

1966 area within a one-fourth mile radius of the center of the fixed guideway public
1967 transit station platform.

1968 (b) "Station area" includes any parcel bisected by the radius limitation described in [
1969 ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~

1970 [(24)] (27) "Station area plan" means a plan that:

1971 (a) establishes a vision, and the actions needed to implement that vision, for the
1972 development of land within a station area; and

1973 (b) is developed and adopted in accordance with this section.

1974 [(25)] (28) "Subsequent progress report" means the annual report described in Subsection
1975 10-21-202(2).

1976 [(26)] (29) "System improvements" means the same as that term is defined in Section
1977 11-36a-102.

1978 [(27)] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.

1979 [(28)] (31)(a) "Tax increment" means the difference between:

1980 (i) the amount of property tax revenue generated each tax year by a taxing entity from
1981 the area within a home ownership promotion zone, using the current assessed
1982 value and each taxing entity's current certified tax rate as defined in Section
1983 59-2-924; and

1984 (ii) the amount of property tax revenue that would be generated from that same area
1985 using the base taxable value and each taxing entity's current certified tax rate as
1986 defined in Section 59-2-924.

1987 (b) "Tax increment" does not include property revenue from:

1988 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);
1989 or

1990 (ii) a county additional property tax described in Subsection 59-2-1602(4).

1991 [(29)] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

1992 Section 26. Section **10-21-304** is enacted to read:

1993 **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**

1994 (1)(a) A specified municipality shall adopt a land use regulation that permits a detached
1995 accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and
1996 contains a single-family dwelling, if the single-family dwelling is a permitted use on
1997 the lot or parcel.

1998 (b) This section does not prohibit a municipality from adopting a land use regulation that
1999 permits a detached accessory dwelling unit on a lot or parcel that is smaller than

- 2000 11,000 square feet.
- 2001 (2) A land use regulation described in Subsection (1) shall:
- 2002 (a) require that a detached accessory dwelling unit comply with all applicable building,
- 2003 health, and fire codes; and
- 2004 (b) include a process for the owner of a legally constructed accessory structure to
- 2005 convert the accessory structure to a detached accessory dwelling unit subject to
- 2006 applicable:
- 2007 (i) dwelling and accessory structure setback requirements; and
- 2008 (ii) building, health, and fire codes.
- 2009 (3) A land use regulation described in Subsection (1) may not:
- 2010 (a) require a conditional use permit for a detached accessory dwelling unit if the
- 2011 proposed detached accessory dwelling unit is located in a primarily residential zone;
- 2012 (b) require more than two on-site parking spaces assigned to a detached accessory
- 2013 dwelling unit that is 650 square feet or larger;
- 2014 (c) require more than one on-site parking space assigned to a detached accessory
- 2015 dwelling unit that is smaller than 650 square feet; or
- 2016 (d) include design standards for a detached accessory dwelling unit that conflict with
- 2017 Section 10-20-618.
- 2018 (4) A land use regulation described in Subsection (1) may:
- 2019 (a) require a detached accessory dwelling unit to:
- 2020 (i) conform to applicable land use regulations that regulate structure size, dimension,
- 2021 height, and maximum lot coverage;
- 2022 (ii) conform to setback requirements, that may take into account proximity to
- 2023 property lines and other structures, easements, window orientation, massing, or
- 2024 other elements; and
- 2025 (iii) be designed consistent with the design of the single-family dwelling;
- 2026 (b) prohibit a detached accessory dwelling unit from being:
- 2027 (i) larger in size than the single-family dwelling located on the same lot or parcel;
- 2028 (ii) located within a public utility easement or other recorded easement;
- 2029 (iii) located in a front-yard area of a lot or parcel; or
- 2030 (iv) rented for less than 90 consecutive days;
- 2031 (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is
- 2032 located reside in the detached single-family dwelling or detached accessory dwelling
- 2033 unit located on the lot or parcel;

- (d) require that when a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the single-family dwelling that were located within the detached garage are replaced on-site;
- (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- (f) prohibit a detached accessory dwelling unit if:
- (i) the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or
- (ii) a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the detached accessory dwelling unit is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.

(5) This section does not supersede:

- (a) a land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit;
- (b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed by a municipality on or before May 6, 2026; or
- (c) a land use regulation or administrative action that:
- (i) is not prohibited by law; and
- (ii) relates to a detached accessory dwelling unit.

Section 27. Section **13-43-205** is amended to read:

13-43-205 (Effective 05/06/26). Advisory opinion.

- (1) A local government, private entity, or a potentially aggrieved person may, in accordance with Section 13-43-206, request a written advisory opinion:
- (a) from a neutral third party to determine compliance with:
- (i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902, 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;
- (ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803, 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and
- (iii) Title 11, Chapter 36a, Impact Fees Act; and
- (b) at any time before:
- (i) a final decision on a land use application by a local appeal authority under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;
- (ii) the deadline for filing an appeal with the district court under Title 11, Chapter