

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

The Salem City Council will hold a Joint Public Meeting with the Planning Board on Tuesday, March 30, 2021 at 6:30 P.M. for the purpose of discussing two (2) Zoning Ordinance Amendments relative to ADUs via remote participation in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this Continuation of the Joint Public Hearing of the Salem City Council and the Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with the right and/or requirement to attend this meeting can be found on the city's website, at www.salem.com. For this meeting, members of the public who wish to watch, listen, or provide comment during the meeting may do so in the following manners listed below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so despite best efforts we will post on the City of Salem's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation meeting through any one of the following ways:

Individuals may participate remotely in the meeting via a remote participation platform called Zoom. If wishing to make comment, please use the raise my hand feature.

- Enter this link below into your web browser to join the meeting:
<https://us02web.zoom.us/j/88595321789?pwd=ZkRrYnhEek9NZ0ozdHVqT11NY1pUUT09>
Password: 612181

- By Telephone: Participants can dial a toll-free phone number at 888-475-4499 or 877-853-5257 (Toll Free) to join the meeting. When prompted, enter Webinar ID#: 885 9532 1789 and follow the instructions to join the meeting. Those dialing in may press *9 to raise your hand to speak.

SATV will still be airing this meeting live on Channel 22.

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

“Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.”

“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”

**CITY OF SALEM
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MARCH 30, 2021 AT 6:30 P.M.**

The City Council will hold a joint public hearing with the Planning Board via remote participation, in accordance with State law and Governor Backers Emergency Order, on Tuesday, March 30, 2021 at 6:30 P.M. The purpose of the public hearing is to provide interested parties with an opportunity to comment on two proposed Zoning Ordinance Amendments summarized below. Pursuant to M.G.L. c. 40A § 5, these ordinances require a simple majority of the City Council in favor to be adopted. Notice of this hearing was posted on March 15, 2021 at 7:59 A.M. and advertised in the Salem News on March 15, 2021 and March 22, 2021.

SUMMARY OF AMENDMENTS

1. A. Amending Section 3.1 Table of Principal and Accessory Use Regulations by deleting the accessory use “Accessory Living Area” in its entirety and replacing it with “Affordable Accessory Dwelling Unit constructed within or attached to a Principal Dwelling” in the RC, R1, R2, R3 and NRCC zoning districts allowed by right and adding Affordable Accessory Dwelling Unit within an Existing Detached Accessory Building in the RC, R1, R2, R3 and NRCC zoning districts allowed by right.

B. Amending Section 10 Definitions by deleting the definition of “Accessory Living Area” in its entirety and inserting the definition of “Affordable Accessory Dwelling Unit” in its place.

C. Amending Section 3.2.4 Accessory Buildings and Structures to include dimensional regulations for detached affordable accessory dwelling units.

D. Amending Section 3.2.8 Accessory Living Areas by deleting the existing text in its entirety and replacing it with a new ordinance. The existing text requires accessory units to be used solely by a family member or caregiver and requires a special permit. The purpose of the proposed new ordinance is to add to the supply of rental housing to meet the needs of smaller households, to encourage efficient use of the city’s housing supply while preserving the character of city neighborhoods, to allow the owner of an existing or proposed principal dwelling to construct one additional dwelling unit that is incidental and subordinate to the principal dwelling, and to increase the supply and diversity of housing options in response to demographic changes such as smaller households and older households. The ordinance allows for an affordable accessory dwelling unit within the a principal dwelling or within an existing detached accessory structure by right provided certain requirements are met, requires the property owner to reside on site, and removes the tenant restrictions of only a family member or caregiver. It prohibits an accessory dwelling unit from being created within a new detached structure.
2. Amending Sections 3.1, 10, and 3.2.4 and 3.2.8 as set forth above, except this proposed amendment also allows for an affordable accessory dwelling unit by special permit within a new detached structure in the RC, R1, R2, R3 and NRCC zoning districts.

The complete text of the two (2) proposed amendments to the Zoning Ordinance are on file and available for inspection by calling or emailing the City Clerk’s Office, 93 Washington Street, Salem, MA at 978-619-5610 or isimons@salem.com or the Department of Planning & Community Development, 2nd floor, City Hall Annex, 98 Washington Street, Salem, MA. 978-619-5685 or mwells@salem.com and also listed below.

ATTEST:

ILENE SIMONS
CITY CLERK

BILL GRISET
PLANNING BOARD CHAIRMAN

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

Absent were:

Councillor Christine Madore presiding.

Also in attendance were the following:

**#68 – AMENDING ZONING RELATIVE TO ADUs – SEC. 3, 10, 3.2.4 & 3.2.8
(WITHOUT DETACHED ACCESSORY BUILDING) – (COMPLETE TEXT CAN BE
FOUND AT END OF AGENDA)**

Appearing in favor:

Appearing in opposition:

Councillor Morsillo	Moved that the public hearing be closed by RCV	Yeas	Nays	Abs
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Councillor Morsillo	Moved that the matter be referred to the Planning Board for their recommendation by RCV	Yeas	Nays	Abs
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**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

FULL TEXT OF THE 2 ZONING AMENDMENTS BELOW:

**#68 – AMENDING ZONING RELATIVE TO ADUs – SEC. 3, 10, 3.2.4 & 3.2.8
(WITHOUT DETACHED ACCESSORY BUILDING)**

ORDINANCE to amend a zoning ordinance relative to accessory dwelling units.

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations is hereby amended by deleting the use entitled Accessory Living Area and adding the following new uses within Section E Accessory Uses:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Affordable Accessory Dwelling Unit attached to a Principal Dwelling (as defined in Sec 3.2.8) or within a Principal Dwelling.	Y	Y	Y	Y	N	N	N	N	N	N	Y
Affordable Accessory Dwelling Unit within an Existing Detached Accessory Building, as defined in Sec 3.2.8	Y	Y	Y	Y	N	N	N	N	N	N	Y

Section 2. Section 10 Definitions is hereby amended by deleting the definition “Accessory Living Area” in its entirety and inserting the definition “Affordable Accessory Dwelling Unit” as follows:

“Affordable Accessory Dwelling Unit: A housekeeping unit with a maximum rent at least 30 percent below the United States Department of Housing and Urban Development (HUD) fair market rent limit for Salem, with its own sleeping, cooking and sanitary facilities, located either in a detached accessory building existing as of the effective date of the affordable accessory dwelling unit ordinance’s passage, or within or attached to a principal dwelling and subordinate in size to the principal unit(s), separated from it in a

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

manner which maintains the appearance of the principal unit(s), and allowed pursuant to Section 3.2.8 of this ordinance.”

Section 3. Section 3.2.4 Accessory Buildings and Structures is hereby amended by deleting paragraph 4 in its entirety and replacing it with the following new paragraphs 4, 5 and 6 as follows:

“4. Accessory structures, garages and detached affordable accessory dwelling units shall not exceed one-half (1.5) stories or eighteen (18) feet in height.

5. Detached affordable accessory dwelling units shall comply with all regulations set forth in Section 3.2.4 (Accessory Buildings and Structures) of this Ordinance with the exception of setbacks, which shall comply with Section 3.2.4(6).

6. Detached affordable accessory dwelling units shall comply with all setbacks of the principal structure, as set forth in Section 4.1 of this ordinance (Dimensional Requirements), irrespective of whether the principal structure on the property in question complies with such setbacks or not, unless otherwise permitted by a Special Permit pursuant to subsection 3 of Section 3.2.8.”

Section 4. Section 3.2.8 Accessory Dwelling Areas is hereby amended by deleting Section 3.2.8 in its entirety and replacing it with the following:

“3.2.8 Affordable Accessory Dwelling Units. Affordable Accessory Dwelling Units shall be allowed as provided set forth in this section.

1. Purpose.
 - A. To add affordable rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing.
 - B. To encourage the efficient use of the city's housing supply while preserving the character of the city's neighborhoods.
 - C. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.
 - D. To permit the owner of an existing, or a proposed, principal dwelling to construct one additional affordable dwelling unit per lot. Such a use is incidental and subordinate to the principal dwelling.
 - E. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

2. Procedure.

A. The Building Inspector shall administer and enforce the provisions of this section.

3. Special Permit. Pursuant to Section 9.4, in the interests of design flexibility and overall project quality, the Zoning Board of Appeals may grant a Special Permit for the following:

A. An existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

B. An expanded detached accessory building as defined in subsection 8 of Section 3.2.8.

4. Application.

A. The Application for the Building Permit, shall:

1. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed and in the case of a property held by a condominium trust, all owners of all units within the condominium.

2. Include a floor plan of the affordable accessory dwelling unit, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the affordable accessory dwelling unit.

3. A letter of intent signed by the homeowner(s) shall be submitted to the Department of Planning and Community Development that certifies the rent of the accessory dwelling unit will be at least 30 percent below the established fair market rent limit determined by the United States Department of Housing and Urban Development.

5. Requirements.

A. The maximum rent of the affordable accessory dwelling unit, including utilities and parking, shall be at least thirty percent below the established Fair Market Rent limit for the City of Salem as determined annually by the United States Department of Housing and Urban Development.

B. The affordable accessory dwelling unit shall not be constructed within a new detached accessory building, as defined in subsection 8 of Section 3.2.8.

C. The affordable accessory dwelling unit on a lot that is a half of a mile or less from the MBTA train station or MTBA bus stop shall not require an off-street parking space.

D. The affordable accessory dwelling unit on a lot that is more than a half of a mile from the MBTA train station or MTBA bus stop shall have one (1) dedicated off-street parking space. The minimum parking required for the principal dwelling pursuant to Section 5.1 of this ordinance shall not count as off-street parking for the affordable accessory dwelling unit.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

- E. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in the amount of \$100 per caliper of the tree diameter at breast height (DBH) is made to the tree replacement fund.
- F. The affordable accessory dwelling unit shall not contain less than 350 square feet of habitable space.
- G. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
 - No more than one (1) affordable accessory dwelling unit shall be located upon a single lot.
- H. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.
- I. At least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units as a principal place of residence. For the purpose of this section, the “owner” shall be one or more individuals who hold title to the property and for whom the dwelling is the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence.
- J. Electricity, water and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling.
- K. The affordable accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
- L. Entry shall be located through existing entry or on the back or side of the main dwelling.
- M. Egress access shall be located on the side or rear of the building so that visibility from public ways is minimized.
- N. The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.
- O. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- P. The affordable accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- Q. There shall be no occupancy of the affordable accessory dwelling unit until the Building Inspector has issued a certificate of occupancy that the principal dwelling and affordable accessory dwelling unit are in compliance with all applicable health and building codes.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

- R. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by Section 3.2.8 has not been fulfilled.
 - S. By filing the Application for a Building Permit for an affordable accessory dwelling unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.
 - T. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory dwelling unit.
 - U. The affordable accessory dwelling unit shall obtain a certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.
6. Termination.
- A. The affordable accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon two (2) weeks written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
 - B. Duty of Owner Upon Termination include:
 - a. The owner shall discontinue the use of the affordable accessory dwelling unit as a separate dwelling unit.
 - b. The kitchen facilities of the affordable accessory dwelling unit shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.
 - c. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.
7. Severability. All the clauses of this ordinance are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.”
8. Definitions.

Attached affordable accessory dwelling unit: An affordable accessory dwelling unit created by adding gross floor area to the principal dwelling after the adoption of this ordinance.

Existing detached accessory building: A detached accessory building that is existing as of the effective date of this ordinance, that has a foundation, and is a minimum of 350 square feet.

Expanded detached accessory building: An existing detached accessory building that is expanded after the effective date of this ordinance.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

New detached accessory building: A detached accessory building that is not existing as of the effective date of this ordinance.

Section 5. This Ordinance shall take effect as provided by City Charter.

#97 – AMENDING ZONING RELATIVE TO ADUs – SEC. 3, 10, 3.2.4 & 3.2.8 (WITH DETACHED ACCESSORY BUILDING)

ORDINANCE to amend a zoning ordinance relative to accessory dwelling units.

In the year Two Thousand and Twenty One

An Ordinance to amend an ordinance relative to accessory dwelling units.
Be it ordained by the City Council of the City of Salem, as follows:

Section 1. The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations is hereby amended by deleting the use entitled Accessory Living Area and adding the following new uses within Section E Accessory Uses:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Affordable Accessory Dwelling Unit attached to a Principal Dwelling (as defined in Sec 3.2.8) or within a Principal Dwelling.	Y	Y	Y	Y	N	N	N	N	N	N	Y
Affordable Accessory Dwelling Unit within an Existing Detached Accessory Building, as defined in Sec 3.2.8	Y	Y	Y	Y	N	N	N	N	N	N	Y
Affordable Accessory Dwelling Unit within a new Detached Accessory Building, as defined in Sec 3.2.8	SP	SP	SP	SP	N	N	N	N	N	N	SP

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

Section 2. Section 10 Definitions is hereby amended by deleting the definition “Accessory Living Area” in its entirety and inserting the definition “Affordable Accessory Dwelling Unit” as follows:

“Affordable Accessory Dwelling Unit: A housekeeping unit with a maximum rent at least 30 percent below the United States Department of Housing and Urban Development (HUD) fair market rent limit for Salem, with its own sleeping, cooking and sanitary facilities, located either in a detached accessory building, or within or attached to a principal dwelling and subordinate in size to the principal unit(s), separated from it in a manner which maintains the appearance of the principal unit(s), and allowed pursuant to Section 3.2.8 of this ordinance.”

Section 3. Section 3.2.4 Accessory Buildings and Structures is hereby amended by deleting paragraph 4 in its entirety and replacing it with the following new paragraphs 4, 5 and 6 as follows:

“4. Accessory structures, garages and detached affordable accessory dwelling units shall not exceed one-half (1.5) stories or eighteen (18) feet in height.

5. Detached affordable accessory dwelling units shall comply with all regulations set forth in Section 3.2.4 (Accessory Buildings and Structures) of this Ordinance with the exception of setbacks, which shall comply with Section 3.2.4(6).

6. Detached affordable accessory dwelling units shall comply with all setbacks of the principal structure, as set forth in Section 4.1 of this ordinance (Dimensional Requirements), irrespective of whether the principal structure on the property in question complies with such setbacks or not, unless otherwise permitted by a Special Permit pursuant to subsection 3 of Section 3.2.8.”

Section 4. Section 3.2.8 Accessory Dwelling Areas is hereby amended by deleting Section 3.2.8 in its entirety and replacing it with the following:

“3.2.8 Affordable Accessory Dwelling Units. Affordable Accessory Dwelling Units shall be allowed as provided set forth in this section.

1. Purpose.

A. To add affordable rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing.

B. To encourage the efficient use of the city's housing supply while preserving the character of the city's neighborhoods.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

C. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.

D. To permit the owner of an existing, or a proposed, principal dwelling to construct one additional affordable dwelling unit per lot. Such a use is incidental and subordinate to the principal dwelling.

E. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

2. Procedure.

A. The Building Inspector shall administer and enforce the provisions of this section.

3. Special Permit. Pursuant to Section 9.4, in the interests of design flexibility and overall project quality, the Zoning Board of Appeals may grant a Special Permit for the following:

A. An existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

B. An expanded detached accessory building as defined in subsection 8 of Section 3.2.8.

C. A new detached accessory building as defined in subsection 8 of Section 3.2.8.

4. Application.

A. The Application for the Building Permit, shall:

1. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed and in the case of a property held by a condominium trust, all owners of all units within the condominium.

2. Include a floor plan of the affordable accessory dwelling unit, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the affordable accessory dwelling unit.

3. A letter of intent signed by the homeowner(s) shall be submitted to the Department of Planning and Community Development that certifies the rent of the accessory dwelling unit will be at least 30 percent below the established fair market rent limit determined by the United States Department of Housing and Urban Development.

5. Requirements.

A. The maximum rent of the affordable accessory dwelling unit, including utilities and parking, shall be at least thirty percent below the established Fair Market Rent limit for the City of Salem as determined annually by the United States Department of Housing and Urban Development.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

- B. The affordable accessory dwelling unit on a lot that is a half of a mile or less from the MBTA train station or MTBA bus stop shall not require an off-street parking space.
- C. The affordable accessory dwelling unit on a lot that is more than a half of a mile from the MBTA train station or MTBA bus stop shall have one (1) dedicated off-street parking space. The minimum parking required for the principal dwelling pursuant to Section 5.1 of this ordinance shall not count as off-street parking for the affordable accessory dwelling unit.
- D. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in the amount of \$100 per caliper of the tree diameter at breast height (DBH) is made to the tree replacement fund.
- E. The affordable accessory dwelling unit shall not contain less than 350 square feet of habitable space.
- F. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
- G. No more than one (1) affordable accessory dwelling unit shall be located upon a single lot.
- H. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.
- I. At least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units as a principal place of residence. For the purpose of this section, the “owner” shall be one or more individuals who hold title to the property and for whom the dwelling is the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence.
- J. Electricity, water and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling.
- K. The affordable accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
- L. Entry shall be located through existing entry or on the back or side of the main dwelling.
- M. Egress access shall be located on the side or rear of the building so that visibility from public ways is minimized.
- N. The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.
- O. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

P. The affordable accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.

Q. There shall be no occupancy of the affordable accessory dwelling unit until the Building Inspector has issued a certificate of occupancy that the principal dwelling and affordable accessory dwelling unit are in compliance with all applicable health and building codes.

R. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by Section 3.2.8 has not been fulfilled.

S. By filing the Application for a Building Permit for an affordable accessory dwelling unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.

T. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory dwelling unit.

U. The affordable accessory dwelling unit shall obtain a certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.

6. Termination.

A. The affordable accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon two (2) weeks written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.

B. Duty of Owner Upon Termination include:

a. The owner shall discontinue the use of the affordable accessory dwelling unit as a separate dwelling unit.

b. The kitchen facilities of the affordable accessory dwelling unit shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.

c. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.

7. Severability. All the clauses of this ordinance are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.”

8. Definitions.

**CITY OF SALEM
JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD
MARCH 30, 2021 AT 6:30 P.M.**

Attached affordable accessory dwelling unit: An affordable accessory dwelling unit created by adding gross floor area to the principal dwelling after the adoption of this ordinance.

Existing detached accessory building: A detached accessory building that is existing as of the effective date of this ordinance, that has a foundation, and is a minimum of 350 square feet.

Expanded detached accessory building: An existing detached accessory building that is expanded after the effective date of this ordinance.

New detached accessory building: A detached accessory building that is not existing as of the effective date of this ordinance.

Section 5. This Ordinance shall take effect as provided by City Charter.