairway with more than three steps.
  - m. A final inspection must be conducted by the Building Department to assure that minimum health and safety standards are satisfied.
  - n. Pursuant to Utah Code Ann. § 10-9a-530, the City may hold a lien against the property that contains an ADU and require a notice to be recorded with the Utah County Recorder disclosing the conditions of the ADU for potential future purchasers of the dwelling.

...

**14.9.020. Permitted Uses.** *(R-30 Zone)*

A. Permitted Uses.

The following uses are permitted:

- 1. One single family residence per lot.
- 2. Accessory buildings in compliance with § 14-1-060.
- 3. Animal rights.
- 4. Accessory Dwelling Units in compliance with §14-1-065.

...

**14-10-020. Permitted Uses.** *(A-1 Zone)*

Uses permitted in the A-1 agricultural zone are as follows:

1. Single family dwellings and accessory buildings and structures such as garages and greenhouses.
2. Agriculture and the raising, handling and processing of agricultural products, livestock, poultry and other farm products and buildings and structures incidental thereto.
3. Barns, machinery sheds, corrals, pens, coops, feed storage buildings, produce sheds, and similar agricultural structures.
4. Churches, and publicly owned buildings/facilities.
5. Kennels, riding academies, riding clubs.
6. Country clubs and golf courses.
7. Stadiums, rodeo arenas and customary concession in connection therewith.
8. Veterinary hospitals.
9. Water reservoirs, wells, and facilities.
10. Fruit and vegetable stands made of temporary construction for the sale of produce raised on the premises, provided the stands do not exceed 100 square feet, are made of wood frame or light metal material, are maintained and comply with board of health standards, and are separated from any highway or street by fencing between October 1 and May 1.
11. Accessory Dwelling Units in compliance with §14-1-065.

...

**14-10a-020. Permitted Uses.** *(A-2 Zone)*

Uses permitted in the A-2 Agricultural Zone are as follows:

1. Single family dwellings and accessory buildings and structures such as garages and greenhouses that are incidental to the agricultural uses.
2. Agriculture and the raising, handling and processing of agricultural products, livestock, poultry and other farm products and buildings and structures incidental thereto.
3. Barns, machinery sheds, corrals, pens, coops, feed storage buildings, produce sheds, and similar agricultural structures.
4. Publicly owned buildings.
5. Kennels, riding academies, riding clubs.
6. Cannabis cultivation facilities.
7. Veterinary hospitals.
8. Water reservoirs, wells, and facilities.
9. Fruit and vegetable stands made of temporary construction for the sale of produce raised on the premises, provided the stands do not exceed 100 square feet, are made of wood frame or light metal material, are maintained and comply with board of health standards, and are separated from any highway or street by fencing between October 1 and May 1.
10. Accessory Dwelling Units in compliance with § 14-1-065.

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**14-11-030. Permitted Uses.** *(R-5 Zone)*

Uses permitted in the R-5 Townhome Zone are as follows:

1. Townhomes;
2. Twin homes;
3. Single Family Residences;
4. Accessory buildings such as garages and sheds.
5. Accessory Dwelling Units in compliance with § 14-1-065.

...

**14-12-040. Permitted Uses.** *(MPD Zone)*

This section lists the uses permitted in this zone as either permitted, permitted with conditions, or conditional uses. Any use not specifically listed is prohibited.

**A. Permitted Uses.**

The following uses are permitted:

1. Single family residences;
2. Multiple family residences;
3. Public and private utility buildings and facilities;
4. Parks and recreation centers;
5. Amenities as provided in the development agreement;
6. Those uses allowed in the mixed use zone, when accompanied with the mixed use designation.
7. Accessory Dwelling Units in compliance with § 14-1-065.

...

**14-13-020. Permitted Uses.** *(MU Zone)*

This section lists the uses permitted in this zone as either permitted, permitted with conditions, or conditional uses. Any use not specifically listed is prohibited.

**A. Permitted Uses.**

The following uses are permitted:

1. Single family residences, both attached and detached;
2. Multi-family residences;

3. Retail Sales; Retail Sales, except for retail tobacco specialty businesses, as defined by UCA §10-8-41.6. (ordinance 120920D)
4. Grocery stores;
5. Dry Cleaners and Laundromats;
6. Banks and other financial institutions;
7. Restaurants, cafes, fountains, ice cream parlors, coffee shops, and other similar uses;
8. Beauty shops, barber shops, and hair salons;
9. Small appliance sales and repairs;
10. Convenience stores and gas stations;
11. Professional offices;
12. Parking lots;
13. Health and fitness centers;
14. Dance studios, music schools, and other schools for the enhancement of the arts;
15. Post offices;
16. Public and private utility buildings and/or facilities;
17. Reception centers;
18. Funeral homes;
19. Tutorial and training services;
20. Personal services.
21. Accessory Dwelling Units in compliance with § 14-1-065.

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