

## ORDINANCE No. 40120A

### ROLL CALL

VOTING	YES	NO
<b>KURT L CHRISTENSEN</b> Mayor (votes only in case of tie)		
<b>HOWARD CHUNTZ</b> City Council person	<u>HC</u>	
<b>TIM DEGRAW</b> City Council person	<u>TD</u>	
<b>STERLING M. REES</b> City Council person	<u>SR</u>	
<b>DELYS W. SNYDER</b> City Council person	<u>DS</u>	
<b>SETH SORENSEN</b> City Council person	<u>SS</u>	

I MOVE this ordinance be adopted: Seth Sorensen  
City Council member

I SECOND the foregoing motion: Tim DeGraw  
City Council member

## ORDINANCE No. 40120A

### AN ORDINANCE MAKING ACCESSORY DWELLING UNITS PERMITTED USES IN CERTAIN ZONING DISTRICTS

WHEREAS, Salem City has enacted a land use ordinance to regulate the development of land within the City, establish development standards, establish zoning to protect property values, and establish administrative rules concerning land use; and

WHEREAS, amendments to the land use ordinance need to be made from time to time in order to remain compliant with state and federal law, become more efficient, and to keep standards in line with best construction and safety practices; and

WHEREAS, there is currently a shortage of affordable housing in the State of Utah and in the City; and

WHEREAS, allowing more widespread use of accessory dwelling units will help alleviate that housing shortage, plus provide added benefits for residents who may need live-in care and/or additional income; and

WHEREAS, additional burdens on neighborhoods need to be addressed, particularly assuring that adequate off-street parking exists; and

WHEREAS, assuring safe habitations is also important for City residents, both current and future; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on Wednesday, the 11th day of March, 2020, whereat public comment was received; and

WHEREAS, a public hearing was held before the Salem City Council on Wednesday, the 1<sup>st</sup> day of April, 2020, whereat additional public comment was received;

NOW THEREFORE, be it enacted and ordained by the Salem City Council as follows:

**I.**

Salem City Municipal Code §14-1-040, “Definitions” is hereby amended as follows:

**14-1-040      Definitions**

**Single-family Dwelling:** A detached building designed for one family unit and having one main kitchen.

**II.**

Salem City Municipal Code §14-1-065, “Accessory Dwelling Units” is hereby created as follows:

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

In the zones where they are permitted, Accessory Dwelling Units (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. Only one ADU shall be created on a parcel. The ADU may only be located within a single-family dwelling. The building shall maintain the appearance of a single-family dwelling. Entrances for the ADU must be on the side or rear of the

- dwelling, unless an existing dwelling already has two doors facing the front.
- c. 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. ADUs are only permitted in single-family dwellings on lots 8,000 square feet or larger.
  - f. Single-family dwellings with ADU's must have a total of six (6) off street parking spaces. Tandem parking arrangements are allowed.
  - g. The ADU must be registered with the City. Any fees required for registration shall be established in the City's Annual Budget.
  - h. The ADU shall meet all applicable building and fire codes. Building permits are required to assure inspections and compliance with codes.
  - i. 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.
  - j. A final inspection must be conducted by the Building Department to assure that minimum health and safety standards are satisfied.
  - k. A notice is recorded with the Utah County Recorder disclosing the conditions of the ADU for potential future purchasers of the dwelling.

### **III.**

Salem City Municipal Code §14-5-020 "Permitted Uses" is hereby amended to permit Accessory Dwelling Units in the R-8 Residential Zone, as follows:

#### **14-5-020. Permitted Uses.**

##### **A. Permitted Uses.**

The following uses are permitted:

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

### **IV.**

Salem City Municipal Code §14-6-020 "Permitted Uses" is hereby amended to permit Accessory Dwelling Units in the R-10 Residential Zone, as follows:

**14-6-020. Permitted Uses.**

A. Permitted Uses.

The following uses are permitted:

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

**V.**

Salem City Municipal Code §14-7-020 "Permitted Uses" is hereby amended to permit Accessory Dwelling Units in the R-12 Residential Zone, as follows:

**14-7-020. Permitted Uses.**

A. Permitted Uses.

The following uses are permitted:

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

**VI.**

Salem City Municipal Code §14-8-020 "Permitted Uses" is hereby amended to permit Accessory Dwelling Units in the R-15 Residential Zone, as follows:

**14-8-020. Permitted Uses.**

A. Permitted Uses.

The following uses are permitted:

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


**VII.**

This ordinance becomes effective twenty days after passage and posting.

DATED this 1 day of April, 2020

  
KURT L CHRISTENSEN, Mayor

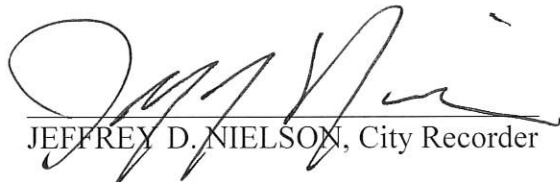
Attest:

  
Jeffrey D. Nielson, City Recorder

### 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 the 9 day of April, 2020, he posted a true and correct copy of Ordinance No. 40120A as enacted by Salem City Council on the 1<sup>st</sup> day of April 2020, 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 this 9 day of April, 2020.

  
JEFFREY D. NIELSON, City Recorder

STATE OF UTAH     )  
                                      : ss  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 9th day of April, 2020, by Jeffrey D. Nielson.



  
NOTARY PUBLIC