

ORDINANCE NO. 21-25

AN ORDINANCE AMENDING CHAPTER 17.78 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS

NOW, THEREFORE, BE IT ORDAINED by the Murray City Municipal Council as follows:

Section 1. Purpose. The purpose of this Ordinance is to amend chapter 17.78 of the Murray City Municipal Code relating to accessory dwelling units.

Section 2. Amendment. Chapter 17.78 of the Murray City Municipal Code relating to accessory dwelling units is amended to read as follows:

17.78: ACCESSORY DWELLING UNITS:

17.78.010: PURPOSE:

The city recognizes that accessory dwelling units (ADUs) in primarily residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

17.78.020: DEFINITIONS:

ATTACHED ACCESSORY DWELLING UNIT (AADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is incorporated within the single-family residence which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

DETACHED ACCESSORY DWELLING UNIT (DADU): A self-contained dwelling unit separated from a single-family residence but located on an owner occupied property which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

17.78.030: ACCESSORY DWELLING UNIT PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter , may be allowed in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Community and Economic Development Director or their designee. (Ord. 09-23 § 2)

17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.
- B. Only one ADU may be created per lot or property.
- C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
- D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. Installing separate utility meters for the ADU is prohibited.
- F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- G. In addition to the parking required for the primary unit, one (1) additional off street parking space shall be provided. In no case shall fewer than three (3) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
- H. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.

17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence

and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.

- B. Only one ADU may be created per lot or property.
- C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
- D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. Installing separate utility meters for the ADU is prohibited.
- F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- H. Detached ADUs shall not contain more than two (2) bedrooms.
- I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.
- M. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.
- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

17.78.060: AFFIDAVIT:

Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.

17.78.070: INSPECTION:

Following the issuance of an accessory dwelling unit permit, the community and economic development department may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued. (Ord. 09-23 § 2)

17.78.080: ENFORCEMENT AND TERMINATION:

- A. Termination of ADU and Reversion to Non-ADU Single Family Residence. In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)
- B. Property Lien.
 - 1. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against an AADU if:
 - a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;
 - b. The City provides a written notice of violation as required under this section;
 - c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;
 - d. The owner fails to cure the violation within the time period described in this section;
 - e. The City provides a written notice of lien; and
 - f. The City records a copy of the written notice of lien with the Salt Lake county recorder.
 - 2. Notice of Violation. The written notice of violation shall:
 - a. Describe the specific violation;
 - b. Provide the owner with a reasonable opportunity to cure the

violation that is:

- i. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than 30 consecutive days; or
 - ii. No less than 30 days after the day on which the City sends the written notice of violation for any other violation;
 - c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Notify the owner:
 - i. That the owner may file a written objection to the notice of violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
 - ii. The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
 - e. Be mailed to:
 - i. The property owner of record; and
 - ii. Any other individual designated to receive notice in the owner's license or permit records; and
 - f. Be posted on the property.
3. Notice of Lien. The written notice of lien shall:
- a. Comply with the requirements of Title 38 Chapter 12 of the Utah Code, Notice of Lien Filing;
 - b. State that the property is subject to a lien;
 - c. Specify the lien amount, in an amount up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Be mailed to:
 - i. The property owner of record; and
 - ii. Any other individual designated to receive notice in the owner's license or permit records; and
 - e. Be posted on the property.
4. Written Objection and Hearing.
- a. If an owner files a written objection to the notice of violation, the City shall:
 - i. Within ten (10) business days after the written objection is received, hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and
 - ii. Notify the owner in writing of the date, time and location of the hearing described above, no less than 14 days before the day on which the hearing is held.
 - b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.

- c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.
 - d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
 - e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.
5. Curing a Violation. If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

17.78.090: SHORT TERM RENTALS NOT ALLOWED:

- A. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.
- B. Short-term rental means the same as defined in Chapter 17.23 and is defined here as renting all or a portion of a property for less than thirty (30) days at a time.
- C. Any violation of this section shall fall under Chapter 17.23: Short Term Rentals

17.78.100 BUSINESS LICENSE REQUIRED:

A residential rental business license is required to rent out either the main or accessory dwelling unit.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 21st day of September, 2021.

MURRAY CITY MUNICIPAL COUNCIL


Diane Turner, Chair

ATTEST:


Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this 28th day of September, 2021.

MAYOR'S ACTION: Approved.

DATED this 28th day of September, 2021.



D. Blair Camp
D. Blair Camp, Mayor

ATTEST:

Brooke Smith
Brooke Smith, City Recorder